

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 56**

**Senator Niehaus**

**Cosponsors: Senators Hughes, Carey, Fedor, Miller, D., Wagoner, Patton,  
Schuler**

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**A B I L L**

To amend section 2903.04 and to enact section 1  
2919.221 of the Revised Code to prohibit a person 2  
from negligently leaving a child who is less than 3  
five years of age unattended in an automobile. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2903.04 be amended and section 5  
2919.221 of the Revised Code be enacted to read as follows: 6

**Sec. 2903.04.** (A) No person shall cause the death of another 7  
or the unlawful termination of another's pregnancy as a proximate 8  
result of the offender's committing or attempting to commit a 9  
felony. 10

(B) No person shall cause the death of another or the 11  
unlawful termination of another's pregnancy as a proximate result 12  
of the offender's committing or attempting to commit a any of the 13  
following: 14

(1) A misdemeanor of any degree, a other than a violation of 15  
section 2919.221 of the Revised Code; 16

(2) A regulatory offense, or a i 17

(3) A minor misdemeanor other than a violation of section 2919.221 of the Revised Code, other than a violation of any section contained in Title XLV of the Revised Code that is a minor misdemeanor, and other than a violation of an ordinance of a municipal corporation that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

(C) Whoever violates this section is guilty of involuntary manslaughter. Violation of division (A) of this section is a felony of the first degree. Violation of division (B) of this section is a felony of the third degree.

(D) If an offender is convicted of or pleads guilty to a violation of division (A) or (B) of this section and if the felony, misdemeanor, or regulatory offense that the offender committed or attempted to commit, that proximately resulted in the death of the other person or the unlawful termination of another's pregnancy, and that is the basis of the offender's violation of division (A) or (B) of this section was a violation of division (A) or (B) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance or included, as an element of that felony, misdemeanor, or regulatory offense, the offender's operation or participation in the operation of a snowmobile, locomotive, watercraft, or aircraft while the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, both of the following apply:

(1) The court shall impose a class one suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege as specified in division (A)(1) of section 4510.02 of the Revised Code.

(2) The court shall impose a mandatory prison term for the violation of division (A) or (B) of this section from the range of

prison terms authorized for the level of the offense under section 2929.14 of the Revised Code. 50  
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Sec. 2919.221. (A) As used in this section, "automobile" means a passenger car, truck, or other motorized vehicle having an enclosed passenger compartment. 52  
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(B) No person shall negligently leave a child who is less than five years of age unattended in an automobile. 55  
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(C) Whoever violates this section is guilty of leaving a child unattended in an automobile. Except as otherwise provided in this division, leaving a child unattended in an automobile is a minor misdemeanor. If a child suffers serious physical harm as a result of a violation of this section, leaving a child unattended in an automobile is a misdemeanor of the third degree. If a child dies as a result of a violation of this section, leaving a child unattended in an automobile is a misdemeanor of the first degree. 57  
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**Section 2.** That existing section 2903.04 of the Revised Code is hereby repealed. 65  
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