

Legislative News: Two-Week Review



July 24, 2023

In Case You Missed It:

[*Justices Throw Out Colorado Man's Stalking Conviction in First Amendment Dispute; SCOTUS Blog, June 27, 2023*](#)

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.

- **[SB 135](#)** (Sens. DeMora, Hicks-Hudson) **New Civil Offense**, introduced 7.18.23. The bill prohibits filing false or fraudulent claims with the state to defraud the state of money or property. Someone who commits this offense is liable to the state for a civil penalty of at least \$5,000 but not more than \$10,000 for each false or misleading claim, plus three times the amount of damages that the state sustains because of the violation. The penalty can be mitigated if a court finds that a person cooperated with an investigation into the fraud (to 2x the amount of damages that the state sustains because of the violation, plus the costs of a civil action.)
- **[HB 245](#)** (Reps. King, Williams) **New Criminal Offense**, introduced 7.17.23. The bill creates the offense of Unlawful Adult Cabaret Performance (RC 2907.39 (A)(4)), which defines an adult cabaret performance to include drag and prohibits any such performance outside of an adult cabaret. The offense is an M1; it is an F5 if it is obscene and an F4 if it is obscene and a juvenile younger than 13 witnesses it.
- **[Recent changes](#)** to the Rules of Practice and Procedure, including rules encouraging increased use of technology in the courts, went into effect 7.1.23 (CivR . Also effective 7.1.23, the bail schedule rule in the Rules of Superintendence ([SupR 5.02](#)) was repealed. **[Proposed changes](#)** to the Rules of the Government of the Bar are open for public comment until 8.31.23.
- In [State v. Stadler](#) (Slip Opinion No. 2023-Ohio-2359), decided on 7.13.23, the Ohio Supreme Court decided that a claim that a prosecutor is excluding jurors from a criminal trial based on gender must be supported by some relevant facts rather than just an allegation.
- In [Krewina v. United Specialty Insurance](#) (Slip Opinion No. 2023-Ohio-2343), decided on 7.12.23, the Ohio Supreme Court decided that, when a commercial general-liability insurance policy excludes coverage for injuries arising out of "assault or battery," subjective intent of person who committed the assault or battery is irrelevant.
- On 6.23.23, the Ohio Public Defender issued an [update](#) on the **FY23 reimbursement rate** for indigent defense. On 6.28.23, the OPD issued a [memo](#) about a change in the **capital fee rate**; the Capital Case Attorney Fee Council has changed the rate for capital representation to \$140 per hour effective 7.17.23. On 7.7.23, the OPD issued a [memo](#) about the **FY24-FY25 reimbursement rate**.
- **Did you know?** The OneOhio Recovery Foundation was created at the direction of Ohio's state and local leaders to distribute 55% of the funds the state will receive from the pharmaceutical industry as a consequence of its role in the national opioid epidemic. Courts can apply to be [OneOhio](#) grantees.
- **Did you know?** The Supreme Court of Ohio Law Library can assist you and your staff with legal research needs like obtaining LSC analyses back to the early 1960s or determining when a certain word or phrase was added to an existing statute. Email 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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