



**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.
- 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](#).
- 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.

**The coronavirus pandemic and economic crisis make addressing the harms of criminal justice debt [fiercely urgent](#).** The pandemic is placing enormous pressures on state and local government budgets, which may lead to increased use of fines and fees in a [misguided to attempt to address shortfalls](#). But the economic crisis will make it even harder for people to afford to pay — particularly as the same populations that disproportionately suffer the harms of fines and fees have disproportionately experienced job loss in the pandemic. And the catastrophic rates of coronavirus infections and deaths in jails and prisons mean that an arrest for nonpayment is a threat to life as well as liberty.

## 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 amid the current economic crisis and to support much-needed reforms.

**Congress should include the following emergency provisions in coronavirus relief legislation:**

- Provide needed funding to state and local governments as they address and recover from the pandemic so they can continue essential operations and do not [turn to fines and fees to attempt to make up revenue shortfalls](#)
- Provide funding to support and incentivize state and local governments to suspend imposition and collection of fines and fees during the pandemic, such as in [HEROES Act § 191108](#)
- Ensure that families can stay connected with incarcerated loved ones while in-person visits are banned, by providing free or low-cost phone or video calls and permanently ending extortionate prison phone call overcharging, such as in [HEROES Act § 130701 et seq.](#)

## Congress should also take the following actions to combat harmful criminal justice debt long-term:

- 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](#))
- 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. 3948](#); [Stop Debt Collection Abuse Act, H.R. 4403](#))
- Protect the fundamental right to vote by prohibiting disenfranchisement based on owing criminal justice debt, as provided in the [Removing Monetary Barriers to Voting Act \(H.R. 8249\)](#)
- Build on the recent [executive order barring renewal of federal contracts with private prisons](#) to stop all bail and corrections industry profiteering, including by barring “offender-funded” contracts in the federal system and permanently prohibiting the prison phone industry from charging families extortionate rates (see, e.g., [Martha Wright-Reed Just and Reasonable Communications Act, S. 1764/H.R. 6389](#))
- Provide [federal funding and support](#) to [incentivize state and local governments to](#) reform fines and fees practices, including by:
  - Ending use of [fees, costs, and surcharges in the criminal justice system, including those imposed by private companies](#)
  - Eliminating all fines, fees, and other monetary assessments in the juvenile system, as in the [Eliminating Debtor’s Prison for Kids Act, H.R. 2300](#)
  - Reforming fine practices to address overuse and inequities and to ensure any fines are proportionate to the offense and to individual financial circumstances
  - Reducing and capping government revenues from fines and fees
  - Stopping debt-based driver’s license suspensions that prevent people from getting to work, as provided in the [Driving for Opportunity Act, S. 4186](#)
  - Ending debtors’ prisons and delinking probation and payment of criminal justice debt
  - 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
  - Ending commercialization of community corrections and surveillance programs, including for-profit probation, parole, electronic monitoring, and drug testing

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