

Criminal Justice Issues and Prisoners' Rights

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Below is our Chief Lobbyist Gary Daniels' proponent testimony on House Bill 158. This was delivered to the House Transportation and Public Safety Committee on June 25, 2019.

To Chairman Green, Vice Chair McClain, Ranking Member Sheehy, and members of the House Transportation & Public Safety Committee, thank you for this opportunity to present proponent testimony on House Bill 158.

The ACLU of Ohio encourages your support for HB 158 because it will make a truly positive difference in the life of your constituents. This is especially true for those struggling financially and for those who get swept up in the criminal justice system after something like a suspended license leads to a snowball effect of negative consequences.

Current Ohio law requires Ohio drivers to carry motor vehicle insurance and to present proof of that insurance in certain instances. If a driver fails to carry insurance or is unable to provide proof, they face escalating penalties of increased suspension lengths and increased reinstatement fees.

Current law also allows courts to grant driving privileges to those who have their licenses suspended as a result of these insurance issues -but only for two or more offenses. That is, a judge is not permitted to grant driving privileges for a first offense but can for every subsequent offense.

HB 158 injects some common sense into this policy area by doing the following:

HB 158 recognizes that people with problems affording insurance are even less likely to be able to pay for it if they are not permitted to drive to their job or to search for employment.

HB 158 also acknowledges people with limited financial means are often times not going to see hundreds of dollars materialize immediately or even over time allowing them to pay reinstatement fees. You or I might be able to unhappily and begrudgingly pay our own reinstatement fees. But this is not the same for many Ohioans.

To give you an idea of HB 158's potential impact, according to the Bureau of Motor Vehicles, at least 1.1 million Ohioans had a suspended license in 2017. The overwhelming reason for license suspensions in Ohio is for failure to carry insurance or provide proof. Much of this is also due to Ohio's practice of contacting drivers via mail to randomly spot-check for compliance with this law. Failing to respond to this correspondence results in license suspension.

It is not a secret the overwhelming majority of those with suspended licenses do not stop driving. This dynamic can and does lead to many difficulties for your constituents in this situation. For too many, it can result in a downward spiral resulting in ever more fines, fees, and punishment.

For example, the person who continues to drive without a license may be stopped by law enforcement. For whatever reason - fear, anxiety, lack of money, lack of availability, something else - they decline to show up to court. A warrant is put out for their arrest. They are stopped again and find themselves in even more trouble. If/when they do arrive in court, their problems are now much more serious and expensive than a suspended license.

The ACLU of Ohio hopes passage of HB 158 will limit such problems before they emerge and increase in severity. Last session, House Bill 336 passed with overwhelming support and created a limited-time reinstatement fee period. This session, Senate Bill 68 allows judges to approve community service in lieu of cash payment for reinstatement fees. The Senate passed SB 68 and we encourage this chamber to do the same. HB 158 is the latest of these bills and its importance and impact should not be overlooked.

Of course, another solution that would go a long way towards alleviating this problem would be to reduce, via state law, the number or offenses and reasons that allow for license suspensions, particularly those with no relationship to operating a motor vehicle or public safety. The ACLU of Ohio encourages the legislature to continue its work in this regard.

Still, the tweaks to an existing system found in this bill will directly benefit many and, ultimately, all of Ohio. The ACLU of Ohio encourages your favorable consideration of House Bill 158.

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