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136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lorenz

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SUMMARY

- Creates a new vehicular assault offense by prohibiting causing serious physical harm to another person or another's unborn as the result of committing a minor misdemeanor or unclassified misdemeanor traffic offense.
- Specifies that this form of vehicular assault is a first degree misdemeanor generally, but a fourth degree felony under specified circumstances.
- Imposes a driver's license suspension of one to ten years for the new vehicular assault offense, based on the circumstances.
- Correspondingly, increases the penalties for vehicular manslaughter that is committed as the proximate result of committing a minor misdemeanor or unclassified misdemeanor traffic offense so that those penalties are equivalent to the penalties for the new vehicular assault offense.

DETAILED ANALYSIS

Vehicular manslaughter and assault

Background

Under current law, a person is prohibited from causing the death of another person or another's unborn as the proximate result of committing a minor misdemeanor traffic offense (e.g., failing to stop at a stop sign or before turning at a red light, speeding, violating the right-of-way laws, etc.). A violation of this prohibition is vehicular manslaughter.¹ There is not, however, a corresponding prohibition in the vehicular assault law against causing serious physical harm to another person or another's unborn as the proximate result of committing a minor

¹ R.C. 2903.06(A)(4) and (D).

misconduct traffic offense. The bill creates that prohibition, specifies the penalties for the new vehicular assault offense, and specifies that unclassified misdemeanor traffic offenses, as well as minor misdemeanors traffic offenses, that proximately result in causing serious physical harm constitute vehicular assault.² Additionally, the bill expands vehicular manslaughter to include circumstances in which the relevant traffic offense is an unclassified misdemeanor. Using an electronic wireless communication device while driving is one example of an unclassified misdemeanor.³

Vehicular assault penalties

The bill makes the new offense, vehicular assault, a first degree misdemeanor, generally. If at the time of the offense, the offender was driving under a suspended driver's license or previously has been convicted of or pleaded guilty to a vehicular assault offense or any traffic-related homicide, manslaughter, or assault offense, the offense is enhanced to a fourth degree felony.⁴

The penalty implications of the bill's new offense are listed in the table below.

| Penalties for vehicular assault ⁵ | | |
|--|------------------------------------|------------------------------------|
| | Base offense | Enhanced offense |
| Degree of offense | 1 st degree misdemeanor | 4 th degree felony |
| Financial sanctions | Up to \$1,000 | Up to \$5,000 |
| Confinement | Jail term up to 180 days | Prison term between 6 to 18 months |
| Driver's license suspension | Class 4 suspension (1 to 5 years) | Class 3 suspension (2 to 10 years) |

The penalties and the enhancement for the new offense are the same as the current law vehicular assault offense for causing serious physical harm to another person as the proximate result of committing a speeding offense in a construction zone.⁶

Serious physical harm

Under the bill, serious physical harm means any of the following:

² R.C. 2903.08(A)(4).

³ R.C. 2903.06(A)(4); R.C. 4511.204, not in the bill.

⁴ R.C. 2903.08(A)(4) and (C)(4).

⁵ R.C. 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the bill.

⁶ R.C. 2903.08(A)(3) and (C)(3).

1. Any mental illness or condition that would normally require hospitalization or prolonged psychiatric treatment;
2. Any physical harm that carries a substantial risk of death;
3. Any physical harm that involves some permanent incapacity (partial or total) or that involves some temporary, but substantial, incapacity;
4. Any physical harm that involves some permanent disfigurement or that involves some temporary, but serious, disfigurement; or
5. Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.⁷

Vehicular manslaughter penalties

The bill's penalties for the new vehicular assault offense are greater than the existing penalties for vehicular manslaughter (causing the death of another person, as the proximate result of a minor misdemeanor traffic offense). Thus, the bill increases the current law penalties for vehicular manslaughter so that the penalties are the same as the penalties for the new vehicular assault offense.⁸ The following table explains the implications of that penalty increase.

| Penalties for vehicular manslaughter ⁹ | | |
|---|---|---|
| | Current law | Under the bill |
| Degree of offense | Base: 2 nd degree misdemeanor Enhanced: 1 st degree misdemeanor | Base: 1 st degree misdemeanor Enhanced: 4 th degree felony |
| Financial sanctions | Base: Up to \$750 Enhanced: Up to \$1,000 | Base: Up to \$1,000 Enhanced: Up to \$5,000 |
| Confinement | Base: Jail term up to 90 days Enhanced: Jail term up to 180 days | Base: Jail term up to 180 days Enhanced: Prison term between 6 to 18 months |
| Driver's license suspension | Base: Class 6 suspension (3 months to 2 years) Enhanced: Class 4 suspension (1 to 5 years) | Base: Class 4 suspension (1 to 5 years) Enhanced: Class 3 suspension (2 to 10 years) |

⁷ R.C. 2903.08(F)(5).

⁸ R.C. 2903.06(A)(4) and (D).

⁹ R.C. 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the bill.

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 06-11-25 |
