



End Fees, Discharge Debt, Fairly Fund Government

**FFJC Policy Guidance for Eliminating Criminal
Legal System Fees and Discharging Debt**

**BY:
FINES AND FEES JUSTICE CENTER**

**PUBLISHED:
JANUARY 2022**

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About Us

The Fines and Fees Justice Center (FFJC) is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices.

Contact

Learn more about the impact of fees and how you can be part of state and local efforts to eliminate fees by contacting us [here](#). Visit ffjc.us to learn more about fines and fees practices and reform efforts around the nation. Follow [@FinesandFeesJC](#) on Twitter to get the latest updates on local, state and national reforms. If you have any questions on any information within this report or for any media inquiries, please contact Jag Davies at jdavies@ffjc.us.

Introduction

State and local governments rely on fees, penalties, surcharges, costs, and assessments (“fees”) imposed by the criminal legal system to generate revenue for its operation and other government services. Fees operate as a tax — disproportionately levied on low-income communities and communities of color — and they exist solely for the purpose of raising or recouping money to fund government.

Regressive taxation in the form of fees is common throughout the United States. Both state and local governments impose fees on individuals to: access counsel when you are indigent, exercise your right to a jury, be released while awaiting trial, make phone calls from jail or prison, participate in alternatives to incarceration, make payments toward fines and fees and more.¹

Using fees as a revenue source has fueled the creation of governments that depend on crime to balance their budgets. The result of this dangerous revenue stream has been increased enforcement, over-criminalization of low-income and communities of color, and egregious collection practices. The same communities that disproportionately bear the burden of high unemployment rates, poor health care, and fewer economic and educational investments, also bear the burden of paying for government services — via predatory fees. Many of these fees have shown to be either uncollectible or not worth the cost of collection². Still, governments rely on them as a source of revenue.

“The policy subconsciously hopes for more crime. A good year in raising administrative assessment fees is a year when the crime rate goes up; a bad year is when the crime rate goes down. Success in raising administrative assessment fees depends in large part on our failure to prevent crime.”

— Nevada Judges Association President, Stephen Dahl³

The extensive use of fees has also significantly contributed to an increase in the amount of criminal justice debt held by individuals across the United States. There is at least \$27.6 billion in criminal justice debt in the United States; the actual amount is unknowable.⁴ In North Carolina,

¹ For a more comprehensive list of fees, see page 6 of this guidance.

² Matthew Menendez & Lauren Brooke-Eisen, *The Steep Costs of Criminal Justice Fees and Fines*, The Brennan Center for Justice, 2019, 5,

<https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

(Finding “One New Mexico County spends \$1.17 to collect every dollar of revenue it raises through fees and fines” and that it costs the jurisdictions it studied, on average, 121 times more to collect criminal fees and fines than it costs the IRS to gather taxes.”).

³ Karin D. Martin, “Monetary Myopia: An Examination of Institutional Response to Revenue From Monetary Sanctions for Misdemeanors”, *Criminal Justice Policy Review* 29, no. 6–7, July 2018, 643, <https://doi.org/10.1177%2F0887403418761099>.

⁴ Brianna Hammons, *Tip of the Iceberg: How Much Criminal Justice Debt Does the U.S. Really Have?* Fines and Fees Justice Center, 2021, p. 4.

over 650,000 people — or 1 in 12 adults — currently have unpaid criminal court debt.⁵ In Iowa, between 1998 and 2015, outstanding criminal justice debt increased by 475% to \$682.2 million.⁶ Texas added an average of \$106 million in uncollected criminal debt per year between 2012-2018.⁷

When people are saddled with court debt, they are often forced to choose between purchasing basic needs or paying down court debt. In a survey of nearly 1,000 people in Alabama, 83% of participants gave up necessities like rent, food, medical bills, car payments, and child support to pay court debt, which almost half of all respondents believed they would never be able to pay off.⁸

What would happen if instead of collecting outstanding court debt from people living in poverty, we allowed them to keep those vital funds? One recent study from California found that when struggling families are given cash payments they spend it on basic needs; and the largest portion goes towards food.⁹ Similarly, if we compare the impact of other types of cash infusions like EITC and Child Tax on low-income households, research shows that they improve educational outcomes and health indicators, and increase work and earnings for young people.¹⁰

The disturbing growth of court debt via fees coupled with the lifelong impacts this debt has on vulnerable communities is unsustainable. This toxic revenue source is quickly cementing the existence of a two-tier justice system that preys on families with little or no access to wealth. The only solution is to end the use of fees in the criminal legal system, provide relief for people saddled with debt, and fund governments equitably and reliably. We cannot claim to have a fair justice system, so long as that system continues to profit from the pain and hardship of those it is meant to serve. When governments establish particular services and programs as necessary to the growth of safe, strong communities, the responsibility for funding for those programs rests with all of us.

https://finesandfeesjusticecenter.org/content/uploads/2021/04/Tip-of-the-Iceberg_Criminal_Justice_Debt_BH1.pdf.

⁵ William Crozier, et. al, *The Explosion of Unpaid Criminal Fines and Fees in North Carolina*, Center for Science and Justice, Duke Law, April 2020, 3, <https://sites.law.duke.edu/justsciencelab/wp-content/uploads/sites/5/2020/04/CSJ-Criminal-Fines-and-Fees-in-NC-v.7.pdf>.

⁶ Martin, “Monetary Miopia,” supra note 3 at 644.

⁷ Menendez & Brooke-Eisen, *The Steep Costs of Criminal Justice Fees and Fines*, supra note 2 at 25.

⁸ Alabama Appleseed, et. al., *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide*, 2018, 4, <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

⁹ Stacia West, Amy Castro Baker, Sukhi Samra, & Erin Coltrera, *Preliminary Analysis: SEED’s First Year*, Stockton Economic Empowerment Demonstration, March 2021, 11, <https://bit.ly/3JP7ctZ>.

¹⁰ Chuck Marr, et. al., *EITC and Child Tax Credit Promote Work, Reduce Poverty, and Support Children’s Development, Research Finds*, Center on Budget and Policy Priorities, 2015, <https://www.cbpp.org/research/federal-tax/eitc-and-child-tax-credit-promote-work-reduce-poverty-and-support-childrens>.

The History of Fees in the Justice System

Despite their prevalence throughout the nation, very little is known about how fees first came to fund the justice system and other government functions. In 1846, Michigan enacted the first correctional fee, authorizing counties to collect the costs of medical care from sentenced inmates.¹¹ There is also evidence of the existence of fees during the southern Reconstruction period where, in lieu of raising taxes, Black inmate labor was leased to private companies to minimize the costs of supervision and housing¹² – a practice known as convict leasing. Revenue collected from convict leasing was also used to pay the salaries of judges and sheriffs.¹³

While the use of fees had decreased by World War II, they re-emerged in the 1980s, becoming a much more significant source of funding. During that period, the federal government eliminated revenue-sharing, consolidating assistance into block grants and ultimately cutting the total amount of financial assistance to local governments from 22% to approximately 6% of city budgets.¹⁴ Previously, starting in the 1970s, the federal government used revenue-sharing to provide over \$80 billion to 39,000 state and local jurisdictions.¹⁵ Under the new funding structure, competition for funding increased, and jurisdictions received less federal support.¹⁶

As federal funding decreased in the 1980s, the criminal legal system began to grow exponentially. Following changes in sentencing laws and policies, state and local governments spent money arresting, prosecuting and incarcerating more people than ever before. State spending on corrections increased from \$6.7 billion in 1985 to \$56.6 billion in 2019.¹⁷

At the same time, anti-tax sentiments contributed to the pressure on state and local governments to create and manage non-tax revenue portfolios, of which fines and fees made up larger and larger portions.¹⁸ In Oklahoma, a 1990 amendment to the state constitution made it more difficult to raise revenue through tax increases. The change resulted in less funding to cover court operating costs, appropriating only roughly half of the \$120 million needed; it was expected that the rest would be made up through increased assessment and collection of fines and fees. As the

¹¹ Dale Parent, *Recovering Correctional Costs through Fees*, United States Department of Justice, National Institute of Justice, 1990, 1.

¹² Alexes Harris, Heather Evans, Katherine Beckett, “Drawing Blood from Stones,” *The American Journal of Sociology*, Vol. 115, No. 6 (May 2010), pp. 1753-1799, 1758; “Punishment After Slavery: Souther State Penal Systems, 1865-1890,” *Social Problems*, Vol. 30, No. 5, June 1983, 555-569, 556.

¹³ Harris et. al., *Drawing Blood from Stones*, *supra* 12 at 1758.

¹⁴ Anthony Cook, *The Ghosts of 1964: Race, Reagan, and the Neo-Conservative Backlash to the Civil Rights Movement*, 6 Ala. C.R. & C.L. L. Rev. 81, 116 (2015).

¹⁵ Evan A. Davis, “Restart federal revenue sharing to address COVID-19,” *The Hill*, May 19, 2020, <https://thehill.com/opinion/finance/497762-restart-federal-revenue-sharing-to-address-covid-19>.

¹⁶ Kenneth Finegold, Laura Wherry, and Stephanie Schardin, *Block Grants: Historical Overview and Lessons Learned*, Urban Institute, 2004, p 2, http://webarchive.urban.org/UploadedPDF/310991_A-63.pdf.

¹⁷ “State Expenditures on Corrections in Billions, 1985-2019,” The Sentencing Project, accessed Jan. 10, 2022, <https://www.sentencingproject.org/wp-content/uploads/2021/05/state-expenditures.png>.

¹⁸ Michael Makowsky, *A Proposal to End Regressive Taxation through Law Enforcement*, The Hamilton Project, Brookings Institution, 2019, 5, <https://www.brookings.edu/research/a-proposal-to-end-regressive-taxation-through-law-enforcement/>.

courts more aggressively sought to collect fees to fill the gap, the legislature continued to cut funding.¹⁹

Limits on particular sources of tax revenue also contributed to a shift towards government reliance on harmful sources of revenue. Property tax caps—which place restrictions on the amount that property tax revenue can increase from year-to-year to a low fixed percentage—impair governments’ ability to provide education, public safety, and other services residents need; and they lead to governments shifting to reliance on fees or other regressive revenue systems that are more burdensome for low income residents.²⁰ In neighborhoods with less investment there is also less revenue from sales taxes, which in turn forces the government to increase reliance on fines and fees for revenue.²¹

State and local jurisdictions deepened their reliance on fees particularly during times of fiscal stress, such as the Great Recession of 2008-2009.²² They introduced new fees and increased the amount charged for fees in an ill-fated attempt to fill budget gaps.²³ A 2019 analysis of fine and fee revenue rates found that in 600 jurisdictions across the nation, fines and forfeitures account for more than 10% of the general fund; and “in at least 284 of those governments it’s more than 20 percent”.²⁴ Another 2019 analysis of towns’ fiscal year audits found that over 730 municipalities rely on fines and fees for at least 10% of their revenue.²⁵

The existence and proliferation of fees in the justice system has also contributed to an increase in dangerous policing practices. Following the killing of Michael Brown in 2014 in Ferguson, Missouri, the U.S. Department of Justice launched an investigation of the Ferguson Police Department. They found that the city had budgeted for 23% of its revenue to come from municipal fines and fees; and engaged in aggressive, racially-discriminatory policing practices in order to increase the city’s revenue by imposing fines and fees.²⁶ The investigation also uncovered that evaluations and promotions of criminal justice actors were based on the amount

¹⁹ Myesha Braden, et. al., *Enforcing Poverty: Oklahoma’s Reliance on Fines & Fees Fuels the State’s Incarceration Crisis*, Lawyer’s Committee for Civil Rights Under Law, 2019, 5, <https://indd.adobe.com/view/6a8c0376-dba2-4aa2-b64d-f537c63d65b5>.

²⁰ Karen Lyons & Iris J. Lav, *The Problems with Property Tax Revenue Caps*, Center on Budget and Policy Priorities, 2007, <https://www.cbpp.org/research/the-problems-with-property-tax-revenue-caps>.

²¹ Josh Pacewicz & John N Robinson, III, “Pocketbook policing: How race shapes municipal reliance on punitive fines and fees in the Chicago suburbs,” *Socio-Economic Review*, Volume 19, Issue 3, October 2020, 975–1003, <https://doi.org/10.1093/ser/mwaa029>.

²² Makowsky, *Proposal to End Regressive Taxation*, *supra* note 18 at 7.

²³ See, e.g., Menendez & Brooke-Eisen, *The Steep Costs of Criminal Justice Fees and Fines*, *supra* note 2 at 5 (examining criminal court costs imposed in Florida, New Mexico, and Texas and finding that they “fail at efficiently raising revenue”).

²⁴ Mike Maciag, “Addicted to Fines,” *Governing*, August 19, 2019, <https://www.governing.com/archive/gov-addicted-to-fines.html>.

²⁵ Mike McIntire & Michael H. Keller, “The Demand for Money Behind Many Police Traffic Stops,” *The New York Times*, updated Nov. 2, 2021, <https://www.nytimes.com/2021/10/31/us/police-ticket-quotas-money-funding.html>.

²⁶ United States Department of Justice, *Investigation of the Ferguson Police Department*, March 4, 2015, 8 (finding “for fiscal year 2015, the City’s budget anticipates fine and fee revenues to account for \$3.09 million of a projected \$13.26 million in general fund revenues.”), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

of revenue raised, leading to the issuance of multiple citations and the assessment of exorbitant fine and fee amounts.²⁷

Types of Criminal Legal System Fees

Fees may be assessed at any point in an individual's involvement with the criminal legal system, from pre-trial to post-conviction.²⁸ Even those who are not convicted or have their cases dismissed may be required to pay fees. The types of fees and the amounts assessed in a particular case vary by state and by localities within each state.

Pre-trial

Pre-trial fees are assessed when a person first comes into contact with the system before being convicted of an offense. They typically include bond fees, warrant fees, booking fees, jail fees, public defender application fees, electronic monitoring fees, and jail phone call fees. In Michigan, bond amounts for simple drug possession range from \$0 to \$20,000.²⁹

Counsel

Counsel fees include any fee connected to an individual's right to appointed counsel due to their inability to afford a lawyer when accused of a crime. They can include application fees or appointment fees at the outset of a case, or fees assessed at adjudication to recoup the costs of legal services provided and expenses related to litigation, like expert witnesses and investigator fees. Public defender registration fees can range from \$10 to as high as \$480.³⁰

Diversion

Fees associated with diversion programs can include diversion program fees, drug and/or alcohol testing fees, and counseling fees. In Miami-Dade County, the fee to participate in a diversion program for first-time offenders, charged with misdemeanors, is \$300. In Illinois, individuals participating in a bad check diversion program must pay: an administrative fee of \$25 to \$35, a \$125 to \$175 financial accountability fee, payment plan enrollment fees, and fees for rescheduling a missed class.³¹

²⁷ Id. at 2.

²⁸ Many of the fees imposed in the criminal legal system also exist in the juvenile justice system. For more information about those fees and the campaign to abolish fees and fines imposed on youth in the juvenile justice system, visit Debt Free Justice at debtfreejustice.org.

²⁹ *Report and Recommendations of the Michigan Joint Task Force on Jail and Pretrial Incarceration*, Jan. 10, 2020, 13, <https://www.courts.michigan.gov/48e562/siteassets/committees,-boards-special-initiatves/jails/jails-task-force-final-report-and-recommendations.pdf>.

³⁰ Devon Porter, *Paying for Justice: The Human Cost of Public Defender Fees*, ACLU of Southern California, June 2017, 2, <https://law.yale.edu/sites/default/files/area/center/liman/document/pdf/fees-report.pdf>.

³¹ ABA Working Group on Building Public Trust in the American Justice System, *Privatization of Services in the Criminal Justice System*, American Bar Association, June 2020, 12, https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-sclaid-def-aba-privatization-report-final-june-2020.pdf.

Conviction

Once an individual is convicted of an offense, fees are typically assessed. Depending on the jurisdiction and the nature of the case, they may include fees for: prosecution, a public defender, DNA testing, court security, judges' retirement funds, or court operations. Some examples of conviction fees include: a mandatory \$500 assessment fee per felony (Washington), a \$350 surcharge per felony (New York), a \$100 criminal cost fee (Indiana), a \$193 felony docket fee (Kansas), and a \$300 jury trial fee (Maine).³² After conviction, individuals may also be required to pay a fee to have their criminal records expunged. In Louisiana, expungement costs can total as much as \$550.³³

Supervision

An individual sentenced to a term of probation or parole may be responsible for paying monthly probation or parole fees, electronic monitoring, drug/alcohol testing, and other program fees. In Texas, all people on probation must pay a probation fee between \$25 and \$60 per month for the full length of their probation term.³⁴ Thirty-five states impose monthly parole fees, which range from \$10 to over \$200.

In Custody

Costs associated with incarceration include charges for phone calls, video visitation, health care costs, commissary fees, and room-and-board fees. In Kentucky, 15-minute collect calls to a landline are \$1.85 and those to a cell phone are \$9.99.³⁵ The average daily cost of jailing an individual ranges from \$50 to \$500 across jurisdictions.³⁶

Payment

Fees are also assessed to individuals attempting to make payments on court-ordered legal financial obligations. These may include a fee to establish a payment plan, collection fees, and interest. In Illinois, a person may be charged a 15% penalty on unpaid balances and a 30% collection fee, while Arizona charges a 19% collection fee for delinquent payments and a \$35 fee.³⁷

³² Monica Llorente, "Criminalizing Poverty Through Fines, Fees, and Costs," American Bar Association, Oct. 3, 2016,

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2016/criminalizing-poverty-fines-fees-costs/>

³³ LSA-C.Cr.P. Art. 983.

³⁴ Ebony L. Ruhland, et al., *Exploring Supervision Fees in Four Probation Jurisdictions in Texas*, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, 2017, 3, https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/robina_fee_summary_report_web4.pdf.

³⁵ "Kentucky State Prison phone rates and kickbacks," Prison Phone Justice, accessed Jan. 11, 2022, <https://www.prisonphonejustice.org/state/KY/>; Adam K. Raymond, "'Unjust and harmful': City pledges to eliminate fees for phone calls from jail," *Spectrum*1, June 16, 2021, <https://spectrumnews1.com/ky/louisville/news/2021/06/15/city-pledges-to-eliminate-fees-for-phone-calls-from-jail>.

³⁶ Council of Economic Advisers, *Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor*, Dec. 2015, 8, https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf

³⁷ Llorente, *Criminalizing Poverty Through Fines, Fees, and Costs*, *supra* note 32.

Why Criminal Legal System Fees Must Be Eliminated

Racial Injustice

The harmful effects of criminal legal system fees fall disproportionately on people of color. Black and brown people are more likely to be stopped, arrested, charged and punished with fees. An analysis of over 9,000 municipalities demonstrated a greater reliance on fines and fees for revenue generation in cities with larger Black populations. The average city generated \$8 from fines and fees compared to \$20 in those with larger black populations.³⁸

The demographic overlap between communities of color and low-income communities means that people of color are also more likely to be unable to afford to pay these fees, which results in further financial and carceral punishment. In the San Francisco Bay Area, Black people are 4 to 16 times more likely to be arrested for not paying a ticket.³⁹ In New Orleans, Black residents were jailed at one and a half times the rate of white residents when facing open warrants for unpaid fines and fees.⁴⁰

Racial disparities in fee assessment and collection practices are also found in the juvenile system. Data from California shows that before juvenile fees were abolished, the family of a Black youth in Alameda County would pay, on average, more than double the total amount of fees a white family would pay, while the family of a Latinx youth would pay about one and a half times as much.⁴¹ In FY 2019-2020, Black youth comprised 21% of the population in Florida under 18, but accounted for 50.9% of youth arrests, 53.8% of adjudications, and nearly 60% of commitment to residential facilities.⁴² As Black and Latinx youth and their families continue to be disproportionately drawn into the legal system at every level, they bear a disproportionate amount of the costs and fees imposed by the juvenile and criminal systems.

³⁸ Michael W. Sances & Hye Young You, "Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources," *The Journal of Politics*, Volume 79, Number 3, July 2017, 2, <https://www.journals.uchicago.edu/doi/full/10.1086/691354>.

³⁹ Lawyers' Committee for Civil Rights of the San Francisco Bay Area, *Paying More for Being Poor: Bias and Disparity in California's Traffic Court System*, May 2017, 27, <https://lccrsf.org/wp-content/uploads/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf>.

⁴⁰ Mathilde Laisne, Jon Wool, & Christina Henrichson, *Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*, Vera Institute of Justice, 2017, 19, <https://www.vera.org/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf>.

⁴¹ Berkeley Law Policy Advocacy Clinic, *Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administration Fees in California*, Univ. of Calif., March 2017, 12-13, <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

⁴² Florida Department of Juvenile Justice, "Disproportionate Minority Contact/Racial Ethnic Disparity Benchmark Report FY 2019-2020," last accessed Jan. 11, 2022, <https://bit.ly/3mUVyDQ>.

Economic Injustice

The justice system exists for the benefit of the entire community; yet, people living in poverty are disproportionately funding it. Adults in poverty are three times more likely to be arrested; and individuals with incomes below 150% of the federal poverty level are fifteen times more likely to be charged with a felony.⁴³

Only twelve states require courts to conduct an ability-to-pay determination whenever fines, fees, costs, and surcharges are imposed. Only four states mandate that a person can choose to pay court debt on a payment plan without incurring additional fees or interest, if they cannot pay the full balance immediately.⁴⁴ The COVID-19 pandemic has further decimated individual and family budgets, communities, and jobs; and continued reliance on fees will only exacerbate poverty and trap millions more in debt.⁴⁵

Nonpayment of fees can also result in a number of punishments with lifelong consequences: driver's license suspension, incarceration, prolonged or indefinite supervision, ineligibility to vote and the assessment of additional fees, pushing individuals into a relentless cycle of punishment and poverty.

Counterproductive Economic Policy

While fees are assessed for the purpose of raising revenue, they often result in net losses. Jailing someone for unpaid fines and fees can sometimes cost as much as 115%, or more, of the amount collected from the individual, and carry other incarceration and enforcement costs that can never be collected.⁴⁶ In Texas and New Mexico, governments spent at least 41 cents of every dollar of revenue they raised from fees and fines on in-court hearings and jail costs alone. At least one New Mexico county operated at a loss in this regard, spending more than \$1.17 to collect a dollar in fees and fines.⁴⁷

Debt-based license suspensions can often result in unemployment, or underemployment; thereby limiting the development and maintenance of a productive workforce. In New Jersey, 42% of people who had their licenses suspended lost their jobs and 45% of those who lost their jobs were unable to find new employment. Where people were able to find new jobs, 88%

⁴³ Bailey Gray & Doug Smith, *Return to Nowhere: The Revolving Door Between Incarceration and Homelessness*, Texas Criminal Justice Coalition, 2019, 6, <https://www.texascjc.org/system/files/publications/Return%20to%20Nowhere%20The%20Revolving%20Door%20Between%20Incarceration%20and%20Homelessness.pdf>

⁴⁴ "Fines and Fees, Benchmarks: Weights and Trends," National Center for Access to Justice, accessed Jan. 12, 2022, <https://ncaj.org/state-rankings/2020/fines-and-fees>.

⁴⁵ "COVID-19 Policy Tracker," Fines and Fees Justice Center, 2021, <https://finesandfeesjusticecenter.org/covid-19-policy-tracker/>.

⁴⁶ Menendez & Brooke-Eisen, *The Steep Costs of Criminal Justice Fees and Fines*, *supra* note 2 at 5; Andrea Marsh and Emily Gerrik, "Why Motive Matters: Designing Effective Policy Responses to Modern Debtors' Prisons," *Yale Law & Policy Review*, volume 34, issue 1, 2016, 93-129, 94, https://law.yale.edu/sites/default/files/area/center/liman/document/why_motive_matters_designing_effective_policy_responses_to_moder.pdf.

⁴⁷ Menendez & Brooke-Eisen, *The Steep Costs of Criminal Justice Fees and Fines*, *supra* note 2 at 5.

reported a decrease in income.⁴⁸ Debt-based suspensions also require additional resources from courts, officers and other state agencies in order to effectuate these suspensions.

There is also a significant lack of transparency and accountability in how fees are assessed, collected, or spent. Data is often unavailable to the public in many places, at either the state or local level. This further complicates the ability to accurately assess the financial impact of fees on individuals and governments.

Decreased Public Safety

In 2021, a front-page investigation by the *New York Times* noted that "a hidden scaffolding of financial incentives underpins the policing of motorists in the United States, encouraging some communities to essentially repurpose armed officers as revenue agents searching for infractions largely unrelated to public safety."⁴⁹

The repurposing of police towards fee enforcement diverts significant resources away from traditional police functions, including investigating and solving violent crimes. Researchers found that police departments in cities that collect a greater share of their revenue from fees often solve violent and property crimes at significantly lower rates.⁵⁰ Court hearings and appearances for fee enforcement can also consume court resources and delay or limit the time available to address more serious offenses.

Reliance on fees to fill budget holes creates more opportunities for potentially dangerous contact between citizens and law enforcement. More surveillance and targeted policing can increase the aggressiveness of fee enforcement and the likelihood of an injury or a death resulting from those interactions.

Imposing fees can also impact incidences of crime and recidivism. In desperate attempts to pay court debt and avoid the often devastating consequences of nonpayment, some individuals have turned to crime. In Alabama, 38% of people surveyed admitted having committed at least one crime to pay off their court debt – 69% of those sold drugs, 54% committed theft, and 4% engaged in sex work. Others admitted passing bad checks, gambling, robbery, selling food stamps, and selling stolen items.⁵¹ In the juvenile system, research has demonstrated that fees and other financial penalties, particularly in high amounts, can increase the likelihood that a youth

⁴⁸ Alan M. Voorhees Transp. Cntr. & New Jersey Motor Vehicle Commission, *Motor Vehicles Affordability and Fairness Task Force: Final Report*, Feb. 2006, 38,

https://www.state.nj.us/mvc/pdf/about/AFTF_final_02.pdf

⁴⁹ McIntire & Keller, "The Demand for Money Behind Many Police Traffic Stops," *supra* note 25.

⁵⁰ See Rebecca Goldstein, Michael W. Sances, & Hye Young You, "Exploitative Revenues, Law Enforcement, and the Quality of Government Services," *Urban Affairs Review*, 1-27, 4-5 & 17 (finding greater effects in police departments where officers are required to play many roles, rather than focusing their work in specialized units, but acknowledging that using police as revenue drivers, regardless of the size of the force, can impact public confidence and make residents less likely to cooperate with police investigations), <https://journals.sagepub.com/doi/full/10.1177/1078087418791775>.

⁵¹ Alabama Appleseed, et. al., *Under Pressure*, *supra* note 8 at 31,

<https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

will reoffend.⁵² A study of adults sentenced on misdemeanors in Milwaukee similarly found that following a change in state law imposing a mandatory \$200 surcharge on those convicted of misdemeanors increased the likelihood of reoffending, often with more severe charges, while decreasing the likelihood that the fee would be paid.⁵³

The Solution: Discharge Debt and Eliminate Fees

Discharging debt is critical to the success of fee elimination reforms, as it alleviates the present burdens of individuals and communities with unpaid debt. Attempting to collect a particular fee, or fees, once they have been eliminated, or following significant periods of nonpayment, is a waste of government resources. Any effort to collect is also likely to perpetuate and exacerbate the harms inflicted on those who are unable to afford to pay these fees.

The following guide outlines recommendations for jurisdictions looking to eliminate fees and discharge debt. The goal of these recommendations is to eliminate the existence and harmful impacts of fees and build a fairly funded, equitable justice system.

We also highlight examples of discharged debt and fee elimination reforms at the state and local level. The list of reforms will continue to be updated as new reforms are introduced.

Policy Recommendations for Fee Elimination

- All court fees, surcharges and costs should be eliminated, and where possible include budget provisions to backfill any revenue lost from eliminated fees.
- Government should be funded and budgeted for through general funds and equitable revenue sources.
- Legislation that eliminates one or more fees, should also include provisions vacating and making all outstanding associated debt uncollectible and unenforceable, including outstanding warrants, liens, off-sets of tax refunds, unemployment insurance and other public benefits.
- Jurisdictions should not create any new fees, including fees or costs intended to cover revenue lost from the elimination of fees.
- Eliminate fees for medical visits of people in custody, and provide hygiene products and other necessities at no cost.
- Provide free, easily accessible phone, email, video, and tablet communication to people who are incarcerated.

⁵² Alex R. Piquero & Wesley G. Jennings, “Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders,” *Youth Violence and Juvenile Justice*, 2016, 1-16, 10, <https://journals.sagepub.com/doi/abs/10.1177/1541204016669213?journalCode=yvja>.

⁵³ Tyler Giles, *The (Non)economics of Criminal Fines and Fees*, November 2021, 21-27, <https://sites.google.com/view/tylergiles/research?authuser=0>.

- Eliminate fees associated with adding money to commissary accounts and accessing funds in commissary accounts. End markups on items purchased in commissary.

Policy Recommendations for Discharging Debt

- Eliminate all debt, expunge warrants, stop all collections (including private collections), and reinstate driver's licenses suspended for court debt.
- Jurisdictions should conduct a customized analysis of unpaid criminal justice debt and debt collection rates to determine the appropriate age of debt to be discharged. FFJC recommends that fees should be deemed uncollectible two years after they are imposed.
- Reduce statutes of limitations on debt collection and judgements and require that debt is extinguished at the expiration of the statute.⁵⁴
- Use American Rescue Plan Act Funds, or other eligible appropriations, to backfill lost revenue from programs that have discharged debt.

Fee Elimination Reforms

Administrative Fees

Administrative fees are charged to individuals to cover the court's administrative costs, and are typically unrelated to their conviction. Types of administrative fees include monthly probation fees, fees for electronic or ankle monitors, booking fees, and collection fees.

Administrative Fee Reforms:

[California's Families Over Fees Act](#) repealed 23 criminal administrative fees and vacated \$16 billion in outstanding debt (2020). In 2020, California enacted the Families Over Fees Act, eliminating 23 criminal administrative fees. The act also relieved families of over \$16 billion in outstanding debt. The legislature backfilled the loss of revenue by including a provision appropriating \$65 million annually until 2026. The law went into effect in July 2021.

Fees Eliminated:

- Arrest
- Booking
- Citation/release on own recognizance
- Registration for court appointed lawyer
- Cost of court appointed lawyer
- Probation/Supervision
- Pre-sentence investigation report

⁵⁴ In Wisconsin and Mississippi the expiration of the statute of limitations, 6 and 3 years, respectively, extinguishes the debt. See April Kuehnhoff & Margot Saunders, *Zombie Debt: What the CFPB Should Do about Attempts to Collect Old Debt*, National Consumer Law Center, 2015, 4, https://www.nclc.org/images/pdf/debt_collection/report-zombie-debt-2015.pdf.

- Jurisdictional transfer
- Home detention
- Electronic Monitoring
- Interstate compact supervision
- Payment/installment plan
- Work furlough program
- Home detention program
- Voluntary work release program
- Electronic monitoring instead of bail or jail

California [eliminated 17 additional criminal administrative fees](#) and vacated \$534 million in outstanding debt. (2021).

The California legislature passed a bill eliminating 17 additional criminal administrative fees. The legislature appropriated \$25 million to the General Fund in 2021-22 and \$50 million to the General Fund in 2022-23 and ongoing thereafter to counties to backfill the loss in revenue for the eliminated fees. The bill also eliminates \$534 million in outstanding debt incurred as a result of the imposition of the eliminated administrative fees. The law went into effect January 1, 2022.

Fees Eliminated:

- Incarceration in city and county jails and state prison
- Diversion programs for controlled substances
- Restitution fee and fine collection
- Dismissal
- Transfer
- Drug testing
- Automated traffic warrant
- Restitution interest
- Installment plan processing

Seattle Municipal Court [eliminated all discretionary fees on criminal cases](#) (2020).

Municipal court judges in Seattle voted unanimously to eliminate all discretionary fees in criminal cases. Officials estimated that lost revenue due to the elimination of the fees was around \$268,000 per year.

Fees Eliminated:

- Community Service Setup Fee
- Probation Supervision Fee
- Records Check Fee
- Work Crew Fee

Ordinance [eliminated local criminal administrative fees imposed in San Francisco](#) (2018.)

Building on the advocacy of San Francisco community coalitions and government departments calling for fine and fee reform, legislation was introduced in 2018 by then-Board President London Breed and backed by the Office of the Treasurer's Financial Justice Project, the Public Defender's Office, District Attorney's Office, Adult Probation, Sheriff's Department, and Mayor's Budget Office. The Board of Supervisors unanimously approved the legislation. All together, debt from the eliminated fees totaled \$32.7 million and impacted more than 21,000 people. The Mayor's Budget Office estimated that elimination of these criminal administrative fees cost \$1 million a year in lost revenue, with approximately \$700,000 from the elimination of the adult probation fee.

Fees Eliminated:

- Monthly Probation
 - Electronic Monitoring
 - Pre Sentence Report
 - Booking
 - Alcohol Testing
 - Emergency Medical Services Penalty
 - Adult and Juvenile Restitution Collection
 - Home Detention Program
 - Sheriff's Work Alternative Program
-

New York City [eliminated credit card fees for bail payments \(2019\)](#).

The New York City Council voted to approve a bill eliminating bail payment fees including the 2.49% non-refundable fee charged on credit card bail payments made online, and the 8% fee charged on credit card payments made in-person. Fees Eliminated: In-person and online credit card fees associated with bail payments.

Ramsey County [eliminated 11 fees levied against people in jail and on probation \(2020\)](#).

The Ramsey County Board approved the elimination of 11 fees that disproportionately affect low-income families and people of color in jail and on probation. The total eliminated accounts for about \$675,000 that the county charges people in jail each year.

Fees eliminated:

- Probation Supervision
 - Home Electronic Monitoring
 - Diabetic Supplies in Jail
 - Over-the-Counter Medicine
-

Multnomah County [eliminated probation and parole fees \(2020\)](#).

Multnomah County approved a FY 2021 budget eliminating parole and probation fees within the County's Department of Community Justice, while partnering with the state to end parole and probation supervision fees altogether. The \$35 monthly supervision fees for the approximately 12,000 adults on probation or parole supervision previously funded county personnel costs. The county will cover the approximately \$1 million in annual lost revenue.

Fees Eliminated:

- Monthly supervision fees
-

Baltimore County [eliminated pretrial supervision fees \(2021\)](#).

County Executive Johnny Olszewsk announced the elimination of fees charged to people in the county's Pretrial Community Supervision program. The cost to operate the program was \$827,000 per year, and as of May 2021 there were 1,041 participants.

Fees Eliminated:

- Program Fee
- Drug Testing

Traffic Fees

Individuals convicted of committing a traffic offense face a number of additional costs, intended to recoup the cost of the court and its officers' time spent handling the case. Costs may vary from court to court.

Traffic Fee Reforms:

Buffalo Common Council [repealed 15 vehicle and traffic fees \(2020\)](#).

Following several years of advocacy led by the Fair Fees and Fines Coalition, in 2020, the Common council voted unanimously to eliminate the 15 vehicle and traffic fees introduced and adopted in 2018.

Fees Eliminated:

- Public safety Fee
- Driver responsibility Fee
- Initial and Subsequent Deferred Payment Fee
- Scofflaw/Default Judgement Administrative Processing Fee
- Default Conviction Administrative Processing Fee
- Administrative Fee for Filing Judgements
- Motion to Vacate Disposition Application Fee
- Late Fees
- Collections Fee
- Distracted Driver Diversion Program Application Fee
- Boot and Tow Fee

Michigan [ended driver responsibility fees and vacated associated debt \(2018\)](#).

In 2018, Michigan enacted legislation permanently eliminating driver responsibility fees and vacating \$637 million in debt owed by 350,000 drivers. Previously, driver responsibility fees could be assessed in amounts ranging from \$100 to \$1,000. It was estimated that the elimination of driver responsibility fees would result in the loss of \$20.6 million in revenue in fiscal year (FY) 2017- 18, \$26.0 million in FY 2018-19, \$10.0 million in FY 2019-20, and \$8.5 million deposited into the Fire Protection Fund beginning in FY 2018-19. Beginning in FY 2018-19, the Department of State would also lose the current \$1 million annual appropriation for costs associated with administering the Breath Alcohol Ignition Interlock Device (BAIID) program.

Fees Eliminated:

- Driver Responsibility Fees could be assessed for any of the following:
 - Accumulating 7 or more points within 2 years
 - Driving without a valid license
 - Failing to produce proof of insurance
 - Operating a motor vehicle while visibly impaired
 - Reckless driving
 - Driving with a revoked or suspended license
 - Fleeing or eluding an officer

In Custody Fees

Incarcerated individuals are charged a number of fees for the use of and access to goods and services during their period of incarceration. These fees include phone call fees, markups for commissary items, and fees for doctors visits and medical services.

In Custody Fee Reforms:

San Diego [eliminated fees for phone calls and video visits](#) (2021).

San Diego County supervisors voted unanimously to end phone call and video visit fees for people in custody. Prior to the elimination, Securus charged between 21 and 33 cents per minute for inmate calls and \$19.95 for a 20-minute video visitation.

Fees Eliminated:

- Phone call fees
 - Video visits
-

New York City [eliminated fees for domestic telephone services](#) to people in the custody of the New York City Department of Corrections (2018).

New York City eliminated fees in 2018 for telephone services charged to people in the custody of the New York City Department of Corrections. 2019 budget projections estimated that the city would collect \$5 million in inmate telephone fees. The estimated costs of operating and maintaining the phone system, \$2.5 million, were covered by the General Fund.

Fees Eliminated:

- Phone call fees
-

San Francisco made all jail phone calls [free for incarcerated people and ended commissary markups](#) (2020).

San Francisco committed to making jail phone calls free and eliminating commissary markups in 2019 after examining the significant financial drain on low-income families of high-cost phone calls and store items, and the effect of this financial drain on family connectedness and reentry. All phone calls from jail became free in 2020. To codify these reforms, the San Francisco Board of Supervisors voted unanimously in favor of the People Over Profits ordinance. Prior to phone calls becoming free, phone calls generated \$1.1 million per year, which was split between the Sheriff's Department and the phone provider. Items sold in the jail commissary were marked up an average of 43% and generated an additional \$650,000 in revenue for the Sheriff's department. San Francisco plans to launch the first-in-the-nation free tablet program for incarcerated people in 2022.

Fees Eliminated:

- Jail phone calls
 - Video calls
 - Fees for use of electronic tablets
 - Commissary markups
-

Philadelphia [eliminated commissary surcharges](#) (2021).

The City Council approved the FY22 operating budget, including appropriations of \$231 million to the Philadelphia Department of Prisons to eliminate commissary surcharges and increase the amount of free communication from 70 minutes per week to 165 minutes per week, and add

video conferencing. The reform efforts were led by the Office of Community Empowerment and Opportunity (CEO) whose research on the cost of telephone calls prompted these changes.

Fees Eliminated:

- Commissary surcharges
- Video Conferencing

Connecticut [provides free voice communication service to incarcerated persons \(2021\)](#).

The Connecticut legislature passed a bill eliminating fees for the cost of incoming and outgoing voice communication services for adults and juveniles confined in a correctional or juvenile detention facility free of charge, whether initiated or received. The legislation also prohibits the state from receiving revenue for providing any such communication services. The legislature estimates that it will cost the Department of Correction \$3.5 to \$4.5 million to compensate the vendor for the telephone services, and results in an approximate \$6 to \$7 million loss in revenue to the state.

Fees Eliminated:

- Phone Call Fees

Juvenile Fees and Fines

Youth who encounter the juvenile justice system may be charged a number of fines and fees. The types of costs imposed on youth and their families include probation/supervision, informal adjustment/diversion, evaluation/testing, cost of care, court costs, fines, expungement costs, and restitution. While fines and fees are separate and distinct, FFJC advocates for the complete elimination of both fines and fees in the juvenile justice system.

Juvenile Fees and Fines Reforms:

California [ended the assessment of new juvenile fees \(2017\)](#) and [discharged outstanding fees \(2020\)](#).

In 2017, California passed legislation eliminating juvenile fees. Prior to implementation, California counties were pursuing \$374 million in fees from 626,342 families. In 2020, California built on this reform, vacating the unpaid outstanding balance of any fees imposed before January 1, 2018.

Fees Eliminated:

- Detention
- Representation by Counsel
- Electronic Monitoring
- Probation
- Supervision
- Drug testing
- Costs incurred for transporting, feeding, and sheltering a minor held in temporary custody in a law enforcement facility
- Costs of support of minors placed in out-of-home placements other than county institutions

Orleans Parish Juvenile Court issued an order [abolishing court fees for juveniles \(2018\)](#).

Orleans Parish Juvenile Court eliminated court fees for juveniles in 2018. Prior to the order, courts had the authority to waive discretionary court costs, and it was estimated that the bottom line

caused by the elimination of the fees was negligible. Out of \$4.1 million in revenue in the previous year, the court took in only \$1,954 from juveniles or their parents.

Fees Eliminated:

- Physical and mental examination fees
 - Care and treatment fees
 - Teen or youth court program fees
 - Appointed counsel fees
 - Medical treatment fees
 - Probation supervision fees
-

Nevada [repealed juvenile fees \(2019\)](#).

In 2019, Nevada passed legislation eliminating juvenile fees. Prior to the legislation, revenue collected from the fees was low. In fiscal years 2017 and 2018, the State Division of Child & Family Services collected less than \$8,000, the Clark County Department of Juvenile Justice Services collected less than \$25,000, the 11th Judicial District Department of Juvenile Justice collected less than \$3,000, and the Lyon County Department of Juvenile Justice Services collected less than \$2,000 from families with youth in the juvenile justice system.

Fees Eliminated:

- Court costs
 - Appointed counsel
 - Costs of care
 - Evaluation and treatment
 - Court program fees
 - Administrative assessments
-

Maryland eliminated the authority of courts to impose [civil fines and court costs against a juvenile \(2020\)](#).

Maryland eliminated the authority of courts to impose civil fines and court costs against youth in 2020. The Department of Juvenile Services, the Office of the Public Defender, and the Judiciary did not expect there to be a meaningful budget impact, as even prior to enactment of the legislation, fines and court costs in juvenile cases were not generally assessed.

Fees Eliminated:

- All fines, fees, and costs in the juvenile legal system
-

Shelby County [eliminated costs for phone calls for youth in juvenile detention facilities \(2018\)](#).

In 2018, Shelby County eliminated costs of phone calls for youth in juvenile detention facilities. At \$3 per call, calls from the juvenile detention center represented only a negligible portion of revenue in 2017 at \$4,200. *Fees Eliminated:* Phone call fees.

New Mexico [eliminated juvenile fines and fees \(2021\)](#).

In 2021, New Mexico passed legislation eliminating juvenile fines and fees. In the previous five fiscal years (FY16 – FY20) a total of \$28,689 in combined fines and fees was assessed and collected in juvenile delinquency proceedings.

Fees Eliminated:

- All court cost expenses, fines or fees subject to the provisions of the Delinquency Act
-

Colorado [eliminated certain juvenile fees, costs, and surcharges \(2021\)](#).

In 2021, Colorado passed legislation eliminating juvenile fees and required that the estimated balance of \$10.4 million in outstanding fees and surcharges be deemed unenforceable and not collectable. Beginning in FY 2021-22 the elimination of these fees will decrease state revenue by an estimated \$1.1 million per year. To backfill lost revenue, an annual transfer of \$598,000 from the Marijuana Tax Cash Fund to the various state cash funds is required. After the initial work vacating orders on outstanding debt is complete, the Judicial Department estimates ongoing costs savings of \$35,492 and 0.5 FTE in FY 2022-23 and future fiscal years.

Fees Eliminated:

- Cost of care fees
- Prosecution costs
- Public defender application processing fees
- Reimbursement for attorney appointment when a parent is determined not to be indigent
- Crime victim's compensation surcharge
- Victims and witness assistance and law enforcement surcharge
- Sex offender surcharge
- Genetic testing fees
- Time payment fees and late penalty fees
- Restorative justice surcharge
- Driving under the influence and other similar offenses surcharge
- Community or public service fees

Texas [eliminated a wide range of juvenile fees and costs \(2021\)](#).

Fees Eliminated:

- Probation diversion fee
- Juvenile DNA testing fee
- Drug education or alcohol awareness program costs
- Costs of commitment

Louisiana [eliminated all juvenile fees\(2021\)](#).

In 2021, Louisiana passed legislation eliminating juvenile fees, costs, and surcharges. The law is set to sunset in 2026. Prior to the reform, the Office of Juvenile Justice reported an average of \$469,511 collected for Cost of Care and Supervision fees in FY 19 and FY 20 and an expenditure of approximately \$138,484 annually to collect and process fees. The Legislature predicts an undetermined decrease in revenue to District Attorneys, the Louisiana Public Defender Board, Clerks of Courts, Sheriff's Departments, and other local governmental entities as a result of the fees/costs not being assessed to juveniles.

Fees Eliminated:

- Court costs
- Costs/fees for witness fees
- Court appointed attorney
- Physical or mental examination
- Parole or probation supervision fees
- Cost of in custody care
- Participation in a youth court program
- Medical care

Examples of Discharged Debt

Prison Debt

Incarcerated individuals are charged a number of fees for the use of and access to goods and services during their period of incarceration including from phone call fees, markups for commissary items, and fees for doctors visits and medical services.

Prison Debt Reforms:

Washtenaw County Jail Sheriff [forgives the debt of people incarcerated in the Washtenaw County Jail \(2021\)](#)

The Washtenaw County Jail Sheriff will forgive all debt incurred by people incarcerated in the county jail between January 1, 2013 and December 31, 2021. The total debt to be forgiven totals \$509,888 and impacts 31,614 people.

Dane County [erased nearly \\$150,000 in outstanding fees and fines accrued by people incarcerated in the county jail \(2021\)](#).

Fueled by the efforts of the Dane County Sheriff's Office, the county has eliminated outstanding fees and fines accrued in the Dane County Jail, as of March 2021. Eliminated fees include bookkeeper fees, electronic monitoring fees, and medical copays.

Traffic Debt

Individuals convicted of committing a traffic offense face a number of additional costs, intended to recoup the cost of the court and its officers' time spent handling the case. Costs may vary from court to court.

Traffic Debt Reforms:

7,000 revoked [driver's licenses now eligible to be restored \(2021\)](#)

The Cumberland County District Attorney successfully petitioned the court to forgive court costs and fees for minor traffic violations at least five years old and have eligible debts forgiven. The decision resulted in more than 7,000 revoked drivers being eligible for restoration.

[\\$2.7 million in traffic debt forgiven in Durham \(2020\)](#).

\$2.7 million in traffic debt has been forgiven in Durham. To qualify participants must have had their driving privileges suspended for at least two years and the underlying offense could not involve driving while impaired or fleeing arrest. The Durham Expunction and Restoration program has resulted in putting 11,084 drivers back on the road.

Phoenix clears suspensions and [writes off all traffic debt and 10 years or older \(2021\)](#).

The city of Phoenix, OR reached an agreement to write off all traffic debts 10 years or older and clear those suspensions. For debt incurred within the past decade, the city offered a 50% discount through May 1 to drivers who still owe fines.

Drivers with [minor traffic charges have debt forgiven](#) in Buncombe County (2021).

A collaboration between Buncombe County District Attorney's Office, Clerk of Superior Court, District Court Judges, and the North Carolina Pro Bono Resource Center has forgiven debt and restored licenses of 800 people with minor traffic charges.

Cumberland County [forgives debt for minor traffic offenses](#) (2021).

A Cumberland County court debt relief project forgave court costs and fees for more than 7,000 people with minor traffic violations at least 5 years old.

***Proposed Reform:* California proposes budget plan that includes funds to [eliminate debt owed for traffic fees and fines](#) for low-income Californians (2021).**

As a part of the state's 2021-2022 budget plan, Governor Gavin Newsom proposed a program to eliminate existing fines and fees for traffic debt owed by low-income Californians. The plan would have allowed individuals to apply for 100% of their traffic debt incurred between January 1, 2015 and June 30, 2021 to be forgiven upon verification of their low-income status. The proposal included an allocation of \$300 million one-time federal American Rescue Plan Act of 2021 (ARPA) funds to cover implementation costs and backfill lost revenue. The proposal was not approved.

Administrative Debt

Administrative fees are charged to individuals to cover the court's administrative costs, and are typically unrelated to their conviction. Types of administrative fees include monthly probation fees, fees for electronic or ankle monitors, booking fees, and collection fees.

Administrative Debt Reforms:

A nonprofit and a debtor's union [forgives probation debt in Mississippi and Florida](#) (2021).

The Rolling Jubilee Fund and the Debt collective together purchased and forgave nearly \$3.3 million in private probation debt. The debt was purchased on the secondary market for \$97,922. The average individual debt forgiven was \$159.

Rhode Island hosts a court [debt review program](#) (2021).

Organized by the Supreme Court Committee on Racial and Ethnic Fairness in the Courts, the Center for Health and Justice Transformation, and the Reentry Campus Program, the program allowed people to meet with a judge to apply to reduce or eliminate outstanding debt and clear cost-related warrants based on an assessment of their ability to pay. In one day, 114 people, owing about \$382,500 in Superior Court costs, saw \$360,815 canceled.