

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 56**

**Representatives Plummer, White**

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**A BILL**

To amend sections 2921.331, 2935.031, and 2981.02 1  
and to enact sections 4511.253 and 4511.254 of 2  
the Revised Code to increase penalties for 3  
fleeing from law enforcement, to require law 4  
enforcement entities to have a policy governing 5  
the pursuit of a motor vehicle, and to prohibit 6  
hooning and being a spectator at a hooning 7  
event. 8

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

**Section 1.** That sections 2921.331, 2935.031, and 2981.02 9  
be amended and sections 4511.253 and 4511.254 of the Revised 10  
Code be enacted to read as follows: 11

**Sec. 2921.331.** (A) No person shall fail to comply with any 12  
lawful order or direction of any police officer invested with 13  
authority to direct, control, or regulate traffic. 14

(B) No person shall operate a motor vehicle so as 15  
willfully to elude or flee a police officer after receiving a 16  
visible or audible signal from a police officer to bring the 17  
person's motor vehicle to a stop. 18

(C) (1) Whoever violates this section is guilty of failure 19

to comply with an order or signal of a police officer. 20

(2) A violation of division (A) of this section is a 21  
misdemeanor of the first degree. 22

(3) Except as provided in divisions (C)(4) and (5) of this 23  
section, a violation of division (B) of this section is a 24  
~~misdemeanor~~ felony of the ~~first~~ fourth degree. 25

(4) ~~Except as provided in division (C)(5) of this section,~~ 26  
~~a~~ A violation of division (B) of this section is a felony of the 27  
~~fourth~~ third degree if the jury or judge as trier of fact finds 28  
by proof beyond a reasonable doubt that, in committing the 29  
offense, the offender was fleeing immediately after the 30  
commission of a felony. 31

(5) (a) A violation of division (B) of this section is a 32  
felony of the third degree if the jury or judge as trier of fact 33  
finds any of the following by proof beyond a reasonable doubt: 34

(i) The operation of the motor vehicle by the offender was 35  
a proximate cause of serious physical harm to persons or 36  
property. 37

(ii) The operation of the motor vehicle by the offender 38  
caused a substantial risk of serious physical harm to persons or 39  
property. 40

(b) If a police officer pursues an offender who is 41  
violating division (B) of this section and division (C)(5)(a) of 42  
this section applies, the sentencing court, in determining the 43  
seriousness of an offender's conduct for purposes of sentencing 44  
the offender for a violation of division (B) of this section, 45  
shall consider, along with the factors set forth in sections 46  
2929.12 and 2929.13 of the Revised Code that are required to be 47  
considered, all of the following: 48

(i) The duration of the pursuit;	49
(ii) The distance of the pursuit;	50
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	51 52
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	53 54
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	55 56
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	57 58 59
(vii) Whether the offender committed a moving violation during the pursuit;	60 61
(viii) The number of moving violations the offender committed during the pursuit;	62 63
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	64 65 66
(D) If an offender is sentenced <del>pursuant to division (C) (4) or (5) of this section for a violation of division (B) of this section,</del> and if the offender is sentenced to a prison term for <u>that a violation of division (B) of this section,</u> the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.	67 68 69 70 71 72
(E) In addition to any other sanction imposed for a <del>felony</del> violation of division (B) of this section, the court shall impose a class two suspension from the range specified in	73 74 75

division (A) (2) of section 4510.02 of the Revised Code. In 76  
addition to any other sanction imposed for a violation of 77  
division (A) of this section ~~or a misdemeanor violation of~~ 78  
~~division (B) of this section~~, the court shall impose a class 79  
five suspension from the range specified in division (A) (5) of 80  
section 4510.02 of the Revised Code. If the offender previously 81  
has been found guilty of an offense under this section, in 82  
addition to any other sanction imposed for the offense, the 83  
court shall impose a class one suspension as described in 84  
division (A) (1) of that section. The court shall not grant 85  
limited driving privileges to the offender on a suspension 86  
imposed for a felony violation of this section. The court may 87  
grant limited driving privileges to the offender on a suspension 88  
imposed for a misdemeanor violation of this section as set forth 89  
in section 4510.021 of the Revised Code. No judge shall suspend 90  
the first three years of suspension under a class two suspension 91  
of an offender's license, permit, or privilege required by this 92  
division ~~on~~ or any portion of the suspension under a class one 93  
suspension of an offender's license, permit, or privilege 94  
required by this division. 95

(F) As used in this section: 96

(1) "Moving violation" has the same meaning as in section 97  
2743.70 of the Revised Code. 98

(2) "Police officer" has the same meaning as in section 99  
4511.01 of the Revised Code. 100

**Sec. 2935.031.** ~~Any~~ (A) As used in this section, "law 101  
enforcement entity" means an agency, instrumentality, or 102  
political subdivision of the state that employs a sheriff, 103  
deputy sheriff, constable, marshal, deputy marshal, police 104  
officer, member of a metropolitan housing authority police 105

force, state university law enforcement officer, or veterans' 106  
home police officer with arrest authority under section 2935.03 107  
of the Revised Code or that employs other persons with arrest 108  
authority under the Revised Code~~7~~. 109

(B) Each law enforcement entity shall adopt a written 110  
policy for the pursuit in a motor vehicle of any person who 111  
violates a law of this state or an ordinance of a municipal 112  
corporation. Subject to division (D) of this section, not later 113  
than one hundred twenty days after the effective date of this 114  
amendment, each law enforcement entity also shall adopt a 115  
written policy that governs the pursuit of a motor vehicle. A 116  
policy adopted on or after the effective date of this section 117  
for the pursuit of a motor vehicle shall comply with division 118  
(C) of this section. The chief law enforcement officer or other 119  
chief official of the ~~agency, instrumentality, or political-~~ 120  
~~subdivision~~ law enforcement entity shall formally advise each 121  
peace officer or other person with arrest authority ~~it the~~ 122  
entity employs of ~~the each~~ pursuit policy adopted by that 123  
~~agency, instrumentality, or political subdivision~~ entity 124  
pursuant to this section. 125

(C) Each policy adopted by a law enforcement entity under 126  
this section on or after the effective date of this amendment 127  
that governs the pursuit of a motor vehicle shall include, at a 128  
minimum, all of the following with respect to such pursuits: 129

(1) A definition of a motor vehicle pursuit; 130

(2) A definition of the criteria under which a motor 131  
vehicle pursuit may be initiated; 132

(3) A requirement that the circumstances of the situation, 133  
including the seriousness of the alleged offense, the conditions 134

of the road and location of the pursuit, the time of day, and 135  
the weather conditions, be evaluated before undertaking a motor 136  
vehicle pursuit; 137

(4) A provision that prohibits or discourages motor 138  
vehicle pursuits when the suspect is known to the officers or 139  
easily identifiable, unless the officers have probable cause to 140  
believe the suspect's escape poses a significant threat of death 141  
or serious physical injury to officers or others; 142

(5) A description of the responsibilities of the unit 143  
initiating a motor vehicle pursuit and secondary units; 144

(6) A specification of the roles and restrictions 145  
pertinent to marked, unmarked, or other types of police vehicles 146  
involved in a motor vehicle pursuit; 147

(7) The provision of communication protocols addressing 148  
responsibilities for officers and telecommunicators with respect 149  
to a motor vehicle pursuit; 150

(8) A description of supervisors' responsibilities 151  
regarding a motor vehicle pursuit; 152

(9) A specification of when and who has the authority to 153  
terminate a motor vehicle pursuit; 154

(10) A provision addressing the engagement in inter- 155  
jurisdictional and intra-jurisdictional motor vehicle pursuits 156  
involving personnel from the entity and one or more other 157  
jurisdictions; 158

(11) A requirement that the entity provide training to 159  
officers prior to the utilization of motor vehicle pursuit 160  
termination tactics and intervention techniques, including a PIT 161  
maneuver, tire deflation devices, or a road block; 162

(12) A requirement for a written report and an 163  
administrative review of each motor vehicle pursuit; 164

(13) A requirement for the conduct of a documented annual 165  
analysis of motor vehicle pursuit reports, to include a review 166  
of policy and reporting procedures, approved by the head of the 167  
entity. 168

(D) If, on the effective date of this amendment, a law 169  
enforcement entity has in effect a policy that governs the 170  
pursuit of a motor vehicle and that includes all of the 171  
definitions, requirements, provisions, descriptions, and 172  
specifications described in divisions (C)(1) to (13) of this 173  
section, the entity is not required, on or after the effective 174  
date of this amendment, to adopt a new policy under division (B) 175  
of this section that governs the pursuit of a motor vehicle, 176  
while that existing policy remains in use. If, on the effective 177  
date of this amendment, an entity has in effect such a policy, 178  
the entity shall not end the use of that policy until after it 179  
adopts a new policy that governs the pursuit of a motor vehicle 180  
and that includes all of the definitions, requirements, 181  
provisions, descriptions, and specifications described in 182  
divisions (C)(1) to (13) of this section. 183

**Sec. 2981.02.** (A) (1) The following property is subject to 184  
forfeiture to the state or a political subdivision under either 185  
the criminal or delinquency process in section 2981.04 of the 186  
Revised Code or the civil process in section 2981.05 of the 187  
Revised Code: 188

(a) Contraband involved in an offense; 189

(b) Proceeds derived from or acquired through the 190  
commission of an offense; 191

(c) An instrumentality that is used in or intended to be used in the commission or facilitation of any of the following offenses when the use or intended use, consistent with division (B) of this section, is sufficient to warrant forfeiture under this chapter:	192 193 194 195 196
(i) A felony;	197
(ii) A misdemeanor, when forfeiture is specifically authorized by a section of the Revised Code or by a municipal ordinance that creates the offense or sets forth its penalties;	198 199 200
(iii) An attempt to commit, complicity in committing, or a conspiracy to commit an offense of the type described in divisions (A) (3) (a) and (b) of this section.	201 202 203
(2) In determining whether an alleged instrumentality was used in or was intended to be used in the commission or facilitation of an offense or an attempt, complicity, or conspiracy to commit an offense in a manner sufficient to warrant its forfeiture, the trier of fact shall consider the following factors the trier of fact determines are relevant:	204 205 206 207 208 209
(a) Whether the offense could not have been committed or attempted but for the presence of the instrumentality;	210 211
(b) Whether the primary purpose in using the instrumentality was to commit or attempt to commit the offense;	212 213
(c) The extent to which the instrumentality furthered the commission of, or attempt to commit, the offense.	214 215
(B) The property described in division (F) (2) of section 2917.211 of the Revised Code is subject to forfeiture under the criminal or delinquency process in section 2981.04 of the Revised Code, if the forfeiture is ordered by the court imposing	216 217 218 219

sentence or an order of disposition. 220

(C) This Except as provided by section 4511.253 of the 221  
Revised Code, this chapter does not apply to or limit 222  
forfeitures under Title XLV of the Revised Code, including 223  
forfeitures relating to section 2903.06 or 2903.08 of the 224  
Revised Code. 225

**Sec. 4511.253.** (A) As used in sections 4511.253 and 226  
4511.254 of the Revised Code: 227

(1) "Hooning" means operating a motor vehicle in a 228  
reckless or dangerous manner to provoke a reaction from 229  
spectators by speeding; street racing; performing doughnuts, 230  
burnouts, drifting, rapid acceleration, squealing tires, or 231  
engine revving; or allowing passengers to ride partially or 232  
fully outside of the motor vehicle. 233

(2) "Instrumentality" has the same meaning as in section 234  
2981.01 of the Revised Code. 235

(3) "Participate" means to be either the operator or 236  
passenger of a motor vehicle. 237

(4) "Spectator" means an individual who is present at a 238  
location for the purpose of watching another individual hooning 239  
or assisting in the logistics of a hooning event. 240

(B) (1) Except as provided in division (D) of this section, 241  
no person shall participate in hooning upon any public road, 242  
street, or highway in this state. 243

(2) Except as provided in division (E) of this section, no 244  
person shall participate in hooning upon any private property 245  
that is open to the general public. 246

(C) (1) Whoever violates division (B) of this section is 247

guilty of hooning, a misdemeanor of the first degree. 248

(2) An offender who operated the vehicle that was involved 249  
in the offense shall provide the court with proof of financial 250  
responsibility, as defined in section 4509.01 of the Revised 251  
Code, for that vehicle. If that offender fails to provide proof 252  
of financial responsibility, in addition to any other penalties 253  
provided by law, the court may order restitution pursuant to 254  
section 2929.28 of the Revised Code in an appropriate amount for 255  
any economic loss arising from an accident or collision that was 256  
the direct and proximate result of the offense for which the 257  
offender is sentenced under this section. 258

(3) In addition to any other penalties provided by law, 259  
the court shall impose a class five suspension of the offender's 260  
driver's license, commercial driver's license, temporary 261  
instruction permit, probationary license, or nonresident 262  
operating privilege from the range specified in division (A)(5) 263  
of section 4510.02 of the Revised Code. 264

(4) A motor vehicle used in a violation of division (B) of 265  
this section is contraband, and is an instrumentality, that is 266  
subject to seizure and forfeiture under Chapter 2981. of the 267  
Revised Code. 268

(D) Division (B)(1) of this section does not apply to a 269  
participant of a motor vehicle race or motor vehicle show when 270  
all of the following apply: 271

(1) The race or show is sponsored by a recognized, 272  
responsible organization. 273

(2) The race or show is authorized by the applicable 274  
political subdivision or state entity with jurisdiction over the 275  
location of the race or show. 276

(3) The participant is operating or displaying the motor vehicle within the parameters of the authorization for the race or show. 277  
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(E) Division (B) (2) of this section does not apply to a participant of a motor vehicle race or motor vehicle show when all of the following apply: 280  
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(1) The race or show is sponsored by a recognized, responsible organization. 283  
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(2) The race or show is authorized by the written consent of the owner, operator, or agent thereof of the private property on which the race or show is conducted. 285  
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(3) The participant is operating or displaying the motor vehicle within the parameters of the authorization for the race or show. 288  
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(F) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 291  
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**Sec. 4511.254.** (A) (1) Except as provided in division (D) of this section, no person shall be a spectator at a hooning event upon or alongside any public road, street, or highway in this state. 297  
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(2) Except as provided in division (E) of this section, no person shall be a spectator at a hooning event upon or alongside any private property that is open to the general public. 301  
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(B) Whoever violates this section is guilty of hooning 304

complicity, an unclassified misdemeanor. 305

(C) The offender shall be sentenced pursuant to sections 306  
2929.21 to 2929.28 of the Revised Code, except that the offender 307  
shall not be sentenced to a jail term; shall not be sentenced to 308  
a community residential sanction pursuant to section 2929.26 of 309  
the Revised Code; and, notwithstanding division (A) (2) (a) of 310  
section 2929.28 of the Revised Code, the offender may be fined 311  
up to one thousand dollars. 312

(D) Division (A) (1) of this section does not apply to a 313  
spectator at a motor vehicle race or motor vehicle show when 314  
both of the following apply: 315

(1) The race or show is sponsored by a recognized, 316  
responsible organization. 317

(2) The race or show is authorized by the applicable 318  
political subdivision or state entity with jurisdiction over the 319  
location of the race or show. 320

(E) Division (A) (2) of this section does not apply to a 321  
spectator of a motor vehicle race or motor vehicle show when 322  
both of the following apply: 323

(1) The race or show is sponsored by a recognized, 324  
responsible organization. 325

(2) The race or show is authorized by the written consent 326  
of the owner, operator, or agent thereof of the private property 327  
on which the race or show is conducted. 328

(F) The offense established under this section is a strict 329  
liability offense and section 2901.20 of the Revised Code does 330  
not apply. The designation of this offense as a strict liability 331  
offense shall not be construed to imply that any other offense, 332

for which there is no specified degree of culpability, is not a 333  
strict liability offense. 334

**Section 2.** That existing sections 2921.331, 2935.031, and 335  
2981.02 of the Revised Code are hereby repealed. 336