

H. B. No. 203
As Introduced

_____ moved to amend as follows:

- In line 10 of the title, after "to" insert "allow a court to" 1
- In line 12 of the title, delete "require" and insert "allow a court
to impose" 2
3
- In line 33, delete "or an" 4
- In line 34, delete "active school zone" 5
- In line 37, delete "or an active school zone" 6
- In line 39, delete "or an active school zone" 7
- In line 40, after "section" insert ";" 8
- (c) As the proximate result of committing, while operating 9
or participating in the operation of a motor vehicle, utility 10
vehicle, mini-truck, or motorcycle in an active school zone, a 11
reckless operation offense, provided that this division applies 12
only if the person whose death is caused or whose pregnancy is 13
unlawfully terminated is in the active school zone at the time 14
of the offender's commission of the reckless operation offense 15
in the active school zone and does not apply as described in 16



<u>division (F) of this section"</u>	17
In line 243, delete " <u>and the court shall impose a"</u>	18
Delete line 244	19
In line 245, delete " <u>(E) of this section"</u>	20
In line 248, delete " <u>, and the court shall impose a mandatory prison"</u>	21 22
Delete line 249	23
In line 250, delete " <u>section,</u> "	24
After line 261, insert:	25
<u>"In addition to any other sanctions imposed pursuant to</u>	26
<u>this division, the court shall impose upon the offender a class</u>	27
<u>three suspension of the offender's driver's license, commercial</u>	28
<u>driver's license, temporary instruction permit, probationary</u>	29
<u>license, or nonresident operating privilege from the range</u>	30
<u>specified in division (A) (4) of section 4510.02 of the Revised</u>	31
<u>Code, or, if the offender previously has been convicted of or</u>	32
<u>pleaded guilty to a violation of this section or any traffic-</u>	33
<u>related homicide, manslaughter, or assault offense, a class two</u>	34
<u>suspension of the offender's driver's license, commercial</u>	35
<u>driver's license, temporary instruction permit, probationary</u>	36
<u>license, or nonresident operating privilege from the range</u>	37
<u>specified in division (A) (3) of that section, or, if the</u>	38
<u>offender previously has been convicted of or pleaded guilty to a</u>	39
<u>traffic-related murder, felonious assault, or attempted murder</u>	40
<u>offense, a class one suspension of the offender's driver's</u>	41
<u>license, commercial driver's license, temporary instruction</u>	42
<u>permit, probationary license, or nonresident operating privilege</u>	43
<u>as specified in division (A) (2) of that section."</u>	44

In line 280, delete " <u>(4)</u> "	45
In line 281, delete " <u>(D) (2) or (3)</u> " and insert " <u>(D) (3)</u> "	46
In line 322, strike through " <u>(A) (2)</u> " and insert " <u>(A) (2) (a), (2) (b),</u> "	47
Delete lines 344 through 351	48
In line 352, after " and " insert " <u>, (2) (c)</u> "	49
In line 430, delete " <u>or an</u> "	50
In line 431, delete " <u>active school zone</u> "	51
In line 434, delete " <u>or an active school</u> "	52
In line 435, delete " <u>zone</u> "	53
In line 436, delete " <u>or an active school</u> "	54
In line 437, delete " <u>zone</u> "	55
In line 439, after "Recklessly" insert " <u>;</u> "	56
<u>(c) As the proximate result of committing, while operating</u>	57
<u>or participating in the operation of a motor vehicle, utility</u>	58
<u>vehicle, mini-truck, or motorcycle in an active school zone, a</u>	59
<u>reckless operation offense, provided that this division applies</u>	60
<u>only if the person to whom the serious physical harm is caused</u>	61
<u>or to whose unborn the serious physical harm is caused is in an</u>	62
<u>active school zone at the time of the offender's commission of</u>	63
<u>the reckless operation offense in the active school zone and</u>	64
<u>does not apply as described in division (E) of this section"</u>	65
In line 588, strike through "(A)"	66
In line 589, strike through "(2)"; delete " <u>, (A) (3) (b), or (A) (3)</u>	67
<u>(c)"</u> and insert " <u>(A) (2) (a) or (b)</u> "	68
In line 609, delete " <u>from division (A) (5) of that"</u>	69

In line 610, delete " <u>section for a felony of the fifth degree,</u> "	70
In line 617, strike through "(A) (2) (a)" and insert " <u>(A) (2)</u> "	71
In line 668, delete the first " <u>,</u> "; after " and " insert " <u>, (2) (c),</u> "	72
In line 669, after "(A) (2) (a)" insert " <u>, (2) (c),</u> "	73
In line 685, delete " <u>Any</u> " and insert " <u>A court may prohibit any</u> "	74
In line 689, delete " <u>is not eligible to</u> "	75
In line 690, delete " <u>retain</u> " and insert " <u>from retaining</u> "; delete " <u>be</u> <u>granted</u> " and insert " <u>obtaining</u> "; delete " <u>to</u> "	76 77
In line 691, delete " <u>have the</u> " and insert " <u>having</u> "	78
In line 694, delete " <u>A</u> "	79
Delete lines 695 through 701	80
In line 711, after " <u>internet.</u> " insert " <u>A minimum of twenty-five per</u> <u>cent of the number of hours of instruction included in the course shall be</u> <u>devoted to instruction on driver attitude. The course also shall devote a</u> <u>designated number of hours to instruction in the area of school zone</u> <u>safety and operation of a motor vehicle in active school zones. The</u> <u>director shall prescribe the content of the instruction.</u> "	81 82 83 84 85 86
In line 1238, delete " <u>shall</u> " and insert " <u>may</u> "	87
In line 1257, delete " <u>shall</u> " and insert " <u>may</u> "	88
In line 1272, delete " <u>shall</u> " and insert " <u>may</u> "	89
In line 1425, delete " <u>shall</u> " and insert " <u>may</u> "	90
In line 1523, delete " <u>shall</u> " and insert " <u>may</u> "	91
In line 2113, delete " <u>or in an active school zone</u> "	92
After line 2127, insert:	93

"(5) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in an active school zone, the court, in addition to all other penalties provided by law, may impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine."

In line 2191, delete "shall" and insert "may" 105

In line 2259, delete "shall" and insert "may" 106

In line 2285, delete "shall" and insert "may" 107

In line 2332, delete "shall" and insert "may" 108

In line 2365, delete "shall" and insert "may" 109

In line 2398, delete "shall" and insert "may" 110

In line 2434, delete "shall" and insert "may" 111

In line 2474, delete "shall" and insert "may" 112

In line 2503, delete "shall" and insert "may" 113

In line 2554, delete "shall" and insert "may" 114

In line 2600, delete "shall" and insert "may" 115

In line 2631, delete "shall" and insert "may" 116

In line 2690, delete "shall" and insert "may" 117

In line 2729, delete "shall" and insert "may" 118

In line 2760, delete " <u>shall</u> " and insert " <u>may</u> "	119
In line 2820, delete " <u>shall</u> " and insert " <u>may</u> "	120
In line 2848, delete " <u>shall</u> " and insert " <u>may</u> "	121
In line 2876, delete " <u>shall</u> " and insert " <u>may</u> "	122
In line 2925, delete " <u>shall</u> " and insert " <u>may</u> "	123
In line 2954, delete " <u>shall</u> " and insert " <u>may</u> "	124
In line 2978, delete " <u>shall</u> " and insert " <u>may</u> "	125
In line 3000, delete " <u>shall</u> " and insert " <u>may</u> "	126
In line 3043, delete " <u>shall</u> " and insert " <u>may</u> "	127
In line 3074, delete " <u>shall</u> " and insert " <u>may</u> "	128
In line 3096, delete " <u>shall</u> " and insert " <u>may</u> "	129
In line 3129, delete " <u>shall</u> " and insert " <u>may</u> "	130
In line 3158, delete " <u>shall</u> " and insert " <u>may</u> "	131

The motion was _____ agreed to.

SYNOPSIS 132

Mandatory prison terms; court discretion for enhanced penalties 133
134

R.C. 2903.06, 2903.08, 2903.081, 4510.039, 4511.132, 135
4511.20, 4511.202, 4511.204, 4511.205, 4511.21, 4511.25, 136
4511.251, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 137
4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 138

4511.39, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441,	139
4511.46, 4511.54, 4511.60, 4511.711, and 4511.712	140
Removes the bill's mandatory prison sentences for	141
vehicular homicide and assault that occurs in an active school	142
zone and instead, allows the court discretion to impose prison	143
terms that correspond with the applicable felony degree.	144
Makes permissive, instead of mandatory as under the bill,	145
enhanced penalties and increased fines that a court may impose	146
if the offender commits certain traffic offenses in an active	147
school zone.	148
Allows, instead of requires (as under the bill), a court	149
to require a person to complete remedial driving instruction as	150
a condition for the reinstatement of the person's driver's	151
license that is suspended as a result of vehicular homicide or	152
vehicular assault in an active school zone.	153
Generally increases the mandatory driver's license	154
suspension for vehicular homicide that is caused by speeding or	155
a traffic offense in an active school zone from a class six	156
license suspension (three months to two years) to a class three	157
suspension (two years to ten years).	158