



Criminal justice debt has soared in recent years as governments have attempted to use fines and fees to cover the growing costs of the bloated criminal justice system, as well as government operations generally. The result has been disastrous:

- Fines and fees function as a [regressive](#) and [unaffordable](#) tax on [millions](#) of low-income families.
- Public and private actors engage in [predatory practices targeted at justice-involved individuals and their families](#), such as charging exorbitant rates for phone calls from prisons and jails.
- Harsh collection tactics, such as suspending driver's licenses and arresting people for nonpayment of fines and fees, [trap people in poverty and in the criminal system](#).
- Criminal justice debt often [prevents people from clearing their criminal records](#), creating barriers to jobs, housing, and financial stability.
- Due to systemic racism in the criminal justice system and the longstanding [racial wealth gap](#), the harms of our broken system of criminal justice debt are [disproportionately borne by communities of color](#).
- Use of fines and fees to fund law enforcement [undermines public safety](#), forcing police to focus on ticketing and debt collection instead of [protecting and serving](#), and contributes to the breakdown in trust between communities and police.

WHAT CONGRESS CAN DO

Congress must act now. Fines, fees, and criminal justice debt are often seen as state and local problems in need of state and local solutions. But federal law has exacerbated these problems and can and should be leveraged to address them. Congress should close loopholes in federal debtor protection laws, enshrine fundamental rights in federal law, and provide funding to state and local governments to shore up their budgets and to support much-needed reforms.

Congress should provide federal funding and support to incentivize state and local governments to reform fines and fees practices, including by:

- Stopping debt-based driver's license suspensions that prevent people from getting to work, as provided in the [Driving for Opportunity Act of 2021, S. 998](#)
- Ensuring that poverty is not a barrier to a clean slate and job and housing opportunities by eliminating requirements to pay off criminal justice debt to access record clearing, as in the [Fresh Start Act of 2021, S. 3049/H.R. 5651](#)
- Eliminating all fines, fees, and other monetary assessments in the juvenile system, as in the [Eliminating Debtor's Prison for Kids Act, S. 2507/H.R. 4744](#)
- Ending all debtors' prisons and de-linking probation and payment of criminal justice debt

- Providing training and technical assistance to develop and implement protections against inequitable assessment and enforcement of fines and fees, and to collect data to drive further improvements, as in the [State Justice Improvement Act, S. 3024](#)
- Moving away from money bail, which makes pretrial detention a matter of wealth, as in the [Pretrial Integrity and Public Safety Act, H.R. 2152](#)
- Ending [use of fees, costs, and surcharges in the criminal justice system, including those imposed by private companies](#), and reducing and capping government revenues from fines and fees
- Reforming fine practices to address overuse and inequities and to ensure any fines are proportionate to the offense and to individual financial circumstances
- Ending commercialization of community corrections and surveillance programs, including for-profit probation, parole, electronic monitoring, and drug testing

Congress should take the following actions to reform federal law to combat harmful criminal justice debt long-term:

- Build on the recent [executive order barring renewal of federal contracts with private prisons](#) to stop all bail and corrections industry profiteering, including by:
 - Permanently prohibiting the prison phone industry from charging families extortionate rates as in the [Martha Wright-Reed Just and Reasonable Communications Act, S. 1541/ Martha Wright Prison Phone Justice Act, H.R. 2489](#)
 - Barring contracts in the federal system that impose costs on people who are incarcerated or under supervision and their loved ones
- Prohibit unfair criminal justice debt collection practices by requiring collectors of these debts to comply with the federal Fair Debt Collection Practices Act (see, e.g., [Debt Collection Practices Harmonization Act, H.R. 2628](#); [Stop Debt Collection Abuse Act of 2021, H.R. 2572](#))
- Protect the fundamental right to vote by prohibiting disenfranchisement based on outstanding criminal justice debt, as provided in the [Removing Monetary Barriers to Voting Act H.R. 8249](#)
- Stop denying bankruptcy relief to people with criminal justice debt, by removing the exception from dischargeability in the federal Bankruptcy Code (see, e.g., [Consumer Bankruptcy Reform Act of 2020](#))

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