

State Justice Improvement Act

The *State Justice Improvement Act* would broaden the grants available through the State Justice Institute to assist in reforming their fines, fees, and monetary bail policies.

Background: As many state and local courts across the country have started to reform their fines, fees, and bail policies, a number of best practices have emerged to ensure that jurisdictions enforce constitutional and equitable policies. In 2016, the Department of Justice outlined seven constitutional principles for the enforcement of fines and fees. In 2017, a report by the U.S. Commission on Civil Rights found that DOJ's guidance prompted critical reforms in a number of state and local courts, and provided a guiding set of principles for which there was bipartisan consensus.

The burden of fines and fees is disproportionately shouldered by low income communities and communities of color, which in turn aggravates and perpetuates poverty. In the 50 cities with the highest proportion of revenues from fines, the median size of the African American population in each city was greater than 5 times the median in the United States.

In addition, the practice can be both costly and inefficient for cities and counties. For example, some counties in Texas and New Mexico spend an average of 41 cents to collect every dollar of revenue raised from fines and fees. Moreover, there is no clear evidence that support imposing fines and fees as a crime deterrent. In a survey across counties in Alabama, nearly 40 percent of surveyed individuals committed a crime to pay off their court debt.

To assist state and local courts reform their fines, fees, and bail practices, the *State Justice Improvement Act* would do the following:

- (1) Outlines the problem across the country and establishes the purpose of this bill—to improve the constitutional and equitable enforcement of fines, fees, and monetary bail;
- (2) Broadens the activities available for funding by the State Justice Institute to include providing technical assistance and training to state and local courts for the purpose of:
 - Developing best practices for constitutional and equitable enforcement of fines and fees;
 - Providing guidance for state and local court systems as they develop effective alternatives to fines, fees, and bail payments should a person be deemed unable to pay; and
 - Collecting data to better understand the research and best practices of state and local courts on a national level; and
- (3) Requires the State Justice Institute to conduct a study on the effectiveness of these grants, and to provide a report to Congress with appropriate policy recommendations.

The bill has been endorsed by #cut50, Brennan Center for Justice, National Association of Criminal Defense Lawyers, Fines and Fees Justice Center, and R Street.

If you have any questions or if your boss would like to cosponsor the bill, please email Trelaine at Trelaine_Ito@schatz.senate.gov.

Reports:

- “Justice Department Announces Resources to Assist State and Local Reform of Fine and Fee Practices,” U.S. Department of Justice, 14 March 2016, <https://www.justice.gov/opa/pr/justice-department-announces-resources-assist-state-and-local-reform-fine-and-fee-practices>.
- “Confronting Criminal Justice Debt: A Guide for Policy Reform,” Criminal Justice Policy Program, Harvard Law School, Sept. 2016, <http://cjpp.law.harvard.edu/assets/Confronting-Crim-Justice-Debt-Guide-to-Policy-Reform-FINAL.pdf>.
- Mathilde Laisne, Jon Wool, and Christian Henrichson, “Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans,” Vera Institute of Justice, Jan. 2017, <https://www.vera.org/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf>.
- “Targeted Fines and Fees Against Communities of Color: Civil Rights and Constitutional Implications,” U.S. Commission on Civil Rights, Sept. 2017, https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf.
- “Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide,” Alabama Appleseed Center for Law & Justice, Oct. 2018, <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.
- Matthew Menendez, Michael Crowley, Lauren-Brooke Eisen, and Noah Atchison, “The Steep Costs of Criminal Justice Fines and Fees,” Brennan Center for Justice, 21 Nov. 2019, <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.
- National Task Force on Fines, Fees and Bail Practices, “Principles on Fines, Fees, and Bail Practices,” the Conference of Chief Justices and the Conference of State Court Administrators, <https://www.ncsc.org/~media/Files/PDF/Topics/Fines%20and%20Fees/Principles%201%2017%2019.ashx>.
- “United States Department of Justice ‘Dear Colleague’ Letter: Ability to Pay, Debtors’ Prisons, Due Process, Right to Counsel,” Fines & Fees Justice Center, 31 March 2016, <https://finesandfeesjusticecenter.org/articles/us-doj-dear-colleague-letter/>.