

**Baltimore City State's Attorney Office\_FAV\_SB370**

Uploaded by: Abbeduto, Mack

Position: FAV



### **Written Testimony in Support of SB370**

For my first six months as a prosecutor in Baltimore City, I handled traffic dockets at the Hargrove District Court in Southern Baltimore City. I have prosecuted over a thousand traffic cases. Invariably the plurality of charges on every docket were for driving on a suspended privilege, Transportation Code Section 16-303(c). Individuals charged with a 16-303(c) violation face up to one year in prison, a \$1,000 fine, and 12 points on their driving record. It is a serious charge. Most of these 16-303(c) cases were based on suspensions due to poor or dangerous driving.

But at least one case every docket charged a person for driving on a suspended privilege where the suspension was due to a failure to pay a civil judgment. Every time this person would be shocked and afraid when I alerted them to the possible penalty they faced. They would explain to me how they had been in an accident years ago and have been unable to pay off the hundreds or thousands of dollars that they owed. But they also explained that they were trying. That they were going to their job every day to pay off that debt. And that was what they had been doing when they were ticketed. One gentleman in his 50s told me, and his paperwork confirmed, that he had been paying off a \$10,000 civil judgment for over 10 years. But while paying that debt he had been ticketed multiple times for 16-303(c), incurring thousands of dollars' worth of court fines and spending days in jail. Despite the tickets, he continued to drive to work in order to pay off the civil judgment. Unfortunately, due to the court fines, he still owed approximately \$10,000.

Penalizing these individuals with a possible year in prison, a \$1,000 fine, and 12 points, does not further the goals of criminal sentencing. It does not make our communities safer. These individuals are not unsafe drivers. Unsafe drivers are covered by other suspensions. It does not deter individuals. Many are unaware of the penalty and if they are aware, they feel that they have to drive to pay off the civil judgment. It does not rehabilitate people. Indeed, whether these are individuals who even need to be rehabilitated is doubtful. All the current penalties do for those suspended because of civil judgments is push them further into debt and poverty. It pushes people to lose jobs, homes, and the ability to do the very thing that we want them to do, pay the civil judgments. Enacting SB370 would change the penalty for these individuals to a possible \$300 fine and 3 points on their driving record. SB370 would still incentivize repayment of civil judgments, but it would do so without penalizing individuals to the point where repayment is practically impossible.

As a person who is on the ground and witnessed hundreds of people charged with driving on a suspended privilege because of a civil judgment, I urge you to support SB370. Thank you very much for your time and consideration.

Respectfully submitted,

Mack Abbeduto  
Assistant State's Attorney  
Office of the State's Attorney for Baltimore City

**Baltimore City State's Attorney Office\_FAV\_SB370**

Uploaded by: Abbeduto, Mack

Position: FAV



### **Written Testimony in Support of SB370**

For my first six months as a prosecutor in Baltimore City, I handled traffic dockets at the Hargrove District Court in Southern Baltimore City. I have prosecuted over a thousand traffic cases. Invariably the plurality of charges on every docket were for driving on a suspended privilege, Transportation Code Section 16-303(c). Individuals charged with a 16-303(c) violation face up to one year in prison, a \$1,000 fine, and 12 points on their driving record. It is a serious charge. Most of these 16-303(c) cases were based on suspensions due to poor or dangerous driving.

But at least one case every docket charged a person for driving on a suspended privilege where the suspension was due to a failure to pay a civil judgment. Every time this person would be shocked and afraid when I alerted them to the possible penalty they faced. They would explain to me how they had been in an accident years ago and have been unable to pay off the hundreds or thousands of dollars that they owed. But they also explained that they were trying. That they were going to their job every day to pay off that debt. And that was what they had been doing when they were ticketed. One gentleman in his 50s told me, and his paperwork confirmed, that he had been paying off a \$10,000 civil judgment for over 10 years. But while paying that debt he had been ticketed multiple times for 16-303(c), incurring thousands of dollars' worth of court fines and spending days in jail. Despite the tickets, he continued to drive to work in order to pay off the civil judgment. Unfortunately, due to the court fines, he still owed approximately \$10,000.

Penalizing these individuals with a possible year in prison, a \$1,000 fine, and 12 points, does not further the goals of criminal sentencing. It does not make our communities safer. These individuals are not unsafe drivers. Unsafe drivers are covered by other suspensions. It does not deter individuals. Many are unaware of the penalty and if they are aware, they feel that they have to drive to pay off the civil judgment. It does not rehabilitate people. Indeed, whether these are individuals who even need to be rehabilitated is doubtful. All the current penalties do for those suspended because of civil judgments is push them further into debt and poverty. It pushes people to lose jobs, homes, and the ability to do the very thing that we want them to do, pay the civil judgments. Enacting SB370 would change the penalty for these individuals to a possible \$300 fine and 3 points on their driving record. SB370 would still incentivize repayment of civil judgments, but it would do so without penalizing individuals to the point where repayment is practically impossible.

As a person who is on the ground and witnessed hundreds of people charged with driving on a suspended privilege because of a civil judgment, I urge you to support SB370. Thank you very much for your time and consideration.

Respectfully submitted,

Mack Abbeduto  
Assistant State's Attorney  
Office of the State's Attorney for Baltimore City

**Jill Carter\_FAV\_SB0370**

Uploaded by: Senator Carter, Senator Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0370 - Driver's License Suspensions – Failure to Satisfy  
Judgment – Penalties and Assessment of Points  
Before the Judicial Proceedings Committee  
on February 21, 2020**

**Mr. Chairman, Vice chair, and Members of the Committee:**

**This important bill is meant to address the pernicious issue of the criminalization of poverty. I am advocating for legislation to remove jail as a penalty for driving while suspended in the Transportation Code for failing to pay a default judgment issued by the court.**

**In 2017, the General Assembly took an important step in decriminalizing poverty by removing jail for driving while suspended for failure to pay child support or failure to pay a traffic ticket. We are here today to ask you to make the same changes for all default judgments.**

**Other than the specific situation that this bill addresses, jail is a penalty only for driving suspended if you are a danger behind the wheel. You can go to jail for driving suspended because you have accumulated too many points for moving violations, for a conviction for driving while impaired by drugs or alcohol, refusing a chemical**

test for DUI, or for failing to use an ignition interlock device when ordered to do so.

Baltimore City District Court prosecutors see too many cases in which an individual's driving privilege is suspended for an outstanding civil judgment. One Baltimore man was charged with 16-303(c) for failure to pay a civil judgment. He was in his 50s and has had a civil judgment against him for approximately 20 years. That stemmed from a car accident and he owed roughly \$10,000 in damages. He had no way to pay the judgment. Because of his inability to pay and his need to keep driving to earn a living, he continued to get tickets for 16-303(c), spend time in jail for it, and accumulate more and more points on his driving record for driving while suspended. In turn, the jail time and the fines made it so that he had a hard time keeping a job and a stable place to live. This vicious circle needs to be broken.

By amending this law as proposed, we can stop penalizing individuals for circumstances beyond their control or circumstances that they are actively trying to improve. It makes no sense to push citizens further down a financial black hole.

For these reasons, I urge a favorable report from this committee on SB 370.

Very Truly Yours,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter