

Criminal Justice Debt in the South: A Primer for the Southern Partnership to Reduce Debt

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By

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Table of Contents

INTRODUCTION	2
THE HEAVY COSTS OF CRIMINAL JUSTICE DEBT	3
Criminal justice debt is an unaffordable burden on low-income families.	3
Criminal justice debt traps people in poverty.....	3
Criminal justice debt criminalizes poverty and contributes to mass incarceration.	4
Criminal justice debt deepens the racial wealth gap.	5
Criminal justice debt impedes public safety.	5
Criminal justice debt costs everyone.....	6
POLICY RECOMMENDATIONS	7
Reform laws that create unaffordable fines and fees in the first place.	7
Make payment of criminal justice debt easier.....	10
Text Box: What Can Courts Do to Reduce Criminal Justice Debt Harms?	11
Ensure that collection policies are designed to foster successful reentry.	13
Text Box: Bipartisan Support for Driver’s License Suspension Reform	15
Text Box: Collection Practices by State Attorneys General, and Other Agents.....	18
Use data to improve policies	19
ADDITIONAL RESOURCES	20
National Guidance and Resources on State Fines and Fees Policies	20
State-Specific Reports, Fact Sheets, and Academic Articles	20

Introduction

In recent years, major civil-rights investigations and lawsuits in southern states have brought national attention to the problems associated with burdening people who run afoul of the law with unaffordable fines and fees and then, when they cannot pay, charging them more or imprisoning them. These problems were not news to the low-income communities of color who bore the highest costs of this system of “criminal justice debt,” but the broader attention to the problem has brought an opportunity for reform.

This primer is intended to support advocates seeking to identify policy reforms to address the problems with current criminal justice debt practices and restore integrity to our justice system. It begins with a brief overview of some of the most harmful consequences of current criminal justice debt practices, then provides recommended reforms, and ends with a list of additional national and state resources.

The primer highlights examples of current law and research in the seven states in the Annie E. Casey Foundation’s Southern Partnership to Reduce Debt (SPRD) in 2018: [Alabama](#), [Arkansas](#), [Louisiana](#), [North Carolina](#), [South Carolina](#), [Tennessee](#), and [Texas](#). Throughout this primer, information about these specific [SPRD states](#) is highlighted in [blue](#). However, the problems identified and policy reforms recommended are broadly applicable across the United States.

Criminal justice debt is debt resulting from fines, fees, and other costs imposed on people who are accused of an infraction, misdemeanor, or felony. It may also be referred to as “court debt,” “legal financial obligations,” “monetary sanctions,” or just “fines and fees.”

Criminal justice debt includes:

- **fines** imposed as punishment for an infraction or criminal conviction;
- **fees or costs** imposed on defendants as a way for the government or third parties (such as private probation companies) to recover costs associated with prosecuting or punishing defendants or to otherwise fund operational costs of the criminal justice system;
- **surcharges** that are added to fines to fund a particular government function or a general fund;
- **restitution** that is generally intended to compensate victims for losses suffered as a result of the crime, and
- **interest, collection costs, payment plan costs, and penalties** that commonly accrue when people are unable to afford to pay off criminal justice debt immediately.

The Heavy Costs of Criminal Justice Debt

Criminal justice debt is an unaffordable burden on low-income families.

Over the past 30 years, criminal justice debt has increased dramatically as states and counties have attempted to shift the costs of the growing criminal justice system—and often of government operations generally—onto the accused. These amounts can be significant for even minor infractions. For example, a driver pulled over for speeding in Travis County, [Texas](#) and found to have an expired vehicle inspection could be charged nearly \$500 in fines and costs.¹ And a study found that for a defendant charged with possession of one ounce of marijuana in Shelby County, [Alabama](#) “[a] conservative estimate of the court costs, fees and fines on this single charge would be \$2,611”—not including probation fees of \$40 per month, fees for drug testing and counseling, and a six-month suspension of the driver’s license with a \$300 reinstatement fee.²

These costs are simply unaffordable to many Americans. In 2018, the Federal Reserve reported that 4 in 10 adults would have to either go into debt, sell something, or simply would not have any way to pay if faced with a \$400 emergency expense.³ Further, criminal justice debts are disproportionately assessed on low-income people who are the least able to shoulder such expenses.⁴ Unsurprisingly then, a recent survey in [Alabama](#) found that 83% of respondents with criminal justice debts forwent payments for necessities like rent in order to pay the government for these debts instead.⁵

These debts are not just borne by the individuals accused of breaking the law—their families tend to pay the price as well. Studies have found that family members, usually women, often pay criminal justice fines and fees on behalf of their loved ones, and many of the low-income people shouldering criminal justice debt payments have children who suffer when money needed for basic necessities is instead taken by the government.⁶

Criminal justice debt traps people in poverty and makes it harder for people convicted of crimes to get back on their feet.

Too often, the enforcement methods governments use to collect criminal justice debt have the paradoxical effect of making it harder for those who owe to earn a living and thus to pay the debt, trapping them and their families in poverty. Suspending driver’s licenses until a debt is paid off, requiring frequent appearances at debt-related status hearings, subjecting people to

arrest for nonpayment, and precluding criminal record expungement until payment is made are just a few examples of collection methods that make it harder for people to work and to achieve financial stability.⁷

This problem is particularly acute for the formerly incarcerated. Individuals who have spent time out of society and the workforce and who have criminal records already face significant barriers to obtaining employment and getting back on their feet. Burdening people who already face limited employment prospects with thousands of dollars in debt sets them up to fail and serves no one.

Criminal justice debt criminalizes poverty and contributes to mass incarceration.

One of the most damaging aspects of current criminal justice debt practices is that they cause more people to be locked up—separated from their families, communities, and jobs—simply due to their poverty. Indeed, in all seven of the Casey **SPRD states**, people can be incarcerated for failing to pay fines and fees—even when the original infraction, such as a minor traffic infraction, could not have been punished with incarceration.⁸ Although generally only those who could pay but willfully do not can lawfully be imprisoned, in reality it is those who cannot afford to pay that are locked up.

Criminal justice debt contributes to mass incarceration by trapping poor people in the criminal justice system—subjecting them to increased supervision and court proceedings, and for those who cannot pay or miss a payment, to loss of driver’s licenses, arrests, and incarceration. The excessive criminal justice debts that burden people leaving prison create a barrier to successful reentry, contributing to cycles of incarceration.

Unaffordable Fines and Fees Set People Up to Fail

In 2018, **Alabama** Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services **Alabama** surveyed people convicted of traffic violations, misdemeanors, and felonies in **Alabama**.

Respondents reported taking drastic methods to attempt to pay down criminal justice debt:

- 38% reported committing a crime to help pay down their court debt;
- 44% took on payday loans—extraordinarily expensive debts that charge triple-digit interest;
- 83% skipped bills for necessities like rent and car payments—putting them at risk of eviction and car repossession as well as damaging their credit and driving up interest and penalties.

Source: Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, [*Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide*](#), 31 (Oct. 2018).

Criminal justice debt deepens the racial wealth gap.

Low-income communities of color disproportionately bear the costs of criminal justice debt. There is growing evidence that communities of color, and especially African-American communities, are disproportionately targeted for enforcement of minor crimes and infractions that generate fines and fees.⁹

Further compounding the impact of heavy fines and fees on black communities is the longstanding racial wealth gap, caused by deeply entrenched public and private discrimination, including ongoing discrimination in the housing and labor markets.¹⁰ Because black families have less wealth to draw upon than white families when hit with unexpected fines or fees,¹¹ black families are more likely to be unable to pay the amounts assessed immediately, which may result in snowballing costs (e.g., interest, late payment fines, license suspension and reinstatement fees) or arrest or incarceration for nonpayment—which carry huge negative economic consequences.

A recent study found that in New Orleans, black residents were 1.5 times more likely to be jailed for nonpayment of fees than white residents.

Source: Vera Institute of Justice, [*Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*](#) (Jan. 2017).

As a result of these disparities in who is burdened with criminal justice debt and how likely it is that the burden will act as a poverty trap, criminal justice debt practices perpetuate and worsen the racial wealth gap.¹²

Criminal justice debt impedes public safety.

As states and counties have increasingly tried to fund government operations using fines and fees, the pressure on police to impose and collect criminal justice debt has distorted their focus away from protection of public safety. As a police chief explained, unlike 30-years ago when “police work was never about revenue enhancement,” “the reality nowadays” is that police have to focus on production of revenues.¹³ As a result, police increasingly end up compromising their focus on preventing and investigating violent crime in favor of pursuing revenue-generating law enforcement—such as giving out tickets, arresting people with warrants out for nonpayment, and dealing with people driving on licenses suspended for debt.¹⁴ The data bears this out: a 2018 study found that in cities where police departments collect more of their revenue from fees, police solve violent and property crimes at significantly lower rates.¹⁵ As the

authors observed, “[i]n cities where police are collecting revenue, communities are at once *overpoliced* — because they are charged with more fines and fees — and *underpoliced* — because serious crimes in their areas are less likely to be solved.”¹⁶

This is only one of the threats criminal justice debt poses to public safety. A related problem is that the use of the police as revenue-generators can break down trust between police and communities they are supposed to protect and whom police rely upon for crime-reporting and investigations. Criminal justice debt can also spur crime because the harsh consequences of the debt create barriers to lawful employment and successful reentry, and the threat of incarceration for nonpayment leads some to commit crimes to pay.¹⁷

Criminal justice debt costs everyone.

While the harm of criminal justice debt is felt most acutely by the individuals, families, and communities most burdened by the debts, maintaining this system costs everyone. While governments often look to fines and fees to boost revenues, they rarely consider the costs and

A study of New Orleans found that in 2015 the city spent considerably more (\$6.4 million) detaining people who could not afford to pay criminal justice debts or money bail than it actually collected (\$4.5 million) in criminal justice debt and bail payments.

Source: Mathilde Laisne, Jon Wool, and Christian Henrichson. [*Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*](#). New York: Vera Institute of Justice, 2017.

whether their counties or states actually come out ahead financially. Recent studies suggest they do not. A study of fines in fees in **Alabama** found that only about 25% of fines and fees assessed are actually collected in large counties.¹⁸ And that analysis only accounted for a single direct cost to government associated with fines and fees—the cost of imprisonment. There are many other significant costs to police, prosecutors, public defenders, and courts of assessing and collecting debts, pursuing warrants for nonpayment, and conducting payment related hearings.¹⁹

There are also downstream costs to government of criminal justice debt. For example, criminal justice debt also costs local, state, and our national economy by shutting people out of the labor market, including by increasing criminal records and

creating barriers to record clearing. The Center for Economic and Policy Research estimated that the cost to the national economy of people with criminal records being kept out of the labor market is approximately \$80 billion annually in lost GDP.²⁰

Policy Recommendations

These policy recommendations are primarily targeted at state legislatures, though many can also be implemented in full or in part by other levels and branches of government. Examples of policy recommendations targeted to courts and attorneys general are included in call-out boxes.

Reform laws that create unaffordable fines and fees in the first place.

- **Fund courts and law enforcement from general revenues, not from fines and fees.**

To effectively address the problems posed by criminal justice debt, states must eliminate court and related law enforcement (including police, prosecutors, prisons, and probation) reliance on fines and fees. Courts and law enforcement are core government entities that can and should be funded by everyone. Yet throughout the South, underfunded courts and law enforcement face pressure to bring revenue into their operating budgets through the imposition and collection of fines and fees. These incentives create myriad problems, including attempting to fund core government services on the backs of poor residents least able to afford it, incentivizing revenue-generating work over more important public safety efforts, creating conflicts of interest for courts assessing fees, and undermining the public's faith in the system. In all of the seven **SPRD states**, money collected from fines, fees, and surcharges flows to state courts.²¹

This funding structure creates a perceived need to authorize, levy, and aggressively collect expensive fines and fees. As long as courts and law enforcement are dependent on fines and fees to fund their operations, policymakers will be hard-pressed to pass laws eliminating or reducing fines and fees, and courts and prosecutors will be disincentivized to exercise any discretion they have to waive or reduce fines and fees.

- **Limit the contribution of fine and fee revenues to local operating budgets.**

Similar to the problem of state reliance on fines and fees to fund courts and law enforcement is municipal and county government reliance on fines and fees revenues to fund their local

operating budgets. Local government reliance on fines and fees generates similarly problematic incentivizes. For example, the U.S. Department of Justice’s investigation in Ferguson, Missouri found that many problems stemmed from the pressure local law enforcement and courts were under from county officials to raise revenues through fines and fees. A local official even told the chief of police to increase ticketing for traffic and minor ordinance violations in response to “a substantial sales tax shortfall.”²² Following the Ferguson investigation and lawsuit, Missouri passed a state law limiting the percentage of local government operating revenues that may be received from fines, bond forfeitures, and court costs for certain traffic and ordinance violations, and requiring any excess revenues to be passed through to a different level of government.²³

- **Require ability to pay determinations before fines or fees are imposed.**

Unless states do away with fines and fees entirely, the only way to avoid imposing unaffordable fines and fees is to determine whether they are affordable for each individual before they are imposed. Determining the affordability of fines and fees prior to imposition avoids the substantial costs to individuals and to the government associated with efforts to collect debts that the individual simply cannot afford to pay. Legislatures should also clearly define standards and processes for determining ability-to-pay to ensure that such determinations are fair, accurate, and easy to administer.²⁴

None of the seven **SPRD states** currently require courts to determine that an individual has the ability to pay all fines and fees before such financial burdens are imposed. Some of the **SPRD states** give courts discretion to consider an offender’s ability to pay prior to imposing some fines or fees,²⁵ and in all of the **SPRD states**, laws identify a few specific fees that may vary depending on the defendant’s ability to pay.²⁶ And some jurisdictions within these states may require it—for example, Biloxi’s Municipal Court is required to consider a defendant’s ability to pay when determining the amount of criminal justice debt to impose pursuant to a 2016 settlement agreement.²⁷ But this patchwork is insufficient. All states that authorize imposition of fines and fees should require—not allow—assessment of ability to pay prior to imposition.

- **Scale fines to each person’s ability to pay and ensure courts and defendants can consider alternatives to fines.**

Fines are intended to punish, but they should not set low-income defendants up to fail by placing a burden on them they cannot afford. Instead, fines should be scaled according to income or ability to pay. Doing so not only protects low-income residents’ financial stability and

reduces recidivism and unnecessary interactions with the criminal justice system, but also promotes fairness by ensuring that everyone faces a proportionate penalty for violating the law. Day fine models that scale fines according to the defendant's daily income have been "credited with ensuring proportionality in sentencing, improving the effectiveness of fines as a sanction, and even allowing fines to serve as an alternative to incarceration."²⁸

Courts should also be authorized to consider alternatives to monetary fines, including mental health or addiction treatments, rehabilitative programs, and use of community or diversion courts.²⁹ Community service is another alternative to fines that should be available, but should only be required where appropriate. For example, it may not be appropriate when it would not be accessible or would interfere with the individual's ability to access medical treatment or satisfy work or childcare responsibilities.³⁰

- **Eliminate fees, costs and surcharges for everyone, or at minimum for those for whom the cost would impose hardship.**

Fees, court costs, surcharges, and any other financial obligations not designed as punishment for illegal conduct or restitution for victims should be eliminated. Courts and law enforcement are core government entities and their costs should be shared by the public. Imposing the costs on the accused is a form of hidden, regressive taxation that disproportionately falls on the poor, people of color, and residents of heavily policed communities, and these taxes are often paid by friends and family of the accused through no fault of their own.

States unwilling to eliminate these costs entirely should at minimum ensure that they are waived for those for whom payment would impose financial hardship. To ensure fairness and administrability, states should establish bright line qualifications for waiver based on easily accessible information about financial hardship—for example, specifying that anyone who has qualified for court-appointed indigent defense counsel or who receives means-tested public benefits, or who earns less than 200% of the federal poverty line for their household size—should automatically qualify for waiver of costs. To account for other factors that could make costs a hardship, such as other debt obligations, there should also be an opportunity for those who do not meet the bright line test to demonstrate why their individual circumstances would make payment of costs a hardship.

Make payment of criminal justice debt easier.

- **Make repayment rights and options clear and accessible.**

States can make it easier for people to pay criminal justice debts by ensuring that people know what they owe, how to pay it, what the consequences of nonpayment are, and what they can do if unable to pay or to pay on time. Courts and probation offices do not need state legislation in order to improve their communications with debtors, but if necessary state legislatures can mandate issuance of consumer-tested criminal justice debt statements. Of course, clear communication can only go so far—payment options and rights must also be accessible to have an impact. Accessible payment options and rights should include affordable payment plans, deferred payment options, and access to waiver and reduction processes. Additionally, states should provide options for payment methods and locations that are accessible to the relevant population, which may include people who do not have checking accounts, credit cards, or access to reliable transportation.

- **Ensure access to reasonable and affordable payment plans with forgiveness opportunities.**

Many criminal justice debt bills are in the hundreds or thousands of dollars—daunting amounts that few defendants can afford to pay in full. To encourage people to pay what they can and to reduce harmful nonpayment consequences for those with limited financial resources, states should provide ready access to reasonable and affordable payment plans. Such plans should use a clear methodology to tailor payments to what each individual is able to afford and should both incentivize making payments and provide an opportunity for a fresh start by providing debt forgiveness after a certain period of time or number of payments.³¹ States should ensure that their poor residents are not charged more than their wealthier residents by prohibiting fees to access or pay under a payment plan, such as the payment plan fees charged by [North Carolina](#) and [South Carolina](#).³²

- **Provide real opportunities for individuals to have debts waived, reduced, or payments modified after imposition.**

States can also help address the problems of unaffordable debts and payments—including the hopelessness that can take hold of debtors—by ensuring that residents have reasonable opportunities to have their debts or minimum payments reduced or waived (often referred to as “remitted”) at any time, including after imposition. While ideally unaffordable fines and fees or

payment plans should never be imposed in the first place, later opportunities to seek reductions are also important to account for changed financial circumstances as well as for failure to assess ability to pay at the outset properly. Individuals should not have to wait until they face incarceration for nonpayment to have their ability to pay assessed, and the government should not waste resources attempting to collect amounts individuals cannot afford to pay.

Many states—including [Alabama](#), [North Carolina](#), and [Texas](#)—have laws allowing courts to remit or waive debts after imposition, but these laws are inadequate to address the problem.³³ Debtors rarely know about their right to seek remission, and these laws sometimes limit opportunities to seek remission based on the debtor’s payment status and often provide only vague standards for when courts may waive or reduce a debt, rather than clear standards for when they must do so. States should strengthen their remission laws and should clearly inform debtors of their right to seek remission and how to do so.

- **Eliminate financial penalties on those unable to pay in full and during financial hardship.**

Too often, criminal justice debt policies cause the poor to pay more—perversely driving costs up on those who lack the financial resources or family wealth to pay off a criminal justice debt bill easily. States should end financial penalties on those unable to pay immediately in full by prohibiting imposition of interest, payment plan fees, and other costs associated with paying over time. Similarly, states should ensure that individuals are not charged interest, penalties, or other costs during periods when they cannot make regular payments, including while incarcerated and during any periods of financial hardship.

What Can Courts Do to Reduce Criminal Justice Debt Harms?

State and municipal courts are at the center of the criminal justice debt crisis, and there is much that court leadership (including state chief justices, offices of court administration, and judicial councils) can do to drive reform. For example, even without legislative action, court leadership often can:

- issue court rules, bench cards and other guidance, and present trainings regarding critical fines and fees issues where the law tends to provide judges significant discretion—including:
 - how judges should conduct ability-to-pay hearings,
 - identifying when and how courts should consider waiver of fines and fees or alternatives to payment, and
 - identifying whether and how courts should decline to use harsh enforcement tactics such as issuance of arrest warrants or extension of probation for nonpayment, as well as guidelines to ensure reasonable notice and opportunities to avoid harsh consequences

- develop tools for determining ability to pay;
- provide trainings to judges and other stakeholders on problems associated with assessment and attempted enforcement of unaffordable fines and fees, and how such costs can undermine judicial legitimacy and create a two-tiered system of justice;
- collect and analyze data regarding imposition and collection of fines and fees in the court system, and cooperate with reform-minded organizations seeking to study the system and provide recommendations;
- expand and coordinate alternatives to payment programs and ensure these alternatives are broadly accessible;
- actively monitor courts within their supervisory authority for compliance with relevant laws and court rules;
- ensure that courts provide clear information to individuals about their rights, obligations, and options for relief relating to court debt;
- minimize the need for in-person appearances related to criminal justice debt so that people do not have to miss work; and
- make payment mechanisms easily accessible.

Sources: Criminal Justice Policy Program at Harvard Law School, [Confronting Criminal Justice Debt: A Guide for Policy Reform](#) (Sep. 2016); Conference of State Court Administrators, [The End of Debtors' Prisons: Effective Court Policies for Successful Compliance with Legal Financial Obligations](#) (2015-2016); National Center for State Courts, [Trends in State Courts: Fines, Fees, and Bail Practices: Challenges and Opportunities](#) (2017).

Advocates aiming to promote state court reforms without going through the state legislature have a number of potential tools at their disposal, including:

- [court watching](#) to assess how courts are actually handling criminal justice debt proceedings;
- highlighting local court problems and examples of meaningful court reforms in state and local media;
- providing comments and testimony to state judicial and court commissions developing court rules or procedures for assessing fines, fees, collection, or access to justice issues;
- working with the state bar, state Access to Justice Commission, or state public defender or legal services organizations on reports addressing problems and recommended reforms in court fine and fee administration;
- highlighting ways in which the state's courts are failing to comply with [the guidance to state courts of the National Task Force on Fines, Fees and Bail Practices](#) created by the Conference of Chief Justices and Conferences of State Court Administrators, or the [U.S. Department of Justice 2016 guidance letter to state and local courts](#) (since rescinded);
- examining judicial candidate's positions and records on criminal justice debt; and
- using [litigation](#) to challenge unconstitutional or otherwise unlawful court practices.

State [chief justices](#) have cited these types of tools as raising their awareness of criminal justice debt problems in the court systems and spurring them to pursue reforms.

Ensure that collection policies are designed to foster successful reentry and end use of collection practices that trap people in poverty or are barriers to a fresh start.

- **Prioritize rehabilitation over collection and design collection policies accordingly.**

Too many places approach collection of fines and fees focused only on maximizing dollars collected. Instead, states should consider the broader goals of the state and the criminal justice system and design collection policies accordingly. Foremost among these goals should be supporting rehabilitation and successful reentry, including successful repayment for those who can afford to pay without breaking the law or undermining their and their families' financial stability, and waivers or debt forgiveness for those who cannot.

- **Prohibit courts from imposing penalties or using aggressive collection tactics for nonpayment unless they first conduct a meaningful assessment of ability to pay.**

Criminal defendants are overwhelmingly poor, and most instances of nonpayment likely have more to do with financial inability rather than disregard for the law. Under these circumstances, policies of harshly penalizing people for missed payments—including by incarcerating them—without first carefully assessing if the nonpayment was due to financial inability tend to simply penalize poverty and make it even harder for poor and low-income residents to successfully reenter society. All of the **SPRD states** allow debtors to be incarcerated for nonpayment of criminal justice debt.³⁴

States should require that, before imposing penalties or harsh collection tactics for nonpayment, courts find that the individual had ability to pay and that nonpayment was willful. Although this is already a Constitutional requirement before incarceration for nonpayment, even then many courts conduct this assessment ad hoc or not at all, and most states fail to provide sufficient guidance or protections to ensure a fair process. State legislatures should clearly define standards and processes for determining ability-to-pay to ensure such determinations are fair, accurate, and readily administrable.³⁵ States should ensure a right to counsel, including appointed counsel, for such process if there is a risk of incarceration.

Ability to pay determinations should also be made prior to imposing other harsh enforcement or collection tactics, including issuing arrest warrants, garnishing wages, and seizing tax refunds. These tactics similarly penalize the poor and make it harder for them to regain financial stability often needed to make payments.

- **Ensure that probation cannot be imposed or extended solely because of outstanding criminal justice debt.**

Probation is intended to be a system with dual goals of supporting rehabilitation of individuals following criminal conduct and supervising those same individuals to protect public safety. But in many states, probation can be imposed, extended, or worse—revoked with the individual now sent to prison—based only on outstanding criminal justice debt, including the fees often imposed for probation itself. For example, in [Alabama](#), probation can be revoked, and debtors imprisoned, if they are over two months late on fee payment.³⁶ These debt enforcement mechanisms restrict the liberty of state residents based on their means rather than their danger to society, penalizing poverty and enmeshing the poor more deeply in the criminal justice system. They also waste government resources—requiring more probation officers and more prison space to supervise people simply because they are poor. States should prohibit the imposition, extension, or revocation of supervision based on payment status on criminal justice debts.

- **End driver’s and professional license suspensions as a penalty for nonpayment of criminal justice debts.**

Suspending driver’s and professional licenses for outstanding debts is a harsh poverty trap that is also counterproductive as a debt collection tactic, as it prevents many debtors from working and thus earning the income needed to pay debts. In six of the seven [SPRD states](#), laws authorize suspension of driver’s licenses for nonpayment or missed payment of court debt; in the seventh, [Texas](#), nonpayment may still prevent license renewal.³⁷ Of these states, only [Louisiana](#) requires consideration of an individual’s ability to pay before license suspension.³⁸ And in [Tennessee](#), a federal court held in 2018 that suspending driver’s licenses for nonpayment of court debt without first inquiring into ability to pay was unconstitutional and ordered the state to halt license suspensions for nonpayment.³⁹ States that require or permit license suspension for missed criminal justice debt payments should pass legislation ending this practice.

Bipartisan Support for Driver's License Suspension Reform

Advocates and policymakers across the political spectrum are beginning to recognize that suspending driver's licenses for outstanding debts is counterproductive and carries unjustified individual and public costs—in addition to serious legal risk for states whose processes may violate the Constitution. Civil-rights organizations, including the ACLU, the Lawyers' Committee for Civil Rights, and the Southern Poverty Law Center, have successfully advocated for statewide reforms in "[Maine](#)", "[California](#)", and "[Mississippi](#)" to end automatic driver's license suspensions for missed court debt payments. Conservative organizations "[ALEC](#)" and "[Right on Crime](#)" have recently joined in urging state policymakers to end suspension of driver's licenses for reasons beyond dangerous driving, arguing that suspending licenses to collect debts is counterproductive and a drain on limited law enforcement resources.

Nonpartisan safety and legal organizations agree. The "[American Association of Motor Vehicle Administrators](#)," a group that represents state motor vehicles departments, has long taken the position that, for safety and government burden reasons, state legislatures should repeal laws requiring suspension of drivers' licenses for violations not related to dangerous driving. And in August 2018, the American Bar Association passed the [ABA Ten Guidelines on Court Fines and Fees](#) urging, among other things, that inability to pay fines and fees should never result in drivers' license suspension.

Bipartisan legislation to end debt-based driver's license suspension can work. In Maine, [legislation](#) ending automatic driver's license suspensions for missed fine payments for most non-driving related violations, sponsored by [Democratic State Representative Matt Moonen](#) and co-sponsored by [Republican State Senator Tom Winsor](#), passed in July 2018. Notably, Maine's legislature [overwhelmingly overrode](#) the governor's veto, including a unanimous override by the state senate, demonstrating robust bipartisan support. Bipartisan legislation was also introduced in [Florida](#) and [Virginia](#) in 2017 and received significant support, though ultimately died in appropriations committees.

- **Ensure that outstanding criminal justice debt is not a barrier to expungement.**

People with criminal records are often screened out when applying for jobs or housing, making reentry success and financial stability much harder to attain.⁴⁰ Expungement, or the clearing of the record, is critical to providing a real opportunity to reenter the work force and secure affordable housing, but often state law bars people from having their records expunged until they have paid off all of their criminal justice debt. Perversely, paying off the fines and fees is much harder with a criminal record, so many people are trapped in debt and prevented from

moving forward. States should reform their laws to ensure that criminal justice debt is not a barrier to expungement. Some already are reforming their laws: for example, in 2017, New Jersey enacted a law eliminating the requirement to pay all criminal justice debt before being approved for expungement.⁴¹

Expungement fees are a further way that states prevent people with financial need from getting a fresh start. These fees unfairly make it harder for the poor than the affluent to get a clean slate, and may not even be effective in raising revenues for the state. For example, in 2012 **Tennessee** legislators imposed a \$450 criminal record expungement fee, thinking that it would generate \$7 million in revenues per year, but because many people cannot afford the fee it actually only raised an average of \$130,000 per year.⁴² The state subsequently passed legislation reducing the fee to \$280 in 2017, but the fee is still unaffordable for those most in need of expungement.⁴³ **Louisiana** charges even more for expungement: \$550.⁴⁴ These fees should be eliminated.

- **Ensure that outstanding criminal justice debt is not a barrier to the right to vote.**

The right to vote should never be tied to income or wealth. However, many state criminal justice debt laws do exactly that. **Alabama, Arkansas, and Tennessee** explicitly revoke a person's voting rights if certain criminal justice debts are unpaid.⁴⁵ **Louisiana, North Carolina, South Carolina, and Texas** laws do not explicitly state that unpaid criminal justice debts will result in the termination of voting rights, but de facto debt-based disenfranchisement occurs in these states, primarily where probation or parole must be completed prior to the restoration of voting rights but where such supervision can be extended or revoked on the basis of unpaid criminal justice debt.⁴⁶ These wealth-based restrictions on the right to vote undermine democracy and should be ended.

- **Protect assets and benefits needed for financial stability from collection.**

Legislatures should also protect their poor residents from counterproductive financial ruin by protecting their access to basic resources needed for their and their families' survival. Toward this end, states should prohibit seizure of any means-tested benefits or tax credits to collect on criminal justice debt, and should ensure that criminal justice debt is not excluded from state "debtor's" exemptions that protect essential assets from seizure.

- **Eliminate use of private collection agencies or collection by probation companies.**

States should be wary of using private collection agencies to collect against residents, which may prioritize short-term private revenues over public equity, safety, debtors' rights, or long-term stability concerns. State law authorizes the use of private collection agencies to collect criminal justice debt in six of the seven **SPRD states**—all but **South Carolina**.⁴⁷

The use of private companies to collect is especially problematic in the case of private probation companies; these companies often derive revenues from fees they collect from supervisees or from keeping people on their supervision rolls longer, both of which can create conflicts of interest.⁴⁸ Recent reports reflect that fees have become the tail that wag the dog in the probation industry, and that “there is an entire industry of private probation companies whose main function is the enforcement and collection of probation fees.”⁴⁹

If states or localities are unwilling to bar use of private collection companies to collect government debts, they should at minimum ensure that such companies are subject to clear requirements and oversight to ensure protection of low-income debtors, prevent abusive or unfair debt collection practices, align companies' incentives with good outcomes for debtors, and prohibit collection of fees beyond the debt balance.

Contracts with private collection agencies should include strong oversight provisions and should be structured to incentivize successful reentry and management of debts, including identification of individuals who lack ability to pay and should have their debts waived and successful implementation of affordable payment plans.⁵⁰

Collection Practices by State Attorneys General, and Other State and Local Agents

Advocates should identify which entities are ultimately responsible for collection of criminal justice debt in their states, as these entities may be another target for reform advocacy. According to the [Confronting Criminal Justice Debt Guide for Policy Reform](#) (see page 25), in many states, the attorney general is responsible for collecting debts owed to the state, either by collecting debts directly or by contracting with private debt collectors where state law permits.

Whichever entity is responsible for collection should take care to establish collection policies that are designed to foster successful reentry, including successful repayment for those who can afford to pay without undermining their and their families' financial stability, and waivers or debt forgiveness for those who cannot.

Strategies for influencing criminal justice debt collection practices may include seeking information about state and local collection practices and any contracts with private collectors by informal request or using [state freedom of information laws](#); sending letters to or seeking meetings with the leadership office of the entity with ultimate debt collection responsibility (or candidates for such office), which may be the state attorney general's office; educating offices (such as the attorney general's office) on policy positions on criminal justice debt by legal organizations including the [American Bar Association](#) and the [United States Department of Justice](#); developing champions within other branches or offices of state government that can help with access or influence over relevant decision makers; and engaging in public advocacy, particularly in media that is influential in the state.

- **Establish reasonable time limits on collection of government debts.**

After a reasonable period of time, both debtors and the state should be able to put fines and fees behind them and move forward. A person who cannot pay the fines and fees in full should be able to move on without being followed by a lingering cloud of debt, and without potential criminal consequences and collection actions. And the government should be able to write off the debt and move forward without wasting further resources on attempting to collect the uncollectible.

States can do this by putting time limits on the period in which a debt will be considered due and collectible before it is discharged. For example, in the federal criminal justice system, the obligation to pay special assessment fees ends five years after judgment.⁵¹ At minimum, states should provide clear statutes of limitations circumscribing when old criminal justice debts will

no longer be enforceable in courts, and should ensure that such limits either apply to already existing debts or that older existing debts are forgiven.

Use data to improve policies

- **Collect and publish information about criminal justice debt to inform policy reform.**

States should centrally collect and publish information about criminal justice debt so that policymakers and citizens can understand and evaluate the financial, social, and public safety impacts of criminal justice debt, and can use this information in developing and considering policy changes.

At minimum, states should require and fund centralized collection and publication of information regarding the following:

- imposition of criminal justice debts,
- revenues collected,
- disposition of revenues collected and how these revenues fit into the overall budgets of government units and agencies,
- direct and indirect collection costs,
- contracts with private probation and collection companies and any other companies deriving revenues from fees or costs, and
- penalties and enforcement actions against individuals related to debts.

Additional Resources

National Guidance and Resources on State Fines and Fees Policies

- National Consumer Law Center and Criminal Justice Policy Program at Harvard Law School, [*Confronting Criminal Justice Debt: The Urgent Need for Comprehensive Reform*](#) (Sep. 2016)
- Criminal Justice Policy Program at Harvard Law School, [*Confronting Criminal Justice Debt: A Guide for Policy Reform*](#) (Sep. 2016)
- American Bar Association, [*Ten Guidelines on Court Fines and Fees*](#) (Aug. 2018)
- Criminal Justice Policy Program at Harvard Law School, [*50-State Criminal Justice Debt Reform Builder*](#)
- FrameWorks Institute, [*Framing Advocacy on Fines and Fees Reform*](#) (2018)
- PolicyLink, [*Ending the Debt Trap: Strategies to Stop the Abuse of Court-Imposed Fines and Fees*](#) (March 2017)

State-Specific Reports, Fact Sheets, and Academic Articles

Alabama

- Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, [*Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide*](#) (Oct. 2018)
- Arise Citizens' Policy Project, Fact Sheet, [*Criminal justice debt: A modern-day debtors' prison*](#) (Jan. 25, 2018)
- Cook, Foster, [*The Burden of Criminal Justice Debt in Alabama: 2014 Participant Self-Report Survey*](#) (University of Alabama at Birmingham, UAB-TASC, 2014)
- Greenberg, Claire et al., "[*The Growing and Broad Nature of Legal Financial Obligations: Evidence from Alabama Court Records*](#)," 48.4 *Conn. L. Rev.* 1079 (May 2016)
- Meredith, Marc and Michael Morse, [*Discretionary Disenfranchisement: The Case of Legal Financial Obligations*](#), 47 *J. of Legal Studies* 309 (June 2017)

Louisiana

- ACLU, [*Louisiana's Debtors Prisons: An Appeal to Justice*](#) (Aug. 2015)
- Vera Institute of Justice, [*Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*](#) (Jan. 2017)
- Louisiana Justice Reinvestment Task Force, [*Report and Recommendations*](#) (March 16, 2017)

North Carolina

- North Carolina Poverty Research Fund, [*Court Fines and Fees: Criminalizing Poverty in North Carolina*](#) (Winter 2017)
- North Carolina Court System, [*Court Costs and Fees Chart*](#) (Aug 2017)
- Harris, Alexes, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, Chris Uggen, and April Fernandes, [*Monetary Sanctions in the Criminal Justice System: A review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas, and Washington*](#) (April 2017)

Tennessee

- Tennessee Advisory Commission on Intergovernmental Relations, [*Tennessee's Court Fees and Taxes: Funding the Courts Fairly*](#) (January 2017)
- Indigent Representation Task Force, [*Liberty & Justice for All: Providing Right to Counsel Services in Tennessee*](#) (April 2017)
- Joshi, Vidhi, "Sentenced to Debt: The True Cost of Raising Revenue Through Tennessee Criminal Courts," 53 Tenn. B.J. 18 (May 2017)

Texas

- Texas Appleseed and Texas Fair Defense Report, [*Pay or Stay: The High Cost of Jailing Texas for Fines and Fees*](#) (Feb. 2017)
- ACLU, [*No Exit, Texas: Modern-Day Debtors' Prisons and Poverty Traps*](#) (Nov. 2016)
- Texas Office of Court Administration, [*Study of the Necessity of Certain Court Costs and Fees in Texas*](#) (Sep. 1, 2014)
- Texas Office of Court Administration et al., [*A Framework to Improve How Fines, Fees, Restitution, and Child Support are Assessed and Collected from People Convicted of Crimes*](#) (March 2, 2009)
- Robina Institute of Criminal Law and Criminal Justice, University of Minnesota , [*Exploring Supervision Fees in Four Jurisdictions in Texas*](#) (March 14, 2017)
- City of Austin, [*Special Request Report on Alternatives to Incarceration at Municipal Court*](#) (July 2016)
- Harris, Alexes, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, Chris Uggen, and April Fernandes, [*Monetary Sanctions in the Criminal Justice System: A review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas, and Washington*](#) (April 2017)

Endnotes

- ¹ See <https://www.traviscountytx.gov/justices-of-peace/jp1/court-costs>.
- ² Public Affairs Research Council of Alabama, “Unified But Not Uniform: Judicial Funding Issues In Alabama,” PARCA Court Cost Study (August 2014), at 17-18, accessed at <https://www.alabar.org/resources/judicial-court-information/court-cost-study/>.
- ³ Board of Governors of the Federal Reserve System, [*Report on the Economic Well-Being of U.S. Households in 2017*](#), at 21 (May 2018).
- ⁴ See U.S. Commission on Civil Rights, [*Targeted Fines and Fees Against Communities of Color*](#) at 72 (Sep. 2017).
- ⁵ Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, [*Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide*](#) at 31 (Oct. 2018).
- ⁶ deVuono-powell, et al., Ella Baker Ctr. for Human Rights, [*Who Pays? The True Cost of Incarceration on Families*](#) (2015); Mitali Nagrecha, Mary Fainsod Katzenstein, Estelle Davis, [*When All Else Fails, Fining the Family*](#), Center for Community Alternatives (2013).
- ⁷ For more on poverty traps, see Criminal Justice Policy Program at Harvard Law School, [*Confronting Criminal Justice Debt: A Guide for Policy Reform*](#) at 17 (Sep. 2016).
- ⁸ See e.g., Ala.Code 1975 § 14-4-10; Ark. Code Ann. § 16-13-703; La. Code Crim. Proc. Ann. § Art.884; N.C. Gen. Stat. Ann. § 15A-1364; S.C. Code Ann. § 17-25-340; Tenn. Code Ann. § 40-4-106; Tex. Code Crim. Proc. Art. 43.03.
- ⁹ See U.S. Commission on Civil Rights, [*Targeted Fines and Fees Against Communities of Color*](#) at 72 (Sep. 2017); Jessica Eaglin and Danyelle Solomon, [*Reducing Racial and Ethnic Disparities in Jails: Recommendations for Local Practice*](#) (New York, NY: Brennan Center for Justice at New York University School of Law, 2015).
- ¹⁰ See National Consumer Law Center, [*Past Imperfect: How Credit Scores and Other Analytics “Bake In” and Perpetuate Past Discrimination*](#) (May 2016) (describing racial disparities in credit reporting and credit scores).
- ¹¹ Cf. Paul Kiel & Annie Waldman, *ProPublica*, [*The Color of Debt: How Collection Suits Squeeze Black Neighborhoods*](#)” (Oct. 8, 2015) (finding in the civil debt collection context that black neighborhoods “were hit twice as hard by” collection judgments as white neighborhoods, even when adjusting for differences in income, and finding significant differences in liquid assets between black and white families at similar income levels).
- ¹² See Alexes Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, at 156 (New York: Russell Sage Foundation, 2016).
- ¹³ George Hunter, [*“More Tickets in Hard Times,”*](#) Car and Driver (Feb. 2009) (quoting Police Chief Michael Reaves of Utica, Michigan).
- ¹⁴ One of the reasons the American Association of Motor Vehicle Administrators supports ending license suspension for non-highway safety violations is that law enforcement officers lose time they should be spending protecting public safety when dealing with these non-safety related license suspensions: “When a law enforcement officer encounters a suspended driver, their ability to help ensure the safety of drivers on the roadways and their availability to respond to calls for service are reduced. The officer must take appropriate action for the violation and later appear in court for adjudication of the ticket(s). While the officer is in court, there may be little or no enforcement presence in their patrol area.” See American Association of Motor Vehicle Administrators, [*Best Practices Guide to Reducing Suspended Drivers*](#) at 2 (Feb. 2013).

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- ¹⁵ Rebecca Goldstein, Michael Sances, Hye Young You, *Exploitative Revenues, Law Enforcement, and the Quality of Government Service*, Urban Affairs Review (Aug. 2018), also available at http://www.law.nyu.edu/sites/default/files/upload_documents/YOU_policing.pdf.
- ¹⁶ Rebecca Goldstein, Michael Sances, Hye Young You, “[What happens to police departments that collect more fines? They solve fewer crimes](#),” Wash. Post (Sep. 24, 2018).
- ¹⁷ Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide* (Oct. 2018).
- ¹⁸ Public Affairs Research Council of Alabama, “Unified But Not Uniform: Judicial Funding Issues In Alabama,” PARCA Court Cost Study (August 2014), pp. 2, 4, accessed at <https://www.alabar.org/resources/judicial-court-information/court-cost-study/>.
- ¹⁹ Id.
- ²⁰ Cherrie Bucknor and Alan Barber, Center for Economic and Policy Research, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies* (June 2016).
- ²¹ See Criminal Justice Policy Program at Harvard Law School, *Law Explorer* (see State Analysis, Conflicts of Interest, Revenue Flow).
- ²² U.S. Dep’t of Justice, Civil Rights Div., Investigation of the Ferguson Police Department 2 (2015), available at https://www.justice.gov/sites/default/files/crt/legacy/2015/03/04/ferguson_findings_3-4-15.pdf.
- ²³ MO Rev. Stat. §479.359.
- ²⁴ For more on ability-to-pay reforms, see Criminal Justice Policy Program at Harvard Law School, *Confronting Criminal Justice Debt: A Guide for Policy Reform* at 26-32 (Sep. 2016).
- ²⁵ See e.g., Ala. R. Crim. P. Rule 26.11(b); La. C.Cr.P 895.1 A(1); Tenn. Code Ann. § 39-17-428(d).
- ²⁶ See e.g., Code of Ala. § 12-17-226.18, A.C.A. § 5-4-303; La. C.Cr.P 895.1 A(1); N.C. Gen. Stat. Ann. § 15A-1368.4; S.C. Code Ann. § 17-25-150(B); Tenn. Code Ann. § 40-15-105(a)(2)(F); Tex. Code Crim. Proc. Art. 42A.652.
- ²⁷ Stipulated Settlement Agreement and Retention of Jurisdiction at 6, Kennedy v. City of Biloxi, No. 1:15-cv-00348-HSO-JCG (S.D. Miss. Mar. 15, 2016), available at https://www.aclu.org/sites/default/files/field_document/final_stipulated_settlement_agreement_exhibit_a_exhibit_b_03152016_0.pdf.
- ²⁸ Schierenbeck, Alec, *The Constitutionality of Income-Based Fines* (February 21, 2018). University of Chicago Law Review, Forthcoming, available at SSRN: <https://ssrn.com/abstract=3127949> or <http://dx.doi.org/10.2139/ssrn.3127949>; see also Zedlewski, Edwin, Alternatives to Custodial Supervision: The Day Fine (National Institute of Justice, 2010), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/230401.pdf>.
- ²⁹ See Criminal Justice Policy Program at Harvard Law School, *Confronting Criminal Justice Debt: A Guide for Policy Reform* at 20-21 (Sep. 2016); see also Kala Kachmar, “[NJ’s broken municipal courts: Will reform bills work?](#)” (Asbury Park Press Oct. 1, 2018) (discussing legislation recently introduced in New Jersey that would allow defendants to earn credits toward fines if they complete court-imposed treatment programs).
- ³⁰ See Criminal Justice Policy Program at Harvard Law School, *Confronting Criminal Justice Debt: A Guide for Policy Reform* at 20-22; see also National Consumer Law Center, *Confronting Criminal Justice Debt: A Guide for Litigation* at 45-46 (Sep. 2016).
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³¹ Income-driven repayment plans for federal student loans provide one potential model for setting payment plan amounts, although their 20-year or longer payment periods prior to forgiveness are far too long for criminal justice debt payment plans, where the payments reflect a punishment or tax rather than a long-term investment. For more on designing criminal justice debt payment plans, see Criminal Justice Policy Program at Harvard Law School, [Confronting Criminal Justice Debt: A Guide for Policy Reform](#) at 17-18 (Sep. 2016).

³² See Criminal Justice Policy Program at Harvard Law School, *Law Explorer*, <https://cjdebtreform.org/data-explorer/all> (last visited October 11, 2018).

³³ See National Consumer Law Center, [Confronting Criminal Justice Debt: A Guide for Litigation](#) at 33-34, 57-60 (Sep. 2016); see also Texas Code Crim. Proc. Art. § 45.0491.

³⁴ See e.g., Ala.Code 1975 § 14-4-10; Ark. Code Ann. § 16-13-703; La. Code Crim. Proc. Ann. § Art.884; N.C. Gen. Stat. Ann. § 15A-1364; S.C. Code Ann. § 17-25-340; Tenn. Code Ann. § 40-4-106; Tex. Code Crim. Proc. Art. 43.03.

³⁵ For more on ability-to-pay reforms, see Criminal Justice Policy Program at Harvard Law School, [Confronting Criminal Justice Debt: A Guide for Policy Reform](#) at 26-32 (Sep. 2016).

³⁶ Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, [Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide](#) at 20 (Oct. 2018) (citing Ala. Code § 15-22-2(a)(2)).

³⁷ See Tex. Transp. Code § 708.152.

³⁸ See La. Code Crim. Proc. Ann. § Art.885.1. See also, Salas & Ciolfi, *Driven by Dollars*.

³⁹ *Thomas v. Haslam*, 303 F. Supp. 3d 585 (M.D. Tenn. 2018).

⁴⁰ National Consumer Law Center, [Broken Records: How Errors by Criminal Background Checking Companies Harm Workers and Businesses](#) at 3 (2012).

⁴¹ New Jersey Senate Bill 3307 (2017), enacted as New Jersey P.L.2017, c.244; see text and history at <https://legiscan.com/NJ/text/S3307/2016>.

⁴² Maura Ewing, ["Want to Clear Your Record? It Will Cost You \\$450,"](#) Marshall Project (June 1, 2016).

⁴³ [Tennessee Public Ch. No. 456](#) (May 25, 2017), amending Tenn. Code Ann. § 40-32-101(g)(1) (in addition to the \$180 base expungement fee, a \$100 general filing fee applies); Joy Radice, Access-to-Justice Challenges for Expungement in Tennessee, 30 Fed. Sent. R. 277, 279 (April - June, 2018) ("\$280 is still prohibitively expensive for a low-income petitioner").

⁴⁴ See LA Code Crim Pro 983 (2016), see also Orleans Criminal District Court, Expungements, at <http://www.criminalcourt.org/expungements.html>.

⁴⁵ See Allyson Fredericksen and Linnea Lassiter, Alliance for a Just Society, [Disenfranchised By Debt: Millions Impoverished By Prison, Blocked From Voting](#) (2016); see also Alabama Appleseed, UAB-TASC, Greater Birmingham Ministries & Legal Services Alabama, [Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide](#) at 29 (Oct. 2018) (describing 2017 legislative changes impacting restrictions on the right to vote in Alabama based on outstanding criminal justice debt).

⁴⁶ See Allyson Fredericksen and Linnea Lassiter, Alliance for a Just Society, [Disenfranchised By Debt: Millions Impoverished By Prison, Blocked From Voting](#) (2016).

⁴⁷ See Criminal Justice Policy Program at Harvard Law School, *Law Explorer* (see State Analysis, Conflicts of Interest, Collection Infrastructure); see also S.C. Opinion of the Attorney General, 20014 WL 1879679 (July 28, 2004)

(advising a county magistrate that South Carolina law does not permit courts to contract with private companies for the collection of fines and fees).

⁴⁸ For more on private probation conflicts of interest, see Criminal Justice Policy Program at Harvard Law School, [Confronting Criminal Justice Debt: A Guide for Policy Reform](#) at 10-13 (Sep. 2016) and Karin D. Martin, Sandra Susan Smith and Wendy Still, [Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create](#) at 7-8 (New Thinking in Community Corrections, Jan. 2017).

⁴⁹ Michael P. Jacobson, Vincent Schiraldi, Reagan Daly, and Emily Hotez, [Less Is More: How Reducing Probation Populations Can Improve Outcomes](#) at 5-6 (Papers from the Executive Session on Community Corrections, August 2017).

⁵⁰ See Criminal Justice Policy Program at Harvard Law School, [Confronting Criminal Justice Debt: A Guide for Policy Reform](#) at 14-15 (Sep. 2016).

⁵¹ 18 U.S.C. § 3013(c).