



# THE OHIO PROSECUTOR

January 2024

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## From your President...



Kevin S. Talebi  
Champaign County

Greetings everyone.

I hope you are all doing well as we slug through what's left of winter.

2024 promises to be an interesting year at the Statehouse. Our legislators are wrestling with the passage of Issue 2 and our association will be working with the House and the Senate in an effort to find some common ground as law enforcement and prosecutors across the state try to deal with the implementation of legalized marijuana. However, 2024 is an election year and it is unlikely that the legislature will pass anything of substance until after the March primary.

Our Spring Training this year will be held on April 18-19 in Columbus at the Hilton at Polaris. There is interesting group of speakers who will be presenting topics covering a wide range of issues. I would encourage you to plan on attending.

As we begin the new year, I want to thank those of you who have been involved with OPAA in 2023 and encourage your continued participation in our association in 2024. For those of you would like to get more involved please reach out to Lou, Steve or myself. The more active our membership is the more effective we can be. Your participation in OPAA is welcomed.

I hope to see you at the Spring training.  
Kevin

## From your Executive Director...



Louis Tobin  
OPAA Executive  
Director

Prosecutors –

I want to use my space this quarter to talk about two developments that OPAA has worked on with the goal of generating more interest among young lawyers and soon to be lawyers in becoming prosecutors.

The first is the Rural Practice Incentive Program created in House Bill 150 (134<sup>th</sup> General Assembly). This is a loan repayment program law students who are in their final year of law school and for attorneys who have been licensed for eight years or less and who agree to serve in some specified legal roles in Ohio counties where there are fewer lawyers. One of the roles that is eligible under this program is assistant prosecutor. Applicants must commit to a minimum term of service of at least 3 years and may request to serve 4 or 5 years. Loan repayment is up to \$10,000 per year. More counties are eligible for this program than you might think. To learn more, visit [higherred.ohio.gov/rural-practice](http://higherred.ohio.gov/rural-practice). The application period is open through March 15. I am proud that OPAA was able to get assistant prosecutors included in this program and hope that at least some of your offices can benefit from it.

The second is a change to Rule II of the Rules for the Government of the Bar that expands eligibility for limited practice of law by a legal intern. The change to the rule allows 2Ls and recent law school graduates to obtain their legal intern certificate. Previously, the rule only allowed 3Ls who were still enrolled in law school to obtain the certificate. Recent graduates must have graduated from an ABA approved law school, have applied to take the first Ohio bar following their graduation (or have taken it and be awaiting the results), and agree to be bound by the Rules II and IV of the Rules for the Government of the Bar as well as the Ohio Rules of Professional Conduct. These intern certificates can be very attractive to law students who want to get into the courtroom. Prosecutors who are willing to support that will convince more soon to be lawyers of the good that prosecutors do and attract more people to the profession.

Lou



## At the Statehouse

Below is a current list of priority legislation along with the OPAA's position. For a full list of bills that we are tracking visit [www.ohiopa.org](http://www.ohiopa.org). **Please contact Lou if you have any questions about a piece of legislation or the reason for our position.** Also, if you have any questions about the work of the legislature or the status of any legislation, please let us know!

### **Legislative Top 10 Bills to Watch**

1) House Bill 51 (Second Amendment Preservation Act). Prohibits a public office, public officer, or employee of the state or a political subdivision from enforcing federal law regarding firearms. Subjects the state or political subdivision to liability through a private cause of action for enforcing, attempting to enforce, or participating in any way in the enforcement of federal acts, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms and for employing any former federal employees who worked on such issues while in federal employment. *OPAA Position – Opposed.*

2) House Bill 86/House Bill 354 (Adult Use Marijuana Implementation). Both bills make changes to the language of Issue 2 and the Adult-Use Marijuana program. House Bill 86 was amended by the Senate in December 2023 to make substantial changes to Issue 2 including provisions on home grow, THC limits, use, possession, and transportation, smoking in a vehicle, and the social equity and jobs program. House Bill 354 in the House's vision of Issue 2 implementation. It makes much more limited changes to Issue 2 that include minor tweaks to use, possession, and transportation. *OPAA Position – Under Review/Amend.*

3) Senate Bill 101/House Bill 259 (Death Penalty Repeal). Repeals the death penalty. *OPAA Position – Opposed.*

4) House Bill 111 (Domestic Violence Penalties). Makes felony domestic violence a “high-tier” F3 subject to a sentencing range of 1 to 5 years rather than 9 to 36 months. *OPAA Position – Support.*

5) House Bill 230 (Drug Trafficking/Organized Trafficking of Person). Increases penalties for trafficking cocaine, heroin, fentanyl, and methamphetamine. Creates a 5-year sentencing specification for involuntary manslaughter related to a fentanyl overdose death. Removes provisions from the drug possession law related to Schedule III, IV, and V drugs mixed with fentanyl. Creates the offense of offense of organized trafficking in persons. *OPAA Position – Support.*

6) House Bill 196 (Community Control Sanctions). Makes changes to the maximum period of community control for misdemeanors, F5 and F4 offenses (2 years) and F3 offenses (3 years). Specifies that for a “technical violation of community control, the court may impose a more restrictive non-residential sanction or impose a “temporary incarceration sanction” that for a first technical violation shall not be more than 15 days, for a second technical violation shall not be more than 30 days, for a third technical violation shall not be more than 45 days for a fourth or subsequent technical violation may include any sanction authorized in 2929.15(B)(1)(a) to (c). Finally, the bill amends the definition of technical violation to apply to all felonies rather than only F5s and non-violent/non-sex offense F4s. *OPAA Position – Opposed.*

7) Senate Bill 26 (OVI Law – Marijuana). Changes the law regarding per se OVI for marijuana. The bill requires at least five nanograms of Delta-9 THC per milliliter of the person's blood for per se OVI. It creates an inference that the person is under the influence of marijuana if they have at least twenty-five nanograms of Delta-9 THC per milliliter of urine or at least two, but less than five, nanograms of Delta-9 THC per milliliter of blood. *OPAA Position – Opposed.*

8) House Bill 91/Senate Bill 100 (Tracking Devices). Prohibit a person from using a tracking device or application to track the position or movement of another person without the other person's consent. A violation is a misdemeanor of the first degree for a first offense. The penalty is enhanced to a felony of the fourth degree for any subsequent violation and under other specified circumstances similar to those in the menacing by stalking statute. *OPAA Position – Support.*

9) Senate Bill 127/House Bill 161 (Eliminate Spousal Exception for Sexual Assaults). Eliminates the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and importuning and permits a person to testify against the person's spouse in a prosecution for one of these offenses. *OPAA Position – Monitor.*

10) House Bill 385/Senate Bill 214 (Human Trafficking Victim Record Expungement). Allows victims of human trafficking to expunge records of misdemeanors, F5, and F4 offenses without requiring that they have a prior conviction for soliciting, loitering to engage in solicitation, or prostitution as required by current. Victims who apply for expungement under the bill will have to demonstrate by clear and convincing evidence, rather than a preponderance, that the offense was the result of the applicant being a victim of human trafficking. *OPAA Position – Under review.*

### Notable legislation

HB20 OHIO COMPUTER CRIMES ACT (SWEARINGEN D) To enact the Ohio Computer Crimes Act.

Current Status: 3/28/2023 - BILL AMENDED, House Criminal Justice, (Fourth Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-20>

HB33 FY24-25 OPERATING BUDGET (EDWARDS J) To make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs.

Current Status: 1/24/2024 - Consideration of Governor's Veto; Senate Overrides Veto, Vote 24-8

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-33>

HB34 JURY DUTY - BREAST-FEEDING EXCEPTION (KLOPFENSTEIN R, KING A) To permit a prospective juror who is a mother who is breast-feeding to be excused from jury service.

Current Status: 1/24/2024 - Senate Judiciary, (Second Hearing)

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-34>

HB35 ELIMINATE LIMITATIONS PERIOD - CHILD SEXUAL ABUSE (SEITZ B, MIRANDA J) To enact the Scout's Honor Law to eliminate the limitations period for a civil action based on a claim of childhood sexual abuse only for purposes of filing claims against a bankruptcy estate of an organization chartered under federal law; to provide with respect to sex offenders and childvictim offenders who committed their offense prior to January 1, 2008, mechanisms for reclassifying or classifying the offenders in specified

circumstances under the SORN Law in effect prior to that date; to subsequently amend section 2305.111 of the Revised Code five years after the effective date of that section to remove the described elimination of the limitations period; and to declare an emergency.

Current Status: 10/12/2023 - SIGNED BY GOVERNOR; eff. immediately

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-35>

HB37 OVI PENALTIES (JOHNSON M, MILLER K) To modify the law related to OVI-related offenses.

Current Status: 12/12/2023 - SUBSTITUTE BILL ACCEPTED, House Criminal Justice, (Fourth Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-37>

HB44 RECORD PAROLE BOARD HEARINGS (HUMPHREY L, STEWART B) To require electronic recordings to be made of all parole board hearings, excluding certain personal identifying information, and to make those electronic recordings "public records" under the Public Records Law.

Current Status: 6/13/2023 - BILL AMENDED, House Criminal Justice, (Fourth Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-44>

HB50 HOUSING QUALIFICATION (HUMPHREY L, SEITZ B) To create a mechanism by which an individual who is subject to a collateral sanction for housing may obtain a certificate of qualification for housing that may provide relief from certain bars on housing.

Current Status: 12/6/2023 - BILL AMENDED, Senate Community Revitalization, (Third Hearing)

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-50>

HB51 SECOND AMENDMENT PRESERVATION (LOYCHIK M, SCHMIDT J) To enact the Second Amendment Preservation Act to add additional protections to the right to bear arms.

Current Status: 12/11/2023 - Re-Referred to Committee

Position: Oppose



<p>State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-51">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-51</a></p> <p>HB56 POLICE PURSUIT, FLEEING PENALTIES (PLUMMER P, WHITE A) To require law enforcement entities to train officers related to the pursuit of a motor vehicle and to increase penalties for fleeing from law enforcement and forms of stunt driving.  Current Status: 1/24/2024 - Referred to Committee Senate Judiciary  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-56">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-56</a></p> <p>HB67 PENALTY REDUCTIONS DUE TO CHANGES IN LAW (SEITZ B, WILLIAMS J) To provide that if a penalty for an offense has been imposed on an offender and if the penalty for that offense is subsequently reduced by a change to the Revised Code or Constitution, the penalty previously imposed on the offender may be reduced.  Current Status: 10/24/2023 - House Criminal Justice, (Second Hearing)  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-67">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-67</a></p> <p>HB77 DRONE LAWS (WILLIS B) To establish requirements and prohibitions governing the operation of unmanned aerial vehicles in Ohio.  Current Status: 12/12/2023 - BILL AMENDED, House Aviation and Aerospace, (Fourth Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-77">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-77</a></p> <p>HB91 PROHIBIT TRACKING DEVICES WITHOUT CONSENT (PATTON T) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent.  Current Status: 10/17/2023 - House Criminal Justice, (Fourth Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-91">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-91</a></p> <p>HB101 APPROPRIATIONS, STATE PROGRAM OPERATIONS (BIRD A) To make appropriations and to provide authorization and conditions for the operation of state programs, and to amend the versions of sections 2950.11,</p>	<p>3301.53, and 3301.55 of the Revised Code that are scheduled to take effect January 1, 2025, to continue the provisions of this act on and after that effective date.  Current Status: 1/10/2024 - Consideration of Senate Amendments; House Does Concur, Vote 82-9  Position: Monitor  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-101">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-101</a></p> <p>HB111 DOMESTIC VIOLENCE PENALTIES (LARE J, MILLER K) To increase the sentencing range for third degree felony domestic violence and to create a presumption in favor of a prison term for the offense.  Current Status: 1/24/2024 - Referred to Committee Senate Judiciary  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-111">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-111</a></p> <p>HB122 EXPAND INTIMIDATION OFFENSES (PAVLIGA G, MILLER A) To expand intimidation offenses to include guardians ad litem and court-appointed special advocates and to designate May 1st as "Court-Appointed Special Advocates Appreciation Day."  Current Status: 9/13/2023 - Referred to Committee Senate Judiciary  Position: Amend  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-122">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-122</a></p> <p>HB124 ELIMINATE LIMITATIONS PERIOD - RAPE (GALONSKI T, MIRANDA J) To eliminate the period of limitation for the criminal prosecution of a person for rape and for a civil action brought by a victim of conduct that would constitute rape and to extend the period of limitation for a civil action by a victim of childhood sexual abuse other than rape.  Current Status: 10/17/2023 - House Criminal Justice, (First Hearing)  Position: Monitor  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-124">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-124</a></p> <p>HB139 INCREASE PENALTIES FOR ASSAULT OF SPORTS OFFICIAL (ROEMER B, MILLER J) To increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official.  Current Status: 12/6/2023 - Referred to Committee Senate Judiciary  Position: Oppose</p>
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<p>State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-139">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-139</a></p> <p>HB140 PASSING SCHOOL BUS (BROWN R) To make changes to the law governing passing a school bus.  Current Status: 10/31/2023 - House Transportation, (Third Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-140">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-140</a></p> <p>HB149 DRONE REQUIREMENTS (WILLIS B) To establish requirements related to the use of an uncrewed aerial vehicle for surveillance.  Current Status: 4/18/2023 - Referred to Committee House Aviation and Aerospace  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-149">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-149</a></p> <p>HB161 ELIMINATE SPOUSAL EXCEPTION FOR SEXUAL ASSAULT (MIRANDA J, HILLYER B) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses.  Current Status: 12/6/2023 - Referred to Committee Senate Judiciary  Position: Monitor  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-161">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-161</a></p> <p>HB175 REQUIRE SECURE STORAGE OF FIREARMS (MIRANDA J, BREWER D) To require secure storage of firearms, to authorize an income tax credit for the purchase of firearm storage and locking devices, to name this act the Keep Every Home Safe Act, and to make an appropriation.  Current Status: 6/6/2023 - House Government Oversight, (First Hearing)  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-175">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-175</a></p> <p>HB191 BAIL (SWEARINGEN D, SEITZ B) To make changes regarding bail and to declare an emergency.  Current Status: 6/30/2023 - SIGNED BY GOVERNOR; eff. immediately  Position: Support</p>	<p>State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-191">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-191</a></p> <p>HB196 COMMUNITY CONTROL SANCTIONS (WILLIAMS J, SEITZ B) To change the maximum periods of community control sanctions authorized for felonies and misdemeanors and to modify the confinement sanctions authorized for a technical violation of community control sanction conditions.  Current Status: 10/17/2023 - House Criminal Justice, (First Hearing)  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-196">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-196</a></p> <p>HB221 EXPAND POSTCONVICTION RELIEF (SCHMIDT J, UPCHURCH T) To expand the availability of postconviction relief based on DNA testing showing actual innocence.  Current Status: 10/10/2023 - House Criminal Justice, (First Hearing)  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-221">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-221</a></p> <p>HB230 DRUG TRAFFICKING, ORGANIZED TRAFFICKING OF PERSONS (ABRAMS C, SWEARINGEN D) To increase penalties for drug trafficking above certain amounts, to prohibit organized trafficking of persons, to authorize collecting oral fluid as evidence in suspected OVI cases, to require schools and institutions of higher education to incorporate instruction and policies on fentanyl awareness and abuse prevention, to designate the month of August as "Fentanyl Poisoning Awareness Month," and to amend the version of section 3314.03 of the Revised Code that is scheduled to take effect January 1, 2025, to continue the changes on and after that effective date.  Current Status: 12/5/2023 - REPORTED OUT, House Homeland Security, (Eighth Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-230">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-230</a></p> <p>HB233 SELF-DEFENSE PROTECTION ACT (WILLIAMS J, HILLYER B) To enact the Self-Defense Protection Act to create a pretrial procedure for a person asserting self-defense, defense of another, or defense of that person's property.  Current Status: 11/14/2023 - House Criminal Justice, (First Hearing)  Position: Oppose</p>
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State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-233>

HB234 GENUINE REMORSE COURT CONSIDERATIONS (WILLIAMS J, ROGERS E) To prohibit a court imposing a sentence on an offender for a felony or misdemeanor from considering whether the offender who entered an Alford plea shows genuine remorse for the offense.

Current Status: 11/14/2023 - House Criminal Justice, (Third Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-234>

HB245 ADULT CABARET PERFORMANCES (KING A, WILLIAMS J) To prohibit adult cabaret performances in locations other than adult cabarets.

Current Status: 11/14/2023 - House Criminal Justice, (First Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-245>

HB258 TOBACCO SALES TO MINORS (CARRUTHERS S) To increase fines for repeatedly selling tobacco products to minors and to apply the public nuisance law to places where such sales occur.

Current Status: 1/24/2024 - Referred to Committee Senate Judiciary

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-258>

HB259 ABOLISH DEATH PENALTY (SCHMIDT J, MILLER A) To abolish the death penalty and to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment, and to make an appropriation.

Current Status: 10/11/2023 - House Finance, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-259>

HB270 SAM KNISLEY FAMILY SUPPORT ACT (YOUNG T, MATHEWS A) To require a felony offender of an OVI-caused aggravated vehicular homicide to pay child maintenance when the victim is a parent, legal guardian, or

custodian of a minor child, to allow child maintenance to be awarded in a wrongful death action when the offender is deceased, and to name this act the Sam Knisley Family Support Act.

Current Status: 11/14/2023 - House Criminal Justice, (First Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-270>

HB272 HANDGUNS -- COURTROOMS (MATHEWS A, PIZZULLI J) To allow a concealed handgun licensee to carry a handgun in a building or structure that is not a courthouse but in which a courtroom is located in specified circumstances and to permit a nonresident of Ohio to obtain statutory relief from firearms disability based on an Ohio conviction, guilty plea, or delinquent child adjudication.

Current Status: 12/13/2023 - Referred to Committee Senate Judiciary

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-272>

HB289 SORN LAW NONCOMPLIANCE (ROBB BLASDEL M, SWEARINGEN D) To provide that if a Tier I or Tier II sex offender/child-victim offender fails to comply with duties under the SORN law, the period of time that the offender has a duty to comply is tolled during the time of the failure, and to make disseminating matter harmful to juveniles a sexually oriented offense and a person who violates the offense a Tier I sex offender/child-victim offender.

Current Status: 12/12/2023 - BILL AMENDED, House Criminal Justice, (Second Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-289>

HB295 INNOCENCE ACT (DEMETRIOU S) To enact the Innocence Act to prohibit an organization from failing to verify the age of a person attempting to access material that is obscene or harmful to juveniles, to prohibit a person from using another person's likeness to create sexual images of the other person, and to create a private right of action for each prohibited activity.

Current Status: 10/24/2023 - Referred to Committee House Criminal Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-295>

<p>HB314 JUVENILE COURT TRANSFERS (BIRD A, WILLIAMS J) To remove the option for the juvenile court to transfer a proceeding against a juvenile to the county where the juvenile resides.  Current Status: 12/5/2023 - House Criminal Justice, (Second Hearing)  Position: Monitor  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-314">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-314</a></p>	<p>HB351 PROHIBIT ABUSE OF COMPANION ANIMAL CORPSE (YOUNG T) To prohibit the abuse of a companion animal corpse.  Current Status: 12/12/2023 - House Criminal Justice, (First Hearing)  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-351">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-351</a></p>
<p>HB322 CHILD SEXUAL ABUSE LAWS (SEITZ B, ABRAMS C) To impose a civil penalty, rather than a criminal penalty, on a person who fails to register with the childhood sexual abuse civil registry, to eliminate the residence restriction on such person, to create the offense of grooming, and to extend the limitation period for prosecuting a violation of the law requiring certain persons to report child abuse or neglect under certain circumstances.  Current Status: 12/5/2023 - BILL AMENDED, House Civil Justice, (Second Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-322">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-322</a></p>	<p>HB354 MODIFY MARIJUANA LAW (CALLENDER J) To modify the law governing the cultivation, processing, dispensing, testing, and taxation of adult use cannabis and to levy a gross receipts tax on marijuana cultivators.  Current Status: 12/13/2023 - House Finance, (Fourth Hearing)  Position: Amend  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-354">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-354</a></p>
<p>HB328 CATALYTIC CONVERTERS (ROEMER B, PLUMMER P) Regarding the sale of used catalytic converters, and to make an appropriation.  Current Status: 12/12/2023 - House Criminal Justice, (Third Hearing)  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-328">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-328</a></p>	<p>HB366 FIGHT ORGANIZED RETAIL CRIME ACT (GHANBARI H) To enact the Fight Organized Retail Crime and Empower Law Enforcement (FORCE) Act to create the Organized Retail Theft Advisory Council and an investigative task force, to modify theft offenses and penalties related to retail property, and to make an appropriation.  Current Status: 1/9/2024 - Referred to Committee House Criminal Justice  Position: Amend  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-366">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-366</a></p>
<p>HB331 VILLAGE DISSOLUTION (MATHEWS A, YOUNG T) To modify the law regarding village dissolution.  Current Status: 11/28/2023 - Referred to Committee House Government Oversight  Position: Oppose  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-331">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-331</a></p>	<p>HB367 PROHIBIT UNAUTHORIZED DEEPFAKES (MATHEWS A, HILLYER B) To make changes to the law relating to the unauthorized use of an individual's persona and to prohibit certain unauthorized deepfake recordings.  Current Status: 1/9/2024 - Referred to Committee House Government Oversight  Position: Support  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-367">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-367</a></p>
<p>HB346 AUTO SEAR OFFENSES (DELL'AQUILA R) To create the offense of unlawful manufacture, purchase, or sale of an auto sear.  Current Status: 12/6/2023 - Referred to Committee House Criminal Justice  Position: Amend  State Bill Page:  <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-346">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-346</a></p>	<p>HB377 HUMAN TRAFFICKING PREVENTION ACT (WILLIAMS J, SANTUCCI N) To enact the Human Trafficking Prevention Act to increase the penalty for human trafficking of a minor or person with a developmental disability, kidnapping, and abduction.  Current Status: 1/16/2024 - Introduced  Position: Amend</p>



State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-377>

HB385 HUMAN TRAFFICKING VICTIM CRIMINAL RECORDS (RICHARDSON T, WILLIAMS J) To allow a victim of human trafficking to expunge certain criminal records.

Current Status: 1/24/2024 - Introduced

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-385>

SB9 LAW CHANGES-MEDICAL MARIJUANA (HUFFMAN S, SCHURING K) To amend the law related to medical marijuana.

Current Status: 5/16/2023 - Senate General Government, (Seventh Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-9>

SB26 MARIJUANA-VEHICLE, WATERCRAFT USE (MANNING N) To change the laws pertaining to operating a vehicle or watercraft while under the influence of marijuana and the admissibility of evidence for purposes of OVI statutes.

Current Status: 5/9/2023 - SUBSTITUTE BILL ACCEPTED, Senate Judiciary, (Third Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-26>

SB37 DRIVER'S LICENSE SUSPENSION CHANGES (BLESSING III L, INGRAM C) To make changes to the laws governing driver's license suspensions for certain drug offenses and failure to pay child support and to the laws governing penalties for failure to provide proof of financial responsibility.

Current Status: 12/13/2023 - Senate Judiciary, (Fourth Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-37>

SB51 SOS-ELECTION INTEGRITY DIVISION (GAVARONE T) To establish the Election Integrity Division in the Office of the Secretary of State.

Current Status: 5/16/2023 - Senate General Government, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-51>

SB88 AGGRAVATED MENACING EXPANSION-UTILITIES (SMITH K, CIRINO J) To expand the offense of aggravated menacing to prohibit threatening a utility worker, cable operator worker, or broadband worker with intent to obstruct the operation of a utility.

Current Status: 5/9/2023 - Senate Judiciary, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-88>

SB91 PUBLIC FUNDS ABUSE, WASTE (SCHAFFER T) Regarding fraud, waste, and abuse of public funds and to prohibit the expenditure of local tax revenues upon a vote of residents or without an appropriation.

Current Status: 12/28/2023 - SIGNED BY GOVERNOR; eff. 90 days

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-91>

SB100 TRACKING DEVICE PROHIBITIONS (MANNING N, ANTONIO N) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent or failing to remove or ensure removal of such a device or application from another person's property if the other person gave consent and subsequently revokes it.

Current Status: 10/17/2023 - House Criminal Justice, (First Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-100>

SB101 DEATH PENALTY ABOLITION, JURY SELECTION (ANTONIO N, HUFFMAN S) To abolish the death penalty and to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment.

Current Status: 11/15/2023 - Senate Judiciary, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-101>

<p>SB109 SEX OFFENSES, MEDICAL PROFESSIONALS (HACKETT R) Regarding sex offenses and individuals regulated by the State Medical Board and to amend the version of section 4759.05 of the Revised Code that is scheduled to take effect December 29, 2023, to continue the change on and after that date. Current Status: 9/20/2023 - Senate Judiciary, (Second Hearing) Position: Amend State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-109">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-109</a></p> <p>SB122 LAW CHANGES - BAIL (MANNING N, HICKS-HUDSON P) To make changes regarding bail and to declare an emergency. Current Status: 6/13/2023 - REPORTED OUT, House Criminal Justice, (First Hearing) Position: Support State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-122">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-122</a></p> <p>SB127 ELIMINATE SPOUSAL EXCEPTIONS-SEXUAL OFFENSES (KUNZE S, MANNING N) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses. Current Status: 6/7/2023 - Referred to Committee Senate Judiciary Position: Monitor State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-127">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-127</a></p> <p>SB165 USED CATALYTIC CONVERTER SALES (JOHNSON T) Regarding the sale of used catalytic converters, and to make an appropriation. Current Status: 12/13/2023 - Senate Judiciary, (First Hearing) Position: Support State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-165">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-165</a></p> <p>SB186 PROPERTY TAX REQUIREMENTS, PROHIBITIONS (BLESSING III L, INGRAM C) To require payment of property taxes and assessments when a lot is split or transferred and to generally prohibit tax-delinquent property owners from purchasing tax-foreclosed property. Current Status: 1/24/2024 - Senate Ways and Means, (Second Hearing)</p>	<p>Position: Support State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-186">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-186</a></p> <p>SB187 FIREARM BAN-DOMESTIC VIOLENCE (CRAIG H, SYKES V) To prohibit a person who is charged with or has been convicted of first degree misdemeanor domestic violence from possessing a firearm or dangerous ordinance. Current Status: 12/6/2023 - Referred to Committee Senate Judiciary Position: Support State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-187">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-187</a></p> <p>SB193 DRUG OFFENSES-TABLET SPECIFICATIONS (HOAGLAND F, JOHNSON T) To add drug offenses committed by a major drug offender to the definition of "specified offenses" used in terrorism offenses, to modify the offense of terrorism, to prohibit possession of an encapsulating or tableting machine, and to create the pill press mold, encapsulating machine, and tableting machine registry. Current Status: 12/6/2023 - Referred to Committee Senate Judiciary Position: Oppose State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-193">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-193</a></p> <p>SB197 OVI CONVICTION-SEALING OR EXPUNGEMENT (ANTANI N) To allow for the sealing or expungement of charges dismissed through intervention in lieu of conviction when those charges are connected to a conviction for operating a vehicle under the influence and to allow a clerk of court to spend computerization funds upon request. Current Status: 1/24/2024 - Senate Judiciary, (First Hearing) Position: Oppose State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-197">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-197</a></p> <p>SB214 HUMAN TRAFFICKING VICTIMS-EXPUNGE CRIMINAL RECORDS (KUNZE S) To allow a victim of human trafficking to expunge certain criminal records. Current Status: 1/24/2024 - Referred to Committee Senate Judiciary State Bill Page: <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-214">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-214</a></p> <p><i>Legislative tracking information provided by actionTRACK - Hannah News Service, Inc.</i></p>
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## New and Noteworthy



### Merit Decisions of Interest Since 11/1/23

**State v. Johnson**, \_\_\_ Ohio St.3d \_\_\_, 2024-Ohio-134. The Court (4-3) concluded that the untimely/successive petitioner's evidentiary documentation was insufficient to show that the defense was unavoidably prevented from timely learning of the witness' purported recantation, and, regardless, a claim of witness perjury is insufficient to demonstrate a constitutional violation unless the prosecution knowingly used the perjured testimony. (Decided 1-18-24; Cuyahoga County)

**State v. Randolph**, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4753. The Court (7-0) held that, generally speaking, a tenant has the authority to invite guests to the tenant's apartment and to allow the guest to have ingress and egress via common areas to and from that apartment despite any action by the landlord to ban the guest, unless there is a specific provision to the contrary in the rental agreement giving the landlord the authority to ban particular persons regardless of any such invitation. (Decided 12-29-23; City of Toledo appeal)

**State v. Mills**, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4716. In a split decision (3-1-1-2), four justices agreed that the failure to hold a competency hearing was harmless because a review of the entire record indicated a lack of sufficient indicia of incompetence. (Decided 12-28-23; Lucas County)

**State v. Swazey**, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4627. The Court (4-3) concluded that the trial court should have ruled on the merits of the defendant's pretrial motion to dismiss raising constitutional and statutory grounds challenging whether the defendant could be prosecuted at all for criminal nonsupport in light of *State v. Pittman*, 150 Ohio St.3d 113, 2016-Ohio-8314. By the same majority, the Court held that the defendant's guilty pleas did not waive or forfeit these legal challenges. (Decided

12-22-23; State's appeal; Medina County)

**In re E.S.**, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4273. The Court (7-0) reaffirmed the standard to be applied by the juvenile court in determining whether there is probable cause to bind the juvenile over to adult court, as set forth in *State v. Martin*, 170 Ohio St.3d 181, 2022-Ohio-4175. The Court overturned the juvenile court's conclusion that the State had failed to establish probable cause as to the offense of involuntary manslaughter. (Decided 12-1-23; State's appeal; Cuyahoga County)

**State v. Daniel**, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-4035. The Court (4-3) rejected a separation-of-powers challenge to R.C. 2909.15(D)(2)(b), which allows the sentencing court to reduce the duration of the arson offender's lifetime registration duty only upon the recommendation of the prosecutor and law enforcement agency. (Decided 11-9-23; Lucas County)

### Newly-Accepted Criminal Law Cases Since 11/1/23

**23-751 & -838 State v. Myers** Whether a trial court's decision on a motion for appointment of experts in a capital postconviction proceeding is a provisional remedy pursuant to R.C. 2505.02(B)(4) and therefore a final order. (Warren County)

**23-1318 & -1417 State v. Logan** Whether R.C. 2929.13(F)(8) requires a mandatory prison term and precludes the imposition of community-control sanctions on an underlying felony when a defendant is found guilty on a corresponding firearm specification. (State's appeals; Cuyahoga County)

**23-1289 State v. Smith** Whether the domestic violence victim's statements were non-testimonial for Confrontation Clause purposes because they fell within the "ongoing emergency" doctrine when they were made to police in an ambulance while she was being treated for injuries, even though the suspect was not nearby and the victim was now some distance away from the scene of the attack. (State's appeal; Cuyahoga County)

**23-1299 State v. Kennedy** (1) Whether judicial-release eligibility is determined separately for each stated prison term; (2) Whether the sentencing court can grant judicial release only on the stated prison term imposed by that court. (State's appeal; Franklin County)

**23-1149 State v. Riley** In a case involving an application for DNA testing, whether a trial court commits error when it immediately adopts the proposed judgment entry of one party without affording the other party a meaningful opportunity to be heard. (Cuyahoga County)

**23-772 State v. Jones** Whether an appellate court abuses its discretion by denying leave to appeal the grant of a new trial in a 26-year-old capital case where the State complies with App.R.

5(C)'s requirements, timely sets forth errors for review, and shows it has evidentiary support for the claimed errors. (State's appeal; Hamilton County)

**23-1182 State v. Kyles** Whether causing serious physical harm to a stray cat qualifies as cruelty to animals under R.C. 959.131(C), which states that no person shall knowingly cause serious physical harm to a companion animal, and under R.C. § 959.131(A)(1), which defines "companion animal" as including "any dog or cat regardless of where it is kept". (State's appeal; Cuyahoga County)

**23-1204 State v. Wilcox** Whether video footage of the excited utterances of a witness in the immediate aftermath of a shooting is "testimonial" for purposes of the right to confrontation. (State's appeal; Hamilton County)

### **Recent and Upcoming Oral Arguments**

**23-480 State v. Maldonado** Whether a court of appeals may engage in en banc consideration of a case before a decision has been released by a three-judge panel of the court. (Cuyahoga County) (Argument on 1-9-24)

**23-356 State v. Fork** Whether the definition of "motor vehicle" as it applies to aggravated vehicular assault under R.C. 2903.08(A)(1)(a) is the definition found in R.C. 4511.01, as opposed to the definition in R.C. 4501.01, in relation to the Polaris all-terrain vehicle that was being used as transportation at the time of the incident. (State's appeal; Sandusky County) (Argument on 2-6-24)

**23-654 State v. Glover** (1) Whether trial and appellate courts applying R.C. 2929.14(C)(4) can give exclusive focus to the defendant's aggregate prison term when deciding whether consecutive sentencing is appropriate; (2) whether the court of appeals violated the clear-and-convincing standard of review under R.C. 2953.08(G)(2) by substituting its judgment for that of the sentencing court. (State's appeal; Hamilton County) (Argument on 2-7-24)

**23-539 State v. Macklin** (1) Whether the jurisdiction referenced in R.C. 2151.23(H) implicates jurisdiction over the case, not subject-matter jurisdiction; (2) Whether R.C. 2151.23(H) as interpreted in *State v. Burns*, 2022-Ohio-4606, authorizes a grand jury to indict a defendant of conspiracy and for a court to accept a verdict for a conspiracy offense "rooted in" the offense that was the basis of the transfer; (3) Whether R.C. 2151.23(H) as interpreted in *Burns* authorizes a grand jury to indict a defendant of any homicide offense and for a court to accept a verdict for any homicide offense "rooted in" the murder offense that was the basis of the transfer. (State's appeal; Cuyahoga County) (Argument on 2-7-24)

### **Keep an Eye Out for These Cases Awaiting Decision**

**19-1787 State v. Nicholson** Death penalty case, which includes the issue of whether the concepts of passion-rage and self-defense are mutually exclusive so that a jury instruction on both concepts is precluded. (Cuyahoga County) (Argument on 1-11-23)

**19-1323 State v. Knuff** Death Penalty case (Cuyahoga County) (Argument on 5-2-23)

**22-987 State v. Palmer** Whether the "tends to support" standard for shifting the burden of proof on self-defense and for instructing on that defense allows the trial court to invade the province of the jury by weighing conflicting evidence. (Clermont County) (Argument on 6-27-23)

**22-1182 State v. Brown** (1) Whether an individual is a victim of robbery under R.C. 2911.02(A)(2) when that individual is the owner of what is stolen, is the offender's intended target, and is also in close proximity to the gun brandished by the offender as the property is taken; (2) whether a *Brady* violation occurs when a witness confirms the suspect's identification via social media and such evidence is available at trial. (State's appeal; Hamilton County) (Argument on 9-12-23)

**22-1290 State v. Beatty** Whether the additional firearm terms above the minimum of two firearm terms authorized by R.C. 2929.14(B)(1)(g) are "discretionary" terms that avoid the requirement in R.C. 2929.14(C)(1)(a) that all mandatory firearm terms must be served consecutively. (Clermont County) (Argument on 9-13-23)

**22-1069 State v. Taylor** (1) Whether *State v. Smith*, 167 Ohio St.3d 423, 2022-Ohio-274, prohibits complicity-based mandatory bindovers on category-one offenses; (2) whether R.C. 2151.23(H) authorizes an adult court to convict a defendant of any offense "rooted in" the offense that was the basis of the transfer, unless the conviction is for an offense that was charged in juvenile court and found to be unsupported by probable cause; (3) whether the jurisdiction referenced in R.C. 2151.23(H) implicates jurisdiction over the case, not subject-matter jurisdiction; (4) whether the right to counsel in juvenile proceedings under either the Sixth Amendment or the Due Process Clause attaches not upon the State's approval of charges, but rather upon the actual filing of the complaint; (5) whether the right to counsel under either the Sixth Amendment or the Due Process Clause may be anticipatorily asserted prior to the filing of the juvenile complaint and may be waived without the advice of counsel. (State's appeal; Franklin County) (Argument on 9-13-23)

**22-1482 State v. Wilson** Whether the defendant can receive a self-defense instruction as to charges of attempted murder and



felonious assault when he claims to have fired only a warning shot (thereby denying that he shot at the victim with the purpose and knowledge required for the offenses). (Clark County) (Argument on 9-26-23)

**22-1227 & -1238 State v. Dunlap and 22-1229 & -1237 State v. Lewis** Whether the police officer can continue the detention of a vehicle and its occupants to ask the driver for identification when the officer conducts a valid vehicle stop due to the legal status of the registered owner but learns upon approaching the vehicle that the driver is not the registered owner. (State's appeals; Geauga County) (Argument on 10-25-23)

**23-393 State v. Dudas** Whether a post-conviction petition is timely under R.C. 2953.21(A)(2)(a) if it is filed within 365 days after the filing of the trial transcript in the defendant's delayed appeal. (Cuyahoga County) (Argument on 12-13-23)

### Ohio Attorney General Opinions

provided by the Ohio Attorney General's website at <https://www.ohioattorneygeneral.gov/Files/Legal/Opinions>

2024-001

*Requested by: Holmes County Prosecuting Attorney*

If dogs under the age of eight weeks old are sold directly to the public, R.C. 955.50(A) does not apply. However, if dogs under the age of eight weeks old are sold for the purpose of being resold or placed into commerce, R.C. 955.50(A) does apply. Whether this statute applies to high volume dog breeders depends on to whom and for what purpose the dogs are sold. Finally, whether there is any payment made is irrelevant to the analysis because it is not in the statute.



## OPAA Training

### 2024 OPAA Trainings

Spring Training - April 18th and 19th  
Hilton Columbus at Polaris

Summer Workshop June 21st and 22nd  
Hotel Breakers Cedar Point

Fall Training September 19th and 20th  
Crowne Plaza Cleveland at Playhouse Square

Annual Meeting December 12th and 13th  
Hilton Columbus at Easton

Online self-study webinars have been resubmitted for CLE approval for 2024. They will be added to the online library as they are approved.

### OPAA Annual Meeting

The 2023 OPAA Annual Meeting was held December 14<sup>th</sup> and 15<sup>th</sup> at the Hilton Columbus at Easton and drew a crowd of over 400 prosecutors and assistant prosecutors representing nearly 80 counties, the AG's office, and AOS office. The event was a great success! Thanks to all who attended. All CLE credits have been reported for this event and should be included on your 2023 transcript.

Award winners for this year:

Prosecutor of the Year: David W. Phillips, Union County  
Prosecuting Attorney

Leadership Award: Jane M. Hanlin, Jefferson County Prosecuting  
Attorney

Outstanding Assistant Prosecutor: Kristen M. Karkutt, Cuyahoga  
County Assistant Prosecuting Attorney

Meritorious Assistant Prosecutor: Betty J. Burley, Erie County  
Assistant Prosecuting Attorney

Outstanding Peace Officer: Detective Sergeant Aaron Bollinger,  
Lawrence County Sheriff's Office

Outstanding Staff Person: Renae J. Clements, Wyandot County  
Office Administrator

John E. Murphy Guardian of Justice Award: State Representative  
Cindy Abrams



*2023 Prosecutor of the year David Phillips (right) with 2023 OPAA President Jane Hanlin and 2024 President Kevin Talebi*



*2024 Meritorious Assistant Prosecutor: Betty J. Burley (right) with OPAA Awards Committee Chair Judy Wolford*



*2023 Outstanding Assistant Prosecutor Kristen M. Karkutt (middle) with Director Tobin (left) and Prosecutor O'Malley*



*Outstanding Peace Officer: Detective Sergeant Aaron Bollinger with Awards Committee Chair Judy Wolford*



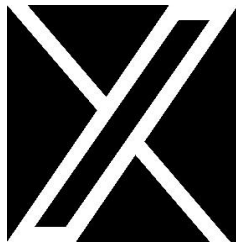


*A full house for the Criminal Prosecutor track was the norm for both days*



*The Civil Prosecutor track was full both days as well!*

*More photos are available on our X feed*



We welcome Carroll County Prosecutor Steven Barnett to the Secretary position of the OPAA officers and start to his journey to OPAA President. As Secretary, he will be responsible for all meeting minutes and will perform the duties of the Secretary as may be required by the President or the Executive Committee.

Steve was elected Carroll County Prosecuting Attorney in 2016 and took office in January of 2017, having previously served as an assistant and Chief Assistant Prosecuting Attorney in the office since 2011.

Since 2017, Steve has served as an alternate and regular member of the Executive Committee and on the Legislative, Membership, Outreach, & Strategic Planning, and Awards committees with OPAA. Steve was appointed by Chief Justice Sharon Kennedy and currently serves on the Supreme Court’s Advisory Committee on Court Security. He also currently serves, by gubernatorial appointment, as member of the Ohio Council for Interstate Adult Offender Supervision, and he previously served on the Ohio Department of Public Safety’s Technical Advisory Committee for Drug Recognition Experts. Steve also presently serves as a trustee on the board at the Multi-County Juvenile Attention System in Canton, Ohio and is currently president of the Carroll County Bar Association.

Prior to becoming a prosecutor Steve was in private general practice in his native Carroll County, where he engaged in a criminal defense, domestic relations, landlord-tenant, probate, and guardian ad litem work. He was an assistant county public defender and adjunct professor at Kent State University’s Stark Campus and Stark State College, teaching law-based courses in the criminal justice and paralegal departments. Steve is a 2004 graduate of Capital University Law School and a 2000 graduate of Kent State University.

In the community, Steve is a past president of the Rotary Club of Malvern, past president of the Carrollton Schools Alumni Foundation, and a past master of Carroll Masonic Lodge. Steve has served as a volunteer firefighter and even owns a real-life fire engine! (It’s a long story...)

Steve and his wife, Jennifer, an elementary school art teacher in the Northwest Local School District in Stark County, reside in Carrollton. They have two children, Ryan, 14, who’s whole goal in life is to major in baseball at Vanderbilt University and get signed by the New York Mets. He has also been very helpful with set-up and tear down at our Capital Law Orientation Community Events; and Katey, 11, who can’t wait to appear on Broadway or take home an Oscar for Best Actress in a Dramatic Role!



Ryan and Katie Barnett with the family fire truck



**Your 2024 OPAA Officers**



Kevin S. Talebi  
Champaign County  
President



Keller J. Blackburn  
Athens County  
President-Elect



David P. Fornshell  
Warren County  
Vice President



Gwen Howe-Gebbers  
Henry County  
Treasurer



Steven D. Barnett  
Carroll County  
Secretary

**2024 Executive Committee Meeting Dates**

- February – Thursday, February 22nd
- March – Thursday, March 21st
- April – Wednesday, April 17th, Hilton Columbus at Polaris (prior to Spring Training)
- May – Thursday, May 23rd
- June – Thursday, June 20th, Breakers East Conference Center (prior to Summer Workshop)
- July – No Meeting
- August – Thursday, August 22nd
- September – Wednesday, September 18th, Crowne Plaza Cleveland at Playhouse Square (prior to Fall Training)
- October – Thursday, October 24th
- November - No Meeting
- December – Wednesday, December 11th, Hilton Columbus at Easton (prior Annual Meeting).

The new President has also made the OPAA committee appointments for 2024. These have been emailed to the elected prosecutor, and can also be viewed on our website at <http://www.ohiopa.org/committees24.html>



### At the Office

Demolition has started on our third floor space that will be housing the Ohio Network of Childrens Advocacy Centers corporate office. They anticipate an August move-in.



Dental lab before and after



This office was deemed the “evil room” by our construction team





First load to the scrap yard...

