



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: H.B. 278 of the 132nd G.A.
(L_132_1238-2)

Status: In House Criminal Justice

Sponsor: Reps. Patton and Kelly

Local Impact Statement Procedure Required: No

Subject: Move Over Law

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 Move Over Law to specify that if a driver negligently fails to move over when approaching a stationary public safety vehicle that is displaying flashing, oscillating, or rotating lights, and the failure results in serious physical harm to another person or another's unborn, the driver is guilty of a first degree misdemeanor. Under current law, a violation of the Move Over Law generally is a minor misdemeanor, and elevates to a fourth or third degree misdemeanor depending on the offender's prior history of predicate motor vehicle or traffic offenses.

Under current law, a driver that "knowingly" or "recklessly" causes serious physical harm to another person or another's unborn can be charged with assault, the penalty for which ranges from a first degree misdemeanor to a first degree felony and depends on the circumstances present. By adding the standard of negligence to certain driver conduct under the Move Over Law, 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 penalty change to the Move Over 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 first degree misdemeanor rather than a misdemeanor of a lesser degree. For example, the maximum jail stay for a first degree misdemeanor is 180 days, while the maximum jail stays for a second, third, and fourth degree misdemeanor are 90, 60, and 30 days, respectively. 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 As Introduced version of the bill and this substitute version (L_132_1238-2).