Ohio Judicial Conference

The Voice of Ohio Judges

Judge David Hejmanowski
Proponent Testimony on House Bill 393
House Judiciary Committee
November 18, 2026

Chair Thomas, Vice Chair Hutson, Ranking Member Synenberg, and members of the House Judiciary Committee, I thank you for this opportunity to submit proponent testimony for Senate Bill 393 on behalf of the Ohio Judicial Conference.

I am Judge David Hejmanowski of the Delaware County Probate/Juvenile Court. I have served as a judge since 2015 and was previously a magistrate from 2003 to 2015 and Juvenile Court Administrator from 2008 to 2015. I am the Chair of the Ohio Judicial Conference and a member of the OJC's Juvenile and Probate Law and Procedure Committees, a member of the Governor's Council on Juvenile Justice, past chair of the Ohio State Bar Association's Juvenile Justice Committee, member of the Governor's Council on Juvenile Justice, a former Chair of the National Center for Juvenile Justice, and a member of the Supreme Court of Ohio's Commission on the Rules of Superintendence. I have also served as an Assistant Prosecuting Attorney for Delaware County.

On behalf of the OJC's Juvenile Law & Procedure Committee, I am testifying in support of S.B. 393, which provides the juvenile court with both misdemeanor and felony adjudication options for "sexting" offenses involving minors. Since the widespread adoption of smart phones, juvenile courts have struggled to address cases concerning the sending and receiving of sexually explicit images involving minors when the minors themselves are the creators of the images. By law, the minor/creator of explicit images may be a perpetrator and, simultaneously, the victim of felony-level criminal offenses. In an instant, and without consideration of the potential ramifications, an image may be shared by one teenager to another or spread throughout an entire high school.

Under current law, the most analogous adult offenses to "sexting" behavior are pandering sexually oriented matter involving a minor pursuant to R.C. 2907.322 and illegal use of a minor in nudity-oriented material or performance pursuant to R.C. 2907.323. Under both statutes, creation of material involving a minor is a second-degree felony and possession of material involving a minor is either a fourth or fifth-degree felony. For sixteen and seventeen year-old juveniles, the act of sending a single nude image of themselves to a boyfriend or girlfriend also carries a mandatory sex offender registration requirement of at least ten years.

Ohio's criminal code has yet to distinguish teenage "sexting" behavior from criminal child pornography charges, but other states have considered the lifelong consequences of felony-level prosecution and sex offender registration for this conduct. A group of juvenile judges reviewed legislation from other states and made recommendations to former Senator Nathan Manning for inclusion in this bill. S.B. 393 would create new circumstances when minors knowingly possess or view sexually explicit material of a juvenile at

least 14-years-old. Under prescribed circumstances, first time juvenile offenders could be adjudicated for a first-degree misdemeanor. Repeat offenders and juveniles who more widely disseminate images would face felony-level charges.

The bill also clarifies that a prosecution for any of the new "sexting" offenses does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under the offense of pandering sexually oriented matter involving a minor or any other section of the Revised Code may be prosecuted under either section or both sections. In short, the bill provides prosecutors with a range of potential penalties and the discretion to charge based upon the severity of the circumstances.

The remainder of the bill primarily addresses two areas – increasing the age of consent for sexual activity from 16 to 18, and expanding child pornography laws to include AI-generated images. These are policy considerations that lie within the purview of the General Assembly, and therefore the Judicial Conference takes no position. However, pursuant to its statutory obligation to provide statements about the impact of legislation, the OJC has not identified any concerns at this time relative to the procedural or financial impact of these provisions. We thank the sponsors, Senator Timken and former Senator Manning, for introducing this legislation. I am available to answer any questions you may have.