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HB1199
Workgroup to Study the Impact of Court Mandated Fines & Fees
House Judiciary Committee
SUPPORT

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary – comprise the A2JC.

A2JC Supports HB 1199

The Commission supports HB 1199, which aims to establish the Workgroup to Study the Impact of Court-Mandated Fees and Fines (“The Workgroup”). The Workgroup would examine the impact of court-mandated fees and fines on Marylanders and give voice to the individuals and families whose lives are constrained and compromised by the strain of these financial burdens. On the front end, court-mandated fees can deny the ability of low and middle-income Marylanders to access courts and, therefore, justice. On the back end, the various fees and fines can bring to them the threat of legal jeopardy as well as worry and dismay. As one example, under Maryland law, individuals on probation have to pay a court-imposed fee of \$50.00 per month to the Division of Probation and Parole. MD. CRIM. PROC. § 6-226 (b). While the Court may excuse the fee for several reasons, including the individual’s inability to obtain sufficient employment, *id* at § 6-226 (d)(1), the individual will remain liable if the court does not so excuse. For this reason, and others, an individual’s inability to pay the fee or the additional financial insecurity that accompanies payment causes or exacerbates concern and anxiety.

Court Fines and Fees Impact Litigants in the Criminal and Civil Justice Systems

These financial obligations keep them tethered to the criminal and civil legal systems long after their formal court processes have concluded. As a result, they are unable to move past their interactions with our courts.

Imposed by the Motor Vehicle Administration as well as the civil and criminal district and circuit courts, these fines and fees intersect the criminal and civil legal systems in myriad of ways, including when considering the criminalization of poverty and body attachments. Accordingly, HB 1199 sets forth a necessarily diverse array of service providers and other stakeholders to serve on the Workgroup, including representatives

from the Office of Public Defender, the Attorney General, the Jobs Opportunities Task Force, the National Fines and Fees Justice Center, the Maryland Consumer Rights Coalition and the Maryland Volunteer Lawyers Service. These entities represent the cross-section of individuals whose involvement with the courts extends for months and years past their dispositions or completion of case-related obligations. Thus, they are well-situated to bring experiences and context to this important study.

The time is right for Maryland to form this Workgroup and undertake this study, which would not only explore the various issues and questions in detail, but also add to the national conversation on court-mandated fees and fines. These fees and fines have increased dramatically over the past few decades¹ and are omnipresent in the lives of the individuals who disproportionately interact with the civil and criminal legal systems, particularly poor and low-income people of color. We encourage the Workgroup to not only focus on fines and fees related to the criminal justice system, but the civil justice system as well.

Given the urgency of these issues and for the reasons stated, the Maryland Access to Justice Commission requests the House Judiciary Committee to issue a FAVORABLE report on HB 1199. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.

¹ *E.g.*, SHARON BRETT ET AL. CRIMINAL JUSTICE POLICY PROGRAM AT HARVARD LAW SCHOOL, PAYING ON PROBATION: HOW FINANCIAL SANCTIONS INTERSECT WITH PROBATION TO TARGET, TRAP, AND PUNISH PEOPLE WHO CANNOT PAY 1 (June 2020) (“Over the last several decades, the use of both probation and financial sanctions [including fees and fines] across the United States has grown.”), https://mcusercontent.com/f65678cd73457d0cbde864d05/files/f05e951e-60a9-404e-b5cc-13c065b2a630/Paying_on_Probation_report_FINAL.pdf ; MATTHEW MENENDEZ ET AL., BRENNAN CENTER FOR JUSTICE, THE STEEP COSTS OF CRIMINAL JUSTICE FEES AND FINES: A FISCAL ANALYSIS OF THREE STATES AND TEN COUNTIES 6 (Nov. 21, 2019) (“Since 2008, almost every state has increased criminal and civil court fees or added new ones, and the category of offenses that trigger fines have been expanded.”), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>; Joni Hirsch & Priya Sarathy Jones, *Driver’s License Suspension for Unpaid Fees and Fines: The Movement for Reform*, 54 U. MICH. J. OF LAW REFORM 875, 876 (2021) (“While momentum for reform has increased over the past few years, driver’s license suspensions for unpaid traffic, toll, misdemeanor, and/or felony fines and fees remain a widespread, harmful, and counterproductive policy nationwide, with most states and Washington, D.C., still suspending, revoking, or refusing to renew driver’s licenses.”), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2535&context=mjlr>.