

SUPPORT SB 234 - drivers' license suspensions

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

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Maryland Alliance for Justice Reform (MAJR) supports SB 234 as a measure that simultaneously could reduce poverty for thousands of Marylanders, and save time for law enforcement officers and for the traffic courts.

Currently, when a police officer issues a payable (as opposed to a “must appear”) traffic citation to any Maryland driver, the driver must file a written request for a trial or pay the fine within 30 days.

Failure to make timely payment results in a notice from the MVA that the driver’s license is suspended. If a police officer happens to stop the driver after that notice is issued, the driver may be arrested and held in pretrial detention.

Why doesn’t every driver instantly pay the citation or file a written trial demand? Anyone associated with the Court system and with traffic cases has heard lots of explanations: “I forgot,” “I didn’t have the money,” “I had to pay the rent / the doctor’s bills / the lawyer to fight the traffic ticket / my car payment...”. The large majority of explanations relate to insufficient income.

Even if the initial excuse is only “I forgot,” this failure to pay one single citation can spiral into multiple problems: Each incident of driving suspended racks up between 3 and 12 points on the driver’s record, may require another court appearance, in turn 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 that drivers often become trapped in a revolving-door where one fine leads to another and another with the Md. MVA and Courts as a participants: an individual who was too poor or too disorganized to pay a single small fine — perhaps \$75 to \$300—will end up having no driver’s license for many months because she needs to pay thousands of dollars in more fines, car insurance and legal fees. To earn money in order to pay these debts, the driver who most often needs to drive herself to and from work is required to do so while her license is suspended thus, taking the risk of getting yet another ticket for driving suspended.

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 sentence 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 SB 234, legislators strongly should bear in mind the huge impact of the current law on low-income Marylanders who are the victims of the vicious circle of Maryland’s driving suspended laws.

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NOTE: Phil Caroom offers this testimony on behalf of the Maryland Alliance for Justice Reform and not on behalf of the Maryland Judiciary.