

Crimes, Corrections, and Law Enforcement

H.B. 1

Primary Sponsors: Reps. Plummer and Hicks-Hudson

Effective date: April 12, 2021

Intervention in lieu of conviction

- Broadens the scope of intervention in lieu of conviction (ILC) by requiring an eligibility hearing on an application for intervention in any case in which the offender alleges that drug or alcohol use was a factor leading to the underlying offense.
- Disqualifies offenders charged with a felony sex offense from ILC.
- Modifies the type of record sealing that may be granted under an ILC order.

Sealing a conviction record

- Broadens the application of the Conviction Record Sealing Law by removing the cap, previously based on total felony convictions, on eligibility for fourth or fifth degree felony and misdemeanor offenses, and by raising the caps on restricted felony and misdemeanor offenses.
- Modifies the time at which an offender may apply to have a conviction record sealed.
- Requires that \$15 of the \$30 portion of the conviction record sealing application fee that is paid to the state treasury be credited to the Attorney General Reimbursement Fund, for the Bureau of Criminal Identification and Investigation's expenses related to sealing or expunging records.

Prison term for community control sanction violation

- Modifies provisions that impose a 90- or 180-day limit on the prison term that a court may impose for a violation of a community control sanction, a violation of a law, or leaving the state without permission of the court or probation officer by:
 - Specifying that if the remaining period of the offender's community control or suspended prison sentence at that time is less than 90 or 180 days, the term may not exceed the remaining period of community control or suspended sentence;
 - Specifying that the time the offender spends in prison under the term is credited against the offender's community control or suspended prison sentence being served at the time of the violation and that the offender, upon release, will continue serving the remaining time under the reduced community control or suspended sentence;
 - Clarifying the meaning of "technical violation."

- Specifies that a court is not limited in the number of times it may sentence an offender to a prison term for a violation of the conditions of a community control sanction, a violation of a law, or leaving the state without permission.

Involuntary court-ordered treatment for alcohol or drug abuse

- Modifies the criteria governing applications for, granting of, and treatment under a mechanism providing for a probate court order requiring involuntary treatment for a person suffering from alcohol or other drug abuse.
- Provides for the emergency hospitalization of a respondent, separate from the treatment ordered by the court, if the court determines that the respondent presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol or other drug abuse.
- Specifies that, in addition to the preexisting sanction of contempt of court, if a respondent fails to complete court-ordered treatment, the court may require the respondent to appear at a specified time and place.

State Criminal Sentencing Commission

- Designates the Commission as a criminal justice agency so that it is authorized to apply for access to the computerized databases of the National Crime Information Center or LEADS, and to other databases making criminal justice information accessible to state criminal justice agencies.
- Requires the Commission to study the impact of the act's provisions on an ongoing basis and make biennial reports to the General Assembly and the Governor, commencing not later than December 31, 2021.

Restraints on pregnant delinquent child or pregnant offender

- Generally prohibits a law enforcement, court, or corrections official from knowingly restraining or confining a pregnant charged or adjudicated child or pregnant criminal offender during the child's or woman's pregnancy, hospital transport, labor, delivery, or postpartum recovery.
- Provides that a violation is the offense of "interfering with civil rights," and permits the child or woman to file a civil action for damages against the official who committed the violation, the official's employing agency, or court.
- Requires the Attorney General to provide training materials to law enforcement, court, and corrections officials to train employees on the proper implementation of the requirements regarding restraining or confining a pregnant child or woman.

H.B. 66

Primary Sponsor: Rep. Merrin

Effective date: Emergency: October 1, 2020

Theft Victims' Restitution Act

- Allows restitution to be granted as part of a criminal sentence for accounting and auditing costs the victim incurred to determine the extent of the victim's loss.
- Limits the amount of restitution for accounting or auditing costs to a reasonable amount that does not exceed the value of property or services stolen or damaged as a result of the crime.

Joint Legislative Ethics Committee

- Specifies that if, during the 133rd General Assembly, a member of the Joint Legislative Ethics Committee (JLEC) is or has been charged with or indicted for certain offenses, that member's seat on JLEC is deemed vacant, and requires the Senate President or the Speaker of the House, as applicable, to fill the vacancy within 15 days.

Capitol Square Review and Advisory Board

- Allows an appointing authority to remove an appointed member of the Capitol Square Review and Advisory Board (CSRAB) at any time, without cause.
- Specifies that an appointed legislator may remain on CSRAB as long as the legislator is a General Assembly member, unless the legislator is removed, instead of serving a three-year term.
- Specifies that an appointed member of CSRAB who is not a legislator may remain on CSRAB for three years, unless the member is removed.
- Eliminates the requirement that an appointed member of CSRAB must remain a member after the member's term expires until a new member is appointed or until 60 days have elapsed, whichever occurs first.
- Allows an appointed member of CSRAB to be reappointed, so long as the member remains otherwise eligible.
- Specifies that the act applies to current appointed members of CSRAB.

H.B. 136

Primary Sponsor: Rep. Hillyer

Effective date: April 12, 2021

- Specifies that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of the offense may not be sentenced to death for the offense, but instead must be sentenced to life imprisonment without parole.
- Requires that a person previously sentenced to death who proves that the person had a serious mental illness at the time of the offense be resentenced to life imprisonment without parole, and provides a mechanism for resentencing.
- Defines a “serious mental illness” for these purposes.

H.B. 308

Primary Sponsor: Rep. Patton

Effective date: April 12, 2021

- Creates the State Post-Traumatic Stress Fund in the state treasury and designates the Director of Budget and Management as the fund’s trustee.
- Requires the fund to be used to pay lost wage compensation, medical benefits, and administrative costs associated with public safety officers who are diagnosed with post-traumatic stress disorder without an accompanying physical injury received in the course of, and arising out of, their employment.
- States, however, that no payments will be made from the fund and no person is eligible for any claims and no liability accrues to any state party under the act.
- Prohibits an employer from discharging, demoting, reassigning, or taking any other punitive action against a public safety officer because the officer files a claim or institutes, pursues, or testifies in any proceedings related to compensation or benefits paid from the fund.
- Requires the Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with specified entities, to have prepared an actuarial valuation and report that answers specific questions about funding and administrative requirements associated with paying claims from the fund.

H.B. 431

Primary Sponsors: Reps. Abrams and Carfagna

Effective date: April 12, 2021

Trafficking in persons

- Requires a juvenile court to appoint a guardian ad litem for an allegedly delinquent child if the court has reason to believe the act charged in the complaint might be a specified prostitution-related offense or that the child is a victim of trafficking in persons.
- Modifies the abeyance procedure by which a juvenile court may temporarily set aside a complaint against a child for a specified prostitution-related offense or offense related to the victimization of the child by human trafficking, pending the child's active engagement in diversion actions.
- Removes the distinction in the elements of "trafficking in persons" regarding victims who are minors under age 16 and victims who are minors age 16 or 17.
- Conforms the SORN Law definitions of "sexually oriented offense" and "Tier II sex offender/child-victim offender" to the changes in "trafficking in persons."

"Unlawful sexual conduct with a minor" convictions

- Creates a mechanism under which:
 - Certain offenders convicted of "unlawful sexual conduct with a minor" who were under age 21 at the time of committing the offense may petition a court for an evaluation as to whether the offender's Sex Offender Registration and Notification Law (SORN Law) duties should be terminated or modified.
 - The court, after a hearing, must enter an order to either terminate the offender's SORN Law duties, reclassify the offender from a Tier II Offender to a Tier I Offender, or continue the offender's classification as a Tier I or Tier II Offender.
- Extends the Conviction Record Sealing Law to apply to an offender convicted of "unlawful sexual conduct with a minor" when a court has issued an order that terminates the offender's SORN Law duties.
- For an offender convicted of "unlawful sexual conduct with a minor" committed while under age 21, adds as a possible nonresidential sanction a requirement that the offender participate in a DRC-certified sex offender treatment program.

Offenses of "soliciting," "engaging in solicitation after a positive HIV test," and "engaging in prostitution"

- Under the offenses of "soliciting" and "engaging in solicitation after a positive HIV test":
 - Repeals and replaces the three prohibitions under "soliciting" with a new one that prohibits a person from knowingly soliciting another to engage in sexual activity for hire;

- Repeals the authorization for either a suspension of the driver's or commercial driver's license or permit, or a term of community service, for an offender convicted of committing or attempting to commit either offense or an equivalent municipal ordinance violation, if the person was in, was on, or used a motor vehicle.
- Enacts the offense of "engaging in prostitution," prohibiting a person from recklessly inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving the other person anything of value.

S.B. 10

Primary Sponsor: Sen. Wilson

Effective date: Emergency: the provisions addressing tolling of periods of limitation take effect January 7, 2021; all other provisions take effect April 7, 2021

Theft in office

- Increases the penalty for theft in office when the value of property or services stolen is \$150,000 or more.
- Requires the offender to pay restitution for the costs of auditing a public entity that suffered loss as a result of the theft.
- States that restitution imposed for theft in office is not dischargeable in Chapter 7 bankruptcy under federal law.
- Excludes convictions for theft in office from the law that allows for sealing of criminal convictions upon application by the offender.
- Prohibits an offender convicted of soliciting improper compensation from applying to have that conviction sealed until the expiration of seven years after the offender's final discharge.

Other provisions

- Expands the list of debts toward satisfaction of which the Tax Commissioner may apply a tax refund due to a taxpayer.
- Modifies the process by which a county auditor must issue warrants for payment of county obligations on the county treasurer for moneys payable from the county treasury upon presentation of a court order for expenses.
- Permits the Auditor of State to provide or discuss investigatory work product with other parties, notwithstanding the law that requires law enforcement agencies to close investigatory work product upon the sealing or expungement of a criminal record or delinquent child adjudication.

- Expands the exercise of personal jurisdiction by a court to include personal jurisdiction over a person on any basis consistent with the Ohio Constitution and the United States Constitution.
- Specifies that the time period between March 9, 2020, and July 30, 2020, cannot be computed as part of the periods of limitation and time limitations that are tolled under H.B. 197 of the 133rd General Assembly as a result of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.
- Specifies that the tolling provisions expire on July 30, 2020, rather than the sooner of when the period of emergency ends or July 30, 2020.

S.B 33

Primary Sponsor: Sen. Hoagland

Effective date: April 12, 2021

- Adds new prohibitions under the offenses of criminal mischief, criminal trespass, aggravated trespass, and making false alarms for conduct occurring in or on a critical infrastructure facility.
- Creates the offense of improper organizational involvement with a critical infrastructure facility that prohibits an organization from knowingly doing either of the following:
 - Directing, authorizing, facilitating, or encouraging a person to commit an offense in the first dot point or a specified type of telecommunications harassment involving a critical infrastructure facility;
 - Providing compensation to a person for committing an offense in the first dot point or a specified type of telecommunications harassment involving a critical infrastructure facility.
- Provides for increased fines on organizations that are guilty of improper organizational involvement with a critical infrastructure facility.
- Creates a new civil cause of action for willfully causing damage to a critical infrastructure facility.

S.B. 140

Primary Sponsor: Sen. Uecker

Effective date: April 12, 2021

- Eliminates the prohibition against manufacturing, possessing for sale, selling, or furnishing to any person other than a law enforcement agency for use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon.

- Eliminates the prohibition against carrying a concealed knife, razor, or cutting instrument as a concealed deadly weapon if the knife was not used as a weapon.

S.B. 175

Primary Sponsor: Sen. Schaffer

Effective date: April 6, 2021

- Provides that a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence if the person is in a place in which the person lawfully has a right to be.
- Grants qualified civil immunity to a nonprofit corporation for injury, death, or loss caused by or related to a concealed handgun licensee bringing a handgun onto the nonprofit corporation's premises or to an event organized by it.
- Grants absolute civil immunity to a nonprofit corporation for injury, death, or loss caused by or related to the nonprofit corporation's decision to permit a concealed handgun licensee to bring a handgun onto its premises or to an event organized by it.

S.B. 256

Primary Sponsors: Sens. Manning and Lehner

Effective date: April 12, 2021

- Specifies that if a person is convicted of rape, terrorism, aggravated murder or murder, or any other felony committed when under 18, or if a person is sentenced under the Sexually Violent Predator Sentencing Law for an offense committed when under 18, the court may not sentence the person to life imprisonment without parole.
- Provides special parole eligibility dates for persons serving a prison sentence for an offense other than an "aggravated homicide offense" committed when under 18, or serving consecutive prison sentences for multiple offenses, none of which is an aggravated homicide offense, committed when under 18.
- Specifies that a person serving a sentence for an aggravated homicide offense, or for the offense of terrorism when the most serious underlying offense in the terrorism was aggravated murder or murder, committed when under 18 is not eligible for parole review other than in accordance with the sentence imposed for the offense.
- Requires the Parole Board to consider specified mitigating factors for persons eligible for parole under either provision described above.
- Specifies that if the Parole Board denies release for a person eligible for parole under either provision, the Board must conduct a subsequent release review not later than five years after the denial.

- Specifies a number of factors that must be considered as mitigating factors, in addition to other factors that must be considered under continuing law, when a court is sentencing a person who is convicted of a felony committed when under 18.
- Allows for limited continuances in abuse, neglect, and dependency proceedings for good cause shown.

