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## TESTIMONY IN SUPPORT OF OREGON HB 4097

TO: Members of the Oregon House of Representatives Committee on Judiciary

FROM: Mary Mergler, Fines and Fees Justice Center

DATE: February 8, 2024

Dear Chair Kropf and Members of the Committee on Judiciary:

We write to express our support for HB 4097. We thank Representative Tran for authoring this legislation and appreciate the Committee's consideration of this critically important issue. By forgiving outstanding fines and fees in order to provide access to expungement, this legislation will ultimately help further both financial stability for Oregon families and public safety across the state. We urge the Committee to support this legislation, and to continue to work to shorten the length of time when someone is eligible for waiver of their fines and fees.

The Fines and Fees Justice Center is a national hub for information, advocacy, and collaboration for the reform of fines and fees. Our mission is to eliminate fees in the justice system, ensure that fines are equitably imposed, and end abusive collection practices. Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment.

People who are assessed fines and fees in the justice system are often the least able to pay them.<sup>1</sup> When people cannot pay, they get trapped in a seemingly inescapable cycle of debt, incarceration and prolonged justice system involvement. A criminal record exacerbates this cycle by hindering their access to employment to earn enough money to resolve their fines and fees. One study showed that even after five years, low-income people who had been assessed fines and fees still owed on average of \$689 in fines and fees to the court, and that a majority of them still owed court debt even after 10 years.<sup>2</sup> Forgiving outstanding fines and fees to expand access to expungement of records will help to break this cycle.

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<sup>1</sup> See, e.g., Prison Policy Initiative, *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned* (2015), available at <https://www.prisonpolicy.org/reports/income.html>.

<sup>2</sup> Jeffrey T. Ward et al., *Imposition and Collection of Fines, Costs and Restitution in Pennsylvania Criminal Courts*, ACLU of Pennsylvania (2020), available at [https://www.aclupa.org/sites/default/files/field\\_documents/fines\\_and\\_costs\\_report\\_12.18.2020\\_0.pdf](https://www.aclupa.org/sites/default/files/field_documents/fines_and_costs_report_12.18.2020_0.pdf).

Further, the ongoing burden of fines and fees causes tremendous harm to Oregon families. While fines and fees are technically assessed against the individuals who have been charged, the costs are inevitably borne by entire households – children, spouses, and other dependents. Research has shown that families regularly forgo basic necessities, like food, rent, and medical care, to pay fines and fees owed to the justice system, because they fear the consequences of nonpayment, like arrest and incarceration of their loved one.<sup>3</sup> A 2023 study by the Fines and Fees Justice Center and the Wilson Center for Science and the Law at Duke University found that 1 in 3 adults in the U.S. had fine or fee debt in the previous 10 years. Of those with debt, 35% had challenges obtaining food as a result and 27% reported the debt causing hardships related to housing.<sup>4</sup> Forgiving unpaid fines and fees keeps money in the pockets of Oregon families struggling to make ends meet.

Fines and fees can also hinder successful reentry and contribute to recidivism.<sup>5</sup> One study found that higher amounts of fees owed were linked to increases in being rearrested for a new offense, and specifically, an increase in the severity of financially motivated offenses that a person committed.<sup>6</sup> A survey of more than 900 people with court debt found nearly 2 in 5 people reported engaging in illegal activities for purposes of paying their court debt.<sup>7</sup> Forgiving the debt burden of fines and fees will ultimately further community safety in Oregon.

We appreciate the Committee's attention to this critical issue and urge the Committee's support of House Bill 4097, which furthers justice, equity and public safety by waiving fines and fees to expand access to expungement. We also urge the Committee to continue to consider additional ways in which to relieve the immense burden of fines and fees on Oregonians, including by shortening the length of time before someone is eligible for waiver.

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<sup>3</sup> See e.g., Saneta deVuono-Powell et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (Sept. 2015), [www.whopaysreport.org](http://www.whopaysreport.org).

<sup>4</sup> Fines and Fees Justice Center & Wilson Center for Science and Justice at Duke Law, *Debt Sentence: How Fines And Fees Hurt Working Families* (May 2023), available at <https://finesandfeesjusticecenter.org/articles/debt-sentence-how-fines-and-fees-hurt-working-families/>.

<sup>5</sup> See e.g., U.S. Dept. of Justice Office of the Associate Attorney General, *Dear Colleague Letter to Courts Regarding Fines and Fees for Youth and Adults* (Apr. 20, 2023), available at [https://www.justice.gov/d9/press-releases/attachments/2023/04/20/doj\\_fines\\_and\\_fees\\_dear\\_colleague\\_letter\\_final\\_with\\_signatures\\_0.pdf](https://www.justice.gov/d9/press-releases/attachments/2023/04/20/doj_fines_and_fees_dear_colleague_letter_final_with_signatures_0.pdf).

<sup>6</sup> Tyler Giles, *The Government Revenue, Recidivism and Financial Health Effects of Criminal Fines and Fees*, Working Paper, available at <https://sites.google.com/view/tylertgiles/research?authuser=0>.

<sup>7</sup> Alabama Appleseed et al., *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide* (2018) available at <https://www.alabamaappleseed.org/underpressure>. See also Fines and Fees Justice Center, *The Impact of New Mexico's Fines and Fees: Interim Survey Results* (2023), available at [https://finesandfeesjusticecenter.org/content/uploads/2023/01/New-Mexico-Survey-DIGITAL\\_2023.pdf](https://finesandfeesjusticecenter.org/content/uploads/2023/01/New-Mexico-Survey-DIGITAL_2023.pdf).