



Ohio Legislative Service Commission

Bill Analysis

Jeremy R. Abrams

H.B. 300

131st General Assembly
(As Introduced)

Reps. Baker and Manning, Cupp, Schaffer

BILL SUMMARY

- Requires a driver's license suspension that is imposed as a result of an OVI-related aggravated vehicular homicide offense to begin after the offender is released from prison.
 - Defines "release from prison" as a person's physical release from a prison or jail facility.
 - Clarifies that a person who seeks to modify or terminate a driver's license suspension imposed as a result of an OVI-related aggravated vehicular homicide offense must meet each requirement of the law that governs the modification or termination of a license suspension that exceeds 15 years.
 - Clarifies that a person whose driver's license is suspended for more than 15 years in connection with a felony conviction must wait at least 15 years and meet specified criteria before the person may seek modification or termination of the suspension.
-

CONTENT AND OPERATION

Driver's license suspension and OVI-related aggravated vehicular homicide

Under current law, one circumstance in which a person commits aggravated vehicular homicide is when:

(1) The person causes the death of another or the termination of another's pregnancy while operating a motor vehicle, watercraft, or aircraft; and

(2) The death or termination of the pregnancy is the proximate result of the person committing a violation of the state OVI law¹ or a violation of the laws governing operating an aircraft or watercraft while under the influence of alcohol or drugs.²

Depending on whether the person has been convicted of or pleaded guilty to specified prior violations, aggravated vehicular homicide in this circumstance is either a first degree or second degree felony, both of which require a term of imprisonment. In addition to imprisonment and any other penalties a court may impose, the court must impose a class one suspension of the person's driver's license. A class one suspension is for a definite period for the life of the person subject to the suspension.³ The bill specifies that, with regard to a suspension for aggravated vehicular homicide as described above, the suspension begins when the person is released from prison.⁴ The bill further defines "release from prison" as a person's physical release from a prison or jail facility.⁵

Modification or termination of a driver's license suspension that is greater than 15 years in duration

The bill amends the law that authorizes a person whose driver's license has been suspended for life pursuant to a class one suspension or for more than 15 years under a class two suspension to file a motion with the sentencing court to modify or terminate the suspension.⁶ Under current law, the person must file a motion with the sentencing court that demonstrates that the person meets specified requirements. First, the person must demonstrate that one of the following applies:

(1) At least 15 years of the suspension have elapsed and, for the past 15 years, the person has not been found guilty of any felony, any moving violation, or any violation of a driver's license suspension; or

¹ The state OVI law generally applies to a person who operates a vehicle while under the influence of alcohol, drugs, or both, or operates a vehicle with a prohibited concentration of alcohol or drugs in the person's blood, breath, or urine. R.C. 4511.19, not in the bill.

² R.C. 2903.06(A)(1). This provision also applies with respect to any municipal ordinance governing OVI or operating a watercraft or aircraft while under the influence of alcohol or drugs.

³ R.C. 4510.02.

⁴ R.C. 2903.06(B)(2)(d).

⁵ R.C. 2903.06(G)(1)(h).

⁶ R.C. 4510.54.



(2) At least five years of the suspension have elapsed and, for the past five years the person has not been found guilty of any moving violation, any violation of a driver's license suspension, or any vehicular homicide or assault offense.

Under current law, it is unclear under which circumstances (1) above would apply. Thus, the bill modifies both (1) and (2) by specifying that a person whose driver's license has been suspended for more than 15 years must demonstrate one of the following, as applicable:

(1) If the person's license was suspended as a result of the person being convicted of a felony, at least 15 years of the suspension have elapsed and, for the past 15 years, the person has not been found guilty of any felony, any moving violation, or any violation of a driver's license suspension; or

(2) If the person's license was suspended as a result of the person being convicted of a misdemeanor, at least five years of the suspension have elapsed and, for the past five years the person has not been found guilty of any moving violation, any violation of a driver's license suspension, or any vehicular homicide or assault offense.⁷

The remaining two demonstrations that a person must make, which are retained from current law, are as follows:

(1) The person must have proof of financial responsibility (e.g., liability insurance);⁸ and

(2) If the person's license was suspended because the person was under the influence of alcohol or a drug of abuse, the person can show all of the following:

(a) The person has completed an alcohol, drug, or alcohol and drug treatment program;

(b) The person has not abused alcohol or other drugs for a period satisfactory to the court; and

(c) For the past 15 years, the person has not been found guilty of any alcohol-related or drug-related offense.⁹

⁷ R.C. 4510.54(A)(1).

⁸ R.C. 4510.54(A)(2).

⁹ R.C. 4510.54(A)(3).

The bill clarifies that a person whose license was suspended as a result of a conviction of an OVI-related aggravated vehicular homicide offense must make all of the demonstrations specified above.¹⁰

HISTORY

ACTION	DATE
Introduced	08-14-15

H0300-I-131.docx/emr

¹⁰ R.C. 2903.06(A)(1) and (B)(2)(d).

