

SUPPORT HB 326 - drivers' license suspensions

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee

FROM: Phil Caroom, MAJR Executive Committee

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Maryland Alliance for Justice Reform (MAJR) supports HB 326 as a measure that simultaneously could reduce poverty for thousands of Marylanders, and save time for law enforcement officers and traffic courts.

Currently, when a parent ordered to pay child support falls 60 or more days behind, the Child Support Office and the Motor Vehicle Administration cooperate to effect automatic suspensions of the parent's driver's license. Often, support-obliged parents are unaware when this take effect. But, if a police officer happens to stop the parent after that for any reason (speeding or any traffic incident), the driver may be arrested and held in pretrial detention.

Why is a single driver's license suspension so much trouble? The resultant troubles compound all the parent /driver's poverty-related concerns: Each suspension incident adds points on the driver's record, requires another court appearance, another day off work, and may require paying an attorney. The driver's car insurance costs also rise substantially due to the increase of points on her driving record.

The net effect is a "Catch-22" situation where impoverished parent/drivers can become trapped in a revolving-door where one fine leads to another and another: an individual, who was temporarily unemployed and missed child support payments, now can't drive to work, has more traffic fines, insurance and possibly legal fees to pay in addition to child support. To earn money for these debts, the driver needs to drive herself to work while license is suspended and, thus, risks yet another ticket for driving suspended. One's ability to pay child support is *not* improved by the current law.

According to the December 2015 Final Report of the Md. Justice Reinvestment Coordinating Council, "In FY2014, 16.5 percent of jail sentences in Baltimore City were for operating a motor vehicle with a suspended license, representing 11.8 percent of the under-12-month local prison population." According to a 2005 survey, 54,000 Marylanders then were believed to be driving on suspended licenses. While Maryland's Justice Reinvestment Act, eff. 10/1/17, sought to avoid jail sentences for first-time offenders who drove on a suspended license, the number of Marylanders still can be estimated in the thousands each year.

When assessing the fiscal impact of HB 326, legislators strongly should bear in mind that the unintended negative consequences of the current system too often prevents low-income Marylanders from driving to work at all, or it imposes additional financial costs on them that they cannot afford.

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NOTE: Phil Caroom testifies here for Maryland Alliance for Justice Reform (www.ma4jr.org) & not for the Maryland Judiciary.