



Ohio Legislative Service Commission

Bill Analysis

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H.B. 154

128th General Assembly
(As Introduced)

Reps. Yuko, B. Williams, Patten, Luckie, Hagan, Domenick, Stewart, Evans, Winburn

BILL SUMMARY

- Prohibits a person who is not operating a motor vehicle from knowingly, and with intent to elude or flee a law enforcement officer, disobeying a lawful order or direction to stop given by a law enforcement officer.
- Terms the prohibition described in the preceding dot point the offense of "fleeing from a law enforcement officer," which is generally a misdemeanor of the second degree but, if certain conditions are met, is a felony of the fourth or third degree.
- Increases the base penalty from a misdemeanor of the first degree to a felony of the fifth degree for the offense of "failure to comply with an order or signal of a police officer" when committed by a person who is operating a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from an officer to bring the person's motor vehicle to a stop.

CONTENT AND OPERATION

Fleeing from a law enforcement officer

The bill prohibits a person who is not operating a motor vehicle from knowingly and with intent to elude or flee a law enforcement officer disobeying a lawful order or direction to stop given by a law enforcement officer. A violation of this prohibition is the new offense of "fleeing from a law enforcement officer." Generally, a violation of this prohibition is a misdemeanor of the second degree. However, fleeing from a law enforcement officer is a felony of the fourth degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense the offender was fleeing immediately after the commission of a felony. The offense is a felony of the third degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in fleeing or eluding the law enforcement officer the offender proximately caused

serious physical harm to persons or property or created a substantial risk of serious physical harm to persons or property. (R.C. 2921.331(C) and (G), cross-reference conforming changes in R.C. 4510.036(C)(2) and 4510.31(A)(1)(a).)

Failure to comply with an order or signal of a police officer

One of the ways in which a person commits the offense of "failure to comply with an order or signal of a police officer" is if the person operates a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop (see **COMMENT** for the other way in which this offense is committed). Under current law, a violation of this offense is generally a misdemeanor of the first degree or if certain conditions are present, a felony of the fourth or third degree. (R.C. 2921.331(B) and (D)(3), (4), and (5).)

The bill increases the base penalty for a violation of this prohibition from a misdemeanor of the first degree to a felony of the fifth degree. It makes no change to the increased penalties if certain conditions are met. (R.C. 2921.331(D)(3).)

COMMENT

A person also commits the offense of "failure to comply with an order or signal of a police officer" if the person fails to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic. A violation of this prohibition is a misdemeanor of the first degree. (R.C. 2921.331(A) and (D)(2).)

HISTORY

ACTION	DATE
Introduced	04-28-09

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