May 29, 2019

Sen. Betsy Johnson  
Co-Chair, Joint Committee on Ways and Means  
900 Court St. NE, S-209  
Salem, Oregon 97301

Sen. Elizabeth Steiner Hayward  
Co-Chair, Joint Committee on Ways and Means  
900 Court St. NE, S-213  
Salem, Oregon 97301

Rep. Dan Rayfield  
Co-Chair, Joint Committee on Ways and Means  
900 Court St. NE, H-275  
Salem, Oregon 97301

Sen. Jackie Winters  
Co-Vice Chair, Joint Committee on Ways and Means  
900 Court St. NE, S-301  
Salem, Oregon 97301

Rep. David Gomberg  
Co-Vice Chair, Joint Committee on Ways and Means  
900 Court St. NE, H-471  
Salem, Oregon 97301

Rep. Greg Smith  
Co-Vice Chair, Joint Committee on Ways and Means  
900 Court St. NE, H-482  
Salem, Oregon 97301

Dear Co-Chairs and Co-Vice Chairs,

On behalf of the American Bar Association, which has over 400,000 members, including over 3,300 members in Oregon, I write to support the provisions in HB 2614 that would remove suspension of a driver's license or driving privileges as a consequence of nonpayment of fines and fees. I understand that this bill is under consideration by the Joint Committee on Ways and Means.
May 29, 2019

The ABA has long-advocated for fairness and equal treatment in the justice system, both for the rich and the poor. Every day in the United States, myriad financial obligations are imposed upon individuals who have been charged with criminal offenses or civil infractions. Although fines and fees are appropriate in certain circumstances, no one should be subjected to disproportionate sanctions, including the suspension of a driver’s license, simply because they do not have the money to pay an otherwise appropriate fine or fee.

In August of 2018, the American Bar Association House of Delegates adopted the ABA Ten Guidelines on Court Fines and Fees to provide practical direction for government officials, policymakers and others charged with developing, reforming and administering fines and fees. (See attached.)

Guideline 3 provides: A person’s inability to pay a fine, fee or restitution should never result in incarceration or other disproportionate sanctions. The Commentary to Guideline 3 speaks directly to the negative impact of suspending an individual’s driver’s license and why it should not be a sanction or consequence of nonpayment of fines and/or fees:

People who are prohibited from driving often lose their ability to work or attend to other important aspects of their lives. Suspending a driver’s license can lead to a cycle of re-incarceration, because many such individuals find themselves in the untenable position of either driving with a suspended license or losing their jobs, and because driving on a suspended license is itself an offense that may be sanctioned with incarceration. Suspending a driver’s license for nonpayment is therefore out of proportion to the purpose of ensuring payment and destructive to that end. (Footnotes omitted).

These sanctions disproportionately harm the millions of Americans who cannot afford to pay them, entrenching poverty, exacerbating racial and ethnic disparities, diminishing trust in our justice system, and trapping people in cycles of punishment simply because they are poor. \(^1\) I urge your Committee to remove suspension of a driver’s license or privilege as a consequence for nonpayment of fines or fees, and thereby help to ensure that the justice system does not punish people for the “crime” of being poor.

---

\(^1\) See, e.g., Council of Economic Advisers Issue Brief, Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor (Dec. 2015), at 5-8. In 2014, the Pew Research Center found that black and Latino people were, on average, at least twice as likely to be poor than were white people in the United States. On Views of Race and Inequality, Blacks and Whites Are Worlds Apart, Pew Research Center (June 27, 2016), http://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being.
May 29, 2019

Thank you for your consideration of these comments.

Sincerely,

Robert M. Carlson

cc: Sen. Peter Courtney, Senate President
    Rep. Tina Kotek, Speaker of the House