



Ohio Judicial Conference

The Voice of Ohio Judges

HB 436 – Proponent Testimony
Judge Jonathan Starn on behalf of the Ohio Judicial Conference
Ohio House of Representatives – Judiciary Committee
April 5, 2015

Chairman Butler, Vice Chair Manning, Ranking Member Johnson, and members of the House Judiciary Committee:

I am Judge Jonathan Starn of the Findlay Municipal Court. I have served as a judge of the Findlay Municipal Court since 2010. Prior to becoming a judge, I served nine years as a magistrate in Hancock County Common Pleas Court and Findlay Municipal Court. For several years my duties as magistrate included handling traffic cases in Findlay Municipal Court. I also serve on the Traffic Law and Procedure Committee and have served on the Criminal Law and Procedure Committee of the Ohio Judicial Conference, and I am here today to provide proponent testimony for House Bill 436 on behalf of the Judicial Conference.

Revised Code section 105.91 creating the Judicial Conference directs the Conference to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement. The Traffic Law and Procedure Committee has recognized an inconsistency in OVI sentencing that municipal court judges have been encountering for some time, and HB 436 is an effective solution to that problem.

Current sentencing laws for second-time OVI offenders result in an inconsistency whereby an offender can seek limited driving privileges after 45 days of a license suspension, yet his or her vehicle must remain immobilized for a total of 90 days. While courts have the discretion to grant such driving privileges, they have no authority to lift or terminate the mandatory immobilization period, leaving the offender without access to the automobile he or she is otherwise legally authorized to operate. Judges may see the benefit in permitting limited driving privileges to allow the offender to continue working or to attend school, treatment programs, or medical appointments. Without access to their vehicle, though, the driving privileges are of little benefit. The current law's inconsistency thus places a greater burden on the offender to seek other forms of transportation, as well as their families, and essentially defeats the purpose of allowing the court to grant driving privileges in the first place. The bill maintains judicial discretion in that it allows, but does not require, the court to lift the immobilization of the vehicle, and allows the court to reinstate the immobilization should the offender violate the conditions of his or her limited driving privileges.

I would like to thank Representative Cupp and Representative Rogers for introducing this bill, and for seeking the Judicial Conference's feedback during the drafting process. HB 436 is a simple fix to a common problem encountered in municipal courts throughout Ohio. It has the support of the Traffic Law and Procedure Committee and the Executive Committee of the Judicial Conference, and I hope the Judiciary Committee will favorably recommend its passage.

Thank you for the opportunity to provide this proponent testimony on behalf of the Judicial Conference, and I am happy to answer any questions you might have.

OHIO JUDICIAL CONFERENCE

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