


NEW YORK
SOCIAL WORK
LEAD
2022

Eliminates Court Fees & Surcharges
A.2348B (Niou)/S.3979C (Salazar)
(The End Predatory Court Fees Act)

BILL SUMMARY



Senate [Bill A.2348B/S.3979C](#), eliminates all mandatory court fees and surcharges as well as restrictions on incarcerated people and those on parole and probation who have not paid these fees. The Bill eliminates mandatory minimum fines for certain crimes and allows the court to do away with restitution entirely if the defendant is unable to pay. The Bill allows courts to consider a defendant's financial situation and the hardship a fine would impose when levying restitution. Currently, judges can reduce the amount of restitution (which is paid directly to the victim and does not cover court costs) based on financial hardship but cannot eliminate it entirely if it was ordered as part of a sentence. [The Bill eliminates all probation fees.](#)

WHY SHOULD SOCIAL WORKERS SUPPORT IT?

In a recent 2021 [NY Senate Public Hearing](#), Katie Schaffer of the Center of Community Alternatives, Inc., testified that fines and fees punish people living in poverty, [particularly those from Black and Brown communities](#). When governments use fines and fees to raise money, the result is a hidden, regressive tax on low-income workers who can least afford it. Fees have significant financial consequences for low-income families, in particular as they reduce funds intended for housing, utilities, health care, and other necessities. These fines, if left unpaid, can result in arrest and jail, further destabilizing families and compromising future fiscal prosperity. Pursuing and jailing individuals unable to pay is expensive and makes little sense, according to Shaffer. Low-income individuals cannot afford to pay regardless of the methods imposed to extract the penalty.

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In the 1980s, fines and fees were designed as revenue raisers and continued to thrive well into the 1990s, according to the NY [Fiscal Policy Institute](#). Over the last few decades, the amounts collected have dramatically increased, suggesting these charges are not associated with individual accountability through a recuperation of cost incurred by the courts and the justice system; they are designed instead to cover budget gaps in legislative priorities and municipal budgets.

Further obscuring the legitimacy of such predatory fees is that “a full accounting of these fees and other financial penalties is difficult to compile, given that much of it is hidden from public view and what is available is spread across multiple agencies at different levels of government” ([Office of Comptroller Scott M. Stringer, 2019](#)). Despite this, what is known suggests fines and fees act as discretionary revenue for state and local governments to use toward balancing their budgets and supporting fiscal priorities. In NYC, for example, despite low collection rates, in 2017, the Criminal and Supreme Courts imposed 139,000 mandatory surcharges, totaling \$20 million. Limited data outside NYC show many local governments, especially in small towns and villages, rely heavily on fines and fees, with more than 30 entities relying exclusively on such revenue to balance up to ten percent of their budgets. Much of these funds, [according to the Fiscal Policy Institute](#), are generated through Justice Courts that preside over vehicle and traffic violations, evictions, small claims, and certain criminal offenses.

ALTERNATIVE VIEW

Despite their “regressive tax” nature and other ethical concerns related to fines and fees, many local governments and legislators continue to argue that fines and fees serve a purpose. For example, the court system would be underfunded without the subsidy that comes from fines and fees. Where would municipalities get the money to operate their court systems? Should the costs of running the criminal justice system fall solely on the shoulders of law-abiding taxpayers? Opponents also suggest fees serve as a deterrent to criminal activity. Knowing that speeding or committing a similar or greater infraction will lead to a steep fiscal penalty will deter citizens from breaking the law. Unless the State is amenable to making up the loss of revenue, it will undermine efforts to provide quality public safety.

BILL HISTORY - The Bill was introduced in 2021 and remained in the codes committee of both houses during the 2021 legislative year.

CURRENT STATUS - The Bill is currently in the Codes Committee in both the Senate and Assembly

Questions for Discussion

- You receive a traffic ticket worth \$35.00; with the addition of fines and fees, it now totals \$238.00. On minimum wage, how do you pay this? What happens next?
- Some suggest fines and fees go toward funding important social programs such as the Indigent Legal Services Fund and the Criminal Justice Improvement Account, which supports programs for survivors of rape and other crimes. Does this affect your perception of this revenue-generating system?
- What equitable alternatives exist for funding courts or eliciting fiscal restitution? Which would you recommend?
- If this bill is passed, should municipalities be reimbursed for lost revenue and where would that money come from?
- Why are fines and fees, including surcharges, so appealing to small municipalities?
- What is the relationship between traffic stops and fines and fees?

Websites

- [Fines and Fees Justice Center](https://noprisonjustice.org/), <https://noprisonjustice.org/>
- [Brennan Center for Social Justice](https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>
- [Vera Institute](https://www.vera.org/), <https://www.vera.org/>

Visual Media

- NY Senate, [Public Hearing regarding End Predatory Court Fees Act](#)
- No Price on Justice, [Justice Rally](#)
- Rising Up, [Interview, Alexis Harris, Monetary Sanctions as Punishment for the Poor](#)

Further Reading

- Center on Budget and Policy priorities, [Step One to an Antiracist State Revenue Policy: Eliminate Criminal Justice Fees and Reform Fines](#)
- Fines & Fees Justice Center, [Following the Money on Fines and Fees](#)
- No Price on Justice, [New York's Ferguson Problem: How the state's racist fee system punishes poverty, lacks transparency, and is overdue for reform](#),
- The Fund for Modern Courts, [Fines and Fees and Jail Time in New York Town and Village Justice Courts: The unseen Violation of Constitutional and state law.](#)
- Vera Institute, [The High Price of Using Justice Fines and Fees to Fund Government in New York.](#)

Recommended Guest Speaker

- Katie Schaffer, Campaign Organizer, Fines & Fees Justice Center (via Zoom).