



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 270

131st General Assembly  
(As Introduced)

**Reps.** Dever and Pelanda, Becker, Conditt, G. Johnson, S. O'Brien, Sprague

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## BILL SUMMARY

- Expands the offense of involuntary manslaughter to include causing the death of another or the unlawful termination of another's pregnancy by a drug overdose as a proximate result of the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog.
- Makes the new form of involuntary manslaughter a strict liability offense.

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## CONTENT AND OPERATION

### Involuntary manslaughter by drug overdose

The bill expands the offense of involuntary manslaughter. Under current law, involuntary manslaughter consists of causing the death of another or the unlawful termination of another's pregnancy as a proximate result of the offender's committing or attempting to commit either (1) a felony or (2) a misdemeanor, a regulatory offense, or a minor misdemeanor other than a motor vehicle-related minor misdemeanor. Involuntary manslaughter resulting from the commission of a felony is a felony of the first degree; otherwise, involuntary manslaughter is a felony of the third degree.<sup>1</sup>

Under the bill, involuntary manslaughter also includes causing the death of another or the unlawful termination of another's pregnancy by an overdose of a controlled substance or controlled substance analog as a proximate result of the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog in violation of any provision of the Drug Offenses Law (R.C. Chapter 2925.). The bill makes the new form of involuntary manslaughter a strict

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<sup>1</sup> R.C. 2903.04(A), (B), and (C) (redesignated "(D)" in the bill and unchanged in substance by the bill).

liability offense, meaning that the prosecution need not demonstrate a culpable mental state such as knowledge or recklessness on the part of the offender in order to obtain a conviction.<sup>2</sup> The bill further states that the designation of the new form of involuntary manslaughter as a strict liability offense does not imply that any other offense for which no degree of culpability is specified is not a strict liability offense (see **COMMENT**).<sup>3</sup>

The new form of involuntary manslaughter is a felony of the first degree.<sup>4</sup>

As used in the bill, "controlled substance" and "controlled substance analog" have the same meanings as in the existing Controlled Substances Law.<sup>5</sup>

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## COMMENT

R.C. 2901.20, enacted by the 130th General Assembly, requires that every future act creating a new criminal offense specify the degree of mental culpability necessary for the commission of the offense. The bill declares that under R.C. 2901.20 strict liability is a culpable mental state.

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## HISTORY

ACTION	DATE
Introduced	06-23-15

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<sup>2</sup> R.C. 2903.04(C).

<sup>3</sup> R.C. 2903.04(C).

<sup>4</sup> R.C. 2903.04(D).

<sup>5</sup> R.C. 2903.04(F).

