

## SB 227 Attorney General Reforms Effective Date: April 2017

Senate Bill 227 was signed by the Governor on January 4, 2017. The Act makes various changes to the laws governing the duties and functions of the Attorney General and modifies judgment dormancy law. The following are portions of the bill that are of relevance to the courts.

- Current law requires any party that requires or requests a financial institution to assemble or provide a customer's financial records in connection with any investigation, action, or proceeding, to pay the financial institution for all actual and necessary costs incurred. When these costs are incurred as part of a judicial proceeding, payment is in addition to any witness fees. The Act exempts the state from the obligation to pay when the records are required under a subpoena, demand for production, request for records, or demand for inspection issued by or on motion of the Attorney General or the Organized Crime Investigations Commission. (R.C. 9.02)
- Removes the requirement that the Attorney General ensure that its public records and open meetings law training programs be CLE accredited by the Supreme Court of Ohio's Commission on Continuing Legal Education. (R.C. 109.43)
- Requires a court to take a person's or child's fingerprints at the time of sentencing or adjudication, or order them to appear before the sheriff or chief of police to do so, if fingerprinting was required but not done at the time of arrest, arraignment, or first appearance. (R.C. 109.60)
- Amends the state anti-trust law to include within the definition of "trust" a "combination of capital, skill, or acts by two or more bidders or potential bidders, or one or more bidders or potential bidders and any person affiliated with a public office, to restrain or prevent competition in the letting or awarding of an public contract in derogation of any statute, ordinance, or rule requiring the use of competitive bidding or selection in the letting or awarding of the public contract." Increases the penalty for conspiracy against trade from a first degree misdemeanor to a fifth degree felony and, under certain circumstances outlined in the Act, to a fourth degree felony. (R.C. 1331.04 and 1331.99)
- Specifies for the purposes of the consumer sales practices act that the failure of a supplier to obtain or maintain any registration, license, bond, or insurance required by state law or local ordinance for the supplier to engage in the supplier's trade or profession is an unfair or deceptive act or practice. Specifies that certain currently prohibited activities, such as encouraging a consumer to default on a mortgage or loan agreement, constitute an unconscionable act or practice in connection with a consumer transaction. (R.C. 1345.02, 1345.07, 1345.031)
- Specifies for the purposes of the consumer sales practices act that notice of cancellation of a prepaid entertainment contract may be given by email or fax in addition to manual

delivery, personal delivery, and delivery by certified mail. (R.C. 1345.24, 1345.43, 1345.44)

- Adds two sections that prevent a judgment from going dormant:
  - An order of garnishment that is issued or is continuing, or until the last garnishment payment is received by the court clerk or the garnishee files the final report, whichever is later;
  - $\circ~$  A proceeding in aid of execution that is commenced or is continuing (R.C. 2329.07)
- Adds to the definition of an "offense of violence" patient abuse committed by a person who owns, operates, or administers, or who is an agent or an employee of, a "care facility" against a resident or patient of the facility. (R.C. 2901.01)
- Requires that any "child pornography" that is offered as evidence or that comes into the custody or control of the prosecutor or the court remain in the custody or control of the prosecutor or the court to deny a defendant's request to reproduce any child pornography if the prosecutor gives the defendant, the defendant's attorney, and any individual the defendant seeks to qualify as an expert witness ample opportunity to examine the child pornography where it is being held. (R.C. 2945.63)
- Requires a probation officer or county department of probation that is directed by the court to make written reports concerning a person whose record is being sealed to determine whether the person was previously fingerprinted, and if so, to include a record of those fingerprints with the written report. If the person was not previously fingerprinted, the court must order the person whose record is being sealed, to be fingerprinted by the sheriff; the sheriff must forward those fingerprints to the court, and the court must forward the fingerprints and a copy of the sealing order to BCII. (R.C. 2953.32)
- Modifies the Medicaid Estate Recovery Program form to require a beneficiary to indicate whether the deceased owner had ever been a Medicaid recipient or the beneficiary's lack of knowledge on the subject; the same is required regarding a predeceased spouse. (R.C. 5302.221)