



Mississippi Municipal Court

# DEBT, FINES, AND FEES COLLECTIONS

April 24, 2023

## OVERVIEW

Municipal courts in Mississippi play an integral role in the state's criminal legal system because it is the court tasked with maintaining public safety and ensuring that city and town laws are followed. Increasingly, however, municipal courts use and rely on the revenue collected from fines and fees penalties to help support local and state budgets. And although the municipal courts' reliance on fines and fees revenue is relatively small in Mississippi, its impact is far-reaching.

Fines and fees that are assessed without regard to one's ability to pay have a detrimental impact on people experiencing poverty or people with low incomes. This is because the same financial penalty that trivially inconveniences people with higher incomes can lead to harsher punishment from a person with a lower income by hindering the individual's ability to make rent, buy groceries, or make needed repairs to vehicles for work, for example. Also, across the nation and similar to other parts of the criminal legal system, the collection of fines and fees falls more heavily on Black people and other people of color who are already disproportionately targeted, tried, convicted, and sentenced to harsher penalties for criminal offenses. Even more, a municipality's reliance on fines and fees collections in any form weakens our communities. Years of state divestment and restrictions from the state government in the ways in which local governments can raise revenue have left many of our municipalities, particularly small, rural, majority-minority communities, strapped for cash. As a result, increased fines and fees collected from municipal courts can be an attractive revenue source for local governments seeking to add to the city budget despite the harm caused.

In all, even though the imposition of fines and fees as a penalty for criminal offenses can have serious consequences for people and communities across Mississippi, little data is available to assess the kinds and amount of fines and fees collected in municipal courts across the state and analyze the impact of those collections on municipal budgets. To ensure that Mississippians and communities throughout the state thrive, reforms concerning the ways in which court fines and fees are assessed, collected, and recorded are needed. This requires action from local and state policymakers. More importantly, the reforms must be led by justice-impacted people who are burdened with unnecessary debt in order to raise revenue for municipal and state projects and entities.

## FINES AND FEES IN MISSISSIPPI'S MUNICIPAL COURTS

Mississippi law provides that a municipal court be established in all municipalities, defined as the various cities, towns, and villages of this state.<sup>1</sup> In Mississippi, there are 237 municipal courts.<sup>2</sup> The Municipal courts have the

authority “to hear and determine, without a jury and without a record of the testimony,” all violations of city laws, traffic laws, initial hearings for felony crimes charged within the corporate limits of the municipality, and all other crimes that are deemed to be misdemeanors under state law.<sup>3</sup> Most municipal courts have one municipal judge, although a few jurisdictions have several. The municipal judge presides over all cases in the municipal court and sets the punishment for offenders as prescribed by law.<sup>4</sup> Generally, punishment for violations of municipal ordinances and each violation of state misdemeanor laws includes fines of up to \$1,000.00.<sup>5</sup>

According to the American Bar Association, fines are financial penalties that are intended to “deter crime, punish offenders, and compensate victims for losses.”<sup>6</sup> For example, fines can be assessed in municipal court for traffic violations like speeding, seatbelt violations, reckless driving, insurance violations, car tag violations, or improper lane use. Other municipal misdemeanor violations like loitering, trespassing, possession of drug paraphernalia, municipal curfew violations, and smoking violations are also subjected to financial penalties in court.



# STARKVILLE MUNICIPAL COURT FINE SCHEDULE

## Starkville Municipal Court Fine Schedule

		Fine	Assessments	Total
	Speeding			
	0 to 10 mph	60.00	118.00	\$ 178.00
63-3-501	11 to 20mph	65.00	128.00	\$ 193.00
	21 to 30mph	70.00	138.00	\$ 208.00
	31 and above	99.00	148.00	\$ 247.00
63-1-60	Altered D/L	95.00	118.00	\$ 213.00
63-3-1213	Careless Driving	50.00	128.00	\$ 178.00
63-7-301	Child Restraint	25.00	118.00	\$ 143.00
63-11-30	DUI 1st	750.00	361.00	\$ 1,111.00
63-11-30	DUI 2nd	900.00	361.00	\$ 1,261.00
63-3-809	Fail to yield blue lights & siren	60.00	118.00	\$ 178.00
63-3-1003	Fail to yield right of way	60.00	118.00	\$ 178.00
63-7-33	Failure to Dim	60.00	118.00	\$ 178.00
63-3-619	Following too close	60.00	118.00	\$ 178.00
63-7-1	Improper Equipment	60.00	118.00	\$ 178.00
63-3-703	Improper Turn	60.00	118.00	\$ 178.00
63-3-401	Leaving the scene/accident	185.00	118.00	\$ 303.00
63-7-11	No Headlights	60.00	118.00	\$ 178.00
63-7-64	No helmet	60.00	118.00	\$ 178.00
63-1-5	No or expired license	425.00	118.00	\$ 543.00
27-19-131	No or improper tag	90.00	139.25	\$ 229.25
63-15-4	No Insurance	100.00	338.00	\$ 438.00
63-2-1	No Seat Belt	25.00	27.00	\$ 52.00
27-153	No Truck Zone	70.00	118.00	\$ 188.00
97-35-25	Obstructing Traffic	70.00	118.00	\$ 188.00
63-3-615	Passing stopped school bus	310.00	118.00	\$ 428.00
63-3-309	Ran red light / stop sign	60.00	118.00	\$ 178.00
63-3-1201	Reckless Driving	99.00	128.00	\$ 227.00
63-1-57	Suspended D/L	425.00	118.00	\$ 543.00
63-1-57	Suspended D/L 2 or more	500.00	118.00	\$ 618.00
63-11-40	Suspended D/L, DUI	475.00	361.00	\$ 836.00
27-19-131	Switched tag	100.00	139.25	\$ 239.25
63-7-59	Tint law	100.00	118.00	\$ 218.00
63-3-605	Wrong way on one way	60.00	118.00	\$ 178.00
97-37-1	Concealed Weapon	375.00	169.25	\$ 544.25
97-35-7	Dis Conduct breach of peace	275.00	169.25	\$ 444.25
97-35-7	Dis Conduct fail to obey	425.00	169.25	\$ 594.25
97-35-5	Dis Conduct w/ business	425.00	169.25	\$ 594.25
97-35-15	Disturbing the peace	275.00	169.25	\$ 444.25
97-9-79	False Identifying Information	525.00	169.25	\$ 694.25
97-33-1	Gambling	175.00	169.25	\$ 344.25
97-17-61	Larceny less than trespass	500.00	169.25	\$ 669.25
97-15-29	Littering	150.00	139.25	\$ 289.25
97-35-13	Loud Music in Vehicle - DTP	275.00	169.25	\$ 444.25
97-17-43	Petit Larceny	500.00	169.25	\$ 669.25
67-1-81(2)	Poss Alcohol by Minor	250.00	169.25	\$ 419.25
41-29-139	Poss Marijuana	250.00	169.25	\$ 419.25
41-29-139	Poss Marijuana in vehicle	775.00	169.25	\$ 944.25
1997-02; sec	Poss Open Container	125.00	169.25	\$ 294.25
41-29-139	Poss Paraphernalia	275.00	169.25	\$ 444.25
97-29-47	Public Drunk	100.00	169.25	\$ 269.25
97-29-47	Public Profanity	100.00	169.25	\$ 269.25
97-9-73	Resisting Arrest	275.00	169.25	\$ 444.25
97-23-93	Shoplifting 1st	750.00	169.25	\$ 919.25
97-23-93	Shoplifting 2nd	950.00	169.25	\$ 1,119.25
97-3-7	Simple Assault	425.00	169.25	\$ 594.25
75-85-19	Soliciting without a permit	150.00	169.25	\$ 319.25
97-17-97	Trespassing	275.00	169.25	\$ 444.25

In addition to fines, the courts also assess fees as a result of offense violations. Fees are financial penalties meant to recover the operational and administrative costs of the courts.<sup>7</sup> The fees assessed can be punitive in nature and are not generally tied to a specific offense.<sup>8</sup> These fees can include payment plan fees, late payment fees, failure to appear fees, and various other surcharges. Some of the fees assessed by municipal courts as outlined in Mississippi law include the following:

## MISSISSIPPI LAW:

- Dismissal of any affidavit, complaint, or charge in municipal court: \$ 50.00
- Suspension of a minor's driver's license in lieu of conviction: \$ 50.00
- Service of scire facias or return "not found": \$ 20.00
- Causing search warrant to issue or causing prosecution without reasonable cause or refusing to cooperate after initiating action: \$ 100.00
- Certified copy of the court record: \$ 5.00
- Service of arrest warrant for failure to answer a citation or traffic summons: \$ 25.00
- Jail cost per day – actual jail cost paid by the municipality but not to exceed: \$ 35.00
- Service of court documents related to the filing of a petition or issuance of protection from domestic abuse order: \$ 25.00
- Any other item of court cost: \$ 50.00<sup>9</sup>



Other court costs outlined by Mississippi law include costs to fund undercover drug investigations, compensate a court employee, purchase or expand municipal court facilities, purchase a computer, bail fees, payment to a constable for service of a warrant, probation programs, including the use of alternative sentencing programs, and house arrest costs administered by private companies.<sup>10</sup>

Mississippi law does provide that fines can be paid immediately, in installments as a condition of probation, as a work service project, or any combination of methods.<sup>11</sup>

A person's failure to pay the fine imposed could result in imprisonment, but state law asserts that imprisonment should not be imposed if the defendant is financially unable to pay the fine upon finding by the court.<sup>12</sup> Also, a municipality may collect judgments by any means authorized by law, including executing on the personal property of the record title owner, as well as the garnishment of wages, bank accounts, and tax refunds.<sup>13</sup>

Along with the fines and fees assessed by municipal courts, punishment for violations of municipal ordinances and each violation of state misdemeanor laws can include up to six (6) months imprisonment. The municipal judge also can sentence convicted offenders to work on a public service project "commensurate with the fine and/or incarceration that would have been imposed" as an alternative to the payment of a fine or incarceration.<sup>14</sup>

## MUNICIPAL COURT FINES AND FEES COLLECTIONS: WHAT WE KNOW

Nationally, by the level of government, municipalities rely more heavily on fines and fees revenues than counties, states, special districts, or school districts.<sup>15</sup> Across the country, these impacts are felt worse in smaller cities than in larger cities. And municipal governments' reliance on fines and fees revenue also seems to be more prevalent in municipalities in rural areas.<sup>16</sup> This pattern is particularly prevalent in the South.<sup>17</sup>

According to data collected by the United States Census Bureau, in Mississippi, local fines and fees revenue generated \$77 million based on 2019 data.<sup>18</sup> This equates to \$25.8 per capita.<sup>19</sup> Of that total, the state redirected nearly \$6 million to the state general fund revenue.<sup>20</sup> This means that local fines and fees revenue represented 1.3% of the state's general fund revenue.<sup>21</sup> In addition, according to 2017 data, local fines and fees revenue represented less than 1% of total local general revenue. Sixteen localities in the state generated fines and fees revenue that totaled 10% or more of their general revenue.

Localities that collected the most fines and fees revenue in 2017 include places with high populations of residents, such as Hinds County, the City of Jackson, and the City of Southaven.<sup>22</sup>

STATE	NAME	LOCAL FINES AND FEES REVENUE (2017, \$)	LOCAL FINES AND FEES REVENUE AS A SHARE OF GENERAL REVENUE (%)
Mississippi	Hinds County	\$3,101,000	3.2%
Mississippi	Jackson City	\$2,849,000	1.3%
Mississippi	Southaven City	\$2,429,000	4.0%

Source: The Urban Institute

Localities that collected the most fines and fees revenue as a share of their localities' general revenue include small, rural municipalities such as Walls, Blue Springs, and State Line.<sup>23</sup>

STATE	NAME	LOCAL FINES AND FEES REVENUE (2017, \$)	LOCAL FINES AND FEES REVENUE AS A SHARE OF GENERAL REVENUE (%)
Mississippi	Walls Town	\$227,000	24.7%
Mississippi	Blue Springs Village	\$16,000	23.5%
Mississippi	State Line Town	\$70,000	22.4%

Source: The Urban Institute

In Mississippi, the municipal clerk is responsible for maintaining permanent dockets and a minute record for all court orders and judgments.<sup>24</sup> The clerk also has the responsibility of “administering the collection of all fines, penalties, fees, and costs which are imposed by the municipal court and deposit all collections with the municipal treasurer.”<sup>25</sup>

However, with respect to Mississippi’s current collection processes, data related to criminal fines and fees is not clearly defined. The current line item reported to the state audit by municipalities is defined as fines or fines and forfeiture. Most publicly available data is limited to larger, more urban municipalities. As a result, the limited data make an analysis of the types and amounts of fines and fines collected by each municipality, as well as demographic information detailing the race, sex, and offense of the person of the sentences imposed, impossible.

## MISSISSIPPI'S CURRENT COLLECTION PROCESSES:

- There is no uniform municipal court fee schedule or collection practice. Fines and fees collection practices within and across municipal courts are inconsistent, and not all courts actively pursue collections of court costs and fines.
- State law does not require judicial districts to track the amounts of court costs and fines assessed in their districts, nor does state law require municipal courts to track demographic data regarding the individuals sentenced to financial penalties in the court
- Mississippi law does not designate a central oversight entity that monitors performance and provides guidance for collections in municipal courts.

## OVERVIEW OF IMPACT

Nationally, the imposition of fines as a financial penalty for legal violations has always existed within the criminal legal system. However, fees have increased and can oftentimes exceed the fines assessed for a particular offense.<sup>26</sup> In Mississippi, although fines and fees collections represent a relatively small percentage of the overall revenue in Mississippi, a municipal court's increased assessment of fines and fees, particularly without regard to the defendant's ability to pay or without alternative sentences, can have a tremendous impact on people experiencing poverty or people with very low incomes, can deepen racial disparities, and can weaken local communities.<sup>27</sup>

## POVERTY

Mississippi's poverty rate ranks the highest in the nation, with 18.9% of Mississippians living in poverty.<sup>28</sup> And according to the United Way's Mississippi ALICE ("Asset Limited, Income Constrained, Employed") Report, another 31% of Mississippians cannot afford basic household necessities.<sup>29</sup> The impact of poverty and income inequities are most felt by Black and other Mississippians of color, as well as women. For instance, in Mississippi, the poverty rate for the state's Black residents is 31%, 24% for Hispanic/Latino residents, and 11% for White residents.<sup>30</sup> Mississippi also has one of the highest poverty rates among women.<sup>31</sup>



## MISSISSIPPI POVERTY RATE BY RACE/ETHNICITY

WHITE	BLACK	HISPANIC	ASIAN/NATIVE HAWAIIAN AND PACIFIC ISLANDER	AMERICAN INDIAN/ALASKA NATIVE	MULTIPLE RACES	TOTAL
11%	31%	24%	12%	N/A	22%	19%

Source: KKF

Poverty plagues every public service matter in the state, including matters concerning the criminal legal system. As a result, one problem with the rising costs and use of fines and fees as penalties for offense violations is that they create a two-tiered system of governance across the state. This is because people experiencing poverty or people with low incomes face harsher treatment than others who commit identical crimes and can afford to pay. For example, people with the resources to make timely payments experience fine-only violations that can be considered costly nuisances at worst. However, people who commit the same act but have less money face very different punishments because of nothing more than their access to extra money. People that do not have access to extra money find themselves in an escalating cycle of court fines and fees collections. This is because late fees and interest can often accumulate when someone is unable to pay their court fines and fees.<sup>32</sup> The inability to pay could also lead to an individual's loss of a driver's license, jail time, stigma from their community, and permanent criminal records. The result of this two-tiered system has a lasting impact on individuals, families, and communities.

### Pay Traffic Ticket

## Payment of Fines

Fines are due IN FULL on the day of sentencing. This will be either the day you plead guilty or the day you may be found guilty. Fines will include the amount assessed by the judge and all applicable state assessments. There is never a fine when you are found not guilty. **Any fines not paid after 90 days will be turned over to collections and result in an increase of up to 50% of the amount owed.**

All tickets and certain misdemeanor offenses will be reported immediately to the Department of Public Safety.

Source: City of Clinton, Mississippi, Court Services, Fine Payment

## RACE

Every stage of the justice system in the United States, each of which involves varying levels and types of fines and fees, is closely intertwined with racial inequities, be it policing, pretrial, sentencing, parole, or reentry following

prison.<sup>33</sup> Nationally, in regard to fines and fees, these racial inequities exist in the context of Black people and other people of color being disproportionately targeted and disproportionately subjected to fines and fees.<sup>34</sup> Also, municipalities with larger Black populations tend to rely more heavily on fines and fees revenue.<sup>35</sup> Because we do not have municipal fines and fees revenue collection data aggregated by race, we do not know the extent of the racial disparities that municipal fines and fees collections widen in this state. But given Mississippi's history of preservation, structural racism, and economic oppression, it is very likely that municipal court fines and fees collections are worsening racial disparities in the state.<sup>36</sup>

What we do know is that nationwide and in Mississippi, mass incarceration has disproportionately impacted Black people and other people of color, immigrants, and people experiencing poverty.<sup>37</sup> Currently, Mississippi leads the world with the highest incarceration rate—incarcerating more people per capita than any state in the United States or across the world, including China, Russia, and Iran.<sup>38</sup> In 2021, Mississippi incarcerated over 18,000 individuals. Over 60% of those incarcerated are Black, despite Black people representing less than 40% of the state's population.<sup>39</sup>

Assuming that similar disparities exist in the context of fines and fees collection in Mississippi, the disproportionate impacts of this practice perpetuate and widen historical and generational wealth disparities for communities of color.<sup>40</sup>

## COMMUNITY

Municipalities in the state are tasked with education, public safety, and most road and bridge maintenance. Revenue from local (fees for services, utility system rates, and ad valorem taxes), state (sales taxes), and federal sources (federal grants or American Rescue Plan Act funds) help fund municipal governments and the services they provide. But state law provides authority as to the ways in which municipalities can raise revenue.<sup>41</sup>

In some cases, revenues may be restricted.<sup>42</sup> For example, municipalities in Mississippi cannot levy income taxes, limit sales tax rates, and control property tax rates.

Also, in Mississippi, state law also requires that municipalities send the state portions of fines and fees revenue. The money sent to the state from fines and fees revenue fund various programs and are assessed when a court imposes monetary or other penalties on traffic violations, the implied consent law violations, game and fish law violations, litter law violations, trauma traffic violations, and other misdemeanor and some felony convictions.<sup>43</sup> Some state assessments from municipal court fines and fees are optional. For example, a municipality is authorized by state law to assess up to a \$1.50 fine for each criminal conviction and civil case in municipal court to fund the county law library.<sup>44</sup> A municipality can collect \$2.00 for each criminal misdemeanor conviction to fund the local

crime stoppers program. For municipalities with a population of 15,000 or more, the municipality can collect up to \$1.00 to fund computerized crime prevention with the police department.<sup>45</sup> Some state-imposed fines and penalties are compulsory. For example, a state assessment to assist with the funding of court education in the amount of \$.50 is imposed with a criminal conviction if a fine of \$10.00 or more is imposed.<sup>46</sup>

In addition, municipalities' reliance on fines and fees collections as a source of revenue is linked to a broader challenge with the state's tax system.<sup>47</sup> For instance, one result of Mississippi's regressive tax system is that higher-income residents pay more in state and local taxes than the state's lower-and middle-income residents. Because the state takes more from those who have the least and because of frequent tax breaks for the wealthy and corporations, the state takes in less revenue to fund public services. Lower state revenues require that local governments use more of their local revenue to fill in the gaps to fund crippling public services or find alternative means to raise revenue—like increasing fines and fees collections—to help support the city's budget.<sup>48</sup>

Also, state divestment in public services has negatively impacted communities and hindered the growth of municipalities across the state, particularly in majority Black municipalities like the City of Jackson and more rural communities like the Mississippi Delta or the southwest region of the state in communities like Magnolia, Fayette, and Natchez.

Some of this is evident across broad-based public services like education, healthcare, and infrastructure. For example, Since its inception, the Mississippi Adequate Education Program (MAEP), a funding formula set by state law to determine the amount of funding the state should provide each public school district in order to meet academic standards established by the Mississippi State Board of Education, has only been fully funded twice since its inception in 2008.<sup>15</sup> Since the MAEP's inception, Mississippi's public schools have been underfunded by over \$3.3 billion.<sup>17</sup> For the 2022-2023 school year, Mississippi's public schools are underfunded by over \$279 million.<sup>18</sup>

Also, currently, there are over 100,000 uninsured adults in Mississippi with incomes below the poverty line who are caught in the Medicaid "coverage gap" and who would be eligible for Medicaid if the state were to expand its Medicaid program.<sup>49</sup> However, Mississippi is one of eleven states that has not yet expanded Medicaid.<sup>50</sup> In addition, as of January 28, of the state's rural hospitals are at risk of closing, including 19 that face immediate risk of closure.<sup>51</sup>

Not to mention, the willful neglect of water and sewer systems in municipalities across the state is another example of the impact of state divestment on local communities. Most recently, the City of Jackson received assistance from the federal government to repair and rebuild the city's water system.<sup>52</sup> Still, drinking water contamination in rural wells and pollution from leaking sewer mains and rural septic tanks across the state has only recently been addressed using federal pandemic relief aid funds.<sup>53</sup>

## FINES AND FEES REFORMS IN MISSISSIPPI

Across the nation, state reforms to improve municipal fines and fees collections include repealing driver's license suspensions and reinstating licenses for unpaid debt, eliminating juvenile justice fees, eliminating fees in the adult criminal legal system, creating payment plans for people with lower ability to pay, and decriminalizing minor traffic violations and arrests as collections tools.<sup>54</sup>

Some reforms have also occurred in Mississippi. In 2017, following litigation by the ACLU, the MacArthur Justice Center, and the Southern Poverty Law Center challenging debtor's prisons in Biloxi, Jackson, and Corinth, the Mississippi Supreme Court made two changes related to fines and fees in its Rules of Criminal Procedure.<sup>55</sup> These rules were later codified in Mississippi state law HB 387: An Act to Provide that Incarceration Shall Not Automatically Follow the Nonpayment of a Fine, Restitution, or Court Costs. Its provisions are nearly identical: it mandates a determination of willfulness before a court may sanction a defendant for nonpayment of fines and fees and provides alternatives for courts when failure to pay was not willful.

Also, the Mississippi Department of Public Safety adopted Mississippi's Criminal Justice Reform Act which ended driver's license suspension for failure to pay fines and fees, formalizing a January 2017 Mississippi Department of Public Safety discretionary policy change that aimed to end this practice. The legislation also provided that people under probation or parole supervision shall not be denied earned-discharge credits, which can reduce the probation or parole time because they failed to pay fines or fees, or if a financial hardship waiver was granted.

Similarly, some cities across the state, including the City of Jackson, Meridian, Yazoo, Gautier, Moss Point, Gulfport, and others, have amnesty days that give people the opportunity to pay traffic tickets, some misdemeanor cases, including DUIs and municipal ordinance offenses, without late fees.<sup>56</sup>

## CONCLUSION AND RECOMMENDATIONS

Municipal court fines and fees collections in Mississippi can perpetuate cycles of poverty, widen race inequities, and weaken communities when those collections are taken from people without the ability to afford financial penalties assessed to them. Some reforms to these collections must occur at the state level. Too, municipalities across the state can take immediate forward-looking steps to lessen the harm that these financial penalties can cause.

First, a unified assessment of municipal court policies and procedures regarding fines and fees collections would help provide data transparency, improve public trust, and create a consistent standard assessment of financial penalties across the state. To support this idea, all municipal courts should make publicly available the amount of fines and fees assessed by the court delineated by the sentence imposed and demographic information of those sentenced to the financial penalty. Additionally, to better assess the collection of fines and fees revenue in Mississippi's municipal courts, the following should be considered:

## RECOMMENDATIONS FOR MISSISSIPPI'S MUNICIPAL COURTS:

- Municipal Clerks should actively ensure circuit, county, and justice courts are submitting all assessment fees collected during the month in order to comply with Miss. Code Ann. §99-19-73, which includes following the guidelines established by the Office of the State Auditor in the Court Assessment Guide.
- The Department of Finance and Administration should actively ensure counties have submitted monthly assessment fees as required to remit these payments to the State Treasurer per Miss. Code Ann. § 99-19- 73 (11).
- The Mississippi Judicial College should update the Handbook for Mississippi Municipal Court Clerks to include training on Miss. Code Ann. § 99-19-73 as it generally applies to the submission of court assessment fees, as well as the Court Assessment Guide established by the Office of the State Auditor per statute.<sup>57</sup>
- The Mississippi Legislature should reform or repeal restrictions on local government revenue-raising.<sup>58</sup>
- The Mississippi Legislature should fund courts and other parts of the criminal legal system from state general funds rather than on fees collected from defendants within the system.<sup>59</sup>

Moreover, to ensure that fines and fees collections are not creating a more unjust system of justice by increasing poverty, deepening race inequities, and weakening communities across the state, reforms to municipal courts' fines and fees revenue collections should include the following:

## RECOMMENDATIONS FOR MISSISSIPPI'S MUNICIPAL COURTS:

- Fines and fees assessments based on the ability to pay to determine realistically payable penalties and payment schedules.<sup>60</sup>
- Increased opportunities for community services in lieu of financial penalties for those unable to pay.
- Decreased penalties for transportation violations such as parking tickets, speeding, and traffic-related offenses that disproportionately impact Blacks and other people of color.<sup>61</sup>
- The prohibition of incarceration as a punishment for nonpayment of fines and fees.<sup>62</sup>

No matter the choice or method of reform, community input and the voices of impacted people are key to ensuring that municipal court fines and fees are not doing more to harm people and communities in the state and to ensuring a better future in Mississippi for all of us



One Voice administered the following survey as a method to provide a voice to Mississippians impacted by court debt, fines, and fees. The survey was first administered and overseen by Leah Nelson of Alabama Appleseed, Tari Williams of Greater Birmingham Ministries, and the staff of Legal Services of Alabama, especially Jae Pickett and Desiree Taylor. Assistance in the first survey was provided by Dana Sweeney and intern Alexis Nail of Alabama Appleseed. One Voice thanks Alabama Appleseed for the use of the survey and hopes to continue to collect and share the stories of Mississippians impacted by the legal system with the support of partner organizations.

## SURVEY NARRATIVES

No one should have to choose between paying a traffic fine and paying for groceries. A 36-year-old Black male was threatened with jail time and had the amount he owed in fines and fees increase because of his failure to pay. He has had to choose between paying for groceries, utilities, rent, and medical bills to pay back court fines and fees. He has accepted help for things like utilities from a faith-based organization, borrowed money from family, and even taken out a payday loan because he did not have money after paying your court costs, fines, and fees.

Family members have to come to the rescue of other family members who are taxed by the courts and cannot afford fines and fees payments rather than risk suspension of their loved one's driver's license or jail time. One 61-year-old has paid over \$3,000 in court fines and fees to help a family member with court payments.

No one should become trapped in an endless cycle of financial distress because of court fines and fees. A 40-year-old African-American proud homeowner acknowledges she violated a traffic law, but since then, it has caused a 15-year cycle that still has not ended. She paid the traffic ticket but did not go to court on her scheduled court date. The court issued a \$3,000 failure to appear fine, resulting in her arrest multiple times and suspension of her driver's license. The woman still owes several thousand dollars in court costs, fines, and fees.

Mississippians should not have to live in a system that forces people to choose between paying for basic necessities like food and paying their court debt. However, a 24-year-old college student from Jackson admits to not being able to buy groceries to pay the court fines and fees she owed. Community service was not offered to this student instead of paying the court fines and fees that her collegiate budget couldn't afford.

# ENDNOTES

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# 2023 Mississippi Court Debt Survey

This survey is totally **ANONYMOUS**. You will not be asked to give us your name to participate in this survey. Please fill in each bubble and answer each question to the best of your ability. If you have any questions at any time or are unsure of your answer, please ask the survey monitor for help.

## PERSONAL INFORMATION

Age : \_\_\_\_\_ Gender :  Male  Female Zip Code : \_\_\_\_\_

Race :  White  African American  Latino/ Hispanic  Asian/Pacific Islander  
 Black/West Indian  Bi-Racial  Other

If you are a court clerk or local elected official, skip to section VI.

Do you currently owe, or have you ever owed any court costs, fines, and/or fees not including traffic tickets where you didn't go to court and didn't pay over time?  Yes  No

Have you ever paid any court costs, fines, and/ or fees for someone else? If you answered YES to one or both of these questions, please continue.  Yes  No

## SECTION I

This section is about your experience. If you have never personally owed any court costs, but have paid for someone else, skip to section IV. To the best of your ability, please answer the following questions.

1. Have you ever been charged with? (check all that apply).

Traffic violation  Speeding  DUI  Driving without a license  Misdemeanor (non-traffic)  
 Felony

2. Are you currently under supervision for a felony or a misdemeanor?  Yes  No  Unsure

3. Have you ever been under supervision for a felony or misdemeanor?  Yes  No  Unsure

4. Are you currently on the following? Check all that apply.

Community Corrections  Court Referral (CRO)  State Probation  Parole  Drug Court  
 DA Diversion  Private Probation  Other (specify) \_\_\_\_\_

5. Have you ever been on the following? Check all that apply.

- Community Corrections     Court Referral (CRO)     State Probation     Parole     Drug Court
- DA Diversion     Private Probation     Other (specify) \_\_\_\_\_

6. Have you ever been turned down for a diversion program (Drug Court, DA diversion, Community Corrections, CRO) because you could not afford it?     Yes     No

7. Have you ever been kicked out of a diversion program for failure to make payments?     Yes     No

8. Have you ever been declared indigent by the court, appointed a lawyer, or represented by a public defender?     Yes     No

9. Have you ever been denied housing due to a criminal record?     Yes     No

10. Have you ever been denied employment due to a criminal record?     Yes     No

**SECTION II**  
This section is about court costs, fines/fees, and criminal justice debt that you owe. Please respond to the following questions to the best of your ability.

1. To which court have you paid fines and fees? \_\_\_\_\_

2. Were any of the payments made for a juvenile in juvenile court?     Yes     No

3. What types of fees or payments have you made? Check all that apply

- Court costs and restitution (state)     Court costs/fines (municipal court)     Community corrections fees
- Drug court fees     Probation supervision fees (state)     CRO fees     Court ordered child support

4. Have you ever had to pay any of the following fees associated with a fine in municipal court: Check all that apply

- Bad check fee     Payment plan fee     Collection fee     Failure to appear fee

If so, which and how much? \_\_\_\_\_

5. How much have you paid for court costs, fines, and/or fees?  
\_\_\_\_\_

6. Did you challenge the court assessment of your fines and fees?     Yes     No

7. If yes, what was the outcome?

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8. Have you made multiple payments over a period of time?

Yes  No

9. How long were you in a situation where you owed court costs, fines, and/or fees?

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10. If you are unsure of how long, can you give us your best guess?

Less than a year  1 to 5 years  6 to 10 years  More than 10 years  
 More than 20 years  I still owe money

11. Do you feel you will be able to pay what you owe?

Yes  No

12. Have you ever had to choose between paying for necessities such as food, utilities, rent, and court costs, fines, and/or fees?

Yes  No

13. IF YES, please tell us what you had to give up to pay for court costs, fines and/or fees. Check all that apply.

Food/Groceries  Utilities  Rent  Medical Bills  Child Support  
 Car Payments  Other (specify) \_\_\_\_\_

14. Have you ever accepted food or money for things like utilities from a church or faith-based organization because you did not have money after paying your court costs, fines, and/or fees?

Yes  No

15. Have you ever used a payday or title loan to pay for any court costs, fines and/or fees?

Yes  No

16. Have you ever borrowed money from a relative or friend to pay any court costs, fines, and/or fees?

Yes  No

17. Have you ever been offered community service instead of paying court costs, fines, and/or fees?

Yes  No

18. How much of your court costs, fines, and/or fees have you received for an hour of community service?

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19. Have you ever had to commit a crime to get money to pay court costs, fines, and/or fees?

Yes  No

20. IF YES, what did you have to do?

Sell drugs  Steal  Other (specify) \_\_\_\_\_

21. How much do you currently owe for court costs, fines, and/or fees?

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22. If you don't know or are unsure of how much you owe, what would be your best guess?

- Less than \$500     \$500-\$999     \$1,000-\$4,999     \$5,000-\$9,999     \$10,000-\$19,999
- \$20,000-\$29,999     \$30,000-\$39,999     \$40,000-\$49,999     More than \$50,000

## SECTION III

This section is about failure to make payments related to your personal court costs, fines/fees or criminal justice debt. Please answer each question to the best of your ability.

1. Have you ever been threatened with jail because you cannot pay court costs, fines, and/ or fees?  Yes  No
2. Have you ever been jailed for failure to pay court costs, fines, and/or fees?  Yes  No
3. Have you ever had the amount you owe increased due to failure to pay court costs, fines, and/or fees?  Yes  No
4. Have you ever had the amount you owe decreased due to failure to pay court costs, fines, and/or fees?  Yes  No
5. Is it clear to you whether you can ask for your court debt payments to be reduced or deferred?  Yes  No
6. Have you ever had money taken out of your paycheck to cover any court costs, fines, and/or fees?  Yes  No
7. Has your driver's license ever been suspended for failure to pay court costs, fines, and/or fees?
- Yes     No     Never had a license
8. Have you ever had money taken out of your Mississippi income tax return to pay for any court costs, fines, and/or fees?
- Yes     No     Unsure
9. Have you ever been jailed for failure to pay child support?  Yes  No
10. Have you ever taken out a payday or title loan to pay child support?  Yes  No

## SECTION IV

This section applies to your experience in having to borrow money or make payments for **SOMEONE ELSE'S** court costs, fines, and/or fees. Please answer each question to the best of your ability.

1. Who have you made payments for? Check all that apply.

Family member     Friend     Other (specify) \_\_\_\_\_

2. Have you helped make payments for this person over a period of time?

Yes     No

3. What is the total amount of money you have given to someone else for court costs, fines, and/ or fees?

\_\_\_\_\_

4. Were any of the payments made for a juvenile in juvenile court?

\_\_\_\_\_

5. Have you ever borrowed money from a family member or friend to pay for **SOMEONE ELSE'S** court costs, fines, and/or fees?

Yes     No

6. Have you ever taken out a payday or title loan to pay for someone else's court costs, fines, and/or fees?

Yes     No

7. Have you ever had to choose between paying court costs, fines, and/or fees for someone else and necessities such as food and utilities?

Yes     No

## SECTION V

The final section is about you. Please answer each question to the best of your ability.

1. What is your marital status?

Married     Divorced     Married     Separated     Single     I prefer not to say

2. How many dependents do you have?

No dependents     One     Two-Three     More than 4     I prefer not to say

3. What is the highest level of education you have completed?

Some high school     High school diploma/GED     Some college     2-year college degree

4-year college degree     Other (specify) \_\_\_\_\_

**4. In the past 30 days, where have you lived most of the time?**

- Apartment     House (Own or Rent)     Hospital     Nursing Home     Jail/Prison
- Residential Treatment Center     Halfway House     Shelter/Homeless     Staying with friend/family member

**5. Are you currently employed? (If not, skip to question 12).**

- Yes     No

**6. Do you work full-time or part-time?**

- Full-time     Part-time

**7. Do you receive a paycheck? (If not, skip to question 12).**

- Yes     No

**8. IF YES, how often do you get paid?**

- Weekly     Bi-weekly     Monthly     By the job

Other (specify) \_\_\_\_\_

**9. How many months have you been employed in your current job?**

\_\_\_\_\_

**10. What other sources of income do you have?**

- Disability     SSI     Food Stamps     Other (specify) \_\_\_\_\_

**11. What is the level of your annual household income?**

- Less than \$19,000     \$19,000-\$31,000     \$31,000-\$52,000     \$52,000-\$89,000

- \$89,000-\$197,000     \$197,000-\$485,000     \$485,000-or more

**12. Do you currently have a driver's license?**

- Yes     No

**13. If not, why not?**

- Police took it     Cannot afford reinstatement fee     Cannot afford insurance fee
- Never had one

**14. What is your primary mode of transportation?**

- Car     Public Transportation     Friend/Family Member     Other



15. Do you have auto insurance?  Yes  No

16. Do you have a bank account at this time?  Yes  No

17. If you had to get money to stay out of jail, how much cash would you have access to today?

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18. Are you registered to vote?  Yes  No

19. If not, why not?

Previous criminal conviction  Outstanding fines or fees  Never registered  Unsure

Choose not to vote  Other (specify) \_\_\_\_\_

20. Have you lost your right to vote due to a felony conviction?

Yes  No  Unsure

21. If so, have you submitted a suffrage application to restore your right to vote?  Yes  No

22. If not, are you interested in submitting a suffrage application to restore your right to vote?  Yes  No

23. Are you interested in a Know Your Rights training for your community?  Yes  No

24. Can we follow up with you regarding the information shared in this survey?  Yes  No

## SECTION VI

This section is for court clerks and local elected officials. Please answer each question to the best of your ability.

1. How much of your city's budget is made up of court fines and fees collections?

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2. If you don't know or are unsure of the amount, what would be your best guess?

1-10%  10-20%  20-30%  30-40%  40-50%  50-60%  60-70%

70-80%  80-90%  90-100%

3. What court fines and fees does your city collect?

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**MISSISSIPPI MUNICIPAL COURT DEBT,  
FINES, AND FEES COLLECTIONS**

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