COURT DEBT AS A BARRIER TO CLEARING A CONVICTION RECORD

- Court debt has no effect on relief (1 state)
- Court debt may be considered in qualifying for relief (14 states and DC)
- Some court debt must be paid to qualify (15 states)
- Court debt that is part of the sentence must be paid to qualify (7 states)
- All court debt must be paid to qualify (6 states)
- No general conviction record clearing (7 states and federal system)
A. Court Debt and the Consequences of Nonpayment

Monetary sanctions such as fines, once conceived as an alternative punishment to incarceration and supervision, have exploded in type, number, and amount over the last several decades, and are now regularly imposed in addition to, rather than in lieu of, other punishments.46 In addition to fines, which are imposed as sanctions for criminal offenses, and restitution, which is generally conceived as compensation for the victim of an offense, states have added an array of fees, assessments, and surcharges, which may be used to fund various aspects of the criminal justice system or simply to generate revenues for unrelated government operations.

Court debt is often imposed by statute, and may bear no relationship to the criminal offense.47 In many jurisdictions, people who cannot afford to pay these amounts immediately are assessed “poverty penalties” in the form of late fees, payment plan fees, interest, and collection charges.48

Those who cannot afford to pay court debt may face a range of harmful consequences, including driver’s license suspensions, extensions or revocations of probation, frequent payment hearings in court, additional fees and charges,