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New Report Reveals Widespread Jailing of Texans for Fine-Only Offenses, Contrary to Federal and State Law

1 in 8 fine-only tickets statewide are paid off through jail stays

AUSTIN, Texas — Texas' municipal and justice courts are routinely issuing arrest warrants for low-income Texans who can't afford to pay fines and fees stemming from traffic tickets and other minor offenses, forcing thousands to pay off their fines and fees through "jail credit" — where a person's debt is paid off through jail time at a rate of at least \$50 per night. Over 95 percent of all warrants issued by Texas courts are for these low-level, fine-only offenses, and 1 in 8 fine-only cases are paid off at least in part through jail stays.

A new report titled [**Pay or Stay: The High Cost of Jailing Texans for Fines and Fees**](#) by Texas Appleseed and the Texas Fair Defense Project reveals that tens of thousands of Texans are spending time in jail for non-jailable offenses. In seven counties the authors examined, more than 24,000 people had been booked into jail over the course of the year for fine-only offenses alone.

"The fact that thousands of people are spending time in jail for unpaid fines is even more alarming given the evidence that many are there simply because they cannot afford the amount owed," said Mary Mergler with Texas Appleseed. "Texas statute, as well as U.S. Supreme Court precedent, are clear that a person cannot be jailed for unpaid fines when the nonpayment was due to indigence."

If someone isn't able to pay a ticket, courts will usually put a hold on her license, add extra fees to her ticket, and issue an arrest warrant. Once arrested, low-income people are often committed to jail for days or weeks at a time, which can cause them to lose their jobs, housing, and even custody of their children.

"For a single mom trying to get her kids to school and then get to work, the effects of a single traffic ticket can be devastating," said Rebecca Bernhardt with Texas Fair Defense Project. "If judges would inquire into a person's financial status, and when they are unable to pay, find other ways to hold them accountable such as community service, then low-income people could avoid the cycle of debt, warrants and jail time that the current system perpetuates."

Pay or Stay presents new data, personal stories, and recommendations for creating a better system. These recommendations include requiring judges to determine people's ability to pay fines and costs at the time they are imposed and instructing them to immediately consider alternatives like payment plans, community service, and fine reductions.

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For more information or to schedule interviews with people directly affected, please contact:

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RESOURCES

- Infographic: [End Jail Time for Unpaid Fines in Texas](#)

About Texas Appleseed

Texas Appleseed is a public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. Our nonprofit conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. For more information, visit www.TexasAppleseed.org.

About Texas Fair Defense Project

The Texas Fair Defense Project's mission is to fight for a criminal justice system that respects the rights of low-income Texans. We envision a new system of justice that is fair, compassionate and respectful. For more information, visit www.FairDefense.org.