



# Please support H.3099/S.1643

## *An Act relative to motor vehicle license suspensions*

- ➡ Stop mandatory license suspensions for non-driving offenses
- ➡ Remove significant barriers to successful community reentry
- ➡ Close CORI reform loophole

### The Problem:

- A federal law from 1993 required states to suspend drivers' licenses for people convicted of drug offenses for up to five years in cases where the offense was unrelated to driving. States that did not comply would risk losing federal highway funds *unless* they formally opted out through legislation or a resolution. Massachusetts has yet to opt out of automatic license suspension for non-driving offenses.
- This problem affects about 7,000 people each year in Massachusetts. What does this mean for these people when they are ready to reenter the community?
  1. They find out that they have lost their driver's license for between six months and five years;
  2. They are faced with a reinstatement fee of at least \$500; and,
  3. Their driving record now includes non-driving license suspensions and warrants and can be purchased from the Massachusetts RMV for under \$10 by prospective employers and others.
- Only about 2,500 people a year are able to pay the fee and get their licenses back – often after years.
- Each year, about 700 people affected by this federal law are rearrested for driving without a license – returning them to the court system.

### Other states have already solved this problem:

- According to the Government Accounting Office (GAO), **33 states** have opted out of this law without penalty, by submitting certification that the governor and legislature have passed a law essentially repealing or opposing the federal law.<sup>1</sup> Studies have found that license suspension is **ineffective at reducing nondriving offenses**.<sup>2</sup>

### Momentum is building in Massachusetts:

- H.3099 and S.1643 have been gaining support with 9 State Senators and 41 State Representatives voicing approval. Senator Harriette Chandler and Representative Liz Malia are the lead sponsors. The bill will be heard by the Joint Committee on Transportation.
- Passing this legislation (H.3099 and/or S.1643) will have no effect on license suspension penalties for driving under the influence of alcohol or other drugs; passage will only remove the 1993 federal requirement to penalize every drug offense with license suspension, even non-driving offenses.
- H.3099 and S.1643 will effectively:
  - End automatic license suspension for all nondriving drug offenses – that will end both the suspensions *and* the reinstatement fees; and,
  - Purge previous suspensions incurred under this law from RMV records, protecting privacy.

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<sup>1</sup> US Government Accountability Office (GAO), "LICENSE SUSPENSIONS FOR NONDRIVING OFFENSES: Practices in Four States That May Ease the Financial Impact on Low-Income Individuals" (February 2010) available at: <http://www.gao.gov/assets/310/300910.pdf>.

<sup>2</sup> AAMVA, "Best Practices Guide to Reducing Suspended Drivers"