

## Support the Senate Version of the Bill to Repeal the Driver's License Suspension Law

### (Senate 2021) AND see action needed on page 2

In September, the Senate voted to repeal a misguided state law that revokes for a period of up to five years the driver's license of anyone convicted of any drug offense. The law also imposes a \$500 fee to have a license reinstated after the suspension has been served. Repealing the law is good public policy. The law does not serve its original intended purpose of deterring drug use. And it presents a serious hurdle for ex-offenders working to rebuild their lives.

On January 6, the House took up the bill. But instead of repealing the license suspension law outright, as the Senate bill does, the House bill preserves the license suspension for persons convicted of trafficking in cocaine, heroin or other hard drugs.

The term "trafficking" may conjure up images of kingpins, sinister cartels and suitcases full of drugs. But the truth is far different. In Massachusetts, trafficking simply means selling – or playing a role, however minor, in the sale of as little as 18 grams of cocaine, heroin and certain other "hard" drugs. That's 2 to 3 tablespoons. Addicts often trade in quantities like this.

Trafficking charges aren't limited to those who use guns or violence. The only thing that counts is the weight of the drugs. Trafficking includes those who play only a minor role in the offense, such as giving someone a ride or storing drugs, even if the person is at the bottom of the drug trade and makes little, if any, money off the sale. According to the most recent data available, over three-fourths of all trafficking convictions were for the two lowest level (by weight) trafficking offenses. These are not the major kingpins.

- Trafficking 36 to 100 grams of heroin: 36 grams = 1.3 ounce = 1 packet seasoning mix



- Trafficking 36 to 100 grams of cocaine; trafficking 18 to 36 grams of heroin: 18 grams = 0.6 ounce = 1 packet of dry salad dressing mix



All persons convicted of trafficking must serve a mandatory minimum prison sentence. Even addicts must be sent to prison, instead of treatment. We know from experience that mandatory minimum sentencing laws are racially discriminatory – three out of four persons convicted of mandatory drug offenses in the state are members of racial or ethnic minorities. Preserving the license suspension perpetuates this discrimination.

Additionally, the current law makes re-entry even more difficult for drugs offenders who have served their time:

1. It makes it harder to get jobs as some require driver's licenses.
2. It makes it harder to get to jobs, as many are not near public transportation.
3. It makes it harder to get family members to medical appointments when hospitals and health centers are often not near public transportation nor are many supermarkets.
4. If these ex-prisoners can't get a job because of this license restriction, they are more likely to be part of recidivism which means new jail time, new victims, new costs to taxpayers...we already have a 40%+ recidivism rate so let's not add to that.
5. If people have served their prison sentence, it's unnecessarily punitive to extend their penalties with this license barrier.
6. As many as 7000 people a year can be hurt by the current law and then given the waiting time penalties, tens of thousands are penalized at one time.
7. Many drug offenders are drug addicts who need treatment not more penalties.
8. The license fines and waiting times on this group of ex-prisoners disproportionately affect men and women of color: while they constitute 31% of all convicted defendants, people of color represent way over 75% of those convicted of "trafficking" offenses

Massachusetts has invited the Council for State Governments to review our criminal justice policies and to make recommendations for change that are based on evidence and best practices. There are no data showing that the current driver's license law deters drug trafficking. Instead, we have seen how the driver's license law only makes it worse for ex-offenders who have paid their dues.

34 states have repealed such laws, including all the other New England states. Massachusetts needs to join them.

**ACTION NEEDED NOW: Please organize calls, letters to and meetings with your state legislators.**

**For House members**, the message is: Please ask Speaker DeLeo and conference committee members Rep. Fernandes, Rep. Straus, Rep. Hill to go with the Senate passed version of the RMV Sanctions bill for all people convicted of drug offenses. Excluding those charged for trafficking drug offenses will prevent many people from obtaining their driver's licenses which are necessary for people to get jobs, drive to work and support their families. People will be less likely to recidivate if they are able to get back on their feet and support themselves and their families legally.

**For Senate members**, the message is: Please ask Senate President Rosenberg and Conference Committee members, Senators McGee, Chandler and Tarr to stand firm on the Senate passed bill that enables all people convicted of drug offenses to regain their driver's license so they can get jobs, drive to work and support their families.