OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 203
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 203's Bill Analysis

Version: As Reported by House Judiciary

Primary Sponsors: Reps. T. Hall and Williams

Local Impact Statement Procedure Required: No

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Highlights

- The bill may shift a small number of traffic cases from a misdemeanor to a felony, thereby shifting adjudication-related costs from county and municipal courts to courts of common pleas, and sanctioning costs from the county to the state.
- The bill's impact on the Ohio Department of Rehabilitation and Correction (DRC) is likely to be minimal and will depend on the number of offenders sentenced to prison instead of incarceration in a locally operated jail; conversely, local jails may experience some savings from not having to incarcerate a small number of offenders.
- The Bureau of Motor Vehicles (BMV) may incur both minimal one-time costs and ongoing administrative costs related to the development of a remedial driving instruction course and processing additional license suspensions and reinstatements.
- The Ohio Department of Transportation (ODOT) will incur additional costs to design and place signs which indicate that increased penalties apply for certain traffic offenses occurring in an active school zone. The total cost of creating and placing these signs will depend on the number of signs that need to be placed and the final design of this sign type. Certain political subdivisions may also incur costs to install signs in active school zones.

Detailed Analysis

The bill increases the penalties for vehicular manslaughter and vehicular assault that involve speeding or the commission of a moving traffic violation when the violation occurs in an active school zone and allows a court to impose additional requirements that must be met prior to reinstating a driver's license that was suspended as the result. The bill provides certain requirements for signage in

school zones and further allows a court to double the fine for moving traffic violations that occur in a school-adjacent sector of an active school zone, as defined by the bill.[1]

Penalty enhancements

The bill is not expected to increase the number of traffic citations issued by law enforcement or generate additional cases for local courts to adjudicate but it may change how certain cases are charged and may increase the amount of time and resources that local criminal justice systems expend to dispose of certain cases. Specifically, to the extent that such violations occur, the bill will elevate certain cases from a misdemeanor under the jurisdiction of a county or municipal court to a felony under the jurisdiction of a court of common pleas, thereby shifting workload between those courts and related sanctioning costs from the local governments to the state.

Any resulting increase in workload or related costs is likely to be minimal for any given political subdivision and may be at least partially offset by the collection of fine revenue, which if collected, would be higher under the bill due to the increased penalties for felony violations.

Vehicular manslaughter and vehicular assault

By increasing the base penalties for vehicular manslaughter and vehicular assault violations that involve speeding or another traffic offense in an active school zone from a misdemeanor to a felony, the bill may result in a small number of offenders being sentenced to a period of incarceration in a state correctional institution instead of a locally operated jail.[2] The bill may also result in a license suspension for certain vehicular assault offenses under the bill that proximately result from a traffic offense (other than speeding) where a suspension may not have been imposed under current law.

Under the bill, the base penalties for vehicular manslaughter and vehicular assault are fourth degree and fifth degree felonies, respectively. Under current law, those same base penalties are generally first degree misdemeanors but in some instances, vehicular manslaughter is a second degree misdemeanor. For a complete description of the penalty changes, please see the LSC bill analysis. Table 1 below shows the comparative sentences and fines for those offense levels generally.

[1] The bill defines "school-adjacent sector" as a portion of a street or highway within an active school zone that: (1) includes a crosswalk abutting school property that is used by pedestrians to access school property or (2) is surrounded by school property of both sides of the street or highway.

[2] A review of available Bureau of Motor Vehicles data suggests that a relatively small number of cases may be impacted. For instance, statewide convictions for vehicular manslaughter committed as the proximate result of a minor misdemeanor traffic violation averaged around 78 per year for calendar years 2020 through 2024.

Table 1. Felony and Misdemeanor Sentences and Fines for Offenses Generally		
Offense Level	**Fine**	**Term of Incarceration**
Base penalties under the bill		
Felony 4th degree	Up to $5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
Felony 5th degree	Up to $2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
Base penalties under current law		
Misdemeanor 1st degree	Up to $1,000	Jail, not more than 180 days
Misdemeanor 2nd degree	Up to $750	Jail, not more than 90 days

Incarceration costs

Since some offenders will be subjected to prison terms, rather than sentenced to a local jail facility, there is a potential for incarceration costs to shift from the counties to the state. The impact to DRC is likely to be minimal but will ultimately depend on the number of offenders who are sentenced to prison instead of a locally operated jail to serve a term of incarceration and the length of that sentence. Conversely, local jails may experience some savings from not having to incarcerate a small number of offenders. According to DRC, the FY 2025 average marginal cost to house an additional offender was $13.47 per day or $4,917 per year. Marginal costs, as defined by DRC, are those that increase or decrease directly on a per-person basis with changes in prison population.

Moving traffic violations

For moving traffic violations that occur in a school-adjacent sector of an active school zone, the bill allows a court to impose a fine of two times the usual amount, which is generally up to $150, even if the offense does not result in the death or serious physical harm of another person. To the extent that citations are issued for such offenses in a school-adjacent sector of an active school zone, there may be a minimal increase in the amount of fine revenue collected.

For context, citation data from the Ohio State Highway Patrol (OSHP) was analyzed. Since OSHP has statewide jurisdiction for traffic offenses, their citation data is the most reliable in terms of statewide magnitude. For calendar years 2020 through 2024, OSHP issued a total of 10,481 citations for traffic violations in school zones statewide, averaging 2,096 per year. Had the bill been in effect during that time and assuming all violations occurred in a school-adjacent sector, the bill could have generated up to nearly $315,000 on average in additional revenue per year for the Patrol. Likewise, for local law enforcement agencies who enforce traffic laws within their jurisdictions and also have active school zones with a school-adjacent sector, those agencies would also experience some potential revenue gain.

Table 2 below summarizes the general distribution of fine, fee, and state and local court cost revenue.

Table 2. Distribution of Fines, Court Costs, and Fees Generally		
Financial Penalty Component	**Amount Paid by Violator**	**Recipient of Amount**
Fine	Varies by offense	▪ Retained by county if violation of state law ▪ Retained by municipality if violation of local ordinance ▪ Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality
State court costs	$29	**Misdemeanor** Deposited in the state treasury as follows: ▪ $20 to the Indigent Defense Support Fund (Fund 5DY0) ▪ $9 to the Victims of Crime/Reparations Fund (Fund 4020)
	$60	**Felony** Deposited in the state treasury as follows: ▪ $30 to the Indigent Defense Support Fund (Fund 5DY0) ▪ $30 to the Victims of Crime/Reparations Fund (Fund 4020)

Bureau of Motor Vehicles

Remedial driving instruction course

The Bureau of Motor Vehicles (BMV) may incur minimal one-time costs to prescribe the content of and approve a remedial driving instruction course that drivers convicted of an offense under the bill may need to successfully complete prior to having their license reinstated. The bill requires the course to be at least 50% in person and prohibits the approval of a remedial driving instruction course that permits students to take more than 50% of the course in any other manner, including via video teleconferencing or the internet. The bill also requires that at least 25% of the course hours be devoted to driver attitude and that a designated number of hours be devoted to instruction in school zone safety and the operation of a motor vehicle in an active school zone.

License reinstatement requirements

The BMV may experience a minimal increase in administrative costs and workload related to processing and reinstating a small number of additional license suspensions for vehicular assault and to ensure compliance with the bill's license reinstatement provisions prior to reinstating the license. Any resulting increase in costs or workload is expected to be minimal and at least partially offset by the required $40 license reinstatement fee. The bill's increased license suspension for vehicular homicide will delay the receipt of a likely minimal amount of license reinstatement fee revenue, as offenders will serve longer suspensions prior to being eligible for license reinstatement.

Department of Transportation

Active school zone signage

The bill requires the Ohio Department of Transportation (ODOT), boards of county commissioners, and boards of township trustees to install signs in areas that become active school zones. The ODOT Director must adopt rules governing the posting of the signs, which must advise motorists that increased penalties apply for certain traffic offenses occurring in an active school zone. The Director also must establish guidelines for where the signs are most appropriate. The total cost of creating and placing these signs will depend on the number of signs that need to be placed and the final design of this sign type. As an upfront cost, the sign type will need to be designed, approved, and added to the state's manual for a uniform system of traffic control devices, costing $45 per hour in employee wages and fringe benefits. The fabrication of each sign costs $11.50 per square foot. As a reference, memorial highway signs are typically 15 square feet, totaling $172.50. Each sign gets affixed to two u-channel posts that cost $4.72 per square foot. For comparison, highway memorial sign posts are 13.5 feet long, totaling $127.30 for both. After fabrication, the sign will need to be installed. Costs for site investigation, checking utilities, and installation cost $45 per hour in employee wages and fringe benefits. The preparation and installation of memorial highway signs was estimated by ODOT to take roughly six hours.