



Ohio Prosecuting Attorneys Association

Legislative Newsletter

December 18, 2017

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Out in New
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OPAA NEWS

The OPAA Annual Meeting was a great success with over 400 attendees. Our thanks to all who attended.

Happy Holidays from the OPAA staff!

Recently Introduced Legislation

[House Bill 439](#) (Risk Based Bail) sponsored by Reps. Dever and Ginter requires courts to select and use a validated risk assessment tool in making bail determinations. Requires the judge, magistrate, or clerk who sets bail to first consider setting non-monetary conditions for bail. Requires the Criminal Sentencing Commission to collect probation related data and requires courts of common pleas to collect bail related data.

[House Bill 451](#) (Public Records – Crime Victims) sponsored by Rep. Retherford excludes from the definition of public record any depiction of a victim of an offense that would be offensive and objectionable to a reasonable person and any depiction of a victim of a sexually oriented offense at the actual occurrence of that offense.

Bills Heard in Committee

[Senate Bill 180](#) (Burden of Proof of Self-Defense) sponsored by Sens. Uecker and Hottinger, among other things, requires the prosecution to disprove self-defense beyond a reasonable doubt if there is evidence that “tends to support” self-defense. The OPAA provided opponent testimony on December 12. The bill has had three hearings in the Senate Judiciary Committee. A companion bill in the House, [House Bill 228](#), has had two hearings.

[House Bill 64](#) (Mistaken Identity Arrests) sponsored by Reps. Reece and Schuring. A substitute bill was accepted in the House on December 6. The new version requires law enforcement agencies to redact and courts to order the redaction of identifying information of persons who are mistakenly arrested from official records and to destroy all photographs and fingerprints of such a person.

[Senate Bill 4](#) (Expungement – Human Trafficking) sponsored by Sens. Kunze and Oelslager expands the offenses for which a victim of human trafficking can seek to have records of offenses related to that trafficking expunged. Such victims could seek to expunge anything except records of aggravated murder, murder or rape. The OPAA provided interested party testimony raising concerns about the possible expungement of records of first and second degree felonies.

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