

Criminal Justice Issues and Prisoners' Rights

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Below is our Chief Lobbyist Gary Daniels' proponent testimony on House Bill 285. This was delivered to the Senate Local Government, Public Safety & Veterans Affairs Committee on January 21, 2020.

To Chairman Manning, Vice Chair Brenner, Ranking Member Maharath, and members of the Senate Local Government, Public Safety & Veterans Affairs Committee, thank you for this opportunity to present proponent testimony on House Bill 285.

HB 285 is a much welcome and common sense bill. As this committee has previously heard, the purpose of this legislation is to make permanent the temporary Reinstatement Fee Amnesty Initiative, a creation of House Bill 336 from the previous (132nd GA) session. This program waives reinstatement fees for indigent Ohioans with driver's licenses suspended for certain offenses.

HB 285 also improves upon this program in several ways. It:

As we said during previous testimony before this committee on bills of this type, please do not underestimate the positive benefits such reform brings to your constituents in a state with over one million suspended driver's licenses at any given time. Indeed, for far too many, a suspended license leads to a snowball effect of court fines and fees, warrants issued, additional license suspensions, and more.

That said, there remain several ways to improve HB 285 and reform in this policy area. First and foremost, legislation such as this seeks to address license suspensions on the back end of the problem. Greater attention needs paid to the front end. That is, the number of reasons and offenses that lead to license suspensions in the first place plus the high dollar amounts of reinstatement fees.

In addition, we suggest these specific improvements for HB 285:

First, while HB 285 does allow for a waiver or reduction of reinstatement fees for certain eligible offenses, not eligible under this bill are drug-related offenses. In Ohio, one can have their driver's license suspended for up to five years for any and all misdemeanor or felony drug offenses even if the offense did not involve operating a motor vehicle.

Previous legislation, since passed and enacted into law, removed mandatory suspensions for such offenses. But, the fact courts still have the authority to suspend licenses under these circumstances is very problematic. If HB 285 is not going to remove the ability to suspend licenses for drug offenses not involving a motor vehicle, at a minimum it should allow for reduced and/or waived reinstatement fees. You have heard before about the multiple problems your constituents face because of license suspensions. Those affected include Ohioans struggling with drug addiction and dependency and they should not be left behind.

Second, unlike the section of HB 285 addressing waivers, Ohioans must wait 18 months after their driver's license suspension has ended to apply for the reduction in fees. We question why people must wait this long - plus however long it will take for them to pay the reduced fees - to get their licenses back. We suggest removing or severely shortening it so HB 285 can help as many people as possible.

All that said, the ACLU of Ohio is thankful to the sponsors of this bill and those stakeholders who assisted with its drafting and introduction. Ohio suspends far too many licenses for far too many reasons and House Bill 285 is the latest welcome step to reverse this trend. We encourage its passage and this committee's support.

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