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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 492  
(1\_136\_1506-3)  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 492's Bill Analysis](#)

**Version:** In House Public Safety

**Primary Sponsors:** Reps. Ray and Abrams

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill's impact to local criminal justice systems is generally expected to be minimal but may vary by jurisdiction based on the number and nature of charges for interfering with an offender's arrest (related to select motor vehicle laws) filed and subsequent convictions.

### Detailed Analysis

The bill: (1) expands the prohibition against interfering with an offender's arrest from select motor vehicle-related violations to include all violations of Title 45, which governs general motor vehicle law, motor vehicle dealers, aircraft, port authorities and ferries, and other motor vehicle and transportation-related laws, (2) expands the offense of resisting or interfering with an official, to apply to all peace officers instead of just a sheriff, constable, or other official, (3) increases the penalty for interfering with an offender's arrest from a minor misdemeanor to a second degree misdemeanor, and (4) creates a new offense for failure to disclose a name, address, or date of birth when requested by a peace officer if operating (or for passengers of) certain vehicles<sup>1</sup> and makes a violation a fourth degree misdemeanor.<sup>2</sup>

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<sup>1</sup> This includes an operator or passenger of a motor vehicle, streetcar, trackless trolley, motorcycle, under-speed vehicle, motorized bicycle or moped, motor-driven cycle or motor scooter, all-purpose vehicle, utility vehicle, mini-truck, snowmobile, watercraft, or aircraft.

<sup>2</sup> The operator or passenger is not required to answer any questions beyond that operator's name, address, or date of birth; it is not a violation to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing.

Based on LBO conversations with local criminal justice system representatives, cases involving interfering with an offender's arrest appear to be relatively rare under current law, however instances of people refusing to identify themselves during traffic stops has been increasing in frequency.

## **Fiscal effect**

The bill's overall impact to local criminal justice systems is generally expected to be minimal but may vary by jurisdiction based on the number and nature of charges filed and subsequent convictions.

By creating a new offense for failing to disclose certain identifying information to a peace officer upon request and expanding the circumstances in which a person interferes with an offender's arrest, the bill may minimally increase the number of such cases for municipal and county courts, which have jurisdiction over misdemeanor offenses, to adjudicate. Additionally, the amount of court time and resources necessary to adjudicate certain cases for interfering with an offender's arrest may increase to some degree if, as a result of an arrest made under the bill, additional illegal activity is discovered and subsequently charged.

Certain cases that would have otherwise been charged as a minor misdemeanor under current law will instead be charged as a second degree or fourth degree misdemeanor, depending on the circumstances present. In the case of a minor misdemeanor, a law enforcement officer generally does not arrest a person but instead issues a citation. In lieu of making a court appearance, that person can sign the guilty plea and waiver of trial provision on the citation and pay the fine and associated costs to the appropriate clerk of court either in person or by mail.<sup>3</sup> Under the bill, such offenders would no longer have the option of signing the guilty plea and waiver of trial provision, and would instead be required to appear in court and face a potential jail term and higher fine than would have been the case under current law. If the person is arrested, there could be additional detention and processing costs.

The following table shows the penalties for interfering with an arrest under the bill. As stated previously, such offenses currently may only be charged under a general interfering with an arrest which is punishable as a minor misdemeanor, with a fine up to \$150 (no jail).

Fine revenue generated as a result of violations of the bill's prohibitions would be retained by the county for a violation of state law, the municipality for a violation of a local ordinance, or forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400), if the violator was cited by the Ohio State Highway Patrol. The impact to locally operated jails is expected to be minimal but will ultimately depend on the number of potential arrests made and sentences imposed under the bill and the term of incarceration or other sanctioning options.

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<sup>3</sup> R.C. 2935.26.

H.B. 492 Penalties for Interfering with an Arrest Under Motor Vehicle Law		
Offense Level	Fine	Term of Incarceration
<b>Interfering with an arrest (increased from a minor misdemeanor)</b>		
Misdemeanor 2 <sup>nd</sup> degree	Up to \$750	Jail, not more than 90 days
<b>Failure to disclose certain identifying information – new under H.B. 492</b>		
Misdemeanor 4 <sup>th</sup> degree	Up to \$250	Jail, not more than 30 days

## Synopsis of Fiscal Effect Changes

The substitute bill (I\_136\_1506-3):

- Modifies the types of vehicles for which an operator is prohibited from disclosing their name, address, and date of birth to a peace officer on request.
- Applies this new prohibition to the passengers of such vehicles. Those vehicles include motor vehicle, streetcar, trackless trolley, motorcycle, under-speed vehicle, motorized bicycle or moped, motor-driven cycle or motor scooter, all-purpose vehicle, utility vehicle, mini-truck, snowmobile, watercraft, or aircraft.
- Expands the circumstances under which a request may be made to include a request from any peace officer, instead of solely a police officer.

The changes included in the substitute bill, as compared to the As Introduced version, do not significantly alter the fiscal note. By including “passengers” in the new prohibition, there could be more charges filed, if those individuals also fail to comply with an officer’s order.