



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 461

126th General Assembly
(S. Judiciary – Criminal Justice)

Expanded the provision of the House-passed version of the bill that increases to 10, 11, 12, 13, 14, or 15 years the mandatory prison term for certain OVI-related aggravated vehicular homicides to also make the increase apply if the offender has three or more prior OVI-related aggravated vehicular homicide, aggravated vehicular assault, or alcohol and vehicle-related involuntary manslaughter convictions within the previous six years and to specify that the provision making the increase apply if the offender has three or more convictions of any combination of the offenses applies only when the three or more convictions occurred within the previous six years.

Defined "traffic-related murder, felonious assault, or attempted murder offense," and increased the period of the suspension of the driver's or commercial driver's license or permit (hereafter, driver's license) or nonresident operating privilege of an offender who is convicted of any of the following offenses and who previously was convicted of a traffic-related murder, felonious assault, or attempted murder offense: (1) aggravated vehicular homicide not based on OVI-related conduct, (2) vehicular homicide, (3) vehicular manslaughter, (4) aggravated vehicular assault, and (5) vehicular assault.

Required the imposition of a Class 2 suspension of the driver's license or nonresident operating privilege of: (1) an offender convicted of aggravated murder or murder who used a motor vehicle as the means to commit the offense, (2) an offender convicted of felonious assault who knowingly caused or attempted to cause physical harm to another or to another's unborn by means of a deadly weapon that was a motor vehicle, and (3) an offender convicted of an attempt to commit aggravated murder or murder who used a motor vehicle as the means to commit the aggravated murder or murder.

Prohibited a person whose driver's license or nonresident operating privilege has been suspended for life under a Class 1 suspension imposed under its provisions described above for aggravated vehicular homicide or aggravated vehicular assault from

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

operating a motor vehicle in Ohio during the remaining life of the person and provided that a violation of the prohibition is the offense of "driving under specified lifetime suspension."

Prohibited the issuance of a driver's license to, or the retention of such a license by, any person who is: (1) under a Class 1 or Class 2 suspension imposed under its provisions described above for aggravated murder, murder, felonious assault, attempted aggravated murder, or attempted murder, or (2) under a Class 1 or Class 2 suspension imposed under an existing provision for failure to comply with an order or signal of a police officer.

Prohibited a judge or mayor from suspending any portion of a Class 1 suspension imposed under its provisions described above for aggravated vehicular homicide or under an existing provision for failure to comply with an order or signal of a police officer, or a Class 2 suspension imposed under its provisions described above for aggravated murder, murder, felonious assault, attempted aggravated murder, or attempted murder.

Specified that the existing mechanism for modification or termination of a Class 1 or other lifetime suspension or a Class 2 suspension in excess of 15 years does not apply regarding any Class 1 suspension imposed under its provisions described above for aggravated vehicular homicide or aggravated vehicular assault or a Class 2 suspension imposed under its provisions for vehicular homicide or for an offense described in the preceding paragraph.

Allowed a qualifying claimant to file a claim for an award of reparations under the Crime Victims Reparations Law if the person suffers economic loss from conduct that caused serious physical harm to a person and constituted a violation of either the offense of "failure to stop after an accident" or "failure to stop after a nonpublic road accident," and provided that if this type of conduct occurred on or after July 1, 2000, an application for an award of reparations must be filed within two years after the bill's effective date or as provided under current law, whichever is later.

Modified the Terrorism Law provisions that pertain to the required completion and use of Declarations of Material Assistance/Nonassistance to Terrorist Organizations by: (1) requiring a licensing entity that denies a license or renewal because of the disclosure of providing material assistance to send written notice of the denial to the applicant, providing a limitations period on the right to request a review, and requiring the licensing entity to notify the Department of Public Safety of the denial, (2) specifying that the existing disclosure requirements for licensure do not apply to certain specified federally insured depository institutions or their subsidiaries or, in specified circumstances, their officers and employees, their affiliates, or their affiliates' officers and employees, (3) establishing a centralized procedure for precertification for doing business with or receiving funding from a public entity, modifying the precertification mechanism, requiring certain forms and lists to be available on the Department of Public Safety and Office of Budget and Management web sites, and providing an entity that discloses

material assistance with notice of the prohibition against it doing business or receiving funding and of the right to a review of the prohibition, (4) changing the formulas for calculating whether an entity contracting to do business with, or receive funding from, a public entity receives the threshold amount of money to be subject to the certification requirement, (5) adding a penalty for failing to provide certification, (6) exempting from the requirement to disclose the provision of material assistance/nonassistance when contracting with, or receiving funding from, a public entity, certain federally insured depository institutions, contracts between government entities, and persons or entities providing necessary; nonelective healthcare services, and (7) modifying the procedures by which a public entity notifies an individual that the individual is being denied employment due to the disclosure of providing material assistance.

Extended, from December 31, 2006, until March 31, 2007, the date by which the Task Force on Implementing the Federal Domestic Violence Option in the Ohio Works First Program created in Am. Sub. S.B. 238 of the 126th General Assembly must prepare and submit its report to the Governor and specified leadership of the General Assembly.

Made immobilization of a vehicle and impoundment of its license plates for the offense of "driving under financial responsibility law suspension or cancellation" or for a violation of a substantially equivalent municipal ordinance discretionary rather than mandatory when the offender has no previous violation in the preceding five years.

Authorized the imposition of a fine equal to the value of the vehicle when title to a vehicle that is subject to an immobilization order is assigned or transferred without court approval.

Authorized an offender who cannot reasonably pay the fees required to reinstate suspended driving privileges to petition for a court-ordered payment plan.