**Commitment Statement**

On January 1, 2022, the NC Supreme Court adopted Rule 28 of the General Rules of Practice for the Superior and District Courts, pursuant to N.C.G.S. §7A-34. Rule 28 makes it mandatory for courts to consider the financial status of an individual who has been convicted in a criminal case or found responsible for an infraction, once they file form AOC-CR-415 requesting relief from fines, fees, and other monetary obligations.

This rule is written recognition of long-established precedent requiring the courts to consider one's ability to pay prior to imposing fines and fees. While the rule allows for a hearing, it would be counterproductive to judicial efficiency to hold a hearing to assess the financial status of an individual who has already been deemed indigent and eligible for court-appointed counsel.

Currently our courts are being funded by the poorest people in our communities. North Carolina collects nearly fifty separate fees, disbursing them to four state agencies and 611 counties and municipalities. It uses fees to fund half of the state's judicial budget as well as jails, law enforcement, counties, and other state entities. The General Court of Justice fee has increased 260% (for District Court) and 243% (for Superior Court) since 1995, while minimum wage has only increased by a mere $3.

Together we have the opportunity to initiate ending the practice of criminalizing poverty by funding the judicial system on the backs of those who often can barely afford daily necessities. We are asking for a firm commitment ensuring the following:

(A) All Durham County Public Defenders will file a motion requesting that the court consider their client's financial status using form AOC-CR-415 each time their client is convicted of a crime.
(B) All Durham County Assistant District Attorneys will consent to each AOC-CR-415 motion filed by a person that is deemed indigent by the court.

This commitment will be the inception of ending the predatory imposition of fines and fees against poor people in our state. Furthermore, this undertaking will increase judicial efficiency by automating this practice and avoiding repetitive hearings. We want to ensure the longevity of this commitment to ending the practice of collecting insurmountable fines and fees from those living in poverty. We invite you to make this commitment with us.

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