



April 24, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

As we work together to address the continuing public health and economic crisis facing our State due to the COVID-19 pandemic, we write to respectfully request that you act immediately to minimize the compounding and preventable harm caused by fines, fees, and court debt for the duration of this crisis.

The communities we represent include those especially impacted by this crisis: essential workers, people of color, low-income families, and incarcerated individuals who live in cramped spaces without access to hygiene products. These individuals and communities have borne a disproportionate share of both the health and financial impacts of this crisis.<sup>1</sup> As businesses shutter, large sectors of the economy grind to a halt, and people are ordered to stay home, unprecedented numbers of New Yorkers are newly unemployed. Meanwhile, many of these same communities are subjected to disproportionate levels of policing and a higher rate of criminal enforcement.<sup>2</sup>

Throughout the crisis, continued collection and enforcement of fines, fees, and court debt disproportionately penalize our most vulnerable communities, including essential workers who need our support now more than ever. Families are struggling to access and afford basic necessities like food, housing, and medical care--a problem exacerbated by the burden of fines,

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<sup>1</sup> Jeffery C. Mays & Andy Newman, *Virus Is Twice as Deadly for Black and Latino People Than Whites in N.Y.C.*, *New York Times*, Apr. 8, 2020 (<https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html>) (citing the Governor's observation that "black and Hispanic people may also be disproportionately represented on the front lines of workers who are at high risk."); Fiscal Policy Institute, "New York's Essential Workers: Overlooked, Underpaid, and Indispensable," Apr. 8, 2020 (<http://fiscalspolicy.org/wp-content/uploads/2020/04/Essential-Workers-Brief-and-Recs.pdf>) (noting that women, immigrants, and Black and Latinx workers are more likely to be "essential workers" in New York State).

<sup>2</sup> New York Law School Racial Justice Project, *Driving While Black and Latinx: Stops, Fines, Fees and Unjust Debts*, Feb. 2020 (<http://www.nyls.edu/racial-justice-project/wp-content/uploads/sites/173/2020/02/RJP-drivers-license-suspension-final.pdf>); Priscilla DeGregory & Craig McCarthy, *State AG Probing NYPD for "Racial Biases" in Fare-Evasion Crackdown*, *New York Post*, Jan. 13, 2020 (<https://nypost.com/2020/01/13/state-ag-probing-nypd-for-racial-biases-in-fare-evasion-crackdown/>).

fees, and court debt, and counterproductive collection practices like suspending a driver's license for unpaid traffic tickets, which can eliminate a person's only safe mode of transportation. Fines, fees, and court debt should not stand in the way of meeting critical needs, or prevent essential workers from driving to work or the grocery store out of fear they will be arrested for unpaid fines.

Many states across the country have already taken action to stop all enforcement related to nonpayment of fines, fees, and court debt while the COVID-19 crisis rages:

- Delaware ended the collection of all criminal and traffic court fees.<sup>3</sup>
- Maine vacated all warrants for unpaid court debt.<sup>4</sup>
- Oregon authorized lower courts to waive fines, fees, and court costs and suspended collection of delinquent traffic debt, including license suspensions.<sup>5</sup>

These jurisdictions and others have recognized that this debt enforcement provides no benefit to the public safety and in fact exposes both the public and law enforcement to unnecessary and potentially dangerous close contacts. **With timely action, New York can respond even more robustly to mitigate the negative financial and health consequences to families by relieving them of fines, fees, court debt, and destructive enforcement practices associated with these costs.**

We ask you to help New York once again be a leader in its COVID-19 response and issue an executive order pursuant to Section 29-a of Article 2-B of the Executive Law to:

1. **Stop jailing or detaining people for unpaid fines and fees and release those already detained.** Work with the courts to withdraw all pending bench warrants issued for nonpayment of criminal court fines, fees, costs, and surcharges, or nonappearance in court on a date set for payment-related hearings, and prohibit law enforcement from executing any such warrants for the duration of the crisis.
2. **Stop suspending driver's licenses for not paying or appearing to contest traffic tickets for the duration of the state of emergency** (not including suspensions for reasons related to points accrual, driving under the influence of alcohol, or other safety reasons). Reinstate driver's licenses suspended for these reasons. In the interim, release individuals with a warning who are driving on a suspended license. Under no circumstances should these individuals be arrested, jailed, or prosecuted.

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<sup>3</sup> Delaware Courts, "Statement on Policies Regarding the Payment of Fees and Fines During the COVID-19 Emergency," Apr. 8, 2020 (<https://courts.delaware.gov/aoc/docs/emergency-fee-fine-policy.pdf>).

<sup>4</sup> Maine Supreme Judicial Court, Public Information Office, "Maine Judicial Branch Announces Reduction in Court Hours and Adjustments to Operations as Part of COVID-19 Response," Mar. 22, 2020 (<https://www.courts.maine.gov/covid19/reduction-court-hours-march23.pdf>).

<sup>5</sup> Judicial Department, State of Oregon, "Oregon State Courts Ease the Burden of State Court Fines, Fees, and Collections During the COVID-19 Pandemic," Apr. 2020, (<https://finesandfeesjusticecenter.org/content/uploads/2020/04/Oregon-Judicial-Department-Fines-and-Fees.pdf>).

3. **Stop collection of all criminal court fines, fees, surcharges, Transit Adjudication Bureau (TAB) fines, traffic violation fines, and parole and probation fees.**
4. **Waive for the duration of the state of emergency all late fees, interest accrual, and other consequences, including revoking or extending probation and parole sentences for nonpayment or late payment** of criminal court fines, fees, costs, and surcharges, as well as TAB fines and traffic violation fines.
5. **Stop the assessment and imposition of all criminal court fees and mandatory surcharges, and forgive all outstanding criminal court fees and surcharges.**
6. **Order local law enforcement to stop routinely citing people for parking and other minor violations in cases** where they pose little or no threat to public safety.
7. **Notify the public of the above changes so that families may plan their finances accordingly.** Notify people at least a week in advance when their upcoming court, TAB, or traffic payment dates have been rescheduled due to the pandemic.

We urge you to use your executive power to immediately cease enforcement of financial punishments that unnecessarily expose New Yorkers to COVID-19 and that deprive them of urgently-needed funds during this crisis. We also ask that you work closely with the Chief Justice and the Unified Court System to ensure this order is carried out consistently across our state.

Sincerely,

Timothy M. Kennedy  
New York State Senator, 63<sup>rd</sup> District

Pamela J. Hunter  
New York State Assembly, 128<sup>th</sup> District

Julia Salazar  
New York State Senator, 18<sup>th</sup> District

Yuh-Line Niou  
New York State Assembly, 65<sup>th</sup> District

Rachel May  
New York State Senator, 53<sup>rd</sup> District

Carmen De La Rosa  
New York State Assembly Member, 72<sup>nd</sup> District

Luis Sepulveda  
New York State Senator, 32<sup>nd</sup> District

Karines Reyes  
New York State Assembly Member, 87<sup>th</sup> District

Brad Hoylman  
New York State Senator, 27<sup>th</sup> District

Walter Mosley  
New York State Assembly Member, 57<sup>th</sup> District

Velmanette Montgomery  
New York State Senator, 25<sup>th</sup> District

Felix Ortiz  
New York State Assembly Member, 51<sup>st</sup> District

Jamaal T. Bailey  
New York State Senator, 36<sup>th</sup> District

Kevin Thomas  
New York State Senator, 6<sup>th</sup> District

Todd Kaminsky  
New York State Senator, 9<sup>th</sup> District

Jessica Ramos  
New York State Senator, 13<sup>th</sup> District

Leroy Comrie  
New York State Senator, 14<sup>th</sup> District

John Brooks  
New York State Senator, 8<sup>th</sup> District

Zellnor Myrie  
New York State Senator, 20<sup>th</sup> District

Brain Benjamin  
New York State Senator, 30<sup>th</sup> District

Diane Savino  
New York State Senator, 23<sup>rd</sup> District

Joseph Addabbo  
New York State Senator, 15<sup>th</sup> District

Liz Krueger  
New York State Senator, 28<sup>th</sup> District

Gustavo Rivera  
New York State Senator, 33<sup>rd</sup> District

Alessandra Biaggi  
New York State Senator, 34<sup>th</sup> District

Andrew Gounardes  
New York State Senator, 22<sup>nd</sup> District

Al Taylor  
New York State Assembly Member, 71<sup>st</sup> District

David Weprin  
New York State Assembly Member, 24<sup>th</sup> District

Aravella Simotas  
New York State Assembly Member, 36<sup>th</sup> District

Dan Quart  
New York State Assembly Member, 73<sup>rd</sup> District

Robert Smullen  
New York State Assembly Member, 118<sup>th</sup> District

Richard Gottfried  
New York State Assembly Member, 75<sup>th</sup> District

Daniel O'Donnell  
New York State Assembly Member, 69<sup>th</sup> District

Latoya Joyner  
New York State Assembly Member, 77<sup>th</sup> District

Barbara Lifton  
New York State Assembly Member, 125<sup>th</sup> District

Deborah Glick  
New York State Assembly Member, 66<sup>th</sup> District

Mathylde Frontus  
New York State Assembly Member, 46<sup>th</sup> District

Marcos Crespo  
New York State Assembly Member, 85<sup>th</sup> District

Robert Rodriguez  
New York State Assembly Member, 68<sup>th</sup> District

Nathalia Fernandez  
New York State Assembly Member, 80<sup>th</sup> District

John Liu  
New York State Senator, 11<sup>th</sup> District

Brian Kavanagh  
New York State Senator, 26<sup>th</sup> District

Simcha Felder  
New York State Senator, 17<sup>th</sup> District

Kevin Parker  
New York State Senator, 21<sup>st</sup> District

James Gaughran  
New York State Senator, 5<sup>th</sup> District

Neil Breslin  
New York State Senator, 44<sup>th</sup> District

Roxanne Persuad  
New York State Senator, 19<sup>th</sup> District

James Sanders Jr.  
New York State Senator, 10<sup>th</sup> District

Michael Miller  
New York State Assembly Member, 38<sup>th</sup> District

Maritza Davila  
New York State Assembly Member, 53<sup>rd</sup> District

Inez Dickens  
New York State Assembly Member, 70<sup>th</sup> District

Jeffrion Aubry  
New York State Assembly Member, 35<sup>th</sup> District

Jo Anne Simon  
New York State Assembly Member, 52<sup>nd</sup> District

Nader Sayegh  
New York State Assembly Member, 90<sup>th</sup> District

Alicia Hyndman  
New York State Assembly Member, 29<sup>th</sup> District

Catalina Cruz  
New York State Assembly Member, 39<sup>th</sup> District

Michael Blake  
New York State Assembly Member, 79<sup>th</sup> District

Nick Perry  
New York State Assembly Member, 58<sup>th</sup> District

Charles Barron  
New York State Assembly Member, 60<sup>th</sup> District

CC: The Honorable Janet DiFiore  
Chief Judge of the State of New York  
New York State Unified Court System  
25 Beaver St., 11th Floor  
New York, NY 10004

Phil Steck  
New York State Assembly Member, 110<sup>th</sup> District