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Criminal Justice Reform – Restoring Drivers’ Licenses

Background on Criminal Justice Reform: The Virginia Interfaith Center for Public Policies (VICPP) believes in mercy and compassion. Our faith traditions recognize that we all sin and transgress from both God’s laws and human laws, and yet we believe in the fundamental power of forgiveness, redemption and restoration.

VICPP recognizes that the U.S. has a crisis of mass incarceration. Instead of educating our youth, attacking poverty and eliminating racial barriers to jobs, the U.S. (and Virginia) has imprisoned and destroyed too many young people of color. As a nation, we have practiced a “new Jim Crow” (see book by Michelle Alexander).

VICPP believes that those who have committed crimes should have the opportunity to redeem themselves, find work that can support them and their families and restore their access to the benefits of society. VICPP seeks a prison system that is more focused on rehabilitation than punishment. A clear and tragic example of this are suspension of drivers’ licenses for nonpayment of court fees instead of using constructive measures which allow the individual to hold a valid license.

Background on Drivers’ Licenses: In Virginia, if you owe court fines and fees, your drivers’ license can be automatically suspended. One in six Virginia drivers (approximately 900,000 people) has had his or her license suspended because of owing court fines and fees. Almost any poor person who has interacted with the criminal justice system owes some court fines and fees. Essentially, by taking away someone’s license and the person’s ability to find or keep a job, the state denies the person opportunity to escape from poverty (and ever pay back those fines and fees). This policy is a debtors’ prison approach.

VICPP’s position: VICPP believes that Virginia should restore drivers’ licenses for low-income people who have had them suspended primarily because they are unable to pay the court fines and fees. Frequently, these individuals will continue to drive and if caught driving with a suspended license, they are incarcerated. The courts should be allowed to restore licenses to those who are truly destitute without paying any fines or fees and utilize other means such as community service. They can create reasonable payment plans to those who can afford to pay. The licenses should be restored immediately as soon as the payment plan is established to ensure that the person can actually find and keep employment.

Specific Bills: VICPP supports the following bills:

HB 2049 Driver's license; suspension of license for nonpayment of fines and court costs.

Introduced by Paul Krizek

Removes the requirement that a person's driver's license be suspended for nonpayment of fines and court costs. The bill removes the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense. The bill removes the requirement that a person who is less than 18 years old and attending a public school in the Commonwealth who has had 10 or more unexcused absences from school on consecutive school days show cause why his driver's license should not be suspended. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2017.

HB 1862 Suspension of driver's license for nonpayment of fines or costs.

Introduced by Alfonso H. Lopez

Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan.

SB 1188 Driver's license; suspension of license for nonpayment of fines and court costs.

Introduced by John S. Edwards

Removes the requirement that a person's driver's license be suspended for nonpayment of fines and court costs. The bill removes the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense. The bill removes the requirement that a person who is less than 18 years old and attending a public school in the Commonwealth who has had 10 or more unexcused absences from school on consecutive school days show cause why his driver's license should not be suspended. The provisions of this bill that affect the Code of Virginia have a delayed effective date of Sept. 1, 2017.

SB 1280 Suspension of driver's license for nonpayment of fines or costs.

Introduced by Adam P. Ebbin

Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan.

HB 2386 Payment of court-ordered fines, etc.; deferred or installment payment agreements.

Introduced by Manoli Loupassi

Establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The bill requires that a court take into account a defendant's financial circumstances, including whether the defendant owes fines and costs to other courts and the defendant's indigency, in setting the terms of a payment agreement and, when deemed appropriate, allow the defendant a credit against the amount owed for the performance of community service work. The bill fixes the maximum down payments that a court may require as a condition of entering a payment plan and provides that payments made within 10 days of their due date are timely made. The bill precludes a court from denying a defendant the opportunity to enter into a payment agreement solely because of the crime committed, the total amount owed or that such amount has been referred to collections, any previous default by the defendant or failure to establish a payment history, or the defendant's eligibility for a restricted driver's license. The bill allows all costs and fines owed by a defendant to any one court to be incorporated into one payment agreement and allows a defendant to request a modification of the terms of the agreement, which shall be granted upon a good faith showing of need. The bill requires a court to consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent agreement and allows the court to require a higher down payment for subsequent payment agreements. Finally, the bill provides that the payment agreement includes restitution unless the court has entered a separate order regarding the payment of restitution, except that no credit for community service work may go toward the amount of restitution owed.