



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 44 of the 131st G.A. **Date:** February 16, 2016
Status: As Reported by Senate Criminal Justice **Sponsor:** Sen. Schiavoni

Local Impact Statement Procedure Required: No

Contents: Failure to secure a child in a motor vehicle

State Fiscal Highlights

- The bill may have a minimal annual effect on the cash flow activity of the state's Child Highway Safety Fund (Fund 4T40), which is used by the Department of Health for its Child Highway Safety Program.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Failure to secure a child as a primary offense

The bill makes the failure to properly secure a child in a motor vehicle who is between the ages of four and eight a primary offense. Under current law, failure to properly secure a child in a motor vehicle who is under the age of four is a primary offense, but all other violations of the state's child restraint and seat belt laws are secondary offenses. A secondary offense is one for which a law enforcement officer may not issue a ticket unless the officer arrests or tickets the operator or passenger for an offense that is not a secondary offense.

In calendar year 2014, there were around 6,100 violations of the law requiring proper child restraints. The bill's "primary offense" provision is not expected to have a significant statewide effect on existing ticketing activity or the resulting amount of fines collected from violators. There is likely to be a mixed effect as: (1) increasing motor vehicle operator compliance with the child restraint law may result in a decrease in tickets written and fines collected, and (2) making a violation a primary offense means it becomes easier for an officer to write tickets and fines to be collected.

The fines imposed for these violations are deposited in the state's existing Child Highway Safety Fund (Fund 4T40) to be used by the Department of Health in support of its Child Highway Safety Program. A first time violation is a minor misdemeanor with a fine ranging from \$25 to \$75. Any subsequent violation is a misdemeanor of the fourth degree with a fine of up to \$250.

Admissibility of evidence

The bill eliminates the prohibitions against using an operator's failure to properly secure a child in criminal actions. This change may make it easier in certain circumstances for a prosecutor to charge and convict an offender. The number of applicable circumstances however is likely to be extremely small. Thus, there will be little if any discernible fiscal effect on the state or any of its political subdivisions.