

As Introduced

136th General Assembly

Regular Session

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H. B. No. 357

Representative Lorenz

To amend sections 2903.06 and 2903.08 of the 1
Revised Code to alter the law governing 2
vehicular manslaughter and vehicular assault. 3

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

Section 1. That sections 2903.06 and 2903.08 of the 4
Revised Code be amended to read as follows: 5

Sec. 2903.06. (A) No person, while operating or 6
participating in the operation of a motor vehicle, motorcycle, 7
utility vehicle, mini-truck, snowmobile, locomotive, watercraft, 8
or aircraft, shall cause the death of another or the unlawful 9
termination of another's pregnancy in any of the following ways: 10

(1) As the proximate result of committing an OVI offense. 11

(2) In one of the following ways: 12

(a) Recklessly; 13

(b) As the proximate result of committing, while operating 14
or participating in the operation of a motor vehicle, utility 15
vehicle, mini-truck, or motorcycle in a construction zone, a 16
reckless operation offense, provided that this division applies 17
only if the person whose death is caused or whose pregnancy is 18
unlawfully terminated is in the construction zone at the time of 19

the offender's commission of the reckless operation offense in 20
the construction zone and does not apply as described in 21
division (F) of this section. 22

(3) In one of the following ways: 23

(a) Negligently; 24

(b) As the proximate result of committing, while operating 25
or participating in the operation of a motor vehicle, utility 26
vehicle, mini-truck, or motorcycle in a construction zone, a 27
speeding offense, provided that this division applies only if 28
the person whose death is caused or whose pregnancy is 29
unlawfully terminated is in the construction zone at the time of 30
the offender's commission of the speeding offense in the 31
construction zone and does not apply as described in division 32
(F) of this section. 33

(4) As the proximate result of committing a violation of 34
any provision of any section contained in Title XLV of the 35
Revised Code that is a minor misdemeanor or unclassified 36
misdemeanor or of a municipal ordinance that, regardless of the 37
penalty set by ordinance for the violation, is substantially 38
equivalent to any provision of any section contained in Title 39
XLV of the Revised Code that is a minor misdemeanor or 40
unclassified misdemeanor. 41

(B) (1) Whoever violates division (A) (1) or (2) of this 42
section is guilty of aggravated vehicular homicide and shall be 43
punished as provided in divisions (B) (2) and (3) of this 44
section. 45

(2) (a) Except as otherwise provided in division (B) (2) (b), 46
(c), or (d) of this section, aggravated vehicular homicide 47
committed in violation of division (A) (1) of this section is a 48

felony of the second degree and the court shall impose a 49
mandatory prison term on the offender as described in division 50
(E) of this section. 51

(b) Except as otherwise provided in division (B) (2) (c) or 52
(d) of this section, aggravated vehicular homicide committed in 53
violation of division (A) (1) of this section is a felony of the 54
first degree, and the court shall impose a mandatory prison term 55
on the offender as described in division (E) of this section, if 56
any of the following apply: 57

(i) At the time of the offense, the offender was driving 58
under a suspension or cancellation imposed under Chapter 4510. 59
or any other provision of the Revised Code or was operating a 60
motor vehicle or motorcycle, did not have a valid driver's 61
license, commercial driver's license, temporary instruction 62
permit, probationary license, or nonresident operating 63
privilege, and was not eligible for renewal of the offender's 64
driver's license or commercial driver's license without 65
examination under section 4507.10 of the Revised Code. 66

(ii) The offender previously has been convicted of or 67
pleaded guilty to one prior OVI offense within the previous 68
twenty years. 69

(iii) The offender previously has been convicted of or 70
pleaded guilty to one prior traffic-related homicide, 71
manslaughter, or assault offense within the previous twenty 72
years. 73

(c) Except as otherwise provided in division (B) (2) (d) of 74
this section, aggravated vehicular homicide committed in 75
violation of division (A) (1) of this section is a felony of the 76
first degree, and the court shall sentence the offender to a 77

mandatory prison term as provided in section 2929.142 of the 78
Revised Code and described in division (E) of this section if 79
any of the following apply: 80

(i) The offender previously has been convicted of or 81
pleaded guilty to two prior OVI offenses within the previous 82
twenty years. 83

(ii) The offender previously has been convicted of or 84
pleaded guilty to two prior traffic-related homicide, 85
manslaughter, or assault offenses within the previous twenty 86
years. 87

(iii) The offender previously has been convicted of or 88
pleaded guilty to two prior violations of any combination of the 89
offenses listed in division (B) (2) (c) (i) and (ii) of this 90
section within the previous twenty years. 91

(d) Aggravated vehicular homicide committed in violation 92
of division (A) (1) of this section is a felony of the first 93
degree, and the court shall sentence the offender to a mandatory 94
prison term as provided in section 2929.142 of the Revised Code 95
and described in division (E) of this section if any of the 96
following apply: 97

(i) The offender previously has been convicted of or 98
pleaded guilty to three or more prior OVI offenses within the 99
previous twenty years. 100

(ii) The offender previously has been convicted of or 101
pleaded guilty to three or more prior traffic-related homicide, 102
manslaughter, or assault offenses within the previous twenty 103
years. 104

(iii) The offender previously has been convicted of or 105
pleaded guilty to three or more prior violations of any 106

combination of the offenses listed in divisions (B) (2) (d) (i) and 107
(ii) of this section within the previous twenty years. 108

(e) In addition to any other sanctions imposed pursuant to 109
division (B) (2) (a), (b), (c), or (d) of this section for 110
aggravated vehicular homicide committed in violation of division 111
(A) (1) of this section, the court shall impose upon the offender 112
a class one suspension of the offender's driver's license, 113
commercial driver's license, temporary instruction permit, 114
probationary license, or nonresident operating privilege as 115
specified in division (A) (1) of section 4510.02 of the Revised 116
Code. 117

Divisions (A) (1) to (3) of section 4510.54 of the Revised 118
Code apply to a suspension imposed under division (B) (2) (e) of 119
this section. 120

(f) Notwithstanding section 2929.18 of the Revised Code, 121
and in addition to any other sanctions imposed pursuant to 122
division (B) (2) of this section for aggravated vehicular 123
homicide committed in violation of division (A) (1) of this 124
section, the court shall impose upon the offender a fine of not 125
more than twenty-five thousand dollars. 126

(3) Except as otherwise provided in this division, 127
aggravated vehicular homicide committed in violation of division 128
(A) (2) of this section is a felony of the third degree. 129
Aggravated vehicular homicide committed in violation of division 130
(A) (2) of this section is a felony of the second degree if, at 131
the time of the offense, the offender was driving under a 132
suspension or cancellation imposed under Chapter 4510. or any 133
other provision of the Revised Code or was operating a motor 134
vehicle or motorcycle, did not have a valid driver's license, 135
commercial driver's license, temporary instruction permit, 136

probationary license, or nonresident operating privilege, and 137
was not eligible for renewal of the offender's driver's license 138
or commercial driver's license without examination under section 139
4507.10 of the Revised Code or if the offender previously has 140
been convicted of or pleaded guilty to a violation of this 141
section or any traffic-related homicide, manslaughter, or 142
assault offense. The court shall impose a mandatory prison term 143
on the offender when required by division (E) of this section. 144

In addition to any other sanctions imposed pursuant to 145
this division for a violation of division (A) (2) of this 146
section, the court shall impose upon the offender a class two 147
suspension of the offender's driver's license, commercial 148
driver's license, temporary instruction permit, probationary 149
license, or nonresident operating privilege from the range 150
specified in division (A) (2) of section 4510.02 of the Revised 151
Code or, if the offender previously has been convicted of or 152
pleaded guilty to a traffic-related murder, felonious assault, 153
or attempted murder offense, a class one suspension of the 154
offender's driver's license, commercial driver's license, 155
temporary instruction permit, probationary license, or 156
nonresident operating privilege as specified in division (A) (1) 157
of that section. 158

(C) Whoever violates division (A) (3) of this section is 159
guilty of vehicular homicide. Except as otherwise provided in 160
this division, vehicular homicide is a misdemeanor of the first 161
degree. Vehicular homicide committed in violation of division 162
(A) (3) of this section is a felony of the fourth degree if, at 163
the time of the offense, the offender was driving under a 164
suspension or cancellation imposed under Chapter 4510. or any 165
other provision of the Revised Code or was operating a motor 166
vehicle or motorcycle, did not have a valid driver's license, 167

commercial driver's license, temporary instruction permit, 168
probationary license, or nonresident operating privilege, and 169
was not eligible for renewal of the offender's driver's license 170
or commercial driver's license without examination under section 171
4507.10 of the Revised Code or if the offender previously has 172
been convicted of or pleaded guilty to a violation of this 173
section or any traffic-related homicide, manslaughter, or 174
assault offense. The court shall impose a mandatory jail term or 175
a mandatory prison term on the offender when required by 176
division (E) of this section. 177

In addition to any other sanctions imposed pursuant to 178
this division, the court shall impose upon the offender a class 179
four suspension of the offender's driver's license, commercial 180
driver's license, temporary instruction permit, probationary 181
license, or nonresident operating privilege from the range 182
specified in division (A) (4) of section 4510.02 of the Revised 183
Code, or, if the offender previously has been convicted of or 184
pleaded guilty to a violation of this section or any traffic- 185
related homicide, manslaughter, or assault offense, a class 186
three suspension of the offender's driver's license, commercial 187
driver's license, temporary instruction permit, probationary 188
license, or nonresident operating privilege from the range 189
specified in division (A) (3) of that section, or, if the 190
offender previously has been convicted of or pleaded guilty to a 191
traffic-related murder, felonious assault, or attempted murder 192
offense, a class two suspension of the offender's driver's 193
license, commercial driver's license, temporary instruction 194
permit, probationary license, or nonresident operating privilege 195
as specified in division (A) (2) of that section. 196

(D) Whoever violates division (A) (4) of this section is 197
guilty of vehicular manslaughter. Except as otherwise provided 198

in this division, vehicular manslaughter is a misdemeanor of the 199
~~second-first~~ degree. Vehicular manslaughter is a ~~misdemeanor-~~ 200
felony of the ~~first-fourth~~ degree if, at the time of the 201
offense, the offender was driving under a suspension or 202
cancellation imposed under Chapter 4510. or any other provision 203
of the Revised Code or was operating a motor vehicle or 204
motorcycle, did not have a valid driver's license, commercial 205
driver's license, temporary instruction permit, probationary 206
license, or nonresident operating privilege, and was not 207
eligible for renewal of the offender's driver's license or 208
commercial driver's license without examination under section 209
4507.10 of the Revised Code or if the offender previously has 210
been convicted of or pleaded guilty to a violation of this 211
section or any traffic-related homicide, manslaughter, or 212
assault offense. 213

In addition to any other sanctions imposed pursuant to 214
this division, the court shall impose upon the offender a class 215
~~six-four~~ suspension of the offender's driver's license, 216
commercial driver's license, temporary instruction permit, 217
probationary license, or nonresident operating privilege from 218
the range specified in division ~~(A) (6)~~ (A) (4) of section 4510.02 219
of the Revised Code or, if the offender previously has been 220
convicted of or pleaded guilty to a violation of this section, 221
any traffic-related homicide, manslaughter, or assault offense, 222
or a traffic-related murder, felonious assault, or attempted 223
murder offense, a class ~~four-three~~ suspension of the offender's 224
driver's license, commercial driver's license, temporary 225
instruction permit, probationary license, or nonresident 226
operating privilege from the range specified in division ~~(A) (4)~~ 227
(A) (3) of that section. 228

(E) (1) The court shall impose a mandatory prison term on 229

an offender who is convicted of or pleads guilty to a violation 230
of division (A) (1) of this section. Except as otherwise provided 231
in this division, the mandatory prison term shall be a definite 232
term from the range of prison terms provided in division (A) (1) 233
(b) of section 2929.14 of the Revised Code for a felony of the 234
first degree or from division (A) (2) (b) of that section for a 235
felony of the second degree, whichever is applicable, except 236
that if the violation is committed on or after March 22, 2019, 237
the court shall impose as the minimum prison term for the 238
offense a mandatory prison term that is one of the minimum terms 239
prescribed for a felony of the first degree in division (A) (1) 240
(a) of section 2929.14 of the Revised Code or one of the terms 241
prescribed for a felony of the second degree in division (A) (2) 242
(a) of that section, whichever is applicable. If division (B) (2) 243
(c) or (d) of this section applies to an offender who is 244
convicted of or pleads guilty to the violation of division (A) 245
(1) of this section, the court shall impose the mandatory prison 246
term pursuant to division (A) or (B) of section 2929.142 of the 247
Revised Code, as applicable. The court shall impose a mandatory 248
jail term of at least fifteen days on an offender who is 249
convicted of or pleads guilty to a misdemeanor violation of 250
division (A) (3) (b) of this section and may impose upon the 251
offender a longer jail term as authorized pursuant to section 252
2929.24 of the Revised Code. 253

(2) The court shall impose a mandatory prison term on an 254
offender who is convicted of or pleads guilty to a violation of 255
division (A) (2) or (3) (a) of this section or a felony violation 256
of division (A) (3) (b) or (4) of this section if either division 257
(E) (2) (a) or (b) of this section applies. The mandatory prison 258
term shall be a definite term from the range of prison terms 259
provided in division (A) (3) (a) of section 2929.14 of the Revised 260

Code for a felony of the third degree or from division (A) (4) of 261
that section for a felony of the fourth degree, whichever is 262
applicable. The court shall impose a mandatory prison term on an 263
offender in a category described in this division if either of 264
the following applies: 265

(a) The offender previously has been convicted of or 266
pleaded guilty to a violation of this section or section 2903.08 267
of the Revised Code. 268

(b) At the time of the offense, the offender was driving 269
under suspension or cancellation under Chapter 4510. or any 270
other provision of the Revised Code or was operating a motor 271
vehicle or motorcycle, did not have a valid driver's license, 272
commercial driver's license, temporary instruction permit, 273
probationary license, or nonresident operating privilege, and 274
was not eligible for renewal of the offender's driver's license 275
or commercial driver's license without examination under section 276
4507.10 of the Revised Code. 277

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 278
apply in a particular construction zone unless signs of the type 279
described in section 2903.081 of the Revised Code are erected in 280
that construction zone in accordance with the guidelines and 281
design specifications established by the director of 282
transportation under section 5501.27 of the Revised Code. The 283
failure to erect signs of the type described in section 2903.081 284
of the Revised Code in a particular construction zone in 285
accordance with those guidelines and design specifications does 286
not limit or affect the application of division (A) (1), (A) (2) 287
(a), (A) (3) (a), or (A) (4) of this section in that construction 288
zone or the prosecution of any person who violates any of those 289
divisions in that construction zone. 290

(G) (1) As used in this section:	291
(a) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	292 293
(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.	294 295 296 297 298 299 300
(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	301 302
(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code.	303 304 305
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	306 307 308
(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.	309 310 311 312 313 314 315 316 317 318 319

(g) "Motor vehicle," "mini-truck," and "utility vehicle" 320
have the same meanings as in section 4501.01 of the Revised 321
Code. 322

(h) "OVI offense" means a violation of division (A) of 323
section 4511.19 of the Revised Code, a violation of division (A) 324
of section 1547.11 of the Revised Code, a violation of division 325
(A) (3) of section 4561.15 of the Revised Code, or a 326
substantially equivalent municipal ordinance. 327

(2) For the purposes of this section, when a penalty or 328
suspension is enhanced because of a prior or current violation 329
of a specified law or a prior or current specified offense, the 330
reference to the violation of the specified law or the specified 331
offense includes any violation of any substantially equivalent 332
municipal ordinance, former law of this state, or current or 333
former law of another state or the United States. 334

Sec. 2903.08. (A) No person, while operating or 335
participating in the operation of a motor vehicle, motorcycle, 336
utility vehicle, mini-truck, snowmobile, locomotive, watercraft, 337
or aircraft, shall cause serious physical harm to another person 338
or another's unborn in any of the following ways: 339

(1) (a) As the proximate result of committing a violation 340
of division (A) of section 4511.19 of the Revised Code or of a 341
substantially equivalent municipal ordinance; 342

(b) As the proximate result of committing a violation of 343
division (A) of section 1547.11 of the Revised Code or of a 344
substantially equivalent municipal ordinance; 345

(c) As the proximate result of committing a violation of 346
division (A) (3) of section 4561.15 of the Revised Code or of a 347
substantially equivalent municipal ordinance. 348

(2) In one of the following ways: 349

(a) As the proximate result of committing, while operating 350
or participating in the operation of a motor vehicle, utility 351
vehicle, mini-truck, or motorcycle in a construction zone, a 352
reckless operation offense, provided that this division applies 353
only if the person to whom the serious physical harm is caused 354
or to whose unborn the serious physical harm is caused is in the 355
construction zone at the time of the offender's commission of 356
the reckless operation offense in the construction zone and does 357
not apply as described in division (E) of this section; 358

(b) Recklessly. 359

(3) As the proximate result of committing, while operating 360
or participating in the operation of a motor vehicle, utility 361
vehicle, mini-truck, or motorcycle in a construction zone, a 362
speeding offense, provided that this division applies only if 363
the person to whom the serious physical harm is caused or to 364
whose unborn the serious physical harm is caused is in the 365
construction zone at the time of the offender's commission of 366
the speeding offense in the construction zone and does not apply 367
as described in division (E) of this section. 368

(4) As the proximate result of committing a violation of 369
any provision of any section contained in Title XLV of the 370
Revised Code that is a minor misdemeanor or unclassified 371
misdemeanor or of a municipal ordinance that, regardless of the 372
penalty set by ordinance for the violation, is substantially 373
equivalent to any provision of any section contained in Title 374
XLV of the Revised Code that is a minor misdemeanor or 375
unclassified misdemeanor. 376

(B) (1) Whoever violates division (A) (1) of this section is 377

guilty of aggravated vehicular assault. Except as otherwise 378
provided in this division, aggravated vehicular assault is a 379
felony of the third degree. Aggravated vehicular assault is a 380
felony of the second degree if any of the following apply: 381

(a) At the time of the offense, the offender was driving 382
under a suspension imposed under Chapter 4510. or any other 383
provision of the Revised Code. 384

(b) The offender previously has been convicted of or 385
pleaded guilty to a violation of this section. 386

(c) The offender previously has been convicted of or 387
pleaded guilty to any traffic-related homicide, manslaughter, or 388
assault offense. 389

(d) The offender previously has been convicted of or 390
pleaded guilty to three or more prior violations of division (A) 391
of section 4511.19 of the Revised Code or a substantially 392
equivalent municipal ordinance within the previous ten years. 393

(e) The offender previously has been convicted of or 394
pleaded guilty to three or more prior violations of division (A) 395
of section 1547.11 of the Revised Code or of a substantially 396
equivalent municipal ordinance within the previous ten years. 397

(f) The offender previously has been convicted of or 398
pleaded guilty to three or more prior violations of division (A) 399
(3) of section 4561.15 of the Revised Code or of a substantially 400
equivalent municipal ordinance within the previous ten years. 401

(g) The offender previously has been convicted of or 402
pleaded guilty to three or more prior violations of any 403
combination of the offenses listed in division (B) (1) (d), (e), 404
or (f) of this section. 405

(h) The offender previously has been convicted of or 406
pleaded guilty to a second or subsequent felony violation of 407
division (A) of section 4511.19 of the Revised Code. 408

(2) In addition to any other sanctions imposed pursuant to 409
division (B)(1) of this section, except as otherwise provided in 410
this division, the court shall impose upon the offender a class 411
three suspension of the offender's driver's license, commercial 412
driver's license, temporary instruction permit, probationary 413
license, or nonresident operating privilege from the range 414
specified in division (A)(3) of section 4510.02 of the Revised 415
Code. If the offender previously has been convicted of or 416
pleaded guilty to a violation of this section, any traffic- 417
related homicide, manslaughter, or assault offense, or any 418
traffic-related murder, felonious assault, or attempted murder 419
offense, the court shall impose either a class two suspension of 420
the offender's driver's license, commercial driver's license, 421
temporary instruction permit, probationary license, or 422
nonresident operating privilege from the range specified in 423
division (A)(2) of that section or a class one suspension as 424
specified in division (A)(1) of that section. 425

(C)(1) Whoever violates division (A)(2)~~or, (3), or (4)~~ 426
of this section is guilty of vehicular assault and shall be 427
punished as provided in divisions (C)(2)~~and, (3), and (4)~~ of 428
this section. 429

(2) Except as otherwise provided in this division, 430
vehicular assault committed in violation of division (A)(2) of 431
this section is a felony of the fourth degree. Vehicular assault 432
committed in violation of division (A)(2) of this section is a 433
felony of the third degree if, at the time of the offense, the 434
offender was driving under a suspension imposed under Chapter 435

4510. or any other provision of the Revised Code, if the 436
offender previously has been convicted of or pleaded guilty to a 437
violation of this section or any traffic-related homicide, 438
manslaughter, or assault offense, or if, in the same course of 439
conduct that resulted in the violation of division (A) (2) of 440
this section, the offender also violated section 4549.02, 441
4549.021, or 4549.03 of the Revised Code. 442

In addition to any other sanctions imposed, the court 443
shall impose upon the offender a class four suspension of the 444
offender's driver's license, commercial driver's license, 445
temporary instruction permit, probationary license, or 446
nonresident operating privilege from the range specified in 447
division (A) (4) of section 4510.02 of the Revised Code or, if 448
the offender previously has been convicted of or pleaded guilty 449
to a violation of this section, any traffic-related homicide, 450
manslaughter, or assault offense, or any traffic-related murder, 451
felonious assault, or attempted murder offense, a class three 452
suspension of the offender's driver's license, commercial 453
driver's license, temporary instruction permit, probationary 454
license, or nonresident operating privilege from the range 455
specified in division (A) (3) of that section. 456

(3) Except as otherwise provided in this division, 457
vehicular assault committed in violation of division (A) (3) of 458
this section is a misdemeanor of the first degree. Vehicular 459
assault committed in violation of division (A) (3) of this 460
section is a felony of the fourth degree if, at the time of the 461
offense, the offender was driving under a suspension imposed 462
under Chapter 4510. or any other provision of the Revised Code 463
or if the offender previously has been convicted of or pleaded 464
guilty to a violation of this section or any traffic-related 465
homicide, manslaughter, or assault offense. 466

In addition to any other sanctions imposed, the court
shall impose upon the offender a class four suspension of the
offender's driver's license, commercial driver's license,
temporary instruction permit, probationary license, or
nonresident operating privilege from the range specified in
division (A)(4) of section 4510.02 of the Revised Code or, if
the offender previously has been convicted of or pleaded guilty
to a violation of this section, any traffic-related homicide,
manslaughter, or assault offense, or any traffic-related murder,
felonious assault, or attempted murder offense, a class three
suspension of the offender's driver's license, commercial
driver's license, temporary instruction permit, probationary
license, or nonresident operating privilege from the range
specified in division (A)(3) of section 4510.02 of the Revised
Code.

(4) Except as otherwise provided in this division,
vehicular assault committed in violation of division (A)(4) of
this section is a misdemeanor of the first degree. Vehicular
assault committed in violation of division (A)(4) of this
section is a felony of the fourth degree if, at the time of the
offense, the offender was driving under a suspension imposed
under Chapter 4510. or any other provision of the Revised Code
or if the offender previously has been convicted of or pleaded
guilty to a violation of this section or any traffic-related
homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed, the court
shall impose upon the offender a class four suspension of the
offender's driver's license, commercial driver's license,
temporary instruction permit, probationary license, or
nonresident operating privilege from the range specified in
division (A)(4) of section 4510.02 of the Revised Code or, if

the offender previously has been convicted of or pleaded guilty 498
to a violation of this section, any traffic-related homicide, 499
manslaughter, or assault offense, or any traffic-related murder, 500
felonious assault, or attempted murder offense, a class three 501
suspension of the offender's driver's license, commercial 502
driver's license, temporary instruction permit, probationary 503
license, or nonresident operating privilege from the range 504
specified in division (A) (3) of section 4510.02 of the Revised 505
Code. 506

(D) (1) The court shall impose a mandatory prison term, as 507
described in division (D) (4) of this section, on an offender who 508
is convicted of or pleads guilty to a violation of division (A) 509
(1) of this section. 510

(2) The court shall impose a mandatory prison term, as 511
described in division (D) (4) of this section, on an offender who 512
is convicted of or pleads guilty to a violation of division (A) 513
(2) of this section or a felony violation of division (A) (3) or 514
(4) of this section if either of the following applies: 515

(a) The offender previously has been convicted of or 516
pleaded guilty to a violation of this section or section 2903.06 517
of the Revised Code. 518

(b) At the time of the offense, the offender was driving 519
under suspension under Chapter 4510. or any other provision of 520
the Revised Code. 521

(3) The court shall impose a mandatory jail term of at 522
least seven days on an offender who is convicted of or pleads 523
guilty to a misdemeanor violation of division (A) (3) or (4) of 524
this section and may impose upon the offender a longer jail term 525
as authorized pursuant to section 2929.24 of the Revised Code. 526

(4) A mandatory prison term required under division (D) (1) 527
or (2) of this section shall be a definite term from the range 528
of prison terms provided in division (A) (2) (b) of section 529
2929.14 of the Revised Code for a felony of the second degree, 530
from division (A) (3) (a) of that section for a felony of the 531
third degree, or from division (A) (4) of that section for a 532
felony of the fourth degree, whichever is applicable, except 533
that if the violation is a felony of the second degree committed 534
on or after March 22, 2019, the court shall impose as the 535
minimum prison term for the offense a mandatory prison term that 536
is one of the minimum terms prescribed for a felony of the 537
second degree in division (A) (2) (a) of section 2929.14 of the 538
Revised Code. 539

(E) Divisions (A) (2) (a) and (3) of this section do not 540
apply in a particular construction zone unless signs of the type 541
described in section 2903.081 of the Revised Code are erected in 542
that construction zone in accordance with the guidelines and 543
design specifications established by the director of 544
transportation under section 5501.27 of the Revised Code. The 545
failure to erect signs of the type described in section 2903.081 546
of the Revised Code in a particular construction zone in 547
accordance with those guidelines and design specifications does 548
not limit or affect the application of division (A) (1) or (2) (b) 549
of this section in that construction zone or the prosecution of 550
any person who violates either of those divisions in that 551
construction zone. 552

(F) As used in this section: 553

(1) "Mandatory prison term" and "mandatory jail term" have 554
the same meanings as in section 2929.01 of the Revised Code. 555

(2) "Traffic-related homicide, manslaughter, or assault 556

offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.

(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.

(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.

(5) "Serious physical harm" means any of the following:

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

(b) Any physical harm that carries a substantial risk of death;

(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;

(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent

municipal ordinance, former law of this state, or current or	585
former law of another state or the United States.	586
Section 2. That existing sections 2903.06 and 2903.08 of	587
the Revised Code are hereby repealed.	588