



MEMORANDUM

TO: The Pennsylvania House Judiciary Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: October 18, 2023

RE: OPPOSITION TO HB 1617 P.N. 1901 (BRIGGS)

Bill summary: [HB 1617](#) (PN 1901) would amend [42 § 3733.1](#) to increase civil legal aid funding to the Pennsylvania Legal Aid Network (PLAN) by imposing an additional \$2 surcharge on every traffic offense statewide, mirroring the surcharge already imposed for each criminal offense.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1617.

HB 1617 would further increase the burden of excessive fines and costs for struggling Pennsylvanians, thereby increasing the risk of arrest for failure to pay.

There are over 1 million traffic citations adjudicated every year. A significant portion of the individuals who have to pay the costs associated with those convictions are poor, indigent Pennsylvanians. [AOPC reports](#) that each year, 400,000 bench warrants are issued for nonpayment in traffic cases, with more than 1 million such warrants pending right now. Those warrants lead to arrests and then even more money charged for warrant fees—**all because people cannot afford to pay court debt.**

At an absolute minimum, funding mechanisms like this should be accompanied by a requirement that such costs—indeed *all court costs*—not be imposed on individuals who are too poor to pay. The ACLU-PA has repeatedly called for legislation to require courts to consider a defendant's ability to pay at sentencing. It is an enduring disgrace that Pennsylvania routinely punishes people who simply cannot afford to pay court debt.

There is no question that the ACLU-PA supports increased funding for legal assistance, whether it's for public defenders via indigent defense funding or civil legal aid. Standing alone, the additional \$2 surcharge that HB 1617 would impose on every traffic offense statewide may not seem like it will have much of an effect. But the roughly \$200 in current court costs that a person must pay after being convicted of even a minor \$25 traffic offense consists of many small costs like this. Those small amounts add up, and taken together, *further punish the very individuals who receive civil legal aid services across the commonwealth.*

HB 1617 would exacerbate a perverse funding conflict that pits the interests of legal aid attorneys against those of their clients.

The people who will feel this increase the most are the *same people who need civil legal aid services*. Legal aid attorneys know that the plague of punishments for being unable to pay traffic ticket costs is a constant and very real punishment for their clients. There are legal aid attorneys right now working to have these very court costs waived for their clients so that they can have their records expunged and pursue work.

HB 1617 would exacerbate a perverse funding conflict created by the [Access to Justice](#) fund. Every dollar that a legal aid attorney has successfully waived for a client, to ensure the client's wellbeing, is a dollar that will not go to legal aid. This puts legal aid lawyers in an impossible situation—it pits their interests against those of their clients.

Civil legal aid should be better funded than it is now. **But this vital work should be supported by a general fund appropriation and not a surcharge that functions like a regressive tax, disproportionately harming the Pennsylvanians who are struggling the most.**

For these reasons, we urge you to oppose House Bill 1617.