

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Will Smith and Senate Judicial Proceedings Committee Members
From: Jennifer Zito and Bill Carlson, MAJR executive committee

February 6, 2024

The Maryland Alliance for Justice Reform (MAJR) asks you to support of SB 0174 - Child Support - Suspension of Driver's License.

We believe SB 0174 is a sensible bill that will help correct a flaw in the current policies relating to driver's license suspension due to child support arrears. Under the current system an impoverished parent who is behind in their child support payments can have their driver's license automatically suspended. Driver's license suspensions do not work as an enforcement mechanism for those who are living in poverty and simply do not have the ability to pay. They create a barrier to employment and make it difficult to be an involved and active parent. The current system often has consequences that are not in the best interest of the child. Further, the punishment can paradoxically make the parent in arrears less able to make further child-support payments. Being handicapped by not being able to drive reduces the ability of parent to function. Or, choosing to drive with a suspended driver's license can create a ripple of further negative outcomes such as fines, arrest, and sometimes even imprisonment. The current system disproportionately affects low-income parents and families.

The basic approach taken by SB 0174 is a fundamental change from the current system. SB 0174 requires that the Maryland Department of Human Services (DHS) petition the court to suspend a license and provide clear and convincing evidence to the court that the proposed suspension is appropriate. Under the current system, DHS automatically enters obligators who are 60 days behind on child support into the suspension program with limited opportunity to contest or show that they are eligible for one of the many exemptions provided in the law. The new approach offered by SB 0174 is much more aligned with standard practices in a just society in which the government must show that a punishment is appropriate, not that the suspected wrong doer must show their innocence. It also is in compliance with the requirements of federal law (42 USC 666(a)) which requires that states have the authority to suspend licenses "in appropriate cases". The current automatic suspension system is neither required or "appropriate" -- It is harmful and counterproductive.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give SB 0174 a favorable report.