

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

DIRECT DIAL
443-984-6000

Delegate Luke Clippinger
Chair, Judiciary
House Office Building
6 Bladen Street
Annapolis, MD 21401

February 26, 2020

Re: Support for – HB884 – Vehicle Laws – Canceled, Revoked, and Suspended Driver's Licenses – Penalties

Dear Chairman Clippinger and Committee Members:

As a prosecutor in Baltimore City, I have dealt with more traffic offenses than I can count. However, one particular law stands out amongst the many that I deal with in court every day. Under Transportation Article 16-303 (C), an individual who drives on a license that is suspended due to the failure to pay a civil judgment faces a maximum penalty of a \$1000 fine, 1 year of incarceration, and 12 points on their license. Yes, this is for failing to pay a civil judgment. To put this law in perspective, a first time defendant that is driving while impaired by alcohol only faces a maximum penalty of 60 days of incarceration and a \$500 fine. To bring the point home more clearly, moreover, the crime of possession of a controlled dangerous substance carries the same maximum penalty as driving license suspended: 1 year of incarceration.

While preparing my docket for court, I have tried on numerous occasions to wrap my head around this concept and convince myself that it makes sense. Alas, that time has still not arrived. The deleterious effect that this law has had on defendants throughout the city is troubling. For example, I can remember defendants with full-time jobs and families facing the risk of incarceration because they were cited for this offense while driving. Moreover, the points attached to their license if they are found guilty places them in a hole that is almost impossible to climb out of. The many stories that I would hear as I greeted defendants at the trial table were heart wrenching. What is more, even if the defendant was constantly paying down the debt—which is usually the case—they still could not rid themselves of this suspension from their license.

The reality is that Transportation Article 16-303 (C) criminalizes defendants for being poor. HB884, however, would provide a much needed change to this problem. With this law, a defendant would not face this risk of incarceration; rather, they would be subject to a fine of \$500. As a law student we are taught that the penalty should decrease recidivism. In other words, the defendant should be involved in less of a crime of a similar nature after receiving the penalty. Yet, the law as it currently stands does not promote that cause. Enacting HB884 would make the penalty proportionate to the crime. Furthermore, it would give a defendant the opportunity to pay down their civil judgment while being held responsible if they choose to drive with a suspended license.

As a prosecutor who is fighting every day to help bring justice to the citizens of Baltimore City, I urge you to support HB884. Thank you for your consideration.

Respectfully submitted,

Thomas E. Woods IV