

## Written Testimony in Opposition to S.B. 2057

February 18, 2025

North Dakota House Judiciary Committee  
North Dakota House of Representatives  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Klemin, Vice Chair Karls, and Members of the Committee:

We submit this testimony in opposition to Senate Bill 2057. Senate Bill 2057 would double many existing fees charged to people in North Dakota’s criminal justice system, making already unaffordable fees even more expensive. Our organizations are committed to reducing the burden of fines and fees in order to advance economic prosperity and public safety. **We urge the Committee to reject attempts to increase criminal justice fees, and instead support the elimination of these fees as in House Bill 1417, which would eliminate counsel and supervision fees.**

Criminal justice fees are charged in addition to any fines ordered by the court, and unlike fines, fees are not intended as punishment — they are solely intended to generate revenue for the government.<sup>1</sup> Yet, the vast majority of people involved in the criminal justice system have very limited incomes and financial resources.<sup>2</sup> While mechanisms may exist to reduce the burden of fines and fees on an individual basis, the reality is that many people fail to utilize them due to lack of awareness or legal knowledge.

**As a result, only a fraction of what is assessed is ever collected, and these fees fail to pay for the functions they were intended to fund.** Indeed, in some jurisdictions, it actually costs the government more money to collect than what is owed in fines and fees.<sup>3</sup> The expense of this system to both people who are assessed fees and to the government can be enormous. For example, the North Dakota Department of Corrections (DOC) reports spending more than \$410,000 per year attempting to collect fees, and nearly 140 DOC staff members are involved in the collections process.<sup>4</sup>

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<sup>1</sup> See *Gillespie v. Little*, 564 N.W.2d 651 (N.D. 1997) (“fees are intended to be revenue-generating and civil in nature, rather than punitive.”).

<sup>2</sup> See, e.g., Adam Looney, *Work and opportunity before and after incarceration*, The Brookings Institution (2018), available at [https://www.brookings.edu/wp-content/uploads/2018/03/es\\_20180314\\_looneyincarceration\\_final.pdf](https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf).

<sup>3</sup> Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, The Brennan Center (2019), available at [brennancenter.org/sites/default/files/2019-11/2019\\_10\\_Fees%26Fines\\_Final5.pdf](https://www.brennancenter.org/sites/default/files/2019-11/2019_10_Fees%26Fines_Final5.pdf).

<sup>4</sup> Data collected by and on file with the Berkeley Law Policy Advocacy Clinic.

Fees are also a widely recognized barrier to successful reentry after incarceration and system involvement.<sup>5</sup> **Assessing fees sets returning citizens up to fail, taking money out of their pockets when they are struggling to reintegrate into their communities and regain their financial stability.** When people cannot pay, they become trapped in a relentless and inescapable cycle of debt and punishment. Instead, people should be empowered to support themselves and their families.

Research has shown that families frequently choose to forego their most basic needs to pay the fees of their loved ones, using money out of their limited budgets to pay fees rather than housing, food and basic household necessities.<sup>6</sup> **While fees are technically assessed against the person charged with a crime, the debt is borne by their entire household, including children, spouses, parents and other dependents, who sacrifice to ensure their loved one is not punished for nonpayment.** These fees also disproportionately burden people and families from marginalized communities, widening existing economic disparities.

We urge the Committee not to advance Senate Bill 2057, as it is an unjust, ineffective way to generate revenue. Increasing criminal justice fees will ultimately lead to worse reentry outcomes and families being unable to afford basic needs. Instead of relying on fees, we urge the committee to consider more stable and sustainable funding alternatives for the courts and justice system.

Respectfully submitted,

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<sup>5</sup> Fines & Fees Justice Center, *End Fees, Discharge Debt, Fairly Fund Government* (2022), available at <https://finesandfeesjusticecenter.org/content/uploads/2022/01/FFJC-Policy-Guidance-Fee-Elimination-1.13.22.pdf>.

<sup>6</sup> Fines and Fees Justice Center & Wilson Center for Science and Justice at Duke Law, *Debt Sentence: How Fines And Fees Hurt Working Families* (2023), available at <https://finesandfeesjusticecenter.org/articles/debt-sentence-how-fines-and-fees-hurt-working-families/>; Aravind Boddupalli, *How Fines and Fees Impact Family Well-Being*, Urban Institute-Brookings Institution Tax Policy Center (2024), available at <https://www.taxpolicycenter.org/publications/how-fines-and-fees-impact-family-well-being>.