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H.B. 653
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lorenz

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SUMMARY

- Creates a new vehicular assault offense by prohibiting causing serious physical harm to another person or another's unborn as the result of committing a minor misdemeanor traffic offense.
- Specifies that this form of vehicular assault is a first degree misdemeanor generally, but a fourth degree felony under specified circumstances.
- Imposes a driver's license suspension of one to ten years for the new vehicular assault offense, based on the circumstances.
- Correspondingly, increases the penalties for vehicular manslaughter that is committed as the proximate result of committing a minor misdemeanor traffic offense so that those penalties are equivalent to the penalties for the new vehicular assault offense.

DETAILED ANALYSIS

Vehicular manslaughter and assault

Background

Under current law, a person is prohibited from causing the death of another person or another's unborn as the proximate result of committing a minor misdemeanor traffic offense (e.g., failing to stop at a stop sign or before turning at a red light, speeding, violating the right-of-way laws, etc.).¹ There is not, however, a corresponding prohibition against causing serious physical harm to another person or another's unborn as the proximate result of

¹ R.C. 2903.06(A)(4).

committing a minor misdemeanor traffic offense. The bill creates that prohibition and specifies the penalties for the new vehicular assault offense.²

Vehicular assault penalties

The bill makes the new offense, vehicular assault, a first degree misdemeanor, generally. If at the time of the offense, the offender was driving under a suspended driver's license or previously has been convicted of or pleaded guilty to a vehicular assault offense or any traffic-related homicide, manslaughter, or assault offense, the offense is enhanced to a fourth degree felony.³

The penalty implications of the bill's new offense are listed in the table below.

Penalties for vehicular assault⁴		
	Base offense	Enhanced offense
Degree of offense	1 st degree misdemeanor	4 th degree felony
Financial sanctions	Up to \$1,000	Up to \$5,000
Confinement	Jail term up to 180 days	Prison term between 6 to 18 months
Driver's license suspension	Class 4 suspension (1 to 5 years)	Class 3 suspension (2 to 10 years)

The penalties and the enhancement for the new offense are the same as the current law vehicular assault offense for causing serious physical harm to another person as the proximate result of committing a speeding offense in a construction zone.⁵

Serious physical harm

Under current law, serious physical harm, for purposes of the criminal law, means any of the following:

1. Any mental illness or condition that would normally require hospitalization or prolonged psychiatric treatment;
2. Any physical harm that carries a substantial risk of death;
3. Any physical harm that involves some permanent incapacity (partial or total) or that involves some temporary, but substantial, incapacity;

² R.C. 2903.08(A)(4).

³ R.C. 2903.08(A)(4) and (C)(4).

⁴ R.C. 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the bill.

⁵ R.C. 2903.08(A)(3) and (C)(3).

4. Any physical harm that involves some permanent disfigurement or that involves some temporary, but serious, disfigurement; or
5. Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

Vehicular manslaughter penalties

The bill's penalties for the new vehicular assault offense are greater than the existing penalties for vehicular manslaughter (causing the death of another person, as the proximate result of a minor misdemeanor traffic offense). Thus, the bill increases the current law penalties for vehicular manslaughter so that the penalties are the same as the penalties for the new vehicular assault offense.⁶ The following table explains the implications of that penalty increase.

Penalties for vehicular manslaughter⁷		
	Current law	Under the bill
Degree of offense	Base: 2 nd degree misdemeanor Enhanced: 1 st degree misdemeanor	Base: 1 st degree misdemeanor Enhanced: 4 th degree felony
Financial sanctions	Base: Up to \$750 Enhanced: Up to \$1,000	Base: Up to \$1,000 Enhanced: Up to \$5,000
Confinement	Base: Jail term up to 90 days Enhanced: Jail term up to 180 days	Base: Jail term up to 180 days Enhanced: Prison term between 6 to 18 months
Driver's license suspension	Base: Class 6 suspension (3 months to 2 years) Enhanced: Class 4 suspension (1 to 5 years)	Base: Class 4 suspension (1 to 5 years) Enhanced: Class 3 suspension (2 to 10 years)

HISTORY

Action	Date
Introduced	08-13-24

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⁶ R.C. 2903.06(A)(4) and (D).

⁷ R.C. 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the bill.