

# Crimes, Corrections, and Law Enforcement

## H.B. 206

**Primary Sponsors:** Reps. Ghanbari and O'Brien

**Effective date:** September 23, 2022

- Grants township officers, who serve a township with a population between 5,000 and 50,000, the authority to make an arrest for specified traffic offenses on an interstate highway within the township's jurisdiction, if certain criteria are met and the board of township trustees adopts a resolution authorizing the arrests.
- Specifies that the fine collected from a speeding ticket issued by a township officer on an interstate highway within the township's jurisdiction must be paid to the county treasury for highway maintenance and repair.

## H.B. 254

**Primary Sponsors:** Reps. Boggs and Abrams

**Effective date:** April 3, 2023

- Authorizes the establishment of county or regional domestic violence fatality review boards.
- Requires each review board to submit to the Ohio Department of Health an annual report containing specified information related to the domestic violence fatalities reviewed by the board.
- Requires the Department to adopt rules establishing a procedure for county and regional domestic violence fatality review boards to follow in reviewing deaths by domestic violence.

## H.B. 343

**Primary Sponsor:** Rep. White

**Effective date:** April 6, 2023

### Victim's rights

#### Generally

- Broadly defines several terms, including "criminal offense" and "delinquent act" for purposes of the Victim's Rights Law.
- Defines "victim" for purposes of the Victim's Rights Law by reference to Ohio Constitution, Article I, Section 10a.
- Authorizes a victim's representative to exercise the rights of a victim under the Victim's Rights Law.

- Modifies procedures for the law enforcement agency responsible for investigating a criminal offense or delinquent act on its initial contact with the victim, including materials and information that must be provided to the victim.
- Entitles a victim with a disability, a non-English speaking victim, or a victim with limited English proficiency to a qualified or certified interpreter at all court proceedings, meetings with the prosecutor, and investigative contacts, at no cost to the victim and paid for by the court.
- Entitles a victim and victim's representative to be present during any public proceeding, other than a grand jury proceeding, and grants the victim, victim's representative, and victim's attorney the right to be heard by the court at any proceeding in which any right of the victim is implicated.
- Prohibits a victim from being required to pay for a copy of any public records related to the victim's case, and prohibits the victim and victim's representative from being required to pay for a copy of the certificate of judgment and judgment entry from the clerk.
- Clarifies the timing of various notices that must be provided to victims of crime.
- Makes several changes throughout the Victim's Rights Law and Criminal Code to allow for a victim's representative, where designated, to receive the same notice and standing as a victim.
- Prohibits an employer from retaliating against a victim, victim's family member, or victim's representative for preparation for criminal proceedings and attending criminal proceedings pursuant to statutory and constitutional rights or at the prosecutor's request, whether or not attendance is pursuant to subpoena.
- Modifies the victim's bill of rights document that the Attorney General must distribute.
- Requires the Supreme Court to create the victim's rights request form.
- Requires that a victim's name and identifying information be documented on a separate page in law enforcement records and court filings, which is not a public record.

### **Law enforcement agencies**

- Requires law enforcement to provide the victim with the victim's rights request form upon initial contact, as well as the victim's rights pamphlet and information card.
- Requires the law enforcement agency investigating a criminal offense or delinquent act having a statute of limitations longer than three years to notify the victim and the victim's representative if an inactive case is reopened, unless notification is waived.
- Requires a person not previously identified as a victim by law enforcement to affirmatively identify themselves as a victim to law enforcement, the prosecutor, and courts, in order to receive information and exercise rights as a crime victim under Ohio's Victim's Rights Law.

- Requires the law enforcement agency that investigates a criminal offense or delinquent act to give the victim or victim's representative notice that the victim may request and receive information on the terms and conditions of bond, the time, place, and date of arraignment, and details of detainment in another jurisdiction.
- Requires a custodial agency of a defendant or delinquent child to provide the victim and victim's representative the victim's rights request form and a notice that failure to affirmatively request these rights is considered a waiver but may be requested at a later time.
- Requires the probation department, during its presentence investigation, to contact the victim, victim's representative, and victim's attorney concerning the victim's economic, physical, psychological, or emotional harm or victim's safety concerns as a result of the offense.

## **Prosecutors**

- In certain cases, requires the prosecutor to inform the victim as soon as practicable if the prosecutor does not file a motion to reconsider the conditions of bond or personal recognizance granted to a defendant or alleged juvenile offender after release from custody or detention on bond or personal recognizance.
- Expands the times at which the prosecutor in a case must confer with the victim, requires these conferences to include the victim's representative at the victim's request, and allows the prosecutor to designate a person to confer on the prosecutor's behalf.
- Requires the prosecutor, on request of the victim or victim's representative, to keep the victim and representative apprised of requests and communications from the defendant, alleged juvenile offender, or an agent that could affect the victim's privacy rights or safety concerns.
- Adds several items, including the victim's rights request form, to the information that the prosecutor or designee must provide to the victim, and specifies that all of the information must be provided within 14 days after prosecution commences and must also be provided to the victim's representative, if applicable.
- Requires the prosecutor to review the victim's rights request form with the victim or victim's representative, obtain signatures from both if the form was not previously completed with law enforcement, and file the form with the court within seven days after initiation of a criminal prosecution.
- Specifies that a prosecutor's notification to a victim or victim's representative of a hearing or application for judicial release, as requested by the victim or representative, must occur not later than seven days after the hearing is scheduled or the application is filed.
- Requires the prosecutor, in any post-conviction proceeding or in regards to any post-conviction relief, to file a motion with the court when the prosecutor has a reasonable basis to believe that the victim's representative is not acting in the interests of the child victim, victim with a developmental disability, or an incapacitated or incompetent victim.

## **DRC and DYS**

- Requires the Department of Rehabilitation and Correction or the Department of Youth Services to directly notify the victim and the victim's representative of services available and the victim's right to be notified of actions the release authority takes with respect to the defendant or alleged juvenile offender.

## **State Victims Assistance Advisory Council**

- Increases the number of members of the State Victims Assistance Advisory Council from 17 to 21, and specifies the organizations they must represent.

## **Notice and rights in court proceedings**

- Requires the court to provide the prosecutor notice of any court proceeding not less than ten days prior to that court proceeding, and to provide that notice to the victim and victim's representative not less than seven days prior to the court proceeding, unless the parties agree that a shorter notice is reasonable under the circumstances.
- Requires, once a pro se victim or victim's attorney files a notice of appearance in a case, the victim or attorney to be served copies of all notices, motions, and court orders filed in the case after the notice in the same manner as the parties in the case.
- Entitles a victim or victim's representative to receive a copy of all documents filed with the court in the victim's case at no cost to the victim and allows those copies to be provided in electronic format.
- Entitles a victim, victim's attorney, or victim's representative to obtain recordings of court proceedings at cost and transcripts of the case that have been previously prepared at a reduced cost.
- Entitles a victim to not testify at any court proceeding regarding the victim's address, telephone number, place of employment, or other locating information except under certain specified circumstances, and allows the victim or victim's representative to request that information be redacted from case documents prior to public release.
- Entitles a victim to proceedings free from unreasonable delay and a prompt conclusion of the case, and requires all participants to endeavor to complete the case within the time frame provided by the Rules of Superintendence.
- Entitles a victim and victim's representative to be present and heard, or to elect to not be present, at a proceeding in which a negotiated plea for the defendant or alleged juvenile offender will be presented to the court, unless a subpoena served on the victim or victim's representative compels their presence.
- Entitles a victim and victim's representative to be present at a proceeding in which the court conducts a hearing on the post-arrest release of the person accused of committing a criminal offense or delinquent act against the victim or the conditions of release.

- Entitles a victim and victim's representative to be present and heard at any probation or community control revocation disposition proceeding and certain probation or community control hearings.
- Prohibits the court from ruling on any substantive issue that implicates a victim's right, accepting a plea, or imposing a sentence if the prosecutor has not made reasonable efforts to confer with, or reasonable efforts were not made to provide reasonable and timely notice of the time, place, and nature of the court proceeding to, the victim and victim's representative.
- Requires the court to review records produced in response to a subpoena in-camera where a right of privilege has been asserted.
- Requires that notice of a defendant's acquittal or conviction that must be provided to the victim upon request must occur within seven days of the acquittal or conviction and must also be provided to the victim's representative if requested.
- Requires a notice of conviction provided to a victim or victim's representative to include the purpose of the presentence investigation report, if ordered, and that the victim and representative have the right to review a copy of the report except those portions that are confidential by law and to include notice of the right to file a restitution lien.
- Preserves certain rights of a crime victim despite a negotiated plea agreement or dismissal of charges involving that victim.
- Specifies that an oral statement from a victim or victim's representative permitted during a sentencing or disposition proceeding is not subject to cross-examination.
- Requires the court or court designee, or the probation department to notify the victim and victim's representative, upon request, of proceedings related to the revocation or modification of terms of probation or community control and any conduct by the defendant or alleged juvenile offender that raises a concern for the victim's safety.
- Requires a court making a determination whether to grant judicial release or other early release to send notice of its determination to the prosecutor of the county in which the criminal or delinquency proceeding was held and, before ordering release, to send the custodial agency a copy of the court's journal entry of the determination.

## **Governor**

- Prior to granting a pardon, commutation, or reprieve for an offense of violence or an act that would be an offense of violence if committed by an adult, requires the Governor or a designee to notify the victim of the application and that the victim, victim's representative, and victim's attorney may submit a written statement.

## **Defendant**

- Requires a defendant seeking to subpoena records of or concerning the victim to serve the prosecutor, the victim, and the victim's attorney, if applicable, with a copy of the subpoena.

- Requires the proponent of a subpoena, upon the filing of a motion to quash, to prove that the documents are evidentiary and relevant, that the documents are not otherwise procurable reasonably in advance of trial by exercise of due diligence, that the party cannot properly prepare for trial without them, and that the application is made in good faith and is not a violation of the Ohio Rules of Criminal Procedure.
- Prohibits the defendant from subpoenaing a victim for a pretrial hearing without good cause.
- Prohibits the victim from being compelled to submit to an interview on any matter that is conducted by the defendant, the defendant's attorney, or an agent of the defendant, and specifies procedures for the defendant to request an interview with the victim through the prosecutor and the victim's attorney, if applicable.
- Requires a presentence investigation that is made available to the defendant prior to the sentencing hearing be simultaneously provided to the prosecutor assigned to the case and to the victim, victim's representative, and victim's attorney, redacted as required by law.

## **Enforcement**

- Creates a mechanism for a victim, victim's representative, or victim's attorney to enforce the victim's rights under the Victim's Rights Law with or without the prosecutor and including enforcement by extraordinary writ.
- Permits the speedy-trial rights of a criminal defendant to be tolled during any period that an appeal or petition for an extraordinary writ to enforce victim's rights is pending.
- Grants a victim, victim's representative, or victim's attorney, or the prosecutor, on request of the victim, standing as a matter of right to assert or to challenge an order denying the rights of the victim.
- Requires that an interlocutory appeal concerning the rights of the victim be heard and decided upon within specified time frames.

## **Financial sanctions**

### **Costs**

- Specifically allows for the costs of global positioning system device monitoring to be imposed on an offender as a financial sanction for a misdemeanor.
- Prohibits the court from waiving certain court costs.

### **Restitution**

- Allows the court to order restitution in a juvenile delinquency offense even if that offense would be a minor misdemeanor if committed by an adult.
- Requires the court imposing a sentence on an offender for a felony or misdemeanor to sentence the offender to make restitution.

- Allows the victim, private provider, state, or political subdivision to obtain a certificate of judgment at no cost in a felony or misdemeanor case where a financial sanction has been ordered.
- If a business or corporation is required to pay restitution for a felony or misdemeanor, imposes the duty to pay the restitution, fines, or fees on the person authorized to make disbursements from the assets of the business or corporation, to pay those costs from the assets.
- Requires the clerk of a sentencing court to make the payment history of an offender sentenced to pay restitution for a felony or misdemeanor available to the prosecutor, victim, victim's representative, and the court without cost.
- Prohibits a court that has ordered restitution on an offender for a felony to discharge restitution until it is fully paid by the offender.
- Broadly allows the victim, victim's representative, victim's attorney, prosecuting attorney, and the offender or delinquent child to provide information relevant to the determination of the amount of restitution in a criminal proceeding or juvenile delinquency proceeding.
- Modifies the process for calculating restitution owed for juvenile delinquency and criminal offenses and requires full restitution to be determined by the court by a preponderance of the evidence.
- Requires that all money that remains unclaimed that is for the restitution payments for crime victims must be sent to the Reparations Fund with a list from the clerk specifying the amounts and individual identifying information of the money.
- Requires that if money received pursuant to a restitution order is in the Reparations Fund and is not claimed within five years, the Attorney General must use that money for the benefit of other victims of crime.
- Requires the Attorney General to pay any part of the restitution award owed to a victim at any time to the person who has a right to the money upon proper certification from the clerk and documentation from the individual claiming that right.
- Permits an officer responsible for collecting and distributing restitution to manage unclaimed funds in lieu of the clerk.

### **Record sealing and expungement**

- Requires the court in proceedings to seal or expunge criminal records and juvenile records to provide notice to the prosecutor not less than 60 days prior to the hearing.
- Requires the prosecutor in proceedings to seal or expunge juvenile records or in proceedings to seal criminal records to provide timely notice of the proceedings to a victim and victim's representative if the victim or representative requested notice.

- Allows the victim, victim’s representative, and victim’s attorney to be present at juvenile record sealing or expungement proceedings or in proceedings to seal criminal records and to be heard orally, in writing, or both, and requires the court to consider the oral or written statement of any victim, victim’s representative, or victim’s attorney.
- Requires money owed by the state or a political subdivision to a delinquent child, juvenile traffic offender, or criminal offender who is required to make restitution be assigned to the discharge of that outstanding restitution obligation, subject to any superseding federal statutes or regulations.
- Specifies the order in which restitution owed to more than one victim must be paid by a delinquent child, juvenile traffic offender, or criminal offender.
- Prohibits a court from suspending the restitution portion of a delinquent child’s or juvenile traffic offender’s disposition or of a criminal offender’s sentence if the victim or victim’s attorney objects to that portion of the disposition or sentence being suspended.
- Excludes restitution ordered in juvenile delinquency cases, juvenile traffic offenses, and criminal offenses from discharge in bankruptcy, except to the extent required by federal law.
- Requires the Supreme Court to create a standardized form to be made publicly available that provides guidance for victims and victims’ representatives regarding the compilation of evidence to demonstrate losses for the purpose of restitution in juvenile delinquency cases, juvenile traffic cases, and criminal cases.

### **Trial testimony**

- Modifies provisions for testimony by deposition, recording, or other means applicable to victims of crimes to generally expand the availability of such alternative means of testimony to child victims under age 18 if that child victim would suffer serious emotional harm, and to include victims’ attorneys and advocates in those proceedings.
- Provides rights that apply to a person under 18 or a person with a developmental disability who testifies in open court that may be enforced by the court or by any attorney involved with the proceeding.

### **Evidence**

- Narrows an exception to Ohio’s Rape Shield Law to allow that evidence under limited circumstances when the evidence involves the origin of a sexually transmitted disease or infection, rather than allowing that evidence under limited circumstances when the evidence involves the origin of disease generally.
- Prohibits requiring a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation or prosecution of the alleged sex offense.



## H.B. 427

**Primary Sponsors:** Reps. White and Manchester

**Effective date:** September 13, 2022

- Provides that the element “compelled” is established for the offenses of “trafficking in persons” and “compelling prostitution” when the state proves that the offender overcame the victim’s will by furnishing or offering a controlled substance to the victim or by manipulating the victim’s controlled substance addiction.

## H.B. 462

**Primary Sponsors:** Reps. K. Miller and Carfagna

**Effective date:** April 3, 2023

### Swatting

- Creates the offense of swatting, related to reporting false or misleading information to a law enforcement agency, emergency service provider, or public safety answering point.
- Provides that a violation of the prohibition is a fourth degree felony, unless the violation results in serious physical harm, then a violation is a second degree felony.
- Allows a court to order an offender to reimburse a law enforcement agency or emergency services provider involved in the emergency response for all or a portion of the costs it incurred during the emergency response.
- Adds the offense of swatting to the definition of an offense of violence.

### Pay ranges for Highway Patrol officers and other employees

- Requires the Director of Administrative Services to adopt rules establishing pay range 19, as well as step value 7 in pay range 17, in salary schedule E-1 for exempt state employees, applicable on July 1, 2023.
- Beginning July 1, 2023, assigns lieutenants, staff lieutenants, captains, majors, and lieutenant colonels in the Ohio State Highway Patrol, or their equivalents, to specific pay ranges in schedule E-1.

## H.B. 504

**Primary Sponsors:** Reps. Carfagna and Johnson

**Effective date:** April 6, 2023

- Increases the penalty for the offense of “disturbing a lawful meeting” from a fourth degree misdemeanor to a first degree misdemeanor if either of the following applies:
  - The violation is committed with the intent to disturb or disquiet any assemblage of people met for religious worship at a tax-exempt place of worship and disturbs the order and solemnity of the assemblage.

- The violation is committed with the intent to prevent, disrupt, or interfere with a virtual meeting or gathering of people for religious worship, through use of a computer, computer system, telecommunications system, or other electronic device or system, or in any other manner.

## **S.B. 16**

**Primary Sponsor:** Sen. Schaffer

**Effective date:** April 4, 2023

### **Offenses relating to emergency service responders**

- Increases the penalty for “assault” to a fourth degree felony if:
  - The victim is an emergency service responder (ESR), the offender knows or reasonably should know that the victim is an ESR, and it is the offender’s specific purpose to commit the offense against an ESR; or
  - The victim is a family or household member or co-worker of an ESR, the offender knows or reasonably should know the victim’s status, and it is the offender’s specific purpose to commit the offense against a family or household member or co-worker of an ESR.
- Adds a new prohibition under “menacing” that prohibits a person from knowingly placing or attempting to place another in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether the weapon is operable or inoperable, if:
  - The other person is an ESR, the offender knows or reasonably should know that the other person is an ESR, and it is the offender’s specific purpose to engage in the conduct against an ESR; or
  - The other person is a family or household member or co-worker of an ESR, the offender knows or reasonably should know that person’s status, and it is the offender’s specific purpose to engage in the conduct against a family or household member or co-worker of an ESR.
- Provides that if an offender is convicted of or pleads guilty to a violation of menacing or assault based on the same conduct involving the same victim that was the basis of the violation of the offense, the two offenses are allied offenses of similar import.
- Creates the offense of “unlawfully impeding public passage of an emergency service responder,” a first degree misdemeanor, under which a person, without privilege to do so, recklessly obstructs a highway, street, sidewalk, or other public passage in a manner that renders it impassable without unreasonable inconvenience or hazard if:
  - The obstruction prevents an emergency vehicle from accessing a highway or street, prevents an ESR from responding to an emergency, or prevents an emergency vehicle or an ESR from having access to an exit from an emergency; and
  - Upon an ESR’s request or order to remove or cease the obstruction, the offender refuses to do so.

## Importuning

- Modifies the offense of “importuning” to prohibit soliciting a person who is younger than 16 to engage in sexual activity with the offender when the person younger than 16 is substantially impaired because of a mental or physical condition.
- Requires the court to impose a mandatory prison term for a third degree felony if the offender, in addition to soliciting the other person, arranged to meet the other person for the purpose of engaging in sexual activity in specified circumstances.
- Requires the court to impose a mandatory prison term for a fifth degree felony if the offender is more than ten years older than the other person and, in addition to soliciting the other person, the offender arranged to meet the other person for the purpose of engaging in sexual activity in specified circumstances.

## Voyeurism

- Modifies the offense of “voyeurism” to prohibit a person from knowingly doing any of the following:
  - Committing trespass or otherwise secretly or surreptitiously videotaping, filming, photographing, broadcasting, streaming, or otherwise recording another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person;
  - Committing trespass or otherwise secretly or surreptitiously videotaping, filming, photographing, broadcasting, streaming, or otherwise recording a minor, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of the minor;
  - Secretly or surreptitiously videotaping, filming, photographing, or otherwise recording another person above, under, or through the clothing worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

## Offenders serving in position affording contact with children

- Enacts restrictions in the Sex Offender Registration and Notification Law (SORN Law) that bar offenders convicted of a sexually oriented offense when the victim was under age 18, or a child-victim oriented offense, from serving in a volunteer position that affords extensive contact with minor children if:
  - The offender is either a Tier II or a Tier III Sex Offender/Child-Victim Offender with respect to the offense who is subject to SORN Law duties; or
  - The offense was committed prior to January 1, 2008, and under the version of the SORN Law in effect prior to that date, the offender was adjudicated or classified a sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender with respect to the offense.

- Allows a prosecutor to seek an injunction for the violation of a restriction described above or, if the offender previously had been subjected to an injunction for a violation of such a restriction, to bring criminal charges for the offense.

### **Criminal statute of limitations**

- Eliminates the period of limitations for prosecution of a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

### **Searches regarding convicted offender under supervision**

- Provides that for a felony offender sentenced to a nonresidential sanction, probation officers and Adult Parole Authority (APA) field officers have the authority to search, with or without a warrant, the offender's person, real property, motor vehicle, or personal property if either of the following apply:
  - The court requires the offender's consent to search in the terms and conditions of community control, and the offender agreed to those terms and conditions; or
  - The offender otherwise consents to the search.
- Provides that for a felon granted a conditional pardon or parole, transitional control, or other form of authorized release, APA field officers have the authority to search, with or without a warrant, the offender's person, real property, motor vehicle, or personal property if either of the following apply:
  - The APA requires the offender's consent to searches in the terms and conditions of the conditional pardon or parole, the transitional control, or the other form of authorized release, and the offender agreed to those terms and conditions; or
  - The offender otherwise consents to the search.

### **Restraint of pregnant child or woman**

- Allows a law enforcement, court, or corrections official to restrain a pregnant child or woman if the pregnant child or woman presents a risk of physical harm to herself or another, presents a risk of physical harm to property, or presents a security risk.
- Prohibits an official who restrains a pregnant child or woman as described above from using any waist restraint.

### **Political subdivision suppression of a riot or mob**

- Authorizes a political subdivision with police powers, when engaged in suppressing a riot or mob or when there is clear and present danger of a riot or mob, to do any of the following:
  - Cordon off any areas threatened by the riot or mob;
  - Prohibit persons from entering the cordoned off areas except when carrying on necessary and legitimate pursuits;

- Prohibit the sale, offering for sale, dispensing, or transportation of dynamite or other dangerous explosives in, to, or from the cordoned off areas.
- Provides that a political subdivision may not prohibit the otherwise legal sale, offering for sale, dispensing, or transportation of firearms, other dangerous weapons, or ammunition by a person in a cordoned off area in specified circumstances.

### **Preservation of firearms rights during emergency**

- Declares that certain deadly weapons or firearms businesses and services are life-sustaining “essential” businesses and services for the purposes of safety and security during an emergency.
- Prohibits any state agency, political subdivision, elected or appointed official or employee of the state or any political subdivision, or agent of the state or of any political subdivision, board, commission, bureau, or other public body established under law from taking certain actions regarding firearms or weapons during an emergency.
- Allows any person, group, or entity adversely affected by any manner of law enacted or enforced in violation of the prohibition to file an action for damages, injunctive relief, declaratory relief, or other appropriate redress.
- Extends a concealed handgun license scheduled to expire during or 30 days prior to an emergency throughout the duration of the emergency, plus 90 days.
- Specifies that these provisions are severable.

### **County correctional officers carrying firearms**

- Authorizes a county correctional officer to carry firearms while on duty in the same manner as a law enforcement officer if the county correctional officer is specifically authorized to carry firearms and has received firearms training.
- Grants a county correctional officer who is carrying firearms as described above protection from civil or criminal liability for any conduct occurring while carrying firearms to the same extent as a law enforcement officer.

### **County prosecuting attorney reports**

- Eliminates the requirement that county prosecutors annually report all criminal case resolutions to the board of county commissioners and all fire-related case resolutions to the State Fire Marshal.

### **Statewide Emergency Alert System**

- Authorizes the Statewide Emergency Alert System to be activated to assist in locating any individual with autism spectrum disorder or another developmental disability.

## **S.B. 25**

**Primary Sponsor:** Sen. Gavarone

**Effective date:** July 21, 2022

### **Drug offenses near treatment centers or recovering addicts**

- Enhances the penalties for most drug trafficking offenses in either of the following circumstances:
  - The offender commits the offense on the premises of a substance addiction services provider’s facility, or within 500 feet of the premises of such a provider’s facility, if the offender knows or should know that the offense is being committed within that vicinity.
  - The offender sells, offers to sell, delivers, or distributes the controlled substance to a person who is receiving treatment at the time of the offense, or received treatment within 30 days prior to the offense, from a substance addiction services provider and the offender knows that the person is or was in treatment.
- Sets the new penalty enhancements at the same level as continuing law penalty enhancements for the same drug trafficking offenses when committed in the vicinity of a school or juvenile.
- Names these provisions the “Relapse Reduction Act.”

### **Sexual Assault Prevention Awareness Month**

- Designates April as “Sexual Assault Prevention Awareness Month.”

## **S.B. 156**

**Primary Sponsor:** Sen. Roegner

**Effective date:** September 13, 2022

- Establishes knives as arms necessary for the exercise of fundamental individual rights, along with firearms, parts of firearms, the components of a firearm, and firearm ammunition.
- Prohibits any ordinance or regulation inhibiting a person’s ability to own or carry a knife.
- “Preempts, supersedes, and declares null and void” any contrary license, permission, restriction, delay, process, ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process.
- Permits a person adversely affected by a knife regulation of a political subdivision to bring a civil action against that political subdivision.

## **S.B. 164**

**Primary Sponsors:** Sens. Hottinger and Yuko

**Effective date:** April 3, 2023

### **Companion animal cruelty**

- Revises the law and penalties associated with companion animal cruelty.
- Classifies knowingly causing serious physical harm to a companion animal as an offense of violence.
- Subjects both nonregistered and registered animal rescues to the same penalties for certain animal abuse acts.

### **Use of gas chamber to destroy animals**

- Prohibits an animal shelter from recklessly destroying a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant.

### **Adulterated pet food**

- Prohibits pet food from containing remains from an animal that was euthanized by using any drug injected intravenously or through another, nonvascular route.
- Prohibits pet food from containing any dog or cat remains.

### **Cuyahoga County cigarette and vapor products taxes**

- Authorizes Cuyahoga County to modify the tax base of its existing cigarette tax and to levy a new tax on nicotine vapor products.

## **S.B. 215**

**Primary Sponsor:** Sen. Johnson

**Effective date:** June 13, 2022

- Provides that a person who is a “qualifying adult” is not required to obtain a concealed handgun license in order to carry a concealed handgun that is not a “restricted firearm.”
- Defines “qualifying adult” as a person who is age 21 or older, is not legally prohibited from possessing or receiving a firearm under specified federal or state law, and satisfies specified criteria necessary to obtain a concealed handgun license.
- Defines “restricted firearm” as a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the person from possessing, having, or carrying.
- States that references to a concealed handgun and a concealed handgun licensee apply to a qualifying adult, unless the context clearly indicates otherwise.

- States that references to the expiration, suspension, and revocation of a concealed handgun license do not apply to a qualifying adult, unless the person has been issued a concealed handgun license.
- Eliminates the requirement that a concealed handgun licensee must carry a concealed handgun license in order to carry a concealed handgun.
- Modifies the duty to notify by providing that, before or at the time a law enforcement officer asks if a person is carrying a concealed handgun, the person must disclose that the person is carrying a handgun, unless the person has already notified another law enforcement officer of that fact.
- Modifies the penalty for failure to comply with the duty to notify to a second degree misdemeanor.
- Permits expungement of convictions based on failure to comply with the duty to notify.

## **S.B. 288**

**Primary Sponsor:** Sen. Manning

**Effective date:** April 4, 2023

### **Gross sexual imposition**

- Modifies the circumstances in which a mandatory prison term is required for the offense of “gross sexual imposition.”

### **Misdemeanor theft**

- Renames the offense of “petty theft” as “misdemeanor theft.”

### **Offense of strangulation**

- Creates the offense of “strangulation” that prohibits a person from knowingly doing any of the following:
  - Causing serious physical harm to another by means of strangulation or suffocation;
  - Creating a substantial risk of serious physical harm to another by means of strangulation or suffocation;
  - Causing or creating a substantial risk of physical harm to another by means of strangulation or suffocation.
- Sets the penalty under the offense from a fifth degree felony to a second degree felony, depending on the circumstances.

### **Disturbing religious worship**

- Increases the penalty for the offense of “disturbing a lawful meeting” from a fourth degree misdemeanor to a first degree misdemeanor if either of the following apply:



- The violation is committed with the intent to disturb or disquiet any assemblage of people met for religious worship at a tax-exempt place of worship and disturbs the order and solemnity of the assemblage.
- The violation is committed with the intent to prevent, disrupt, or interfere with a virtual meeting or gathering of people for religious worship, through use of a computer, computer system, telecommunications system, or other electronic device or system, or in any other manner.

### **Engaging in prostitution with a person with a developmental disability**

- Adds a new prohibition to the offense of “engaging in prostitution” that prohibits a person from recklessly inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person if:
  - The other person is a “person with a developmental disability”; and
  - The offender knows or has reasonable cause to believe that the other person is a person with a developmental disability.
- Names the offense “engaging in prostitution with a person with a developmental disability,” a third degree felony.

### **Marihuana drug paraphernalia**

- Specifies that arrest or conviction for a violation of “illegal use or possession of marihuana drug paraphernalia” does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquires about the person’s criminal record.
- Repeals law that authorized the court to suspend for up to five years the driver’s or commercial driver’s license or permit of an offender convicted of committing the offense.
- Removes a conviction for the offense from the disqualifying events with respect to certain categories of service, employment, licensing, or certification.

### **Fentanyl testing strips**

- Provides that the offense of “illegal use or possession of drug paraphernalia” does not apply to a person’s use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

### **Aggravated vehicular homicide**

- Expands the provisions that require imposition of a five-year prison term on a person convicted of “aggravated vehicular homicide” and a specification charging that the victim is a peace officer or a Bureau of Criminal Identification and Investigation (BCII) investigator so that both also apply if the victim is a firefighter or an emergency medical worker.

## **Mandatory reporter’s failure to report adult abuse, neglect, or exploitation**

- Modifies the law regarding the duty of a “mandatory reporter” of adult abuse, neglect, or exploitation to report such conduct by:
  - Adding a “knowingly” *mens rea* regarding the duty, so that a mandatory reporter violates the duty if the mandatory reporter has reasonable cause to believe that an adult is being abused, neglected, or exploited and “knowingly” fails to immediately report that belief; and
  - Changing the penalty for violating that duty from a fine of \$500 to a fourth degree misdemeanor.

## **Sexual assault examination kits**

- Applies the procedures of preexisting law for preserving and cataloging biological evidence to sexual assault examination kits in the possession of any governmental evidence-retention entity during an investigation or prosecution of a criminal offense or delinquent act that is a “trafficking in persons” offense.
- Requires each governmental evidence-retention entity that secures any sexual assault examination kit in relation to an investigation or prosecution of a criminal offense or delinquent act that is a trafficking in persons offense to secure the biological evidence for a specified period of time.
- Requires that a law enforcement agency must review all of its records and reports pertaining to its investigation of a trafficking in persons offense as soon as possible after April 4, 2023 (the act’s effective date).
- Requires that, if a law enforcement agency’s review determines that a person committed a trafficking in persons offense or an offense that is subject to the procedures of preexisting law (a previously covered offense), the agency must forward the contents of the sexual assault examination kit to BCII as soon as possible, but not later than April 4, 2024.
- Requires that, if a law enforcement agency’s investigation is initiated on or after April 4, 2023, and if the review determines that a person committed a trafficking in persons offense or a previously covered offense, the agency must forward the contents of the sexual assault examination kit to BCII within 30 days.
- Requires BCII to perform a DNA analysis of the contents of the sexual examination kit related to a trafficking in persons offense and enter the resulting DNA record into the DNA database.
- Requires that, upon written request by a defendant or delinquent child in a case involving a trafficking in persons offense or a previously covered offense, a governmental evidence-retention entity that possesses biological evidence must prepare an inventory of the biological evidence.

- With respect to the act’s trafficking in persons offense-related provisions described above, applies the preexisting procedures that:
  - Specify when a governmental evidence-retention entity that possesses biological evidence may destroy it before the expiration of the applicable period of time for a trafficking in persons offense.
  - Require the Attorney General (AG) to administer and conduct training programs for law enforcement officers who are charged with preserving and cataloging biological evidence.
  - Provide that the failure of any law enforcement agency to comply with any time limit specified in the provisions must not create any basis or right to appeal, claim for or right to post-conviction relief, or claim for or right to a new trial or any other claim or right to relief by any person.

### **Criminal statute of limitations**

- Provides that there is no period of limitations for prosecution of a conspiracy or attempt to commit, or complicity in committing, “aggravated murder” or “murder.”

### **SORN Law duties – unlawful sexual conduct with minor**

- Stipulates that, when a person convicted of “unlawful sexual conduct with a minor” files for removal of Sex Offender Registration and Notification duties, the Department of Rehabilitation and Correction (DRC)-certified sex offender treatment program the offender must have completed as a condition must have been located as follows:
  - If the program is ordered by the court, the county where the offender was sentenced;
  - If the program is ordered by the court and the program is not available in the county of sentencing, another county.

### **Controlled substance “Good Samaritan” provisions**

- Provides specified immunity with respect to certain drug abuse instrument or paraphernalia offenses if a person seeks medical help for another person experiencing an overdose, experiences an overdose and seeks medical assistance, or is the subject of another person seeking medical assistance for that overdose.
- Provides specified immunity with respect to sanctioning for community control and post-release control violations for persons on community control or post-release control, if medical assistance is sought as described above.

### **Victim reimbursement of law enforcement costs**

- Specifies that a victim of “rape,” “attempted rape,” “domestic violence,” dating violence, abuse, or a sexually oriented offense, or any owner of property where the victim resides, may not be required to pay any reimbursement for the cost of any assistance that a law enforcement officer provides in relation to the offense.

## **Entry, removal of warrants into LEADS as extradition warrants**

- Requires that any warrant issued for a Tier One Offense (32 specified serious offenses) must be entered, by the law enforcement agency requesting the warrant within 48 hours after receipt of the warrant, into the Law Enforcement Automated Data System (LEADS) and the appropriate National Crime Information Center (NCIC) database.
- Requires a law enforcement agency that discovers that a warrant entered as described above into LEADS and an NCIC database was entered in error to remove the warrant from the databases within 48 hours after discovering the error.
- Requires that all warrants issued for Tier One Offenses must be entered, by the law enforcement agency that receives the warrant with a nationwide extradition radius, into LEADS.
- Requires a law enforcement agency to remove a warrant from LEADS and NCIC within 48 hours of warrant service or dismissal or recall by the issuing court.

## **County correctional officers carrying firearms**

- Authorizes a county correctional officer to carry firearms while on duty in the same manner as a law enforcement officer if the county correctional officer is specifically authorized to carry firearms and has received firearms training.
- Grants a county correctional officer carrying firearms as described above protection from civil or criminal liability for any conduct occurring while carrying firearms to the same extent as a law enforcement officer.
- Provides for firearms training and for annual firearms requalification training for county correctional officers to qualify them to carry firearms while on duty.
- Provides for the certification of county correctional officers who have satisfactorily completed approved firearms training programs that qualify them to carry firearms while on duty.

## **Correctional, youth services employee body camera recordings**

- Establishes, for body-worn camera recordings of a correctional employee or a youth services employee, the same public records exemption that applies to recordings made by a visual and audio recording device worn on a peace officer or mounted on a peace officer's vehicle.

## **Law enforcement investigative notes in coroner's possession**

- Eliminates a journalist's ability to obtain confidential law enforcement investigatory records from a county coroner.

## **Local correctional facility inmate's internet access**

- Modifies the circumstances in which a prisoner in a county or municipal correctional facility may have access to, or use, the internet.

## Civil stalking protection order

- Corrects the definition of “family or household member” in the civil stalking protection order law by referring to the family or household member of the *petitioner*.

## Electronic monitoring costs

- Eliminates the authority of a court that requires electronic monitoring of a person whom it determines is indigent to use the Reparations Fund to pay the costs of installing and monitoring the monitoring device, when the monitoring is required:
  - By a juvenile court under a protection order it issues or by a court under a stalking civil protection order it issues; or
  - By a court under a sentence it imposes on an offender convicted of “violating a protection order” involving either of those types of protection orders.

## Searches regarding convicted offender under supervision

- Provides that, regarding a felony offender sentenced to a nonresidential sanction, during the period of the sanction, probation officers and Adult Parole Authority (APA) field officers have the authority to search, with or without a warrant, the offender’s person, real property, motor vehicle, or personal property if either:
  - The court requires the offender’s consent to search as part of the terms and conditions of community control, and the offender agreed to those terms and conditions; or
  - The offender otherwise consents to the search.
- Provides that, regarding a felon granted a conditional pardon or parole, transitional control, or another form of authorized release, or under post-release control, APA field officers have the authority to search, with or without a warrant, the offender’s person, real property, motor vehicle, or personal property if:
  - The APA requires the felon’s consent to search as part of the terms and conditions of the conditional pardon or parole, the transitional control, or the other form of authorized release and the felon agreed to those terms and conditions; or
  - The felon otherwise consents to the search.

## Intervention in lieu of conviction supervision

- For a two-year period, authorizes a court that grants an offender intervention in lieu of conviction (ILC) to place the offender under the general control and supervision of a community-based correctional facility.

## Judicial release

- Modifies some of the procedures under the preexisting “eligible offender” judicial release mechanism and the preexisting “medical reason” judicial release mechanism.

- Adds to the eligible offender judicial release mechanism circumstances in which judicial release may be granted to “state of emergency-qualifying offenders” during a declared state of emergency, under a procedure similar to the eligible offender judicial release procedure.
- Creates a new judicial release mechanism under which judicial release may be granted to “80%-qualifying offenders,” as defined in the act.
- Specifies that all notices under any of the judicial release mechanisms to a victim of an offense must be provided in accordance with the Ohio Constitution.
- Repeals the 80% release mechanism in effect prior to the act.

### **Grand jury inspection of local correctional facility**

- Expressly authorizes grand jurors of involved counties to periodically visit, and examine conditions and discipline at multicounty, multicounty-municipal, and municipal-county correctional centers and report on the specified matters.

### **Prison term for repeat OVI offender specification**

- Imposes the mandatory prison term for conviction of a repeat operating a motor vehicle while impaired (OVI) offender specification (an additional one-, two-, three-, four-, or five-year mandatory prison term) on an OVI offender who previously has been convicted of or pled guilty to that specification.

### **Speedy Trial Law – trial of a charged felon**

- Allows the court to release from custody a person charged with a felony who has not been brought to trial within the time required by statute, without dismissing charges.
- Allows for a time-for-trial motion to be filed within 14 days before an accused charged with a felony must be brought to trial under continuing law.
- Requires charges to be dismissed with prejudice if a person charged with a felony is not brought to trial within 14 days after a time-for-trial motion is filed and served on the prosecuting attorney or, if none is filed, within 14 days after the court determines that the time to be brought to trial under continuing law has passed.
- Provides that, if the court determines that the time for trial has expired, no additional charges arising from the same facts and circumstances as the original charges may be added during the 14-day period.

### **Criminal record sealing and expungement**

- Modifies the list of conviction records that cannot be sealed (the modified list also applies with respect to the act’s new expungement provisions described below), and modifies the time frame when certain conviction records may be sealed.

- Specifies that the fee for a sealing application will be not more than \$50, including local court fees, unless it is waived because the applicant presents a poverty affidavit showing that the applicant is indigent.
- Requires a hearing on a sealing application not less than 45 days and not more than 90 days from the date of the filing of the application.
- Modifies the provisions regarding the time when a prosecutor may object to an application and, in certain cases, must notify the victim of the offense in the case.
- Applies to persons granted a pardon the provisions regarding the sealing of official records that apply in a case in which a person is found not guilty, proceedings are dismissed, or a grand jury no bill is entered.
- Enacts new law under which a person may apply for expungement of a conviction record in the same manner that a person may apply for sealing of a conviction record, and specifies that the procedures that apply to determining a sealing application also apply regarding an expungement application, with certain exceptions.
- Specifies that the new expungement provisions do not apply regarding conviction record expungement under preexisting provisions, retained by the act, regarding expungement of certain convictions relating to firearms or victims of human trafficking.
- Stipulates that when BCII receives notice of an expungement from the court:
  - BCII must maintain a record of the expunged conviction record for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement;
  - BCII may not be compelled by the court to expunge those records; and
  - Those records may only be disclosed or provided to law enforcement for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement.
- Expands provisions that authorize a court, when an offender under ILC successfully completes the ILC intervention plan, to order the sealing of the records to also authorize the court to order expungement of those records.
- Authorizes a prosecutor to request expungement of the conviction record of a "low-level controlled substance offense," defined as a violation of any provision of the Drug Law that is a fourth degree misdemeanor or a minor misdemeanor or of a comparable municipal ordinance.

## **Youthful offender parole review**

- Disqualifies an offender who is paroled on an offense committed when the offender was under age 18 and who subsequently returns to prison from special youthful offender parole under preexisting law.

## Earned credits

- For the earned credit mechanism that awards days of credit to a prisoner for participation or completion of programming, increases the maximum earned credit a prisoner may earn from 8% to 15% of the prisoner's prison term and modifies the number of days a prisoner may earn for each participation.
- For the earned credit mechanism under which a prisoner who completes any specified activities or programs earns 90 days of credit toward satisfying the prisoner's prison term or a 10% reduction of that term, whichever is less, adds "any other constructive program developed by DRC with specific standards for performance by prisoners" as a program for which completion earns days of credit.
- Phases in the application of these modifications by specifying that:
  - The provisions in effect prior to the act apply, until one year after the act's effective date, to persons confined in a prison or in the substance use disorder treatment program;
  - Beginning one year after the act's effective date, the modifications apply, in the manner described in the next paragraph, to persons so confined; and
  - The modifications apply to all persons so confined on or after the date that is one year after the act's effective date, but only with respect to the time that the person is so confined on and after that date.

## Transitional control and judicial veto

- Provides that judicial veto applies whenever DRC proposes a transfer to transitional control of a prisoner who is serving a definite term of imprisonment or definite prison term of less than one year, or who is serving a minimum term of less than one year under a nonlife felony indefinite prison term.

## Operating a vehicle while impaired (OVI and OVUAC) and traffic law changes

- Specifies that the discretionary prison term, in addition to the mandatory prison term, that may be imposed for a third degree felony OVI offense is 12, 18, 24, 30, 36, 42, 48, 54, or 60 months, rather than 9, 12, 18, 24, 30, or 36 months.
- Expands the authorized use of community based sentencing centers so that they may be used with respect to fourth degree felony OVI offenses.
- Expands the scope of the OVI laws by prohibiting the operation of a vehicle or watercraft while under the influence of a "harmful intoxicant."
- Allows a person to assert the affirmative defense of driving in an emergency, with regard to a prosecution for driving under a suspended driver's license, for additional offenses.



- Specifies that an “enhanced penalty” for certain speeding violations applies regardless of whether the offender previously has been convicted of or pleaded guilty to a speeding offense.
- Removes prior operating a vehicle after underage alcohol consumption (OVUAC) offenses as a penalty enhancement (e.g., increased jail terms, longer driver’s license suspensions, impoundment of vehicle, and higher fines) for specified OVI, watercraft, and traffic offenses.

## **Texting while driving**

### **Prohibition and exemptions**

- Broadens the texting-while-driving prohibition to prohibit a person from using, holding, or physically supporting an electronic wireless communications device (EWCD) while operating a motor vehicle, trackless trolley, or streetcar.
- Makes the EWCD-while-driving prohibition a primary offense, meaning that a law enforcement officer may stop a driver and issue a ticket solely for a violation of that offense.
- Modifies exemptions and creates additional exemptions to the new EWCD-while-driving prohibition by generally allowing only limited and mostly hands-free use of an EWCD while driving.
- Specifies what devices constitute an EWCD, but exempts a two-way radio transmitter and receiver used for the Amateur Radio Service.

### **Penalties**

- Changes the minor misdemeanor penalty for texting while driving to an unclassified misdemeanor for the new EWCD-while-driving prohibition, with increasing tiered penalties for violations within a two-year period.

### **Device seizure and reporting requirements**

- Prohibits a law enforcement officer from stopping a driver for an EWCD violation unless the officer observes the driver using, holding, or physically supporting the EWCD.
- Prohibits an officer from seizing and searching a person’s EWCD when stopped for a violation of the EWCD-while-driving prohibition unless the officer has a warrant or the person voluntarily and unequivocally consents to the search.
- Establishes reporting requirements for law enforcement officers, law enforcement agencies, and the AG related to the race of offenders issued a ticket, citation, or summons for violations of the EWCD-while-driving law or the distracted driving law.

### **Education**

- Requires public education regarding the EWCD-while-driving laws through the following:
  - A signed statement at the time of driver’s license issuance and renewal;

- Instruction through drivers' education courses;
- Questions on the written driver's license exams; and
- Signs on certain highways and locations entering Ohio.
- Aligns the distracted driving law to the changes in the EWCD-while-driving law and makes corrective changes in both laws.

### **Interim enforcement period**

- Specifies that for the first six months after April 4, 2023, a law enforcement officer may only issue a written warning to a driver for violating the EWCD-while-driving prohibition, but may fully enforce the prohibition after that interim.

### **Underage drinking penalty**

- Reduces the penalty for an underage drinking offense from a first degree misdemeanor to a third degree misdemeanor.

### **New licensing collateral sanction limitation**

- For a two-year period, prohibits any licensing authority from refusing to issue a license or otherwise placing restrictions on a license, or suspending or revoking a person's license, under any statutory provision that takes effect during that period and that requires or authorizes a collateral sanction as a result of the conviction of an offense.
- Specifies that the prohibition does not restrict a licensing authority that is authorized to limit or otherwise place restrictions on a license from doing so to comply with the terms and conditions of a community control sanction, post-release control sanction, or ILC intervention plan.

### **Certificate of qualification for employment**

- Specifies that the fee for a petition for a certification of qualification for employment will be not more than \$50, including local court fees, unless it is waived because the applicant presents a poverty affidavit showing that the applicant is indigent.

### **Transfer of child's "case" pursuant to bindover**

- Provides that if complaints are filed in juvenile court alleging that a child is a delinquent child for committing a felony, if the case is subject to mandatory or discretionary bindover, and if the complaints containing the allegation that is the basis of the transfer include one or more counts alleging that the child committed a felony, all of the following apply:
  - "Case" means all charges included in the complaints containing the allegation that is the basis of the transfer and for which the court found probable cause to believe that the child committed the act charged;

- Each count in the complaints with respect to which the court found that probable cause must be transferred, and the court to which the case is transferred has jurisdiction over all of the counts so transferred;
- Each count in the complaints that is not so transferred remains within the jurisdiction of the juvenile court to be handled by that court in an appropriate manner.
- Makes similar changes to other transfers of a child's case, including reverse bindovers.

## **Department of Youth Services**

- Permits the Department of Youth Services (DYS) to develop a program to assist youth leaving its supervision, control, and custody at age 21, and requires the DYS Director to appoint a central office quality assurance committee.

## **Fraudulent assisted reproduction, assisted reproduction without consent**

### **Criminal offense**

- Prohibits a health care professional, in connection with an assisted reproduction procedure, from doing any of the following:
  - Using human reproductive material from the health care provider, a donor, or any other person while performing the procedure if the patient receiving the procedure has not expressly consented to the use of that material;
  - Failing to comply with the standards or requirements of laws governing nonspousal artificial insemination, including the terms of the required consent form;
  - Misrepresenting to the patient receiving the procedure any material information about the donor's profile, and the manner or extent to which the information in the profile will be used.
- Provides that the penalty for a violation ranges from a second degree felony to third degree felony, depending on the circumstances.

### **Civil action**

- Provides that a civil action for recovery of remedies for an assisted reproduction procedure performed without consent and performed recklessly may be brought by either:
  - The patient on whom the procedure was performed and the patient's spouse or surviving spouse;
  - The child born as a result of the procedure.
- Provides that a plaintiff who prevails in a civil action is entitled to reasonable attorney's fees, and either compensatory and punitive damages or liquated damages of \$10,000.

## **Ethics Law violations**

- Allows a court to prohibit a person who violates the prohibition against promising or giving things of value to a public official/employee from participating in a public contract for two years and to order the person to pay an additional fine equal to the thing of value.
- Requires a court to order a person who violates certain provisions of Ohio Ethics Law to pay the costs of investigation and prosecution if requested by the Ohio Ethics Commission (up to the amount involved in the violation).

## **Chief justice of the court of appeals**

- Changes the title of the “chief judge” of the court of appeals to the “chief justice” of the court of appeals.

## **Solicitor General and Tenth Amendment Center**

- Creates, as a section within the Office of the AG (1) the Office of the Solicitor General, with the Solicitor General’s duties set by the AG, and (2) a Tenth Amendment Center, with duties specified in the act.
- Requires the AG to provide adequate space, staff, equipment, and materials to both.

## **Elder Abuse Commission**

- Adds the following members to the Elder Abuse Commission:
  - To be appointed by the AG: (a) two representatives of organizations that focus on elder abuse or sexual violence, (b) one representative representing the interests of geriatric medicine, (c) one representative of a research-based organization that focuses on elder abuse research, and (d) one representative of the Ohio Judicial Conference; and
  - The Medicaid Director or the Director’s designee.

## **Emergency award for funeral expenses for crime victims**

- Permits the AG to grant an emergency award under the Crime Victims Reparations program for funeral expenses of a decedent crime victim if there is reasonable belief that the general requirements for a final award may be satisfied, the decedent and the claimant are indigent, and the claimant will suffer undue hardship if immediate economic relief is not obtained.
- Requires repayment of the emergency award in specified circumstances.

## **Instruction in child sexual abuse prevention, sexual violence prevention**

- Requires each public school to provide annual developmentally appropriate instruction in child sexual abuse prevention for grades K-6.

- Requires each public school to include developmentally appropriate instruction in sexual violence prevention education for grades 7-12.
- Prohibits public schools from providing instruction in child sexual abuse prevention to students in grades K-6 that is connected with an individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services.
- Requires each public school to notify the parents or guardians of students who receive instruction related to dating violence prevention and sexual violence prevention that:
  - It is required curriculum;
  - Parents or guardians may examine the instructional materials, upon request; and
  - A student may be excused from the instruction upon the parent or guardian's written request.
- Requires the Department of Education to provide on its website links to free curricula addressing sexual violence prevention to assist schools in developing their curricula.
- Requires public schools to incorporate training on child sexual abuse into its required in-service training for teachers and other professionals.
- Requires that teacher and other professional child sexual abuse prevention training be presented by law enforcement officers or prosecutors who have experience in handling cases involving child sexual abuse or child sexual violence