

HB 5341

Support the F.A.T.E. Bill (FAIR ACCESS TO EMPLOYMENT)

Gordon-Booth

The Problem: Sealing Petitions are Being Denied

Illinois has been a leader in recognizing how important opportunities to seal criminal records are to helping residents get jobs, find housing, and pursue education.

But petitions to seal records that would have otherwise been granted, are being DENIED because of outstanding fines, fees, and costs that individuals frequently cannot pay!



The Solution: HB 5341

HB 5341 clarifies that outstanding legal financial obligations, like fines, fees, and costs, cannot be considered when determining whether someone can seal their record.

HB 5341 does not excuse anyone from paying their debts and any entity that is owed fines or fees may still pursue repayment, debt collections actions, and the like.

The Impact of Criminal Justice Debt



- *Negative impact on **credit scores** making it difficult to rent or buy homes.*
- *Interference with the ability to **expunge or seal records** making it difficult to secure or maintain employment.*
- *Risk of **driver license suspension**, burdening the ability to go to and from work or school.*
- *Perpetuated **cycle of debt**, with increased amounts owed for late fees, payment plan fees, collection fees, and interest fees.*
- *Increased risk for arrest and incarceration due to unpaid debts, resulting in employment and housing instability.*

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HB 5341 is supported by the Restoring Rights and Opportunities Coalition of Illinois (RROCI), a coalition bringing together people directly impacted by the criminal system to change unjust laws and policies.

RROCI Organizations include: Community Renewal Society (CRS), Chicago Coalition for the Homeless (CCH), Cabrini Green Legal Aid (CGLA) & Heartland Alliance

Supporting Organizations

- ACLU of Illinois
- AIDS Foundation of Chicago
- Business and Professional People for the Public Interests (BPI)
- Cabrini Green Legal Aid
- Chicago Appleseed Fund for Justice
- Chicago Coalition for the Homeless
- Chicago Council of Lawyers
- Community Renewal Society
- Growing Home, Inc.
- Heartland Alliance
- Safer Foundation
- Sargent Shriver National Center on Poverty Law
- SEIU Healthcare Illinois & Indiana
- Woodstock Institute

In 2016, the **Illinois Statutory Court Fee Task Force** released a report entitled “Illinois Court Assessments: Findings and Recommendations for Addressing Barriers to Access to Justice and Additional Issues Associated with Fees and Other Court Costs in Civil, Criminal, and Traffic Proceedings.” This bi-partisan task force – with members appointed by representatives of all three branches of Illinois government and both political parties - had four key findings:

- 1. The nature and purpose of assessment have changed over time, leading to a byzantine system that attempts to pass an increased share of the cost of court administration onto the parties in court proceedings.** This has resulted in a complex web of filing fees, fines, surcharges, and other costs levied against civil litigants and criminal defendants. It has distorted and unduly increases the financial repercussions associated with criminal and traffic charges.
- 2. Court fines and fees are constantly increasing and are outpacing inflation.** “Criminal and traffic defendants frequently leave court with hundreds, or even thousands, of dollars in assessments on top of what are supposed to be the only financial consequences intended to punish, name, fines imposed by the court...[a]t a time when many wages are stagnant, these additional assessments are creating further financial strain on low- and moderate- income litigants.”
- 3. There is excessive variation across the state in the amount of assessments for the same type of proceedings.** “Criminal defendants may find that their sentences can be severely impacted by something as insignificant as the side of the street on which their arrest occurred. The resulting inconsistencies threaten the fairness, both actual and perceived, of the current system.”
- 4. The cumulative impact of the assessments imposed on parties to civil lawsuits and defendants in criminal and traffic proceedings imposes severe and disproportionate impacts on low- and moderate- income Illinois residents.** “Criminal defendants may find their reentry into society severely burdened if their court debt is unmanageable. Without relief form runaway court costs, more and more Illinois residents will be forced to decide between protecting their legal rights and paying their basic living expenses.”

The existence of unwaivable participation fees for these programs could result in what Harvard’s Criminal Justice Policy Program (“CJPP”) calls a “poverty penalty” which “exists when a poor person is punished more severely than a wealthier person for the same infraction as a direct consequence of her poverty.” The Harvard Policy explains that requiring full payment of court costs, fines, and fees for expungement and charging additional fees for expungement are “poverty traps” that courts should avoid. Full payment should only be required after a determination of intentional refusal to pay.