

## COURTS

# 'An overwhelming relief': New law clears court debt for low-income Rhode Islanders



**[Katie Mulvaney](#)**

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PROVIDENCE – Low-income Rhode Islanders who are charged with crimes will be spared from paying court costs and fees if they prove to the court they don't have the financial means to pay those debts, under a new state law.

Recognizing court costs can prove an insurmountable hurdle for some people that can tie them to the courts, state lawmakers this past session passed legislation that eliminates all costs, assessments and fees for those determined to be indigent. Such costs will also be waived for anyone who serves more than 30 days in prison under the law enacted late last month.

"It's done a great deal of healing and relief for those who have been in the system for too many years, too long," said Cedric Huntley, executive director of the Nonviolence Institute.

Huntley recalled one man finally feeling free to get his driver's license after a judge waived his court costs.

"It gives people an opportunity to explore other opportunities. It changed the way he viewed the system," Huntley said.

## **Fees will be automatically waived for those unable to pay**

Previously, state law specified that judges "may" waive fees for those unable to pay, but was applied unevenly by judges. Under the new law, the fees will be automatically eliminated for the indigent and those serving sentences longer than 30 days.

The law empowers the courts to determine a defendant is eligible based on his or her application to the court or on sworn testimony. People will automatically qualify if they are enrolled in benefit programs, such as Temporary Assistance to Needy Families; Social Security; public assistance; disability insurance; or food stamps.

The law also allows people with limited ability or inability to pay court costs, assessments and fees to apply for the court to waive court costs.

None of the legislation would impact court-imposed restitution to victims or for property damage.

Court fees and fines had been mandatory and mounted into the thousands of dollars for some, tying people to the courts long after they served their sentences and as they were trying to rebuild their lives. A missed court date came with the threat of being picked up on a warrant and landing back behind bars.

**More:** Failing to pay full restitution has kept people on probation indefinitely in RI. No more

## **Breaking the cycle**

The legislation , sponsored by Rep. Jason Knight, D-Barrington, and Majority Leader Sen. Michael McCaffrey at the request of the Judiciary, aims to ensure that court costs don't prove an insurmountable obstacle as people are trying to find employment and rebuild their lives after serving time.

“There are thousands of Rhode Islanders paying just \$10 a month on their court debts, meaning they are going to have this hanging over their heads virtually forever. A great deal of the fees go unpaid. Missing a payment results in more fees, and can result in a person getting arrested, perpetuating the cycle,” McCaffrey, D-Warwick, said in a statement. “It’s an excessively punitive second sentence placed on defendants in addition to their actual sentence, and it’s counterproductive to rehabilitation.”

According to a State Budget Office review, 64.4% of the court costs collected from fiscal year 2019 through 2021 went into general revenue. Another 31% went to the Crime Victim Compensation Program, while 4.4% headed to municipalities and the Rhode Island Coalition to End Domestic Violence.

For criminal cases in which a person served 30 or more days, that amounted to an average of \$305,369 annually, meaning the projected loss of revenue is \$305,369 in the coming years in that category.

The potential impact of waiving costs for indigent is less clear, according to the Budget Office. The criminal case receipts for the same period averaged \$2.6 million, but the data is not tied to information regarding a defendant’s financial status or indigency.

## **Racial and ethnic fairness in the courts**

The law is an offshoot of Supreme Court Chief Justice Paul A. Suttell’s creation of a state Supreme Court Committee on Racial and Ethnic Fairness in the Courts, which has been examining court practices that could lead to unfairness and disparate impacts on racial- and ethnic-minority communities. Led by Supreme Court Justice Melissa Long, the group has focused, in part, on the impact of mandatory court costs.

Over the past year, the court led debt-review programs that waived costs for dozens of people, if they proved to a judge that they were unable to pay.

The Center for Health and Justice Transformation at The Miriam Hospital, which works with people after they are released from prison, was among the advocates backing the bill.

“As we have run the community cost review hearings over the last few months, it’s been truly incredible to see the burden being lifted from folks who have their court debts remitted. These are people who have limited incomes, and for them to have one less cost to worry about, and one less thing to connect them to their conviction history. It’s an overwhelming relief that we see and hear every time,” Sarah J. Martino, deputy director of the center, said in an email.

She hopes the passage of the law will expand that relief to thousands more people.

The legislation was also supported by the Rhode Island Public Defender’s Office and a coalition of advocacy organizations, including Open Doors and the Rhode Island Center for Justice.