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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:

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. Some of these prosecutions dealt with serious offenses, offenses that put the health and lives of pedestrians and drivers at risk. HB884 does not deal with these type offenses. HB884 seeks to decriminalize two offenses which come about as a result of poverty.

Currently, under 16-303(c) an individual who drives on a privilege which is suspended due to the failure to pay a civil judgment faces a maximum penalty of \$1,000 and 1 year in jail. HB884 would make the maximum penalty a fine of \$500 and no possibility of jail time. This is an important step towards the decriminalization of poverty. In my experience, at least one case every docket charged a person for driving on a suspended privilege where the suspension was due to the 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.

Pursuant to 16-301(c), (d), and (e), currently an individual whose license is canceled, suspended, or revoked, faces a penalty of 60 days in jail and a \$500 fine for showing their license to an officer. This penalty is separate and additional to any penalty they face for driving on a canceled, suspended, or revoked license. HB884 would eliminate the possibility of jail time and keep the maximum fine of \$500. As a traffic court prosecutor, I can say with the utmost confidence that not

one person I encountered who was charged with this crime was aware that showing an officer a canceled, suspended, or revoked license, was against the law. Upon a license being canceled, suspended, or revoked, the licensee is supposed to turn in their license to the Motor Vehicle Administration (MVA). This fact is included in letters sent from the MVA to the licensee. However, many of the licensees who face suspension suffer from unstable living addresses and never actually receive such notices. It is unsurprising then that the vast majority of individuals charged with this crime not only have in common ignorance of its criminality but also are impoverished.

The criminalization of the above conduct does not further the goals of criminal sentencing. It does not make our communities safer. These individuals are not unsafe drivers. It does not deter individuals. Almost all are unaware of the penalty. It does not rehabilitate people. Indeed, whether these are individuals who even need to be rehabilitated is doubtful. All the current penalties do is push impoverished people further into debt and poverty. It forces people to lose jobs, homes, and spend time in jail for conduct that does not harm anyone. Enacting HB884 would eliminate the possibility of incarceration for these offenses. HB884 would still incentivize the repayment of civil judgments and the forfeiture of canceled, revoked, or suspended licenses, but it would do so without incarceration.

As a person who is on the ground and witnessed hundreds of people charged with these offenses, I urge you to support HB884. 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