



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

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Sub. H.B. 5

129th General Assembly
(Senate Judiciary Civil Justice)

The Senate Judiciary Civil Justice Committee adopted amendments to do the following:

1. Allow an investigator appointed by the State Auditor to carry a concealed weapon while engaging in the scope of the investigator's duties.
2. Allow persons who are due restitution in felony and misdemeanor criminal cases to request a certificate of judgment from the clerk of the court that is in the same manner and form as a certificate of judgment issued in a civil action.
3. Provide that a court retains jurisdiction over a jail term imposed on a misdemeanor offender and allow that court to substitute one or more community control sanctions under the Misdemeanor Sentencing Law for any jail days that are not mandatory jail days.
4. Provide that a court retains jurisdiction over any community control sanctions imposed on a misdemeanor offender, the offender, and the duration of the sanctions and allow that court to modify the sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.
5. Allow a misdemeanor offender, if a court imposes a term of community service upon the offender, to request that the court modify the sentence to authorize the offender to make a reasonable contribution to the general fund of the county, municipality, or other local entity that provides funding to the court and require the offender to make that contribution if the court grants that request.

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

6. Prohibit a person from introducing evidence of an award of restitution in a civil action for the purposes of imposing liability against an insurer under the Uninsured and Underinsured Motorist Coverage Law.

7. Provide that when an offender is ordered under various Motor Vehicle laws to serve a term of community service, the failure of the offender to complete a term of community service may be punished as indirect contempt of court that may be filed in the underlying case.

8. Provide that any person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended as a repeat traffic offender and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of *driving under a 12-point suspension*, a misdemeanor of the first degree.

9. Allow, rather than require as under existing law, the trial judge to impound the identification license plates of any motor vehicle registered in the name of a person that is convicted of driving under suspension or in violation of a license restriction under R.C. 4510.11, driving under OVI suspension, failure to reinstate a license, driving under financial responsibility law suspension or cancellation, or driving under nonpayment of judgment suspension.

10. Specify certain motor vehicle offenses as unclassified misdemeanors and provide that the offender cannot be sentenced to a jail term or a community residential sanction for the offense but allow the offender to be fined up to \$1,000 and to be ordered to serve a term of community service of up to 500 hours.

11. Modify the points assessed for certain motor vehicle law violations.

12. Allow, instead of require as under existing law, the court to impose a class seven suspension for driving under suspension under R.C. 4510.111, operating a motor vehicle or motorcycle without a license, driving under financial responsibility law suspension or cancellation, driving under a nonpayment of judgment suspension, or wrongful entrustment of a motor vehicle.

13. Provide that the immobilization of a motor vehicle, the impoundment of that vehicle's license plates, and the forfeiture to the state of that motor vehicle are discretionary, rather than mandatory as under existing law, for the offense of driving under license suspension or in violation of a license restriction under R.C. 4510.11.

14. Provide that the immobilization of a motor vehicle, the impoundment of that vehicle's license plates, and the forfeiture to the state of that motor vehicle are discretionary for the offense of driving under suspension under R.C. 4510.111.

15. Allow, upon the motion of the prosecuting authority in specified traffic offense cases, a noncertified copy of the LEADS report to be introduced to create a rebuttable presumption that the accused was under suspension or had no license at the time of the offense if the offender is charged with driving under suspension or in violation of a license restriction under R.C. 4510.11, driving under suspension under R.C. 4510.111, operating a motor vehicle without a license, driving under financial responsibility law suspension or cancellation, or failure to reinstate a license.

16. Require an offender charged with driving under suspension or in violation of a license restriction under R.C. 4510.11, driving under suspension under R.C. 4510.111, driving under OVI suspension, driving under financial responsibility law suspension or cancellation, or OVI to provide the court with proof of financial responsibility and provide that if the offender fails to provide that proof the court may order restitution in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle.