

## Crimes, Corrections, and Law Enforcement

### Am. Sub. H.B. 38

**Reps.** Greenspan, Anielski, Barnes, Goodman, Keller, Kick, Lipps, Patton, Perales, Riedel, Retherford, Sprague, Thompson, Wiggam, Young, Manning, Rezabek, Arndt, Brenner, Butler, Carfagna, Dever, Duffey, Edwards, Faber, Gavarone, Ginter, Hambley, Householder, Hughes, T. Johnson, Koehler, Landis, Lanese, LaTourette, O'Brien, Romanchuk, Ryan, Schaffer, Schuring, R. Smith, Stein

**Sens.** Eklund, Bacon, Burke, Dolan, Gardner, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, McColley, O'Brien, Oelslager, Peterson, Schiavoni, Terhar, Thomas, Uecker, Wilson, Yuko

**Effective date:** March 20, 2019

- Expands the offense of aggravated murder to prohibit purposely causing the death of a first responder or military member whom the offender knows or has reasonable cause to know is a first responder or military member if it is the offender's specific purpose to kill a person in that capacity.
- Expands the offense of aggravated murder based on purposely causing the death of a law enforcement officer whom the offender knows or has reasonable cause to know is such an officer to also apply when the victim is a federal law enforcement officer or a person who previously served in either capacity.
- Requires a mandatory prison term of 3 to 11 years for an attempt to commit either type of aggravated murder.

### Am. Sub. H.B. 79

**Reps.** Retherford and Hagan, Hambley, Seitz, Dean, Thompson, Brenner, Faber, Becker, Vitale, Brinkman, Koehler, Riedel, Goodman, Antani, Stein, Hood, Schaffer, Blessing, Roegner, Merrin, Antonio, Arndt, Ashford, Carfagna, Cupp, DeVitis, Gavarone, Ginter, Green, Greenspan, Henne, Hill, Holmes, Householder, T. Johnson, Keller, Kick, Landis, Lanese, Lang, LaTourette, McColley, Miller, Patton, Pelanda, Perales, Rezabek, Romanchuk, Ryan, Schuring, Slaby, Sprague, Sweeney, West, Wiggam, Young

**Sens.** Eklund, Coley, Bacon, Beagle, Burke, Gardner, Hackett, Hoagland, Huffman, LaRose, Lehner, Obhof, O'Brien, Oelslager, Peterson, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

**Effective date:** June 1, 2018

- Authorizes a tactical medical professional to carry a firearm while on duty if that professional has received firearms training and is specifically authorized to carry firearms by the law enforcement agency to which the professional is attached.
- Provides for firearms training for tactical medical professionals.

- Specifies that a tactical medical professional who is authorized to carry a firearm on duty has the same right to carry a concealed handgun as a person who has been issued a concealed handgun license.

## Sub. H.B. 92

**Reps.** Schaffer, Dean, Becker, Manning, Ashford, Blessing, Butler, Craig, Dever, Green, Hambley, Holmes, Hughes, Landis, Lepore-Hagan, Miller, O'Brien, Patton, Riedel, Rogers, Romanchuk, Slaby, R. Smith

**Sens.** Bacon, Hoagland, Kunze, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Tavares, Thomas, Wilson, Yuko

**Effective date:** March 20, 2019

- Modifies a prohibition under the offense of "public indecency" to prohibit a person, under circumstances in which the person's conduct is likely to be viewed by and affront a minor who is in the person's physical proximity, from knowingly:
  - (1) Engaging in masturbation or sexual conduct;
  - (2) Engaging in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
  - (3) Exposing the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.
- Classifies as a Tier I sex offender/child-victim offender an offender who is convicted based on conduct described in (3), subject to judicial discretion if the offender is less than ten years older than the other person or has not previously been convicted of violating any prohibition under the offense.

## Sub. H.B. 95

**Reps.** Hughes and Seitz, Duffey, Carfagna, Green, T. Johnson, Manning, Patton, Anielski, Antonio, Ashford, Craig, Fedor, Greenspan, Holmes, Ingram, Koehler, Lepore-Hagan, O'Brien, Perales, Sheehy, Sweeney

**Sens.** Uecker, Brown, Burke, Eklund, Gardner, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, O'Brien, Schiavoni, Terhar, Thomas, Wilson

**Effective date:** October 29, 2018

- Creates an additional penalty that applies when a driver commits a specific traffic violation while "distracted" and the distracted conduct contributes to the commission of the violation.
- Defines "distracted" to generally mean doing either while driving:

- Using a handheld electronic wireless communications device; or
- Engaging in activity that is not necessary for the vehicle's operation and that impairs, or reasonably would be expected to impair, the driver's ability to drive safely.
- Specifies that similar state and municipal offenses – related to using a phone while driving – are allied offenses of similar import, meaning that an offender may be charged with both offenses for the same conduct, but convicted of only one.

## Sub. H.B. 96

**Reps.** Hughes, R. Smith, Schaffer, Manning, Rezabek, Anielski, Antonio, Arndt, Ashford, Boccieri, Boggs, Boyd, Brenner, Brown, Butler, Clyde, Craig, Dever, Edwards, Fedor, Gavarone, Ginter, Gonzales, Hambley, Hill, Holmes, Ingram, T. Johnson, Kelly, Kent, Kick, Landis, Leland, Lepore-Hagan, McClain, Miller, O'Brien, Patmon, Patterson, Patton, Ramos, Riedel, Rogers, Romanchuk, Schuring, Slaby, K. Smith, Sprague, Stein, Strahorn, M. Sweeney, West, Young

**Sens.** Bacon, Burke, Gardner, Hoagland, Kunze, Lehner, Manning, O'Brien, Schiavoni, Wilson

**Effective date:** March 22, 2019

- Increases the jail term for sexual imposition if the offender has three or more previous convictions of sexual imposition or another specified sex offense.
- Increases the jail term for disorderly conduct involving voluntary intoxication if the offender has three or more previous convictions of that offense involving voluntary intoxication.

## Am. H.B. 137

**Reps.** Kent, Ashford, Miller, Clyde, Manning, Rezabek, Celebrezze, Rogers, Anielski, Antonio, Arndt, Boccieri, Boggs, Boyd, Brenner, Brown, Carfagna, Craig, Cupp, Edwards, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hagan, Hambley, Holmes, Howse, Hughes, Ingram, T. Johnson, Kelly, Kick, Landis, Lanese, Lang, LaTourette, Leland, Lepore-Hagan, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Ryan, Schaffer, Scherer, Schuring, Sheehy, K. Smith, R. Smith, Sprague, Stein, Strahorn, M. Sweeney, Sykes, Thompson, West, Young

**Sens.** Coley, Uecker, LaRose, Beagle, Dolan, Eklund, Hackett, Hoagland, Kunze, Lehner, Manning, McColley, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson

**Effective date:** March 20, 2019

- Adds peace officers to the professionals who must report known or suspected child abuse and neglect.
- Expands the types of peace officers who may receive reports of known or suspected child abuse and neglect.

## Am. Sub. H.B. 228

**Reps.** T. Johnson and LaTourette, Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, R. Smith, Sprague, Stein, Thompson, Vitale, Wiggam, Retherford, Butler, Faber, Gavarone, Hagan, Hoops, Kick, McClain, Perales, Seitz, T. Smith, Wilkin, Young

**Sens.** Coley, Uecker, Bacon, Burke, Hackett, Hoagland, Hottinger, Huffman, Jordan, Obhof, Peterson, Terhar, Wilson

**Effective date:** March 28, 2019; one section effective December 28, 2019

### Local firearms regulations

- Expands the scope of an individual's right to bear arms and the state's need to regulate firearms.
- Expands state preemption of local firearm regulations that interfere with the right to bear arms and inhibit individuals from protecting themselves, their families, and others from intruders or attackers, or otherwise inhibit the legitimate use of firearms.
- Expands the situations in which a person, group, or entity adversely affected by the enactment or enforcement of a local firearm regulation may bring a civil action for damages, declaratory relief, injunctive relief, or reasonable expenses.
- Delays the preemption provisions until December 28, 2019.

### Self-defense

- Shifts to the state the burden to prove beyond a reasonable doubt that a person charged with an offense involving the use of force against another did not use that force in self-defense, defense of another, or defense of that person's residence.
- Requires that a person charged with an offense present evidence that tends to support that the person acted in self-defense, defense of another, or defense of that person's residence.

### Modification of carry requirements

- Modifies the mandatory posting of signs that warn against the conveyance of a deadly weapon or dangerous ordnance onto specified premises.
- Eliminates the requirement that a concealed handgun licensee in possession of a concealed handgun must carry valid identification.

### Unlawful transactions in weapons

- Expands the offense of unlawful transactions in weapons by prohibiting a person from knowingly doing any of the following:

- Soliciting a federally licensed firearms dealer or private seller to transfer a firearm or ammunition in a manner prohibited by state or federal law;
- Providing materially false information to a federally licensed firearms dealer;
- Procuring another person to commit the above offenses.
- Makes a violation a third degree felony.

### **Officer carrying firearm while not acting in scope of duties**

- Permits a law enforcement officer or BCII investigator who is authorized to carry firearms but is not acting within the scope of the person's duties to possess a firearm in a liquor permit premises under specified circumstances.
- Prohibits an establishment serving the public from prohibiting or restricting a law enforcement officer or BCII investigator not acting within the scope of the person's duties from carrying a weapon that the officer or investigator is authorized to carry onto the premises under specified circumstances.

### **Law enforcement officer always on duty**

- Specifies that, for Revised Code purposes, certain law enforcement officers are always on duty, regardless of whether they are within work hours or on the clock.

### **Corrections officers**

- Permits a corrections officer employed by a multicounty, municipal-county, or multicounty-municipal correctional center to carry a firearm while on duty if the officer has received firearms training and is specifically authorized to carry firearms by the person in charge of the correctional center.
- Requires corrections officers who are authorized to carry firearms to complete annual firearms requalification training.

### **Sawed-off firearm and dangerous ordnance**

- Excludes certain firearms from the definition of sawed-off firearm and includes those firearms in the definition of dangerous ordnance.

## Sub. H.B. 258

**Reps.** Hagan and Hood, Wiggam, Romanchuk, Ginter, Patton, Patmon, Lanese, Brinkman, Blessing, DeVitis, Roegner, Slaby, Henne, Butler, Antani, Merrin, Schuring, Retherford, Conditt, Keller, Zeltwanger, Stein, Young, Becker, Green, Brenner, Hambley, Kick, Householder, Perales, Dean, LaTourette, Schaffer, Koehler, Huffman, McColley, Riedel, Sprague, Vitale, Pelanda, Goodman, T. Johnson, Rosenberger, R. Smith, Thompson, Landis, Faber, Hill, Lipps, Hoops, Lang, McClain, T. Smith, Wilkin

**Sens.** Hottinger, Coley, Hoagland, Huffman, Jordan, Lehner, Terhar, Uecker, Wilson

**Effective date:** Vetoed

- Would have generally prohibited a person from knowingly and purposefully performing or inducing an abortion with the specific intent of causing or abetting the termination of the life of an unborn individual whose fetal heartbeat has been detected.
- Would have generally prohibited a person from knowingly and purposefully performing or inducing an abortion before determining if there is a fetal heartbeat.
- Would have provided that a person who violated either prohibition is guilty of a fifth degree felony, is subject to a wrongful death action by the pregnant woman, and is subject to disciplinary action by the State Medical Board.
- Would have created the Joint Legislative Committee on Adoption Promotion and Support to further the General Assembly's goal of informing pregnant women of available options for adoption.

## Am. H.B. 405

**Reps.** Perales, Butler, Boccieri, Dever, Fedor, Miller, Schaffer, Sheehy, Slaby, K. Smith, Sweeney, Vitale, Manning, Rezabek, Celebrezze, Galonski, Rogers, Seitz, Anielski, Antonio, Arndt, Ashford, Barnes, Boyd, Brown, Craig, Cupp, Faber, Gavarone, Ginter, Green, Greenspan, Hagan, Hambley, Henne, Holmes, Hoops, Huffman, Hughes, Kick, Landis, Lanese, Lang, Leland, Lepore-Hagan, O'Brien, Patmon, Patterson, Riedel, Romanchuk, Ryan, Schuring, Sprague, Stein, Strahorn, Young, Zeltwanger

**Sens.** Bacon, Coley, Burke, Eklund, Gardner, Hackett, Hoagland, Huffman, Kunze, LaRose, McColley, Obhof, O'Brien, Oelslager, Schiavoni, Thomas, Uecker, Wilson

**Effective date:** January 22, 2019

- Creates the criminal offense of counterfeiting, which prohibits certain conduct involving counterfeited, forged, or altered U.S. currency, other U.S. securities, or debit or credit cards.
- Specifies penalties ranging from a fourth degree felony to a first degree felony based on the value of the counterfeited items or the number of debit or credit cards.

- Provides that a person may be prosecuted for counterfeiting and related offenses, but if the offenses involve the same conduct and the same victim, the person may only be convicted of one offense.
- Adds counterfeiting, and any comparable offense in another state, to the list of offenses considered to be corrupt activity under the Corrupt Activities Law.

## Sub. H.B. 425

**Reps.** Antani and Craig, Becker, Seitz, Sheehy, Lang, Anielski, Arndt, Barnes, Brown, Celebrezze, Cupp, Dever, Duffey, Fedor, Gavarone, Ginter, Gonzales, Green, Hagan, Hambley, Henne, Holmes, Hoops, Howse, Hughes, Ingram, Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Reece, Reineke, Rezabek, Riedel, Roegner, Rogers, Ryan, Schaffer, Scherer, Schuring, K. Smith, Stein, Sykes, West, Wiggam, Wilkin, Young

**Sens.** Coley, Uecker, Beagle, Hackett, Hoagland, Hottinger, Kunze, Oelslager, Peterson, Schiavoni, Tavares, Terhar, Thomas, Wilson, Yuko

**Effective date:** April 8, 2019

### Law enforcement camera recordings

- Provides that a recording from a law enforcement body-worn or dashboard camera is a public record, subject to certain exceptions.
- Exempts certain recordings from a law enforcement body-worn or dashboard camera from disclosure under the Public Records Law, based on the content.
- Allows certain restricted recordings to be released by consent of the subject of the recording or that person's representative.
- Allows any person whose public records request for a recording has been denied to file a mandamus action requesting the court to order the release of all or portions of the recording.

### Public school infrastructure records

- Excludes an infrastructure record of a public school from mandatory release under the Public Records Law.

### Protection orders

- Requires a court to seal, instead of expunge, an ex parte juvenile court or civil protection order if the court refuses to grant a protection order after a full hearing.
- Clarifies the provisions of law that require any appeals to be completed before the court orders the sealing of such an ex parte order.
- Eliminates the requirement that a court expunge an ex parte criminal protection order if the court ultimately revokes the order.

## Record sealing and expungement pilot

- Eliminates a pilot program for removing sealed or expunged criminal records from databases, websites, and publications, upon notice of court orders sent to a qualified third party.

## Am. Sub. H.B. 497

**Reps.** Rogers and Manning, Anielski, Arndt, Ashford, Boyd, Brown, Cupp, Dever, Galonski, Gavarone, Green, Hambley, Holmes, Hoops, Howse, Hughes, Koehler, Landis, Lanese, Lang, Leland, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Rezabek, Riedel, Scherer, Schuring, Sheehy, West, R. Smith

**Sens.** Bacon, Beagle, Burke, Coley, Dolan, Gardner, Hackett, Hoagland, Kunze, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko

**Effective date:** March 22, 2019

### Criminal offense

- Enacts the offense of "nonconsensual dissemination of private sexual images" with intent to harm the person in the image.
- Makes a first offense a third degree misdemeanor, a second offense a second degree misdemeanor, and a third or subsequent offense a first degree misdemeanor.
- Exempts certain entities from liability for the nonconsensual dissemination of private sexual images if the image or information was provided by a third party.
- Allows a court to order an offender to forfeit all property that was acquired or maintained in connection with the nonconsensual dissemination.

### Civil action

- Permits the victim of nonconsensual dissemination of private sexual images to sue the offender for an injunction, temporary restraining order, compensatory damages, punitive damages, reasonable attorney's fees, and costs of bringing the action.

### Prohibited actions towards victims

- Prohibits an institution of higher learning from considering that an applicant or student is a victim of nonconsensual dissemination of private sexual images when providing financial assistance.
- Prohibits an institution of higher learning from disciplining a student because the student is a victim of nonconsensual dissemination of private sexual images.
- Prohibits a licensing authority from refusing to issue or renew a license, or from limiting, suspending, or revoking a license, because the individual is a victim of nonconsensual dissemination of private sexual images.



## Am. Sub. S.B. 1

**Sens.** LaRose, Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson

**Reps.** Manning, Rezabek, Butler, Lang, Anielski, Antani, Antonio, Arndt, Ashford, Barnes, Brenner, Carfagna, Cupp, Edwards, Faber, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Holmes, Hoops, Huffman, Hughes, T. Johnson, Kick, Koehler, Landis, LaTourette, Lipps, McClain, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Retherford, Riedel, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, R. Smith, Sprague, Stein, Wiggam, Young

**Effective date:** October 31, 2018

- Increases the penalties for aggravated funding of drug trafficking and, in most cases, drug trafficking and drug possession, when the drug involved is a fentanyl-related compound.
- Defines "fentanyl-related compound" as including fentanyl and other related Schedule I and Schedule II narcotics-opiates.
- Provides that an offender is guilty of possession of marihuana or possession of drugs, and not of possession of a fentanyl-related compound, when:
  - The drug involved is a fentanyl-related compound mixed with marihuana or a Schedule III, IV, or V controlled substance; and
  - The offender does not know or have reason to know that the combination involved contains a fentanyl-related compound.
- Includes a similar provision regarding drug trafficking when the drug involved is a fentanyl-related compound mixed with marihuana.
- Requires an additional mandatory prison term for a drug trafficking, drug possession, or aggravated funding of drug trafficking conviction, when the drug involved is a fentanyl-related compound and the offender also is convicted of a major drug offender specification.
- Adds certain fentanyl-related compounds to the statutory controlled substance Schedule I under the category of narcotics-opiates.
- Revises the manner of determining the sentence for permitting drug abuse, when based on felony illegal manufacture of drugs, cultivating marihuana, or illegal assembly or possession of chemicals for the manufacture of drugs.
- Adds lisdexamfetamine to the list of Schedule II controlled substances.
- Specifies that a prison term imposed for involuntary manslaughter based on a drug trafficking or drug possession offense, or a funding of drug trafficking offense that

does not involve marihuana, runs consecutively to any prison term imposed for the base offense.

## Sub. S.B. 4

**Sens.** Kunze and Oelslager, Obhof, Terhar, Gardner, Hite, Eklund, Huffman, LaRose, Hottinger, Bacon, Balderson, Beagle, Brown, Burke, Coley, Dolan, Hackett, Hoagland, Jordan, Lehner, Manning, O'Brien, Schiavoni, Sykes, Tavares, Thomas, Uecker, Wilson, Yuko

**Reps.** Manning, Celebrezze, Galonski, Rogers, Anielski, Antani, Antonio, Barnes, Boggs, Boyd, Brenner, Craig, Dean, Edwards, Fedor, Gavarone, Greenspan, Hambley, Howse, Ingram, Lanese, LaTourette, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Ryan, Schuring, K. Smith, Strahorn, Sykes, West, R. Smith

**Effective date:** September 28, 2018

- For an offender convicted of any of six specified offenses, including soliciting and prostitution, expands the offenses for which records may be expunged to include any offense, if the offender's participation in the offense resulted from being a victim of human trafficking.
- Excludes convictions for aggravated murder, murder, and rape from expungement.
- Regarding an application for expungement of records of a first or second degree felony conviction:
  - Specifies factors that a court must consider in deciding whether to grant the expungement; and
  - Requires, as a condition of granting the expungement, that the court find that the applicant's interests in having the records expunged are not outweighed by legitimate government needs to maintain the records;
  - Enacts a mechanism to expunge records related to a finding of not guilty or to a dismissed criminal charge, if the finding or charge was the result of the person having been a victim of human trafficking;
  - Specifies that, for either type of expungement, an application may request expungement for more than one offense, but requires the court to consider the request for each offense separately, as if a separate application had been made for each offense;
  - Authorizes intervention in lieu of conviction for a person whose criminal activity resulted from the person's status as a victim of compelling prostitution.

## Sub. S.B. 20

**Sens.** Hackett, Gardner, Uecker, Yuko, Wilson, Bacon, O'Brien, Balderson, Beagle, Burke, Hite, Hoagland, Hottinger, Huffman, Kunze, LaRose, Manning, Obhof, Oelslager, Peterson, Terhar

**Reps.** Manning, Anielski, Antani, Antonio, Arndt, Boccieri, Boggs, Boyd, Brenner, Brown Butler, Carfagna, Celebrezze, Cupp, Dean, Dever, Duffey, Edwards, Faber, Fedor, Gavarone, Ginter, Greenspan, Hambley, Hill, Holmes, Hoops, Householder, Hughes, T. Johnson, Kent, Kick, Koehler, Landis, Lanese, Leland, Lipps, Merrin, Miller, O'Brien, Patterson, Patton, Perales, Riedel, Rogers, Romanchuk, Schaffer, Scherer, Sheehy, Slaby, T. Smith, Stein, Strahorn, Wiggam, Wilkin, Young, Zeltwanger, R. Smith

**Effective date:** March 20, 2019

- Requires an additional prison term of six years for an offender who is convicted of felonious assault if the victim suffered permanent disabling harm and was younger than ten years old at the time of the offense.
- Entitles the act "Destiny's Law."

## Am. Sub. S.B. 66

**Sens.** Eklund and Tavares, Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson

**Reps.** Manning, Celebrezze, Rogers, Anielski, Barnes, Craig, Dever, Green, Hambley, Holmes, Howse, T. Johnson, Lang, Lepore-Hagan, O'Brien, Perales, Ramos, Rezabek, Seitz, Sheehy, West

**Effective date:** October 29, 2018

### Sentencing

- Expands the overriding purposes of felony sentencing to include the promotion of the effective rehabilitation of the offender.
- Removes the one-year minimum that applied when a court sentenced an offender to a community control sanction for a fourth or fifth degree felony and expressly authorizes the court to impose a combination of community control sanctions.
- Authorizes a court to impose a new term of up to six months in a community-based correctional facility, halfway house, or jail as a penalty for a felony offender who violates a community control sanction condition.
- Allows a sentencing court to place an offender who is subject to community control sanctions under the supervision of any entity authorized, by contract, to provide probation and supervisory services to the county when there is no county probation department.
- Modifies the manners in which a sentencing court calculates the confinement credit by which the prison term of a felony offender must be reduced and in which the Department of Rehabilitation and Correction (DRC) uses the credit.

- Eliminates a requirement that the court sentencing a felony offender to prison require that the offender not ingest or be injected with a drug of abuse, submit to random drug testing while incarcerated, and have negative test results.

### **Intervention in lieu of conviction and pretrial diversion**

- Modifies the criteria that a person must satisfy to be eligible for intervention in lieu of conviction.
- Expands eligibility for pretrial diversion under a prosecutor-operated program to include persons charged with certain minor drug offenses when the prosecutor permits their participation.

### **Sealing of convictions**

- Expands the categories of offenders who are "eligible offenders" under Ohio's Conviction Record Sealing Law to include persons convicted of one or more offenses, but not more than five felonies.

### **Final release and post-release control**

- Modifies the procedures for the Adult Parole Authority to grant a final release or terminate post-release control.
- Modifies the criteria for considering a prison term sanction for a post-release control violation.

### **Employer failure to remit state income taxes**

- Modifies the penalty for an employer's failure to remit state income taxes withheld from an employee.

### **Validated risk assessment tool**

- Allows halfway houses and the Department of Mental Health and Addiction Services to use the validated risk assessment tool selected by DRC.
- Allows authorized users of the validated risk assessment tool to disclose risk assessment reports to qualified persons and research organizations for research, evaluative, and statistical purposes, subject to written agreements.

### **Northeast Ohio Correctional Center**

- Extends to the Northeast Ohio Correctional Center the authority of the State Highway Patrol's Superintendent and troopers to enforce criminal laws.

### **Land conveyances – DRC water plants**

- Authorizes the conveyance, for \$1 each, of state-owned real estate in Madison and Scioto counties under DRC's jurisdiction to the board of county commissioners of the respective counties.

## Sub. S.B. 145

**Sens.** Huffman and Wilson, Uecker, Lehner, Jordan, Terhar, Hottinger, Hackett, LaRose, Bacon, Burke, Eklund, Gardner, Hite, Hoagland, Obhof, Oelslager

**Reps.** Anielski, Antani, Brenner, Butler, Carfagna, Dean, Faber, Gavarone, Ginter, Hambley, Hoops, T. Johnson, Kick, Koehler, LaTourette, McClain, Merrin, Perales, Riedel, Roegner, Romanchuk, Schaffer, T. Smith, Stein, Thompson, Wiggam, Young

**Effective date:** March 22, 2019

- Generally, prohibits a person from knowingly performing or attempting to perform a dismemberment abortion.
- Provides that a person who violates the prohibition is guilty of dismemberment feticide, a felony of the fourth degree.
- Defines a dismemberment abortion as dismembering a living unborn child and extracting the child one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the child's body to cut or rip it off, with the purpose of causing the child's death.
- Specifies that a dismemberment abortion does not include a procedure performed after the death of the unborn child to extract any remaining parts of the unborn child.
- Specifies that the act does not prohibit the suction curettage or suction aspiration procedures of abortion.
- Provides an exception to the crime for when it is necessary, in reasonable medical judgment, to preserve the life or physical health of the mother as a result of the mother's life or physical health being endangered by a serious risk of the substantial and irreversible physical impairment of a major bodily function.
- Specifies that none of the following are guilty of committing, attempting to commit, complicity in the commission of, or conspiracy in the commission of a dismemberment abortion:
  - The pregnant woman upon whom the abortion was performed;
  - An individual who is employed by, and acts at the direction of, the person who performs the abortion; and
  - A pharmacist or other individual who fills a prescription or provides instruments or materials used in the abortion.
- Permits the following to sue a person who performs an illegal dismemberment abortion:
  - The woman upon whom the abortion was performed;

- The father, if the child was not conceived by rape; and
- The parent of the woman if she was under 18 at the time of the abortion.
- Provides for an increased penalty for a person guilty of unlawful distribution of an abortion-inducing drug, from a fourth degree felony to a third degree felony, if that person had previously been convicted of or pleaded guilty to dismemberment feticide.
- Repeals law stating that the statute prohibiting partial birth abortions does not prohibit the dilation and evacuation procedure of abortion.

### **Am. Sub. S.B. 158**

**Sens.** Wilson, Terhar, Coley, Gardner, Eklund, Hottinger, Manning, O'Brien, Balderson, Beagle, Brown, Burke, Dolan, Hackett, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Oelslager, Peterson, Skindell, Sykes, Tavares, Thomas, Uecker, Williams, Yuko

**Reps.** Schaffer, Anielski, Arndt, Barnes, Boggs, Boyd, Brown, Carfagna, Craig, Cupp, Dean, Duffey, Edwards, Fedor, Galonski, Gavarone, Ginter, Green, Greenspan, Hambley, Hill, Holmes, Hoops, Howse, Hughes, Ingram, Kelly, Kent, Koehler, Landis, Lanese, Lepore-Hagan, Manning, Miller, Patterson, Patton, Ramos, Reece, Reineke, Retherford, Riedel, Rogers, Romanchuk, Ryan, Scherer, Schuring, Sheehy, Slaby, K. Smith, T. Smith, Stein, B. Sweeney, Sykes, Thompson, West, Wilkin, Young, Zeltwanger, R. Smith

**Effective date:** March 20, 2019

- Increases the penalties for theft from a person in a protected class, misuse of credit cards, forgery, forging identification cards or selling or distributing forged identification cards, securing writings by deception, or identity fraud against a person in a protected class if the victim is an elderly person.
- Adds to individuals who, having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition resulting from abuse, neglect, or exploitation, must immediately report that belief to the county department of job and family services.
- Modifies the list of officials who must sign the memoranda of understanding prepared by county departments of job and family services on procedures those officials must follow regarding adult abuse, neglect, and exploitation.
- Requires the Attorney General to distribute public awareness publications that provide general information on elder fraud and financial exploitation.
- Requires the Directors of Aging, Commerce, and Job and Family Services, and the Attorney General to develop best practices and standards for preventing elder fraud and financial exploitation and to ensure resources are available to victims.
- Adds five members and three ex-officio members to the Elder Abuse Commission.

## Am. Sub. S.B. 201

**Sens.** Bacon and O'Brien, Kunze, Gardner, Beagle, Manning, Hoagland, Coley, Balderson, Burke, Dolan, Eklund, Hackett, Hottinger, Huffman, LaRose, Lehner, Oelslager, Peterson, Schiavoni, Terhar, Williams, Wilson, Yuko

**Reps.** Manning, Butler, Galonski, Rogers, Anielski, Antani, Antonio, Brenner, Brown, Carfagna, Celebrezze, Craig, Dean, Duffey, Edwards, Gavarone, Greenspan, Hagan, Hambley, Henne, Hill, Holmes, Hoops, Hughes, T. Johnson, Kent, Kick, Lanese, LaTourette, Leland, Lepore-Hagan, McClain, Merrin, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Retherford, Riedel, Roegner, Romanchuk, Schaffer, Scherer, T. Smith, Stein, B. Sweeney, Thompson, Wiggam, Young, R. Smith

**Effective date:** March 22, 2019

### Felony Sentencing Law

- Modifies the Felony Sentencing Law by:
  - Requiring indefinite prison terms for offenders sentenced to prison for a first or second degree felony committed on or after the act's effective date, with presumptive release at the end of the minimum term imposed;
  - Specifying that the indefinite terms will consist of a minimum term selected by the sentencing judge from a range of terms authorized for the degree of offense and a maximum term set by statute based on the selected minimum;
  - Generally allowing the Department of Rehabilitation and Correction (DRC) to recommend that the sentencing court reduce an offender's minimum term for exceptional conduct or adjustment to incarceration, and requiring the court after a hearing to grant or deny the reduction;
  - Allowing DRC to rebut the release presumption for an offender and keep the offender in prison up to the maximum term if it makes specified findings; and
  - Providing that offenders released from prison after service of an indefinite term will be subject to post-release control (PRC) to the same extent and under the same rules as offenders released after service of a definite term.
- Clarifies that the law's PRC provisions do not apply to a term of life imprisonment.

### DRC study, GPS monitoring

- Requires DRC to study, by June 30, 2019, the feasibility of contracting with a third-party administrator for global positioning system (GPS) monitoring that would include a crime scene correlation program that could interface by link with a statewide database for GPS-monitored offenders.
- Requires the DRC study to analyze the use of GPS monitoring as a supervision tool.



### **Community Programs Fund**

- Requires DRC, in its authorized use of the Community Programs Fund, to prioritize the funding of residential service contracts that reduce the number of homeless offenders, regardless of factors that otherwise would have caused the offender to be rejected from placement.

### **Reagan Tokes Law**

- Names the act's provisions regarding Felony Sentencing Law, the DRC study of GPS monitoring, and the Community Programs Fund the "Reagan Tokes Law."

### **Sex offenses involving an impaired person**

- Expands the following offenses to apply when the victim is an impaired person: pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance.
- Provides that the higher range of potential prison terms for a third degree felony applies to third degree felony violations of the offenses listed above, as expanded by the act.

### **Sexual assault examination kit tracking**

- Requires the Attorney General to create and maintain a statewide tracking system for the processing of sexual assault examination kits.
- Mandates that all entities in the chain of custody of sexual assault examination kits participate in the statewide tracking system.

### **Wayne County Municipal Court**

- Removes the requirement that one judge of the Wayne County Municipal Court sit in the municipal corporation of Orrville.
- Provides that the judges of the Wayne County Municipal Court must sit within the municipal corporation of Wooster and may sit in other incorporated areas of Wayne County.
- Provides for cases pending in the municipal court's Orrville branch to be transferred to Wooster.



## Am. S.B. 214

**Sens.** Terhar and Lehner, O'Brien, Bacon, Coley, Dolan, Eklund, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Thomas, Uecker, Williams, Wilson, Yuko

**Reps.** Manning, Lanese, Celebrezze, Butler, Galonski, Rogers, Anielski, Antani, Antonio, Barnes, Blessing, Brenner, Brown, Carfagna, Craig, Dean, Dever, Edwards, Gavarone, Ginter, Greenspan, Holmes, Hoops, Hughes, Kent, Kick, Koehler, Lang, LaTourette, Leland, McClain, Miller, Patton, Perales, Ramos, Retherford, Riedel, Romanchuk, Ryan, Seitz, Sheehy, Sprague, Stein, Strahorn, Thompson, West, Wiggam, Zeltwanger, R. Smith

**Effective date:** April 5, 2019

### Female genital mutilation

- Prohibits the practice of or facilitation of female genital mutilation.
- Makes a violation a second degree felony.

### Public records exemptions

- Exempts from the Public Records Law a depiction of a crime victim the release of which would be offensive and objectionable, or that captures or depicts a sexually oriented offense victim at the actual occurrence of the offense.
- Allows a victim, victim's attorney, or victim's representative to request and receive a copy of a depiction of the victim from a public office despite the exemption.
- Exempts residential and familial information of county or multicounty corrections officers and employees of community-based correctional facilities from the Public Records Law.
- Names the public records exemptions the "Victims Privacy and Protection Act."

## Sub. S.B. 231

**Sens.** Gardner, Balderson, Burke, Eklund, Hackett, Hoagland, Hottinger, Huffman, Kunze, Lehner, Manning, McColley, O'Brien, Oelslager, Terhar, Thomas, Uecker, Wilson, Yuko

**Reps.** Manning, Gavarone, Anielski, Antani, Antonio, Arndt, Blessing, Boggs, Brenner, Brown, Butler, Carfagna, Celebrezze, Dever, Duffey, Edwards, Faber, Fedor, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Holmes, Hoops, Householder, Hughes, T. Johnson, Kent, Landis, LaTourette, Leland, McClain, Merrin, Miller, O'Brien, Patterson, Patton, Reineke, Riedel, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, T. Smith, Sprague, Stein, Strahorn, Thompson, West, Wilkin, Young, R. Smith

**Effective date:** March 20, 2019

## **Violent offender database**

- Provides for creation of a Violent Offender Database, establishes a presumption that violent offenders will be required to enroll in it, and prescribes procedures for violent offenders to rebut the presumption and not be subject to enrollment.
- Generally, requires a violent offender to enroll in the database for ten years, subject to possible extension on motion by the prosecutor and an order issued by a court.
- Permits a violent offender whose enrollment period is extended to request a court to terminate the extended period and enrollment duty.
- Requires an offender who has a duty to enroll in the database annually to reenroll and to provide notice of a change in address.
- Names the act's database-related provisions "Sierah's Law."

## **Released offenders**

- Requires that the notice of release from prison of specified serious offense offenders that is given to sheriffs be the same as that provided to prosecuting attorneys.
- Eliminates the previously required notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders.
- Modifies the membership and duties of the Ex-Offender Reentry Coalition and eliminates the repeal of the Coalition, previously scheduled for December 31, 2019.
- Requires halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has selected.