



August 4, 2020

Rep. John Lesch, Chair  
House Judiciary and Civil Law Committee  
Minnesota House of Representatives  
563 State Office Building  
St. Paul, MN 55155

Rep. Peggy Scott, Republican Lead  
House Judiciary and Civil Law Committee  
Minnesota House of Representatives  
335 State Office Building  
St. Paul, MN 55155

Dear Reps. Lesch and Scott:

On behalf of the Justice Action Network, the largest bipartisan organization working to reform the criminal justice system at the state and local levels, we urge you to support reforming the way the state assesses fines, fees, and surcharges for those who are struggling to make ends meet, especially during this unprecedented pandemic.

Currently in Minnesota, the state routinely imposes mandatory surcharges related to traffic offenses and any criminal offense, including petty misdemeanors. These surcharges, which are a mandatory \$75 for most criminal offenses, are in addition and unrelated to any fines and fees that are imposed as a direct punishment for the specified offense. These assessments are collected by a court administrator and are used to fund basic government services. Current law does not allow any flexibility for the imposition of these surcharges, even for indigent defendants or those who would face an undue hardship by having to pay them.

The inflexible nature of these surcharges disproportionately impacts poor and disadvantaged communities. And with many residents now unemployed due to the pandemic, it would be prudent for this committee to support proposals that seek to relieve the unnecessary financial stress that these surcharges impose on those who are struggling to make ends meet.

Funding courts with fines, fees, and surcharges is an unreliable and inefficient source of government revenue. A [2019 study](#) from the Brennan Center that examined fines and fees collections in 10 counties across Texas, Florida, and New Mexico found that many counties spend more to collect each dollar of revenue raised through fines and fees. One county, for example, spent \$1.17 per each revenue dollar collected.

Several states have passed legislation related to fines and fees that incorporate ability to pay standards and insert more flexibility for courts to waive these mandatory charges and have seen positive results. For example, both Texas and Louisiana enacted legislation in 2017 that requires judges to determine a defendant's ability to pay fines and fees at sentencing and

restricts financial obligations from being by the court if a conviction would cause substantial hardship, respectively. Texas' legislation has [resulted](#) in a 37.5% decrease in arrest warrants over 11 months and a drop of 170,000 fewer people incarcerated for nonpayment of fines and fees, saving counties on incarceration costs and allowing individuals to maintain ties to their families, employment, and communities. If Minnesota were to reform the way the state assesses fines, fees, and surcharges, it could save local government costs on incarceration for nonpayment of fines and fees, which is also critically needed following the economic fallout from COVID-19.

As Minnesotans begin to go back to work or look for new employment opportunities, we urge members of this committee to put forward legislation for opportunities to reduce the financial strain so many are already facing, which extends to eliminating unnecessary and inefficient court surcharges or, at the very least, extending more flexibility to waive or reduce these surcharges for those who are struggling to make ends meet.

Respectfully,

Holly Harris  
Executive Director, Justice Action Network

C: Members of the House Judiciary Committee