

TIME TO RECONVENE: SUPREME COURT TASK FORCE ON COURT COSTS, FINES, AND FEES

IN 2016, THE ILLINOIS SUPREME COURT'S STATUTORY COURT FEE TASK FORCE RELEASED A REPORT THAT FOUND THAT THE STATE'S SYSTEM OF IMPOSING COURT COSTS, FINES, AND FEES VARIED WILDLY BY COUNTY, BUT DISPROPORTIONATELY IMPACTED LOW-INCOME ILLINOISANS IN ALL COUNTIES. THESE FINDINGS LED TO THE CRIMINAL AND TRAFFIC ASSESSMENTS ACT (CTAA) IN 2019, WHICH ALLOWS PEOPLE TO REQUEST FULL AND PARTIAL FEE WAIVERS OF CRIMINAL COURT FINES AND FEES FOR REASONS OF ECONOMIC HARDSHIP.

THIS LEGISLATION IS CERTAINLY A MAJOR STEP IN IMPROVING EQUITY IN OUR LEGAL SYSTEM, BUT THERE IS STILL MORE WORK TO DO.

WHY?

THOUGH PEOPLE CAN REQUEST FULL AND PARTIAL FEE WAIVERS, ILLINOIS STILL IMPOSES A WIDE ARRAY OF FEES THAT CAN RACK UP TO ENORMOUS AMOUNTS OF MONEY - UP TO \$25,000 FOR A FELONY AND \$2,500 FOR A MISDEMEANOR - BEFORE LATE FEES, INTEREST, AND FEES CHARGED BY COLLECTIONS AGENCIES. THESE FEES ARE IMPOSED MOST ON THOSE WHO CAN LEAST AFFORD THEM, TRAPPING LITIGANTS IN CYCLES OF DEBT AND POVERTY THAT PREVENT THEM FROM MOVING BEYOND THEIR INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM AND RE-INTEGRATING INTO SOCIETY. THESE MONETARY SANCTIONS ARE NOT REHABILITATIVE IN NATURE BUT ARE INEFFICIENTLY USED TO FUND THE COURT SYSTEM AND OTHER GOVERNMENT SERVICES ON THE BACKS OF ILLINOIS' MOST VULNERABLE RESIDENTS.

LIKewise, THE CTAA WAIVER PROGRAM SUNSETS IN 2022. IF AND WHEN THAT HAPPENS, THE BAREST PROTECTIONS FOR ECONOMICALLY VULNERABLE LITIGANTS WILL BE STRIPPED AWAY.

ILLINOIS COURTS ARE VERY LIKELY SPENDING DOLLARS TO COLLECT PENNIES FROM THOSE WHO NEED THEM THE MOST.

WHO?

WITH ALL OF THIS IN MIND, WE URGE THE ILLINOIS LEGISLATURE TO NOT ONLY EXTEND THE SUNSET DATE BEYOND 2022 BUT TO ALSO CREATE A NEW SUPREME COURT TASK FORCE TO GUIDE AND EVALUATE THE IMPLEMENTATION OF THE CTAA IN ORDER TO ADVANCE EQUITY WITHIN THE COURTS FOR ALL ILLINOISANS.

WE ENVISION THIS TASK FORCE TO BE DIVERSE IN ITS COMPOSITION,

INCLUDING CRIMINAL JUSTICE ADVOCATES, RESEARCH PROFESSIONALS, AND COMMUNITY MEMBERS IN ADDITION TO JUDGES AND CLERKS. THIS WILL ALLOW THE TASK FORCE TO GUIDE POLICY ANALYSIS AND DISCUSSION THROUGH A HOLISTIC LENS WITH ALL PERSPECTIVES ACCOUNTED FOR, AND WILL ENSURE THAT POLICIES ARE ANTI-RACIST, COMMUNITY-INFORMED, AND RESTORATIVE IN NATURE.

HOW?

WE BELIEVE THE SUPREME COURT TASK FORCE CAN HELP ACCOMPLISH THIS GOAL BY: OVERSEEING DATA RELATED TO THE COLLECTION OF COURT COSTS AND FEES; ANALYZING THIS DATA AND RESEARCH TO DOCUMENT BOTH THE REVENUE FROM AND THE COSTS OF COLLECTING THESE DEBTS; AND CONDUCTING COMMUNITY-LED IMPACT RESEARCH TO UNDERSTAND HOW IMPOSITION OF COURT DEBTS AFFECTS INDIVIDUALS, FAMILIES, AND COMMUNITIES AT LARGE.