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NOTE

JUSTICE FOR SALE: THE HIDDEN COST OF EXCESSIVE CRIMINAL FINES AND FEES ON OKLAHOMA'S INDIGENT DEFENDANTS

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I. Introduction

Two men are charged with possession of a controlled dangerous substance. Neither has a prior record. Both enter plea agreements. Both receive a one-year deferred sentence. A year later, one man's case is

[*] *Juris Doctor, Oklahoma City University, May 2026.* I would like to thank Professor Maria Kolar for her unwavering guidance and support, and for consistently encouraging me to produce my best work. I would also like to thank Ed Wunch for introducing me to the issues and unfair burdens faced by indigent defendants in Oklahoma, and for the years of physical and emotional labor he has devoted to supporting those burdened by costs and fees. I am grateful to the attorneys at the Oklahoma County Public Defender's Office for mentoring me and teaching me how to serve indigent defendants with care, respect, and zealous representation. I am thankful to the *Oklahoma City University Law Review* for providing the opportunity to share this work, and especially to the 2025–2026 Board of Editors for their hard work, patience, dedication, and friendship throughout the process of publication. Finally, I hope this work may reflect, even in a small way, the lived experiences of those I have had the opportunity to work with at cost dockets in various counties and through my work at the Oklahoma County Public Defender's Office. I hope it contributes to necessary but long delayed changes in the criminal legal system and speaks to the continued need to meaningfully protect the rights of indigent defendants.

dismissed due to substantial compliance with his supervision conditions. The other man can't afford the $40 monthly fee for "supervision" or another $40 for "district attorney reimbursement" fees. The State files an application to accelerate his deferred sentence, and a warrant is issued for his arrest. He spends a few days in jail before he can find a family member to post his bond. When he gets to court, the prosecutor offers to dismiss the application to accelerate his deferred sentence if he pays half of the supervision fees balance and half of the district attorney's reimbursement balance. After a few months, and a few more court dates, he can pay half of the fees that were owed, and the application to accelerate is dismissed. His one-year probation has expired, but he still has more court dates to attend. He must pay the remaining balance of his district attorney reimbursement fees, supervision fees, in addition to other "court costs" accumulated over time from warrants, varius court funds, and other court-imposed fees as a "user" of the courts.

The hypothetical men received the same sentence, in name only, but lived two drastically different experiences. The only thing that set them apart was how much money each had. The "man who couldn't pay" tells the story of the lived reality for poor persons charged with crime in Oklahoma. In Oklahoma's criminal court system, it is very expensive to be poor.

Oklahoma's sky-high incarceration rates have earned national recognition. One factor contributing to Oklahoma's exceptionally high incarceration rates is the imposition of excessive fines and fees. In 2019, "Oklahoma courts routinely incarcerate[d] people for failing to pay their court fines, fees, and costs, without ever determining that their failure to pay was willful and not the result of their poverty."[1] And the cost of this kind of incarceration is extremely high. People convicted of crimes, including non-violent crimes, face fees for conditions such as "mandatory drug and alcohol tests, electronic monitoring and other miscellaneous charges."[2] These charges can lead to hundreds of thousands of dollars in criminal debt for defendants, and those who are unable to pay these fees face a continuous cycle of incarceration and court involvement.[3]

Recent legal reform reasonably addresses the disproportionate burden

1. MYESHA BRADEN ET AL., LAWS. COMM. FOR C.R. UNDER L., ENFORCING POVERTY: OKLAHOMA'S RELIANCE ON FINES & FEES 3 (2019), https://indd.adobe.com/view/6a8c0376-dba2-4aa2-b64d-f537c63d65b5 [https://perma.cc/9DLQ-BX9B].

2. *Id.*

3. *Id.*

of criminal costs, fines, and fees on poor Oklahomans. There is a disconnect, however, between these new legal protections and their application in the judiciary. Failure to eliminate excessive fines and fees creates a criminal justice system where "justice" is based on wealth. It is crucial to end the cycle of punishing poverty and ensure that equal protection and due process of law are available for all, including indigent criminal defendants.

This Note argues that Oklahoma has admirable and strong legislative safeguards for indigent criminal defendants but still suffers from a systemic failure to enforce these safeguards, particularly when courts impose unaffordable "supervision conditions" and fail to adequately conduct "ability-to-pay" assessments. This disparity between law and practice leads to unfair and counterproductive punishment for poverty.

Section II traces the history of debtors' prisons in America. Section III tells a tragic story that illustrates how court-imposed financial obligations can overwhelm indigent defendants already struggling in other areas of life. Section IV analyzes United States Supreme Court precedent on criminal costs. Section V outlines the specific costs, fees, and fines currently imposed in Oklahoma. Section VI examines the burdens these financial obligations place on both defendants and the state. Section VII unpacks the complex legal framework that governs criminal costs in Oklahoma. Finally, Section VIII proposes further legislative reforms to end the punishment of poverty and argues for meaningful ability-to-pay determinations to ensure that Oklahoma law is applied fairly and effectively.

II. The History of Debtors' Prisons

Debtors' prisons were common law institutions that punished individuals who failed to pay their debts. Charles Dickens, the renowned British novelist, is frequently cited in modern legal scholarship on debtors' prisons.[4] Dickens criticized the harsh realities and injustices of debtors' prisons. In his novel, *David Copperfield*, the protagonist stated, "[I]f a man had twenty pounds a-year for his income, and spent nineteen pounds nineteen shillings and sixpence, he would be happy, but that if he spent twenty pounds one he would be miserable."[5] The quote emphasizes the

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4. *See, e.g.*, Christopher D. Hampson, *The New American Debtors' Prisons*, 44 AM. J. CRIM. L. 1, 3 (2016).

5. CHARLES DICKENS, DAVID COPPERFIELD loc. 335 (Floating Press ed. 2008) (1850) (ebook).

delicate balance of maintaining and managing finances. However, as Dickens critiqued, in Victorian England small debts could burst the fragile line between liberty and imprisonment.[6]

Common law debtors' prisons came to America with early colonists.[7] Originally, there were concerns about imprisoning people for their debts.[8] However, in the eighteenth century, colonists noticed increased economic growth stemming from the imprisonment of debtors; thus, the practice continued.[9] In colonial times, both wealthy and poor debtors were imprisoned; nevertheless, disparities based on wealth existed even in colonial years.[10] The disparities were evidenced by segregation between wealthy and poor prisoners.[11] In debtors' prisons, inmates could pay for better conditions.[12] So those who could pay lived in better quarters with good food and an assortment of amenities.[13] Those who could not pay lived in dirty, disease-filled quarters without access to adequate food and water.[14]

Concerned citizens publicly called for the abolition of debtors' prisons in the early 1800s.[15] The states initiated the abolition movement.[16] Numerous sources claim federal law abolished debtors' prisons in 1833; but to this day, no legislation exists that creates a federal ban on debtors' prisons.[17] In fact, in 1839, Congress passed legislation requiring federal courts to follow the debtors' prison laws of the states in which they are located.[18] This law is the only federal law Congress has enacted regarding debtors' prisons.[19] It appears Congress left the decision of whether to maintain debtors' prisons to the states.[20] As of October 2024, forty-one

6. *See id.*
7. Nino C. Monea, *A Constitutional History of Debtor's Prisons*, 14 DREXEL L. REV. 1, 8 (2022).
8. *Id.*
9. *Id.*
10. Neil L. Sobol, *Charging the Poor: Criminal Justice Debt & Modern-Day Debtors' Prisons*, 75 MD. L. REV 486, 496 (2016).
11. *Id.*
12. *Id.* at 496-97.
13. *Id.* at 497.
14. *Id.*
15. *See* Hampson, *supra* note 4, at 18.
16. *Id.* at 17-18.
17. *Id.* at 19 n.133.
18. *Id.* at 19.
19. *See id.*; *see also id.* at 19-20 n.138 ("The law had to be clarified in 1841 . . . . The 1841 act clarified that the statute should be construed to abolish debtors' prison wherever a state had abolished it, even if the abolition took place in the future.").
20. Monea, *supra* note 7, at 58.

states have formally banned debtors' prisons.[21] This virtual legal consensus among the states against debtors' prisons reflects one of the broadest constitutional rights recognized at the state level but not explicitly guaranteed by the federal Constitution.[22]

III. Setting the Scene

Before analyzing excessive fines and fees, it is important to understand the rise of mass incarceration in America. Responding to increasing crime rates in the 1980s, many states passed new laws increasing criminal sentences.[23] This criminal "reform" substantially increased the cost of the criminal legal system, forcing states to allocate more general funds to maintain jails and prisons.[24] To supplement rising costs, states began charging defendants as the "users" of the criminal justice system.[25] The harsh effects of incarceration on individuals and society continue to attract broad academic and public attention, but the imposition and collection of criminal fines and fees raise distinct and problematic issues that require increased attention and analysis.

In 2010, the Brennan Center published findings on the impacts of criminal justice debt.[26] The report advised that contemporary practices create "new paths back to prison . . . for those who owe criminal justice debt."[27] The report kick-started widespread concern regarding the disproportionate impact of criminal costs and fees on indigent persons. One particularly tragic case contextualizes the pervasive and interconnected roles that poverty, race, and injustice play within the American criminal justice system.

In July of 2015, Sandra Bland was found dead in her jail cell in Waller County, Texas.[28] Her death sparked a nationwide outcry because it

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21. Alexis Voudrie, *Harris County, Texas and Abolishing Modern-Day Debtors' Prisons*, EQUAL JUST. UNDER L. (Oct. 10, 2024), https://equaljusticeunderlaw.org/thejusticereport/2024/10/10/harris-county-texas-and-abolishing-modern-day-debtors-prisons [https://perma.cc/9N39-V78M].

22. Monea, *supra* note 7, at 67.

23. Michael F. Crowley, Matthew J. Menendez & Lauren-Brooke Eisen, *If We Only Knew the Cost: Scratching the Surface on How Much it Costs to Assess and Collect Court Imposed Criminal Fees and Fines*, 4 UCLA CRIM. JUST. L. REV. 165, 166 (2020).

24. *Id.*

25. *Id.*

26. ALICIA BANNON, MITALI NAGRECHA & REBEKAH DILLER, CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY 1 (2010).

27. *Id.* at 2.

28. David Montgomery, *Sandra Bland, It Turns Out, Filmed Traffic Stop*

exemplified the number of Black individuals who unnecessarily die through interactions with the American criminal justice system.[29] Sandra Bland's case demonstrates the profound toll that criminal fines and fees can have on poor persons.

Sandra Bland was raised by a single mother, who had her first child at the age of fifteen.[30] Bland succeeded in high school and in college, but she still struggled to find work.[31] Eventually, she found a job in the Houston area.[32] In Houston, she acquired a fair number of speeding tickets and misdemeanor charges for possession of marijuana.[33] Bland hired a lawyer, but she ran out of money and was "forced" to plead guilty and was then sentenced to thirty days in Harris County Jail.[34] After suffering through deplorable jail conditions, Bland moved back to Chicago to be near her family.[35] At this point, Bland was out of work and struggling financially.[36] Her financial challenges prevented her from paying the remaining Harris County criminal debts.[37] She could not afford to pay the fines; so she chose to return to the Harris County jail to "sit out" her remaining debts.[38] Harris County allowed defendants to discharge fines by serving time in jail.[39] Back in the Chicago area, Bland cycled through a series of unpleasant jobs making less than $8,000 per year.[40] Over the years, Bland continued to accumulate criminal court costs, including traffic infractions and drug possession charges.[41] Meanwhile, Bland was vocal with her family and on social media about her mental health struggles.[42]

Eventually Bland was offered a temporary job in Texas for $13.80 per

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Confrontation Herself, N.Y. TIMES (May 7, 2019), https://www.nytimes.com/2019/05/07/us/sandra-bland-video-brian-encinia.html (on file with the Oklahoma City University Law Review).

29. *Id.*

30. Debbie Nathan, *What Happened to Sandra Bland*, NATION (Apr. 21, 2016), https://www.thenation.com/article/archive/what-happened-to-sandra-bland/ (on file with the Oklahoma City University Law Review).

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *See id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

hour, and she immediately left Chicago.[43] After arriving in Texas, she was on her way back from signing paperwork for her new job when she was "pulled over, brutalized, and arrested" during a traffic stop.[44] At the jail she alerted intake staff that she had attempted suicide after an ectopic pregnancy, and she continued to feel "very depressed" at intake.[45] Jail policy required an immediate visit with a mental health professional when an inmate vocalized such concerns, but Bland never received any mental health care.[46]

Bland was charged with felony assault on a public servant and was placed in a high-security cell, similar to the conditions of solitary confinement.[47] The only way for Bland to reach out to family and friends was with a wall phone that cost $14.99 per call.[48] Bland's bond was set at $515.[49] She could not afford to bond out, so at the booking desk—after being given access to a free phone—she called and asked her sister and a family friend for help, but they were also unable to pay the bond.[50] One friend volunteered to raise funds from his fraternity brothers, but he did not act urgently because Bland had previously shared that sitting out was typically an easy process for her.[51] Only $515 stood between Bland and her release from custody.[52] Instead she remained confined in her cell, alone and enduring a severe mental battle.[53] The following narrative details Bland's tragic final hours in custody:

> Sandy called no one from her cell. No one visited. She was a woman with a reputation for never crying—yet, according to the women in a nearby cell, she spent Sunday sobbing uncontrollably and saying, repeatedly, that being locked up was not a life she could deal with.
>
> On Monday, at about 6:30 am, she refused breakfast. Just before 8 am, she used the emergency-only intercom to beg a jail employee for more free calls from the front desk. He refused and said she needed to use the telephone

43. *Id.*
44. *Id.*
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id.*
49. *Id.*
50. *Id.*
51. *Id.*
52. *Id.*
53. *Id.*

> in her cell. Two minutes later, she was on the intercom, making the same request. He again refused.
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> An hour later, she was found hanging from a bathroom privacy partition in her cell with a noose around her neck, fashioned from a plastic, jail-issue garbage bag. Her feet were touching the ground. The position is well known among coroners as being common in suicides, and quite effective for quickly causing death.[54]

Bland's death was a tragedy—one that would not have occurred as it did had she not been too poor to pay for her release. Her story highlights how poverty effectively increases a person's criminal "punishment," from being unable to post bond or make phone calls, to the added burden of criminal costs, fines, and fees for indigent defendants. Bland struggled financially, mentally, and physically throughout her entire adult life. Each challenge she faced was worsened by the constant weight of her unresolved criminal debt.

IV. Constitutional Challenges to the Criminalization of Poverty in the Contemporary Criminal Justice System

In 1956, the Supreme Court addressed the unequal treatment of indigent defendants in criminal cases.[55] In *Griffin v. Illinois*, the Supreme Court considered whether a state court denied indigent defendants their constitutional rights to due process and equal protection of the law by failing to provide the necessary means to obtain appellate review.[56] Under Illinois law, defendants were required to provide the appellate court a bill of alleged errors that was certified by the trial court.[57] It was virtually impossible for defendants to meet this requirement without a transcript of the trial proceedings.[58] Thus, the two petitioners in *Griffin* argued that failure to provide a transcript, despite their inability to pay, was a violation of the Equal Protection and Due Process Clauses.[59] The *Griffin* Court treated indigency the same as other categories of societal marginalization and reasoned that Illinois's failure to provide the defendants with the

54. *Id.*
55. *See* Griffin v. Illinois, 351 U.S. 12, 19 (1956).
56. *Id.* at 13.
57. *Id.*
58. *Id.* at 13-14, 14 n.4.
59. *Id.* at 14-15.

necessary trial transcript stripped the defendants of their right to a fair criminal trial.[60] Hence, the State violated the petitioners' rights to due process and equal protection.[61]

Griffin established a landmark precedent for indigent defendants and is often referenced in cases addressing specific challenges faced by indigent defendants. Fifteen years later, new cases focusing on indigency in relation to court costs and fees reached the Supreme Court. Three landmark Supreme Court cases—*Williams v. Illinois*, *Tate v. Short*, and *Bearden v. Georgia*—are foundational in this area.[62] These cases established crucial precedents that protect individuals from incarceration based on poverty, and their importance remains essential in ensuring fairness and equality under the law. Legal advocates and scholars today continue to reference these decisions in ongoing debates about the criminalization of poverty. These cases lay the groundwork for challenging current practices that effectively and unfairly punish people based on their economic status, therefore keeping the issue of wealth-based discrimination in the criminal justice system front and center in ongoing legal reform discussions.

In *Williams v. Illinois*, the Supreme Court held that it is unconstitutional for a state to extend imprisonment beyond a maximum sentence defined by state statute because a defendant is unable to pay a fine.[63] In *Williams*, the appellant was convicted of petty theft and was sentenced to one year of imprisonment, a $500 fine, and a $5 court costs tax.[64] During his sentence in the county jail, the appellant petitioned to vacate the order requiring him to remain in jail beyond his sentence, due to "non-payment of [his] fine and court costs."[65] The appellant was indigent and could not afford these costs unless he was released to work.[66] However, the trial court denied his petition to vacate the order.[67] The appellant argued that the Illinois Criminal Code provided a maximum imprisonment term and that Illinois denied him equal protection of the law by extending his imprisonment beyond the statutorily allowed time

60. *Id.* at 17.
61. *See id.* at 19.
62. *See generally* Williams v. Illinois, 399 U.S. 235 (1970); Tate v. Short, 401 U.S. 395 (1971); Bearden v. Georgia, 461 U.S. 660 (1983).
63. *Williams*, 399 U.S. at 243.
64. *Id.* at 236.
65. *Id.* at 237.
66. *Id.*
67. *Id.*

because of his inability to pay.[68] Illinois argued that the policy was rationally related to its interest in collecting revenues lost by failure to pay fines.[69] The *Williams* Court reasoned that the facially neutral state statute "as applied to Williams works an invidious discrimination solely because he is unable to pay the fine."[70] Accordingly, regarding the Equal Protection Clause, the *Williams* Court held that it requires the state's statutory ceiling on imprisonment to be the same for *all* defendants regardless of their economic status.[71]

A year later, in *Tate v. Short*, the Supreme Court held that a state cannot impose a "fine" and then convert it into a term in jail, solely because a defendant is indigent and cannot afford to pay the full amount of the fine.[72] In *Tate*, the appellant was convicted on nine traffic offenses and amassed $425 in fines.[73] In Texas, a state statute and a municipal ordinance required defendants to serve time in a municipal prison farm until all debts were paid at a rate of $5 per day.[74] This meant that the appellant would need to serve eighty-five days to pay off his fines.[75] The Texas Court of Criminal Appeals affirmed the trial court's ruling and rejected the appellant's argument.[76] However, on certiorari, the *Tate* Court held that it is unconstitutional for a state to "impose[] a fine as a sentence and then automatically convert[] it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full."[77] This case was distinguishable from *Williams*, where the Illinois statute provided for both a fine and a term of imprisonment.[78] Here, the Texas statute only imposed a fine, and the sole reason for the appellant's term of imprisonment was his *failure* to pay his fine.[79] The *Tate* Court reasoned that because Texas law imposed *only* fines as punishment for traffic offenses, increasing the punishment to jail time, based only upon failure to pay, denies equal protection of the law to indigent persons.[80] Further,

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68. *Id.* at 238.
69. *Id.*
70. *Id.* at 242.
71. *Id.* at 243.
72. Tate v. Short, 401 U.S. 395, 398 (1971) (citing Martin v. Schoonfield, 399 U.S. 508 (1970)).
73. *Id.* at 396.
74. *Id.* at 396-97.
75. *Id.* at 397.
76. *Id.*
77. *Id.* at 398 (quoting Morris v. Schoonfield, 399 U.S. 508, 509 (1970)).
78. *Id.* at 397.
79. *Id.* at 397-98.
80. *Id.* at 399.

the *Tate* Court noted that such poverty-based imprisonment did not serve the state's legitimate interest in enforcing the payment of criminal fines.[81] And while the *Tate* Court found it unnecessary to evaluate every possible alternative, in a footnote, the Court mentioned that Texas could use other mechanisms to enforce a judgment for failure to pay fines.[82] For example, the footnote highlighted the fact that several states use a payment plan system, which allows defendants to pay smaller amounts over time.[83]

In 1983, in *Bearden v. Georgia*, the Supreme Court held that a state can only imprison a criminal defendant for "failure to pay" if the defendant has "willfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay."[84] In *Bearden*, after pleading guilty, the petitioner was sentenced to probation and ordered to pay a $500 fee, as well as $250 in restitution.[85] Despite borrowing money from his parents and making serious efforts to find work, the petitioner was unable to earn sufficient income to pay his fees in full, due largely to his low education level and inability to read.[86] After notifying the probation office that he was unable to pay, the trial court granted the State's petition to revoke the petitioner's probation.[87] The *Bearden* Court reasoned that imprisoning a defendant because of non-willful failure to pay was indistinguishable from the instances of imprisonment that the Court struck down in *Williams* and *Tate*, where the state courts "automatically turned a fine into a prison sentence."[88] Accordingly, the *Bearden* Court clearly stated that it is fundamentally unfair for a state to imprison a person for failure to pay criminal costs, unless it is first determined that a person's failure to pay is "willful."[89]

V. Overview of Court-Imposed Costs in Oklahoma's Criminal System

Court-imposed fees on criminal defendants are commonly referred to as "Legal Financial Obligations" or LFOs.[90] At every stage of a criminal

81. *Id.*
82. *Id.* (citing Williams v. Illinois, 399 U.S. 235, 244-45 (1971)); *id.* at 400 n.5.
83. *Id.* at 400 n.5.
84. Bearden v. Georgia, 461 U.S. 660, 672 (1983).
85. *Id.* at 662.
86. *Id.* at 662-63.
87. *Id.* at 663.
88. *Id.*
89. *Id.*
90. Monica Llorente, *Criminalizing Poverty Through Fines, Fees, and Costs*, A.B.A.

proceeding, defendants face various LFOs.[91] To demonstrate the "costs" of these LFOs, the following section examines various costs Oklahoma criminal defendants face, from an initial charge through possible conviction, sentencing, and well beyond.

First, for many defendants, the accumulation of costs starts once they are arrested and taken into custody.[92] Most individuals prefer to "bail out" of jail and wait for proceedings while continuing with life in their own home or with family.[93] This requires "posting bond."[94] A "bond" is an exchange of money between a court and a defendant, or a bondsman on a defendant's behalf, to ensure public safety and the defendant's legal obligation to comply with the procedure regarding their charges.[95] The system of bonding out of jail before resolution of a criminal matter is not intended to be punitive.[96] Rather, a bond is intended to ensure that a defendant appears in court and to protect the public.[97] Defendants can pay for a bond either with cash or through a surety.[98] A cash bond requires paying the entire bond amount; so, if a bond is $1,000, a defendant would pay the full $1,000 to the court.[99] However most people are not able to afford the full bond amount.[100] Accordingly, the "surety" option is the more popular option among defendants.[101] This option is often effectuated by employing a "bondsman."[102] Bondsmen often require a payment that is 10% of the required bond.[103] Using the example above, this option still requires a defendant to pay $100 to a bondsman in order to "make bond." For indigent defendants, even 10% of the bond amount is often beyond

(Oct. 3, 2016), https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/criminalizing-poverty-through-fines-fees-costs/ (on file with the Oklahoma City University Law Review).

91. *See* BANNON, NAGRECHA & DILLER, *supra* note 26, at 8.

92. *See* BERNADETTE RABUY & DANIEL KOPF, PRISON POL'Y INITIATIVE, DETAINING THE POOR: HOW MONEY BAIL PERPETUATES AN ENDLESS CYCLE OF POVERTY AND JAIL TIME 1 fig. 1 (2016).

93. *See id.*

94. *See id.* at 2.

95. *Id.* at 4.

96. Lauren Bennett, Note, *Punishing Poverty: Robinson & The Criminal Cash Bond System*, 25 WASH. & LEE J. C.R. & SOC. JUST. 315, 321 (2019).

97. *Id.*

98. RABUY & KOPF, *supra* note 92, at 3.

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

their financial capacity.

If a defendant is unable to afford to "bond out" of jail, they may be granted release without payment at the time of arraignment.[104] An "arraignment" is a defendant's initial appearance in front of a judge.[105] At this proceeding, a judge informs the defendant of their charges and, if they haven't already posted bond, the amount at which bond is set.[106] If a defendant cannot afford to post bond at arraignment, a judge may allow a defendant to be released on their "own recognizance," or an "OR Bond" until their next court appearance.[107]

After arraignment, a defendant will be set for their next appearance in court before the judge assigned to their case.[108] Before the assigned judge, defendants can either set a trial date or begin negotiations with the State to enter a plea agreement.[109] In the first proceeding before the assigned judge, indigent defendants may apply for court-appointed counsel.[110] In several states, this requires filling out an application for a public defender.[111] In Oklahoma, a defendant must fill out an application for the court to "determine indigency."[112] If a defendant has been released from custody before being appointed counsel, the defendant must demonstrate that they contacted three private attorneys and were unable to afford their services.[113] Filing an application for court-appointed counsel costs a non-refundable $40 fee at the time the application is submitted.[114] Once an application is submitted, the district court has discretion to determine whether a defendant is "indigent" based on the financial information submitted to the court.[115] For defendants who are not provided "appointed counsel" based on a finding of indigency, they must hire a private attorney.

104. *Criminal Law*, OKLA. BAR ASS'N (last updated Dec. 2016), https://www.okbar.org/wp-content/uploads/2022/05/Criminal-Law.pdf (on file with the Oklahoma City University Law Review).

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. Nicholas Miller, *You Have the Right to an Attorney, But it Might Cost You*, NATION (Oct. 30, 2023), https://www.thenation.com/article/society/public-defender-fees/# (on file with the Oklahoma City University Law Review).

112. MAREA BEEMAN ET AL., AT WHAT COST? FINDINGS FROM AN EXAMINATION INTO THE IMPOSITION OF PUBLIC DEFENSE SYSTEM FEES 10 (2022).

113. *Id.* at 30-31.

114. *Id.* at 31.

115. *Id.* at 30.

Before ever appearing before the trial judge, indigent defendants already face increased costs because of their poverty. This is only the beginning. After completion of a trial, or reaching a plea agreement, a defendant's financial burden dramatically increases with additional fees and ongoing payment obligations that can extend beyond the completion of a defendant's court involvement regarding their charges.[116] The following section will examine these fines and fees in more detail.

Before discussing criminal fines for defendants who end up with a conviction or a deferral, it is important to distinguish between "criminal fines" and "criminal fees." Criminal "fines" are monetary sanctions imposed by the court as *punishment* for a defendant's unlawful conduct, while "fees" are charges imposed by the government with the goal of defendants assisting in the "costs" incurred by the state related to their charges.[117] In Oklahoma, the statute defining each crime specifies what the potential penalty is for that crime. Such penalties typically include imprisonment or jail time, as well as a potential fine. For example, a misdemeanor conviction for possession of a controlled dangerous substance has a penalty of up to one year in jail and a fine of up to $1,000.[118] In this case, the "fine" assessed is a form of punishment in the same way that a sentence of jail time is a form of punishment.

Typically, if a case is dismissed, "costs" are dismissed as well, but if a defendant is convicted and sentenced, the court will add up the fines, costs, and fees owed.[119] In Oklahoma, such fees include the following: a $50 fee for any warrants issued; a $25 fee for the Oklahoma Court Information System revolving fund; and several other small fees that vary from case to case and court to court.[120] While those amounts may seem small, when added together with a defendant's fines and other fees the overall cost to the convicted defendant expands significantly. In addition to those smaller fees, there are larger fees that require a more detailed overview.

a. Court-Appointed Counsel Fees

116. *See, e.g.*, *id.*

117. RYAN GENTZLER, OKLA. POL'Y INST., THE COST TRAP: HOW EXCESSIVE FEES LOCK OKLAHOMANS INTO THE CRIMINAL JUSTICE SYSTEM WITHOUT BOOSTING STATE REVENUE 2 (2017), https://okpolicy.org/wp-content/uploads/The-Cost-Trap-How-Excessive-Fees-Lock-Oklahomans-Into-the-Criminal-Justice-System-without-Boosting-State-Revenue-updated.pdf [https://perma.cc/872Z-EHP9].

118. OKLA. STAT. tit. 63, § 2-402(B)(1) (2026).

119. *See* BEEMAN ET AL., *supra* note 112, at 32-33.

120. OKLA. STAT. tit. 28, §§ 31, 153(A), (A)(9), (D) (2026).

It is a well-known fact that the Sixth Amendment to the Constitution guarantees the right of counsel to all criminal defendants, including those who cannot afford to hire their own lawyer.[121] However, most states still charge indigent defendants for services provided by their public defenders and other court-appointed attorneys.[122] A report by the National Legal Aid and Defender Association found that forty-two states and Washington, D.C. have authorized the imposition of "public defense system fees."[123] Some states charge defendants a flat fee that is based on the type of crimes charged.[124] Other states evaluate each case and allow lawyers to estimate their own costs of representation—sometimes resulting in defendants being charged thousands of dollars in court-appointed counsel fees.[125]

In the 1974 case *Fuller v. Oregon*, the Supreme Court upheld an Oregon recoupment statute that mandated that criminal defendants, who were assigned indigent representation by the state, repay the state for the cost of their prosecution and defense.[126] The *Fuller* Court held that the Oregon statute, which required recoupment only if a defendant later became able to pay, did not violate the Equal Protection Clause.[127] Although noting the statute could potentially chill the exercise of the Sixth Amendment right to counsel, the *Fuller* Court found that such an effect was not the statute's intended purpose and, therefore, did not render it unconstitutional.[128] In his dissent, Justice Marshall noted a discrepancy in how indigent defendants are punished for their debts.[129] Justice Marshall pointed out that in a case where a defendant who hires a private attorney fails to pay, the debtor may be subjected only to civil debtor's obligations, while an indigent defendant's obligation to pay can be a condition of the defendant's probation, and could result in the person going to jail as a result of failure to pay recoupment fees.[130] Thus, indigent defendants could be treated differently and not receive equal protection of the law.[131]

Similar to Oregon, Oklahoma has a recoupment statute. Under

121. Gideon v. Wainwright, 372 U.S. 335, 343 (1963).
122. BEEMAN ET AL., *supra* note 112, at 1.
123. *Id.* at 4-5.
124. Miller, *supra* note 111.
125. *Id.*
126. Fuller v. Oregon, 417 U.S. 40, 43 (1974).
127. *Id.* at 57.
128. *Id.*
129. *Id.* at 60 (Marshall, J., dissenting).
130. *Id.*
131. *Id.*

Oklahoma law, district courts must enter an order requiring defendants who have used the Oklahoma Indigent Defense System ("OIDS") for criminal case representation to reimburse the state for the cost of their legal defense.[132] Oklahoma is one of the states that charges defendants a flat fee based on the criminal charge at issue and the extent of the representation.[133] Such representation fees include the following: $150 for a misdemeanor case where a guilty plea was entered; $250 for a felony case where a guilty plea was entered; $500 for a misdemeanor case tried to a jury; $1,000 for a felony case tried to a jury; $200 for a merit hearing on an application to revoke a suspended sentence or accelerate a deferred sentence in a misdemeanor case; and $300 for the same type of hearing in a felony case.[134]

b. Fees for Time Served in Jail

As mentioned previously, the criminal case "journey" of many defendants begins in a county or city jail. And for many defendants, their ultimate punishment if they are convicted will include not only a fine, but also a sentence to be served in custody of a county jail or a state prison. Focusing on shorter sentences, often for misdemeanor crimes, many individuals will be ordered to spend up to a year in a county jail.[135] Defendants who spend time in jail, whether before sentencing or as part of their sentence, may be required to reimburse the jail or detention facility for the cost of their confinement.[136] These fees vary from county to county and are often charged on a flat daily basis.[137] Incarceration fees greatly contribute to the debt owed by many criminal defendants.

c. Fees Attached to Noncustodial Sentences

For some defendants, a "deferred sentence" may be imposed. A deferred sentence occurs when further proceedings are delayed "upon the specific conditions prescribed by [a] court."[138] In Oklahoma, while sentencing is deferred, the state can impose certain conditions that the

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132. OKLA. STAT. tit. 22, § 1355.14(A) (2026).
133. BEEMAN ET AL., *supra* note 112, at 4.
134. OKLA. STAT. tit. 22, § 1355.14(E)(1)-(6).
135. *Criminal Law*, *supra* note 104.
136. OKLA. STAT. tit. 22, § 979a(A) (2026).
137. *See id.* § 979a(C).
138. OKLA. STAT. tit. 22, § 991c(A) (2026).

defendant must abide by to continue to defer sentencing.[139] The state legislature has granted prosectors and district judges the power to impose the following conditions: paying court costs; paying for an assessment; engaging in community service work; and serving jail time not exceeding ninety days.[140] The district attorney can also require a defendant to be "supervised" as a condition of deferred sentencing.[141] When supervision is a required condition of a deferred sentence, the defendant is responsible for paying a supervision fee of $40 per month.[142] In addition to supervision fees, the defendant must pay $40 per month to the district attorney for the first two years of supervision to reimburse the state for prosecution costs unless the defendant is supervised by the district attorney.[143] So in the case a defendant is supervised by the Department of Corrections, they will have a total of $80 in required monthly payments for up to two years. If a defendant completes all the conditions of a deferred sentence, then the court will dismiss the original charge.[144] But if the district attorney finds that a defendant has violated the terms of their deferred sentence, then the office can file an application that alleges each violation and can request a hearing to accelerate the judgment in a matter.[145] If the State is successful in accelerating a deferred sentence, a defendant can be convicted and sentenced to a term of imprisonment.[146]

Defendants may also have their sentence "suspended." Unlike a "deferred" sentence, where the ultimate judgment of the court is delayed and may ultimately be dismissed, a "suspended" sentence is a conviction.[147] When a defendant is convicted, the district court can suspend the sentence in whole or in part.[148] For example, if a defendant is sentenced to three years, the district court can order the defendant to serve the entire sentence in prison, or the district court can "suspend" all but the first year.[149] In this example, the defendant would only be imprisoned for the first year and then spend the remaining two years of the sentence out

139. *Id.* § 991c(A)(1)-(11).
140. *Id.* § 991c(A)(1)-(5).
141. *Id.* § 991c(A)(7).
142. *Id.*
143. *Id.*
144. *Id.* § 991c(D).
145. *Id.* § 991c(F).
146. *See id.* § 991c(G).
147. OKLA. STAT. tit. 22, § 991a(A)(1) (2026) (all versions).
148. *Id.*
149. *Id.*

of custody.[150] Similar to deferred sentencing, the district court can require a defendant whose sentence has been suspended to follow certain conditions to stay in compliance with the terms of the suspended sentence that includes paying supervision fees, district attorney reimbursement fees, court costs, courses, and other conditions that vary from case to case, such as paying for drug testing or health assessments.[151] If a defendant violates these financial or other conditions, or commits another "non-technical" violation of their sentence, such as being arrested for a new crime, the State can file an application alleging violations and request a hearing "to revoke" the remainder of the defendant's suspended sentence in whole or in part.[152] If the district attorney is successful in a hearing to revoke a suspended sentence, a defendant can be imprisoned for the full term of the original sentence or for part of the original sentence as determined by the district court.[153]

Although deferred and suspended sentences are often seen as appealing alternatives to traditional incarceration, they carry significant financial burdens. The Oklahoma statutes governing these sentencing alternatives are dense, and while there are many paths that can lead to revocation or acceleration, the possibility that a defendant may ultimately be jailed solely for failing to pay is often obscured within the statutory framework. A synthesis of Oklahoma law and *Bearden*'s holding, however, clearly demonstrates that the should not be able to revoke a suspended sentence or accelerate a deferred sentence based solely on a defendant's inability to pay before finding that the failure to pay was "willful," rather than being the result of poverty.[154]

VI. The Burden of Criminal Cost

As discussed above, individuals involved in the Oklahoma criminal justice system are subject to a variety of costs, which accumulate over time. Although some criminal sentences last only a few months, the financial obligations associated with prosecution, detention, and conviction often persist long after defendants have completed all of their

150. *Id.*
151. *Id.* (((version 2) amended by HB 1460, c. 305, § 2) & ((version 3) amended by HB 1462, c. 306, § 1) (2025)) (version 2 lists the conditions from (a) to (hh), while version 3 lists the conditions from (a) to (ii)).
152. OKLA. STAT. tit. 22, § 991b(A)-(B) (2026).
153. *Id.*
154. Bearden v. Georgia, 461 U.S. 660, 674 (1983); tit. 22, § 991a(E) (all versions); tit. 22, § 991c(A)(7).

sentences and fulfilled all of their court-imposed conditions. For Oklahomans experiencing poverty who have become criminal defendants, it is often impossible to escape the burden of these criminal costs.

a. Collection Practices

For Oklahoma courts, the collection of "criminal debt" is viewed as important because it essentially funds the criminal judicial system. Between 66% and 90% of Oklahoma's district courts' funding came from fines and fees between 2007 and 2023.[155] In attempts to ensure that defendants pay off their debts and fund the state's criminal justice system, Oklahoma has created elaborate systems to hold people responsible for paying their criminal case fines and fees.

As noted earlier, *Bearden* forbids states from extending a defendant's imprisonment for "non-payment" without first determining whether the defendant's failure to pay was "willful."[156] However, prior to recent legislation, Oklahoma courts routinely incarcerated people for failure to pay without ever determining whether the failure to pay was willful.[157] In 2015, more than one thousand of the bookings into the Oklahoma County Jail were based on "failure to pay warrants" or "failure to appear warrants."[158] At that time, individuals who could afford to pay criminal fines and fees faced less punishment. In contrast, indigent defendants without the necessary financial resources were subjected to harsher consequences—including re-arrest. About 80% of criminal defendants in Oklahoma are considered indigent.[159] The imposition of excessive criminal fines and fees creates a huge burden for the state's most vulnerable.[160]

In addition, Oklahoma has faced criticism for its extreme practices directed towards collecting "criminal debt." In 2017, a class action was filed against Aberdeen Enterprizes II, a debt collection agency, and multiple Oklahoma sheriff's departments for entering a contractual agreement in which Aberdeen would collect court-imposed criminal debt

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155. Keaton Ross & Jazz Wolfe, *Court Debt Collection Services Subject to Controversy*, J. RECORD (Nov. 16, 2023), https://journalrecord.com/2023/11/16/court-debt-collection-service-subject-to-controversy/ [https://perma.cc/JJ5A-AACW].
156. *Bearden*, 461 U.S. at 674.
157. BRADEN ET AL., *supra* note 1, at 3.
158. GENTZLER, *supra* note 117, at 9.
159. *Id.* at 1.
160. *Id.*

on behalf of counties.[161] The agency added a 30% fee—without defendants' knowledge—and allegedly used threats of jail time to pressure payment.[162] The case is ongoing, though the litigation prompted increased concern regarding the weight of criminal costs, fees, and fines on indigent defendants across Oklahoma and the lengths the state and counties were willing to go to collect outstanding criminal debt.

These practices reflect a broader reality that criminal-debt enforcement often acts as a continued form of punishment, particularly for those unable to pay. Attempts to collect these debts imposes harsher criminal "punishment" on indigent defendants.[163] A 2024 *Proceedings of the National Academy of Sciences* study of Oklahoma County misdemeanor cases found that indigent defendants who were relieved of criminal debt were less likely to encounter the courts or be subject to incarceration.[164] The study followed 606 defendants who were charged with a misdemeanor.[165] Individuals selected for the "treatment group" were relieved of all criminal debt from their current cases and any former debts from other Oklahoma County criminal cases.[166] The study noted that after a judgment, a district court may issue three types of arrest warrants related to the original charge: a warrant for failure to pay; a warrant for failure to appear at a court proceeding; or a warrant for failure to comply with court-ordered supervision.[167] The treatment group participants were 30% less likely to pick up an arrest warrant related to the original case.[168] The study found that during the first year, fee reductions significantly decreased warrants for nonpayment but did not affect warrants related to failure to comply with supervision conditions.[169]

However, after the first year, when most participants were nearly finished with their supervision terms, warrants for revocations increased.[170] The study did not explore this further, but this suggests that while waiving fees helped with payment compliance initially, it did not

161. Complaint at 11, Graff v. Aberdeen Enterprizes II, Inc., No. 17-CV-606-TCK-JFJ (N.D. Okla. Mar. 12, 2021), *rev'd* 65 F.4th 500 (10th Cir. 2023).
162. *Id.* at 9.
163. Lindsay Bing et al., *The Long-Term Impact of Debt Relief for Indigent Defendants in a Misdemeanor Court*, PNAS, Dec. 9, 2024, at 2.
164. *Id.* at 3.
165. *Id.* at 2.
166. *Id.*
167. *Id.*
168. *Id.*
169. *Id.* at 3.
170. *Id.*

improve overall compliance with probation conditions, possibly due to other burdens such as costly supervision requirements. Four years after judgment, the control group participants, i.e., those who had not received debt relief, still faced more legal consequences than the treatment group.[171] Within the control group, it was found that 73% of the subjects had been issued an arrest warrant, and 67% had been booked into the Oklahoma County Jail.[172] Alternatively, treatment group participants were 15% less likely to be jailed, despite similar rates of new charges between the treatment and control groups.[173] Regardless of the prevalence of warrants and incarceration in the control group, less than half of the arrested persons had been charged with a new crime.[174] Thus, most of the court actions were directed towards the collection of court-imposed criminal costs, fines, and fees that exposed defendants, who were otherwise compliant with the law, to arrest warrants and incarceration.[175] Misdemeanor charges impose a sentence of a year or less. So outstanding criminal fees effectively operate as a significant "extension" of a sentence for indigent defendants who are unable to comply with payment obligations.[176]

b. Collection Practices were Not Effective in Furthering the State's Objectives

Not only did the excessive costs disproportionately affect indigent persons, the collection of criminal debts from indigent defendants was also ineffective for Oklahoma revenue.[177] Over a fourteen-year period, former Oklahoma County Judge Don Easter found that approximately 124,000 defendants in Oklahoma County each owed an average of $800 in court debt, amounting to a total of nearly $100 million.[178] Judge Easter estimated that Oklahoma County only actually collected 5–11% of this total outstanding criminal debt.[179] Judge Easter acknowledged the unique challenges indigent defendants face, which often result in a never-ending cycle of "see[ing] the same people" repeatedly on cost docket.[180] He

171. *Id.*
172. *Id.* at 4.
173. *Id.* at 3-4.
174. *Id.* at 4.
175. *Id.*
176. *Id.* at 4.
177. GENTZLER, *supra* note 117, at 7.
178. *Id.*
179. *Id.*
180. *Id.* at 10.

described cost dockets as "babysitting," illustrating how the system traps individuals in a continuous loop.[181] Judge Easter vividly described this cycle and the nature of cost dockets:

> Very few people come in and pay their court costs upfront, particularly people who are incarcerated. We have people who are incarcerated who can't pay until they get out. We have people who are on Social Security and Veteran's Administration benefits, which are deemed indigent. We have mental health patients, a bunch of mental health patients on the criminal docket who couldn't hold a job if their life depended on it. And then we have the balance of the people who are trying to make a monthly payment who have a felony record, who have a hard time finding a job that makes enough money to support a family and make any kind of a sizeable dent in the amount that they owe to the criminal court system.[182]

VII. New Legislation

The federal lawsuit, the insignificant amount of revenue collected from indigent defendants, along with the growing constitutional concerns surrounding criminal costs all prompted the introduction of Oklahoma legislation aimed at improving how district courts assess a defendant's "failure to pay." The new laws created significant changes in the way Oklahoma courts assess a defendant's ability to pay.[183] The legislature intended to focus on collecting debt from those who can pay and "clear debt" early that would inevitably be deemed uncollectible.[184] This would allow the state to focus on defendants who *willfully* fail to make payments and prevent the incarceration of indigent defendants who are *unable* to pay.[185]

The new laws went into effect on November 1, 2024, and are codified

181. *Id.*
182. *Id.* at 9.
183. Steve Lewis, *HB 2259 Will Revolutionize Processing and Collecting of Court Financial Obligations Owed by Defendants (Capitol Update)*, OKLA. POL'Y INST. (Aug. 21, 2025), https://okpolicy.org/hb-2259-will-revolutionize-processing-and-collecting-of-court-financial-obligations-owed-by-defendants-capitol-update/ [https://perma.cc/V5XH-UPKR].
184. *Id.*
185. *Id.*

in Title 22, Criminal Procedure, of the Oklahoma Statutes.[186] The statute is dense, but it provides clear instruction for Oklahoma district courts regarding the determination of a defendant's ability to pay; the next section of this Note will provide a detailed overview of the law.[187]

First, the legislature defined the procedure by which district courts shall determine ability to pay.[188] Generally, when a defendant appears in a district court for judgment, if the court "imposes fines, costs, fees, or assessments upon a defendant," the district court can immediately determine a defendant's "ability to pay" or may do so at any point until all "debts" are either paid or waived.[189] At a defendant's sentencing, the district court must inform the defendant of the total amount of their financial obligations, if they are known at the time, and alert the defendant that they may request a cost hearing at any time they are unable to pay.[190] If the defendant alerts the court clerk that they cannot pay the total amount owed immediately, the court clerk must establish a monthly payment plan for the defendant.[191] If at any time when a defendant still owes legal financial obligations and is unable to pay due to changes in their ability to pay, then a defendant can request a another cost hearing, even if they have previously appeared at a cost hearing.[192]

At a cost hearing or a judgment proceeding, when a district court is determining a defendant's ability to pay, a district court must consider the defendant's household income, government need-based assistance, expenses related to dependents, costs associated with mental or physical health, any additional court-related financial obligations a defendant has, and any other individual financial information relevant in determining a defendant's ability to pay.[193] Further, a defendant is presumed "unable to pay" if they have been designated as totally disabled, receives federal

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186. *See* OKLA. STAT. tit. 22, § 983 (2026) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211 § 2 (2024)).

187. *See id.*

188. *Id.*

189. *Id.* § 983(A)(1) (first citing version 1 as amended by SB 623, c. 310, § 3 (2023); then citing *id.* § 983(B)(1) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

190. *Id.* § 983(C)(1) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

191. *Id.* § 983(C)(2)-(3) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

192. *Id.* § 983(C)(3) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

193. *Id.* § 983(B)(3)(a)-(f) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

need-based financial assistance, receives subsidized housing support, or their total income is 150% below the federal poverty level.[194] If at a cost hearing a person is found unable to pay, in full or in part, that person "shall be relieved of the debt by the court through a hardship waiver of the court financial obligations, either in whole or in part."[195] However, if a defendant is found "able to pay some or all of the court financial obligations," then the court may order a defendant to pay in full, order a defendant to pay in installments, provide a "financial incentive under a set of conditions determined by the court," or order community service for which a defendant will receive at least two times the minimum wage for each hour to count for payments toward a balance.[196] Moreover, after a cost hearing where a defendant is determined "able to pay," a district court may conduct a "willfulness" hearing at any time if a defendant fails to make payments.[197] If a defendant is found to be willfully failing to pay court-imposed financial obligations, a district court may impose a jail sentence, but *only* after such a finding of willfullness.[198]

Either before or after a cost hearing, a person may become "delinquent" in making payments if they either fail to make all payments by a court-ordered due date or when "no installment payments [for a payment plan] have been received in the most recent ninety-day period."[199] If at any point a defendant becomes "delinquent" in the payment of court financial obligations, the court clerk shall "set a cost hearing to determine the defendant's ability to pay."[200] The court clerk must provide the defendant notice of the proceeding at least fourteen days prior to the cost hearing.[201] To provide the required notice, the court clerk must issue the following summons:

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194. *Id.* § 983(B)(5)(a)-(d) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
195. *Id.* § 983(B)(2) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
196. *Id.* § 983(E)(1)(a)-(d) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
197. *Id.* § 983(J)(1) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
198. *Id.* § 983(J)(3) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
199. *Id.* § 983(G) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
200. *Id.* § 983(G)(2) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
201. *Id.* § 983(G)(3) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

> SUMMONS
>
> You are ORDERED to appear for a COST HEARING at [a specified time, place, and date] to determine if you are financially able to pay the fines, costs, fees, or assessments or an installment due in Case No.__________.
>
> YOU MUST BE PRESENT AT THE HEARING.
>
> At any time before the date of the cost hearing, you may contact the court clerk and pay the amount due or request in writing or in person prior to the court date, that the hearing be rescheduled for no later than thirty (30) days after the scheduled time.
>
> THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for the cost hearing or pay the amount due, the court may issue a WARRANT and may refer the case to a court cost compliance liaison, which will cause an additional administrative fee of up to thirty-five percent (35%) to be added to the amount owed and may include additional costs imposed by the court.[202]

This summons is referred to as a "cite and release warrant."[203] If a person has been summoned and encounters law enforcement, the law enforcement official will not arrest the person.[204] Instead, the official issues a warning to the person to appear in court within ten days and "releases" the defendant.[205] The law enforcement officer then informs the court clerk that the defendant has been notified.[206] If a defendant fails to appear after being summoned and still does not pay, the court can issue a "cost arrest warrant."[207] If a defendant is arrested on a cost warrant, they "must be released after seventy-two (72) hours in custody."[208] A person may be released from custody before seventy-two hours if they provide

202. *Id.*
203. *See id.* § 983(H)(1) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
204. *Id.*
205. *Id.*
206. *Id.*
207. *Id.* § 983(H)(3) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
208. *Id.* § 983(H)(4) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

proof of a $100 payment "to each jurisdiction where [they owe] court-imposed financial obligations," if a court "releases the defendant on [their] own recognizance," or if a court determines that the failure to pay is not willful.[209]

To be clear, under Oklahoma law, a defendant can be held in custody for failing to pay criminal costs, fines, and fees in only two ways: if the court issues a cost arrest warrant and the defendant remains in custody for up to seventy-two hours or if the district court finds that the defendant willfully failed to pay.

VIII. The Problem of Implementation

Current Oklahoma law regarding criminal costs, fines, and fees is strong and conforms to the United States Supreme Court's jurisprudence. Looking beyond legislation, however, indigent defendants are still being imprisoned due to their indigency. The discussion above highlights strong state legislation intended to protect indigent individuals from the state imprisoning them solely because they cannot pay, but the legislation is not fully effective because it does not fully translate to the reality of poverty-based punishment in Oklahoma. In Oklahoma, even with strong state legislation intended to prevent such punishment, the state continues to incarcerate poor individuals due to two systemic failures: (1) courts still impose costly supervision conditions that indigent defendants cannot afford; and (2) defendants often lack effective advocacy during ability-to-pay determinations.

a. Imposition of Costly Conditions on Defendants

The 2024 PNAS study found that criminal costs, fines, and fees prolonged indigent defendants' court involvement, but sadly the study determined that debt relief had not substantially impacted revocations.[210] While the study relieved "treatment group" participants of supervision fees, prosecution fees, current court costs, and former court costs, the treatment group participants were still required to successfully complete their probation conditions.[211] And some "supervised defendants" face costly conditions separate from court-imposed costs. For example, Oklahoma law requires specific conditions for persons charged with

209. *Id.* § 983(H)(4)(a)-(c) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
210. Bing et al., *supra* note 163, at 2.
211. *Id.* at 5.

operating a vehicle under the influence of an intoxicating substance.[212] A person charged with this offense and placed under supervision must undergo an evaluation by a practitioner, whom the Oklahoma Department of Mental Health and Substance Abuse Services has approved.[213] This assessment can cost up to $75.[214] In addition to the assessment, these defendants must attend a "Victim's Impact Panel."[215] This program costs an additional $75 fee.[216] If a person is charged with a felony driving under the influence ("DUI"), they must install an ignition interlock device on their vehicle.[217] An interlock device is not required for a misdemeanor DUI, but the district attorney can require an interlock device as a condition of supervision.[218] Defendants are responsible for finding and paying for a state-approved interlock device.[219] In Oklahoma, the installation of an interlock device can cost from $100–$200, with a monthly fee ranging from $70–$100.[220]

Another startling example involves requiring individuals to participate in a "batterers' intervention program," commonly referred to as "BIP."[221] In domestic abuse cases, district courts are required to order defendants to participate in a BIP for at least fifty-two weeks.[222] If defendants accumulate six total unexcused absences or three consecutive absences from a BIP, the program dismisses them and requires them to start over.[223] A supervised defendant attending the year-long program must attend periodic reviews in a set court proceeding.[224] If a defendant is dismissed after accumulating excess absences or fails to appear at a court review, the district attorney may file an application to revoke the defendant's

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212. OKLA. STAT. tit. 22, § 991c(C) (2026).
213. *Id.*
214. *Id.*
215. *Id.* § 991c(C)(2).
216. *Id.*
217. OKLA. STAT. tit. 47, § 11-902(C)(3)(a) (2026) (version 4) (amended by HB 2104, c. 486, § 33).
218. *See id.* § 11-902(C)(1) (version 4) (amended by HB 2104, c. 486, § 33).
219. OKLA. STAT. tit. 22, § 991a(A)(1)(n) (2026) (version 3) (amended by HB 1462, c. 306, § 1).
220. John P. Cannon, *Ignition Interlock Devices and DUI Probation*, CANNON & ASSOCS. (Nov. 6, 2021), https://jpcannonlawfirm.com/2021/11/ignition-interlock-devices-and-dui-probation/ [https://perma.cc/WF44-E4XM].
221. OKLA. STAT. tit. 21, § 644(G)(2)(a) (2026) (version 4) (amended by HB 2104, c. 486, § 3).
222. *Id.*
223. *Id.*
224. *Id.*

suspended sentence.[225] Defendants can choose to attend any state-approved BIP, but a BIP is not free. Participants pay an initial intake fee and weekly payments. Prices vary, but one organization charges an initial $100 intake fee and $30 weekly.[226] Over the course of a year, it amounts to $1,660 for a defendant. And this total cost does not include possible work hours lost, additional childcare expenses, and transportation costs. A defendant who cannot afford the weekly session cannot attend. And if a person misses sessions due to nonpayment, the program may still dismiss them, which can lead to a probation violation.

These examples show some of the cost-producing conditions the state imposes on some defendants. The district attorney also has authority to impose other cost-producing conditions such as routine drug testing, restitution payments to victims, firearm safety classes, community service, mental health assessments, and other requirements that the district court finds appropriate for a specific offense.[227] Defendants are responsible for paying for all such programs in addition to a $40 monthly "supervision fee" and a $40 monthly "district attorney reimbursement fee."[228] The time, money, and knowledge required to comply with all such supervision conditions creates barriers disproportionately affecting indigent defendants. And all costs noted in this section are ineligible for "hardship waivers."[229] Therefore, if a defendant cannot pay for these programs and requirements, the defendant could face jail time for failing to comply with supervision conditions.

Potential revocations of suspended sentences or accelerations of deferred sentences for failure to comply with these costly supervision conditions parallel the facts in *Bearden.*[230] In *Bearden*, the defendant pled guilty and received a three-year deferred sentence, conditioned on paying "a $500 fine and $250 in restitution."[231] The Georgia district court accelerated the defendant's sentencing due to his non-willful failure to pay

225. *Id.* § 644(G)(3)(a) (version 4) (amended by HB 2104, c. 486, § 3).

226. *Certified Batterer's Intervention Program (BIP)*, HUM. SKILLS & RES., INC., https://www.humanskills.org/batterersintervention/ [https://perma.cc/3LEQ-HBF9] (last visited Jan. 20, 2026).

227. *See* OKLA. STAT. tit. 22, § 991a(A)(1)(a)-(ii) (2026) (version 3) (amended by HB 1462, c. 306, § 1 (2025)).

228. *Id.* § 991c(A)(7), (11).

229. *Id.* § 983(B)(2), (5) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).

230. Bearden v. Georgia, 461 U.S. 660, 662 (1983).

231. *Id.*

these amounts.[232] Because he did not comply with these terms of his probation, the defendant was convicted and sentenced to a term of imprisonment.[233] In reaching its holding, the *Bearden* Court acknowledged that "a probationer's failure to make reasonable efforts to repay his debt to society may indicate that [the] original determination needs reevaluation, and imprisonment may now be required to satisfy the State's interest."[234] However, the Court held that when a probationer makes "bona fide efforts" to pay court-imposed costs, the defendant "has demonstrated a willingness to pay his debt to society and an ability to conform his conduct to social norms."[235]

It is undeniable that specific cost-producing conditions for specific crimes, such as attending a BIP or installing an interlock device, are highly important in furthering Oklahoma's public safety and rehabilitative interests. These conditions help ensure that defendants are taught appropriate behavior and help decrease potential harm to the public. However many of these conditions are also costly, and Oklahoma currently fails to provide "adequate alternative[s] to imprisonment" when these costly conditions are not met.[236] If an indigent defendant cannot afford to complete their supervision conditions because they are unable to pay for the required programs, then the defendant has not been provided a fair chance to demonstrate their "willingness to pay [their] debt to society," and then can ultimately face imprisonment or endless court involvement as a result of their indigency.[237] Oklahoma should prioritize providing substantially cheaper or free alternatives to these costly supervision conditions for indigent defendants.

When it comes to indigent defendants, court-imposed criminal costs, fines, and fees negatively affect Oklahoma's revenue.[238] Collecting outstanding criminal debts, requires the state to spend money on court proceedings, warrants, administrative costs, incarceration time, and more.[239] It is not clear exactly how much collection practices cost Oklahoma, but in Texas and New Mexico, research shows that counties

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232. *Id*. at 663.
233. *Id.*
234. *Id.* at 670.
235. *Id.*
236. *Id.* at 669.
237. *Id.* at 670.
238. Cole Allen, *Eliminate Justice-Related Fees and Invest in Oklahoma's Justice System*, OKLA. POL'Y INST. (June 24, 2024), https://okpolicy.org/eliminate-justice-related-fees-and-invest-in-oklahomas-justice-system/ [https://perma.cc/3XX3-X2SM].
239. *Id.*

spent $0.41 per every dollar collected.[240] "One county in New Mexico . . . spen[t] $1.17 for every dollar it collected," illustrating the possibility that a state can actually lose more money than it collects in this realm.[241] Oklahoma should assess whether collecting costs and fees from indigent defendants yields any measurable benefits and whether fully funding the system, including conditions required for probation, would better serve the state's interests in minimizing debt, promoting rehabilitation, and ensuring public safety.

In 2023, a bill aimed at eliminating various forms of criminal debt in Oklahoma was introduced, but ultimately failed, as the state projected a $34 million loss in revenue from the bill.[242] That same year, lawmakers passed a private school tax credit projected to cost the State of Oklahoma $255 million.[243] This comparison shows that more expensive policies that are prioritized by Oklahoma can advance, while modest reforms stall. The solution is not complex. If funding for Oklahoma's criminal justice system and public safety programming is prioritized, the heavy burden on some of the state's most vulnerable residents can be eased, and a fairer system which punishes individuals appropriately, rather than excessively, can be promoted.

Reallocating funding and adjusting existing legislation to create manageable conditions for indigent defendants requires significant time and resources. This approach aims to prevent unfair revocations and accelerations despite defendants' efforts to comply. While this is an important long-term goal, it demands ongoing commitment. In the short term, strengthening advocacy for indigent defendants within the current "ability-to-pay" framework can ensure that existing protections more effectively prevent punishment based solely on financial status.

b. Lack of Advocacy in Ability to Pay Determinations

Under *Bearden*, "a sentencing court must *inquire into the reasons* for the failure to pay."[244] After examining reasons a defendant failed to pay, if the court concludes the defendant "willfully" failed to pay, the court may impose a punishment.[245] Oklahoma law corresponds with the *Bearden*

240. *Id.*
241. *Id.*
242. *Id.*
243. *Id.*
244. Bearden v. Georgia, 461 U.S. 660, 672 (1983) (emphasis added).
245. *Id.*

rule. In Oklahoma, at the time of judgment in a criminal proceeding, the district court must notify defendants of the option to request a cost hearing, where a judge will determine whether a defendant is able to pay.[246] District courts "shall" consider individual and household income; household living expenses; the number of dependents; assets; child support obligations; any physical or mental health conditions that affect the defendant's ability to earn income or manage finances; additional case-related expenses owed by the defendant; and any other relevant factors—while excluding child support income; funds received through need-based or disability assistance programs from federal, state, or tribal governments; and assets exempt from bankruptcy.[247] District courts must also consider whether a defendant is "presumed unable to pay" because they are designated as totally disabled, receive federal need-based financial assistance, receive subsidized housing support, or their total income is 150% under the federal poverty level.[248] In other words, both Oklahoma law and *Bearden* require an inquiry into the facts and circumstances that may lead to a defendant's inability or failure to pay.

A basic problem with these cost hearings, however, is the discretion granted to judges in determining who can pay. Rudimentary methods are often employed in assessing whether a defendant's failure to pay has been "willful." For example, a defendant's payment for "luxuries," such as cable TV or cigarettes, may be taken as evidence that a defendant's failure to pay court-imposed financial obligations was a "willful" choice.[249] In Oklahoma courts, it does not appear that the law is intentionally disregarded by the judiciary. Rather, it appears that most judges do not know about the developing law regarding hardship waivers, or they misinterpret the discretion they have in determining whether a defendant is able to pay.[250]

Adding to this potential confusion, most legal representation terminates after a judgment, so many indigent defendants attend cost

246. OKLA. STAT. tit. 22, § 983(C)(1) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
247. *Id.* § 983(B)(3)-(4) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
248. *Id.* § 983(B)(5) (version 2) (amended by HB 2259, c. 247, § 3 (2023) & by HB 3546, c. 211, § 2 (2024)).
249. BANNON, NAGRECHA & DILLER, *supra* note 26, at 21-22.
250. *See* Sean Norick Long, Elena Sokoloski & Alejandra Uria, *Digital Access to Justice: Automating Court Fee Waivers in Oklahoma*, 8 GEO. L. TECH. REV. 180, 185 (2024).

hearings without representation.[251] The lack of legal representation leaves defendants unable to effectively advocate for their own hardship waivers, even when they qualify, because they do not understand the relevant legal standards.[252] A troubling dynamic is created when there is a lack of defense knowledge along with a judicial misinterpretation of the scope of appropriate discretion in cost hearings exhibited by judges, particularly when legal advocacy is lacking for indigent defendants.[253] The result is that hardship waivers are often denied in a manner contrary to the intent of the Oklahoma legislature.[254]

On May 10, 2023, Oklahoma House Representative Danny Sterling read the fourth reading of House Bill 225, the bill that introduced current law regarding "ability-to-pay" determinations. Addressing the House, he said "[The Bill] basically does three things: more efficiently collect[s] debt from defendants who can and should be paying; it also gets rid of uncollectible debt early [and helps to] avoid continued lawsuits by providing due process of law."[255] It is essential that judges properly comply with this new legal process to effectuate this legislative intent. The intent of the law was not to simply "excuse" people who are not able to pay.[256] One intent was to "clear uncollectible debt early."[257] Whether a defendant is willfully neglecting to pay their debts must be determined by a proper inquiry into the factors and presumptions provided by the legislature.

Ed Wunch, an attorney with Legal Aid Services of Oklahoma, specializes in representing indigent defendants who cannot afford court-imposed financial obligations. Mr. Wunch has appeared in several of Oklahoma's seventy-seven county courts and observed the cracks in these cost proceedings. Mr. Wunch notes that the criminal justice system is designed to work when every case has advocates on both the state's side and the defendant's side.[258] Cost hearings do not follow this standard

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251. *Id.*
252. *Id.*
253. *Id.*
254. *Id.*
255. *Fourth Reading on HB 2259 Before the H. Comm. on Court Financial Obligations, Warrants, Cost Hearings, Ability to Pay & Effective Date,* H.R. First Reg. Sess. of the 59th Leg. Day 55 (Okla. 2023) (statement of Rep. Danny Sterling, Member, H. Comm. on HB 2259).
256. *See id.*
257. *Id.*
258. Telephone Interview with Ed Wunch, Crim. Debt Relief Att'y, Legal Aid Servs. of Okla. (July 21, 2025).

design.[259] In most cost proceedings, the only parties present are the judge and the defendant.[260] This leaves a "gap in evidence."[261] In a standard proceeding, both parties present evidence to support their arguments.[262] Based on that evidence, the judge will apply the law and reach a decision.[263] But in cost proceedings, if there are no attorneys, the judge must fill "the gap" with their own knowledge and understanding.[264] So if a judge is biased, or does not understand the law, there is no way for the defendant to challenge the court's view, and the judge has more discretion than the legislature intended.[265] In Oklahoma, many judges "jump at" small demonstrations of a defendant's potential to pay their balance.[266] In addition, if a defendant explains that they have no money and cannot pay at all, judges often prefer to delay the judgment and wait until there is a "better answer."[267] For example, if a defendant owes $5,000, and they can pay $5 per month, a judge may find they have an "ability to pay."[268] In reality, this is now a 1,000-month-long payment plan, which leaves a minimum of eighty-three years before successful completion.[269] Judges may believe that such plans demonstrate a defendant's "ability to pay," and that belief isn't entirely wrong, but this approach misses the point of the statute and shifts the approach of the new law away from what the legislature intended, i.e., to excuse uncollectible debt early. When defense attorneys participate in cost hearings, they help to better ensure that the legislature's intent is carried out.

From his experience representing clients in cost proceedings, Mr. Wunch observes that people experiencing poverty struggle to articulate or quantify their financial hardship in a way that falls inside the legal frameworks; hence, they struggle to demonstrate their inability to pay outstanding criminal debts.[270] Seeking to remedy the disconnect between the law and reality, Mr. Wunch has created a questionnaire to give clients

259. *Id.*
260. *Id.*
261. *Id.*
262. *Id.*
263. *Id.*
264. *Id.*
265. *Id.*
266. *Id.*
267. *Id.*
268. *Id.*
269. *Id.*
270. *See* Lauren Jones, *Ability to Pay: Closing the Access to Justice Gap with Policy Solutions for Unaffordable Fines and Fees*, 51 FORDHAM URB. L.J. 1593, 1637-38 (2024).

at cost proceedings across the state.[271] The questionnaire includes statutory financial factors, as well as questions aimed at determining whether the client meets the legal presumption of an "inability to pay."[272] Mr. Wunch goes beyond the statute, asking more probing and personal questions, in order to paint a complete picture of a client's circumstances.[273] His questions include information about food and housing security, employment barriers due to conviction, and any financial emergencies.[274] The questions are designed to help judges see the human story behind the financial hardship.[275] The impact of this approach is significant. Within six months of the new law taking effect in 2024, Mr. Wunch and his colleagues helped secure over $1 million in waived criminal costs, fees, and fines for their clients in a way that is quite consistent with the legislature's intent for this new law.[276]

IX. Conclusion

The burden of excessive costs on indigent defendants leaves Oklahoma citizens, who have served their time, in an endless cycle of punishment. One example that highlights the extent of these burdens is the story of Kathryn Geionety, an Oklahoma woman who spent time in jail due to her drug addiction.[277] Years after her legal troubles, Geionety had a job, stopped dealing drugs, and began taking courses at a local community college in the hopes of starting a new life for herself and her three kids.[278] But as she started her new life, she was weighed down by her debt.[279] Pottawattamie County Clerk's Office informed Geionety that she owed about $15,000 in court fines and fees.[280] Geionety expressed fear and stress

271. *Id.* at 1637.
272. *See id.*
273. *Id.* at 1637-38.
274. *Id.*
275. *Id.* at 1638.
276. *Id.* at 1638 n.269.
277. Josh Dulaney, *Oklahomans Starting Over After Jail Struggle with Thousands in Jail Fees. This Group Helps Get Them Waived*, OKLAHOMAN (Dec. 26, 2025, at 05:50 CST), https://www.oklahoman.com/story/news/2024/12/26/legal-aid-society-oklahoma-court-fee-waivers/76408644007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z113501e008500v113501b00039xxd003965&gca-ft=133&gca-ds=sophi [https://perma.cc/HDP5-XG4L].
278. *Id.*
279. *Id.*
280. *Id.*

about resolving the debt.[281] She had only paid $645 by paying little amounts whenever she could.[282] She contemplated numerous options, including cutting back on food, leaving school to work more hours, and even the possibility of returning to crime to help relieve her debt.[283] Geionety was fortunate to encounter a legal aid attorney at a cost hearing, and a judge waived her remaining balance.[284] Kathryn Geionety's story is not unique in Oklahoma. The battle to choose between her family, her future, and her debt extended her punishment beyond what was necessary to pay her debt to society. Because she was poor, she was forced to suffer for her mistakes for years beyond what was required.

The Oklahoma legislature has acknowledged the creation of endless cycles of debt for indigent defendants and passed exceptional legislation to prevent the criminal "punishment of poverty" due to the burden of excessive criminal costs, fines, and fees.[285] Despite this promising legislation, however, poor persons in Oklahoma continue to receive criminal punishment for non-payment of court-imposed financial obligations due to ineffective application of this law within the state. Costly non-included "supervision conditions," as well as misapplication of the law in cost hearings, inappropriately prolong court involvement and leaves indigent defendants disproportionately affected by criminal debt in Oklahoma. And the failure to grant hardship waivers to indigent persons negatively impacts the state's revenue and its interest in public safety.

Oklahoma continues to pass crucial legislation in this realm. In June of 2025, the legislature passed House Bill 1460, removing several fees and giving district courts the power to waive the $40 per month district attorney supervision fee.[286] House Representative Tammy West, who introduced the bill, said that the new law was a step in the right direction to eliminate reentry barriers and noted that "[w]ithout the burden of overwhelming fees, people will be better equipped to rebuild their lives

281. *See id.*
282. *Id.*
283. *Id.*
284. *Id.*
285. *See* Press Release, *FFJC Commends Gov. Stitt's Commitment to Ending Justice Fees and Reforming Court Debt Practices in Oklahoma*, FINES & FEES JUST. CTR. (Feb. 3, 2025), https://finesandfeesjusticecenter.org/2025/02/03/ffjc-commends-gov-stitts-commitment-to-ending-justice-fees-and-reforming-court-debt-practices-in-oklahoma/ [https://perma.cc/V4EW-WZF6].
286. Keaton Ross, *Oklahoma Enacts Fines, Fees Reform – Tougher Sentencing Laws*, OKLA. CITY FREE PRESS (June 2, 2025), https://freepressokc.com/oklahoma-enacts-fines-fees-reform-tougher-sentencing-laws/ [https://perma.cc/6ZYV-ZGW4].

and become productive members of society."[287] Oklahoma must ensure that new and existing laws are properly invoked and applied in order to protect indigent defendants from unjust punishment. And as new legislation is considered, the legislature should prioritize funding for affordable supervision conditions that truly serve their intended purpose of advancing public safety rather than penalizing poverty.

To give indigent defendants a fair shot at compliance, advocacy must begin early during cost determination proceedings and not after they are facing punishment for violating probation. Increasing awareness and understanding of these laws and procedures will empower defense attorneys to support their clients before they reach the damage control stage. Additionally, volunteer efforts, such as legal interns and pro bono attorney services, can provide essential support. Small actions by many across the state can lead to meaningful change. These practical steps must be paired with policy reforms that eliminate excessive financial burdens and reshape supervision requirements, ensuring that the justice system promotes fairness, rehabilitation, and public safety for all. A justice system that ties liberty to money fails the promise of equal protection.

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287. *Id.*