

Fines, Fees, and Bail Practices News: May 9, 2016

American Bar Association: [Equal Justice Conference](#)

Also Friday, Lisa Foster, director of the U.S. Department of Justice Office for Access to Justice, will appear on the panel, “It's All about the Money, Money, Money: Criminalizing Poverty.” The panel will look at the increase of local governments instituting court costs, fines and fees for minor offenses, which have a devastating effect on the poor. The inability to pay has resulted in the jailing of children and adults as well as the implementation of further debt through allowing the accrual of interest while in jail. Other panelists are Nusrat J. Choudhury, ACLU, New York; Anne Geraghty Helms, DLA Piper, Chicago; Danielle Elyce Hirsch, Administrative Office of the Illinois Courts, Chicago; and Alec Karakatsanis, Equal Justice Under Law, Washington, D.C.

U.S. Department of Justice: [Director Lisa Foster of the Office for Access to Justice Delivers Remarks at the Texas Fair Defense Act 15th Anniversary Symposium Celebration](#)

As journalists, advocates and others had already uncovered, the problem is not confined to Ferguson or to Missouri. Virtually every week, the media reports another horror story. And some are here in Texas, where you have almost two thousand municipal and justice of the peace courts and where the pressure on the courts to collect the fines and fees imposed is enormous. Legislators in Texas both state and local have imposed fees and assessments as a way of financing the courts and other government services rather than to protect public safety. And too often those fines and fees are assessed without any inquiry into a defendant's ability to pay. When defendants fail to pay, they can be incarcerated or their drivers' licenses are suspended. Just like someone incarcerated pretrial, someone in jail for unpaid fines and fees can lose their job, their home, or their children. They are caught in a cycle of poverty. As Attorney General Lynch said at a White House Convening on Incarceration and Poverty: “a debt must be capable of being paid, if it is not instead a lifetime yolk of servitude.”

Colorado: NPR Morning Edition- [Colorado Springs Agrees To Stop Jailing People Too Poor To Pay Court Fines](#)

This is a first. A city will pay thousands of dollars to people who were sent to jail because they owed a debt. It is considered wrong in this country to jail someone who can't pay. Debtors' prisons were outlawed generations ago.

Colorado: The Gazette (Colorado Springs)- [Bills that aim to protect indigent defendants await Colorado governor's signature](#)

Two bills are on the governor's desk awaiting his veto or signature - one of them regarding a “loophole” to a ban putting people in jail for failing to pay municipal fines and penalties. House Bill 1311 would prohibit municipal judges from jailing people without a hearing when they fail to make scheduled payments or fail to appear for court dates.... Another bill, House Bill 1309 took aim at a slightly different issue, one requiring municipal courts to provide defendants being held in jail to have access to a public defender at their first appearance.

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Florida: Miami Herald- [Miami-Dade state attorney, public defender and 18 judges retain or earn seats unopposed](#)

In his upcoming term, [Miami-Dade Public Defender Carlos] Martinez said he plans to help people who have been arrested of minor crimes, but never convicted, seal their records. He said he will also begin a campaign on behalf of people who have had their driver licenses suspended because of unpaid court fines and fees.

Louisiana: Associated Press- [January trial set in alleged New Orleans 'debtor's prison'](#)

A federal trial on allegations that New Orleans officials illegally lock up poor people for owing court debts is now set for January. Trial had been set for August, but with numerous documents being filed in the complex case, a judge re-set the trial for the week of Jan. 9.

Missouri: Missouri Lawyers Media- [Suit over extra fee in municipal courts thrown out](#)

The Missouri Court of Appeals Western District said the group of city officials who filed the suit don't have standing to challenge the fee. However, the court suggested in a footnote that a class action lawsuit by litigants who have paid the fee might not face that problem.

Oklahoma: Tulsa World- [Editorial: District attorney tries to play with judicial boundaries](#)

[Rex Duncan, district attorney for Pawnee and Osage Counties] says it makes sense to have the judicial district match his district as a prosecutor, and he doesn't care for some of the judicial policies that come out of Tulsa, such as rotating the presiding judges every two years and not jailing people who fail to pay court-ordered fines and fees.

Tennessee: The Tennessean- [Drivers lose licenses over unpaid court fees](#)

This week, thousands of driver's licenses were revoked in Clarksville and the surrounding area after Montgomery County notified the Tennessee Department of Safety and Homeland Security that those people failed to pay litigation taxes, court costs or fines assessed by Montgomery County General Sessions Court.

Texas: Houston Press- [Every Year, Houston Municipal Courts Send Thousands of People to Jail Who Won't \(Or Can't\) Pay Their Fines](#)

Before municipal courts fine you for a traffic ticket or any other fine-only class C misdemeanor, a judge is supposed to consider whether you can actually afford the punishment....That rarely happens in Houston, according to a report put out by a committee assembled by Mayor Sylvester Turner to study that and other criminal justice issues facing the city.