



BOARD

Long /Willamowski Letter

After three interim budgets, Governor Ted Strickland signed Substitute House Bill 1 (the biennial budget bill) into law on Friday, July 17, 2009. With that work complete, members of the 128th Ohio General Assembly have gone back to their districts for a summer break.

Inside this issue you will find a short article on the provisions in House Bill 1 that are of particular interest to members of the judiciary, including how court costs were raised to fund indigent defense and how the Lorain County family court judges had their jurisdiction revised right in the middle of their terms.

During the state budget process, the Ohio Judicial Conference faced a surprising challenge in the Senate which necessitated quick action and a trip to Columbus for several judges to testify on a Saturday morning before the Senate Finance and Financial Institutions Committee. Letters and calls of support came from judges across the state, friends in the General Assembly as well as the Ohio Public Defender's Office, with whom the Judicial Conference has worked collaboratively over the years to improve indigent defense.

Inside you will see that the Judicial Conference has been busy monitoring legislation, including bills that were part of our 2009-2010 Legislative Platform. These initiatives are finding interested sponsors and are making their way through the law making process. You will find articles on several other bills, not part of our platform, but of interest to judges and courts. Take a look at the articles as well as the list of bills we are following.

A special note of "Good Luck" is wished to Corie Marty, who has resigned her position as Legislative Liaison. Corie will be sorely missed, but we wish her well in her new position.

Have a great summer! We hope to see you at the September Annual Meeting!

*Judge Jan Michael Long, Pickaway County Probate/Juvenile Court
Judge John Willamowski, Third District Court of Appeals
Co-Chairs, Ohio Judicial Conference Legislative Committee*

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2009 Ohio Judicial Conference Law & Procedure Committees

Civil Law & Procedure Co-Chairs

Judge James A. Brogan
Second District Court of Appeals
 Phone: 937-225-4464

Judge William R. Finnegan
Marion County Common Pleas Court
 Phone: 740-223-4220

Staff contact: Andre Imbrogno

Domestic Relations Law & Procedure Co-Chairs

Judge Cheryl S. Karner
Cuyahoga County Domestic Relations Court
 Phone: 216-443-8809

Judge David Lewandowski
Lucas County Domestic Relations Court
 Phone: 419-213-6824

Staff contact: TBA

Court Administration Co-Chairs

Judge Jim Shriver
Clermont County Municipal Court
 Phone: 513-732-7396

Judge Lynn Slaby
Ninth District Court of Appeals
 Phone: 330-643-2250

Staff contact: Donna Childers

Juvenile Law & Procedure Co-Chairs

Judge Margaret A. Clark
Browne County Probate/Juvenile Court
 Phone: 937-378-6549

Judge Jim D. James
Stark County Family Court
 Phone: 330-451-7307

Staff contact: TBA

Criminal Law & Procedure Co-Chairs

Judge William J. Corzine
Ross County Common Pleas Court
 Phone: 740-702-3032

Judge Janet Grubb
Franklin County Municipal Court
 Phone: 614-645-8207

Staff contact: Andre Imbrogno

Probate Law & Procedure Co-Chairs

Judge Jan Michael Long
Pickaway County Probate/Juvenile Court
 Phone: 740-474-3117

Judge Jack R. Puffenberger
Lucas County Probate Court
 Phone: 419-213-4775

Staff contact: TBA

Legislative Committee Co-Chairs

Judge Jan Michael Long
Pickaway County Probate/Juvenile Court
 Phone: 740-474-3117

John R. Willamowski
Third District Court of Appeals
 Phone: 419-224-3828

Staff contact: Donna Childers

If you have any questions about any of the articles in *Bill Board*, please contact the Judicial Conference Legislative Activities Staff listed on the following page.

2009 Ohio Judicial Conference Law & Procedure Committee Meetings

Civil Law & Procedure

September 16, 2009

8:00 – 9:45 a.m.
(in conjunction with OJC Annual Meeting)

December 11, 2009

2:00 – 4:00 p.m.

Court Administration

September 18, 2009

1:00 – 3:00 p.m.
(in conjunction with OJC Annual Meeting)

November 5, 2009

6:00 – 8:00 p.m.
(in conjunction with OJC Executive Committee)

Criminal Law & Procedure

December 2, 2009

6:00 – 8:00 p.m.

Domestic Relations Law & Procedure

September 16, 2009

6:00 – 9:00 p.m.
(in conjunction with OJC Annual Meeting)

November 30, 2009

6:00 – 9:00 p.m.

Juvenile Law & Procedure

September 15, 2009

11:00 a.m. – 2:00 p.m.

December 11, 2009

1:00 – 4:00 p.m.

Probate Law & Procedure

September 16, 2009

3:00 – 5:00 p.m.
(in conjunction with OJC Annual Meeting)

November 5, 2009

2:00 – 4:00 p.m.

Ohio Judicial Conference

65 South Front Street, 4th Floor
Columbus, OH 43215

Telephone: 614-387-9750
800-282-1510

www.ohiojudges.org

Mark R. Schweikert

Retired Judge and Executive Director
Mark.Schweikert@sc.ohio.gov

Legislative Activities Staff

Donna E. Childers, Ph.D.

Legislative Activities Coordinator
Donna.Childers@sc.ohio.gov

Andre Imbrogno, Esq.

Legislative Liaison
Andre.Imbrogno@sc.ohio.gov

Alyssa Guthrie

Legislative Assistant
Alyssa.Guthrie@sc.ohio.gov

Judicial Services Staff

Mark Miars, Esq.

Judicial Services Coordinator
Mark.Miars@sc.ohio.gov

Chris Arndt

Project Specialist
Chris.Arndt@sc.ohio.gov

Trina Bennington

Administrative Assistant
Trina.Bennington@sc.ohio.gov

Jennie Long

Program Specialist
Jennie.Long@sc.ohio.gov

Jayma Umbstaetter

Fiscal Specialist/Office Manager
Jayma.Umbstaetter@sc.ohio.gov

For further meeting information, visit the
Judicial Conference website at
www.ohiojudges.org. Click on
Committees.

Judicial/Legislative Relations

Judicial Conference Funding Threatened in Budget Version

Due to Ohio's severe budget shortfall this year, the existence of the Ohio Judicial Conference was threatened. Judicial Conference staff learned on Friday, May 31st, that the Senate Finance Committee was adopting a budget that zeroed out funding for the Conference and eliminated all its enabling statutes in the Revised Code. Executive Director Mark Schweikert along with Judges Sheila Farmer, Jim James, Jan Long and Everett Krueger appeared at the budget hearing held the next morning to testify in favor of continued financial support of the Conference. At the same time, judges around the state began to contact their local legislators arguing against the elimination of the Judicial Conference. Thanks to some helpful leadership from several Senators, the Conference was quickly restored by a friendly amendment just days later. The Conference still suffered at 20% reduction in its budget including elimination of the earmark for the State Council on Uniform State Laws and the state dues to the National Conference of Commissioners on Uniform State Laws which remains unfunded. The Ohio Judicial Conference is thankful to the General Assembly for their recognition of the value of the Ohio Judicial Conference and for the outpouring of support we received from both houses.

In addition, the Ohio Judicial Conference thanks Tim Young and the Office of the Ohio Public Defender for their support. The Public Defender's Office issued an open letter of support within days of learning that the Senate Finance Committee was considering the elimination of the Judicial Conference.

Blue Ribbon Testimony



We thank the following individuals for presenting testimony and/or being available during spring 2009 to answer questions at hearings before the 128th Ohio General Assembly on behalf of the Judicial Conference:

Judge

Legislation/Issue

Committee

Judge James Shriver	House Bill 1/IDAT House Bill 17	House Finance/Human Services Subcommittee House Transportation and Infrastructure
Judge Mark Schweikert	House Bill 3	House Housing and Urban Revitalization
Judge William Corzine	Senate Bill 22	Senate Judiciary – Criminal Justice
Judge Robert Hoover	House Bill 103	House Judiciary
Judge Sheila Farmer	House Bill 1/OJC Funding	Senate Finance
Judge Jim James	House Bill 1/OJC Funding	Senate Finance
Judge Jan Long	House Bill 1/OJC Funding	Senate Finance
Judge Everett Krueger	House Bill 1/OJC Funding	Senate Finance

Goodbye Corie

In July 2009, Judicial Conference Legislative Liaison Corie Ann Marty accepted a position in the Columbus office of Barnes & Thornburg LLP. We thank Corie for all of her hard work during her tenure with the Judicial Conference. Her dedication and professionalism will be missed. We hope and expect that Corie's new endeavor will bring her great success.



Senator Bob Schuler Passes; Representative Shannon Jones Appointed to Vacancy

The Ohio Judicial Conference regrets to report that Senator Bob Schuler (R-Warren County) passed away earlier this year after a long battle with cancer. Senator Schuler represented the 7th district. He previously served in the Ohio House of Representatives. Shannon Jones (R-Springboro) was appointed in August to serve out the remainder of Senator Schuler's term. Senator Jones was in her second term in the House of Representatives. She holds a B.A. in Communications from the University of Cincinnati. Her movement to the Senate will leave a vacancy in House District 67.

Representative Eugene Miller Steps Down; Replaced by Robin Belcher

In May of this year, Representative Eugene Miller (D-Cleveland) resigned his seat in the Ohio House of Representatives to serve on the Cleveland City Council. Robin Belcher was appointed to complete his term. Ms. Belcher is a former Assistant Prosecutor for Cuyahoga County.

Appointments Made to Law Library Task Force

In June 2009 Judge Sheila Farmer, Chair of the Ohio Judicial Conference, made the following three appointments to the Task Force on Law Library Associations:

Judge Charles Schneider, Franklin County Common Pleas Court

Judge James Shriver, Clermont County Municipal Court

Law Librarian Keith Blough, Franklin County

According to Judge Farmer, the Officers of the Ohio Judicial Conference reviewed this matter at their June 5, 2009 meeting and decided to ask Judge Charles Schneider to continue to represent the interests of the Ohio judiciary on the Task Force. Judge James Shriver and Keith Blough were asked to fill two other judicial vacancies.

The Judicial Conference has been very pleased that Judge Schneider was able to achieve significant results as Chair of the Task Force during the difficult period when the reform measures were being developed.

Budget News

Biennial Budget Bill Passes

Effective Date: July 17, 2009

*unless otherwise indicated

Amended Substitute House Bill 1 contains the following provisions of interest to Ohio courts and judges:

LOCAL COURTS

Acting Judge

ORC Sections 1901.121,
1907.14

These changes eliminate the responsibility of the Supreme Court of Ohio to reimburse local funding authorities the compensation paid to acting judges. *Effective October 16, 2009.*

County Employee Furlough

ORC Section 124.393

This new section authorizes county appointing authorities establish “mandatory cost savings programs” of not more than 80 hours in state fiscal years 2010 and 2011. The County Commissioners Association of Ohio, in combination with the Ohio Council of County Elected Officials, is preparing a model policy that should be available sometime in August 2009.

Columbiana Payroll

ORC Section 1901.31

This change authorizes the payroll administrator of Columbiana County Municipal Court to pay the clerk semi- monthly or biweekly. *Effective October 16, 2009.*

Lorain County Family Court

ORC Section 2101.01, 2301.02,
2301.03

This modifies the jurisdiction of the family court so that on September 28, 2009 there will be three judges with domestic relations and juvenile jurisdiction and one judge with probate jurisdiction instead of four judges with domestic, juvenile and probate jurisdiction.

TRAFFIC

Traffic Offense Penalties

ORC Sections 4507.02,
4510.11, 4510.12, 4510.16

These changes modify the penalties for permitting the operation of a motor vehicle by an unlicensed driver and driving under suspension for failure to pay child support or appear to pay court fines to unclassified misdemeanors with a fine up to \$1000 and term of community service up to 500 hours on a first offense. The offenses are first degree misdemeanors for offenders with two or more previous offenses within three years. These changes also modify the penalty for driving in violation of a license restriction to a first degree misdemeanor with no required license suspension. In addition, the changes modify the penalties for operating a motor vehicle without a valid license to make the penalty an unclassified misdemeanor with a fine up to \$1000 and term of community service up to 500 hours if the offender has never held a valid license. The penalty is a minor misdemeanor if the offender’s license was expired for any period. Driving without a valid license is a first degree misdemeanor if the offender has three or more such violations within three years. Lastly, the changes make driving under financial responsibility suspension or cancellation an unclassified misdemeanor with a fine up to \$1000 and term of community service up to 500 hours on a first offense and first degree misdemeanor with two or more previous offenses within three years. *Effective October 16, 2009.*

Motor Vehicle Equipment Violations

ORC Sections 4513, 4549

The changes reclassify a series of offenses in ORC Chapters 4513. and 4549., generally vehicle equipment violations, as minor misdemeanors regardless of prior similar offenses. *Effective October 16, 2009*

I.D.A.T. Fund Report

ORC Section 4511.191

This requires each alcohol and drug addiction services board and board of alcohol, drug addiction, and mental health services to submit an annual report for each indigent driver’s alcohol treatment fund in the board’s area. The report will provide the total payment that was made from the fund during the reporting period, including the number of indigent consumers that received treatment services and the number of those individuals who received an alcohol monitoring device. The report must also include the fiscal year balance of each fund.

FEES AND COSTS

**Civil Action Legal Aid/
Public Defender Filing Fees**

ORC Sections 1901.24, 1901.26,
2303.201

These changes require a court to forfeit the money it is authorized to retain from filing fees in the event that the court fails to transmit the remainder of the filing fees in a manner prescribed by the treasurer of state or by the Ohio legal Assistance foundation. *Effective October 16, 2009.*

Supreme Court Filing Fee

ORC Section 2503.17

This raises from forty to one hundred dollars the filing fee the Supreme Court must charge for each case entered upon the docket, except to an indigent party. *Effective October 16, 2009.*

**Reparations for
Victims of Crime**

ORC Section 2743.51

This change lowers the maximum allowable attorney’s fees from a \$2,500 total and \$150 per hour rate to a \$1,320 total and \$60 per hour rate. It also provides that the attorney and firm cumulative total must not exceed \$30,000 in a calendar year, clarifies that these total maximums do not apply to legal aid society or an attorney who is an employee of a legal aid society, and authorizes the fees to include reasonable travel time assessed at a rate not exceeding \$30 per hour. *Effective October 16, 2009.*

**Indigent Defense
Support Fund**

ORC Sections 120.08,
2937.22, 2949.091,
2949.111, 4507.45,
4509.101, 4510.22

These changes impose a \$25 surcharge on bail postings, increase from \$15 to \$30 the costs on felony offenses, increase from \$15 to \$20 the costs on misdemeanor and moving traffic offenses, and imposes a \$10 cost on non-moving traffic offenses, increases from \$30 to \$40 the fee for license reinstatement, increases from \$75 to \$100 the fee for first violations of financial responsibility reinstatement fee, increases from \$250 to \$300 for second violations of financial responsibility reinstatement fee, increases from \$500 to \$600 for three or more violations of financial responsibility reinstatement fee, and increases from \$15 to \$25 the driving under suspension reinstatement fee. These increased costs and fees go to the Indigent Defense Support Fund. *Effective October 16, 2009.*

**Protection Orders and
Electronic Monitoring**

ORC Section 2903.14

This change makes discretionary the power of the court to pay for the costs of the installation and monitoring of the electronic monitoring device to be paid out of reparations funds, sets an upward limit of \$300,000 per year on the amount that can be paid from the reparations fund, and authorizes the attorney general to promulgate rules governing the use and payment of reparations fund for electronic monitoring devices. *Effective October 16, 2009*

<u>AGENCY</u>	<u>FY 2010 GRF</u>	<u>FY 2011 GRF</u>	<u>Other Funds 2010 2011</u>
Public Defender Commission ORC Section 361.10	\$20,794,297	\$16,770,040	\$189,237,103
Supreme Court of Ohio ORC Section 313.10	\$135,498,312	\$135,748,312	\$285,979,173
Ohio Judicial Conference ORC Section 311.10	\$800,000	\$800,000	
Commission on Dispute Resolution and Conflict Management ORC Section 263.10	\$250,000	\$0	
Legal Rights Service ORC Section 317.10	\$246,619	\$246, 619	
<i>*LRS was required to conduct a study concerning potential transition from a public entity to a nonprofit organization.</i>			

House Bill 1 (Budget Bill), 128th GA
Indigent Defense Support Fund (IDSF)
Effective October 16, 2009

Code Reference	Description of change	Cost/Fee Increase
R.C. 2937.22	Imposes a \$25 surcharge on bail postings. The \$25 goes to the Indigent Defense Support Fund	Surcharge increases from \$0 to \$25.
R.C. 2949.091 (A)(1) and A(2). This applies to adult offenders and juvenile offenders (child determined to be a delinquent or a juvenile traffic offender)	Increases costs to be assigned on felony, misdemeanor, and traffic offenses. These costs and increases (\$15, \$5, and \$10) go to the Indigent Defense Support Fund.	Costs on felony offenses are increased from \$15 to \$30. Costs on misdemeanor and moving traffic offenses are increased from \$15 to \$20. Costs on non-moving traffic (except parking) offenses increase from \$0 to \$10.
R.C. 2949.111	Clarifies that costs from R.C. 2949.091 are to be deposited in the Indigent Defense Support Fund (not the general revenue fund)	
R.C. 4507.45	Increases license reinstatement fee. The \$10 increase goes to the Indigent Defense Support Fund.	Fee for reinstatement fee is increased from \$30 to \$40.
R.C. 4509.101	Increases financial responsibility reinstatement fee. The increases (\$25, \$50, \$100) go to the Indigent Defense Support Fund.	Fee increases from \$75 to \$100 for first violation. Fee increases from \$250 to \$300 for second violation. Fee increases from \$500 to \$600 for three or more violations.
R.C. 4510.22	Increases the driving under suspension reinstatement fee. The \$10 increase goes to the Indigent Defense Support Fund.	Fee increases from \$15 to \$25.

Judges and the Courts

Representative Huffman Working on Court Cost Legislation

In July 2008 the Joint Committee to Study Court Costs and Filing Fees issued its *Report and Recommendations*. The Joint Committee included several legislators, including Steve Austria, Kevin Bacon, Keith Faber, and Mike Foley. Also serving were Judges Michael Grigsby, Robert Hickson, and Lance Mason (who was a legislator when he served on the Joint Committee). The Joint Committee was co-chaired by Representative Matt Huffman and Supreme Court of Ohio's Administrative Director, Steve Holon.

Among the recommendations most interesting to Ohio judges were:

- Court costs should be reasonable, nominal and directly related to the operation and maintenance of the court.
- There should be an increase in the court computerization fee to cover the increased costs of technology.
- There should be an increase in certain probate fees.
- The General Assembly should amend current law to give trial courts the statutory authority to suspend the imposition or payment of costs after the court has imposed sentence.
- Courts should be given authority to dispose of uncollectible debt.

Representative Matt Huffman has contacted the Ohio Judicial Conference to solicit judicial input while he is in the process of developing comprehensive legislation to implement the Joint Committee's recommendations. We will continue to follow this work closely and to keep you informed.

Help for Judges and Local Funding Authorities

The Court Administration Committee is sponsoring a "collaborative project on the local budget process," which has been working all year with representatives from the judiciary and the Supreme Court of Ohio, the County Commissioners Association of Ohio, the Ohio Municipal League, and the Commission on Dispute Resolution. Representatives from these organizations have been meeting regularly to develop a "Resource Manual for Judges and their Funding Authorities."

They will be sponsoring a series of breakouts at the upcoming Annual Meeting of the Ohio Judicial Conference. The budget breakouts will begin at 8:00 a.m. on September 18, 2009 and go through 12:15 p.m. on that same date. The Collaborative Project invites your comments on their proposed manual, which can be viewed by visiting ohiojudges.org and clicking on the front page link to the "budget manual."

For additional information, please call Donna Childers, the OJC liaison to the Court Administration Committee and the person who has been staffing the Collaborative Project meetings and working groups.

Researchers Recommend Legislators Listen to Judges

Comment by Donna Childers, Ph.D.
OJC Legislative Activities Coordinator

Crime & Delinquency recently published the results of a survey research project involving Ohio judges. The researchers surveyed Ohio's common pleas judges and their reactions to Senate Bill 260 of the 126th General Assembly, which, among other things, created a mandatory 25 years to life prison term for persons convicted of rape when the victim is less than 13 years old. The researchers found that a majority of judges were concerned that the legislation undermined judicial discretion and that the harsh sentences mandated by Senate Bill 260 might undermine plea bargaining and ultimately lead to fewer offenders spending time in prison. By controlling for things like partisan affiliation, the researchers found that judicial assessments of Senate Bill 260 were formed irrespective of party identification and regardless of the level of support judges had for the harsh sentences.

Researchers Timothy Griffin and John Wooldredge confirm things we know about the importance of judicial discretion, the desire of judges to be fair and impartial, and the commitment judges have to a just outcome for the individual and safety for the community.

This research goes a long way toward displacing the myth of judicial leniency and recognizing that judges are focused on outcomes rather than ideology. Nonetheless, the research does judges a disservice when it perpetuates the myth of judicial elitism by suggesting that judges "are contemptuous of the political process," concluding that the "process of infusing reason into public crime control policy will never be easy," and recommending that state

legislatures listen to their judges the next time they are "confronted with similar spasms of reactionary response to moral panic."

It's surprising to anyone who actually observed the activity of Ohio judges how these researchers could have not seen what the reality of the situation was. Here are some facts that the researchers missed:

- The Criminal Law & Procedure Committee of the Ohio Judicial Conference analyzed the impact of Senate Bill 260 and reported its concerns to the General Assembly.
- The Ohio Criminal Sentencing Commission, which contains judges, completed a thorough analysis of Senate Bill 260 and submitted it in writing to the General Assembly.
- Judges were keenly aware of the political environment that surrounded enactment of Senate Bill 260.
- Steve Austria, the sponsor for Senate Bill 260, and other legislators recognized the importance of talking to judges about the potential impact of Senate Bill 260; they reached out to local judges, the judicial associations, and the Judicial Conference to gain an understanding of the full implications of Senate Bill 260.
- Legislators have long recognized the need for independent feedback prior

to and during the lawmaking process; they created the Ohio Judicial Conference (OJC) in 1963 and Ohio Criminal Sentencing Commission (OCSC) in 1990.

These facts provide a more complete view of Ohio judges. Far from “cynical” and “contemptuous” of the law making process, Ohio judges are elected public officials who take public concerns seriously, treat the public and legislators with respect, express positions openly and transparently, and engage in collaboration and partnership with other officials to keep sexual predators off the streets.

Ohio’s judges have a long history of service on OJC committees that review legislation

and policy initiatives. They provide their analysis and feedback through letters, impact statements, testimony before House and Senate hearings, and participation in work groups and meetings. The Ohio Judicial Conference is the organization that brings judges from across jurisdictions together to work collaboratively with members of the Ohio General Assembly to improve the effectiveness of Ohio laws.

If you are a judge and would like to make improvements to the administration of justice, please join one of the many Judicial Conference committees that analyze the judicial impact of legislation. If you are a legislator, please contact the Ohio Judicial Conference whenever you would like judicial feedback on a legislative proposal.

You can find
“Judges Reactions to Ohio’s Jessica’s Law”
by Timothy Griffin and John Wooldredge
on our website at ohiojudges.org.

Steve Austria served in the Ohio Senate where he sponsored Senate Bill 260. He was elected to the U.S. House of Representatives in 2009.

Un-Forfeited Bail Issue Subject of Committee Discussion

The Court Administration Committee of the Ohio Judicial Conference was recently asked to consider whether rule or statutory authorization was needed in order for judges to deduct fines and costs of the defendant from the 10% bond deposit before returning the balance to the posting person.

Although the Committee determined that judges cannot automatically deduct fines and costs from un-forfeited bail, the Committee did not believe that a rule or statutory change was needed. They determined that Crim. R. 46 of the Ohio Rule of Criminal Procedure and Ohio Revised Code sections 2937.22 and 2937.45 are appropriately clear with regard to judicial authority consistent with Constitutional requirements in Article 1, Section 9 of the Ohio Constitution and the 8th Amendment of the U.S. Constitution.

The Committee determined that the rule of law was fairly well established and that no rules or statutory changes were advisable. Here are some of the major conclusions:

1. The purpose of bail is to insure the defendant appears at all stages of the criminal proceeding and it can only be used for that purpose. You may not place limiting conditions on bail that are unrelated to the appearance of the accused. *State v. Troutman (1990) and State v. Harshman (2004)*
2. Once the defendant has appeared and the posted monies are eligible to be returned/ released/ remitted/ discharged, the court must return the monies to the person who posted the monies or gain their permission (voluntary consent) to do something else with the monies (like pay outstanding fines, costs, fees, restitution, etc).
3. The courts must have the express approval of the person who deposited the cash or securities in order to use the cash or securities deposited as bail to satisfy any legal obligation of the accused. *State v. Bedinghaus (2003); State v. Lefever (1993); State v. Warden (2005).*
4. The consent must be voluntary, and it is NOT voluntary consent to condition deposit on the consent to use the posted monies towards fees, costs, and/or restitution. *State v. Troutman (1990); State v. Wason (1990); State v. Harshman (2004)*

The Court Administration Committee welcomes your inquiries with regard to these and other matters where you believe there is a need for a rule or statutory clarification.

Criminal and Civil

CRIMINAL JUSTICE REFORM BILL AIMED AT PRISON CROWDING AWAITS SENATE FLOOR VOTE

Senate Bill 22, sponsored by Senator Bill Seitz (R—Cincinnati), contains a number of provisions relevant to the criminal justice system. As introduced, the bill proposed increasing the felony theft threshold from \$500 to \$750, encouraging community control sanctions for felony nonsupport violations, removing absconding from Adult Parole Authority (APA) supervision as an escape offense, and increasing the number of credit days an offender can earn while incarcerated. The four proposals were originally included in House Bill 1, the biennial budget bill, but were removed from that bill before it was passed by the House of Representatives.



Senator Bill Seitz
(R-Cincinnati)

Each of the proposals is intended to alleviate Ohio's prison crowding problem. Recent estimates put Ohio's prison population at over 50,000 inmates. The Ohio Department of Rehabilitation and Correction (DRC) predicts substantial increases in the prison population over the next ten years, reaching over 59,000 inmates by 2018.

The Judicial Conference's Community Corrections and Criminal Law and Procedure Committees reviewed each of the original proposals. As introduced, provisions in the bill requiring community control sanctions for felony nonsupport violations, removing absconding from APA supervision as an escape offense, and increasing the number of credit days incarcerated offenders can earn by participating in educational and vocational programs were potentially problematic from the standpoint of judicial independence and the criminal justice system's credibility. The committees concluded that some of the provisions might also undermine the principle of "truth in sentencing" that is at the foundation of Ohio's criminal sentencing system.

With the assistance of Criminal Law and Procedure Committee Co-Chair William Jhan Corzine (Ross County Common Pleas), the Judicial Conference worked with Senator Seitz, DRC, the Ohio Criminal Sentencing Commission, and other interested parties to modify the original proposals to ameliorate their potential negative impact on the criminal justice system. Those discussions resulted in a substitute version of the bill that tempers the impact of the original proposals relative to judicial discretion and truth in sentencing.

The substitute bill also includes additional sentencing options not included in the introduced version of the bill. Those additional options include allowing judges to impose a wider range of sentences relative to certain drug trafficking and drug possession offenses that currently carry mandatory terms and expanding the class of offender eligible for intervention in lieu of conviction. The substitute bill also authorizes the Director of DRC to petition courts for early release of certain prisoners who have served at least 85% of their prison terms.

The Senate Judiciary Criminal Justice Committee reported the substitute bill on June 17, 2009. Democrat members of the committee joined Senator Seitz in advancing the bill out of committee over the objections of several Republican members. Senate Bill 22 is currently awaiting a Senate floor vote.

The Judicial Conference thanks Senator Seitz and DRC for involving the Judicial Conference in Senate Bill 22's development.

SUBSTITUTE SENATE BILL 22 OVERVIEW

Felony Theft Threshold: Increases the felony theft threshold from \$500 to \$1000.

Sentencing felony nonsupport violation: For felony nonsupport violations, specifies that the sentencing court generally must first consider placing the offender on one or more community control sanctions, but provides that this preference for community control does not apply: (1) if the court determines that the imposition of a prison term is consistent with the purposes and principles of sentencing or (2) if the offender previously was convicted of or pleaded guilty to “nonsupport of dependents” that is a felony, the conviction or guilty plea occurred on or after the bill’s effective date, and the offender either (a) was sentenced to a prison term for the violation or (b) was sentenced to one or more community control sanctions and the offender failed to comply with the conditions of the sanctions.

Absconding from Adult Parole Authority: Subjects an absconder to prosecution for escape only if the person’s absconding is for a period in excess of nine consecutive months. Removes the existing requirement that sentences for escape be served consecutively to other sentences.

Earned credit for DRC inmates: Increases the potential number of credit days an offender can earn while incarcerated but conditions the availability of additional days on the type of offense committed. An offender may earn **one** day of credit per month if the most serious offense for which the offender is confined is an F1 or F2 and the offender has committed felonious assault, permitting child abuse, kidnapping, compelling prostitution, soliciting, prostitution, aggravated arson, vehicular vandalism, railroad vandalism, criminal possession or use of chemical weapon, money laundering in support of terrorism, aggravated robbery, robbery, burglary, abortion manslaughter, partial birth feticide, endangering children, escape, conspiracy, possession of deadly weapon while under detention, discharge of firearm on or near prohibited premises, engaging in pattern of corrupt activity, tampering with drugs, contaminating substance for human consumption, or conspiracy or attempt to commit, or complicity in committing any of the offenses listed above, aggravated murder, murder, or any offense for which the maximum penalty is death or life imprisonment. An offender may earn **five** days of credit per month if the most serious offense for which the offender is confined is an F1 or F2 and is not one of the offenses listed above or is an F3, F4, F5, or an unclassified felony. Makes sex offenders ineligible for credit days. Removes a provision in current law that authorizes credit days for participation in any “constructive program.” Caps the total number of credit days that an offender may earn at 8% of the total number of days in the person’s stated prison term. Requires that a person who is placed on post-release control and who is released before the expiration of the prisoner’s stated prison term by reason of earning 60 or more days of credit be subject to GPS supervision by the Adult Parole Authority for the first 14 days after release.

Cocaine and crack penalty distinction: Eliminates the distinction between the criminal penalties provided for drug offenses involving crack cocaine and those offenses involving powder cocaine, generally increasing penalties for large amounts of powder cocaine and lowering penalties for small to medium amounts of crack.

Community alternative sentencing centers: Provides for the establishment and operation by a county or two or more adjoining counties of community alternative sentencing centers for confining misdemeanants who are sentenced directly to the centers by the court under a community residential sanction not exceeding 30 days.

Judicial Release: Defines an “eligible offender” for purposes of judicial release as an offender who is serving a stated prison term that includes one or more nonmandatory prison terms that in the aggregate are 10 years or less. Extends judicial release eligibility to offenders serving stated prison terms of five years, which eligibility was inadvertently removed in House Bill 130 of the 127th General Assembly. Provides that judicial release eligibility is calculated on the basis of the amount of the aggregated nonmandatory prison term served rather than on the basis of the date on which the offender is delivered to prison.

Release Mechanisms: Authorizes DRC’s Director to petition the sentencing court for the release from prison of certain persons incarcerated under a stated prison term of one year or more who have served at least 85% of the stated prison term. If the sentence under which the offender is confined is an F1 or F2, the court must order any offender to whom it grants release under these provisions to be monitored by a GPS device, with the costs of monitoring borne by the offender through the imposition of a supervision fee or, if the offender is indigent, with the costs paid from the Reparations Fund.

Intervention in lieu of conviction: Extends intervention in lieu of conviction to offenders whose mental illness or status as a mentally retarded person was a factor leading to the commission of the offense. Extends intervention in lieu of conviction to offenders with a prior felony conviction that was not an offense of violence. Authorizes intervention in lieu of conviction for an offender charged with a drug trafficking offense that is not a felony of the first, second, third, or fourth degree. Removes the requirement for prosecutor approval of intervention in lieu of conviction for offenders charged with an F4 drug possession offense.

Mentally incapacitated inmates: Specifies that terminally ill or medically incapacitated inmates released pursuant to existing R.C. 2967.05¹ be released to a skilled nursing facility dedicated solely to the purpose of housing these inmates on behalf of DRC. Removes R.C. 2967.05’s prohibition against granting medical release to inmates serving sentences for aggravated murder or murder or a mandatory prison term for an offense of violence or any specification under R.C. Chapter 2941.

Marijuana and hashish possession and trafficking penalties: Makes the guidance used by judges in F4 and F3 marijuana trafficking cases fall under the normal rules for F4s and F5s, which steer judges toward community control sanctions. Parallel changes are made to hashish trafficking. Imposes a 5 year mandatory minimum for marijuana trafficking in the 20,000 to 40,000 gram range (rather than the current 8 years), but gives judges discretion to impose 6, 7, or 8 years. Reserves the current 8 year mandatory for marijuana trafficking involving at least 40,000 grams. Parallel changes are made to hashish trafficking. The current F1 enhancement and 10 year sentence for trafficking near a school or juvenile are not changed. Makes comparable changes regarding the 8 year marijuana possession mandatory and hashish possession mandatory.

Corrections Commission: Removes judges from the membership of a corrections commission, which oversee administration of multicounty correctional centers. Instead requires that judges form an advisory board to advise the commission.

¹ Revised Code Section 2967.05 establishes a procedure by which the Governor may order the release of medically incapacitated and terminally ill inmates as if on parole.

SENATE PASSES CRIMINAL INVESTIGATION AND DNA TESTING REFORM BILL

Senate Bill 77, sponsored by Senator David Goodman (R—Columbus), proposes a series of criminal investigation and DNA testing reforms proposed in response to recent cases in which individuals have been exonerated by DNA evidence.

As introduced, the bill's provisions included a requirement that all custodial police interrogations be electronically recorded; required that the Judicial Conference monitor police compliance with the recording requirement; created standardized police lineup procedures; imposed criminal evidence retention requirements on courts and other entities having custody of physical evidence; eliminated post-conviction DNA testing for offenders who plead guilty or no contest; and expanded post-conviction DNA testing to those on parole or post-release control, serving a community control sanction, or subject to the SORN law.

The Criminal Law and Procedure Committee reviewed the introduced version of the bill and determined that several provisions in the bill could negatively impact the judiciary. For instance, under the introduced version of the bill, a court's authority to allow unrecorded interrogations to be introduced at trial was unclear. The committee was also concerned about provisions in the bill requiring the Judicial Conference to monitor police compliance with the recording requirements. The committee concluded that requiring a judicial branch agency to oversee police practices in that manner could potentially violate the separation of powers principle.



Following the bill's introduction, the Judicial Conference participated in a series of stakeholder meetings involving the Innocence Project, Ohio Prosecuting Attorneys Association, representatives from the law enforcement community, and other stakeholders. The meetings resulted in the adoption of a substitute version of the legislation that removes provisions requiring Judicial Conference oversight of custodial interrogations; limits the interrogation recording requirement and evidence retention requirements to homicides and certain sex offenses; and clarifies that advances in DNA testing technology can, under certain circumstances, qualify an individual for post-conviction DNA testing.

The substitute bill also clarifies the admissibility of evidence obtained from unrecorded interrogations. The failure to record a statement as required under the bill does not provide a basis for excluding or suppressing a statement. However, the substitute bill does incentivize recording by creating a presumption that a defendant's statements were made voluntarily when the statements are electronically recorded in accordance with the recording requirements. The defendant then has the burden of proving that statements were not made voluntarily.

The Senate passed the substitute bill on June 24, 2009. The bill is currently pending in the House Criminal Justice Committee. The Judicial Conference will continue to closely monitor the bill and participate in its development while it is pending in the House.

HOUSE PASSES FORECLOSURE REFORM BILL WITHOUT JUDICIAL MODIFICATION PROVISIONS

House Bill 3, sponsored by Representative Mike Foley (D—Cleveland) and Representative Denise Driehaus (D—Cincinnati), proposes a series of reforms intended to address Ohio's recent increase in foreclosure filings. The introduced version of the bill imposed a six-month moratorium on residential mortgage foreclosure actions; authorized courts to modify mortgage terms; required creditors filing foreclosure complaints to transmit a payment of \$1,500 to the Department of Commerce; and prohibited clerks of courts from accepting foreclosure filings unless the filings are accompanied by certain notices, information, and disclosures.



The Judicial Conference's Civil Law and Procedure Committee reviewed House Bill 3 and identified several areas of concern with respect to the legislation. The committee concluded that authorizing courts to reduce the principal amount of mortgage loans and to reduce interest rates on those loans could constitute a contract impairment under the federal and state constitutions. The committee was also concerned that the introduced version of the bill did not provide clear standards for courts to employ in changing loan terms. In addition, the committee questioned whether the \$1,500 filing fee was constitutional under Article I, Section 16 of the Ohio Constitution (the "open courts" amendment). Lastly, the committee was concerned that prohibiting a clerk of courts from accepting complaints under certain circumstances will result in clerks' staff having to make a legal assessment as to the sufficiency of foreclosure complaints.

The committee shared its observations through written communications with the House Housing and Urban Revitalization Committee. In addition, Judicial Conference Director, Retired Judge Mark R. Schweikert, offered interested party testimony before the House Housing Urban and Revitalization Committee. During that testimony, Director Schweikert shared the Civil Law and Procedure Committee's observations about the bill and answered questions from members of the House Housing and Urban Revitalization Committee.

On May 12, 2009, the House Housing and Urban Revitalization Committee reported a substitute version of House Bill 3 in a vote that fell along straight party lines with Democrats in favor and Republicans opposed. The substitute bill maintains the six month moratorium but removes the judicial modification provisions. The substitute bill also halves the foreclosure filing fee to \$750 and transfers the responsibility for evaluating the sufficiency of the complaint from clerks to the court. The full House passed the substitute version 54-43, with three Republicans joining all present Democrats in support.

The Judicial Conference will continue to monitor House Bill 3's progress in the Senate.

Domestic Relations, Juvenile, Probate

General Assembly Considers Giving Juvenile Courts Authority to Issue Protection Orders

Substitute House Bill 10 (Civil Protection Order—Child) passed out of the House on June 25, 2009. It has been assigned to the Senate Judiciary-Civil Justice Committee, with hearings expected to begin in the fall.

The major provisions of House Bill 10 are consistent with the Ohio Judicial Conference's *2009-2010 Legislative Platform* initiative, which requested the Ohio General Assembly to expand the exclusive and original jurisdiction of juvenile courts over petitions for civil stalking protection orders when the respondent is a minor.

The version of the bill as it came out of the Ohio House contains a new section in the juvenile code authorizing protection orders against juvenile respondents based upon allegations of menacing by stalking or a sexually oriented offense. Other provisions address standing to file petitions for protection orders on behalf of minors, the right to counsel in protection order proceedings in juvenile courts, discretionary electronic monitoring of juvenile respondents, and expungement of records.

The Juvenile Law & Procedure Committee believes that these provisions will improve the administration of justice, encourage enforcement of judicial orders, increase public access to court services, and improve public confidence in the courts and legal system.

The Committee has also offered to work with the Senate Judiciary-Civil Justice Committee, which is chaired by Senator Bill Seitz, to clarify the following aspects of the bill:

- Right to Counsel in Protection Order Proceedings in Juvenile Court. The committee would like to see R.C. 2151.352 amended to include the new juvenile

protection order statute in the list of exempted civil matters. The committee would like to give the court the discretion to make appointed counsel available to indigent respondents without guaranteeing a statutory right to counsel to any other indigent parties to the proceeding.

- Notice to Parents of Petitioner or Other Appropriate Persons. The committee seeks more guidance on when notice should be provided to a parent if a petition for a protection order has been filed by the child or by someone other than the parent on the child's behalf. The committee believes that clear standards will promote more uniform implementation by judges as to when to give parents notice that a legal proceeding has been instituted by or on behalf of their children while providing exceptions when notice would not be appropriate, as in situations involving domestic or child abuse.

- Posting Bond by Juvenile Respondent Upon Issuance of a Protection Order. The committee seeks clarification that the General Assembly was intentional in its desire to expand the juvenile court's authority to require a juvenile respondent to post bond upon the issuance of a protection order under new R.C. 2151.34, thus requiring bond on cases that do not involve felony-level conduct.

- Registration of Protection Order with Clerk of Courts. The committee seeks clarification that orders involving minor respondents issued in other counties or other states are to be filed in the juvenile court of the county in which the petitioner seeks to have the order registered and enforced.

You can find the full text of Substitute House Bill 10 by visiting the website of the Ohio General Assembly at http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_10.

House Bill 197 Kinship Care Bill Introduced

Representative Marian Harris (D-Columbus) introduced House Bill 197 (Kinship Care) to require a public or private agency with temporary custody of a child to notify grandparents and adult relatives within 30 days of the child's removal from parental custody. This would make Ohio law consistent with federal mandates contained in 42 U.S.C. Section 671.

More controversial is that House Bill 197 would expand from grandparents to "qualified relatives" the class of persons who may execute a caretaker authorization affidavit or be designated as attorney in fact under a power of attorney for the purpose of exercising authority over the care, custody, and control of a child.

This bill was analyzed by three law and procedure committees of the Ohio Judicial Conference. The Juvenile, Domestic Relations, and Probate Law Procedure Committees determined that it may not be in the best interest of children to expand the use of the power of attorney and caretaker affidavits that permit someone other than the parents to exercise authority over the care, custody, and control of a child without judicial oversight or any home investigation by the Public Children Services Agency.

The Judicial Conference committees expressed concerns over problems with the existing grandparent caretaker authorization affidavit/power of attorney process, which was created by House Bill 130 of the 125th General Assembly. The committees noted experiences of

fraud in which persons may lie about their relationship to the child or may assume care and control of the child to obtain welfare or other benefits, change school districts, or keep a child away from an estranged parent.

The committees emphasized the need for investigation and supervision of custody and care arrangements to ensure that the best interests of children are met in stable, non-abusive environments. Ohio judges continue to believe that judicial oversight, despite its increase in workload for judges and others, is the most effective means of determining whether custody arrangements are in the best interest of the child.

Upon learning of the concerns of Ohio's judges, Representative Harris shared with them the results of a research project that looked at implementation of House Bill 130. There were a number of methodological problems that led the researchers to admit that the results could not be generalized. There were also individual responses that revealed that the program has had several instances where abuse and neglect of grandchildren has taken place and where the Public Children Services Agency admitted that implementation does not enhance the chances of anyone detecting the abuse or neglect.

This is an area of great importance and Ohio judges would like to meet with Representative Harris over the summer or in the early fall to discuss ways that judges can help develop legislation that would be in the best interest of Ohio's children.

ENACTED LEGISLATION

128th General Assembly

H.B. 001 Budget

Sykes

To make operating appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of state programs. The budget bill also raises court costs, fees, and surcharges to reimburse counties for indigent defense expenses; increases the felony theft threshold; encourages community control sanctions for felony nonsupport violations; removes absconding from AA supervision as an escape offense; increases the number of credit days an offender can earn during incarceration; and transfers control of indigent drivers alcohol treatment funds from courts to regional ODADAS boards. **SOME PROVISIONS EFFECTIVE IMMEDIATELY; OTHERS EFFECTIVE OCTOBER 16, 2009**

H.B. 002 Transportation Budget

Ujvagi

To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. **SOME PROVISIONS EFFECTIVE IMMEDIATELY; OTHERS EFFECTIVE OCTOBER 16, 2009**

S.B. 079 MR/DD

Stewart

To change the name of the Department of Mental Retardation and Developmental Disabilities to the Department of Developmental Disabilities and the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities and to make similar name changes for the Joint Council on Mental Retardation and Developmental Disabilities, the Mental Retardation and Developmental Disabilities Developmental Center Closure Commission and certain state and county funds. **EFFECTIVE OCTOBER 6, 2009**

OJC PENDING LEGISLATION

(with judicial impact)

128th General Assembly

For Internet access to pending legislation, visit www.legislature.state.oh.us/search.cfm

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 003 Foley, Driehaus	Home Foreclosures To declare a six-month moratorium on mortgage foreclosures, to require registration of residential mortgage servicers, to regulate residential mortgage servicers, to establish a database to track foreclosures, to adopt procedures and requirements related to residential foreclosure actions, to adopt civil and criminal penalties for violations of the bill's provisions, and to terminate the moratorium provisions of this act six months after its effective date by repealing section 2308.03 of the Revised Code on that date.	The Civil Law and Procedure Committee reviewed the legislation and determined that it had practical, technical, and constitutional problems. LETTER SENT TO REPS FOLEY AND DRIEHAUS
H.B. 005 Okey, Dodd	Transition Accounts To permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations.	FYI
H.B. 010 Brown	Dating Relationships To allow a juvenile court to issue a protection order against a child who is alleged to have committed certain offenses or domestic violence against the person to be protected and to include foster parents under the scope of the domestic violence laws.	The jurisdictional provisions of the bill that will give juvenile courts jurisdiction over civil protection orders involving juvenile respondents are consistent with the OJC Legislative Platform and will improve the administration of justice and public confidence in the law. The Juvenile Law and Procedure Committee is continuing to work with the sponsor on other provisions in the bill. LETTERS SENT TO REP. BROWN, SEN SEITZ. JUDICIAL IMPACT STATEMENT AVAILABLE
H.B. 011 Heard, Harris	Sex Offender Registration To provide that any person required to register under Ohio's Sex Offender Registration and Notification Law who establishes or occupies residential premises within one thousand feet of any school premises, recreation center, playground, or other place where it is reasonable to expect children to frequent or linger is guilty of a misdemeanor of the first degree and to require a court to order a violator to vacate the premises as part of any injunctive relief granted for the violation.	The Criminal Law & Procedure Committee reviewed this legislation and determined that the "frequent or linger" standard could be unconstitutionally vague and overbroad. The Juvenile Law and Procedure Committee is reviewing the legislation. LETTER SENT TO REPS. HEARD, HARRIS
H.B. 013 Garrison, Harris	Sex Offenders To prohibit Tier III sex offender/child victim offenders who have committed specified offenses against a victim under 16 years of age from knowingly being present on school premises or preschool or child day-care center premises.	The Criminal Law and Procedure Committee reviewed this legislation and determined that the bill's provisions may be overbroad. LETTER SENT TO REP. GARRISON ON HB 430, 127TH G.A.
H.B. 017 Uecker	Motorcycle Operations To clarify the penalties for operating a motorcycle without having either a motorcycle endorsement or the proper restricted license.	This bill is consistent with the OJC Legislative Platform and will bring clarity to a currently ambiguous area of the law.
H.B. 022 Fende	Bulk Data Requests To authorizes public offices to limit the number of bulk data requests, impose charges to cover the actual costs associated with bulk data requests, and charge for the cost of redacting certain information.	Staff will track and notify judges if enacted.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 024 Batchelder	Transition Accounts To permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural ceremonies.	FYI
H.B. 025 Adams, J.	Government Structure To reorganize the executive branch of state government.	FYI
H.B. 026 Williams, B.	Corporal Punishment To prohibit corporal punishment in all public and chartered non public schools.	FYI
H.B. 029 Mallory, Combs	Abuse of a Corpse To prohibit engaging in sexual conduct with a human corpse.	The Criminal Law and Procedure Committee reviewed the legislation and determined that the criminal penalty appeared to be disproportionate to the offense. LETTER SENT TO REP. COMBS AND REP. MALLORY
H.B. 030 Combs	Retirement Incentives To require an analysis of each proposed retirement incentive plan for Public Employees Retirement System members and to prohibit a member who participates in such a retirement incentive plan from being re-employed by the same employer.	Staff will track and notify judges if enacted.
H.B. 036 Dyer	Legislative Meetings To require expanded minutes for legislative committee meetings or a transcribed record of committee proceedings in lieu of minutes, and to require sworn testimony of all witnesses testifying before legislative committees.	FYI
H.B. 037 Dyer	Competitive Bidding To require the Department of Administrative Services to maintain a web site database including apparent low bidders who failed to be awarded a contract because they were found not to be "responsible," and to require public entities to conduct investigations when apparent low bidders are suspected of failing or fail to meet the "responsible" prong of the "responsive and responsible" competitive bidding threshold.	FYI
H.B. 040 Letson	Parenting Time To require certain employers to allow a parent to exercise court-ordered parenting time without terminating employment, reducing pay, or taking other similar action against the parent.	FYI
H.B. 044 Hagan, Huffman	Insurance Verification To eliminate the financial responsibility random verification program of the Bureau of Motor Vehicles.	FYI
H.B. 045 Ujvagi	Vehicle Headlights To require the headlights of a vehicle to be lighted when its windshield wipers are in use.	Staff will track and notify judges if enacted.
H.B. 055 Combs, Williams	Animal Cruelty To revise the penalties and sentencing provisions regarding violations of the cruelty to animals statutes and to include the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders.	The Criminal and Domestic Relations Law and Procedure Committees reviewed the legislation and determined that it limited judicial discretion with regard to the inclusion of companion animals within the scope of protection orders issued under R.C. 3113.31. LETTER SENT TO REP. COMBS AND REP. WILLIAMS
H.B. 059 Stebelton	School Athletics To prohibit disqualification of certain students who live with legal or temporary custodians or with guardians from interscholastic athletics solely because their parents do not reside in the state.	FYI

*Bill**Subject and Title**Impact***H.B. 061**

Hottinger,
Grossman

Estate Taxes

To reduce the estate tax by increasing the credit amount, to authorize townships and municipal corporations, or electors thereof by initiative, to exempt from the estate tax and any estate property located in the township or municipal corporation, and to distribute all estate tax revenue originating in a township or municipal corporation that does not exempt property from the tax to the township or municipal corporation.

Staff will track and notify judges if enacted.

H.B. 063

Letson, Fende

Civil Marriages

To permit members of the General Assembly to perform civil marriage ceremonies in Ohio.

FYI LETTER SENT TO REPS. LETSON AND FENDE

H.B. 070

Gerberry, Hagan

Companion Animals

To increase the penalty for violation of the prohibition against cruel treatment of a companion animal by the animal's custodian or caretaker to a felony of the fifth degree.

The Criminal Law and Procedure Committee reviewed the legislation and determined that it creates disproportionate penalties. LETTERS SENT TO REPS. GERBERRY AND HAGAN.

H.B. 073

Garrison, Fende

Vehicle Insurance

To require proof of financial responsibility to be submitted as a condition of registering a motor vehicle.

FYI

H.B. 077

Snitchler

Law Enforcement Records

To exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate.

FYI

H.B. 078

Hottinger,
Weddington

OVI Offenders

To require first-time OVI offenders and other OVI offenders to use a certified ignition interlock device and to wear a continuous alcohol monitor if the offender tampers with or otherwise violates an ignition interlock device and to make other changes to OVI law.

The Criminal Law and Procedure Committee reviewed the legislation and determined that it limits judicial discretion. LETTERS SENT TO REPS. HOTTINGER AND WEDDINGTON.

H.B. 083

Boyd

School Assaults

To provide for the reporting of assaults in public schools to school administrators and law enforcement authorities.

FYI

H.B. 085

Boyd, Williams S.

Firearm Possession

To prohibit any person under twenty-one years of age from possessing a firearm, subject to specified exceptions for lawful hunting, sporting, or educational purposes and for law enforcement officers; to expand the offense of failure to secure dangerous ordnance so that it also prohibits a failure to secure a firearm and increase the penalty for the offense; and to declare an emergency.

The Juvenile Law and Procedure Committee reviewed the legislation and determined it may have constitutional problems and be overly broad. Staff will track and notify judges if enacted.

H.B. 086

Hagan

Land Use

To authorize in certain counties the creation of a land reutilization corporation to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property and to authorize in those counties the use of the expedited, nonjudicial foreclosure procedure for abandoned lands.

The Civil Law and Procedure Committee reviewed the legislation and determined it will have minimal impact on the courts. Staff will track and notify judges if enacted.

H.B. 088

Wagner

Property Sales

To enable a court of common pleas to order a licensed auctioneer to conduct a sale of real property pursuant to a writ of partition.

The Civil Law and Procedure Committee is currently reviewing the legislation.

*Bill**Subject and Title**Impact*

H.B. 089
Zehringer

Judicial Attacks

To provide that the purposeful killing of a judge or magistrate in specified circumstances is aggravated murder; to increase the penalty for felonious assault, aggravated assault, and assault in specified circumstances when the victim is a judge, a magistrate, or a law enforcement officer, to change the circumstances in which the penalty for those offenses is increased when the victim is a BCII investigator, and to remove the increased penalty for those offenses when the victim is a peace officer; to increase the penalty for assault when the offense is committed in a courthouse in specified circumstances and to change the circumstances in which the penalty for that offense is increased when the victim is a children services worker; to increase the penalty for aggravated menacing in specified circumstances when the victim is a law enforcement officer, judge, or magistrate and to change the circumstances in which the penalty for that offense is increased when the victim is a children services worker; to expand intimidation to also prohibit attempting to intimidate a public servant, party official, attorney, or witness by making an unlawful threat of harm to an unborn of that person; to expand retaliation to also prohibit using force against or making an unlawful threat to harm an unborn of a public servant, party official, attorney, or witness and to modify the culpable mental state for and other elements of that offense; and to make the killing of a judge or magistrate in specified circumstances an aggravating circumstance for the imposition of the death penalty for aggravated murder.

The Criminal Law and Procedure Committee and Court Administration Committees reviewed the legislation and determined it is consistent with the OJC Legislative Platform. Staff will continue to work with sponsor. LETTER SENT TO REP. ZEHRINGER.

H.B. 093
Murray

Bicycle Helmets

To require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets, to impose a \$25 fine for violations, and to require courts to send fines to the Treasurer of State for deposit in the Bicycle Safety Fund.

Staff will track and notify judges if enacted.

H.B. 095
Skindell

Name Changes/SORN

To prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

Staff will track and notify judges if enacted.

H.B. 098
Combs

Sex Offender Notices

To provide notice to a long-term care facility when a Tier III or similar category sex offender/child-victim offender indicates an intent to reside in the facility or registers an address within the specified geographical notification area including the facility.

Staff will track and notify judges if enacted.

H.B. 099
Weddington,
Yates

DNA Testing

To make changes relative to the expansion of DNA testing for certain convicted felons, the elimination of the DNA testing mechanism for felons who pleaded guilty or no contest to the offense, the collection of DNA specimens from all persons eighteen years of age or older who are arrested for a felony offense, the preservation and accessibility of biological evidence in a criminal or delinquency investigation or proceeding, the improvement of eyewitness identification procedures, and the electronic or audio recording of custodial interrogations.

See Senate Bill 77 impact information

H.B. 103
Fende, Harwood

Judicial Attacks

To provide that residential and familial information of a probation officer is not a public record, to increase the penalties for certain offenses when a judge or magistrate is the victim, to prohibit a person from threatening a judge or magistrate, and to make the killing of a judge or magistrate an aggravating circumstance for the imposition of the death penalty for aggravated murder.

The Criminal Law and Procedure and Court Administration Committees reviewed the legislation and determined that increasing the penalties on judicial assaults is consistent with the OJC Legislative Platform. Staff will continue to work with sponsors. LETTERS SENT TO REPS. FENDE, HARWOOD, COLEY.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 108 Domenick, Blessing	Cockfighting To increase the penalty for cockfighting.	The Criminal Law and Procedure Committee reviewed the legislation and determined that judges should be given greater discretion relative to the care and confinement of seized roosters. LETTER SENT TO REPS. BLESSING, DOMENICK.
H.B. 109 Hottinger, Weddington	OVI Conviction To require the Registrar of Motor Vehicles to disqualify the holder of a commercial driver's license from operating a commercial motor vehicle upon a municipal OVI conviction.	The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact.
H.B. 112 Domenick	Protection Orders To authorize a court that issues a temporary protection order in specified criminal cases to require the alleged offender, as a condition of pretrial release, to be monitored by a global positioning system device at the alleged offender's expense.	The Criminal Law and Procedure Committee reviewed the bill and determined that the bill should specify a source of funding to pay for GPS monitoring of indigent offenders. LETTER SENT TO REP. DOMENICK
H.B. 120 Batchelder	Budget Office To establish the Legislative Budget Committee and the Legislative Budget Office of the Legislative Service Commission.	FYI
H.B. 121 Evans	Expired Licenses To permit a person who is issued a ticket for operating a motor vehicle other than a commercial motor vehicle with an expired driver's or commercial driver's license to be issued a seven-day field driving permit.	The Criminal Law and Procedure Committee is currently reviewing the legislation.
H.B. 128 Hagan	Traffic Violations To provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another person.	The legislation is currently under review by the Executive Board of the Ohio Municipal and County Judges Association. The Criminal Law and Procedure Committee reviewed the bill and determined that provisions in the bill are vague and that there will be practical obstacles to applying the bill's provisions. LETTER SENT TO REP. HAGAN.
H.B. 129 Adams, J.	Concealed Handguns To authorize a person to carry a concealed handgun without obtaining a license to the same extent as if the person had obtained such a license, except on liquor permit premises, if the person qualifies for a concealed carry license and is legally permitted to purchase a handgun; to remove the requirements that a concealed carry licensee must be carrying the license in order to carry a concealed handgun, must inform approaching law enforcement officers that the person has a license and is carrying the handgun when the person is carrying a concealed handgun, and must submit a new or renewed competency certification when renewing the license; to eliminate as premises in which a concealed carry licensee may not carry a concealed handgun public or private institutions of higher education, places of worship, day-care centers and homes, and government buildings other than schools, courthouses, law enforcement offices, and correctional facilities; to replace the prohibitions that apply only to a concealed carry licensee who is carrying a handgun in a motor vehicle with a prohibition against a licensee who is in a motor vehicle that is stopped by a law enforcement officer knowingly menacing or threatening an officer with a loaded handgun or knowingly pointing a loaded handgun at an officer; to remove the "in plain sight or secure encasement" criterion that a concealed carry licensee must satisfy to legally possess a handgun in a motor vehicle; and to require a sheriff who issues a renewed concealed carry license to return the expired license to the licensee or destroy it.	Staff will track and notify judges if enacted.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 130 Miller	Mobile Devices To prohibit a person who is less than 17 years of age from talking or text messaging on a mobile communication device while driving.	Staff will track and notify judges if enacted.
H.B. 132 Maag	Text Messages To prohibit a minor, by use of a telecommunications device, from recklessly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.	See companion legislation, SB 103
H.B. 145 Yuko	Residential Appraisers To require that residential units conveyed pursuant to a land installment contract receive an appraisal and an inspection, to define residential lease option contract, to regulate residential lease option contracts under the Ohio Landlord and Tenant Law, and to provide penalties.	The Civil Law and Procedure is reviewing the legislation.
H.B. 154 Yuko	Fleeing To prohibit a person who is not operating a motor vehicle from fleeing from a law enforcement officer who gives a lawful order to stop and to increase the minimum penalty for fleeing and eluding a police officer in a motor vehicle after receiving a visible or audible signal to stop.	Staff will track and notify judges if enacted.
H.B. 156 Harris	Children's Day To adopt the spotted salamander as the state amphibian; to adopt the children's book <i>Lentil</i> as the official children's book of the state and to designate its author, Robert McCloskey as the official children's book author of the state; and to designate various special days, weeks, and months.	FYI
H.B. 167 Murray	Tenant Discrimination To prohibit an employer or a landlord from discriminating against a victim of domestic violence, to require a metropolitan housing authority to move a victim of domestic violence if another unit is available, to prohibit charging a fee when law enforcement officers assist a victim of domestic violence, and to allow a victim of domestic violence (1) to take unpaid leave for purposes relating to the incident of domestic violence, (2) to change or have changed the locks to the tenant's dwelling unit, and (3) to terminate a rental agreement.	FYI
H.B. 170 Murray	Employer Retaliation To prohibit an employer from retaliating against the employer's employees for testifying or otherwise participating in an unemployment compensation proceeding or hearing.	FYI
H.B. 172 Letson	County Facility Reviews To expand the authority of a county facilities review board to include any facility where a ward of the probate court resides or where such ward receives services among the institutions subject to its review.	Staff will track and notify judges if enacted.
H.B. 176 Stewart, McGregor	Sexual Orientation Discrimination To prohibit discrimination on the basis of sexual orientation or gender identity and expression.	Staff will track and notify judges if enacted
H.B. 179 Letson	Motorcycle Seizures To modify the guidelines governing seizure of a motorcycle by a law enforcement officer when the identity of the motorcycle cannot be determined and to establish limited civil liability if the law enforcement officer or agency fails to comply with specified guidelines.	Staff will track and notify judges if enacted.
H.B. 180 Letson	Courthouse Assaults To make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree.	The Court Administration Committee reviewed this bill and determined that it would increase public safety and improve public confidence in the courts.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 182 Hackett	Prison Terms To require a definite term of imprisonment of 5 to 10 years for an offender convicted of felonious assault or endangering children and a specification that the victim was less than 5 years of age and suffered substantial permanent injury or for an offender convicted of voluntary manslaughter, involuntary manslaughter, or reckless homicide and a specification that the victim was less than five years of age.	The Criminal Law and Procedure Committee reviewed the bill and determined it reduces judicial discretion and undermines uniformity in sentencing.
H.B. 183 Yuko	Unwanted Faxes To abolish the criminal penalty for sending an unwanted facsimile advertisement to a business entity, and to establish that a person may recover one thousand dollars in a civil action for such a violation.	Staff will track and notify judges if enacted.
H.B. 184 Combs	Employment Verification To require employers to register and participate in a status verification system to verify the work eligibility status of all new employees and to affirm their participation on their state income tax returns, to specify that an employer's failure to affirm their participation in the status verification system on their state income tax returns constitutes falsification or dereliction of duty, to require public agencies to cancel contracts with private employers who do not participate in a status verification system, to require jail officials to make a reasonable effort to verify the citizenship of confined persons, to collect electronic fingerprints of illegal aliens, and to notify the United States Department of Homeland Security in certain circumstances, to prohibit political subdivisions from restricting communication and cooperation with federal officials regarding a person's citizenship status, to require judges and magistrates to consider immigration status and other factors in determining a defendant's bail, and to declare an emergency.	Staff will track and notify judges if enacted.
H.B. 191 Celeste	Street Racing To increase the penalties for street racing and to create the offense of "street racing manslaughter."	The Criminal Law and Procedure Committee reviewed the bill and determined it may be overly broad.
H.B. 192 Letson	Civil Actions To require the court in a civil action to tax as a cost the amount necessary to reimburse the county treasury when the coroner or the coroner's physician-employees or forensic investigators are called to testify about professional services and to provide for the direct payment to physicians in private practice who perform autopsies for a coroner's office and are similarly called to testify.	Staff will track and notify judges if enacted.
H.B. 197 Harris	Kinship Care To expand the class of persons who may execute a caretaker authorization affidavit or be designated as attorney in fact under a power of attorney for the purpose of exercising authority over the care, custody, and control of a child and to enhance Ohio's policies regarding kinship caregivers.	The Juvenile, Domestic Relations and Probate Law and Procedure Committees reviewed this legislation and determined that it may not be consistent with the "best interests of the child" standard. They recommended research of grandparent usage of the CAA/POA be conducted prior to expanding to other relatives. LETTER SENT TO REP. HARRIS
H.B. 203 Bubp, Martin	Concealed Weapons To allow a concealed carry licensee who is not consuming liquor and is not under the influence to carry a concealed handgun in a retail food establishment or food service operation with any class liquor permit issued for the location.	FYI
H.B. 204 Letson, Slesnick	Motorcycle Parking To permit a motorcycle operator to back the motorcycle into an angled parking space.	FYI
H.B. 210 Morgan, Boose	State Official Salaries To decrease by 5% the salaries of General Assembly members and of the statewide elected executive officers until certain increases occur in the Gross Domestic Product of Ohio.	Staff will track and notify judges if enacted.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 213 Hagan	Spiritual Medicine To eliminate the exemption from the tuberculosis treatment requirements for minors of parents who rely exclusively on spiritual treatment through prayer, to eliminate the exemption in Chapter 2151. of the Revised Code from criminal prosecution for persons who fail to provide medical treatment for children because of religious beliefs, to similarly limit the exemption for treatment of mentally retarded and developmentally disabled persons, and to eliminate the exception to endangering children for persons who treat a child's physical or mental illness through prayer alone in accordance with the tenets of a recognized religious body.	Staff will track and notify judges if enacted.
H.B. 214 Letson, Huffman	Ski Care Liability To establish a qualified immunity from civil liability relative to emergency care provided by members of the National Ski Patrol System.	Staff will track and notify judges if enacted.
H.B. 220 Chandler	Local Government Notices To implement the recommendations of the Local Government Public Notice Task Force by authorizing legal publication to be made in a newspaper of general circulation, eliminating certain publication and postal privilege requirements, reducing the number of times publication must be made, requiring newspapers to establish a government rate for publication, allowing publication of a summary of an ordinance rather than publishing it in its entirety, and allowing the costs of publishing delinquent property tax lists to be charged to delinquent taxpayers.	FYI
H.B. 225 Yates	Community Control To eliminate the requirement for certain felons that a presentence investigation report be prepared prior to an offender's placement under a community control sanction.	The Criminal Law and Procedure Committee reviewed the bill and determined it may conflict with Criminal Rule 32.2.
H.B. 226 Heard, Letson	Defibrillator Immunity To provide qualified civil and criminal immunity to an owner or employee of a hotel or SRO facility or another person who performs automated external defibrillation in good faith at the hotel or facility if the owner places an automated external defibrillator within the hotel or facility, requires at least one employee to successfully complete a course in automated external defibrillation and cardiopulmonary resuscitation, maintains certain records, and complies with other conditions.	Staff will track and notify judges if enacted.
H.B. 227 Domenick	Immigration Status To require in specified situations the verification of immigration status of persons who are not United States citizens, to impose state income taxes at a rate of six per cent per annum on the compensation of specified independent contractors who fail to document such verification, and to restrict the employment of persons who are not legal residents of the United States.	FYI
H.B. 233 Weddington	Criminal Justice Commission To create the Criminal Justice Reform Commission.	Staff will track and notify judges if enacted.
H.B. 235 Heard	Juvenile Offenses Regarding the transfer for criminal prosecution of an alleged delinquent child, the eligibility for imposition of a serious youthful offender dispositional sentence, the commitment of a delinquent child to the Department of Youth Services based on a firearm specification or certain aggravated vehicular homicide specifications, and the granting of a judicial release to a delinquent child.	The Juvenile Law and Procedure Committee reviewed this bill and determined it would increase judicial discretion over bindover and SYO designations, it would limit judicial discretion over serious non-violent offenses, and it may influence prosecutorial use of charge reduction. LETTER SENT TO REPS. HEARD AND YATES

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
H.B. 238 Harwood	Divorce Proceedings To require the court in divorce or legal separation proceedings to require the spouses to fully disclose their assets and to include nondisclosure of assets as financial misconduct.	The Domestic Relations Law and Procedure Committee reviewed the bill and determined that it would improve the administration of justice and public confidence in the courts by ensuring that all parties, including the courts, have all the necessary information to make decisions related to division of property as well as spouses and child support. LETTER SENT TO REP. HARWOOD.
H.B. 242 Letson, Huffman	Felony Database To require the Superintendent of the Bureau of Criminal Identification and Investigation to establish and operate on the internet a database that contains information for every offender who within the prior 10 years or at any time in the future was or is convicted of or pleaded or pleads guilty to committing a felony offense against a person under eighteen years of age.	Staff will track and notify judges if enacted.
H.B. 243 Letson, Burke	Court Intimidation To specify that the offense of intimidation of an attorney, victim, or witness in a criminal case also applies to delinquency cases and to any attempt to influence, intimidate, or hinder a witness to a criminal or delinquent act in the discharge of the duty of a witness, and to prohibit any attempt to influence, intimidate, or hinder a victim, witness, or attorney through any act of unlawful conduct.	The Criminal Law and Procedure Committee reviewed the bill and determined that the bill's definition of "unlawful conduct" may be vague and overbroad.
H.B. 244 Harwood	Division of Property To permit a court to modify a division of property in a divorce decree or decree of dissolution of marriage upon the express written consent or agreement of both spouses.	The Domestic Relations Law and Procedure Committee reviewed this legislation and determined that it would improve the capacity of the court to allow parties to modify their prior agreements to fit unexpected circumstances. This would enhance the public's confidence in the courts.
H.B. 248 Garrison	Murder Sentencing To provide a prison term of 20 years to life for a person convicted of murder when the victim is less than 13 years of age and the offender is not subject to sentencing under the Sexually Violent Predator Sentencing Law.	The Criminal Law and Procedure Committee reviewed the bill and determined it is a matter of public policy. Staff will track and notify judges if enacted.
H.B. 251 Book	Commercial Licenses To make changes in the law governing commercial drivers' licenses, including hazardous material endorsements, disqualifications, conviction records, and licensure of private commercial driver's license test administrators.	The Criminal Law and Procedure Committee reviewed the bill and determined it may have a negative impact on court procedures by shortening the period that courts must report a record of the offense to the BMV. The committee will continue to review the legislation and work with the sponsor.
H.B. 252 Adams, J.	Abortion To make changes relative to requiring paternal consent before an abortion may be performed.	Staff will track and notify judges if enacted.
S.B. 001 Hughes	Revitalization Debt Authority To implement the additional debt authority for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to increase the technology investment tax credit, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, to allocate certain funds for broadband initiative projects and to provide that such funding allocation provisions of this act terminate on June 30, 2013, when section 164.28 of the Revised Code is repealed on that date, and to declare an emergency.	Staff will track and notify judges if enacted.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
S.B. 002 Carey	Federal Stimulus Funding To provide for the distribution of moneys received by the state from the federal American Recovery and Reinvestment Act of 2009 by making appropriations and to declare an emergency.	Staff will track and notify judges if enacted.
S.B. 010 Widener	Transition Accounts To permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations.	FYI
S.B. 013 Miller, D.	Foreclosure Actions To require a landlord to notify tenants when a foreclosure action is filed, to require the Director of Commerce to prepare a publication to assist owners and tenants of foreclosed residential rental property, to require the officer taking lands and tenements to notify the owner of the property of the date, time, and place of the sale of the foreclosed property, to require landlords to notify tenants when a property is foreclosed and when a sale is scheduled, to provide for continuance of a rental agreement after a foreclosure sale, to impose a civil penalty upon the landlord if the landlord fails to notify the tenants when a property is foreclosed, and to provide civil remedies for a tenant whose landlord violates the bill's provisions.	The Civil Law and Procedure Committee reviewed the legislation and determined that the substitute version shifting the notification burden from the courts to the landlord would remove negative . impact on the courts. Staff will track and notify judges if enacted.
S.B. 022 Seitz	Corrections To increase from \$500 to \$1,000 the threshold amount for determining increased penalties for theft-related offenses and for certain elements of "vandalism" and "engaging in a pattern of corrupt activity"; to increase by 50% the other threshold amounts for determining increased penalties for those offenses; to provide that if "nonsupport of dependents" is based on an abandonment of or failure to support a child or a person to whom a court order requires support and is a felony the sentencing court generally must first consider placing the offender on one or more community control sanctions; to eliminate the difference in criminal penalties for crack cocaine and powder cocaine; to revise some of the penalties for trafficking in marihuana or hashish and for possession of marihuana, cocaine, or hashish; to revise procedures for notification of victims when violent offenders escape from the Department of Rehabilitation and Correction; to revise the eligibility criteria for, and procedures governing, intervention in lieu of conviction; to revise the eligibility criteria for judicial release; to revise the procedure for prisoners in state correctional institutions to earn days of credit for productive participation in specified prison programs; to require GPS monitoring of a prisoner placed on post-release control who was released early from prison due to earning 60 or more days of credit; to enact a new mechanism for the possible release with sentencing court approval of Department inmates who have served at least 85% of their prison term to remove judges from the membership of a corrections commission and instead have them form an advisory board; and other provisions.	The Criminal Law and Procedure Committee reviewed the substitute version and determined it tempers potential negative impact of introduced version and expands judicial discretion in certain areas of criminal sentencing. LETTER SENT TO SEN. SEITZ
S.B. 030 Schaffer	Arson Registry To establish a registry for arson offenders.	Criminal and Juvenile Law and Procedure Committees reviewed this legislation and determined that the registry would create administrative expenses and burdens for the court. LETTER SENT TO SEN. SCHAFFER
S.B. 031 Patton	Testimonial Privilege To create a testimonial privilege for communications between a representative of an employee organization and a bargaining unit member.	Civil and Criminal Law and Procedure Committees determined the bill would have minimal impact. Staff will track and notify judges if enacted.

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
S.B. 033 Miller, D.	Inmate Re-Entry To require the Bureau of Examination and Classification within the Department of Rehabilitation and Correction to develop a re-entry plan for each inmate of a correctional institution. judges if enacted.	The Criminal Law and Procedure Committee reviewed the legislation and determined it would have minimal impact. Staff will track and notify
S.B. 036 Kearney	Civil Actions To provide for offers of judgment in civil actions.	The Civil Law and Procedure Committee reviewed this legislation and determined that it might conflict with an existing Ohio Rule of Civil Procedure and might conflict with the Modern Courts Amendment.
S.B. 042 Schaffer	Sex Offenses To specify that the restriction against offenders convicted of a sexually oriented offense or child-victim oriented offense living near school, preschool, or child day-care premises applies regardless of when the offense was committed or the offender began living in the residence and that a registration requirement for children adjudicated delinquent for a sexually oriented offense and classified a juvenile offender registrant applies regardless of when the offense was committed.	The Criminal Law and Procedure Committee determined that the legislation would have a minimal impact on courts in the general division. The Juvenile Law and Procedure Committee determined that retroactive application of the registration requirements raised constitutional questions, and would result in mandatory registration for some juvenile offenders who were not intended to be included on registry lists at the time of adjudication. LETTER SENT TO SEN. SCHAFFER
S.B. 046 Kearney	Property Foreclosures To prohibit requiring a tenant to vacate a foreclosed residential property any earlier than ninety days following a court's confirmation of the sale of the property.	Staff will track and notify judges if enacted.
S.B. 047 Kearney	MR/DD Boards To increase the membership of county boards of mental retardation and developmental disabilities.	Staff will track and notify judges if enacted.
S.B. 048 Kearney	Adoption Day To designate the Saturday before Thanksgiving as "Adoption Day."	FYI
S.B. 049 Kearney	Firearm Offenses To require the imposition of a ten-year prison term upon a person who discharges a firearm while committing an offense and causes injury or death to a child.	Criminal and Juvenile Law and Procedure Committees analyzed impact and determined that by creating a special class of victims the legislation may undermine public confidence in the courts fairness and impartiality; by creating additional specification and offenses the legislation adds complexities to the criminal code that make it more difficult and time-consuming for judges and others involved in the justice system to apply the law; and by using general terms like "injury" instead of clearly defined terms like "serious physical harm to persons" the legislation may produce uneven application of the law. LETTER SENT TO SEN. KEARNEY
S.B. 052 Grendell	Government Reorganization To reorganize the executive branch of state government.	FYI
S.B. 056 Niehaus	Unattended Children To prohibit a person from negligently leaving a child who is less than five years of age unattended in an automobile.	The Criminal Law and Procedure Committee reviewed the legislation and determined it would have minimal impact. Staff will track and notify judges if enacted.
S.B. 058 Hughes	Bodily Substances To prohibit a person from collecting any bodily substance of another person without privilege or consent to do so, to correct erroneous cross-references in provisions enacted in Am. Sub. H.B. 280 of the 127th General Assembly regarding increased penalties for domestic violence committed against a pregnant woman, and to permit emergency medical technicians-intermediate and emergency medical technicians-paramedic to withdraw blood for the purposes of the watercraft or vehicle OVI law or the commercial motor vehicle law.	The Criminal Law and Procedure Committee reviewed the legislation and determined that the criminalized behavior was too broad and vague. LETTER SENT TO SEN. HUGHES

*Bill**Subject and Title Impact*

S.B. 065 Schaffer	Vehicle Accidents To provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another person.	See House Bill 129 impact information. LETTER SENT TO SEN. SCHAFFER.
S.B. 067 Faber	Sex Predators To require that sexually violent predators who are released from prison to be monitored by global positioning system devices, to require sexually violent predators to pay the cost of monitoring by global positioning system devices, and to authorize the civil commitment of certain sexually violent predators.	The Criminal Law & Procedure Committee reviewed the bill and determined it will increase court workload and expenses. LETTER FROM 127TH GA SENT TO SEN. FABER.
S.B. 068 Sawyer	Insurance Verification To require the registrar of motor vehicles to contract with a third party to implement an electronic insurance verification system in Ohio.	FYI
S.B. 074 Turner	Drug Sentences To require the State Criminal Sentencing Commission to study sentencing for drug-related offenses and to report its findings to the General Assembly.	Staff will track and notify judges if enacted.
S.B. 077 Goodman	DNA Testing To make changes relative to the expansion of DNA testing for certain convicted felons, the elimination of the DNA testing mechanism for felons who pleaded guilty or no contest to the offense, the collection of DNA specimens from all persons eighteen years of age or older who are arrested for a felony offense, the sealing of the official records of persons who have their convictions vacated and set aside due to DNA testing, the preservation and accessibility of biological evidence in a criminal or delinquency investigation or proceeding, the improvement of eyewitness identification procedures, and the electronic recording of custodial interrogations.	The Criminal Law and Procedure Committee reviewed the legislation and determined that it violates the separation of powers doctrine to require the judicial branch to monitor the practices of law enforcement officials; it undermines judicial discretion to limit the capacity of judges to admit statements made during unrecorded interrogations or in determining what evidence is admissible, it increases expenses related to transcription of interrogations, it increases the expense and administrative burdens related to retention of evidence, , and it increases the courts caseload and workload by expanding the class of offenders eligible for post-conviction DNA testing. LETTERS SENT TO SENS. GOODMAN AND SEITZ.
S.B. 080 Seitz	Testimonial Privilege To create an accountant-client testimonial privilege.	The Civil Law and Procedure Committee reviewed the legislation and determined that the term accountant was vague and that the testimonial privilege undermines the truth-seeking function of the court and may compromise the administration of justice. LETTERS SENT TO SEN. SEITZ
S.B. 086 Buehrer	Physician Immunity To grant qualified civil immunity to a physician who provides emergency medical services, first-aid treatment, or other emergency professional care in compliance with the federal Emergency Medical Treatment and Active Labor Act or as a result of a disaster.	Staff will track and notify judges if enacted.
S.B. 091 Miller, R.	Credit Discrimination To specify that discrimination by an employer against any person because of the person's credit history is an unlawful discriminatory practice under the Ohio Civil Rights Law.	The Civil Law and Procedure Committee reviewed the legislation and determined it may increase caseload. Staff will track and notify judges if enacted.
S.B. 092 Miller, R.	Parole Board To limit a member of the Ohio Parole Board who is not a victim representative to two six-year terms.	FYI

*Bill**Subject and Title**Impact***S.B. 099**

Grendell

Government Reform

To permit an alternative form of county government in a county having a population of 1.2 million or more to have a county council with at-large members and members from districts and to have an elected fiscal officer and an appointed county engineer, county information officer, coroner, and sheriff.

Staff will track and notify judges if enacted.

S.B. 103

Schuler

Image Sending

To prohibit a minor, by use of a telecommunications device, from recklessly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

The Juvenile Law and Procedure Committee reviewed the legislation and determined that "reckless receipt" might be vague and over broad.
LETTER SENT TO SEN. SCHULER.

S.B. 106

Buehrer, Kearney

Savings Statute

To exclude from the application of the savings statute certain estate and trust proceedings that have limitation periods, to raise the threshold amount for the termination or avoidance of guardianships of small estates of wards, to raise the threshold amount for the avoidance of guardianship upon the settlement of claims of minors or adult incompetents, and to clarify that termination of marriage revokes any trust provision conferring a beneficial interest on the former spouse.

The Probate Law and Procedure Committee reviewed the legislation.

S.B. 107

Kearney

Racial Profiling

To specify that it is an unlawful discriminatory practice that is within the jurisdiction of the Ohio Civil Rights Commission for any law enforcement agency or officer in Ohio to engage in racial profiling; to require the Commission to compile data from law enforcement agencies regarding routine or spontaneous investigatory activities of the agencies' officers and analyze the data for significantly significant disparities related to the race, ethnicity, national origin, or gender of the subjects of the activities; to provide for Commission access to LEADS to obtain the data and require law enforcement agencies to enter the data on LEADS; and to require law enforcement agencies to maintain a policy designed to eliminate racial profiling by the agency and its officers and to cease existing practices by the agency and its officers that permit or encourage racial profiling.

FYI

S.B. 112

Kearney

Ethnic Intimidation

To include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.

Staff will track and notify judges if enacted.

S.B. 118

Fedor

Children's Day

To designate April 30 as "Dia De Los Ninos" or "Children's Day."

FYI

S.B. 124

Faber

Transfer on Death

To change the transfer on death (TOD) designation instrument from a deed to an affidavit, to allow real property owners holding title in survivorship tenancy to execute such an affidavit, to clarify the status of a trustee of a trust as a TOD beneficiary and the dower rights of the spouse of the property owner, and to make other changes pertaining to the transfer on death of real property.

The Probate Law and Procedure Committee reviewed this bill and determined that it will have minimal impact. Staff will track and notify judges if enacted.

S.B. 126

Fedor

School Bullying

To prohibit school administrators from knowingly failing to report to law enforcement authorities menacing by stalking of telecommunications harassment that occurs on school grounds, to require a board of education to adopt a policy that prohibits bullying by electronic means, to require a school district's harassment policy to address acts that occur off school property but materially disrupt the educational environment of the school, to require a school district annually to provide training on the district's bullying policy for district employees and volunteers and to require a school district to notify parents or guardians of students if the annual training is not completed.

FYI

<i>Bill</i>	<i>Subject and Title</i>	<i>Impact</i>
S.B. 130 Cafaro	Sex Offenders To require a long-term care facility to notify its residents when a sex offender or person who was imprisoned out-of-state for a felony offense is admitted to the facility and to establish immunity for employees of such facilities who report the facility's failure to comply with the notification requirements.	FYI
S.B. 140 Miller, R.	Drug Treatment To make changes relative to treatment for certain drug offenders and to make an appropriation.	The Criminal Law and Procedure Committee is reviewing the bill.
S.B. 142 Miller, R.	Delinquent Children Institutions To require that any privately run non-Ohio school, camp, institution, or other facility to which Ohio delinquent children are committed comply with the same standards that are applicable to in-state schools, camps, institutions, or other facilities.	FYI
S.B. 143 Miller, R.	Halfway House Notices To require an operator of a halfway house to notify the adult parole authority within twenty-four hours after a resident absconds from the halfway house.	FYI

128th General Assembly Schedule

Session times are as follows:

SENATE:	Tuesdays 1:30 p.m.	Wednesdays 1:30 p.m.	Thursdays 11:00 a.m.
HOUSE:	Tuesdays 11:00 a.m.	Wednesdays 1:30 p.m.	Thursdays 1:00 p.m.

all dates subject to change

September

Sept. 8-10.....Committee Hearings

Sept. 15.....Session
 Sept. 16.....Session
 Sept. 17.....Committee Hearings

Sept. 22.....Session
 Sept. 23.....Session
 Sept. 24.....Committee Hearings

Sept. 29.....Session
 Sept. 30.....Session

October

Oct. 1.....Committee Hearings

Oct. 6.....Session
 Oct. 7.....Session
 Oct. 8.....Committee Hearings

Oct. 13.....Committee Hearings
 Oct. 14.....Committee Hearings
 Oct. 15.....Committee Hearings

Oct. 20.....Session
 Oct. 21.....Session
 Oct. 22.....Committee Hearings

Oct. 27.....Session
 Oct. 28.....Session
 Oct. 29.....Committee Hearings

November

Nov. 5.....Committee Hearings

Nov. 17.....Session (if needed)
 Nov. 18.....Session (if needed)

December

Dec. 1.....Session (if needed)
 Dec. 2.....Session (if needed)

Dec. 8.....Session
 Dec. 9.....Session
 Dec. 10.....Session

Dec. 15.....Session (if needed)
 Dec. 16.....Session (if needed)

Progress Report 2009-10 Legislative Platform August 2009

PLATFORM ISSUE	ACTIONS/STATUS
Protection Orders (Part I). Give juvenile courts exclusive original jurisdiction over petitions for civil stalking protection orders when the respondent is a minor.	House Bill 10 was introduced in Feb 2009 by Rep. Edna Brown.
Disclosure of Assets. Establish a statutory requirement for full disclosure of assets in divorce.	House Bill 238 was introduced by Rep. Harwood.
Modification of Property Division. Authorize the court to modify final property division by consent of the parties.	House Bill 244 was introduced by Rep. Harwood.
Judicial Assault. Seek statutory changes to Title 29 of the Ohio Revised Code consistent with Substitute Senate Bill 100, 127 th GA that would ensure that the penalty for assaulting a judge is treated the same as assaulting a peace officer.	House Bill 89 was introduced by Rep. Zehringer; House Bill 103 was introduced by Reps. Fende & Harwood.

Other initiatives have been developed and are awaiting sponsorship in the Ohio General Assembly.

The Ohio Judicial Conference's 2009-2010 Legislative Platform can be found on our website at ohiojudges.org.

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65 South Front Street, 4th Floor
Columbus, Ohio 43215-3431
(614) 387-9750
(800) 252-1510

Editor: Donna Childers, Ph.D.
Publishing Assistant: Alyssa Guthrie