



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 336**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. T. Young

Larry Gunter, Jr., Research Analyst

### SUMMARY

- Requires a criminal court to impose child maintenance restitution on an offender who commits a felony violation of aggravated vehicular homicide when the victim's death was proximately caused by the offender operating a vehicle while intoxicated (OVI) and the victim is survived by at least one minor child.
- Prohibits the court from imposing the child maintenance restitution if the parent, legal guardian, or custodian of the child brings a civil action before criminal sentencing and obtains a judgment covering the cost of child maintenance.
- Requires the child maintenance amount ordered by a court to be reduced by any amount a parent, legal guardian, or custodian subsequently obtains in a civil judgment covering the costs of child maintenance.
- Specifies that the offender must pay child maintenance for each of the victim's children until the child reaches age 18.
- Requires the court to calculate child maintenance as if the deceased defendant were a parent subject to a child support order under current law.
- Specifies payment procedures for child maintenance restitution.
- Requires an incarcerated offender to begin payment of child maintenance within one year after release and requires the offender to do so under a payment plan approved by the court.
- Requires an offender to continue to make payments beyond the date set for the termination of payments until the entirety of the amount of child maintenance owed is paid.
- Applies existing law regarding collection of restitution to the collection of child maintenance.

- Allows a court to award child maintenance in a civil action for wrongful death against a deceased OVI-related vehicular homicide offender when the deceased victim was a minor child's parent.
- Names the bill the "Sam Knisley Family Support Act."

---

## **DETAILED ANALYSIS**

### **OVI-related aggravated vehicular homicide: child maintenance**

#### **Court ordered maintenance in a criminal trial**

The bill requires a court to impose child maintenance restitution on an offender who commits an OVI-related aggravated vehicular homicide when the deceased victim was a parent, legal custodian, or guardian of a surviving minor child. An OVI-related aggravated vehicular homicide occurs when the victim's death was proximately caused by the offender operating a vehicle while intoxicated (OVI). The type of vehicle involved may include any motor vehicle, motorcycle, or snowmobile.<sup>1</sup>

Under current law, OVI-related aggravated vehicular homicide is generally a second degree felony, carrying a mandatory prison term, with a minimum term (selected by the court) of 2, 3, 4, 5, 6, 7, or 8 years and a possible criminal fine of up to \$15,000. Additional financial sanctions (such as restitution) may be imposed and a lifetime driver's license suspension must be imposed.<sup>2</sup> If certain enhancement factors apply (for example, the offender was driving on a suspended license at the time of the offense), the offense is a first degree felony, carrying a longer mandatory prison term and higher criminal fine.<sup>3</sup>

In addition to the existing sanctions specified above, the bill adds that the court must order the offender to pay child maintenance restitution when the victim was the parent of at least one surviving minor child. The court must order child maintenance for each of the victim's surviving minor children. However, if a surviving parent, legal guardian, or custodian of the child or children obtains a civil judgment covering the cost of child maintenance prior to the disposition of the criminal case, the court may not impose child maintenance. If the civil judgement occurs after the disposition of the criminal case, the child maintenance amount must be reduced by the amount of the civil judgment. For each minor child of the victim, the offender must pay child maintenance until that child reaches age 18.<sup>4</sup>

---

<sup>1</sup> R.C. 2929.18(A)(2); see also R.C. 1547.11, 2903.06, 4511.19, and 4561.15, not in the bill.

<sup>2</sup> R.C. 2929.18; see also R.C. 2929.06(B) and (E), 2929.14(A)(2)(a), 2929.15(A), and 4510.02(A)(1). The maximum term of incarceration is determined based on the formula in R.C. 2929.144, not in the bill.

<sup>3</sup> R.C. 2929.18; see also R.C. 2903.06(B)(2)(b) and (c) and 2929.142, not in the bill.

<sup>4</sup> R.C. 2929.18(A)(2)(a).

## Calculation of child maintenance

The bill requires a court to determine the amount of child maintenance in accordance with the basic child support schedule, the applicable worksheet, and other provisions of the law governing the calculation of a child support obligation<sup>5</sup> as if the offender were a parent subject to a child support order.<sup>6</sup>

Current law's calculation of a child support obligation primarily considers the parent's combined gross income and the number of minor children who will receive support. The court may consider other factors such as the cost of childcare or special needs of the minor child.

Every four years, the Department of Job and Family Services must review a basic child support schedule at least once to determine if child support orders issued in accordance with the schedule are adequately providing for the minor child's needs.<sup>7</sup>

## Child maintenance restitution procedures

The bill establishes procedures for payment of child maintenance restitution by requiring that payments be made to the clerk of courts as trustee for remittance to the child's surviving parent, legal custodian, or guardian. The clerk must remit the payments to the surviving parent, legal custodian, or guardian within three business days of receipt. The clerk must deposit all payments by the next business day after receipt. If an offender is incarcerated and unable to pay, the offender must enter a payment plan with the court and must begin payment within one year after the offender's release. If the payments are set to terminate but the offender's obligation is not yet paid in full, the payments must continue until the entirety of the amount owed is paid.<sup>8</sup>

The bill applies existing law regarding collection of restitution to the collection of child maintenance restitution. Under current law, a financial sanction of restitution is an order in favor of the victim and can be collected through a certificate of judgment, execution, or an order, and the offender is considered the judgment debtor. The victim can pursue a number of mechanisms to obtain payment including:

- Obtaining from the clerk of court a certificate of judgment (in the same manner and form as is issued in a civil action); or
- Obtaining an execution of the judgment or order through any available procedure, including proceedings against the debtor's property, person, or garnishment of wages.

The bill applies this law to allow the surviving parent, legal custodian, or guardian of the surviving minor child to pursue these options to collect child maintenance restitution.<sup>9</sup>

---

<sup>5</sup> See R.C. Chapter 3119, not in the bill.

<sup>6</sup> R.C. 2929.18(A)(2)(b).

<sup>7</sup> See R.C. 3119.021, 3119.022, and 3119.023, not in the bill.

<sup>8</sup> R.C. 2929.18(A)(2)(c) and (d).

<sup>9</sup> R.C. 2929.18(D).

## Civil wrongful death claim against deceased offender's estate

In a situation in which an OVI-related vehicular homicide is caused by a defendant who is deceased (in which case, no criminal trial can take place), the bill allows a court to award child maintenance in a civil action for wrongful death. As is required if the offender survived, the wrongful death must (1) have been proximately caused by the deceased offender's OVI-related aggravated vehicular homicide, and (2) the deceased victim must be the parent of at least one surviving minor child. The court's calculation of child maintenance and the procedure for collection of payments are the same as if the offender had survived the OVI-related vehicular homicide offense and child maintenance was determined via a criminal trial.<sup>10</sup>

## Sam Knisley Family Support Act

The bill is named the "Sam Knisley Family Support Act."<sup>11</sup> Sam Knisley was killed by a drunk driver on January 18, 1990, and was survived by his wife and children.<sup>12</sup>

---

### HISTORY

Action	Date
Introduced	06-10-25

---

ANHB0336IN-136/ks

---

<sup>10</sup> R.C. 2125.05.

<sup>11</sup> Section 3.

<sup>12</sup> See [Andrea Wolfe H.B. 270 \(135<sup>th</sup> General Assembly\) proponent testimony \(PDF\)](#), testimony from the May 14, 2024, House Criminal Justice Committee hearing is available on the Ohio Legislature's website: [legislature.ohio.gov](https://legislature.ohio.gov) by searching for H.B. 270 from the 135<sup>th</sup> General Assembly and then selecting the "Committee Activity" tab.