

## **FOR IMMEDIATE RELEASE**

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### **PRESS CONTACT**

Joe Rivano Barros, [joe@theworkeragency.com](mailto:joe@theworkeragency.com), 510-798-0730

## **CALIFORNIA DISCHARGES \$500 MILLION IN ILLEGAL COURT FEES IN RESPONSE TO LITIGATION, BUT LAWSUIT AGAINST THE COURTS WILL PRESS ON**

*The Governor agreed on major relief, but ultimately failed to eliminate the needless court fee, known as the "civil assessment," that continues to illegally tax low-income Californians.*

**Sacramento, CA** — The Lawyers' Committee for Civil Rights of the San Francisco Bay Area, the ACLU Foundation of Northern California, Bay Area Legal Aid, and the law firm of Fenwick & West LLP, celebrate a momentous victory today in our [lawsuit](#) against the Judicial Council of California and San Mateo Superior Court.

In response to our claims that the California Judicial Council is perpetuating an unconstitutional scheme to fund trial courts through massive late fees, known as "civil assessments," California has eliminated all outstanding civil assessment debts—which total at least \$500 million, if not substantially more. This move comes on the heels of an agreement reached with the Judicial Council to [stay](#) our litigation pending action from the Legislature and the Governor, and as our organizations and others sent letters to dozens of courts across California demanding that they stop collections.

[SB-199](#) becomes effective today. It not only eliminates hundreds of millions of dollars in civil assessment debt, but also prevents the Judicial Council and the courts from using civil assessment revenues to fund themselves. These revenues, instead of going to the courts that imposed them, will now go to the state's General Fund, ending a clearly unconstitutional conflict of interest. Prior to today, courts had a financial incentive to impose civil assessments because the Judicial Council distributed extra revenue generated from the fees to the courts that imposed them. As a result of SB-199, the revenue from these fees will go into the state's general fund and be distributed through the regular appropriations process, without rewarding courts for imposing more civil assessments.

Though we celebrate these significant reforms, our litigation is far from over. Although the state has removed a massive debt burden from hundreds of thousands of low-income Californians, the civil assessment remains a tool that the courts will use, often illegally, to extract millions of dollars from working Californians. In fact, SB-199 still allows courts to assign a \$100 civil assessment in every infraction case where someone cannot afford to pay their ticket on time.

This is, in short, a poverty tax. Our lawsuit challenges the fact that local trial courts like San Mateo Superior impose the maximum penalty on every single traffic ticket automatically by computer—without a judge, without considering individual circumstances, and without giving fair notice about the additional charge and how to challenge it. The Judicial Council is named in our suit for its role

in encouraging courts to assign these fees in every case without exercising the appropriate discretion—in direct violation of California law.

We will continue to litigate this case on behalf of our clients until they are satisfied that these unlawful and unconstitutional practices have ended—or until the State of California eliminates these harmful fees altogether.

The civil assessment has never served a legitimate purpose. It has its roots in the racist tough-on-crime policies of the 1990s, when it was created to address judicial funding shortages caused by the costs of mass incarceration. It is a [needless, regressive and racist tax](#) that extracts millions of dollars annually, mostly from low-income and Black and brown Californians. California must end its reliance on fees and fines to fill government coffers. Failing to do so is unjust, counter-productive, and racist—and will result in future legal challenges.

### Attorney Statements

“Without a doubt, today is a good day for the thousands of Californians whose debts will be relieved. But today also marks a missed opportunity for the Governor. Governor Newsom knows that civil assessments cause tremendous harm to communities of color and serve no legitimate purpose. By refusing to eliminate this poverty tax, the Governor has left open the door for indebtedness and impoverishment for thousands more Californians,” said **Zal K. Shroff, a Senior Staff Attorney at the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (LCCRSF)**. “The move is short-sighted. Our lawsuit will continue to hold the California courts accountable for their unlawful late fees until this shameful practice ends for good.”

**Brandon Greene, Director of the Racial and Economic Justice Program at the ACLU of Northern California**, issued the following statement: “This victory comes on the heels of the release of the Reparations Task Force’s historic interim report that in very comprehensive detail described the past and present racialized and economic harm inflicted upon Black Californians. Traffic citations and the debt that accompanies them are an integral part of the systemic racism that makes up our criminal legal system. While this will no doubt bring solace to those currently impacted by this state sanctioned debt trap, it will merely start the process of debt accumulation anew, while doing nothing to eradicate the underlying injustice.”

**Fawn Jade Korr, Senior Litigation Counsel at Bay Area Legal Aid**, issued the following statement: “Although we celebrate this partial victory, it is a half-measure that does not solve the problem. While some Californians are relieved of their existing court debts, the practice of issuing civil assessments continues. That means that despite the legislature’s action today, tomorrow and every day after that, unnecessary court debt will continue to harm low-income communities across the state.”

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