



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of SB68 License Reinstatement – Community Service Sponsor Senator Williams

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on behalf of the Office of the Ohio Public Defender (OPD) in support of Senate Bill 68 (SB68). I am Niki Clum, the legislative liaison for the OPD.

As this committee knows, SB68 allows individuals who cannot reasonably pay their driver's license reinstatement fees to do community service in lieu of paying their fees. Additionally, the bill allows the BMV to waive reinstatement fees for indigent persons. As a former misdemeanor prosecutor, I saw firsthand the extensive negative consequences of suspending an individual's license when that individual does not have the ability to pay reinstatement fees. Those individuals fall into, what one judge called, the "BMV cycle of death." First, an individual's license is suspended. After an individual's license is suspended, they have no ability to get to their job or take their children to school or daycare. The individual is left with an impossible choice, lose their job and make their financial situation worse – or drive without a license. Many Ohioans choose to keep driving in order to provide for their families and meet their basic needs.

If an individual is caught driving without a license, the court can impose fines and an additional license suspension. Of course, each of those license suspensions comes with its own reinstatement fee. The fines and additional BMV reinstatement fees cause the individual to experience further financial hardship. And the cycle continues.

While the OPD supports SB68, we do have one concern with the bill. The bill allows an "indigent person" to apply to the BMV for a waiver of all reinstatement fees. The bill defines an indigent person as "[A] person who the state public defender has determined to be indigent in accordance with section

120.05 of the Revised Code.”ⁱ The OPD appreciates and supports the idea of using the same standard for indigency in this bill as that used in determining which individuals qualify for a court appointed lawyer. However, this determination should be made by the BMV. We make this recommendation for two important reasons. First, the OPD does not have the capacity to make an indigency determination for the millions of Ohioans with a suspended license who may apply for a waiver.ⁱⁱ Second, the BMV will be the agency governing the waiver process and is in the best position to make any determinations associated with that program. To be clear, the OPD welcomes the opportunity to share with the BMV our forms and process for determining indigency, the standards for which are codified in Ohio Administrative Code 120-1-03, but that determination should be made by the BMV not the state public defender, who is not otherwise involved in the process.

SB68 will help Ohioans leave the BMV cycle of death. Every person in Ohio benefits when all Ohioans drive legally, are able to keep their employment, and are able to care for their families.

Thank you for the opportunity to testify in support of SB68. I am happy to answer any questions at this time.

ⁱ Lines 19 – 21.

ⁱⁱ Lynn Hulseley, *Changes Sought as Ohio driver suspension pile up*, Dayton Daily News, December 2, 2018, <https://www.daytondailynews.com/news/state--regional-govt--politics/changes-sought-driver-suspensions-pile/80GFBBrHxmpnP8aY5YqvDEM/>

