



Blaise Katter, President and Public Policy Chair

**SB62 Interested Party Testimony**

Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson and the Senate Judiciary Committee:

I appreciate the opportunity to testify as an interested party on this bill and bring some important considerations to light regarding the civil penalties contained in this bill. On behalf of the Ohio Association of Criminal Defense Lawyers, we have an interest in the broader scheme of civil enforcement of criminal law and the ultimate end-around of the judicial process.

Our concerns have nothing to do with the critical safety issue at play in this case – school bus safety is of paramount concern, and I applaud and thank the Sen. Gavarone for her hard work on this issue. Rather, our concerns are more broadly to any time the legislature seeks to circumvent well-established rules for creating traffic offenses and create a parallel, civil enforcement system for traffic offenses. While we fully understand that the stakes in civil enforcement are lower – usually limited to financial penalties and no conviction on a person's record – the resulting lack of procedural protections and the end-around of the judicial and legal systems causes us significant concern. Quite frankly, illegal passing of a school bus is a serious traffic/criminal offense and requires a mandatory court appearance and the potential for a license suspension. Such offenses should stay in the criminal/traffic field and be adjudicated by courts after a citation. The two-tier approach of holding the registered owner civilly liable for the inability to issue a citation should really focus the issue on enforcement of the law, not creating a substitute pathway for enforcement that waters down both the rights and protections afforded the accused, but also the range of penalties.

Our hope is that the improved cameras and better enforcement will address the serious risk that illegal school bus passing has on the safety of the children.

Respectfully Submitted,

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