



ENACTMENT SUMMARY

House Bill 37

OVI & aggravated vehicular homicide penalties

Effective April 9, 2025

On January 8, 2025, Governor DeWine signed into law House Bill 37 (Rep. K. Miller and Rep. Johnson), which modifies the penalties for OVI and aggravated vehicular homicide.

The bill passed the Ohio House by a vote of 93-0 on May 22, 2024 and the Ohio Senate by a vote of 30-0 on December 18, 2024. The House voted the same day to concur on Senate amendments, by a vote of 90-0. It was signed into law on January 8, 2025 and becomes effective on April 9, 2025.

Oral fluid testing

The bill authorizes the use of oral fluid testing to be used as evidence to establish that a person operated a vehicle while intoxicated, to be treated similarly as other types of chemical testing under existing law.

OVI penalties

Financial penalties

The bill increases the minimum fines for all OVI offenses by \$190, and provides that of that increased amount, \$75 is to be deposited into the sentencing court's special projects fund, specifically to cover the cost of immobilizing or disabling devices, including ignition interlock devices and remote alcohol monitoring devices. The remaining \$115 from the increase is to be deposited into the Statewide Treatment and Prevention Fund.

Additionally, the bill lowers the reinstatement fee for an OVI suspension from \$475 to \$315.

Limited driving privileges and use of an ignition interlock device (IID)

For a first-time OVI offender (no prior offenses within the past ten years), the bill allows a court to waive the 15-day "hard" suspension for an offender who has no prior convictions of a physical-control offense and who agreed to chemical testing at the time of the OVI arrest. If the first-time OVI offender has a physical-control offense within the past ten years, the bill increases the 15-day hard suspension to 45 days, and requires the offender use an IID in order to obtain limited driving privileges.

For a second-time OVI offender, the bill requires the court to condition the granting of limited driving privileges on the use of an IID, if the OVI was alcohol-related. If the OVI was drug related, the ordering of an IID is at the judge's discretion.

For an OVI offender who refuses a chemical test at the time of the arrest, the bill modifies the terms of hard suspension and conditioning the granting of limited driving privileges on the use of an IID as follows (source: Legislative Service Commission bill analysis):

Offense # (within 10 years)	Period of hard suspension	Permissive for court to require use of ignition interlock device	Mandatory for court to require use of ignition interlock device
First-time	30 days	Yes	No
First-time offender with a prior physical control offense	90 days	No	Yes
Second-time	90 days	If underlying offense is drug-related	If underlying offense is alcohol-related
Third-time	One year	If underlying offense is drug-related	If underlying offense is alcohol-related
Fourth-time or subsequent	Three years	If underlying offense is drug-related	If underlying offense is alcohol-related

Aggravated vehicular homicide (OVI) penalties

The bill amends the penalties for aggravated vehicular homicide that is a result of an OVI offense. Specifically, the bill increases the maximum financial penalty from \$15,000 to \$25,000. The bill also establishes a new sentencing structure for these offenses, breaking the offense down into four tiers (based on number of prior offenses or other circumstances surrounding the offense) with different penalties, as follows (source: Legislative Service Commission bill analysis):

Aggravated vehicular homicide (proximate result: OVI)		
Tier	Prior offense(s)	Prison term
First Tier R.C. 2903.06(B)(2)(a)	None – offender commits aggravated vehicular homicide as the proximate result of an OVI offense.	Default minimum mandatory term for second degree felony under R.C. 2929.14: 2, 3, 4, 5, 6, 7, or 8 years
Second Tier R.C. 2903.06(B)(2)(b)	None – offender commits aggravated vehicular homicide as the proximate result of an OVI offense while the offender’s driver’s license is suspended or while offender was driving without a license; or Offender commits aggravated vehicular homicide as the proximate result of an OVI offense and has one prior OVI offense within the previous 20 years; or Offender commits the aggravated vehicular homicide as the proximate result of an OVI offense and has one prior traffic-related homicide, manslaughter, or assault offense within the previous 20 years.	Default minimum mandatory term for first degree felony under R.C. 2929.14: 3, 4, 5, 6, 7, 8, 9, 10, or 11 years

Aggravated vehicular homicide (proximate result: OVI)		
Tier	Prior offense(s)	Prison term
<p>Third Tier R.C. 2903.06(B)(2)(c)</p>	<p>Offender commits aggravated vehicular homicide as the proximate result of an OVI offense and has either:</p> <p>Two prior OVI offenses within the previous 20 years;</p> <p>or</p> <p>Two prior traffic-related homicide, manslaughter, or assault offenses within the previous 20 years;</p> <p>or</p> <p>Two prior offenses of any combination of the prior two parameters listed above within the previous 20 years.</p>	<p>First degree felony with an increased minimum mandatory term under R.C. 2929.142(A):</p> <p>5, 6, 7, 8, 9, 10, 11, 12, 13, 14, or 15 years</p>
<p>Fourth Tier R.C. 2903.06(B)(2)(d)</p>	<p>Offender commits aggravated vehicular homicide as the proximate result of an OVI offense and has either:</p> <p>Three or more prior OVI offenses within the previous 20 years;</p> <p>or</p> <p>Three or more prior traffic-related homicide, manslaughter, or assault offenses within the previous 20 years;</p> <p>or</p> <p>Three or more prior offenses of any combination of the prior two parameters listed above within the previous 20 years.</p>	<p>First degree felony with an increased minimum mandatory term under R.C. 2929.142(B):</p> <p>12, 13, 14, 15, 16, 17, 18, 19, or 20 years</p>