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**Written Testimony Supporting House Bill 5390, An Act Repealing
Statutory Provisions That Impose Liability on an Individual for
Repayment of Costs Incurred When the Individual Was Incarcerated**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting written testimony in strong support of House Bill 5390, An Act Repealing Statutory Provisions That Impose Liability on an Individual for Repayment of Costs Incurred When the Individual Was Incarcerated.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. The debilitating effects of mass incarceration linger long after a person returns home to their family and community. For example, the Connecticut legislature passed a law in the 1990s allowing the state to collect money from anyone incarcerated by the state on or after October 1, 1997.¹ This prison debt law allows the state to charge a person hundreds of dollars per day for each day they were incarcerated, including pre-trial incarceration. The state is legally permitted to take this money from people's inheritances from deceased loved ones, proceeds from lawsuits—even for harms done to them in prison by the State—and, the person's estate upon their death.

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This purported prison debt is not included as part of a person's sentence, nor is it restitution. The state only calculates the cost of a person's debt until after their incarceration has already begun, which is based on a daily charge set by the state each fiscal year and includes charges that are completely unrelated to that specific person at all. For example, prison debt charges include the amount of money spent by the state on overtime for Department of Correction (DOC) employees. This debt does not directly cover the cost of a person's incarceration, but rather the money collected by the state is deposited into Connecticut's general fund. Currently, the state charges people \$249 per day, or \$90,885 per year, for the purported costs of incarceration. This is more than the price that an in-state student would owe for 2.5 years of attendance at the University of Connecticut, including housing, food, and books.² The yearly fee dramatically eclipses the \$20,000 maximum fine for felonies and \$2,000 maximum fine for misdemeanors that people already face.

For nearly thirty years, the state of Connecticut has wreaked harm upon our residents. Once people finish their sentence, they should have the same opportunity to support themselves and their families as anyone else. Like all barriers to reentry, prison debt harms not just the person trying to build a new life but also their loved ones—living and dead. Because of current and historic systemic racism, prison debt disproportionately falls on Black and Latinx people, serving as another wall preventing people of color from building intergenerational wealth.

These clear harms are compounded by the fact that Connecticut's prison debt system allows the state to reward its own lawbreaking by clawing back and threatening to claw back money from people injured by prison brutality and denials of medical care. The state has, among many other instances, instituted proceedings against people for settlement money in a clergy abuse lawsuit,³ for inheritance from a loved one because

² Complaint, *Beatty v. Lamont*, No. 3:22-cv-00380 (D. Conn. Mar. 14, 2022), *available at* <https://www.acluct.org/en/cases/beatty-v-lamont>.

³ *Id.*

of incarceration related to a petty theft,⁴ for settlements from personal injury lawsuits, and even members of the York Correctional Center's writing program who won prize money for an essay.⁵ There are also numerous cases where the state has sued to recover prison debt money after successful suits against the state relating to prison brutality. For example, when a jury found that DOC employees violated Rashad Williams's rights by purposefully putting him in a cell with a person who was going to attack him, the state fought to recover the plaintiff's award. Bryant Wiseman, in another example, died while being restrained by DOC employees. When his mother sued and won, the state charged his estate with a bill for the very incarceration that directly caused his death. After Tianna Laboy was forced to give birth to her baby in her cell after prison staff denied her medical care, the Attorney General's office told her that if she went to trial, they would take at least half of anything awarded by a jury, which caused her to settle for a smaller amount. There are countless other disturbing examples of this state going after people for receiving money in some of the most difficult periods of their lives, like the death of a loved one, suits against the state for prison brutality, and personal injury awards.

Connecticut's nearly thirty year prison debt law is inhumane, unjust, and morally repugnant. The ACLU-CT wholly supports efforts to decisively end this practice in Connecticut. We encourage this Committee to go even further and completely abolish the practice of charging for prison debt in its entirety. As such, the ACLU-CT supports House Bill 5390, and enthusiastically encourages this Committee to support the bill as well.

⁴ *Id.*

⁵ *Id.*