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S.B. 68*
133rd General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsor: Sen. Williams

Margaret E. Marcy, Attorney
Helena Volzer, Attorney
Holly Cantrell Gillman, Attorney
Kailey Henry, Research Analyst

SUMMARY

Reinstatement fees

- Authorizes a court to allow an offender to complete a community service program in lieu of paying driver's license reinstatement fees when the court determines the offender cannot reasonably pay those fees.
- Authorizes the Registrar of Motor Vehicles to adopt rules to create an ongoing reinstatement fee waiver plan through which an indigent person may apply for and receive a waiver of all reinstatement fees.

Police and driver interaction education

- Requires the Attorney General to adopt rules requiring continuing education for existing peace officers on proper interactions with civilians during traffic stops and other encounters.
- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General for peace officer basic training on proper interactions with civilians during traffic stops and other encounters.

* This analysis was prepared before the report of the House Health Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- Requires the State Board of Education to adopt a model curriculum for high school students on proper interactions with peace officers during traffic stops and other encounters.
- Requires school districts and other public schools to use the State Board's model curriculum in at least one course required for high school graduation.
- Requires the Director of Public Safety to adapt the State Board's model curriculum for use in driver training programs and new driver instructional materials.

Power of attorney for motor vehicle title transactions

- Authorizes a motor vehicle dealer's employee or agent to serve as a witness (as opposed to only the dealer and the dealer's salesperson as under current law) to a power of attorney created for the purpose of transferring the title of a motor vehicle.
- Specifies that being "present" for witnessing a signature includes witnessing a signature via audio-visual conference technology.

Commercial Driver's License medical examiner's certificates

- Requires the Registrar to post information from a medical examiner's certificate, when required, on a commercial driver's license (CDL) holder's CDL information system driver record within ten calendar days of receipt of the medical certificate.

BMV electronic and online transactions

- Expands the services that the Registrar or a deputy registrar may provide electronically.
- Allows the Registrar and, with the Registrar's permission, a deputy registrar to offer any service or transaction (that they are authorized or required to conduct) online rather than in person.
- Requires any charges for the expanded service or transaction to be the same as the associated in-person transaction.
- Allows the Registrar or deputy registrar to accept payment for such charges by an electronic financial transaction device (i.e., a credit or debit card) and to pass along any associated costs to the person using that device.

Third-party administration of driver's license skills test

- Authorizes the Director of Public Safety to allow a third party to administer the driver's license skills test.
- Requires any test administered by a third party to be substantially the same as the test administered by the Bureau of Motor Vehicles (BMV).
- Establishes quality control provisions that must be included in any contract between the Director and a third party authorized to conduct the driver's license skills test.

Abbreviated driver training

- Exempts an adult applicant for an initial driver's license who fails the road or maneuverability test from the requirement to complete the adult abbreviated driving training course if, within the 12 months prior to application, the applicant has completed a driver training course.

Reprints

- Authorizes a person who holds a valid Ohio credential (i.e., a learner's permit, driver's license, commercial driver's license, motorcycle operator's permit, motorized bicycle license, or state identification card) issued after July 2, 2018, to obtain an exact reprint of that Ohio credential.
- Requires the Registrar to conduct transactions for a reprint Ohio credential online via the BMV website within 180 days after the effective date of the bill.
- Specifies the appearance and cost of the reprint and requires an applicant to certify that the applicant's current Ohio credential has been lost, destroyed, or mutilated and to provide identifying information, as required by the Registrar.

Eight-year renewal cycle

- Authorizes a person between 21 and 65 to apply for and renew an Ohio commercial driver's license, driver's license (motor vehicles and motorcycles), a motorcycle operator's endorsement, or a motorized bicycle license on an eight-year renewal cycle.
- Authorizes a person, regardless of age, to request and renew an Ohio identification card on an eight-year renewal cycle.
- Makes the cost of an eight-year license, endorsement, or card twice the cost of a four-year license, endorsement, or card, minus \$1.
- Makes the eight-year renewal option available on and after July 1, 2021.

Orthotics and prosthetics licensure for unique qualifications

- Permits the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to issue an orthotics, prosthetics, or orthotics and prosthetics license to an applicant with unique and exceptional qualifications.
- Requires the Board to adopt rules establishing requirements for an applicant to be eligible for a license because of the applicant's unique and exceptional qualifications, including standards for satisfactory evidence that demonstrate the applicant's qualifications through the applicant's education, experience, or training.
- Requires the Orthotics, Prosthetics, and Pedorthics Advisory Council to issue recommendations to the Board on requirements to issue a license to an applicant with unique and exceptional qualifications.

TABLE OF CONTENTS

Reinstatement fees	4
Community service in lieu of driver’s license reinstatement fees	4
Reinstatement fee waiver plan	5
Police and driver interaction education	6
Peace officer training on proper interactions with civilians	6
Peace officer basic training	6
Training of students on proper interactions with peace officers	6
Model curriculum	6
District or school to provide instruction.....	7
Driver trainee instruction on proper interactions with a peace officers	7
Content requirements.....	7
Power of attorney for motor vehicle title transactions.....	8
Commercial driver’s license medical examiner’s certificates.....	9
BMV electronic and online transactions.....	9
Third party administration of driver’s license skills test.....	9
Abbreviated driver training.....	10
Reprints	10
Eight-year renewal cycle	11
Costs and fees.....	12
Availability of the program.....	14
Orthotics and prosthetics licensure for unique qualifications	14

DETAILED ANALYSIS

Reinstatement fees

Community service in lieu of driver’s license reinstatement fees

The bill authorizes a municipal or county court to allow an offender to perform community service in lieu of paying driver’s license reinstatement fees when the court determines that the offender cannot reasonably pay those fees.¹ When an offender completes the community service, the court must provide documentation of that completion. Additionally,

¹ The bill also applies to reinstatement fees for a commercial driver’s license or permit or nonresident operating privilege.

an offender who is seeking license reinstatement must present that documentation to the Registrar of Motor Vehicles.²

Under current law, payment of reinstatement fees is required before the Registrar will reinstate a suspended driver's license. The Registrar generally is prohibited from reinstating a driver's license until the person has paid all reinstatement fees and has complied with all other conditions (typically court-mandated) for each license suspension.³ Currently, when a municipal or county court determines that an offender cannot reasonably pay reinstatement fees, the court may establish an installment payment plan or a payment extension plan for the offender.⁴

Reinstatement fee waiver plan

The bill authorizes the Registrar, with the Director of Public Safety's approval, to adopt rules creating a reinstatement fee waiver plan managed by the Bureau of Motor Vehicles (BMV). The plan permits an indigent person to apply for and receive a waiver of all reinstatement fees. An indigent person, for purposes of the waiver plan, is a person who participates in one of the following programs:

1. The Supplemental Nutrition Assistance Program (SNAP);
2. The Medicaid Program;
3. The Ohio Works First Program;
4. The Supplemental Security Income Program; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.⁵

The rules creating the plan may establish any of the following:

1. The form of the application;
2. The documentation required to prove the applicant is indigent;
3. A process for recording the applicant's driving privileges as "valid" after the waiver of the reinstatement fees; and
4. Any other requirements or procedures the Registrar determines are necessary for implementation of the plan.⁶

² R.C. 4510.10(C)(2).

³ R.C. 4510.10(A) and (B).

⁴ R.C. 4510.10(C)(1) and (D) through (F).

⁵ R.C. 4510.10(A)(2).

⁶ R.C. 4510.10(G)(1)(b) and (G)(3).

Under current law, the Registrar is authorized to create a reinstatement fee installment plan managed by the BMV, similar to the court-managed reinstatement fee installment payment plan.⁷

Police and driver interaction education

Peace officer training on proper interactions with civilians

Under the bill, the Attorney General, with the advice of the Ohio Peace Officer Training Commission, must adopt as part of the minimum standards for continuing professional training rules requiring a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters.⁸ The training must include certain specified content, as shown in the table below. It also must be offered in an online format, although other additional formats are permitted. The Attorney General may adopt additional requirements or procedures necessary for proper implementation of these provisions.⁹

Under continuing law, the Peace Officer Training Commission may direct existing peace officers to complete up to 24 hours of continuing professional training each calendar year. As described above, the bill expands the list of permissible types of continuing professional training to include officer interactions with civilians. However, all peace officer continuing professional training is contingent on funding.¹⁰

Peace officer basic training

The bill also requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General establishing procedures and requirements for a portion of peace officer basic training on proper interactions with civilians during traffic stops and other in-person encounters. The content of the training, which is set forth in the table below, must mirror that of the rules for continuing professional training.¹¹

Training of students on proper interactions with peace officers

Model curriculum

The bill requires the State Board of Education, in collaboration with the Director of Public Safety, to develop a model curriculum for instruction in grades 9-12 on proper interactions with peace officers during traffic stops and other in-person encounters. In so doing, the State Board and Director may consult with any interested party, including a volunteer work

⁷ R.C. 4510.10(G)(1)(a) and (G)(2).

⁸ R.C. 109.803(B)(4).

⁹ R.C. 109.803(B)(4).

¹⁰ R.C. 109.803(A)(1).

¹¹ R.C. 109.73(A)(15).

group convened to make recommendations regarding the instruction. A reasonable period for public comment must be provided before the curriculum is finalized.¹²

The model curriculum must include certain specified content, as shown in the table below.

District or school to provide instruction

Using the model curriculum developed by the State Board, all school districts and other public schools must instruct students in grades 9-12 on proper interactions with peace officers. The instruction must be included in one more of the courses already required for graduation. After soliciting input from local law enforcement, driver training schools, and the community, a district or school may modify the curriculum to more appropriately serve the needs of its students.¹³

Driver trainee instruction on proper interactions with a peace officers

The Director of Public Safety must adapt the State Board's model curriculum (described above) so that it is appropriate for the instructional methods of driver training schools. The materials must contain the same specified content and be included in the classroom portion of all online and traditional driver training programs.

In addition, the bill requires the Director to include a separate section on proper interactions with a peace officer in the reference document for the material covered in the written temporary permit and drivers' license examinations. The instruction must be adapted from the model curriculum so that it is appropriate for new drivers.¹⁴ Under continuing administrative law, the Digest of Motor Vehicle Laws is the official reference document for those examinations.¹⁵

Content requirements

The following table shows the content requirements for instruction of new and existing peace officers,¹⁶ high school students,¹⁷ and driver trainees.¹⁸

¹² R.C. 3301.0721(B).

¹³ R.C. 3313.6025, 3314.03(A)(11)(d), 3326.11, and 3328.24.

¹⁴ R.C. 4508.022.

¹⁵ See Ohio Administrative Code 4501:1-1-08(A).

¹⁶ R.C. 109.803 and 109.73.

¹⁷ R.C. 3301.0721(B)(1) and (2).

¹⁸ R.C. 4508.022.

Title		
Content requirements	Peace officers	High school students and driver trainees
Rights related to when a peace officer may require that person to exit a vehicle	✓	
Constitutional protections from illegal search and seizure during an interaction with an officer	✓	
Rights of a passenger during a traffic stop	✓	
The right of a citizen to record an encounter with a peace officer	✓	
Proper interactions between peace officers and civilians	✓	✓
Information on which individuals are peace officers, and their duties and responsibilities		✓
Questioning and detention laws, including any that require proof of identity, and consequences for failure to comply with the laws		✓
A person's rights during an interaction with a peace officer		✓
Demonstrations and role-play in classroom setting, to allow better understanding of how interactions between officers and civilians can and should unfold		✓

Power of attorney for motor vehicle title transactions

The bill authorizes a motor vehicle dealer's employee or agent to serve as a witness to a power of attorney created for the purpose of transferring the title of a motor vehicle. A "transfer of title" for a motor vehicle includes both an application for a certificate of title and the assignment of a certificate of title to another person. Under current law, only the motor vehicle dealer or the dealer's salesperson may serve as a witness for these limited power of attorney forms (they exist only for the transfer of title for a motor vehicle).

Additionally, the bill specifies that “presence” as a witness includes witnessing a signature via audio-visual conference technology. Current law requires a witness to be physically present in order to witness the signing of a power of attorney.¹⁹

Commercial driver’s license medical examiner’s certificates

The bill requires the Registrar to post information from a medical examiner’s certificate, if applicable, on a commercial driver’s license (CDL) holder’s CDL information system driver record within ten calendar days of receipt of the medical certificate. Current law instead requires the Registrar to do so within ten business days of issuing the CDL.²⁰

BMV electronic and online transactions

The bill authorizes the Registrar and a deputy registrar, with the Registrar’s permission, to offer expanded electronic services and online transactions for customers of the BMV and the deputy registrar offices. Expanded electronic services include options such as self-service kiosks in the physical deputy registrar offices while online transactions include options such as renewing a driver’s license online.²¹ Under current law, electronic services and online transactions include allowing a person to renew his or her motor vehicle registration online and members of the military and their families may renew their drivers’ licenses online.²²

Related to the expansion of electronic and online services, the Registrar may establish a convenience fee for electronic services. Although it is unclear if a convenience fee can be charged for online services. And related to both electronic services and online transactions, the Registrar and a deputy registrar may accept payment through a financial transaction device (i.e., a credit or a debit card). If accepting payment by the device incurs any extra cost for the Registrar or the deputy registrar, they may pass along that cost to the customer using the device.²³

Third party administration of driver’s license skills test

The bill authorizes the Director of Public Safety to allow third parties to administer the driver’s license skills test. In administering the test, the third party must use the same skills test as otherwise would be administered by the Bureau of Motor Vehicles. Before an authorized third party may administer the test, it must enter into an agreement with the Director that does all of the following:

1. Allows the Director (or the Director’s representative) to conduct random examinations, inspections, and audits of the third party;

¹⁹ R.C. 4505.071.

²⁰ R.C. 4506.13(C)(4).

²¹ R.C. 4501.025 and 4501.027.

²² R.C. 4503.102; R.C. 4507.18, not in the bill.

²³ R.C. 4501.025(B) and 4501.027.

2. Requires the third party's administrators to meet the same qualifications and training standards as Department of Public Safety (DPS) examiners;
3. Requires the third party to use designated road test routes preapproved by the Director;
4. If the third party is a driver training school, prohibits a skills test examiner from administering the test to an applicant trained by that examiner;
5. Establishes appropriate documentation and communication between the third party and DPS regarding who has attempted the skills test with the third party and whether the person successfully completed the test;
6. Reserves to DPS the right to take prompt and appropriate remedial actions against the third party and its examiners if they fail to comply with the state standards or agreement.²⁴

Under current law, only DPS (through the BMV, certain deputy registrars, and the state highway patrol) is authorized to administer the skills test for a standard driver's license.²⁵ However, the Director is authorized to allow third parties to administer the skills test for a commercial driver's license.²⁶

Abbreviated driver training

The bill exempts an adult applicant for an initial driver's license who fails the skills test from the requirement to complete the adult abbreviated driving training course if, within the 12 months prior to application, the applicant has completed a driver training course. Current law generally exempts adult applicants from taking a driver training course. However, if the adult fails the skills test on the first attempt, the adult must take an abbreviated driver training course.²⁷ In certain instances, an applicant completes the full driver training course while still a minor, but waits to attempt the skills test until he or she is 18. If that applicant fails the skills test, under current law, he or she is required to take the abbreviated course, despite having successfully completed the more extensive training.

Reprints

The bill authorizes any person with an Ohio credential issued after July 2, 2018, to apply online to obtain an exact reprint of that Ohio credential. A person may apply for the reprint if the person's current Ohio credential is lost, destroyed, or mutilated. An Ohio credential is a temporary instruction permit, a driver's license, a commercial driver's license, a motorcycle operator's license, a motorized bicycle license, or a state identification card. A reprint is an exact copy of the replaced Ohio credential and expires on the same date as the replaced Ohio

²⁴ R.C. 4507.112.

²⁵ R.C. 4507.11.

²⁶ R.C. 4506.09, not in the bill.

²⁷ R.C. 4507.21(C) and 4508.02(F).

credential. A person may obtain one reprint between the time of issuance and renewal or between renewals of his or her current Ohio credential.²⁸

In order to apply for a reprint online, an applicant must certify that his or her current Ohio credential is lost, damaged, or mutilated, provide identifying information, and include a financial transaction device number to pay the applicable fees. A reprint costs the same amount as a duplicate of the Ohio credential that it replaces would cost, along with a BMV \$5 service fee.²⁹ If a person claims to have lost his or her Ohio credential in order to obtain a reprint for nefarious purposes, the offense is a first degree misdemeanor.³⁰

Upon receipt of a completed application, the Registrar must issue the applicant a reprint, provided the person is eligible for the reprint (e.g., the applicant was not previously issued a reprint, the applicant can sufficiently prove his or her identity). If the applicant does not qualify for a reprint, the Registrar must notify the applicant why the application was denied.³¹

Within 180 days of the effective date of the bill, the Registrar must make the reprint application process available through electronic means on the BMV website. Reprints will be available only through the online application.³² Continuing law also allows a person whose Ohio credential is lost, destroyed, or mutilated to apply in person at a deputy registrar office for a replacement Ohio credential (known as a duplicate).³³

Eight-year renewal cycle

Under current law, most driver's licenses (commercial and standard), motorcycle licenses, motorcycle operator's endorsements, motorized bicycle licenses, and identification cards are renewable every four years. That is, when issued, the license or card has an expiration date that is on the licensee's or cardholder's birthday, four years after the date of issuance. There are a couple of exceptions to the rule, for instance: licenses issued to a person under 21, certain commercial driver's licenses with a hazmat endorsement, or identification cards issued to a person who is permanently and irreversibly disabled.³⁴

The bill creates the option for anyone between the ages of 21 and 65 to apply for and renew a commercial driver's license, a standard driver's license, a motorcycle license, a motorcycle operator's endorsement, or a motorized bicycle license on an eight-year renewal cycle. The bill does not require any person to use the eight-year renewal cycle and allows an

²⁸ R.C. 4507.40(A) through (C).

²⁹ R.C. 4507.40(D); conforming changes in R.C. 4506.08, 4507.23, and 4507.52.

³⁰ R.C. 4507.30.

³¹ R.C. 4507.40(E).

³² R.C. 4507.40(B).

³³ R.C. 4506.08, 4507.23, 4507.30, and 4507.52; R.C. 4506.07, 4507.06, and 4507.51, not in the bill.

³⁴ R.C. 4506.14(A)(3) and (4), 4507.09(B), and 4507.52(A)(8)(b).

individual to still apply for and renew a license with a four-year renewal cycle. However, the bill retains the requirement that persons over 65 apply for a license on a four-year renewal cycle.³⁵

The bill maintains current law's initial expiration date (on the 21st birthday of the licensee) for all licenses issued to someone under 21.³⁶ Additionally, a person with a commercial driver's license with a hazmat endorsement must continue to use the four-year or less renewal cycle because of the required five-year federal renewal period for the endorsement.³⁷

The bill also creates the option for anyone, regardless of age, to apply for and renew a state identification card on an eight-year renewal cycle, as an alternative to the four-year cycle required for most cardholders under current law.³⁸ Similar to driver's licenses, the bill does not require any person to use the eight-year renewal cycle and allows an individual to apply for and renew an identification card with a four-year renewal cycle.

A driver's license or identification card with an eight-year renewal cycle complies with the federal REAL ID requirements, which allow for up to eight years between renewals.³⁹ Indeed, many other states have a similar eight-year renewal option.⁴⁰

Costs and fees

The bill keeps the cost of a four-year driver's license or identification card the same as under current law. The cost of an eight-year license or card is twice the amount of a four-year license or card, minus \$1. A cost comparison of the four-year to the eight-year option is provided in the table below:

³⁵ R.C. 4506.14(A)(1) and (2), 4507.09(A), and 4511.521.

³⁶ R.C. 4506.14(A)(4) and 4507.09(B).

³⁷ R.C. 4506.14(A)(3).

³⁸ R.C. 4507.52(A)(8)(a).

³⁹ Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005 § 202, 49 U.S.C. 30301 (2018).

⁴⁰ For examples of other states' expiration dates, see <https://www.iihs.org/topics/older-drivers/license-renewal-laws-table>.

Breakdown of the renewal costs and fees under H.B. 372						
Type of identification	Base Fee	BMV Fee	Deputy Registrar Fee ⁴¹	Vision Screening Fee	Document Authentication Fee	Total
CDL (4-year) ⁴²	\$25	\$12	\$5	\$2.75	\$1.50	\$46.25
CDL (8-year) ⁴³	\$49.50	\$23.50	\$10	\$5.50	\$3	\$91.50
Driver's license (4-year) ⁴⁴	\$6	\$12	\$6.25 ⁴⁵		\$1.50	\$25.75
Driver's license (8-year) ⁴⁶	\$11.50	\$23.50	\$12.50 ⁴⁷		\$3	\$50.50
Motorized bicycle license (4-year) ⁴⁸	\$2.50	\$12	\$5	N/A	\$1.50	\$21
Motorized bicycle	\$4.50	\$23.50	\$10	N/A	\$3	\$41

⁴¹ R.C. 4503.038 was amended in Am. Sub. H.B. 166 of the 133rd General Assembly, raising the deputy registrar fee from \$3.50 to \$5.

⁴² R.C. 4506.08(A)(3)(b), (B)(1), and (C)(1)(c).

⁴³ R.C. 4506.08(A)(3)(c), (B)(2), and (C)(1)(f).

⁴⁴ R.C. 4507.23(C)(1), (F)(3), and (G)(3) and 4507.24(A)(1). A motorcycle license and an initial motorcycle operator's endorsement are on the same fee schedule as a driver's license. Subsequent renewal of an endorsement is linked to the renewal of the driver's license and the BMV does not charge an additional fee for the endorsement.

⁴⁵ The deputy registrar fee and vision screening fee are combined in the statute with a presumed \$3.50 deputy registrar fee and a \$2.75 vision screening fee. R.C. 4507.24(A)(1).

⁴⁶ R.C. 4507.23(C)(1), (F)(4), and (G)(4) and 4507.24(A)(2).

⁴⁷ The 4-year fees were doubled for the 8-year license. R.C. 4507.24(A)(2).

⁴⁸ R.C. 4507.23(D), (F)(3), and (G)(3) and 4507.24(A)(3).

Breakdown of the renewal costs and fees under H.B. 372						
Type of identification	Base Fee	BMV Fee	Deputy Registrar Fee ⁴¹	Vision Screening Fee	Document Authentication Fee	Total
license (8-year) ⁴⁹						
Identification card (4-year) ⁵⁰	\$3.50	N/A	\$5	N/A	\$1.50	\$10
Identification card (8-year) ⁵¹	\$6	N/A	\$10	N/A	\$3.00	\$19

Availability of the program

The bill makes the eight-year renewal option available on and after July 1, 2021.⁵²

Orthotics and prosthetics licensure for unique qualifications

The bill permits the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to issue an orthotics, prosthetics, or orthotics and prosthetics license to an applicant with unique and exceptional qualifications if the applicant meets requirements established by the Board. Under continuing law, an applicant is eligible to be issued a license by the Board if the applicant meets specified education and experience requirements.⁵³

Under the bill, the Orthotics, Prosthetics, and Pedorthics Advisory Council must issue recommendations to the Board on the requirements to issue a license to an applicant with unique and exceptional qualifications. The Board must adopt rules based on the recommendations that establish the requirements for an applicant to be eligible for an orthotics, prosthetics, or orthotics and prosthetics license because of the applicant's unique and exceptional qualifications. The rules must include standards for satisfactory evidence that demonstrate the applicant's qualifications through the applicant's education, experience, or training.⁵⁴

⁴⁹ R.C. 4507.23(D), (F)(4), and (G)(4) and 4507.24(A)(4).

⁵⁰ R.C. 4507.50(B)(1).

⁵¹ R.C. 4507.50(B)(1).

⁵² Section 3.

⁵³ R.C. 4779.10, 4779.11, and 4779.12, with conforming changes in R.C. 4779.17 and 4779.18.

⁵⁴ R.C. 4779.08 and 4779.35.

HISTORY

Action	Date
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