



Joint Committee on Transportation
July 23, 2015
Testimony of Attorney General Maura Healey

Chairmen Straus and McGee, members of the Committee, thank you for the opportunity to testify today. I'm here to express my support for *An Act relative to motor vehicle license suspension* (Senate Bill 1812, House Bill 3039), filed by Senator Chandler and Representative Malia. And I want to emphasize that this is a bill with broad support from others in law enforcement, including the Massachusetts District Attorneys Association.

Since 1989, Massachusetts has been automatically suspending the driver's license of any person convicted of a drug offense, even if the offense is unrelated to driving. The suspension can last up to five years, and the individual is assessed a reinstatement fee of at least \$500 to regain their driving privileges. This bill would repeal the automatic suspension of a person's driver's license after a drug conviction.

Importantly, the bill would not change the license suspension rules for those convicted of operating a vehicle under the influence of drugs or alcohol.

Each year, approximately 7,000 people in this state lose their driving privileges as a result of our existing law, even though a majority of them have not committed a crime involving a vehicle. Only about 2,500 of those people manage to pay the \$500 reinstatement fee to get their licenses back, demonstrating the very real obstacle that the revocation and fee create for low-income people. The reinstatement fee is ten times higher than the \$50 cost initially required to obtain a driver's license.

The automatic suspension rule originated out of a federal law that withholds a portion of a state's highway funds unless the state agrees to suspend the driver's license of anyone convicted of a drug offense. But that same federal law also allows a state to "opt out" by rejecting the suspension policy with a legislative resolution. This bill incorporates that "opt out" provision and is intended to allow Massachusetts to avoid a reduction of federal funds.

Our office has seen no evidence that license suspensions are an effective way to deter drug offenses that are unrelated to driving. License suspensions do, however, prevent people

from getting to work or the grocery store, picking their kids up from school, and fulfilling other obligations.

In a state where 80% of workers commute to work by car, prohibiting people from driving can make it very difficult for them to find and retain employment (and it of course forecloses any employment that requires on-the-job driving). Research shows that those who obtain employment after incarceration have lower rates of recidivism. The license suspension policy creates yet another obstacle for people struggling to rebuild their lives and achieve stability.

Automatic license suspension also burdens families. A person whose license has been revoked can't drive their children to school or daycare, transport family members to medical appointments, go grocery shopping, or assist an elderly relative. They may also have difficulty meeting probation or parole requirements, fulfilling legal obligations, and voting.

Let me give you an example. Just yesterday, I met a young man named Samuel. He was arrested when he was 17 for a marijuana offense. It was his first and only conviction. His license was revoked as a result. He's now 21 years old and, under current rules, can't get his license back until next year and will have to pay \$500 to do so. Samuel is from Boston but needs to travel to Braintree, where he works at a clothing store. Not having a license means it's hard for him to keep a job, and he often has to turn down night shifts because he can't get to the store. He can't drive his younger brother or elderly grandmother to appointments, and he worries about what might happen in an emergency. Here's an example of a young man trying to do the right thing – go to work, care for family – but the current law makes it difficult for him to do that.

Samuel's story is all too common. Automatic license suspensions for offenses that don't involve driving under the influence present an unnecessary barrier for thousands of people in this state working to rebuild their lives. *An Act relative to motor vehicle license suspension* is an important step toward smart and fair criminal justice reform. Thirty-four other states have already taken this step. It's time for Massachusetts to join them.

Thank you again for the opportunity to testify before you today. As always, our team at the Attorney General's Office is ready and available to work with you and your staff on this bill.