



Assessments & Surcharges

A 50-State Survey of Supplemental Fees

Fines & Fees
Justice Center

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Supplemental Fees

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 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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Introduction

Fees are imposed on people accused of offenses in criminal, juvenile, municipal, and traffic courts around the country and are used to fund all types of court- or government-related programs, activities, or functions. For decades, justice fees have been a way that states raise revenue through a system of hidden taxes.¹

Among these court-imposed costs, there is a particularly pernicious category of fees that are imposed on people simply because they are involved with the justice system. Whether they are called administrative assessments, surcharges, court costs, privilege taxes, docket fees, or something else, the one thing they have in common is that *they are imposed in nearly every criminal, traffic, or local ordinance case—regardless of the offense, sentence, or specific circumstance of the particular case*. Most are imposed only after conviction, but others, like docket fees, are imposed even if a person is acquitted or the charges are dismissed.² For the purposes of this report, we collectively call these fees “assessments and surcharges,” recognizing that they may go by other names in different jurisdictions. Ultimately, these are “catch all” fees that legislatures impose to collect money exclusively from people drawn into a state’s various justice systems.³

Unlike other fees in the justice system that are dependent on a particular event, condition, or outcome—such as probation fees for being placed on probation, jail fees for days spent incarcerated, or fees for entering court-ordered programs—assessments and surcharges apply to everyone. Sometimes assessments and surcharges are used to fund court

operations or administration, but they also often fund things that have no nexus to the justice system or the underlying case, including a host of other government agencies, programs, services, or research.

It is a misnomer to refer to these assessments and surcharges as “user fees,” though many policymakers, and even some reform advocates, use that term. A user fee is a cost imposed because someone engages in a voluntary service—such as a video streaming service or a utility—or avails themselves of a special government allowance, such as a hunting license or a camping permit. People who are involved in criminal, municipal, or traffic courts are not participating voluntarily. They are not “users” of a system; they are subjected to it.

Effective courts are an essential government function that benefits all of society, not simply those impacted by a particular case. The justice system serves everyone by keeping communities safe, resolving disputes, and enforcing rights and responsibilities—and the vast majority of US voters agree it should be funded by everyone.⁴

The key to defining an assessment or surcharge is its general application in a particular court. Some may be applicable in all criminal court matters, in all traffic court cases, or in both. Some of these fees might also be tiered, depending on the severity of the case—for instance, there may be a higher fee in felony cases than in misdemeanors or traffic cases—but they still apply in all cases within a particular criminal, juvenile, municipal, or traffic court.

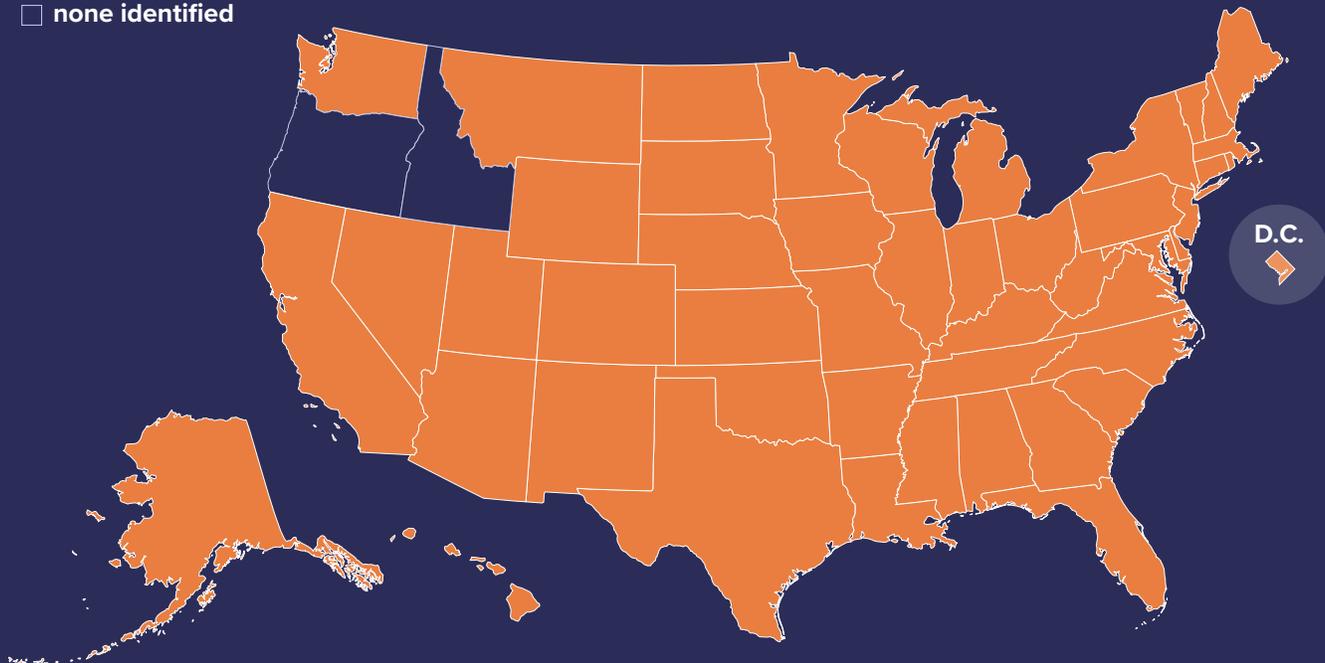
With this definition of “assessments and surcharges,” FFJC conducted a survey of the statutes in all 50 states and the District of Columbia to better understand where and to what extent these types of fees are authorized by state legislatures.



Assessments & Surcharges Across the Country

48 States and DC imposed one or more assessments and surcharges on people simply for being in criminal, municipal, or traffic courts.

- yes
- none identified



States That Authorize Assessment & Surcharge Fees

32 states have statutes that automatically impose a fee that directly benefits court operations, either providing revenue to a specific judicial fund or a general court operating account.

19 states have statutes imposing a fee that raises revenue for a state or county general fund, at least in part.

32 states and DC have a mandatory fee that benefits a victims' compensation fund, regardless of whether the case involves a victim. Depending on the jurisdiction, these fees can go as high as \$10,000⁵ per offense, and are imposed even if specific victim restitution is also ordered in a case.

29 states impose a fee to fund outside government programs, services, or agencies.

- » Examples of such government programs include "crime stoppers" funds,⁶ a volunteer ambulance fund,⁷ local law libraries,⁸ independent living programs,⁹ autism treatment and research,¹⁰ sheriff pension funds,¹¹ civil legal services,¹² and even a law enforcement officer hall of fame.¹³
- » These also include justice-related fees that are charged against all defendants, even if the program had no nexus to the defendant's case. Examples of such fees charged in some states against everyone—even if not applicable in their individual case—include assessments or

surcharges for DNA database maintenance,¹⁴ drug education programs,¹⁵ community corrections or county jail fees,¹⁶ police academies or police training,¹⁷ and a death penalty prosecution fund.¹⁸

Only 2 states do not have statutes imposing any universally mandatory assessment or surcharge.

- » Although Idaho has several different fees that may be imposed under certain circumstances or for select offenses, we found no statutory fee universally applicable to all cases.

- » Oregon eliminated its “unitary assessment” in 2012.¹⁹ Now all fees imposed at or after sentencing are dependent on factors other than mere court involvement.

An Unreliable and Harmful Form of Taxation

Like all fees in the justice system, assessments and surcharges are a form of taxation the government imposes to raise revenue to fill government coffers. Some states, like Kentucky and Tennessee, explicitly call their versions of assessments and surcharges “taxes.”²⁰ Many of these fees are imposed without any consideration of whether a person has the ability to pay them and are instead mandated by the legislation on a select segment of the population. Functionally, however, this is a regressive form of taxation, meaning it is largely imposed in a way that those with the lowest economic means shoulder the highest costs. People of color and lower-income earners make up the largest portions of those in the justice system, far exceeding their percentage of the general population.²¹ Therefore, when these assessments and surcharges are meted out, they fall most heavily on these communities. So, despite the fact that the entire community benefits from a well-functioning legal and public safety system, not everyone pays for it in an equitable way.

This inequitable imposition has significant negative impacts—both on those who are required to pay, and on those who depend on the income these fees are expected to generate. The reality is that hard-working residents living paycheck-to-paycheck are often unable to afford the fees imposed upon them. Often, sanctions intended to make people pay do exactly the opposite by making it harder to find or maintain employment, housing, or other life necessities required to earn income. Driver’s license suspensions, extended probation, incarceration, late fees, and payment plan fees are just some examples of sticks the system uses to bludgeon people into paying, but which in reality make it harder for them to pay. Nationwide there is well over \$27 billion in unpaid fines and fees.²² For courts or other government programs dependent on the revenue created by these assessments and surcharges, the lack of reliable collections can leave them with unstable budgets.²³

Creating budgets and programs that are dependent on arrests and convictions is literally banking on crime. If crime goes down, so does the revenue needed to fund the government.

Revenue Collection Prioritized Over Accountability

This financial dependence on crime as a revenue generator creates deep and perverse conflicts of interest. Some states are very clear that raising revenue is a priority over other traditional goals of the justice system, such as accountability. In Indiana, for example, all those convicted of a felony or misdemeanor must pay a “court cost fee” of \$120. The statute expressly outlines that, whenever a person pays only a portion of their total financial obligations to the court clerk, the money must first go to paying off this court cost fee, followed then by three other categories of funds that must receive money before payments are ever credited against the fine that was imposed.²⁴ In other words, if the state cannot collect everything, the tax revenue has the highest priority and the fine, which is ostensibly supposed to be the actual punishment for the offense, has the lowest.

In Georgia, surcharges are assessed as an added percentage of some underlying criminal fines imposed at sentencing.²⁵ Although judges may waive fines if they believe a person is unable to pay them, the legislature requires judges to still impose a “theoretical fine” on which the revenue-generating surcharges must be calculated. Other states, like Colorado, Montana, and New Hampshire,²⁶ ensure their revenue-generation by imposing both a base fee and a percentage fee, requiring the individual to pay whichever is greater. So, if the court does not impose a fine for whatever reason, the base fee is still generating some revenue for court or government programming. In each of these states, it is hard to deny that making money is the driving goal.

Additionally, some states impose assessments and surcharges with the aim of funding things that are wholly outside of the justice system, such as a spinal cord injury research fund,²⁷ an emergency medical services (EMS) fund,²⁸ or brain injury fund.²⁹ In this way, lower-wage earners and people of color who bear a disproportionate cost burden in the justice system are also forced to fund other government programs that general taxpayers are not. No matter how important those other programs may be, this is a not-so-subtle way of getting around taxing the segments of the voting population legislators may be reluctant to burden.

The burden of assessments and surcharges imposed on just those in the justice system is more than simply financial. In most states, failing to pay a court assessment or surcharge can lead to sanctions such as civil judgments, driver’s license suspension, new criminal or civil contempt of court charges, and even incarceration.³⁰ Several states—such as Alaska, Minnesota, Mississippi, and New York—are so determined to collect these assessments and surcharges that their statutes explicitly provide that an individual’s inability to pay does not exempt someone from owing these fees.³¹

Victim Compensation Funds When There’s No Victim

In 32 states and DC, universal assessments or surcharges are also imposed to raise revenue for funds dedicated to compensating victims of crimes.³² Victims deserve to be made as whole as possible when they experience a loss due to a crime, and it is laudable that state governments have created programs to compensate such victims. However, funding these programs by imposing a flat fee on anyone convicted of an offense—even those convicted of charges in which there was no victim, such as possession of an illegal drug—is an inequitable and ineffective way of raising money for victims.

The federal Victims of Crime Act of 1984 (“VOCA”) is a major source of funding for state-based victim compensation funds. All 50 states and DC receive federal dollars from this fund to supplement their respective compensation programs.³³ In 2021, Congress increased the pool of funds available to states.³⁴ Each year, states are eligible for a federal grant equal to at least 75% of their annual victim compensation costs.³⁵ Victim compensation funds reimburse people for losses, such as medical expenses, funeral expenses, or lost wages, while separate federal grant funding is available to fund victim assistance programs for ongoing services such as crisis intervention, counseling, and victim advocate assistance.³⁶

States fund the remaining 40% of their victim compensation programs through a variety of ways, including legislative set-asides, civil lawsuit awards, direct restitution programs, or discretionary fees in

specific victim-related cases.³⁷ However, 32 states and DC use assessments or surcharges imposed against every person convicted of an offense to fund a victim compensation fund, even if there was no victim in the case. Four states—Delaware, Indiana, Florida, and Michigan—also allow courts to charge additional restitution costs *to reimburse the state fund* if any money, including that supplied by federal grant dollars, was used to compensate a victim.³⁸ In essence, in these states, if the fund pays anything to a victim, the person convicted pays twice: first they pay the court surcharge for the victims’ fund, and then they pay a reimbursement to the state for any money it spent from that same fund.

A Modern-Day Poll Tax

For much of US history, poll taxes were a way that states raised much-needed general revenue,³⁹ just as assessments and surcharges are today. In many ways, the poll tax was a substitute for the property tax, given that only landowners were historically able to vote. After the Civil War, however, the poll tax became a weapon for disenfranchisement of Black people. Many former confederate states granted poll tax exemptions to poor white men who had ancestors that had previously voted, while staunchly enforcing poll taxes against formerly enslaved people who could not be similarly “grandfathered” under the law.⁴⁰

Although often thought of exclusively as a tax on the right to vote, the failure to pay a poll tax also historically carried with it the denial of other rights and privileges, including restrictions on licenses to fish, hunt, or drive. When the U.S. Supreme Court ultimately ruled it unconstitutional to tie the right to vote to payment of a poll tax in 1966, it did not invalidate the use of poll taxes themselves.⁴¹ Indeed, poll taxes persisted in several states as a way of continuing to raise money for the state. For example, in Vermont, although no longer tied to voting, failure to pay a poll tax remained legal grounds for suspending driver’s licenses until the poll tax was eliminated by the legislature in 1982.⁴²

Like poll taxes, modern-day court assessments and surcharges are “court taxes” intended to finance government functions, much in the same way other

taxes do.⁴³ Failure to pay these court-imposed tax substitutes leads to a host of penalties, restrictions, and punishments, including suspension of drivers’ licenses, revocation or extension of probation, and even threats of jail time. And, not unlike poll taxes, failure to pay assessments and surcharges can also prevent people from voting. As of 2019, 30 states had laws restricting voting rights of people who have unpaid court debts.⁴⁴

Nationwide, the impact of these “court taxes,” and the sanctions used to enforce them, continue to burden communities of color at disparate rates. When challenged, courts regularly rule that these kinds of fee collection enforcement mechanisms are constitutional, absent legislation to the contrary. It is, thus, incumbent upon state and local lawmakers to end these unfair and inequitable forms of taxation. Just because something is currently legal, doesn’t make it right.

Conclusion

Courts around the country are being used to generate revenue for the state. Assessments and surcharges in the criminal, juvenile, municipal, or traffic systems are rampant. This money goes to countless government programs both within and completely unrelated to the justice system.

Not only is funding the government this way unfair—disproportionately burdening people of color and lower-income earners—it is also counterproductive public policy. When people simply do not have the ability to pay these fees, the programs that rely on these fees become unstable. No manner of punishment can magically create money that people simply do not have. As the COVID-19 pandemic and the economic turmoil it initiated have laid bare, relying on such fees to fund core government functions hurts everyone. States must stop funding government through assessments and surcharges on those in the justice system.

Methodology and Limitation of the Findings

This examination is intended as a starting point for understanding the breadth and scope of assessments and surcharges across the United States. To compile this report, FFJC's research staff conducted an extensive search of the criminal, traffic, municipal, and juvenile codes (as well as sections of the codes dedicated to court organization and financing) in all 50 states and DC to identify statutes and court rules that authorize imposing fees that fit our definition of "assessments and surcharges." (See the introduction of this report for more on this definition.) We used statutory databases (Westlaw and Lexus/Nexus) as well as public online state codes and court rules repositories. We then analyzed and categorized the statutes and rules, comparing authorization language, amounts, and where the revenue was to be directed.

Although our research was thorough, we cannot claim it to be exhaustive. Identifying authorization for assessments and surcharges is complex and posed some difficulties because statutes and rules use a wide variety of terminology when referring to which fees are universally imposed in criminal, juvenile, municipal, and traffic proceedings. While we identified such an assessments and surcharges scheme in nearly every state, there may well be examples that we did not find. Moreover, when our research did not uncover specific authorization, we cannot be certain that authorization to impose fees does not exist, as it may reside in unexpected portions of a code. Authorization could also come from non-statewide sources, such as local rules, ordinances, or case law, a full examination of which was beyond the scope of this report. However, the challenge in deciphering these authorizations itself sheds light on the scope of the problem and the quagmire of legislative schemes that create these fees.

Additionally, the wide array of terms used for court fees of general applicability, the lack of specificity as to where funds must be deposited and how they are to be used, and a lack of clarity in whether fees are mandatory (whether the imposition is mandatory but the fee can be waived or reduced, or whether there is greater discretion) continues to

complicate the classification process and the analysis of how much can be assessed against a person. Vagueness, or even silence, in statutes leaves room for interpretation. Some jurisdictions may read statutes to provide the authorization to impose costs we would classify as assessments and surcharges, whereas others may not.

Appendix

Assessments and Surcharges: Who Gets the Money?

This chart outlines the breadth of assessments and surcharges FFJC identified across the United States. We have separated statutes that authorize assessments and surcharges into four main categories, based on where the revenue generated from them ultimately goes.

The Judiciary: Revenue from these fees benefits judges, clerks, or other court personnel; supports physical or technological court infrastructure; goes to court general funds; or are identified as “court” costs without any clear indication as to where those funds shall be deposited, once collected by the court system.

State or County General Fund/Budget: Revenue from these fees is unrestricted, undefined, or unspecified and sent to an executive branch general fund. Many state statutes direct court tax revenue to a state or county treasurer as a first step, but may also specify that it be used for specific purposes or programming. In such cases, if the money is ultimately directed elsewhere, it is not included in this category. Only funds that appear to stay in general use by the state or county are listed under this category.

Victims’ Fund: Revenue from these fees goes to benefit an official victim or witness compensation/assistance program run by the government. These do not include individualized restitution orders in which particular people are ordered to pay direct restitution for the harms they personally caused. Instead, the court tax revenue in this category benefits some statutorily-created fund or program to which victims may apply for compensation or assistance. To qualify under this category, a fee is universally imposed on people in the criminal legal system, even if it may fall within some discretionary range. The statutes in this portion of the chart assess victims’ fund surcharges on felony, misdemeanor, juvenile, traffic, and ordinance offenses unless otherwise noted. A lack of a victim does not waive the fee.

Other Government Agency or Programming: Revenue from these assessments and surcharges funds some government-created entity that may or may not be related to the justice system, but which is largely or exclusively funded by court-generated revenue. This category is broad and can include assessment and surcharge revenue that supports justice-related agencies not under the control of the judiciary—such as prosecutor offices, public defenders, law enforcement, or corrections department—as well attenuated or entirely separate government-supported programming not sustained by general taxation or other legislative appropriations. Specific funds and programs that benefit from these assessments and surcharges are identified within the chart.



STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Alabama	<p>\$30 Criminal History Processing Fee Ala. Code 1975 § 12-19-180</p> <p>\$22 in Municipal Court Fees Ala. Code § 12-14-14</p>	<p>\$92–\$185 in criminal and juvenile docket fees Ala.Code §§ 12-19-171; 12-19-154</p>	<p>\$2–\$15 in “costs” to fund the Crime Victims’ Compensation Commission</p> <p>\$25–\$10,000 as a “Penalty Assessment” to the fund Ala. Code § 15-23-17(a)&(b)</p>	<p>\$16 + \$5 in “Fair Trial Tax Fund” costs (to fund indigent defense) Ala.Code 1975 §§ 12-19-251.1(c); 12-19-171</p>
Alaska		<p>\$20–\$200 General Surcharge Alaska Code § 12.55.039</p>		
Arizona	<p>55% added to any underlying fine, penalty, or forfeiture amount Ariz. Rev. St. § 12-116.01</p>		<p>\$2 added to every fine, forfeiture, or penalty imposed Ariz. Rev. St. § 12-116.09</p>	<p>10% surcharge on all civil and criminal fines to the Clean Elections Commission and Fund Ariz. Rev. St. § 16-954</p>
Arkansas				<p>\$25-\$300 in “court costs” the majority of which goes to fund:</p> <ul style="list-style-type: none"> » prosecutor offices; » public defender services; » county jails; » law libraries; and » intoxication detection equipment <p>Ark.Code Ann. §§ 16-10-305, 16-10-306, 16-10-307</p> <p>\$25 of the court costs to the Domestic Peace Fund</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
California ⁴⁵	<p>\$40 court operations assessment Cal. Penal Code § 1465.8</p>	<p>A state penalty of \$10 must be added for each \$10 increment in the original fine, penalty, or forfeiture imposed in all criminal offenses (so, a \$100 fine carries an additional \$100 of fees). The revenue from these penalty assessments are generally split 30/70 between county and state general funds. Cal. Penal Code § 1464</p> <p>An additional state surcharge of 20 % on the base fine used to calculate the state penalty assessment Cal. Penal Code § 1465.7</p> <p>An additional \$7 county penalty on each \$10 increment in the original fine, penalty, or forfeiture imposed in all criminal offenses (so, a \$100 fine carries and additional \$70 of fees) Cal. Gov. Code § 76000</p>	<p>\$150–\$10,000 in restitution fines to a state fund that benefits victims⁴⁶ CA PENAL § 1202.4</p>	<p>Counties may levy an additional \$2 for each \$10 increment in the original fine, penalty, or forfeiture imposed in all criminal offenses (so, a \$100 fine carries and additional \$20 of fees) to benefit an Emergency Medical Services (EMS) Fund Cal.Gov.Code § 76000.5</p>
Colorado	<p>\$21–\$40 in docket fees upon conviction Colo. Rev. Stat. Ann.. § 13-32-105</p> <p>\$5 surcharge for the court security cash fund Colo. Rev. Stat. Ann. § 13-32-104</p>		<p>\$22–\$163 or 37% of fine, whichever, is greater, as a surcharge for victims, witnesses, and law enforcement Colo. Rev. Stat. Ann. § 24-4.2-104</p>	
Connecticut			<p>\$15-\$20 in court costs⁴⁷ Conn. Gen. St. § 54-143</p>	

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Delaware	<p>\$1 to the videophone fund</p> <p>\$1 to the Justice Information Systems Fund 11 Del. C. § 4101</p> <p>Up to \$10 as Court Security Assessment 10 Del.C. § 8505</p>		<p>\$10 or 18% of any fine, penalty, or forfeiture imposed, whichever is greater (only applied in criminal and juvenile offenses) 11 Del.C. § 9016</p>	<p>\$15 to the Fund to Combat Violent Crimes 11 Del. C. § 4101</p> <p>\$10 for the Volunteer Ambulance Fund (traffic cases only) 11 Del. C. § 4101</p>
District of Columbia			<p>\$50–\$5,000 (does not apply to minor traffic offense) DC ST § 4-516</p>	
Florida	<p>\$3 to the Court Cost Clearing Trust Fla. Stat. Ann. 938.01</p> <p>\$3 retained by Clerk of Court Fla. Stat. Ann. 938.06</p>	<p>\$60–\$225 in additional costs to the General Fund Fla. Stat. Ann. § 938.05</p> <p>Up to \$65 in County Court Costs Fla. Stat. Ann. 939.185</p>	<p>\$50 (does not apply to minor traffic offense) Fla. Stat. Ann. 938.03</p>	<p>\$17 to Crime Stoppers Trust Fund Fla. Stat. Ann. 938.06</p> <p>\$20 or \$50 to Crime Prevention Fund Fla. Stat. Ann. 775.083(2)</p>
Georgia ⁴⁸			<p>5% added to any fine imposed in a criminal offense or ordinance offense, to benefit the local victim fund Ga. Code Ann. § 15-21-131</p>	<p>Additional 10% “penalty sum” in all criminal, traffic, or ordinance offenses, to benefit the county jail fund Ga. Code Ann. §§ 15-21-93 & 15-21-94</p> <p>Additional \$5 county law library fee Ga. Code Ann. § 36-15-9</p> <p>The lesser of \$50 or 10% of original fine; plus an additional 10% of original fine as a fee to the Peace Officer, Prosecutor, and Indigent Defense Fund Ga. Code Ann. § 15-21-73</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Hawaii			\$30–\$505 (only in criminal cases) Haw. Rev. Stat. § 351-62.6	
Idaho				
Illinois	<ul style="list-style-type: none"> » \$20 to Court Automation Fund » \$20 to Court Document Storage Fund » \$5 to Circuit Court Clerk Administration Fund » \$10 to Child Advocacy Center Fund » \$2 into the State’s Attorney Records Automation Fund » \$2 into the Public Defender Records Automation Fund » \$10–\$20 into the County Jail Medical Costs Fund » \$20 into the Probation and Court Services Fund <p>IL ST CH 705 §§ 135/15-5, 135/15-25, 135/15-45, & 135/15-50</p>	<p>\$185-\$255 to the County’s General Fund</p> <p>IL ST CH 705 §§ 135/15-5, 135/15-25, 135/15-45, & 135/15-50</p>	<p>\$3–\$100</p> <p>IL ST CH 705 §§ 135/15-5, 135/15-25, 135/15-45, & 135/15-50</p>	<ul style="list-style-type: none"> » \$50 into the State Police Operations Assistance Fund » \$10 into the State Police Merit Board Public Safety Fund » \$20–\$35 into the State Traffic and Criminal Convictions Surcharge Fund <p>IL ST CH 705 §§ 135/15-5, 135/15-25, 135/15-45, & 135/15-50</p>
Indiana	<p>\$70–\$120 in general court costs IC §§ 33-37-4-1, 33-37-4-2, 33-37-4-3</p> <p>\$2 jury fee (even if no jury in the case) IC 33-37-5-19</p>			

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Iowa	<p>\$8–\$100 for docketing fee if convicted, to the state court administrator Iowa Code Ann. § 602.8106</p>		<p>32% of the surcharge from Iowa Code Ann. §911.1 (see column to the right) to be deposited in the victim compensation fund Iowa Code Ann. § 602.8108</p>	<p>15% Surcharge on all fines/forfeitures to benefit the juvenile detention home fund, victim compensation fund, criminalistics laboratory fund, and drug abuse resistance education fund Iowa Code Ann. § 911.1</p>
Kansas	<p>» \$86–\$180.50 in traffic and criminal docket fees » \$22 additional docket fee to support non-judicial court staff Kan. Stat. Ann. §§ 28-172a, 28-177</p>			
Kentucky	<p>\$100 “taxation of court costs” Ky. Rev. Stat. §§ 24A.175, 23A.205 \$10–\$20 additional costs if case is in district court (i.e., is a misdemeanor or traffic offense) Ky. Rev. Stat. § 24A.185</p>	<p>\$5 Ky. Rev. Stat. § 24A.1765</p>		<p>\$20 in extra court costs to benefit county jails and police Ky. Rev. Stat. § 24A.176 \$5 for behavioral health jail triage systems Ky. Rev. Stat. § 24A.1765</p>
Louisiana	<p>\$5–\$100 to benefit court clerks LSA-R.S. 13:847</p>		<p>Not less than \$50 in felony cases; not less than \$7.50 in misdemeanors and violations. (does not include noncriminal traffic offenses) LSA-R.S. 46:1816(D)</p>	<p>\$2 for local law enforcement training LSA-R.S. 46:1816(E)</p>
Maine		<p>Surcharges of 14% and 5% added to every fine, forfeiture or penalty imposed for the Government Operations Surcharge Fund and the General Fund Me. Rev. Stat. tit. Ann. 4 § 1057</p>	<p>\$20–\$35 (in criminal offenses) Me. Rev. Stat. tit. Ann. 5. § 3360-I</p>	<p>1% surcharge on every fine, forfeiture or penalty to benefit Jail Operations fund Me. Rev. Stat. tit. Ann.34-A § 1210-D</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Maryland			<p>\$35–\$45 to a series of victim and witness funds (in criminal offenses) MD Code, Courts and Judicial Proceedings, § 7-409</p>	
Massachusetts		<p>25% added to any assessed fine or forfeiture Mass. Gen. Laws 280 § 6A</p>	<p>\$45–\$90 (in felony, misdemeanor, and juvenile offenses) Mass. Gen. Laws. 258B § 8</p>	
Michigan	<p>\$50–\$68 M.C.L.A. 769.1j</p>		<p>\$25–\$130, 90% of which goes to the victim fund and 10% to the court for administration of the fund (does not apply to traffic offenses) M.C.L.A. 780.905</p>	
Minnesota		<p>\$75 surcharge on all felonies and misdemeanors and \$12 surcharge on all parking infractions Minn. Stat. Ann. § 357.021-6.</p>		<p>Each county may set a surcharge fee on all criminal convictions to benefit the local law library in an amount set by the local library board Minn. Stat. Ann §§ 134A.10 & 134A.09</p>
Mississippi		<ul style="list-style-type: none"> » State assessment of \$90.50 for a minor traffic offense » \$121.75 for a misdemeanor » \$280.50 for a felony <p>MS ST § 99-19-73</p>		<p>\$2 surcharge to Crime Stoppers Fund Miss. Code Ann. § 45-39-17</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Missouri		<p>\$2 surcharge on all criminal and juvenile cases to the county general fund Mo. Rev. Stat. § 488.5026</p>	<p>\$7 surcharge in all criminal, juvenile, traffic and ordinance violations, to benefit a victim's compensation fund Mo. Rev. Stat. § 488.5339</p>	<p>\$1 Independent Living surcharge Mo. Rev. Stat. § 488.5332</p> <p>\$30-60 surcharge for felonies and \$15 for misdemeanors to the DNA Profiling fund Mo. Rev. Stat. §488.5050</p> <p>\$2 surcharge on all criminal and traffic offenses for police training Mo. Rev. Stat. § 488.5336</p> <p>\$8-\$10 criminal filing fee to benefit the civil legal services fund Mo. Rev. Stat. §488.031</p>
Montana	<p>\$10 court technology surcharge in all criminal convictions Mont. Code Ann. §3-1-317</p>	<p>Taxable court costs of \$15 for each misdemeanor charge and \$20 or 10% of the fine levied for each felony charge (whichever is greater) Mont. Code Ann. § 46-18-236</p>		
Nebraska	<p>\$9 on all criminal cases to the Nebraska Retirement Fund for Judges Neb.Rev.St. § 24-703</p> <p>\$8 to be taxed as costs to fund court automation Neb.Rev.St. § 33-107.03</p> <p>\$1 for a universal data analysis fee in all criminal cases Neb.Rev.St. § 47-633</p> <p>\$27 docketing fee for any county court criminal case being reviewed by the district court Neb.Rev.St. § 33-106</p>		<p>\$1 for each misdemeanor or felony conviction to the victims' compensation fund Neb.Rev.St. § 33-157</p>	

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
<p>Nevada</p>	<p>\$10 administrative assessment for court facilities Nev. Rev. Stat. § 176.0611</p> <p>\$7 administrative assessment for specialty court funding Nev. Rev. Stat. § 176.0613</p> <p>\$30-\$120 as an additional administrative assessment added to any misdemeanor or municipal ordinance fine or fee to be apportioned between the court and the state (as described in the statute) Nev. Rev. Stat. § 176.059</p> <p>\$5 administrative assessment for the use of the District court Nev. Rev. Stat. § 176.062</p>	<p>\$30-\$120 as an additional administrative assessment added to any misdemeanor or municipal ordinance fine or fee to be apportioned between the court and the state (as described in the statute) Nev. Rev. Stat. § 176.059</p> <p>\$20 administrative assessment to the state for use by the Attorney General Nev. Rev. Stat. § 176.062</p>		<p>\$3 administrative assessment in all felony and misdemeanors to benefit fund for obtaining a biological specimen and conducting a genetic marker analysis Nev. Rev. Stat. § 176.0623</p>
<p>New Hampshire</p>	<p>\$2 or 24% of underlying fine/ forfeiture, whichever is greater (16.67% of which goes to the judiciary) N.H. Rev. Stat. § 106-L:10</p>	<p>\$2 or 24% of underlying fine/ forfeiture, whichever is greater (66.66% of which goes to the general fund) N.H. Rev. Stat. § 106-L:10</p>	<p>\$2 or 24% of underlying fine/ forfeiture, whichever is greater (16.67% of which goes to the victims' assistance fund) N.H. Rev. Stat. § 106-L:10</p>	

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
<p>New Jersey</p>	<p>Up to \$33 for all criminal and traffic cases in municipal courts N.J. Stat. Ann. § 22A:3-4</p>			<p>\$5 for Automated Traffic System Fund; and (only in traffic cases) \$0.50. for the Emergency Medical Technician Training Fund N.J. Stat. Ann. § 22A:3-4</p> <p>In all traffic offenses:</p> <ul style="list-style-type: none"> » \$1 for the New Jersey Spinal Cord Research Fund » \$1 for the Autism Medical Research and Treatment Fund » \$3 for the New Jersey Forensic DNA Laboratory Fund » \$1 for the New Jersey Brain Injury Research Fund <p>N.J. Stat. Ann. 39:5-41</p>
<p>New Mexico</p>	<p>In magistrate & metropolitan courts:</p> <ul style="list-style-type: none"> » \$20 criminal docket fee » \$10 court automation fee » \$3 judicial education fee » \$5 jury and witness fee » \$10-\$24 court facility fee <p>N. M. S. A. 1978, § 35-6-1:</p> <p>\$35 docketing fee for appeals from magistrate courts to district court N. M. Stat. Ann. 1978 § 35-13-2</p>		<p>\$50-\$75 (in felonies and misdemeanors) N.M. Stat. Ann. § 31-12-13</p>	<p>\$5 Domestic Violence Offender Treatment fee (in all offense, not just DV cases) N. M. Stat. Ann. 1978, § 31-12-11</p> <p>In magistrate & metropolitan courts:</p> <ul style="list-style-type: none"> » \$10-\$20 corrections fee; » \$5 brain service injury fee (traffic only); » \$3 traffic safety fee (traffic only) <p>N. M. Stat. Ann. 1978, § 35-6-1</p>
<p>New York</p>		<p>\$95-\$300 mandatory criminal surcharge NY McKinney's Penal Law § 60.35</p>	<p>\$25 (in felonies, misdemeanors, and violations) NY McKinney's Penal Law § 60.35</p>	<p>\$50 DNA Databank Fee (in any felony or misdemeanor other than prostitution) NY McKinney's Penal Law § 60.35</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
North Carolina	<ul style="list-style-type: none"> » \$12-\$20 courtroom fee » \$4 courtroom telecom and data fee » \$5 indigent defense fee (regardless of whether court appoints a lawyer) <p>N.C. Gen. Stat. Ann. § 7A-304</p>	<p>\$147.50–\$157.50 Court of Justice fee N.C. Gen. Stat. Ann. § 7A-304</p>		<ul style="list-style-type: none"> » \$6.25 to the state and local law enforcement retirement and insurance benefit » \$1.25 supplemental fee for sheriff pension benefits » \$2 state DNA database fee <p>N.C. Gen. Stat. Ann. § 7A-304</p>
North Dakota	<ul style="list-style-type: none"> » \$125–\$900 Court Administration Fee » \$100 indigent defense and court facilities fee <p>N.D. Cent. Code § 29-26-22</p>			
Ohio	<p>There are variable and undefined “fees of the magistrates and their various officers” in all courts of common pleas criminal matters that raise revenue for the courts Ohio Rev. Code Ann. §§ 2335.11 (for felonies and minor state offenses) & 2335.16 (for county court cases)⁴⁹</p>			
Oklahoma	<ul style="list-style-type: none"> » \$97–\$157 Conviction Assessment » \$25 court information systems fee » \$10 Courthouse security fee <p>28 Okl.St. Ann. § 153</p>		<p>\$30–\$1000 (in felonies, misdemeanors, and juvenile offenses) 21 Okl.St. Ann. § 142.18</p>	<p>\$10 fee for Law Enforcement Training Fund 20 Okl.St. Ann. § 1313.2</p> <ul style="list-style-type: none"> » \$6 Law Library Fund; » \$3 for the Office of the Attorney General Victim Services Unit; » \$3 to the child abuse multidisciplinary account <p>28 Okl.St. Ann. § 153</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Oregon ⁵⁰				
Pennsylvania	<p>\$10 clerk of court surcharge 42 Pa. Cons. Stat. Ann. § 3733</p> <p>\$21.25 Judicial Computer System Augmentation Account fee 42 Pa. Cons. Stat. Ann. § 3733.2</p> <p>\$10-\$450 traffic surcharge 75 Pa. Cons. Stat. Ann. § 6506</p> <p>\$28.50-\$37.50 + yearly CPI increase as a conviction cost 42 Pa. Cons. Stat. Ann. § 1725.1</p> <p>\$20-\$150 in county surcharges 42 P.S. §§ 21141; 21061; 4801.1</p>		<p>\$60—up to the statutory fine maximum for the offense (in felonies, misdemeanors, juvenile offenses, and diversion agreements) 18 P.S. § 11.1101</p>	<p>\$2 access to justice surcharge (to provide civil legal services) 42 Pa. Cons. Stat. Ann. § 3733.1</p> <p>\$5 fee for The County Probation Officers' Firearm Education and Training Fund 61 Pa. Cons. Stat. Ann. § 6308</p> <p>\$20 on all traffic offenses (except parking violations) to the Emergency Medical Services (EMS) Operations Fund 75 Pa.C.S. § 3121</p>
Rhode Island	<p>\$60-\$300 or 10% of underlying fines as court costs, whichever is greater 12 R.I. Gen. Laws § 12-18.1-3</p> <p>up to \$25 technology surcharge 12 R.I. Gen. Laws § 12-20-12</p>			

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
South Carolina		<p>A portion of the 107.5% assessment imposed on any fine S.C. Code Ann. §§ 14-1-206; 14-1-207; 14-1-208</p>	<p>\$25–\$100 (not applicable to misdemeanor traffic or ordinance violations) S.C. Code Ann. § 14-1-211</p> <p>A portion of the 107.5% assessment imposed on any fine goes to the:</p> <ul style="list-style-type: none"> » Victim Compensation Fund » Department of Crime Victim Compensation <p>S.C. Code Ann. §§ 14-1-206; 14-1-207; 14-1-208</p>	<p>107.5% assessment is added to any fine imposed, which funds a variety of programs such as:</p> <ul style="list-style-type: none"> » Shock Incarceration Program » Law Enforcement Training Council » South Carolina Law Enforcement Officers Hall of Fame » South Carolina Crime Victim Services Division » to the Office of Indigent Defense » Office of the Attorney General to support death penalty prosecutions » for a fund to provide support for counties involved in death penalty prosecutions <p>S.C. Code Ann. §§ 14-1-206; 14-1-207; 14-1-208</p> <p>\$5 Criminal Justice Academy surcharge in all traffic and ordinance violation cases S.C. Code Ann. § 14-1-240</p>
South Dakota	<p>\$17.50–\$61.50 unified judicial system court automation surcharge SDCL § 16-2-41</p>		<p>\$5 SDCL § 23A-28B-42</p>	

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Tennessee	<p>\$29.50–\$37.50 “privilege tax” in all criminal convictions Tenn. Code Ann. § 67-4-602</p> <ul style="list-style-type: none"> » \$300 criminal clerk fee » \$100 juvenile clerk fee » \$42–\$62 criminal base fee » \$2 courtroom security enhancement fee <p>Tenn. Code. Ann. § 8-21-401</p>		<p>\$26.50–\$50 (does not apply to fine-only offenses punishable by less than \$500) Tenn. Code Ann. § 40-24-107</p>	

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Texas	<p>\$14–\$105 traffic and criminal court costs Tex. Local Government Code § 134.101; 134.102; 134.103</p> <p>\$63–\$185 “consolidated fee benefiting” in part:</p> <ul style="list-style-type: none"> » jury service fund » judicial and court personnel training account » judicial fund » specialty court account » statewide electronic filing system account <p>Tex. Local Government Code § 133.102</p>		<p>A portion of the “consolidated fee” goes to a victims compensation fund Tex. Local Government Code § 133.102</p>	<p>A portions of the “consolidated fee” goes to:</p> <ul style="list-style-type: none"> » crime stoppers assistance account » breath alcohol testing account » Law Enforcement Management Institute account » Texas Commission on Law Enforcement account » law enforcement and custodial officer supplement retirement trust fund » criminal justice planning account » Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University » emergency radio infrastructure account » Correctional Management Institute of Texas and Criminal Justice Center Account » fair defense account » DNA testing account » truancy prevention and diversion account » transportation administrative fee account <p>Tex. Local Government Code § 133.102</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Utah		<p>90% surcharge any criminal fines, penalties and forfeitures Utah Code Ann. § 51-9-401</p>		
Vermont			<p>15% of fine imposed Vt. Stat. Ann. tit. 13 § 7282</p>	<p>\$100 Specialized Investigative Unit surcharge Vt. Stat. Ann. tit. 13 § 7282</p> <p>\$50 DUI Enforcement fee (on all traffic offenses) Vt. Stat. Ann. tit. 23 § 206</p>
Virginia	<p>\$80–\$375 “fixed fee,” which benefits in part, the:</p> <ul style="list-style-type: none"> » Court reporter fund » Courthouse construction/maintenance fund » Clerk of the circuit court <p>VA Code Ann. §§ 17.1-275.1; 17.1-275.2; 17.1-275.7</p> <p>\$2 assessment for the court maintenance fund VA Code Ann. § 17.1-281</p>		<p>A portion of the “fixed fee” also benefits the Criminal Injuries Compensation Fund (in felonies and misdemeanors) VA Code Ann. §§ 17.1-275.1; 17.1-275.2; 17.1-275.7</p>	<p>\$2 Intensified Drug Enforcement Jurisdiction Fee VA Code Ann. § 17.1-275.10</p> <p>\$15 fee for the Crimes Against Children Fund VA Code Ann. § 17.1-275.12</p> <p>Portions of the “fixed fee” also benefit:</p> <ul style="list-style-type: none"> » Forensic science fund » Sentencing/supervision fee (General Fund) » Witness expenses/expert witness fund » Virginia Crime Victim-Witness Fund » Intensified Drug Enforcement Jurisdiction Fund » Commonwealth’s attorney fund (state share) » Commonwealth’s attorney fund (local share) » Regional Criminal Justice Academy Training Fund » Warrant fund <p>VA Code Ann. §§ 17.1-275.1; 17.1-275.2; 17.1-275.7</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Washington	<p>\$43 district court conviction fee Wash. Rev. Code § 3.62.085</p> <p>» \$200 superior court clerk surcharge fee</p> <p>» \$30 filing fees Wash. Rev. Code § 36.18.020</p>	<p>A portion of the superior court clerk surcharge and filing fee are shared with the state Wash. Rev. Code § 36.18.020</p>	<p>\$100–\$500 (in criminal and juvenile cases) Wash. Rev. Code § 7.68.035</p>	<p>70% assessment on any fine or forfeiture for public safety and education Wash. Rev. Code § 3.62.090</p>
West Virginia	<p>\$60 Courthouse Facilities Improvement fee W. Va. Code, § 50-3-2</p>		<p>\$50 (felonies only) W. Va. Code, § 62-5-10(b)</p>	<p>\$10 Community Corrections Assessment W. Va. Code § 62-5-7</p> <p>\$25 Community Corrections Fee (felonies only) W. Va. Code, § 62-5-10(b)</p>
Wisconsin			<p>\$20–\$92 (in felonies, misdemeanors, and some civil offenses) Wis. Stat. Ann.. §§ 973.045; 938.34</p>	<p>\$20 crime prevention funding board surcharge Wis. Stat. Ann.. § 973.0455</p> <p>\$200–\$250 DNA fee Wis. Stat. Ann.. § 973.046</p> <p>\$13 Crime Laboratory fee Wis. Stat. Ann.. § 165.755</p> <p>Jail surcharge of 1% of any fine or forfeiture or \$10, whichever is greater Wis. Stat. Ann. § 302.46</p> <p>26% law enforcement training fund penalty surcharge on any fine or forfeiture</p>

STATE	THE JUDICIARY	STATE OR COUNTY GENERAL FUND/BUDGET	VICTIMS' FUND	OTHER GOVERNMENT AGENCY OR PROGRAMMING
Wyoming	<ul style="list-style-type: none"> » \$40 court automation fee » \$10 indigent civil legal services fee (charged in every criminal conviction) <p>Wyo. Stat. Ann. § 6-10-102</p> <p>\$20 Circuit Court criminal/traffic fee Wyo. Cir. Ct. Fees, R. 1</p> <p>\$60 docketing fee for review of cases from circuit or municipal court Wyo. Dist. Ct. Fees, R. 1</p> <p>\$10 municipal court cost Wyo. Muni. Ct. Fees, R. 2</p>			

Endnotes

- 1 Aravind Boddupalli & Livia Mucciolo, *Following the Money on Fines & Fees: The Misaligned Fiscal Incentives in Speeding Tickets*, Urban Institute, 1-4 (January 2022), <https://www.urban.org/research/publication/following-money-fines-and-fees>.
- 2 See, e.g. Kan. Stat. Ann. §§ 28-172a; 28-177 (imposing a nonrefundable administrative “docket fee” at the start of every case).
- 3 Some states authorize counties and cities to impose certain fees, but do not mandate them statewide. While in practice, this may result in universal imposition of such fees, we do not classify them as universal assessments or surcharges, because they are permissive—not mandatory—and a county-by-county review was beyond the scope of this report. For example, although the California legislature authorizes local lawmakers to impose fees to support DNA or fingerprinting technology, it does not require them to impose such fees. Cal. Gov. Code § 76104.5.
- 4 Dave Metz & Miranda Everitt, “American Voter Views of Fee Elimination Proposals,” FM3 Research, (Sept. 2022), available at: <https://finesandfeesjusticecenter.org/content/uploads/2022/10/National-Voter-Views-of-Fee-Elimination.pdf>.
- 5 Ala. Code § 15-23-17(b) (requiring a penalty assessment to benefit the victims’ fund in every case, but giving the judge discretion to assess between \$25 and \$1000 for each misdemeanor and between \$50 and \$10,000 per felony) .
- 6 See, e.g., Fla. Stat. Ann. § 938.06; Miss. Code Ann. § 45-39-17.
- 7 11 Del. C. § 4101.
- 8 See, e.g., Minn. Stat. Ann §§ 134A.10 & 134A.09; 28 Okl.St.Ann. § 153.
- 9 Mo. Rev. Stat. § 488.5332.
- 10 N.J. Stat. Ann. 39:5-41
- 11 See, e.g., N.C. Gen. Stat. Ann. § 7A-304.
- 12 Mo. Rev. Stat. § 488.031; 42 Pa. Cons. Stat. Ann. § 3733.1.
- 13 S.C. Code Ann. §§ 14-1-206; 14-1-207; 14-1-208.
- 14 See, e.g., Mo. Rev. Stat. §488.5050; N.C. Gen. Stat. Ann. § 7A-304.
- 15 Iowa Code Ann. § 911.1.
- 16 See, e.g., Ky. Rev. Stat. § 24A.176; Me. Rev. Stat. tit. Ann.34-A § 1210-D; W. Va. Code § 62-5-7; Wis. Stat. Ann. § 302.46.
- 17 See, e.g., S.C. Code Ann. § 14-1-240; VA Code Ann. §§ 17.1-275.1; 17.1-275.2; 17.1-275.7;
- 18 S.C. Code Ann. §§ 14-1-206; 14-1-207; 14-1-208.
- 19 Laws 2011, c. 597, § 150a, eff. July 1, 2011, operative Jan. 1, 2012.
- 20 Ky. Rev. Stat. §§ 24A.175, 23A.205 (providing for a “taxation of court costs”); Tenn. Code Ann. § 67-4-602 (calling these criminal court fees a “privilege tax”).
- 21 See, e.g., Shasta N. Inman, “Racial Disparities in the Criminal Justice System: How Lawyers Can Help,” American Bar Association website, last visited on Aug. 5, 2022: https://www.americanbar.org/groups/young_lawyers/publications/after-the-bar/public-service/racial-disparities-criminal-justice-how-lawyers-can-help/, The Sentencing Project, *Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System* (Apr. 2018), <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>; Ames Grawert & Terry-Ann Craigie, “Mass Incarceration Has Been A Driving Force of Economic Inequality,” Brennan Center for Justice (Nov. 2020), <https://www.brennancenter.org/our-work/analysis-opinion/mass-incarceration-has-been-driving-force-economic-inequality#:~:text=Many%20people%20swept%20up%20in,more%20deeply%2C%20than%20previously%20thought>.
- 22 Brianna Hammons, *Tip of the Iceberg: How Much Criminal Justice Debt does the U.S. Really Have?* Fines and Fees Justice Center, 5 (Apr. 2021), <https://finesandfeesjusticecenter.org/articles/tip-of-the-iceberg-how-much-criminal-justice-debt-does-the-u-s-really-have/>.
- 23 Tachana Joseph-Marc, *The Consequences of a Broken Revenue System: Relying on Fines and Fees is Harming Florida’s Clerks of Courts*, Florida Policy Institute (Mar. 2021), <https://www.floridapolicy.org/posts/the-consequences-of-a-broken-revenue-system-relying-on-fines-and-fees-is-harming-floridas-clerks-of-courts>; Hammons, *supra* note 22; Theresa Doyle, “Legal Financial Obligations: A Ball and Chain,” 2015 Minority and Justice Commission Annual Report, Administrative Office of the Court, Washington State Supreme Court, Pg. 8. <https://www.courts.wa.gov/committee/pdf/2015MJCAAnnualReport.pdf>.
- 24 Ind. Code § 33-37-4-1.
- 25 Ga. Code Ann. § 17-10-1(4).
- 26 Colo. Rev. Stat. Ann. § 24-4.2-104; Mont. Code Ann. § 46-18-236; N.H. Rev. Stat. § 106-L:10.
- 27 N.J. Stat. Ann. § 39:5-41.
- 28 Cal. Gov. Code § 76000.5.
- 29 N.M. Stat. Ann. 1978, § 35-6-1
- 30 See e.g., Alaska Code § 12.55.039 (Failure to pay the surcharge is punishable as contempt of court); A.R.S. § 13-810 (allowing for civil contempt and for conversion to a civil judgment); Iowa I.C.A. § 321.210A (allowing for drivers’ license suspension); Mo. Ann. Stat. § 488.020 (allowing for contempt of court); K.S.A. 22-3425 (allowing for jail time for nonpayment); NY CRIM PRO § 420.10 (allowing for conversion of debt to a civil judgment); SC ST § 22-3-550 (allowing for conversion of debt to a civil judgment); VT ST T. 13 § 7180 (allowing for conversion to a civil judgment or a contempt of court charge); WI ST 345.47 (allowing for drivers’ license suspension and/or imprisonment).
- 31 Alaska Code § 12.55.039(b) (“A court may not fail to impose the surcharge required under this section. The surcharge may not be waived, deferred, or suspended,” though it may be converted to community service); Fla. Stat. Ann. § 938.03 (Victim’s fund fees “shall not be waived”); Minn. Stat. §

- 357.021(c) (“The court may not waive payment of the surcharge required under this subdivision.”); Miss. Stat. § 99-19-73(9) (“No state assessment imposed under the provisions of this section may be suspended or reduced by the court.”); NY Crim. Pro. § 420.35 (“under no circumstances shall the mandatory surcharge ... be waived” for any person over 20 years of age).
- 32 See appendix.
- 33 Office for Victims of Crimes, “Formula Grants: VOCA Compensation and Assistance,” 2021 *Report to the Nation*, Department of Justice Office of Justice Programs website, last visited Nov. 23, 2022: <https://ovc.ojp.gov/2021-report-nation/formula-grants-voca-compensation-assistance>.
- 34 H.R.1652—VOCA Fix to Sustain the Crime Victims Fund Act of 2021, <https://www.congress.gov/bill/117th-congress/house-bill/1652>; 34 U.S.C. § 20101 et seq.
- 35 Office for Victims of Crimes, “2021 Crime Victims Fund Compensation and Assistance Allocations,” Department of Justice Office of Justice Programs website, last visited Nov. 23, 2022: <https://ovc.ojp.gov/funding/2021-crime-victims-fund-compensation-and-assistance-allocations>.
- 36 2021 *Report to the Nation*, *supra* note 33.
- 37 See, e.g. Ga. Code Ann., § 17-15-9 (funding the Crime Victims’ Emergency fund, through legislative appropriations, public and private donations, general taxation, or mandatory DUI fees, or other discretionary court-ordered fees); Ind. Code § 5-2-6.1-41 (funding the victim compensation fund through direct restitution orders and by punitive damages awarded to the state in civil cases); Ohio Rev. Code Ann. § 2929.32 (providing a court may impose a “fine” of up to \$1 million, depending on specific factors, for the crime victims recovery fund).
- 38 See Del. Code Ann. tit. 11, § 9014; Ind. Code § 35-50-5-3; Fla. Stat. Ann. § 960.17; V.I. Code Ann. tit. 34, § 170; Mich. Comp. Laws Ann. § 712A.30(8).
- 39 By 1923, 38 states had statutes or constitutional provisions for poll taxes. Havey Walker, “The Poll Tax in the United States,” *The Bulletin of the National Tax Association*, Vol. 9, No. 2, 46-50 (November, 1923), available at https://www.jstor.org/stable/41785656?seq=5#metadata_info_tab_contents.
- 40 Alan Greenblatt, “The Racial History of the ‘Grandfather Clause,’” *Code Switch*, National Public Radio (October 22, 2013) available at: <https://www.npr.org/sections/codeswitch/2013/10/21/239081586/the-racial-history-of-the-grandfather-clause>
- 41 *Harper v. Virginia Board of Elections*, 383 U.S. 663, 668-69, (1966) (finding the poll tax to be “an old familiar form of taxation; and we say nothing to impair its validity so long as it is not made a condition to the exercise of the franchise.”)
- 42 The 1977 bill repealing 32 Vt. Stat. Ann. § 5011, which had authorized the poll tax in Vermont, did not take effect until 1982. Paul Gillies, “The Evolution of the Vermont State Tax System,” *Vermont History: the Proceedings of the Vermont Historical Society*, VOL.65, Nos.1 & 2 (Spring/Summer 1997) fn 11. Prior to repeal, the Vermont Supreme Court had ruled suspending drivers’ license for nonpayment of poll taxes was constitutional. *Bieling v. Malloy*, 346 A.2d 204 (1975).
- 43 See 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>; Michael Makowsky, *A Proposal to End Regressive Taxation through Law Enforcement*, The Hamilton Project, Brookings Institution (2019) 7, <https://www.brookings.edu/research/a-proposal-to-end-regressive-taxation-through-law-enforcement/>.
- 44 Georgetown Law Civil Rights Clinic, *Can’t Pay, Can’t Vote: A National Survey on the Modern Poll Tax* (2019), https://campaignlegal.org/sites/default/files/2019-07/CLC_CPCV_Report_Final_0.pdf.
- 45 There are a noteworthy number of statutes in California that permit local boards of supervisors to impose various fees, but do not require them to do so. We have not included those here, though it is likely most counties do impose them. Examples include Cal.Gov.Code § 76104.5 (DNA Identification Fund), Cal. Gov.Code § 76102 (Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund), and Cal.Gov.Code § 76103 (Forensic Laboratory Fund), among others.
- 46 While the restitution fine (which despite its name operates as a fee) is technically discretionary, the fact that the statutes requires the court to impose this cost “unless it finds compelling and extraordinary reasons for not doing so and states those reasons on the record” and does not permit an inability to pay to be a compelling or extraordinary reason, we consider to be a mandatory fee for all intents and purposes.
- 47 While Conn. Gen. Stat. § 54-143 is titled as a “prosecution fee,” Conn. Gen. Stat. § 54-215 directs that the money collected goes to court general operation funds to be credited to the “Criminal Injuries Compensation Fund,” not to a prosecutor’s office.
- 48 Ga. Code Ann. § 17-10-1(d)(4) requires that, even if no fine is imposed at sentencing, the judge must impose a “theoretical fine” on which other surcharges or additional penalties may be calculated. Therefore, these fines and surcharges are mandatory, regardless of whether an underlying fine is waived.
- 49 While Ohio’s code generally defines “court costs” as the cost of prosecution, see Ohio Rev. Code Ann. § 2947.23, such “costs” fall largely outside of FFJC’s definition of universal assessments and surcharges because they are not flat fees, but are related to specific actions assessed on an individualized basis. However, because Ohio Rev. Code Ann. §§ 2335.11 & 2335.16 also provide for fees related to the costs of the judicial officers, we consider Ohio to have some form of assessment or surcharge raising revenue for the court in every case, though the amount is not set by statute.
- 50 While there are some discretionary fees, legislation eliminated the state’s previous conviction surcharges, known as a “unitary assessment” in 2012. Laws 2011, c. 597, § 150a, eff. July 1, 2011, operative Jan. 1, 2012.