

January 11, 2022

To: Members of the Civil Rights and Judiciary Committee
From: Evan Walker, Policy Analyst, Washington State Budget & Policy Center
Re: Testimony in Support of House Bill 1412

To Chair Hansen and members of the Committee,

For the record, I am Evan Walker and I am a policy analyst at the Washington State Budget & Policy Center, a research organization working to build a just and prosperous future for all Washingtonians. I am submitting this written testimony in support of House Bill 1412, which concerns legal financial obligations.

I write to you to express strong support for House Bill 1412 because this bill increases economic and legal relief for people who lack the ability to pay their legal financial obligations (LFOs). People with criminal convictions deserve a fair chance to rebuild their lives and achieve economic stability. LFOs - the fines, fees, costs, and restitution imposed on people with criminal convictions - create significant barriers to successful reentry for individuals who cannot pay their LFOs.

It's important to note that LFOs disproportionately punish Black, Indigenous, and People of Color (BIPOC) and those with little or no incomes. With added fees and/or late penalties and interest, the total costs of LFOs can easily add up to thousands of dollars or more, creating devastating financial pressure upon people with criminal convictions and their families. Because BIPOC communities and people with low incomes are more likely to be heavily policed, to receive citations, and be fined, they are also more likely to experience these severe and burdensome financial impacts.

I want to underscore ongoing research from the Vera Institute of Justice that demonstrates that Washingtonians with low or no incomes experience a disproportionate burden from LFOs. Even though people who qualify as indigent are sentenced with lower amounts of LFOs, they still have a very difficult time paying off their LFO debt, and their debt goes unpaid for longer. Conversely, Vera's research shows that higher income households typically pay off LFO debt immediately, avoiding the damaging penalties and excessive interest rates that people with lower incomes cannot escape. Our LFO system, which disproportionately harms residents with little or no income or wealth, is an unreliable and inequitable system of achieving justice, rehabilitation, and restoration.

HB 1412 will increase opportunities for relief from LFOs for people who don't have the cannot pay their LFOs. HB 1412 expands judicial discretion to waive or reduce currently mandatory LFOs based on a person's inability to pay. Importantly, HB 1412 would allow courts to:

- Waive or reduce restitution owed to entities other than individuals (like insurers or state agencies);
- Waive the 12% interest rate on restitution;
- Waive the victim penalty assessment and DNA fee (if more than \$100 has been paid) after they are imposed if a person does not have the ability to pay; and
- Waive previously imposed fines based on ability to pay.

HB 1412 would also:

- promote reentry by giving people in prison and post-conviction the chance to seek relief from LFOs;

- give finality for people to move past their convictions by placing a limit on how long LFOs can be collected; and
- reduce the disproportionate impacts that LFOs have on people with low or no incomes and communities of color by including multiple, important levers of relief that would help limit the burden of court debt.

The hardships that the pandemic has brought to Washingtonians are exacerbated by unpaid LFOs and this legislation is critically needed to alleviate those hardships. Between challenging employment and housing opportunities and medical care needs, unpaid LFOs only add more stress and financial burden in an incredibly difficult time. HB 1412 is a crucial way to support some of our most vulnerable neighbors during this pandemic and in our future recovery.

I ask that you pass HB 1412 and advance racial, economic, and legal justice to the many people in Washington that are caught in the state's unjust system of LFOs.

Thank you for your time and your thoughtful consideration.