

The Financial Load of Parolees

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When a person is released from prison on parole, he or she is generally faced with significant financial obligations imposed by state and local government. A parolee's "financial load" can consist of some (or even all) of the following financial obligations:

- 1) state and local court costs;
- 2) court-appointed attorney fees;
- 3) fines;
- 4) restitution;
- 5) parole fees;
- 6) accident response liability;
- 7) child support; and
- 8) driver's license surcharges.

Consider the following hypothetical case: In January 2006, John Doe was 34-years-old and living in an apartment complex in Cedar Park, Texas. Cedar Park is in Williamson County. He was employed full-time as a department manager at a grocery store. His annual gross salary of \$40,000 was his only source of income, and he had no savings. John essentially lived paycheck to paycheck.

John was divorced and had one daughter who lived primarily with his ex-wife. For child support purposes, John's net resources were calculated to be \$30,000 per year.¹ John had been ordered to pay child support at the rate of \$500 per month, and he was up-to-date on his payments. The \$500 was 20 percent of his monthly net resources of \$2,500 and was thus in accord with statutory child support guidelines.² Money was withheld from his bi-weekly paycheck to pay for his daughter's health insurance, which he was legally obligated to provide.

¹ See Family Code, Section 154.062.

² See Family Code, Sections 154.062, 154.125.

In early January, John was arrested during a drug sting at a friend's house pursuant to a search warrant for illegal drugs. John was charged with possession in an amount of one gram or more but less than four grams of cocaine.³ The offense is a third degree felony punishable by a prison term of two to ten years and a fine of not more than \$10,000⁴. Upon arrest, John was transported to the county jail where he was held for a short time until he was released on bond.

John was found to be indigent for the purpose of affording an attorney. Accordingly, an attorney was appointed to represent him. After consulting with his attorney, John pleaded guilty in state district court. The judge accepted John's guilty plea and assessed his punishment at five years in prison and a \$1,500 fine.

The judge also ordered John to pay all court costs as required by law. Additionally, the judge determined that John had resources to enable him to fully offset the cost of his court-appointed attorney's services. Consistent with that finding, the judge ordered John to pay \$500, which is the amount a court-appointed attorney in Williamson County receives for handling a routine felony plea.

John went to prison where he was well-behaved and created no disturbances. After serving two years of his five-year sentence, John was released on parole⁵. During the two years he was in prison, John did not make any of the payments he had been ordered to make (including child support) because he was no longer earning any money. No money was deposited in John's inmate account during his prison stay; therefore, no money was taken from his account to go toward any of his obligations.

John was fortunate enough to be hired back by his old employer at his old salary - \$40,000 per year. John felt confident things would work out financially, but he had not considered his financial obligations to the government upon his release from prison. They were as follows:

³ See Health and Safety Code, Section 481.115 (c).

⁴ See Penal Code, Section 12.34.

⁵ See Government Code, Section 508.145(f).

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| Court Costs: | \$ | 362 |
| <i>Consolidated Court Cost</i> | \$ | 133 |
| <i>Drug Court Cost (intoxication/drug convictions)</i> | \$ | 50 |
| <i>Arrest Pursuant to Warrant Fee</i> | \$ | 50 |
| <i>Clerk's Fee</i> | \$ | 40 |
| <i>Records Management Fee</i> | \$ | 25 |
| <i>Time Payment Fee</i> | \$ | 25 |
| <i>Take and Approve Bond</i> | \$ | 10 |
| <i>Judicial Support Fee</i> | \$ | 6 |
| <i>Commitment to Jail Fee</i> | \$ | 5 |
| <i>Release from Jail Fee</i> | \$ | 5 |
| <i>Court Security Fee</i> | \$ | 5 |
| <i>Juror Reimbursement Fee</i> | \$ | 4 |
| <i>Indigent Defense Fee</i> | \$ | 2 |
| <i>Transaction Fee</i> | \$ | 2 |
| Court Appointed Attorney Fees: | \$ | 500 |
| Offense Fine: | \$ | 1,500 |
| Child Support Arrears (\$500 x 24 months) | \$ | 12,000 |
| Total Debt Upon Release from Prison | \$ | 14,362 |

After John's release from prison on parole, the amount he owed continued to increase. John was still responsible for monthly child support payments. The fact that he owed a considerable amount of money due to his criminal conviction did not work to change the calculation of his net resources for child support purposes. John had a continuing obligation to pay \$500 per month in child support.

As soon as John was released from prison on parole, he began to incur parole supervision charges of \$10 per month and parole administrative charges of \$8 per month.⁶ John also learned that each time he made a payment toward his court costs, another \$2 transaction fee would be assessed.⁷ Given that offense-related debt is typically expected to be paid fully over the course of a parolee's term of supervision, the number of months to be served on parole can be used as a proxy denominator for determining an estimate of how much John will have to pay each month, in addition to his supervision fees, to satisfy his offense-related debts. Considering John served two years of his five-year sentence in prison, he would serve on parole for three years (36 months). Excluding his child support arrears, John would have to pay \$65.61 plus supervision fees of \$18 for a total of \$83.61 per month to satisfy his offense-related financial obligations.

⁶ See Government Code, Section 508.182.

⁷ See Code of Criminal Procedure, Article 102.072.

John's financial situation can be recapped as follows:

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| Gross Annual Income | \$ 40,000 |
| Net Annual Income (net resources as determined for child support) | \$ 30,000 |
| Monthly Net Income | \$ 2,500 |
| New Monthly Fees | \$ 585 |
| <i>Current Child Support</i> | \$ 500 |
| <i>Offense-Related Debt (rounded from \$83.61 to \$85)</i> | \$ 85 |
| Remaining Monthly Income | \$ 1,915 |

John has \$1,915 to pay his monthly expenses and put toward the \$12,000 he owes in child support arrears.

John's case is entirely hypothetical and was devised prior to the development of empirical data on the financial burden of parolees as described in Part III. It is based on the potential exposure to various financial burdens as set out in Texas law.

John probably is in a better position financially than the typical parolee. He has a \$40,000 per year job upon his release from prison, while many ex-convicts will not be so fortunate. He has one child for whom he is responsible for paying child support. This seems fairly typical, but many parolees have more than one child. John was ordered court-appointed-attorney fees, which is fairly typical. The \$1,500 fine could have been as much as \$10,000. By no means does this hypothetical example assume the maximum amounts that could have been assessed against John.