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Kevin D. Miller
State Representative

House Bill 37 Sponsor Testimony

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and fellow members of the Judiciary Committee, thank you for allowing me to provide joint sponsor testimony on House Bill 37.

The purpose of this legislation is to create appropriate and commensurate penalties for those who commit the offense of aggravated vehicular homicide and have also previously been convicted of an OVI related offense. This legislation is designed primarily to address repeat offenders whose behavior has resulted in a death of another person; however, there are components that apply to lower-level offenders as well.

Someone who has been arrested for OVI, knows exactly how severe the consequences can be, and for most offenders, those consequences serve as an effective deterrent to never get behind the wheel while intoxicated again. As a former trooper I can tell you I was thanked on numerous occasions by people I had previously arrested. They told me in essence I had saved their life and possibly others as well. Many vowed they would no longer drink even one beverage and get behind the wheel. But unfortunately, this is not the case for everyone.

Right now, in the State of Ohio, nearly 30% of all OVI arrests are repeat offenders. These offenders have repeatedly decided to put the lives of others at risk all for the sake of their own convenience. The consequences of an OVI conviction were clearly not enough to change their mind and deter their dangerous behavior. Tragically, in some cases, these repeat offenders take the lives of innocent victims.

In these cases, we must consider justice for the family members of the victims. They are the ones who are left to pick up the pieces after their loved ones are tragically taken from them without notice. They are the ones who will never enjoy the company of their loved ones.

I can tell you from personal experience that all death notifications are extremely difficult; however, when the notification involved the case of a repeat offender it always seemed to rise to a whole different level. Even though the families knew their loved ones were never coming back...they wanted justice. They wanted the appropriate penalty and fines for someone who failed to learn their lesson and ultimately took their loved one from them. House Bill 37 specifically addresses these situations.

This legislation establishes a new tiered system of penalties for aggravated vehicular homicide offenses that are the result of an OVI offense. The tiers are based on the number of prior OVI offenses and the nature of the offenses. Maximum prison terms start at 8 years for Tier 1 and extend to 20 years in Tier 4. Additionally, the maximum fine increases to \$25,000 in the most egregious cases.

As previously stated, there are a few provisions in House Bill 37 that were added to deter repeat OVI offenders. All second offense offenders will be required to have an ignition-interlock device installed to obtain driving privileges. Additionally, first time OVI offenders with a prior alcohol related offense, such as a reduced reckless operation charge, will also be required to have an interlock installed. Finally, fines will be increased \$375 for all OVI offenders which will be directed into the existing Indigent Drivers Interlock and Monitoring Fund.

In closing, this legislation had nine hearings in the House Criminal Justice Committee and went through several revisions to get to its current state. The bill passed unanimously on the House floor and garnered 59 co-sponsors. We look forward to working with this Committee to address any concerns in might have in order to get this important piece of legislation across the finish line. Thank you in advance for your thoughtful consideration and we would be happy to answer any questions.