

April XX, 2017

Dear Member of Congress,

The undersigned organizations urge you to actively support the repeal of 23 U.S.C. 159, a federal law that mandates states to automatically suspend driver's licenses of people convicted of a drug offense. States that do not comply risk losing a portion of their federal highway aid funds. Although 23 U.S.C. 159 provides states with the ability to maintain compliance without suspending driver's licenses, the process for doing so requires both the state legislature and executive to act. While 38 states have completed this process over the years, twelve states home to more than 122 million residents – including Texas, New York, Michigan and Florida have not done so. *Nearly 200,000 driver licenses are still suspended each year for non-driving offenses.*¹

Enacted more than 25 years ago during the height of the war on drugs, this mandate imposed on states does not improve highway safety or help people address substance use. Rather, it has the opposite effect. Nearly 4 out of every 10 suspended drivers who lost their license following a conviction for a drug or other type of offense were suspended for non-highway safety reasons.² Analysis by Prison Policy Initiative found that 99% of license suspensions in Virginia and 90% of license suspensions in New York had nothing to do with a vehicle.³ Limited state and local law enforcement resources are spent enforcing these suspensions rather than addressing threats to public safety. Moreover, the loss of a drivers' license can severely impact the ability of a person to find employment as well as maintain enrollment in treatment services vital to addiction recovery.

States already have laws on the books to deal with driving-related drug offenses. This mandate does not address gaps in state laws or public safety concerns since all 50 states have laws on the books that suspend drivers' licenses for drug impaired driving. Repeal of this federal mandate would have no impact on states ability to suspend licenses for drug offenses or enforce impaired driving statutes.

Enforcing social non-compliance license suspensions wastes police time and government resources. Law enforcement time and resources spent arresting and processing individuals for driving on a license suspended for a non-driving related drug offense, is time and resources not spent addressing dangerous drivers. Motor vehicle administrators argue that “our limited resources should be focused on dangerous drivers,”⁴ as “less traffic enforcement of highway safety violations occur[s] as suspensions for social non-compliance increase.”⁵ Enforcement also costs states significant tax dollars and staff time. For instance, suspending driver's licenses for offenses unrelated to driving consumed nearly 8,600 hours per year of staff time in Colorado - the equivalent of four full-time employees.⁶ Florida estimated that \$72,000 per year is spent on paper, envelopes, and postage used in correspondence with people whose licenses were suspended for non-driving related reasons.⁷

License suspensions undermine re-entry and recovery efforts. Finding employment and housing is key for people trying to stay out of the criminal justice system, often as conditions of probation and parole, and in most circumstances having a valid driver's license is essential to maintaining both employment and housing. A U.S. Census Bureau survey found that 86% of

Americans use a vehicle to get to work and employers routinely require proof of a valid driver's license to even be considered for certain jobs.⁸ New Jersey, one of the 12 states that still suspends licenses, surveyed individuals with a suspended license and found that 45% lost their job because of the license suspension and were not able to find a new one. For surveyed individuals who did find work, 88% reported a decrease in income.⁹ Mobility is also crucial for people who are enrolled in drug treatment to maintain addiction recovery and access support networks.

Low-income communities and people of color are disproportionately impacted. Individuals who subsist on low wages often rely on public transportation to maintain employment and fulfill other obligations. Yet, almost half of the 25 least transit accessible metropolitan areas in the U.S. are located in the 12 states that are still suspending licenses.¹⁰ Moreover, most rural and suburban communities lack public transportation. In New Jersey, 50% of all suspended licenses belonged to low-income individuals.¹¹ Additionally, blacks and Latinos use illicit drugs at similar rates to whites but 76% of people convicted of federal drug crimes are Black-American or Latino. Moreover, black adults are two and half times more likely to be arrested for drug possession as white adults, putting communities of color at higher risk of being impacted by driver license suspension laws.¹²

Military veterans are incarcerated at significant rates for drug offenses. Veterans are incarcerated at high rates for drug offenses that can disqualify them for a driver's license post-conviction. Research has shown that roughly 16 percent of incarcerated veterans are behind bars for drug law violations,¹³ which is roughly equivalent to the percentage of the US population who are either active duty or military veterans.¹⁴ Furthermore, 46 percent of veterans in federal prison are incarcerated for drug law violations and 15 percent of veterans in state prison were incarcerated for drug law violations.

23 U.S.C. 159 undermines states' rights, pulls law enforcement away from addressing real public safety harms, undermines the mobility of people returning to society and disproportionately impacts underserved communities. We urge you to support the repeal of 23 U.S.C. 159.

Sincerely,

Drug Policy Alliance
Human Rights Defense Center
National Employment Law Project
National Legal Aid & Defender Association
Marijuana Policy Project
National Association of Criminal Defense Lawyers
National Council of La Raza
Prison Policy Initiative

¹ Prison Policy Initiative, “Reinstating Common Sense: How driver’s license suspensions for drug offenses unrelated to driving are falling out of favor,” <https://www.prisonpolicy.org/driving/national.html>

² American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, Fact Sheet, p. 1, http://www.aamva.org/uploadedFiles/MainSite/Content/NewsPublications/Press_Room/Suspended%20and%20Revoked%20Fact%20Sheet%20-%20Updated%20April%202016.pdf

³ Prison Policy Initiative, “Reinstating Common Sense: How driver’s license suspensions for drug offenses unrelated to driving are falling out of favor,” <https://www.prisonpolicy.org/driving/national.html>

⁴ American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, Best Practices Guide, p 2.

⁵ Florida, New Jersey, Colorado, Tennessee, Kansas, South Dakota, Oregon, and Pennsylvania were analyzed for the American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, Best Practices Guide, p 9. Also see: Robert Eger III, ‘Enhanced Analyses of Suspended/Revoked Driver’s Related to Crashes’ (2011).

⁶ The Colorado Motor Vehicle Division estimates the hours used could amount to 4.22 full time employees. American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, Best Practices Guide, p 18.

⁷ American Association of Motor Vehicle Administrators Suspended/Revoked Working Group, Best Practices Guide, p 14.

⁸ “Who Drives to Work? Commuting by Automobile in the United States: 2013,” August 2015, U.S. Census Bureau, <https://www.census.gov/hhes/commuting/files/2014/acs-32.pdf>

⁹ “Final Report,” Motor Vehicles Affordability and Fairness Task Force, February 2006, p. 38 http://www.state.nj.us/mvc/pdf/About/AFTF_final_02.pdf

¹⁰ Adie Tomer, Elizabeth Kneebone, Robert Puentes, and Alan Berube, “Missed Opportunity: Transit and Jobs in Metropolitan America,” *Metropolitan Policy Program at Brookings*, https://www.brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf; Methodology section of report “Reinstating Common Sense: How driver’s license suspensions for drug offenses unrelated to driving are falling out of favor,” *Prison Policy Initiative*, <https://www.prisonpolicy.org/driving/national.html#methodology>

¹¹ “Final Report,” Motor Vehicles Affordability and Fairness Task Force, February 2006, p. 31-32 http://www.state.nj.us/mvc/pdf/About/AFTF_final_02.pdf

¹² “Drug Offenders in Federal Prison: Estimates of Characteristics Based on Linked Data” *Bureau of Justice Statistics*, October 2015, https://www.bjs.gov/content/pub/pdf/dofp12_sum.pdf, “Report: Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States,” *Human Rights Watch*, October 12, 2016, <https://www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-drug-use-united-states>

¹³ Greg A. Greenberg & Robert A. Rosenheck, “Mental Health and Other Risk Factors for Jail Incarceration Among Male Veterans,” *Psychiatr Q* (2009) 80:48.

¹⁴ The U.S. Department of Veterans Affairs, Office of the Actuary, The Veteran Population Projection Model 2014 (VetPop2014), https://www.va.gov/vetdata/Veteran_Population.asp ; FiveThirtyEight, What Percentage Of Americans Have Served In The Military?, Mona Chalabi, March 19, 2015, <https://fivethirtyeight.com/datalab/what-percentage-of-americans-have-served-in-the-military/>