



# BOARD

## ***Long /Willamowski Letter***

The General Assembly has been meeting regularly throughout this winter, but few bills have passed both chambers of the legislature. A notable exception is House Bill 10, which grants juvenile courts exclusive, original jurisdiction to issue protection orders when the respondent is a juvenile. This legislation is consistent with the Judicial Conference’s 2009-2010 Legislative Platform. See photos inside this issue of the bill signing ceremony that the Judicial Conference was invited to attend. Senate Bill 77, which expands the felony/DNA testing program and makes changes to custodial interrogations, has recently passed the General Assembly and awaits the Governor’s signature.

This *Bill Board* also includes an article on the Judicial-Legislative Exchange that took place on March 10<sup>th</sup> in Columbus. While the Judicial Conference has been putting on this program for several years, this most recent Exchange saw more participation than ever before. More than thirty judge-legislator pairs participated in an exchange, with over sixty people attending the special luncheon in the Judicial Center that featured remarks by the Chief Justice. The Conference is now looking to enhance the reciprocal side of the program: inviting legislators to spend all or part of a day visiting their local court with a host judge. The story includes information about how to become involved in this valuable project.

Finally, we are saddened at the recent passing of Chief Justice Tom Moyer. As Chief Justice of the Supreme Court of Ohio since 1986, Chief Justice Moyer was a distinguished public servant and exemplary member of the judiciary. We extend our deepest condolences to the Moyer family.

*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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### Civil Law & Procedure Co-Chairs

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### Domestic Relations Law & Procedure Co-Chairs

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*Cuyahoga County Domestic Relations Court*  
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**Judge David Lewandowski**  
*Lucas County Domestic Relations Court*  
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### Court Administration Co-Chairs

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Staff contact: Donna Childers

### Juvenile Law & Procedure Co-Chairs

**Judge Margaret A. Clark**  
*Browne County Probate/Juvenile Court*  
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*Stark County Family Court*  
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### Criminal Law & Procedure Co-Chairs

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**Judge Joyce Campbell**  
*Fairfield Municipal Court*  
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### Probate Law & Procedure Co-Chairs

**Judge Jan Michael Long**  
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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.

## 2010 Ohio Judicial Conference Law & Procedure Committee Meetings

### Civil Law & Procedure

**May 7, 2010** 2 – 4pm  
*Ohio Judicial Center*

**September 8, 2010** 2 – 4pm  
*Embassy Suites, Dublin*

**December 3, 2010** 2 – 4pm  
*Conference Call*

### Court Administration

**May 6, 2010** 6 – 9pm  
*Double Tree, Columbus*

**July 14, 2010** 1 – 3pm  
*Kalahari Resort, Sandusky*

**September 10, 2010** 1 – 3pm  
*Embassy Suites, Dublin*

**November 4, 2010** 6 – 9pm  
*Double Tree, Columbus*

### Criminal Law & Procedure

**April 23, 2010** 1pm – 4pm  
*Double Tree, Columbus*

**July 11, 2010** 2 – 4pm  
*Kalahari Resort, Sandusky*

**December 8, 2010** 6 – 9pm  
*Embassy Suites, Dublin*

### Domestic Relations Law & Procedure

**April 14, 2010** 2 – 4pm  
*Ohio Judicial Center*

**June 7, 2010** 6 – 9pm  
*Great Wolf Lodge, Mason*

**September 8, 2010** 6 – 9pm  
*Embassy Suites, Dublin*

**December 6, 2010** 6 – 9pm  
*Embassy Suites, Dublin*

### Juvenile Law & Procedure

**June 9, 2010** 2 – 4pm  
*Great Wolf Lodge, Mason*

**September 7, 2010** 6 – 9pm  
*Embassy Suites, Dublin*

**December 3, 2010** 1 – 4pm  
*Embassy Suites, Dublin*

### Probate Law & Procedure

**June 7, 2010** 2 – 4pm  
*Great Wolf Lodge, Mason*

**September 8, 2010** 2 – 4pm  
*Embassy Suites, Dublin*

**November 4, 2010** 2 – 4pm  
*Ohio Judicial Center*

For further meeting information, visit the  
Judicial Conference website at  
[www.ohiojudges.org](http://www.ohiojudges.org). Click on  
**Committees.**

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## Around the Statehouse

### Judicial-Legislative Exchange Program March 10<sup>th</sup> 2010



Chief Justice Thomas Moyer

On March 10<sup>th</sup>, 2010 judges from around the state gathered in Columbus to spend the day getting hands-on experience of the legislative process. Participants arrived in Columbus early on the 10<sup>th</sup> and spent the morning attending committee hearings and sitting in on interested party meetings with their assigned legislators.

As a highlight of the day, a buffet lunch was served at the Ohio Judicial Center. Judicial Conference Chair, Judge Sheila Farmer, introduced Chief Justice Thomas Moyer who offered key-note remarks at the event. Chief Justice

Moyer spoke about the importance of mutual

understanding and healthy inter-branch relationships especially during the trying economic times facing our state. The Judicial-Legislative Exchange Program was initially the brain-child of the late Chief Justice who felt it was critical to have judges and legislators observe each other at work in order to develop understanding and empathy among governmental branches.

With over thirty matches taking place (please see the opposite page for a list of all participants), it was by far the most successful exchange in the history of the program. One

participant summed it up by commenting that “it was eye opening to experience the fast pace at which the legislative process moves. It is challenging to serve such a diverse group of citizens and to be expected to be an expert in all fields.”

As a tribute to Chief Justice Moyer’s legacy, the Judicial Conference hopes to continue and expand this program in the future. Columbus visits are typically held at least once a year during the spring legislative session.



Justice Judith Ann Lanzinger; Judge Robert Peeler; Representative Ron Maag



Judges William Harsha and Matthew McFarland; Senator John Carey

***You can host an exchange in your local court. Contact the Judicial Conference and we will help you set up a visit from your state representative or senator in your local court.***

***The Judicial Conference officers and staff thank the following judges  
and General Assembly members for making the 2010 Judicial-  
Legislative Exchange Program a success:***

Rep. Richard Adams;  
Judge Elizabeth Gutmann

Sen. Keith Faber;  
Judge Mary Pat Zitter Rep.

Rep. Matt Patten;  
Judge Leslie Ann Celebrezze

Rep. Nan Baker;  
Judge John Russo

Lorraine Fende;  
Judge Larry Allen

Sen. Tom Patton;  
Judge Laura Gallagher

Rep. Peter Beck;  
Judge Rupert Ruppert

Rep. Bob Hackett;  
Judge Denise Moody

Rep. Connie Pillich;  
Judge Jody Luebbers

Rep. Robin Belcher;  
Judge Alison Floyd

Rep. Dave Hall;  
Judge Stephen McIlvaine

Rep. Ray Pryor;  
Judge Victor Pontious

Rep. Terry Blair;  
Judge Nick Kuntz

Rep. Marian Harris;  
Judge Julia Dorrian

Sen. Tom Sawyer;  
Judge Clair Dickinson

Sen. John Carey;  
Judge William Harsha  
Judge Matthew McFarland

Sen. Shannon Jones;  
Judge Ethna Cooper

Rep. Mark Schneider;  
Judge Eugene Lucci

Rep. John Patrick Carney;  
Judge Harland Hale

Sen. Eric Kearney;  
Judge Dwayne Mallory

Rep. Peter Stautberg;  
Judge Elizabeth Mattingly

Rep. Denise Driehaus;  
Judge Jerome Metz

Rep. Ron Maag;  
Judge Robert Peeler

Sen. Jimmy Stewart;  
Judge W. Scott Gwin

Rep. Richard Adams;  
Judge Elizabeth Gutmann

Rep. Jarrod Martin;  
Judge Michael Murry

Sen. Mark Wagoner;  
Judge Michael Goulding

Rep. Stephen Dyer;  
Judge Timothy Cannon

Rep. Ross McGregor;  
Judge Joseph Monnin

Rep. Jim Zehringer;  
Judge Wilfrid Dues

Rep. Bob Mecklenborg;  
Judge James Cissell

## Blue Ribbon Testimony



We thank Judge Dave Lewandowski, Judge Jan Michael Long and Executive Director Mark Schweikert for their recent testimony. Judge Dave Lewandowski for testifying on behalf of the Ohio Judicial Conference before the Senate Judiciary Civil Justice Committee as a proponent for House Bills 238 and 244. Judge Jan Michael Long presented proponent testimony on House Bill 438 before the House Judiciary Committee and House Bill 395 before the House Civil and Commercial Law Committee. Mark Schweikert presented proponent testimony before the House Judiciary Committee on HJR 9 and HB 431.

### New General Assembly Members

The Ohio House of Representatives has new members. **Richard Hollington** (R) assumed the seat for the 98<sup>th</sup> district following Matt Dolan's resignation. **Alicia Reece** (D) was appointed to fill the vacancy in the 33<sup>rd</sup> district following Tyrone Yates's appointment to the Hamilton Co. Municipal Court. Finally, **Joe Walter** (D) has assumed Representative Peter Ujvagi's seat representing the 47<sup>th</sup> district.

### Legislative Leadership

*The following changes to the House  
Leadership Teams  
was incorrectly printed in the last issue of Bill  
Board*

Speaker: Armond Budish  
Speaker Pro Tempore: Matt Szollosi  
Majority Floor Leader: Tracy Heard  
Assistant. Majority Floor Leader: Allan Sayre  
Majority Whip: Jay Goyal  
Assistant. Majority Whip: Linda Bolon  
Minority Leader: Bill Batchelder  
Assistant. Minority Leader: Louis Blessing  
Minority Whip: John Adams  
Assistant Minority Whip: Cheryl Grossman

## Courts and Judges

### Funding Indigent Defense in Municipal Courts

House Bill 335 proposes to address a funding problem for municipal courts that collect court costs and fees that go to the Ohio Public Defender but who do not currently receive reimbursement for their own court's public defender expenses. Judge Joyce Campbell of the Fairfield Municipal Court identified this problem and Representative Courtney Combs (R—Fairfield) introduced House Bill 335 to make it possible for municipal courts that are not county operated to permit certain court costs and fees to be transmitted to the treasurer of the municipal corporation and to be used to pay the compensation of counsel appointed to represent indigent defendants.

If those court costs and fees stay in the local community where they are collected, then they would not go to the state public defender and the local county commissioners. Not only are those interests opposed to House Bill 335, but common pleas and other county funded courts are concerned that they may suffer a decline in the availability of public defenders as a result.

A recent survey conducted by the Ohio Judicial Conference suggests that approximately 11% of Ohio's municipal courts are currently in the same situation as Fairfield Municipal Court, in that they are collecting monies used to enhance public defense, but do not themselves benefit from the monies they collect. Opponents of House Bill 335 say that a better solution would be for municipal courts to use a system authorized by Chapter 120 to avoid paying the indigent defense costs that currently burden court and city budgets.

At its next meeting, scheduled for May 6, 2010, the Judicial Conference's Court Administration Committee plans to discuss House Bill 335 in light of the survey results. For more information, please contact Donna Childers at 614-387-9763 or [donna.childers@sc.ohio.gov](mailto:donna.childers@sc.ohio.gov).

### Assaults and Threats Against Judges

Early in the 128<sup>th</sup> General Assembly legislation was introduced to increase the penalties for assaults or threats against judges. House Bill 89 (Rep. Zehringer, R—Fort Recovery) and House Bill 103 (Rep. Fende, D—Willowick) are bills that provide serious penalties when an assault or threat is perpetrated on a judge. House Bill 103 received bi-partisan support in the House and was assigned to the Senate Judiciary-- Criminal Justice Committee, where it has not yet been scheduled for a hearing.

While the Judicial Conference hopes that the General Assembly will enact House Bill 89 or House Bill 103, we encourage the legislators to pursue additional ways to protect judges, including taking a look at House Bill 391 to see if the confidentiality program could be modified to provide a separate avenue for protecting judges. Similarly, we encourage legislators to consider removing the home address of judges from the public records act in the way that is done to protect police, prosecutors, firefighters, and others.

## **General Assembly Considers Streamlining Tax Appeals**

Representative Bruce Goodwin (R—Defiance) and Representative Mark Okey (D—Carrollton) recently introduced House Bill 435, which would expand the class of persons eligible to appeal the decision of a county board of revision directly to the court of common pleas. These appeals would go directly to the common pleas court and bypass the Board of Tax Appeals. The Court Administration Committee of the Ohio Judicial Conference took up this issue at its February 25, 2010 meeting and was concerned that the backlog at the Board of Tax Appeals would be transferred to the courts. The committee commented that it would be cheaper to hire more hearing officers at the Board of Taxation than to have courts and judges perform that responsibility. The committee also believes that the Board of Taxation specializes in this area and is more institutionally effective at dealing with these cases than individual courts and judges may be. The courts would remain available for issues appealed from the Board of Taxation.

The committee expressed its concerns to the bill sponsors and forwarded the bill to the Ohio Common Pleas Judges Association to review and determine whether the legislation will have an impact on the OCPJA's membership. For additional information on this issue, please contact Donna Childers at 614-387-9763 or [donna.childers@sc.ohio.gov](mailto:donna.childers@sc.ohio.gov).

### **Extension of Mandatory Retirement Age for Ohio Judges**

On March 24, 2010 Retired Judge Mark Schweikert, Executive Director of the Ohio Judicial Conference, offered testimony in support of House Joint Resolution 9, which is sponsored by Representative Matt Huffman (R—Lima) and proposes a constitutional amendment extending the mandatory age of retirement for those seeking judicial office from 70 to 75 years of age. Director Schweikert told the House Judiciary Committee that, "These judges have invaluable experience that the state of Ohio could be benefiting from if only there was no legal prohibition against running for judicial office after reaching the age of 70."

### **Still Waiting on OPERS Legislation**

OPERS has been holding "town hall meetings" in communities across the state to share their ideas for strengthening OPERS viability and maintaining health care beyond 2012, when it is slated to disappear unless investment income dramatically improves or changes are made to the system. In anticipation of legislation, last fall OPERS held several meetings in Columbus with stakeholders where OPERS administrators and board members explained the rationale for the changes they were proposing. The predictions given at that time were based on immediate enactment of legislation. OPERS reports that the Legislative Service Commission is working on the legislation, but no bill has been introduced as of the legislative spring break.

## OJC Executive Committee Endorses Recommendations on Court Reporting and Transcripts

The Court Administration Committee's Subcommittee on Court Reporting and Transcripts, chaired by Judge Jerry McBride, recently recommended that changes be made to Appellate Rule 9, Superintendence Rules 11 and 13, and certain sections of the Ohio Revised Code. Though these modifications do not make any substantive change in the way courts do things, the rules and codes would be clearer and more up-to-date in their references to technology. An example of a common change throughout the rules and codes is the recommendation that the word videotape be eliminated in certain instances or replaced with the word "video." The Subcommittee believes that "tapes" are obsolete technology and that the term "video" includes contemporary use of digital technology and may be broad enough to include future technology as well.

The Ohio Judicial Conference Executive Committee endorsed these recommendations at its February 26, 2010 meeting and subsequently forwarded the recommendations to the Supreme Court of Ohio for review by the Commission on the Rules of Superintendence and the Commission on the Rules of Practice and Procedure. At the request of Steve Hollon, Administrative Director of the Supreme Court of Ohio, the Judicial Conference agreed to delay submission of the recommendations for changes to the Ohio Revised Code pending action by the Supreme Court on the changes to Appellate Rule 9 and Superintendence Rules 11 and 13.

For more information on the recommendations adopted by the Executive Committee, please contact Donna Childers at 614-387-9763 or [donna.childers@sc.ohio.gov](mailto:donna.childers@sc.ohio.gov).

### Subcommittee on Court Reporting & Transcripts

Chairman:

**Jerry McBride**

*Clermont Co. Common Pleas Court*

Members:

**Chad Carey**

*Clinton Co. Municipal Court*

**Colleen O'Toole**

*Eleventh District Court of Appeals*

**John Wise**

*Fifth District Court of Appeals*

**Lynn Slaby**

*Retired*

## Civil and Criminal

### HOUSE CONSIDERS LEGISLATIVE RESPONSE TO *ROBINSON V. BATES*



House Bill 361, sponsored by Representative Dennis Murray (D—Sandusky), would bar introduction of certain types of evidence in a personal injury or wrongful death action to rebut the prima facie evidence of the reasonableness of a written medical bill or statement and the necessity of the services or products identified on the bill. Specifically, the bill would not allow a party to rebut that prima facie evidence with evidence that the entity issuing the bill accepted an amount different from that on the bill as full payment, agreed to waive any right to payment of the charges on the bill, or agreed to provide services free of charge. Other evidence would still be admissible to demonstrate that the charges on the written bill were not reasonable or necessary.

The bill was introduced in response to the Ohio Supreme Court's 2006 decision in *Robinson v. Bates*. In *Bates*, the court was asked to decide whether the common law collateral-source rule, under which receipt of benefits from sources other than the wrongdoer is considered immaterial to damages, bars introduction of evidence that an insurer negotiated for payment of less than the amount originally billed. The court held that the collateral-source rule does not apply under these circumstances because a medical bill write-off is not *payment* of a benefit under the rule.

Accordingly, under the *Bates* holding, both the original medical bill and the amount actually paid are admissible to prove the reasonableness of medical expenses. However, the *Bates* court explicitly left the door open to legislative action in this area when it noted that “whether plaintiffs should be allowed to seek recovery for medical expenses as they are originally billed or only for the amount negotiated and paid by insurance is for the General Assembly to determine.”

The Judicial Conference’s Civil Law and Procedure Committee reviewed House Bill 361 and agreed with the Supreme Court’s conclusion that the question presented in *Bates* is a public policy determination for the legislature to make. The committee is seeking a nonsubstantive, technical amendment to the legislation and will continue to monitor its progress in the General Assembly.

The House Civil and Commercial Law Committee reported House Bill 361 on February 2, 2010. As of this writing, the bill has yet to receive a House floor vote.

## **NATIONAL ORGANIZATION UNDERTAKES STUDY OF OHIO’S CORRECTIONS SYSTEM**



In January 2010, state officials announced the launch of an independent review of Ohio’s corrections system by the Justice Reinvestment Center of the Council of State Governments (CSG). CSG is a national organization that works with state policymakers to advance policies that CSG believes will reduce recidivism, reduce prison expenditures, and improve public safety.

According to Governor Strickland, the goal of CSG’s quantitative study of Ohio’s corrections system is to identify long-term strategies that will reduce Ohio’s corrections costs. The Justice Reinvestment Center has conducted similar studies in nine other states.

CSG’s Ohio study will be funded in part by the United States Department of Justice and the Pew Center, a nonprofit organization that conducts social science research and acts as an information clearinghouse on current issues, attitudes, and trends.

Ohio’s current prison crowding problem is a driving force behind Ohio undertaking the study at this time. Recent estimates put Ohio’s prison population at over 50,000 inmates. The last three years have seen a 14% increase in prison population. The Ohio Department of Rehabilitation and Correction predicts that the upward trend will continue over the next ten years, with the prison population reaching over 59,000 inmates by 2018.

A bipartisan workgroup will oversee CSG’s efforts. Members of the workgroup include various agency directors and state legislators. Senator Bill Seitz (R—Cincinnati) and Representative Mike Moran (D—Hudson) will co-chair the workgroup. The Judicial Conference has agreed to assist CSG in collecting data needed by the Justice Reinvestment Center for its study.

Meanwhile, corrections reforms pending in the Ohio legislature have stalled. Senate Bill 22, sponsored by Senator Bill Seitz, contains a number of provisions intended to alleviate prison overcrowding. Those provisions include increasing the felony theft threshold from \$500 to \$1,000, encouraging community control sanctions for felony nonsupport violations, and increasing the number of credit days an offender can earn while incarcerated.

Senate Bill 22 would also allow judges to impose a wider range of sentences relative to certain drug trafficking and drug possession offenses that currently carry mandatory terms and expand the class of offender eligible for intervention in lieu of conviction. The 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 Senate Bill 22 on June 17, 2009, but the full Senate has yet to take a vote on the bill. A companion bill introduced in the House has received little attention. Significant corrections reforms will likely be deferred until CSG concludes its study and issues its findings and final policy recommendations.

## GOVERNOR SIGNS CRIMINAL INVESTIGATION AND DNA TESTING REFORM BILL



In January 2008, the *Columbus Dispatch* ran a five-day series of articles titled “Test of Convictions,” which detailed the newspaper’s study of several hundred requests for post-conviction DNA testing filed by offenders since

2003. The series highlighted perceived flaws in the post-conviction DNA testing process, including offenders’ requests for post-conviction DNA testing going unaddressed despite being made in accordance with state statute, DNA testing being granted by courts but not subsequently conducted, and evidence needed for post-conviction DNA testing being unavailable.

In 2009 and 2010, the House and Senate considered two companion proposals aimed at addressing some of the issues raised in the *Dispatch* series. The companion bills were House Bill 99, which was jointly sponsored by former State Representative Tyrone K. Yates (D—Cincinnati) and W. Carlton Weddington (D—Columbus), and Senate Bill 77, sponsored by Senator David Goodman (R—Columbus).

As introduced, both bills 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 for agencies 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.

Senate Bill 77 progressed through the legislative process ahead of its companion bill, House Bill 99. Following Senate Bill 77’s introduction, the

Judicial Conference participated in a series of stakeholder meetings involving the Innocence Project, the 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 removed provisions requiring Judicial Conference oversight of custodial interrogations; limited the interrogation recording requirement and evidence retention requirements to homicides and certain sex offenses; incentivized interrogation recording by creating a rebuttable presumption that a defendant’s recorded statements are made voluntarily; and clarified that advances in DNA testing technology can, under certain circumstances, qualify an individual for post-conviction DNA testing.

Following the Senate passing Senate Bill 77, the House Criminal Justice Committee commenced a series of hearings on Senate Bill 77 and House Bill 99. During the hearings, the committee heard from a broad spectrum of interested parties, including an individual who was wrongfully convicted of rape on the basis of an eyewitness identification. Joining the witness during his testimony was the victim who misidentified him. Both urged the committee to enact standardized police lineup procedures designed to minimize misidentifications.

Meanwhile, several law enforcement associations raised concerns about the potential fiscal impact of the bills’ evidence retention requirements. They also questioned whether custodial interrogations and other police practices should be codified in statute. Those objections notwithstanding, the House Criminal Justice Committee reported Senate Bill 77, making few substantive changes to the Senate-passed bill. The bill passed the House on March 16, 2010 by a vote of 85 representatives in favor and 7 opposed.

**Governor Strickland signed Senate Bill 77 on April 5, 2010. It becomes effective July 6, 2010.**

## **INDIGENT DRIVERS ALCOHOL TREATMENT FUND REFERENCE MANUAL AVAILABLE ON JUDICIAL CONFERENCE WEBSITE**

During fall 2009, the Judicial Conference participated in a workgroup formed to promote judges' and other stakeholders' understanding of indigent drivers alcohol treatment (IDAT) funds. The group was comprised of representatives from the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), the Ohio Association of County Behavioral Health Authorities (OACBHA), and the following members of the Ohio Judicial Conference: Judge James A. Shriver (Clermont County Municipal Court), Judge Melissa Byers-Emmerling (East Liverpool Municipal Court), Judge Joyce A. Campbell (Fairfield Municipal Court), Judge David Sunderman (Delaware Municipal Court), Judge William G. Lauber (Lima Municipal Court), Judge Deborah J. Nicastro (Garfield Heights Municipal Court), and Judge Richard T. Schisler (Portsmouth Municipal Court).

Every county, municipal, and juvenile court controls its own IDAT fund. The money in each court's fund is comprised largely of OVI-related fines and fees arising from OVI cases within that court's jurisdiction. IDAT funds exist for the purpose of administering substance abuse assessments and treatment for indigent OVI offenders. Every court is served by a drug addiction services board or board of alcohol, drug addiction, and mental health services that contract with private treatment providers to deliver treatment services to offenders. The boards pay for those services with monies in the IDAT fund. ODADAS oversees the entire system. In some areas of the state, courts, boards, and providers have hit one or more implementation hurdles. This has, on occasion, resulted in IDAT monies not being expended for their intended purpose.

To facilitate understanding of IDAT funds, the workgroup developed a reference manual that explains the respective roles of ODADAS, courts, and ADAMH boards in the administration of IDAT funds. The manual outlines the statutory code provisions that govern IDAT funds and describes best practices for administering the funds. The reference manual includes sample court entries and examples of memoranda of understanding entered into by some courts and their local boards. These entries and memoranda of understanding represent best practices occurring in jurisdictions that are successfully administering the funds.

The manual was distributed during a recent education session at the Association of Municipal/County Court Judges of Ohio's winter meeting. During the education session, judges and board members from across the state came together to describe administrative practices that have been working in their respective jurisdictions. Judicial participants on the panel included Judges Shriver and Sunderman from the workgroup along with Judge Mark Mihok (Lorain Municipal Court) and Judge Edward Elum (Massillon Municipal Court). The session was moderated by Judge David Trimmer (Fairfield County Municipal Court).

The reference manual is available on the Judicial Conference's website, [www.ohiojudges.org](http://www.ohiojudges.org). The reference manual is an ongoing project that the Judicial Conference will continue to update and improve in conjunction with our partners in the mental health and recovery sector.



## Domestic Relations, Juvenile and Probate

### Bill to Eliminate the Personal Liability of Probate and Juvenile Judges Introduced

On February 3<sup>rd</sup>, 2010 Representative Tom Letson (D—Warren) and Representative Peter Stautberg (R—Cincinnati) introduced House Bill 438 which would eliminate the personal liability of probate and juvenile judges for the default, malfeasance, or nonfeasance of any appointee or employee, a concept that was developed by the Judicial Conference's Probate Law & Procedure Committee and ultimately included in the Conference's 2009-2010 Legislative Platform.

#### *Personal Liability of Probate and Juvenile Judges*

Under current law, both probate and juvenile judges can be held personally liable for the default, malfeasance, or nonfeasance of any appointee or employee. Specifically, R.C. 2101.11(C), which governs the personal liability of a probate judge for the actions or omissions of his or her appointees, enumerates the duties of the judge of the probate court and states that the judge may be held personally liable for the default, malfeasance, or nonfeasance of any appointee in two ways. First, the judge may be held personally liable for the default, malfeasance, or nonfeasance of any appointee or employee from whom a bond has been required to the extent that any loss exceeds the amount of any bond. Second, the judge may be held personally liable for the default, malfeasance, or nonfeasance of any appointees from whom no bond has been required. Similarly, current R.C. 2151.13, which governs the personal liability of a juvenile judge for the actions or omissions of his or her employees, states that a juvenile judge may be held personally liable for the default, malfeasance, or nonfeasance of any employee from whom no bond has been required.

#### *Personal Liability of Other Judges*

Importantly, R.C. 2101.11(C) and R.C. 2151.13 are the only two sections of the Revised Code that expressly create the possibility of personal liability for judges based upon the actions or omissions of their appointees or employees. To the contrary, Justices of the Supreme Court of Ohio and judges of the courts of appeals, courts of common pleas (including the domestic relations division), and municipal/county courts do not face personal liability for losses resulting from the default, malfeasance, or nonfeasance of appointees or employees.

#### *Personal Liability of Other Public Servants*

Additionally, many other public officers and employees enjoy immunity from personal liability for actions taken in the performance of their official duties. For example, Revised Code section 9.86 provides for the immunity of public officers and employees for actions taken in the performance of their duties. R.C. 2744.03 provides for the immunity of political subdivisions and their employees for actions in connection with a governmental or proprietary function. This includes the actions of employees engaged in the performance of judicial, quasi-judicial, prosecutorial, legislative, or quasi-legislative functions.

#### *House Bill 438*

House Bill 438 would amend R.C. 2101.11 and R.C. 2151.13 to eliminate the express potential for personal liability for probate and juvenile judges for the acts or omissions of their appointees and employees, thereby putting probate and juvenile judges on equal footing with other Ohio judges and other Ohio public servants. As such, House Bill 438 will positively impact Ohio's courts by creating uniformity in the law, improving public confidence in the law and improving the administration of justice by ensuring that probate and juvenile judges are not held personally liable for the actions of their appointees and employees simply by virtue of their subject matter jurisdiction.

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House Bill 438 was reported out of House Judiciary Committee on March 24<sup>th</sup> and now awaits a vote on the House floor.

For more information on House Bill 438 or for a copy of the bill please contact Louis Tobin, Legislative Liaison to the Probate and Juvenile Law & Procedure Committees or visit [http://www.legislature.state.oh.us/bills.cfm?ID=128\\_HB\\_438](http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_438).

## House Bill 10 Expands Juvenile Court Jurisdiction Over Protection Orders Signed by Governor

On March 17<sup>th</sup>, Governor Ted Strickland signed House Bill 10 into law, marking the end of a process that began for the bill sponsor, State Representative Edna Brown (D—Toledo), in 2005 following a series of tragic incidents in Ohio involving teen dating violence. The new law, which will go into effect on June 17<sup>th</sup>, gives juvenile courts exclusive original jurisdiction over petitions for civil protection orders and consent agreements when the respondent is a minor.

When the bill was initially introduced as House Bill 436 (126<sup>th</sup> General Assembly) in November of 2005, it was touted as a bill to protect teens from the potential violence of a “dating relationship.” Importantly, however, the legislation underwent significant changes over five years in response to concerns raised by many interested parties, including the Ohio Judicial Conference. Most significantly, the “dating relationship” language was removed from the bill in response to concerns over defining the nature of a “dating relationship.” The general feeling was that this language could exclude some teens who were not in a “dating relationship” but who were nevertheless in danger of victimization. Instead, the version of the legislation that was signed by the governor allows any person on behalf of him or herself, any parent or adult family household member on behalf of any other family or household member, or any person determined by the court to be appropriate, to seek a protection order based upon allegations of menacing, menacing by stalking, aggravated menacing, assault, aggravated assault, felonious assault, aggravated trespass or a sexually oriented offense.

### *Other provisions of the newly enacted law address:*

**Ex Parte Orders:** The court, upon receiving a petition for a civil protection order, must hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session.

**Notice:** The court, in its discretion, *may* determine whether or not to provide notice to the petitioner’s parents or some other appropriate person and *must* give notice to the respondent and to the parent, guardian, or legal custodian of the respondent upon scheduling a full hearing on the petition for a protection order.

**Full Hearings:** If the court issues a protection order after an ex parte hearing, it must schedule a full hearing on the matter within ten days of the ex parte hearing unless the court grants a continuance. The court may grant a continuance of the full hearing if the respondent has not been served with notice, the parties consent to the continuance, the continuance is needed to allow a party to obtain counsel, or the continuance is needed for other good cause.

**Sealing of Records:** Any juvenile court that issues a protection order or consent agreement *must* automatically seal all of the records of the proceeding on the date that the respondent turns nineteen so long as the court determines that the respondent complied with all of the terms of the order. If a court determines that a respondent did not comply with the terms of the order, it *may* seal the records of the proceeding upon its own motion or upon the motion of the respondent at any time after two years after the expiration of the order. Finally, in any proceeding in which a protection order or consent agreement is sought but not issued, the court must automatically seal all of the records of that proceeding.

**Registration of Protection Orders:** A petitioner who obtains a protection order under the new law may provide notice of the issuance to judicial and law enforcement officers in any county other than the county in which the order was issued by obtaining a certified copy of the order and presenting that certified copy to the clerk of court of common pleas, municipal court, or county court in which the petitioner wishes to have the order registered.

**Finally, the enacted version of House Bill 10 included a number changes unrelated to the issuance and enforcement of juvenile civil protection orders. These changes include:**

- An amendment that would give the Ohio Attorney General the authority to defend an appeals court judge or any other person employed by the court of appeals in a civil action brought against that judge or other person that arose in connection with their employment
- An amendment to include “foster parents” under the scope of the domestic violence laws
- An amendment to establish the Ohio Law Enforcement Gateway to operate a statewide communications network to gather and disseminate information, data, and statistics for use by law enforcement agencies and to make the penalty for unauthorized use of the Gateway a felony of the fifth degree
- An amendment to give judges of the Butler County Court of Common Pleas concurrent jurisdiction with the Juvenile Division of the Butler County Court of Common Pleas with respect to certain custody and support cases

The Judicial Conference’s Juvenile Law & Procedure Committee worked with the bill sponsor, Rep. Edna Brown, and the Chair of the Senate Judiciary – Civil Justice Committee, Sen. Bill Seitz on a number of the provisions in House Bill 10 and would like to give them special thanks for taking the input of Ohio’s judges into account throughout the legislative process.

For more information or for a copy of the full text of the enacted version of House Bill 10 please contact Louis Tobin, Legislative Liaison to the Juvenile Law and Procedure Committee or visit [http://www.legislature.state.oh.us/bills.cfm?ID=128\\_HB\\_10](http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_10).



Pictured is Governor Strickland signing House Bill 10. The Ohio Judicial Conference was represented by Louis Tobin, Judge William Finnegan and Judge Jan Michael Long who are seen on the far left of the photo. Executive Director Mark Schweikert stands on the far right of the photo.

## House Bills 238 & 244 Combined - Reported Out of Senate Committee

House Bill 238, Representative Sandra Harwood's (D – Niles) bill that would require the full disclosure of assets in divorce proceedings was reported out of Senate Judiciary – Civil Justice Committee on March 10<sup>th</sup> after being combined with House Bill 244, Rep Harwood's bill that would permit a court to modify a division of property in a divorce decree or decree of dissolution of marriage upon the express written consent of both spouses. The bill now awaits a floor vote in the Senate before going back to the House for confirmation of the Senate amendments and then to the Governor for his signature.

### ***House Bill 238***

Current law prohibits the dissipation, destruction, concealment or fraudulent disposition of assets in a divorce or legal separation proceeding. There is nothing, however, in the Revised Code or the Civil Rules that requires full disclosure of assets, debts, and income information in these same proceedings. Although some Ohio courts have local rules requiring such disclosure, the penalties for non-disclosure are generally weak. Similarly, the general sanctions for discovery violations under the Ohio Rules of Civil Procedure are cumbersome and often ill suited to divorce actions, and Rule 11 sanctions are rarely an effective deterrent.

House Bill 238 would create a new paragraph in R.C. 3105.171 that would authorize a court in a divorce or legal separation proceeding to require each spouse to disclose in a full and complete manner all marital property, separate property, and other assets, debts, income and expenses. The bill would further amend R.C. 3105.171 to permit a court to treat the substantial and willful nondisclosure of assets as financial misconduct and to compensate the offended spouse with a distributive award or with a greater award of marital property of up to three times the value of the nondisclosure.

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### ***Other Amendments to House Bill 238***

In addition to the inclusion of the House Bill 244 language, House Bill 238 was amended in several other ways before being reported out of Senate Committee. These amendments include:

- An amendment to eliminate the prohibition against a municipal or county court judge being eligible for life insurance coverage from a county or other political subdivision
- An amendment to change the statutory designation of the Chardon, Lyndhurst, and An amendment to modify the notice

requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order

- An amendment to create the Putnam County Municipal Court in Ottawa and abolish the Putnam County County Court on January 1, 2011 and to establish one full-time judgeship in the Municipal Court Miamisburg Municipal Court judges from part-time to full-time
- An amendment to prohibit a county court judge from retaining a fee for performing a marriage ceremony
- An amendment to remove the statutorily required notice regarding possessing or purchasing a firearm when subject to certain non-domestic violence protection orders that have been issued as a condition of pretrial release

### ***House Bill 244***

Under current law, an Ohio court issuing a divorce decree, or a decree of dissolution of marriage, distributes marital property to each party according to what the court deems fair after assessing the unique situation of the parties, a process known as equitable distribution. This process requires the court to consider a variety of factors such as the duration of the marriage, the assets and liabilities of the spouses, the tax consequences of any property division or distribution and, among other things, any agreement which the spouses have voluntarily entered into. Once the court enters a final order or decree, the only way to amend any distribution of property is to challenge the order on appeal or to file a Civ.R. 60(B) motion for relief from judgment, two remedies that are only successful in a narrow set of circumstances. Outside of this, a division or disbursement of property or a distributive award is not subject to future modification by the court. Importantly, this remains true even when the parties expressly agree to a modification of their original settlement and the inability of trial courts to make modifications in these circumstances often results in what is ultimately an inequitable distribution of marital property.

House Bill 244 would amend Revised Code sections 3105.171, 3105.63, and 3105.65 to permit a court, with the consent of the parties, to modify a division of property order made in conjunction with a divorce decree or decree of dissolution of marriage. The bill will give judges a definitive tool to use to solve problems that arise in many post divorce or post dissolution situations and will improve public confidence in the law by enabling them to reach more equitable outcomes in divorce and legal separation proceedings.

As noted above, the language proposed in House Bill 244 is now part of House Bill 238.

### ***Thank You***

The issues addressed in House Bill 238 and House Bill 244 are part of the Judicial Conference's 2009-2010 Legislative Platform and the Conference would like to thank the bill sponsor, Rep. Sandra Harwood, for introducing these pieces of legislation and seeing them through the legislative process.

For more information on House Bill 238 or House Bill 244 or for a copy of the bills please contact Louis Tobin, Legislative Liaison to the Domestic Relations Law & Procedure Committee, or visit [http://www.legislature.state.oh.us/bills.cfm?ID=128\\_HB\\_238](http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_238).



# OJC PENDING LEGISLATION

(with judicial impact)

128th General Assembly

For Internet access to pending legislation, visit [www.legislature.state.oh.us/search.cfm](http://www.legislature.state.oh.us/search.cfm)

- HB3 MORTGAGE FORECLOSURES** (FOLEY, M) To declare a six month moratorium on mortgage foreclosures, to require registration of residential mortgage servicers, to regulate residential mortgage servicers, to establish 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.  
*Status:* 1/12/2010 - Senate Finance and Financial Institutions, (First Hearing)  
*Impact:* 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. MARK SCHWEIKERT GAVE INTERESTED PARTY TESTIMONY
- HB5 TRANSITION FUNDS** (OKEY, M) 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.  
*Status:* 2/1/2010 - House Appoints Managers, Managers: Okey, Dodd, Mecklenborg  
*Impact:* FYI
- HB11 SORN LAW** (HEARD, T) 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.  
*Status:* 3/4/2009 - House Criminal Justice, (First Hearing)  
*Impact:* 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 reviewed the bill and determined that it may not be consistent with the "best interests of the child" standard to expand the SORN residency restriction to include juveniles. LETTER SENT TO REPS. HEARD, HARRIS
- HB13 CHILD VICTIM OFFENDERS** (GARRISON, J) 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.  
*Status:* 4/14/2010 - House Criminal Justice, (Fourth Hearing)  
*Impact:* 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.
- HB17 MOTORCYCLE OPERATION** (UECKER, J) To clarify the penalties for operating a motorcycle without having either a motorcycle endorsement or the proper restricted license.  
*Status:* 6/3/2009 - House Transportation and Infrastructure, (Third Hearing)  
*Impact:* This bill is consistent with the OJC Legislative Platform and will bring clarity to a currently ambiguous area of the law. JUDGE JAMES SHRIVER GAVE PROPONENT TESTIMONY
- HB22 BULK DATA** (FENDE, L) To authorize 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.  
*Status:* 2/25/2009 - House State Government, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB24 TRANSITION FUNDS** (BATCHELDER, W) 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.  
*Status:* 2/18/2009 - Referred to Committee House Elections and Ethics  
*Impact:* FYI
- HB25 EXECUTIVE BRANCH** (ADAMS, J) To reorganize the executive branch of state government.  
*Status:* 11/10/2009 - House State Government, (First Hearing)  
*Impact:* FYI
- HB26 CORPORAL PUNISHMENT** (WILLIAMS, B) To prohibit corporal punishment in all public and chartered nonpublic schools.  
*Status:* 11/17/2009 - Referred to Committee Senate Highways and Transportation  
*Impact:* FYI
- HB29 PROHIBIT SEXUAL CONDUCT HUMAN CORPSE** (MALLORY, D) To prohibit engaging in sexual conduct with a human corpse.  
*Status:* 5/13/2009 - House Criminal Justice, (Fourth Hearing)  
*Impact:* 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

- HB30 PERS** (COMBS, C) To require 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.  
*Status:* 6/10/2009 - House Financial Institutions, Real Estate and Securities, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB36 LEGISLATIVE COMMITTEE MEETINGS** (DYER, S) 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.  
*Status:* 5/20/2009 - House State Government, (First Hearing)  
*Impact:* FYI
- HB37 COMPETITIVE BIDDING** (DYER, S) 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.  
*Status:* 3/24/2009 - House Commerce and Labor, (First Hearing)  
*Impact:* FYI
- HB40 COURT-ORDERED PARENTING** (LETSON, T) 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.  
*Status:* 10/7/2009 - House Judiciary, (Third Hearing)  
*Impact:* FYI
- HB44 DRIVER FINANCIAL RESPONSIBILITY** (HAGAN, R) To eliminate the financial responsibility random verification program of the Bureau of Motor Vehicles.  
*Status:* 3/11/2009 - House Insurance, (First Hearing)  
*Impact:* FYI
- HB45 VEHICLE HEADLIGHTS** (UJVAGI, P) To require the headlights of a vehicle to be lighted when its windshield wipers are in use.  
*Status:* 3/4/2009 - Referred to Committee House Transportation and Infrastructure  
*Impact:* Staff will track and notify judges if enacted.
- HB55 CRUELTY TO ANIMALS** (WILLIAMS, B) 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 orders, and protection orders.  
*Status:* 4/14/2010 - House Criminal Justice, (Fifth Hearing)  
*Impact:* 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
- HB59 GUARDIAN RESIDENCY - SCHOOLS** (STEBELTON, G) 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.  
*Status:* 3/24/2009 - House Education, (First Hearing)  
*Impact:* FYI
- HB61 ESTATE TAXES** (HOTTINGER, J) 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 by 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.  
*Status:* 4/22/2009 - House Ways and Means, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB63 CIVIL MARRIAGE CEREMONIES** (LETSON, T) To permit members of the General Assembly to perform civil marriage ceremonies in Ohio.  
*Status:* 4/29/2009 - Re-Referred to Committee  
*Impact:* FYI LETTERS SENT TO REPS. LETSON AND FENDE
- HB70 CRUEL TREATMENT-COMPANION ANIMAL** (GERBERRY, R) To specifically prohibit an owner of a kennel of dogs from committing cruel treatment of a companion animal by the animal's custodian or caretaker and to give a prosecutor who prosecutes an owner of a kennel of dogs who commits cruel treatment of a companion animal discretion in prosecuting the owner for the offense.  
*Status:* 3/3/2010 - Referred to Committee Senate Judiciary - Criminal Justice  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined that it creates disproportionate penalties. LETTERS SENT TO REPS. GERBERRY AND HAGAN.
- HB73 FINANCIAL RESPONSIBILITY** (GARRISON, J) To require proof of financial responsibility to be submitted as a condition of registering a motor vehicle.  
*Status:* 12/16/2009 - House Insurance, (Second Hearing)  
*Impact:* FYI

- HB77 PUBLIC RECORD INFORMATION** (SNITCHLER, T) 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.  
*Status:* 3/9/2010 - HB77 is now included in HB391  
*Impact:* FYI
- HB78 OVI LAW** (HOTTINGER, J) 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.  
*Status:* 5/13/2009 - House Criminal Justice, (Second Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined that it limits judicial discretion. LETTERS SENT TO REPS. HOTTINGER AND WEDDINGTON.
- HB83 PUBLIC SCHOOL ASSAULTS** (BOYD, B) To provide for the reporting of assaults in public schools to school administrators and law enforcement authorities.  
*Status:* 2/9/2010 - House Education, (First Hearing)  
*Impact:* FYI
- HB85 FIREARMS** (BOYD, B) 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.  
*Status:* 3/24/2009 - Referred to Committee House Public Safety and Homeland Security  
*Impact:* 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.
- HB86 LAND REUTILIZATION** (HAGAN, R) 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.  
*Status:* 3/24/2009 - Referred to Committee House Local Government / Public Administration  
*Impact:* 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.
- HB88 REAL PROPERTY SALE** (WAGNER, J) 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.  
*Status:* 6/16/2009 - House Civil and Commercial Law, (Second Hearing)  
*Impact:* The Civil Law and Procedure Committee is currently reviewing the legislation.
- HB89 OFFENSE PENALTIES** (ZEHRINGER, J) 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.  
*Status:* 3/24/2009 - Referred to Committee House Judiciary  
*Impact:* The Criminal Law and Procedure and Court Administration Committees reviewed the legislation and determined it is consistent with the OJC Legislative Platform. LETTER SENT TO REP. ZEHRINGER.
- HB93 BICYCLE SAFETY** (SKINDELL, M) 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.  
*Status:* 12/1/2009 - **REPORTED OUT**, House Public Safety and Homeland Security, (Fourth Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB95 NAME CHANGE** (SKINDELL, M) 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.  
*Status:* 12/2/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.

- HB98 SEX OFFENDER** (COMBS, C) 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.  
*Status:* 10/29/2009 - House Public Safety and Homeland Security, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB103 PROBATION OFFICERS/JUDGES** (FENDE, L) 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.  
*Status:* 10/20/2009 - Referred to Committee Senate Judiciary - Criminal Justice  
*Impact:* 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. LETTERS SENT TO REPS. FENDE, HARWOOD, COLEY. JUDGE ROBERT HOOVER GAVE PROPONENT TESTIMONY.
- HB108 COCKFIGHTING** (DOMENICK, J) To revise the law governing cockfighting.  
*Status:* 3/24/2010 - Senate Agriculture, (Third Hearing)  
*Impact:* 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.
- HB109 COMMERCIAL DRIVER'S LICENCES** (HOTTINGER, J) To disqualify the holder of a commercial driver's license from operating a commercial motor vehicle upon a municipal OVI conviction and to eliminate the waive provision for restricted commercial driver's licenses for farm-related service industries.  
*Status:* 11/18/2009 - **REPORTED OUT AS AMENDED**, House Transportation and Infrastructure, (Third Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB112 CERTAIN OFFENDERS-GPS MONITORING** (DOMENICK, J) 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.  
*Status:* 5/13/2009 - House Criminal Justice, (Second Hearing)  
*Impact:* 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
- HB118 DEPARTMENT OF MR/DD** (NEWCOMB, D) 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.  
*Status:* 6/10/2009 - Re-Referred to Committee  
*Impact:* FYI
- HB120 LEGISLATIVE SERVICE COMMISSION** (BATCHELDER, W) To establish the Legislative Budget Committee and the Legislative Budget Office of the Legislative Service Commission.  
*Status:* 5/13/2009 - House State Government, (First Hearing)  
*Impact:* FYI
- HB121 DRIVERS** (EVANS, C) 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.  
*Status:* 12/16/2009 - House Transportation and Infrastructure, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB128 TRAFFIC LAWS** (HAGAN, R) 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.  
*Status:* 5/27/2009 - House Criminal Justice, (Third Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined the penalties may be disproportionate and that the bill's provisions could be difficult to apply. LETTER SENT TO REP. HAGAN
- HB129 CONCEALED HANDGUNS** (ADAMS, J) 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 a concealed handgun and must submit a new or renewed competency certification when renewing the license; to eliminate as premises in which 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 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.  
*Status:* 4/14/2009 - Referred to Committee House Public Safety and Homeland Security  
*Impact:* Staff will track and notify judges if enacted.

- HB130 DRIVING LAWS** (MILLER, E) To prohibit a person who is less than 17 years of age from talking or text messaging on a mobile communication device while driving.  
*Status:* 4/14/2009 - Referred to Committee House Public Safety and Homeland Security  
*Impact:* Staff will track and notify judges if enacted.
- HB132 MINOR NUDITY** (MAAG, R) 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.  
*Status:* 6/17/2009 - House Criminal Justice, (Second Hearing)  
*Impact:* See companion legislation, SB 103.
- HB145 RESIDENTIAL HOUSING** (YUKO, K) 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.  
*Status:* 6/9/2009 - House Civil and Commercial Law, (First Hearing)  
*Impact:* See companion legislation, SB 103.
- HB154 FLEEING FROM LAW ENFORCEMENT** (YUKO, K) 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.  
*Status:* 5/27/2009 - House Criminal Justice, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB156 CHILDREN'S DAY** (HARRIS, M) To designate April 30 as "Dia De Los Ninos" or Children's Day."  
*Status:* 6/24/2009 - Re-Referred to Committee  
*Impact:* FYI
- HB167 DOMESTIC VIOLENCE DISCRIMINATION** (MURRAY, D) To prohibit an employer or a landlord from discriminating against a victim of domestic violence, to allow a victim of domestic violence to take unpaid leave for court proceedings relating to domestic violence.  
*Status:* 12/15/2009 - Referred to Committee Senate Judiciary - Civil Justice  
*Impact:* FYI
- HB170 EMPLOYER RETALIATION** (MURRAY, D) To prohibit an employer from retaliating against the employer's employee for testifying in an unemployment compensation proceeding.  
*Status:* 1/12/2010 - House Commerce and Labor, (Fourth Hearing)  
*Impact:* FYI
- HB172 COUNTY FACILITIES REVIEW BOARD** (LETSON, T) 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.  
*Status:* 6/10/2009 - House Local Government / Public Administration, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB176 SEXUAL/GENDER DISCRIMINATION** (STEWART, D) To prohibit discrimination on the basis of sexual orientation or gender identity.  
*Status:* 9/22/2009 - Referred to Committee Senate Rules  
*Impact:* Staff will track and notify judges if enacted.
- HB179 LAW ENFORCEMENT MOTORCYCLE SEIZURE** (LETSON, T) 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.  
*Status:* 6/23/2009 - House Civil and Commercial Law, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB180 COURTHOUSE ASSAULT** (LETSON, T) To make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree.  
*Status:* 5/27/2009 - House Criminal Justice, (First Hearing)  
*Impact:* The Court Administration Committee reviewed this bill and determined that it would increase public safety and improve public confidence in the courts.
- HB182 FELONIOUS ASSAULT-YOUNG VICTIMS** (HACKETT, R) To require a definite term of imprisonment of 5 to 10 years for an offender convicted of felonious assault of 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.  
*Status:* 12/9/2009 - House Criminal Justice, (Second Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it reduces judicial discretion.
- HB183 UNWANTED FACSIMILE ADVERTISEMENT** (YUKO, K) 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.  
*Status:* 6/9/2009 - House Civil and Commercial Law, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.

**HB184 WORK ELIGIBILITY STATUS** (COMBS, C) 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.

**Status:** 6/24/2009 - House Judiciary, (Second Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB191 STREET RACING** (CELESTE, T) To increase the penalties for street racing and to create the offense of " street racing manslaughter."

**Status:** 12/8/2009 - Referred to Committee Senate Judiciary - Criminal Justice

**Impact:** The Criminal Law and Procedure Committee reviewed the bill and determined it may be overly broad. LETTER SENT TO REP. CELESTE

**HB192 CORONERS** (LETSON, T) 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.

**Status:** 3/24/2010 - **SUBSTITUTE BILL ACCEPTED**, House Judiciary, (Fifth Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB197 KINSHIP CAREGIVERS** (HARRIS, M) 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.

**Status:** 1/27/2010 - House Judiciary, (Second Hearing)

**Impact:** 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. LETTERS SENT TO REP. HARRIS

**HB203 CONCEALED CARRY** (BUBP, D) 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.

**Status:** 1/19/2010 - House Public Safety and Homeland Security, (Second Hearing)

**Impact:** FYI

**HB204 MOTORCYCLE PARKING** (LETSON, T) To permit a motorcycle operator to back the motorcycle into an angled parking space.

**Status:** 3/17/2010 - Referred to Committee Senate Highways and Transportation

**Impact:** FYI

**HB210 G.A. 5% SALARY REDUCTIONS** (MORGAN, S) 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.

**Status:** 10/28/2009 - House State Government, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB213 MEDICAL TREATMENT FOR CHILDREN** (HAGAN, R) 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.

**Status:** 6/17/2009 - House Health, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB214 NATIONAL SKI PATROL SYSTEM** (LETSON, T) To establish a qualified immunity from civil liability relative to emergency care provided by members of the National Ski Patrol System.

**Status:** 6/23/2009 - House Civil and Commercial Law, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB220 LOCAL GOVERNMENT PUBLIC NOTICE TASK FORCE RECOMMENDATIONS** (CHANDLER, K) 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.

**Status:** 3/24/2010 - House Local Government / Public Administration, (Third Hearing)

**Impact:** FYI

- HB225 COMMUNITY CONTROL SANCTION** (YATES, T) 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.
- Status:* 6/17/2009 - Referred to Committee House Criminal Justice
- Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it may conflict with Criminal Rule 32.2. LETTER SENT TO REP. YATES
- HB226 QUALIFIED CIVIL AND CRIMINAL IMMUNITY** (HEARD, T) 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.
- Status:* 12/8/2009 - House Civil and Commercial Law, (Second Hearing)
- Impact:* Staff will track and notify judges if enacted.
- HB227 VERIFICATION OF IMMIGRATION STATUS** (DOMENICK, J) 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.
- Status:* 12/1/2009 - House Commerce and Labor, (First Hearing)
- Impact:* FYI
- HB233 CRIMINAL JUSTICE REFORM COMMISSION** (WEDDINGTON, C) To create the Criminal Justice Reform Commission.
- Status:* 4/14/2010 - House Criminal Justice, (First Hearing)
- Impact:* Staff will track and notify judges if enacted.
- HB235 CRIMINAL PROSECUTION OF A DELINQUENT CHILD** (HEARD, T) to make changes 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.
- Status:* 10/7/2009 - House Criminal Justice, (First Hearing)
- Impact:* The Juvenile Law and Procedure Committee reviewed this bill and determined it would increase judicial discretion over bindover and SYO designations and may influence prosecutorial use of charge reduction. LETTERS SENT TO REPS. HEARD, YATES AND HARWOOD.
- HB238 FULL DISCLOSURE OF ASSETS IN DIVORCE PROCEEDINGS** (HARWOOD, S) 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, to permit a court to modify a division of property in a divorce decree of dissolution of marriage upon the express written consent or agreement of both spouses, to eliminate the prohibition against a municipal or county court judge being eligible for life insurance coverage from a county or other political subdivision, to change the statutory designation of the Chardon, Lyndhurst, and Miamisburg Municipal Court judges from part-time to full-time judges, to prohibit a county court judge from retaining a fee for performing a marriage ceremony, to remove the statutorily required notice regarding possessing or purchasing a firearm when subject to certain nondomestic violence protection orders issued as a pretrial condition of release, to modify the notice requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order, to create the Putnam County Municipal Court in Ottawa on January 1, 2011, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Putnam County County Court on that date, to designate the Putnam County Clerk of Courts as the clerk of the Putnam County Municipal Court, to provide for the election for the Putnam County Municipal Court of one full-time judge in 2011, and to make deputy sheriffs ex-officio bailiffs of municipal courts.
- Status:* 3/10/2010 - **REPORTED OUT AS AMENDED**, Senate Judiciary - Civil Justice, (Fifth Hearing)
- Impact:* The Domestic Relations Law and Procedure Committee reviewed the bill and determined that its provisions are consistent with the OJC Legislative Platform and will improve the administration of justice and public confidence in the courts. LETTER SENT TO REP. HARWOOD. JUDGES WILLIAM CORZINE AND DAVE LEWANDOWSKI GAVE PROPONENT TESTIMONY
- HB242 BCII DATABASE- CERTAIN FELONIES** (LETSON, T) 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 against a person under eighteen years of age.
- Status:* 6/30/2009 - Referred to Committee House Criminal Justice
- Impact:* Staff will track and notify judges if enacted.
- HB243 COURT INTIMIDATION** (LETSON, T) 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.
- Status:* 1/13/2010 - House Criminal Justice, (Second Hearing)
- Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined that the bill's definition of "unlawful conduct" may be vague and overbroad. LETTERS SENT TO REPS. LETSON AND BURKE.
- HB244 DIVORCE PROPERTY DIVISION** (HARWOOD, S) 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.
- Status:* 3/10/2010 - Rolled into HB238
- Impact:* The Domestic Relations Law and Procedure Committee reviewed this legislation and determined that its provisions are consistent with the OJC Legislative Platform and will increase public confidence in the courts. JUDGES WILLIAM CORZINE AND DAVE LEWANDOWSKI GAVE PROPONENT TESTIMONY

- HB248 PRISON TERMS** (GARRISON, J) 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.  
*Status:* 1/20/2010 - House Criminal Justice, (Second Hearing)  
*Impact:* 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.
- HB251 COMMERCIAL DRIVERS' LICENSES** (BOOK, T) To make changes in the law governing commercial drivers' licenses, including hazardous material endorsements, disqualifications, conviction records, and licensure or private commercial driver's license test administration.  
*Status:* 11/17/2009 - House Civil and Commercial Law, (Second Hearing)  
*Impact:* 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.
- HB252 ABORTION** (ADAMS, J) To make changes relative to requiring paternal consent before an abortion may be performed.  
*Status:* 9/15/2009 - Referred to Committee House Health  
*Impact:* Staff will track and notify judges if enacted.
- HB257 SEXUAL BATTERY/IMPOSITION** (SNITCHLER, T) To require a mandatory prison term for sexual battery, increase the penalty, and require a mandatory prison term for sexual imposition, and require a mandatory prison term or jail term for unlawful sexual conduct with a minor, gross sexual imposition, importuning, and endangering children under specified circumstances involving a minor or a student victim and a person in authority with respect to the victim.  
*Status:* 10/7/2009 - House Criminal Justice, (First Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined that it limits judicial discretion. LETTER SENT TO REP. SNITCHLER.
- HB260 ELECTION LAW** (STEWART, D) To revise the Election Law.  
*Status:* 2/2/2010 - Senate State and Local Government and Veterans Affairs, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB261 DRIVING** (DEBOSE, M) To prohibit driving a vehicle while text messaging or typing on a mobile communication device and to establish the violation as a secondary traffic offense.  
*Status:* 11/5/2009 - House Public Safety and Homeland Security, (First Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB262 TRAFFIC OFFENSES** (DEBOSE, M) To prohibit driving a vehicle while talking, text messaging, or typing on a mobile communication device and to establish the violation as a secondary traffic offense.  
*Status:* 11/5/2009 - House Public Safety and Homeland Security, (First Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB264 ABANDONED MINE LANDS** (EVANS, C) To provide immunity from liability for eligible landowners who provide access to abandoned mine lands located on the landowner's land for purposes of reclamation.  
*Status:* 10/6/2009 - House Civil and Commercial Law, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB265 CRIMINAL PENALTIES** (DRIEHAUS, D) To impose the same criminal penalties for assaulting a resident participating in a uniformed police volunteer program as are imposed for assaulting a peace officer.  
*Status:* 12/9/2009 - House Criminal Justice, (Second Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB266 COMMUNICATING WHILE DRIVING** (KOZIURA, J) To generally prohibit driving a vehicle while using a handheld or manually operated mobile communication device.  
*Status:* 12/1/2009 - House Public Safety and Homeland Security, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB269 FORECLOSURE SALES** (COLEY, W) To authorize county sheriffs to advertise foreclosure sales via a web site.  
*Status:* 10/6/2009 - House Civil and Commercial Law, (First Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the bill and determined it will have a favorable impact by reducing local costs and preserving judicial discretion. LETTER SENT TO REP. COLEY
- HB270 COMMUNICATING WHILE DRIVING** (PILLICH, C) To prohibit driving a vehicle while text messaging or typing on a mobile communication device.  
*Status:* 11/19/2009 - House Public Safety and Homeland Security, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.

- HB274 HYPODERMIC/SYRINGE** (YATES, T) To provide an affirmative defense to certain offenses involving a hypodermic or syringe that the person is 18 years of age or older and possesses or otherwise obtains the hypodermic or syringe for the purpose of having a clean needle to avoid HIV exposure and to permit an authorized person to sell or furnish a hypodermic without a prescription to a person who is 18 years of age or older and who wishes to obtain it for that purpose.  
*Status:* 9/15/2009 - Referred to Committee House Criminal Justice  
*Impact:* Staff will track and notify judges if enacted.
- HB288 PAWNBROKERS/PRECIOUS METAL DEALERS** (HARWOOD, S) To make changes in the laws regulating pawnbrokers and precious metal dealers to revise item information furnished to local law enforcement agencies and, under the Precious Metal Dealer Law, specify which local law enforcement agencies are to receive item information; to restrict the type of property received or purchased; to require specified proof of identity of persons pledging, redeeming, or from whom property is purchased; to increase property retaining periods, including the period an item must be retained if there is probable cause that it is stolen property; and to modify procedures and authorized civil actions in connection with returning pledged or purchased property to its true owner.  
*Status:* 10/6/2009 - Referred to Committee House Civil and Commercial Law  
*Impact:* Staff will track and notify judges if enacted.
- HB298 NON-GENERAL REVENUE FUNDS** (WEDDINGTON, C) To create the Special Task Force on non-General Revenue Funds.  
*Status:* 10/14/2009 - Referred to Committee House Finance and Appropriations  
*Impact:* FYI
- HB303 MAYOR'S COURTS** (DYER, S) To authorize the Attorney General to dissolve a mayor's court that is operating in violation of statutory population, training, or registration requirements.  
*Status:* 1/27/2010 - House Judiciary, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB304 TRACKING DEVICES** (BURKE, D) To prohibit the use of a tracking device to determine the location or movement of a person without the person's consent subject to specified exceptions, to provide for the issuance of a search warrant to a law enforcement officer or prosecutor authorizing the installation, use, and removal of a tracking device subject to specified conditions, and to provide for the installation and use of a tracking device by an investigative officer or law enforcement officer without a search warrant in specified emergency situations and subject to specified conditions.  
*Status:* 11/18/2009 - House Criminal Justice, (First Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed this bill and determined that the standards for issuing a tracking device warrant may be overbroad.
- HB306 FORECLOSURE MEDIATION PROGRAMS** (DOLAN, M) To require courts to establish and operate programs of mandatory foreclosure mediation in non-tax foreclosure actions on occupied residential properties, to require courts to adopt rules to establish filing fees to cover the costs of the mediation, to set minimal qualifications that the court must adopt by rule for the mediators it appoints, and to establish procedures for the operation of foreclosure mediation programs.  
*Status:* 12/15/2009 - House Housing and Urban Revitalization, (Third Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the bill and determined that creating a foreclosure mediation process is a matter of public policy. The committee is working with the bill's sponsor as an interested party.
- HB323 FORECLOSURE ACTIONS** (MURRAY, D) To make changes relative to foreclosure actions and certain related nuisance abatement actions.  
*Status:* 2/3/2010 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT AS AMENDED**, House Housing and Urban Revitalization, (Fifth Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the bill and determined that some of its provisions could impair property rights. LETTER SENT TO REP. MURRAY.
- HB327 JURY TAMPERING/HARASSMENT** (COMBS, C) To prohibit jury tampering, to exclude jury questionnaires and similar documents from public records requests, to require all attorneys and parties to legal proceedings to return all jury questionnaires and other records or notations containing jurors' names, addresses, and phone numbers to the court at the conclusion of a trial, and to prohibit juror harassment.  
*Status:* 10/27/2009 - Referred to Committee House Civil and Commercial Law  
*Impact:* The Court Administration and Criminal Justice Committee reviewed the bill and determined it may have constitutional problems. LETTER SENT TO REP. COMBS.
- HB334 PRISON TERM FOR MURDER** (PRYOR, R) To change the prison term for murder from an indefinite term of fifteen years to life to an indefinite term consisting of a minimum term of fifteen, sixteen, seventeen, eighteen, nineteen or twenty years and maximum term of life imprisonment.  
*Status:* 1/13/2010 - House Criminal Justice, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted. LETTERS SENT TO REPS. PRYOR AND YATES.
- HB335 COURT FEES** (COMBS, C) To require that certain fees paid by parties in a municipal court that is not a county operated municipal court and that appoints counsel for indigent defendants in a manner other than that provided in section 120.33 of the Revised Code be transmitted to the treasurer of the municipal corporation and used to pay the compensation of counsel appointed to represent indigent defendants.  
*Status:* 11/18/2009 - House Judiciary, (First Hearing)  
*Impact:* The Court Administration Committee reviewed this legislation and is surveying municipal courts to determine the extent of the impact on city and court budgets.

- HB336 POLITICAL SUBDIVISION OFFICE HOLDERS** (GARRISON, J) To prohibit an elected officer of a political subdivision or a candidate for an elective office of a political subdivision from accepting contributions from an employee of that political subdivision who is or who would be supervised, directly or indirectly, by the public officer or candidate.  
*Status:* 3/16/2010 - House Elections and Ethics, (Third Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB338 DRIVER'S LICENSE ISSUE LITIGATION** (BOOK, T) To allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court.  
*Status:* 3/2/2010 - **REPORTED OUT AS AMENDED**, House Civil and Commercial Law, (Fourth Hearing)  
*Impact:* The Court Administration Committee is currently reviewing the bill. JUDGE JAMES SHRIVER PROVIDED PROPONENT TESTIMONY ON 2/23/10
- HB339 PAROLE BOARD MEMBERSHIP** (YATES, T) To limit a member of the Ohio Parole Board who is not a victim representative to two six-year terms.  
*Status:* 12/8/2009 - House State Government, (Second Hearing)  
*Impact:* FYI
- HB340 CREDIT HISTORY DISCRIMINATION** (YATES, T) 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.  
*Status:* 1/12/2010 - House Civil and Commercial Law, (First Hearing)  
*Impact:* FYI
- HB343 STATE GOVERNMENT OPERATING EFFICIENCIES** (SCHNEIDER, M) To conduct a study of potential operating efficiencies in state government.  
*Status:* 11/18/2009 - House State Government, (First Hearing)  
*Impact:* FYI
- HB345 WEB-SITE PUBLICATIONS** (HAGAN, R) To allow political subdivisions to make internet web site publications in lieu of newspaper of general circulation publication requirements if the political subdivision donates all funds that would otherwise be used to provide newspaper notices to a local food bank or food drive for charitable purposes.  
*Status:* 12/2/2009 - House Local Government / Public Administration, (First Hearing)  
*Impact:* FYI
- HB351 UNDER-AGE DRINKING** (BOLON, L) To make changes regarding the criminal liability of an owner or occupant of any public or private place who allows a person under age 21 to remain in or on the place while possessing or consuming beer or intoxicating liquor.  
*Status:* 4/14/2010 - House Criminal Justice, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- HB359 ASSAULT OF SCHOOL SECURITY GUARD** (LUCKIE, C) To impose the same criminal penalties for assaulting a school security guard as are imposed for assaulting a school teacher.  
*Status:* 1/20/2010 - House Criminal Justice, (First Hearing)  
*Impact:* This Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB361 WRONGFUL DEATH DAMAGES** (MURRAY, D) To provide that in actions for damages arising from personal injury or wrongful death evidence that certain charges and fees in a written bill or statement are not reasonable and that the provision of certain specified services are not necessary is admissible to rebut the prima-facie evidence of reasonableness and necessity and that certain evidence is not admissible to rebut the prima-facie evidence of reasonableness in those actions.  
*Status:* 2/2/2010 - **REPORTED OUT**, House Civil and Commercial Law, (Fourth Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the bill and determined that it is a matter of public policy. LETTERS SENT TO REP. MURRAY.
- HB369 SORN LAW** (LUCKIE, C) To require that a person who registers under the Sex Offender Registration and Notification Law and who does not have a fixed residence address be monitored by an active Global Positioning System device until the person acquires a fixed residence address.  
*Status:* 12/9/2009 - House Criminal Justice, (First Hearing)  
*Impact:* The Juvenile Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- HB371 CHILD IN NEED** (PILLICH, C) To establish the category of a child in need of protective services and to generally replace the terms "abused child," "neglected child" and "dependent child" as they apply to civil law with the term "child in need of protective services."  
*Status:* 2/9/2010 - House Civil and Commercial Law, (Second Hearing)  
*Impact:* The Juvenile Law and Procedure Committee is monitoring this legislation.
- HB377 ELECTION/INITIATIVE PETITIONS** (GARRISON, J) To prohibit persons who have been convicted of or pleaded guilty to an offense involving identity theft, forgery, or fraud from witnessing or circulating election petitions, to require the circulator statement on election petitions to be notarized, to require entities that provide compensation to circulators of initiative petitions to be licensed, to require such an entity's license to be revoked if it authorizes or knowingly permits violations of the law governing election petitions, to require circulators of initiative petitions to register with the secretary of state, and to provide for public input in the determination of ballot titles.  
*Status:* 3/24/2010 - **PASSED BY HOUSE**, Passed, as amended; Vote 54-44  
*Impact:* FYI

**HB380 SEXUAL IMPOSITION** (COLEY, W) To increase the penalty for a first offense of sexual imposition to a misdemeanor of the first degree in specified circumstances.

**Status:** 1/20/2010 - House Criminal Justice, (Second Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB382 ABANDONED MINE LANDS** (SAYRE, A) To provide immunity from liability for eligible landowners who provide access to abandoned mine land or to a water resource located on the landowner's land for purposes of reclamation to water pollution abatement and to provide immunity from liability for nonprofit organizations that provide funding or service for such reclamation or water pollution abatement to designate that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage, electricity supplied from renewable energy sources and renewable energy credits; and to authorize the Chief of the Division of Mineral Resources Management in the Department of Natural Resources to make leases to remove coal by underground mining methods at Burr Oak State Park pursuant to lease agreements and real estate transactions that have been entered into not later than January 1, 2011.

**Status:** 3/10/2010 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, House Agriculture and Natural Resources, (Fourth Hearing)

**Impact:** Staff will track and notify judges if enacted

**HB386 SENTENCING REVISIONS** (YATES, T) To increase the threshold amount for determining increased penalties for theft-related offenses; to provide that if "nonsupport of dependents" is based on 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 modify parole board membership; to require GPS monitoring of certain prisoners released on post-release control; to make changes regarding halfway houses and to authorize reentry centers; to develop an implementation plan related to funding through the federal Second Chance Act related to community reentry offenders and to make numerous other changes to the sentencing laws.

**Status:** 12/15/2009 - Referred to Committee House Judiciary

**Impact:** See Senate Bill 22 impact information.

**HB391 ADDRESS CONFIDENTIALITY** (CHANDLER, K) To establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, 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.

**Status:** 3/9/2010 - HB391 now includes HB77

**Impact:** The Court Administration Committee determined this legislation would be a good vehicle for exempting personal contact information of judges and their families from public records law. LETTERS SENT TO REPS. CHANDLER AND COLEY.

**HB395 PROBATE MODERNIZATION** (BACON, K) To make changes to the Probate Code and the marriage license law.

**Status:** 4/13/2010 - House Civil and Commercial Law, (Second Hearing)

**Impact:** The Probate Law and Procedure Committee reviewed the bill and determined that it is consistent with the Ohio Judicial Conference Legislative Platform and will improve the administration of justice and public confidence in the courts. JUDGE JAN MICHAEL LONG PROVIDED PROPONENT TESTIMONY ON 4/13/10

**HB411 ADULT ADOPTION** (MARTIN, J) To allow an adult to be adopted if the adult is the child of the spouse of the adoption petitioner and the adult consents to the adoption.

**Status:** 2/23/2010 - House Civil and Commercial Law, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB415 TEXT MESSAGING WHILE DRIVING** (DEBOSE, M) To prohibit driving a vehicle while text messaging on a mobile communication device.

**Status:** 3/24/2010 - **PASSED BY HOUSE**, Vote 85-12

**Impact:** Staff will track and notify judges if enacted.

**HB427 CLASS ACTION MONETARY AWARDS** (SCHNEIDER, M) To declare how monetary awards in class actions that are not paid over to members of the class are to be used.

**Status:** 3/9/2010 - House Civil and Commercial Law, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB429 DOMESTIC VIOLENCE PENALTIES** (HARRIS, M) To increase the penalties for domestic violence, to authorize a court to issue a protection order against a person convicted of domestic violence and to prohibit violation of such a protection order, to require a peace officer who has reasonable grounds to believe that a violation of a protection order has been committed to arrest any person who the peace officer has reasonable cause to believe is guilty of the violation, to require an offender who commits domestic violence to meet periodically with the sentencing judge and attend a batterer intervention program, to authorize a board of county commissioners to create a domestic violence fatality review board, and to require the Attorney General to track the issuance and violation of protection orders.

**Status:** 2/2/2010 - Referred to Committee House Criminal Justice

**Impact:** The Court Administration, Criminal Law and Procedure and Domestic Relations Law and Procedure Committees determined that this legislation undermines judicial discretion and imposes an unfunded mandate on the court.

**HB431 CONSOLIDATED REFERENCES FOR FEES** (OKEY, M) To provide consolidated references to Revised Code sections that establish costs and fees, other than attorney fees, in the courts of record of this state.

**Status:** 3/24/2010 - **REPORTED OUT AS AMENDED**, House Judiciary, (Third Hearing)

**Impact:** The Court Administration Committee determined that the consolidated references provide an index to costs and fees that will improve the administration of justice and increase public confidence in the courts. MARK SCHWEIKERT GAVE PROPONENT TESTIMONY

**HB435 COUNTY BOARD OF REVISION APPEALS** (GOODWIN, B) To authorize any person currently permitted to appeal a decision of a county board of revision to the Board of Tax Appeals to instead appeal the decision to the county court of common pleas.

**Status:** 2/24/2010 - House Ways and Means, (First Hearing)

**Impact:** The Court Administration Committee determined this legislation would expand the class of persons eligible to appeal the decisions of a county board of revision directly to the court of common pleas, increase the number and complexity of cases brought to the courts and impose administrative and docket management burdens on the courts. LETTERS SENT TO REPS. GOODWIN AND FOLEY.

**HB438 JUDGES - PERSONAL LIABILITY** (LETSON, T) To eliminate personal liability for probate and juvenile judges for the default, malfeasance, or nonfeasance of any appointee or employee.

**Status:** 3/24/2010 - **REPORTED OUT**, House Judiciary, (Third Hearing)

**Impact:** The Probate and Juvenile Law and Procedure Committees reviewed the bill and determined that it is consistent with the Ohio Judicial Conference Legislative Platform and will create uniformity in the law, improve public confidence in the courts and enhance the administration of justice. JUDGE JAN MICHAEL LONG GAVE PROPONENT TESTIMONY

**HB446 PRIVATELY RUN FACILITIES** (HARRIS, M) To require that any privately run non-Ohio agency, home, school, camp, institution, or other entity or residential facility to which Ohio abused, neglected, dependent, unruly or delinquent children are committed comply with the same standards that are applicable to in-state agencies, homes, schools, camps, institutions, or other entities or residential facilities.

**Status:** 3/16/2010 - House Local Government / Public Administration, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB450 CRIMINAL PENALTIES** (DRIEHAUS, D) To increase the penalty for assault when the victim is a registered nurse or a licensed practical nurse engaged in the performance of official duties whom the offender knows or has reasonable cause to believe is a registered nurse or a licensed practical nurse.

**Status:** 4/14/2010 - House Criminal Justice, (First Hearing)

**Impact:** Staff will track and notify judges if enacted.

**HB455 CHARITABLE ORGANIZATIONS** (GOODWIN, B) To authorize a charitable organization to purchase, lease, and use instant bingo dispensers, to specify that they are not slot machines, to modify definitions of veteran's and fraternal organizations, to increase the number of times in a preceding year a veteran's or fraternal organization may lease premises to charitable organizations for festivals at which games of chance are conducted, to allow a charitable organization to spend a reasonable amount of its gross profit to pay property taxes and assessments on the premises where the organization conducts bingo, and to adjust the threshold amount governing the distribution of instant bingo not profit by a veteran's fraternal, or sporting organization.

**Status:** 3/10/2010 - House State Government, (Second Hearing)

**Impact:** FYI

**HB456 ESTATE TAX** (OKEY, M) To repeal the estate tax effective January 1, 2011.

**Impact:** FYI

**HB458 CAMPAIGN CIRCULATORS** (DYER, S) To restrict the use of circulators to candidates seeking statewide office.

**Status:** 3/2/2010 - Referred to Committee House Elections and Ethics

**Impact:** The Committee on Ethics and Professionalism is reviewing this legislation.

**HB467 FAMILY LAW DISPUTES** (HARWOOD, S) To establish a statutory collaborative family law process to aid in the resolution of family law disputes.

**Status:** 3/16/2010 - Referred to Committee House Judiciary

**Impact:** The Domestic Relations Law and Procedure Committee is currently reviewing this legislation.

**HB473 MINOR-STATE OF NUILITY** (PILLICH, C) To prohibit a minor, by use of a telecommunications device, from knowingly receiving, exchanging, sending, posting, or possessing a photograph, video or other material that shows a minor in a state of nudity and to define a state of nudity for purposes of this prohibition, to limit the offense of "illegal use of a minor in a nudity-oriented material or performance" to acts committed by persons 18 years of age or older, and to prohibit a minor from committing by means other than a telecommunications device delinquent acts that would be the offense of "illegal use of a minor in a nudity-oriented material or performance" if committed by an adult.

**Status:** 3/24/2010 - Introduced

**Impact:** The Juvenile Law and Procedure Committee is currently reviewing this legislation.

**HJR9 AGE OF JUDICIAL NOMINEE** (HUFFMAN, M) To change the age at and after which a person may not be elected or appointed to a judicial office and to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint to Supreme Court commission.

**Status:** 3/24/2010 - **SUBSTITUTE BILL ACCEPTED**, House Judiciary, (Third Hearing)

**Impact:** The Ohio Judicial Conference believes this Constitutional Amendment would enable the State of Ohio to benefit from the invaluable experience of judges who remain vibrant and active into their 70's. This change improves the judicial system and the administration of justice. MARK SCHWEIKERT GAVE PROPONENT TESTIMONY.

- SB10 TRANSITION ACCOUNTS DISCLOSURE** (WIDENER, C) 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.  
*Status:* 2/25/2009 - Senate Government Oversight, (First Hearing)  
*Impact:* FYI
- SB13 FORECLOSURE ACTIONS** (MILLER, D) To require a clerk of courts 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 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.  
*Status:* 6/24/2009 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, Senate Judiciary - Civil Justice, (Sixth Hearing)  
*Impact:* 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.
- SB22 SENTENCING REVISIONS** (SEITZ, B) To increase the threshold amount for determining increased penalties for theft-related offenses; to provide that if "nonsupport of dependents" is based on 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 modify parole board membership; to require GPS monitoring of certain prisoners released on post-release control; to make changes regarding halfway houses and to authorize reentry centers; to develop an implementation plan related to funding through the federal Second Chance Act related to community reentry offenders. and to make numerous other changes to the sentencing laws.  
*Status:* 6/17/2009 - **REPORTED OUT AS AMENDED**, Senate Judiciary - Criminal Justice, (Fourth Hearing)  
*Impact:* 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. WILLIAM CORZINE GAVE INTERESTED PARTY TESTIMONY.
- SB30 ARSON OFFENDERS** (SCHAFFER, T) To establish a registry for arson offenders.  
*Status:* 2/18/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* 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
- SB31 EMPLOYEE ORGANIZATION/BARGAINING UNIT** (PATTON, T) To create a testimonial privilege for communication between a representative of an employee organization and a bargaining unit member.  
*Status:* 6/10/2009 - **SUBSTITUTE BILL ACCEPTED**, Senate Judiciary - Civil Justice, (Second Hearing)  
*Impact:* Civil and Criminal Law and Procedure Committees determined the bill would have minimal impact. Staff will track and notify judges if enacted.
- SB33 INMATE RE-ENTRY** (MILLER, D) 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.  
*Status:* 3/25/2009 - Senate Judiciary - Criminal Justice, (Fifth Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined it would have minimal impact. Staff will track and notify judges if enacted.
- SB36 JUDGMENT OFFERS- CIVIL PROCEDURE** (KEARNEY, E) To request the Supreme Court to amend Rule 68 of the Ohio Rules of Civil Procedure regarding offers of judgment.  
*Status:* 6/24/2009 - **REPORTED OUT AS AMENDED**, Senate Judiciary - Civil Justice, (Fourth Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the introduced version of this legislation and determined that it might conflict with an existing Ohio Rule of Civil Procedure and might conflict with the Modern Courts Amendment. Subsequent amendments ameliorate those concerns.
- SB42 SEX OFFENDERS** (SCHAFFER, T) To specify that the restriction against offenders convicted of a sexually oriented offense or child-victim oriented offense establishing or occupying a residence near school, preschool, or child day-care premises generally applies regardless of when the offense was committed or the offender began living in the residence, to provide an exemption from the ban for offenders who occupy residential premises they or their spouse own at the time of occupancy and also owned prior to the ban's effective date, and to specify 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.  
*Status:* 5/6/2009 - House Judiciary, (First Hearing)  
*Impact:* 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
- SB46 FORECLOSED RESIDENTIAL PROPERTY** (KEARNEY, E) 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.  
*Status:* 2/12/2009 - Referred to Committee Senate Judiciary - Civil Justice  
*Impact:* Staff will track and notify judges if enacted.

- SB47 MR/DD COUNTY BOARDS** (KEARNEY, E) To increase the membership of county boards of mental retardation and developmental disabilities.  
*Status:* 3/3/2009 - Senate State and Local Government and Veterans Affairs, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB48 ADOPTION DAY** (KEARNEY, E) To designate the Saturday before Thanksgiving as "Adoption Day."  
*Status:* 2/12/2009 - Referred to Committee Senate State and Local Government and Veterans Affairs  
*Impact:* FYI
- SB49 FIREARMS** (KEARNEY, E) To impose a ten-year prison term upon a person who discharges a firearm while committing an offense and causes injury or death to a child.  
*Status:* 3/18/2009 - Senate Judiciary - Criminal Justice, (Third Hearing)  
*Impact:* The 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
- SB52 EXECUTIVE BRANCH-STATE GOVERNMENT** (GRENDALL, T) To reorganize the executive branch of state government.  
*Status:* 10/27/2009 - Senate State and Local Government and Veterans Affairs, (Sixth Hearing)  
*Impact:* FYI
- SB56 UNATTENDED CHILD -AUTO** (NIEHAUS, T) To prohibit a person from negligently leaving a child who is less than five years of age unattended in an automobile.  
*Status:* 4/29/2009 - Senate Judiciary - Criminal Justice, (Third Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined it would have minimal impact. Staff will track and notify judges if enacted.
- SB58 BODILY SUBSTANCE COLLECTION** (HUGHES, J) 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 if the watercraft or vehicle OVI law or the commercial motor vehicle law.  
*Status:* 4/14/2010 - House Criminal Justice, (Third Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the legislation and determined it may be overly broad, but it would have minimal impact. Staff will track and notify judges if enacted. LETTER SENT TO SEN. HUGHES
- SB65 TRAFFIC LAWS** (SCHAFFER, T) 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.  
*Status:* 10/21/2009 - Senate Judiciary - Criminal Justice, (Second Hearing)  
*Impact:* See House Bill 128 impact information. LETTER SENT TO SEN. SCHAFFER.
- SB67 SEXUALLY VIOLENT PREDATORS** (FABER, K) To require sexually violent predators who are released from prison 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.  
*Status:* 5/6/2009 - Senate Judiciary - Criminal Justice, (Second Hearing)  
*Impact:* 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.
- SB68 ELECTRONIC INSURANCE VERIFICATION** (SAWYER, T) To require the Registrar of Motor Vehicles to contract with a third party to implement an electronic insurance verification system in Ohio.  
*Status:* 3/10/2009 - Referred to Committee Senate Insurance, Commerce and Labor  
*Impact:* FYI
- SB74 DRUG-RELATED SENTENCES** (TURNER, N) To require the State Criminal Sentencing Commission to study sentencing for drug-related offenses and report its findings and recommendations to the General Assembly.  
*Status:* 4/29/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB80 ACCOUNTANT-CLIENT PRIVILEGE** (SEITZ, B) To create an accountant-client testimonial privilege.  
*Status:* 5/6/2009 - **REPORTED OUT**, Senate Judiciary - Civil Justice, (Fourth Hearing)  
*Impact:* 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

- SB86 PHYSICIAN IMMUNITY** (BUEHRER, S) 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.  
*Status:* 2/24/2010 - Senate Judiciary - Civil Justice, (Sixth Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB91 CREDIT HISTORY DISCRIMINATION** (MILLER, R) 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.  
*Status:* 5/6/2009 - Senate Judiciary - Civil Justice, (First Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the legislation and determined it may increase caseload. Staff will track and notify judges if enacted.
- SB92 PAROLE BOARD MEMBERSHIP** (MILLER, R) To limit a member of the Ohio Parole Board who is not a victim representative to two six-year terms.  
*Status:* 5/6/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* FYI
- SB99 COUNTY GOVERNMENT** (GRENDALL, T) 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.  
*Status:* 4/21/2009 - Referred to Committee Senate State and Local Government and Veterans Affairs  
*Impact:* Staff will track and notify judges if enacted.
- SB103 MINOR NUDITY** (SCHULER, R) 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.  
*Status:* 5/6/2009 - Senate Judiciary - Criminal Justice, (Second Hearing)  
*Impact:* 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.
- SB107 RACIAL PROFILING** (KEARNEY, E) 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; 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.  
*Status:* 5/6/2009 - Senate Judiciary - Civil Justice, (First Hearing)  
*Impact:* FYI
- SB112 ETHNIC INTIMIDATION** (KEARNEY, E) To include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.  
*Status:* 9/23/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB118 CHILDREN'S DAY** (FEDOR, T) To designate April 30 as "Dia De Los Ninon" or "Children's Day."  
*Status:* 6/9/2009 - Senate State and Local Government and Veterans Affairs, (First Hearing)  
*Impact:* FYI
- SB126 SCHOOLS REPORT HARASSMENT** (FEDOR, T) To prohibit school administrators from knowingly failing to report to law enforcement authorities menacing by stalking or 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.  
*Status:* 11/18/2009 - Senate Education, (Third Hearing)  
*Impact:* FYI
- SB130 SEX OFFENDER NOTIFICATION** (CAFARO, C) 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 requirement.  
*Status:* 1/20/2010 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* FYI
- SB140 TREATMENT OF DRUG OFFENDERS** (MILLER, R) To make changes relative to treatment for certain drug offenders and to make an appropriation.  
*Status:* 6/17/2009 - Referred to Committee Senate Finance and Financial Institutions  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it limits judicial discretion.

- SB142 STANDARDS FOR PRIVATELY RUN FACILITIES** (MILLER, R) 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.  
*Status:* 10/21/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* FYI
- SB143 HALFWAY HOUSE REQUIREMENT** (MILLER, R) 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.  
*Status:* 2/24/2010 - **BILL AMENDED**, Senate Judiciary - Criminal Justice, (Second Hearing)  
*Impact:* FYI
- SB157 CLASS ACTION AWARDS** (GRENDALL, T) To declare how monetary awards in class actions that are paid over to members of the class are to be used.  
*Status:* 11/10/2009 - Senate Insurance, Commerce and Labor, (Second Hearing)  
*Impact:* The Civil Law and Procedure Committee reviewed the legislation and determined it will have minimal impact. Staff will track and notify judges if enacted.
- SB160 DRIVING** (MILLER, R) To prohibit driving a vehicle while using a handheld or manually operated mobile communication device and to establish the violation as a secondary traffic offense.  
*Status:* 9/15/2009 - Referred to Committee Senate Highways and Transportation  
*Impact:* This Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted. LETTER SENT TO SEN. R. MILLER.
- SB161 ELDER ABUSE** (MILLER, D) To designate June 15 as Elder Abuse Awareness Day.  
*Status:* 9/29/2009 - **REPORTED OUT**, Senate Health, Human Services and Aging, (Second Hearing)  
*Impact:* FYI
- SB164 DRIVING AND TEXTING** (SMITH, S) To prohibit driving a vehicle while text messaging or typing on a mobile communication device and to establish the violation as a secondary traffic offense.  
*Status:* 1/13/2010 - Senate Highways and Transportation, (Second Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB166 TRAFFIC VIOLATIONS** (HUGHES, J) To allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances.  
*Status:* 3/10/2010 - **REPORTED OUT**, Senate Highways and Transportation, (Third Hearing)  
*Impact:* FYI
- SB168 INVESTIGATIVE SUBPOENAS** (HUGHES, J) To authorize the prosecuting attorney of a county or chief legal officer of a municipal corporation to issue an investigative subpoena for any criminal offense.  
*Status:* 10/21/2009 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* This Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- SB181 ABANDONED MINE LANDS** (STEWART, J) To provide immunity from liability for eligible landowners who provide access to abandoned mine lands located on the landowner's land for purposes of reclamation.  
*Status:* 4/14/2010 - House Agriculture and Natural Resources, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB185 GENERAL REVENUE FUND** (JONES, S) To prohibit the transfer of cash from certain non-General Revenue Funds to the General Revenue Fund.  
*Status:* 2/2/2010 - Referred to Committee House Finance and Appropriations  
*Impact:* FYI
- SB189 ADOPTION LAW** (GOODMAN, D) To make changes regarding adoption law, custody of an abused, neglected, or dependent child, and the elimination of acknowledgments of paternity.  
*Status:* 10/27/2009 - Referred to Committee Senate Judiciary - Civil Justice  
*Impact:* The Probate, Juvenile and Domestic Relations Law and Procedure Committees are monitoring this bill.
- SB191 CAMPAIGN FINANCE** (SCHURING, K) To require each campaign committee that receives a contribution from an individual that exceeds \$100 to identify the individual's employer on the campaign committee's campaign finance statements and to require an individual who makes a contribution exceeding \$100 to a campaign committee to provide the name of the individual's employer to the campaign committee at the time the contribution is made.  
*Status:* 3/23/2010 - **BILL AMENDED**, Senate State and Local Government and Veterans Affairs, (Fourth Hearing)  
*Impact:* Staff will track and notify judges if enacted.

- SB197 FORECLOSURE MEDIATION (JONES, S)** To require courts to establish and operate programs of mandatory foreclosure mediation in non-tax foreclosure actions on occupied residential properties and to establish procedures for the operation of those foreclosure mediation programs.  
*Status:* 2/9/2010 - Senate Finance and Financial Institutions, (Fifth Hearing)  
*Impact:* See House Bill 306 impact information.
- SB202 PUBLIC UTILITY WORKERS (TURNER, N)** To increase the penalties for certain offenses when a public utility worker is the victim and to make the killing of a public utility worker an aggravating circumstance for the imposition of the death penalty for aggravated murder.  
*Status:* 11/17/2009 - Referred to Committee Senate Judiciary - Criminal Justice  
*Impact:* The Criminal Law and Procedure Committee is reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- SB209 REDUCE SALARIES FOR GENERAL ASSEMBLY (SCHAFFER, T)** To reduce salaries of General Assembly members, the Governor and Lieutenant Governor, and administrative department heads by five per cent.  
*Status:* 11/18/2009 - Senate Finance and Financial Institutions, (Second Hearing)  
*Impact:* FYI
- SB211 JUVENILE REPEAT TRAFFIC VIOLATORS (HUGHES, J)** To permit a judge to elect not to suspend the probationary driver's license of certain juvenile repeat traffic violators.  
*Status:* 3/24/2010 - House Judiciary, (Second Hearing)  
*Impact:* This bill is under review by the Juvenile Law and Procedure Committee. LETTER SENT TO SEN. HUGHES.
- SB217 SEX/CHILD-VICTIM OFFENDERS (TURNER, N)** To require sex offenders/child-victim offenders who register a residence address or verify a registered residence address to provide proof of residency at that address, to require Tier III sex offenders/child-victim offenders to verify their registered residence address every 30 days, to revise the criteria for subjecting offenders and delinquent children to SORN Law community notification, to expand SORN Law community notification to also generally apply when offenders or delinquent children verify their registered residence, and to generally require a sheriff or designee to confirm by personal observation a residence address registered registered or verified by a Tier III sex offender/child-victim offender.  
*Status:* 1/20/2010 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* The Criminal Law and Procedure Committee reviewed the bill and determined it will have minimal impact. Staff will track and notify judges if enacted.
- SB228 WATER-WORKS/SEWAGE DISPOSAL COMPANIES (HUGHES, J)** To limit recovery of rate-case expenses for certain water-works and sewage disposal system companies.  
*Status:* 3/9/2010 - Senate Energy and Public Utilities, (First Hearing)  
*Impact:* This bill is under review by the Civil Law and Procedure Committee.
- SB229 DRIVER'S LICENSE NOTATION (PATTON, T)** To allow a notation on a driver's license that the licensee has suffered a traumatic brain injury.  
*Status:* 3/10/2010 - Senate Highways and Transportation, (First Hearing)  
*Impact:* FYI
- SB230 D.A.R.E. GRANT PROGRAM (PATTON, T)** To revise the drug abuse resistance education (D.A.R.E.) grant program funded by a portion of the license reinstatement fee charged to obtain a driver's license following a OVI-related license suspension.  
*Status:* 2/24/2010 - Referred to Committee Senate Highways and Transportation  
*Impact:* FYI
- SB235 TRAFFICKING IN PERSONS (FEDOR, T)** To create the offense of trafficking in persons.  
*Status:* 3/10/2010 - **SUBSTITUTE BILL ACCEPTED**, Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* This bill is under review by the Criminal Law and Procedure Committee.
- SB237 SORN LAW NOTIFICATION (SMITH, S)** To apply SORN Law victim notification and community notification to specified offenders or delinquent children who verify their registered residence address and for whom such notifications previously have not been provided and to revise the criteria for subjecting offenders and delinquent children to SORN Law community notification.  
*Status:* 3/17/2010 - Referred to Committee Senate Judiciary - Criminal Justice  
*Impact:* The Juvenile and Criminal Law and Procedure Committees are currently reviewing this legislation.
- SB239 CONCEALED CARRY (JONES, S)** To permit a concealed carry licensee to possess a firearm in liquor permit premises, or an open air arena, for which a D permit has been issued if the licensee is not consuming liquor under the influence of alcohol or a drug of abuse and to modify the offense of improperly handling firearms in a motor vehicle as it applies to concealed carry licenses.  
*Status:* 3/24/2010 - Senate Judiciary - Criminal Justice, (First Hearing)  
*Impact:* Staff will track and notify judges if enacted.
- SB242 JUDICIAL CONSENT-MINOR ABORTION (GRENDALL, T)** To revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.  
*Status:* 3/24/2010 - Referred to Committee Senate Judiciary - Civil Justice  
*Impact:* Staff will track and notify judges if enacted.

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