

Community Law

METROPOLITAN PUBLIC DEFENDER

June 24, 2020

President Courtney, Speaker Koteck, Senator Girod, Representative Drazan, Members of the Committee—thank you for the opportunity to be heard on this matter:

My name is Sonja Good Stefani and I'm an Attorney in the Community Law Division at Metropolitan Public Defender in Portland. I write today to testify in support of House Bill 4210.

I testified previously in support of a version of this bill. As I said during my in-person testimony, I'm not a trial attorney like so many public defenders. Rather, I help clients with the collateral consequences of being what we like to call "justice involved."

Most of my clients are trying to move forward with their lives. They are trying to get better paying jobs, find secure and safe housing, go back to school, become foster parents, or volunteer at their children's schools. They come to me because they are prevented from doing so because of their criminal records. Many times I work on things like expungements, felony reductions or vacating convictions.

But what is increasingly being asked of me by my clients is helping to reinstate their driver's licenses.

When I started this work four years ago, it never occurred to me how much of a disability it is to not have a driver's license. But over and over I heard my clients' stories of not being able to live in safe neighborhoods, apply for jobs, or engage in their children's school lives the way they wanted because they did not have a driver's license.

All of my clients are poor. Many of my clients live in public housing. A lot of them are disabled. Most of them are parents with young children. Though all of them are unique, the typical story goes something like this: They received a traffic ticket for something small: running a stop sign or speeding or a tail light being out. Because paying the traffic ticket meant not feeding their family or not paying the rent that month or being late on their utility bill, they did not pay that traffic ticket. So they incurred fines, late fees, collection fees and interest on top of the original ticket and eventually, their driver's license was suspended. So the ticket became even higher, sometimes thousands of dollars higher, and they no longer have a driver's license. Because they still have to get to their jobs or get their kids to school, they keep driving—uninsured.

The next time they get pulled over, they also receive a ticket for Driving While Suspended (among other citations). And the fines keep building and building until my client owes thousands of dollars. There is no way out of this spiral other than pleading with the judge to reduce their fines so they can get their license back.

So I do a lot of pleading. I have personally written dozens of letters and submitted as many motions on behalf of my clients to over 20 different municipal, justice and circuit courts, in the State of Oregon. And the results can be extremely concerning. The practice of some courts is to impose heftier and heftier penalties when my client, who was too poor to pay the original ticket, continues to be unable to pay.

For example, in one justice court, between the years of 2014 and 2015, the penalty for failing to appear to the initial court appearance for a traffic citation was to tack on the maximum fine of over \$1000 for *each* offense. One of my clients was pulled over for speeding and driving with a suspended license. Her initial ticket was \$440. Because she could not pay and did not show up for the initial appearance, her ticket was increased to \$2530.00.

I also have clients who, because they could not pay their traffic tickets, were found in contempt of court, and made to serve out a sentence of probation, including work crew or even jail time. For a simple traffic ticket they are serving criminal sentences.

I even have clients who still have warrants out for their arrest because they did not fulfill the requirements on these contempt of court penalties. They live in fear of being arrested and taken from their families all because they are too poor to pay a traffic ticket.

Last fall I presented at the bi-annual Municipal Judge and Justice of the Peace Conference in Hood River on this topic, urging judges to consider how detrimental it can be to suspend a license. Most judges were shocked at the stories I told, thinking that, overall, their actions are magnanimous, and I'm sure some of them are. But many of my clients are left in situations that they see no hope of escaping.

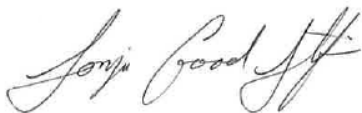
We should not be penalizing people if they pay their rent or feed their children instead of pay their traffic ticket. Taking a person's license away without having any assessment about whether or not they have any ability to pay subjects indigent clients to penalties that people with means simply do not contemplate. And this only plunges them further into poverty.

In the wake of COVID-19, not having a license can mean the threat of illness and even death. In a time when state leaders are urging people to avoid crowds, my clients are faced with having to take public transportation just to get groceries. Before, this was inconvenient. Now it is downright dangerous. I have one client who, as a single mother with a disabled daughter, has to lug her three-year-old's breathing apparatus onto buses to get her prescriptions or get food. She is terrified. And she should be. This pandemic is not going away anytime fast. However, you have the power to make it less perilous for the poor.

Therefore, I urge you to support House Bill 4210.

President Courtney, Speaker Koteck, Senator Girod, Representative Drazan, Members of the Committee—thank you for the opportunity to submit this testimony.

Sincerely,

A handwritten signature in cursive script that reads "Sonja Good Stefani".

Sonja Good Stefani
Attorney

Metropolitan Public Defender Services – Community Law Division
630 SW Fifth Avenue, Suite 500
Portland, OR 97204
503.225.9100