



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. H.B. 300\*

131st General Assembly  
(As Reported by S. Criminal Justice)

**Reps.** Baker and Manning, Cupp, Schaffer, Butler, Conditt, Dever, Rezabek, Anielski, Arndt, Boose, Brown, Buchy, Burkley, Hackett, Hayes, Hill, Huffman, Koehler, Lepore-Hagan, Maag, McClain, M. O'Brien, S. O'Brien, Patterson, Perales, Rogers, Sweeney, Rosenberger

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## BILL SUMMARY

- Modifies the procedures applicable to a person who seeks to modify or terminate a lifetime driver's license suspension or a suspension that exceeds 15 years as follows:
  - Specifies that a person whose suspension resulted from a felony may not apply for modification or termination of the suspension until 15 years have elapsed since the suspension began.
  - Specifies that a person whose suspension resulted from a misdemeanor may not apply for modification or termination of the suspension until five years have elapsed since the suspension began.
- Specifies that a person whose driver's license is suspended as a result of an OVI-related aggravated vehicular homicide offense may not apply for modification or termination of the required lifetime license suspension until 15 years have elapsed since the person was released from prison.
- Expands the purposes for which limited driving privileges may be granted during a driver's license suspension.

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

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## CONTENT AND OPERATION

### 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.<sup>1</sup> Under current law, the person must file a motion with the sentencing court that demonstrates that all of the following apply to the person:

(1) That either:

(a) 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

(b) 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.

(2) The person has proof of financial responsibility (e.g., motor vehicle liability insurance); and

(3) If the person's license was suspended because the person was under the influence of alcohol or a drug of abuse, the person has completed an alcohol, drug, or alcohol and drug treatment program; the person has not abused alcohol or other drugs for a period satisfactory to the court; and for the past 15 years, the person has not been found guilty of an alcohol-related or drug-related offense.<sup>2</sup>

Under current law, it is unclear under which circumstances (1)(a) above would apply rather than (1)(b). Thus, the bill modifies the law so that (1)(a) applies if the person's license was suspended as a result of the person pleading guilty to or being convicted of a felony and (1)(b) applies if the person's license was suspended as a result of the person pleading guilty to or being convicted of a misdemeanor.<sup>3</sup> The bill also specifies that if the person's license was suspended as a result of an OVI-related aggravated vehicular homicide conviction (see "**Background**" below), the person must

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<sup>1</sup> R.C. 4510.54.

<sup>2</sup> R.C. 4510.54(A).

<sup>3</sup> R.C. 4510.54(A)(1).



demonstrate that at least 15 years have elapsed since the person was released from prison, that the person has not been found guilty of an offense specified in (1)(a) during the past 15 years, and that the person meets the requirements specified in (2) and (3) above. The bill defines "released from prison" as a person's physical release from a jail or prison facility.<sup>4</sup>

### **Background: 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 law<sup>5</sup> or a violation of the laws governing operating an aircraft or watercraft while under the influence of alcohol or drugs.<sup>6</sup>

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.<sup>7</sup>

### **Limited driving privileges**

The bill expands the purposes for which a court may grant limited driving privileges during a driver's license suspension. Under current law, unless otherwise prohibited, a court may grant limited driving privileges to an offender who has had a driver's license suspension imposed by the court. When granting limited driving privileges, the court is required to specify the purposes, times, and places of the privileges and may impose any other reasonable conditions related to driving. However, limited driving privileges may only be granted for the following purposes:

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<sup>4</sup> R.C. 2903.06(B)(2)(d) and 4510.54(A)(1)(a) and (b) and (G).

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> R.C. 4510.02.

- (1) Occupational, educational, vocational, or medical purposes;
- (2) Taking the driver's or commercial driver's license examination; or
- (3) Attending court-ordered treatment.

The bill expands those purposes to include both of the following:

(1) Attending any court proceeding related to the offense for which the offender's suspension was imposed; or

(2) Transporting a minor to a child care provider, day-care, preschool, school, or to any other location for purposes of receiving child care.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	08-14-15
Reported, H. Judiciary	11-02-15
Passed House (92-0)	12-08-15
Reported, S. Criminal Justice	---

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<sup>8</sup> R.C. 4510.021.

