

CHAMBERS OF
SONNA M. ANDERSON
JUDGE
BISMARCK, NORTH DAKOTA

State of North Dakota

DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

BOX 1013
514 EAST THAYER AVENUE
BISMARCK, ND 58502

February 1, 2012

To the Members of the Commission on Alternatives to Incarceration

RE: Driving Under Suspension Convictions

To Chairman Senator Lyson and Honorable Members:

I thank you for the invitation to appear before the Commission today, however, I had a full court calendar this morning and am not able to attend your meeting.

I preface my statements by saying that I have not undertaken to study the actual data related to the numbers of Driving Under Suspension or DUS cases that come before me. My observations are anecdotal, but are shared by the district judges that I have spoken to about this matter.

I see many people charged with Driving Under Suspension come into my courtroom on a weekly basis. A good number of the DUS defendants had their license suspended for an easily correctable reason, such as non-payment of a traffic tickets or failure to pay a \$50 reinstatement fee. Many claim that they never received the notice from DOT that their license was suspended. Some moved and forgot to notify DOT of a change of address. Some have never had a license and have been driving for years without any violations and then came to the attention of law enforcement because of missing taillight. I would say that most of these drivers are not dangerous or reckless drivers. Rather, they don't seem to understand the process (or choose to ignore the process) of getting their license reinstated. They are picked up again and again and having their license suspended even longer. Eventually, there is no hope that they will get their license back in their lifetimes.

I do not think the court system should look the other way, but I do believe that we have to be realistic that in North Dakota, because of the distance people have to travel, the weather, the lack of public transportation and the need to work, it is likely that the defendants will drive again, that they will be picked up again and that their license will be suspended for an even longer time. It becomes a vicious cycle.

Letter to the Commission on Alternatives to Incarceration
February 1, 2012
Page 2

In addition to taking up hours of court time, it takes significant prosecutorial time to prosecute these defendants and the defendants will often seek court appointed counsel for advice. Out of frustration, prosecutors are asking for significant jail time for repeat offenders.

I know of one defendant with multiple DUS convictions, who is serving a year in county detention. As far as I can determine from this defendant's driving record, he is not a dangerous driver, and he has never had an alcohol related charge. He simply needs to drive to be employed and support his family and continues to drive, even though he won't be eligible to have his license reinstated in his realistic lifetime. It is a significant taxpayer expense to have him sit in jail and his family is suffering economic hardship. When he is released, he will likely drive again in order to support his family.

We are spending a lot of resources to penalize him and others like him, when I believe those funds could be better spent with some shorter punishment and then finding a way to allow him and others to get their license reinstated. I am not advocating a free ride, but rather a solution to the cycle of convictions for those DUS defendants who are not drunk or dangerous drivers.

I ask this Commission to study the matter of Driving Under Suspension convictions and see if there is a way to develop a program that would impose a penalty on the defendant, but allow them to obtain a valid license, or at least a work permit, so that they would not repeat the cycle.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Sonna M. Anderson". The signature is fluid and elegant, with a large initial "S" and a long, sweeping underline.

Sonna M. Anderson
District Judge