



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 278 of the 132nd G.A.  
(L\_132\_1238-3)

**Status:** In House Criminal Justice

**Sponsor:** Reps. Patton and Kelly

**Local Impact Statement Procedure Required:** No

**Subject:** Vehicular Assault Law

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### State & Local Fiscal Highlights

- The bill will have no direct fiscal effect on the state, but may occasionally increase a county or municipal criminal justice system's sanctioning costs related to a few enhanced misdemeanor convictions.

### Detailed Fiscal Analysis

The bill amends the Vehicular Assault Law to include a driver that causes serious physical harm to a person as a proximate result of violating the state's Move Over Law while operating a motor vehicle that is approaching certain stationary vehicles. A violation generally is a second degree misdemeanor.

Currently, a driver that negligently fails to move over when approaching a stationary public safety vehicle that is displaying flashing, oscillating, or rotating lights has violated the Move Over Law, a violation of which generally is a minor misdemeanor. By making this particular vehicular assault offense a strict liability offense for which there is no specified degree of culpability, the bill may make it easier to prosecute certain cases involving a driver harming another and result in a more serious penalty than otherwise might have been the case under current law.

The result of the above-described change to the Vehicular Assault Law may be an occasional increase in a county or municipal criminal justice system's costs, as it is typically more expensive to sanction a person for a second degree misdemeanor rather than a misdemeanor of a lesser degree. For example, the maximum jail stay for a second degree misdemeanor is 90 days, while there are no jail stays for a minor misdemeanor. The estimated average cost of a stay in a full-service Ohio jail is \$64.45 per bed per day.

### Synopsis of Fiscal Effect Changes

There is no discernible difference in the fiscal effects between the latest substitute version of the bill (L\_132\_1238-3) and the immediately preceding version (L\_132\_1238-2).