

HB 132 PHILIP WIGAL'S LAW
HOUSE JUDICIARY COMMITTEE
PROPONENT TESTIMONY OCT. 15, 2025

Chairman Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee, I am Sharon Montgomery and I am here to support increasing penalties for the offenses this bill addresses. I am also here to share my perspective on increasing traffic offense penalties in general.

Currently, the only moving violation that always has built-in increased penalties for causing harm is DUI. A few have them for special situations like in a construction zone. Almost all have built-in increased penalties for repeat offenses.

And, causing harm doesn't even automatically send the case to court! Because of Traffic Rule 13 and prosecutor discretion, a driver can kill someone by breaking a traffic law and send the fine they would get for just breaking that law to the Traffic Violations Bureau and be done with it!

Psychologists tell us a crucial factor in being able to heal from emotional trauma is an official acknowledgement that a serious wrong was done. Slap-on-the-wrist penalties do **not** serve as that acknowledgement.

I see on the agenda that amendments are a possibility. Not knowing what they are in time to submit testimony by your deadline puts witnesses at a disadvantage so I will speak about the intent of the bill rather than any details.

The intent is to hold drivers who choose to drive unsafely and thus cause serious physical harm or death accountable proportionately to the amount of harm they have caused. At the risk of sounding flippant while discussing something so gravely serious, isn't this a "no brainer"?

Obviously, **how** to achieve this goal is where the hard work comes in. This bill offers some solutions for a particular set of circumstances. Currently pending are HBs 3, 82, 111, 203, 336, and 357 that each want to achieve this goal for a particular set of circumstances. It's my understanding that there is at least one more such bill waiting to be introduced.

There are also similar bills that have passed, and far too many that haven't.

These bills usually exist because we waited until someone's life was badly damaged or ended and a family member had the strength to come ask for a fix and some justice in that situation.

This piece-meal approach brings some justice but also brings the problem that Rep. Isaacsohn mentioned in the sponsor testimony: the interaction and sometimes conflict between the provisions of different bills.

Instead of waiting for people's lives to be damaged or ended and slowly fixing the causes one violation at a time and eventually creating conflicting provisions or misaligned penalties, I urge a more comprehensive approach. We have gotten to the point where damaging a manhole cover is a more serious offense than damaging a man¹.

I have found out from the governor's office that apparently I as an individual citizen can't ask him to form a task force to study the many interrelated problems of traffic violence. These problems include the fact that Marsy's Law took most of us out of the definition of "victim" so we don't have rights or qualify for state support services, the gaps in the law such as the fact that there is no over-all vehicular assault offense², and the fact that breaking a traffic law or seriously injuring someone by breaking it or killing someone by breaking it all have the same statutory penalties. These and other problems need to be reviewed and done so in the context of each other.

It is my understanding that a task force can be created in a couple of ways. A legislator can introduce a bill to create it, or an established organization can ask the governor to create it. I'm in the process of looking for an established organization. I'd love to meet with any of you to discuss this and show you my outline for the structure of such a task force. Maybe one of you would introduce a bill to create it?

¹4511.17(A)(3) Knowingly damaging a manhole cover is an F5 for damaging government property.
2903.06(D) Vehicular manslaughter is an M2.

²2903.08(B) Aggravated vehicular assault
2903.08(C) Vehicular assault **only if** speed or reckless in a construction zone or by recklessness.

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