



Legislative Testimony
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Written Testimony Opposing Senate Bill 631, An Act Concerning the Penalties for Distracted Driving

Senator Cohen, Representative Lemar, Ranking Members Hwang and Kennedy, and distinguished members of the Transportation Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to Senate Bill 631, An Act Concerning the Penalties for Distracted Driving.

The ACLU-CT is dedicated to ending mass incarceration. That effort includes examining all aspects of the criminal and civil legal systems, including fees and fines. The General Assembly must continue to make progress towards reducing the number of people who have contact with the criminal legal system and reducing the financial burdens that we place on people. Mass incarceration over the past four decades has also been driven in large part by increasing the lengths of prison sentences.¹

Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”² Moreover, longer sentences do not appear to have any significant deterrent effect.³ Systems that have reduced sentences—notably, the federal criminal system—have

¹ JEREMY TRAVIS, BRUCE WESTERN & STEVE REDBURN, THE GROWTH OF INCARCERATION IN THE UNITED STATES, 70 (2014), available at <https://www.nap.edu/read/18613/chapter/5>.

² Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

³ *Id.*

not noticed any effect on public safety.⁴ In short, there is no empirical evidence to suggest that creating a new victim class with increased criminal penalties will deter people from distracted driving. The lack of evidentiary support demonstrates that this proposed change is neither needed nor wise.

Fines and fees in the criminal justice system are a practice that traps people into cycles of debt. The financial burden of fees and fines disproportionately harms people of color and people living in poverty, often trapping them in cycles of debt and incarceration. Nationwide, experts estimate that these costs total billions of dollars.⁵ People who are unable to pay these fines face spiraling collateral consequences, like the immediate economic harms of debt and also increased involvement in the criminal justice system.⁶ The harms of fixed fines and fees are not theoretical. Fixed fines disproportionately harm families of color, both due to discrimination by the police and the criminal legal system in issuing fines and because of systemic racism that results in stark income and wealth inequities.⁷

Accumulated fines can rapidly derail a household's financial instability. If a person pays a fine late, which they are likely to do if they do not have available savings, that fine will be compounded by late fees. The collections process will turn a one-time \$1,000 fine into a long-term leech on a household's financial health.⁸ Because we know that the government disproportionately fines people of color, we also know that the financial consequences of these fines will disproportionately harm people of color, too. Fines can easily snowball, leading to further interaction with the criminal legal system: failure to pay a fine can quickly evolve into a failure to appear in court for

⁴ *Id.*

⁵ Matthew Shaer, *How Cities Make Money by Fining the Poor*, N.Y. TIMES (Jan. 8, 2019), <https://www.nytimes.com/2019/01/08/magazine/cities-fine-poor-jail.html>.

⁶ Chris Mai & Maria Rafael, *The High Price of Using Justice Fines and Fees to Fund Government*, VERA INST. (Dec. 2020), <https://www.vera.org/publications/the-high-price-of-using-justice-fines-and-fees-to-fund-government>.

⁷ Kathryn Zickuhr, *Applying a Racial Equity Lens to Fines and Fees in the District of Columbia*, D.C. POL'Y CTR. (Apr. 22, 2019), <https://www.dcpolicycenter.org/publications/racial-equity-fines-fees/>.

⁸ *Id.*

proceedings related to that fine, then into warrants for arrest and, ultimately, incarceration.

This cycle is doomed to repeat itself when the collateral consequences stemming from a criminal record make it nearly impossible for a person to simply live their lives and experience financial success. This accretion of collateral consequences can create a daily nightmare for people with records just trying to find work. Because of legal barriers to employment and persistent stereotypes, in 2018, the unemployment rate among formerly incarcerated people nationwide is 27 percent⁹—more than 6.5 times the overall unemployment rate in Connecticut at the same time.¹⁰ This creates significant hardships: 45 percent of men released from incarceration do not have any earnings at all in the first calendar year after their release.¹¹ Of those with earnings, the median income is just over \$10,000 in their first year out of incarceration.¹² Wages never recover for most people, since incarceration is linked to decreases in subsequent annual earnings of, on average, 52 percent.¹³

It is for these reasons that the ACLU-CT opposes this bill's proposal to increase fines and criminal penalties for distracted driving to be elevated to the same level as DUIs. As such, the ACLU-CT strongly opposes Senate Bill 631, and urges this Committee to do the same.

⁹ Lucius & Daniel Kopf, *Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (July 2018), available at <https://www.prisonpolicy.org/reports/outofwork.html>.

¹⁰ *Labor Market Information*, CONN. DEPT LAB. (last accessed Mar. 2, 2022), <https://www1.ctdol.state.ct.us/lmi/unempratectus.asp>.

¹¹ Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, BROOKINGS INST. (Mar. 14, 2018), available at <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

¹² *Id.*

¹³ Terry-Anne Craigie, Ames Grawert, Cameron Kimble & Joseph E. Stiglitz, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, BRENNAN CTR. FOR JUSTICE (Sept. 15, 2020), available at <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.