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H.B. 492
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Ray and Abrams

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SUMMARY

- Expands the offense of resisting, hindering, obstructing, or abusing an officer who is arresting an offender for a violation of a criminal traffic or vehicle equipment law so that it applies to circumstances in which a person interferes with an arrest made under any law specified in Title 45 of the Revised Code or an equivalent municipal ordinance.
- Increases the penalty for this offense from a minor misdemeanor to a second degree misdemeanor.
- Creates a new offense that prohibits a vehicle operator from refusing to disclose the operator's name, address, or date of birth when requested by an officer who reasonably suspects that the operator has committed a violation of any offense in Title 45 of the Revised Code or a substantially equivalent municipal ordinance.
- Specifies that the penalty for this new offense is a fourth degree misdemeanor.

DETAILED ANALYSIS

Interfering with an offender's arrest under motor vehicle laws

Under current law, a person is prohibited from resisting, hindering, obstructing, or abusing any sheriff, constable, or other official who is attempting to arrest an offender under various criminal traffic and vehicle equipment laws. Furthermore, a person is prohibited from interfering with any person charged under any of those laws with the enforcement of the law relative to public highways.¹

¹ Specifically, R.C. 4511.01 through 4511.78, 4511.99, and 4513.01 through 4513.37, not in the bill.

The bill expands this offense to circumstances in which a person interferes with an arrest made under any law specified in Title 45 of the Revised Code, which, in addition to criminal traffic and equipment laws, governs:

1. General motor vehicle laws such as vehicle registrations and titles, driver's licenses, driver's education, and motor vehicle insurance;
2. Motor vehicle dealers;
3. Laws governing aircraft;
4. Laws governing port authorities and ferries; and
5. Other motor vehicle and transportation-related laws.

The bill also applies the interference offense to any municipal ordinance that is substantially equivalent to laws specified in Title 45. Finally, the bill increases the penalty for the interference offense from a minor misdemeanor to a second degree misdemeanor.²

Refusal to disclose personal information

The bill creates a new offense that prohibits a vehicle operator from refusing to disclose the operator's name, address, or date of birth when requested by an officer who reasonably suspects that the operator has committed a violation of any offense contained in Title 45 of the Revised Code or a substantially equivalent municipal ordinance. The bill specifies that the penalty for this new offense is a fourth degree misdemeanor.³

Related offenses in current law

The offenses addressed in the bill are similar to three additional offenses in current law, namely obstructing official business, obstructing justice, and failure to disclose personal information. Although each of these offenses can be distinguished from the offenses found in the bill, a prosecutor will ultimately decide which offense is applicable given the facts of each case. Below is a description of these offenses.

Obstruction official business: A person, without privilege to do so and with purpose of obstructing or delaying the performance by a public official of any authorized act within the public official's official capacity, is prohibited from hampering or impeding the public official in the performance of the official's lawful duties. The penalty for obstructing official business is a misdemeanor of the second degree. However, if the violation creates a risk of physical harm to any person, obstructing official business is a fifth degree felony.⁴

Obstructing justice: A person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a crime or to assist another to benefit from the commission of a crime, is prohibited from taking certain actions, including, in part:

² R.C. 4513.36(A) and (C)(1).

³ R.C. 4513.36(B) and (C)(2).

⁴ R.C. 2921.31, not in the bill.

- Harboring or concealing the other person;
- Warning the other person of impending discovery or apprehension; or
- Preventing or obstructing any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person.

The penalty for this offense varies depending on the penalty for the underlying crime.⁵

Failure to disclose personal information: A person who is in a public place, is prohibited from refusing to disclose the person's name, address, or date of birth when requested by a law enforcement officer who reasonably suspects that the person is either:

- Committing, has committed, or is about to commit a criminal offense; or
- Witnessed any of the following:
 - An offense of violence that would constitute a felony under Ohio law;
 - A felony offense that causes or results in or creates a substantial risk of serious physical harm to another person or to property;
 - Any attempt or conspiracy to commit or complicity in committing any offense specified in (1) or (2) above; or
 - Any conduct reasonably indicating that offenses specified in (1) or (2) above, or complicity described in (3) above, has been, is being, or is about to be committed.

The penalty for failure to disclose personal information is a fourth degree misdemeanor.⁶

HISTORY

Action	Date
Introduced	10-01-25

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⁵ R.C. 2921.32, not in the bill.

⁶ R.C. 2921.29, not in the bill.