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Chair Swearingen, Vice-Chair Green, and Honorable Members of the Assembly Committee on State Affairs:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Assembly Bill 421.

Put simply, AB-421 would criminalize an extraordinary number of Wisconsinites for conduct unrelated to reckless driving or traffic safety, resulting in significant financial and human costs for an already overburdened criminal legal system.

Under the bill, the penalties for Operating While Suspended and Operating while After Revocation would increase from a civil forfeiture to a Class B and Class A misdemeanor, respectively. The bill would also increase the penalty for Operating Without a License to a Class A misdemeanor for a second or subsequent offense.

Counterintuitively, most driver's license suspensions in Wisconsin—over 55%—are imposed solely as a sanction for nonpayment of ticket debt, according to data from the Wisconsin Department of Transportation (DOT).¹ Between 2013-2022, Wisconsin imposed an average of over 201,600 driver's license suspensions each year to collect unpaid ticket debt.² Each year, there are more debt-based license suspensions than safety-related suspensions in Wisconsin.

We know that debt-related suspensions result in a host of collateral consequences. With limited transportation options to get to work, school, and other obligations, Wisconsinites can get trapped in an endless cycle of debt.

DOT data also shows there were over 53,000 convictions for Operating While Suspended, over 14,000 convictions for Operating After Revocation, and over 31,500 convictions for Operating Without a License in 2022 alone.³ Converting driving with a suspended or revoked license or driving without a license to criminal offenses would create an extraordinary increase in the criminal caseload across the state, resulting in significant financial costs to the system for prosecutors, public defenders, and other system players in addition to the human costs associated with funneling tens of thousands of Wisconsinites into the criminal legal system.

¹ Wisconsin DOT reports that, of 3,554,559 driver's license suspensions imposed over the last 10 years, 1,912,148 have been caused by "Failure to Pay Forfeiture" and 104,007 driver's license suspensions have been caused by "Failure to Pay Forfeiture—Juvenile," <https://wisconsindot.gov/Documents/dmv/shared/withdrawals-summary.pdf>.

² *Id.*

³ "Traffic Convictions Entered on Driver Record File, January – December 2022), Wisconsin DOT, <https://wisconsindot.gov/Documents/dmv/shared/convictions2022.pdf>.