

Crimes, Corrections, and Law Enforcement

H.B. 35

Primary Sponsors: Reps. Seitz and Miranda

Effective date: Emergency: R.C. 2305.111 effective October 12, 2023; R.C. 2950.021 effective January 11, 2024; amendments to R.C. 2305.11 reversed effective October 12, 2028

Limitations period for civil action based on childhood sexual abuse

- Temporarily eliminates the 12-year period of limitation for an action for assault or battery brought by a victim based on childhood sexual abuse, or an action brought by a victim asserting any claim resulting from childhood sexual abuse, but only for purposes of making claims against a bankruptcy estate of a federally chartered organization (the Boy Scouts of America).
- Sunsets this provision effective October 12, 2028, which is five years after its effective date, returning the law to the version in effect prior to the act's changes.
- Names the act the Scout's Honor Law.

SORN Law – pre-2008 offenses

Reclassification mechanism

- Establishes a temporary mechanism by which a court holds a hearing to determine the pre-2008 classification of a wrongly classified Tier offender for a sexually oriented offense or child-victim oriented offense committed prior to January 1, 2008.
- Requires that upon the court's determination that the pre-2008 classification applies to the wrongly classified Tier offender, the court must specify the pre-2008 classification and vacate the Tier I, Tier II, or Tier III sex offender/child-victim offender classification of the offender.
- Requires that a wrongly classified Tier offender who is reclassified must receive credit toward the registration and verification duties under the new pre-2008 classification for all time that the offender has been in compliance with the registration and verification duties as a Tier I, Tier II, or Tier III sex offender/child-victim offender.
- Requires the proceedings under this mechanism to be initiated by filing a motion by a wrongly classified Tier offender or the state, or by the court's own initiative, within one year after the reclassification provisions' January 11, 2024, effective date.
- Requires that if proceedings are not initiated within that one-year period, the wrongly classified Tier offender's Tier classification thereafter must be deemed to be a valid classification subject to enforcement under the SORN Law.

- Requires that if a wrongly classified Tier offender, in a motion or other document filed with the court, affirmatively accepts the Tier classification assigned to the offender, the court must issue an order recognizing that the offender affirmatively accepts the Tier classification and is subject to the SORN Law.

Classification upon imposition of sentence

- Stipulates that if, on or after January 11, 2024, a person is convicted of a sexually oriented or child-victim oriented offense committed prior to January 1, 2008, the court must hold a hearing to determine the pre-2008 classification that should apply to the offender under the SORN Law as it existed immediately prior to January 1, 2008.
- Requires that if the court determines that the offender should be classified under the SORN Law as it existed immediately prior to January 1, 2008, the court must determine the appropriate pre-2008 classification for the offender and set forth the pre-2008 classification for the offender.

S.B. 16

Primary Sponsor: Sen. Wilson

Effective date: Emergency: July 7, 2023

Victims' rights

Procedural changes

- Requires the court to inform all law enforcement agencies that have jurisdiction to enforce a protection order that the order is no longer effective at the time of the order's termination.
- Permits a court to appoint a victim advocate or other appropriate person if the victim is incapacitated, incompetent, or deceased and no family member or victim advocate comes forward to be the victim's representative, or if the victim representative is not acting in the victim's interests.
- Prohibits a court from appointing a person employed by the prosecuting attorney to act as a victim's representative without the prosecuting attorney's consent.

Information provided to victims

- Changes the time within which the prosecution must supply specified information to the victim from 14 days to "a reasonable time frame" after prosecution has commenced.
- Removes the requirement that the prosecutor provide the victim with information on the following:
 - The right of the victim to have a victim's representative;
 - How to designate a representative;

- The right of the victim and victim’s representative to confer with the prosecutor upon request;
- The fact that the victim may seek the advice of an attorney or have legal representation;
- Information on negotiation.

Time limits

- Requires a court to provide a prosecutor 30-day notice prior to a hearing to seal or expunge a juvenile record.
- Permits a prosecutor and court to agree to a shorter notice period for nonjuvenile sealing and expungement hearings than the otherwise required 60-day notice.
- Removes the maximum time limit of five years for payment of sanctions imposed for misdemeanors.

Privacy concerns

- Removes the requirement that a victim’s name and identifying information be filed separately on documents filed with the court.
- Requires a separate redaction request be submitted to the Department of Public Safety for redaction of victim information from motor vehicle accident reports.
- Requires a juvenile judge or judge, upon a motion from specified persons and under specified conditions, to order a child victim’s testimony be taken outside the room in which the proceeding is being conducted.
- Expands the exemption that allows identifying information of a minor victim who died as a result of a criminal offense or delinquent act to be exempted from the rules regarding a victim’s right not to testify regarding certain information to all victims who die as a result of a criminal offense or delinquent act.

Access to forensic interview

- Establishes procedures for a victim or victim’s attorney to access and view the forensic interview of the victim.

Victim’s rights request form

- Requires the Attorney General to provide access to a sample victim’s rights request form.
- Requires the victim’s rights request form to be provided in English, Spanish, and Arabic, and any other language upon request.
- Permits the victim’s rights compilation to be provided to victims with the information card or other materials regarding information explaining awards of reparations.
- Adds the following to the victim’s rights request form:

- A section that allows the victim or victim's representative to request redaction of the victim's name, address, and identifying information in case documents;
- A section that allows the victim or victim's representative to request interpretation services and provides the information necessary for the criminal justice system to provide those services;
- A section explaining that if a victim of specified offenses does not complete the form or request the victim's rights on first contact with law enforcement, it is considered an assertion of the victim's rights until the victim completes the form or requests applicable rights, or the prosecutor contacts the victim.
- Removes from the victim's rights request form the section where the victim or victim's representative was required to indicate whether the victim was a victim against whom the offense was committed or if the victim was directly or proximately harmed by the commission of the offense.
- Specifies procedures when a law enforcement agency does not obtain a completed victim's rights request form from a victim of violating a protection order, an offense of violence, or a sexually oriented offense.
- Specifies the timing to submit a victim's rights request form to the court by law enforcement or the prosecutor.
- Specifies that if the victim of specified offenses, or the victim's representative, was unable to complete the victim's rights request form at the time of first contact with law enforcement, all case documents related to the case must be redacted prior to public release as public records to remove the victim's identifying information.

Costs

- Clarifies how the costs for an interpreter for the victim are allocated.
- Permits charging a victim or victim's representative for copies of certain case documents at actual cost.
- Eliminates the requirement that the clerk of the sentencing court make an offender's payment history available to the victim, victim's representative, victim's attorney, prosecutor, probation department, and court, upon request, without cost.
- Repeals law stating that a victim was not required to pay for a copy of any public records related to the victim's case.

Motor vehicle accident reports

- Excludes motor vehicle accident reports submitted to the Department of Public Safety from the law prohibiting release of unredacted case documents pertaining to a victim, unless the victim or victim's representative requests redaction of those reports.

Immunity – perishable food donations

- Extends the immunity provided to a person who donates perishable food to include donations to a nonprofit that charges an amount to cover food handling costs, not just donations to nonprofits that does not charge for those costs.