



NEW YORK STATE SENATOR

Velmanette Montgomery

## Senator Montgomery's Juvenile Court Fees Bill Signed into Law

VELMANETTE MONTGOMERY September 3, 2020

| ISSUE: **RAISE THE AGE, FAMILY COURT, SURCHARGES AND FEES, JUVENILE JUSTICE, SENATOR MONTGOMERY'S LEGACY**

September 03, 2020

For Immediate Release

## Senator Montgomery's Juvenile Court Fees Bill Signed into Law

Senator Montgomery's Juvenile Court Fees Bill (S3457/A5045 - Davila) has been signed into law. This law allows the court to waive fees and other surcharges when the defendant is under 21 and they would cause hardship or impede successful re-entry.

Courts often impose significant mandatory fees and fines on youth and their families who have contact with the criminal justice system. For example, for felonies these fees amount to \$375 or more and for misdemeanors, \$250 or more. In 2017, the courts collected almost \$3 million in fees from defendants under 21. These charges exacerbate financial distress and can incentivize juveniles to engage in illegal behavior to earn money. Youth and their families who cannot pay court fees face a myriad of penalties including: criminal contempt, civil judgments that follow them into adulthood, probation violations, additional fees, property

liens, and even more periods of incarceration. As a result, youth in poverty face harsher consequences and receive less rehabilitative treatment than their more affluent peers.

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*This is yet another piece of the puzzle when we talk about Raise the Age,” said State Senator Velmanette Montgomery. “These fees are a poverty tax that come right out the pockets of teenagers and their parents. Justice involved youth are already more likely to come from low income households and face any number of challenges in their personal lives. Court fees add insult to injury and interfere with their ability to rehabilitate and make progress in their lives.”*

“Too often we deny young people in our justice system the tools they need for successful rehabilitation and reentry back into society. This bill will ensure that they are not saddled with monetary sanctions so that they can more successfully reenter our communities. It reduces recidivism and ensures that families who do not have financial support, have the potential means to change the cycle. This legislation does not minimize heinous crimes and court fees are determined by the judge.” said New York State Assemblywoman Maritza Davila

"The Legal Aid Society commends Governor Andrew Cuomo for signing S3457/A5045 - sponsored by Senator Velmanette Montgomery and Assembly Member Maritza Davila - which provides a pathway for courts to waive mandatory surcharges and fees for court-involved adolescents and young adults. Removing civil consequences, which impose impossibly high debt burdens, restores some balance to a system which has historically harmed the ability of young people to start their economic lives as adults. This law represents an important step towards creating more just outcomes for young people of color

who are vastly overrepresented in the criminal court system."

"We have long known that court fees make it more difficult for young people to succeed, and that an inability to pay can result in incarceration or in civil judgments that ruin a young person's credit history from the moment they enter adulthood. We also know that the burden of these fees falls disproportionately on youth of color. This bill championed by Senator Montgomery and Assembly Member Davila, and signed into law by the Governor, gives thousands of young people the chance to move forward on more solid financial footing." Raise the Age-NY Coalition.

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#### RELATED LEGISLATION

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### **2019-S3457**

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to allowing a court to waive certain surcharges and fees; repealer

February 07, 2019

Senate Floor Calendar

Sponsored by [Velmanette Montgomery](#)

Do you support this bill?