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National Gavel to Gavel (National Center for State Courts) [Special Edition: A look a court fee/fine/cost legislation in the 2017 session](#)

[Special Edition: Arizona fee/fine/cost legislation in the 2017 session \(UPDATE\)](#)

[Special Edition: Florida fee/fine/cost legislation in the 2017 session](#)

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National BNA Bloomberg [Bail System Unfair, Former White House Counsel Says](#)

Municipalities and states need to move away from using a pretrial bail money system and court fines and fees as a source of government funding, according to former White House General Counsel W. Neil Eggleston.



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Collecting bail in addition to fines and fees keeps poor defendants tethered to the criminal justice system well beyond their sentences, Eggleston said March 9. Eggleston made the keynote address at the American Bar Association's Annual White Collar Crime conference in Miami Beach, Fla.

Having debt to the court affects not just defendants' lives, but their families' lives as well, he explained. It also creates an incentive for defendants to plead guilty so they can get out of jail sooner, he said.

National/California Associated Press [California chief justice warns that 'the rule of law is being challenged'](#)

[Chief Justice Tani Cantil-Sakauye] cited more recent examples of progress the California judiciary has made, too, including efforts to provide options for pretrial release other than bail and a new website with immigration resources.

National/Illinois law360 [Measure To Cut, Standardize Illinois Court Fees Advances](#)

A bill aimed at reducing Illinois court fees passed a key legislative hurdle Wednesday, although sponsors say the legislation needs more work before it can be voted on by the full General Assembly.

The measure, which cleared a House panel on Wednesday, would create across-the-board fee schedules for different types of cases along with a sliding scale in order to assist lower or even middle-income individuals.

National/Nebraska Associated Press [Nebraska senators move bills to help felons re-enter society](#)

The bills are part of a larger comprehensive approach Nebraska lawmakers are taking to the criminal justice system, American Civil Liberties Union of Nebraska executive director Danielle Conrad said. On the front end, senators have introduced legislation that would change how bail, fines and fees are charged to keep indigent people out of jail for being unable to pay, and the Legislature narrowly advanced a bill that would eliminate mandatory minimum sentences for drug offenders, though supporters lack the 30 votes to override a near-certain veto. And

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lawmakers are considering a measure that would limit solitary confinement and other restricted housing in the state's prison system.

"We no longer have the luxury of focusing on one discreet area in the spectrum," Conrad said.

National/Oklahoma PBS Newshour [Oklahoma lawmakers, voters disagree on punishments for drug crimes](#)

Court fees can play a critical role in the budgets of the law enforcers and their administrative staff. The think tank Oklahoma Policy Institute released an analysis of them in January, saying that district courts have collected about \$75 million per year for their own operations. The courts depend on that money to cover their budgets, the analysis said.

The institute analyzed income from nine counties over five years and found that felony cases consistently made more than misdemeanor and traffic ones because the fees and fines are higher. It found that in 2015, the counties collected \$5.58 million from felonies, \$4.05 million from misdemeanors and \$4.64 million from traffic violations.

Just last year, citing financial difficulties, legislators also passed a law doubling the fines for misdemeanors and felonies, saying it would generate an extra \$2.2 million a year.

The institute's policy analyst Ryan Gentzler compared the fines and fees in Tulsa County of one person's misdemeanor marijuana charge to another person's felony cocaine possession charge. The misdemeanor cost the defendant about \$1,800 while the felony cost about \$2,600.

"In both cases, half of it was going to the district attorney supervision fees," Gentzler said.

California KCRA (Sacramento) [California's traffic ticket amnesty program is about to end](#)

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An 18-month traffic ticket amnesty program that was created to help drivers pay for unpaid traffic and non-traffic infraction tickets ends next week.

The amnesty program was created after a series of KCRA 3 Investigates stories highlighted the ballooning costs of traffic tickets, due to court fines and fees. Those fees and fines were increased during the recession in order to offset budget cuts in the courts.

Basic fines such as a \$35 stop sign violation could balloon to over \$300.

California KQED (San Francisco) [Lawmakers Aim to Limit Cash Bail, Say it 'Punishes Poor for Being Poor'](#)

The proposal, first announced by Assemblyman Rob Bonta and Sen. Bob Hertzberg in December, is sure to set up a big legislative fight in the Capitol. In interviews with KQED News, both lawmakers said they are aiming to make the criminal justice system more effective and fair by ensuring that jails aren't packed with people awaiting trial who simply couldn't afford to post bail.

AB 42 would require, in most cases, that counties conduct a pretrial risk assessment after someone is arrested. That scientifically based assessment would consider not just the current accusations, but the arrestee's entire history and life situation. It would also include recommendations to a judge for their conditions of release. A judge would consider the report and decide whether to release the person, and if so, what conditions they will have to abide by.

California LA Times [Here's how state lawmakers plan to reform the bail system in California](#)

New language added Friday to bills by Assemblyman Rob Bonta (D-Oakland) and Sen. Bob Hertzberg (D-Van Nuys) would prevent criminal defendants from having to post money as a condition of release from jail and would shift some power from judges to pretrial services agencies to assess the risks they would pose if allowed out in the community.



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Under the legislation, each county would have to establish its own pretrial services agency to track inmates, remind them of court dates and develop “risk-assessment” tools to determine whether a defendant should be released. The programs, in use in other states, allow court and pretrial staff to use data and other evidence to determine whether a person is a risk to the public or likely to flee their charges.

“The bottom line is we are trying to get to the point that the determining factor for pretrial release is not the size of your wallet, but the nature of your risk,” Hertzberg said. “Are you a risk to society? Are you a public safety risk?”

California Sacramento Bee [California would virtually eliminate money bail under proposed legislation](#)

Senate Bill 10 and Assembly Bill 42 would jointly create a statewide risk assessment tool, as a handful of counties have already done, to determine during the intake process whether defendants pose a flight risk or danger to their communities. If not, low-level offenders would be released.

Those charged with serious or violent felonies would still have to appear before a judge, who would set the ultimate conditions of release – but the bills establish a presumption of not using money bail, and even then only at a level that the defendant can afford.

“We have a very limited role for bail,” Bonta said.

Delaware News-Journal (Wilmington) [State inching on bail reform Delaware may change the price of freedom](#)

Delaware is on the verge of changing its bail system in a way that would alter – and in some cases eliminate – the price tag on freedom for those awaiting trial.

That price this past week in Delaware was \$105,800 cash for a man accused of stealing cigarettes from nine convenience stores, \$45,000 cash for a man accused of a pocket-knife stabbing and \$6,100 unsecured bail for a teen who police say was caught with 600 grams of marijuana.

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Legislation that could be proposed this spring would shift the presumption away from always using cash.

"The old way of thinking was there was a price tag on every case," said Thomas Foley, a Wilmington lawyer working on the legislation. "That is so antiquated."

Illinois Chicago Tribune [Commentary: While detainees sit, Cook County bail reform drags on](#)

Bail reform in Cook County appears to be a foregone conclusion. Sheriff Tom Dart and Chief Judge Timothy Evans both support major reforms that would curtail the wholesale jailing of people solely because they are too poor to post bail. A consensus is emerging that reform is overdue.

Why then are thousands of poor, mostly African-American and Latino defendants still languishing at Cook County Jail?

Illinois Chicago Tribune [Morning Spin: Dorothy Brown contract stalls amid accusations of 'potential half-truths'](#)

Some court fees going down? An effort to reduce some court fees that advocates say hurt low-income Illinoisans cleared its first hurdle Wednesday.

The bill in Springfield also would create a waiver system for people who can't afford the fees and standardize what advocates say is a patchwork system.

The proposal is a response to findings by a bipartisan task force that pointed to a wide variation in fees for the same crimes in different Illinois counties. It also said growing fees put more pressure on low-income residents.

A House committee approved the proposal Wednesday. But its sponsors said there's more work to be done to address concerns about counties losing the fee money.

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“The intent is not in any way to harm public safety, fire safety or the operation of the courts,” said Rep. Elaine Nekritz, D-Northbrook.

Louisiana Times Picayune (New Orleans) [\\$23,000 in traffic fines reduced to \\$9 for one man as pilot program takes on New Orleans' court system](#)

Then he heard about the Warrant Clinic, an event held in early March by Orleans Parish municipal and traffic court officials to help two groups of people: the nearly 30,000 people in the city who have outstanding warrants for missing court dates related to minor offenses - such as trespassing or public intoxication. And the countless number of people, like Mayes, saddled with thousands of dollars in traffic-related fines that resulted in the suspension of their driver's licenses, but can't afford to pay to break the cycle.

Over the course of 13 hours at the Corpus Christi Epiphany Catholic Church in the 7th Ward, more than 1,200 people showed up for the clinic, owing an average of \$8,000 in court fines. They had their debts reduced in exchange for community service, while others had warrants cleared for misdemeanor offenses. The event was overseen by Municipal Court judges Desiree Charbonnet and Joseph Landry, and Traffic Court Judge Robert Jones.

Anza Becnel, an organizer with Stand with Dignity, the nonprofit that sponsored the event, said the purpose of the clinic was to eliminate obstacles that can prevent people from getting jobs and obtaining vehicle insurance, while removing the threat of jail from their lives.

Maryland Baltimore Sun [Opinion: Don't let Md. slide backward on bail](#)

Logically, Maryland lawmakers should now be focused on building upon and strengthening what the court has accomplished. One proposal before the General Assembly would have upheld the new court rule and provided additional tools judicial officers need to reduce racial disparities and maintain public safety during the pretrial process. Another proposal would have gone even further and completely eliminated cash bail in jurisdictions that offer pretrial services as an alternative.

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In stark opposition, several bills proposed by the bail bonds industry are specifically designed to undo the court rule change. The bail bonds industry has used its deep pockets, and the access money provides, to win support for its proposals. To an untrained eye, their bills look like reform, but a closer read reveals they are nothing more than Trojan horses that would maintain the status quo and perpetuate the racial disparities that currently exist in the system.

Maryland Baltimore Sun [Groups rally in Annapolis against Maryland Senate pretrial release bill](#)

About 100 people rallied on Tuesday, with the support of Maryland legislators, against a Senate bill they said would walk back a ruling by the Maryland Court of Appeals regarding bail reform.

The bill, which passed in the state Senate and is under consideration in the House of Delegates, establishes new requirements and standards for the release of defendants before their trial. The bill would increase the use of bail, according a state analysis.

Nevada Las Vegas Review-Journal [COMMENTARY: Judicial system of fees and fines for minor offenses can be a burden on low-income Nevadans](#)

Finally, municipalities must ensure they are not doing more harm than good financially by putting people in jail who cannot pay a fine. Incarceration is expensive. It costs much more than the state would get from a fine to put someone in jail. Offering payment options or community service alternatives is fiscally responsible as well as humane.

Nevada Supreme Court Justice James Hardesty opposes a fine-and-fee supported system. He would prefer the Legislature fully fund the judicial system from the general fund rather than from the pockets of poor and minority citizens.

One half of the Nevada judicial system is funded by fines and fees.

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Ohio Cleveland Plain-Dealer [License suspensions disproportionately imposed on poor Ohioans, trapping them in debt](#)

Today, cleveland.com launches Cleveland Connects: Justice for All, a series examining Ohio's practice of suspending drivers' licenses to compel people to pay fines and fees or to punish them for driving without insurance or for other reasons that have nothing to do with driving safety.

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As of Feb. 27, Ohio courts had issued 438,695 license suspensions for failing to pay traffic tickets or to appear in court, according to data from the Ohio Bureau of Motor Vehicles. (Some drivers face multiple suspensions.)

Cleveland.com looked for correlations between license suspensions and poverty by analyzing the data from the BMV and household income information collected by the U.S. Census Bureau. Here is what we found:

In Ohio ZIP codes where at least 50 percent of residents are 200 percent below the poverty level, which is \$48,600 for a family of four, there are 99 license suspensions for every 1,000 residents.

Ohio Cleveland Plain-Dealer [Recapping a year of reporting on bail inequities in Cuyahoga County and reforms across the U.S.](#)

As part of a series, *Impact 2016: Justice For All*, cleveland.com has spent the past year examining inequities in bail systems in Greater Cleveland and highlighting courts that have succeeded in reforming their systems.

This year, cleveland.com will partner with ideastream, the public broadcasting entity that includes WVIZ/PBS Channel 25, WCPN FM/90.3 and WCLV FM/104.9, and sponsor PNC Bank, to expand on our work and continue to advocate for equal treatment of all defendants when it comes to fines, fees and bail. We're branding the project [Cleveland Connects: Justice For All](#), and are hosting a special forum April 3. More on that [here](#).

Texas Houston Chronicle [Harris County's bail system in crosshairs as judge weighs temporary halt to cash payments](#)



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The call by two civil rights groups for an immediate fix to Harris County's bail system is now in the hands of a federal judge after high-stakes arguments over whether poor people should remain in jail on misdemeanor offenses because they can't afford to post bail.

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Now Chief U.S. District Judge Lee Rosenthal will decide if the current bail system should be suspended until the lawsuit goes to trial, despite efforts already underway to alter the local system.

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The county's lawyers argued changes already made to the system have brought an increase in defendants released on no-cash bonds.

"The present system is not perfect; it's a compromise," said John O'Neill, who represented the county judges. "It's as imperfect as democracy."

Texas Houston Press [In Closing Argument, Harris County Says Almost No Poor People Are Stuck in Jail](#)

U.S. District Judge Lee H. Rosenthal will decide in the coming weeks whether to grant the plaintiffs' request for a preliminary injunction — an order which could possibly force Harris County to overhaul the bail system in a way that ensures no poor person would ever be kept in jail before trial solely because they can't pay for their release.

Yet, remarkably, the county continued to argue this happens so rarely in Harris County that on any given day there are likely only one to three people in jail just because they are indigent. And therefore Judge Rosenthal has no reason to grant the injunction. The plaintiffs — Civil Rights Corps, Texas Fair Defense Project and Houston law firm Susman Godfrey, representing all indigent misdemeanor defendants — found this argument most unreasonable.

Texas KVUE (Austin) [TX Senator to propose replacing bail with new 'risk-based' system](#)

Texas Senator John Whitmire (D-Houston) and other state legislators have a new proposal for the legislature: Do away with bail for offenders and introduce a risk-based system.

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The supporting crew said they're in favor of a 48-hour detainer period instead of bail. If an arrested person is found to be a risk for flight or further crime within 48-hours of their arrest, the arresting entity can hold them until trial. Otherwise, they would be free to go.

Under the state's current system, a judge sets a bond for an arrestee and once that amount has been paid, the person is free to walk until their trial.

Washington Spokesman-Review (Spokane) [Washington shouldn't charge high interest on court fees and fines, panel told](#)

People convicted of a crime would have a better chance of paying off fines, court fees and restitution orders if the state drops its double-digit interest rate and changes the way the money is collected after they get out of jail or prison, a Senate committee was told Thursday.

A proposal that received overwhelming support in the House calls for the state to eliminate the 12 percent interest rates on fines and fees of what are known as legal financial obligations, and not impose some costs on a defendant who is indigent at the time of sentencing.

House Bill 1783 also rearranges the way money collected from a defendant is paid out on those LFOs, so that victims would receive full restitution before fines and court costs are paid.