Local Advocacy
San Francisco, Alameda, Contra Costa, Los Angeles

State Advocacy
Senate Bill 144
Suspend statutes and regulations that authorize assessment and collection of fines and fees.

Promulgate rules and regulations regarding private collection.

Order state taxing/collection authorities to suspend wage garnishment, tax intercept, bank levy, etc.
March 23, 2020
Betty T. Yee
California State Controller
300 Capitol Mall #1B50
Sacramento, CA 95814

Dear Ms. Yee,

We write to request that you immediately suspend Franchise Tax Board (FTB) collections on debts owed to state and local governments and halt the accrual of interest on all such debts for 120 days or for the second full month following the end of the public health emergency, whichever is later.

Governor Gavin Newsom has called for a statewide shelter in place. Though this unprecedented action is necessary to lessen the harm to the estimated 57% of Californians who could fall ill in the next eight weeks, it is not without significant economic impacts. Not only is family economic stability impacted by this shelter-in-place order, but so are the procedural processes at every level of government which underpin essential due process rights in the debt collection process.

As Controller, you have the statutory authority and the legal mandate to stop such collections, and we urge you to exercise that authority during this unprecedented public health and economic emergency.

The economic fallout from the COVID-19 crisis will be devastating.

Experts expect that the COVID-19 crisis will last for 18 months. As Governor Newsom has repeatedly emphasized, "the economic disruptions caused by this public health crisis will have immediate and devastating effects on our entire country, including too many families in California." Without substantial intervention from every level of government, middle class households will fall into poverty, and low-income households will be unable to afford rent, food, and other life necessities.

In a recent executive order, the Governor declared that the Franchise Tax Board "shall use their administrative powers where appropriate to provide" specific COVID-19 related relief.

Due to the COVID-19 pandemic and related health and economic impacts of this crisis, the California State Controller has temporarily suspended the collection of all debts to government agencies until July 15, 2020, or a date to be determined based on the evolving nature of this unprecedented event.

Effective March 27, 2020, the Franchise Tax Board will suspend the following types of collection actions:

- Intercepts of tax refunds, lottery winnings, or unclaimed property payments, pursuant to the Interagency Intercept Collection (IIC) Program.
- Wage garnishments and bank liens pursuant to the Court-Ordered Debt (COD) Collection Program.
- Liens on real and personal property to satisfy tax debt.
- Automatic payments related to pre-COVID19 payment plans.

The suspension on collections will apply to all* types of government-imposed debt, including:

- Bail, fines, fees, penalties and assessments imposed and collected by the juvenile and criminal systems
- Court-ordered reimbursement for court-related services
- Overdue taxes
- Welfare or unemployment program overpayments
- Parking tickets
- Vehicle, including toll, violations
- Unpaid vehicle registration fees
- Tuition
- Debts owed to agencies in states outside California

* Suspensions will not apply to child support orders or arrears.

Nothing in this action will prevent interest from accruing on a court ordered debt, which in California is 10%, nor does this action prevent someone from choosing to pay the debt voluntarily. This suspension is temporary and will not reduce the base amount owed.
Legislative

Pass legislation suspending authority to assess and collect fines and fees.

Stop referrals of fines and fees to private agencies and state taxing/collection authorities.

Write-off all outstanding fines and fees balances.
Still Collecting Juvenile Fees
Riverside County
$15,000,026
Accounts: 14,808

Source: County records, received 2015-2018. Most counties track fees by custody accounts, with few exceptions, we do not have family-specific fee data.

FROM: PROBATION:

SUBJECT: PROBATION: Authorize the Elimination and Write-Off of Receivables Associated with the Care of Detained Youth, Juvenile Services and Delinquency Proceedings, All Districts. [50]

RECOMMENDED MOTION: That the Board of Supervisors:
1. Authorize the Riverside County Chief Probation Officer to eliminate outstanding fees for the care of youth detained in the Riverside County juvenile halls and Alan M. Crogan Youth Treatment and Education Center;
2. Authorize the Superior Court of California Enhanced Collections Division to cease collection of fees associated with the care of youth detained in the Riverside County juvenile halls and the Alan M. Crogan Youth Treatment and Education Center; and
3. Delegating authority to the Chief Probation Officer to approve the write-off and relief of accountability for the existing receivables.

MEETING DATE:
Tuesday, April 21, 2020
Waive assessment and stop collection of fines and fees, including referrals to private agencies and state taxing/collection authorities.

Stop interest accrual and other consequences for nonpayment of fines and fees (arrest warrant, contempt of court, etc.).

Discharge, waive, and vacate outstanding fines and fees.
Suspended collection and late fees.

Suspended driver's license suspensions.

Strong encouragement to waive or suspend fines and fees.
COVID-19 Crisis: FFJC Policy Recommendations and Policy Tracker

National
April 19, 2020

FFJC Policy Recommendations

The escalating public health and economic crisis wrought by COVID-19 is unlike anything in modern U.S. history. The worst harms of this crisis are falling heavily and disproportionately on the most vulnerable people in our country, especially people living paycheck-to-paycheck and people in the criminal justice system.

A recession is under way. People are losing their jobs and even low-paying jobs cannot be done remotely. Families are unable to pay their rent, buy food, or afford medical care — and they need their cars to access these basic necessities while social-distancing. In the midst of this crisis, paying fines and fees or accumulating additional court debt should be the last thing a family worries about.

People who are incarcerated are particularly vulnerable to the virus. The conditions in jails and prisons, coupled with the age and health of the incarcerated population, make the virus extremely dangerous. In response to the crisis, many jurisdictions have terminated in-person visitation between incarcerated people and their friends and families, yet continue to charge exorbitant rates for phone calls, emails and other vital forms of communication.

During the last recession, state and local governments dramatically increased the number and amount of fines and fees imposed on people for minor traffic and municipal code violations, misdemeanors and felonies in order to fill budget gaps. That regressive system of taxation continues to cause enormous harm in economically vulnerable communities, and particularly communities of color. Those communities suffered most in the last recession and will suffer again in this one. They cannot bear this unfair burden. State and local governments and courts should work to eliminate fees, make fines fair and proportionate, and never use fines and fees to balance their budgets.

Call for a Nationwide Moratorium on Juvenile Fees and Fines

COVID-19 has created an unprecedented public health and economic crisis. Low-wage, hourly, and gig workers are losing income or risking their health working in close proximity to others. More and more families are struggling to pay rent, keep the lights on, feed their children, and get medical care in the midst of widespread fear and uncertainty. Families with youth in the juvenile legal system are among the most vulnerable during this crisis.

Juvenile fees and fines — monetary charges that courts and agencies impose on youth in the juvenile system and their families — are a regressive and racially discriminatory tax on low-income communities and communities of color, the same communities who are more likely to lose income, experience housing and food insecurity, and lack access to medical care during this crisis.

Juvenile fees and fines can quickly add up to thousands of dollars, and state and local governments aggressively pursue collection against families, including by garnishing wages, levying bank accounts, placing liens on property, and intercepting tax refunds. A $500 bill is a financial emergency for most families — in the midst of the COVID-19 crisis, it’s a potential catastrophe.

State and local governments are rushing to ensure people stay housed and financially stable during the crisis. They are halting evictions, utility shut-offs, and foreclosures; encouraging businesses to provide paid sick leave; and urging debt collectors to suspend activities. Some have suspended criminal and traffic fees and fines and diverted people from the legal system.

As many jurisdictions are beginning to realize, charging fees and fines to youth in the juvenile system and their families is counterproductive: it undermines youth rehabilitation, increases youth recidivism, and nets little or no government revenue. In this time of crisis, focus should be on immediately suspending fines, fees, and negative consequences for nonpayment.

We call on state and local officials to reduce harms to youth and families by suspending the assessment and collection of all juvenile system fees and fines for at least the duration of this public health and economic crisis, including the following general policy recommendations and specific action steps for decision-makers:

1. General Policy Recommendations

States, counties, and juvenile courts should immediately take the following actions:

- Suspend assessment and collection of juvenile fees and fines.
- Suspend all attachments, garnishments, liens, levies, redirects, and tax refund intercepts for unpaid juvenile fees and fines.
- Suspend all interest accrual, financial penalties, and other legal system consequences for nonpayment or late payment of juvenile fees and fines, including enforcement of arrest warrants for failure to pay fees and fines.
- Suspend and withdraw all referrals of unpaid juvenile fee and fine accounts to state taxing and collection authorities and private collection agencies.
- Prohibit private agencies from collecting unpaid juvenile fees and fines.