



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

Carlen Zhang-D'Souza

### H.B. 568

132nd General Assembly  
(H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1223-9)
<b>Require medical professionals to conduct certain blood and urine tests; qualified immunity</b>	No provision.	Requires medical professionals to comply with a law enforcement officer's request to administer blood or urine tests for investigations after arrests ( <i>R.C. 4511.199(I)</i> ).  Provides for qualified civil immunity to medical professionals that comply ( <i>R.C. 4511.199(H)</i> ).
<b>Arrest of drivers that commit certain moving violations</b>	Permits an officer to arrest a motor vehicle driver if the officer has probable cause that: <ul style="list-style-type: none"> <li>- The driver committed a moving violation (<b>even a minor misdemeanor</b>); and</li> <li>- The moving violation contributed to an accident that caused serious physical harm to, or death of, another (<i>R.C. 4511.199(A)</i>).</li> </ul>	Instead, <b>requires</b> an officer to arrest a motor vehicle driver if the officer has probable cause that: <ul style="list-style-type: none"> <li>- The driver committed a moving violation;</li> <li>- The moving violation contributed to an accident that caused serious physical harm to, or the death of, a person; and</li> <li>- <b>The driver violated the OVI law (impaired driving) or a substantially equivalent municipal ordinance</b> (<i>R.C. 4511.199(B)</i>).</li> </ul>

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<b>Request consent for breath test</b>	No provision.	Requires an officer to request an arrested driver to consent to a breath test ( <i>R.C. 4511.199(C)</i> ).
<b>Request consent for blood or urine test</b>	No provision.	Unless an arrested driver is incapable of consenting, <b>requires</b> an officer to request the driver to consent to a blood or urine test if: <ul style="list-style-type: none"> <li>- The driver refused to consent to the breath test; or</li> <li>- The officer has probable cause that the driver is under the influence of a substance that the breath test cannot detect (<i>R.C. 4511.199(D)</i>).</li> </ul>
<b>Warrant request</b>	Permits an officer to request a warrant for a blood or urine test if: <ul style="list-style-type: none"> <li>- The officer has probable cause that the driver was under the influence; and</li> <li>- It is feasible to request a warrant (<i>R.C. 4511.199(D)</i>).</li> </ul>	Instead, <b>requires</b> an officer, unless exigent circumstances exist, to request a warrant, as soon as possible, for a blood or urine test if: <ul style="list-style-type: none"> <li>- The driver refused to consent to blood or urine test; or</li> <li>- The driver is incapable of consenting to a breath, blood, or urine test (<i>R.C. 4511.199(E)</i>).</li> </ul>
<b>Blood or urine draw: part 1</b>	<b>Authorizes</b> an officer to order a blood or urine test if the officer has probable cause that the driver was under the influence of alcohol, a drug or abuse, or a controlled substance at the time of the accident and: <ul style="list-style-type: none"> <li>- The court issues a warrant (an officer cannot order the test if the warrant is denied); or</li> <li>- It is not feasible to request a warrant (<i>R.C. 4511.199(E)</i>).</li> </ul>	Instead, <b>requires</b> an officer to order a blood or urine test if the officer has proper probable cause as referenced above and: <ul style="list-style-type: none"> <li>- The driver consents;</li> <li>- The court issues a warrant; or</li> <li>- There is neither consent nor a warrant, but exigent circumstances exist (<i>R.C. 4511.199(F)</i>).</li> </ul>
<b>Blood or urine draw: part 2 (one-hour time limit)</b>	<b>Authorizes</b> an officer to order a blood or urine test if the officer requested a warrant but has not received a response from the court within one hour of the time that the warrant was requested, and the officer has probable cause	Same, but <b>requires</b> the officer to order the blood or urine test if the officer has probable cause that the driver was under the influence of <u>alcohol at the time of the accident</u> ( <i>R.C. 4511.199(F)</i> ).

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	that the driver was under the influence of <u>alcohol, a drug or abuse, or a controlled substance at the time of the accident</u> (R.C. 4511.199(E)).	
<b>Effect of one-hour time limit</b>	<p>Retains current law that states: if a person does not submit to a chemical test within <u>two hours</u> of the alleged violation, that failure automatically constitutes a refusal to submit (R.C. 4511.192(A)).</p> <p>Retains current law that establishes a three-hour time limit (starting from the time of an alleged violation) after which the results of a blood, urine, or breath chemical test are not admissible, and specifies that the three-hour limit does not affect the <u>two-hour</u> time limit specified above (R.C. 4511.19(D)(1)(b)).</p>	<p>Instead, specifies that if a person does not submit to a blood or urine test only <u>for alcohol</u> within the <u>one-hour</u> time limit explained above, that failure automatically constitutes a refusal to submit (R.C. 4511.199(F)).</p> <p>Instead, specifies that the three-hour time limit regarding the admission of evidence does not affect the <u>one-hour</u> time limit explained above (R.C. 4511.199(F)).</p>
<b>Admissibility of information in officer's report</b>	<p>When an officer determines that there is no probable cause to believe that the driver was under the influence at the time of the accident, requires the officer to do both of the following:</p> <ul style="list-style-type: none"> <li>- File a report detailing the circumstances supporting that determination; and</li> <li>- Include a statement in the report regarding whether alcohol, a drug of abuse, or controlled substance was in the vehicle and whether the driver and any passenger appeared to be under the influence (R.C. 4511.199(C)).</li> </ul>	<p>Same, and specifies that the failure to file the report or include the statement in the report does not preclude the admission of both of the following in any court proceeding:</p> <ul style="list-style-type: none"> <li>- The information required to be included in the report; and</li> <li>- The information required to be included in the statement (R.C. 4511.199(J)(1)).</li> </ul>

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<b>Determinations prior to probable cause finding</b>	Requires an officer to determine whether the driver (and any passenger) appears to be under the influence, and whether alcohol, a drug of abuse, or controlled substance is in the officer's plain sight ( <i>R.C. 4511.199(B)</i> ).	No provision, and instead requires a probable cause evaluation (see above).
<b>Investigation authority</b>	Specifies that the bill's procedures do not limit an officer's authority to investigate an accident ( <i>R.C. 4511.199(F)</i> ).	No provision, but the bill does not limit any existing authority that an officer has to investigate an accident.