

I wish to thank the Local Government, Public Safety and Veterans Affairs Committee in advance for the opportunity to address them regarding the issues pending in the proposed SB 68 legislation. I am Suzan M. Sweeney, a judge of the Cleveland Municipal Court.

The idea to make an Ohio Bureau of Motor Vehicle (BMV) Reinstatement Fee payable through performance of Community Work Service (CWS) hours actually came from the participating defendants themselves, who once having completed CWS hours in lieu of fines, fees and/or court costs, asked if they could continue to perform CWS volunteer hours in lieu of an outstanding Reinstatement Fee. For many, paying even Fifty Dollars (\$50.00) each month is an onerous financial burden when they have insurance payments and other essential bills to pay. If a \$50.00 payment is missed, the driver is automatically driving under suspension again, and the next Reinstatement Fee may be doubled or tripled.

Understanding there are practical concerns regarding requiring suburban or rural courts to oversee community service programs, we are assembling a small team to look for ways to facilitate implementation of this amendment without putting additional burdens on courts already stretched thin. While Reinstatement Fees belong to the BMV, as a state agency, their Reinstatement Fee office (which helps motorists navigate repayment of those fees) has been reduced to **three** employees statewide. For that reason alone, individual courts should be able to decide, in a **DISCRETIONARY** capacity, whether to allow indigent individuals to repay their Fee by the performance of CWS hours.

The original view of the Ohio Judicial Conference would be to give the BMV the primary responsibility to oversee this program, but allow local courts that wish to establish their own programs to do so. In many of the larger urban areas, Community Work Service programs have already been established, and there may be a way to allow other courts to use those agencies as a tracking mechanism for the court and/or BMV.

As a judge in a municipal court, I deal daily with defendants before me who are charged with the first degree misdemeanor of Driving Under Suspension, the number one misdemeanor (by far!) in my city. My goal is to have INSURED and valid drivers on our city streets and highways.

For a motorist who wants to test or retest to get a driver's license, to become valid often requires not just getting an SR22 bond or new monthly insurance, it often means paying a substantial Reinstatement Fee to the OBMV. For someone who is working a minimum wage job, or part-time, paying that Reinstatement Fee often means making tough choices.

Most people want to drive legally, and do NOT wish to lose the employment that they do have, (if they cannot drive). As a jurist who understands defendants may be financially strapped, especially if they are supporting a family on their own, I sometimes offer them the possibility to work off their fine and court costs by performing Community Work Service hours at the rate of

Ten Dollars (\$10.00) per hour for every hour worked. It may even be at an hourly rate greater than what they make in their employment. The benefit to the community of those volunteer hours is immeasurable!

Community Work Service can be performed at almost any church, community recreation center, hunger center/food bank, governmental agency, literacy program, etc. that registers to accept volunteer CWS workers. Most any charity or agency that is in need of volunteer workers, and can track the number of hours worked to report back to the Court, a probation officer or to the Clerk of Courts would be acceptable. **The judge** in the court that grants the CWS hours, **on a case-by-case basis**, in lieu of Reinstatement Fee could indicate **by Journal Entry**, that the CWS hours have been completed to the satisfaction of the Court, and the Clerk of Courts could then certify those hours to the BMV, in lieu of that Reinstatement Fee, thereby allowing the individual to obtain their Ohio Driver License.

However, if a judge NEVER wants to allow CWS hours in lieu of Reinstatement Fees, that is fine too. This is a **discretionary option** to allow **some** defendants to become a legal driver by performing CWS hours in lieu of paying money for Reinstatement Fees to the BMV.