

Testimony in Support of House Bill 2557
House Judiciary Committee
February 7, 2022

Marilyn Harp
Executive Director
Kansas Legal Services, Inc.

The expungement process for juvenile offenders should be restorative and simple. It is not. Although it makes juveniles eligible two years after conviction or at age 23, it places an automatic bar on any juvenile who has ever been convicted of any offense "since final discharge". This process has required many people to work backwards in order to get a juvenile offense expunged. If they continued to live troubled lives after age 18, they may have state or municipal court convictions. Those must be expunged before they can seek expungement of a prior juvenile offense.

KLS worked with a young man who stole cigarettes from a convenience store. He was arrested and charged as a juvenile offender. He also got a ticket from the suburban community in which this took place for being a minor in possession of tobacco. That minor in possession conviction barred him from expunging his juvenile record. The juvenile record barred him at age 30 from obtaining a promotion at work.

This bill solves that problem. It creates the same two year look back period for other convictions as the adult expungement statute uses. It limits the type of cases that would prevent expungement to felony convictions.

The bill also picks up the language of HB 2556 and clarifies that expungements may be granted even if fines, fees and restitution haven't been paid, in a situation where the juvenile's financial situation makes them unable to do so. The fines, fees and restitution are still due upon expungement.

Courts use a process that sets the same fines and court costs for all offenders, without regard to their economic situation. That system requires a review option like this to make certain that expungement is not an option only to those who can afford to access it.

Kansas Legal Services (KLS), a statewide non-profit corporation, is devoted to helping low income Kansans meet their basic needs through the provision of important legal and mediation services. KLS is legal aid in Kansas, providing equal access to justice for the most vulnerable Kansans. KLS served more than 18,500 persons in all 105 counties last year through eleven legal services offices and two mediation offices across the state.