

Legislative News: Two-Week Review



September 18, 2023

In Case You Missed It:

[September is National Recovery Month. SAMHSA has Created a Toolkit to Support People in Recovery](#)

The Ohio Judicial Conference is dedicated to serving all Ohio judges. The Judicial Conference is the voice of the judiciary & a primary resource to ensure the fair, unbiased, open & effective administration of justice.

- **HB 259** (Reps. A. Miller, Schmidt) **Death Penalty**, introduced 9.12.23. The bill abolishes the death penalty and is a companion to the death penalty abolition bill in the Senate, SB 101.
- In [State v. Schilling](#) (Slip Opinion No. 2023-Ohio-3027), decided 8.31.23, the Ohio Supreme Court unanimously ruled that a Kentucky man convicted in Ohio courts of attempted voyeurism did not need to re-start his 10-year obligation to **register as a sex offender** and report regularly to authorities when he moved to Ohio. The decision found that nothing in Ohio law pauses SORN reporting obligations while an offender is living and reporting in another state.
- On 9.11.23, the Supreme Court published [proposed Rule amendments](#) for public comment. Of particular note are changes to:
 - AppR 26:** AppR 26(B) allows a "defendant in a criminal case" to apply to reopen an appeal based on ineffective assistance of counsel. The proposal would add others who have a right to counsel, such as a delinquent child or a defendant who cannot be restored to competence and therefore faces civil commitment.
 - CrimR 4:** The proposal sets timelines for certain post-arrest events, including requiring the court to conduct a probable cause hearing on a warrantless arrest no later than at first appearance or 48 hours after arrest (whichever happens first); and requiring the defendant's initial hearing within the second court day or 72 hours (whichever happens first), regardless of whether a warrant was issued for arrest.
 - JuvR 1:** The proposal would make clear that in proceedings for custody, parenting time, companionship, visitation, and child support (ORC Chapter 3109), it is the Ohio Rules of Civil Procedure that govern, not the Ohio Rules of Juvenile Procedure.Other proposed changes affect the Ohio Rules of Civil Procedure (4, 4.1, 4.7, 30, and 45) and the Ohio Rules of Evidence (702). The public comment period ends 10.26.23 and comments should be directed to ruleamendments@sc.ohio.gov.
- On 9.12.23, the Ohio Public Defender issued a [memo](#) regarding an amendment to OAC 120-1-10. The amendment changes the experience **requirements for appointed counsel**, for purposes of reimbursement, in an arraignment proceeding.
- The Ohio Judicial Conference conducted its Annual Meeting this past week and the Chief Justice delivered the State of the Judiciary address on 9.14.23. If you missed it, you can view the speech [online](#).
- **Did you know?** The Supreme Court of Ohio Law Library can assist you and your staff with legal research needs like scanning a definition from a dictionary or providing copies of legislative history materials. Email your research questions to libref@sc.ohio.gov.

For a complete list of bills & the latest Enactment Summaries, please visit the [OJC website](#).



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