

Testimony_JPC_SB0020 - Google Docs.pdf

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0020 - Vehicle Laws - Canceled, Revoked, and
Suspended Driver's Licenses - Penalties
Before the Judicial Proceedings Committee
on January 27, 2021**

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

Senate Bill 20 is a bill about decreasing the criminalization of nonviolent vehicle offenses related to canceled, revoked, or suspended licenses. The bill seeks to eliminate jail sentences for those convicted of displaying a canceled, revoked, or suspended license.

Under current Maryland law, a person convicted under this subtitle is subject to imprisonment for up to two months, a fine of up to \$500, or both. The bill repeals, with exceptions, the term of imprisonment for a convicted person but leaves the amount of the maximum fine unchanged.

Additionally, under current law, the Motor Vehicle Administration must assess 12 points against a person convicted for possessing a canceled, revoked, or suspended license. Finally, under current law, the District Court requires an individual to appear in court for any of the offenses addressed by the bill.

Senate Bill 20 strives to decrease the maximum point assessment from 12 points to 3 points against a person's license. Additionally, the bill removes the requirement that a person who is charged with one of these offenses appear in court.

Furthermore, this bill has potential benefits that touch on many areas of state government. First, the bill would be beneficial for decreasing general fund expenditures because it would essentially decrease the number of people being committed to correctional facilities for convictions. Second, it would decrease the number of arrests because persons charged with possessing a suspended, revoked, or canceled license would no longer be arrested, or required to attend a District Court hearing/trial. This would allow for greater efficiency within the courts. Third, Local Expenditures would also likely decrease because less people in jail means less money the state and various counties would need to pay to incarcerate individuals. As pointed out in the fiscal note to this bill, revenues are not expected to be impacted while there may be a decrease in State and local expenditures as well.

I urge this committee to give a favorable report on SB20. Thank you.

Respectfully,

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

Jill P. Carter

Bill position SB 0020.pdf

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POSITION ON PROPOSED LEGISLATION

Bill: SB 0020 Vehicle Laws – Canceled, Revoked, and Suspended Driver Licenses

Position: Favorable

Date: January 27, 2021

The Office of the Public Defender supports SB 0020, which would decriminalize displaying a cancelled, revoked or suspended license in certain circumstances. In recent sessions the legislature has removed criminal penalties for possessing a canceled, revoked, and suspended license in certain circumstances. This bill will merely continue that work by also decriminalizing displaying licenses in those conditions to a police officer. Therefore, we support a favorable report on this bill.

SB20_MCRC_FAV.pdf

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Maryland Consumer Rights Coalition

Testimony to the Senate Judicial Proceedings Committee
SB020: Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties
Position: Favorable

January 27, 2021

The Honorable William Smith Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB020.

One of the top five reasons why Maryland drivers have their licenses suspended or revoked is unpaid traffic tickets and other fines and fees. MCRC's 2019 report "No Exit: How Maryland's Debt Collection Practices Deepen Poverty and Widen the Racial Wealth Gap", documents the ways in which with numerous fines and fees, particularly local and state-owed fines, lead to a vicious cycle of debt for low-income and working families. The loss of a drivers' license exemplifies this practice. Low-income Marylanders who owe a traffic citation, or judgement, risk the suspension of their licenses due to an inability to pay the citation- in other words, due to poverty. Loss of a license means an individual may no longer be able to get to work and may lose their job; thus making it more difficult to pay their bills and other debts. Should an individual risk driving without a license, if caught, they risk additional fines and possibly jail. This bill eliminates that possibility and protects low-income Marylanders from imprisonment due to factors largely derived from their socioeconomic status.

MCRC clients who work with us on financial counseling or tenant advocacy have a median income of \$20,000- for these individuals, an unexpected bill whether it is \$50 or \$500 is unaffordable and cataclysmic for their financial well-being. The threat of jail time added to this already devastating financial burden makes it nearly impossible to pay traffic tickets or other state fines that may have been the cause of the revoked license.

SB020 is an important step in reversing the cycle of debt for low-income and working families. This bill eliminates imprisonment as a possible penalty for a person convicted of displaying a canceled, revoked, or suspended license and reduces the points assessed for these violations.



Maryland Consumer Rights Coalition

By eliminating imprisonment as a penalty for driving with a canceled, revoked, or suspended license, SB020 will assist working families throughout the state by ensuring individuals can continue to get to work in order to meet their financial obligations.

For all these reasons, we support SB020 and ask for a favorable report.

Best,

Isadora Stern
Economic & Tenants' Rights Organizer

SB20 Testimony - MVLS Letterhead.pdf

Uploaded by: Sweeney, Christopher

Position: FAV



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MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB0020: VEHICLE LAWS – CANCELED, REVOKED,
AND SUSPENDED DRIVER’S LICENSES - PENALTIES
WEDNESDAY, JANUARY 27, 2021

Senator Carter and distinguished members of the committee, thank you for the opportunity to testify in support of Senate Bill 20.

My name is Christopher Sweeney and I am the Staff Attorney for the Workforce Development Project at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS’ founding in 1981, our statewide panel of over 1,700 volunteer lawyers, has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteer and staff lawyers provided legal services to 4,459 people across the state. Through our Workforce Development project, we encounter many clients who face driver’s license suspensions and their collateral consequences. For the reasons explained below, we respectfully request a favorable report on SB20.

MVLS’ Workforce Development Project is a partnership with occupational training programs in Baltimore City, and is a continuation of the Mayor’s Office’s ‘One Baltimore for Jobs’ pilot program. The Mayor’s Office of Employment Development began One Baltimore for Jobs as a response to the civil unrest in 2015. The project supports job programs, social services programs, and legal services programs in Baltimore, and connects those programs with support from state agencies such as the Office of Child Support and the Motor Vehicle Administration. Though funding for legal services via One Baltimore for Jobs has ended, MVLS has continued its part of the project and currently supports six workforce programs in Baltimore. MVLS works with Civic Works, Job Opportunities Task Force, Jane Addams Resource Corporation, Caroline Center, Bon Secours Community Works, Biotechnical Institute of Maryland, and Helping Up Mission to provide ‘wrap-around’ services – supplementing the trainees’ social services with legal services. The goal of the program is to make participants more job-ready by reducing barriers to employment.

Each of the clients I serve through the Workforce Development Project is enrolled in courses to receive job skills training and certification in areas such as welding, machine operation, nursing, pharmacy tech, construction, and

weatherization. These non-profit programs are free to students, and are aimed at providing re-entry opportunities for those who were previously incarcerated or who simply lacked educational and employment opportunities due to the experiences of poverty. A large number of the clients MVLS serves through this program have been charged with driving on a suspended license. This is largely due to their inability to pay the fees and fines that are often required to keep their license in good standing. For a person living on the edge of poverty, trying to make ends meet, a simple infraction or missed payment can spiral into a series of fines and fees that result in a license suspension. This can force a person to decide between not driving, thereby missing work or employment opportunities, and risking the criminal penalties for driving with a suspension in order to put food on the table.

As these individuals prepare to enter the workforce and get their lives back on track, the possibility of incarceration for what ultimately amounts to an unpaid fine is a major impediment. Furthermore, the fact that driving on a suspended license even carries the possibility of incarceration means that this charge can never be expunged under our current laws, and can block otherwise eligible charges from being expunged. By lessening the penalty associated with driving on a suspended license, SB20 would provide a path forward for those seeking to re-enter the workforce and contribute to our society.

Expungement is a major element of our workforce development project, and SB20 would open up substantial possibilities for Marylanders who have been held back by past criminal charges. Maryland's current laws prevent a person from expunging a case if one or more charges within that case resulted in a guilty verdict. One exception to this rule is traffic offenses that do not carry the possibility of incarceration. By reducing the penalty for driving on a suspended license, Maryland would allow many people to move forward with their lives by expunging old charges. Letting incarceration remain an option for suspended license charges holds people back, preventing expungement and in turn preventing Marylanders from employment opportunities that would benefit them and enrich our society.

MVLS has served hundreds of clients who have been prevented from expunging cases due to the current penalties for suspended licenses. Too many clients have cases on their record that involve "more serious" charges like drug-related offenses that were dropped or adjudicated not guilty, only to be found guilty for driving on a suspended license. Current laws make these dropped charges – where a person was not found guilty – impossible to expunge due to a suspended license conviction. This unfair practice would end with the passage of SB20.

Thank you, again, for the opportunity to testify. We respectfully request a favorable report on Senate Bill 20.

Written Testimony in Support of SB20 - ASA Mack Ab

Uploaded by: Abbeduto, Mack

Position: FWA



Written Testimony in Support of SB20

Senator William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Re: SUPPORT FOR SB20 WITH AMENDMENT ADDING § 17-204 TO THE ENUMERATED
SUSPENSIONS UNDER TR § 16-303(H)

Dear Chairman Smith and Committee Members:

I have worked as a prosecutor in Baltimore City for approximately two years. As part of my duties I have prosecuted over a thousand traffic cases at the Hargrove District Court in Southern Baltimore City. 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 under 16-303(c) 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. With no other viable options, 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 categories of suspensions such as accumulation of points. 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 SB20 would change the penalty for these individuals to a possible \$300 fine and 3 points on their driving record. SB20 would still incentivize repayment of civil judgments, but it would do so without penalizing individuals to the point where repayment is

practically impossible. The current law is an anachronistic penalization of poverty. Maryland has led the way in rehabilitating irrationalities and inequities in our criminal justice system. This bill is another step in the right direction.

As a person who is on the ground and has witnessed hundreds of people charged with driving on a suspended privilege because of a civil judgment, I urge you to support SB20. 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

SB20 - Vehicle Laws - Canceled, Revoked, and Suspe

Uploaded by: Dews, Christopher

Position: FWA



Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 20:

Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties

TO: Hon. William Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Advocate

DATE: January 27, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 20 with amendments as a means to repeal the term of imprisonment and reduce the points assessed for a person convicted of displaying any canceled, revoked, or suspended license.

A 'Displaying an Invalid License' conviction in Maryland for an individual who displays a license that has been suspended, revoked, or canceled is subject to a 60-day jail term and a \$500 fine. The policy of fines or incarceration for failure to display a valid license has disproportionate and highly negative impacts on the poor. Indeed, many who find themselves in this situation may not necessarily know that they are indeed displaying an invalid license- as the MVA will often send suspension notices and cancellations to addresses that they may not reside in due to chronic housing instability- which is usually proof positive of an individual's lack of financial stability. It is a policy that further impoverishes poor people who face income and job loss as a result of their inability to drive to work and can lead to criminal charges simply due to the inability to pay flags, child support, or other motor-vehicle debts without even knowing that they are at risk.

Mobility is essential for employment, as the majority of Maryland workers must drive to reach their jobs. In this regional economy, nearly 50 percent of Marylanders travel outside of their county for employment. This makes access to vehicular transportation essential to the livelihood of nearly half of Maryland's working population. As such, Maryland's low-wage workers, oftentimes, must weigh the risks of driving without a valid license against the need to earn income.

At JOTF, we routinely encounter those who are directly impacted by Maryland's use of driver's license suspension and revocation as a debt collection practice. We encounter it through the stories of our Project JumpStart participants or from the millions of low-wage workers who we advocate for in Annapolis. In every instance, the case is the same – a debt is owed, there is no ability to pay, a driver's license is revoked or suspended – creating a cycle of lost employment, income, and even your freedom. We have also seen, repeatedly, that the motor vehicle administration routinely fails to lift suspensions for our workers who are on arrearage payment plans for child support or technological glitches that display

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

redacted infractions on the individual's driving record leading to invalid licenses. Part of this is beyond the individual's control and there is little to no reason to imprison them for it.

Above this, is the \$500 fine imposed by the current state law for displaying invalid licenses. For many of our constituents, the primary reason for a suspended/revoked license lies within their inability to pay for child support or various other debts as they simply do not have the money. With multiple reports showing pre-pandemic that most Americans can't even afford a \$400 emergency expense due to bills and debt- it can be assured that most Marylanders do not have \$500 to spare for a potentially accidental motor vehicle fine. As such, we would support Senate Bill 20 with an amended fine down to \$50 with *no* risk of arrest. For these reasons, we urge a favorable report *with amendments* to Senate Bill 20.