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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 21-H 5471, RELATING TO MOTOR VEHICLE OFFENSES February 23, 2021

This bill would impose a \$300 “substance abuse education fee” for any conviction of driving under the influence or for a violation of refusal to submit to a breathalyzer. While we appreciate the good intentions behind the proposal, the ACLU of RI nonetheless strongly opposes it. It is important to recognize the consequences that flow from the General Assembly’s continued efforts to impose additional fines, fees and other monetary penalties on individuals for violations of the law.

Paying the often-exorbitant fines that end up getting imposed for these offenses is difficult for many residents of the state to meet. It sets up a recurring pattern of failure: individuals of little means constantly needing to come up with money or else face potentially serious consequences – including prison – when they miss a payment and/or fail to appear for a court date because of that missed payment.

Consider the *current* penalties – all of which have concrete financial consequences for individuals and their families – for violations of the law regarding DUI or refusal to take a breath test. Leaving aside all of the *other* general statutory fines that get imposed as a matter of course under the law when one is convicted or pleads to a crime, listed below are the financial penalties already imposed upon a person under *this statute alone* if he or she is convicted of refusing to take a breathalyzer for a first offense:

- * A fine in the amount of \$200-\$500.
- * Ten to sixty hours of community service (and, potentially, time out of work)
- * Suspension of driving license for 6 months to 1 year (and, potentially, loss of a job or the need to find a lower paying one)
- * Attendance at a DUI course (presumably paid for by the offender)
- * Possible payment of significant fees for an ignition interlock system
- * A \$200 chemical assessment fine
- * A \$500 highway safety assessment fine

Further — and worse – *these fines cannot be suspended*. Tacking on yet another fine like this only ensures that many violators will be caught in a cycle of government-imposed debt that makes their stability, including in a job and housing, much less secure. Despite the good cause underlying this bill, we urge its rejection for all these reasons.

Submitted by: Steven Brown, Executive Director