



**FINES & FEES
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TESTIMONY IN SUPPORT OF Senate Bill/HB861

Criminal Procedure - Victim Compensation - Alterations

TO: Hon. William C. Smith, Jr. , and Members of the Senate Judiciary Committee

FROM: Priya Sarathy Jones, Deputy Executive Director, Fines and Fees Justice Center

DATE: Wednesday, March 8, 2023

The Fines and Fees Justice Center (FFJC) thanks the Maryland House of Delegates' Judiciary Committee for scheduling this important hearing and **urges a favorable report on Senate Bill 788/HB861**. This bill will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

Fines and Fees Justice Center

The Fines and Fees Justice Center is a national hub for information, advocacy and collaboration for the reform of fines and fees. Our mission is to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Working with directly impacted communities, FFJC is building broad-based coalitions from across the political spectrum including grassroots organizations, judges, public defenders, prosecutors, legislators, law enforcement, and faith-based and advocacy organizations, all of which are focused on ending the harms inflicted by fines and fees. Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment. Across the country, people convicted of felonies, misdemeanors, and minor traffic and municipal code violations are charged a fine as punishment and then taxed with fees that are used to fund the justice system and other government services. Millions of people who cannot afford to immediately pay the full amount charged face additional fees, license suspensions, and, far too frequently, arrest and jail.



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The National State of Victims Compensation Fees

In 32 states and DC, universal assessments or surcharges are imposed to raise revenue for funds dedicated to compensating victims of crimes. Victims deserve to be made as whole as possible when they experience a loss due to a crime, and it is laudable that state governments have created programs to compensate such victims. However, funding these programs by imposing a flat fee on anyone convicted of an offense—even those convicted of charges in which there was no victim, is an inequitable and ineffective way of raising money for victims. In Maryland a significant portion of the funding used to pay claims to the Criminal Injuries Compensation Board (CBIS) comes from people who are cycling in and out of the criminal legal system who are disproportionately Black, brown and low-income. This process of using fees in the criminal legal system to fund victims compensation funds is a form of regressive taxation, primarily focused on the same communities victim compensation funds are seeking to serve. The narrative that victims and offenders, their families and communities are all separate entities is a false one. More often the case is that a persona may have been both “victim” and “offender” at some point. A 2022 survey of New Mexicans’ experiences with court debt found that in New Mexico, most people who are struggling with court debt have also been victims of crime. More than two thirds of the 511 respondents had been a victim of crime at some point in their lives.

Maryland SB788/HB861

Passage of **Senate Bill 788/HB861** would be a positive move toward a more equitable and just system. A system that reflects the understanding that crime, victims and perpetrators are too often overlapping and the understanding that a system that is funded by perpetrators is also one funded by victims. Maryland can be a model to other states demonstrating that the government can provide services and essential government functions, without using regressive taxation models such as fees to fund victim compensation.

Conclusion

Maryland’s pursuit to address the unjust nature of its CBIS, with an eye towards reform, is inline with the national direction on this issue. More and more states are taking on this issue of fees in the justice system, and are in pursuit of more stable and reliable sources of funding for essential government functions.

The Fines and Fees Justice Center will continue to work for a more just and equitable system. We know this Committee will, too. We look forward to doing it together.



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Thank you for the opportunity to submit this testimony. **We respectfully urge a favorable report on SB788/HB861.**

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