



THE OHIO PROSECUTOR

April 2024

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From your President...



Kevin S. Talebi
Champaign County

Greetings,

As the calendar turns to May, we can firmly say that Winter is behind us and Summer is on the horizon. I hope everyone is doing well. It was great to see so many of you at our Spring conference. We received a lot of positive feedback regarding the Hilton at Polaris and I believe that the Executive Committee will be looking to return to this location in the future. Our next conference is scheduled for June 21-22 and will be taking place at the Hotel Breakers in Cedar Point. An agenda detailing the training opportunities will be sent out in the very near future. I hope to see all of you there.

Regarding potential legislation at the Statehouse, there has been very little activity through the first quarter of the year. However, now that the primary elections have been completed things are starting to pick up. The House and the Senate each have competing legislation regarding the legalization of marihuana and Director Tobin and I have been busy meeting with legislators trying to get something passed that honors the voters decision to legalize marihuana but provides guidance to law enforcement and reasonable limitations regarding the use, sale, and cultivation of the drug. There continues to be a push by some legislators to expand record sealing, now by removing the requirement for people to come forward to apply. One proposal would require BCI to send a list of eligible cases to prosecutors and courts every month and those cases would be sealed if the prosecutor did not object for limited reasons. Another proposal would require the Common Pleas Court to automatically initiate the motion to seal on behalf of the defendant.

I would encourage all of you to stay involved with our Association and please take advantage of the brief bank, legislative updates, trainings, and the many opportunities to get involved. Thank you for your all your hard work. I can't wait to see you all in June.

Yours truly,
Kevin Talebi

From your Executive Director...



Louis Tobin
OPAA Executive
Director

Prosecutors –

I want to take a moment this month to recognize Sherri Bevan Walsh who retired as Summit County Prosecutor in February after serving as the elected prosecutor for almost 25 years. Her retirement party in Akron, attended by 300 plus people, was a testament to the impact that Sherri has had on her community and on the lives of the victims of crime. Sherri was also a great asset to the OPAA, serving as part of OPAA's leadership for many years and as President of the Association in 2010, and to prosecutors across the state who she regularly mentored and advised. On behalf of OPAA – best wishes to Sherri in her retirement.

One of the hottest topics in the General Assembly right now is artificial intelligence. Just in the last six months, four bills have been introduced related to artificial intelligence and that have criminal components to them. House Bill 295 updates the law regarding the nonconsensual dissemination of private sexual images to include “deepfake” sexual images. The bill also creates a criminal statute that requires pornography websites to use age verification. House Bill 367 prohibits the unauthorized preparation, production, development, distribution, exhibition, or exchange of “malicious deepfake recordings.” House Bill 401 prohibits the use of “deepfakes” to harass, extort, threaten, or to cause physical, emotional, reputational, or economic harm. Senate Bill 217 prohibits simulated child pornography and also identity fraud using a replica of a person. This is a topic that prosecutors will want to pay close attention to in the coming months given the potential uses of this technology to harm numerous victims with relative ease.

I look forward to seeing many of you at our Summer Workshop at Cedar Point.

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. **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) 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.
- 3) 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

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 – Monitor.

4) 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.

5) 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.

6) 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.

7) House Bill 56 (Fleeing/Stunt Driving). Increases the penalties for fleeing and eluding and amends the street racing statute to include acts of stunt driving and street takeovers. OPAA Position – Support.

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

10) Senate Bill 223/House Bill 366 (Organized Retail Theft). Enacts the Fight Organized Retail Crime and Empower Law Enforcement (FORCE) Act. The bills authorize the Organize Crime Investigation Commission to establish an organized retail theft task force, create the crime of organized retail theft, increase the penalties for theft of mail, increase the penalties for criminal

mischievous involving a retail pump, and update counterfeiting to address credit card "skimming." OPAA Position – Amend.

Notable legislation

HB20 OHIO COMPUTER CRIMES ACT

(SWEARINGEN D) To enact the Ohio Computer Crimes Act.

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

Position: Support

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

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

Current 4/23/2024 - **BILL AMENDED**,
Status: House Criminal Justice, (Seventh 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 6/13/2023 - **BILL AMENDED**,
Status: 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 4/23/2024 - **BILL AMENDED**,
Status: Senate Community Revitalization, (Fifth 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 12/11/2023 - Re-Referred to
Status: Committee

Position: Oppose

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-51>

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 4/23/2024 - Senate Judiciary, (Second Hearing)

Position: Support

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-56>

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 10/24/2023 - House Criminal Justice, (Second Hearing)

Position: Oppose

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-67>

HB77 DRONE OPERATION REQUIREMENTS, PROHIBITIONS (WILLIS B) To establish requirements and prohibitions governing the operation of unmanned aerial vehicles in Ohio.

Current 4/24/2024 - Bills for Third
Status: Consideration

Position: Support

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-77>

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 4/16/2024 - **SUBSTITUTE BILL**
Status: **ACCEPTED**, House Criminal Justice, (Fifth Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-91>

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 4/23/2024 - Senate Judiciary, (First Hearing)
Status: Hearing
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-111>

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 9/13/2023 - Referred to Committee
Status: Senate Judiciary
Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-122>

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 10/17/2023 - House Criminal Justice, (First Hearing)
Status: (First Hearing)
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-124>

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 12/6/2023 - Referred to Committee
Status: Senate Judiciary
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-139>

HB140 PASSING SCHOOL BUS (BROWN R) To make changes to the law governing passing a school bus.

Current 10/31/2023 - House Transportation, (Third Hearing)
Status: (Third Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-140>

HB149 DRONE SURVEILLANCE REQUIREMENTS (WILLIS B) To establish requirements related to the use of an uncrewed aerial vehicle for surveillance.

Current 4/23/2024 - House Aviation and Aerospace, (Second Hearing)
Status: Aerospace, (Second Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-149>

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 4/24/2024 - Bills for Third
Status: Consideration
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-161>

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 6/6/2023 - House Government
Status: Oversight, (First Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-175>
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HB196 COMMUNITY CONTROL SANCTIONS
(WILLIAMS J, SEITZ B) To change the maximum periods of community control sanctions authorized for felonies and misdemeanors, to modify the confinement sanctions authorized for a violation of community control sanction conditions, and to create a procedure for early termination of community control sanction conditions.

Current 4/3/2024 - **SUBSTITUTE BILL**
Status: **ACCEPTED**, House Criminal Justice, (Second Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-196>
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HB212 PROPERTY PROTECTION ACT (KING A, KLOPFENSTEIN R) To extend the law that prohibits certain governments, businesses, and individuals from acquiring agricultural land to certain other property and to name this act the Ohio Property Protection Act.

Current 4/23/2024 - House Civil Justice,
Status: (Second Hearing)
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-212>
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HB221 EXPAND POSTCONVICTION RELIEF
(SCHMIDT J, UPCHURCH T) To expand the availability of postconviction relief based on DNA testing showing actual innocence.

Current 10/10/2023 - House Criminal Justice,
Status: (First Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-221>
Page:

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 4/24/2024 - Bills for Third
Status: Consideration
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-230>
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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 11/14/2023 - House Criminal Justice,
Status: (First Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-233>
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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 4/23/2024 - **REPORTED OUT**,
Status: House Criminal Justice, (Fifth Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-234>
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HB245 ADULT CABARET PERFORMANCES (KING A, WILLIAMS J) To prohibit adult cabaret performances in locations other than adult cabarets.

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

Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-245>
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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 1/24/2024 - Referred to Committee
Status: Senate Judiciary
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-258>
Page:

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 10/11/2023 - House Finance, (Second
Status: Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-259>
Page:

HB265 EXEMPTIONS FOR PUBLIC RECORDS LAW

(WIGGAM S, HALL T) To exempt redaction request forms, affidavits, and the records of the work schedules of designated public service workers from disclosure under public records law.

Current 4/9/2024 - **REPORTED OUT AS**
Status: **AMENDED**, House Civil Justice, (Fifth
Hearing)
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-265>
Page:

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 11/14/2023 - House Criminal Justice,
Status: (First Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-270>
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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 12/13/2023 - Referred to Committee
Status: Senate Judiciary
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-272>
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HB281 DAMAGE COLLECTION REQUIREMENTS

(SEITZ B, YOUNG T) To require in a civil action for damages caused by another person's criminal act that such other person was convicted of, pleaded guilty to, or adjudicated delinquent in connection with the criminal act.

Current 4/23/2024 - House Civil Justice,
Status: (Fourth Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-281>
Page:

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 4/23/2024 - **BILL AMENDED**,
Status: House Criminal Justice, (Fourth
Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-289>
Page:

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 4/23/2024 - House Criminal Justice,
Status: (Second Hearing)

Position: Amend

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

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 12/5/2023 - House Criminal Justice,
Status: (Second Hearing)

Position: Monitor

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-314>

HB315 TOWNSHIP LAW CHANGES (HALL T, SEITZ B) To make various township law changes and to make an appropriation.

Current 4/23/2024 - **BILL AMENDED**,
Status: House State and Local Government,
(Fourth Hearing)

Position: Support

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-315>

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 4/24/2024 - Bills for Third
Status: Consideration

Position: Support

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-322>

HB328 CATALYTIC CONVERTERS (ROEMER B, PLUMMER P) Regarding the sale of used catalytic converters, and to make an appropriation.

Current 12/12/2023 - House Criminal Justice,
Status: (Third Hearing)

Position: Support

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-328>

HB331 VILLAGE DISSOLUTION (MATHEWS A, YOUNG T) To modify the law regarding village dissolution.

Current 4/16/2024 - House Government
Status: Oversight, (Third Hearing)

Position: Amend

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-331>

HB351 PROHIBIT ABUSE OF COMPANION ANIMAL CORPSE (YOUNG T) To prohibit the abuse of a companion animal corpse.

Current 4/16/2024 - House Criminal Justice,
Status: (Second Hearing)

Position: Oppose

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-351>

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 12/13/2023 - House Finance, (Fourth
Status: Hearing)

Position: Amend

State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-354>

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 1/9/2024 - Referred to Committee
Status: House Criminal Justice

Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-366>
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HB367 PROHIBIT UNAUTHORIZED DEEPPAKES (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 4/9/2024 - House Government
Status: Oversight, (First Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-367>
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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 2/6/2024 - Referred to Committee
Status: House Criminal Justice
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-377>
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HB385 HUMAN TRAFFICKING VICTIM CRIMINAL RECORDS (RICHARDSON T, WILLIAMS J) To allow a victim of human trafficking to expunge certain criminal records.

Current 4/23/2024 - House Criminal Justice,
Status: (First Hearing)
Position: Monitor
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-385>
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HB392 ADD NITROGEN HYPOXIA AS EXECUTION METHOD (STEWART B, PLUMMER P) To add nitrogen hypoxia as a method of execution and to prohibit the disclosure of execution identifying information.

Current 4/9/2024 - House Government
Status: Oversight, (First Hearing)
Position: Support
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-392>
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HB401 CREATE OFFENSE OF DEEPPAKE DISTRIBUTION (MILLER K, DEMETRIOU S) To create the offense of nonconsensual distribution of a deepfake.

Current 4/2/2024 - Referred to Committee
Status: House Criminal Justice
Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-401>
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HB429 TRAFFIC OFFENSES IN CONSTRUCTION ZONES (CLICK G, JOHNSON M) Regarding traffic offenses in construction zones.

Current 4/2/2024 - Referred to Committee
Status: House Criminal Justice
Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-429>
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HB450 PROHIBIT VOYEURISM THROUGH DRONES (LAMPION B, YOUNG T) To prohibit voyeurism, criminal trespass, and aggravated criminal trespass through the use of an unmanned aerial vehicle system.

Current 4/2/2024 - Referred to Committee
Status: House Criminal Justice
Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-450>
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HB460 AUTOMATIC SEALING-CRIMINAL RECORDS (HILLYER B, SEITZ B) To enact the Getting Rehabilitated Ohioans Working Act to allow for the automatic sealing of certain criminal records.

Current 4/3/2024 - House Criminal Justice,
Status: (First Hearing)
Position: Oppose
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-460>
Page:

HB478 EXPEDITED REMOVAL-UNAUTHORIZED OCCUPANTS (EDWARDS J, LARE J) To provide for the expedited removal of unauthorized occupants of residential property and to prohibit the use and sale of fraudulent deeds.

<p>Current 4/23/2024 - Referred to Committee Status: House Criminal Justice Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-478</p>	<p>State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-37</p>
<p>HB480 EXPEDITED REMOVAL-UNAUTHORIZED OCCUPANTS (YOUNG T, DEMETRIOU S) To provide for the expedited removal of unauthorized occupants of residential property, to prohibit the use and sale of fraudulent deeds, and to declare an emergency. Current 4/23/2024 - Referred to Committee Status: House Criminal Justice Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-480</p>	<p>SB51 SOS-ELECTION INTEGRITY DIVISION (GAVARONE T) To establish the Election Integrity Division in the Office of the Secretary of State. Current 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</p>
<p>HB486 AISHA'S LAW (CARRUTHERS S, BRENT J) To make changes to civil and criminal law regarding domestic violence, to address State Highway Patrol arrest authority, to name the act Aisha's Law, and to make an appropriation. Current 4/23/2024 - Referred to Committee Status: House Criminal Justice State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-486</p>	<p>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 5/9/2023 - Senate Judiciary, (Second Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-88</p>
<p>SB26 MARIJUANA-VEHICLE, WATERCRAFT USE (MANNING N) To change the laws pertaining to operating a vehicle or watercraft while under the influence of marihuana and the admissibility of evidence for purposes of OVI statutes. Current 5/9/2023 - SUBSTITUTE BILL Status: ACCEPTED, Senate Judiciary, (Third Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-26</p>	<p>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 4/16/2024 - BILL AMENDED, Status: House Criminal Justice, (Second Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-100</p>
<p>SB37 DRIVER'S LICENSE SUSPENSION CHANGES (BLESSING III L, INGRAM C) To make changes to the laws governing driver's license suspensions and to the laws governing penalties for failure to provide proof of financial responsibility. Current 4/23/2024 - Senate Judiciary, (Seventh Hearing) Status: Hearing) Position: Oppose</p>	<p>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 11/15/2023 - Senate Judiciary, (Second Hearing) Status: Hearing) Position: Oppose</p>

<p><i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-101</p>	<p><i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-185</p>
<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 2305.111 of the Revised Code that is scheduled to take effect October 12, 2028, to continue the change on and after that date. <i>Current:</i> 4/24/2024 - Bills for Third <i>Status:</i> Consideration <i>Position:</i> Monitor <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-109</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. <i>Current:</i> 12/6/2023 - Referred to Committee <i>Status:</i> Senate Judiciary <i>Position:</i> Amend <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-193</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. <i>Current:</i> 6/7/2023 - Referred to Committee <i>Status:</i> Senate Judiciary <i>Position:</i> Monitor <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-127</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. <i>Current:</i> 1/24/2024 - Senate Judiciary, (First Hearing) <i>Status:</i> Hearing <i>Position:</i> Oppose <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-197</p>
<p>SB165 USED CATALYTIC CONVERTER SALES (JOHNSON T) Regarding the sale of used catalytic converters, and to make an appropriation. <i>Current:</i> 12/13/2023 - Senate Judiciary, (First Hearing) <i>Status:</i> Hearing <i>Position:</i> Support <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-165</p>	<p>SB214 HUMAN TRAFFICKING VICTIMS-EXPUNGE CRIMINAL RECORDS (KUNZE S) To allow a victim of human trafficking to expunge certain criminal records. <i>Current:</i> 4/24/2024 - Bills for Third <i>Status:</i> Consideration <i>Position:</i> Monitor <i>State Bill Page:</i> https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-214</p>
<p>SB185 PUBLIC SERVICE WORKERS-RECORDS EXEMPTION (LANDIS A) To exempt redaction request forms, affidavits, and the records of the work schedules of designated public service workers from disclosure under public records law. <i>Current:</i> 1/24/2024 - Senate Government <i>Status:</i> Oversight, (First Hearing) <i>Position:</i> Monitor</p>	<p>SB217 AI TECHNOLOGY REQUIREMENTS, PROHIBITIONS (BLESSING III L, JOHNSON T) To require AI-generated products have a watermark, to prohibit simulated child pornography, and to prohibit identity fraud using a replica of a person. <i>Current:</i> 4/10/2024 - Senate Judiciary, (First Hearing) <i>Status:</i> Hearing</p>

Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-217>
Page:

SB223 ENACT FORCE ACT-ORGANIZED RETAIL THEFT (LANG G, RULLI M) 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 2/28/2024 - Referred to Committee
Status: Senate Judiciary
Position: Amend
State Bill <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-223>
Page:

actionTRACK - Hannah News Service, Inc.

New and Noteworthy



Merit Decisions of Interest Since 2/1/24

State v. Williams, ___ Ohio St.3d ___, 2024-Ohio-1433. In a case in which the defendant committed a homicide and then disposed of the weapon two days later, the Court unanimously concluded that the juvenile court's bindover of the homicide charge allowed a charge of tampering with evidence also to be brought in adult court, even though the tampering charge had not been raised in juvenile court. The 4-justice majority concluded that the tampering charge could be brought because it was "rooted in" the homicide charge that was the basis for the bindover. Three concurring in

judgment only would have overruled the "rooted in" test and upheld the tampering charge based on the adult court's statutory authority under R.C. 2151.23(H) to hear and determine charges other than just those that were expressly bound over. (Decided 4-18-24; State's appeal; Hamilton County)

State v. Carter, ___ Ohio St.3d ___, 2024-Ohio-1247. Five justices concluded under a Sixth Amendment analysis that the trial court's travel-related and COVID-related findings were insufficient to allow remote video testimony in a February 2022 trial by a witness who would need to travel from Minnesota. But these same justices also concluded that the error in admitting the remote testimony was harmless. (Decided 4-4-24; Logan County)

State v. Jones, ___ Ohio St.3d ___, 2024-Ohio-1083. The Court (7-0) affirmed the trial court's imposition of consecutive sentencing totaling 60 months for a repeat F-3 offender. (Decided 3-27-24; Cuyahoga County)

State v. Fork, ___ Ohio St.3d ___, 2024-Ohio-1016. The Court (7-0) concluded that the definition of "motor vehicle" in R.C. 4501.01(B) and its attendant exception for "utility vehicles" under R.C. 4501.01(VV) applied to a prosecution for aggravated vehicular assault. The Court further concluded that the evidence was insufficient to negate the "utility vehicle" exception as to the Polaris Ranger vehicle that was being driven by the drunk defendant at the time of the crash. (Decided 3-21-24; State's appeal; Sandusky County)

State v. Knuff, ___ Ohio St.3d ___, 2024-Ohio-902. The Court (7-0) affirmed the convictions and two death sentences in this double-homicide case. (Decided 3-14-24; Cuyahoga County)

State v. Wilson, ___ Ohio St.3d ___, 2024-Ohio-776. The Court (3-1-3) reversed the defendant's felonious assault conviction and remanded for a new trial. The case involved a claim of trial counsel ineffectiveness in failing to seek a jury instruction on self-defense in light of the defendant's testimony that he fired a warning shot in order to scare the other man who was pointing a gun at him and threatening him. Given the nature of the Court's split, nothing precedential emerges from

the decision on these issues. (Decided 3-7-24; Clark County)

State v. Dudas, ___ Ohio St.3d ___, 2024-Ohio-775. The Court (7-0) concluded that a delayed appeal, once leave is granted, is a “direct appeal” that fits within the first provision in R.C. 2953.21(A)(2)(a) that sets the 365-day deadline for filing a post-conviction petition as running from the date of the filing of the transcript in the appeal. (Decided 3-7-24; Cuyahoga County)

State v. Brown, ___ Ohio St.3d ___, 2024-Ohio-749. The Court unanimously held that the defendant could be guilty of robbing two people, even though he only took money from one of them, and that the defense forfeited an alleged discovery-*Brady* violation by failing to object when the purported violation first came to light during trial. (Decided 3-5-24; State’s appeal; Hamilton County)

State v. Nicholson, ___ Ohio St.3d ___, 2024-Ohio-604. The Court (7-0) affirmed the convictions and (4-3) affirmed the two death sentences in this double-homicide case. (Decided 2-22-24; Cuyahoga County)

State v. Hayes, 02/21/2024 *Case Announcements*, 2024-Ohio-597. The Court (7-0) summarily reversed the appellate court’s dismissal of a defendant’s appeal from the denial of a post-conviction petition. The trial court’s failure to issue findings of fact and conclusions of law is an error that can be corrected on appeal and does not deprive the appellate court of jurisdiction. See *State ex rel. Penland v. Dinkelacker*, 162 Ohio St.3d 59, 2020-Ohio-3774. (Decided 2-21-24; Muskingum County)

In re T.D.S., ___ Ohio St.3d ___, 2024-Ohio-595. The Court (4-1-2) upheld the validity of the juvenile’s waiver of *Miranda* rights under the applicable totality-of-circumstances test, while refusing to address the juvenile’s unpreserved argument that the waiver was involuntary because police had allegedly used an improper “question first, warn second” strategy. (Decided 2-21-24; Cuyahoga County)

State v. Palmer, ___ Ohio St.3d ___, 2024-Ohio-539. The Court addressed the standard for the defendant to

receive a jury instruction on self-defense and (4-3) concluded that the trial court had abused its discretion in refusing the instruction. There was sufficient evidence to support the instruction when the evidence was construed in the light most favorable to the defendant. (Decided 2-15-24; Clermont County)

Newly Accepted Criminal Law Cases Since 2/1/24

24-164 *State v. Thompson* Whether the defendant’s “hybrid” sentencing amounted to imposing ten years of community-control supervision, thereby exceeding the five-year limit for community control. (Franklin County)

24-340 *Z.J. v. R.M.* Whether R.C. 2903.211(A)(1) requires a victim to actually experience mental distress or only believe that the stalker will cause the victim physical harm or mental distress in order for a court to issue a civil stalking protection order. (Certified-conflict appeal arising from Richland County)

24-46 *Wilson v. Wilson* Whether a court entering a four-year domestic-violence civil protection order violates the Second Amendment by invoking 18 U.S.C. 922(g)(8) and R.C. 3113.31(E)(1)(h) to specifically prohibit the respondent from possessing or obtaining any deadly weapons and by further requiring that the respondent turn over all deadly weapons to law enforcement. *Sua sponte* held for the decision in *United States v. Rahimi*, U.S.Sup.Ct. No. 22-915. (Discretionary appeal arising from Butler County)

24-108 *State v. Staffrey* Whether a prisoner serving a pre-Senate Bill 2 indefinite sentence can be granted judicial release under current R.C. 2929.20. (State’s appeal; Mahoning County)

24-87 *State v. Coker* Whether there was sufficient evidence of vaginal penetration when the victim testified initially that the phrase “have sex” meant vaginal penetration and the victim thereafter testified by using the “have sex” phrase to describe the sexual conduct. (State’s appeal; Wood County)

24-05 *State v. Clinkscale* In determining judicial-release eligibility, whether jail-time credit reduces the required

waiting period “after the expiration of all mandatory prison terms” under R.C. 2929.20(C)(1)(a) – (d). (State’s appeal; Franklin County)

23-1614 *State v. Morris* (1) Whether the appellate court erred in rejecting *Montejo v. Louisiana*, 556 U.S. 778 (2009), for purposes of the Ohio Constitution by holding that a request for counsel at a first appearance amounts to an invocation of counsel and therefore cuts off the ability of police to initiate an interrogation of the defendant outside of court; (2) Whether the right to counsel attaches on the filing of a criminal complaint; (3) Whether the defendant unequivocally invoked the right to counsel when he asked during the interrogation “I can’t see a lawyer?” (State’s appeal; Hamilton County)

23-1531 *In re P.M.S.* Whether a rape occurs when the only evidence of force is the physical exertion inherent in the sexual act itself. (Warren County)

23-1501 *State v. Dunn* Whether the “vicinity of a juvenile” enhancement to drug trafficking can be proven by circumstantial evidence when the juvenile is found to be present and residing in the home when the evidence leading to the trafficking conviction is discovered and when other evidence shows that the defendant was using the home as a base of operations and the child resided there throughout the pertinent time period. (State’s appeal; Geauga County)

Recent Oral Arguments

23-839 *State v. Mays* Whether the requirement in R.C. 2945.75(A)(2) that a “guilty verdict shall state either the degree of the offense of which the offender is found guilty, or that such additional element or elements are present” can be satisfied by a guilty-verdict form that cites the statutory subsection so as to permit the defendant to be convicted of the higher-degree offense. (Certified-conflict appeal; Lucas County) (Argument on 3-12-24)

23-786 *State v. Gasper* Whether, in a prosecution for rape under R.C. 2907.02(A)(1)(c), the definition of substantial impairment in *State v. Zeb*, 31 Ohio St.3d 99 (1987), applies to an impairment from a permanent

mental condition. (Hamilton County) (Argument on 3-26-24)

23-1024 *State v. Echols* Whether evidence of witness intimidation that tends to establish consciousness of guilt also constitutes a prior bad act of a defendant for which a court must conduct its analysis under Evid.R. 404(B) and the framework set forth in *State v. Hartman*. (Hamilton County) (Argument on 4-9-24)

23-945 *State v. Wogenstabl* Whether the defendant can litigate a challenge to the trial court’s supposed lack of subject matter jurisdiction through a successive application for reopening in the court of appeals. (Hamilton County) (Argument on 4-23-24)

22-1114 *State v. Wiley* Whether a jury’s finding of a mitigating element that causes an offense to become an inferior offense is binding at a retrial and thus precludes a conviction for the greater offense at the retrial when the defendant on appeal requested retrial on the greater offenses as charged and did not assert that retrial would be limited to the inferior offense. (Cuyahoga County) (Argument on 4-24-24)

23-889 *State v. Hickman* Whether a trial court has discretion to deny a change-in-commitment request in the absence of clear and convincing evidence indicating that the level change should not be granted. (Ashtabula County) (Argument on 4-24-24)

Keep an Eye Out for These Cases Awaiting Decision

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)

22-1227 & -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)

23-654 *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 on 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)

Ohio Attorney General Opinions

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

2024-003

Requested by: Delaware County Prosecuting Attorney

The term “services” as used in R.C. 9.48 does not include “construction” or “construction services.” 2019 Att’y Gen. No. 2019-028 followed. However, the term “services” may cover the installation, maintenance, repair, and the like of items acquired under R.C. 9.48 provided such services to not constitute nor cross into construction or construction services. Whether any particular service acquired under R.C. 9.48, including any repair, maintenance, replacement, installation, or upgrade constitutes “construction” or “construction services” is a question of fact beyond the opinion-rendering function of the Attorney General.

2024-002

Requested by: Knox County Prosecuting Attorney

A board of township trustees lacks authority to establish a death benefit payable directly from township funds to the family of a township employee who dies while so employed.



Outreach



Vitality and Vulnerability

Morris Murray, Defiance County

As many are aware, each May we observe “Older Americans Month” (OAM). The 2024 theme is “Powered by Connection” and as the phrase implies, people connecting with one another in positive healthy relationships is vital for everyone. This is especially true for Older Americans. In addition to the love and support from family that many can enjoy, meaningful social relationships and active regular involvement with others is essential to both physical and mental well-being.

Statistically Americans are enjoying longer and generally healthier lives. This improving vitality is seen in many settings as older citizens are working longer and staying involved in social and community activities. Old age no longer signals a time of frailty and decline. Access to information on healthy lifestyles and improved healthcare are contributing to that increased longevity and quality of life. Older adults bring a wealth of experience, wisdom and knowledge to their families, workplace, and community. We increasingly see them serving as mentors, volunteers, caregivers, and advocates enriching society with their contributions and serving as valuable resources for future generations.

We must also be cognizant of the reality, that despite the vitality and resilience of many older Americans, many also face significant vulnerabilities. These may include social isolation, financial insecurity, ageism, and health issues. All of which can impact the well-being of older adults and require the attention and support from individuals, communities, and policy makers. Vulnerabilities also include a greater risk for victimization. Financial exploitation, through a variety of in person and online scams is a serious and growing concern in the social service and law enforcement communities. Likewise neglect and physical abuse also occurs, sometimes by those most trusted and counted on by older adults with special needs. Ensuring the vitality, well-being, and safety of Older Americans, while also addressing those vulnerabilities takes a multi-faceted approach from all of us collectively.

This May and onward, let’s join together to honor, encourage, include, and protect Older Americans.

OPAA Training

The 2024 OPAA Spring Training held April 18th and 19th was attended by 198 prosecutors and assistant prosecutors from 52 counties along with the OAG and ODPS. The training was held at the Hilton Columbus at Polaris, which is a new venue after many years on Capitol Square at the Sheraton (AKA Hyatt.)



Muskingum county prosecutor Ron Welch gets the 2024 OPAA Spring training started with a presentation on cross examination

The OPAIA (OPAA’s Investigators Association) saw 29 attendees from 8 counties for their Spring trainer.



Kevin Horan gets his day with the OPAIA members and other county investigators with a presentation on cell phone analysis.

Both events were deemed a success! Thanks to all who attended. All CLE credits will be reported within 30 days.

More photos are available on our X feed



2024 OPAA Trainings

Summer Workshop June 21st and 22nd

Hotel Breakers Cedar Point

Information has been sent out and is also available on the OPAA website.

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 approved for another year of CLE credit. A list of available topics is located at <https://www.ohiopa.org/members.html>

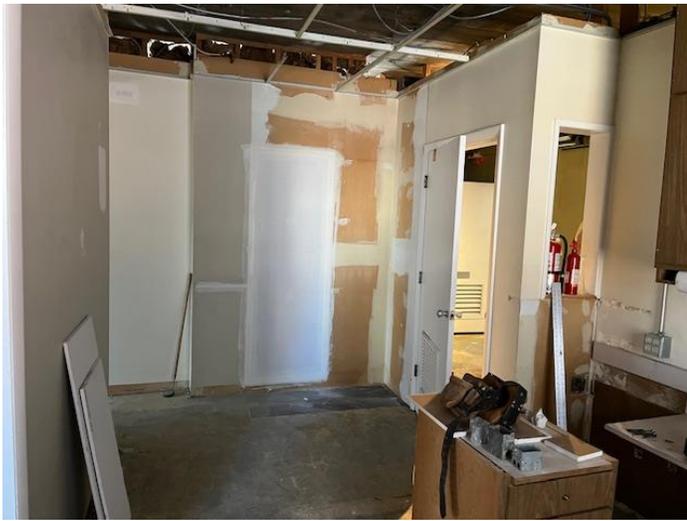
We also have a Speedy Trial webinar presented by Steve Taylor slated for 12:00 May 22. This 1.5 hour CLE is free for all OPAA members. Registration is available via Zoom at

<https://us02web.zoom.us/meeting/register/tZYpceCvpj0sG9R3i2pfY6-j2TY0084ZdfiO>

At the Office

Work continues on the third floor renovations. The majority of the demo has been completed. Old dental offices have plumbing everywhere! Each operatory had at least one sink as well as plumbing, air lines, and water in the middle of the floor that would be for the dental chair. It was quite a chore to track all the lines down in an old building but the plumber and contractor did a fantastic job finding them (mostly hidden in our ceiling) and getting them capped off. The window in the picture to the right above the ladder was behind a wall for many years. The contractor noticed it on the outside of the building and went looking for it. Not sure why it was covered, but it has been so for many years as the wallpaper layers are like tree rings for this project. He's also found doors between offices that were walled off as well!





OPAA on the road

Lou and Steve traveled to Portage County to chat with retired Summit County prosecutor Sherri Bevan Walsh and retiring (12/31) Portage County prosecutor Vic Viglucci for the first episode of our new podcast – The Ohio Prosecutor. It is available via Spotify at [podcast link](#)



Your 2024 OPAA Officers



Kevin S. Talebi
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President



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President-Elect



David P. Fornshell
Warren County
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Gwen Howe-Gebbers
Henry County
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Steven D. Barnett
Carroll County
Secretary

2024 Executive Committee Meeting Dates

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).