



CUYAHOGA COUNTY OFFICE OF THE PUBLIC DEFENDER

Chief Public Defender – Cullen Sweeney

December 10, 2024

To: House Homeland Security Committee
From: Cuyahoga County Public Defender
Re: Senate Bill 37 Proponent Testimony

Chairman Ghanbari, Vice Chair Plummer, Ranking Member Thomas, and Members of the House Homeland Security Committee, thank you for the opportunity to provide testimony in support of Senate Bill 37 (SB 37). My name is Leah Winsberg, and I am the Community Engagement Attorney at the Cuyahoga County Public Defender's Office. Our Office represents individuals who cannot afford to retain counsel in felony and misdemeanor criminal cases as well as juvenile delinquency, parental rights, and child support enforcement cases. We support SB 37 as it proposes meaningful changes to reduce debt-related license suspensions.

Every day, our Office represents clients whose cases have a direct connection to their poverty and debt-related suspensions cause them to spiral into an endless cycle that can be devastating. Before stepping foot into a courthouse, our clients struggle financially to make ends meet. When financial sanctions are imposed, our clients are often forced to choose between paying off debts or paying for essentials like groceries, rent, medication, or car payments. When a license is suspended for failure to pay a debt, our clients' ability to obtain and maintain meaningful employment is undermined.

There is little doubt that reliable personal transportation is critical to keeping a good job. Yet, in Ohio we have created an array of counterproductive obstacles in the form of debt-related license suspensions. We suspend driver's licenses of people who did not commit vehicular offenses and have not been bad drivers but merely find themselves unable to pay fines and court costs in non-traffic cases. SB 37 removes many of these impediments. Not because the bill seeks to be softer on people who commit relatively minor offenses—but because the bill seeks to be smarter in how we hold people accountable.

Currently, defendants in minor non-traffic cases often receive a community control sentence that includes fines and costs and a requirement to find and maintain employment. But, when they cannot afford to meet their financial obligations to the court, their driver's license is suspended. That suspension then triggers a downward spiral. Faced with the choice between maintaining court-ordered employment and driving with a suspended license, the person chooses to drive to work, is eventually caught, and convicted of driving under suspension—which may be a higher-level offense than their original conviction. New fines and costs are imposed along with new, more expensive,

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insurance obligations and now there are two cases where the person is under supervision to the court and has increasing financial conditions to meet. Should we really be surprised when that person continues to drive to work? Frankly, most of us would do the same.

Consider experiences of just two of our many clients.

- Sean's client resided on the city's east side and found a temp job working on the city's far west side. His daily commute on public transportation was 2-2.5 hours each way—he took one bus from his neighborhood to downtown where he caught a transfer, then a second transfer, and then had a 30-minute walk (before sunrise) to arrive at his job. In the winter, he decided to drive despite not being able to afford car insurance or needed repairs to his vehicle. He incurred tickets for equipment violations and non-compliance penalties. Over the 5-year look back period, his attempts to meet his responsibilities fell short and the penalties for non-compliance violations increased. Sean's client spiraled further into poverty and eventually faced thousands in reinstatement fees, primarily due to non-compliance suspensions, impacting many other facets of his life.

SB 37 would have allowed Sean's client to secure driving privileges and maintain consistent work hours to meet his financial obligations years sooner. Sean's client could be held accountable to meet his obligations while still maintaining reliable transportation for work, earning the funds needed to obtain insurance and car repairs. Smart, not soft.

- Rachel's client fell behind on three child support orders. The Office of Child Support Services (OCSS) suspended his license under all three orders. Several months later, his license expired. OCSS required him to pay 3x the monthly support payment in each case (totaling over \$1000) in one lump sum to remove the administrative suspensions, which he could not afford. OCSS later filed for contempt but only on two of his three support orders. As such, he couldn't seek driving privileges from the court since the administrative suspension on his third case (not pending in contempt) must be cleared first. Seven months after the initial suspensions, he now faces jail time in two contempt cases with additional financial sanctions, and he is still without any remedy to secure driving privileges needed to work to pay the sanctions and avoid jail.

SB 37 would have allowed Rachel's client to petition the court for driving privileges seven months earlier, providing him a remedy to address all three administrative license suspensions prior to a contempt filing. Additionally, SB 37 would have allowed him to potentially avoid suspension altogether by presenting evidence to OCSS that a license suspension would effectively prevent him from paying support as his job working on cars is directly related to his ability to drive.

A smarter approach is not a softer approach.

SB 37 also addresses other counterproductive license suspensions like those imposed in truancy cases. Many of our young clients are truant from school due to unaddressed issues at home or in the community. It can be particularly dangerous for young people to walk

or take public transportation in some communities, creating challenges in safe passage to school, work, or other activities. Where youth are referred to the court for truancy and services are put in place to address the issues related to absenteeism, why create additional barriers that undermine their ability to get safely to and from school and court-referred or ordered services? Indeed, engagement in education is one of the primary protective measures in preventing juvenile or adult criminal justice system involvement.

SB 37 represents a commonsense reform that reduces debt-related driver's suspensions, makes it easier for individuals to meet their financial responsibilities, and reduces recidivism by increasing financial stability. And while SB 37 takes a huge step forward, there are opportunities to further strengthen the impacts of the bill, and we look forward to working with the General Assembly to this end.

When it comes to non-traffic circumstances, let's leave the BMV out of the equation and rely on judges who are dealing with the underlying case to make appropriate restrictions, for only as long as appropriate. And let's not add financial burdens in the form of reinstatement fees for people who lost their license despite never demonstrating bad driving. SB 37 is a smart approach that recognizes that frequent, indiscriminate, and costly debt-related sanctions are often counterproductive. We urge you to vote in favor of SB 37.

Thank you for your consideration.