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**Committees:**

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Aging and Long Term Care

# BRIGID KELLY

## State Representative

Chairman Manning, Vice Chairman Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 278. This bill will increase the penalty for drivers who fail to move over for stopped traffic to a first degree misdemeanor from a minor misdemeanor, if the motorist's actions result in injury or death of a law enforcement officer or motorist.

As the law is currently written, failure to move over to the left or, if unable to change lanes, slow down for emergency vehicles is a minor misdemeanor traffic offense. Yet still too many law enforcement officers are being injured, or even killed, by motorists who fail to move over.

While there are no official statistics kept on failure to move over accidents, in the past year alone, two Ohio officers were struck and killed while working on the side of the highway – Cleveland Police Officer David Fahey<sup>1</sup> who was at the time diverting traffic off the highway because of a previous crash and State Highway Patrol Trooper Kenneth Velez<sup>2</sup> who was engaged in traffic enforcement.

Members of law enforcement can share countless stories of colleagues who have been adversely impacted, or had “near miss” situations, due to the failure of motorists to move over. Take for example, Columbus Police Officer Judy Lawrence, who shared her story as Representative Patton and I announced we were working on this legislation. In 2014, after pulling in front of a disabled vehicle that had just slid off the freeway, Officer Lawrence was standing on the passenger side of the vehicle talking with the driver when another vehicle struck the car and she was thrown, dragged, and pinned under a vehicle. Officer Lawrence sustained serious injuries and had to take a desk job.

As members of the legislature, we have an obligation and a responsibility to make life better for the people in our communities, and that means keeping the people that keep our communities safe - safe when they are at work and making sure they return home to their families and communities exactly the way in which they departed.

Representative Patton and I believe that HB 278 is an important step forward in protecting and recognizing both civilians and law enforcement. Again, I appreciate the chance to offer testimony on House Bill 278 and would be happy to answer any questions.

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<sup>1</sup> [http://www.cleveland.com/metro/index.ssf/2017/01/cleveland\\_police\\_officer\\_dies.html](http://www.cleveland.com/metro/index.ssf/2017/01/cleveland_police_officer_dies.html)

<sup>2</sup> [http://www.cleveland.com/metro/index.ssf/2016/09/fallen\\_trooper\\_keneth\\_velez\\_re.html](http://www.cleveland.com/metro/index.ssf/2016/09/fallen_trooper_keneth_velez_re.html)

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