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Imposing Mandatory Court Fees on Indigent Defendants Ruled Unconstitutional

CA Second District Court of Appeals Decision is a Win in the Fight Against Criminalization of Poverty

LOS ANGELES — The California Second District Court of Appeals issued a groundbreaking opinion today in an appeal brought by Velia Dueñas, a homeless, disabled, indigent mother of two who challenged the State’s imposition of court fines and fees without taking into account her inability to pay. The court reversed the trial court’s decision and held that imposing court fees on indigent defendants who lack the ability to pay is unjust and violates the Due Process Clause of the United States Constitution and California Constitution. The court also reversed the trial court to hold that the State cannot collect a restitution fine until it demonstrates that the defendant has the ability to pay.

The decision, authored by Justice Laurie Zelon, said:

“Imposing unpayable fines on indigent defendants is not only unfair, it serves no rational purpose, fails to further the legislative intent, and may be counterproductive... Poor people must face collection efforts solely because of their financial status, an unfair and unnecessary burden that does not accomplish the goal of collecting money.”

The case stands as a landmark decision affirming the foundational constitutional protections for all indigent defendants and will substantially advance the fight against the criminalization of poverty. Thousands of indigent individuals across the state faced with unaffordable fines may now be able to escape a cycle of poverty that has included incarceration, escalating debt and harsh collections methods, reduced credit scores, and inability to access expungement.

Following today’s hearing, Kathryn Eidmann, lead attorney for the appellant and Supervising Senior Attorney of Opportunity Under Law at Public Counsel, issued the following statement:

“The Court’s decision is a beacon of hope for thousands of vulnerable Californians trapped in an inescapable cycle of deepening poverty and criminal justice involvement. The Court recognized that imposing burdensome fees on the poor who blamelessly cannot afford to pay is fundamentally unfair and inconsistent with state and federal constitutional guarantees of due process. This decision will reduce barriers to achieving economic self-sufficiency, rehabilitation and reentry for Ms. Duenas and others like her across the state.”

At the end of the decision, the Court also importantly noted:

“We invite the Legislature to consider whether the statute should be amended to direct a trial court to consider the defendant’s ability to pay in imposing the fine.”

A diverse coalition of high-profile groups have come forward to affirm that court debts deprive individuals of their basic liberties and have negative effects on the individual, their families, communities, and the state. Please use the links below to find amici briefs from:

- [East Bay Community Law Center and a diverse coalition of community and non-profit organizations](#)
- [ACLU](#)
- [Los Angeles County Bar Association, Beverly Hills Bar Association, Bar Association of San Francisco, and Western Center on Law and Poverty](#)

People v. Dueñas is a criminal appeal brought on behalf a low-income defendant, Velia Dueñas, who was charged \$220 in court fees without consideration of her inability to pay. This constitutional challenge sought to enforce bedrock federal and state constitutional principles prohibiting punishment on the basis of poverty in the context of court fees, which are often referred to as court “user” fees, that California courts routinely assess on top of statutory fines. Brought as a criminal appeal in California state court, this case sought to ensure that Ms. Dueñas and other indigent individuals are not punished solely on the basis of their poverty.

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For more information on *People v. Dueñas*, please visit <http://www.publiccounsel.org/stories?id=0257>.