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Development

## Reggie Stoltzfus State Representative 50<sup>th</sup> Ohio House District

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### Sponsor Testimony: HB 119 House Criminal Justice Committee

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for the opportunity to testify on behalf of HB 119 and explain the purpose of the sub bill.

#### **Purpose of Sub Bill:**

The portions of HB 119 pertaining to red light cameras or photo monitoring devices were incorporated into the Transportation Budget. This sub bill amends out those portions included in the Transportation budget so that only the distracted driving portion of the bill remains.

#### **First:**

The bill amends the portion of the texting-while-driving statute that addresses allied offenses of similar conduct. Current law provides that the prosecution of the state texting-while-driving offense does not preclude a separate prosecution for a violation of a substantially equivalent municipal ordinance for the same conduct, but it states that the offenses are allied offenses of similar import. When an offender's conduct can be construed to constitute two or more allied offenses of similar import, the offender may be charged with all of the offenses, but prior to the conviction stage, the offenses merge and the offender may be convicted of only one. But, current law related to texting while driving, as enacted in H.B. 95 of the 132nd General Assembly, states: "However, if an offender is convicted of or pleads guilty to a violation and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import . . . ."

Thus, current law implies that a person may be convicted of both offenses, which is inconsistent with the underlying concept of allied offenses. The bill clarifies that there may only

be one conviction. The bill makes a similar change in the provision regarding minors violating both the state prohibition on using phones while driving and a substantially equivalent municipal ordinance.

**Second:**

The bill changes “Subject to Traffic Rule 13” to

“Subject to the mandatory appearance requirements of Traffic Rule 13.” This clarifies that driving distracted, while violating certain offenses for which a court appearance is mandatory, would still require the offender to appear in court per Traffic Rule 13 (an offender is generally allowed to pay the fine for distracted driving and not appear in court).

**Third:**

The bill makes corrective changes to clarify small inconsistencies in the definition of “distracted” in the distracted driving law.

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for the opportunity to testify on behalf of HB 119 and explain the purpose of the sub bill. I am happy to answer any questions you may have.