**Testimony of Kathy Griesmyer**

**HB 494 – Reclassifying misdemeanors to infractions**

**Before Senate Judiciary & Rules Committee**

**March 18, 2016**

The ACLU of Idaho stands before you today in support of HB 494 which moves minor in possession and minor in consumption from a misdemeanor to an infraction. This reclassification is common sense sentencing reform and we encourage the committee to vote yes in sending this bill forward to the House floor with a do pass recommendation.

This legislation strike a balance for how to appropriately deal with offenses that do not merit detention of juveniles and/or minors. Over the past several decades our criminal justice system has been inundated with more misdemeanor statutes that have ultimately resulted in a higher burden for courts, prosecutors, public defenders and those accused of committing an offense.

In a 2009 report from the National Association of Criminal Defense Lawyers titled “The Terrible Toll of America’s Broken Misdemeanor Courts”, they stated that public defenders and judges across the country have noted that misdemeanor caseloads are clogged with crimes that should not be punishable with expensive incarceration. With less misdemeanor crimes on the books, it allows for public defenders to focus their energy and resources on more important cases where there is a higher chance or threat level for incarceration. At the same time, while reducing low-level misdemeanors to infractions, we can be sure that there are no major impacts to public safety, while also saving taxpayer dollars as we spend less on costly incarceration.

However, if we are to continue our efforts in reducing Idaho’s jail and prison population, we urge this committee to look at misdemeanors that are more frequently charged, like driving without privileges – which was charged over 12,000 times in 2013 according to Idaho Supreme Court data. Generally driving without privileges charges stem from a license suspension for failure to pay fees or fines. The charge then criminalizes the inability of a defendant to pay, which creates an unbreakable cycle[[1]](#footnote-1). This cycle perpetuates devastating impacts not only to the individual who faces financial challenges and the risk of incarceration, but it overburdens our court system and unnecessarily increases our jail and prison populations.

Simply put - reclassification is a sensible and practical way to reduce mass incarceration while respecting public safety. The ACLU of Idaho commends this committee for beginning the conversation surrounding sentencing reform and we offer our resources in pursuing additional misdemeanor reclassification legislation. We ask that you vote yes in sending HB 494 forward with a do pass recommendation.

1. Robert C. Boruchowitz, Malia N. Brink, and Maureen Dimino. *Minor Crimes, Massive Waste The Terrible Toll of America’s Broken Misdemeanor Courts.* Washington, DC: National Association of Criminal Defense Lawyers, 2009. Print. [↑](#footnote-ref-1)