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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 674  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Ray

Amanda George Goodman, Attorney

### SUMMARY

- Increases the penalty, from a first degree misdemeanor to a fourth degree felony, for knowingly providing alcohol to an underage person (under 21) if the offense proximately causes the death of another.
- Requires a court to impose a prison term on a person who violates that prohibition.

### DETAILED ANALYSIS

#### Providing alcohol to an underage person

The bill increases the penalty for knowingly and illegally providing alcohol to an underage person (under 21) if the offense proximately causes the death of another. Specifically, the penalty is increased from a first degree misdemeanor to a fourth degree felony.<sup>1</sup>

Under the offense of illegally providing alcohol to a minor, a person who is the owner or occupant of any public or private place is prohibited from knowingly allowing an underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor. However, a person does not violate the prohibition if the intoxicating liquor or beer is given to the underage person by one of the following people as long as that person is present at the time of the underage person's possession or consumption of the beer or intoxicating liquor:

1. The underage person's parent;
2. The underage person's spouse who is not an underage person; or
3. The underage person's legal guardian.<sup>2</sup>

<sup>1</sup> R.C. 4301.99(C).

<sup>2</sup> R.C. 4301.69(B), not in the bill.

Current law does not account for any consequences of a person's violation. Thus, a person who gives an underage person alcohol is guilty of a first degree misdemeanor regardless of whether doing so proximately causes the death of another.<sup>3</sup>

The following table depicts the penalties for providing alcohol to an underage person under current law and the bill.

Penalties for providing alcohol to a minor			
	Degree	Prison or jail time	Fine
Penalty under current law	First degree misdemeanor	Up to 180 days <sup>4</sup>	Up to \$1,000 <sup>5</sup>
Penalty under H.B. 674 if the violation does <u>not</u> proximately cause the death of another	First degree misdemeanor	Up to 180 days <sup>6</sup>	Up to \$1,000 <sup>7</sup>
Penalty under H.B. 674 if the violation proximately <u>causes</u> the death of another	Fourth degree felony	6 to 18 months <sup>8</sup>	Up to \$5,000 <sup>9</sup>

### Definite prison term requirement

The bill requires the sentencing court to sentence the offender to a definite prison term between six and 18 months for the offense when it proximately causes the death of another. Typically, a court must sentence a fourth or fifth degree felony offender to a community control sanction (for example, probation that is accompanied with specified terms and supervision)<sup>10</sup> if certain circumstances are met, such as:

- The violation is not a felony offense of violence;
- The most serious charge against the offender at the time of sentencing is a fourth or fifth degree felony; and

<sup>3</sup> R.C. 4301.99(C).

<sup>4</sup> R.C. 2929.24(A)(1), not in the bill.

<sup>5</sup> R.C. 2929.28(A)(2)(a)(i), not in the bill.

<sup>6</sup> R.C. 2929.24(A)(1), not in the bill.

<sup>7</sup> R.C. 2929.28(A)(2)(a)(i), not in the bill.

<sup>8</sup> R.C. 2929.14(A)(4), not in the bill.

<sup>9</sup> R.C. 2929.18(A)(3)(d), not in the bill.

<sup>10</sup> R.C. 2929.01(E).

- The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.

Under the bill, if the offender knowingly provides alcohol to an underage person and the offender's actions proximately cause the death of another, the court must sentence the offender to a mandatory definite prison term between six and 18 months. The court cannot impose community control sanctions.<sup>11</sup>

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## HISTORY

Action	Date
Introduced	05-16-22

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<sup>11</sup> R.C. 2929.13(B) and (F) and 4301.99(C)(2); conforming change in R.C. 2929.01.