



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Helena Volzer

H.B. 278

132nd General Assembly
(As Introduced)

Reps. Patton and Kelly

BILL SUMMARY

- Prohibits negligently causing serious physical harm to a law enforcement officer while operating a motor vehicle or other specified mode of transportation and classifies the offense as vehicular assault.
 - Specifies that a violation of the prohibition is a first degree misdemeanor.
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CONTENT AND OPERATION

Vehicular assault involving a law enforcement officer

Current law prohibits a person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from causing serious physical harm to another person or another's unborn, in a variety of different ways. These offenses are collectively called either aggravated vehicular assault or vehicular assault. For example, if a person causes such harm as the result of committing a violation of the state OVI law (driving while intoxicated), the person is guilty of aggravated vehicular assault. If a person causes such harm as a result of operating a vehicle recklessly, the person is guilty of vehicular assault.¹

The bill adds a new category of vehicular assault by prohibiting a person from negligently² causing serious physical harm to a law enforcement officer (or the officer's

¹ R.C. 2903.08(A).

² A person acts negligently when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist. R.C. 2901.22(D), not in the bill.

unborn) while operating a motor vehicle or other mode of transportation as specified above.³ The bill specifies that a violation of the prohibition is a first degree misdemeanor.⁴ A first degree misdemeanor generally carries a possible jail term of not more than 180 days, a fine of not more than \$1,000, and the possibility of community residential, nonresidential, and financial sanctions.⁵

HISTORY

ACTION	DATE
Introduced	06-20-17

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³ R.C. 2903.08(A)(4).

⁴ R.C. 2903.08(C)(3).

⁵ R.C. 2929.24, 2929.26, 2929.27, and 2929.28, not in the bill.

