

April 15, 2020



Representative Allen McNeill
NC House of Representatives
4172 NC Hwy 49 South
Asheboro, North Carolina 27205
Allen.McNeill@ncleg.net

Via U.S. Mail and Email

RE: Stop Enforcement of Court Debt to Aid Families During COVID-19 Pandemic

Dear Representative Allen McNeill:

We are writing to you as members of the North Carolina Fines and Fees Coalition, which has been working for years to lessen the crushing burden placed upon the poorest of our citizens by the ever-increasing fines, fees and penalties imposed by the courts of North Carolina in criminal and traffic cases. Not surprisingly, the impact of the current coronavirus pandemic is falling most heavily on the same people who are most harmed by the excessive imposition of fines fees and penalties -- those who are living paycheck-to-paycheck, who are so often entangled in the criminal legal system, and who are disproportionately from communities of color.

The COVID-19 global pandemic brings with it unprecedented economic uncertainty for families across North Carolina. Experts warn that the pandemic will last at least 18 months,¹⁴ and the destabilizing financial impact that it will have on families will extend far beyond that. Without substantial intervention from every level of government, we can expect many middle-class households to fall into poverty, and already-vulnerable, low-income households -- disproportionately made up of people of color -- to be unable to meet their basic needs. In response to this extraordinary public health emergency, we urge the North Carolina General Assembly to enact legislation to stop the collection of court debt, including costs, fines, fees, and restitution.



¹⁴ Department of Health & Human Services, PanCAP Adapted: U.S. Government COVID-19 Response Plan (Mar. 13, 2020), <https://int.nyt.com/data/documenthelper/6819-covid-19-response-plan/d367f758bec47cad361f/optimized/full.pdf#page=1>.

Some localities are already recognizing that it makes little sense to continue enforcing collection of court debt. For example, on March 16, 2020, Orange and Chatham Counties' Chief District Court Judge issued an order granting an extension of 40 days to any payment due to the Clerk of Court. We also commend Chief Justice Beasley for executing an order on April 2nd, which includes a 90-day extension for payment of most fines and fees and directs clerks not to report failures to pay court debt to the DMV. These are much-needed temporary measures, but a long-term, far-reaching policy is imperative to help stem the devastating economic impact of this crisis.

As you gather at the General Assembly to begin the work of responding to the COVID-19 pandemic, we ask you to champion and support the following common-sense legislative approaches. The North Carolina Coalition on Fines and Fees advocates strongly that the legislative provisions identified below should be repealed or amended permanently, but asks that, at a minimum, you support **temporarily suspending these provisions for a reasonable period of time**, giving strong consideration to the expert reports warning that the pandemic itself will last for at least 18 months. Doing so will provide much-needed aid to families struggling to weather the financial impact of this pandemic and its aftermath:

1. **Eliminate certain fines and court costs.** Repeal or suspend the effect of N.C. Gen. Stat. §§ 7A-304; 7A-455.1; 15A-173.2(h); 20-16.5(j); 143B-708; 20-179; 15A-1374; 7A-308(a)(17); 7A-38.3D; 7A-38.7; 15A-145 - 15A-145.7; 15A-146; 7A-304(a)(6); 15A-1343(c2); 7A-313; 148-29, 20-20.1; 14-208.45; 20-140.4(c); 20-135.2A(e); 15A-1368.4; 15A-1374; 7A-308(c), such that none of the fines and court fees contemplated in those statutory provisions may be assessed.
2. **Eliminate certain juvenile justice fines and court costs.** Repeal or suspend the effect of N.C. Gen. Stat. §§ 7A-450.1 – 7A-450.3; 7B-2506(4)-(5); and 7B-2510(12), such that none of the fines and court fees in juvenile justice cases that are contemplated in those statutory provisions may be assessed.
3. **Eliminate probation violations for unpaid court debt.** Repeal or suspend the effect of N.C. Gen. Stat. § 15A-1343(b)(9)-(10), such that non-payment of fines, court costs, restitution, or fees for a court-appointed lawyer shall not constitute a violation of conditions of probation.
4. **Eliminate revocation of drivers' licenses for non-payment.** Repeal, suspend the effect of, or amend N.C. Gen. Stat. § 20-24.1, such that the North Carolina Division of Motor Vehicles ("DMV") may no longer revoke an individual's drivers' license for non-payment of fines, court costs, and penalties for traffic offenses, and enact new legislation directing the DMV to lift current license revocations entered pursuant to N.C. Gen. Stat. § 20-24.1(a)(2), reinstate licenses without charging a reinstatement fee, and provide notice to those license-holders that their license has been reinstated.

We thank you in advance for your consideration of bold action in these difficult times. We are more than willing to discuss and provide further assistance to you and your fellow legislators with recommendations outlined above, where possible.

Please respond to Whitley Carpenter with your proposed plan to address this issue and any requests for assistance from our coalition. Whitley can be reached via email at wcarpenter@forwardjustice.org.

Sincerely,

THE NORTH CAROLINA FINES AND FEES COALITION

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