

MEMORANDUM

To: The Honorable William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee

From: The University of Baltimore School of Law Legal Data and Design Clinic

Date: February 5, 2020

Re: SB 402 Driver's Licenses – Suspension for Child Support Arrearages – Repeal
(FAVORABLE-WITH AMENDMENTS)

I. INTRODUCTION

The University of Baltimore School of Law Legal Data and Design Clinic (LDDC) submits the following written testimony in favor of SB402 with amendments. Though complete repeal of driver's license suspensions for child support arrearages (DLS-CSA) is unnecessary and could risk federal funding, current DLS-CSA practice desperately needs reform. As our analysis shows, current DLS-CSA law exacerbates racial inequality and cycles of poverty.

Our conclusions derive from 2015-2020 DLS-CSA data (disaggregated by race and zip code) provided by the Maryland Department of Transportation (MDOT) and the Office of the Attorney General (OAG). We also incorporated public census data on race and poverty levels in Maryland counties into our analysis. Our major conclusions are:

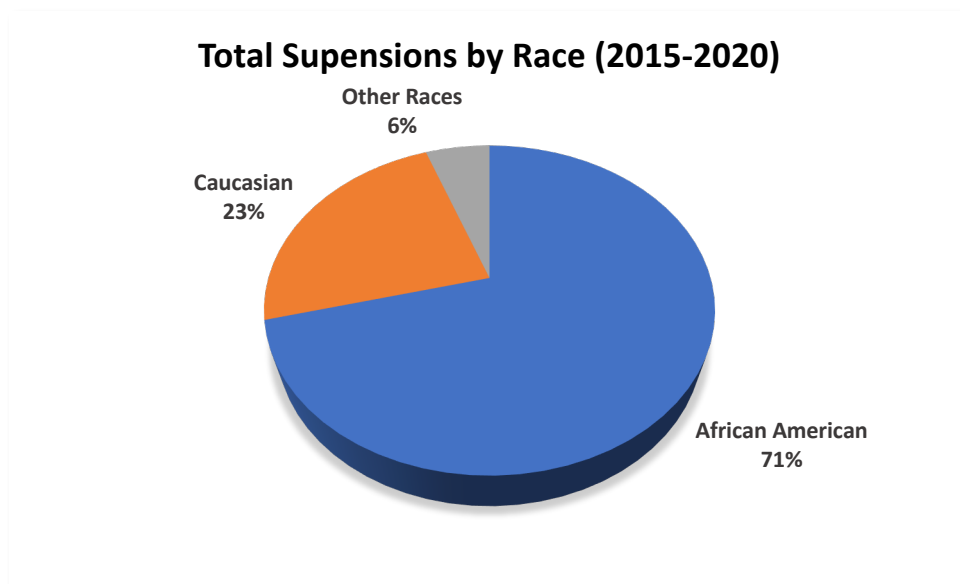
- On average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.
- In areas with poverty rates lower than the state average, an average of 9.3 African Americans received license suspensions, a rate 3 times higher than Caucasian residents within similar areas.
- Unlike drivers of other races, African Americans were the only racial group to experience substantially higher license suspensions in both counties that had lower and higher poverty rates than the state of Maryland's poverty average.

II. DISCUSSION

At the outset, it bears emphasis that the fundamental logic of DLS-CSA is flawed. No correlation exists between one's ability to drive competently and one's ability to pay child support. Suspension is thus a punitive measure wholly unrelated to safety on Maryland's roads and highways. Even worse, DLS-CSA actually makes it more difficult for people who owe child support to meet their obligations. This is because many Marylanders drive to work. Taking away the ability to drive thus deprives these Marylanders of the ability to make money. Given the absence of an adequate public transportation infrastructure, DLS-CSA risks contributing a vicious cycle wherein a person goes deeper and deeper into debt because he has been deprived of a key means to make money to pay back that very debt.

With this context in mind, we turn to the problem of DLS-CSA seen through the lenses of race and poverty.

(a) RACIAL DISPARITIES IN DLS-CSA



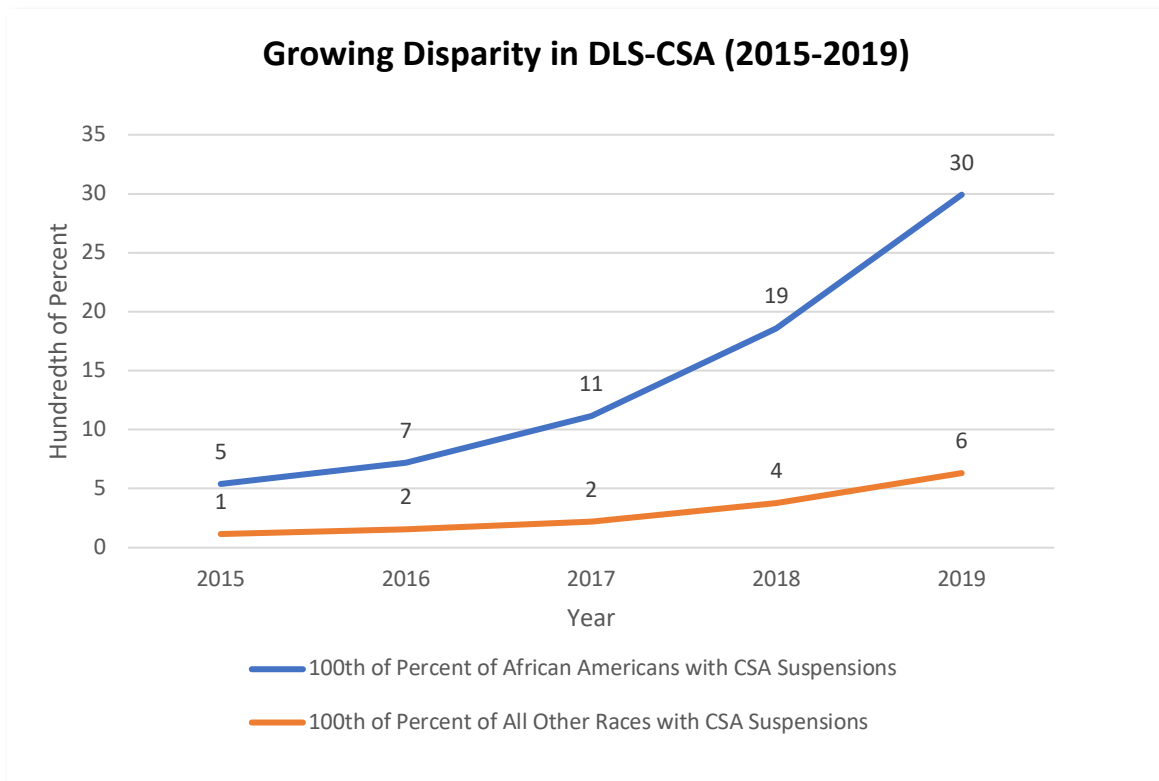
Although African Americans constituted 31.1% of Maryland's population in 2019, MDOT data shows that 71% of suspensions between 2015 and 2020 were of African Americans. By contrast, Caucasians constitute 58.5% of the population but only 24% of suspensions. The fact that approximately 3 times more African Americans than Caucasians suffered DLS-CSA shows the disproportionate impact.

License Suspensions for Child Support Non-Compliance as of 11/10/2020

RACE	Calendar Year						Grand Total
	2015	2016	2017	2018	2019	2020	
AFRICAN AMERICAN	987	1,321	2,073	3,475	5,621	5,465	18,942
CAUCASIAN	374	486	735	1,214	2,068	1,417	6,294
ASIAN	11	9	11	16	33	25	105
AMERICAN INDIAN	6	6	3	22	31	16	84
OTHER	69	113	140	245	384	339	1,290
NULL	1	1	2	3	5	4	16
TOTAL	1,448	1,936	2,964	4,975	8,142	7,266	26,731

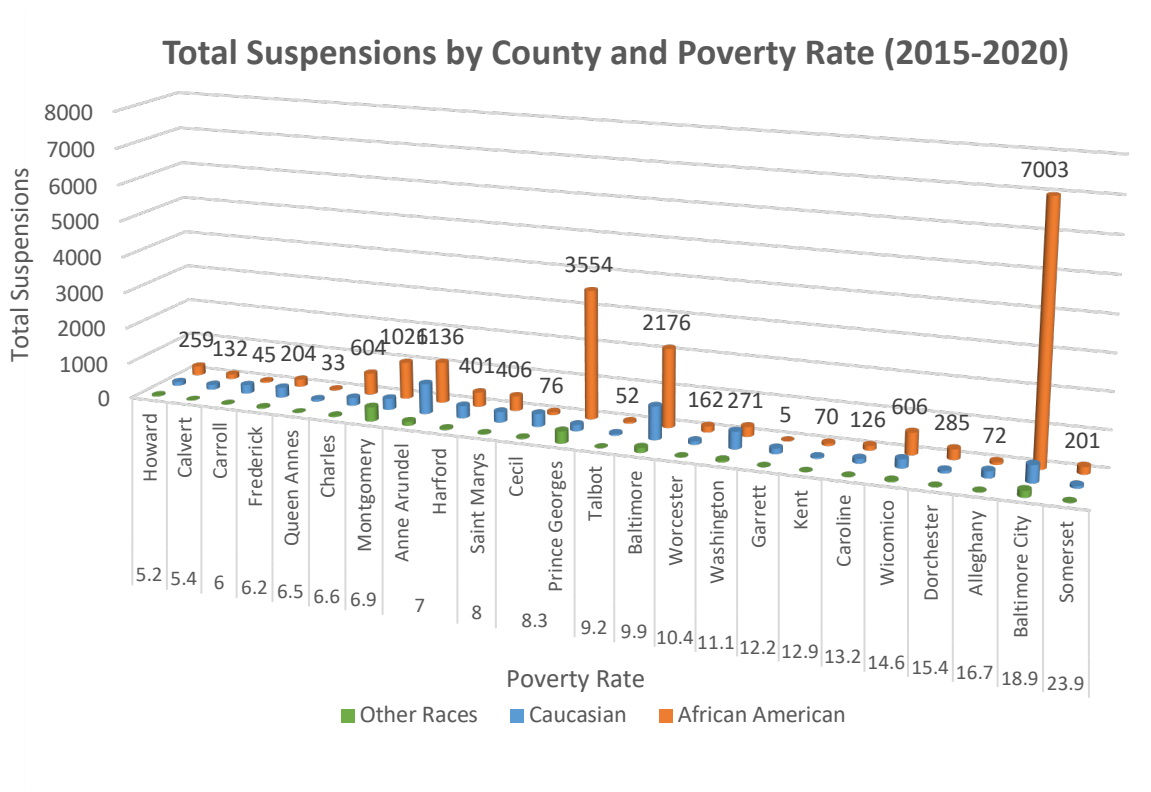
Figure 1 – Maryland Department of Transportation, Office of Data Management

This disparate impact has worsened over time. The chart below shows the percentage of all African Americans versus other races suffering DLS-CSA (Note: the chart show hundredths of one percent). The gap is clearly increasing. The estimated total population of 2020 was unavailable and therefore this analysis is conducted over the period of 2015 to 2019. By 2019, African Americans were 5 times more likely to have a CSA suspension than other races.



(b) POVERTY AND DLS-CSA

Our analysis shows that DLS-CSA disproportionately affects the poorest Marylanders. Using disaggregated zip code provided by the MDOT, this can be easily visualized. The columns in the graphic below shows the total numbers of suspensions in each county by race. Counties are arranged by poverty rate: the counties with the lowest poverty rates are on the left of the graphic while the counties with the highest rates are on the right.



The picture painted is clear. Citizens of poorer counties suffer more. In 2018, the state of Maryland's poverty rate was 9.1%. Twelve (12) counties experienced poverty at high levels than the state poverty rate while 11 experienced lower poverty rates. Residents in counties with poverty rates higher than the 9.1% state rate were more likely to experience license suspension. However, African Americans received substantially higher numbers of license suspensions in counties on either side of the state rate. In counties with higher poverty rates, African Americans received an average of 24.3 license suspensions, a stark contrast from the average of 5.4 suspensions for Caucasian residents. In counties with lower poverty rates, there was an average of 9.3 suspensions for African Americans and 3.9 for Caucasians. Overall, on average, African American residents are almost 5 times more likely to experience license suspension than their Caucasian counterparts.

Average of Total Suspensions by Race and Poverty Level

Poverty Rate (2018)	African American	Caucasian	Other Races
Higher (above state rate)	24.3	5.4	2.0
Lower (below state rate)	9.3	3.9	2.2

III. CONCLUSION

Because DLS-CSA has obvious race and poverty impacts, the LDDC favors SB 402 with amendments. In light of the inequalities exacerbated by current practice, the LDDC recommends the ending automatic suspension of driver's licenses as a CSA penalty.

Sincerely,
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cc: Members of the Senate Judicial Proceedings Committee