



# National Association for Court Management

Supported Resolution # \_\_\_\_\_2\_\_\_\_\_ Year \_\_\_\_2017\_\_\_\_\_

## **- RESOLUTION 3 – Encouraging Education on and Use of the Bench Card on Lawful Collection of Court-Imposed Legal Financial Obligations Prepared by the National Task Force on Fines, Fees, and Bail Practices - - CONFERENCE OF CHIEF JUSTICES -**

WHEREAS, important questions have arisen over the last several years concerning the imposition and enforcement of court-imposed legal financial obligations and the management of the pretrial release of individuals awaiting trial; and

WHEREAS, longstanding case law of the United States Supreme Court has interpreted the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution to establish requirements for ability to pay determinations and conditions under which incarceration can be used for individuals unable to satisfy court-ordered legal financial obligations; and

WHEREAS, in 2016 the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established a National Task Force on Fines, Fees, and Bail Practices (the “National Task Force”) to develop recommendations and tools to promote the fair and efficient enforcement of the law; to ensure that no person is denied access to the justice system based on lack of economic resources; and to develop policies relating to the handling of court-imposed legal financial obligations in order to promote access, fairness, and transparency; and

WHEREAS, CCJ and COSCA have drafted guiding principles and developed tools and templates to help courts focus on governance, independence, fairness, transparency, and accountability; and

WHEREAS, the National Task Force has developed, for use by state and local judges, a Bench Card on Lawful Collection of Legal Financial Obligations (the “Bench Card”);

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages inclusion of the Bench Card into all judicial education for judges who are authorized by law to levy fines, assess fees, and order imprisonment in connection with traffic-related and other misdemeanors or infractions.

BE IT FURTHER RESOLVED that the Conference of Chief Justices strongly encourages the use of the Bench Card by all judges.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee and the CCJ/COSCA Criminal Justice Committee at the Conference of Chief Justices Midyear Meeting on February 1, 2017.

**On April 4, 2017 the NACM Board voted to support this resolution.**