



# Judicial Impact Statement

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## Clarification to Driving Under Suspension Offenses

**DRAFT**

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### Proposed Title Information

To amend sections of the revised code to specify that driving-under-suspension offenses also apply to individuals whose privilege to obtain a driver's license has been suspended.

### Background

Current offenses pertaining to driving under suspension generally read as follows: "No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section [...] of the Revised Code...shall operate any motor vehicle upon the public roads or highways within this state during the period of the suspension." Thus there exists a predicate element of having a driver's or commercial driver's license.

### Judicial Impact

There is a legitimate and open legal question as to a person who has an expired license, but who may have suspensions occurring after the expiration of the license (as his license would not have been "suspended," as it was technically expired at that time), or someone who had suspensions which occurred when the defendant was licensed, but whose license has since expired. These individuals could theoretically not be found guilty of the various driving-under-suspension, offenses, as technically there is no valid license to suspend.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

The Judicial Conference recommends amending all of the driving-under-suspension offenses to read as follows: "No person whose driver's or commercial driver's license or permit or nonresident operating privilege, or whose privilege to obtain a driver's license, has been suspended under section [...] of the Revised Code...shall operate any motor vehicle upon the public roads or highways within this state during the period of the suspension."

### Conclusion

The General Assembly should amend the various driving-under-suspension offenses to clarify that the offenses also apply to those whose privilege to obtain a licenses has been suspended.