



April 14, 2023

The Honorable Chris Holden
Appropriations Committee Chair
California State Assembly
1020 N Street, Room 5650
Sacramento, CA 95814-4900

RE: The End Debtor's Prison Act (AB 1266 - Kalra) – SUPPORT

Dear Chair Holden:

The National Consumer Law Center (NCLC)¹ supports the End Debtor's Prison Act (Assembly Bill 1266), introduced by Assemblymember Ash Kalra. This bill would amend the penal and vehicle codes to end bench warrants to arrest people for infractions when they do not appear in court or pay a fine.

Under current state law, people who have enough money to pay tickets for low-level violations like loitering or minor traffic violations never have to go to court and are not subject to arrest or jailing. But people who cannot afford to pay and who miss a court appearance to explain this can be arrested. Essentially, the current law allows for a direct line to prison for people who are economically insecure. And due to both the racial wealth gap and systemic racism in the criminal legal system, the harms of this law are likely to disproportionately burden people of color.

Low-income people face serious barriers both to paying fines and to appearing in court to address nonpayment. Even if they receive sufficient notice that they must appear in court, low-income people often cannot appear because of lack of transportation, the risk of losing their job if they miss work, or inability to find substitute childcare.²

¹ The National Consumer Law Center (NCLC) is a nonprofit organization that engages in research, education, advocacy, and litigation to advance economic justice for low-income and other disadvantaged people, including people of color and older adults. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, federal and state governments, and courts across the nation to protect low-income people from harmful lending and debt collection practices, help financially stressed families build and retain wealth, and advance economic fairness. Through its Criminal Justice Debt Project, NCLC works to address fines-and-fees policies that trap low-income families in poverty, criminalize poverty, and strip wealth from communities of color.

² See, e.g., Nat'l Consumer L. Ctr., Collections Actions § 16.2.4 (5th ed. 2020), updated at www.nclc.org/library (discussing reasons low-income people often do not appear at court-ordered debtor's examinations); Jennifer Turner, American Civil Liberties Union, A Pound of Flesh: The Criminalization of Private Debt 5 (2018), available at https://www.aclu.org/sites/default/files/field_document/022118-debtreport.pdf.

Research shows that punitive measures such as bench warrants not only threaten low-income people's ability to maintain and secure employment and housing, but are ineffective in compelling people to pay or appear in court. Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court.³

For these reasons, we respectfully request your "Aye" vote on this critical measure that would help address significant racial and economic justice issues. Thank you for your consideration.

Sincerely,

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cc: The Honorable Members of the Assembly Committee on Appropriations
The Honorable Ash Karla

³ For example, in New York City, researchers found that changes to the court summons form reduced failures to appear by 13 percent, and that text message reminders reduced failures to appear by 26 percent. Brice Cook, et al., Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court 15–16 (Jan. 2018), <https://www.courthousenews.com/wp-content/uploads/2018/01/crim-just-report.pdf>.