

HB1 **INTERVENTION IN LIEU OF CONVICTION (PLUMMER P, HICKS-HUDSON P)** To modify the requirements for intervention in lieu of conviction and for sealing records of conviction.

Current Status: 9/25/2019 - Senate Judiciary, (First Hearing)

Comments:

- Bill creates presumption for ILC. Requires judge to make findings in order to deny ILC. Expands record sealing.
- The proposal was developed by the Chief Justice in response to State Issue 1 and calls for drug law reform. View of OPAA is that this is a more reasonable response to the calls for drug law reform than proposals to reduce felony drug possession offenses to misdemeanors.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-1>

HB3 **AISHA'S LAW - DOMESTIC VIOLENCE (BOYD J, CARRUTHERS S)** To add domestic violence circumstances to the offenses of aggravated murder and endangering children, to establish local domestic violence high risk teams, and to require law enforcement officers to utilize a qualified lethality assessment screening tool to refer high risk victims to a local team.

Current Status: 6/13/2019 - **SUBSTITUTE BILL ACCEPTED**, House Criminal Justice, (Third Hearing)

Comments:

- The bill has undergone a variety of changes and more are being discussed.
- OPAA supports provisions in the bill to amend the domestic violence statute to provide for felony strangulation, require that a lethality assessment be given to domestic violence victims, and provide that prior domestic violence convictions may serve as an aggravating circumstance for death penalty specifications.
- OPAA opposed to a provision in an uncodified section of the bill that encourages prosecutors offices to adopt no-drop policies, to a provision that requires 24/7 access to the courts to obtain a protection order, and to a provision that requires the establishment of "high risk teams" in each county.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-3>

HB136 **DEATH PENALTY-MENTALLY ILL (HILLYER B)** To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

Current Status: 12/17/2019 - **BILL AMENDED**, Senate Judiciary, (Fifth Hearing)

Comments:

- The bill functionally repeals the death penalty in Ohio. It suffers from a variety of problems. The two most significant are below.
- Requires a pretrial determination by a judge that a person (1)

suffered from one or more of four listed mental illnesses and (2) that the illness significantly impaired the person's capacity to exercise rational judgment in relation to the person's conduct with respect to their ability to conform their conduct to the law or appreciate the nature, consequences or wrongfulness of their conduct. This requires the judge, at a pretrial hearing, to make a determination about an alleged offender's mental state at the time of a crime. This flips the justice system on its head.

- Includes a provision that authorizes offenders currently on death row to file for post-conviction relief based on an allegation that they had one of the listed mental illnesses at the time of their crime. This will lead to years of additional litigation for everyone on death row and could result in parole eligibility for offenders sentenced to death prior to 1996.
- See also Senate Bill 54.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-136>

HB178 **CONCEALED WEAPONS REFORM (HOOD R)** To modify the Weapons Law by renaming a concealed handgun license as a concealed weapons license, allowing a concealed weapons licensee to carry concealed all deadly weapons not otherwise prohibited by law, repealing a notice requirement applicable to licensees stopped for a law enforcement purpose, authorizing expungement of convictions of a violation of that requirement, and allowing a person age 21 or older and not prohibited by federal law from firearm possession to carry a concealed deadly weapon without needing a license subject to the same carrying laws as a licensee.

Current Status: 6/30/2019 - Re-Referred to Committee

Comments:

- The bill provides for constitutional carry.
- OPAA is opposed to the bill as written, not to the policy of constitutional carry itself.
- OPAA is opposed to provisions in the bill that repeal the requirement to notify law enforcement regarding possession of a weapon as part of a lawful stop, and that prohibit any temporary search, seizure, or detention, based on the presence of a weapon.
- OPAA recommends an additional change to the legislation to provide that a person shall not be deemed to have been issued a concealed carry license during the commission of any misdemeanor or felony offense.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-178>

HB215 **REAGAN TOKES-REENTRY (BOGGS K, CARFAGNA R)** To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Current Status: 6/27/2019 - House Criminal Justice, (Second Hearing)

Comments:

- This is Reagan Tokes Part II.
- Makes changes to GPS monitoring standards for individuals on PRC and changes to APA caseload standards.
- Discussions ongoing about including a "fix" for Reagan Tokes Part I in this legislation.
- See also Senate Bill 133.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-215>

HB277

FILMING CUSTODIAL INTERROGATION (PLUMMER P) To revise the law governing the electronic recording of custodial interrogations.

Current Status: 11/7/2019 - House Criminal Justice, (Third Hearing)

Comments:

- OPAA opposed as written.
- Sponsors have made several changes to the bill at the request of OPAA but several provisions remain a concern.
- Objection is not opposed to the recording requirement itself but to the narrow list of exceptions provided in the bill, to the requirement of a cautionary jury instruction based merely on a failure to record, and to the bill creating the possibility that a statement could be suppressed due to the failure to record.
- Seeking an additional exception based on the interests of justice or the totality of the circumstances and seeking removal of the language that appears to allow for suppression based on the failure to record.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-277>

HB311

COUNTY INSPECTOR GENERAL (GREENSPAN D) To authorize counties to request and obtain a county inspector general to investigate wrongful acts or omissions in county and other political subdivision government.

Current Status: 10/23/2019 - House State and Local Government, (First Hearing)

Comments:

- The bill is not necessary to allow county's to establish an office of county inspector general.
- Duplicates the work of county prosecutors, county auditors, the Attorney General, the Auditor of State, and the Ethics Commission.
- Could interfere with the work of prosecutors because it grants subpoena power and the power to interview witnesses to the county inspector general.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-311>

HB337

CHILD ADVOCATES-COMMUNICATION (STEIN D, GALONSKI T) To provide generally a privilege for communications between a qualified advocate rendering advocacy services and a victim of certain crimes, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, and to generally require a qualified advocate to report child abuse or neglect of the victim.

Current Status: 9/24/2019 - Referred to Committee House Criminal Justice

Comments:

- OPAA is opposed to privileges in general and this is no exception.
- Privileges hinder the search for truth and lead to occasional miscarriage of justice.
- Already numerous avenues for victims to have privileged conversations with individuals who can provide support.
- Issues with how a person becomes a "qualified advocate" and providing that the privilege only applies to certain types of cases.

- See also Senate Bill 196.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-337>

HB354

WEAPONS DISABILITY DATA PORTAL (PLUMMER P, SWEARINGEN D) To require the juvenile court to expunge all records sealed pursuant to the juvenile sealing law upon the person's twenty-eighth birthday, to expand the circumstances under which a person has a weapon under disability, to specify that moderate or severe substance use disorder is a mental illness for purposes of the law governing civil commitments, to require the Director of Public Safety to create and maintain the weapons disability data portal, to impose certain consequences on specified entities that fail to comply with data submission requirements, and to make an appropriation.

Current Status: 10/16/2019 - House Finance, (Fifth Hearing)

Comments:

- House of Representatives' response to calls for gun reform following the August mass shooting in Dayton.
- Bill has is undergoing substantial revisions.
- Monitoring primarily for any proposed changes to weapons disability.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-354>

HB381

STAND YOUR GROUND (KELLER C, HOOD R) To enact the Ohio Stand Your Ground Act to modify the law regarding self-defense.

Current Status: 11/12/2019 - Referred to Committee House Criminal Justice

Comments:

- The bill repeals the (1) duty to retreat, (2) provides for immunity from arrest, the filing of criminal charges, criminal prosecution, or civil action arising from a person's use or threatened use of force, (3) authorizes an individual to file a pretrial motion for immunity, and (4) expands the scope of self-defense to permit the use of force, including deadly force, to prevent or halt the

commission of any "forcible felony."

- Duty to retreat should remain the law in Ohio. It prevents needless confrontations and potentially the unnecessary loss of life. In a truth based justice system we should want juries to have as much truthful information as possible and yet the bill specifically prohibits juries from considering the possibility of retreat.
- The provisions on immunity are simply unworkable. It stands the criminal justice system on its head to require a judge, in a pretrial hearing, to sit as finder of fact in order to determine whether a person's acts were justifiable. It makes the procedural act of filing a motion for immunity (which establishes a prima facie claim of self-defense) more important than the substantive facts surrounding the use of force. Will be abused by violent offenders who will assert bogus claims of self-defense.
- Scope of self-defense should not be expanded in the manner contemplated by the bill. Goes way beyond traditional notions of self-defense and traditional justifications for the use of force.
- See also Senate Bill 237.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-381>

HB403

SENTENCING REQUIREMENTS - TRANSITIONAL CONTROL (HILLYER B, GALONSKI T) To eliminate the requirement that a sentencing court must assent to the transfer of a prisoner to a transitional control program.

Current Status: 11/18/2019 - Referred to Committee House Criminal Justice

Comments:

- Separation of powers issues with regard to executive branch agency modifying the sentencing determination of an elected judge.
- Undoes compromise that was reached several years ago to maintain the judicial veto for sentences of two years or less.
- The judicial veto remains necessary. By the time a judge makes the determination that a person should be sent to prison, they often have enough credit for time served to be immediately eligible for release into transitional control. This completely undermines the judicial determination that community sanctions were not working and that prison was appropriate.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-403>

SB3

DRUG SENTENCING REFORM (EKLUND J, O'BRIEN S) To modify the controlled substance possession and trafficking prohibitions and penalties and the drug and alcohol abuse civil commitment mechanism.

Current Status: 12/17/2019 - **BILL AMENDED**, Senate Judiciary, (Tenth Hearing)

Comments:

- Opposed to making F4/F5 drug possession offenses misdemeanors, opposed to changes to drug trafficking thresholds, opposed to concurrent jurisdiction between municipal and common pleas court over drug possession, opposed to definition of technical violation.
- Misdemeanor drug possession is dangerous, weakens the ability to prosecute drug traffickers, and undermines treatment.
- There are better ways to promote treatment for the appropriate people and to eliminate the stigma of a felony conviction.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-3>

SB13 **HUMAN TRAFFICKING-JUVENILES** (FEDOR T) To require a juvenile court to hold a delinquency complaint in abeyance in certain cases related to prostitution or human trafficking and to provide that the same elements for the offense of trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen.

Current Status: 11/7/2019 - House Criminal Justice, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-13>

SB28 **PROTECTION ORDER VIOLATION PENALTIES** (HOTTINGER J) To increase the penalty that applies to the offense of violating a protection order under certain circumstances.

Current Status: 11/21/2019 - House Criminal Justice, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-28>

SB48 **SPEEDY TRIAL RULES** (EKLUND J) To narrow the scope of speedy trial rules.

Current Status: 5/16/2019 - House Criminal Justice, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-48>

SB54 **PROHIBIT DEATH PENALTY-MENTAL ILLNESS** (EKLUND J, WILLIAMS S) To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

Current Status: 7/17/2019 - **SUBSTITUTE BILL ACCEPTED**, Senate Judiciary, (Third Hearing)

Comments:

- The bill functionally repeals the death penalty in Ohio. It suffers from a variety of problems. The two most significant are below.
- Requires a pretrial determination by a judge that a person (1) suffered from one or more of four listed mental illnesses and (2) that the illness significantly impaired the person's capacity to exercise rational judgment in relation to the person's conduct with respect to their ability to conform their conduct to the law or appreciate the nature, consequences or wrongfulness of their conduct. This requires the judge, at a pretrial hearing, to make a

determination about an alleged offender's mental state at the time of a crime. This flips the justice system on its head.

- Includes a provision that authorizes offenders currently on death row to file for post-conviction relief based on an allegation that they had one of the listed mental illnesses at the time of their crime. This will lead to years of additional litigation for everyone on death row and could result in parole eligibility for offenders sentenced to death prior to 1996.
- See also House Bill 136.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-54>

SB55 **ENHANCE PENALTIES-DRUG TRAFFICKING** (GAVARONE T) To enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to name the act's provisions the "Relapse Reduction Act."

Current Status: 10/31/2019 - **REPORTED OUT**, House Criminal Justice, (Fourth Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-55>

SB133 **MANAGEMENT OF RELEASED OFFENDERS** (O'BRIEN S) To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Current Status: 11/13/2019 - Senate Judiciary, (Fourth Hearing)

Comments:

- This is Reagan Tokes Part II.
- Makes changes to GPS monitoring standards for individuals on PRC and changes to APA caseload standards.
- Discussions ongoing about including a "fix" for Reagan Tokes Part I in this legislation.
- See also House Bill 215.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-133>

SB146 **DOMESTIC VIOLENCE-CHOKING** (KUNZE S, ANTONIO N) To expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's nose or mouth.

Current Status: 10/2/2019 - Senate Judiciary, (Third Hearing)

Comments:

- Ohio is now one of only two states without a felony strangulation statute.
- Currently, there are concerns in the legislature that the bill applies

only in domestic violence situations.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-146>

SB160

RECORDS EXPUNGEMENT (O'BRIEN S, RULLI M) To provide a mechanism for the expungement of records of most convictions that, depending on the category of the offense, are at least 10 years old, 15 years old, or 20 years old, and to eliminate the waiting period for sealing a record related to a no bill.

Current Status: 9/25/2019 - Senate Judiciary, (Second Hearing)

Comments:

- Disfavor expungement vs. sealing
- Bill goes too far in including F1, F2, and F3 offenses and would allow for the expungement of many records that cannot even currently be sealed
- Expungement creates problems for predicate offenses if future crimes are committed

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-160>

SB179

REQUIRE TWO LICENSE PLATES (UECKER J, HOTTINGER J) To retain and continue current law requiring the display of two license plates for most motor vehicles.

Current Status: 12/11/2019 - Senate Transportation, Commerce and Workforce, (First Hearing)

Comments:

- Front license plate requirement was removed in the Transportation Budget bill in Spring 2019.
- Front license plate no longer required as of July 1, 2020.
- Elimination of the requirement creates investigatory and safety problems for law enforcement.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-179>

SB196

TESTIMONIAL PRIVILEGE-SEX CRIMES (EKLUND J) To provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of domestic violence, human trafficking, menacing by stalking, or sexual violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

Current Status: 11/6/2019 - Senate Judiciary, (Second Hearing)

Comments:

- OPAA is opposed to privileges in general and this is no exception.
- Privileges hinder the search for truth and lead to occasional miscarriage of justice.

- Already numerous avenues for victims to have privileged conversations with individuals who can provide support.
- Issues with how a person becomes a "qualified advocate" and providing that the privilege only applies to certain types of cases.
- See also House Bill 337.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-196>

SB205 **ANIMAL CRUELTY (HOTTINGER J, O'BRIEN S)** To increase the penalties for serious acts of cruelty towards or the killing of a companion animal.

Current Status: 10/23/2019 - Senate Judiciary, (First Hearing)

Comments:

- Bill creates disproportionate penalties.
- Would punish some forms of animal cruelty more harshly than some domestic violence and child abuse offenses.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-205>

SB221 **FIREARMS REGULATIONS (DOLAN M)** To provide for the issuance in specified circumstances of a Safety Protection Order to apply regarding a person who a court determines is under a drug dependency, chronic alcoholic, or mental health-related firearms disability; to specify LEADS and NCIC reporting and removal procedures for current types of protection orders; to require the submission to the Attorney General for inclusion in LEADS of findings of IST or NGRI; to modify some of the prohibitions under the offense of "unlawful transactions in weapons" and add new prohibitions and exemptions under the offense, including a new exemption if a state background check mechanism the bill enacts is used and does not indicate that the prospective transferee is barred from firearms possession; to provide in specified circumstances for the issuance of a seller's protection certificate under the new state background check mechanism; to increase the penalty for certain firearms-related offenses in specified circumstances; to modify the law governing the entry of arrest warrants into LEADS as extradition warrants; to expand the law regarding the provision of drug and alcohol test results to law enforcement personnel; and to provide a new exception to the testimonial privilege for specified medical and dental personnel regarding certain probate court proceedings.

Current Status: 12/3/2019 - Senate Government Oversight and Reform, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-221>

SB237 **SELF-DEFENSE (JOHNSON T)** To enact the Ohio Duty to Retreat Act to modify the law regarding self-defense.

Current Status: 12/11/2019 - Senate Government Oversight and Reform, (Third Hearing)

Comments:

- The bill repeals the (1) duty to retreat, (2) provides for immunity from arrest, the filing of criminal charges, criminal prosecution, or civil action arising from a person's use or threatened use of force, (3) authorizes an individual to file a pretrial motion for

immunity, and (4) expands the scope of self-defense to permit the use of force, including deadly force, to prevent or halt the commission of any "forcible felony."

- Duty to retreat should remain the law in Ohio. It prevents needless confrontations and potentially the unnecessary loss of life. In a truth based justice system we should want juries to have as much truthful information as possible and yet the bill specifically prohibits juries from considering the possibility of retreat.
- The provisions on immunity are simply unworkable. It stands the criminal justice system on its head to require a judge, in a pretrial hearing, to sit as finder of fact in order to determine whether a person's acts were justifiable. It makes the procedural act of filing a motion for immunity (which establishes a prima facie claim of self-defense) more important than the substantive facts surrounding the use of force. Will be abused by violent offenders who will assert bogus claims of self-defense.
- Scope of self-defense should not be expanded in the manner contemplated by the bill. Goes way beyond traditional notions of self-defense and traditional justifications for the use of force.
- See also House Bill 381.

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-237>

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