

**TESTIMONY ON HB 4142
BEFORE THE HOUSE JUDICIARY COMMITTEE
FEBRUARY 10, 2020**

PRESENTED BY: NANCY COZINE, STATE COURT ADMINISTRATOR

HB 4142 does two things. Section one removes the \$50 minimum fee for establishing a payment plan. Section two makes it clear that courts can compromise fines and fees in a judgment that also includes a restitution or compensatory fine amount.

Removal of the \$50 minimum fee will give the court flexibility to consider a person's ability to pay. On a practical level, application of current law means that if a person cannot afford to immediately pay a \$75 fine, the amount they have to pay through a payment plan increases to \$125. For some, that additional financial burden is significant. There are instances when people just need a little extra time, and removing the mandatory \$50 fee will allow people to pay what they owe outside of a strict 30-day window.

We believe this change will not substantially change the overall amount of court debt collected, but want to acknowledge that there may be a shift in the timing of collection because we will be giving people more time to pay. Other states report some increase in collections when ability to pay is considered. We will be watching this closely.

The payment plan fee statute only applies to state courts. It will not affect municipal or justice court collections.

The change in section two of the bill is an important part of managing current court debt. Currently, the court can compromise fines and fees in a judgment, but only if that judgment does not include restitution or a compensatory fine amount. The requested change would allow compromise of those fines and fees even in judgments with restitution or compensatory fine obligations. While we cannot say with confidence that this will increase restitution and compensatory fine collections, it will at least give courts an opportunity to ensure that every dollar paid goes to those obligations, rather than being split with fines and fees.

I would be glad to answer questions.