



Ohio Prosecuting Attorneys Association

Legislative Newsletter

December 17, 2018



IN THE NEWS

[Lawmakers OK \\$100,000 to Help Cover Costs of Pike County Murders](#)

[Ohio House Committee Passes Amended Reagan Tokes Bill](#)

[Local Mom in Recovery: Jail Best Thing That Ever Happened to Me](#)

[Lawmaker Pushing Bill for How, When Police Camera Video is Public Record](#)

[New Bill to Make Strangulation a Felony](#)

[Sierah's Law Headed to Governor – Creates Database of Certain Violent Offenders](#)

Bills Sent to Governor

[Senate Bill 296](#) (Officer Death Benefits) sponsored by Sen. Hottinger revises payments that surviving family members receive from the Public Safety Officers Death Benefit Fund. The bill was amended to include a COLA for elected officials. Prosecutors will receive a 1.75% adjustment beginning in 2020 and running through 2028. The amendment also creates the Public Office Compensation Advisory Commission.

[House Bill 228](#) (Burden of Proof – Self Defense) sponsored by Reps. Johnson and LaTourette, among other things, shifts the burden of proof to the prosecution in self-defense cases to disprove self-defense beyond a reasonable doubt. The so-called “stand your ground” provision and reduced penalties for carrying a concealed weapon were removed from the bill.

[Senate Bill 20](#) (Permanent Disabling Harm) sponsored by Sen. Hackett requires an additional prison term of six years for an offender who is convicted of or pleads guilty to a felonious assault of a victim under 10 along with a specification that the victim suffered permanent disabling harm.

[Senate Bill 201](#) (Indefinite Sentencing) sponsored by Sens. Bacon and O'Brien provides for indefinite sentences for first and second degree felonies. The maximum sentence is calculated by adding 50% to longest minimum term for the most serious felony being sentenced. The bill creates a mechanism by which a person sentenced to an indefinite sentence may receive a 5% - 15% sentence reduction upon application to the sentencing court. Additionally, the bill was amended to include two other pieces of legislation, House Bill 68 (Impaired Persons) to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in nudity oriented material, and House Bill 719 (Sexual Assault Kit Tracking) to require the Attorney General to maintain a statewide tracking system of sexual assault kits.

[House Bill 411](#) (Wrongful Imprisonment) sponsored by Reps. Seitz and Sykes provides for wrongful imprisonment compensation for individuals whose sentence is overturned based on a *Brady* violation.

For a complete list of bills that the OPAA is tracking and OPAA positions on legislation, please visit www.ohiopa.org.

Bills Sent to Governor (Continued)

[Senate Bill 231](#) (Violent Offender Database) sponsored by Sen. Gardner creates a violent offender database for specified violent offenders, requires violent offenders to enroll in the database, and names the provisions of the act "Sierah's Law."

[Senate Bill 158](#) (Elder Abuse) sponsored by Sen. Wilson requires the Attorney General and others to develop best practices and educational opportunities to combat elder fraud and exploitation, modifies the membership of the elder abuse commission, and requires full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly.

[House Bill 38](#) (Aggravated Murder) sponsored by Rep. Greenspan provides that purposely causing the death of a first responder or military member is aggravated murder and requires an offender to serve a mandatory prison term for the attempted aggravated murder of a law enforcement officer, first responder, or military member.

[House Bill 92](#) (Public Indecency) sponsored by Rep. Schaffer requires certain offenders who commit the offense of public indecency to register as Tier I sex offender/child victim offenders under certain circumstances.

[House Bill 137](#) (Mandatory Reporting – Child Abuse) sponsored by Rep. Kent makes peace officers mandatory reporters of child abuse and neglect and expands the types of peace officers authorized to receive reports of child abuse and neglect.

[House Bill 96](#) (Sexual Imposition – Repeat Offenders) sponsored by Rep. Hughes increases the penalty for sexual imposition to a jail term of up to 1 year if the offender previously has been convicted of or pleaded guilty three or more times to sexual imposition, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, a violation of former R.C. 2907.12, or any combination of these offenses. Enhances the penalty for disorderly conduct involving voluntary intoxication if the offender has been convicted of or pleaded guilty to the offense three or more times.

[House Bill 497](#) (Sexual Image Dissemination) sponsored by Reps. Manning and Rogers prohibits the nonconsensual dissemination of private sexual images if the person in the image is eighteen years of age or older, the person in the image can be identified from the image itself, the person is in a state of nudity or engaged in a sexual act, the image is disseminated without consent, and the image is disseminated with the intent to harm the person in the image. Provides that certain property may be criminally forfeited and provides certain rights and protections for victims of the offense.

Other Activity of Note

[House Bill 81](#) (Death Penalty – Serious Mental Illness) sponsored by Reps. Antonio and Seitz establishes a process by which individuals may seek to be excluded from the death penalty based on a diagnosis of specified mental illness. The bill was reported out of House Criminal Justice Committee on December 4 and placed on the House Calendar on December 12 and 13. The House did not proceed to a vote on the bill.

[House Joint Resolution 19](#) (Ballot Initiatives) sponsored by Reps. Holmes and LaTourette proposed to modify the ballot initiative process to make it more difficult to place a constitutional amendment on the ballot and less difficult to place an initiated statute on the ballot. The resolution was introduced on November 28 and received a series of hearings in the House Government Accountability and Oversight Committee but ultimately failed to make it out of committee.

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