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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 690  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 690's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Young and A. White

**Local Impact Statement Procedure Required:** No

Maggie West, Senior Budget Analyst

### Highlights

- Local criminal justice systems may be minimally impacted by the expansion or enhancement of certain assault, aggravated vehicular homicide, and aggravated vehicular assault offenses and the creation of new offenses related to school crossing guards, including failing to obey a lawful order or harassing, threatening, intimidating, or interfering with a school crossing guard performing official duties.
- The Department of Rehabilitation and Correction may experience an increase in marginal costs to house certain offenders for longer periods of time as a result of the bill's changes to these offenses. With respect to assault offenses, there may also be a potential savings in local sanctioning costs when an offense is charged as a felony instead of as a misdemeanor.

### Detailed Analysis

The bill (1) establishes penalties for failing to obey a school crossing guard, (2) creates new instances of aggravated vehicular homicide and aggravated vehicular assault that apply when the victim is a school crossing guard, and (3) increases the penalty for assault if the victim is a school crossing guard. Overall, the bill's changes are not expected to have a significant impact on costs or related workload of the Department of Rehabilitation and Correction (DRC) or local criminal justice systems. The changes are discussed in detail below.

#### Failing to obey a school crossing guard

The bill creates a new traffic violation by prohibiting a person from knowingly: (1) failing to obey a lawful order given by a school crossing guard while performing official duties, or (2) harassing, threatening, intimidating, or interfering with a school crossing guard performing official duties. A violation is a first degree misdemeanor, which is subject to a jail term of not

more than 180 days, a fine of up to \$1,000, or both. The fine increases to two times the amount imposed if the offense occurred in a school zone during school zone speed limit enforcement hours. According to statewide law enforcement agency representatives, the bill's new offenses are not expected to discernibly increase the costs or workload of any law enforcement agency.

The bill may generate a small number of additional cases for municipal and county courts to adjudicate. Any related adjudication and sanctioning costs would be offset, either in whole or in part, by fines, fees, and state and local court costs collected from violators and generally retained by the county.<sup>1</sup> The amount of revenue generated will vary by court and depend on the number of cases involving failure to obey a school crossing guard or harassing, threatening, intimidating, or interfering with a school crossing guard.

The bill grants a school crossing guard immunity from damages allegedly resulting from an act or omission related to a power, duty, responsibility, or authorization of the school crossing guard. This provision is not likely to have a discernible effect on state or local courts.

### **Aggravated vehicular homicide and aggravated vehicular assault**

The bill expands the offense of aggravated vehicular homicide and aggravated vehicular assault to include causing the death of another person or another's unborn as the proximate result of knowingly failing to obey a lawful order given by a school crossing guard or knowingly harassing, threatening, intimidating, or interfering with a school crossing guard. This change is not likely to generate many additional cases for courts of common pleas to adjudicate or impact sanctioning costs for DRC. This is because such conduct, if considered reckless, could potentially already be charged as aggravated vehicular homicide or aggravated vehicular assault under existing law. The impact to courts of common pleas, should the bill result in the creation of new aggravated vehicular homicide and aggravated vehicular assault cases, is likely to be minimal, as presumably the underlying conduct would still be charged as a different offense under existing law. Therefore, the case would likely still exist, but the bill may change how the case is adjudicated and sanctioned.

Aggravated vehicular homicide is generally a third degree felony that elevates to a second degree felony if certain circumstances are present. Aggravated vehicular assault is generally a fourth degree felony that elevates to a third degree felony if certain circumstances are present.<sup>2</sup> The sentences and fines for those offense levels are shown below.

Current Law Sentences and Fines		
Offense Level	Fine	Term of Incarceration
Felony 2 <sup>nd</sup> degree*	Up to \$15,000	2, 3, 4, 5, 6, 7, or 8 years indefinite prison term

<sup>1</sup> The court will collect \$29 in state court costs to be deposited in the state treasury as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). If a violator is cited by the Ohio State Highway Patrol, the fine is forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400).

<sup>2</sup> Please see the [LSC bill analysis](#) for a complete description of the circumstances for which the higher penalties may apply.

Current Law Sentences and Fines		
Offense Level	Fine	Term of Incarceration
Felony 3 <sup>rd</sup> degree	Up to \$10,000	12, 18, 24, 30, 36, 42, 48, 54, or 60 months definite prison term
Felony 4 <sup>th</sup> degree	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term

\*The sentencing court is required to impose a minimum sentence for first and second degree felony offenses and must specify a maximum sentence that is 50% greater than the minimum sentence. The court may, after a hearing, reduce the minimum sentence by 5% to 15% upon recommendation of the Department of Rehabilitation and Correction.

Current law requires the sentencing court to impose a mandatory license suspension for aggravated vehicular homicide and aggravated vehicular assault, the class of which depends on circumstances present, and a mandatory prison term if the offender has previously been convicted of either offense, or if the offender was driving under a license suspension or cancellation. The bill does not change either of these requirements.

## Assault

By making assault against a school crossing guard performing official duties in a crosswalk or sidewalk that is in or adjacent to a school zone a fifth degree felony, the bill effectively enhances the penalty for conduct that could be charged as assault under current law. Assault is generally a first degree misdemeanor subject to a jail term of not more than 180 days, a fine of up to \$1,000, or both, whereas a fifth degree felony is subject to a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months, a fine of up to \$2,500, or both.

To the extent that assault is charged as a felony under the bill instead of a misdemeanor, certain assault cases could shift from the jurisdiction of a municipal or county court to a court of common pleas. Additionally, there would be an increase in the amount of state court costs imposed. For a misdemeanor, a total of \$29 is imposed for distribution as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020). For a felony offense, that amount increases to \$60, with \$30 credited to Fund 5DY0 and \$30 credited to Fund 4020.

In the event of a conviction, the bill would also shift sanctioning costs from a local authority to DRC. Any potential savings experienced by local authorities to adjudicate and house such offenders is likely to be minimal at most. Similarly, any additional costs incurred by DRC are likely to be marginal.<sup>3</sup> The magnitude of any increased costs incurred by criminal justice systems as a result of the bill will depend on the number of individuals who are ultimately charged, convicted, and subsequently sentenced to a period of incarceration. However, any resulting impact on the state or local criminal justice systems is expected to be minimal.

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<sup>3</sup> Marginal costs are those that increase or decrease directly on a per-person basis with changes in prison population (i.e., clothing, food, medical services, etc.). For FY 2025, DRC's reported marginal daily cost per offender was \$13.47, or \$4,917 per year.