



# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 97  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 97's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Sens. Craig and Wilson

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill may result in a minimal increase in fine revenue generated annually, the magnitude of which will vary based on the number of convictions for failing to yield to a funeral procession. Such fine revenue would be credited to certain counties and the state's Security, Investigations, and Policing Fund (Fund 8400).

### Detailed Analysis

The bill doubles the fine imposed for failing to yield to a funeral procession and specifies that the fine is in addition to all other penalties provided by law. Under continuing law, failure to yield to a funeral procession is generally a minor misdemeanor that elevates to a fourth or third degree misdemeanor based on the violator's prior traffic offenses.

### Failure to yield to a funeral procession

The bill is not likely to have a discernible impact on local criminal justice systems and is likely to impact a very small number of cases. According to the Bureau of Motor Vehicles (BMV), there were a total of 160 convictions statewide for failing to yield to a funeral procession from CY 2020 through CY 2024, averaging 32 convictions annually. The BMV data does not reflect the number of offenders that had prior traffic offenses within one year, which may have subjected them to higher penalties.

### Penalties

The following table shows the penalties for failure to yield to a funeral procession under current law and S.B. 97. As seen in the table, the amount of the fine imposed could increase by \$150, \$250, or \$500 based on the violator's prior traffic offenses. The bill does not impact any jail term that may otherwise apply. Assuming the average number of convictions for failing to yield to a funeral procession from CY 2020 through CY 2024 is representative of future years, the

amount of revenue gain statewide could range from a minimum of \$4,800 (\$150 x 32) to a maximum of \$16,000 (\$500 x 32) annually.

Penalties for Failing to Yield to a Funeral Procession			
Offense Level	Current Fine	S.B. 97 Fine	Term of Incarceration
Minor misdemeanor	Up to \$150	Up to \$300	Citation issued; no jail
Misdemeanor 4 <sup>th</sup> degree (second violation of a predicate traffic offense within one year)	Up to \$250	Up to \$500	Jail, not more than 30 days
Misdemeanor 3 <sup>rd</sup> degree (third and subsequent violation of a predicate traffic offense within one year)	Up to \$500	Up to \$1,000	Jail, not more than 60 days

### Fine revenue distribution

Based on existing fine distribution rules, unchanged by the bill, fine revenue for violations of state law that are enforced by local law enforcement is retained by the county in which the violation occurred. If the violator is cited by the Ohio State Highway Patrol (OSHP), that revenue is forwarded for deposit into the Ohio Department of Public Safety's Security, Investigations, and Policing Fund (Fund 8400). As a result the bill, certain counties and Fund 8400 may experience a minimal increase in the amount of fine revenue generated annually. The exact magnitude of any increase would depend on the number of convictions for failure to yield to a funeral procession in each county and which law enforcement agency issues the citation (local or OSHP), as well as whether the offender is subjected to the higher fine amounts due to prior traffic offenses.