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H.B. 56  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Plummer and White

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## SUMMARY

### Fleeing law enforcement

- Increases the penalty for willfully eluding or fleeing a police officer using a motor vehicle from a first degree misdemeanor to a fourth degree felony.
- Relatedly, increases the penalty from a fourth degree felony to a third degree felony if the flight is immediately after the commission of a felony.
- Also relatedly, increases the possible prison term for circumstances when the flight:
  - Was the proximate cause of serious physical harm to persons or property; or
  - Caused a substantial risk of serious physical harm to persons or property.

### Policy for pursuit

- Requires a law enforcement entity to consider pursuit policy standards and best-practice recommendations from the Ohio Collaborative Community-Police Advisory Board or a similar accrediting entity and to train its peace officers on the policy.

### Stunt driving and street takeover

- Prohibits any person from knowingly participating in stunt driving (i.e., burnouts, doughnuts, drifting wheelies, tire-squealing, or allowing passengers to ride partially or fully outside the vehicle) on any public road, street, or highway, or private property open to the public.
- Prohibits a person from knowingly participating in a street takeover (i.e., blocking or impeding the regular flow of vehicle or pedestrian traffic for the purpose of street racing or stunt driving) on any public road, street, highway, or private property that is open to the public.

- Makes the two new criminal offenses a first degree misdemeanor, with a possible driver's license suspension of 30 days to three years, and assessment of six points on the offender's license.
- Authorizes possible seizure and forfeiture of the vehicle used to commit the offenses of street racing, stunt driving, or street takeover.
- Specifies that anyone rendering assistance to stunt driving or street takeover must be charged the same as the participants.
- Prohibits street racing on private property open to the public and applies the current law penalties for street racing on public roads, streets, and highways to the offense.
- Exempts competitive operation of vehicles on public or private property from the above prohibitions when either the political subdivision with jurisdiction of the location or the owner of the property knowingly allows such operation of the vehicles at that location.

## DETAILED ANALYSIS

### Fleeing law enforcement

The bill increases the penalties for willfully eluding or fleeing a police officer using a motor vehicle. Under current law, the base offense is a first degree misdemeanor. The bill increases the base offense to a fourth degree felony. If the jury or judge (as trier of fact) finds beyond a reasonable doubt that the flight was immediately after the commission of a felony, the bill increases the penalty from a fourth degree felony to a third degree felony. The bill retains the current law third degree felony designation for eluding or fleeing a police officer that either (1) was the proximate cause of serious physical harm to persons or property, or (2) caused a substantial risk of serious physical harm to persons or property. However, to differentiate flight after a felony from flight that caused or risked serious physical harm, the bill increases the possible prison term for the latter offense.<sup>1</sup>

The implications of the bill's penalty increases are listed in the tables below.

Penalties for fleeing police officer with motor vehicle <sup>2</sup>		
	Current law	Under the bill
<b>Degree of offense</b>	1 <sup>st</sup> degree misdemeanor	4 <sup>th</sup> degree felony
<b>Financial sanctions</b>	Up to \$1,000	Up to \$5,000

<sup>1</sup> R.C. 2921.331(C) and 2929.14(A)(3)(a).

<sup>2</sup> R.C. 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the bill.

<b>Penalties for fleeing police officer with motor vehicle<sup>2</sup></b>		
	<b>Current law</b>	<b>Under the bill</b>
<b>Confinement</b>	Jail term: up to 180 days	Prison term: between 6 to 18 months
<b>Driver's license suspension</b>	Class 5 suspension (6 months to 3 years)	Class 2 suspension (3 years to life)

<b>Penalties for fleeing police officer with motor vehicle after committing felony<sup>3</sup></b>		
	<b>Current law</b>	<b>Under the bill</b>
<b>Degree of offense</b>	4 <sup>th</sup> degree felony	3 <sup>rd</sup> degree felony
<b>Financial sanctions</b>	Up to \$5,000	Up to \$10,000
<b>Confinement</b>	Prison term: between 6 to 18 months	Prison term: between 9 to 36 months
<b>Driver's license suspension</b>	Class 2 suspension (3 years to life)	Same as current law

<b>Penalties for fleeing police officer with motor vehicle and either causing or risking serious physical harm to persons or property<sup>4</sup></b>		
	<b>Current law</b>	<b>Under the bill</b>
<b>Degree of offense</b>	3 <sup>rd</sup> degree felony	Same as current law
<b>Financial sanctions</b>	Up to \$10,000	Same as current law
<b>Confinement</b>	Prison term: between 9 to 36 months	Prison term: between 12 to 60 months
<b>Driver's license suspension</b>	Class 2 suspension (3 years to life)	Same as current law

<sup>3</sup> R.C. 2929.14; R.C. 2929.18 and 4510.02, not in the bill.

<sup>4</sup> R.C. 2929.14; R.C. 2929.18 and 4510.02, not in the bill.

## **Policy for pursuit**

The bill alters the existing requirement that each law enforcement entity adopt a policy for the pursuit of a motor vehicle. Specifically, the bill requires the policies to be written and expressly requires officers to be trained on the policy. The bill does not specify details for what must be included in the policy, but does require a law enforcement entity to consider pursuit policy standards and best-practice recommendations as established by the Ohio Collaborative Community-Police Advisory Board or a similar law enforcement accrediting entity.<sup>5</sup>

## **Street racing, stunt driving, and street takeover**

The bill creates two new offenses related to, but distinct from, street racing: specifically, stunt driving and street takeover. The bill prohibits a person from knowingly participating in stunt driving (i.e., performing burnouts, doughnuts, drifting, wheelies, tire-squealing, or allowing a passenger to ride either partially or fully outside of the vehicle) on any public road, street, or highway, or on private property open to the public. Additionally, it prohibits a person from knowingly participating in street takeover (i.e., blocking or impeding the regular flow of vehicle or pedestrian traffic for the purpose of street racing or stunt driving) in those same spaces. Anyone rendering assistance to stunt driving or street takeover must be charged the same as the participants, consistent with those rendering assistance to street racing under current law.<sup>6</sup>

Similar to the new offenses, current law already prohibits street racing (i.e., operating two or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out-distance each other or timing vehicles that start and end at the same point) on public roads, streets, or highways. The bill expands the prohibition to include private property open to the public.<sup>7</sup>

## **Penalties**

The bill applies the current law penalties for street racing on a public road, street, or highway to stunt driving and street takeover and to street racing on private property open to the public. Those penalties are a first degree misdemeanor, a 30-day to three year driver's license suspension, and six points assessed on the offender's driver's license. The bill also authorizes possible seizure and forfeiture of the vehicle used to commit the offenses of street racing, stunt driving, or street takeover under the Forfeiture Laws.<sup>8</sup>

## **Exemption**

The bill exempts the competitive operation of vehicles on public or private property from the prohibitions against street racing, stunt driving, or street takeover when either the

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<sup>5</sup> R.C. 2935.031.

<sup>6</sup> R.C. 4511.251(A)(6) and (7), (B), and (E).

<sup>7</sup> R.C. 4511.251(A)(1) and (B).

<sup>8</sup> R.C. 4510.036 and 4511.251(C) and (D).

political subdivision with jurisdiction of the location or the owner of the property knowingly allows such operation of the vehicles at that location.<sup>9</sup> Thus, an authorized vehicle race at a county fair, closed track, or city event would not be subject to the prohibitions. A similar exemption exists in current law for reckless operation of a vehicle on public and private property that is not a street or highway.<sup>10</sup>

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## HISTORY

Action	Date
Introduced	02-16-23
Reported, H. Criminal Justice	10-18-23
Passed House (84-6)	12-13-23

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<sup>9</sup> R.C. 4511.251(F).

<sup>10</sup> R.C. 4511.201, not in the bill.