

Expected High Court Ruling on ‘Excessive’ Fines Boosts Nationwide Movement

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A growing national campaign to reduce the high court fees and fines that land many poor defendants in jail because of failure to pay is poised to receive a major boost from the Supreme Court.

In a case watched closely by both the left and right, the Supreme Court appears ready to rule in favor of a defendant who claims the Eighth Amendment’s ban on “excessive fines” should require Indiana authorities to return the Land Rover they seized in a drug case.

The justices’ questions during oral arguments this week suggested a majority agree the federal ban applies to states—signaling a consensus that could affect civil forfeiture cases as well as the escalating court fines and costs that often land poor defendants in jail because they can’t afford them, according to SCOTUSblog.

State and local governments are also paying close attention, “because fines and forfeitures have become a key source of revenue – bringing in hundreds of millions of dollars each year,” wrote *SCOTUSBlog* correspondent Amy Howe.

“By the time oral argument ended [Wednesday] morning, the justices seemed ready to say that the excessive fines clause does apply to the states, even if they don’t say much more than that.”

The case has attracted amicus briefs from groups across the political spectrum, including the Cato Institute, the American Civil Liberties Union, the Southern Poverty Law Center, the NAACP, the Constitutional Accountability Center, the Pacific Legal Foundation, and the Juvenile Justice Law Center.

“Across the country, youth are pushed into the justice system and even into correctional settings because they can’t afford fines and fees,” said Jessica Feierman, senior managing director of the Juvenile Law Center, according to a report in the *Los Alamos Daily Post*.

“Our brief urged the Court to recognize that the Constitution protects against these harmful and excessive sanctions.”

The case, *Timbs v Indiana*, was brought by Tyson Timbs, an Indiana resident whose 2012 Land Rover was impounded after he pleaded guilty to drug charges. Timbs claimed that the value of the car—\$42,000—was nearly four times the maximum fine that could have been imposed on him by the state under drug sentencing guidelines.

But the state countered that it was justified in seizing the vehicle since it had been used to transport drugs.

“Tyson has paid his debt to society,” said Sam Gedge, an attorney with the Institute for Justice, which represents Timbs. “He’s taken responsibility for what he’s done. He’s paid fees. He’s in drug treatment.

“He’s holding down a job, and he’s staying clean. But the State of Indiana wants to take his vehicle, too, and give the proceeds to private lawyers and to the officers who seized it. The Excessive Fines Clause exists to combat precisely these types of abuses.”

Chief Justice John Roberts had countered that the state had a right to seize the car since it was an “instrumentality” of Timbs’ crime. “This is how he got to the deal place and how he carried the drugs,” said Roberts.

Nevertheless, the justices appeared to agree that there was a long-established legal precedent holding that amendments to the Constitution applied to the states—which had been the question that brought the case to the High Court—even if they were at odds over the question of whether seizing the Land Rover was “excessive” under the terms of the Eighth Amendment.

Two lower courts had already agreed that the forfeiture of the Land Rover was excessive, so a ruling in favor of Timbs would likely enable him to get his car back.

Such a ruling, however, could also put wind in the sails of a growing national movement to reign in the fines and fees that effectively hold poor defendants hostage to the justice system.

That’s one reason progressives have made common cause with conservatives and libertarians in opposing civil forfeitures.

“[Many of] these forfeitures that are occurring today seem grossly disproportionate to the crimes being charged,” said Justice Sonia Sotomayor.