



# Ohio Judicial Conference

The Voice of Ohio Judges

HB 436 – Proponent Testimony

Judge Robert Hart on behalf of the Ohio Judicial Conference  
Ohio Senate – Transportation, Commerce, and Labor Committee  
December 1, 2016

Chairman LaRose, Vice Chair Manning, Ranking Member Cafaro, and members of the Senate Transportation, Commerce, and Labor Committee:

I am Judge Robert Hart, of the Fremont Municipal Court, in Sandusky County. I am here today to provide proponent testimony for House Bill 436, on behalf of the Ohio Judicial Conference, where I serve as a member of the Traffic Law and Procedure Committee and Criminal Law and Procedure Committee. Prior to taking the bench, I was a municipal prosecutor in Fremont.

Revised Code section 105.91 creating the Ohio 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 often 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 offenders 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.

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 Senate Transportation, Commerce, and Labor Committee will favorably recommend its passage. The Judicial Conference would like to thank Representative Cupp and Representative Rogers for introducing this bill, and for seeking the Conference's feedback during the drafting process.

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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