



**Statement by Gilles Bissonnette, ACLU-NH Legal Director  
House Transportation Committee  
ACLU-NH Support of HB1666  
Hearing: February 1, 2022**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”), a non-partisan, non-profit organization working to protect civil liberties for over 50 years. Given that the protections afforded under the Constitution apply to everyone, including immigrants, part of the work we do is to advance and protect the rights of noncitizens. This is why we are a part of a coalition supporting HB1666. We recognize that driver’s licenses and state identification are an essential part of navigating everyday life and believe that it is critical that all Granite Staters have access to them.

**I. The Importance of Driver’s Licenses for Civil Rights.**

Based on 2012 data, undocumented Granite Staters are estimated to pay approximately \$8,768,000 million in state and local taxes every year,<sup>1</sup> yet are prohibited by law from driving legally on New Hampshire roads. Our current policy—which ignores the reality in which many undocumented Granite Staters are driving without licenses or insurance—can best be characterized as a policy of denial. It’s time for New Hampshire to join the 16 other states and Washington, D.C. that already do not condition the ability to drive on immigration status.<sup>2</sup>

Having access to a driver’s license and government-issued identification plays a major role in one’s ability to participate in public life. By preventing thousands of undocumented Granite Staters from accessing licenses, New Hampshire is furthering a system of unequal treatment under the law. One’s immigration status bears no relationship to one’s ability to drive, but driving—especially in a state such as ours that is rural and without robust public transportation—can be critical to basic family life and economic survival.

Whether driving in order to take one’s children to school, to go to work and provide for one’s family, or to get to a doctor’s appointment or hospital, driving is often critical to access these basic needs in New Hampshire. According to the Center for Migration studies, there are approximately 11,908 undocumented individuals in New Hampshire (as of 2019).<sup>3</sup> Denying these individuals the ability to take them to the doctor or to school denies them access to their basic rights. Expanding access to licenses would help bring thousands of Granite Staters out of the shadows and allow them to become full contributing members of our society and economy.

**II. Expanding Access to Driver’s Licenses Will Bolster Security and Enhance Public Safety.**

Providing otherwise eligible undocumented Granite Staters access to a driver’s license and government-issued identification card will enhance public safety.

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<sup>1</sup> Matthew Gardner, Sebastian Johnson & Meg Wiehe, UNDOCUMENTED IMMIGRANTS’ STATE & LOCAL TAX CONTRIBUTIONS 3, INSTITUTE ON TAXATION AND ECONOMIC POLICY (2015), <http://www.itep.org/pdf/undocumentedtaxes2015.pdf>.

<sup>2</sup> *State Laws Providing Access to Driver’s Licenses or Cards, Regardless of Immigration Status* (NILC, Apr. 2020), [www.nilc.org/state-laws-providing-dl-access/](http://www.nilc.org/state-laws-providing-dl-access/).

<sup>3</sup> <http://data.cmsny.org/>.

Currently, without access to identification, many undocumented immigrants are afraid to interact with law enforcement and are less likely to report crimes, share information with police, or participate as witnesses in investigations.<sup>4</sup> For example, the Exeter Police Department detained an undocumented person *after that person helped the Department with a criminal investigation*.<sup>5</sup> As a result, undocumented Granite Staters feel forced to live in the shadows, afraid to interact with police, harming intelligence gathering and investigations. Furthermore, allowing individuals to get a license promotes safe driving since it will require them passing a driving test and having insurance.

In short, New Hampshire's top priority should be protecting safety and making sure all drivers on our roads are trained, tested, licensed and insured.

### III. The Importance of Robust Privacy Protections.

Apart from making sure all Granite Staters, regardless of their immigration status, have the opportunity to seek a driver's license or identification card, we also believe that it is critical that everyone's personal identifying information be protected.

Strong privacy protections build trust in our government and remove barriers to accessing necessary government services. Lack of privacy protections have negative consequences for the most marginalized in our communities. Other states that lack robust privacy protections have seen their driver information used against their own residents with destructive consequences.<sup>6</sup> In response, New Jersey and New York recently enacted strong protections for driver privacy. New Hampshire should strive to do the same.

In this digital age, our personal information is a commodity and current law lacks sufficient privacy protections for Granite Staters. For example, current law allows the DMV to evaluate requests from federal, state, or local entities—including without a warrant—on a “case-by-case” basis. *See* RSA 260:14, III (“Motor vehicle records may be made available pursuant to a court order *or in response to a request from* a state, a political subdivision of a state, *the federal government*, or a law enforcement agency for use in official business. *The request shall be on a case-by-case basis*. Any records received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph. Any records received pursuant to this paragraph shall not be used, further transferred, or otherwise made available to any other person or entity for the purpose of creating or enhancing a federal identification database.”). We hope that this Committee supports HB 1666, as it strengthens the law's privacy protections and is modeled after New York's law.<sup>7</sup> In short, it is not acceptable for our information to be shared with federal agencies without our permission or without proper safeguards.

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<sup>4</sup> Nik Theodore, UNIVERSITY OF ILLINOIS AT CHICAGO, INSECURE COMMUNITIES: LATINO PERCEPTIONS OF POLICE INVOLVEMENT IN IMMIGRATION ENFORCEMENT i (2013),

[http://www.policylink.org/sites/default/files/INSECURE\\_COMMUNITIES\\_REPORT\\_FINAL.PDF](http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF).

<sup>5</sup> *See* <https://www.aclu-nh.org/en/press-releases/aclu-nh-files-federal-lawsuit-over-exeters-unlawful-immigration-enforcement-practices>.

<sup>6</sup> *See* Xander Landen, “Vermont One of Two States That Complied with ICE Search of Driver Database,” *VTDigger.org* (July 8, 2019), <https://vtdigger.org/2019/07/08/vermont-one-of-two-states-that-complied-with-ice-search-of-driver-database/#:~:text=%5BI%5Dn%202013%2C%20Vermont,its%20photographic%20database%20of%20drivers> (“[I]n 2013, Vermont became one of the few states in the nation to offer driver's licenses to undocumented immigrants. Six years later, it is one of two states to have allowed federal immigration authorities to search its photographic database of drivers.”).

<sup>7</sup> A3675B, sec. 2, [https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=A03675&term=2019&Text=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A03675&term=2019&Text=Y) (noting that “such license or permit *is not a public record and shall not be disclosed in response to any request for records except: (a) to the person who is the subject of such records; or (b) where expressly required pursuant to chapter three hundred three of part A of subtitle vi of title forty-nine of the United States code; or (c) where necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual records issued pursuant to the criminal procedure law or the civil practice law and rules*”).