

RESEARCH REPORT

Following the Money on Fines and Fees

The Misaligned Fiscal Incentives in Speeding Tickets

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Executive Summary

State and local governments collected \$16 billion in fiscal year 2019 from financial penalties imposed on people who had contact with the justice system, according to US Census Bureau data. These penalties included speeding tickets (including those from automated traffic cameras), parking tickets, court-imposed administrative fees, and forfeitures or seizures of property believed by law enforcement officials to be connected to crimes.¹

In total, fines, fees, and forfeitures account for *less than 1 percent* of total state and local general revenue, but the way they are enforced can create unjust burdens. These financial penalties often disproportionately fall on low-income people of color, particularly Black people (O’Neill, Kennedy, and Harris 2021; Sances and You 2017). In addition, consequences for those unable to pay can be severe (Menendez et al. 2019).

Reliance on fines, fees, and forfeitures as a revenue source can also engender *conflicts of interest* for government officials. For example, states and localities have ramped up speeding ticket enforcement and arrests for various violations in response to budgetary shortfalls and political pressures (Makowsky, Stratmann, and Tabarrok 2019).

In this report, we first examine how much states and localities report collecting from fines, fees, and forfeitures, highlighting the states and localities most reliant on them as a revenue source. While the average state and local share of revenue from fines, fees, and forfeitures is relatively small, these shares are larger for some local governments, especially small cities.

We then explore how revenue from some fines and fees (we exclude forfeitures from this analysis) are allocated in each of the 50 states, the District of Columbia, and a handful of cities. We specifically focus on speeding tickets as an illustrative example. Overall, we find that in at least 43 states, some portion of speeding ticket revenue is allocated toward a court or law enforcement fund. This finding reveals the potential for conflicts of interest and misaligned fiscal incentives. That is, police officers and judges might levy fines and fees with the intent of funding their respective agencies, as was demonstrated by the 2015 US Department of Justice investigation into Ferguson, Missouri’s police department (US Department of Justice 2015). We additionally find that many states use fines and fees to fund general government services unrelated to cost recovery for the justice system, such as special funds for health care or highway initiatives.

In tandem with a new focus on justice reforms, federal, state, and local leaders are increasingly attentive to whether fines and fees are equitable mechanisms for penalizing those who have contact with the justice system or even effective levers for raising revenue. But to get a full picture of this problem, policymakers must also “follow the money” and understand *what* and *who* fines and fees ultimately fund.

Following the Money on Fines and Fees

The theory behind the imposition of financial penalties in the justice system assumes that fines penalize and deter certain behaviors while fees recover some of the costs involved in administration. Fees are not unique to the justice system; state and local governments collect earmarked charges for public utilities, for example. However, the relationship is markedly different with the justice system because the people obligated to pay often do not have any alternatives and are often those least able to pay. This dynamic is more fraught because of the racial inequities in policing and sentencing practices across the United States, particularly those that perpetuate harms against Black and Latinx² people (The Sentencing Project 2018).

Below, we first look at how much states and localities collect from all fines, fees, and forfeitures, highlighting those governments most reliant on such revenues. Then we explore where each state allocates revenue from speeding ticket fines and any associated fees or surcharges, based on their varying legal provisions. Lastly, we discuss historical and present-day context on the role of fines and fees in larger justice issues.

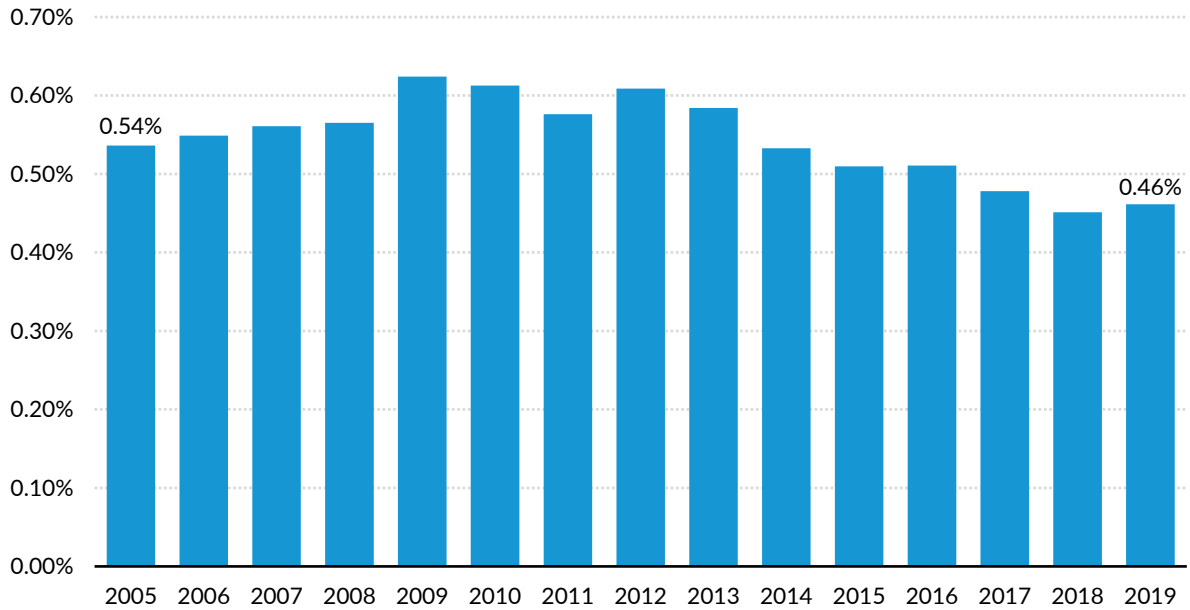
How Much Money Is Collected from Fines, Fees, and Forfeitures?

According to the US Census Bureau (2021), in fiscal year 2019, state and local governments collected \$16 billion from fines, fees, and forfeitures, or 0.46 percent of their total general revenue. Nearly two-thirds was collected by local governments (\$10.2 billion) and one-third by state governments (\$5.8 billion). Fines, fees, and forfeitures are a small but relatively consistent source of revenue, ranging between 0.4 percent and 0.6 percent of general revenue since 2005. (The census data do not allow us to break out these revenue amounts by type of citation—fine versus fee versus forfeiture—or by the type of violation or the agency collecting the money.) Notably, revenue from these financial penalties as a share of general revenue peaked between fiscal years 2009 and 2013, when state and local governments faced steep budgetary challenges due to the Great Recession (figure 1).

FIGURE 1

Fines, Fees, and Forfeitures Revenue

Share of general revenue, all state and local governments combined, fiscal years 2005–2019



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Source: US Census Bureau (2021).

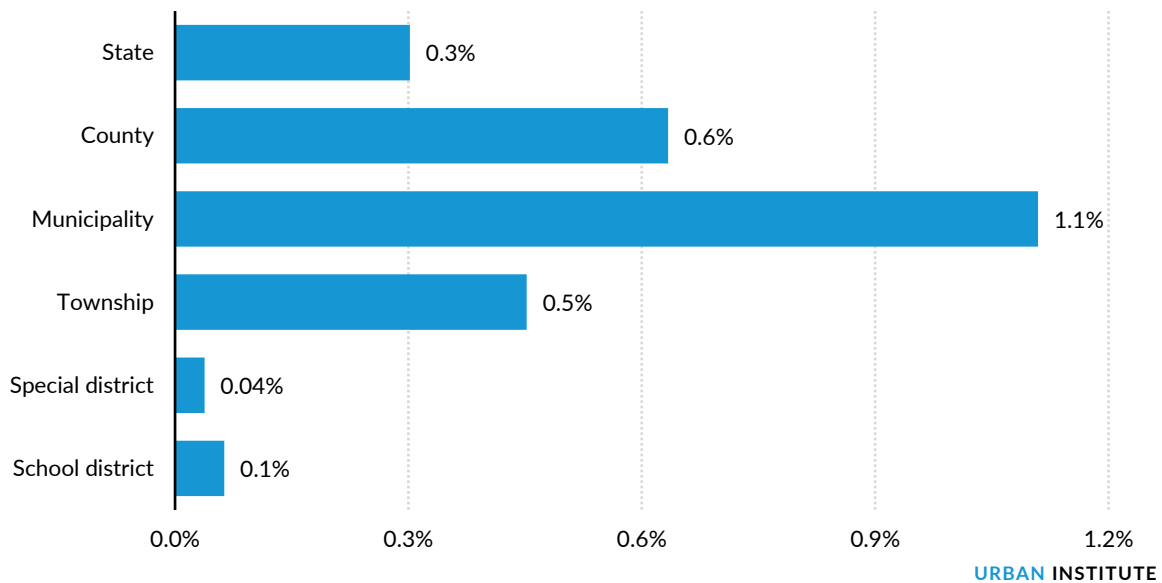
Among state governments, California (\$1.0 billion), Texas (\$505 million), North Carolina (\$305 million), Virginia (\$298 million), and Florida (\$258 million) collected the most revenue from fines, fees, and forfeitures in fiscal year 2019. However, as a share of general revenue, Alabama (0.7 percent), Louisiana (0.6 percent), North Carolina, Oregon, and Virginia (each 0.5 percent) relied the most on fines, fees, and forfeitures.

Overall, by level of government, municipalities (i.e., cities, towns, and villages), townships, and counties rely more on these revenues than states, special districts, or school districts (figure 2).

FIGURE 2

Fines, Fees, and Forfeitures Revenue

Share of general revenue by level of government, fiscal year 2017



Source: US Census Bureau (2020).

On average, smaller cities—those with populations under 10,000—collected 3.4 percent of their general revenue from fines, fees, and forfeitures, whereas larger cities—those with populations over a million—collected 1.1 percent. Smaller cities that were most reliant on these revenue sources were disproportionately in Arkansas, Georgia, Louisiana, New York, Oklahoma, and Texas, largely in rural or high-poverty areas (see also Maciag 2019).

According to US Census Bureau data, only six small cities (including towns and villages) relied on fines, fees, and forfeitures for over half of their general revenue in each of fiscal years 2007, 2012, and 2017: Anacoco, Louisiana; Fisher, Louisiana; Grady, Arkansas; Hanging Rock, Ohio; Jamestown, South Carolina; and Oliver, Georgia. All six jurisdictions are small, with populations under 1,000 people, are located near major highways, and spent at least one-third of their budgets on law enforcement activities in 2017. These places have also been labeled “speed traps” because of their aggressive traffic ticketing practices.³

Among the 100 largest cities by population in fiscal year 2019, New York (\$1.1 billion), Chicago (\$338 million), the District of Columbia (\$202 million), Los Angeles (\$149 million), and Boston (\$74 million) raised the most from fines, fees, and forfeitures. New York, by far the most populous city in the United States, raised over \$1 billion from fines, fees, and forfeitures, but as a share of general revenue, these contributed only 1 percent of the city’s total funds. The large cities most reliant on

finances, fees, and forfeitures for their budgets in fiscal year 2019 were Chicago (3.9 percent);⁴ Jersey City, New Jersey (3.9 percent); and Fremont, California (3.5 percent).⁵

Investigations into Chicago, the most populous among the subset of most reliant cities noted above, have revealed that aggressive ticketing practices, especially in neighborhoods with higher shares of low-income Black residents, have trapped thousands of households in cycles of debt and bankruptcy.⁶ Previous research has also demonstrated that, among the thousands of city governments that had law enforcement departments in 2007, there was a significant positive relationship between fines, fees, and forfeitures revenue per capita and the share of total population that was Black (Sances and You 2017). McIntire and Keller also found that the 730 cities that rely most on fines, fees, and forfeitures to fund their budgets are disproportionately located in Southern states with more Black residents.⁷

Higher reliance on fines, fees, and forfeitures may also be a function of fiscal constraints placed upon local governments. Many states do not authorize their localities to levy income taxes, limit sales tax rates, and may also impose stringent tax revenue and expenditure limits (Pagano and Hoene 2018). State governments will also sometimes “preempt” revenue policies pursued by local governments, disallowing them from passing reforms that do not abide by the will of state legislatures (Blair et al. 2020). These constraints shorten the menu of revenue options available to localities. It is also worth noting that such anti-tax policies have a long history of being closely intertwined with racial inequities (Leachman et al. 2018).

Certain types of fines, fees, and forfeitures can be particularly troubling sources of revenue to fund public services. For example, a share of revenue comes from payments levied on those in jails or prisons. These can be inequitable because mass incarceration disproportionately harms Black and Latinx households across the United States (The Sentencing Project 2018). In 2019, for instance, Virginia’s jails collected about \$47 million, or 5 percent of their operating budgets, from canteen sales, telephone fees, work release fees, booking fees, and medical co-pays; these amounted to about \$1,700 in jail fees per incarcerated person (Mai 2021).

State and local officials should also note that fines, fees, and forfeitures can often be an unreliable source of revenue for funding day-to-day government operations, since a significant portion of those levied do not result in actual revenue. Case studies in Florida, New Mexico, and Texas counties found that judges rarely held hearings to establish whether defendants had the means to pay the charges levied against them (Menendez et al. 2019). In fact, some conservative estimates have shown that outstanding court debt likely totals well over \$27 billion across the nation (Hammons 2021).⁸

Where Does the Money Collected from Fines and Fees Go? A Closer Look at Speeding Tickets

Our research examined how revenue is allocated from a specific subset of fines and fees: speeding tickets. Every state and the District of Columbia has some form of monetary penalty levied on those found to be in violation of speeding laws.⁹ Allocations (also referred to as “distributions” or “deposits”) from speeding tickets can vary widely across government levels; state rules can differ from those of cities or counties.

For feasibility and state-by-state comparisons, we limit our study primarily to state-level statutes, constitutional provisions, or other fiscal documents. Furthermore, we limit our analysis to the most general form of speeding tickets in each state, excluding separate fines or specific surcharges for excessive speeding or speeding in certain state- or locally designated areas, such as highway work zones or school zones. General speeding tickets may include a “base fine” and an additional fee or surcharge; where relevant, we look at all components as long as they are mandatory and as long as the legal language applicable to a “base fine” is also applicable to the related fee. We categorize each state’s speeding ticket fines and fees revenue into one of four allocation categories:

1. State general fund only
2. Local general funds (e.g., city or county)
3. General funds plus non-law enforcement or non-court funds
4. Any court or law enforcement funds

In most states, revenue from speeding tickets is distributed across a variety of funds that span our criteria. In such cases, we categorize a state in the highest applicable category; that is, a state is categorized as “4. Any court or law enforcement funds” even if a small portion of revenue goes into a court or law enforcement fund and the rest goes to the state general fund. Similarly, a state is categorized as “2. Local general funds (e.g., city or county)” if, in addition to a state general fund allocation, some amount is also distributed to a city or county general fund. More information is available in the appendix.

Allocations of Speeding Ticket Fines

Across all 50 states and the District of Columbia, we find that 17 states distribute a portion of their speeding ticket fine revenue to court or law enforcement funds (figure 3). Such funds include, but are

not limited to, a Criminal Justice Information System Fund (Kansas), a Peace Officers Standards and Training Fund (Idaho), and a Court Technology Fund (Vermont).

States allocate revenue into the funds as either a percentage of the base fine amount or a set dollar amount from each ticket. Most states that distribute money to a law enforcement or court fund also distribute some part of the revenue to a state or local general fund. In Maine, for example, 94 percent of the fine goes to the state general fund and 6 percent goes to the Law Enforcement Agency Reimbursement Fund.¹⁰ Similarly, 91 percent of the fine in Iowa goes to the state court administrator, and 9 percent goes to the county general fund.¹¹ An example of a state that allocates some of the money as a set dollar amount is Vermont, where \$12.50 of each fine goes to the state's Court Technology Fund. The rest of the money goes into different funds, depending on the type of road where the violation occurred (e.g., interstate, state, or local) and the speed limit.¹² In Arkansas, fines go to the state or county Administration of Justice Fund.¹³ Within the state's fund, money is deposited into 21 further funds, including the Judges Retirement Fund, Justice Building Fund, and Division of Arkansas State Police Fund.¹⁴

We classified states that initially deposit speeding ticket fines into a general fund but later explicitly (i.e., per statute) allocate some portion of it into a court or law enforcement fund into category 4. For instance, in Oregon, fines go to the city, county, or state treasurer depending on which law enforcement agency or officer enforced the violation.¹⁵ Fine money that is remitted to the county then goes to a court facilities security account (40 percent) as well as to drug and alcohol programs and a fund for the costs of planning, operating, and maintaining county juvenile and adult corrections programs and facilities (60 percent).¹⁶

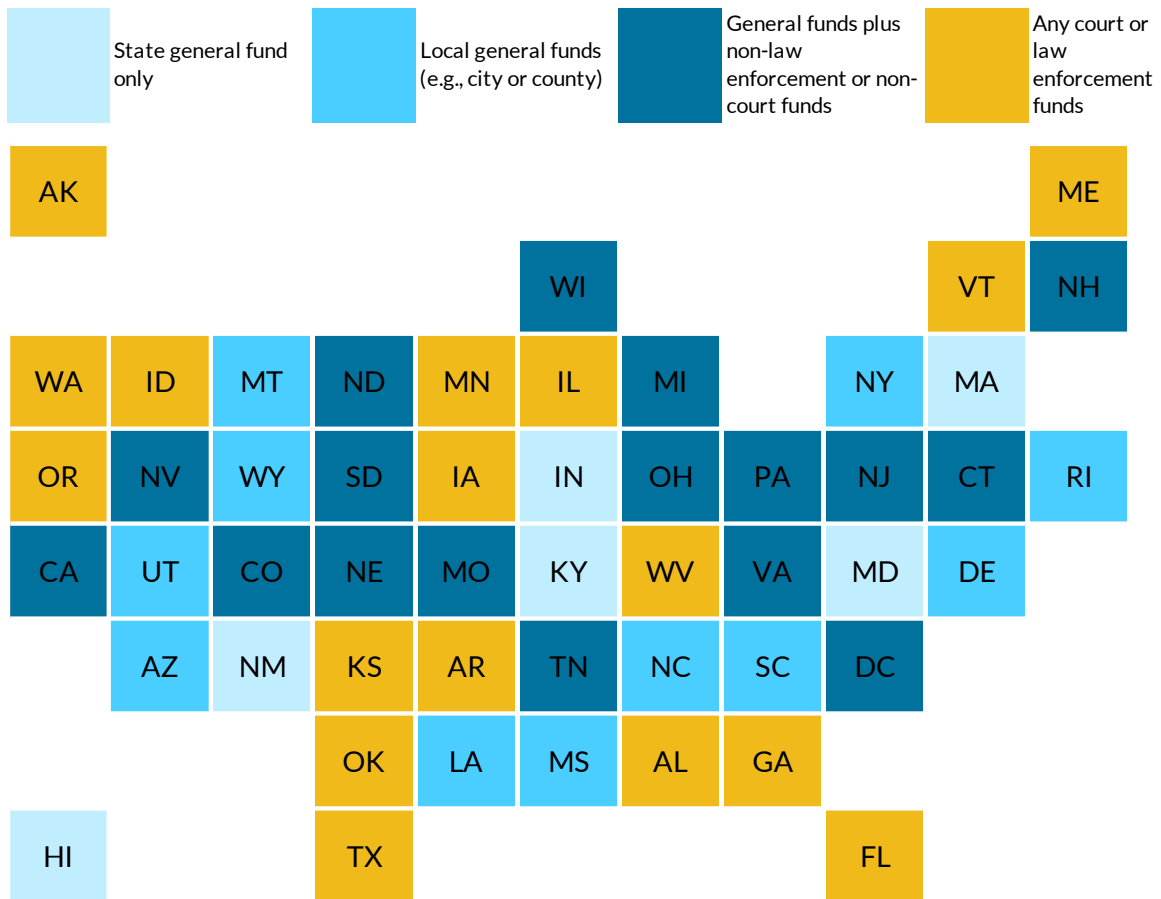
Another example is Idaho, where 10 percent of a speeding ticket fine is deposited in the state treasury, of which 86 percent goes to the state general fund and 14 percent goes to the Peace Officers Standards and Training Fund. The other 90 percent of the original ticket amount is divided between the Highway Distribution Account (45.0 percent), the District Court Fund (22.5 percent), and the Public School Income Fund (22.5 percent).¹⁷

Alaska also specifies a pathway for allocating revenue generated from fines. First, the funds (considered program receipts by the state) are deposited into the state's general fund. The legislature may then appropriate the money into the Alaska Police Training Fund; from there, it can be further appropriated to the Department of Public Safety for the Public Safety Training Public Academy, to the Alaska Police Standards Council for law enforcement and corrections training, or to municipalities that have their own police training programs.¹⁸

FIGURE 3

Speeding Ticket Fines Allocations

50 states and the District of Columbia, as of October 2021



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Source: Authors’ analysis of state statutes and constitutions; communications with state and local government officials.

Notes: This analysis is limited to state-level legal provisions for allocating speeding ticket fines; see table 1 in the appendix for more information. Localities, such as cities and counties, may have additional penalties with varying distributions.

Although some states specify this two-step (allocation and appropriation) approach through law, others simply distribute money to the state general fund or treasury, with no further statutes on how the money should be spent. Instead, yearly (or every two years) budget legislative appropriations processes determine where the money goes. In our analysis, only six states use the latter approach. For example, in Hawaii, fines are distributed to the state, per statute: “all fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of the state traffic laws and all assessments collected relating to the commission of traffic infractions shall be paid to the director of finance of the State.”¹⁹ A handful of other states have similar broad statutory language. Note that even in these six states, a portion may be allocated into specific funds at a later stage of appropriations.

Eleven other states distribute speeding ticket fines to local general funds, including city and county general funds. For example, both Mississippi and Wyoming allocate collected revenues into county general funds,²⁰ whereas a third of states (16 states and the District of Columbia) allocate their fines to general funds and non-police or non-law enforcement funds. These states mostly allocate their money toward state highway safety funds and school funds. New Jersey and Ohio, for example, allocate their entire speeding ticket fine revenues into state highway funds.²¹

BOX 1

Transparency in Revenue Allocations

State reporting on speeding ticket allocations is inconsistent and difficult to interpret. In a number of states, we required clarifications from state and local legislative and budgetary experts to conclude where the funds are allocated.

Other states, however, demonstrated transparency. In Arizona, California, Connecticut, Michigan, and Wisconsin, for example, we found summaries prepared by legislative, judicial, or transportation agencies; in Idaho, New Mexico, and Oklahoma, we found clearly relayed statutes; and in Vermont and Washington, we found helpful secondary analyses.

We found the most succinct reporting of revenue allocations in South Dakota. The state's Unified Judicial System lays out that, for a \$117.50 speeding ticket issued on an interstate highway, allocations are as follows:

- \$39 to the school district in the county where the violation occurred
- \$30 to the Law Enforcement Officer Training Fund
- \$23.50 to the Unified Judicial System for court automation
- \$11 to the 911 Telecommunicator Training Fund
- \$6 to the Court Appointed Attorney & Public Defender Fund
- \$5 to the Victim's Compensation Fund
- \$2 to the Court Appointed Special Advocates Fund
- \$1 to the Abused and Neglected Child Defense Fund

Source: South Dakota Unified Judicial System (2020).

Allocations of Speeding Ticket Fees and Surcharges

Most people may consider the entire point of a speeding ticket to be a mandatory fine or penalty, but many jurisdictions impose additional mandatory fees or surcharges. In fact, the amount of a “base fine” can be as low as 5 to 10 dollars in some states,²² but additional fees and surcharges make a huge difference in how much a speeding ticket finally costs the recipient. Although fines are levied in response to a conviction or violation and are meant to serve as a deterrence or punishment, fees may bear no relation to the severity of the offense committed. These are meant to raise revenue and to shift the costs of operating the justice system (as well as other general government services) from typical taxes (income, property, or sales taxes) to essentially a tax on those who come into contact with the court system.

We find that some form of fees or surcharges are levied in addition to speeding ticket fines in every state except Montana (and the District of Columbia). Although most fees cover court costs and administrative expenses, various states have begun to append a range of small fees to fund specific government programs unrelated to courts.

It is also important to note here that for those who are liable for these speeding tickets, this distinction between the fine and fee components may not be relevant; to them, it may simply be the difference between a speeding ticket that they are able to pay, or one they cannot afford and therefore they face additional penalties.

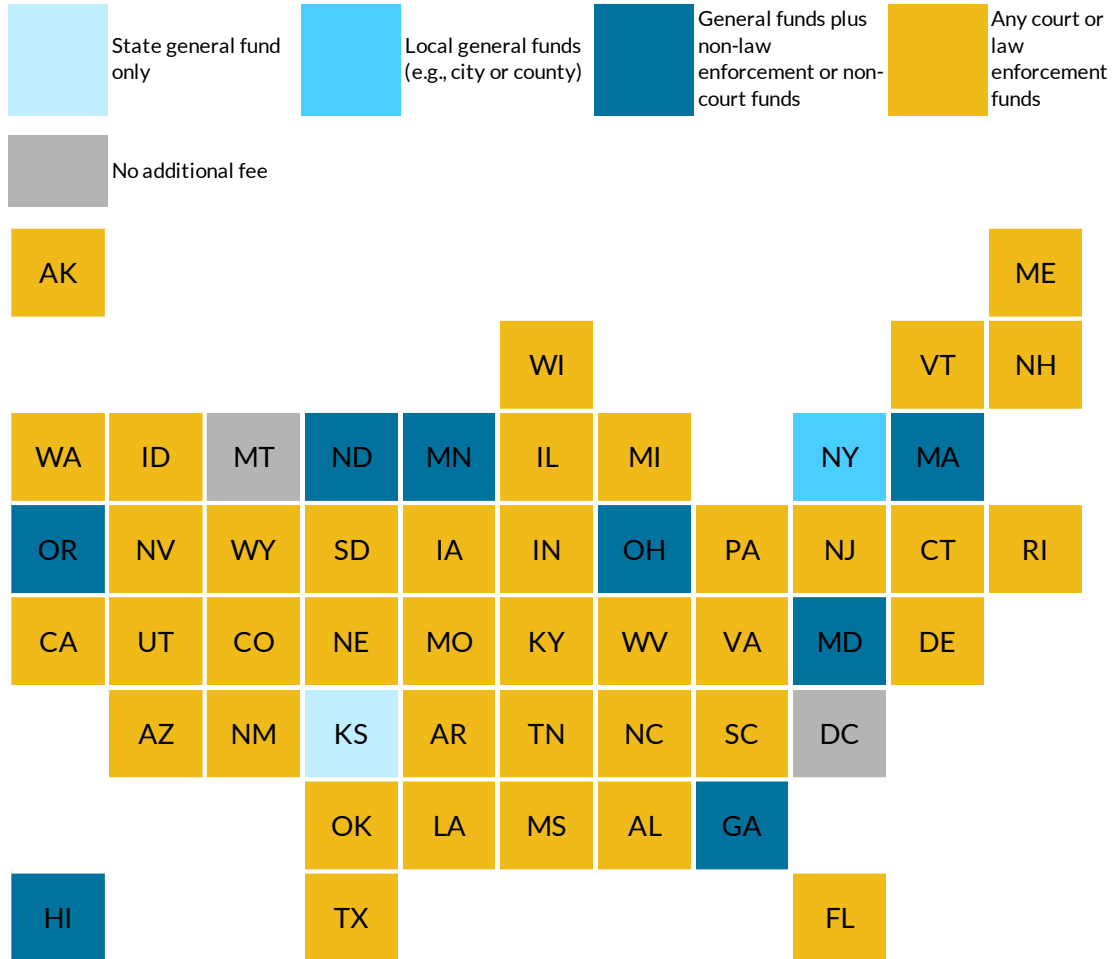
Using the same categories we used to classify fines, we find that 39 states distribute some portion of additional fees and surcharges on speeding tickets into a court or law enforcement fund (figure 4). We find that many states enforce fees or surcharges that are extraneous to judicial procedures.

For example, in Kentucky a speeding ticket will include a \$100 court cost along with a \$20 court fee; a \$10 fee for operation of a telephonic behavioral health jail triage system; and a \$10 fee for the training, salaries, and equipment of the Kentucky Internet Crimes Against Children Task Force.²³ These fees and surcharges generate a total of \$150 in penalties on top of the base fine amount, and the revenue goes to a variety of funds and programs, including but not limited to the state general fund, Kentucky Local Correctional Facilities Construction Authority, the Spinal Cord and Head Injury Research Trust Fund, the Traumatic Brain Injury Trust Fund, and the Justice and Public Safety Cabinet for background checks on firearm purchasers.²⁴

Another state that levies additional penalties on top of fines is Utah. Utah’s courts impose two surcharges on speeding fines, a \$60 security surcharge and a surcharge that is 35 percent of the base

fine amount. The security surcharge is allocated to various court and justice funds, with a small amount to a local government general fund as well,²⁵ whereas 74 percent of revenue from the latter surcharge is allocated to the local general fund and 26 percent to the state.²⁶

FIGURE 4
Speeding Ticket Fees and Surcharges Allocations
50 states and the District of Columbia, as of October 2021



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Source: Authors' analysis of state statutes and constitutions; communications with state and local government officials.

Notes: Our analysis is limited to state-level legal provisions allocating speeding ticket fees and surcharges; see table 2 in the appendix for more information. Localities, such as cities and counties, may have additional penalties with varying distributions.

Most states' fees go to a wide range of special funds, and only a few states have speeding ticket fees that *do not* go into any court or law enforcement fund. In Massachusetts, a \$50 surcharge goes only to the Head Injury Treatment Services Trust Fund.²⁷

An accumulation of small fees can far exceed the base fine itself, a fact that contributes to the high incidence of unpaid speeding tickets and outstanding court debt overall. Our analysis found at least two states (California and West Virginia) that clearly dictate how revenue from partial payments may be allocated. In West Virginia, for example, partial payments of fines and costs are credited in sequential order to various funds: a Regional Jail Fund, followed by a Magistrate Court Fund and a Worthless Check Fund.²⁸

Altogether, we did not see a meaningful relationship between the state-level allocation rules underpinning speeding ticket fines or fees and the amount of revenue raised from fines, fees, and forfeitures. In other words, states that allow speeding ticket revenues to be retained by courts or law enforcement agencies, per initial allocation rules (and excluding any varying local rules) may not cumulatively rely more on fines and fees to fund their total budgets.

In addition to state-level allocations, we explored local-level allocations of fines and fees for only the subset of large localities that raised the most or relied the most on fine and fee revenue, per the above discussion of US Census Bureau data. Local officials in four cities (Boston, Chicago, Irvine, and New York) told us that fines and fees are primarily allocated to their respective local general funds. Fremont officials said that such revenues are allocated between the city's general fund and other special revenue funds but did not specify which special revenue funds. Los Angeles officials directed us to a public financial data portal, which showed allocations in detail: nearly 91 percent in fiscal year 2019 went to the city's general fund; 5 percent went to the City Attorney Consumer Protection Fund; 2 percent went to the Traffic Safety Fund; 1 percent went to the Code Compliance Fund; and smaller shares went to the Narcotics Analysis Laboratory Fund, the Housing Production Revolving Fund, and a few others.²⁹ Garland, Texas, officials said about 82 percent in fiscal year 2019 went to the city's general fund, and the rest went to the SafeLight Fund, which helped administer the city's red light camera enforcement program (now defunct).

The Role of Fines and Fees in Larger Justice Issues

Over the past decade, nearly every state has expanded the range of criminal and civil court fees it levies, including charging defendants for government services that previously had been paid for with general tax revenues. This distinction matters because, ideally, a well-functioning justice system exists as a public service for the benefit of all residents. As of 2014, defendants could be billed for public defense lawyers in over 40 states, and inmates could be charged for jail or prison room and board costs in another 40-plus.³⁰

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 (The Sentencing Project 2018). For example, case studies in Chicago, the District of Columbia, and others have revealed disproportionately high rates of traffic tickets in neighborhoods with higher shares of Black residents.³¹

Such case studies exploring racial inequities in the administration and burden of fines and fees have increased over recent decades. However, financial penalties for people who have contact with the justice system have been around for centuries, and these penalties were historically used as a tool to discriminate and to enable indentured servitude (Williamson 2020).

In broad outlines, the Jim Crow fiscal-carceral system functioned as follows. First, a state or county official would, typically on the flimsiest of pretexts, convict a black person of a “crime.” Some were crimes of poverty, such as vagrancy; others were violations of the racist social code, such as ‘speaking loudly in the presence of white women.’ An enormous range of behaviors were newly criminalized, and the penalties for those crimes were extreme; “pig laws,” for instance, made stealing a hog a felony. In some areas, nonpayment of taxes resulted in “hiring out” as forced labor—this despite constitutional prohibition of imprisonment for debt. Then, instead of going to prison, convicts served their terms working for employers who had signed contracts with the state or county. Convicts were often leased en masse to the owners of mines, brickmaking or turpentine factories, and similar enterprises.

—Vanessa Williamson, The Long Shadow of White Supremacist Fiscal Policy.

Unlike other state and local revenue sources such as income taxes, fines and fees are not typically levied on a graduated scale. And in most states, unlike property taxes, fines and fees revenues are not subject to state constitutional limits on how much can be levied or how much can be raised in a given year (Yang 2017). Furthermore, most judges do not conduct “ability to pay” assessments when issuing fines and when considering defendants who have failed to pay outstanding fees and fines (Martinez et al. 2021). This is despite the US Supreme Court’s 1983 ruling in *Bearden v. Georgia* that said, “courts may not incarcerate an individual for nonpayment of a fine or restitution without first holding a

hearing on the individual's ability to pay and making a finding that the failure to pay was willful" (American Bar Association 2018).

Those unable to pay their fines and fees are often not provided alternatives, such as lenient payment plans or community service, but instead face dire consequences. Based on rules that vary by state, outstanding justice debt can lead to surcharge fees, high interest rates, bench warrants, driver's license suspension, disenfranchisement of voting rights, loss of job, lowering of credit score, and even incarceration (Menendez et al. 2019). And neighborhoods with higher amounts of outstanding justice debt per capita are likelier to have more residents of color and higher shares of residents living in poverty; these neighborhoods also tend to have increased future poverty rates because of the justice debt (O'Neill, Kennedy, and Harris 2021).

If fines and fees are used to fund day-to-day government operations or new initiatives, the incentives to levy them go beyond deterrence of individual behavior. Previous research has demonstrated that arrest rates of Black and Latinx people for drug-related violations or driving under the influence have increased during times of local fiscal distress; this relationship was stronger in places where law enforcement departments were allowed to retain funds from forfeitures (Makowsky, Stratmann, and Tabarrok 2019).

Revenue-motivated policing and sentencing practices can undermine public trust and the perceived legitimacy of the justice system. Previous research has demonstrated that if the general public believes that police are operating by conventions of personal discretion rather than fair and impartial legal proceedings, they are less likely to perceive law enforcement officers as having legitimate authority (Murphy and Barkworth 2014; Murphy, Hinds, and Fleming 2008). And defendants may be more likely to plead guilty if they believe that is the only way to avoid incurring legal expenses in a protracted trial (Savitsky 2012).

State and local fiscal reforms, including limits on other revenue sources, can affect officer discretion in ticketing practices. For example, after Proposition 2½ in Massachusetts placed limitations on municipal property tax revenues, local law enforcement officers began to issue traffic citations more aggressively, especially to out-of-town and out-of-state drivers (Makowsky and Stratmann 2009).

BOX 2

Administering a “Broken Budget Model”

According to the Florida Clerks of Court Operations Corporation (2018), funding courts through fines and fees is a “broken budget model” wherein clerks must rely on traffic citations for budgetary needs but the funds raised are insufficient to meet the costs of administering the justice system; the authors additionally noted that “clerks are committed to working with the legislature on a long-term solution.”

Menendez and colleagues (2019) showed that New Mexico and Texas localities are spending \$0.41 to \$1.17 for each dollar ultimately raised in fines and fees on just compliance costs arising from in-court proceedings and jail for defendants; these numbers would be even higher if costs for processing warrants, issuing arrests, suspending drivers’ licenses, and administering parole and probation were accounted for. Furthermore, incarcerating those unable to pay off their justice debt can be an especially expensive use of government funds that does not lead to any increase in revenues whatsoever, even though it is predicated on the goal of pushing future violators to pay their fines and fees to avoid similar consequences. Many state and local governments do not publish or closely track data on the range of costs involved with ensuring compliance with fines and fees, including costs for public defenders, parole and probation officers, and license and revenue agencies.

In smaller cities, fines and fees may divert judges and police officers from other duties. Goldstein, Sances, and You (2018) found that the rate of violent crimes solved decreases when a local government’s reliance on fines, fees, and forfeitures revenue increases. Because judges and police officers can be especially overburdened by the various capacities in which they serve in smaller communities, enforcing fines and fees may come at the cost of ensuring public safety.

Sources: Florida Clerks of Court Operations Corporation (2018); Goldstein, Sances, and You (2018); Menendez et al. (2019).

The monumental investigation of Ferguson, Missouri by the US Department of Justice (2015) found extensive evidence of the city finance director, municipal court, and police department using fines and fees for perverse revenue-generation purposes. For example, the city’s finance director increased the amounts of fines and asked police to increase ticket writing and municipal code enforcement in order to make up for sales tax shortfalls and to “deliver [a] 10% increase” (US Department of Justice 2015). In response, the police chief changed patrol assignments and shift schedules to increase traffic enforcement and collections. The investigation also found significant and consistent racial disparities throughout police and court enforcement actions, along with evidence of racial biases and stereotypes against Black residents in local official email communications. The investigation concluded that the department’s actions compromised public safety by focusing on revenues and violated federal laws by imposing disparate harms upon Ferguson’s Black residents (US Department of Justice 2015).

Across the nation, understanding the connections between fines and fees and racial inequities would be more straightforward if all states and localities collected and made available more data on their policing and sentencing practices. For example, in a recent *ProPublica* investigation, Richard Webster noted that 22 states have instituted traffic stop data collection laws, most recently California, Colorado, the District of Columbia, Illinois, Oregon, and Virginia.³² However, in their current form, these laws can have key limitations. Louisiana’s rules exempt law enforcement agencies from collecting and disbursing data if they have an “anti-racial-profiling policy” in place. This has meant that many local agencies do not submit data to the state or the public. Furthermore, Louisiana’s laws require officers to record the race of drivers based on the “observation and perception of the law enforcement officer”; in practice, this has contributed to serious inconsistencies in Jefferson Parish’s traffic records that, in part, cover up potential officer misconduct.³³

In a recent *New York Times* investigation, McIntire and Keller found that over the past five years, more than 400 unarmed civilian drivers across the country have been killed by police officers pursuing them under suspicion of nonviolent crimes, such as speeding or license infractions.³⁴ The authors documented how traffic ticket revenues shape traffic enforcement. Under federal highway safety grants, for example, at least 20 states use traffic stop quotas as a police performance measure, even though federal officials noted the grants do not require or encourage such evaluations. For example, the police chief of Windsor, Virginia, sent an email to officers in January 2021 reminding them that they were “required to write a minimum of two tickets per hour while on grant time and there is zero tolerance.”³⁵

Last, we focus our main analysis on the allocations of speeding ticket fines and fees, in part because previous research has already shed light on misaligned fiscal incentives for forfeitures. Knepper and colleagues (2020) demonstrated that in most states, police departments that seize cash or property related to a crime can keep all or most of it (see table 3 in the appendix for state-by-state information on civil asset forfeiture laws). Only the District of Columbia, Maine, Maryland, Missouri, New Mexico, North Carolina, and Wisconsin have explicit rules that disallow their law enforcement departments from retaining forfeiture proceeds; however, those restrictions are sometimes bypassed. Holcomb, Kovandzic, and Williams (2011) noted that in states that restrict conflicts of interest, local law enforcement agencies sometimes rely on federal “equitable sharing” mechanisms. These arrangements allow local law enforcement to transfer assets and property seized in relation to violations of federal laws directly to the federal government (as opposed to the state government), and the federal government returns to the local entity a share of the proceeds.

Conclusions and Policy Implications

In some ways, fines and fees are considered similar to general charges; they both belong in the category of nontax revenue sources that (1) are not typically subject to constitutional limits restricting the amount state and local governments can tax, (2) are not levied as a share of income or wealth, and (3) are utilized in part to “charge” residents for government services. Over the past few decades, general charges, such as highway tolls, metered parking, public university tuition, and public hospital payments, have composed a growing share of state and local government revenues. We know that reliance on fines, fees, and forfeitures as a revenue source has not grown as much as these general charges, per the US Census Bureau data. But there is a key difference between the motivation for and impacts of financial penalties and those of general user charges. Unlike general charges, which are often levied in exchange for certain benefits to those choosing to pay for a service (for example, a parking space or a higher education degree), fines and fees are disproportionately levied on those least able to pay and are mostly levied without alternatives (such as community service or a payment plan).

For some, fines and fees may also evoke so-called sin taxes on alcohol and tobacco products: both revenue categories are meant, in part, to change behaviors, and both can be fairly regressive in their burdens by income. But consumption of alcohol and tobacco products is presumably by consumer choice, unlike fines and fees, which are discriminatorily levied and often unjustly enforced. Furthermore, previous research has shown that fees, in particular court-related costs, have little to no deterrent effects and can instead lead to more debt and worsen livelihoods (Bannon, Nagrecha, and Diller 2010; Harris, Evans, and Beckett 2010). For these reasons and more, fines and fees warrant reexamination within state and local finance models.

Although there is a growing understanding of how fines and fees impose unjust burdens and engender perverse fiscal incentives, meaningful reforms are fairly nascent. During the COVID-19 pandemic, some states, including Michigan and Oregon, relaxed enforcement of penalties for nonpayment of fines and fees.³⁶ In 2018, San Francisco eliminated locally controlled administrative fees levied on those exiting the justice system and also waived over \$32 million in unpaid debt.³⁷ In California, overall, where over a quarter of fines and fees revenue goes to state trial courts, the state is piloting ability-to-pay adjudications, has shifted fines and fees funding streams over to the general fund, and has eliminated driver’s license suspensions for nonpayment.³⁸ The state’s nonpartisan Legislative Analyst’s Office recommends that the state increase legislative control by depositing most fine and fee revenues in the general fund and that it consolidate various types of court fees.³⁹ In New York, the End Predatory Court Fees Act (S.3979/A.2348), which is presently in committee, seeks to eliminate the state-level mandatory surcharge as well as parole and probation fees, revise the way

judges set fines, and end incarceration and commissary garnishment for unpaid fines and fees.⁴⁰ Such examples, however, remain exceptions and not the norm.

In 2015, after the Department of Justice's Ferguson investigation, Missouri introduced a limit of 30 percent of annual revenue that localities may derive from most financial penalties (changed to 20 percent shortly after passage), with the excess to be disbursed by the state to school districts. Initially, the limit was lower (12.5 percent) for St. Louis County, which includes Ferguson, but that rule was held unconstitutional by the Missouri Supreme Court.⁴¹ However, even 10 percent of general revenue from fines, fees, and forfeitures would be exceptionally high among states and localities across the country.

Our analysis is a first step in exploring how revenue allocations from one specific type of violation (speeding tickets) could perpetuate harmful fiscal incentives across localities. We find that in at least 43 states, some portion of speeding ticket fines, fees, or surcharges is allocated toward a court or law enforcement fund. We also find that in 13 states, including Arkansas, Iowa, and Washington, a significant share of revenue from *both speeding ticket fines and fees* is allocated to special funds dedicated to court or law enforcement activities.

Because we are unable to ascertain how exactly money from fines and fees is eventually spent, our findings do not conclude whether an allocation into the state general fund is always better or worse than an allocation into a court or law enforcement fund. For example, a state may direct its fines and fees revenue only into its own general fund, but then, during the legislative appropriations process, distribute the funds to law enforcement agencies or courts based on how much revenue each raised. And we know from the Ferguson investigation that state and local leaders are cognizant of the potential for revenue generation from fines and fees. This means that leaders at these levels can push for aggressive enforcement to raise general funds, not just funds for courts or law enforcement agencies. Prior literature has highlighted, however, that severing the relationship between revenue collections and budgeting for justice administration and enforcement activities could help reduce fiscal incentives in policing and sentencing (Makowsky 2019).

Legal rules that empower courts and law enforcement agencies to pursue revenue generation through the justice system can undermine public safety and trust. They can also exacerbate the racial disparities that underpin policing and sentencing practices across the United States. To the extent that state-level allocations of revenues help determine how funds are eventually spent, our findings show cause for concern over misaligned fiscal incentives and the potential for conflicts of interest over fines and fees.

Appendix: Data and Methods

For data on how much money states and localities collect from fines, fees, and forfeitures, we examine the US Census Bureau's Census of Governments (2020) and its Annual Survey of State and Local Government Finances (2021). The latest available data for the 50 states and the District of Columbia, as well as most large cities and counties with over 200,000 people, are for fiscal year 2019. The latest available data that cover every city, township, or other small local government unit in the country are for fiscal year 2017. This information can also be found within specific state and local annual financial reports, but the census data are the most comprehensive national accounting of local finances and make standardization and comparisons of revenue amounts more feasible. Neither census data nor the handful of state-level and city-level analyses we encountered provided a detailed breakdown of these revenues by type of penalty (fine versus fee versus forfeiture) or by the type of violation or the agency collecting the money.

For data on how speeding ticket fines and fees are allocated, we rely on state statutes, codes, and constitutional provisions. All states and the District of Columbia publish revised statutes or provisions that reflect the current version of law. We researched and reviewed the specific state statutes surrounding the distribution of fine revenues for speeding violations for each state. We began our search for relevant state statutes through the 50-State Criminal Justice Debt Reform Builder developed at Harvard Law School.⁴² This website has a Law Explorer tool that lets users find laws relating to “revenue flow” as well as other justice topics. Although not exhaustive, the tool initially guided our search by pointing us to where statutes relating to the disbursement of traffic fines and fees are usually located within state statutes. We then directly looked into state statutory websites.

State statutes are complex and lengthy, and they vary in their organization. To minimize the amount of time spent searching through state websites, we used common phrases and words associated with the collection of revenue to refine our search. Some of these included “disposition of fines,” “deposit/receipt of funds,” “remittances,” “use of proceeds,” and “distribution of revenue.” Most states codify the disposition of traffic fines statutes under a motor vehicles title, though sometimes the statute is located under court and judicial titles. It was helpful to first find the statute where a speeding offense or violation is defined and to make note of the statute number. Sometimes statutes reference other statutes by number instead of title. For example, the Ohio law for disposition of fines relating to traffic offenses does not directly reference speeding in its text; instead, it references different chapters within the code. Since Chapter 4511 houses traffic laws and laws on the operation

of motor vehicles, including speeding laws, we were able to confirm that Ohio Rev. Code Ann. § 4501.06 is applicable to revenue from speeding ticket fines.⁴³

Once we found the appropriate statute, we categorized each state into its allocation category depending on how it distributes speeding ticket fines revenue:

1. State general fund only
2. Local general funds (e.g., city or county)
3. General funds plus non-law enforcement or non-court funds
4. Any court or law enforcement funds

We applied the same methodology to find and categorize the distribution of additional fees (in addition to the “base” fines) associated with speeding tickets. We compiled all relevant legal language in one place per state, which allowed us to determine each state’s allocations overall.

In most states, revenue from speeding tickets is distributed across a variety of funds that span our criteria. In such cases, we categorize a state in the highest applicable category; that is, a state is categorized as “4. Any court or law enforcement funds” even if a small portion of revenue goes into a court or law enforcement fund and the rest goes to the state general fund. Similarly, a state is categorized as “2. Local general funds (e.g., city or county)” if, in addition to a state general fund allocation, some amount is also distributed to a city or county general fund.

See tables 1 and 2 for each state’s allocation category and corresponding statute citation for speeding ticket revenues. Additionally, see table 3 for each state’s information for civil asset forfeitures, per Knepper and colleagues (2020).

For states whose statutory or constitutional provisions were difficult to locate, we sought help from state and local government officials, such as legislative librarians, legal counsel, court officials, revenue and budget department directors, and treasury specialists. These personnel have expertise in their states’ statutes and laws, as well as an awareness of any recently enacted legislation that may not yet be reflected in online collections. In total, we contacted a handful of officials each in over 30 states and 10 localities; most officials responded through email or phone communications, whereas a handful processed our queries as Freedom of Information Act or public information record requests.

Our research on allocation rules and misaligned fiscal incentives is not exhaustive for several reasons: we focus only on speeding ticket revenues, we primarily study state-level rules, we do not make a distinction between the types of court or law enforcement funds where revenue from fines

and fees are allocated, we do not have detailed breakdowns of exactly how much of the speeding ticket revenues go to court or law enforcement funds, and we look only at initial allocations and not how the funds are eventually spent. In future research, we hope to untangle some of these unanswered questions.

Although we have endeavored to be as transparent and comprehensive as possible, comparing statutory provisions across states is a convoluted process, and we may have missed some provisions. However, our analysis may serve as a foundation for investigating how laws for allocating speeding ticket revenues, and for the fines and fees connected with them, can embed fiscal incentives for aggressive and unjust policing and sentencing practices.

TABLE 1
Speeding Ticket Fines Allocations
50 states and the District of Columbia, as of October 2021

State	Allocation	Statutory citation or other source
Alabama	Any court or law enforcement funds	Ala. Code §§ 12-19-22, 32-5A-10
Alaska	Any court or law enforcement funds	Alaska Stat. §§ 22.15.250, 28.05.151, 18.65.225
Arizona	Local general funds (e.g., city/county)	Ariz. Rev. Stat. § 28-1554
Arkansas	Any court or law enforcement funds	Ark. Code Ann. §§ 16-10-310, 16-13-709, 16-17-707, 27-51-102
California	General funds plus non-law enforcement or non-court funds	Cal. Vehicle Code §§ 18.2.42200, 18.2.42205
Colorado	General funds plus non-law enforcement or non-court funds	Colo. Rev. Stat. § 42-1-217
Connecticut	General funds plus non-law enforcement or non-court funds	Conn. Gen. Stat. § 13b-61(b)
Delaware	Local general funds (e.g., city/county)	Del. Code Ann. tit. 21, § 706
District of Columbia	General funds plus non-law enforcement or non-court funds	D.C. Code § 50-921.20
Florida	Any court or law enforcement funds	Fla. Stat. §§ 318.21(1)(9)(7), 28.37(6)
Georgia	Any court or law enforcement funds	Ga. Code Ann. § 15-21-2
Hawaii	State general fund only	Haw. Rev. Stat. § 291C-171
Idaho	Any court or law enforcement funds	Idaho Code § 19-4705(c)
Illinois	Any court or law enforcement funds	705 Ill. Comp. Stat. § 135/15-60
Indiana	State general fund only	Ind. Code § 34-28-5-5(c)
Iowa	Any court or law enforcement funds	Iowa Code Ann. § 602.8106(4)(b)

Kansas	Any court or law enforcement funds	Kan. Stat. Ann. § 74-7336(a)
Kentucky	State general fund only	Communications with state officials
Louisiana	Local general funds (e.g., city/county)	La. Stat. Ann. §§ 13:1898(A), 32:266(B)
Maine	Any court or law enforcement funds	Me. Stat. Tit. 29-A § 2602
Maryland	State general fund only	MD Cts & Jud Pro Code § 1-608
Massachusetts	State general fund only	Mass. Gen. Laws Ch. 90, § 20
Michigan	General funds plus non-law enforcement or non-court funds	Mich. Comp. Laws § 257.909; Michigan House Fiscal Agency: Traffic Citation Revenue
Minnesota	Any court or law enforcement funds	Minn. Stat. § 169.999, Subds. 5
Mississippi	Local general funds (e.g., city/county)	Miss. Code Ann. § 63-9-13
Missouri	General funds plus non-law enforcement or non-court funds	Mo. Rev. Stat. §§ 166.131, 479.359(2)
Montana	Local general funds (e.g., city/county)	Mont. Code Ann. § 61-12-701
Nebraska	General funds plus non-law enforcement or non-court funds	Neb. Const. Art. VII, § 5(1)
Nevada	General funds plus non-law enforcement or non-court funds	NV Constitution, Art. 11, § 3
New Hampshire	General funds plus non-law enforcement or non-court funds	N.H. Rev. Stat. Ann. §§ 260:23, 502-A:8
New Jersey	General funds plus non-law enforcement or non-court funds	NJ Rev Stat § 39:5-40
New Mexico	State general fund only	N.M. Stat. Ann. § 66-8-119(a)
New York	Local general funds (e.g., city/county)	NY Veh & Traf L § 1803(5)
North Carolina	Local general funds (e.g., city/county)	N.C. Const. Art. IX, § 7
North Dakota	General funds plus non-law enforcement or non-court funds	N.D. Cent. Code § 29-27-02
Ohio	General funds plus non-law enforcement or non-court funds	Ohio Rev. Code Ann. § 4501.06
Oklahoma	Any court or law enforcement funds	Okla. Stat. Tit. 47, § 11-801e
Oregon	Any court or law enforcement funds	Or. Rev. Stat. §§ 153.645, 153.660
Pennsylvania	General funds plus non-law enforcement or non-court funds	75 Pa. Cons. Stat. § 1904(a)
Rhode Island	Local general funds (e.g., city/county)	RI Gen L § 31-27-15
South Carolina	Local general funds (e.g., city/county)	S.C. Code Ann. § 56-5-6200
South Dakota	General funds plus non-law enforcement or non-court funds	South Dakota Unified Judicial System (2020)
Tennessee	General funds plus non-law enforcement or non-court funds	Tenn. Code Ann. § 55-10-303
Texas	Any court or law enforcement funds	TX Transp. Code § 542.402

Utah	Local general funds (e.g., city/county)	Utah Code Ann. § 78A-7-120
Vermont	Any court or law enforcement funds	Vt. Stat. Ann. tit. 23, § 1098
Virginia	General funds plus non-law enforcement or non-court funds	VA Code § 46.2-114
Washington	Any court or law enforcement funds	Washington Courts: Non JIS Courts Remittance Calculations
West Virginia	Any court or law enforcement funds	Administrative Rules for Magistrate Courts, 7(b)
Wisconsin	General funds plus non-law enforcement or non-court funds	WisDOT: Distributing Traffic Citation Deposits and Fines
Wyoming	Local general funds (e.g., city/county)	Wyo. Stat. Ann. § 6-10-108

Source: Authors' analysis of cited sources and communications with state and local government officials.

TABLE 2

Speeding Ticket Fees and Surcharges Allocations

50 states and the District of Columbia, as of October 2021

State	Allocation	Statutory citation or other source
Alabama	Any court or law enforcement funds	Ala. Code §§ 12-14-14, 32-5A-10, 32-5-313
Alaska	Any court or law enforcement funds	Alaska Stat. §§ 12.55.039, 22.15.250, 18.65.225
Arizona	Any court or law enforcement funds	AZ Rev. Stat. §§ 28.1598, 12.116.01-.11
Arkansas	Any court or law enforcement funds	Ark. Code Ann. §§ 16-10-305 a)(3), 16-17-707(3)(c), 16-17-705
California	Any court or law enforcement funds	CA PEN §§ 1464, 1465.7, 1465.8; GOV §§ 76000, 76104.6(a)(1)-7(a), 76000.10(c)(1), 70372, 70373
Colorado	Any court or law enforcement funds	Colo. Rev. Stat. §§ 42-1-217-(4)(a) 42-4-1701 (4)(a)(I)(L)
Connecticut	Any court or law enforcement funds	Conn. Gen. Stat. §§ 13b-61(b), 13b-70, 14-295a, 51-56a(c-d), 54-143a, 54-215(b)
Delaware	Any court or law enforcement funds	Del. Code Ann. tit. 10 § 8505. ; tit. 11, § 9012(a), 4101
District of Columbia	No additional costs	Communications with local officials
Florida	Any court or law enforcement funds	FL Stat. §§ 318.18(3), 318.18(11)(a), 318.18(11)(c), 318.18(11)(d), 318.18(17-18), 318.18(19)(a-c)
Georgia	General funds plus non-law enforcement or non-court funds	Ga. Code Ann. § 40-6-189
Hawaii	General funds plus non-law enforcement or non-court funds	Haw. Rev. Stat. §§ 291C-2, 291C-102
Idaho	Any court or law enforcement funds	Idaho Code §§ 31-3201(3,5), 31-3201A(3), 31-3201B, 31-3201H(2)(c)
Illinois	Any court or law enforcement funds	705 Ill. Comp. Stat. § 135/15-60
Indiana	Any court or law enforcement funds	Ind. Code §§ IC 37-4-2; 33-37-5-8, 33-37-5-26, 33-37-5-27
Iowa	Any court or law enforcement funds	Iowa Code Ann. §§ 911.1, 602.8106

Kansas	State general fund only	Communications with state officials
Kentucky	Any court or law enforcement funds	Ky. Rev. Stat. Ann. §§ 24A.175, 24A.176, 24A.1765, 24A.179, 24A.185, 42.230
Louisiana	Any court or law enforcement funds	La. Stat. Ann. §§ 13:10.3-4, 32: 426
Maine	Any court or law enforcement funds	Maine Judicial Branch Violations Bureau: Schedule of Amounts Due
Maryland	General funds plus non-law enforcement or non-court funds	District Court of Maryland: Traffic Fine Schedule
Massachusetts	General funds plus non-law enforcement or non-court funds	Mass. Gen. Laws ch. 90, § 20
Michigan	Any court or law enforcement funds	Mich. Comp. Laws § 257.907(4, 13)
Minnesota	General funds plus non-law enforcement or non-court funds	Minn. Stat. § 357.027, subds. 5
Mississippi	Any court or law enforcement funds	Miss. Code Ann. §§ 63-9-31(6), 63-9-33
Missouri	Any court or law enforcement funds	Mo. Rev. Stat. §§ 488.027, 21.01(a)(4;7), 21.02(a), 21.02(c)
Montana	No additional costs	Communications with state officials.
Nebraska	Any court or law enforcement funds	NE Code, §§ 24-703, 25-3010, 33-107.01, 33-107.03, 33-124, 33-(154-156), 47-633, 81-1429
Nevada	Any court or law enforcement funds	NV Revised Statutes §§ 176.059(5-9), 176.0611, 176.0613, 176.0623
New Hampshire	Any court or law enforcement funds	N.H. Rev. Stat. Ann. §§ 260:23, 106-L:10
New Jersey	Any court or law enforcement funds	NJ Rev Stat §§ 22A:3-4, 39:5-41
New Mexico	Any court or law enforcement funds	N.M. Stat. Ann. § 66-8-116.3
New York	Local general funds (e.g., city/county)	NY Veh & Traf L § 1809
North Carolina	Any court or law enforcement funds	NC Gen Stat § 7A-321
North Dakota	General funds plus non-law enforcement or non-court funds	N.D. Cent. Code § 29-27-02.1
Ohio	General funds plus non-law enforcement or non-court funds	Ohio Rev. Code Ann. § 4501.06
Oklahoma	Any court or law enforcement funds	Okla. Stat. Tit. 47, § 11-801e
Oregon	General funds plus non-law enforcement or non-court funds	Or. Rev. Stat. § 1.188
Pennsylvania	Any court or law enforcement funds	75 Pa. Cons. Stat. §§ 3121, 6506
Rhode Island	Any court or law enforcement funds	21 R.I. Gen. Laws §§ 8-15-11, 31-41.1-4(c)
South Carolina	Any court or law enforcement funds	S.C. Code Ann. §§ 14-1-212, 14-1-240
South Dakota	Any court or law enforcement funds	South Dakota Unified Judicial System (2020)
Tennessee	Any court or law enforcement funds	Tenn. Code Ann. §§ 8-21-401, 38-6-103

Texas	Any court or law enforcement funds	TX Transp. Code § 542.4031, Local Gov. Code § 133.102
Utah	Any court or law enforcement funds	Utah Code Ann. §§ 51-9-401(1)(b)(ii), 51-9-402(2)(b), 78A-7-122
Vermont	Any court or law enforcement funds	13 V.S.A. § 7282
Virginia	Any court or law enforcement funds	VA Code § 16.1-69.48:1
Washington	Any court or law enforcement funds	Washington Courts: Non JIS Courts Remittance Calculations
West Virginia	Any court or law enforcement funds	Administrative Rules for Magistrate Courts, 7(b)
Wisconsin	Any court or law enforcement funds	WisDOT: Distributing Traffic Citation Deposits and Fines
Wyoming	Any court or law enforcement funds	Wyoming Judicial Branch: Rules for Fees and Costs for Circuit Courts

Source: Authors' analysis of cited sources and communications with state and local government officials.

TABLE 3

Civil Asset Forfeitures Allocations

50 states and the District of Columbia, as of December 2020

State	Allocation (% to law enforcement funds)	Statutory citation
Alabama	100.0%	Ala. Code § 20-2-93(e)
Alaska	75.0%	Alaska Stat. § 17.30.112(c)
Arizona	100.0%	Ariz. Rev. Stat. §§ 13-2314.01(D), -03(D), 13-4315
Arkansas	100.0%	Ark. Code Ann. § 5-64-505(h)-(i)
California	76.0%	Cal. Health & Safety Code § 11489(b)(2)
Colorado	75.0%	Colo. Rev. Stat. §§ 16-13-311(3)(a)(VII), -506(1), 18-17-106(2)(d)
Connecticut	69.5%	Conn. Gen. Stat. § 54-36i(c); id. §§ 54-33g(d)-(e), -36o(g), p(g)
Delaware	100.0%	Del. Code Ann. tit. 11, §§ 4110-4111; id. tit. 16, § 4784(f)
District of Columbia	0.0%	D.C. Code § 41-310(a)(2)-(3)
Florida	75.0%	Fla. Stat. § 932.7055(5)(c)(3)
Georgia	100.0%	Ga. Code Ann. § 9-16-19(f)
Hawaii	100.0%	Haw. Rev. Stat. § 712A-16(2)-(4)
Idaho	100.0%	Idaho Code §§ 37-2744(e), 57-816(1)
Illinois	90.0%	725 Ill. Comp. Stat. 150/13.2
Indiana	93.0%	Ind. Code §§ 34-24-1-6, 34-24-1-4(c)-(d)
Iowa	100.0%	Iowa Code Ann. § 809A.17
Kansas	100.0%	Kan. Stat. Ann. § 60-4117
Kentucky	100.0%	Ky. Rev. Stat. Ann. § 218A.420(4)
Louisiana	80.0%	La. Stat. Ann. § 40:2616(B)(3)
Maine	0.0%	Me. Stat. Tit. 15 §§ 5822(4), 5824
Maryland	0.0%	Md. Code Ann., Crim. Proc. § 12-403(c)-(e)

Massachusetts	100.0%	Mass. Gen. Laws ch. 94C, § 47(d)
Michigan	100.0%	Mich. Comp. Laws §§ 333.7524(1)(b)(ii), 600.4708(1)(f)
Minnesota	90.0%	Minn. Stat. §§ 609.5315, subds. 5, 5(a-c), 169A.63, subd. 10(b)
Mississippi	100.0%	Miss. Code Ann. § 41-29-181(2)
Missouri	0.0%	Mo. Const. art. IX, § 7; Mo. Rev. Stat. § 513.623
Montana	100.0%	Mont. Code Ann. § 44-12-213
Nebraska	50.0%	Neb. Const. Art. VII, § 5(2); Neb. Rev. Stat. § 28-1439.02
Nevada	100.0%	Nev. Rev. Stat. § 179.1187
New Hampshire	90.0%	N.H. Rev. Stat. Ann. § 318-B:17-b(V)
New Jersey	100.0%	N.J. Stat. Ann. § 2C:64-6(a), (c)
New Mexico	0.0%	N.M. Stat. Ann. § 31-27-7(B)
New York	60.0%	N.Y. C.P.L.R. § 1349(2)(g)-(h)
North Carolina	0.0%	N.C. Const. Art. IX, § 7
North Dakota	100.0%	N.D. Cent. Code §§ 54-12-14, 19-03.1-36(5)
Ohio	100.0%	Ohio Rev. Code Ann. § 2981.13(B)(4)
Oklahoma	100.0%	Okla. Stat. Tit. 63, §§ 2-503(F)(2), -506(L), -508
Oregon	52.5%	Or. Rev. Stat. §§ 131A.360(1), (4), (6), -365(1), (3), (5)
Pennsylvania	100.0%	42 Pa. Cons. Stat. § 5803(f)-(i)
Rhode Island	90.0%	21 R.I. Gen. Laws § 28-5.04(b)(3)
South Carolina	95.0%	S.C. Code Ann. § 44-53-530(e)
South Dakota	100.0%	S.D. Codified Laws §§ 34-20B-64, 23A-49-20(2)(a)
Tennessee	100.0%	Tenn. Code Ann. §§ 40-33-110, -211(a)-(b)
Texas	100.0%	Tex. Code Crim. Proc. Ann. art. 59.06(c), (c-3)
Utah	100.0%	Utah Code Ann. §§ 24-4-115, -117
Vermont	45.0%	Vt. Stat. Ann. tit. 18, § 4247(b)(1)
Virginia	100.0%	Va. Code Ann. § 19.2-386.14(A1)-(B)
Washington	90.0%	Wash. Rev. Code § 69.50.505(9)
West Virginia	100.0%	W. Va. Code § 60A-7-706
Wisconsin	0.0%	Wis. Const. Art. X, § 2; Wis. Stat. § 961.55(5)(b), (e)
Wyoming	100.0%	Wyo. Stat. Ann. § 35-7-1049(r)(i)-(vi)

Source: Knepper et al. (2020).

Notes: The share of proceeds going toward law enforcement funds is subject to varying rules based on the value of property; the type of case; and revenue-sharing arrangements with funds for prosecutors, courts, or special task forces for forensics or drug enforcement. More information on those rules and additional statutory citations is available in Knepper et al. (2020), [appendix B](#).

Notes

- ¹ Per the US Census Bureau, fines and fees include “civil penalties (e.g., for violating court orders); court fees if levied upon conviction of a crime or violation; court-ordered restitutions to crime victims where government actually collects the monies; and forfeits of deposits held for performance guarantees or against loss or damage (such as forfeited bail and collateral)” and exclude “penalties relating to tax delinquency, library fines, and sale of confiscated property.” More information can be found in US Census Bureau (2006, 4–40).
- ² We are committed to employing inclusive language whenever possible, though we acknowledge that not every member of these groups may identify with these terms. Language is constantly evolving, and so will we.
- ³ Dave Munday, “[Jamestown: Speed trap, S.C.](#),” *The Post and Courier* (Charleston, SC), October 26, 2009; updated December 8, 2016; Jessica Savage, “[Oliver Police Department under Review by State Agency for Writing Illegal Speeding Tickets](#),” WTOC 11 (Savannah, GA), August 13, 2020.
- ⁴ According to Chicago’s 2022 budget, “fines, forfeitures, and penalties” make up 9.5 percent of the city’s “general operating funds.” The city’s definitions may differ from those of the US Census Bureau. More information can be found in the city’s [2022 Budget Overview](#) (page 41).
- ⁵ Per the US Census Bureau’s data on the top 100 cities by population in fiscal year 2019, Irvine, California, relied the most on fines and fees (6.9 percent of budget). However, these numbers may be misreported. We reached out to local officials in Irvine and seven other cities to clarify whether their census amounts for fiscal year 2019 were accurate. Irvine and Garland, Texas officials provided us with amounts that were significantly different from those reported by the US Census Bureau: for Irvine, local officials said the amount was \$1.3 million, versus \$31 million as reported by the census, whereas Garland officials told us \$6.5 million, versus \$9.6 million reported in the census. In Irvine’s case, in particular, the disparity is notable because the census data’s fiscal year 2019 amount is much higher than prior years’ (\$2.3 million in 2017 and \$6.1 million in 2018). We do not include Garland and Irvine in our tabulation of most reliant cities.
- ⁶ “[Driven into Debt: How Tickets Burden the Poor](#),” ProPublica, accessed September 2021.
- ⁷ Mike McIntire and Michael H. Keller, “[The Demand for Money Behind Many Police Traffic Stops](#),” *The New York Times*, October 31, 2021.
- ⁸ This study analyzed the total amount of court debt owed in about 25 states. Complete data across all states and localities in the country would likely reveal significantly higher estimates.
- ⁹ Based on the literature, available revenue data from the US Census Bureau, and communications with state and local government officials, we are unable to ascertain what share of all fines and fees revenue comes from speeding tickets. But we do know that these penalties are among the more prominent sources of fines and fees revenue collected by state and local governments. For example, we learned in communications with New Hampshire court officials, that 22 percent of all motor vehicle fines revenue came from speeding violations between November 2020 and November 2021.
- ¹⁰ Me. Stat. tit. 29-A § 2602, Jurisdiction.
- ¹¹ Iowa Code Ann. § 602.8106, Collection of Fees in Criminal Cases and Disposition of Fees and Fines.
- ¹² Emily Corwin, “[You Paid Your Speeding Ticket. Here’s Where Your Money Went](#),” Vermont Public Radio, April 30, 2018.
- ¹³ Ark. Code Ann. § 27-51-102, Penalties Generally—Disposition of Fines.
- ¹⁴ Ark. Code Ann. § 16-10-310, State Administration of Justice Fund—Distribution of Revenue.
- ¹⁵ Or. Rev. Stat. Ann. § 153.645, Disposition of Fines for Traffic Offenses.

- ¹⁶ Or. Rev. Stat. Ann. § 153.660, Use of Amounts Paid to County Treasurer.
- ¹⁷ Idaho Code § 19-4705, Payment of Fines and Forfeitures—Satisfaction of Judgment—Disposition—Apportionment.
- ¹⁸ Alaska Stat. § 18.65.225, Alaska Police Training Fund.
- ¹⁹ Haw. Rev. Stat. § 291C-171, Disposition of Fines and Forfeitures. Despite this broad statutory language, Hawaii’s rules make exceptions elsewhere: for example, those found in violation of rules for mandatory seat belts and child passenger restraints are levied surcharges, with proceeds allocated to the state’s neurotrauma and trauma system special funds (Haw. Rev. Stat. § 321H-4, Neurotrauma Special Fund; State of Hawaii Department of Health 2015).
- ²⁰ Miss. Code Ann. § 63-9-13; Wyo. Stat. Ann § 6-10-108, Disposition of Fines.
- ²¹ N.J. Stat. Ann. § 39:4-97.2, Driving, Operating a Motor Vehicle in an Unsafe Manner, Offense Created; Fines; Surcharges; Ohio Rev. Code Ann. § 4501.06, Public Safety—Highway Purposes Fund.
- ²² FindLaw staff and Steve Foley, “Speeding: State Laws,” FindLaw, April 7, 2021.
- ²³ Ky. Rev. Stat. Ann. § 24A.175, Court Costs for Criminal Cases in District Court—Payment Required—Exceptions—Treatment of Minor Defendant; see also § 24A.176, § 24A.1765, § 24A.179, and § 24A.185.
- ²⁴ Ky. Rev. Stat. Ann. § 42.320, Court Cost Distribution Fund—Disbursements—Payments into General Fund.
- ²⁵ Utah Code Ann. § 78A-7-122, Security Surcharge—Application—Deposit in Restricted Accounts.
- ²⁶ Utah Code Ann. § 51-9-401, Surcharge—Application.
- ²⁷ Mass. Gen. Laws ch. 90, § 20, Penalties and Punishments.
- ²⁸ W. Va. Code § §50-3-2a, Payment by Electronic Payments, Credit Card Payments, Cash, Money Orders, or Certified Checks; Payment Plan; Failure to Pay Fines Results in a Late Fee and Judgment Lien.
- ²⁹ Los Angeles City Controller, “City Revenue by Month,” Control Panel L.A., 2021. Per instructions from Los Angeles city officials, we filtered by “Revenue Source Category: 48” and “Fiscal Year: 2019” to obtain the relevant information.
- ³⁰ Joseph Shapiro, “As Court Fees Rise, the Poor Are Paying the Price,” National Public Radio, May 19, 2014.
- ³¹ Sarah Calame and Aravind Boddupalli, “Fines and Forfeitures and Racial Disparities,” *TaxVox* (blog), Urban-Brookings Tax Policy Center, October 2020; John D. Harden, “D.C. Parking, Traffic Tickets Snowball into Financial Hardships,” *The Washington Post*, August 2021.
- ³² Richard Webster, ““If Everybody’s White, There Can’t Be Any Racial Bias”: The Disappearance of Hispanic Drivers From Traffic Records.” *ProPublica*, November 22, 2021.
- ³³ Richard Webster, ““If Everybody’s White, There Can’t Be Any Racial Bias”: The Disappearance of Hispanic Drivers From Traffic Records.” *ProPublica*, November 22, 2021.
- ³⁴ McIntire and Keller, “The Demand for Money.”
- ³⁵ McIntire and Keller, “The Demand for Money.”
- ³⁶ “COVID-19 Fines & Fees Policy Tracker,” Fines and Fees Justice Center, accessed March 2021.
- ³⁷ “Press Release: San Francisco to Become First County in the Nation to Eliminate All Locally Controlled Fees Assessed from People Exiting the Criminal Justice System,” City of San Francisco Office of the Treasurer & Tax Collector,” May 22, 2018.

- ³⁸ [“Improving California’s Criminal Fine and Fee System,”](#) Legislative Analyst’s Office, January 5, 2016; [“Overview of Criminal Fine and Fee System,”](#) Legislative Analyst’s Office, May 13, 2021.
- ³⁹ [“Improving California’s Criminal Fine and Fee System.”](#)
- ⁴⁰ [“Press Release & Video: Lawmakers & Advocates Rally for Bill to End Predatory Court Fines & Fees,”](#) Fines and Fees Justice Center, 2021.
- ⁴¹ [Mo. Ann. Stat. § 479.359, Political Subdivisions to Annually Calculate Percentage of Revenue from Municipal Ordinance Violations and Minor Traffic Violations—Limitation on Percentage—Addendum to Report, Contents.](#)
- ⁴² [“50-State Criminal Justice Debt Reform Builder: Revenue Flow,”](#) National Criminal Justice Debt Initiative, Criminal Justice Policy Program, Harvard Law School, accessed October 29, 2021.
- ⁴³ [Ohio Rev. Code Ann. § 4501.06, Public Safety—Highway Purposes Fund.](#)

References

- American Bar Association. 2018. *Ten Guidelines on Court Fines and Fees*. Chicago: ABA.
- Bannon, Alicia, Mitali Nagrecha, and Rebekah Diller. October 2010. *Criminal Justice Debt: A Barrier to Reentry*. New York, NY: Brennan Center for Justice.
- Blair, Hunter, David Cooper, Julia Wolfe, and Jaimie Worker. 2020. *Preempting Progress*. Washington, DC: Economic Policy Institute.
- Florida Clerks of Court Operations Corporation. 2018. "Clerks' Broken Budget Model." Tallahassee, FL: Clerks of Court Operations Corporation.
- Goldstein, Rebecca, Michael W. Sances, and Hye Young You. 2018. "Exploitative Revenues, Law Enforcement, and the Quality of Government Service." *Urban Affairs Review* 56 (1): 5–31. doi:1078087418791775.
- Hammons, Brianna. 2021. *Tip of the Iceberg: How Much Criminal Justice Debt Does the US Really Have?* New York, NY: Fines and Fees Justice Center.
- Harris, Alexes, Heather Evans, and Katherine Beckett. May 2010. "Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States." *American Journal of Sociology* 115 (6): 1753–99.
- Hawaii State Department of Health. 2015. *Report to the Twenty-Eighth Legislature: Pursuant to Section 321-22.5 (g)*. Honolulu, HI: Hawaii State Department of Health.
- Holcomb, Jefferson E., Tomislav V. Kovandzic, and Marian R. Williams. 2011. "Civil Asset Forfeiture, Equitable Sharing, and Policing for Profit in the United States." *Journal of Criminal Justice* 39 (3): 273–85.
- Knepper, Lisa, Jennifer McDonald, Kathy Sanchez, and Elyse Smith Pohl. 2020. *Policing for Profit: The Abuse of Civil Asset Forfeitures*. 3rd edition. Arlington, VA: Institute for Justice.
- Leachman, Michael, Michael Mitchell, Nicholas Johnson, and Erica Williams. 2018. *Advancing Racial Equity with State Tax Policy*. Washington, DC: Center on Budget and Policy Priorities.
- Maciag, Mike. August 2019. "Addicted to Fines." *Governing*. Washington, DC.
- Mai, Chris. June 2021. *The High Price of Using Justice Fines and Fees to Fund Government in Virginia*. New York: Vera Institute for Justice.
- Makowsky, Michael. March 2019. *A Proposal to End Regressive Taxation Through Law Enforcement*. Washington, DC: Brookings Institution.
- Makowsky, Michael D., and Thomas Stratmann. 2009. "Political Economy at Any Speed: What Determines Traffic Citations." *American Economic Review* 99 (1): 509–27.
- Makowsky, Michael, Thomas Stratmann, and Alex Tabarrok. 2019. "To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement." *The Journal of Legal Studies* 48 (1): 189–216.
- Martinez, Andrew, Yolaine Menyard, Violet Sullivan, and Conor Mulvaney. June 2021. *It Takes More Than a Tool to Ensure Fairness: A Snapshot of Ability-to-Pay Tools for Fines and Fees*. New York, NY: Center for Court Innovation.
- Menendez, Matthew, Lauren-Brooke Eisen, Noah Atchison, and Michael Crowley. 2019. *The Steep Costs of Criminal Justice Fees and Fines*. New York: Brennan Center for Justice.
- Murphy, Kristina, and Julie Barkworth. April 2014. "Victim Willingness to Report Crime to Police: Does Procedural Justice or Outcome Matter Most?" *Victims & Offenders* 9 (2): 178–204.
- Murphy, Kristina, Lyn Hinds, and Jenny Fleming. May 2008. "Encouraging Public Cooperation and Support for Police." *Policing & Society* 18 (2): 136–55.

- O'Neill, Kate K., Ian Kennedy, and Alexes Harris. 2021. "Debtors' Blocks: How Monetary Sanctions Make Between-Neighborhood Racial and Economic Inequalities Worse." *Sociology of Race and Ethnicity*, published online ahead of print, November 20. doi:10.1177/23326492211057817.
- Pagano, Michael, and Christopher W. Hoene. 2018. *City Budgets in an Era of Increased Uncertainty*. Washington, DC: Brookings Institution.
- Sances, Michael W., and Hye Young You. July 2017. "Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources." *The Journal of Politics* 79 (3): 1090–94.
- Savitsky, Douglas. May 2012. "Is Plea Bargaining a Rational Choice? Plea Bargaining as an Engine of Racial Stratification and Overcrowding in the United States Prison System." *Rationality and Society* 24 (2): 131–67.
- South Dakota Unified Judicial System. July 2020. "For a \$117.50 Speeding Ticket on Interstate Highway Including Fines & Costs This Is Where Your \$\$\$ Goes...." Pierre, SD: Unified Judicial System.
- The Sentencing Project. 2018. *Report to the United Nations on Racial Disparities in the US Criminal Justice System*. Washington, DC: The Sentencing Project.
- US Census Bureau. 2006. *Government Finance and Employment Classification Manual*. Washington, DC: US Census Bureau.
- . 2020. *Census of Governments, 2017*. Washington, DC: US Census Bureau.
- . 2021. *Annual Survey of State and Local Government Finances*. Washington, DC: US Census Bureau.
- US Department of Justice. March 2015. *Investigation of the Ferguson Police Department*. Washington, DC: US Department of Justice.
- Williamson, Vanessa. November 2020. *The Long Shadow of White Supremacist Fiscal Policy*. Washington, DC: Urban-Brookings Tax Policy Center.
- Yang, Crystal S. 2017. "Local Labor Markets and Criminal Recidivism." *Journal of Public Economics* 147:16–29.

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