



HB2750 HD2 SD1
RELATING TO MONETARY OBLIGATIONS
Senate Committee on Judiciary

June 30, 2020

9:46 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB2750 HD2 SD1, which would prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or motor vehicle registration, commonly referred to as "stoppers," as a consequence of certain unpaid monetary obligations.

OHA seeks to promote ho'okahua waiwai or economic self-sufficiency for our beneficiaries, who are disproportionately affected by financial hardship. OHA accordingly has concerns regarding the cascading financial impacts that stoppers may have on indigent Native Hawaiians, insofar as stoppers issued due to an indigent individual's inability to pay fines or fees may only further inhibit that individual's ability to earn a living and remain economically stable, and to provide for their families and themselves. Notably, if a person cannot afford to pay their traffic or parking ticket, they will still be too poor to pay it if their ability to renew their driver's license or vehicle registration is suspended; a stopper and the resulting inability to (legally) drive may instead only limit their ability to maintain a job or earn a living, and drive them deeper into poverty. Therefore, OHA appreciates this measure's intent to reduce the unnecessary and harsh financial impacts of stoppers on indigent individuals, including Native Hawaiians.

OHA also has longstanding concerns regarding the disparate impact of the criminal justice system on Native Hawaiians, which stoppers may only exacerbate. For example, should an indigent individual with a stopper choose to drive without a valid license – to maintain employment or for other reasons – they may risk being subject to criminal liability, including imprisonment and a \$1,000 fine. Stoppers can therefore act as a mechanism to criminalize those with financial challenges, including a disproportionate number of Native Hawaiians. OHA accordingly also appreciates that this measure may help to reduce the criminalization of Native Hawaiians and others who may be too poor to pay certain fines and fees. With regards to this latter concern, OHA also recommends the exploration of guidelines to ensure that fines and fees do not punish people disproportionately for their poverty, as recommended American Bar Association.¹

Mahalo piha for the opportunity to testify on this measure.

¹ AMERICAN BAR ASSOCIATION, THE ABA TEN GUIDELINES ON FINES AND FEES (2018) *available at* https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/aba-ten-guidelines_.pdf?logActivity=true.



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, June 30, 2020, 9:46 a.m.
State Capitol, Conference Room 016

By
Calvin C. Ching
Deputy Chief Court Administrator
First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2750, H.D. 2, S.D. 1, Relating to Monetary Obligations.

Purpose: Prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations under certain circumstances. Allows certain individuals to petition the court for a driver's license or motor vehicle clearance.

Judiciary's Position:

The Judiciary provides the following comments regarding this measure. The issue at the heart of this bill was explored and discussed in depth in the Final Report of the Act 112 Financial Hardship Task Force to the Thirtieth Legislature of the State of Hawai‘i.

HB2750 H.D. 2 S.D. 1 provides that “[a]ny person prevented from obtaining or renewing a driver’s license or motor vehicle registration solely due to failure to pay any monetary assessment imposed under chapter 291D, Hawaii Revised Statutes, may petition the court for a driver’s license or motor vehicle clearance.” This language was suggested in the Judiciary’s testimony when this measure was before the House Committee on Judiciary, and addresses the Judiciary’s operational concerns related to retroactively clearing stoppers.



House Bill No. 2750, H.D. 2, S.D. 1, Relating to Monetary Obligations
Senate Committee on Judiciary
Tuesday, June 30, 2020
Page 2

As to the effective date of the bill, the Judiciary suggests the following technical edit for clarity:

SECTION 11. This Act shall take effect on September 1, 2020,
and shall apply to any citation issued on or after January 1, 2021.

Under chapter 291D of the Hawai`i Revised Statutes, a case is commenced on the date a citation is issued. Specifying a citation issuance date in the bill facilitates the computer programming and information systems updates and streamlines processing by staff. In addition, this helps the public to understand that the bill applies to the citation date rather than to the court date or payment deadline.

Thank you for the opportunity to comment on this measure.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

LATE

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

June 29, 2020

H.B. No. 2750, H.D. 2, S.D. 1: RELATING TO MONETARY OBLIGATIONS

Hearing: June 30, 2020, 9:46 a.m.

Chair Rhoads, Vice Chair Keohokalole and Members of the Committee:

The Office of the Public Defender strongly supports the changes proposed by HB 2750. Our support for this bill is threefold: (1) It will reduce the number of Hawai‘i residents criminalized due to poverty; (2) It will reduce the burden on our office’s District Court staff; and (3) It will reduce the overwhelmingly large traffic calendars in District Court.

Our office has seen firsthand how license stoppers can disrupt the lives of otherwise law-abiding residents. When money is tight, a resident might have to choose between paying the rent or paying several hundred dollars to register their vehicle. With a lapsed registration, the resident is also unable to update their safety check, even if their car is in perfectly working order. This resident still needs to be able to get to work, often to more than one job, and take the kids to school while they save up the money to pay for the registration, the safety check, and the late fees that will attach. While driving to work one day, the resident is pulled over due to their expired stickers, and suddenly they find themselves with a citation for another couple hundred of dollars, which they are also unable to pay. Thirty days later, the fine is sent to a collections agency on the mainland, and a stopper is placed on to the resident’s license. As long as the stopper is in place, the resident will be unable to legally register their car to themselves. In practical terms, this often means that the resident will continue to pick up similar citations while they are saving up to pay the first citation. This resident could save up money for months to pay off their delinquent registration, safety check, and court fines, only to discover that they do not have the money to cover the interest charged by the collections agency. Finally, the resident’s driver’s license expires, and the next time that they are pulled over for expired stickers, they receive a criminal citation for Driving Without a Valid License (“DWOL”).

This is the story that our District Court attorneys hear time and time again during intake interviews with our clients. By the time clients reach us, it is too late for us to give them the advice that might have helped them avoid falling into this situation. The vast majority of our DWOL clients have no other non-traffic charges. If it were not for their financial difficulties, these clients would never have to risk having a damaging criminal conviction on their records. With each additional DWOL citation, the fines grow higher, and the chances of those clients being able to claw their way back into the black grow dimmer. Our office is prohibited from

assisting with non-jailable offenses, so our only recourse with most clients is to refer them to a non-profit group for assistance converting unpaid infractions to community service work. We have no capacity to follow up these referrals, and we often find that our office turns into a revolving door for our DWOL clients.

The one exception to that rule is in Honolulu Community Outreach Court, where our office is able to partner with the Department of the Prosecuting Attorney and the Judiciary to cut through the red tape for individuals at risk of or currently experiencing houselessness. Unfortunately, the working poor who are barely able to make ends meet do not qualify for entry to this program. This means their cases end up on the traffic court calendar, which is severely overcrowded. For example, the Honolulu District Court morning traffic calendar that was handled during the first hearing for this bill on February 5, 2020 had fifty-five cases listed, forty of which involved the offense of DWOL. The afternoon calendar had twenty-two cases, eleven of which involved DWOL. This calendar should be dedicated to traffic crimes such as Excessive Speeding, Reckless Driving, and Leaving the Scene of an Accident, but instead, the majority of these cases involve residents with no serious moving violations.

Something has got to give. We live in the State with the lowest minimum wage when adjusted for our high cost of living. Residents working multiple jobs can barely afford to pay their rent and feed their families, yet we're treating them like criminals due to unpaid fees. The Office of the Public Defender is strongly in support of re-thinking this regressive system and finding a way to move forward.

Thank you for the opportunity to comment on H.B. No. 2750, H.D. 2, S.D. 1.

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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**THE HONORABLE KARL RHOADS, CHAIR
THE HONORABLE JARRETT KEOHOKALO, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session
State of Hawaii**

June 30, 2020

RE: H.B. 2750 H.D. 2 S.D. 1; RELATING TO MONETARY OBLIGATIONS.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of H.B. 2750, H.D. 2 S.D. 1.

The practice of imposing driver license stoppers for unpaid fines and fees does not serve any valid public safety interest. It instead traps low-income individuals in a cycle of criminality from which they cannot escape. Particularly in a rural/suburban community like Kauai, people need to drive to survive. The purpose of a driver license is to make sure that a driver is familiar with the rules of the road and can safely operate a motor vehicle; not to ensure that tickets get paid. Removing a person's ability to drive for a non-safety-related purpose does not stop them from driving, it criminalizes the necessary daily actions that person needs to do in order to provide for their families. It is punitive and pointless.

For these reasons, the Office of the Prosecuting Attorney supports the passage of H.B. 2750, H.D. 2 S.D. 1. Thank you for this opportunity



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Senate Committee on Judiciary

Re: HB 2750 HD2 SD1- Relating to monetary obligations
Hawai'i State Capitol, Room 016
9:46AM , 6/30/2020

Chair Rhoads, Vice Chair Keohokalole, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, I am writing **in support of HB 2750 HD2 SD1**-relating to monetary obligations, which would prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations.

The current practice of placing a "stopper" on a driver's license due to failure to pay a traffic or parking fine can have a tremendous impact on a family. For lower socioeconomic status families, the unpaid fine may be related to inability to pay, rather than delinquency. A stopper isn't a motivator for payment, it becomes a deterrent to the person being able to pay. By taking away a person's ability to drive you also risk the person maintaining employment and the future prospect of ever paying down their fine. Almost half of our families are struggling to make ends meet and the practice of stoppers can put a family's well-being in jeopardy. As this legislature considers ways to improve the lives of working families in Hawaii, the practice of stoppers should be heavily scrutinized and hopefully ended.

For these reasons, HCAN Speaks! respectfully requests the Committee to support this measure.

Thank you,

Kathleen Algire
Director, Public Policy and Research



Committee: Senate Committee on Judiciary
Hearing Date/Time: Tuesday, June 30, 2020, 9:46 a.m.
Place: Conference Room 016
Re: Testimony of the ACLU of Hawai'i in support of H.B. 2750, H.D. 2, S.D. 1, Relating to Monetary Obligations

Dear Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

The American Civil Liberties Union of Hawai'i (ACLU of Hawai'i) writes **in support of H.B. 2750, H.D. 2, S.D. 1**, a bill to end the counterproductive practice of driver's license and motor vehicle registration stoppers. The bill offers a petition process to lift existing stoppers to provide relief to Hawai'i's families. **Especially at a time when so many are unemployed and when public transportation poses a real health risk due to COVID-19, this change is critical.** H.B. 2750, H.D. 2, S.D. 1 will save the state money, raise the percentage of insured drivers, and end a harmful practice that pushes vulnerable communities into a never-ending cycle of poverty and incarceration. **We ask that you pass this bill unamended.**

Stoppers are ineffective and disproportionately burden Hawai'i's working poor. Roughly half of Hawai'i's families struggle to meet basic needs.¹ A recent study found that four in ten adults do not have access to \$400 at any given time, making them one emergency—or court fine—away from financial ruin.² License and registration stoppers, which prevent a person from obtaining or renewing their license or registration until they pay outstanding traffic or parking tickets, unfairly punish this population, who stand to lose much more than their ability to drive. Since the vast majority of Hawai'i's workforce drives to work,³ losing your license can often mean losing your job, or being unable to take your kids to school or to the doctor. This disproportionately impacts Native Hawaiians, who are more likely to live in poverty and therefore less likely to be able to afford an unanticipated expense.⁴ While courts may consider an individual's ability to pay and may adjust or waive fines, the burden is on motorists to request this and it is the understanding of the ACLU of Hawai'i that this option is not often utilized; even when an adjustment is requested, the decision of whether to do so is purely at the discretion of the court and there is no set formula for a fine adjustment.

¹ ALICE, a Study of Financial Hardship in Hawai'i, 2017 Report. Aloha United Way (2017).

² Bd. of Governors of the Fed. Reserve Sys., Report on the Economic Well-Being of U.S. Households in 2017 at 2 (May 2018), <https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf>.

³ U.S. Census Bureau, 2018. American Community Survey, *Hawaii 5-Year Estimates Data Profiles*.

⁴ U.S. Census Bureau, 2018. 2017 American Community Survey, *1-Year Estimates*.

Recognizing the burden imposed by stoppers, a growing body of scholarship condemns the practice.⁵ Many states are considering or have already enacted reforms similar to H.B. 2750.⁶ The American Bar Association recently denounced the use of license revocations for nonpayment and instead recommends proportionate income-based fines.⁷

License and registration stoppers do not work. According to a Washington Post study, up to 204,067 Hawai'i drivers had stoppers on their record in 2017, or roughly 18% of the state's driving age population in that year.⁸ Over half of these cases were already in collections at the time of the study. The judiciary has testified that there are approximately 154,000 vehicle registration stoppers, making the total combined number of license and registration stoppers 358,067. These high numbers suggest that the problem is not willful nonpayment, but rather, an inability to pay. Stoppers can never be an effective solution because they do not cure the motorist's inability to afford their ticket.

License and registration stoppers are not only ineffective—they're counterproductive. As we've found in other jurisdictions, Hawaii's system of license and registration stoppers only makes it *more* difficult for people to pay their traffic and parking fines. The main reason for this is clear: revoking a person's ability to drive cuts out their primary mode of transportation to get to the job that will allow them to earn money to pay their ticket. This is especially true for residents in rural areas and on neighbor islands, where public transportation is generally less available. While restricted licenses *may* be granted, eligibility criteria are strict and do not include transportation outside of what is required to work, such as taking your child to the doctor. It is no wonder that the lack of legal ability to drive has been found to have a strong correlation to unemployment or underemployment.⁹

Worse still, after a certain amount of time, people must pay not only the full amount of the ticket, but a hefty surcharge to the Texas-based private collection agency as well.¹⁰ This makes it even *less* likely that they will be able to afford to lift their stopper.

H.B. 2750 will increase the percentage of insured motorists. Stoppers make it impossible for a person to obtain motor vehicle insurance. This is generally true for private auto insurers, and though Hawai'i

⁵ See, e.g. Danielle Conley and Ariel Levinson-Waldman, *Discriminatory Driver's License Suspension Schemes*, American Constitution Society (March 2019).

⁶ This year, Illinois ended license suspensions for unpaid parking tickets. In 2019, Montana ended license suspensions for unpaid court debt. In 2018, Idaho ended license suspensions for unpaid court fines and fees, and decriminalized driving on a suspended license. In 2017, California ended license suspensions for unpaid traffic fines. New York and Colorado are both considering similar legislation this year.

⁷ *ABA Ten Guidelines on Court Fines and Fees*, American Bar Association (August 2018), available at <https://finesandfeesjusticecenter.org/content/uploads/2018/12/Ten-Guidelines-on-Court-Fines-and-Fees.pdf>.

⁸ Justin Wm. Moyer, *More than 7 million people may have lost driver's licenses because of traffic debt*, Washington Post (May 19, 2018), https://www.washingtonpost.com/local/public-safety/more-than-7-million-people-may-have-lost-drivers-licenses-because-of-traffic-debt/2018/05/19/97678c08-5785-11e8-b656-a5f8c2a9295d_story.html#comments-wrapper.

⁹ Conley and Levinson-Waldman, *supra*.

¹⁰ If you fail to pay within 90 days (for judgments of \$500 or less) or 180 days (\$500 or more), your case is sent to collections. HCTR Rule 20(C). Once the case goes to collections, you must pay the total amount owed, plus an additional **twenty-one percent** as a fee to the agency.

offers no-fault insurance for low-income drivers, motorists who would otherwise meet the eligibility requirements but who have an expired license or registration due to a stopper cannot qualify for the state program.¹¹ This exposes other motorists to liability in the event of an accident.

H.B. 2750 prevents traffic debt from acting as a funnel into the criminal legal system. The ACLU of Hawai'i has heard from public defenders across the state that much of their workload involves cases of driving without a license after a stopper had been placed on the defendant's record for an unpaid ticket. Many people are forced into the impossible choice between driving illegally and losing their job, and many will make the desperate decision to continue driving, a traffic crime punishable by up to a \$1,000 fine or up to one year in jail.¹² This potentially life-ruining consequence pulls families deeper into poverty and wastes taxpayer money prosecuting and defending criminal cases that stem from these stoppers. Other jurisdictions have found that the money spent enforcing unpaid tickets exceeded the value of the debt itself. H.B. 2750, H.D. 2 will save money that would otherwise be spent on prosecuting and defending these cases, and would allow the judiciary more discretion in ways to address motorists' inability to pay a ticket.

Hawaii's system of license stoppers may be unconstitutional. In late 2019, the national American Civil Liberties Union, alongside ACLU of South Carolina, Southern Poverty Law Center, Terrell Marshall Law Group PLLC, and the South Carolina Appleseed Legal Justice Center filed a federal lawsuit challenging South Carolina Department of Motor Vehicles' policy of automatically suspending the drive's licenses of people who cannot afford their traffic tickets.¹³ The lawsuit argues that these suspension schemes violate an individual's rights to Equal Protection and Due Process under the Fourteenth Amendment of the United States Constitution, which require an ability-to-pay consideration before an individual is punished for an unpaid fine. Similar constitutional challenges have been filed in Michigan, Montana, Tennessee, Virginia, and Oregon.

For the above reasons, the ACLU of Hawai'i respectfully requests that your Committee vote to pass this measure, unamended. Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

¹¹ H.A.R. § 17-654-3.

¹² H.R.S. § 286-136.

¹³ See Complaint, *White v. Shwedo* (D.S.C., filed Oct. 30, 2019).

HB-2750-SD-1

Submitted on: 6/29/2020 8:12:40 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor McKenzie	Testifying for ACLU Smart Justice	Support	No

Comments:

Aloha, my name is Taylor McKenzie and I'm in strong support of HB2750. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money.

We are living through unprecedented trying times that require us to reexamine how we treat each other. We need to extend grace and patience with members of our community, especially those from historically marginalized groups and those most vulnerable to the current national pandemic. Excessive policing and judgement is not the answer. Especially in concerns over monetary insufficiencies, someone who has the ability to afford monetary obligations due to traffic infractions or vehicle registrations is not more worthy of a license than someone who is unable to afford such fines. Honestly access people and their driving history, understand that we live in an over policed and racist society that needs adjustment at a fundamental level. This is part of a larger change that our ohana desperately needs.

Please vote YES in support of HB2750. Thank you for the opportunity to testify.

HB-2750-SD-1

Submitted on: 6/28/2020 6:20:22 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Strongly support HB2750. We believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750. Thank you for the opportunity to testify.

www.WeAreOne.cc

HB-2750-SD-1

Submitted on: 6/26/2020 7:04:23 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
laurel brier	Testifying for Kauai women's caucus	Support	No

Comments:

Let's not make it harder for people already having a hard time

TESTIMONY IN SUPPORT OF HB 2750, HD 2, SD 1

TO: Chair Rhoads, Vice-Chair Keohokalole & Senate Judiciary Committee Members

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: June 30, 2020 (9:46 AM)

Hawaii Health & Harm Reduction Center (HHRC) supports HB 2750, HD 2, SD 1, which would prohibit “stoppers” for driver’s license and motor vehicle registration renewals due to unpaid fines and fees. Unpaid fines and fees and interest can quickly turn into a pattern of repeated citations with spiraling costs, ultimately resulting in a criminal charge of driving without a valid driver’s license (DWOL). Hawaii’s Public Defender Office notes that the vast majority of their DWOL clients have no other non-traffic charges.

The current practice of placing stoppers due to unpaid traffic fines and fees disproportionately burdens and often criminalizes Hawaii’s working poor, who already faced a highly precarious situation before the macroeconomic disruption in the wake of the COVID-19 pandemic. According to last year’s [Hawaii Financial Health Pulse](#), “an in-depth view of the financial struggles faced by people in Hawaii,” 69% of this state’s residents are struggling financially, 35% of state residents do not have three months of income set aside for emergencies, 54% of residents spend 50% or more of their income on housing, and 27% of residents reported being food insecure. [Aloha United Way’s Asset Limited Income Constrained, Employed \(ALICE\) report](#) in 2017 showed that 48% of Hawaii households are living paycheck to paycheck or under the federal poverty line.

HHRC works with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Hawaii must prepare to meet the increased needs of those who face significant economic dislocation in the months and years ahead. It should also actively seek to amend other laws and government practices that over-criminalize those with limited or no economic means.

Thank you for the opportunity to testify on this measure.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Sen. Karl Rhoads, Chair

Sen. Jarrett Keohokalole, Vice Chair

Tuesday, June 30, 2020

9:46 am – Room 016

STRONG SUPPORT FOR HB 2750 HD2 - LICENSE STOPPERS

Aloha Rhoads, Vice Chair Keohokalole and Members of the Committee!

I hope this finds you and your `ohana well during these challenging times...a true test of our resilience!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of all the people who are currently under the 'care and custody' of the state here and abroad, all those who died in the state's 'care', and we are always mindful that more than 1,100 of Hawai`i's imprisoned people are serving their sentences thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 2750 HD2, SD1 prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations under certain circumstances. Allows certain individuals to petition the court for a driver's license or motor vehicle clearance. Effective September 1, 2020. (SD1)

Community Alliance on Prisons is in strong support of this measure we are amidst a public health crisis where people are unemployed, businesses are closing, and families are struggling. At this time, we should be helping people who are struggling financially and need their cars to get to work. License stoppers are also a HUGE barrier to successful reentry into the community after incarceration. We have learned that there are over 350,000 outstanding license and registration stoppers in Hawai`i. This traps thousands of Hawai`i residents in a downward cycle -- being unable to afford their traffic or parking tickets and facing the impossible choice between driving illegally or getting fired because they don't have a way to get to work.

This bill allows people to keep their driver's licenses, which increases the likelihood that people will be able to find and keep a steady job, and therefore make it more likely that they will be able to pay off their debt.

Stoppers are just another funnel into the criminal justice system, which is why these cases make up a significant chunk of public defenders' caseloads. They also serve as another punishment for the folks who are struggling economically. This is not aloha.

Community Alliance on Prisons urges the committee to pass this measure as is and stop this practice that targets some of the most vulnerable people in our communities.

Mahalo for this opportunity to testify.

HB-2750-SD-1

Submitted on: 6/27/2020 3:12:19 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikos Leverenz	Testifying for Drug Policy Forum of Hawaii	Support	No

Comments:



Written testimony to the Hawaii Senate Judiciary Committee in support of revoking authority to prevent non-renewal of driving privileges or registrations for the nonpayment of court fines and fees.

June 29, 2020

The Fines and Fees Justice Center (FFJC) thanks the Hawaii Senate Judiciary Committee for scheduling this important hearing on HB2750, HD2, SD1. Debt-based driver's license and registration non renewal is a harmful and counterproductive practice, trapping hundreds of thousands of Hawaii residents in a cycle of poverty and punishment. FFJC submits this testimony to encourage the Committee to pass HB2750, HD2, SD1, which would end this harmful practice and get Hawaii residents back on the road to opportunity and prosperity.

Fines and Fees Justice Center

The Fines and Fees Justice Center is a national hub for information, advocacy and collaboration for reform on fines and fees. Our mission is to eliminate fees and ensure that fines are proportionate to the offense and the individual. Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment. Across the country, people – including children – convicted of felonies, misdemeanors, and minor traffic and municipal code violations are charged a fine as punishment and then taxed with fees that are used to fund the justice system and other government services. Millions of people who cannot afford to immediately pay the full amount charged face additional fees, license suspensions, and, far too frequently, arrest and jail.

Working with directly impacted communities, FFJC is building broad-based coalitions from across the political spectrum including grassroots organizations, judges, public defenders, prosecutors, legislators, law enforcement, and faith-based and advocacy organizations.

National Momentum to End Driver's License Suspension for Unpaid Fines and Fees

Driver's license suspensions are a common but counterproductive practice to try to coerce payment for fines and fees. Driver's license suspensions make life almost impossible. Since 86% of Americans drive to work and many jobs require a driver's license, suspensions often cost people their jobs. Research showed that 42% of people lost their jobs after their driver's license was suspended. Without a driver's license, people can't take their children to school, get to the grocery store, access healthcare, or get to court. And, because most Americans require a car to access basic necessities, many have no choice but to continue driving. When they do, they risk a criminal conviction, more fines and fees, and incarceration.

Perversely, driver's license suspensions often undercut economic growth, limit the workforce and undermine public safety. People who cannot work or who lose income because their licenses are suspended have less money to contribute to the economy. And the time spent by law enforcement stopping, citing and arresting people for driving on a suspended license could be more productively used addressing serious crime. A study of license restorations in Arizona found that over 50% of people whose licenses were suspended lost their jobs, with a median decrease of \$36,800 to their annual income. Restoring just 7,000 licenses increased GDP by \$149.6 million.

Recognizing how ineffective suspensions are, policymakers are taking action. In the past two years, Montana, Texas, Virginia, Mississippi, California, Idaho, Maine, and the District of Columbia have enacted legislative reforms to tackle debt-based suspension. In the 2020 legislative session 12 states have already introduced legislation that will end debt-based driver's license suspensions.

Forty-four states suspend, revoke or refuse to renew driver's licenses for unpaid traffic, toll, misdemeanor and felony fines and fees, resulting in more than **11 million debt-related suspensions nationwide**. These suspensions not only prevent people from earning the money they need to pay their "court debt," but also undercut their ability to support themselves, their families and the community.

To assist in accelerating reform nationwide, FFJC along with more than 130 ideologically diverse organizations, joined forces in September 2019 to launch the *Free to Drive* campaign. This national campaign brings together legal, policy, advocacy, grassroots, and research organizations committed to the principle that restrictions on driving privileges should only be used for dangerous driving, and not to coerce debt payment or to punish people who miss a court appearance.

Evidence from states that have ended debt-based driver's license suspensions shows that the policy is working. Although Hawaii will be a leader in the movement to end debt-based driver's license suspensions/non renewals, it will not be the first. As such, Hawaii benefits from what we now know can happen after a state ends this harmful practice. When California ended its debt-based suspension policy, and in lieu of suspension, offered an array of practical alternative collection methods, including an ability to pay determination and opportunities for reduced payments, payment plans, or community service, their collection rate for newly issued tickets increased by 8.9%.

Texas also recently passed a statewide law ending debt-based license suspensions, yet many of its local jurisdictions have continued a local license restriction policy. This discrepancy has revealed some telling comparative data. For instance, the Dallas and Fort Worth Municipal Courts continue to prevent people from renewing licenses unless traffic fines and costs are paid, while the Fort Worth Municipal Court reported that it has not done so for the past three years. Yet there is virtually no difference between the two courts in the revenue per case in the most recent year. The Fort Worth Municipal Court collected \$116 per case and the Dallas Municipal Court collected \$113 per case.

Hawaii House Bill 2750

HB2750, HD2, SD1 follows the nationally recommended approach to addressing debt-based driver's license suspension known as "clean repeal." Clean repeal eliminates the authority of jurisdictions to suspend or prevent renewals of licenses for unpaid debt. This approach immediately allows law enforcement, prosecutors and all justice system actors to focus their resources on public safety issues. This policy change improves economic opportunities for those who get their licenses reinstated and allows more Hawaii residents to access auto insurance, making the roads safer for everyone. Additionally, clean repeal stops any future harm of this policy on the millions of residents in the state of Hawaii. This approach is consistent with those taken in other states, such as Montana, Idaho and Mississippi, helping to get residents back on the road and access to meaningful employment opportunities. We believe, however, that one amendment to the bill would be advantageous to the overall community and those who have been punished by this policy. Reinstating licenses for those residents' whose only reason for withholding a license is debt based, should not require a petition to the court, but be automatic. Creating additional steps to regaining driving privileges only hinders the goals of this policy change.

While FFJC understands that the reason for this petition is due to the technical nature of individually identifying and differentiating cases with debt-based stoppers from public safety related driver's license suspensions, we encourage advocates, lawmakers and the judiciary to continue to find a way to achieve mass reinstatement of previously "stopped" licenses. It is important to end this policy, and do so without delay, however, it is also important to find ways to address the harms of those individuals that were burdened for years under this policy. This can be achieved through innovative court proceedings and or working with organizations, such as Code for America, to develop, oftentimes at low to no cost coding, that may identify records for relief. An example of government and Code for America achieving the objective of identifying records for relief can be seen through the work of "[Clear My Record](#)."

Conclusion

Ending debt-based driver's license suspension/non renewal is critical to improving public safety, workforce development, and economic growth. Driver's license suspension/non renewal should only be used to address dangerous driving and not as a collection tool. We must always work advance laws that promote the ideals of prosperity, opportunity and access. Debt-based driver's license suspension/non renewals serves no public safety purpose, while crippling those who are struggling with poverty.

The Fines and Fees Justice Center will continue to work for a more just and equitable system. We know this Committee will, too.

Thank you for the opportunity to submit this testimony.

Priya Sarathy Jones
National Campaign Director
Fines and Fees Justice Center

HB-2750-SD-1

Submitted on: 6/26/2020 6:04:03 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carla Hess	Individual	Support	No

Comments:

“Aloha, my name is Carla Hess, and I’m in strong support of HB2750. I believe if a person can’t afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750. Thank you for the opportunity to testify.”

HB-2750-SD-1

Submitted on: 6/26/2020 6:58:15 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pete Wilson	Individual	Support	Yes

Comments:

Aloha, my name is Pete wilson and I live in Pahoia and I'm in strong support of HB2750. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750.

HB-2750-SD-1

Submitted on: 6/26/2020 10:10:02 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Support	No

Comments:

HB-2750-SD-1

Submitted on: 6/27/2020 10:13:50 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Barker	Individual	Support	No

Comments:

Honorable House Members,

I am writing in support of HB 2750. Please end the stopper system. It is a waste of taxpayer money.

Thank you for your courtesy and attention.

Sincerely,

Melissa Barker

HB-2750-SD-1

Submitted on: 6/27/2020 10:18:21 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
donald erway	Individual	Support	No

Comments:

Aloha, my name is [YOUR NAME] and I'm in strong support of HB2750. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750. Thank you for the opportunity to testify.

HB-2750-SD-1

Submitted on: 6/27/2020 11:37:20 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Kaio	Individual	Support	No

Comments:

Testifying in Support of HB2750

Aloha, my name Malia Michelle Ka'io and I'm in strong support of **HB2750**. I believe if a person can't afford to pay their traffic or parking ticket, they will still be financial unable to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money.

As a social worker and as a member of our Hawai'i nui community, I respectfully request that this committee vote **YES in support of HB2750**, and **stop penalizing those who are in poverty by lifting the license stoppers**. Please vote **YES in support of HB2750**. Thank you for the opportunity to testify.

Malia Michelle Ka'io

June 27, 2020

HB-2750-SD-1

Submitted on: 6/27/2020 11:49:00 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Herndon	Individual	Support	No

Comments:

Aloha,

I am in strong support of this bill. I know from personal experience that not being able to pay for a traffic or parking tickets, can result in losing your license, which then can snowball into losing your job! The "stopper system" inflates the criminal justice system, with people who are not a public safety threat.

That becomes a drain on our community thru other social services, when a program to encourage community service would instead allow the individual to provide needed assistance to other agencies and save money.

Mahalo for your support of this measure and the opportunity to testify.

Sandra Herndon

Kapaa, Kaua`i

HB-2750-SD-1

Submitted on: 6/27/2020 3:37:28 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nadya Penoff	Individual	Support	No

Comments:

Please support this bill and stop punishing poor people who need to work to support their families and pay their fines. Taking away driver's licenses further handicaps their ability to get to work and earn the money to pay their fines or outstanding tickets. Do not make the situation even worse with this type of punitive action. Especially on Kauai, where public transportation to go to work is not readily available, taking away a driver's license is only making life much more difficult for poor people. Be helpful, not punitive. Show your compassion. Please.

Thank you, Nadya Penoff Kauai 14-4

HB-2750-SD-1

Submitted on: 6/27/2020 4:57:32 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pamela burrell	Individual	Support	No

Comments:

Taking away a drivers license for nonpayment will not help a person pay their debt, more than likely they need to drive to work.

perhaps a payment plan can be set up.

the punishment does not fit the crime.

pamela burrell, kaua'i

HB-2750-SD-1

Submitted on: 6/27/2020 5:10:13 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carla Allison	Individual	Support	No

Comments:

I strongly support of HB2750. This bills matters so much to working families across Hawaii. Stoppers only make it more difficult for people to pay their court-ordered fines. Far too many people are forced into the impossible choice between driving illegally and losing their job or taking their child to the doctor. These stoppers greatly impact rural communities and neighbor islands where public transportation is generally less available. No one should fear going to work or dropping their kids off at school just because they can't afford a parking or traffic fine. Please support HB2750.

HB-2750-SD-1

Submitted on: 6/27/2020 8:11:26 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

Thank you for hearing HB2750 that would end the practice of restricting a person's ability to hold a drivers license or sell their car if they have unpaid fees and fines. That restriction is quite draconian, and assumes that the fees have been willfully withheld. Although individuals who are at least moderately well off are usually easily able to pay fees, the same is not true of people who are living at or below the edge. Fines and fees discriminate heavily against the poor. Not being able to drive or to sell their car, only makes their situation, including keeping a job and thus the ability to pay fees or fines, even worse.

Please pass HB2750.

HB-2750-SD-1

Submitted on: 6/27/2020 8:48:37 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Matson	Individual	Support	No

Comments:

Aloha,

Please pass this common sense legislation to help make soem

necessary changes to our justice system.

- This bill allows people to keep their driver's licenses, which increases the likelihood that people will be able to find and keep a steady job, and therefore make it more likely that they will be able to pay off their debt.

- Stoppers are a punishment that reserved for those struggling economically.

- Stoppers are a funnel into the criminal legal system - These cases make up a significant chunk of public defenders' caseloads.

- There are over 350,000 outstanding license and registration stoppers in Hawaii, meaning thousands of Hawaii residents cannot drive legally simply because they could not pay.

- Makes September 2020 the effective date.

Mahalo,

Shannon

HB-2750-SD-1

Submitted on: 6/27/2020 10:29:59 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth c McDermott	Individual	Support	No

Comments:

So many in Hawaii are living paycheck to paycheck, and that struggle has magnified exponentially on account of the pandemic. Taking someone's drivers license is too often that trigger that catapults so many into the quicksand of homelessness.. Lose you license and everything starts to slip away. My friend lost his job when he had his license taken away for letting his car insurance lapse. Losing his job meant he couldn't pay his rent and so he became homeless. Everything then becomes exponentially more difficult. No one should be robbed of their identity, their legitimacy, for falling into financial straits. A license is that entree needed to get a job, rent an apartment, open a bank account, cash a check, so many essentials . It's time we stopped penalizing our poor, and soon, with so many on the brink. Please stop the stoppers by Sept 2020

HB-2750-SD-1

Submitted on: 6/28/2020 4:15:41 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Ramos	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of JDC,

I strongly support this bill and all other efforts to stop the cruel criminalization of poverty. Along with the issues brought about by cash bail, the subject matter of this bill deals with the unfortunate, systemic, and systematic cycle of harm wrought on poor communities in Hawaii and across the nation.

The issue is made clear in the bill's first section: "The inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt."

In testimony submitted for the June 24, 2020 meeting of TRS, the State Judiciary reiterated that after having its language added by the House Committee on Judiciary, it has "no operational concerns" with this bill.

The State Office of the Public Defender said it "strongly supports the changes proposed by HB 2750. Our support for this bill is threefold: (1) It will reduce the number of Hawai'i residents criminalized due to poverty; (2) It will reduce the burden on our office's District Court staff; and (3) It will reduce the overwhelmingly large traffic calendars in District Court."

For all these reasons, I appreciate your support for HB2750.

Mahalo,
Dylan Ramos
HD19, SD10 (Kaimuki)

HB-2750-SD-1

Submitted on: 6/28/2020 12:25:36 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

Aloha, my name is Marion McHenry and I'm in strong support of HB2750. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. This will cause additional hardship on those working in low paying jobs and taking away their license could hamper their ability to get to work, earn money to pay their bills and rent and could be a factor in pushing them into homelessness. This is just another tax on the poor and working poor. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750. Thank you for the opportunity to testify.

HB-2750-SD-1

Submitted on: 6/28/2020 10:42:48 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Rost-Banik	Individual	Support	No

Comments:

Aloha, my name is Colleen Rost-Banik and I'm in strong support of HB2750. We should not be criminalizing poverty, which is basically what we have when a person's license is taken away because they can't afford to pay their traffic or parking ticket. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of HB2750. Thank you for the opportunity to testify.

HB-2750-SD-1

Submitted on: 6/28/2020 1:24:27 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L Franklin	Individual	Support	No

Comments:

Aloha, my name is Barbara L. Franklin, Esq., and I strongly support of HB2750. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. It is also another example of the systemic racism that tends to keep our poorer polulations from entering into the mainstream of economic stability. Please vote YES in support of HB2750. Thank you for the opportunity to testify."

HB-2750-SD-1

Submitted on: 6/28/2020 8:19:06 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Loa	Individual	Support	No

Comments:

HB-2750-SD-1

Submitted on: 6/28/2020 9:33:40 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Individual	Support	No

Comments:

I am writing in strong support of HB2750 HD2SD1. This is one step towards Hawai'i rchanging laws that disproportionately punishes people for simply being poor.

In effect, this bill will allow people to keep their driver's licenses for traffic infractions rather than placing a stopper on their driver's license. In turn, this will increases the likelihood that people, particularly those living on the neighbor islands with less access to dependable public transporation, will be able to find and keep a steady job, and therefore make it more likely that they will be able to pay off traffic fines.

Please do what is fair and just and pass HB2750 HD2 SD1. Mahalo.

LATE

HB-2750-SD-1

Submitted on: 6/29/2020 12:44:21 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons	Individual	Support	Yes

Comments:

Last week my husband passed away. He had so much stress with trying to maneuver this dumb law so he could work and provide for our family! He was so worried about driving with no license..and having no options to fix it! Please change this ridiculous law that ruins lives!

LATE

HB-2750-SD-1

Submitted on: 6/29/2020 10:21:51 PM
Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Strong Support!