

As Recommended to Senate Criminal Justice Committee

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Representative Hill

Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, Johnson, T., Kraus, Landis, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, Smith, K., Stinziano, Young, Speaker Rosenberger

Senator Eklund

A BILL

To amend sections 4549.02 and 4549.021 and to enact 1
section 4765.44 of the Revised Code to increase 2
the penalty for failure to stop after a traffic 3
accident that results in the death of a person 4
or serious physical harm to a person, to name 5
those penalty changes Brandon's Law, and to 6
require emergency medical service personnel to 7
report the administration of naloxone on request 8
of a law enforcement agency. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4549.02 and 4549.021 be amended 10
and section 4765.44 of the Revised Code be enacted to read as 11
follows: 12

Sec. 4549.02. (A) (1) In the case of a motor vehicle 13
accident ~~to~~ or collision with persons or property ~~upon any of~~ 14
~~the~~ on a public roads or highways, due to the driving or 15

~~operation thereon of any motor vehicle, the person driving or~~ 16
~~operating road or highway, the operator of the motor vehicle,~~ 17
having knowledge of the accident or collision, immediately shall 18
stop the ~~driver's or operator's~~ motor vehicle at the scene of 19
the accident or collision. The operator ~~and~~ shall remain at the 20
scene of the accident or collision until the ~~driver or operator~~ 21
has given the ~~driver's or operator's~~ name and address and, if 22
the ~~driver or operator~~ is not the owner, the name and address of 23
the owner of that motor vehicle, together with the registered 24
number of that motor vehicle, to ~~any~~ all of the following: 25

(a) Any person injured in the accident or collision ~~or to~~ 26
~~the;~~ 27

(b) The operator, occupant, owner, or attendant of any 28
motor vehicle damaged in the accident or collision, ~~or to any;~~ 29

(c) The police officer at the scene of the accident or 30
collision. 31

(2) In the event the an injured person is unable to 32
comprehend and record the information required to be given ~~by~~ 33
under division (A) (1) of this section, the other driver operator 34
involved in the accident or collision ~~forthwith~~ shall notify the 35
nearest police authority concerning the location of the accident 36
or collision, and the ~~driver's operator's~~ name, address, and the 37
registered number of the motor vehicle the ~~driver operator~~ was 38
operating, ~~and then~~. The operator shall remain at the scene of 39
the accident or collision until a police officer arrives, unless 40
removed from the scene by an emergency vehicle operated by a 41
political subdivision or an ambulance. 42

(3) If the accident or collision is with an unoccupied or 43
unattended motor vehicle, the operator who collides with the 44

motor vehicle shall securely attach the information required to 45
be given in this section, in writing, to a conspicuous place in 46
or on the unoccupied or unattended motor vehicle. 47

(B) (1) Whoever violates division (A) of this section is 48
guilty of failure to stop after an accident~~7~~. Except as 49
otherwise provided in division (B) (2) or (3) of this section, 50
failure to stop after an accident is a misdemeanor of the first 51
degree. ~~If~~ 52

(2) If the accident or collision results in serious 53
physical harm to a person, failure to stop after an accident is 54
whichever of the following is applicable: 55

(a) Except as otherwise provided in division (B) (2) (b) of 56
this section, a felony of the fifth degree; 57

(b) If the offender knew that the accident or collision 58
resulted in serious physical harm to a person, a felony of the 59
fourth degree. ~~If~~ 60

(3) If the accident or collision results in the death of a 61
person, failure to stop after an accident is whichever of the 62
following is applicable: 63

(a) Except as provided in division (B) (3) (b) of this 64
section, a felony of the third degree; 65

(b) If the offender knew that the accident or collision 66
resulted in the death of a person, a felony of the second 67
degree. ~~The~~ 68

(4) In all cases, the court, in addition to any other 69
penalties provided by law, shall impose upon the offender a 70
class five suspension of the offender's driver's license, 71
commercial driver's license, temporary instruction permit, 72

probationary license, or nonresident operating privilege from 73
the range specified in division (A) (5) of section 4510.02 of the 74
Revised Code. No judge shall suspend the first six months of 75
suspension of an offender's license, permit, or privilege 76
required by this division. 77

The offender shall provide the court with proof of 78
financial responsibility as defined in section 4509.01 of the 79
Revised Code. If the offender fails to provide that proof of 80
financial responsibility, then, in addition to any other 81
penalties provided by law, the court may order restitution 82
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 83
amount not exceeding five thousand dollars for any economic loss 84
arising from an accident or collision that was the direct and 85
proximate result of the offender's operation of the motor 86
vehicle before, during, or after committing the offense charged 87
under this section. 88

Sec. 4549.021. (A) (1) In the case of a motor vehicle 89
accident or collision resulting in injury or damage to persons 90
or property ~~upon~~ on any public or private property other than 91
~~public roads or highways, due to the driving or operation~~ 92
~~thereon of any motor vehicle, the person driving or operating a~~ 93
public road or highway, the operator of the motor vehicle, 94
having knowledge of the accident or collision, shall stop, ~~and,~~ 95
~~upon~~ at the scene of the accident or collision. Upon request of 96
~~the~~ any person who is injured or damaged, or any other person, 97
the operator shall give that person the ~~driver's or operator's~~ 98
name and address, and, if the ~~driver or operator~~ is not the 99
owner, the name and address of the owner of that motor vehicle, 100
together with the registered number of that motor vehicle, and, 101
if available, exhibit the ~~driver's or operator's~~ driver's or 102
commercial driver's license. 103

~~(2) If the owner or person in charge of the damaged~~ 104
~~property is not furnished such information, the driver operator~~ 105
of the motor vehicle involved in the accident or collision does 106
not provide the information specified in division (A) (1) of this 107
section, the operator shall give that information, within 108
twenty-four hours after the accident or collision, ~~shall forward~~ 109
to the police department of the city or village in which the 110
accident or collision occurred, or if it occurred outside the 111
corporate limits of a city or village, to the sheriff of the 112
county in which the accident or collision occurred ~~the same~~ 113
~~information required to be given to the owner or person in~~ 114
~~control of the damaged property and give the date, time, and~~ 115
~~location of the accident or collision.~~ 116

(3) If the accident or collision is with an unoccupied or 117
unattended motor vehicle, the operator who collides with the 118
motor vehicle shall securely attach the information required ~~to~~ 119
~~be given in under division (A) (1) of this section,~~ in writing, 120
to a conspicuous place in or on the unoccupied or unattended 121
motor vehicle. 122

(B) (1) Whoever violates division (A) of this section is 123
guilty of failure to stop after a nonpublic road accident, ~~7.~~ 124
Except as otherwise provided in division (B) (2) or (3) of this 125
section, failure to stop after a nonpublic road accident is a 126
misdemeanor of the first degree. ~~If~~ 127

(2) If the accident or collision results in serious 128
physical harm to a person, failure to stop after a nonpublic 129
road accident is whichever of the following is applicable: 130

(a) Except as otherwise provided in division (B) (2) (b) of 131
this section, a felony of the fifth degree; 132

(b) If the offender knew that the accident or collision 133
resulted in serious physical harm to a person, a felony of the 134
fourth degree. If- 135

(3) If the accident or collision results in the death of a 136
person, failure to stop after a nonpublic road accident is 137
whichever of the following is applicable: 138

(a) Except as provided in division (B)(3)(b) of this 139
section, a felony of the third degree; 140

(b) If the offender knew that the accident or collision 141
resulted in the death of a person, a felony of the second 142
degree. The- 143

(4) In all cases, the court, in addition to any other 144
penalties provided by law, shall impose upon the offender a 145
class five suspension of the offender's driver's license, 146
commercial driver's license, temporary instruction permit, 147
probationary license, or nonresident operating privilege from 148
the range specified in division (A)(5) of section 4510.02 of the 149
Revised Code. No judge shall suspend the first six months of 150
suspension of an offender's license, permit, or privilege 151
required by this division. 152

The offender shall provide the court with proof of 153
financial responsibility as defined in section 4509.01 of the 154
Revised Code. If the offender fails to provide that proof of 155
financial responsibility, then, in addition to any other 156
penalties provided by law, the court may order restitution 157
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 158
amount not exceeding five thousand dollars for any economic loss 159
arising from an accident or collision that was the direct and 160
proximate result of the offender's operation of the motor 161

vehicle before, during, or after committing the offense charged 162
under this section. 163

Sec. 4765.44. (A) As used in this section, "law 164
enforcement agency" has the same meaning as in section 2925.61 165
of the Revised Code. 166

(B) Upon request of a law enforcement agency, emergency 167
medical service personnel and any firefighter or volunteer 168
firefighter acting within the course of the firefighting 169
profession shall disclose the name and address, if known, of an 170
individual to whom the emergency medical services personnel, 171
firefighter, or volunteer firefighter administered naloxone due 172
to an actual or suspected drug overdose, unless the emergency 173
medical services personnel, firefighter, or volunteer 174
firefighter reasonably believes that the law enforcement agency 175
making the request does not have jurisdiction over the place 176
where the naloxone was administered. 177

Section 2. That existing sections 4549.02 and 4549.021 of 178
the Revised Code are hereby repealed. 179

Section 3. The amendments to sections 4549.02 and 4549.021 180
of the Revised Code made in this act shall be known as Brandon's 181
Law. 182