



FY2008 RECOMMENDATION/FY08-L01 DRIVER'S LICENSE RETENTION

Status: Implementation Complete

Actions/Updates

2010 UPDATE

Officials with the Department of Motor Vehicles (DMV) report that In FY09, before the effective date of House Bill 09-1266, the following numbers of revocations were tracked in association with the actions subsequently modified by statute:

1. Defacing: 299
2. Felony and Misdemeanor Drug: 6110
3. 1st time Minor in Possession of Alcohol: 4336
4. Forged Penalty Assessment: 0
5. Criminal mischief: 1

Total = 10,746

In FY10 the numbers decreased significantly for violations committed after the 8/5/09 effective date:

1. Defacing: 44
2. Felony and Misdemeanor Drug: 246
3. 1st time Minor in Possession of Alcohol: 765
4. Forged penalty assessment: 0
5. Criminal mischief: 0

Total = 1,055

The DMV officials report that FY11 should result in very few driving restraints for defacing and drug violations. These will be triggered by pre-8/5/09 cases that were either delayed through trial on the merits of the conviction or reported to DMV after the fact from the court.

Additionally, first time minor in possession restraints are likely to drop slightly then work back up to around 5,000+ per year. HB 09-1266 changed the circumstances under which the department takes action for a first violation to require an accompanying report of non-compliance with court ordered alcohol evaluation or treatment. As courts become more aware and compliant with reporting, the DMV officials expect a likely increase in court ordered evaluations and treatment and corresponding increase in offender non-compliance.

2009 IMPACT

The Division of Criminal Justice will work with the Department of Motor Vehicles to gather information annually and this will be reported in future Commission reports.

2009 BARRIER

Problems may occur with the impact analysis because it may be difficult to differentiate between charges that do and do not result in license suspension/revocation when a case contains multiple convictions.

Description

Because the loss of a driver's license is a significant barrier to employment, and because employment is linked to crime reduction, abolish those portions of a statute that require the mandatory revocation or suspension of the defendant's driver's license for a conviction/adjudication of non-driving offenses. This recommendation does not apply to child support enforcement.

Agencies Responsible

General Assembly

Discussion

This recommendation was successfully implemented with the passage of House Bill 09-1266 which limits the loss of driving privileges to only those crimes that are driving related. This important reform removes a significant obstacle to the successful completion of supervision by enhancing an individual's ability to drive to work, treatment, and supervision appointments. To this end, it furthers the intent of the Commission to remove barriers to successful re-entry.

Although loss of a driver's license may be intended to serve as a deterrent, many defendants are not aware that this is a possible sanction for their crime. In addition, the mandatory driver's license revocation creates an obstacle to the successful completion of supervision for a variety of reasons. Driver's license revocation inhibits one's ability to work, receive or attend treatment or other appointments in a timely manner, provide useful public service, or even meet with supervising officers. Public transportation is often inadequate and can create barriers to the successful completion of supervision for individuals who are prohibited from driving. The theory that the removal of a driver's license for non-driving offenses is a deterrent to specific criminal behaviors is not supported by research (see footnote). This recommendation excludes the loss of one's driver's license for failure to pay child support as good leverage to encourage payment.

Footnotes

Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). *A human science approach or more punishment and pessimism – rejoinder*. *Criminology*, 28, 419-429; Lipsey, M. W. (1989, November). *The efficacy of intervention for juvenile delinquency: Results from 400 studies*. Paper presented at the annual meeting of the American Society of Criminology, Reno, NV.