

- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- **Ohio State Highway Patrol**



Proponent Testimony for House Bill 278
House Criminal Justice Committee
Staff Lieutenant Kevin Miller
Ohio State Highway Patrol

Chairman Manning, Vice Chairman Rezabek, ranking member Celebrezze and members of the House Criminal Justice Committee, I am Staff Lieutenant Kevin Miller with the Ohio State Highway Patrol. I would like to thank you for the opportunity to testify today in support of House Bill 278. Statistics show that serious injuries to law enforcement personnel due to motorist negligence are far too common. I have served with the Division for nearly 19 years, many of which were in field assignments. As the previous Post Commander for the Patrol's Granville Post, I would like to share with you a firsthand account of the very behavior House Bill 278 is aimed to address.

On the clear sunny morning of April 12, 2016, I responded to the scene of a serious injury crash on Interstate 70 in Licking County. Unfortunately, the crash involved one of our troopers. Our trooper was investigating a single vehicle crash that had left the vehicle disabled in an eastbound lane. He positioned his cruiser behind the crashed vehicle and deployed a line of fuses behind his cruiser diverting traffic into the left lane and around the crash scene. He had his overhead lights activated and was seated in his cruiser taking a statement from the driver. The field of view for traffic approaching from the rear was over a half mile; nevertheless, a tractor trailer drove through the safety zone of fuses and struck the rear of his cruiser at highway speeds. There was no evidence of braking prior to the crash. Traffic was relatively light and witnesses advised there was nothing that prevented the tractor trailer from changing lanes.

Our trooper and the other motorist sustained serious injuries as a result of the crash. In fact, the trooper was off work for 5 months due to the injuries he sustained from the crash. The truck driver was virtually uninjured and refused treatment at the scene.

During the course of the investigation, it was determined the truck driver had a valid license, was not utilizing any electronic devices and was not under the influence of any drugs or alcohol. As a result, the driver's behavior did not rise to the statutory level of reckless, rather, it was classified as negligent; therefore, the driver was cited for minor misdemeanor traffic violations.

Members of the committee, had House Bill 278 been in effect, the driver's negligent behavior would have met the standard for a violation of vehicular assault and the penalties associated with a 1st degree misdemeanor. Law enforcement officers put their lives on the line every day as they assist motorists and enforce traffic laws to keep our roadways safe. House Bill 278 serves as an important enhancement to current revised code and an additional deterrent to negligent behavior which puts officers at risk on Ohio's roadways.

In closing, Chairman Manning and members of the Committee, I thank you again for the opportunity to testify in support of HB 278. The Ohio State Highway Patrol believes that passage of this legislation will help to make our roads safer and protect those who place their lives on the line for the safety of others. I will be happy to answer any questions that you may have.