



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 163

125th General Assembly
(S. Judiciary)

Changes in provisions of the House-passed version of the bill

In a provision of existing law that was contained in the House-passed version of the bill, that specifies that files destroyed or otherwise disposed of by a municipal court pursuant to law after they have been maintained for a specified period of time, and that specifies that some of the records so destroyed or disposed of do not have to be copied prior to destruction or disposition, provided that files concerned solely with traffic prosecutions do not have to be copied or reproduced only if they are concerned solely with minor misdemeanor traffic prosecutions (R.C. 1901.41(B)(1)).

In a provision of the House-passed version of the bill that requires courts to retain for 50 years documentation regarding each criminal conviction and plea of guilty involving a case before the court, specified that the documentation may be retained in any form authorized by R.C. 9.01 (R.C. 1901.41(E), 1907.231, and 2301.141).

Issues not addressed in the House-passed version of the bill

Enacted an additional prohibition within the section that contains state OVI that prohibits a person who, within 20 years of the conduct described in clause (2) below, previously has been convicted of or pleaded guilty to state OVI, state OVUAC, or a municipal OVI offense, from doing both of the following: (1) operating any vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them; and (2) subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in clause (1) above, being asked by a law enforcement officer to submit to a chemical test or test under the vehicle-related Implied Consent Law, and being advised by the officer in accordance with R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refusing to submit to the test or tests (R.C. 4511.19(A)(2) and 4511.192; changes in divisional references in numerous other sections).

* This synopsis does not address amendments that may have been adopted on the Senate floor.

Specified that a violation of the new prohibition described in the preceding paragraph point is the offense of state OVI, and provided that the punishment for a violation of the new prohibition is the same as the punishment provided under existing law, with modifications made by the bill, for a violation of a high-end state OVI prohibition (4511.19(G)).

Provided that, when a court imposes a mandatory term of local incarceration for a fourth degree felony OVI offense, the court imposes any additional community control sanction, and the offender violates any condition of the sanction, the court may take any action prescribed in R.C. 2929.15(B) relative to the offender's violation of the sanction, including imposing a prison term on the offender pursuant to that provision (R.C. 2929.01(U), 2929.13(A) and (G), 2929.14, 2929.16, 2929.17, 2929.19, and 4511.19(G)).

Provided that, when a court imposes a prison sentence for a felony OVI offense, the court also may sentence the offender to community control sanctions (R.C. 2929.13(A) and (G), 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, and 4511.19(G)).

Changed the prohibited concentration of alcohol in the person's blood serum or plasma from .96% or more by weight per unit volume to .096% or more by weight per unit volume of alcohol in the state watercraft OVI and OVUAC law (R.C. 1547.11).

Expanded the authorization to petition for limited driving privileges to an Ohio resident (including a juvenile) who is convicted of or pleads guilty to a statute of another state or federal statute that is substantially similar to any drug offense prohibited by R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 and whose license, permit, or privilege has been suspended by the Registrar (a Class D suspension, a definite period of six months) (R.C. 4510.17).

Modified when the Registrar is required to terminate an ALS suspension for state or municipal OVI or OVUAC so that the Registrar is required to terminate a suspension upon receipt of notice that the person has entered a guilty plea to or that the person has been convicted after entering a plea of no contest under Criminal Rule 11 to state OVI or OVUAC or municipal OVI (R.C. 4511.191).

Added three exceptions to the prospective nature of changes made by Am. Sub. S.B. 123 so that, under the bill, the following apply to conduct or an offense committed prior to January 1, 2004: (1) a person whose driver's or commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended by a court may apply to the sentencing court for limited driving privileges pursuant to R.C. 4510.021(A), (2) a person whose license, permit, or privilege was suspended by the Registrar of Motor Vehicles may apply for limited driving privileges under R.C. 4510.021(B) if limited driving privileges are expressly authorized by a section of the Revised Code for the type of conduct or offense that caused the suspension, and (3) a person whose license, permit or privilege was suspended, canceled, or revoked for life



may file a motion for modification or termination of the suspension, cancellation, or revocation in accordance with R.C. 4510.54. Also, required that the terms and conditions of any limited driving privileges granted under these three provisions are to be governed by the law in effect on and after January 1, 2004. (Section 3.)

Amended several sections that refer to R.C. 4511.194, which is the offense of having physical control of a vehicle while under the influence, to also include references to a substantially equivalent municipal ordinance (R.C. 4511.191, 4511.192, 4511.196, and 4511.197).

Removed references to "special" license plates in favor of the term "restricted" license plates (R.C. 4507.02).

Required that, when a person with a temporary instruction permit and identification card drives a motor vehicle, the eligible adult or person over 21 years of age who occupies the seat beside the person driving the motor vehicle not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine (R.C. 4507.05).

Except when the person's OVI offense was "high-end state OVI" or a comparable municipal OVI provision, eliminated the requirement that a court must require a person to display restricted license plates as a condition of granting limited driving privileges when a license has been suspended for state or municipal OVI if the person has not been convicted of one or more prior state OVI or municipal OVI offenses or "equivalent offenses" within the previous six years and has not been convicted of felony state OVI any time previously; the bill's elimination of this requirement does not apply when the person's OVI offense was "high-end state OVI" or a comparable municipal OVI provision (R.C. 4510.13(A)(7) and 4511.19(G)(4)).

Defined "continuous alcohol monitoring" and specifically authorized it as a community control sanction in criminal and delinquent child cases, either as an independent sanction or in conjunction with electronic monitoring as a sanction (R.C. 2152.17, 2929.01(W), 2929.17, 2929.27, and 4511.19(G)).