

### **Changes to Section 433.09 Text Messaging While Driving**

- Broadens the texting-while-driving prohibition to prohibit a person from using, holding, or physically supporting an electronic wireless communications device (EWCD) while operating a motor vehicle, trackless trolley, or streetcar.
- Makes the EWCD-while-driving prohibition a primary offense.
- Modifies exemptions and creates additional exemptions to the new EWCD-while-driving prohibition by generally allowing only limited and mostly hands-free use of an EWCD while driving.
- Specifies what devices constitute an EWCD, but exempts a two-way radio transmitter and receiver used for the Amateur Radio Service.
- Changes the preexisting minor misdemeanor penalty for texting while driving to an unclassified misdemeanor for the new EWCD-while-driving prohibition with increasing tiered penalties for violations within a two-year period.
- Prohibits a law enforcement officer from stopping a driver for an EWCD violation unless the officer observes the driver using, holding, or physically supporting the EWCD.
- Prohibits an officer from seizing and searching a person's EWCD when stopped for a violation of the EWCD-while-driving prohibition unless the officer has a warrant or the person voluntarily and unequivocally consents to the search.
- Establishes reporting requirements for law enforcement officers, law enforcement agencies, and the AG related to the race of offenders issued a ticket, citation, or summons for a violation of the EWCD-while-driving law or the distracted driving law.

### **Changes to Section 605.04 Disturbing a Lawful Meeting**

- Increases the penalty for a violation of the prohibition under the offense of “disturbing a lawful meeting” from a fourth degree misdemeanor to a first degree misdemeanor if either of the following apply:
  - The violation is committed with the intent to disturb or disquiet any assemblage of people met for religious worship at a tax-exempt place of worship and disturbs the order and solemnity of the assemblage.

- The violation is committed with the intent to prevent, disrupt, or interfere with a virtual meeting or gathering of people for religious worship, through use of a computer, computer system, telecommunications system, or other electronic device or system, or in any other manner.

The sponsors of the changes provided the following rationale:

“In the last few years, we’ve realized just how vulnerable our right to practice religion is,” said Johnson. “The state must take steps to ensure the First Amendment right to freedom of religion is never infringed upon, no matter the circumstances, and this bill is a strong first step.”

Currently, it is considered a fourth degree misdemeanor for “disturbing a lawful meeting” in which a person prevents or interferes with any meeting of religious worship, or makes an offensive gesture or display which disturbs the group. Under the bill, such penalties would be increased to a first degree misdemeanor.

Additionally, provisions included in the bill would apply to in-person and online lawful gatherings. A violation is committed if the order and solemnity of an assemblage was intentionally disturbed, which can occur as a result of a gesture or display or by using an electronic device or system in the case of an online service.

The bill sponsors also noted during testimony that they became aware of the growing number of disruptions of religious services after eight protestors stormed into a ‘Respect Life Mass’ held at St. Joseph Cathedral, located in downtown Columbus, in January of 2021.

#### **Changes to Section 607.03 Drug Abuse: Controlled Substance Possession or Use; Section 607.04 Possessing Drug Abuse Instruments**

- Provides specified immunity with respect to certain drug abuse instrument or paraphernalia offenses if a person seeks medical help for another person experiencing an overdose, experiences an overdose and seeks medical assistance, or is the subject of another person seeking medical assistance for that overdose.
- Provides specified immunity with respect to sanctioning for community control and post-release control violations for persons on community control or post-release control, if medical assistance is sought as described above.

#### **Changes to Section 607.17 Possession, Manufacture and Sale of Drug Paraphernalia**

- Updated to match current Revised Code. Last ordinance update was 1989.
- Provides that the offense of “illegal use or possession of drug paraphernalia” does not apply to a person’s use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

#### **Changes to Section 617.02 Sales to and Use by Minors; Securing Public Accommodations**

- Reduces the penalty for an underage drinking offense from a first degree misdemeanor to a third degree misdemeanor.
- Includes provisions regarding the suspension of driver’s license or temporary instruction permit.

#### **Change to Section 625.05 Petty Theft**

- Changed offense title to Misdemeanor Theft to be consistent with the ORC.