



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 110*

131st General Assembly
(As Reported by S. Criminal Justice)

Reps. Hill, Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, T. Johnson, Kraus, Landis, Manning, M. O'Brien, S. O'Brien, Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, K. Smith, Stinziano, Young, Rosenberger

BILL SUMMARY

- Modifies the requirements for giving specified information after an accident or a nonpublic road accident.
- Increases the penalties for failure to stop after an accident and failure to stop after a nonpublic road accident when the offense results in the death of a person or serious physical harm to a person and the offender knows that result.
- Requires emergency medical service personnel to report the administration of naloxone on request of a law enforcement agency.
- Names the bill's "failure to stop" penalty changes "Brandon's Law."

CONTENT AND OPERATION

Failure to stop after an accident

The bill modifies the provision requiring information to be given after an accident and increases the penalty for failure to stop after an accident in cases in which serious physical harm to a person or death results and the offender knows that result.

The Revised Code requires the driver of a motor vehicle involved in an accident on a public road to stop and give to any person injured in the accident, to the operator, occupant, owner or attendant of any vehicle damaged, or to any police officer on the scene the driver's name and address and the motor vehicle registration number of the

* This analysis was prepared before the report of the Senate Criminal Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

driver's vehicle. The bill requires that the operator give the specified information to all of the identified persons. Under continuing law, if the driver is not the owner of the vehicle, the driver must provide the owner's name and address. If an injured person is unable to comprehend and record the information, the other driver must notify the nearest police authority and wait at the scene until an officer arrives. If a driver collides with an unattended vehicle, the driver must leave the required information in or on the vehicle. A violation of the statute is the offense of failure to stop after an accident.¹

Under current law, failure to stop after an accident is normally a misdemeanor of the first degree. If the accident results in serious physical harm to a person, the offense is a fifth degree felony. If the accident results in a person's death, the offense is a third degree felony. The bill raises the penalty to a fourth degree felony if the accident results in serious physical harm and the offender knows that the accident had that result and raises the penalty to a second degree felony if the accident results in death and the offender knows that the accident had that result.²

Continuing law also requires a class five suspension of the offender's license or other operating privilege and authorizes restitution if the offender does not provide proof of financial responsibility.³

Failure to stop after a nonpublic road accident

The bill modifies the provision requiring information to be given to law enforcement in certain circumstances after an accident on any public or private property other than a public road or highway and increases the penalty for failure to stop after an accident on such property in cases in which serious physical harm to a person or death results and the offender knows that result.

The Revised Code requires the driver of a motor vehicle involved in an accident on such property to stop and, on request of any person, give that person the driver's name and address, or the owner's name and address if the driver is not the owner, and the motor vehicle registration number. The driver must also show his or her driver's license if it is available. A driver who does not furnish the required information to the owner or person in charge of the damaged property must, within 24 hours after the accident, forward the information to the police department of the city or village in which the accident occurred or to the sheriff if the accident occurred outside municipal limits. When forwarding the information, the driver must include the date, time, and

¹ R.C. 4549.02.

² R.C. 4549.02(B).

³ R.C. 4549.02(B).

location of the accident. The bill changes the police/sheriff notification requirement so that it applies if the operator does not provide the information to a requesting person and removes the date, time, and location as required information. Under continuing law, if a driver collides with an unattended vehicle, the driver must leave the required information in or on the vehicle. A violation of the statute is the offense of failure to stop after a nonpublic road accident.⁴

Under current law, failure to stop after a nonpublic road accident is normally a misdemeanor of the first degree. If the accident results in serious physical harm to a person, the offense is a fifth degree felony. If the accident results in a person's death, the offense is a third degree felony. The bill raises the penalty to a fourth degree felony if the accident results in serious physical harm and the offender knows that the accident had that result and raises the penalty to a second degree felony if the accident results in death and the offender knows that the accident had that result.⁵

Continuing law also requires a class five suspension of the offender's license or other operating privilege and authorizes restitution if the offender does not provide proof of financial responsibility.⁶

Disclosure of naloxone administration to law enforcement agency

The bill requires emergency medical service personnel and any firefighter or volunteer firefighter acting within the course of the firefighting profession to disclose, upon request of a law enforcement agency, the name and address, if known, of an individual to whom the emergency medical services personnel, firefighter, or volunteer firefighter administered naloxone due to an actual or suspected drug overdose, unless the emergency medical services personnel, firefighter, or volunteer firefighter reasonably believes that the law enforcement agency making the request does not have jurisdiction over the place where the naloxone was administered.⁷

As used in this provision, "law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties."⁸ As used in the definition, "peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, or township constable, who is employed by an Ohio political

⁴ R.C. 4549.021.

⁵ R.C. 4549.021(B).

⁶ R.C. 4549.021(B).

⁷ R.C. 4765.44(B).

⁸ R.C. 4765.44(A), by reference to R.C. 2925.61, which is not in the bill.

subdivision; a member of a metropolitan housing authority or regional transit authority police force; a state university law enforcement officer; a veterans' home police officer; a port authority special police officer; an officer, agent, or employee of the state or a state agency, instrumentality, or political subdivision, with a statutory duty to conserve the peace or enforce all or certain laws and authority to arrest violators, within the limits of that duty and authority; or a State Highway Patrol trooper with primary duties to preserve the peace, protect life and property, and enforce the laws, ordinances, or rules of the state or any of its political subdivisions.⁹

Name of bill's "failure to stop" penalty changes

The bill provides that the changes it makes to the penalty changes for failing to stop are to be known as "Brandon's Law."¹⁰

HISTORY

ACTION	DATE
Introduced	03-10-15
Reported, H. Judiciary	04-22-15
Passed by House (92-0)	05-12-15
Reported, S. Criminal Justice	---

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⁹ R.C. 4765.44(A), by reference to R.C. 2925.61 and 2921.51, which are not in the bill.

¹⁰ Section 3.

