



**Sub. S.B. 209**

127th General Assembly  
(LSC 127 1313-1)

**Sen. Carey**

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**BILL SUMMARY**

- Directs that a specified amount of OVI fines be credited to the State Public Defender for indigent criminal defense.
- Makes an appropriation.

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**CONTENT AND OPERATION**

The bill creates the Indigent Defense Support Fund in the state treasury. It also increases the various fines that may be imposed for operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance (herein referred to as "OVI").<sup>1</sup> A specified amount of the fine money is to be deposited into the Indigent Defense Support Fund and to be used by the State Public Defender for indigent criminal defense. (R.C. 120.08 and 4511.19.)

The following chart summarizes the categories of OVI violations, sets forth the range of fines that may be imposed under current law and under the bill, and specifies the amount of the fine that must be transmitted to the Treasurer of State for deposit into the Indigent Defense Support Fund.

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<sup>1</sup> A "vehicle" for purposes of this analysis includes: (1) every device, including a moped (motorized bicycle), in, upon, or by which any person or property may be transported or drawn upon a highway (except "vehicle" does not include motorized wheelchairs, electric personal assistive mobility devices, or any device, other than a bicycle, that is moved by human power), (2) a car, other than a railroad train, for transporting persons or property, operated on rails principally within a street or highway (i.e., a streetcar), and (3) every car that collects its power from overhead electric trolley wires and that is not operated on rails or tracks (i.e., a trackless trolley).

CATEGORY OF VIOLATION	RANGE OF FINES UNDER CURRENT LAW	RANGE OF FINES UNDER THE BILL	AMOUNT DEPOSITED INTO THE INDIGENT DEFENSE SUPPORT FUND
<p>Operating a vehicle (1) under the influence of alcohol, a drug of abuse, or a combination or (2) while under the influence of a listed controlled substance or metabolite of a controlled substance ("OVI violation").</p> <p><i>R.C. 4511.19(G)(1)(a)(iii) and (5)(e)</i></p>	\$250 to \$1,000	\$325 to \$1,075	\$75
<p>The offender, within 6 years of the OVI violation, previously has been convicted of or pleaded guilty to the same or an equivalent offense.</p> <p><i>R.C. 4511.19(G)(1)(b)(iii) and (5)(e)</i></p>	\$350 to \$1,500	\$475 to \$1,625	\$125
<p>The offender, within 6 years of the OVI violation, previously has been convicted of or pleaded guilty to two of the same or equivalent offenses.</p> <p><i>R.C. 4511.19(G)(1)(c)(iii) and (5)(e)</i></p>	\$550 to \$2,500	\$800 to \$2,750	\$250
<p>The offender, within 6 years of the OVI violation, previously has been convicted of or pleaded guilty to three or four of the same or equivalent offenses <b>OR</b> the offender, within 20</p>	\$800 to \$10,000	\$1,300 to \$10,500	\$500



years of the OVI violation, previously has been convicted of or pleaded guilty to five or more violations of that nature. <i>R.C. 4511.19(G)(1)(d)(iii) and (5)(e)</i>			
The offender previously has been convicted of or pleaded guilty to an OVI violation that was a felony, regardless of when the violation and the conviction or guilty plea occurred. <i>R.C. 4511.19(G)(1)(e)(iii) and (5)(e)</i>	\$800 to \$10,000	\$1,300 to \$10,500	\$500

Lastly, the bill makes an appropriation of \$3,700,000 from the newly erected fund to the Public Defender Commission in both fiscal year 2008 and 2009 (Sections 3 and 4).

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## HISTORY

ACTION	DATE
Introduced	08-23-07

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