



# BillBoard

DECEMBER 19, 2019



BillBoard is a publication of the Ohio Judicial Conference that lists bills the Judicial Conference staff is monitoring on behalf of Ohio Judges and that tracks the status of items on the Judicial Conference Legislative Platform. Bills marked as having a judicial impact are priority bills that the Conference supports, opposes, or seeks to amend. Bills without such a designation are bills that have a minimal impact or that are of interest to judges.

The Ohio Judicial Conference exists for the purpose of studying the coordination of the work of the several courts of Ohio, the encouragement of uniformity in the application of the law, rules, and practice throughout the state and within each division of the courts as an integral part of the judicial system of the state; to promote an exchange of experience and suggestions respecting the operation of the judicial system; and in general to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement. We are authorized by Revised Code section 105.911 to determine the judicial impact of bills and resolutions introduced in the General Assembly.

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PROGRESS REPORT  
2019-2020 LEGISLATIVE PLATFORM

(UPDATED 3-13-19)

PLATFORM ISSUE	ACTIONS/STATUS
<b>TCAP (Targeted Community Alternatives to Prison) and RC 2929.15.</b> TCAP is not working as intended and needs to be reviewed and altered. The 90- and 180-day sanctions caps in RC 2929.15, in many cases, undermine the purpose of probation.	
<b>Criminal Code, Traffic/DUI Law, and Drug Law Simplification.</b> Title 29, Title 39 (Drug Laws), and Title 45 (Traffic Laws/DUI Law) should be revised and simplified.	
<b>Definition of Drug of Abuse.</b> Review 4511.19, 3719.011, and 4511.181 and clarify references to "drugs of abuse," "harmful intoxicants," and "dangerous drugs," especially with regard to the establishment of impairment in OVI cases.	
<b>Re-Offender Sentencing.</b> Unless the journal entry provides otherwise, a sentence imposed pursuant to R.C. § 2929.141 (Person On Release Committing a Felony) shall be served before any other sentence, including specifications. Various specifications (such as gun specifications) state that the sentence shall be served consecutively and prior to the underlying sentence, but no such direction is given regarding post-release control.	
<b>Parenting Time Enforcement.</b> A procedural mechanism is necessary to permit a parent to file a motion for parenting time enforcement, as an alternative to a motion for contempt.	
<b>Parental Duty of Support-Age Limit and School Enrollment.</b> A court should have the authority to continue a child support order beyond age 18 if, among other things, the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday.	
<b>Unemployment of Child Support Obligor.</b> To develop an automatic adjustment of a child support obligation when the obligor goes on unemployment.	
<b>Social Security Benefits.</b> To clarify that receipt of social security benefits does not require the judge to find a person legally disabled in domestic relations court.	
<b>Planned Permanent Living Arrangements (PPLA).</b> Amend 2151.353 and 2151.415 to permit juvenile courts to order PPLA if not requested by children services agencies in response to <i>In re A.B.</i> , 110 Ohio St.3d 230, 2006.	
<b>Public Pension Reform and Marital Property.</b> Title 31 should clarify that Deferred Retirement Option Plan (DROP) funds constitute marital property and that certain post-divorce and post-dissolution disability benefits are marital property. Pre-retirement rights of survivorship should be codified ( <i>Cosby</i>	

<p><i>v. Cosby</i> (96 Ohio St.3d 228, 2002)), and the state retirement systems should automatically implement court division of property orders.</p>	
<p><b>Review and Modernization of License Suspensions and Reinstatement Fees.</b> Unnecessary or ineffective suspensions should be removed from Title 45; reinstatement fees should be uniform – not vary based on reason for suspension; barriers to legal driving privileges should be removed, including for child support suspensions. Language prohibiting driving under suspension of a license should include the language “or whose privilege to obtain a license has been suspended.”</p>	
<p><b>Insurance Verification Modernization.</b> The Department of Public Safety Financial Responsibility Study Committee report (2014) recommends eliminating random verification of financial responsibility. Insurance verification has a tremendous impact on the municipal court caseload and real-time electronic insurance verification method should be implemented. Proof of insurance should also be required upon renewing or obtaining vehicle registration.</p>	
<p><b>State v. Nucklos (2009).</b> The definition of “affirmative defense” should be changed to correspond with recent case law.</p>	
<p><b>Juvenile Justice Reform.</b> Reform last drafted as 132 HB 394 should be adopted. It includes altering mandatory bindover for juveniles to adult court.</p>	
<p><b>Title 45 Corrections.</b> Several drafting errors/ambiguities were identified in Title 45, including F3 OVI Sentencing; enhanced penalties for speeding; and an affirmative defense for emergencies when driving under suspension; and huffing a harmful intoxicant should be considered an impairing drug of abuse in OVI cases.</p>	
<p><b>US/Canada Reciprocity.</b> The Ohio BMV should be authorized to enter into an agreement with Canada or the province of Ontario for the purposes of reciprocal enforcement of traffic violation sanctions.</p>	
<p><b>Probate Modernization.</b> There is a need in many counties for additional mental health professionals to have the authority to testify for involuntary commitment and continued commitment hearings.</p>	
<p><b>Municipal Court Funding and Revenue.</b> RC 1901.31(C)(1) provides that the salary of certain municipal court clerks is set by either the court or the local legislative authority, depending upon whether the court brings in enough revenue to pay for itself. The court should set the salary of its clerk, and the salary and who sets it should not be dependent upon the court’s revenue. Retired judges filling in for municipal court judges should be able to more easily complete paperwork for compensation and the county should be collecting the reimbursement from the Supreme Court.</p>	

**Uniform Computerization Fees.** The 129<sup>th</sup> GA passed an increase in computerization fees for Common Pleas General Division only. Similar provisions in other sections regarding other court jurisdictions should be increased as well.

**Court Costs in Transferred Cases.** Levying a cost in a case when the juvenile is transferred should not automatically create a final disposition of the case.

**Court Reporting and Transcripts.** Sec. 2301.18 through .26 should be consistent with current practices and should be able to accommodate future technological changes in court technology.

**Segregation of Funds Collected by Courts.** State and county auditors should keep all monies collected by a court in a segregated account, separate from the general revenue funds at the state, county, and local levels.

**“Safe Harbor” Provision for Trafficked Juveniles.** Currently, the law allows a charge against a juvenile to be held in abeyance if the juvenile is a victim of human trafficking but allows only a 90-day time frame for the abeyance, with the possibility of 2 extensions. This time frame should be extended or left open-ended to allow for the extensive treatment necessary for a trafficked juvenile.

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## OHIO JUDICIAL CONFERENCE FACT SHEET

### ***THE OJC IS AN INTEGRAL PART OF THE JUDICIAL BRANCH OF GOVERNMENT.***

With every sitting judge in Ohio in its membership, the Ohio Judicial Conference is *the* voice of Ohio's judges. The Conference is organized into 20 working committees that review statutes, legislation, and court rules, and make recommendations aimed at improving the administration of justice. The Conference provides critical analysis of legislative initiatives and makes suggestions for reform and modernization through its legislative platform. The Conference publishes reports, impact statements, enactment news, policy statements, model rules, bench books, resource guides, and newsletters, and writes the Ohio Jury Instructions. The Conference advances judicial and legal education through continuing legal education events in collaboration with the Ohio Judicial College and Ohio State Bar Association.

### ***THE OJC GIVES YOUR LOCAL JUDGES A FORUM, A RESOURCE, AND A VOICE.***

The members of the Judicial Conference are kept apprised of legislative developments that impact court administration, criminal, civil, traffic, probate, domestic relations, and juvenile law. The Conference enables judges, who often have divergent opinions individually, to build consensus and speak with one voice. It acts as a forum for them to review and render opinions on the construction and effect of legislation, rules proposals, and other initiatives, and to suggest statutory and rule changes to address problems plaguing the administration of justice. It provides a meaningful way for judges to maintain effective communications with their colleagues, learn about changes in the law, and share ideas for implementation in Ohio's diverse communities.

### ***THE OJC PROVIDES LEGISLATORS INSIGHT, INFORMATION, AND ANALYSIS.***

Judges solemnly respect the distinct and separate roles of the legislature, judiciary, and executive branches of government. The Ohio Judicial Conference was statutorily created to serve the Ohio Legislature by providing insight into proposed legislation that could impact courts. The Conference strives to be a resource to the members of the General Assembly. All legislators have access to the Ohio Judicial Conference as a source of judicial feedback, research, and recommendations. Judges are in a unique position to provide early insight and perspectives on the practical impact of changes in the law that will help to avoid unintended consequences and protracted litigation. The combined experience of the Conference's judges give legislators insight that otherwise might be overlooked, to the detriment of the legislative process and the uniform administration of justice.

### ***THE OJC HELPS TO INSTILL PUBLIC CONFIDENCE IN THE JUDICIARY.***

Public confidence in the judiciary is one of the priorities of the Ohio Judicial Conference. When the Conference reviews bills, a significant and practical focus is how that bill will impact the public's access to the courts, their ability to obtain justice, and their right to be treated fairly under the law. Another of the Conference's priorities is to provide the General Assembly with insight on how legislation impacts court caseload and workload, insight that helps control the costs to the public of operating Ohio's courts.