

Fines, Fees, and Bail Practices News: June 6, 2016

National: KQED [How Money Bail Works and Why Critics Say It's Not Fair](#)

More than half the U.S. jail population has never actually been convicted of a crime.

That's roughly 420,000 "pretrial" defendants stuck behind bars in city and county jails who haven't had their day in court, according to the Bureau of Labor Statistics.

And many of these defendants are in jail for one simple reason: they can't afford to pay bail.

California: Associated Press [The Latest on action in the California Legislature](#)

The California Senate has voted to stop suspending driver's licenses for people who fail to pay traffic fines or fail to appear in court for traffic violations.

The Senate's 32-7 vote on Tuesday sends SB881 to the state Assembly.

Democratic Sen. Bob Hertzberg of Van Nuys says suspending driving privileges is an overly harsh punishment for people who don't pay fines. He says people who lose their license are more likely to lose their job and become trapped in poverty.

Hertzberg's bill would restore driving privileges to up to 550,000 people who lost them for failing to pay a fine or appear in court. It comes as the state has granted amnesty to unpaid court and traffic fines.

Law enforcement groups say it will encourage people to disregard their rules.

Georgia: Atlanta Journal-Constitution [Dirty license plate leads to \\$1,590 fine for motorist](#)

A dirty license plate cost Linda Ford \$1,590 that she can't afford.

Ford was ordered to pay \$720 — nearly 29 times what other courts levy when a decal is not affixed to a car tag. She was fined as if her registration had been suspended.

By the next time Ford appeared in court she had only saved \$480. So, as the judge had warned, Reeves increased the fine to \$1,590 and put Ford on probation.

Illinois: Chicago Daily Herald [Lake County announces amnesty period for people with outstanding court fees, fines](#)

Lake County residents who owe court-imposed fees and fines that are more than a year old are eligible to settle up before being charged interest.

On Wednesday, officials announced a 45-day amnesty program that allows residents to pay off fines or court fees resulting from conviction or guilty plea, or the entry of a court-ordered judgment in cases involving felonies, misdemeanors, DUIs, traffic tickets and ordinance violations.

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Illinois: News-Democrat [St. Clair County considers new fee for people with guilty judgments](#)

Under a proposal, people who are found guilty in a court case in St. Clair County could have a new \$5 fee added to their penalties.

County Board members are scheduled to vote on a new fee that would help pay for drug court and probation.

Iowa: Des Moines Register [New Iowa law on court debt aims to keep drivers on road](#)

Thousands of Iowans threatened with the loss of their driver's license could legally stay on the road under a new state law scheduled to take effect July 1.

The legislation signed by Gov. Terry Branstad last week includes provisions to help motorists who don't pose a threat to public safety but who are having difficulty paying fines and other court debts, said Mark Lowe, director of driver's services for the Iowa Department of Transportation.

Massachusetts: Carriage Towne News (Kingston, New Hampshire) [Low-level offenders in Massachusetts struggle to cover probation fees](#)

If the measure survives budget negotiations and Gov. Charlie Baker's veto pen, it would also prevent judges from extending someone's probation or sending an offender to the lock-up for non-payment.

New Hampshire: New Hampshire Union Leader [Anyone facing jail for unpaid fines needs a lawyer, says proposed rules change](#)

Anyone facing jail for not paying a court fine would have access to a lawyer under a broad rewrite of court rules that goes before New Hampshire court officials today for a public hearing.

The proposed change would also allow a judge to reduce a fine based upon a defendant's financial circumstances and would require an "ability to pay" hearing when a defendant claims he can't pay.

New York: Newsday [Southampton Town offers amnesty for parking violations](#)

A Southampton Town parking violations amnesty program will be in effect from June 1 through July 31 that will allow delinquent local tickets issued from Jan. 1, 2012, through Dec. 31, 2015, to be paid with only an additional \$5 administrative fee.

North Carolina: Winston-Salem Journal [Our view: This DMV mess must be resolved](#)

What a horrible mess. Thousands of drivers across North Carolina — some in Forsyth County — have lost their licenses because of a backlog of court-action records that weren't properly updated, the Journal's Michael Hewlett reported last week.

Many of those drivers may have lost their licenses through no fault of their own. Whatever the number, it's too many.

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South Carolina: The Herald [S.C. Legislature wrap-up: Where some bills we've covered ended up](#)

It was unveiled in March by state Rep. Tommy Pope, R-York, and passed the S.C. House on a 102-0 vote in April. Alicia's Law would create a dedicated fund for combating internet crimes by charging an extra 6.1 percent on fines paid by criminal defendants, a measure that could raise an estimated \$3.1 million a year.

But the idea of increasing court fines met opposition in the Senate, where the bill's supporters ultimately agreed to drop the funding component May 26 just to keep it from dying a procedural death – leaving the fund in place, but without a dedicated source of revenue.

Tennessee: The Leaf-Chronicle [Know rights on licenses](#)

A few weeks ago, more than 14,000 driver's licenses were revoked in Montgomery County because these drivers did not pay criminal court costs, fines or taxes associated with the Montgomery County General Sessions Court.

The mass suspension stems from a 2011 Tennessee law, which requires the Department of Safety to revoke driver's licenses for unsatisfied debts incurred from any criminal case - including misdemeanors and felonies - one year after the disposition of the offense.

Tennessee: The Tennessean [Tennessee Supreme Court weighs inmates' rights to file lawsuits](#)

A Franklin lawyer challenging a state law that says inmates who have past-due court fees cannot file new cases asked the Tennessee Supreme Court Thursday to deem the law unconstitutional.

David Veile of Schell & Davies law firm argued before the state's top court Thursday on behalf of inmate Reginald D. Hughes. Hughes' appeal of a decision that denied him parole in 2011 was dismissed because he owed \$258.85 in fees, according to court records.

Virginia: Washington Post [Glance: Group says court costs cripple low-income drivers](#)

Advocates for low-income Virginians say more must be done to prevent poor people from losing their driver's licenses because of unpaid fines and court costs. Among the recommendations and findings in the Legal Aid Justice Center report:

— The court should assess a debtor's financial condition before establishing a payment plan. At least 65 of the state's 105 courts fail to do so, and 28 require a minimum monthly payment of \$50 regardless of the person's ability to pay that amount.

— The court should consider the debtor's financial obligations to other courts in determining ability to pay. At least 90 do not.

— Debtors should have the option to perform community service. At least 59 courts do not list that as an option in their written policies.

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— A down payment should not be required. At least 19 courts require a down payment even before default, and many others impose significant payments to re-establish a plan after default.

Virginia: WHSV [Report: Hundreds of thousands lose licenses due to court fees](#)

One-in-six Virginia drivers were stripped of their licenses at this time in 2015 due to not paying court costs and fines, according to a report from the Legal Aid Justice Center.

The DMV also told us they plan to begin accepting payments for delinquent court fees beginning early next year, thanks to a partnership with the Office of the Executive Secretary of the Supreme Court of Virginia.

Washington: Associated Press [County settles over jailing people who can't pay court fines](#)

A county in Washington State has ended its practice of jailing people or requiring them to toil on work crews if they fail to pay their court fines, changes that emerged from a national effort to combat a practice that can make poor defendants poorer.

The American Civil Liberties Union said Wednesday that it settled a lawsuit it filed last fall against Benton County in south-central Washington. In 2010, the organization investigated the way courts impose fines in several states, noting that the penalties often compound with interest or late fees and contribute to the impoverishment of some defendants.