

Safe & Just Michigan

Testimony of Safe & Just Michigan in Support of S.B. 1254

*Senate Judiciary Committee, December 8, 2020 ; 8:30am
Harry T. Gast Appropriations Room
3rd Floor, Capitol Building
100 S. Capitol Avenue; Lansing, MI 48933*

Good morning. My name is John Cooper; I am the Executive Director of Safe & Just Michigan, a non-partisan criminal justice policy and research organization based in Lansing. Safe & Just Michigan supports S.B. 1254, which will make first-time convictions for drunk driving eligible for expungement, and urges the Michigan Legislature to pass S.B. 1254 during the remaining days of the 2019-20 legislative session.

First Offense Drunk Driving Should be Eligible for Expungement

Hundreds of thousands of Michiganders face barriers to employment and housing from old criminal records long after they have served their sentence. Unless these records are sealed by a court, they follow a person for the rest of their lives, regardless of how long a person stays crime-free.

The Michigan Legislature took an important step toward addressing this problem earlier this Fall by passing a package of nation-leading reforms to Michigan's criminal record-sealing process. Drunk driving convictions were not included in the initial round of reforms; however, there is strong bipartisan support for adding them now,¹ and Safe & Just Michigan supports this effort.

Drunk driving is one of the most commonly prosecuted offenses in Michigan. Nearly 33,000 drunk driving convictions were issued by Michigan courts *in 2019 alone*.² Further, because drunk driving convictions have *never* been eligible for expungement, a very large number of people in Michigan have a drunk driving conviction on their record. It is estimated that if expungement eligibility was extended only to people with one conviction on their record (as H.B. 6453 proposes), this would impact *200,000 people*.³

¹ See, e.g. Mansur Shaheen, "Some Michigan drunken drivers would get records expunged in bipartisan bill" (Dec. 3, 2020) (quoting joint statement from Speaker Chatfield, Attorney General Nessel, and Chief Justice McCormack), *available at* <https://www.bridgemi.com/michigan-government/some-michigan-drunken-drivers-would-get-records-expunged-bipartisan-bill>; Melissa Vennix, "Criminal justice leaders support expanding expungement reform" (Dec. 2, 2020) (same), *available at* [https://www.upmatters.com/news/michigan-news/criminal-justice-leaders-support-expanding-expungement-reform/#:~:text=\(WJMN\)%20%E2%80%93%20Speaker%20of%20the,operating%20while%20intoxicated%2C'%20offenses](https://www.upmatters.com/news/michigan-news/criminal-justice-leaders-support-expanding-expungement-reform/#:~:text=(WJMN)%20%E2%80%93%20Speaker%20of%20the,operating%20while%20intoxicated%2C'%20offenses).

² Michigan State Police Criminal Justice Information Center, *2019 Michigan Annual Drunk Driving Audit* (July 1, 2020) at 599, *available at* https://www.michigan.gov/documents/msp/2019_Drunk_Driving_Audit_FINAL_APPROVED_6-29-20_695564_7.pdf.

³ Mansur Shaheen, "Some Michigan drunken drivers would get records expunged in bipartisan bill" (Dec. 3, 2020), *available at*

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There is no dispute that drunk driving causes enormous harm in Michigan, and should be punished. But one mistake that does not cause serious injury to another person should not result in a lifetime of barriers to employment, housing, and transportation. That is not proportionate--particularly considering its secondary impact on families and communities--nor is it defensible on public safety grounds, since it is not tied to how likely a person is to reoffend. Yet that is precisely the policy we have today for the estimated 200,000 people with a single drunk driving conviction on their record.

Extending Michigan's nation-leading criminal record-sealing policy to first offense drunk driving is good policy. *First*, as noted above, ~200,000 people in Michigan have a drunk driving conviction and face a lifetime of barriers from it no matter how old it is or how unlikely it is to happen again. This impacts their ability to provide for and care for their families and contribute to their communities. *Second*, criminal record-sealing has significant economic benefits for recipients, who experience a 23% increase in income within a year, and a 13% increase in employment rates.⁴ Extending eligibility to the ~200,000 people with first offense drunk driving convictions (and thereby their families and communities), will result in increased economic productivity, a bigger tax base, and *less* crime. *Third*, the proposed legislation is appropriately limited in scope to address recidivism concerns: it only makes first offense drunk driving eligible for expungement, limits eligibility to the petition process, and provides that sealed convictions *can* be the basis for enhancements if a person reoffends.

Safe & Just Michigan urges the Michigan Legislature to pass S.B. 1254 (and/or House equivalent H.B. 6453) during what remains of the 2019-20 legislative session.

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Respectfully submitted,

John S. Cooper /s/
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<https://www.bridgemi.com/michigan-government/some-michigan-drunken-drivers-would-get-records-expunged-bipartisan-bill>.

⁴ *Id.* at 5.