

CORRECTED TESTIMONY OF EMMA BOND, ESQ.

**LD 644 - Ought to Pass**

**An Act Regarding Motor Vehicle Registration Violations**

JOINT STANDING COMMITTEE ON TRANSPORTATION

March 16, 2021

Senator Diamond, Representative Martin, and distinguished members of the Joint Standing Committee on Transportation, greetings. My name is Emma Bond, and I am the legal director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I am here to testify in favor of LD 644. By taking a decisive step towards simplifying low level traffic offenses, this bill would further our shared interest in public safety by making it easier for everyday people to follow the law. Without making anyone worse off, it lays out rules that are predictable, fair, and easy to apply.

United States Supreme Court Justice Robert Jackson famously quipped that criminal culpability exists at the crossroads between an “evil-meaning mind” and “an evil-doing hand.”<sup>1</sup> Attaching criminal consequences to an unsuspecting motorist’s failure to register their vehicle is a misguided use of the state’s law enforcement power, because all of us know that most of the people who don’t register their vehicles aren’t evil meaning or evil doing. They were simply unaware of the need to register their vehicle, or forgot to do so. The rules vary from state to state, and the day-to-day demands of survival in an economic recession often prevent well-intentioned people from keeping up-to-date with issues like car registration.

Moreover, the current system is costly. Adjudicating Class E crimes isn’t free; it requires traffic court staff, and judges, and prosecutors. The human cost is also great. Even misdemeanor convictions for minor crimes can have devastating consequences. For instance, having a criminal record of any kind can make it harder to find work.<sup>2</sup> The Brennan Center at New York University

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<sup>1</sup> *Morissette v. United States*, 342 U.S. 246, 251 (1952).

<sup>2</sup> See, e.g., *Collateral Consequences and Criminal Justice: Future Policy and Constitutional Directions*, 102 MARQ. L. REV. 233, 237–42 (2018).

School of Law estimates that a misdemeanor conviction that does not result in imprisonment will, on average, reduce a person's yearly income by 16%.<sup>3</sup> People should not face these consequences merely for forgetting to register their vehicle.

We urge you to vote *ought to pass*.

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<sup>3</sup> TERRY ANN CRAIGIE, ET AL. , CONVICTION, IMPRISONMENT, AND LOST EARNINGS: HOW INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM DEEPENS INEQUALITY (Sept. 20, 2020), <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.