



State Representative Jim Butler

41st House District

House Bill 568 – Sponsor Testimony before the House Criminal Justice Committee; Tuesday, May 15th 2018

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and Members of the House Criminal Justice Committee, thank you for this opportunity to offer sponsor testimony for House Bill 568 – Sophie’s Law.

I introduced this piece of legislation on behalf a constituent whose daughter, Sophie, was the victim of a tragic, fatal car accident. Sophie’s Law will change Ohio Law and assist law enforcement in the following ways:

If, after responding to the scene of an accident that resulted in serious injury or fatality, a law enforcement officer observes alcohol or drugs in the vehicle in plain sight, the officer is required to note that fact on a checklist and in their report;

If the officer determines there is probable cause to believe that the driver was under the influence of alcohol or drugs when the accident occurred, they can request a search warrant authorizing chemical testing of the driver’s blood, blood serum, plasma or urine to determine if drugs or alcohol were present. If a response to the request for a warrant cannot be obtained within one hour, the officer may still proceed with the test(s); however, if the warrant request is ultimately not approved, the test results will not be admissible as evidence in criminal proceedings;

And, finally, if the driver is age 16 or 17 and is found to have been under the influence of drugs or alcohol, they will automatically be tried as an adult, and sentenced as an adult if found guilty of aggravated vehicular homicide.

Any traffic accident that results in any death is a tragedy. Young drivers lack experience behind the wheel, and it is easy to understand how mistakes are made, but I believe that if they make the extremely irresponsible decision to operate a vehicle while under the influence and end up killing someone, they should forfeit their juvenile status.

Sophie was a remarkable young woman, and her family has done a fantastic job of honoring her legacy, but they still grieve and suffer knowing that the person who carelessly ended their daughter's life has not faced, and will not face justice. Sophie's law is intended to make sure that if a family does have the misfortune of facing a similar tragic situation in the future, that family will have an improved chance of holding the guilty party responsible.

Chairman Manning, thank you for the opportunity to provide this testimony. I am happy to answer the committee's questions at this time. Thank you.