



Show-Me Institute Issues Brief Regarding “Pay to Stay”

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By: Patrick Tuohey

Recently the [Columbia Missourian](#) ran a story about jail bond bills—payments that defendants are required to make to cover their own incarceration in county jails. According to the story, only seven of Missouri’s 114 counties do not collect such funds. And a defendant who is unable to “pay to stay,” may be sentenced to longer jail terms with higher resulting board bills.

In effect, the counties are operating debtor’s prisons.

George Richey is one person who has had a run in with these board bills. According to the *Missourian*,

Of the \$3,226 assessed to Richey in 2015, \$3,150 is for board at \$35 a day.

Almost 2 1/2 years later, Richey is still paying for that bill, with a balance of around \$1,600 left as of May. That is, until he was hit with a new board bill in 2016 of an additional \$2,275—the result of being jailed because he couldn’t fully pay the first bill.

Missouri is not alone in this practice. According to [a study by the Brennan Center for Justice](#), “as of 2015, at least 43 states authorize room and board fees and at least 35 states authorize

medical fees to be charged to inmates in either state or county correctional facilities.”

Through his public defender, Richey filed suit against the state of Missouri seeking to end the practice, and Missouri’s Attorney General [lent support to Richey’s effort](#) , noting in an amicus brief filed with the Missouri Supreme Court, “De facto debtors’ prisons have no place in Missouri, and I am proud to stand up against a system that seeks to treat its poorer citizens as ATMs.”

Last week, the Show-Me Institute joined the Institute for Constitutional Advocacy and Protection, the Fines & Fees Justice Center, the Roderick and Solange MacArthur Justice Center, and Fair and Just Prosecution in submitting an amicus curiae brief to the Missouri Supreme Court. The brief notes that the current system burdens both the individuals being fined as well as the courts, and that there are other, more effective ways to collect debt. The filing concludes:

Jail debt, when imposed on indigent individuals like Mr. Richey, is irrational, unjust, counterproductive, and likely unconstitutional. This Court should reverse the trial court’s denial of Mr. Richey’s motion to retax costs.

There are plenty of opportunities for criminal justice reform in Missouri, and we have written about [many of them in the past](#) . Often such reforms focus on how to maintain public safety while reducing costs to taxpayers. This effort, however, focuses on protecting the liberty of individuals from pernicious government. We hope the courts will agree.

 [Richey Amicus Brief.pdf](#)

Tags:

- [Criminal Justice Reform](#)

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[3] https://www.columbiamissourian.com/news/state_news/in-rural-missouri-going-to-jail-isn-t-free-you/article_613b219a-f4d7-11e8-bf90-33125904976d.html

[4] <https://www.brennancenter.org/publication/charging-inmates-perpetuates-mass-incarceration>

[5] https://www.columbiamissourian.com/news/state_news/missouri-ag-schmitt-files-first-amicus-brief-opposing-debtors-prisons/article_9c862644-12ac-11e9-8572-6373d1b68c49.html

[6] <https://showmeinstitute.org/tags/criminal-justice-reform>

[7] <https://showmeinstitute.org/sites/default/files/Richey%20Amicus%20Brief.pdf>

Mission Statement

Advancing liberty with responsibility by promoting market solutions for Missouri public policy.

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