



Judicial Impact Statement

www.ohiojudges.org

Updated 2015

Prepared By Christina Madriguera, Esq., Legislative Analyst

Definition of Drug Abuse – Huffing Legislation

PROPOSED TITLE INFORMATION

Review R.C. 4511.19, 3719.011, and 4511.181 and clarify references to drugs of abuse, harmful intoxicants, and dangerous drugs, especially with regard to the establishment of impairment in OVI cases.

Looking for a Sponsor

SUMMARY OF IMPACT

The Criminal Law and Procedure Committee and the Association of Municipal and County Judges of Ohio identified an inconsistency in the law where harmful intoxicants were not explicitly listed as being eligible for an OVI offense. The Judicial Conference believes that under current law, harmful intoxicants are omitted from the definition of drugs of abuse and this causes certain inconsistencies and inequities in the application of OVI laws. The judges of the Judicial Conference and the AMCJO believe this concern needs to be addressed and have made this a platform item for the 131st General Assembly.

JUDICIAL IMPACT

This clarification would allow drivers impaired by harmful intoxicants to be charged with an OVI offense, similar to other drivers impaired from drug or alcohol abuse. This change would create needed consistency for judges, and would promote a positive public perception in the court by treating similarly situated people equally. Further, this change will reduce confusion among law enforcement personnel and should prevent inaccurate charges that can cause judicial delays.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

RECOMMENDATION

The Ohio Judicial Conference recommends that harmful intoxicants be added to the list of drugs that are eligible for an OVI charge if a person is deemed to be under the influence of a substance from huffing. The Judicial Conference believes this goal can be met by amending R.C. section 4506.01(K) to include harmful intoxicants in the definition of drugs of abuse. This would create greater consistency in the application of OVI laws, promote fairness and equal treatment under the law, and improve public confidence in the judiciary.