



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 418
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Bird and Stewart

Amanda George Goodman, Attorney

SUMMARY

- Reduces the mental state, from knowingly to recklessly, that applies to the provision of law that prohibits an owner or occupant of any public or private place from allowing an underage person to possess or consume alcohol in that place.

DETAILED ANALYSIS

Mental state for proving serving alcohol to an underage person

The bill reduces the mental state, from knowingly to recklessly, that applies to the provision of law that prohibits an owner or occupant of any public or private place from allowing an underage person to possess or consume alcohol in that place. However, this prohibition does not apply (under the bill or current law) to a parent, legal guardian, or adult spouse who is present and who gives intoxicating liquor or beer to an underage person.¹

For a prosecutor to prove that a person has violated this prohibition, the prosecutor must prove all of the elements of the crime, including the person's mental state at the time of committing the offense. It is easier for a prosecutor to prove that a person acted recklessly than to prove that a person acted knowingly. The following table depicts the difference between proving a person acted knowingly vs. acted recklessly:²

¹ R.C. 4301.69(B).

² R.C. 2901.22, not in the bill.

Degrees of culpability attached to mental states	
Degree	Action
Knowingly	A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.
Recklessly	A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

HISTORY

Action	Date
Introduced	09-14-21
