



Representative Tom Young
37th House District

Representative Adam Mathews
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House Criminal Justice Committee
Sponsor Testimony – H.B. 270
November 14, 2023

Chair Abrams, Vice-Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 270, which would require courts to impose child maintenance restitution on an offender who causes the death of a parent of minor children through an OVI-related offense.

By introducing the Sam Knisley Family Support Act, we aim to provide restitution and support for the surviving children of parents tragically killed in drunk driving accidents. Such accidents shatter families and leave children without their parents just as they need them most, which both places great financial strain on the relatives and friends who then assume their care and harms the child's foundations for a successful life. Current law affords these families few guarantees of support through the criminal sentencing process, which this bill aims to change.

This legislation would require courts to impose child maintenance restitution on an offender who is convicted of or pleads guilty to a felony violation of aggravated vehicular homicide when the victim has surviving minor children and their death was proximately caused by an OVI violation. In such instances, courts would be required to impose restitution for each surviving child until they reach the age of eighteen. Additionally, this legislation allows a court to award child maintenance in a civil action for wrongful death against a deceased OVI-related vehicular homicide offender when the deceased victim has surviving minor children.

To determine the amount of child care the court must take into account the following factors:

- The financial needs and resources of the child;
- The financial resources and needs of the surviving parent, legal custodian, or guardian;
- The standard of living to which a child is accustomed;
- The physical and emotional condition of the child and the child's educational needs;
- The child's physical and legal custody arrangements;
- The reasonable work-related child care expenses of the surviving parent, legal custodian, or guardian.

These payments would be made to the clerk of courts as trustee, and the clerk would then remit payment to the surviving parent or legal guardian. Should the offender be incarcerated and unable to pay the required amount, they may enter a payment plan with the court and begin payments no more than one year after their release. The offender must continue payments until the entirety of the amount owed is paid even if the payments are set to terminate.

Several other states have passed similar legislation in recent years including Texas, Tennessee, and Kentucky. Our bill builds on this foundation as we aim to further support struggling Ohio families. While drafting this bill, both my joint sponsor and I heard stories from constituents who suffered through such tragic circumstances and whose families struggled financially as a result. While no amount of money can relieve the grief of a lost parent, we hope that this financial assistance eases the burden placed upon the victims' families and aids the surviving children in preserving their foundations for happy, healthy, and successful lives.

Thank you for this opportunity, and we would be happy to answer any questions.