VAUGHN STEWART
Legislative District 19
Montgomery County

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Environment and Transportation
Committee

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB1178
Fairer Fines Act of 2020
Testimony by Delegate Vaughn Stewart
February 27, 2020 • Environment & Transportation Committee

What the Bill Does

HB1178 establishes a five-year pilot program that would consider defendants' ability to pay when setting fines for minor traffic offenses like running a stop sign and speeding. Poorer drivers would pay less than the base fine (down to $0) and wealthier drivers would pay more (up to three times the fine for the wealthiest few), based on a sliding scale. All drivers could choose to perform community service in lieu of paying the fine, and their required number of service hours would be based on their local jurisdiction's minimum wage. In other words, in a jurisdiction with a minimum wage of $15/hour, a defendant would need to perform five hours of community service to "pay" a traffic fine of $75. The minimum amount of community service would be four hours.

The graduation of economic sanctions according to a defendant's ability to pay isn't a new concept. Both researchers and lawmakers in the late 1980s sought to copy several European and Latin American countries by experimenting with "day fines," fines based on the defendant's daily income. In 1987, the first day-fines pilot program launched in Staten Island; on the heels of its success, lawmakers established similar programs with bipartisan support in Arizona, Connecticut, Iowa, Oregon, and Wisconsin. These programs showed promise. But since they involved at least some serious offenses, they were jettisoned as voters increasingly demanded tough-on-crime policies.

Ability-to-pay determinations would rely on self-reporting as the primary source of financial information. While this may seem problematic at first blush, the day-fines pilot projects cited above relied on self-reporting of financial data, and reported that doing so was straightforward.[1] Furthermore, documentation from those pilot projects showed high accuracy from self-reporting. In 90% of cases tested in both Milwaukee and Staten Island, people provided accurate information.[2]

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[1] Colgan, Beth A. 2014. "Graduating Economic Sanctions According to Ability to Pay." *Iowa Law Review* 103 (1): 53–112.

[2] Hillsman, Sally T., and Judith Greene. 1987. *Improving the Use and Administration of Criminal Fines: A Report of the Richmond County (New York) Criminal Court Day-Fine Planning Project*. New York, NY: Vera Institute of Justice;

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<u>Why the Committee Should Vote Favorably</u>

The system for assessing traffic fines in Maryland, and in most of the country, doesn't make much sense. When a poor person is assessed $100 for running a red light, that fine can drive them into debt, imposing negative consequences on their families and communities. Many other poor people don't pay because they cannot afford it, providing little incentive for them to obey traffic laws. And that same $100 fine is not a deterrent for wealthy people; they barely bat an eye. This bill will therefore increase the deterrent effect of traffic fines for both the poor and wealthy, which will yield fewer crashes.

Of course, there would be administrative expenses associated with this bill. However, these costs would likely be offset by savings elsewhere. Data from the past day-fines pilot projects indicate that this reform increases the likelihood that people pay at all, in full, and more quickly. A better functioning system can ease court dockets and decrease the administrative costs related to collections and arrest warrants.[3]

This bill would create a short-term program that is likely to be fairer and more efficient than the current system for assessing traffic fines. I urge a favorable report.

Worzella, Charles. 1992. "The Milwaukee Municipal Court DayFine Project." In *Day Fines in American Courts: The Staten Island and Milwaukee Experiments*, edited by Douglas McDonald, 61–72. Washington, DC: U.S. Department of Justice.

[3] Ruhland, Ebony L. Jason P. Robey, Ronald P. Corbett Jr., and Kevin R. Reitz. 2017. *Exploring Supervision Fees in Four Probation Jurisdictions in Texas*. Minneapolis, MN: Robina Institute of Criminal Law and Criminal Justice, University of Minnesota.