

March 7, 2021

The Honorable Jamie Becker-Finn, Chair  
Judiciary Finance and Civil Law Committee  
559 State Office Building  
St. Paul, MN 55155

The Honorable Peggy Scott, Republican Lead  
Judiciary Finance and Civil Law Committee  
335 State Office Building  
St. Paul, MN 55155

Dear Chair Becker-Finn, Representative Peggy Scott, and Members of the Committee,

We write to urge you to support the Fines and Fees bill (HF 306), introduced by Representative Frazier, and the Driver's License Suspension Reform bill (HF 336), introduced by Chair Becker-Finn. These bills address the disproportionate and sometimes devastating impact of criminal and traffic fines and fees on low-income Minnesotans.

The Driver's License Suspension Reform bill prohibits the suspension of a driver's license for unpaid traffic tickets and makes licenses currently suspended only for unpaid tickets eligible for reinstatement. These provisions do not change driver's license suspensions for dangerous driving violations, and they do not eliminate personal responsibility, since unpaid traffic tickets are sent to collections. Eliminating driver's license suspensions for unpaid tickets allows people to continue driving legally to work and taking care of their families while they pay off their court debt.

On the national level, ending driver's license suspensions for unpaid traffic tickets is supported by a diverse group of organizations, including the Southern Poverty Law Center, and the ACLU, the National Conference of Chief Justices (CCJ), the National Conference of State Court Administrators (CSCA), and the National Center for State Courts (NCSC).

The Fines and Fees bill gives the court discretion to reduce, waive or offer community service in lieu of the \$75 State Surcharge. This \$75 surcharge is imposed on every traffic and criminal violation, and the revenue goes to the General Fund. Under existing MN statute, judges have discretion over most fines and fees, including the underlying criminal or traffic fine, so they can right-size them to a person's ability to pay. But judges are required to impose the full \$75 State Surcharge on every violation, even in cases of financial hardship. This bill gives judges the same

discretion over the \$75 surcharge as they have over the underlying fine amount and requires them to consider a person's ability to pay before imposing a sentence that includes fines, fees, or surcharges.

This reform is in line with the American Bar Association's 2018 guidelines on court fines and fees, which state:

If a state or local legislature or a court imposes fees in connection with a conviction for a criminal offense or civil infraction, the amount imposed should never be greater than an individual's ability to pay. No law or rule should limit or prohibit a judge's ability to waive or reduce any fee, and a full waiver of fees should be readily accessible to people for whom payment would cause a substantial hardship.

Both bills have strong bipartisan support, and we believe the time to act on these critical reforms is now. Thank you for your consideration of our position.

Signed,

- State Public Defender
- City Attorney of Minneapolis
- City Attorney of St. Paul
- Joint Religious Legislative Coalition
- Voices for Racial Justice
- Lutheran Social Service
- Minnesota Community Action Partnership
- Second Chance Coalition
- Legal Services Advocacy Project
- Minnesota Asset Building Coalition
- ACLU of Minnesota
- Catholic Charities
- Minnesota Coalition for the Homeless
- Minnesota Catholic Conference