Testimony of William C. Buhl, Circuit Judge, before the Senate Michigan Competitiveness Committee on October 11, 2017 in Lansing, Michigan

In support of SB 609-615 and Judge William Kelly's testimony in support of said bills:

I am a retired Circuit Judge form the 36th Judicial Circuit, Van Buren County, Michigan and served as such from 1989 through 2010. From 1997 I handled most of the felony sentencings for the County. I have spent all my professional career serving the criminal justice system in Michigan, with 6 years as a Prosecutor and 14 years as a District Judge. Since 2011 I have represented defendants in traffic cases.

I could not agree more with Judge Kelly's testimony. His words should carry great weight, as he is one of the longest, if not the longest serving District Judge in the State of Michigan. I would only supplement his testimony in two areas:

He states that the Fess are not a highway safety measure. He is correct. They have always been about generating revenue. But it is worse than that. The following is from my testimony before a House Committee in Detroit on June 19, 2009

"In Michigan, evidence shows that the Fees negatively affect highway safety. Senate Intern Elliott Wild made an in depth study of the fees in 2008, and the results did not surprise judges, magistrates, police officers and prosecuting officials around the State. Nearly every dangerous driving offense was up alarmingly, and progressively, since the fees went into effect. The most obvious were fleeing police and failing to stop at accidents. From 2005 to 2007 those crimes were assessed 26% more often. And assessments for driving while suspended rose from 95,323 in 2005 to 137,673 in 2007."

He also eludes to the negative effect on enforcement of the crime of driving while suspended. I will again quote from my testimony in 2009:

"The Fee is helping destroy the credibility of the enforcement of the Motor Vehicle Code in Michigan. When I was a District Judge, people went to jail for driving while suspended. Punishments were graduated. The more you offended, the longer the jail sentence. Today, the enforcement of Section 904 of the Code is a joke. Few are arrested when stopped. They get appearance tickets, or they are not charged at all. Sentencing is not only not graduated, but jail is seldom imposed. I have seen dozens of offenders receiving only fines and costs for 10 or more convictions of driving while suspended! In effect, we have <u>decriminalized</u> driving while suspended. When judges, magistrates, prosecutors and police officers are helping motorists avoid prosecution or conviction for clear violations of the law, then the law <u>is</u> an ass. The Fee is doing this to the enforcement of the Motor Vehicle Code."

I would add that I had a defendant who succeeded in collecting 35 convictions for violating section 904. He received <u>no jail time</u> for the last 3 convictions.

These bills correct an evil that has continued far too long.

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