



**MEMORANDUM**

**TO:** The Pennsylvania Senate Judiciary Committee

**FROM:** Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

**DATE:** April 24, 2018

**RE: SUPPORT FOR SENATE BILL 1126 (RESCHENTHALER)**

Over twenty years ago, the Supreme Court ruled in [Bearden v. Georgia](#)<sup>1</sup> that local governments cannot imprison people for failure to pay a fine unless it was determined that the person willfully chose not to pay. But courts across the United States routinely disregard the protections and principles established in this landmark case. In response to diminishing local revenues, states and counties now collect legal debts more aggressively from men and women who have already served their criminal sentences, regardless of whether they are able to pay these debts.

Day after day, [indigent defendants are imprisoned](#)<sup>2</sup> for failing to pay legal debts they can never hope to manage. In many cases, poor men and women end up jailed or threatened with jail though they have no lawyer representing them. These sentences are illegal, create hardships for men and women who already struggle with re-entering society after being released from prison or jail, and waste resources in an often fruitless effort to extract payments from defendants who may be homeless, unemployed, or simply too poor to pay.

[Senate Bill 1126](#) will address part of this problem by requiring training for the minor judiciary to better identify indigent individuals unable to pay court costs, fines, and fees. Offering this training to magisterial district judges has the benefit of: highlighting the importance of this issue and severity of the [problem in Pennsylvania](#),<sup>3</sup> clarifying the options available regarding payments and alternative sentences; and establishing uniform instruction for magisterial district judges.

**For these reasons, and on behalf of the 59,000 members of the ACLU of Pennsylvania, I urge you to vote ‘yes’ on Senate Bill 1126.**

---

<sup>1</sup> *Bearden v. Georgia*, 461 U.S. 660 (1983)

<sup>2</sup> *In for a Penny: The Rise of America’s New Debtors’ Prisons*, American Civil Liberties Union (October 2010) at <https://www.aclu.org/report/penny-rise-americas-new-debtors-prisons?redirect=prisoners-rights-racial-justice/penny-rise-americas-new-debtors-prisons>

<sup>3</sup> Giammarise, Kate. “Modern-Day Debtors’ Prisons? The System That Sends Pennsylvanians to Jail over Unpaid Court Costs and Fines | Pittsburgh Post-Gazette.” *Pittsburgh Post-Gazette*, 16 Feb. 2018, [newsinteractive.post-gazette.com/blog/modern-day-debtors-prisons-lead-to-hundreds-jailed-each-year-in-pa-for-inability-to-pay-court-costs/](https://newsinteractive.post-gazette.com/blog/modern-day-debtors-prisons-lead-to-hundreds-jailed-each-year-in-pa-for-inability-to-pay-court-costs/).