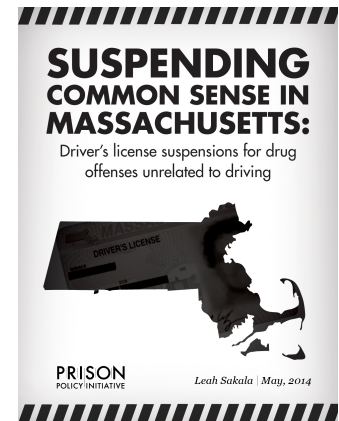


SUSPENDING COMMON SENSE IN MASSACHUSETTS:

Driver's license suspensions for drug
offenses unrelated to driving

Leah Sakala May 2014



Executive Summary

A misguided Massachusetts law automatically suspends the driver's licenses of people convicted of a drug offense for up to five years, regardless of whether or not the original offense had anything to do with driving or road safety. People who wish to get their licenses back after the suspension period is over must then pay a reinstatement fee of at least \$500. About 7,000 people in Massachusetts unnecessarily lose their licenses due to this policy every year. This report finds that this Massachusetts license suspension policy does not effectively deter illegal drug activity, and in fact contributes to individuals' further involvement in the criminal justice system. Both law enforcement officials and organizations such as the American Association of Motor Vehicle Administrators oppose the practice because it carries harmful and costly side effects.

Suspending the licenses of safe drivers...

... makes roads more dangerous by:

- leading to an increased number of unlicensed, and therefore uninsured, drivers on the road.
- increasing the risk that people will engage in dangerous driving behavior to avoid additional suspension-related penalties.
- inhibiting law enforcement from focusing on removing hazardous drivers from the road.

... carries many hidden costs, including:

- waste of police resources.
- waste of court resources.
- waste of correctional resources.
- waste of Registry of Motor Vehicle Resources.
- increase in auto insurance premiums for all insured drivers.

... inhibits people with previous involvement in the criminal justice system from fulfilling personal, familial, and legal responsibilities, which are three of the leading social factors that decrease the likelihood of future involvement in the criminal justice system. For example, this policy:

- prevents people from legally commuting to work by car, which is especially troublesome in a state where 80% of all workers travel to work in a private vehicle.
- undermines the Massachusetts Legislature's CORI reform laws by creating a "back door" way for potential employers to inappropriately access conviction information.
- prevents parents, spouses and other relatives from fulfilling family responsibilities that require driving.
- compounds economic struggles with a reinstatement fee that is prohibitively high.
- increases the likelihood of further involvement in the criminal justice system due to issues such as driving with a suspended license, failure to meet probation or parole requirements, or lack of success entering the legal workforce.

The Massachusetts Legislature should overturn this policy by passing H.3099/S.1643, which would end the practice of suspending drivers' licenses for drug convictions unrelated to driving and seal the portions of public driving records that inappropriately disclose information about previous convictions. Further, Massachusetts can avoid the reduction in federal highway funds detailed in the corresponding federal law by simply joining the more than 32 other states that have used the federal law's provision allowing states to opt out without fiscal consequence.

The full report is available at
<http://www.prisonpolicy.org/driving/>