



ENACTMENT NEWS

House Bill 123

PSI report requirements; alibi defense notification

Effective September 14, 2016

Governor Kasich signed H.B. 123 (Reps. G. Johnson and Cupp) into law on June 14, 2016. HB 123 contains a Judicial Conference platform item pertaining to pre-sentence investigation reports, and takes effect on September 14, 2016.

PSI report requirement – discretionary

Current law requires a court to order and consider a pre-sentence investigation (PSI) report before sentencing a felony offender to community-control sanctions. R.C. 2951.03. In *State v. Amos*, 140 Ohio St.3d 238, 2014-Ohio-3160, the Supreme Court observed that “while requiring a [PSI] for every felony conviction when the offender is not sent to prison is excessive and unwarranted, it is unfortunately what current law requires.”

Under H.B. 123, a court may dispense with this requirement, so long as both the defense and prosecution agree. Even if both parties agree that the PSI report should not be required, the court may still order the PSI report if it so chooses, and the bill does not affect any existing requirements regarding the Ohio Risk Assessment System, or ORAS.

Alibi defense notification

H.B. 123 also cleans up an inconsistency between the Revised Code and the Rules of Criminal Procedure. The Rules provide that if the defendant in a criminal case intends to offer an alibi defense, he or she must serve notice of this alibi upon the prosecution at least seven days before trial. The statute, however, requires only three days. H.B. 123 makes the statute consistent with the Rules, clarifying that the notice requirement for an alibi defense is in fact seven days.