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TRANSCRIPT OF THE HEARING ON:

ILLINOIS SUPREME COURT
STATUTORY COURT FEES TASK FORCE

Record of proceedings taken before RHONDA K.
WEILAND, CSR, by Zoom videoconference, commencing at
9:03 o'clock A.M., on the 30th day of August, 2022,
upon the public hearing of the above-entitled cause.

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5 MR. CHIRAG BADLANI

6 MR. EUGENE DOHERTY

7 MR. THOMAS DONNELLY

8 MR. MICHAEL FIELLO

9 MS. KATHERINE KEEFE

10 MR. THOMAS KLEIN

11 MR. LEROY MARTIN, JR.

12 MR. JONATHAN PILSNER

13 MS. ELIZABETH ROBB

14 MR. JUSTIN SLAUGHTER

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16 MR. ADAM VAUGHT

17 Members of the Staff

18 Members of the Public

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1 MR. PFLAUM: Good morning, everyone, and
2 thank you for attending. My name is Steven Pflaum.
3 I'm a partner in the Chicago firm of Neal, Gerber &
4 Eisenberg, and I'm the chair of the Illinois Supreme
5 Court Statutory Court Fee Task Force.

6 We are here this morning, of course, on a
7 Zoom teleconference for the second public hearing
8 that the task force has held. The purpose of this
9 public hearing is for the task force members to
10 receive comments, testimony by interested
11 individuals and organizations and agencies with
12 respect to the draft task force report that we
13 circulated a little bit more than 45 days ago.

14 In terms of where we go from here, the
15 task force will be considering the testimony that we
16 receive today as well as the written comments that
17 were submitted last week, and we appreciate those
18 who took the time to provide the very thoughtful
19 comments that we've received. We are going to give
20 them very careful consideration. I anticipate that
21 we will make some revisions and tweaks to the draft
22 report that you've seen in light of the testimony
23 that we have received.

24 And then ultimately, sometime early this

1 fall, the task force anticipates submitting its
2 report to the Illinois Supreme Court and to the
3 Illinois General Assembly for its consideration. As
4 those on this live stream are aware and those
5 watching it later undoubtedly as well are aware,
6 that the task force draft recommendations do include
7 legislative proposals as well as some proposed
8 revisions to the Illinois Supreme Court rules.
9 Those are submitted for consideration by the
10 individuals advised with the authority to act on
11 them.

12 So the format for today then is we --
13 those who expressed an interest in testifying today
14 have signed up. They're here on a Zoom as opposed
15 to through the live stream and going to -- each
16 speaker will have 10 minutes, but I do want to --
17 there will be an opportunity for the task force
18 members to ask questions of the speakers; and, you
19 know, there will be additional time allotted as
20 needed, especially if any questions that might be
21 received.

22 So our first speaker --

23 UNIDENTIFIED SPEAKER: -- Judge Ortiz to
24 be at home.

1 MR. PFLAUM: Okay. Are we ready? Is that
2 okay. Judge Ortiz was scheduled to be our first.
3 He's here, right, Judge?

4 MR. ORTIZ: I am here.

5 MR. PFLAUM: Our first speaker this
6 morning is Judge Jorge Ortiz.

7 Judge, welcome, and if you'd introduce
8 yourself, and thank you for participating.

9 MR. ORTIZ: Thank you, Mr. Pflaum, and
10 good morning, everyone. I serve in the 19th
11 Judicial Circuit in Lake County, and my current
12 assignment is in juvenile court; and let me just say
13 the views I'm about to express are solely my views,
14 not those of the 19th Judicial Circuit.

15 And so I took an assignment in juvenile
16 court about two years ago, and I quickly noticed
17 that the vast majority of the parties in court are
18 represented by the public defender's office; and I
19 also quickly noticed that there are several fees and
20 assessments routinely imposed on these people even
21 though they are indigent.

22 And one day I began researching fee and
23 assessment waivers and was surprised to learn that
24 there is no such provision for juvenile court cases;

1 and I believe this is fundamentally unfair, and it
2 unduly burdens indigent youth and their families.
3 And frankly, very little is collected by way of
4 these fees and assessments, and I routinely waive or
5 reduce them in many cases.

6 Courts and counties do not rely upon these
7 fees or assessments to sustain or support operations
8 and nor should they, and in my view they should be
9 eliminated at a minimum for indigent parties if not
10 entirely. These parties should work on
11 rehabilitation without being saddled with onerous
12 fees and costs.

13 So thank you.

14 MR. PFLAUM: Thank you, Judge.

15 Does anyone have any questions for Judge
16 Ortiz?

17 MR. SLAUGHTER: Yeah, hi.

18 MR. PFLAUM: Representative Slaughter, go
19 ahead. Did you have a question?

20 MR. SLAUGHTER: Yes. I'm sorry.

21 Judge Ortiz, thank you so very much for
22 taking some time to be with us this morning. Could
23 you go into a little bit, just a little bit more?
24 You were articulating how, and one of the things I

1 was concerned about, was was the revenue from the
2 fines and fees being utilized in any way, shape, or
3 form for operations. I believe that you said that
4 they weren't. Is that accurate? And so where do --
5 where does the revenue --

6 MR. ORTIZ: Well, and I'll just speak for
7 my circuit. You know, very little is collected,
8 frankly; and we -- and I wish I had the figures for
9 you because last year we looked at this because some
10 of our county board members expressed an interest in
11 having -- seeing that these fees are waived, and
12 very little is actually collected.

13 So you might have the detention fees.
14 You've got all these other fees. Public defender
15 fees being assessed when these folks are indigent to
16 begin with being represented by the public defender.
17 So very little by way of these fees or assessments
18 is collected; and frankly, you know, these fees
19 shouldn't be relied upon to sustain the operations.

20 Now, I understand that there's certainly
21 many costs attendant to running a juvenile detention
22 center or running juvenile court in general; but,
23 you know, again, we are talking about the vast
24 majority of these people being indigent. And so

1 we're setting them up for failure if you're going to
2 be entering, ultimately entering judgments against
3 them or their parents who are indigent. Instead of
4 having them concentrate on rehabilitation, you know,
5 on improving themselves, what we see is a lot of
6 these folks are saddled with these judgments
7 ultimately which in some jurisdictions I understand
8 that collection efforts begin against these folks.

9 So I'm sorry I can't answer your question
10 specifically. And I know that, you know, your being
11 a legislator, you have to address ways to fund these
12 types of operations; but again, frankly, if we're
13 about rehabilitating these minors and providing them
14 a fresh start in life, we should not be saddling
15 them with these fees, especially if they are
16 indigent.

17 MR. SLAUGHTER: Judge Ortiz, you answered
18 the question quite well. Again, thank you for your
19 service and for being on with us this morning.
20 Thank you.

21 MR. ORTIZ: Thank you very much.

22 MR. PFLAUM: Does any -- do any other task
23 force members have any questions for Judge Ortiz?

24 I do have one. Judge, the task force's

1 draft report does recommend that legislation be
2 enacted abolishing assessments and fees in juvenile
3 delinquency cases but preserving juvenile's
4 liability for restitution in particular, and the
5 task force recommends that the general -- at least
6 the draft report, our draft report recommended that
7 the General Assembly pass legislation in the form of
8 a pending bill known as Senate Bill 3621.

9 Do you know the extent to which that bill
10 is consistent with your -- with the views that you
11 just expressed? Do you join in that support? Or
12 perhaps you're not familiar with that bill.

13 MR. ORTIZ: No, I did review the bill, and
14 it is, it is pretty consistent with my views.

15 With respect to restitution, you know,
16 obviously victims need to be made whole; and
17 sometimes the orders for restitution are quite
18 significant. However, the court must make an
19 assessment as to whether or not that particular
20 minor or family has the present ability to pay the
21 restitution. So I think in terms of victims, I
22 think that perhaps there should still be a provision
23 to allow for restitution to be ordered.

24 MR. PFLAUM: Okay. Thank you, Judge.

1 MR. ORTIZ: Thank you, Mr. Pflaum.

2 MR. PFLAUM: Hearing no other questions
3 for Judge Ortiz, our next speaker is Angelica
4 Jimenez from the National Center for Youth Law.

5 Ms. Jimenez, I want to thank you both for
6 your testimony today and also for the written
7 comments that were submitted by the National Center.
8 The floor is yours.

9 Whoops, you're on mute.

10 MS. JIMENEZ: Thank you for letting me
11 know.

12 Good morning, Chairman Pflaum. Thank you
13 so much for the opportunity to speak today. My name
14 is Angie Jimenez, and I'm a senior attorney with the
15 National Center for Youth, and I'm also an Illinois
16 native.

17 We strongly support the task force
18 recommendation to abolish fines and fees in juvenile
19 court in the form of Senate Bill 3621. We want to
20 bring attention to egregious practices that our
21 youth are subjected to when charged with municipal
22 ordinance violations. We urge the task force to
23 consider the harms administrative adjudications
24 cause and advocate for the abolition of fines and

1 fees in the system.

2 First, ProPublica's recent investigations
3 identified a disturbing pattern of ticketing
4 students for school-based offenses. Students were
5 cited for conduct as minor as littering, making loud
6 noises, or using offensive words. Horrifyingly,
7 reporters found that over 11,800 tickets were issued
8 over the course of three school years to children as
9 young as eight. Significant racial disparities were
10 also found with nearly 20 percent of tickets being
11 given to Black students who comprise only 9 percent
12 of the student population.

13 Youth are forced to navigate
14 quasi-judicial proceedings commonly held at police
15 stations and village halls without -- before lawyers
16 and not judges without the right to counsel. They
17 often plead guilty in order to pay with significant
18 variation across municipalities. Most youth had
19 already been punished by their schools, some even
20 expelled, and now forced to pay hefty fines and
21 fees.

22 Second, these assessments undermine and
23 directly contradict youth rehabilitation. Youth
24 unable to pay aren't learning a lesson. They face

1 severe stress that destroys their trust in the
2 fairness of the system which can negatively impact
3 compliance. These youth are forced to financially
4 rely on their families, if their families can help,
5 or find a way to pay themselves, de-prioritizing
6 their education.

7 In contrast, youth whose families can
8 afford to pay learn there's no meaningful
9 consequence. As a result, as the task force has
10 found, holding families jointly liable can harm the
11 families at a time significant importance.

12 Third, this practice fails to consider the
13 development needs -- developmental needs by
14 punishing youth in the same manner as adults. The
15 task force cites DOJ recommendations for special
16 practices for youths' best interest. Administrative
17 adjudications routinely assess fees and fines
18 without consideration of ability to pay.

19 Fourth, municipal fines are most
20 frequently assessed against low income families and
21 youth of color. The task force found that youth of
22 color are more likely to be arrested and detained
23 than their white peers. This is the same for
24 administrative adjudications.

1 Low income families may be forced to
2 choose between paying these assessment or paying
3 necessities. No family should be forced to make
4 that choice. Multiple families we spoke with had no
5 idea how they were going to pay the fees and fines
6 even if they were given more time to pay.

7 If youth are unable to pay, they might
8 face additional costs, continued court oversight,
9 and possible contempt charges. These youth end up
10 paying even more in the end with devastating
11 consequences to their future opportunities.

12 Finally, ending assessments would benefit
13 municipalities. A funding structure that is heavily
14 relying upon revenues from assessments of low income
15 families is unsustainable. In fact, it is likely
16 that counties would actually experience cost savings
17 if they eliminate these fees imposed on youth.

18 While it appears that the counties don't
19 collect -- don't collect and don't use collection
20 agencies for juvenile court assessments, in
21 administrative adjudications they do. Now, states
22 that have eliminated fees and fines in juvenile
23 court have found that these revenue raising tools
24 were actually cost prohibitive. Thus, abolishing

1 fines and fees is the best course of action for
2 everyone involved.

3 In conclusion, we applaud the task force
4 for your work to improve our courts by addressing
5 the unjust barriers that fines and fees create.

6 Thank you.

7 MR. PFLAUM: Thank you, Ms. Jimenez.

8 Any questions from task force members?

9 MR. FIELLO: Yes, I have a question.

10 MR. PFLAUM: Judge Fiello, go ahead.

11 MR. FIELLO: Do you happen to know whether
12 this using ordinance violations against children in
13 school, whether that is something that is new or
14 just newly discovered?

15 MS. JIMENEZ: I believe it's newly
16 discovered. Senate Bill 100 that was enacted a few
17 years ago really aimed to eliminate that practice in
18 schools by prohibiting the schools themselves from
19 issuing these fines and fees, issuing tickets on
20 students. However, what they are seeing in practice
21 after the enactment of this law is that they are
22 working with police officers and the police officers
23 are doing that. So they're not violating the law;
24 however, they find there's another way to do it. So

1 it's more recent in terms of how it's being
2 administered.

3 And the senate bill also really focused on
4 coming up with alternatives and really focusing on
5 the students' needs. So we are seeing that this
6 trend moving forward towards reform, we're seeing
7 some steps backwards.

8 MR. FIELLO: Thank you.

9 MS. JIMENEZ: Thank you.

10 MR. PFLAUM: Any other questions?

11 Ms. Jimenez, do you have -- is there draft
12 legislation that's been suggested that would
13 implement the measure that you are advocating for?

14 MS. JIMENEZ: We've been working with our
15 partners on Senate Bill 3621, so we have been
16 working with the entire coalition, the Debt Free
17 Justice coalition of Illinois. And so in our
18 conversations to be -- as we said, we strongly
19 support the bill; and if it is possible to include
20 that specifically, and we understand that
21 restitution is not part of that, but if municipal
22 ordinance violations could be, really because we
23 believe it goes to the essence of the bill and what
24 the bill is aimed to address, that that would be the

1 way.

2 So we are committed to working with our
3 partners, and we have been in communication with
4 them to have that as a possible provision to the
5 bill once it gets reintroduced in the next
6 legislative session.

7 MR. PFLAUM: Is there draft legislative
8 language that's been --

9 MS. JIMENEZ: We started -- yes. I'm
10 sorry. We have started working on draft legislative
11 language. We just need to -- we need to pass that
12 on for review.

13 MR. PFLAUM: Thank you.

14 MS. JIMENEZ: Thank you.

15 MR. PFLAUM: Any other questions for
16 Ms. Jimenez?

17 Thank you for appearing and for your
18 testimony.

19 MS. JIMENEZ: Thank you.

20 MR. PFLAUM: -- testimony.

21 Our next speaker is Pastor Norma Patterson
22 from the Debt Free Justice Illinois coalition.

23 Again, I want to thank the coalition for its written
24 comments which the task force is considering as

1 well; and, Pastor Patterson, we appreciate you
2 coming today to testify. Good morning. The floor
3 is yours.

4 MS. PATTERSON: Good morning, everyone.

5 I'm Pastor Norma Patterson, and I'm a
6 member of this task force. I'm a pastor in East
7 St. Louis, Good Shepherd of Faith United Church of
8 Christ, and I'm also a retired teacher from teaching
9 in St. Louis public schools for 25 years, 16 years
10 as a teacher in the classroom, 9 years as an
11 administrator; and I've seen children in middle
12 school and in high school targeted because of that
13 pipeline that extends from school to prison. People
14 say it's not there, that it's invisible, but I'm
15 here to tell you that it's real, it's documented on
16 a regular basis, and certain children are targeted.

17 As a result of my experience in the school
18 district and my experience as a pastor in
19 East St. Louis with church members suffering from
20 these fees and fines because their children are
21 targeted and they are responsible for those kids --
22 and sometimes they are not the parents; sometimes
23 they're the grandparents -- our community organizers
24 have been at the forefront of this coalition

1 campaign to end juvenile fees and fines by
2 connecting with impacted youth and families in
3 Illinois. On behalf of our community organizers, I
4 provide my testimony and full support of the task
5 force findings and recommendations under New
6 Initiative 3 regarding assessment and fines in
7 juvenile delinquency cases.

8 The Gamaliel Network, and I'm a president
9 of Gamaliel of Illinois, is a faith-based
10 multiethnic, multiracial grassroots organization
11 whose mission is to train ordinary people, primarily
12 low income people, from communities of color to
13 effectively participate in the political
14 environment. The social economic decisions that
15 affect their lives oftentimes are overlooked because
16 the people don't know what to look for. If they're
17 not invited to participate in their lives and what
18 happens to them, then we don't even know what's
19 going on in the communities, most people don't know.

20 We are a part of central southern Illinois
21 and mostly the metro east community. These are the
22 counties that we are connected with. These youth
23 and their families that are affected by the juvenile
24 justice system are in Cass County, Morgan County,

1 Sangamon County, Macon County, Madison County,
2 St. Clair County, Monroe County, Randolph County,
3 Jackson County, and Franklin County. Sometimes
4 because we're in the lower part of the state of
5 Illinois we are totally ignored, but we are on board
6 with the bill that we want to push, we want this
7 bill passed, because our children are suffering at a
8 higher rate than most children in other counties.

9 Our community organizers have been working
10 on the campaign to eliminate juvenile fees and fines
11 advancing Senate Bill 3621 since November of 2021.
12 Over the course of four months last spring, we
13 interviewed about fifty impacted youth through
14 one-on-one meetings in the counties mentioned
15 earlier.

16 We want to uplift the following youth
17 stories when extremely -- I'm sorry, which
18 exemplifies and harms and long-term consequences
19 that the youth and their parents face as a result of
20 fees and fines imposed upon them. The youth wish to
21 remain anonymous, so the names of the youths of
22 these anecdotes have been changed to preserve their
23 anonymity.

24 Jay, who is now a 17 year olds has been --

1 17-year-old has been involved in the county's
2 juvenile system for several years. His first
3 contact with juvenile justice system was at the age
4 of 13, and he was fined for the incident. His
5 parents had to pay the fine off, and it was a huge
6 strain on his family. Jay informed that his parents
7 couldn't sleep from the financial burden.

8 There are 27 housing projects in the city
9 of East St. Louis. No other city in the state of
10 Illinois with a population of 27,000 has 27 -- I'm
11 sorry, 27 housing projects. Who has that in their
12 community? And so the children are lumped together.
13 They go to school together. They go to the play to
14 the park together. They don't have any outside
15 connections other than each other. What laws, what
16 government allows that to happen? I've been to
17 other states, and I don't know anywhere where I've
18 seen that happen.

19 Dennis is now 16 years old but was
20 involved in a traffic accident when he was 15 years
21 old. He was arrested in a county, one of the ones
22 that I named, after the accident for not having a
23 license. He received a \$1700 fine which he and his
24 family are still paying off in monthly installments

1 a year later, and they still haven't paid it off.
2 Does that sound familiar, people who went to college
3 paying student loans 40 years, 20 years and still
4 haven't paid them off?

5 Dennis can't obtain a license because of
6 this incident. He has to work in order to pay off
7 the fine; and not being able to obtain a license has
8 added chronic stress with his commute, his needs for
9 work, and his school commitments.

10 The majority of the youth in Illinois
11 juvenile system are low income youth of color, which
12 means that the youth and families of color bear a
13 disproportionate burden in the assessment of
14 juvenile fees and fines across Illinois. Through
15 the interviews we conducted, we learned that
16 grandparents also bear the financial burdens of
17 assessments since they're often the only caregivers
18 for many children and teenagers across Illinois.

19 Juvenile assessments can amount to over
20 thousands of dollars; and even with monthly payment
21 plans, these financial burdens create a significant
22 long-term financial and social challenges for
23 impacted youth and families. Low income families of
24 color end up paying much more with exact same

1 offenses and charges in juvenile court than their
2 Caucasian counterparts and more privileged
3 counterparts pay. It is time to end such unjust and
4 unequitable practices in the state of Illinois
5 because fees and fines only hurt youth and families.

6 For all these reasons, we strongly support
7 the task force recommendation to abolish assessments
8 and fines in juvenile delinquency cases by enacting
9 legislation substantially in the form of SB --
10 Senate Bill 3621. I'm a preacher, you guys, so I
11 can't just read it. I have to testify and preach to
12 you a little bit. Okay? Thank you.

13 MR. PFLAUM: Thank you, Pastor Patterson.
14 We do appreciate that.

15 Anyone have any questions?

16 Hearing none, again, thank you very much
17 for your testimony.

18 Our next speaker this morning, Retired
19 Judge George Timberlake.

20 Judge Timberlake. You're on mute,
21 something we've all experienced during the age of
22 Zoom. There we go.

23 MR. TIMBERLAKE: Oh, thank you. Thanks a
24 lot.

1 Thank you for the sermon, Ms. Patterson.
2 That's exactly the kind of story that needs to be
3 told throughout the state of Illinois, and I'm from
4 southern Illinois. I've been retired for a long
5 time, but the subject is one that I have examined in
6 many ways -- as chief judge, how to manage review
7 hearings; deal with the other members of the court
8 system to collect these fines -- and because of that
9 experience, both as a chief but much more so I spent
10 15 years as an associate judge, and during that time
11 this is the call I got to do a lot.

12 So tell me, if we spend an entire court
13 day having people show up because they owe fines,
14 fees, costs, and restitution, what do those
15 resources cost? More so, let's talk about what
16 could be important financially in the justice system
17 and that is restitution. Here's a situation that I
18 often encountered and one of these being personal.
19 I've been in the real estate business investments
20 for a long, long time. A young man high on meth
21 burned down one of my garages. So I'm insured but
22 had a \$500 deductible. So the fine -- rather, the
23 sentence for this young man included fines, fees,
24 costs, and restitution.

1 The state attorney is a friend of mine and
2 a person I respect. After or towards the end of the
3 young man's probation period, they dismissed the
4 case. Fines, fees, and costs were paid.
5 Restitution was not.

6 So the financial part of the justice
7 system ought to be to make people whole if they've
8 had a real loss. Now, that varies all over the
9 place, but the question really is how much money are
10 we spending in court resources to recover how much
11 money that is likely never to be paid, just as
12 Reverend Patterson has said. That happens in the
13 adult court, of course, and sometimes for good
14 reason.

15 For juveniles, I suggest this is nuts.
16 What we're trying to do in the justice system is
17 repair the harm that a child has caused to another.
18 Restitution may well be the only thing that should
19 be ordered in terms of fines, fees, and costs, but
20 let's go farther than that. The court resources,
21 the time for defendants, the time for attorneys, the
22 time for judges, clerks, bailiffs, and all of that,
23 judge that against the harm cost -- caused to an
24 individual who's been ordered to pay restitution and

1 doesn't get it, either because someone refuses or
2 because someone simply doesn't have the education
3 and job skills to be able to go forward. We ought
4 to be concentrating on that sort of stuff. If we're
5 going to stop crime, then you have to intervene in
6 people's lives in a way that's meaningful to them.
7 Restitution can do that.

8 Several of you have heard my speeches
9 about restorative justice. This is the point right
10 here where we can consider that restorative justice
11 is a -- not a replacement for but the forum in which
12 restitution is determined. Not by us, not by the
13 system, rather by that person or company or whomever
14 has been harmed has the opportunity to say, okay, I
15 want you to pay me a thousand dollars. Kid says, I
16 don't have a thousand dollars, you know. I work
17 after school and make 30 bucks a week.

18 Instead, restorative justice gives the
19 opportunity for that person who has been victimized,
20 who has been harmed, to speak directly to the person
21 who caused that harm and then work out their
22 individual arrangements as to what are you going to
23 do for me. I've been harmed; I want you to hear it;
24 and if you're sincere, here's what you could do to

1 help me. Doesn't mean write a check. Doesn't mean
2 that we got to see each other every Friday for the
3 next ten years of our lives because you owed money.

4 Instead, let's get to a point where
5 justice is served at a local level on a personal
6 level, not on a system level, because the system
7 hasn't done a very good job of carrying this
8 through. If you survey the amount of moneys owed to
9 circuit clerks throughout the state of Illinois, it
10 will boggle your mind. The opportunity to recover
11 that entire amount is infinitesimal. The amount
12 that you're going to write off because finally
13 somebody dies or because the judge realizes it's
14 never going to be paid because the guy isn't
15 capable, let's go to the justice involved in this.

16 And what's just been said today, what's
17 being considered by the court, what's being
18 considered in the legislature is just that. Let's
19 make victims whole. Let's help offenders progress
20 beyond whatever behavior or life condition created.
21 That's justice. I thought that's what this system
22 was about, and I think that's what we strive to do
23 every day.

24 Thanks.

1 MR. PFLAUM: Thank you, Judge Timberlake.
2 Do any task force members have any
3 questions for the Judge?

4 Thank you very much for your testimony --

5 MR. TIMBERLAKE: Thank you.

6 MR. PFLAUM: -- thoughtful.

7 Our next speaker is former Representative
8 Steve Andersson, a member of the -- is he here?

9 MR. ANDERSSON: I am here.

10 MR. PFLAUM: Great. Good to you see,
11 Representative.

12 MR. ANDERSSON: Thank you.

13 MR. PFLAUM: Member of the original
14 Statutory Court Fee Task Force. Welcome.

15 MR. ANDERSSON: Thank you very much. As
16 you said, my name is Steve Anderson. For the
17 record, I've been a licensed attorney for 30 years,
18 about the first 20 of which I was also a local
19 prosecutor. So I spent a great deal of my time, at
20 least once a week, in our local traffic courts in
21 Kane County actually doing a lot of the work that
22 we're talking about here today including suspending
23 a lot of people's drivers' licenses for not showing
24 up, entering ex parte judgments for people not

1 showing up, and creating part of the problem that I
2 think we are here to address.

3 I really wanted to compliment
4 Judge Timberlake's commentary about the inability to
5 collect on a lot of these imposed fees. That is the
6 literal truth. As you mentioned, I'm a member of
7 the original task force, and it was a pleasure to
8 serve with several of you who are on the current
9 task force, and I was the sponsor of the CTAA in
10 short.

11 So this is a area that is near and dear to
12 my heart, and I want to thank the members of the
13 task force for your hard work on this. When I had
14 the opportunity to review your draft report, I
15 really was impressed. You've taken what we started
16 with and really launched it to the next level. So
17 my compliments to you on what I see as an excellent
18 first draft and an excellent debate about where we
19 go in the future. So thank you very much for that.

20 I also am speaking specifically though as
21 a lobbyist with the Chicago Jobs Council. The
22 Chicago Job Council's mission surrounds removing
23 impediments to work opportunities; and in this case
24 specifically, we are dealing with the issue of

1 driver's license suspensions and how that affects
2 people's lives in general. We also comprise a
3 transit table which is comprised of actually many of
4 the organizations that you're hearing from today or
5 who have received testimony to advocate for this
6 issue.

7 Specifically what we are dealing with is
8 to outline our position on the harms of fees to the
9 lowest income people, specifically fees resulting
10 from a failure to appear in traffic court. At
11 present, over 100,000 people in Illinois have
12 suspended licenses for failure to appear in traffic
13 court. These suspensions often are just an
14 extension of the traffic ticket debt collection
15 process. This is because even though a driver's
16 license suspension is initially imposed after a
17 person's failure to appear in traffic court, many
18 circumstances, many court clerk systems thereafter
19 also enter the ex parte judgment, and then the
20 Secretary of State cannot reinstate the license
21 until the ticket is paid and they go back to court
22 to seek reinstatement. As a result in many places
23 failure to appear suspensions become failure to pay
24 suspensions in real practice.

1 Like other debt-driven suspensions, the
2 real-world impact of a failure to appear suspension
3 devastates communities of color. According to our
4 research data, the top ten ZIP codes in the
5 Chicagoland region with the most failure to appear
6 suspensions have predominantly Black and Latino
7 residents. Nine of those ZIP codes have a majority
8 of Black residents, and one of them has a majority
9 of Latino residents, all with above average poverty
10 levels.

11 Minority workers are hit the hardest.
12 Only 16.2 percent of Latino and 19.7 percent of
13 Black workers can work from home compared to
14 30 percent of white workers. This means workers
15 needing driver's licenses are the most likely to
16 have licenses suspended for failure to appear.

17 In many states fines and fees to fund law
18 enforcement distort police priorities and ultimately
19 impede public safety. In cities where police
20 departments receive more funding from fees, police
21 solve violent crimes at a significantly lower rate.
22 You heard that correct. According to our research,
23 a 1 percent increase in debt-based revenues, money
24 from fines, fees, and forfeitures, was associated

1 with a 3.7 percent decrease in violent crime
2 clearance rates. In other words, or perhaps more
3 simply put, the focus of law enforcement shifts from
4 what their main purpose would be which would be to
5 clear those violent crime rates instead to
6 collections.

7 Fines and fees that often underline a
8 failure to appear driver's license suspension put
9 minority workers in really an impossible situation.
10 They either choose to drive illegally because they
11 have inadvertently missed a traffic court appearance
12 date or they lose their employment and subsequently
13 their ability to live. It really becomes a spiral
14 downward, if you will. In fact, if they take that
15 risk and they drive while suspended, oftentimes that
16 means they're now receiving another ticket for
17 driving while license suspended, which is more
18 serious and more significant. So you'll see a
19 spiral downwards amongst people because they make an
20 impossible choice, the choice either to work or not
21 work based on one incidental failure to appear.

22 We believe those failures to appear, by
23 the way, are at the root of the system which is that
24 it's complicated and it's difficult for people who

1 are not familiar with the court system to always
2 make their court dates or to understand exactly when
3 and where they are. Among our survey respondents
4 served by Workforce Development adult education
5 programs across the state, 25 percent have
6 experienced a suspended or revoked license. On the
7 one hand, our government services are trying to help
8 get people employed, there's no doubt about that;
9 but on the exact opposite hand we are using the
10 Secretary of State's office to hold them back
11 unnecessarily. Suspending driver's licenses for
12 failure to appear does not promote public safety or
13 help collect unpaid fines and fees for traffic
14 violations.

15 Suspensions hurt people's ability to earn
16 a living and find housing, which is bad for the
17 business community and ultimately bad for the entire
18 governmental system. Failure to appear in court for
19 driver's license suspensions for fines and fees
20 should not dictate a person's ability to work,
21 provide for themselves and their family, and live.

22 We believe state legislative and court
23 reforms can restore integrity to the criminal
24 justice system and align fees and fines with the

1 system's broader goals. Reforms are urgently needed
2 to protect low income families from being trapped in
3 ruinous debt and people from being penalized,
4 sometimes incarcerated, simply because they can't
5 pay court fines and fees.

6 Specifically to your report, our comments
7 here today are directed at your New Initiative
8 No. 4, which is debt collection. We would ask you
9 specifically to consider adopting House Bill 5588,
10 that's House Bill 5588, Representative Nick Smith is
11 the sponsor, into your recommendations. It
12 eliminates suspensions for failure to appear in
13 court. While this is not specifically a fee, it
14 will result in the reduction of the fees needed to
15 reinstate drivers' licenses at a later point; and as
16 I indicated, if our system is designed to allow
17 people to address their justice system issues and
18 still allow them to work, we are in a much better
19 place.

20 Also remember, the only remedy for a
21 failure to appear is not a driver's license
22 suspension. Sometimes when the police stop an
23 individual, they will give them what amounts to
24 personal recognizance where they do not ask for

1 anything, or they'll post a statutory cash bond for
2 that same issue. In neither of those cases, so two
3 out of three cases, those people will not receive a
4 driver's license suspension. But only in one case
5 somewhere someone posts a driver's license will they
6 suffer this significant penalty. So we're asking
7 that things be aligned more to what I would
8 characterize as the more common collection method.

9 Finally, and this is a separate item and a
10 personal item, so I'm now not speaking for the
11 Chicago Jobs Council, speaking only for myself as
12 the sponsor, is I would ask that you, as you
13 indicate in your report, advocate for the repeal of
14 the sunset. When we created the original CTAA, that
15 was my solution to getting a lot of different
16 organizations on board. There was a great deal of
17 anxiety over how much of a change we were making and
18 whether we might have miscalculated the impact of
19 the various changes in fees.

20 And so our suggestion, my suggestion
21 honestly, was let's create a sunset. We did, that
22 got the bill passed, but what we've seen and what
23 you've seen since then is that it has not
24 dramatically impacted either positively or

1 negatively the variety of different agencies. So
2 with that being the case, the reason for the sunset
3 no longer exists. So I fully support your
4 recommendation in that and ask that as this moves
5 forward that that remain there and that we remove
6 that sunset. This is not -- this is not something
7 that needs a sunset any further.

8 And with that, I thank you for the
9 opportunity to speak and, of course, I'm happy to
10 answer any questions.

11 MR. PFLAUM: Thank you, Representative.

12 Does anyone have any questions for
13 Representative Andersson?

14 MR. SLAUGHTER: Mr. Chair.

15 MR. PFLAUM: Go ahead. Yes.

16 MR. SLAUGHTER: Representative Andersson,
17 Retired, thank you so very much for being with us
18 this morning. I also want to just thank you and
19 we're so grateful for the time and energy and effort
20 that you put into this subject matter.

21 Often throughout your testimony you were
22 referring to some data and reports and statistics.
23 Can you just make sure that the task force has what
24 you were -- what you were reading from and

1 referencing. And I think it's very, very valuable
2 obviously to be able to lean on the data and the
3 stats. So I know all the members appreciate that
4 approach as well.

5 So thank you, Steve.

6 MR. ANDERSSON: It's my pleasure. We do
7 have that all, and we will submit it. Thank you
8 very much for that opportunity.

9 MR. PFLAUM: Thank you. No, we welcome
10 that, and that could be submitted online.

11 Thank you, Representative Slaughter, for
12 that suggestion.

13 Any other questions for Representative
14 Andersson?

15 Again, thank you.

16 Our next speaker this morning is Brian
17 Gaughan from an organization known as LEAP.

18 Mr. Gaughan.

19 MR. GAUGHAN: Good morning. Thanks for
20 allowing me to speak to you folks today. Greetings,
21 Chair Steven Pflaum and members of the Statutory
22 Court Fee Task Force. I speak here today in favor
23 of the proposed Initiative 3 because I believe that
24 ending fines and fees for minors would strengthen

1 police community trust and lower recidivism amongst
2 minors.

3 My name is Brian Gaughan, and I'm weighing
4 in on this issue as a retired Illinois law
5 enforcement officer and as a speaker for Law
6 Enforcement Action Partnership, also known as LEAP.
7 LEAP is a nonprofit group of police officers,
8 prosecutors, judges, and other criminal justice
9 professionals who speak of our experience from
10 within the criminal justice system. Our mission is
11 to make communities safer by advocating for the
12 focus of law enforcement resources to be placed on
13 the greatest threats to public safety and working
14 towards healing police community relations.

15 As a police officer, I saw firsthand that
16 our young people needed support and positive
17 interactions from officers in their community, not
18 financial penalties. Every effort to positively
19 engage with young people serve to keep them out of
20 the criminal justice system which improves community
21 trust.

22 Unfortunately, when youth get into
23 trouble, they face financial consequences. Juvenile
24 fees and fines, the cost in monetary sanctions that

1 are imposed on youths and their families for the
2 youth's involvement in the juvenile delinquency
3 system, actually operate as a regressive tax on the
4 families who can very least afford it. These youths
5 and their families are charged a range of fees,
6 including for detention, probation, supervision, and
7 electronic monitoring. These juvenile fines and
8 fees are counterproductive actually. They come with
9 harsh penalties and other negative consequences for
10 nonpayment. They fill our courtrooms with families
11 who are there solely because they're unable to pay
12 the fines. The fact is these don't generate net
13 revenue because most families with children in a
14 justice system are low income.

15 As the statutory court fees report points
16 out, often there's little attempt even made to
17 collect those fees; and since we realize that's the
18 case, what we should do is do away with those harsh
19 juvenile fees that keep children engaged with the
20 criminal justice system which studies have shown
21 does lead to recidivism.

22 And lastly, these fines and fees, they in
23 no way deter crime and, in fact, they increase it;
24 and they do that by pushing families further into

1 poverty and force them to make decisions between
2 paying the rent and feeding their family or paying
3 fines and fees which in turn leads to continued
4 interactions with the justice system. Implementing
5 this initiative would eliminate fines and fees
6 imposed on the Juvenile Court Act of 1987. States
7 from every region of the country are taking similar
8 action to eliminate juvenile fees and fines. In
9 just this past year alone Louisiana, Virginia,
10 Colorado, New Mexico, Texas, and New Hampshire
11 eliminated juvenile fees and fines following in the
12 footsteps of California, Nevada, Maryland, and
13 several other states. Illinois now has the
14 opportunity to join those states in a very much
15 commonsense bipartisan reform approach that will
16 help Illinois youth and families.

17 I believe this initiative will also help
18 improve police community trust which is so key to
19 what's going on in this country. The police are
20 only as strong as our relationship with the public
21 because they prevent and solve crimes, big and
22 small, based in large part on the information from
23 victims and witnesses. Victims won't report crime
24 if they don't believe in the system. A recent

1 report actually found out that more than half, it's
2 mind-blowing to me that more than a half of all
3 violent crimes went unreported between 2006 and 2010
4 in this country.

5 When people see that their family is
6 weighed down by juvenile justice debt, who do they
7 blame? They blame the figure that they see, and
8 that's the police. They blame the police. And when
9 they blame the police, they're not going to talk to
10 the police. And when they don't speak to us, crimes
11 don't get reported, witnesses don't come forward.
12 As a result, all residents suffer.

13 I urge you to join me in supporting this
14 initiative to protect struggling families and
15 improve police community trust which will result in
16 a better Illinois for all of us. Thanks much for
17 the opportunity to share my experience and support
18 of this bill. Be well.

19 MR. PFLAUM: Thank you, Mr. Gaughan.

20 Does anyone have any questions for
21 Mr. Gaughan?

22 Okay. And thank you very much for very
23 helpful testimony.

24 MR. GAUGHAN: Thanks.

1 MR. PFLAUM: Our next speaker I believe
2 will be Deputy Public Defender Parle Roe-Taylor from
3 the Cook County Public Defender's Office.

4 Ms. Roe-Taylor, welcome.

5 MS. ROE-TAYLOR: Thank you. Thank you. I
6 appreciate the opportunity to provide comment to the
7 task force regarding the draft report today. As you
8 said, my name is Parle Roe-Taylor, and I am a deputy
9 public defender with the law office of the Cook
10 County Public Defender.

11 The office has and remains strongly in
12 support of all efforts to reduce the impact of court
13 assessments for our clients, and we are pleased that
14 the task force is taking up and proposing solutions
15 to implement challenges to the Criminal and Traffic
16 Assessment Act. I'm here today to comment on the
17 implementation proposals as well as to commend the
18 task force for their excellent work that you've done
19 so far and speak in favor of our recommendations and
20 the new initiatives detailed in the draft report and
21 highlight a few areas where our office believe that
22 the recommendations could go further to address the
23 additional issues.

24 We are in agreement that removal of the

1 sunset on and to continue to document the impact of
2 the Criminal and Traffic Assessment Act. We
3 believe, as stated earlier by the Representative,
4 that there is no longer a need for that and that it
5 is our position that the collection of the
6 additional information will assist in evaluating the
7 impact of the act; and that is one of the things
8 that we have all learned, that it is that data that
9 helps guide the decisions that we make, and that
10 would be incredibly helpful for us to have. Moving
11 forward it remains essential that we're able to
12 better understand the assessments of people who are
13 accused and how to balance the county budgets in
14 order for us to continue to do the work that we have
15 for each of the courts systems.

16 We are also of the opinion that we need to
17 close the loopholes that defeat the goals of the
18 Criminal and Traffic Assessment Act. I've been a
19 lawyer for more than 30 years, I have handled
20 numerous matters in the court system, and it is
21 always heart-wrenching when part of the negotiations
22 is how a client is going to pay the fees and the
23 costs associated, whether some are mandatory or
24 whether some are actually part of the state's offer

1 or a prosecutor's offer. For a client who stands
2 before us indigent where the assessment has already
3 been made by the court that they are indigent and
4 now as part of whatever system -- sentence, I'm
5 sorry, they are responsible for, they now have this
6 financial burden.

7 Those types of instances are a work-around
8 for the act, and we have to make sure that those are
9 prohibited moving forward. And so we commend the
10 task force on considering how to get rid of those
11 instances where people are not given an opportunity
12 just to pay the restitution and avoid court fines
13 and fees.

14 Another oppressive portion that we have to
15 consider are the late fees, and there was -- I
16 believe the Representative also talked about the
17 piling on and what that means not just for the
18 traffic but also for our clients who lose their jobs
19 because they were taken into custody. They fall
20 behind because of their inability to get back to
21 court, sometimes to get to work because just the
22 financial burdens that they have, and the piling on
23 of these costs and these fees further digs a hole
24 for them that becomes impossible to get out. And,

1 yeah, sometimes they reoffend. A lot of times they
2 are trying to balance their family's needs versus
3 their own.

4 We also echo the testimony that came
5 regarding the juvenile costs and fees as it relates
6 to not just those minors but of course their
7 families. So many children are unable to get the
8 paper route that used to be available or to cut
9 grass or do those things where they could save some
10 money. They live in urban areas where they may just
11 not have access to those weekend or those jobs.

12 And certainly considering that there's
13 harm that is there working out restitution, we need
14 to be creative. We always need to be creative in
15 how to make a victim or complaining witness whole,
16 but we have to challenge our imaginations of how to
17 do this. I've seen some very creative instances
18 where -- and I believe someone made the reference to
19 restorative justice court as well as sitting down
20 with a complaining witness and asking them what can
21 we do in situations where there isn't great bodily
22 harm or other instances to make sure that you know
23 this juvenile will be rehabilitated and will
24 contribute to what harm you suffered. So I think

1 that we can do that. So I do -- we do echo the
2 positions that have been taken regarding juveniles
3 who find themselves burdened with these costs and
4 assessments.

5 I would also like to address some of the
6 other issues that we have with our clients who are
7 reentering the system who are sentenced to the
8 Illinois Department of Corrections who are also
9 saddled with fees and costs when they return. I
10 think mostly everyone on this task force can
11 appreciate the difficulty that clients have in
12 reentering. Every program won't take them. Every
13 employer will not consider them. Some of those
14 clients, a lot of those clients, have difficulty
15 getting jobs. Getting back into the workforce is
16 one of the main ways to even be able to support
17 themselves, and oftentimes because of the felony
18 convictions they are looking at fines that they're
19 responsible for, and they're looking for ways to pay
20 that and to take care of themselves.

21 It's an undue burden. They have just been
22 penalized in a system that sought to rehabilitate
23 them, but the reality of that is that they are
24 unable to pay. They're unable to find jobs with

1 liveable wages such that they can pay off the
2 thousands of dollars that have been assessed against
3 them. And it is shocking to see as you sit in
4 court, and as I have, when you just hear the judges
5 and the prosecutors say, well, the agreement is
6 \$10,000 that's being assessed or \$25,000 knowing
7 that that client becomes more unemployable the
8 longer they stay in prison.

9 And then when they are released, somehow
10 there's this expectation that they begin to pay, and
11 often I have sat through hearings where there have
12 been findings that the person is unwilling to pay
13 because they did not get a job even if they can show
14 the log that they went to several different places.
15 So we commend you on the consideration that those
16 not be part of agreements by the prosecution and the
17 defense in plea agreements.

18 I also want to raise just one other major
19 issue for us, and that is the cost that is actually
20 legislated, on the books, regarding the
21 reimbursement of the public defender's office; and
22 while it is not imposed, it is still in existence.
23 And this is very contrary to the court who has made
24 the assessment and the finding that the person is

1 indigent; and in a felony case they can be
2 responsible for up to \$5,000 of our services. When
3 there's a finding absent some later showing that
4 this person has the ability to pay is very
5 inconsistent with the court's original finding of
6 indigence for the purpose of appointing a lawyer
7 from our office. Because of this inconsistency and
8 no showing that this person has any ability after
9 the case is complete, it is just another layer of a
10 burden placed upon our clients.

11 Most of our revenue comes from other
12 agencies, right, and the state. And a lot of our
13 clients are taxpayers. Their money is being spent
14 even for the prosecution of their own cases, but
15 then to try to tack it on at the very end after that
16 matter is complete if they are not successful is
17 almost like a double tax for them to now have to pay
18 back into the system for the use of a system that
19 they were being -- that they were seeking justice
20 in.

21 So we commend you for the consideration of
22 eliminating and we would ask the task force to
23 propose eliminating that particular section of the
24 legislation as our clients are being, again, unduly

1 burdened with the cost of our services when they
2 have already been found to be entitled to our
3 services.

4 So I would like to thank you for the
5 opportunity to be heard today and for all of your
6 work as proposed in the draft report. Thank you.

7 MR. PFLAUM: Thank you, Ms. Roe-Taylor.
8 Does anyone have any question?

9 Chirag Badlani, go ahead.

10 MR. BADLANI: Ms. Roe-Taylor, thank you
11 for your testimony today and for the public
12 defender's written comments as well. One just
13 question of clarification on the reimbursement
14 legislation. I believe I caught you said that it's
15 not imposed. Is that just a policy in Cook County,
16 or are you aware of some state-wide policy regarding
17 the lack of enactment of that or enforcement of that
18 legislation?

19 MS. ROE-TAYLOR: So Cook has imposed that
20 provision from time to time, not currently, but it
21 has happened under a previous public defender. It
22 is a very difficult position to be in. Certainly
23 it's not a position even when it was happening that
24 we were making that proposal to our clients or

1 advising them, it was actually that the state was
2 telling or the judge was telling our client that
3 they would be seeking reimbursement and that notice
4 had to be given at the time that we were resolving
5 the case.

6 Was it happening at other jurisdictions?
7 I don't have the data on that, but I know that as
8 long as that piece of legislation sits there, it can
9 be imposed. So while it is currently not a
10 practice, I have no reason to think that it will not
11 rear its head again and be pushed as a revenue
12 stream to come from our office because we are the
13 ones that are the least likely to be able to have a
14 revenue stream coming from the services that we
15 provide to indigent clients.

16 MR. BADLANI: Thank you.

17 MR. PFLAUM: Any other questions?

18 MR. FIELLO: Yeah, I wanted to follow up.

19 MR. PFLAUM: Judge Fiello.

20 MR. FIELLO: I think this is imposed in
21 other counties. In fact, it's imposed in my county.
22 And I know it's not in Cook County right now, but
23 from your testimony it sounds like you've been there
24 quite some time so you may have some information

1 about when it was.

2 So my question to you is, if you know,
3 when it was being imposed, how often was this
4 assessed against defendants, whether those
5 assessments were paid and when they -- if they were
6 paid, where did the money come from? In other
7 words, did it -- was it assessed and taken out of
8 maybe bond that the person had put up or was there
9 some proceedings after the case was over to collect
10 it?

11 And finally, it doesn't sound like the
12 public defender's office relied on this as a revenue
13 stream, so I'm guessing -- but you can correct me if
14 I'm wrong -- that not, not having the ability for
15 this to be assessed is not going to hamper the
16 ability of the public defender to do their job.

17 MS. ROE-TAYLOR: So I'll try to take that
18 in parts. Please remind me if I miss any of those
19 questions.

20 So I can tell you that the imposition of
21 the payment was not as often because, as you can
22 imagine, some judges recognize that the additional
23 burden placed on, you know, a person before them
24 would be just buried and in debt. So often -- and

1 there were some fundamental objections that were
2 being made, and judges would often say I'm not going
3 to assess, even though I can, I'm not going to do it
4 because this is a misdemeanor case. You know, it's
5 \$500. There's no way that you'll be able to pay
6 that in addition to all the other things. So even
7 where the request was made by the prosecutor, judges
8 would actually go on the record and say I'm not
9 going to impose that at this time.

10 I've never seen a full collection though
11 there was an order often that it be paid if that
12 client had posted bond. And the schedule was never
13 very clear, but a portion of it was paid, and then
14 they were told you need to pay that amount and the
15 clerk's office would be the designated place for it
16 to go into the bucket and to be spread about; and
17 it's not even that our office was getting it in
18 total. And oftentimes it had to be written in on a
19 lot of orders because it was not standard.

20 I think you also asked about -- oh, I'm
21 sorry, if you can remind me, Mr. Fiello.

22 MR. FIELLO: The only other thing that I
23 mentioned, I think you've covered all the points
24 that I asked, which are they weren't assessed often;

1 if they were paid, they were paid out of the bond
2 money normally and there wasn't -- at least you
3 didn't experience any sort of post case collection
4 efforts.

5 MS. ROE-TAYLOR: No, we did not. We
6 had -- there was so much confusion when it did
7 happen. There were some clients who actually sent
8 checks to our office. We had to certainly get those
9 right over to the clerk's office so that those
10 could, you know, be given against whatever the debt
11 was. But no, there was no huge influx that affected
12 our budget so we could hire more people or that we
13 could, you know, get more resources and then it went
14 away.

15 So we have enjoyed the fact that that no
16 longer is a practice, but we do live in fear that it
17 could rear its head again. And I feel very bad for
18 you that it is in your jurisdiction because it is
19 such an inconsistent message to the person who's
20 being appointed a lawyer for our office; and then
21 once they get their case resolved, they're being
22 told, oh, yeah, by the way, that free lawyer isn't
23 really free. You're going to have to pay a portion
24 of their salary for their services. It is

1 unfortunate.

2 MR. FIELLO: Thank you.

3 MS. ROE-TAYLOR: Thank you.

4 MR. PFLAUM: Does anyone have more
5 questions?

6 Again, thank you, Ms. Roe-Taylor, both for
7 your testimony today and also for the very careful
8 comments that you and your office submitted, the
9 written comments, which were also very valuable.
10 Thank you for that.

11 MS. ROE-TAYLOR: Thank you.

12 MR. PFLAUM: Our next speaker this morning
13 is Aimee Galvin.

14 Ms. Galvin, I have you identified as with
15 the ISBA although I realized you're, I believe, with
16 an organization called Stand for Children. So
17 welcome, and the floor is yours.

18 MS. GALVIN: Thank you so much. And yes,
19 I am with Stand for Children, and I'm speaking on
20 behalf of Stand and the Debt Free Justice Illinois
21 coalition.

22 So thank you, Chairman Pflaum and members
23 of the Statutory Court Fee Task Force, for holding
24 this hearing to gather public comments on the task

1 force draft report. As I said, my name is Aimee
2 Galvin, and I'm the government affairs director with
3 Stand for Children Illinois.

4 Stand for Children Illinois is a nonprofit
5 that advocates for educational equity and racial
6 justice to create a better future for us all. As a
7 member of the Debt Free Justice Illinois coalition,
8 Stand is committed to eliminating harmful and
9 economically unjust fees and fines imposed on youth
10 and their families in the juvenile justice system.
11 Juvenile court fees and fines undermine youths'
12 success by perpetuating cycles of debt and can
13 prolong a child's involvement with the justice
14 system further delaying plans like college and
15 career, and I think we have heard a lot of
16 testimony, you know, to that effect today.

17 Stand for Children Illinois and the Debt
18 Free Justice Illinois coalition strongly support the
19 task force's findings and recommendations under New
20 Initiative 3 that calls for legislation abolishing
21 assessments and fines in juvenile delinquency cases.
22 Debt Free Justice Illinois is part of a national
23 movement that has brought together organizations
24 from across the political spectrum to end the

1 harmful practice of juvenile fines and fees. Since
2 2015, twenty states have reduced or eliminated
3 juvenile fines and fees, and it's time for Illinois
4 to do the same.

5 Debt Free Justice Illinois is proudly
6 bipartisan and enjoys support from groups that stand
7 on both sides of the political line and spectrum as
8 well as support from a wide variety of stakeholders
9 including judges, state's attorneys, probation
10 officials, youth correction officers, and law
11 enforcement leaders that have joined us in our call
12 to end juvenile fines and fees.

13 Thank you to the task force for
14 recommending that the General Assembly pass
15 legislation substantively in the form of SB 3621
16 which, as we've covered today, will eliminate all
17 juvenile fines and fees in delinquency cases. This
18 bill will take Illinois one step closer to achieving
19 a more just and rehabilitative system for young
20 people in our state. We strongly support the task
21 force's recommendation and encourage the General
22 Assembly to enact that legislation in the form of
23 SB 3621.

24 So thank you so much.

1 MR. PFLAUM: Thank you, Ms. Galvin. And
2 thank you also for the written comments that were
3 submitted on behalf of the coalition.

4 Does anyone have questions for Ms. Galvin?

5 Okay. Thanks again for being here this
6 morning.

7 Our last scheduled speaker is CJ Beck from
8 the Chicago Appleseed Center.

9 Good morning, Mr. Beck.

10 MR. BECK: Good morning. Thank you very
11 much. So hello. My name is CJ Beck, and I'm here
12 today on behalf of Chicago Appleseed Center for Fair
13 Courts. The Chicago Appleseed is a nonprofit that
14 seeks equitable and fair solutions to systemic
15 injustices in Illinois' courts and criminal legal
16 system.

17 So I'm here today in support of the
18 recommendations made in the Illinois Statutory Court
19 Fee Task Force drafted report. The issue of
20 reducing court fines and fees are of particular
21 importance to the Chicago Appleseed because fines
22 and fees perpetuate inequality as opposed to serving
23 justice.

24 Court fines and fees construct a cycle of

1 debt as punishment for people in the court system,
2 disproportionately impacting low income people and
3 communities of color. For example, a 2017 study by
4 the Fines and Fees Justice Center found that on
5 average monetary punishment increases by \$34,864 per
6 100,000 residents for every 1 percent increase in
7 the Black population. Moreover, collection of these
8 debts are generally inefficient and do not
9 contribute to significant portion of funding towards
10 the court system. The recommendations that the task
11 force have made minimize the burden of legal
12 financial obligations on individuals in Illinois,
13 and are undoubtedly a step in the right direction.

14 I would like to emphasize that the
15 Criminal and Traffic Assessment Act passed in 2019
16 was a significant step forward for creating a more
17 just Illinois court system. The CTAA has helped --
18 has created some clarity in court costs and fees for
19 court staff as well as litigants and has helped
20 minimize the cost burden on individuals and
21 families. Therefore, we strongly support the
22 elimination of the sunset day of January 1st,
23 2024. Termination of the provisions in this law
24 would effectively undercut substantial efforts to

1 move the courts towards greater progress and
2 dispensation of equitable justice.

3 While there were many important
4 recommendations in the report from standardizing
5 procedures for assessment waiver applications to
6 improved data reporting, I would like to highlight
7 two initiatives that are critical to creating a more
8 equitable court system. These initiatives are
9 assessments and fines in juvenile delinquency cases
10 and assessments and fines imposed on defendants
11 sentenced to the department of corrections.

12 Chicago Appleseed supports the task force
13 recommendation to abolish assessments and fees in
14 juvenile delinquency cases because youth are rarely
15 independently able to pay these fines and fees and
16 the burden falls on their families. As
17 fundamentally shown in the proposal of SB 3621,
18 assessing fines and fees for juveniles and their
19 families undermines the rehabilitative emphasis of
20 the Juvenile Court Act of 1987. Furthermore, these
21 fees compound youth hardship by doing nothing to
22 address the root issues that influence youth towards
23 coming into contact with the legal system. Failure
24 to pay these fines and fees create barriers to

1 reentry such as harming the young person's credit
2 and limiting their eligibility for student loans,
3 rental leases, or car loans.

4 What is proven to be most effective for
5 kids and their families is providing resources to
6 ameliorate the challenges that lead to system
7 involvement. Support for SB 3621 is fully in line
8 with the Illinois Department of Child and Family
9 Services Family First Prevention Act that provides
10 comprehensive services to families to limit youth
11 legal system involvement. As such, we at Chicago
12 Appleseed urge stakeholders to voice support for
13 this act.

14 Similarly, the task force recommendation
15 to create a sliding scale of fees for people who
16 have been sentenced to the department of corrections
17 is a point of progress. However, we implore the
18 task force to go further and abolish fees for people
19 sentenced to IDOC regardless of how long they will
20 be incarcerated because court costs can act as a
21 significant barrier to reentry from incarceration.
22 Incorporating the findings from this fines and fees
23 task force, the Illinois Criminal Justice
24 Information Authority research and analysis unit

1 displays the collateral consequences of fines and
2 fees imposed on this population which can amount to
3 individuals foregoing basic needs such as groceries,
4 utilities, rent, among others. Inability to pay
5 fines considering that the average annual salary for
6 this population amount to \$15,000 also led to more
7 than half of the individuals surveyed in the report
8 saying that it negatively impacted their credit.
9 Credit issues can lead to eligibility challenges as
10 far as loans, education, and housing, as previously
11 stated.

12 We strongly encourage robust push beyond
13 sliding scale methodology towards elimination of
14 fees for IDOC-involved individuals to support
15 reentry into their communities. Research in a
16 variety of systems demonstrates that fines and fees
17 do not create a significant source of revenue for
18 court systems or the counties where they are seated.
19 The key 2019 study from the Brennan Center called
20 fines and fees an inefficient source of government
21 revenue citing costs of collection, diversion of
22 resources from core responsibilities to collection
23 efforts, and costs of imposing sanctions on those
24 who remain unable to pay. While the prospect of

1 lost revenue is generally unappealing, collecting
2 monetary sanctions has considerable and widely
3 distributed costs for the court system and usually
4 results in spending dollars to collect pennies. The
5 Brennan Center study found that 10 U.S. court
6 jurisdictions spent on average 41 cents for every
7 dollar they collected. Profit from court fees is so
8 low that reducing court fees would not have a
9 significant impact on the court's revenue.

10 So in sum, the report makes significant
11 headway in reducing the amount of court fees and is
12 an important step towards a fully taxpayer-funded
13 court system in Illinois that will eliminate court
14 costs and fees entirely.

15 Want to thank you for your time and work
16 on this report and thank you for allowing me to
17 speak this morning.

18 MR. PFLAUM: Thank you, Mr. Beck.

19 Does anyone have any questions that they
20 wish to pose to Mr. Beck?

21 Chirag Badlani.

22 MR. BADLANI: I have a question. I don't
23 know, Mr. Beck, if you're poised to answer this, or
24 maybe Ms. Jimenez who spoke earlier, but there's

1 been obviously a lot of testimony today on SB 3621,
2 and I just want to understand the Publico
3 investigation regarding municipal fines and fees
4 that are imposed. Is the thinking, Ms. Jimenez or
5 others on the -- at this hearing who have testified
6 to this issue, that SB -- that bill potentially
7 might be amended to include this or would there be
8 sort of separate legislation that is contemplated?
9 I think I missed that point that was raised earlier.

10 MS. JIMENEZ: Yeah, no, thank you for
11 raising that. We have been working with the Debt
12 Free Justice Illinois coalition which some of the
13 individuals testifying today on and really trying to
14 raise this issue. When the bill, the language was
15 originally drafted and introduced, this was really
16 before a lot of the investigation, the series came
17 out that was published in April of this year. So
18 really we are working -- we're working with them to
19 potentially include that within that bill, within
20 Senate Bill 3621. The number may change as the --
21 in the new session. But that is our intention and
22 that has been our conversations.

23 If that is something that would not be
24 successful, because we are committed to doing this

1 and we are committed to moving this forward, it's
2 possible that it could be introduced as a separate
3 bill, but the hope was to really include this as
4 part of a part of comprehensive juvenile justice
5 reform and really identifying that for the youth.
6 Because we are speaking to this specifically to
7 youth. Right? We are not speaking to municipal
8 ordinance violations against adults.

9 So that is our intention, to do that going
10 forward, and we are hoping to have the support from
11 the task force today on that. So really that's why
12 we were here today and that's why we were -- that's
13 our original intention, but our strategy would be to
14 have this introduced in this legislature. Whether
15 it's part of that bill or a separate bill, that we
16 are still working on at this point.

17 MR. BADLANI: Thank you for that
18 clarification.

19 MR. PFLAUM: Thank you.

20 Any other questions for Ms. Jimenez or
21 Mr. Beck?

22 Again, Mr. Beck, I want to thank you both
23 for your testimony today and for the written
24 comments that were submitted by the Chicago

1 Appleseed Center. We appreciate all of that.

2 That wraps up. That's our last speaker,
3 scheduled speaker for this morning, and I want to
4 again thank all of our speakers for taking the time
5 to appear this morning and to share their views and
6 their experience with us. You know, the task force
7 collectively has very broad experience, but we have
8 no claim that our knowledge and experience is
9 encyclopedic, and it's invaluable to hear from
10 members of the public who can supplement our
11 experience with their own and share their views with
12 us. So we appreciate your time and we appreciate
13 your efforts and assistance in the important work of
14 our task force.

15 At this point the public hearing will be
16 adjourned. The meetings of the task force will
17 reconvene to consider the written and oral testimony
18 and to further act on our draft report.

19 Alison Spanner, do we have a separate Zoom
20 link for our meeting, or are we to stay on this
21 particular Zoom?

22 MS. SPANNER: We will stay on this Zoom.

23 MR. PFLAUM: Okay. So the public hearing
24 will now be adjourned. The live stream can be

1 stopped. Anyone on the Zoom who is not a task force
2 participant, again, thank you and now would be a
3 good time to sign off.

4 (WHEREUPON, at 10:24 A.M. the
5 public hearing was concluded.)
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I, RHONDA K. WEILAND, a Certified Shorthand Reporter of the State of Illinois, CSR License No. 084-004438, do hereby certify that I stenographically reported the proceedings had at the public hearing, as aforesaid, and that the foregoing transcript is a true and accurate record of the proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at Chicago, Illinois, this 13th day of September, 2022.



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Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

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(a) Submission to Deponent; Changes; Signing.

Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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