



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**Written Testimony Opposing House Bill 5817, An Act Increasing the
Penalty for Operating a Motor Vehicle Without Insurance**

Senator Cabrera, Representative Wood, Ranking Members Hwang and Pavalock-D'Amato, and distinguished members of the Insurance Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 5817, An Act Increasing the Penalty for Operating a Motor Vehicle Without Insurance.

The ACLU-CT is dedicated to ending mass incarceration. Mass incarceration over the past four decades has been driven in large part by increasing the lengths of prison sentences.¹ Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”² Moreover, longer sentences do not appear to have any significant deterrent effect.³ Systems that have reduced sentences—notably, the federal criminal system—have not noticed any effect on public safety.⁴ In short, there is no empirical evidence to suggest that creating a new victim class with increased criminal penalties will deter people from operating a motor vehicle without insurance. The lack of

¹ JEREMY TRAVIS, BRUCE WESTERN & STEVE REDBURN, THE GROWTH OF INCARCERATION IN THE UNITED STATES, 70 (2014), available at <https://www.nap.edu/read/18613/chapter/5>.

² Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

³ *Id.*

⁴ *Id.*

evidentiary support demonstrates that this proposed change is neither needed nor wise.

Criminal penalization—a felony, no less—is an outrageously disproportionate response to operating a motor vehicle without insurance. It is also an example of the criminalization of poverty, as people unable to afford insurance would be most harmed by this law,⁵ which would subject those convicted to the more than 550 collateral consequences that people living with a criminal record face. Rather, this committee should consider bills that actually help to address the root causes of poverty that result in people driving a car without insurance.

Ending mass incarceration requires that the General Assembly continue making progress toward reducing the number of people who enter the criminal legal system and reducing the amount of time that people who do not enter the system serve. The legislature will not achieve that kind of progress if it turns what currently exists as monetary fines⁶ under Connecticut law into a Class D felony without any real justification to do so. We also believe that in order to truly vet a bill that sets extreme criminal penalties, this bill must also receive a hearing in the Judiciary Committee. The ACLU-CT strongly opposes House Bill and urges this Committee to do the same.

⁵ See, e.g., Jeff Yungman, *The Criminalization of Poverty*, AM. BAR ASS'N (2019), https://qa.americanbar.org/groups/gpsolo/publications/gp_solo/2019/january-february/criminalization-poverty/; *Criminalization of Poverty as a Driver of Poverty in the United States*, HUMAN RIGHTS WATCH & HARVARD CRIMINAL JUSTICE POLICY PROGRAM (2017), <https://www.hrw.org/news/2017/10/04/criminalization-poverty-driver-poverty-united-states>.

⁶ Conn. Gen. Stat. § 14-213b; § 14-50b.