



## Support SB 1335: End Jail Time for Ticket Debt



**Background:** For low-income Texans, a ticket for a minor offense like speeding, jaywalking, or having a broken headlight can lead to devastating consequences. If a person is unable to pay the ticket right away, the costs can snowball quickly, resulting in more tickets, fines, and fees. Failure to appear in court or to pay can lead to arrest warrants and jail time, causing people to lose jobs, housing, and even child custody; almost 80% of women in jail have children, and many are single mothers.<sup>1</sup> In addition, jailing people for misdemeanor tickets drains local court and law enforcement resources and costs taxpayers millions of dollars. It is also unfair and unconstitutional.

**SB 1335 (Hinojosa) would end jail sentences for failure to pay tickets.**

***Jail time for ticket debt costs taxpayers money and decreases public safety.***

- A night in jail in Texas costs an average of \$59.<sup>2</sup>
- Many people jailed for tickets are simply not able to pay their debt; incarcerating them is a waste of taxpayer money, as well as court and law enforcement resources.
- Evidence shows that detaining low-risk people actually *increases* the likelihood that they will be arrested again in the future, harming public safety.<sup>3</sup>

***Jailing poor people for ticket debt is counterproductive.***

- Current court practices keeps too many people rotating in and out of jail, stuck in an inescapable cycle of debt.
- The trauma of jail can also exacerbate people's mental and physical health issues and make it harder for them to get back on track when released.

***It is also unfair—and unconstitutional.***

- The United States Supreme Court ruled that incarcerating people for unpaid fines or fees without an ability to pay hearing violates the Equal Protection and Due Process clauses of the Fourteenth Amendment.<sup>4</sup>
- Before jailing people for debt, courts are *required* to ask them if they have the ability to pay, and if they don't, to offer alternatives. This step is routinely skipped in courts across Texas.
- The current system punishes people differently according to income: In contrast to more affluent people who can pay their tickets right away, poor people get much harsher punishments that can last a lifetime.

*(Over, please)*

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<sup>1</sup> Elizabeth Swavola, Kristine Riley, Ram Subramanian. *Overlooked: Women and Jails in an Era of Reform*. New York: Vera Institute of Justice, 2016.

<sup>2</sup> Brandon Wood, Director of the Texas Commission on Jail Standards (then Assistant Director), in presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Texas, held in Austin, Texas, Mar. 30, 2012.

<sup>3</sup> Christopher T. Lowenkamp, Marie VanNostrand, and Alexander Holsinger, "The Hidden Costs of Pretrial Detention," accessed October 8, 2015, [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf).