



# Ohio Legislative Service Commission

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## Synopsis of Senate Committee Amendments\*

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### **Sub. H.B. 663**

130th General Assembly  
(S. Criminal Justice)

Removed the provisions of the House-passed version of the bill that pertain to voiding and making unenforceable contracts that interfere in a specified manner with the distribution or use of a drug for an execution by lethal injection (removal of R.C. 2949.221(B)(4) and 2949.222(G) of the House-passed version).

Removed the provisions of the House-passed version of the bill that stated the General Assembly's determinations and declarations and inserted new language expressing the General Assembly's intent in enacting the bill (removal of R.C. 2949.221 of the House-passed version and Section 7).

Modified the provisions of the House-passed version of the bill that provide confidentiality for persons involved in a specified manner in the administration of a sentence of death by lethal injection, and for current and former employees of the Department of Rehabilitation and Correction and other individuals selected or designated by the Department's Director who participate in the administration of a sentence of death by lethal injection, by:

- Specifying that the confidentiality applies only with respect to the specified involvement or participation in the administration of the lethal injection that occurs no later than 24 months after the bill's effective date and only with respect to records and information in the possession of a "public office," as defined in existing R.C. 117.01 (R.C. 2949.221(B), (C), and (F) and 2949.222(B) and (C)).
- Specifying that the confidentiality applies with respect to information or records that identify or reasonably lead to the identification of the person, employee, or individual and the person's involvement or participation in the administration of the lethal injection; the House-passed version of the bill does not link the identification to the involvement or participation in the administration of the lethal injection (R.C. 2949.221(B), (C), and (F) and 2949.222(B) and (C)).
- Specifying that if the information or record to be protected pertains to the manufacture, compounding, distribution, or supplying, etc., of any item or material, the person or entity that maintains it must disclose it to the Ohio Ethics

\* This synopsis does not address amendments that may have been adopted on the Senate Floor.

Commission, the Commission may use the information or record to confirm specified ethical and licensing requirements, the Commission must complete its use of the information or record within 14 days of its receipt, and the Commission must report its findings to the Director of Rehabilitation and Correction (R.C. 2949.221(B)(4)).

- Clarifying that the application for confidentiality by a person who is not an individual must be made in writing to the Director of Rehabilitation and Correction (R.C. 2949.221(D)(2)).
- Specifying that if the confidentiality and other protections in the bill apply to a person with respect to any conduct or activity of the person occurring at a time prior to the day that is 24 months after the bill's effective date, the expiration of that 24-month period does not affect, add to, or diminish the confidentiality and protections with respect to their application to that person (R.C. 2949.221(D)(4)).

Clarified and simplified the provisions of the House-passed version of the bill that pertain to court sealing of records by replacing detailed language describing those records with cross-references to the confidentiality provided under the provisions described above (R.C. 2949.222(B) and (C)).

Added provisions that:

- Provide for a schedule of fees to be paid to appointed counsel in a capital case as set by the Supreme Court (R.C. 120.33 and 2941.51).
- Provide that the attorney-client privilege does not apply if the case in which the attorney-client relationship is established is a capital case and the client subsequently claims ineffective assistance of counsel regarding the case (R.C. 2317.02).
- Provide for written jury instructions in capital cases (R.C. 2945.10).
- Increase, from 180 days after the filing of the trial transcript in the court of appeals or the expiration of the time for filing an appeal to 365 days after that event, the time within which a petition for postconviction relief must be filed (R.C. 2953.21).
- Provide for a joint legislative study committee to study the manner in which families of homicide victims can best be supported by government programs, social service entities, and charitable organizations and the manner and means by which a court-ordered sentence of death is performed in Ohio, consistent with judicial precedent (Section 6).