

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1660

TITLE: An Act relative to juvenile, fines, fees, and restitution.

SPONSOR: Rep. Marjorie C. Decker

COSPONSOR(S): None

HEARING DATE: June 10, 2025

PRIOR HISTORY: H1461 (2023-2024)

SENATE BILL: S1131 (Gomez)

CURRENT LAW: Section 178Q of Chapter 6 of the General Laws requires the sex offender registry board (SORB) to assess every sex offender a \$75 registration fee paid upon initial registration and annually thereafter until termination as a sex offender. Waiver is permitted if SORB finds the payment to be an undue hardship.

Section 29A of Chapter 119 requires non-indigent parents of minors in criminal proceedings to pay a \$300 fee for any attorney supplied by CPCS to represent the minor in criminal proceedings. The Court may also order payment from otherwise indigent parents who the Court finds are capable of making payment.

Section 55 of Chapter 119 requires a Court to also summon at least one parent of a child summoned to appear before the Court upon a warrant. It further imposes a fine of \$200 to \$300 on parents and guardians who are summoned to show why a child should not be judged a delinquent child who fail to appear.

Section 58B of Chapter 119 gives the Court a variety of options for children adjudged delinquent based on a motor vehicle crime: (i) remit the juvenile to the care of a probation officer; (ii) assign the juvenile into the custody of the Department of Youth Services; or (iii) order the juvenile to pay restitution. The Court may also impose fines as permitted by the violated statute, by-law, ordinance or regulation. Failure to pay may lead to arrest and sentencing to probation or DYS custody.

Section 59 of Chapter 119 permits a probation officer who has a child in their care to arrest the child without a warrant and bring them before the Court.

Section 62 of Chapter 119 permits the court to require as a condition of probation that an adjudged delinquent child pay restitution to any injured person if an element of their delinquency includes the commission of an act involving liability in a civil action.

Section 63 of Chapter 119 punishes anyone who aids or encourages the delinquency of a child with a fine up to \$500 or incarceration for up to 1 year, or both.

Section 145 of Chapter 127 prohibits a Court from incarcerating any person solely for non-payment of money owed if they establish an inability to pay the fine without substantial financial hardship and may impose an alternative including community service. No minor under the age of 18 may be committed to DYS or incarcerated solely for the non-payment of money.

Section 2 of Chapter 211D requires the Committee for Public Counsel Services (CPCS) establish a definition for “indigency” for the Courts to use in their determination if a person is indigent and if despite their indigency they can pay a reduced fee for the appointment of counsel.

Section 2A of Chapter 211D requires any person 18 years of age or older claiming indigency to execute a waiver permitting the Court’s chief probation officer to access the person’s wage, tax and asset information from the department of revenue, department of transitional assistance and the registry of motor vehicles. Probation is responsible for verifying and regularly reassessing an indigency claim. Indigent adults provided court-appointed attorneys are assessed a \$150 fee unless the Court authorizes community service in lieu of the fee. The clerk must report an unpaid counsel fee to DOR, DTA and the RMV and may recover the fee from tax refunds due. The RMV is prohibited from issuing or renewing a person’s driver’s license or vehicle registration until notified of payment or community service in lieu of payment.

Section 8 of Chapter 258B requires the Court to impose fees on persons convicted or found delinquent or against whom a finding of sufficient facts for a conviction or delinquency is made as follows: (i) not less than \$90 for an adult with a felony; (ii) \$50 for an adult with a misdemeanor; and (iii) \$45 for a youth aged 14 or older. An additional fee of \$50 for domestic violence prevention and victim assistance is required for a list of abuse offenses. A fee of \$45 is required against any person who fails to pay a civil assessment for a civil motor vehicle with a cap of \$75 for multiple infractions arising

from a single institute and a cap of \$30 for minors under 17 years of age. Waivers are permitted if the fee is found to result in substantial financial hardship.

Section 1 of Chapter 258C defines the term victim as a person who suffers personal physical or psychological injury or death: (a) as a direct result of a crime as defined in this section, (b) as a result of attempting to assist a person against whom a crime was attempted or committed or (c) as a result of efforts to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence.

Section 2 of Chapter 258C permits victim compensation when a crime is committed and the crime directly resulted in personal physical or psychological injury to, or death of, the victim. A victim is ineligible for compensation if they failed to report or aid in the investigation of the crime or if the compensation would unjustly benefit the offender. Considerations are also made for victim's culpability in the crime.

Section 47 of Chapter 265 requires any person placed on probation for a sex offense to wear a global positioning system device as a term of probation and pay for its installation, maintenance and operation unless waived due to substantial financial hardship.

Section 30 of Chapter 276 requires the Court assess a fee of \$50 against a person who requires the recall of a warrant after a default warrant has been issued against them unless there is a finding of substantial financial hardship. The assessment of a fee of \$75 is required against a person arrested or surrendered by probation after a default warrant unless there is a finding of indigency or substantial financial hardship with a community service option.

Section 87A of Chapter 276 of the General Laws lists the permitted conditions of probations which may be imposed by a Court including rehabilitative programs, community service and substance use housing. It prohibits a probation violation solely based on the possession or use of a prescribed substance or medical marijuana.

Section 6 of Chapter 280 permits judges to as a condition of the dismissal or placing on file of a complaint or indictment, or as a term of probation, order the defendant to pay the reasonable and actual expenses of the prosecution.

BILL SUMMARY:

Section 1 – Removes in Section 178Q of Chapter 6 the fee requirement for persons who committed the offense while under the age of criminal majority.

Section 2 – Strikes Section 29A of Chapter 119.

Section 3 – Removes from Section 55 of Chapter 119 the fine included for a parent's failure to appeal.

Section 4 – Adds to Section 58B of Chapter 119 a provision stating that the restitution required of any delinquent child may not be more than their ability to pay and the time they need to pay may not determine the length of probation. It also removes the language permitting the Court to order the arrest and potential DYS commitment of a child for failure to pay.

Section 5 – Adds a new Section 58C to Chapter 119 prohibiting any fines or fees based on an offense committed while under the age of criminal majority including those for the minor's parent or legal guardian.

Section 6 – Adds to Section 59 of Chapter 119 a provision stating that the warrant may not issue solely for the nonpayment of fines or fees.

Section 7 – Amends Section 62 of chapter 119 permitting the Court hold a restitution hearing to determine the youth's ability to pay. There is a presumption of inability to pay, which may be rebutted at a restitution hearing by evidence establishing that the youth (1) has an income that is 250% of the federal poverty line, independent of parental or other family income; (2) is not currently incarcerated, detained, or in out-of-home placement, and (3) is not receiving needs-tested government benefits, including but not limited to free school lunch, SNAP, TANF, SSI, or housing assistance.

Section 8 – Excludes from the crime set out in Section 63 of Chapter 119 any person under the age of criminal majority.

Section 9 – Amends section 145 of Chapter 127 to prohibit the commitment of a person solely for non-payment of money if the underlying act occurred while under the age of criminal majority.

Section 10 – Amends Section 2 of Chapter 211D prohibiting the assessment of any fee for the appointment of counsel to any person accused of committing an offense while under the age of criminal majority.

Section 11 – Amends Section 2A of Chapter 211D to require an indigency determination only for a person over the age of criminal majority.

Sections 12 to 16 – Amend Section 8 of Chapter 258B to remove all fee language for adjudications of delinquency and permit the assessment of fees on persons under 18 years of age for criminal convictions without any cap of \$30 for those under 17 years of age.

Section 17 – Adds to the definition of “victim” in Section 1 of Chapter 258C a person who suffers a financial loss as the result of a crime committed by a person under the age of criminal majority.

Sections 18 and 19 – Amend Section 2 of Chapter 285C to update the language to conform with the new definition of “victim” provided in Section 17 of this Act.

Section 20 – Adds to Section 47 of Chapter 265 an exception for probationers under the age of criminal majority.

Section 21 – Adds to Section 30 of Chapter 276 an exception to its requirement of default warrant fees for persons alleged to have committed an offense while under the age of criminal majority.

Section 22 – Adds to Section 87A of Chapter 276 a provision stating that no person placed on probation may be found to have violated a condition of probation solely on the basis of nonpayment of a fine, fee or other monetary obligation imposed due to an offense committed when under the age of criminal majority.

Section 23 – Adds to Section 6 of Chapter 280 an exception for persons under the age of criminal majority.

Section 24 – States that on the effective date of the section any court ordered fines or costs imposed against a juvenile or a person with liability for the juvenile are unenforceable and not collectable.