



**Testimony in support of H5196
House Judiciary Committee
February 6, 2019**

The Economic Progress Institute supports Representative Blazewski's bill **H5196**, which would standardize and restructure the assessment of a person's ability to pay court fines, and require that qualification for Public Defender representation constitutes evidence of inability to pay.

In 2008, the State passed reforms to protect low-income court debtors and successfully reduced the amount of time arrested debtors were held in jail before seeing a judge or magistrate. However, in 2015, about a third of debtors were incarcerated *after* seeing a judge in court.¹ Clearly the 2008 reform falls short of completely eliminating this criminalization of poverty, and H5196 is the logical next step in addressing this injustice.

Low-income Rhode Islanders facing outstanding legal fines are very likely experiencing other financial struggles. With a soaring cost of living² and stagnating wages, debtors may struggle with the daily expenses of housing, food, transportation and child care. Given the burden that a criminal record or even an arrest can have on an individual's ability to become or stay employed, arrested debtors are then facing an insurmountable challenge with the addition of court fines. The choice between, for example, paying rent or paying a court fine is a hardly a choice at all, and one we hope you recognize as the poverty trap that it is.

While the tools are available to alleviate costs for eligible debtors, the limited use of abatement in practice highlights the need for this bill. By ensuring that the implementation of ability to pay assessments are formally standardized, we can better help this population escape from the cycle of poverty exacerbated by the legal system's reliance on financial penalties. We urge you to support this bill.

¹ Black, Rachel. *Low-Income Defendants & The Court Debt Collection Process: A Case Study of Rhode Island*. Providence: Brown University, 2016.

² For an analysis of how much it costs to live in Rhode Island, see our 2018 The Rhode Island Standard of Need at www.economicprogressri.org/RISN