

Safe & Just
Michigan

Experts: Reform License Suspension Laws to Drive Down Michigan Jail Population

Proposal to reform driver's license suspensions is part of task force plan

LANSING — In 2018, nearly 358,000 people lost their driver's license for reasons that had nothing to do with unsafe driving. They weren't caught driving drunk, weaving in and out of traffic or speeding down the highway — instead, nearly 358,000 Michiganders lost the legal right to drive a car because they failed to appear in court or to pay a legal fine or fee. While the right to drive disappeared, the need to get to work or to get their kids to school did not, leading many of them to risk driving without a license because most places in Michigan have few public transportation options. If caught, those drivers could incur further charges and more time in jail or prison.

The Michigan Joint Task Force on Jail and Pretrial Incarceration identified the suspension of driver's licenses for reasons that have nothing to do with unsafe driving as one of the major drivers in Michigan's jail growth over the past few decades. [The task force also has a plan to stop it](#)¹: reserving driver's license suspension only for driving-related offenses. That plan was the subject of a webinar hosted at noon EST on Friday, June 19 by a Safe & Just Michigan, Lansing-based nonprofit working to lessen Michigan's over-reliance on incarceration and to create safe communities throughout the state. Safe & Just Michigan Executive Director **John. S. Cooper** moderated the discussion, and he was joined by task force bill sponsor Rep. **Bronna Kahle** (R-Adrian), Mackinac Center for Public Policy Senior Strategist for State Affairs **David Guenther**, **Geoffrey Leonard**, Detroit Justice Center Staff Attorney for Legal Services and Advocacy, and **Kristine Longstreet**, Supervising Attorney for the Neighborhood Defender Service in Detroit.

"Michigan has over-criminalized its traffic code. Half of all criminal cases in Michigan are for traffic offenses, and driving without a valid license is the third-leading cause of jail admissions in

¹ <https://courts.michigan.gov/News-Events/Documents/final/Jails%20Task%20Force%20Final%20Report%20and%20Recommendations.pdf>

Michigan,” Cooper said. “Yet 95 percent of license suspensions are unrelated to unsafe driving. This criminalizes poverty, disrupts lives and ultimately undermines public safety rather than promoting it.”

A driver’s license indicates a person has the skills and knowledge necessary to drive safely. Driver’s licenses are issued based on those criteria, with applicants tested on their knowledge of traffic laws, their vision and their demonstrated ability to handle a vehicle safely. License suspensions that have nothing to do with those criteria do not protect public safety, and instead put hurdles between people and their ability to earn a living and provide for their families.

“Michigan clearly has an issue with an excessive amount of license suspensions, and this bill package represents a common-sense criminal justice reform that will strengthen the economy and workforce participation, without an adverse impact on public safety,” said Rep. Kahle, who is sponsoring bills to change the driver’s license suspension law.

Suspending licenses for legal reasons unrelated to unsafe driving is costly — and not just for the person who loses their license. When someone loses a job because they can’t drive to work, they lose economic security and the ability to provide for their family. If they are subsequently arrested and incur a jail or prison sentence, taxpayers bear the expense of incarceration for a charge that could have been avoided if that license had never been suspended for a non-driving reason. And drivers who have no license “drive dirty” without insurance — which is a risk for everyone on the road should there be an accident.

“We were shocked to learn that driving on a suspended license is the third-most frequent reason Michiganians are jailed,” Guenthner said. “That so many of these suspensions and arrests are over matters having nothing to do with unsafe driving is a classic example of overcriminalization. Legislators should find more effective and less costly ways to ensure compliance with court matters.”

The personal toll of suspensions for non-driving reasons is considerable, too. Families have been separated incarceration. People have incurred lengthy criminal records that hinder their ability to find good-paying jobs and secure affordable housing. Criminal justice advocates have seen many people whose lives have been upended all for the sake of a license suspended for something that had nothing to do with driving.

“We have countless clients trapped in court debt because they could not get or keep jobs because of a suspended drivers licenses, either because they chose not to drive on a suspended license and could not get to work, or because they were arrested while commuting on a suspended license and lost their job while in jail,” Leonard said. “Perhaps the ultimate irony is that license suspensions for failing to come to court even make it harder for people to get to court. We actually had a client who, while on his way to court to resolve a license suspension, was pulled over and given a ticket for driving on a suspended license, and did not then make it to court.”

Ending the cycle of license suspensions and incarceration would make an immense and positive impact in the lives of hundreds of thousands of Michiganders who pose no real risk to public safety and who simply want to get on with their lives and take care of their families, said Longstreet.

“The denial of driving privileges is ultimately a denial of access for many marginalized people in Michigan,” Longstreet said. “It has created a subclass of citizens that are forced to use unreliable public transportation to get to low-wage dead-end jobs close to their homes. These individuals live under the constant threat of arrest, incarceration and fines when they drive without a license. It impacts everything from where a child goes to school to where citizens go to get medical care. The legislature should act to decriminalize these offenses to ensure that this privilege is not reserved for the few.”

A video of the webinar will be available on Safe & Just Michigan’s YouTube channel the following week at bit.ly/YouTubeSJM.

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Safe & Just Michigan (www.safeandjustmi.org) works to advance policies that end Michigan’s over-use of incarceration and promote community safety and healing. We partner with Michigan organizations and leaders from across the political spectrum, including business and community leaders, faith communities, crime survivor organizations, formerly incarcerated individuals, prisoners and their families, as well as Michigan taxpayers statewide.