



# Fiscal Impact Analysis of the End Predatory Court Fees Act

Fines & Fees  
Justice Center

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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. Visit [ffjc.us](https://ffjc.us) and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

## Contact

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## Executive Summary

For every traffic ticket or conviction in New York, no matter how minor, courts attach mandatory fees (or surcharges) on top of any fine or sentence imposed. New York's most egregious fee is called the mandatory surcharge.

Fees exist only to raise money for state and local governments. The mandatory surcharge is no different. It can total hundreds of dollars and by law, cannot be waived or reduced. In place since the 1980s, the mandatory surcharge is assessed on top of a fine, or in many cases, even when the judge decides not to impose a fine at all.

Over 60% of New Yorkers are unable to afford their basic needs, leaving hundreds of thousands of New Yorkers to make the difficult decision between paying for essential needs such as housing and childcare, or paying court fines and fees. The amount of the fees has only increased over the past several decades, outpacing the rate of inflation. Without discretionary income to pay fines and fees, New Yorkers often end up in a cycle of debt that has devastating consequences to their financial stability, and which also harms our economy.

New York's No Price on Justice campaign works to enact legislation that would eliminate the mandatory surcharge and end harmful collection practices. Specifically, the campaign supports the [End Predatory Court Fees Act S.313/A.4183 \(Salazar/Burgos\)](#). This bill would (1) eliminate the mandatory surcharge and other fees that attach to traffic tickets and criminal convictions, (2) eliminate probation fees (3) end mandatory minimum fines and require judges to consider a person's economic circumstances when setting fine amounts, (4) abolish the practice of incarcerating people for inability to pay fines or fees and prohibits commissary garnishment to pay for court debt.

The End Predatory Court Fees Act does not include elimination of fines, forfeitures, or restitution. It also does not include administrative fees such as credit card fees and processing fees, rather it tackles the fees tacked on to every conviction in

court, which includes the Mandatory Court Surcharge, DNA Databank Fee, Crime Victims Assistance Fee, etc. The diverse support for eliminating these fees includes organizations and agencies who would receive funding from fee revenue, but object to fees extracted from the same communities they seek to support. This includes victims services groups and indigent legal services. Support for eliminating regressive taxes also extends to labor groups, businesses, fiscal watchdog organizations and law enforcement.

Our analysis shows that the total court fees collected statewide each year, and the fiscal impact of eliminating these fees, is likely between \$28 million and \$33 million, representing a collection rate of only 23%-59%, and represents a minuscule cost relative to the robust size and fiscal health of the NY state budget.

Moreover, by eliminating court fees, the State itself could see savings in areas like costs of incarceration and public assistance programs that low-income people who owe fines and fees may no longer need to rely on as heavily to meet basic needs. Ending the practice of collecting court fees would also free up government staff's time and resources.

New York's state legislature must pass the End Predatory Court Fees Act, which would eliminate court fees and the hardship they bring upon individuals and families without compromising the state's fiscal stability.

## Background

Under New York law, nearly all convictions for criminal and traffic offenses carry a mandatory surcharge, which can range from \$25 for certain parking violations to \$300 for felony offenses, along with an additional crime victims assistance fee that is assessed even when there is no victim.<sup>1</sup> Certain offenses will also require payment of a sex offender registration fee, and most will require a DNA databank fee, even in cases where no DNA is collected. These fees automatically impose what can often be significant financial burdens on anyone convicted of a crime, no matter the severity or circumstance of the conviction.<sup>2</sup>

In 2023, the New York Civil Liberties Union (NYCLU) published a white paper detailing then-current research around how much revenue is being collected from these mandatory surcharges each year and built into the New York State budget. This analysis found that court fee collection rates ranged from 27%-58%, depending on the type of conviction, and that based on then-current data, an estimated \$38 million per year was collected – less than .001% of New York’s annual tax revenues.

Importantly, NYCLU’s report highlights that the way fines and fees are collected in New York State, and the way the revenue flows among state and local funds, is complex, obscure, and difficult to track through existing public documents.

Because of this, it is difficult to pinpoint the full extent to which state and local governments use court fees as a revenue

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<sup>1</sup> See N.Y. Vehicle and Traffic Law § 1809, 1809-a, 1809-aa, 1809-b, 1809-c, 1809-d, 1809-e; N.Y. Penal Law § 60.35(1)(a).

<sup>2</sup> See N.Y. Vehicle and Traffic Law § 1809, 1809-a, 1809-aa, 1809-b, 1809-c, 1809-d, 1809-e; N.Y. Penal Law § 60.35(1)(a).

generator, while consequently spiraling families into deeper and deeper cycles of poverty. To read more about the nature of New York’s infamously byzantine court system, and current understandings and knowledge gaps about that system, please see [NYCLU’s report, \*Following the Money: How New York Tries, and Ultimately Fails, to Extract Revenue from Indigent Criminal Defendants.\*](#)

## FFJC Fee Collection Analysis: The Data

In the last 6 months, the Fines and Fees Justice Center received updated data from the Office of Court Administration (OCA) on assessments and collections for statewide top-charge convictions from 2020-2022, and has been able to use the provided data, as well as additional data from New York State public financial documents, to conduct an additional analysis of the extent to which the State of New York depends on court fees as a revenue stream. While the full scope and possible limitations of the data are still partially unclear, and therefore certain reasonable inferences must be made to conduct an analysis, we believe that this follow up analysis paints a valuable picture of the true cost of eliminating mandatory court fines and fees in the state of New York.

The OCA dataset contains data on the defendant-docket level showing 458,896 convictions for infractions, violations, misdemeanors, and felonies over that three-year period from 159 courts in all 62 counties across New York State (see Table 1). Excluded from the dataset is: town & village data, summonses data tracked through SAMS (Summons Application Management System), and traffic violations data for New York City, which are handled separately by the DMV’s Traffic Violations Bureau. Despite these limitations, this dataset gives us the fullest picture we have to date of

assessments and collections of court fees for the State of New York. FFJC, in consultation with NYCLU, conducted an additional analysis that provides an updated estimate of total statewide collections from court fees, and the subsequent fiscal impact of eliminating them.

## FFJC Fee Collection Analysis: Methodology for Estimating Court Fee Collections

FFJC utilized the same base methodology that NYCLU used in 2022 to assess the amount of court debt imposed on New Yorkers and the amount of revenue collected by the state. Using patterns derived from the updated FOIL data from OCA, we identified inferences about the likely statewide impact of these fees on budgets & operations throughout the state. The picture that emerges is of an ineffective system of public funding that fails to yield substantial revenue, and that would likely not be significantly hurt by the elimination of court fees altogether.

The FOIL data shows 343,614 violations, 56,341 misdemeanor, and 39,771 felony charges from 2020 through 2022. (An additional 19,170 convictions were not labeled by charge and therefore were not included in this analysis.) Due to the unique impact of COVID on total conviction numbers in 2020 and 2021, this analysis uses total conviction counts from 2022 only. However, in order to incorporate as many

data points as possible into the analysis, we do use data from all three years shown in the dataset (2020-2022) to estimate average assessments and overall collection rates. Due to COVID stimulus funding to individuals in 2020 and 2021, overall collection rates may appear higher but are projected to decrease due to the expiration of that funding and the additional financial burden placed on New Yorkers due to inflation and other factors.

Although our analysis examines how much in court fees is both *imposed* on New Yorkers and *collected* from those who can pay, we focus primarily on the latter when considering the fiscal impact that eliminating court fees would have on the state government and budget. This is because the government can only spend down revenue dollars that actually come in the door. Outstanding or imposed debt cannot fund expenditures in the budget if it was never going to be collected in the first place, and so eliminating that debt should not create a net new fiscal impact for the government.

For each top charge, the dataset includes the amount of court fees— including Mandatory Surcharge, DNA Databank Fee, and Crime Victim Assistance Fee—that was assessed and whether that fee was paid, unpaid, or partially paid. (For partially paid cases, this analysis assumes that 50% of the total assessment has been paid.) From this data, we were able to glean average assessment rates and overall collection rates for each type of conviction. Between 2020 and 2022, the data showed the following:

<b>Type of Conviction</b>	<b>Total Convictions (2022)</b>	<b>Average Court Fees Assessed (2020-2022)</b>	<b>Overall Collections Rate (2020-2022)</b>
Violations	132,236	\$71	59%
Misdemeanors	23,429	\$232	18%
Felonies	17,595	\$350	23%

*Fees associated with New York City traffic tickets are not captured in this dataset, because they are assessed and collected by the NYC Division of Traffic Violations Bureau (TVB.) It is important to consider the additional burden from court fees that is placed on people receiving traffic citations in NYC, as they make up a large percentage of overall state violations. The NY DMV has a public data portal, where we were able to identify the number of NYC traffic tickets issued in 2022 to be 629,519<sup>3</sup>. We assume in this analysis that average assessment and overall collection rates for these tickets were comparable to traffic tickets issued in the rest of the state, which is represented in the OCA dataset. Using this assumption, we are able to add the following row of data to our analysis:*

<b>Type of Conviction</b>	<b>Total Convictions (2022)</b>	<b>Average Court Fees Assessed (2020-2022)</b>	<b>Overall Collections Rate (2020-2022)</b>
NYC Traffic Violations	629,519	\$54	75%

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<sup>3</sup> See: <https://www.opendatanetwork.com/dataset/data.ny.gov/q4hy-kbtf>

When we add these traffic violations and associated court fees into our dataset, simple multiplication of total 2022 conviction cases for all convictions, by the three-year average assessments and overall collection rates for each type of conviction, reveal that estimated \$55 million per year in court fees is assessed on New Yorkers, and of that amount, an estimated \$33.4 million is collected.

## **FFJC Fee Collection Analysis: Eliminating Court Fees Costs Are Minimal, Relative to New York Budget**

This analysis gives us an upper estimate for the fiscal impact of eliminating all court fees in the State Budget. According to the estimates derived from this dataset, up to \$33.4 million of General Fund dollars could be needed to replace eliminated court fees as a revenue stream to CJIA and to the General Fund.

A second way to estimate the fiscal impact of eliminating court fees is to pinpoint how many dollars are flowing into the CJIA, where statute dictates that most statewide mandatory court fees should be deposited. The Governor's annual Enacted Budget Plan includes an appendix of all state Miscellaneous Special Revenue Funds including the CJIA;<sup>4</sup> and shows that the CJIA receives nearly all its funding from a category of revenue called "miscellaneous receipts." With a search of New York State

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<sup>4</sup> Governor's Division of the Budget, Enacted Budget Financial Plan by Fiscal Year. See appendix tables "Cash Combining Statement by Account, Miscellaneous Special Revenue Fund": <https://www.budget.ny.gov/pubs/archive/fy23/en/index.html>.

statute yielding no other significant forms of special revenue to be deposited in the fund, we assume that these miscellaneous receipts represent collected court fees. These reports show that over the last five years, the CJIA collected an average of \$26.8M of miscellaneous revenue (presumably court fees) per year.

We do not have a similar view into how much in court fees is routed annually to the General Fund, but we can use basic proportions from the FOIL dataset to derive an estimate. In the dataset, about 4% of all the fees collected are from the DNA databank fee, which is the only major court fee that statute clearly dictates should be directly deposited in the General Fund. Therefore, if we assume that the average of \$26.8M of receipts in the CJIA represents 96% of overall court fee revenue, that means that total court fees revenues would average about \$27.9 million, with about \$1.1 million of that total going directly to the General Fund. This alternative analysis gives us a lower range of the fiscal impact of eliminating court fees, at about \$28 million per year.

## **FFJC Analysis Limitations**

It is important to note that both types of analysis described here have limitations and missing data, forcing us to make various assumptions to compile estimates of court fee assessments and collections. For example, we know from a conversation with OCA staff that the dataset does not include summonses which are tracked in a separate state data system, or NYC traffic tickets. However, we assume this risk of missing data to be relatively low since all counties are represented and NYC traffic ticket fees are manually added to the dataset in our analysis. Additionally, due to the complex and non-linear nature of revenue flow for court fees, it is difficult to be certain of exactly how much fee revenue is flowing



into different funds like the CJIA and the General Funds, and information from public budget documents are sometimes at odds with verbal information we have heard from government agencies. For these reasons, having a range with which to contextualize the state impact of eliminating court fees is helpful.

Court fees assessed and collected by town & village courts are not represented in this data, but given that it is unclear how much of these court fees are remitted to the state versus are held at the local level, the separate impact of court fee elimination for towns and villages warrants further exploration.

In addition to receiving a remittance of revenue generated by fines and fees, localities often plead down certain traffic offenses to municipal violations where the revenue collected will remain with the locality in its entirety. This creates perverse incentives for localities to issue more tickets solely to raise revenue. The impacts of “policing for profit” are most starkly realized in lower income, Black and brown communities that are disproportionately over policed and therefore over-ticketed. Local government reliance on fines and fees for revenue has been linked to devastating outcomes, like the murder of Michael Brown in Ferguson, Missouri and of Philando Castile in St. Paul’s, Minnesota. The more a locality relies on fines and fees, the more frequent traffic stops will take place to generate desired revenue.

Finally, as with any analysis that relies on raw government data, the data relied on for this analysis contains occasional errors, inconsistencies, or unclear markers. Such aberrations are not uncommon in government datasets, and we do not believe they are numerous enough to significantly affect our analysis.

In summary, the analyses that we have done with available data show the fiscal impact of eliminating predatory court fees to likely be between **about \$28 million to \$33 million.**

This estimate represents a miniscule portion of the \$233 billion proposed for spending in the FY25 proposed budget, especially in light of the \$2.2 billion surplus that is currently projected for FY2024. Publicly available reports on the CJIA also show significant fund balance remaining in the fund at the end of each fiscal year— almost \$25 million at the end of FY2023— which could be used to slow the fiscal impact of replacing court fees as a revenue source over multiple years and lower the need for General Fund even further. This is exactly the right time to do away with New York’s outdated, inequitable, and inefficient practice of collecting mandatory court fees from New Yorkers, for once and for all.

## **Cost of The Status Quo: the government risks net losses by continuing to attempt to collect court fees.**

Not only would the fiscal impact of eliminating court fees have a negligible impact on the overall New York State budget, but it would likely make the budget more stable and reliable overall. Based on CJIA receipts reported in the Governor’s annual Enacted Budget Plan, court fees are declining as a revenue source: from FY2019 to FY2023, total deposited miscellaneous receipts to the CJIA have decreased by about half<sup>5</sup>, suggesting that court fees are

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<sup>5</sup> Governor’s Division of the Budget, Enacted Budget Financial Plan by Fiscal Year. See appendix tables “Cash Combining Statement by Account, Miscellaneous Special Revenue Fund”: <https://www.budget.ny.gov/pubs/archive/fy23/en/index.html>.

already failing to fund the types of services they were ostensibly intended to.

Moreover, eliminating court surcharges could also create significant expenditure savings at both the state and local level, and free up government staff's time and resources to focus on important public safety and justice needs.

- **Contextualizing the cost of collections:** Based on our research, we believe that there could be over 300,000 cases of outstanding fines/fees statewide<sup>6</sup>, and **if even 20% of those people required 1 hour of staff time from all the public employees who are involved in collections work** - police officers, court clerks, court officers, public defenders, assistant DAs - **that would cost over \$20 million statewide in time and labor to attempt to collect uncollectible court debt.** Eliminating court fees would unclog court and officer time, freeing them to focus on other issues.
- **Savings to jail and prison operations:** It is incredibly expensive to incarcerate someone in New York (averaging \$1,525 per night in NYC<sup>7</sup>). In many cases, people with outstanding fines and fees are ultimately incarcerated in local jails solely as a result of their debt.

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<sup>6</sup> This estimate is based on total conviction and fee collection data received from DCJS in response to FFJC's FOIL request.

<sup>7</sup> New York City Comptroller, "Comptroller Stringer: Cost of Incarceration per Person in New York City Skyrockets to All-Time High", December 6 2021: <https://comptroller.nyc.gov/newsroom/comptroller-stringer-cost-of-incarceration-per-person-in-new-york-city-skyrockets-to-all-time-high-2/>.

Beyond the devastating short and long term impacts that incarceration has on people's lives, it is **costly to counties and unnecessarily expands the carceral system.** In 2017 (the most recent year we were able to obtain data), in NYC alone, 161 people were incarcerated for non-payment of fines/fees, costing close to \$4 million dollars (based on the 15 day average incarceration for nonpayment of fines and fees).

- **Savings to NY public assistance programs:** National research<sup>8</sup> shows that when people owe significant amounts in fines and fees relative to their income, they often have to cut back on basic needs in order to make required payments and avoid consequences such as incarceration for nonpayment. New York has built up a multi-layered social safety net, and when people are pushed deeper into poverty by fines/fees debt, they must rely more heavily on these public assistance programs for their basic needs – which then costs the government more money. Though we do not know exactly how many people statewide rely on these programs because their incomes have been redirected to pay off court fees, if court fees are eliminated, we believe that state and local budgets could see savings in the following areas:

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<sup>8</sup> Wilson Center for Science and Justice and the Fines and Fees Justice Center, "Debt Sentence:

How Fines and Fees Hurt Working Families", May 2023: [https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt\\_Sentence\\_FFJC-Wilson-Center-May-2023.pdf](https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt_Sentence_FFJC-Wilson-Center-May-2023.pdf).

Example of Public Assistance	Description of Savings Possibilities
State Food Assistance Programs	In a recent national survey <sup>9</sup> of people with fine/fee debt, 35% of respondents reported experiencing food insecurity. Thirty-five percent of estimated cases of outstanding fines/fees could mean over 100,000 people in New York who owe fines/fees experience food insecurity. Even if each of these people only needed one month of food assistance, that could cost the state up to \$3.4 million per year (based on food assistance cost estimates reported by the New York Comptroller <sup>10</sup> ) – a cost which could turn into savings for the state if court fees were eliminated.
Housing Assistance/ Emergency Shelter	In the same national survey of people with outstanding fine/fee debt, 27% reported experiencing housing insecurity. The 2021 per person cost of an emergency shelter in NYC was \$138 per night <sup>11</sup> - if even only 1% of estimated NYC residents who currently owe fines and fees use emergency shelter services for 1 month, that could cost the City nearly \$6 million dollars. Keep in mind this cost estimate only takes into account NYC. <sup>12</sup> It’s not hard to imagine the statewide cost savings from eliminating NY court fees could double this amount - and put dollars back in the pockets of people who need it for rent.

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<sup>9</sup> Ibid.

<sup>10</sup> New York City Comptroller, “Comptroller Stringer: Cost of Incarceration per Person in New York City Skyrockets to All-Time High”, December 6 2021: <https://comptroller.nyc.gov/newsroom/comptroller-stringer-cost-of-incarceration-per-person-in-new-york-city-skyrockets-to-all-time-high-2/>.

<sup>11</sup> New York City Independent Budget Office, “Adams Increases Funds for Homeless Shelters, But More Needed for Shelters & Other Programs”, March 2022: <https://ibo.nyc.ny.us/iboreports/adams-increases-funds-for-homeless-shelters-but-more-needed-for-shelters-and-other-programs-fopb-march-2022.pdf>.

<sup>12</sup> New York State Unified Court System, Division of Technology and Court Research, “OCA-STAT Act Report”, <https://ww2.nycourts.gov/oca-stat-act-31371>.

## Conclusion

Our analysis shows that the annual revenue impact to the State of eliminating court fees statewide would be between **\$28 million - \$33 million**, a drop in the bucket for the State's resources. By eliminating court fees and replacing the revenue with General Fund dollars, the state will secure a far more stable and reliable revenue stream that does not depend on dollars from New Yorkers least able to pay.

We believe that replacing any lost revenue with a more stable and sustainable revenue stream—and one that does not pull money out of the pockets of those who can least afford to pay it— will be better for New York residents, people who benefit from the programs and services that receive funding from fines and fees, and the overall state budget.