



January 4, 2021

In Case You Missed It:

[*Touching White Highway Line Isn't Valid Reason for Traffic Stop, Ohio Supreme Court Rules; cleveland.com, December 22, 2020*](#)

[*Ohio Public Health Orders*](#)

The Ohio Judicial Conference is dedicated to serving all Ohio judges. It is the primary resource to ensure the fair, unbiased, open, and effective administration of justice.

Legislative News: Two-Week Review

- [**HB 1**](#) (Reps. Plummer, Hicks Hudson) **ILC and Criminal Record Sealing**, the House concurred in Senate amendments, 12.22.20. The bill expands ILC by requiring an eligibility hearing if defendant alleges a drug or alcohol problem; makes felony sex offenses ineligible for ILC; expands eligibility for sealing criminal records.
- [**SB 10**](#) (Sen. Wilson) **Theft in Office**, conference report agreed to, 12.17.20. The bill increases the penalty for theft in office and includes auditing costs in the cost of restitution. An amendment to the bill modifies the county auditors' process for issuing warrants for payment of county obligations.
- [**HB 24**](#) (Rep. Hambley) **Humane Societies and Animal Impoundment**, signed by the Governor, 12.29.20. The bill requires that the judge who ordered the initial impoundment of animals be the same judge that approves any agreement made between the prosecution and the animal owners.
- [**SB 312**](#) (Sen. McColley) **Hardin County Common Pleas Court**, sent to the Governor for signature, 12.29.20. The bill creates a Domestic Relations Division of the Hardin County Common Pleas Court.
- [**HB 431**](#) (Reps. Abrams, Carfagna) **SORN Reclassification; Human Trafficking**, House concurred in Senate amendments, 12.22.20. The bill contains the provisions of [**SB 47**](#) (which allows for SORN reclassification in a narrow set of circumstances and of [**SB 13**](#), which alters slightly the procedure for holding charges in abeyance for a juvenile suspected of being a human trafficking victim.
- On 12.17.20, the Ohio Supreme Court decided [*State v. Rue \(Slip Opinion No. 2020-Ohio-6706\)*](#), holding that **absconding does not toll a period of community control** unless there is a declaration by the court that the defendant is an absconder; and [*State v. Hackett \(Slip Opinion No. 2020-Ohio-6699\)*](#), holding that limits placed on **standby counsel** do not violate the 6th Amendment.
- On 12.22.20, the Court decided [*State v. Taylor, Slip Opinion No. 2020-Ohio-6786*](#), holding that trial courts are **not required to make specific findings** on the record to justify a fee assessment permitted under R.C. 2941.51(D). Court-appointed-counsel fees may be assessed at the sentencing hearing but cannot be included as a part of the defendant's sentence. In [*In re Adoption of Y.E.F., Slip Opinion No. 2020-Ohio-6785*](#), the Court held that indigent parents in adoption proceedings must be afforded the **same right to appointed counsel** that is statutorily provided to indigent parents in permanent-custody proceedings; and in [*State v. Patrick, Slip Opinion No. 2020-Ohio-6803*](#) it stated that R.C. 2953.08(D)(3) **does not preclude an appellate court from reviewing a sentence** imposed by a trial court for aggravated murder when a defendant raises a constitutional claim regarding that sentence on appeal. A trial court must separately **consider the youth of a juvenile offender** as a mitigating factor before imposing a life sentence under R.C. 2929.03.
- On 12.23.20, the Court decided in [*State v. Weber, Slip Opinion No. 2020-Ohio-6832*](#) that R.C. 2923.15, which prohibits a person from **carrying or using a firearm while intoxicated**, is not unconstitutional, even applied to a person carrying a firearm in his or her home.

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



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