

February 19, 2025
Senate Bill 2057

Dear Chairman Klemin & Members of the House Judiciary Committee,

My name is Gus Patel-Tupper and I'm a supervising attorney in the Policy Advocacy Clinic at Berkeley Law. The Clinic provides technical and research support on state and local reforms to criminal and juvenile justice system fees and fines. We do not work on anything related to civil courts or civil fees, so everything I say here is only about to criminal fees and fines.

It may seem contradictory, but there is evidence from outside North Dakota that increasing fees and fines actually reduces collections. I am not sure if there is a reason to believe that North Dakota would be different. In fact, there are reasons to think it might be the same story in North Dakota: the Department of Corrections reports spending more than \$410,000 per year and using 139 staff members' time to collect fees. And their collection rate is still only 25%.

This is likely due to the reality that criminal defendants are, for the most part, low income, and are not often able to pay any amount in court fees. In Wisconsin, [increasing a criminal fee](#) by about \$300 reduced overall revenue by almost 30%, and increased by 36% the number of people who made no payment at all. Similarly, counties, courts, and agencies in [Montana](#), [Idaho](#), [Colorado](#), [Oregon](#), and [many other states](#) lost money trying to collect juvenile and criminal fees. Recognizing the ineffectiveness of criminal fees as a source of revenue, Wyoming, Idaho, and South Dakota have recently rejected legislation to increase court fees and fines.

Research into criminal fees has found that they place other unintended, significant on taxpayers. These costs come from increased recidivism, decreased trust in the courts, and reduced law enforcement effectiveness. Increased fees in Wisconsin also increased recidivism by 18% within two years. [Several other studies](#) have found that higher fees increase recidivism. Furthermore, increasing fees [makes police less likely to solve cases](#) of property and violent crime.

SB 2057 is clearly motivated by important goals, like the funding of state government. However, the State Court Administrator reports that revenues from increased fees and fines are not necessary to the functioning of the courts. That presents an opportunity for advocates like me to partner with the courts to find longer term solutions to meet the goals of this legislation without the same level of risk to low-income North Dakotans. For example, there is a data collection



requirement in HB 1417 which was recently before this committee and I think could provide very helpful insight to some of the questions I've raised in my testimony.

I would be excited to participate in any follow-up conversations about the generation of revenue through court fees and fines. I strongly recommend that the legislature take time to guarantee that North Dakota's policies are based in the strongest available evidence.

Sincerely,

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