



Sub. S.B. 209
127th General Assembly
(As Passed by the Senate)

Sens. Carey, Cates, Kearney, Gardner, Faber, D. Miller, Roberts, Goodman, Harris, Padgett, Stivers

BILL SUMMARY

- Directs that a specified amount of OVI fines be credited to the State Public Defender for county indigent criminal defense reimbursement.
- Establishes registration reciprocity for snowmobiles, off-highway motorcycles, and all-purpose vehicles.
- Makes an appropriation to the Ohio Public Defender Commission and to the Tobacco Use Prevention and Control Foundation.

CONTENT AND OPERATION

County indigent criminal defense reimbursement

(R.C. 120.08 and 4511.19)

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").¹ A specified

¹ 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).

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 the purpose of reimbursing county governments for expenses incurred in operating county public defender systems, joint county public defender systems, and county appointed counsel systems pursuant to current law.² Disbursements from the Fund to county governments are to be made in each state fiscal year and must be allocated proportionately so that each county receives an equal percentage of its total cost for operating its system.

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.

CATEGORY OF VIOLATION	RANGE OF FINES UNDER CURRENT LAW	RANGE OF FINES UNDER THE BILL	AMOUNT DEPOSITED INTO THE INDIGENT DEFENSE SUPPORT FUND
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"). <i>R.C. 4511.19(G)(1)(a)(iii) and (5)(e)</i>	\$250 to \$1,000	\$325 to \$1,075	\$75
The offender, within 6 years of the OVI violation, previously has been convicted of or pleaded guilty to the same or an equivalent offense. <i>R.C. 4511.19(G)(1)(b)(iii) and (5)(e)</i>	\$350 to \$1,500	\$475 to \$1,625	\$125

² See R.C. 120.18, 120.28, and 120.33.

CATEGORY OF VIOLATION	RANGE OF FINES UNDER CURRENT LAW	RANGE OF FINES UNDER THE BILL	AMOUNT DEPOSITED INTO THE INDIGENT DEFENSE SUPPORT FUND
<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 OR the offender, within 20 years of the OVI violation, previously has been convicted of or pleaded guilty to five or more violations of that nature.</p> <p><i>R.C. 4511.19(G)(1)(d)(iii) and (5)(e)</i></p>	\$800 to \$10,000	\$1,300 to \$10,500	\$500
<p>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.</p> <p><i>R.C. 4511.19(G)(1)(e)(iii) and (5)(e)</i></p>	\$800 to \$10,000	\$1,300 to \$10,500	\$500



The bill also makes an appropriation of \$3,700,000 from the newly created fund to the Ohio Public Defender Commission in both fiscal year 2008 and 2009 (Sections 3 and 5).

Registration reciprocity for all-purpose and other special vehicles

(R.C. 4519.02 and 4519.09)

Currently, every nonresident owner or operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle must obtain a \$5 operating permit valid for up to 15 days in order to operate the vehicle in Ohio. (Registration reciprocity for nonresidents had been eliminated by Am. Sub. H.B. 66 of the 126th General Assembly, the main operating budget bill for the FY 2006-2007 biennium.)

The bill re-establishes registration reciprocity for a nonresident to operate such a vehicle in Ohio if the person lives in a state that has a registration requirement for those vehicles that is similar to Ohio's registration law and the vehicle is properly registered under that state's law. If the nonresident owner or operator of the vehicle lives in a state that does *not* have a registration requirement similar to Ohio's, the person must obtain a \$5, 15-day temporary operating permit to operate the vehicle in Ohio.

Tobacco Use Prevention and Control Foundation

(Sections 4 and 5)

The bill makes an appropriation of \$1,990,790 to the Tobacco Use Prevention and Control Foundation in fiscal year 2009 for operating expenses.

HISTORY

ACTION	DATE
Introduced	08-23-07
Reported, S. Finance & Financial Institutions	10-24-07
Passed Senate (32-0)	10-30-07

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