



Ohio Prosecuting Attorneys Association

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Substitute Senate Bill 37
Written Opponent Testimony
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Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, thank you for the opportunity to provide written opponent testimony on the portions of Senate Bill 37 that would repeal discretionary drivers license suspensions for drug offenses.

Less than 10 years ago the 131st General Assembly enacted Senate Bill 204 that was sponsored by then Senator Bill Seitz. Senate Bill 204 made the suspension of an offender's driver's license for certain drug offenses discretionary rather than mandatory. The legislation also expanded the purposes for which a court may grant limited driving privileges to authorize courts to grant driving privileges for any purpose the court determines to be appropriate. Consequently, there are no restrictions with regard to the purposes for which a court may grant limited driving privileges. Our Association supported Senate Bill 204 for the flexibility that it provided to appropriately craft a sentence based on the individual circumstances of each case. This flexibility is lost under Senate Bill 37.

A suspended driver's license can be part of the totality of the circumstances that law enforcement uses to gauge whether a driver is engaged in other criminal activity. This of course can ultimately lead to vehicle searches and the discovery of more serious crimes. A suspended driver's license is an even more critical part of the equation with the recent passage of Issue 2 and the impact that adult use marijuana law will have on vehicle stops and searches. A quick google search yielded the following recent stories about a suspended license leading to the discovery of a more serious crime:

- [Elyria drug trafficker with suspended license arrested in traffic stop, police say.](#)
- [Traffic stop for suspended license leads to fentanyl trafficking charges in West Springfield.](#)
- [Golden Gate woman's suspended license leads to arrest on suspected drug trafficking.](#)
- [Traffic stop for suspended license leads to discovery of drugs, handgun.](#)

While not all of these took place in Ohio the same principle applies and I am certain that law enforcement across our state have had similar stops.

We supported Senate Bill 204 in the 131st General Assembly because it provided judges with appropriate flexibility to suspend a person's license while also ensuring that the right people could be granted limited driving privileges for any purpose including getting to work, school, or treatment. Senate Bill 37 takes this flexibility away. It would prevent a judge from suspending the driver's license of a drug addicted offender who the judge may deem to be a danger to others behind the wheel. It would prevent a judge from suspending the driver's license of a drug dealer who has repeatedly used a car to transport drugs. It would remove one of the indicia of criminal activity from law enforcement in their efforts to keep our roadways safe. For these reasons, we are opposed to the provisions of Senate Bill 37 related to drug offenses and encourage the committee to continue to allow judges to assess license suspensions on a case-by-case basis that allows them to consider the safety and welfare of the law abiding public.