

## UPCOMING TRAININGS & CONFERENCES

A full list of NDAA's virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

**NDAA's Mastering Masking Digital Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

**NDAA's Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training**  
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

**NDAA's Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)**  
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

**Brady/Giglio—Practice, Procedure and Lessons Learned (Live Webinar)**  
February 23, 2022 @ 2:00 p.m. ET

**The Next Generation of Digital Evidence for Prosecution (Live Webinar)**  
March 2, 2022 @ 1:00 p.m. ET

**Capturing and Utilizing Social Media as Evidence (Live Webinar)**  
March 9, 2022 @ 12:00 p.m. ET

## RESOURCES

**Impaired Driving Resources**  
[▶ ndaa.org/programs/ntlc/](https://ndaa.org/programs/ntlc/)

**CDL-Related Resources**  
[▶ ndaa.org/programs/ntlc/commercial-drivers-license/](https://ndaa.org/programs/ntlc/commercial-drivers-license/)

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## Steering in the Right Direction

### How Congress is Balancing Criminal Justice Reform and Traffic Safety in the 117th Congress

*By Frank Russo, NDAA Director of Government and Legislative Affairs*

In January 2022, Congress returned to a unique political environment including an ongoing pandemic and quickly approaching midterm elections. Despite an ongoing deadlock in the United States Senate and a slim majority in the United States House of Representatives, both the Republican and Democratic parties have continued to explore legislative pathways that will improve equity in our criminal justice system. America's roadways and traffic safety enforcement are no exception to this ongoing push as lawmakers and advocates evaluate the right approaches to balance reform and public safety.

Upon taking office on January 20, 2021, President Joe Biden signed an *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,

setting the standard from day one that this administration would conduct equity assessments across each Federal agency. The Department of Transportation was no exception, as the agency outlined its approach to meet the Executive Order in its National Roadway Safety Strategy. Within this strategy, the agency highlighted the increase in roadway fatalities for African-American drivers while also pointing out the poorest counties in the country faced higher fatality rates. This has led the department to set specific goals that will include new traffic equity organizations and advocates as it rolls out grant programs and new initiatives, simultaneously ensuring marginalized organizations and diverse communities are afforded fair opportunities to receive grant funding through the Department of Transportation. Much of the attention on reform, however, has come at the Congressional level, begging the question: how do lawmakers plan to address racial equity in traffic safety?

Congress's transportation agenda has shifted significantly following the passage of the bipartisan *Infrastructure Investment and Jobs Act*, signed by the President in November 2021 as talks stalled on other elements of the broader *Build Back Better* plan. Now, advocates and their partners on Capitol Hill have turned the broader criminal justice reform conversation back towards the traffic safety community. The best example of this recent shift is the focus on increasing opportunities for formerly convicted and incarcerated individuals through expungement measures, which has grown to include traffic-related offenses. Competing bipartisan proposals on expungement have now captured the attention of the transportation community due to the potential impact on traffic safety. Most notably, Congresswoman Alexandria Ocasio-Cortez (D-NY) and Congressman Dave Joyce (R-OH) have introduced the *Harnessing Opportunities by Pursuing Expungement (HOPE) Act*, which would incentivize states to expunge all cannabis-related offenses, including driving-based offenses. The efforts do not stop simply at cannabis-impaired driving. Other broad legislative proposals, such as the *Clean Slate Act*, would allow individuals to apply for potential expungement if they are convicted of a driving offense that does not result in physical harm to another. Although well-intended, many of these proposals fail to account for the full range of public safety factors, such as blood alcohol concentrations and prior offenses, before allowing an individual to conceal his or her driving safety record.

The National District Attorneys Association (NDAA) has worked alongside our partners in the traffic community to shine a light on the proposals that will have unintended safety consequences, while promoting legislation that strikes the appropriate balance between reform and protecting the communities we serve. In discussing proposals that potentially remove or limit access to prior criminal records, prosecutors have partnered with organizations such as Responsibility.Org and Mothers Against Drunk Driving (MADD) to educate lawmakers on the dangers of broad expungement legislation. Congressional leaders and their staff understand that law enforcement and courts must be able to review the full criminal history background of an individual before determining an appropriate sentence or diversion. Further, there is a growing recognition that multiple factors, ranging from the impairing substances involved to the circumstances surrounding an arrest, are valuable to deciding one's eligibility for expungement. NDAA is not only working to improve proposals such as these, but our members are focused on supporting legislative efforts that improve equity without jeopardizing public safety.

The Nation's prosecutors have identified a specific legislative proposal that directly affects how law enforcement and courts handle driver's license suspensions, fines, and administrative fees. Suspending a driver's license because an individual cannot pay a fine or fee puts an additional burden on the person by making it harder to go to work to pay off debts. Senator's Chris Coons (D-DE) and Roger Wicker (R-MS) bipartisan *Driving for Opportunity Act* is gaining steam in Congress to stop debt-based license suspensions. This unique legislation creates an incentive—a new funding stream—to reward states and localities that do not suspend, revoke, or refuse to renew a person's driver's license or refuse to renew a motor vehicle registration for failure to pay a civil or criminal fine or fee. Within the bill, states and localities that adopt this policy would be eligible for \$20 million in new federal grants to recover the costs incurred by the state or jurisdiction for reinstating the driver's licenses previously suspended for unpaid fines and fees. Most notably, the legislation still allows for revocations for any public safety reasons identified by the prosecution.

Balancing reform with our responsibility to keep America's roadways safe is at the top of NDAA's legislative agenda in 2022. Our membership is working closely with Congress to ensure any legislative proposal accounts for the needs of the traffic safety community and considers the inequities that exist throughout our criminal justice system. As these proposals continue to gain attention, we encourage prosecutors, law enforcement, and advocates in the transportation community to have their voices heard by policy makers and leaders as we work to steer legislation in the right direction before the close of the 117th Congress.

To learn more about NDAA's work on policy and legislative issues, you are encouraged to contact Frank Russo, Director of Government and Legislative Affairs. He can be reached at [frusso@ndaajustice.org](mailto:frusso@ndaajustice.org) or at 703-519-1655.

## New Video Added to the Roadside to Record Series

The National Traffic Law Center is proud to announce the release of **"The Clerk,"** Part 4 of the recently produced Roadside to Record video series. In **"The Clerk,"** professional videography and state of the art animation is used to follow the journey taken by the Commercial Driver's License (CDL) holder's conviction from the court clerk's desk to the state driver license agency (SDLA), to the Commercial Driver License Information Service (CDLIS) and back to the CDL holder's record in the state of issuance. This professionally produced video explains the transmittal and recording requirements of the above agencies relative to a CDL holder's conviction thereby ensuring one-driver, one-license, one-record.

**"The Clerk"** joins Parts 1 and 2 **"Roadside"** and Part 3 **"The Courtroom,"** all produced with funding from the Federal Motor Carrier Safety Administration. This series can be downloaded free of charge and is perfect for use in CDL related training, focusing on enforcing, prosecuting, and adjudicating CDL holder violations in accordance with federal and state regulations. See the video series [here](#).

NTLC is currently in the process of developing a curriculum structured around this video series for release later this year.

