



Supreme Court strikes a blow against state governments that raise revenue through hefty fines and forfeitures

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WASHINGTON – The Supreme Court ruled unanimously Wednesday that state governments cannot impose excessive court fees, fines and forfeitures as a means of raising money.

The decision, which united the court's conservatives and liberals, makes clear that the Eighth Amendment's prohibition against "excessive fines" applies to the states.

Associate Justice Ruth Bader Ginsburg, just back from lung cancer surgery, wrote the court's majority opinion and announced it from the bench.

It was a victory for Tyson Timbs, who sold less than \$400 worth of heroin to undercover police officers in 2013. Upon conviction, Indiana seized his Land Rover, which he had purchased for more than \$42,000.

Liberals and libertarians alike have grouched for years about what they see as increasingly greedy governments. A study by Harvard University and the National Institute of Justice found that some 10 million people owe more than \$50 billion as a result of the fines, fees and forfeitures.

Many of the fines and forfeitures eventually are contested and reduced. But the court's ruling could cut down on their imposition in the first place.

State and local governments increasingly use funds collected in criminal and civil cases to pay for municipal services. The 100 cities with the highest proportion of revenue from fines and fees in 2012 financed between 7 percent and 30 percent of their budgets that way, according to the American Civil Liberties Union.

The practice often leads low-income defendants further into poverty, crime, prison and recidivism, the liberal Southern Poverty Law Center and libertarian Cato Institute argued in court papers. The American Bar Association noted that nearly two-thirds of prisoners have little prospect of paying the fines and fees after their release.

Timbs' conviction resulted in a year's home detention, five years' probation and about \$1,200 in fees. But it was the seizure of his SUV, purchased with life insurance proceeds after his father's death, that led to the lawsuit. The 2012 Land Rover LR2 is even a named plaintiff.

The seizure was defended by several national municipal groups. They argued in court papers that the vehicle was used in heroin trafficking that could have generated hefty profits, and that its forfeiture properly left Timbs without the ride he needed for his craft.

The case came to the Supreme Court from Indiana's highest court, which ruled that the excessive fines clause doesn't apply to the states. It represents the latest effort to determine what portions of the Bill of Rights apply to the states.

Most rights, such as the Second Amendment's right to bear arms for self-defense, have been extended. But others, such as the right to a unanimous jury verdict under the Sixth Amendment, have not.