

The Honorable Brian Schatz
United States Senate

The Honorable Jerrold Nadler
U.S. House of Representatives

March 3, 2020

Re: Brennan Center Support for the State Justice Improvement Act

Dear Senator Schatz and Chairman Nadler,

The Brennan Center for Justice at NYU School of Law welcomes the introduction of the State Justice Improvement Act of 2020, sponsored by your offices, as an important step toward a fairer and more efficient criminal justice system. We are pleased to endorse this legislation.

Today, courts across the country rely on fees and fines — respectively, “court costs” charged to people who pass through criminal courts, and financial penalties imposed after conviction — to fund their daily operations.¹ The consequences are devastating. Fees and fines often turn into criminal justice debt, which exacerbates poverty and inequality for the impacted individuals and their families. These practices also jeopardize reentry, creating new pathways to prison.² And all too often they are the product of racially discriminatory policing patterns.³ In addition to entrenching poverty and inequality, recent Brennan Center research documents that raising revenue through fees and fines is significantly less efficient than general taxation.⁴

This bill offers a critical way for the federal government to provide vital assistance to states. Training and technical assistance grants would help state and local systems move towards best practices, reducing the devastating and inequitable consequences related to how fees and fines are assessed. The

¹ MATTHEW MENENDEZ ET AL., BRENNAN CTR. FOR JUSTICE, THE STEEP COSTS OF CRIMINAL JUSTICE FEES AND FINES 7 (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines> (defining terms).

² *Id.* at 20 (recounting how one speeding ticket ballooned to \$1,800 in debt due to additional fees, impeding the recipient’s ability to find a job, and arguing that criminal justice debt “fuel[s] a cycle that impedes reentry”).


³ *Id.* at 13 (noting Ferguson, Mo., as one prominent example of this trend).


⁴ *See id.* at 9 (“it costs jurisdictions, on average, *121 times more* to collect criminal fees and fines — even without including some of those costs — than it costs the IRS to gather taxes” (emphasis in original)).


bill empowers the State Justice Institute to offer specific guidance on reforming how (and whether) courts impose fees and fines and directs it to collect data on these practices.

This subject is a complicated one and will require sustained efforts towards reform. But this legislation is well-informed by current research. The State Justice Improvement Act of 2020 is an important step towards creating more equitable practices, and we are pleased to support it.

Sincerely,


Lauren-Brooke ("L.B.") Eisen
Director, Justice Program


Spencer P. Boyer
Director, Washington Office


Ames C. Grawert
Senior Counsel, Justice Program