



Ohio Legislative Service Commission

Bill Analysis

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H.B. 307

131st General Assembly
(As Introduced)

Reps. Pelanda, Becker, Brenner, Dever, G. Johnson, Hackett

BILL SUMMARY

- Eliminates the mandatory driver's license suspension (equal to a period of six months to five years) for specified drug-related offenses, and instead, permits the court to impose a suspension for a period of up to five years.
- Allows an offender who received a mandatory driver's license suspension for a specified drug-related offense prior to the bill's effective date to file a motion for the termination of the suspension unless either of the following applies:
 - The offender used a motor vehicle in the commission of the underlying offense; or
 - The offender also pleaded guilty to, or was convicted of, an OVI ("operating a vehicle while under the influence") offense arising out of the same set of circumstances as the drug-related offense.
- Authorizes a sentencing court to impose a driver's license suspension for a period of up to five years on an offender for possessing nitrous oxide in a motor vehicle.
- Expands and standardizes the permissible purposes for which a court may grant limited driving privileges to an offender whose driver's license has been suspended.

CONTENT AND OPERATION

Driver's license suspension for drug-related offenses

Background

Under current law, a court is required to impose a mandatory driver's license suspension of six months to five years upon any person who pleads guilty to, or is convicted of, any of the following drug-related offenses:

- (1) Corrupting another with drugs;¹
- (2) Aggravated trafficking in drugs, trafficking in drugs, trafficking in marihuana, trafficking in cocaine, trafficking in L.S.D., trafficking in heroin, trafficking in hashish, or trafficking in a controlled substance analog;²
- (3) Illegal manufacture of drugs or illegal cultivation of marihuana;³
- (4) Illegal assembly or possession of chemicals for the manufacture of drugs;⁴
- (5) Aggravated funding of drug trafficking, funding of drug trafficking, or funding of marihuana trafficking;⁵
- (6) Illegal administration or distribution of anabolic steroids;⁶
- (7) Aggravated possession of drugs, possession of drugs, possession of marihuana, possession of cocaine, possession of L.S.D., possession of heroin, possession of hashish, or possession of a controlled substance analog;⁷
- (8) Possessing drug abuse instruments;⁸
- (9) Permitting drug abuse;⁹
- (10) Illegal use or possession of drug paraphernalia, selling drug paraphernalia to juveniles, or illegal advertising of drug paraphernalia;¹⁰
- (11) Illegal use or possession of marihuana drug paraphernalia;¹¹

¹ R.C. 2925.02(D)(2).

² R.C. 2925.03(D)(2) and (G).

³ R.C. 2925.04(D)(2).

⁴ R.C. 2925.041(D)(2).

⁵ R.C. 2925.05(D)(2).

⁶ R.C. 2925.06(D)(1).

⁷ R.C. 2925.11(E)(2).

⁸ R.C. 2925.12(D).

⁹ R.C. 2925.13(D)(1).

¹⁰ R.C. 2925.14(G).

¹¹ R.C. 2925.141(G).



(12) Deception to obtain a dangerous drug;¹²

(13) Illegal processing of drug documents;¹³

(14) Abusing harmful intoxicants;¹⁴

(15) Trafficking in harmful intoxicants;¹⁵

(16) Illegal dispensing of drug samples;¹⁶ or

(17) Trafficking in counterfeit controlled substances, aggravated trafficking in controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising.¹⁷

As used throughout this analysis, "driver's license" means a driver's or commercial driver's license or permit.

Under the bill

The bill eliminates the mandatory driver's license suspension for the drug-related offenses specified above, and instead, permits the sentencing court to impose a driver's license suspension for a period of not more than five years. Further, under the bill, any offender who received a mandatory suspension for an aforementioned drug-related offense (as required under current law) prior to the effective date of the bill may file a motion with the sentencing court requesting the termination of the suspension unless either of the following applies:

(1) The offender used a motor vehicle in the commission of the underlying offense; or

(2) The offender also pleaded guilty to, or was convicted of, a state OVI ("operating a vehicle while under the influence") offense or a violation of a substantially

¹² R.C. 2925.22(C)(1).

¹³ R.C. 2925.23(G)(1).

¹⁴ R.C. 2925.31(C)(1).

¹⁵ R.C. 2925.32(D)(1).

¹⁶ R.C. 2925.36(D)(1).

¹⁷ R.C. 2925.37(L)(1).



similar municipal ordinance or state or federal law arising out of the same set of circumstances as the drug-related offense.¹⁸

Under continuing law, an offender whose driver's license is suspended for one of the drug-related offenses listed in (1) through (6) above may file a motion with the sentencing court requesting termination of the suspension at any time after the expiration of two years from the day on which the offender's sentence was imposed or the day the offender was released from a prison term under the sentence, whichever is later. If the court finds good cause for the termination, the court may terminate the suspension.¹⁹ With regard to the drug-related offenses listed in (7) through (17) above, there is no specified process for requesting termination of a suspension.

Out-of-state drug-related offenses

The bill allows a person whose driver's license has been suspended for a violation of a federal law or a law of another state that is substantially similar to the drug-related offenses listed above to request the termination of the suspension imposed for that violation. The person must file a petition in the municipal, county, or juvenile court in whose jurisdiction the person resides (as appropriate) requesting the termination and agreeing to pay the cost of the proceedings. If the court, in its discretion, determines that termination is appropriate, the court must order the Registrar of Motor Vehicles to terminate the suspension. Upon receiving such an order, the Registrar is required to reinstate the license.²⁰

Possessing nitrous oxide in a motor vehicle

The bill authorizes a sentencing court to impose a driver's license suspension for a period of up to five years on an offender for possessing nitrous oxide in a motor vehicle. Current law does not require or permit a driver's license suspension for that offense.²¹

¹⁸ R.C. 2925.02(D) and (F); 2925.03(D) and (G); 2925.04(D) and (H); 2925.041(D) and (E); 2925.05(D) and (F); 2925.06(D); 2925.11(E) and (I); 2925.12(D); 2925.13(D); 2925.14(G); 2925.141(G); 2925.22(C); 2925.23(G); 2925.31(C); 2925.32(D)(1); 2925.36(D); and 2925.37(L).

¹⁹ R.C. 2925.02(D) and (F)(2); R.C. 2925.03(G)(1); 2925.04(D) and (H)(1); 2925.041(D) and (E)(1); 2925.05(D) and (F)(1); and 2925.06(D)(1).

²⁰ R.C. 4510.17(F).

²¹ R.C. 2925.33(D).



Limited driving privileges

Generally

The bill expands the permissible purposes for which a court may grant limited driving privileges, which allow an offender to drive during the period of suspension of the offender's driver's license, to include any other purpose the court determines to be appropriate. Under current law, the statute that generally governs limited driving privileges specifies that such privileges can only be granted for the following purposes:

- (1) Occupational, educational, vocational, or medical purposes;
- (2) Taking the driver's or commercial driver's license examination; or
- (3) Attending court-ordered treatment.²²

Certain offenses committed out-of-state

With regard to an offender whose license is suspended for committing an out-of-state drug- or OVI-related offense, the bill specifies that the court may grant limited driving privileges for the same purposes as specified in the general statute above. Under current law, a judge may only grant limited driving privileges to such an offender upon presentation of satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment.²³

Traffic offenses committed by a minor

With regard to an offender whose probationary driver's license, restricted license, or temporary instruction permit has been suspended for the commission of a second or third specified traffic offense²⁴ prior to the offender's 18th birthday, the bill specifies that the court may grant limited driving privileges for the same purposes as specified in the general statute above. Under current law, a judge may only grant limited driving privileges to such an offender if the court finds reasonable cause to believe that the suspension will seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment.²⁵ The bill does not

²² R.C. 4510.021(A).

²³ R.C. 4510.17(E)(1).

²⁴ A violation of R.C. 4511.12, 4511.13, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75, not in the bill.

²⁵ R.C. 4510.31(C)(1)(a).

modify existing limitations on the offenders who are eligible to receive limited driving privileges.²⁶

HISTORY

ACTION	DATE
Introduced	08-31-15

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²⁶ See R.C. 4510.31(C)(1)(c).

