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John E. Murphy
Executive Director

Memo To: House Judiciary Committee

From: John Murphy

Date: March 3, 2015

RE: HB-30; Child car security restraint systems

Our Association supports HB-30 that would make failure to secure a child in a car seat, in a booster seat, or with a seat belt a primary offense and also to repeal the provision that evidence of failure to secure a child is inadmissible as evidence in a criminal case.

Automobile accidents are a leading cause of death of young children, yet our laws do not permit the normal enforcement of the laws that require drivers to secure children in the appropriate restraint systems. An officer can stop a driver for an inoperable tail light, but cannot stop a driver when the officer sees that children in the car are completely unrestrained. Unrestrained children in a car are a catastrophe waiting to happen, and officers who see violations of this law should have full authority to stop the driver, as this bill provides.

We also support the provision to repeal the prohibition of the use of evidence in criminal cases. The Rules of Evidence generally provide that all relevant evidence is admissible, and the statutes should make no exception for these cases. This evidence is needed in the prosecution of cases arising out of these violations as described in the previous testimony by the Union County and Wood County prosecutors.

We support the bill and urge the committee to act favorably and expeditiously.