



State Approaches to Legal Financial Obligations

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September 2022

Who is NCSL

- Non-profit, bi-partisan organization.
- Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.



What Are Legal Financial Obligations?

Fines

- Monetary punishments for infractions, misdemeanors or felonies.
 - Punish offenders and deter others from committing similar offenses.

Fees

- White House Council of Economic Advisors: “itemized payments for court activities, supervision, or incarceration, charged to defendants.”
 - Support operational costs (e.g., clerk or transcript fees).

Why LFOs?



Court Funding



Deterrent



Taxpayers?

Why Not?



Funding?



Barriers to Paying & Collecting



Deterrent?

What We Will Look At Today

3 areas of focus:

- Incarceration-related fees.
- Community supervision fees.
- Juvenile fines and fees.

Consequences of non-payment and downstream effects.

Legislative Responses.



LFOs: Incarceration-Related



- Fees associated with room and board as well as services inside the carceral setting (e.g., classes or medical care).
- 48 states have statutes authorizing a fee to be charged for an individual's stay in jail and/or prison.
- Survey conducted by the National Institute of Justice → 90% of the 224 jail respondents charged a “pay to stay” fee.
- Civil suits for non-payment.

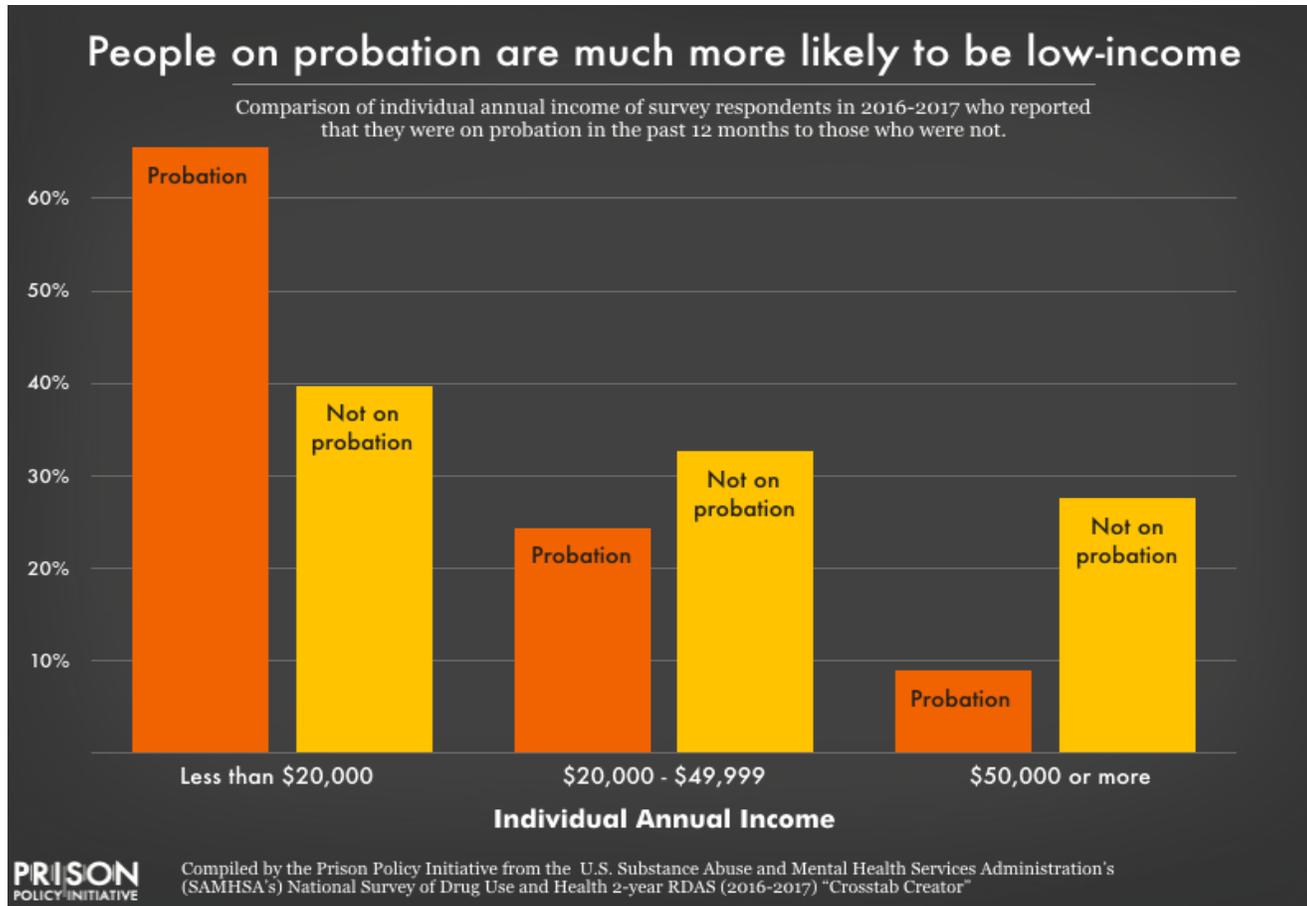


LFOs: Community Supervision

- Can include court costs, electronic monitoring, screening for substance use, classes, and/or treatment.
- Fines and Fees Justice Center (2022):
 - 48 states: probation supervision fees.
 - 37 states: parole supervision fees.
- In most states, whether the fee is associated with probation or parole, failure to pay can result in revocation or extension.



LFOs: Community Supervision



- Higher rates of probation among those making less than 20k annually.

View report [here](#).

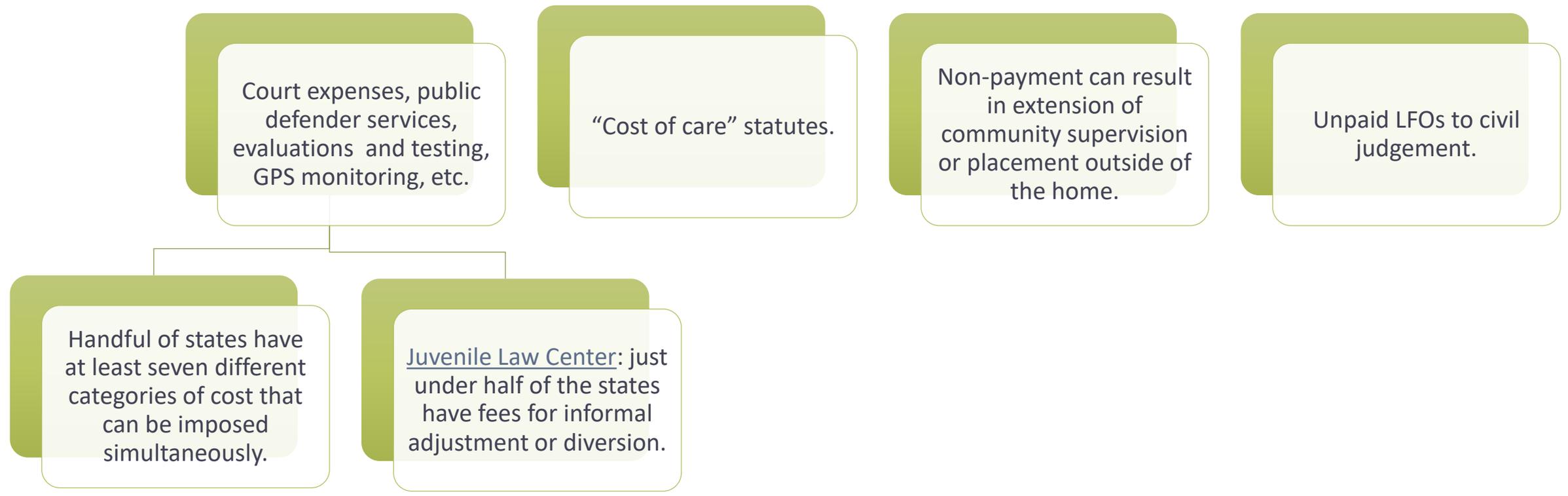
LFOs: Community Supervision

| State | Monthly supervision fee | Portion of probation population making less than \$20,000 per year |
|-------------------|-------------------------|--|
| Colorado | Up to \$50 | 48% |
| Idaho | Up to \$75 | 67% |
| Illinois | \$50 | 65% |
| Louisiana | \$71 to \$121 | 69% |
| Maine | \$10 to \$50 | NA** |
| Massachusetts | \$50 or \$65* | 52% |
| Michigan | Up to \$135 | 67% |
| Mississippi | \$55 | 67% |
| Montana | At least \$50 | 64% |
| New Mexico | \$15 to \$150 | 83% |
| North Dakota | \$55 | 77% |
| Ohio | Up to \$50 | 62% |
| Oklahoma | Up to \$60* | 75% |
| South Carolina | \$20 to \$120 | NA** |
| Washington | Up to 100 | 50% |

Data and table courtesy of [Prison Policy Initiative](#) (2019).



LFOs: Juvenile Justice System





Consequences of Non-Payment

Economic & Employment

- Mandatory driver's license revocation → 26 states.
- Credit score.
- Limit employment opportunities.
- Ability to seal or expunge records.

Incarceration/Further Justice System Involvement

- Absence of national incarceration data.
 - Huron County, Ohio → 20% of jail bookings.
- Committing additional crimes to pay existing fines and fees.

Psycho-Social Impacts

- Dane County, WI → [study](#) found adverse impact on family dynamics.

Data Snapshot



- [Alabama](#):
 - 83% gave up necessities like rent, food, medical bills, car payments, and child support to pay down their court debt.
 - 50% had been jailed for failure to pay court debt.
 - 38% committed a crime to pay off their court debt.
 - 20% were turned down for a diversion program like drug court because they could not afford it.



Legislative Responses

Legislative Responses

Texas SB 1913 and HB 351

Ability to pay prior to fine imposition, provides alternatives to LFOs, and prohibits the issuance of warrants for failure to pay without scheduling a hearing.

2017

Illinois HB 900

Repealed provision making committed persons responsible to reimburse the DOC for the expenses incurred by their incarceration.

2019

2019

California AB 1421

Prohibits revoking supervision for failure to pay fines, fees, or assessments unless court has determined that nonpayment was the result of willful refusal.

Legislative Responses

Nevada AB 416

Missed payments can no longer be reported to a credit agency.
Court cannot request prosecutor to undertake payment collection.
Places limits on driver's license suspension.
A fine, fee, or assessment for a minor traffic offense is uncollectable after 8 years.
Community service in place of monetary payment.

2019

2022

Florida HB 397

Creates more affordable payment plans for those who cannot immediately pay court-ordered fines and fees.

Legislative Responses

- California SB 190 (2018)
 - Prohibits counties from assessing any fees related to incarceration, legal representation, electronic monitoring, probation, home supervision or drug testing.
 - NOT retroactive.



Legislative Responses



2020 New Jersey
SB 48

- Eliminates much of the juvenile court's discretion in assessing fines and barred imposing a fine as a penalty during sentencing.

2020 Maryland HB
36

- Repealed multiple statutory provisions that authorized the imposition of fines and fees.
- Prohibited the assessment of attorney's fees if the child's attorney was appointed.

2020 Louisiana HB
417

- Judges can waive costs and fees.
-

Legislative Responses



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- | | | |
|-------------|-------------------------|--|
| 2021 | Colorado HB 1315 | Eliminated costs associated with the care for a young person sent to placement, processing fees for court-appointed counsel, fees related to programming as well as late payment and penalty fees. |
| <hr/> | | |
| 2021 | Oregon SB 817 | Prohibits courts and agencies from charging fees or fines to youth or families. |
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| 2021 | Louisiana HB 216 | Prohibits juvenile courts from assessing costs against the young person or their parents in delinquency proceedings. |
| <hr/> | | |

Legislative Responses: Driver's Licenses



Maine HB 827 (2018)
Montana HB 217 (2019)

Created a restricted license or removed the suspension of a driver's license as a sentencing option for not paying court debt.



2021 → Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and Washington.



What about municipalities?

Phoenix

Compliance Assistance Program → payment plan for traffic and parking charges.

Spokane

Relicensing program; streamline traffic-fine payments.

Santa Fe

Limits suspension of driver's licenses when residents can't afford to immediately pay a fine or fee.



Resources are linked throughout the slides, but other notable resources include:

- [Assessing Fines and Fees in the Criminal Justice System \(NCSL\)](#)
- [Collateral Consequences Policy Snapshots \(NCSL\)](#)
- [Criminal Records and Reentry \(NCSL\)](#)
- [The Steep Costs of Criminal Justice Fees and Fines \(Brennan Center for Justice\)](#)

Questions?

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