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Assemblymember Kalra Introduces Legislation to Eliminate Unnecessary Uses of Bench Warrants and Prevent Debtor's Prison

AB 1266 will end an antiquated policy that disproportionately affects low-income Californians

SACRAMENTO – Today, Assemblymember Ash Kalra (D-San José), with bill sponsor, Debt Free Justice California (DFJC), introduced AB 1266, to eliminate the use of bench warrants for minor infractions.

“Bench warrants are a relic of the racist and classist mass incarceration-era, when the state expanded its police power for violations of infractions. This has disproportionately punished the working class, particularly Black and Brown members of our community, for violations that are not punishable by jail time,” said **Assemblymember Kalra**. “AB 1266 will ensure low-income Californians are not forced to languish in jail for not having the money to pay fines or unknowingly missing a court order to appear.”

In an antiquated practice, some courts in California issue bench warrants to arrest people who cannot afford to pay fines or have barriers to make it to court, creating a Debtor's Prison. Bench warrants deepen existing racial and economic disparities in California by unnecessarily incarcerating low-income Black and Brown people as punishment for not being able to afford to pay minor fines. AB 1266 will amend the California Penal and Vehicle Code to prohibit courts from issuing bench warrants for infractions when people are unable to pay fines or appear in court to explain their financial status.

"When I was younger, cops would use any excuse to pull me over— a broken tail light, obstruction of my rear view mirror, missing a license plate lamp. I was issued tickets each time and when I couldn't pay the fine or keep track of the various orders to appear in court, they would issue a warrant for my arrest. The thought of going to jail for a minor infraction was incredibly stressful. Missing work or college would make it that much harder to pay the fines, especially since they would also suspend my license, which forced me to take the risk everyday of driving without a license and insurance. All just because of where I lived and the way I looked," said **Anthony Robles, a Youth and Community Organizer with Dignity and Power Now**.

Research shows that the use of bench warrants is ineffective in compelling people to pay unaffordable fines. In fact, alternatives appear to be more effective at encouraging court appearances and fine payments. In New York City, text message reminders decreased the failure to appear by 26% and Harris

County, Texas saw a decrease in failure to appear by 32% after redesigning court date notices and sending text message reminders.

“Bench warrants are one of many ways California wages a war against people without money. It has never served any legitimate purpose. After an unexpected arrest for a small infraction, low-income people can lose their jobs, their chance at housing, their stability, or even custody of their children. A warrant often causes traumatic fear of arrest and deportation for immigrants. All these adverse long-term consequences are deeply unnecessary and out of proportion for the most minor tickets, like loitering or jaywalking,” said **Elisa Della-Piana, Legal Director of Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, member organization of DFJC.**

Bench warrants deepen existing racial and economic disparities in California by unnecessarily incarcerating low-income Black and Brown people as punishment for not being able to afford to pay fines. As the United States is home to less than 5% of the world’s population but nearly 25% of its incarcerated people, we must shift away from draconian laws that over-police the poor and diminish opportunities for low-income Black and Brown people.

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Assemblymember Ash Kalra represents California’s 25th Assembly District, which encompasses the majority of San José, including downtown and open space areas northeast of Santa Clara County. He was first elected in 2016, becoming the first Indian American to serve in the California Legislature in state history, and was re-elected to his fourth term in 2022. Assemblymember Kalra is the Chair of the Committee on Labor and Employment and also serves as a member on the Housing and Community Development, Judiciary, Transportation, and Water, Parks, and Wildlife committees.

Debt Free Justice California (DFJC) is a multi-regional, California-based coalition focused on stopping the unfair ways the criminal system drains wealth from vulnerable communities. The coalition comprises legal advocates, policy experts, and, most importantly, movement-building organizations led by impacted people. For more information, visit <https://ebclc.org/cadebtjustice/about/>.