

BCDCCRES-08-140412-PASS-LAW

Resolution to Reform Benton County Courts' Policy on Paying Fines and Court Costs (Debtors' Prison)

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1 **WHEREAS** on any given day around 20% of inmates in the Benton County Jail have been incarcerated  
2 for failure to pay fines and court costs;

3 **WHEREAS** the US Supreme Court's ruling *Bearden vs. Georgia* states that persons who cannot afford to  
4 pay fines cannot be incarcerated for nonpayment;

5 **WHEREAS** the taxpayers of Benton County get no public safety nor economic benefit by incarcerating  
6 inmates for nonpayment of fines;

7 **WHEREAS** studies show that these practices actually increase crime;

8 **THEREFORE BE IT RESOLVED** that the Benton County Courts change its policies as follows:

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- Comply with the spirit and intent of *Bearden vs. Georgia*
  - 10 • Place a clear priority on payment of restitution to crime victims before the clerks of the County  
11 Courts takes payments for fines and court costs
  - 12 • Adopt a clear standard to determining a defendant's ability to pay, using existing guidelines for  
13 declaring a defendant qualifies for a public defender
  - 14 • Reduce the current predatory 12% interest rate on fines and court costs
  - 15 • Suspend all interest accruals during incarceration
  - 16 • Do not require payments of fines and court costs before 90 days after release from incarceration
  - 17 • Give defendants access to counsel **before** the Court decides failure to pay is willful and then  
18 imposes jail time.
  - 19 • Do not require persons on public assistance (e. g., SSI and TANF) to pay off fines and court costs,  
20 since receipt of public assistance is de facto proof of indigency.
  - 21 • Allow indigent defendants to perform service for nonprofits and government agencies *en lieu* of  
22 payment of fines and court costs.

23 **THEREFORE BE IT FINALLY RESOLVED** that the Benton County Courts implement these changes  
24 immediately.

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26 *Submitted to the Benton County Democrats by Lora Rathbone this day April 5, 2014.*

27 *Adopted by the Benton County Democrats April 12, 2014.*