

# Crimes, Corrections, and Law Enforcement

## H.B. 86

**Primary Sponsor:** Rep. Plummer

**Effective date:** Emergency: March 11, 2019; amended definition effective March 28, 2019

- Clarifies that certain firearms are not “dangerous ordnance” under the Weapons Law, in order to correct a drafting error made in 2018 in H.B. 228 of the 132<sup>nd</sup> General Assembly.

## S.B. 5

**Primary Sponsors:** Sens. Kunze and Dolan

**Effective date:** March 12, 2020

- Increases the penalties for the offense of promoting prostitution under certain circumstances.
- Sets the fee for an application for a Certificate of Qualification for Employment (CQE) at \$50.
- Creates a rebuttable presumption of eligibility for a CQE under certain circumstances.
- Requires each licensing authority to include information related to CQEs and Certificates of Achievement and Employability on its website and on certain materials and forms.

## S.B. 23

**Primary Sponsor:** Sen. Roegner

**Effective date:** July 11, 2019

### Act name

- Designates most of the R.C. sections amended and enacted by the act as the “Human Rights and Heartbeat Protection Act.”

### Abortion prohibited when there is a fetal heartbeat

- Generally prohibits 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 human individual whose fetal heartbeat has been detected.
- Provides that a person who violates the above prohibition is guilty of performing or inducing an abortion after the detection of a fetal heartbeat, a fifth degree felony.

- Provides that a physician does not violate the prohibition if that physician performs a medical procedure designed to or intended to prevent the death of a pregnant woman or prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.
- Provides that a person does not violate the prohibition if that person has performed an examination for the presence of a fetal heartbeat and the method used does not reveal a fetal heartbeat.
- Provides that the prohibition does not repeal or limit any other provision of law that restricts or regulates the performance or inducement of an abortion by a particular method or during a particular stage of pregnancy.
- Requires a pregnant woman whose unborn human individual's fetal heartbeat has been detected to sign a form acknowledging that she has received the following information from the person intending to perform the abortion: (1) that the unborn human individual has a fetal heartbeat, and (2) the statistical probability of bringing that individual to term.

### **Abortion prohibited before determining fetal heartbeat**

- Provides that a person who knowingly and purposefully performs or induces an abortion before determining if there is a fetal heartbeat is guilty of performing or inducing abortion before determining whether there is a detectable fetal heartbeat, a fifth degree felony.
- Provides that a physician does not commit the offense if the physician performs or induces an abortion believing that a medical emergency exists.
- Provides that a person does not commit the offense if that person has performed an examination for the presence of a fetal heartbeat and the method used does not reveal a fetal heartbeat.

### **Wrongful death actions**

- Requires a woman to be awarded court costs and reasonable attorney's fees if she prevails in a civil action for the wrongful death of her unborn child.
- Provides that a determination of unconstitutionality is a defense, if the suit is based on a provision that a court of record has deemed unconstitutional.
- Requires that a defendant be awarded reasonable attorney fees if the action was frivolous and the defendant was adversely affected.

### **Adoption promotion and support**

- Creates the Joint Legislative Committee on Adoption Promotion and Support, consisting of three House members and three Senate members, to ensure citizens are informed of available adoption options in Ohio.

- Permits the Committee to review or study any matter that it considers relevant to the adoption process in Ohio and grants it the same powers as other standing or select committees of the General Assembly.

### **State Medical Board enforcement**

- Allows the State Medical Board to take disciplinary action for failure to comply with the act's requirements to make or maintain certain medical records or documents for a pregnant woman regarding an abortion.
- Allows the Board to assess against a person a forfeiture of not more than \$20,000 for each abortion prohibition violation the act specifies.

### **Declaratory judgments and court orders**

- Permits the Attorney General to apply to a state or federal court for a declaration that the act's provisions are constitutional, or an order lifting an injunction if one exists, if federal abortion law changes.
- Permits a county prosecutor with standing to apply to a state or federal court for the above relief if the Attorney General fails to act within 30 days of the change.

### **Foster Care and Adoption Initiatives Fund**

- Creates the custodial Foster Care and Adoption Initiatives Fund, consisting of the State Medical Board forfeitures collected under the act, to provide funding for foster care and adoption services and initiatives as determined by the Department of Job and Family Services.

### **Other provisions**

- Provides criminal immunity and immunity from civil liability to a pregnant woman on whom an abortion is performed for a violation of the act's and other abortion prohibitions.
- Makes several declarations of findings by the General Assembly regarding pregnancy and fetal development.
- Requires the Department of Health to consult with independent health care experts when producing materials that the Department must publish on its website to inform pregnant women of the probable anatomical and physiological characteristics of a zygote, blastocyte, embryo, or fetus at various gestational increments.
- Provides that the act's provisions apply only to intrauterine pregnancies.
- Requires the Director of Health to adopt rules specifying the appropriate methods for determining the presence of a fetal heartbeat based on standard medical practice, no later than 120 days after the act's effective date.

- Repeals the limitation that the rules specifying the appropriate method for determining the presence of a fetal heartbeat “shall require only that an examination be performed externally.”
- Requires a person to fulfill certain documentation requirements when the person performs an abortion relating to the act’s provisions.
- Provides that nothing in the act prohibits the sale, use, prescription, or administration of a drug, device, or chemical for contraceptive purposes.