

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 56

Representatives Plummer, White

A BILL

To amend sections 2921.331, 2935.031, and 2981.02 1
and to enact sections 4511.253 and 4511.254 of 2
the Revised Code to increase penalties for 3
fleeing from law enforcement, to require law 4
enforcement entities to have a policy governing 5
the pursuit of a motor vehicle, and to prohibit 6
hooning and being a spectator at a hooning 7
event. 8

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

Section 1. That sections 2921.331, 2935.031, and 2981.02 9
be amended and sections 4511.253 and 4511.254 of the Revised 10
Code be enacted to read as follows: 11

Sec. 2921.331. (A) No person shall fail to comply with any 12
lawful order or direction of any police officer invested with 13
authority to direct, control, or regulate traffic. 14

(B) No person shall operate a motor vehicle so as 15
willfully to elude or flee a police officer after receiving a 16
visible or audible signal from a police officer to bring the 17
person's motor vehicle to a stop. 18

(C) (1) Whoever violates this section is guilty of failure 19

to comply with an order or signal of a police officer. 20

(2) A violation of division (A) of this section is a 21
misdemeanor of the first degree. 22

(3) Except as provided in divisions (C) (4) and (5) of this 23
section, a violation of division (B) of this section is a 24
~~misdemeanor~~ felony of the ~~first~~ fourth degree. 25

~~(4) Except as provided in division (C) (5) of this section,~~ 26
~~a~~ A violation of division (B) of this section is a felony of the 27
~~fourth~~ third degree if the jury or judge as trier of fact finds 28
by proof beyond a reasonable doubt that, in committing the 29
offense, the offender was fleeing immediately after the 30
commission of a felony. 31

(5) (a) A violation of division (B) of this section is a 32
felony of the third degree if the jury or judge as trier of fact 33
finds any of the following by proof beyond a reasonable doubt: 34

(i) The operation of the motor vehicle by the offender was 35
a proximate cause of serious physical harm to persons or 36
property. 37

(ii) The operation of the motor vehicle by the offender 38
caused a substantial risk of serious physical harm to persons or 39
property. 40

(b) If a police officer pursues an offender who is 41
violating division (B) of this section and division (C) (5) (a) of 42
this section applies, the sentencing court, in determining the 43
seriousness of an offender's conduct for purposes of sentencing 44
the offender for a violation of division (B) of this section, 45
shall consider, along with the factors set forth in sections 46
2929.12 and 2929.13 of the Revised Code that are required to be 47
considered, all of the following: 48

(i) The duration of the pursuit;	49
(ii) The distance of the pursuit;	50
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	51 52
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	53 54
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	55 56
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	57 58 59
(vii) Whether the offender committed a moving violation during the pursuit;	60 61
(viii) The number of moving violations the offender committed during the pursuit;	62 63
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	64 65 66
(D) If an offender is sentenced pursuant to division (C) (4) or (5) of this section for a violation of division (B) of this section, and if the offender is sentenced to a prison term for <u>that a violation of division (B) of this section,</u> the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.	67 68 69 70 71 72
(E) In addition to any other sanction imposed for a felony violation of division (B) of this section, the court shall impose a class two suspension from the range specified in	73 74 75

division (A) (2) of section 4510.02 of the Revised Code. In 76
addition to any other sanction imposed for a violation of 77
division (A) of this section ~~or a misdemeanor violation of~~ 78
~~division (B) of this section~~, the court shall impose a class 79
five suspension from the range specified in division (A) (5) of 80
section 4510.02 of the Revised Code. If the offender previously 81
has been found guilty of an offense under this section, in 82
addition to any other sanction imposed for the offense, the 83
court shall impose a class one suspension as described in 84
division (A) (1) of that section. The court shall not grant 85
limited driving privileges to the offender on a suspension 86
imposed for a felony violation of this section. The court may 87
grant limited driving privileges to the offender on a suspension 88
imposed for a misdemeanor violation of this section as set forth 89
in section 4510.021 of the Revised Code. No judge shall suspend 90
the first three years of suspension under a class two suspension 91
of an offender's license, permit, or privilege required by this 92
division ~~on or~~ any portion of the suspension under a class one 93
suspension of an offender's license, permit, or privilege 94
required by this division. 95

(F) As used in this section: 96

(1) "Moving violation" has the same meaning as in section 97
2743.70 of the Revised Code. 98

(2) "Police officer" has the same meaning as in section 99
4511.01 of the Revised Code. 100

Sec. 2935.031. ~~Any~~ (A) As used in this section, "law 101
enforcement entity" means an agency, instrumentality, or 102
political subdivision of the state that employs a sheriff, 103
deputy sheriff, constable, marshal, deputy marshal, police 104
officer, member of a metropolitan housing authority police 105

force, state university law enforcement officer, or veterans' 106
home police officer with arrest authority under section 2935.03 107
of the Revised Code or that employs other persons with arrest 108
authority under the Revised Code~~7.~~ 109

(B) Each law enforcement entity shall adopt a written 110
policy for the pursuit in a motor vehicle of any person who 111
violates a law of this state or an ordinance of a municipal 112
corporation. Subject to division (D) of this section, not later 113
than one hundred twenty days after the effective date of this 114
amendment, each law enforcement entity also shall adopt a 115
written policy that governs the pursuit of a motor vehicle. A 116
policy adopted on or after the effective date of this section 117
for the pursuit of a motor vehicle shall comply with division 118
(C) of this section. The chief law enforcement officer or other 119
chief official of the ~~agency, instrumentality, or political-~~ 120
~~subdivision-law enforcement entity~~ shall formally advise each 121
peace officer or other person with arrest authority ~~it the~~ 122
entity employs of the each pursuit policy adopted by that 123
~~agency, instrumentality, or political subdivision entity~~ 124
pursuant to this section. 125

(C) Each policy adopted by a law enforcement entity under 126
this section on or after the effective date of this amendment 127
that governs the pursuit of a motor vehicle shall include, at a 128
minimum, all of the following with respect to such pursuits: 129

(1) A definition of a motor vehicle pursuit; 130

(2) A definition of the criteria under which a motor 131
vehicle pursuit may be initiated; 132

(3) A requirement that the circumstances of the situation, 133
including the seriousness of the alleged offense, the conditions 134

of the road and location of the pursuit, the time of day, and 135
the weather conditions, be evaluated before undertaking a motor 136
vehicle pursuit; 137

(4) A provision that prohibits or discourages motor 138
vehicle pursuits when the suspect is known to the officers or 139
easily identifiable, unless the officers have probable cause to 140
believe the suspect's escape poses a significant threat of death 141
or serious physical injury to officers or others; 142

(5) A description of the responsibilities of the unit 143
initiating a motor vehicle pursuit and secondary units; 144

(6) A specification of the roles and restrictions 145
pertinent to marked, unmarked, or other types of police vehicles 146
involved in a motor vehicle pursuit; 147

(7) The provision of communication protocols addressing 148
responsibilities for officers and telecommunicators with respect 149
to a motor vehicle pursuit; 150

(8) A description of supervisors' responsibilities 151
regarding a motor vehicle pursuit; 152

(9) A specification of when and who has the authority to 153
terminate a motor vehicle pursuit; 154

(10) A provision addressing the engagement in inter- 155
jurisdictional and intra-jurisdictional motor vehicle pursuits 156
involving personnel from the entity and one or more other 157
jurisdictions; 158

(11) A requirement that the entity provide training to 159
officers prior to the utilization of motor vehicle pursuit 160
termination tactics and intervention techniques, including a PIT 161
maneuver, tire deflation devices, or a road block; 162

(12) A requirement for a written report and an 163
administrative review of each motor vehicle pursuit; 164

(13) A requirement for the conduct of a documented annual 165
analysis of motor vehicle pursuit reports, to include a review 166
of policy and reporting procedures, approved by the head of the 167
entity. 168

(D) If, on the effective date of this amendment, a law 169
enforcement entity has in effect a policy that governs the 170
pursuit of a motor vehicle and that includes all of the 171
definitions, requirements, provisions, descriptions, and 172
specifications described in divisions (C)(1) to (13) of this 173
section, the entity is not required, on or after the effective 174
date of this amendment, to adopt a new policy under division (B) 175
of this section that governs the pursuit of a motor vehicle, 176
while that existing policy remains in use. If, on the effective 177
date of this amendment, an entity has in effect such a policy, 178
the entity shall not end the use of that policy until after it 179
adopts a new policy that governs the pursuit of a motor vehicle 180
and that includes all of the definitions, requirements, 181
provisions, descriptions, and specifications described in 182
divisions (C)(1) to (13) of this section. 183

Sec. 2981.02. (A)(1) The following property is subject to 184
forfeiture to the state or a political subdivision under either 185
the criminal or delinquency process in section 2981.04 of the 186
Revised Code or the civil process in section 2981.05 of the 187
Revised Code: 188

(a) Contraband involved in an offense; 189

(b) Proceeds derived from or acquired through the 190
commission of an offense; 191

(c) An instrumentality that is used in or intended to be 192
used in the commission or facilitation of any of the following 193
offenses when the use or intended use, consistent with division 194
(B) of this section, is sufficient to warrant forfeiture under 195
this chapter: 196

(i) A felony; 197

(ii) A misdemeanor, when forfeiture is specifically 198
authorized by a section of the Revised Code or by a municipal 199
ordinance that creates the offense or sets forth its penalties; 200

(iii) An attempt to commit, complicity in committing, or a 201
conspiracy to commit an offense of the type described in 202
divisions (A) (3) (a) and (b) of this section. 203

(2) In determining whether an alleged instrumentality was 204
used in or was intended to be used in the commission or 205
facilitation of an offense or an attempt, complicity, or 206
conspiracy to commit an offense in a manner sufficient to 207
warrant its forfeiture, the trier of fact shall consider the 208
following factors the trier of fact determines are relevant: 209

(a) Whether the offense could not have been committed or 210
attempted but for the presence of the instrumentality; 211

(b) Whether the primary purpose in using the 212
instrumentality was to commit or attempt to commit the offense; 213

(c) The extent to which the instrumentality furthered the 214
commission of, or attempt to commit, the offense. 215

(B) The property described in division (F) (2) of section 216
2917.211 of the Revised Code is subject to forfeiture under the 217
criminal or delinquency process in section 2981.04 of the 218
Revised Code, if the forfeiture is ordered by the court imposing 219

sentence or an order of disposition. 220

(C) ~~This~~ Except as provided by section 4511.253 of the 221
Revised Code, this chapter does not apply to or limit 222
forfeitures under Title XLV of the Revised Code, including 223
forfeitures relating to section 2903.06 or 2903.08 of the 224
Revised Code. 225

Sec. 4511.253. (A) As used in sections 4511.253 and 226
4511.254 of the Revised Code: 227

(1) "Hooning" means operating a motor vehicle in a 228
reckless or dangerous manner to provoke a reaction from 229
spectators by speeding; street racing; performing doughnuts, 230
burnouts, drifting, rapid acceleration, squealing tires, or 231
engine revving; or allowing passengers to ride partially or 232
fully outside of the motor vehicle. 233

(2) "Instrumentality" has the same meaning as in section 234
2981.01 of the Revised Code. 235

(3) "Participate" means to be either the operator or 236
passenger of a motor vehicle. 237

(4) "Spectator" means an individual who is present at a 238
location for the purpose of watching another individual hooning 239
or assisting in the logistics of a hooning event. 240

(B) (1) Except as provided in division (D) of this section, 241
no person shall participate in hooning upon any public road, 242
street, or highway in this state. 243

(2) Except as provided in division (E) of this section, no 244
person shall participate in hooning upon any private property 245
that is open to the general public. 246

(C) (1) Whoever violates division (B) of this section is 247

guilty of hooning, a misdemeanor of the first degree. 248

(2) An offender who operated the vehicle that was involved 249
in the offense shall provide the court with proof of financial 250
responsibility, as defined in section 4509.01 of the Revised 251
Code, for that vehicle. If that offender fails to provide proof 252
of financial responsibility, in addition to any other penalties 253
provided by law, the court may order restitution pursuant to 254
section 2929.28 of the Revised Code in an appropriate amount for 255
any economic loss arising from an accident or collision that was 256
the direct and proximate result of the offense for which the 257
offender is sentenced under this section. 258

(3) In addition to any other penalties provided by law, 259
the court shall impose a class five suspension of the offender's 260
driver's license, commercial driver's license, temporary 261
instruction permit, probationary license, or nonresident 262
operating privilege from the range specified in division (A) (5) 263
of section 4510.02 of the Revised Code. 264

(4) A motor vehicle used in a violation of division (B) of 265
this section is contraband, and is an instrumentality, that is 266
subject to seizure and forfeiture under Chapter 2981. of the 267
Revised Code. 268

(D) Division (B) (1) of this section does not apply to a 269
participant of a motor vehicle race or motor vehicle show when 270
all of the following apply: 271

(1) The race or show is sponsored by a recognized, 272
responsible organization. 273

(2) The race or show is authorized by the applicable 274
political subdivision or state entity with jurisdiction over the 275
location of the race or show. 276

(3) The participant is operating or displaying the motor 277
vehicle within the parameters of the authorization for the race 278
or show. 279

(E) Division (B)(2) of this section does not apply to a 280
participant of a motor vehicle race or motor vehicle show when 281
all of the following apply: 282

(1) The race or show is sponsored by a recognized, 283
responsible organization. 284

(2) The race or show is authorized by the written consent 285
of the owner, operator, or agent thereof of the private property 286
on which the race or show is conducted. 287

(3) The participant is operating or displaying the motor 288
vehicle within the parameters of the authorization for the race 289
or show. 290

(F) The offense established under this section is a strict 291
liability offense and section 2901.20 of the Revised Code does 292
not apply. The designation of this offense as a strict liability 293
offense shall not be construed to imply that any other offense, 294
for which there is no specified degree of culpability, is not a 295
strict liability offense. 296

Sec. 4511.254. (A) (1) Except as provided in division (D) 297
of this section, no person shall be a spectator at a hooning 298
event upon or alongside any public road, street, or highway in 299
this state. 300

(2) Except as provided in division (E) of this section, no 301
person shall be a spectator at a hooning event upon or alongside 302
any private property that is open to the general public. 303

(B) Whoever violates this section is guilty of hooning 304

complicity, an unclassified misdemeanor. 305

(C) The offender shall be sentenced pursuant to sections 306
2929.21 to 2929.28 of the Revised Code, except that the offender 307
shall not be sentenced to a jail term; shall not be sentenced to 308
a community residential sanction pursuant to section 2929.26 of 309
the Revised Code; and, notwithstanding division (A) (2) (a) of 310
section 2929.28 of the Revised Code, the offender may be fined 311
up to one thousand dollars. 312

(D) Division (A) (1) of this section does not apply to a 313
spectator at a motor vehicle race or motor vehicle show when 314
both of the following apply: 315

(1) The race or show is sponsored by a recognized, 316
responsible organization. 317

(2) The race or show is authorized by the applicable 318
political subdivision or state entity with jurisdiction over the 319
location of the race or show. 320

(E) Division (A) (2) of this section does not apply to a 321
spectator of a motor vehicle race or motor vehicle show when 322
both of the following apply: 323

(1) The race or show is sponsored by a recognized, 324
responsible organization. 325

(2) The race or show is authorized by the written consent 326
of the owner, operator, or agent thereof of the private property 327
on which the race or show is conducted. 328

(F) The offense established under this section is a strict 329
liability offense and section 2901.20 of the Revised Code does 330
not apply. The designation of this offense as a strict liability 331
offense shall not be construed to imply that any other offense, 332

for which there is no specified degree of culpability, is not a 333
strict liability offense. 334

Section 2. That existing sections 2921.331, 2935.031, and 335
2981.02 of the Revised Code are hereby repealed. 336