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## Substitute Bill Comparative Synopsis

**Sub. H.B. 37**

**135<sup>th</sup> General Assembly**

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0127-1)
<b>Aggravated vehicular homicide (AVH) prison terms</b>	
Applies the same AVH penalties resulting from OVI, impaired boating, or impaired flying of an aircraft regardless of the alcohol concentration in the offender's blood, breath, or urine ( <i>R.C. 2903.06(A)(1)</i> ).	Differentiates AVH penalties depending on whether an OVI is a low alcohol concentration OVI (low tier OVI offense) or a high alcohol concentration OVI offense (high tier OVI offense) and applies the same penalties that apply to a low tier OVI offense to impaired boating or flying ( <i>R.C. 2903.06(A)(1) and (G)(1)(h) and (i)</i> ).

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<p>Generally, lowers the number of required prior offenses from three (or more) priors to one prior in order to trigger increased minimum mandatory prison terms for AVH that is the proximate result of an OVI offense (<i>R.C. 2903.06(A)(1), (B)(2), and (E)(1) and 2929.142</i>).</p>	<p>Establishes a tiered system, based on the number of prior offenses and the nature of the offense, in order to trigger increased minimum mandatory prison terms for AVH that is the proximate result of an OVI offense, as follows:</p> <p><b>2<sup>nd</sup> degree felony (2-8 years):</b></p> <ul style="list-style-type: none"> <li>▪ AVH as the proximate result of a low tier OVI offense. (<i>R.C. 2903.06(B)(2)(a).</i>)</li> </ul> <p><b>1<sup>st</sup> degree felony (3-11 years):</b></p> <ul style="list-style-type: none"> <li>▪ AVH as the proximate result of a high tier OVI offense;</li> <li>▪ The offender did not have a valid driver’s license;</li> <li>▪ The offender had one prior low tier OVI offense or reckless operation offense that involved alcohol, a drug of abuse, or a combination of them within the previous 20 years;</li> <li>▪ The offender had one prior traffic-related homicide, manslaughter, or assault offense within the previous 20 years. (<i>R.C. 2903.06(B)(2)(b) and (c).</i>)</li> </ul> <p><b>1<sup>st</sup> degree felony (5-15 years):</b></p> <ul style="list-style-type: none"> <li>▪ The offender has one prior high tier OVI offense within the previous 20 years;</li> <li>▪ The offender has two prior low tier OVI offenses within the previous 20 years;</li> <li>▪ The offender has two prior traffic-related homicide, manslaughter, or assault offenses within the previous 20 years;</li> <li>▪ The offender has a combination of two prior violations of any of the offenses listed above within the previous 20 years. (<i>R.C. 2903.06(B)(2)(d).</i>)</li> </ul>

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<p>Increases the minimum mandatory prison term for the specified AVH offenses from 10-15 years to 15-20 years, for offenses occurring after the bill's effective date (<i>R.C. 2929.142</i>).</p>	<p><b>1<sup>st</sup> degree felony (10-20 years):</b></p> <ul style="list-style-type: none"> <li>▪ The offender has one prior low tier and one prior high tier OVI offense within the previous 20 years;</li> <li>▪ The offender has three prior low tier OVI offenses within the previous 20 years;</li> <li>▪ The offender has three prior traffic-related homicide, manslaughter, or assault offenses within the previous 20 years;</li> <li>▪ The offender has a combination of three prior violations of any of the offenses listed above within the previous 20 years. (<i>R.C. 2903.06(B)(2)(e).</i>)</li> </ul> <p><b>1<sup>st</sup> degree felony (15-20 years):</b></p> <ul style="list-style-type: none"> <li>▪ The offender has two prior high tier OVI offenses within the previous 20 years;</li> <li>▪ The offender has two prior low tier OVI offenses and one prior high tier OVI offense within the previous 20 years. (<i>R.C. 2903.06(B)(2)(f).</i>)</li> </ul> <p>Increases the minimum mandatory prison terms (as specified above), but requires a higher number of prior offenses to trigger the 15-20 year term, as compared to the As Introduced version of the bill (<i>R.C. 2903.06(B)(2) and 2929.142</i>).</p>

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<b>OVI lookback period</b>	
No provision.	Extends the lookback period for OVI-related offenses from ten years to 20 years (i.e., when determining the number of prior offenses for penalty enhancement, the court looks back 20 years from the current offense) ( <i>R.C. 1547.99, 1905.01, 2903.06, 2903.08, 2919.22, 3327.10, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195</i> ).
No provision.	Grandfathers in currently employed school bus drivers, for purposes of their school bus-related driver background checks, specifying that the 20-year lookback applies only to future hires ( <i>R.C. 3327.10(1)(2)</i> ).
<b>Limited driving privileges</b>	
No provision.	<p>Modifies when a court may grant limited driving privileges to an OVI offender as follows:</p> <ul style="list-style-type: none"> <li>▪ Increases from 15 days to 30 days the period of hard suspension for a first-time OVI offender (i.e., limited driving privileges may not be granted until the 31<sup>st</sup> day of the suspension).</li> <li>▪ Conditions the granting of privileges for third-time-or-more offenders on not consuming alcohol for 180 days (as shown by continuous alcohol monitoring).</li> <li>▪ Increases from 30 days to 90 days the period of hard suspension for a first-time offender who refuses consent to a chemical test (measuring alcohol/drug concentration) on suspected OVI and who refuses use of a certified ignition interlock device.</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Increases from 90 to 180 days the period of hard suspension for a second-time offender who refuses consent to a chemical test on suspected OVI. (R.C. 4510.13(A)(5) and (6).)</li> </ul>
<b>Ignition interlock devices</b>	
No provision.	Requires, rather than authorizes as in current law, a court to order the use of an ignition interlock device as a condition of granting limited driving privileges to a second-time OVI offender who consents to a chemical test and tests higher than the per se OVI limits at the time of arrest, if the underlying arrest is alcohol-related (R.C. 4510.13(A)(5)(b)).
No provision.	<p>For second-time-or-more offenders who refuse consent to a chemical test on suspected OVI, does both of the following:</p> <ul style="list-style-type: none"> <li>▪ Requires the court to condition limited driving privileges after the period of hard suspension on the use of an ignition interlock device (there is no such requirement in current law) when the underlying arrest is alcohol-related.</li> <li>▪ Authorizes the court to condition limited driving privileges after the period of hard suspension on the use of the device (there is no such authorization in current law) when the underlying arrest is drug-related. (R.C. 4510.13(A)(6)(b) to (d).)</li> </ul>
No provision.	For a first-time offender who refused consent to a chemical test on suspected OVI, authorizes the court to reduce the period of hard suspension from 90 days to 30 days and grant limited driving privileges to the offender after the hard suspension, if the offender consents to using a certified ignition interlock device (R.C. 4510.13(A)(6)(a)(i)).

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<b>Restricted license plates</b>	
No provision.	<p>Requires restricted license plates be displayed on a motor vehicle operated by an OVI offender who has been granted limited driving privileges, as follows:</p> <ul style="list-style-type: none"> <li>▪ First-time offender: Only for high tier offense (same as current law);</li> <li>▪ Second-time offender: For both high tier and low tier offense (current law is for only high tier offense);</li> <li>▪ Third-time-or-more offender: For both high tier and low tier offense (same as current law);</li> <li>▪ For second-time-or-more offenders when the underlying driver's license suspension is imposed under the Implied Consent Law, which requires the submission of a chemical test (new); and</li> <li>▪ For equivalent municipal OVI offenses to those specified above (same as current law).</li> </ul>
No provision.	Exempts motor vehicles owned by the offender's employer and operated by the offender for work, under specified circumstances (same as current law) ( <i>R.C. 4510.13(A)(7)</i> ).
<b>Continuous alcohol monitoring</b>	
No provision.	Requires continuous alcohol monitoring for 180 days for third-time-or-more OVI offenders. (Current law authorizes, but does not require such monitoring – and authorizes it as an alternative to jail time.)

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No provision.	Prohibits the granting of limited driving privileges to an offender, as specified above, until the offender completes 180 days without consuming alcohol ( <i>R.C. 4510.13(A)(5)(f) and (g) and 4511.19(G)(1)(c)(vii), (G)(1)(d)(viii), (G)(1)(e)(vii), and (G)(3)</i> ).
<b>OVI fines</b>	
<p>Increases all the minimum mandatory fines and certain maximum fines for OVI in varying degrees and amounts (<i>R.C. 4511.19(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), and (G)(1)(e)(iii)</i>).</p> <p>Retains current law for distribution of OVI fines.</p>	<p>Increases the minimum mandatory fines by a consistent \$375 and leaves the maximum fines set as under current law (<i>R.C. 4511.19(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), and (G)(1)(e)(iii)</i>).</p> <p>Specifies that the additional \$375 imposed for the minimum mandatory fine be deposited into the existing Indigent Drivers Interlock and Alcohol Monitoring Fund (<i>R.C. 4511.19(G)(5)(g)</i>).</p>
<b>Court warning</b>	
Requires a court to warn any person who is convicted of or pleads guilty to an OVI offense of the penalties imposed for AVH, given that one prior OVI offense may result in higher penalties for AVH ( <i>R.C. 4511.19(G)(9)</i> ).	Makes the warning permissive for the court, rather than mandatory ( <i>R.C. 4511.19(G)(9)</i> ).
<b>Technical/corrective changes</b>	
No provision.	Makes technical and corrective changes to current OVI laws, consistent with the bill's provisions ( <i>R.C. 2919.22, 4510.13, 4510.17, and 4510.31</i> ).