



Ohio Legislative Service Commission

Bill Analysis

Jeff Hobday

Sub. S.B. 215*

131st General Assembly
(As Reported by H. Judiciary)

Sens. Hughes and LaRose, Uecker, Bacon, Beagle, Burke, Coley, Gardner, Hite, Hottinger, Jones, Jordan, Lehner, Manning, Obhof, Patton, Sawyer, Schiavoni, Tavares, Thomas, Yuko

BILL SUMMARY

- Provides immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal if the person has a good faith belief that forcible entry is necessary because the minor or the animal is in imminent danger of suffering harm and the person follows other certain specified procedures.
- Specifies that a person is not immune from civil liability if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.

CONTENT AND OPERATION

Immunity from civil liability

The bill provides immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal if the person does all of the following:¹

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor or the animal to exit the vehicle.

* This analysis was prepared before the report of the House Judiciary Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 959.133(A) and 2151.88(A).

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor or the animal is in imminent danger of suffering harm if not immediately removed and, based upon the circumstances known to the person at the time, the belief is a reasonable one. The bill defines "harm" as injury or death for purposes of the bill.²

(3) Makes a good faith effort to contact the local law enforcement agency, the fire department, or a 9-1-1 operator prior to forcibly entering the vehicle and, if contact is not possible prior to forcibly entering the vehicle, contacts law enforcement or an emergency responder as soon as possible after forcibly entering the vehicle.

(4) Makes a good faith effort to place a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor or the animal, and the fact that the authorities have been notified.

(5) Remains with the minor or the animal in a safe location until law enforcement or emergency responders arrive.

(6) Uses no more force to enter the vehicle and remove the minor or the animal than is necessary under the circumstances.

Nothing in the bill affects the person's civil liability if the person attempts to render aid to the minor or the animal in addition to what is authorized by the bill.³

Persons not immune

The bill specifies that a person is not immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.⁴

HISTORY

ACTION	DATE
Introduced	09-23-15
Reported, S. Civil Justice	01-28-16
Passed Senate (32-0)	02-10-16
Reported, H. Judiciary	---

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² R.C. 959.133(D) and 2151.88(D).

³ R.C. 959.133(B) and 2151.88(B).

⁴ R.C. 959.133(C) and 2151.88(C).

