



# Ohio Judicial Conference

The Voice of Ohio Judges

**Senate Judiciary Committee**

**Paul Pfeifer**

**Interested Party Testimony on Senate Bill 37**

**December 13, 2023**

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, I thank you for this opportunity to submit interested party testimony for Senate Bill 37 on behalf of the Ohio Judicial Conference. I am Paul Pfeifer, the Executive Director of the Ohio Judicial Conference.

The Criminal, Traffic, Domestic Relations and Juvenile Law & Procedure Committees of the Ohio Judicial Conference continue to review Substitute H.B. 37. We thank the sponsors for meeting with us, including a discussion earlier this week. We believe reducing Ohio's non-driving related suspensions is a laudable goal. We have some concerns about the practical application of the new provisions in Sub. S.B. 37 and some suggestions for how the bill could be improved.

## **Child Support License Suspensions**

Current law allows for a child support obligor to request limited driving privileges from the court overseeing the support order only in the context of a contempt hearing. The family court judges were not opposed to expanding the ability for an obligor to request limited privileges through the courts as drafted in the as-introduced version of the bill. Rather than expand the opportunity for limited privileges when justified, Sub. S.B. 37 mandates courts to grant limited driving privileges for any child support license suspension unless the obligor has a concurrent suspension for a driving offense. The bill eliminates the court's ability to request the advice and position of the Child Support Enforcement Agency (CSEA) regarding the license suspension. (Current law requires the court to consider the position of the CSEA, but the court is not bound by it.) Essentially, Sub. S.B. 37 would require family courts to perform a strictly administrative function of providing limited privileges without consideration of the individual characteristics of each case. We suggest reverting the bill to the previous language that would expand limited privilege opportunities while retaining discretion for the courts to determine whether the privileges are warranted based on the feedback of the CSEA.

## **Juvenile License Suspensions**

Sub. S.B. 37 contains several new provisions concerning to juvenile judges. The bill would modify R.C. 2151.354 and R.C. 2152.19 to eliminate a juvenile court's discretion to order license suspensions for delinquent and unruly offenses. The bill would also eliminate the license suspension language in the conveying a deadly weapon in a school zone statute, R.C. 2923.122.

As a preliminary matter, juvenile driving licenses are considered "probationary" licenses. Driving is a privilege for teenagers, who generally do not have the same issues related to needing to get to places like grocery stores and jobs like adults do. Juveniles maintain their license through good behavior and risk

losing their license when adjudicated for committing a traffic, delinquent or unruly offense. Juvenile courts have found license suspensions to be a valuable tool to deter future unruly conduct. Even the risk of losing the license serves as an important catalyst to change behavior. Juvenile courts wish to maintain discretion to suspend a driving license when the juvenile commits an offense involving drug or alcohol or an offense that has a nexus to driving, such as when a car is used to flee from a robbery or theft. Additionally, children accused of serious crimes, such as rape, may be electronically monitored, but pursuant to the bill's new provisions, the juvenile court would be unable to limit their movement through driving restrictions. These provisions will have the counterproductive effect of decreasing public safety and teen driver safety. We suggest eliminating the substitute bill's new provisions impacting the discretion of the juvenile courts.

### **Criminal and Traffic License Suspensions**

Judges on our Criminal Law and Procedure Committee and Traffic Law and Procedure Committee have concerns with some of the other changes in the bill pertaining to license suspensions. The bill removes license suspensions as a possible sanction for all drug offenses. And while most judges do not suspend a person's license for these offenses that do not involve the operation of a motor vehicle, there are sometimes scenarios in which the judge may look at the overall facts of the case, and determine that a license suspension is appropriate. For example, if a person was using a vehicle to sell or traffic drugs, then the judge may feel it necessary to suspend that person's license. Sub. S.B. 37 would remove the judge's ability to do that. I will note that the OJC worked closely with the legislature several years ago to make these suspensions discretionary, rather than mandatory. We would like to see that discretion retained.

Additionally, the bill removes two license suspensions that we would like to see maintained: suspensions for failing to appear, and suspensions for failing to pay court costs. While, again, these suspensions are not commonly utilized by courts, we feel they are important tools to ensure that people show up to court when they are supposed to, and pay the fees that courts so desperately rely on to operate. Courts can, and frequently, waive fees for indigent litigants. The suspensions in current law that Sub. S.B. 37 removes would only apply to those who have been ordered to pay costs and have refused

Thank you for the opportunity to submit testimony on Substitute S.B. 37. We look forward to working with the sponsors and this Committee on further improvements to the bill. I would be happy to answer any questions you may have.