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MEMORANDUM

TO: The Pennsylvania State Senate

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: September 24, 2018

RE: SUPPORT FOR HOUSE BILL 163 (SACCONE) P.N. 4053 and HR 76 (MILLER)

Between 2011 and 2016, Pennsylvania suspended the licenses of [nearly 149,000 drivers](#) for drug convictions unrelated to traffic safety.¹ Losing a driver's license due to unrelated driving offenses punishes offenders beyond their lawful sentence and burdens virtually every aspect of their lives. Pennsylvania remains one of only [12 states](#)² that continues to automatically suspend driver's licenses for non-driving related offenses.³ HB 163 would repeal automatic suspensions for drug-related offenses not involving automobiles as well as for several other non-driving convictions, such as carrying false identification, misrepresentation of age to purchase alcohol, underage purchase of tobacco, and underage purchase, consumption, possession or transportation of alcohol.

On behalf of the 63,000 members of the ACLU of Pennsylvania, I respectfully urge you to vote 'yes' on [House Bill 163](#) and [House Resolution 76](#) for the following reasons:

Non-driving suspensions are ineffective, counterproductive, and a drain on resources

The original intent of driver license suspensions was to keep dangerous drivers off the road. But in 1991, in an effort to get 'tough on crime,' [Congress threatened states](#) with reduced highway funding if states did not automatically suspend the license of anyone convicted of a drug offense.⁴ A relic of the failed war on drugs, this policy proved both ineffective and counterproductive.

[Research shows](#) that mandatory license suspensions for non-driving offenses do nothing to reduce or deter crime, and by diverting resources away from highway safety enforcement, they make the roads more dangerous.⁵ Eliminating suspensions for non-driving violations significantly reduces the burden on departments of motor vehicles, law enforcement, and the courts⁶ – not to mention the tens of thousands of people directly impacted by this draconian policy.

Federal law continues to require states to suspend driver's licenses for drug-related offenses or risk losing federal highway funds. However, states can opt-out by passing a resolution informing the federal government of its intention to end license suspension. **HR 76** would satisfy this requirement and in so doing, would eliminate any risk of Pennsylvania losing federal highway funds.

¹ Vaughn, Joshua. "Eliminating driver's license suspensions for drug convictions." *The Sentinel*, 11 Jan. 2018, cumberlink.com/news/local/govt-and-politics/bill_tracker/bill-tracker-eliminating-driver-s-license-susensions-for-drug-convictions/article_ab2a833a-9d9b-523c-b82f-c01c77f6429b.html.

² Beitsch, Rebecca. "States Reconsider Driver's License Suspensions for People with Drug Convictions." *Pew Charitable Trusts*, 31 Jan. 2017, http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/01/31/states-reconsider-drivers-license-suspensions-for-people-with-drug-convictions.

³ 75 Pa. Const. Stat. Ann. § 1532(c)

⁴ 23 U.S.C. Sect; 159. Also known as the Solomon-Lautenberg Amendment of H.R. 5229 (1991).

⁵ "Best Practices Guide to Reducing Suspended Drivers." *American Association of Motor Vehicle Administrators*, Suspended/Revoked Working Group, Feb. 2013, www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/.

⁶ "Reinstating Common Sense: How driver's license suspensions for drug offenses unrelated to driving are falling out of favor." *Prison Policy Initiative*, 12 Dec. 2016, www.prisonpolicy.org/driving/national.html#waste.

Suspensions disproportionately affect the poor, working class, people of color, and juveniles

Pennsylvania's license suspension policy is problematic not only for *how* it burdens, but *who* it burdens. On its surface, mandated suspensions for drug-related offenses appears to be a race- and class-neutral policy; but in practice, it exacerbates the racial disparities already inherent in the criminal justice system. People of color are more likely to be stopped, frisked, and arrested for drug possession.⁷ And poor people, especially black, Latino and working class whites, disproportionately suffer from the effects of license suspensions, including job loss, limited access to public transportation, access to housing, difficulty affording fees to get their licenses reinstated, and affording increases in auto insurance rates, despite the fact that their suspensions had nothing to do with driving.⁸

In addition to the federally mandated drug-related suspensions, Pennsylvania imposed automatic suspensions for non-drug related offenses, many of which disproportionately targeted juveniles, including: carrying false identification; underage purchase, consumption, possession, or transportation of alcohol; false representation of age for the purpose of purchasing tobacco or alcohol; and underage purchase of or attempt to purchase tobacco. HB 163 repeals automatic license suspension for each of these non-driving offenses.

License suspensions create additional barriers to re-entry and increase chances of recidivism

After conviction, when people need the most support, license suspensions create unnecessary obstacles that drastically lowers their chances of successful reintegration into society. A valid driver's license is essential for people to secure and maintain employment.⁹ But unemployment resulting from a suspended license can, and often does, lead to recidivism.¹⁰ Individuals who receive probation must comply with a multitude of court-ordered obligations and constraints. But meeting these obligations becomes significantly more burdensome without reliable transportation. As a result, license suspensions have the opposite effect from their original intent – they increase a person's likelihood of violating probation, recidivating, or breaking the law by driving on a suspended license.

License suspensions for unrelated motor violations trap people in a vicious cycle: a conviction automatically results in license suspension, which creates barriers to employment and probation compliance, which puts them at risk of incarceration and/or continued entanglement with the criminal justice system. Even PennDOT supports these proposed changes to our license suspension policies. At an October 2017 hearing on HB 163 and HB 42, Diosdado Arroyo, Division Manager for the Bureau of Driver Licensing at PennDOT testified that,

*"PennDOT takes the position that driving privilege suspensions should be imposed only as a consequence for traffic violations and actions that threaten traffic safety traffic" and "based on research that showed the ineffectiveness of driver's license suspensions for nontraffic violations, PennDOT supports this legislation conditioned upon the adoption of House Resolution 76."*¹¹

It is time to update Pennsylvania's ineffective, counterproductive, and disproportionately punitive license suspension system. Please vote "yes" on House Bill 163 and House Resolution 76.

⁷ "Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States." *Human Rights Watch and the American Civil Liberties Union*, Oct. 2016, www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-drug-use-united-states.

⁸ "Reinstating Common Sense: How driver's license suspensions for drug offenses unrelated to driving are falling out of favor." *Prison Policy Initiative*, 12 Dec. 2016, www.prisonpolicy.org/driving/national.html#roadblocks.

⁹ Semuels, Alana. "No Driver's License, No Job." *The Atlantic*, 15 June 2016, www.theatlantic.com/business/archive/2016/06/no-drivers-license-no-job/486653.

¹⁰ Berg, Mark T., and Beth M. Huebner. "Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism." *Justice Quarterly*, vol. 28, no. 2, Apr. 2011, www.pacificgateway.org/reentry,%20employment%20and%20recidivism.pdf.

¹¹ Pennsylvania House of Representatives, Judiciary and Transportation Committees. *Hearing on Driver License Suspensions for Non-Driving Offenses* (Testimony of Diosdado Arroyo), Oct. 27, 2017, pp. 5, 7. www.legis.state.pa.us/WU01/LI/TR/Transcripts/2017_0114T.pdf.