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March 11, 2024

Sandra Feist

Minnesota State Representative

House District 39B

409 State Office Building

St. Paul, MN 55155

RE: Restitution Bill HF3991 - SUPPORT

Dear Representative Feist,

The National Center for Youth Law (NCYL) is proud to support HF3991, which creates a non-monetary restorative practices restitution program for youth found to have committed a juvenile, petty or traffic offense that require restitution to be paid to victims. NCYL is a co-coordinator of the national Debt Free Justice (DFJ) campaign, which aims to abolish fees and fines impacted by the juvenile legal system. HF3991 will help eliminate economic injustice for youth and families in Minnesota, while offering a more productive avenue of support for individuals who have experienced monetary loss.

Minnesota's current restitution system is broken and fails victims, youth, and their families. Victims often need immediate care and resources, and rely on restitution payments to receive compensation. Because most youth cannot pay, only a small fraction of victims ever receive any compensation. Public records data, received by NCYL from the Minnesota State Court Administrator's Office (SCAO), shows that only about 40% of Minnesota restitution assessed from 2020-2022 was actually collected.

Furthermore, the current restitution system drives already struggling families into cycles of poverty and incarceration. Youth, who should be viewed as indigent, are often unable to find employment due to either their age or criminal record.¹ Although few juvenile courts formally keep track of the income-level of a youth's family, jurisdictions that do so have confirmed that nearly sixty percent were either on public assistance or had annual incomes of less than twenty



thousand dollars. Another twenty percent had incomes of less than thirty thousand dollars.ⁱⁱ Having to pay restitution yet not being able to afford to, can cause youth to often be in violation of probation, or incur more charges due to their inability to pay. In addition, because youth are dependents, parents often become responsible for their child's restitution. Often, families cannot afford to pay restitution orders, which are converted into civil judgments, enforceable through wage garnishment, tax refund intercept, and bank levy. Once a youth is eighteen years old, they are also subject to these penalties, hindering their economic stability as they enter the pivotal years of young adulthood. This financial harm is experienced more by youth of color in Minnesota. Black youth, who make up 11% of the overall youth population in Minnesota, account for 34% of juvenile delinquency arrests. There is a similar pattern but to a lesser degree among Hispanic/Latinx youth. While they made up 9% of the youth population, they were 12% of youth arrested.ⁱⁱⁱ

HF3991 seeks to make victims whole while also providing meaningful opportunities for youth to rehabilitate and address any loss incurred by victims. HF3991 will allow judges to provide the opportunity for the youth to participate in restorative practices as a non-monetary alternative to paying restitution. Through grants that HF3991 allows the Office of Restorative Practices to award, organizations already engaged in providing restorative practices for youth will be able to support this programming and provide monetary compensation to victims. This ensures that harm is addressed in youth-appropriate ways, without perpetuating cycles of poverty or funneling children further into the criminal legal system, and allows for victims of juvenile, petty or traffic offenses to be made whole and address immediate financial needs.

The National Center for Youth Law is pleased to support HF3991 and respectfully requests your "Yes" vote.

Sincerely,

Jasmine I. Richardson-Rushin

Jasmine I. Richardson-Rushin, Esq.
Attorney, Justice and Equity Team

ⁱ Department of Justice, Office of the Associate Attorney General, *Dear Colleague Letter*, April 2023, available at <https://www.justice.gov/media/1288301/dl>.

ⁱⁱ Birkhead, Tamar. *Delinquent by Reason of Poverty*. Journal of Law & Policy Vol 38:53. p71

ⁱⁱⁱ State of Minnesota, Juvenile Justice Advisory Committee, *Compliance Data Submission and RED Plans*. Submitted to the Office of Juvenile Justice and Delinquency Prevention, Fiscal Year 2021, Title II, available at [https://dps.mn.gov/entity/jjac/Documents/2021%20MN%20Title%20II%20Ethnic%20and%20Racial%20Disparities%20\(ERD\)%20Plan.pdf](https://dps.mn.gov/entity/jjac/Documents/2021%20MN%20Title%20II%20Ethnic%20and%20Racial%20Disparities%20(ERD)%20Plan.pdf).