



Legislative Testimony  
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**Written Testimony Opposing House Bill 6391, An Act Increasing Penalties  
for the Violation of Municipal Ordinances**

Senator Rahman, Representative Kavros DeGraw, Ranking Members Fazio and Zullo, and distinguished members of the Planning and Development Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 6391, An Act Increasing Penalties for the Violation of Municipal Ordinances.

The ACLU-CT is dedicated to ending mass incarceration. That effort includes examining all aspects of the criminal and civil legal systems, including fees and fines. The General Assembly must continue to make progress towards reducing the number of people who have contact with the criminal legal system and reducing the financial burdens that we place on people. Under current Connecticut law, the maximum penalty for violations of municipal ordinances is already \$250. House Bill 6391 seeks to increase the maximum penalty even higher to \$1,000.

Exponentially increasing the maximum fine that municipalities can charge for ordinance violations is likely to further entrench people, especially families of color, into cycles of poverty. What results is a two-tiered criminal legal system, where income level determines the outcome.

Fines and fees in the criminal justice system are a practice that traps people into cycles of debt. The financial burden of fees and fines disproportionately harms people of color and people living in poverty, often trapping them in cycles of debt and

incarceration. Nationwide, experts estimate that these costs total billions of dollars.<sup>1</sup> People who are unable to pay these fines face spiraling collateral consequences, like the immediate economic harms of debt and also increased involvement in the criminal justice system.<sup>2</sup>

In practice, uniform fines mean that the amounts charged are relatively larger for low-income people when compared to higher-income people. In fact, a recent survey found that 56 percent of Americans simply cannot pay for a \$1,000 emergency expense with their savings.<sup>3</sup> These numbers are further stratified along educational attainment lines—for example, nearly 60 percent of people with college degrees could cover the expense.<sup>4</sup>

Because of systemic racism, uniform fines also disproportionately harm Black and Latinx people. A similar study on \$400 emergency expenses found that across families earning less than \$40,000 per year, 40 percent of white respondents could handle the emergency expense, whereas only 20 percent of Black respondents and 27 percent of Latinx respondents could afford the expense.<sup>5</sup> Because of systemic racism, these disparities are mirrored in the middle class, too. Sixty-six percent of middle-class white respondents could handle the expense, compared to 53 percent of Black and 46 percent of Latinx respondents.<sup>6</sup> At the same time, inflation remains extraordinarily high, decimating the average person's ability to save.<sup>7</sup>

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<sup>1</sup> Matthew Shaer, *How Cities Make Money by Fining the Poor*, N.Y. TIMES (Jan. 8, 2019), <https://www.nytimes.com/2019/01/08/magazine/cities-fine-poor-jail.html>.

<sup>2</sup> Chris Mai & Maria Rafael, *The High Price of Using Justice Fines and Fees to Fund Government*, VERA INST. (Dec. 2020), <https://www.vera.org/publications/the-high-price-of-using-justice-fines-and-fees-to-fund-government>.

<sup>3</sup> Carmen Reinicke, *56% of Americans Can't Cover a \$1,000 Emergency Expense With Savings*, CNBC (Jan. 19, 2022), <https://www.cnbc.com/2022/01/19/56percent-of-americans-cant-cover-a-1000-emergency-expense-with-savings.html>.

<sup>4</sup> *Id.*

<sup>5</sup> Bd. of Governors of the Fed. Reserve Syst., *Report on the Economic Well-Being of U.S. Households in 2015* (May 2016) at 22.

<sup>6</sup> *Id.*

<sup>7</sup> See, e.g., M. Ayhan Kose, Franziska Ohnsorge, Jongrim Ha, *Today's Inflation and the Great Inflation of the 1970s: Similarities and Differences*, CEPR (Mar. 30, 2022), <https://cepr.org/voxeu/columns/todays-inflation-and-great-inflation-1970s-similarities-and-differences>.

The harms of fixed fines and fees are not theoretical. Fixed fines disproportionately harm families of color, both due to discrimination by the police and the criminal legal system in issuing fines and because of systemic racism that results in stark income and wealth inequities.<sup>8</sup>

Many of the fines used by the criminal legal system, like loitering, panhandling, or public urination laws, ultimately criminalize poverty, punishing people for their inability to pay for things like insurance or shelter.<sup>9</sup> This disproportionately harms people whom our state has made most vulnerable, like people experiencing homelessness.<sup>10</sup> Further, ordinances that regulate incommencing on sidewalks, parks, or alleys have also been used to police the presence of people of color in public spaces, which has been well-documented in cities like Washington, D.C.<sup>11</sup> In Connecticut, for example, municipalities have enacted anti-panhandling ordinances, which only contribute to the overpolicing of people experiencing homelessness, who are more likely to be Black and brown people, LGBTQ+ people, and people with disabilities, in addition to raising serious First Amendment concerns.<sup>12</sup>

Fines and fees, even those less excessive than what is proposed by House Bill 6391, can easily snowball because of a person's inability to pay the initial fine and put families in cycles of debt. Racial disparities are also pervasive in debt throughout the country. The Federal Reserve's 2019 Survey of Consumer Finances found that 18.9

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<sup>8</sup> Kathryn Zickuhr, *Applying a Racial Equity Lens to Fines and Fees in the District of Columbia*, D.C. POL'Y CTR. (Apr. 22, 2019), <https://www.dcpolicycenter.org/publications/racial-equity-fines-fees/>.

<sup>9</sup> See, e.g., Alexandra Natapoff, PUNISHMENT WITHOUT CRIME: HOW OUR MASSIVE MISDEMEANOR SYSTEM TRAPS THE INNOCENT AND MAKES AMERICA MORE UNEQUAL (2018), at 19; Jeff Yungman, *The Criminalization of Poverty*, AM. BAR ASS'N (2019), [https://qa.americanbar.org/groups/gpsolo/publications/gp\\_solo/2019/january-february/criminalization-poverty/](https://qa.americanbar.org/groups/gpsolo/publications/gp_solo/2019/january-february/criminalization-poverty/); *Criminalization of Poverty as a Driver of Poverty in the United States*, HUMAN RIGHTS WATCH & HARVARD CRIMINAL JUSTICE POLICY PROGRAM (2017), <https://www.hrw.org/news/2017/10/04/criminalization-poverty-driver-poverty-united-states>.

<sup>10</sup> See, e.g., Tony Robinson, *No Right to Rest: Police Enforcement Patterns and Quality of Life Consequences of the Criminalization of Homelessness*, 55 URBAN AFF. REV. (2017), <https://journals.sagepub.com/doi/full/10.1177/1078087417690833>.

<sup>11</sup> See, e.g., Will Sommer, *Where the Sidewalk Ends*, WASH. CITY PAPER (May 22, 2015), <https://washingtoncitypaper.com/article/199996/where-the-sidewalk-ends-dcs-law-against-blocking-the-sidewalk/>.

<sup>12</sup> See, e.g., Dan Barrett, *Towns, Quit Criminalizing People Who Ask For Help*, ACLU-CT (July 6, 2022), <https://www.aclu.org/en/news/towns-quit-criminalizing-people-who-ask-help>.

percent of Black households and 11.3 percent of Latinx households were in net debt.<sup>13</sup> One review of debt in America found that when compared to white people, the debt harmed by people of color is (1) more likely to be harmful, (2) more likely to involve the court system, and (3) more likely to have spillover non-financial consequences.<sup>14</sup>

Accumulated local fines can rapidly derail a household's financial instability. If a person pays a fine late, which they are likely to do if they do not have available savings, that fine will be compounded by late fees. The collections process will turn a one-time \$1,000 fine into a long-term leech on a household's financial health.<sup>15</sup> Because we know that the government disproportionately fines people of color, we also know that the financial consequences of these fines will disproportionately harm people of color, too. Fines can easily snowball, leading to further interaction with the criminal legal system: failure to pay a fine can quickly evolve into a failure to appear in court for proceedings related to that fine, then into warrants for arrest and, ultimately, incarceration. This cycle is doomed to repeat itself when the collateral consequences stemming from a criminal record make it nearly impossible for a person to simply live their lives and experience financial success. This accretion of collateral consequences can create a daily nightmare for people with records just trying to find work. Because of legal barriers to employment and persistent stereotypes, in 2018, the unemployment rate among formerly incarcerated people nationwide is 27 percent<sup>16</sup>—more than 6.5 times the overall unemployment rate in Connecticut at the same time.<sup>17</sup> This creates significant hardships: 45 percent of men released from incarceration do not have any earnings at all in the first calendar year after their release.<sup>18</sup> Of those with earnings, the median income is just over \$10,000 in their first

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<sup>13</sup> Tashfia Hasan et al., *Disparities in Debt: Why Debt is a Driver in the Racial Wealth Gap*, ASPEN INST. (Feb. 2022), [https://www.aspeninstitute.org/wp-content/uploads/2022/02/FINAL-ASP-FSW\\_Disparities-in-Debt\\_020722-3.pdf](https://www.aspeninstitute.org/wp-content/uploads/2022/02/FINAL-ASP-FSW_Disparities-in-Debt_020722-3.pdf).

<sup>14</sup> *Id.* at 6.

<sup>15</sup> *Id.*

<sup>16</sup> Lucius & Daniel Kopf, *Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (July 2018), available at <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>17</sup> *Labor Market Information*, CONN. DEPT LAB. (last accessed Mar. 2, 2022), <https://www1.ctdol.state.ct.us/lmi/unempratectus.asp>.

<sup>18</sup> Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, BROOKINGS INST. (Mar. 14, 2018), available at <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

year out of incarceration.<sup>19</sup> Wages never recover for most people, since incarceration is linked to decreases in subsequent annual earnings of, on average, 52 percent.<sup>20</sup>

It is for these reasons that the ACLU-CT opposes this bill's proposal to exponentially increase fines. Rather than increase fines, especially during a time of economic strife, this Committee should re-evaluate the use of fixed fines and their disproportionate harm to Black and Latinx people and low-income people. As such, the ACLU-CT strongly opposes House Bill 6391, and urges this Committee to do the same.

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<sup>19</sup> *Id.*

<sup>20</sup> Terry-Anne Craigie, Ames Grawert, Cameron Kimble & Joseph E. Stiglitz, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, BRENNAN CTR. FOR JUSTICE (Sept. 15, 2020), available at <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.