

March 22, 2023

The Honorable Reginald Byron Jones-Sawyer Sr.
Public Safety Committee Chair
California State Assembly
1020 N Street, Room 111
Sacramento, CA 95814-4900

RE: Support the End Debtor's Prison Act - AB 1266

Dear Assemblymember Jones-Sawyer,

SPUR writes in support of the End Debtor's Prison Act (Assembly Bill 1266), introduced by Assemblymember Ash Kalra. This bill would amend the penal and vehicle code to end bench warrants for minor infractions, ending the practice of criminalizing lower income people because of an inability to pay a fine or fee or for missing a court date.

Under current state law, people who have money to pay fines for traffic violations or citations for infractions like loitering never have to go to court, but courts can issue a bench warrant for a person's arrest if they are unable to pay the penalty or if they experience barriers to appear in court. These warrants can cause extreme economic harms to people who can least afford them – causing people to miss work, lose their jobs, lose their housing, and other harmful outcomes. The current law operates a de facto debtors' prison, putting people who are too poor to pay into jails because of their economic status.

In California, low-income Black people are overrepresented at every stage of the criminal legal system, especially regarding bench warrants for infractions. For instance, data from San Francisco County shows that, though Black people only make up 5.8% of the local population, due to systemic racism and extreme economic inequality, they make up 48.7% of those arrested for “failure to appear or pay” traffic court warrants. AB 1266 would help bring the state in line with the California Reparations Committee's recommendation to “eliminate the over-policing of predominantly Black communities.”

Arresting someone who cannot pay does not give them the means to pay but only further punishes people living in poverty while also exacerbating racial inequality. Similarly, issuing a bench warrant for someone's arrest ignores structural issues in people's lives, especially as many low-income people—primarily Black and brown people—face barriers, including transportation, risk of losing employment, childcare, etc., that can prevent them from being able to appear in court.

Research shows that punitive measures are ineffective in compelling people to pay or appear in court. Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court. Furthermore, courts have other less punitive means to address these infractions under current law, such as trial by absentia and methods to address a failure to pay.

AB 1266 will continue the trajectory of fine and fee justice in California. Recognizing the broad harm caused by civil assessment fees, Governor Newsom signed AB 199 into law, which erased retroactive debt for civil assessment fees and capped the fee at \$100, effective July 1, 2022. AB 1266 builds on this important work, ensuring that families won't be separated because they cannot pay a traffic fine or make a court hearing.

California has some of the most expensive traffic citations in the country, with traffic citations easily costing hundreds if not thousands of dollars. At the same time, California has more than 7 million people living in poverty. With our state's large population of lower income people and our extremely expensive traffic citations, maintaining a law that criminalizes people's inability to pay is unjust, inequitable, and counterproductive.

Because AB 1266 reflects the priorities of communities most impacted, we respectfully request your "Aye" vote on this critical measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob Denney', with a stylized flourish at the end.

Jacob Denney
Economic Justice Policy Director