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Bill Analysis
Legislative Service Commission

H.B. 383

124th General Assembly
(As Introduced)

Reps. R. Miller, Hartnett, Flowers, Rhine, Carano, Latta, Patton, Lendrum, Beatty, Young, Redfern, Barrett, Seaver

BILL SUMMARY

- Doubles the fine for a speeding violation that occurs in a school zone during restricted hours.

CONTENT AND OPERATION

Current law

Under current law, except as mentioned in the next paragraph, a person found guilty of operating a motor vehicle faster than 20 miles per hour while passing through a school zone during recess or while children are going to or leaving school during opening or closing hours, when a school zone speed limit sign has been erected, is guilty *on a first offense* of a minor misdemeanor, which is punishable by a fine of up to \$100 (sec. 4511.21(B)(1), not in the bill; and sec. 4511.99(D)(1)(a)). A person found guilty of this offense *a second time within a year* is guilty of a misdemeanor of the fourth degree, which is punishable by a jail sentence of up to 30 days, a fine of up to \$250, or both. And, a person found guilty of this offense *a third or subsequent time within a year* is guilty of a misdemeanor of the third degree, which is punishable by a jail sentence of up to 60 days, a fine of up to \$500, or both. (Sec. 4511.99(D)(1)(b) and (c).)

Notwithstanding the general minor misdemeanor penalty mentioned above, current law also provides, in the case of a first offense only, that if a person is found guilty of this offense and the motor vehicle was operated *faster than 35 miles per hour* in the violation, the person is guilty *of a misdemeanor of the fourth degree* (sec. 4511.99(D)(2)).

Change proposed by the bill

The bill requires that, upon a finding that a person operated a motor vehicle in violation of the Speed Limit Law while passing through a school zone during

recess or while children are going to or leaving school during opening or closing hours, the court, in addition to all other penalties provided by law, must *impose a fine of two times the usual amount imposed for the violation*. The bill, however, apparently prohibits a court from imposing such an additional fine if (1) an offender alleges, in an affidavit filed with the court prior to sentencing, that the offender is indigent and unable to pay the additional fine and (2) the court determines that the offender is an indigent person and unable to pay the additional fine. (Sec. 4511.99(D)(5).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-02-01	p. 866

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