

RES 19-078

Wilmington, Delaware
December 5, 2019

#4749

Sponsor:

**Council
President
Shabazz**

Co-Sponsors:

**Council
Members
Johnson
Congo
Oliver
Turner**

WHEREAS, 40 states, including Delaware, have systems in which driver's licenses can be suspended when a defendant is unable to pay court or traffic fees; and

WHEREAS, Delaware is one of only five states in the nation that enforce mandatory and indefinite driver's license suspension without considering ability to pay; and

WHEREAS, these policies disproportionately affect Delaware's low-income residents, residents of color, and residents returning from the criminal justice system. Due to generational discrimination and a growing wage gap, Pew Research Center reported that African Americans are 2.8 times more likely to live in poverty than whites, and Hispanic Americans are 2.6 times more likely. Almost 60% of Wilmington residents are African American, and just under 11% of residents are Hispanic Americans. Therefore, almost 75% of Wilmington residents are susceptible to this growing poverty gap. In addition, 27% of Wilmington households are living under the poverty level; and

WHEREAS, indefinitely suspending driver's licenses impedes one's ability to travel to work, go to job interviews, and meet other obligations such as transportation to child care facilities, doctor appointments, probation and parole appointments all of which continues to impede the abilities of Returning Citizens and low-income residents to obtain lawful well-paying employment, pursue employment training, and/or additional education to improve their capabilities to pursue gainful employment causing such citizens to be at even greater disadvantage; and

WHEREAS, the American Community Survey reported over 75% of Wilmington residents drive to work in 2017, while only 12% residents took public transportation to their place of work. In addition, 27% of households live under the poverty line; and

WHEREAS, State Senator Brown, representing District 2 in Wilmington, is sponsoring Senate Bill 39 in the Delaware General Assembly that would prohibit license suspensions due to unpaid fees; gives power to the Courts to use their discretion to waive or modify fees, fines, costs, or assessments; and create a group to research the current financial obligations of persons who have served their sentences, or have been granted probation or parole; and

WHEREAS, on May 17th, 2018 the City Council resolved to support the American Civil Liberty Union's Campaign for Smart Justice with the passing of City Council Resolution #4535, which also recognizes "the obstacles faced by previously incarcerated individuals and its negative impact on individuals, the community, and the City of Wilmington"; and

WHEREAS, it is fundamental to the values of our State that all people have equal opportunities and no barriers to their ability to support themselves and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council strongly supports Senate Bill 39 as it is an important step in criminal justice reform by removing a significant barrier to the positive Re-Entry of Returning Citizens who will be better equipped to be able to seek and obtain lawful employment, job training, or additional education to support themselves and their families, and pay the fines, costs, or assessments owed to the State resulting from their conviction of unlawful activities thus providing a beneficial service to the residents of both Delaware and

the City of Wilmington as the communities in which the formerly incarcerated return to live and work.

Passed by City Council,
December 5, 2019

Attest: Maribel Seijo
City Clerk

SYNOPSIS: This Resolution expresses strong support from the Wilmington City Council for the passage of Senate Bill 39 which prohibits the indefinite suspension of driver's licenses of those Re-Entering Society from incarceration and giving the Courts the power to take into consideration a person's ability to pay and where necessary grant modifications or waivers to such court mandated fees, fines, costs, or assessments thereby reducing the financial burdens on defendants and their opportunities to find lawful employment and meet their financial and societal obligations.