

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 270**

**Representatives Dever, Pelanda**

**Cosponsors: Representatives Becker, Conditt, Johnson, G., O'Brien, S., Sprague**

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**A BILL**

To amend section 2903.04 of the Revised Code to 1  
provide that causing the death of another person 2  
by an overdose that results from the offender's 3  
sale, distribution, dispensation, or 4  
administration of a controlled substance or 5  
controlled substance analog is a violation of 6  
the offense of involuntary manslaughter and to 7  
makes this provision a strict liability offense. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2903.04 of the Revised Code be 9  
amended to read as follows: 10

**Sec. 2903.04.** (A) No person shall cause the death of 11  
another or the unlawful termination of another's pregnancy as a 12  
proximate result of the offender's committing or attempting to 13  
commit a felony. 14

(B) No person shall cause the death of another or the 15  
unlawful termination of another's pregnancy as a proximate 16  
result of the offender's committing or attempting to commit a 17  
misdemeanor of any degree, a regulatory offense, or a minor 18

misdemeanor other than a violation of any section contained in 19  
Title XLV of the Revised Code that is a minor misdemeanor and 20  
other than a violation of an ordinance of a municipal 21  
corporation that, regardless of the penalty set by ordinance for 22  
the violation, is substantially equivalent to any section 23  
contained in Title XLV of the Revised Code that is a minor 24  
misdemeanor. 25

(C) No person shall cause the death of another or the 26  
unlawful termination of another's pregnancy by an overdose of a 27  
controlled substance or controlled substance analog as a 28  
proximate result of the offender's sale, distribution, 29  
dispensation, or administration of a controlled substance or 30  
controlled substance analog in violation of any provision of 31  
Chapter 2925. of the Revised Code. 32

The offense established under this division is a strict 33  
liability offense, and strict liability is a culpable mental 34  
state under section 2901.20 of the Revised Code. The designation 35  
of this offense as a strict liability offense shall not be 36  
construed to imply that any other offense, for which there is no 37  
specified degree of culpability, is not a strict liability 38  
offense. 39

(D) Whoever violates this section is guilty of involuntary 40  
manslaughter. Violation of division (A) or (C) of this section 41  
is a felony of the first degree. Violation of division (B) of 42  
this section is a felony of the third degree. 43

~~(D)~~ (E) If an offender is convicted of or pleads guilty to 44  
a violation of division (A) or (B) of this section and if the 45  
felony, misdemeanor, or regulatory offense that the offender 46  
committed or attempted to commit, that proximately resulted in 47  
the death of the other person or the unlawful termination of 48

another's pregnancy, and that is the basis of the offender's 49  
violation of division (A) or (B) of this section was a violation 50  
of division (A) or (B) of section 4511.19 of the Revised Code or 51  
of a substantially equivalent municipal ordinance or included, 52  
as an element of that felony, misdemeanor, or regulatory 53  
offense, the offender's operation or participation in the 54  
operation of a snowmobile, locomotive, watercraft, or aircraft 55  
while the offender was under the influence of alcohol, a drug of 56  
abuse, or alcohol and a drug of abuse, both of the following 57  
apply: 58

(1) The court shall impose a class one suspension of the 59  
offender's driver's or commercial driver's license or permit or 60  
nonresident operating privilege as specified in division (A)(1) 61  
of section 4510.02 of the Revised Code. 62

(2) The court shall impose a mandatory prison term for the 63  
violation of division (A) or (B) of this section from the range 64  
of prison terms authorized for the level of the offense under 65  
section 2929.14 of the Revised Code. 66

(F) As used in this section, "controlled substance" and 67  
"controlled substance analog" have the same meanings as in 68  
section 3719.01 of the Revised Code. 69

**Section 2.** That existing section 2903.04 of the Revised 70  
Code is hereby repealed. 71