



**City Attorney Peter S. Holmes**

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### **Legislature models DWLS-3 reform on Seattle policy**

Soon after taking office City Attorney Pete Holmes implemented a measured approach to prosecuting the crime of DWLS-3 (Driving While License Suspended in the Third Degree) because the law criminalized poverty by subjecting those who cannot afford to pay tickets to criminal sanctions. Now Seattle pursues only those serious offenders who pose a danger to the community, which saves about \$212,000 a year and has curtailed an inherently discriminatory practice.

"As a prosecutor, I believe I must advocate for changes to laws I find inappropriate to prosecute," Holmes said.

Last week, at the urging of the City of Seattle and through its education efforts in Olympia, the Washington Legislature passed E2SSB 6284, based on the Seattle reform, and sent it to Gov. Chris Gregoire. The bill's fiscal note estimates that the state Department of Licensing would generate roughly \$1 million in additional revenue per year, and that local jurisdictions could save up to \$36 million.

"Those local savings could be used to fund more pressing public safety efforts in communities," Holmes said. In addition, thousands of working poor people will avoid having their licenses suspended. He referred to Michelle Alexander's recently published book, "The New Jim Crow," which states: "Adding to the insanity, many states suspend driving privileges for missed debt payments, a practice that often causes people to lose employment (if they had it) and creates yet another opportunity for jail time: driving with a suspended license."

Holmes urged the governor to sign the bill. "Reforming DWLS-3 will end debtor's prison and the criminalization of a person's inability to respond to and pay a traffic ticket," he said.

Under the new law, failure to respond or appear for a traffic hearing and pay a ticket for a non-moving violation will no longer make a person a criminal. Instead, it will be a civil judgment subject to collections, garnishment and property lien procedures.

DWLS3 charges will still always be filed when:

- \*offender fails to furnish proof of treatment or progress in a chemical dependency program.
- \*offender fails to comply with provisions regarding uninsured accident.
- \*offender is suspended due to DWLS-2 and was then eligible to have license reinstated but did not.

There is no correlation between the failure to pay and public safety. "[D]rivers suspended for non-driving reasons posed the lowest traffic safety risk among the suspended driver groups with a risk not much higher than validly-licensed drivers," according to a federal report in 2009.

*Reasons for Drivers License Suspension, Recidivism and Crash Involvement Among Drivers with Suspended/Revoked Licenses*, USDOT National Highway Traffic Safety Administration (NHTSA), p. 1 (2009).  
<http://www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/811092.pdf>

DWLS-3 bill:

<http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Passed%20Legislature/6284-S2.PL.pdf>