

Restore Rights – To Drive, Vote, and for Assistance if Needed

Stop Suspension of Driver's Licenses for People with Unpaid Court Debt

- More than 40 states allow the suspension of driver's licenses for people with unpaid criminal or traffic court debt. In Virginia, **nearly a million people currently have suspended driver's licenses at least in part because of unpaid court debt.** [1] This law punishes people for poverty.
- Virginia is one of 19 states in which driver's license **suspension is a mandatory consequence** for nonpayment of court debt. **State law does not consider a person's ability to pay** before the person's license is suspended. [2]
- Virginia's **system is also extremely automated.** A court computer system transmits the record of nonpayment to the Department of Motor Vehicles soon after the payment due date. Once the record is received, the DMV immediately flags the license as suspended, without considering ability to pay or any other mitigating factors. [3]
- In Virginia, drivers suspended for safety reasons can often get their license reinstated quicker than those suspended for nonpayment. For example, a person convicted of reckless driving faces no more than a six-month suspension, while a suspension for failure to pay court debt may last for years. [4]
- Data indicate that African Americans in Virginia disproportionately suffer driver's license suspension for nonpayment. [5]

Restore Voting Rights

- **Virginia is one of four states whose constitution permanently disenfranchises citizens with past felony convictions.** These citizens are barred from voting, serving on a jury, and running for office. However, the state's governor is granted the authority to restore these civil rights. [6]
- **One five five African Americans is disenfranchised in Virginia.** [7]
- Much progress has been made by previous Virginia governors, particularly former Governor Terry McAuliffe's 2016 move to restore the voting rights of thousands of Virginians. (However, this must be done on an individual basis, as the Virginia Supreme Court determined that the governor must make clemency determinations on a case-by-case basis.)
- The Secretary of the Commonwealth gives priority consideration to individuals who *request* restoration of their civil rights. [8] Thus, upon release, correctional facilities should be required to give individuals clear information on how to make this request.

End Ban on Welfare Assistance; Allow Those Eligible, to Receive Assistance

- In 1996, federal welfare reform created the Temporary Assistance for Needy Families (TANF) program. The law also imposed a denial of federal benefits (i.e., TANF and Food Stamps) to people convicted in state or federal courts of felony drug offenses. **States must pass legislation to opt out of or modify the ban.** [9]
- In 2005, the Virginia General Assembly passed legislation to lift the ban for receipt of Food Stamps (now called the Supplemental Nutrition Assistance Program or SNAP) for individuals convicted of drug possession. The ban remains for receipt of TANF and more serious drug distribution convictions. [10]
- About **half a million** people in the U.S. are incarcerated with a felony drug conviction. Most are not high-level drug dealers and have no prior criminal record for a violent offense. [11]
- **These welfare bans disproportionately impact poor people, people of color, and drive people further into poverty.** A 2013 study by the [Yale School of Medicine](#) found that 91% of people recently released from prison did not have reliable access to food. [12]
- TANF benefits in Virginia are already low. Thus, the cost to allow individuals with a drug possession charge to receive TANF benefits is minimal. It is estimated that the first-year cost will be less than \$100,000 with ongoing annual costs of approximately \$165,000 per year. [13]

- Providing TANF assistance to former drug felons meets two of the four purposes of the TANF program: 1) It allows children to be cared for in their own homes; and 2) it provides the returned citizen with work supports needed to obtain employment. [14]
- **At least 11 states and the District of Columbia have lifted their TANF bans.** [15]
- There is support for lifting the ban in Virginia and there have been many legislative attempts to do so. The bill was approved by one or both policy committees in most of these efforts but failed in the money committee due to a minimal increase in TANF spending. **The Virginia Parole Commission supports lifting the ban.** [16]

SOURCES:

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- [2] <https://www.justice4all.org>, *Id.*
- [3] <https://www.justice4all.org>, *Id.*
- [4] <https://www.justice4all.org>, *Id.*
- [5] <https://www.justice4all.org>, *Id.*
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- [6] <https://www.brennancenter.org/analysis/voting-rights-restoration-efforts-virginia>
- [7] www.brennancenter.org, *Id.*
- [8] <https://www.restore.virginia.gov>, *Id.*
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- [9] <https://parolecommission.virginia.gov/resources/september-28/public-assistance-former-drug-felons.pdf>,
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- [10] <https://parolecommission.virginia.gov>, *Id.*
- [11] <https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>
- [12] <https://www.ncbi.nlm.nih.gov/pubmed/23514079>
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- [15] <https://fas.org/sqp/crs/misc/R42394.pdf>, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/08/09/more-states-lift-welfare-restrictions-for-drug-felons>
- [16] <https://parolecommission.virginia.gov>, *Id.*