

**OHIO CHIEF PROBATION OFFICER'S ASSOCIATION
LEGISLATIVE COMMITTEE
LEGISLATIVE AND JUDICIAL AFFAIRS UPDATE
(As of 12/05/2008)**

-THE LEGISLATIVE COMMITTEE WELCOMES QUESTIONS, BUT PLEASE REMEMBER THAT YOUR LEGAL COUNSEL OR COURT'S INTERPRETATION IS CONTROLLING, PARTICULARLY REGARDING CASE LAW ANALYSIS.

BILLS SIGNED BY GOVERNOR – From the 127 General Assembly beginning 01/01/2007

NOTHING RELEVANT

SB-10 UPDATE ***ADAM WALSH***

NOTHING RELEVANT

PENDING LEGISLATION – From the 127 General Assembly beginning 01/02/2007

As of August 19, 2008, 1034 bills had been introduced in the General Assembly; 647 bills had been introduced in the Ohio House and 387 bills in the Ohio Senate. Introduced bills can be found in their entirety on the Ohio General Assembly website, located at <http://www.legislature.state.oh.us/index.cfm>

The following relevant bills have been introduced since the 127 General Assembly began on 01/01/2007.

NOTE: It is unlikely any of these bills would pass so late into the term, however, these bills may shed some light into bills that can be expected in the next legislative term.

OHIO HOUSE OF REPRESENTATIVES

HB 610 To amend sections 2919.21 and 2929.17 of the Revised Code regarding sentencing for failure to provide adequate support to a child or other person an individual is legally obligated to support.

If the violation of division (A)(2) or (B) of this section is a felony of the fourth or fifth degree, the court shall sentence the offender to one or more community control sanctions authorized under section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court imposes a nonresidential sanction under section 2929.17 of the Revised Code, the court shall include as a condition of the sanction that the offender participate in and complete a community corrections program, as established under sections 5149.30 to 5149.37 of the Revised Code, if available in the county in which the court imposing the sentence is located.

HB 613 To amend section 742.63 of the Revised Code to provide Ohio Public Safety Officers Death Benefit Fund coverage to investigators and special agents of the Bureau of Criminal Identification and Investigation.

HB 616 To amend section 2927.01 of the Revised Code to prohibit engaging in sexual conduct with a human corpse.

HB 617 To enact sections 2907.12 and 2927.15 of the Revised Code to prohibit a person convicted of rape of a child less than thirteen from interacting with a minor without the parent's or guardian's permission and to prohibit a person from collecting any bodily substance of another person without privilege to do so.

HB 619 To amend section 4117.01 of the Revised Code to eliminate an exemption from the Public Employees' Collective Bargaining Law for specified employees of the courts and clerks of courts.

Sec. 4117.01. Proposed Language:

(C) "Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except:

(8) ~~Employees and officers of the courts, assistants~~ Assistants to the attorney general; and assistant prosecuting attorneys, ~~and employees of the clerks of courts who perform a judicial function~~

(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;

NOTE: It is not clear what court employees, other than clerk's office employees would fall under the umbrella of employees and officers of the courts. Probation Officers already fall under the civil service and CPO's likely fall under subsection 9 as fiduciaries.

HB 627 To amend section 4506.16 of the Revised Code to require the Registrar of Motor Vehicles to disqualify the holder of a commercial driver's license from operating a commercial motor vehicle upon a municipal OVI conviction.

OHIO SENATE

SB 348 To amend sections 2152.17, 2152.72, 2929.14, and 5103.0319 and to enact section 2941.1421 of the Revised Code to require the imposition of a ten-year prison term upon a person who discharges a firearm while committing an offense and causes injury or death to a child.

SB 349 To amend section 2927.12 of the Revised Code to include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.

SB 361 To enact sections 2907.12 and 2927.15 of the Revised Code to prohibit a person convicted of rape of a child less than thirteen from interacting with a minor without the parent's or guardian's permission and to prohibit a person from collecting any bodily substance of another person without privilege to do so.

SB 365 To create a Capital Case Commission to study the imposition and administration of capital punishment in Ohio and to make recommendations for improving Ohio's procedures in capital cases and its capital sentencing procedures.

SB 366 To amend sections 2950.02, 2950.034, and 2950.04 of the Revised Code to specify that the restriction against offenders convicted of a sexually oriented offense or child-victim oriented offense living near school, preschool, or child day-care premises applies regardless of when the offense was committed or the offender began living in the residence and that a registration requirement for children adjudicated delinquent for a sexually oriented offense and classified a juvenile offender registrant applies regardless of when the offense was committed.

SB 367 To enact sections 2909.13, 2909.14, and 2909.15 of the Revised Code to establish a registry for arson offenders.

CLOSER LOOKS & UPDATES- HOUSE

HB 130 OMNIBUS DRC REENTRY BILL

*Passed the House Criminal Justice Committee on April 15, 2008.
Assigned to the Senate Judiciary and Criminal Justice Committee on
April 16, 2008 – NO ACTION*

HB 173 COURTS SECURITY FUND

Amends various sections of law to:

1. Increase the compensation of justices and judges of the courts;
2. Change the qualifications for all judges;
3. Require the Supreme Court to establish a qualification program for judicial candidates;
4. Create the Judicial Allotment Review Commission to study and review the allotment of judgeships to recommending legislation;
5. Create the Judicial Appointment Review Commission to make recommendations of persons to fill judicial vacancies;
6. Specify that a portion of certain court costs currently deposited to VOC fund be deposited in the court security fund, and to make appropriations for court-related purposes. (Supreme Court Security Fund)

Introduced in the *House Judicial Committee in April 2007* - Stalled due to Ohio's bleak economic forecast. Governor Strickland was also reported to have stated that judicial pay raises were not appropriate at this time.

*Passed House on June 12, 2008; appears to have deleted judicial pay raise provision.
Not Shown as being introduced in Senate.*

HB 279 To amend sections 4510.13, 4510.43, 4511.19, and 4511.191 and to enact sections 4510.45 and 4510.46 of the Revised Code to ***require certain OVI offenders who are granted limited driving privileges to operate only motor vehicles that are equipped with ignition interlock devices*** and to make other changes relative to such devices.

Introduced 06/26/2007 - No Action

HB 296 **3 Strikes Provision** ----- To amend sections 2929.14, 2929.19, and 2953.08 and to enact section 2941.1421 of the Revised Code to establish a presumption that a court should impose on a repeat offender the longest prison term authorized for an offense and to specify longer prison terms that a court may impose on felony offenders with two or more previous felony violations. **Introduced 08/14/2007 – No Action**

HB 351 Permit the transfer of county jail inmates to contiguous counties in adjoining states. **Introduced 10/16/2007 – No Action**

Passed House 05/28/2008 – Presently in Senate Judiciary / Criminal Justice committee

HB 365 To amend section 103.14 and to enact section 101.16 of the Revised Code to specify that if a bill provides for a new or increased jail term, prison term, or delinquent child commitment the General Assembly may not pass it unless the bill designates one or more funding sources from which the cost of the term or commitment will be paid, to require fiscal analyses prepared by the Legislative Service Commission to include an estimate for each such bill of the cost of the term or commitment. Also requires a task force to establish a state policy to limit future increases in the number of criminal offenders and delinquent children in correctional facilities and Department of Youth Services facilities and provide planning for modifying, expanding, and constructing those facilities necessary to satisfy the projected increased need for them.

Introduced 10/25/2007 – No Action

HB 521 Ohio Commission on Local Government Reform and Collaboration

Summary: House Bill 521 would create a commission to study ways to consolidate local governments. The belief is that fewer local governments will reduce taxpayer burdens and help stimulate the economy. The ideal is modeled after a similar Indiana commission that made several recommendations including transferring township government to county executives, abolishing elected county sheriffs, auditors, and treasurers and requiring school districts to have a minimum of 2000 students.

Assigned to Local and Municipal Government & Urban Revitalization Committee.

HB 538 To amend sections 2743.191, 2929.13, 2929.15, 2929.23, 2929.25, 2967.28, 2971.03, and 2971.05 and to enact section 2967.29 of the Revised Code to require the imposition at sentencing or upon release from prison of lifetime active global positioning system device monitoring for Tier III sex offenders/child-victim offenders.

Criminal Justice Committee as of 04/17/2008

CLOSER LOOKS & UPDATES- SENATE

SB 21 Amendment Domestic Violence bill requiring court to consider certain factors For bond; mandatory jail sentences and mandatory anger management counseling

No Action since introduction on 02/20/2007

SB 244 Require that certain persons who engage in menacing by stalking and against whom a civil order of protection is granted be electronically monitored and to authorize courts to require that certain persons convicted of violating a protection order that requires electronic monitoring be electronically monitored. *Introduced 10/24/2007*

Passed Senate 11/19/2008. Introduced House on 11/25/2008

SB 252 Abolition of Mayor's Courts & Establishment of Community Courts

Introduced 11/08/2007 – Assigned Judiciary / Civil Justice Committee COMMITTEE HEARING – 12/02/2008

Chief Justice Moyer testified at the hearing in support of the bill. See this link to the Supreme Court of Ohio website.

http://www.sconet.state.oh.us/Communications_Office/Press_Releases/2008/mayorsctreform_120208.asp

SB 310 To amend sections 2961.01 and 2961.02 of the Revised Code to make existing laws prohibiting a person who has been convicted of a felony from holding public office and denying such person other specified privileges applicable upon the determination of the person's guilt.

Summary: Under current law, a person who is convicted of a felony is incompetent to: be an elector, juror or to hold an office of honor, trust, or profit; circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition; a public office or position of public employment or to serve as a volunteer, if holding the public office or position of public employment or serving as the volunteer involves substantial management or control over the property of a state agency, political subdivision, or private entity.

Passage of this bill would also preclude those who plead guilty to a qualifying offense the same as if the person was convicted of a qualifying felony offense.

Committee report filed 05/07/2008

LEGISLATIVE SCHEDULE FOR 2008

NOTE: Committee Hearings appear completed for the 2007 and 2008 term and the General Assembly is scheduled to adjourn on or about December 18, 2008.

December 2008 [Back to Top]	Senate	House
Dec. 02	Session	
Dec. 03	Session	Session
Dec. 04	Committee Hearings	Committee Hearings
Dec. 09	Session	Session
Dec. 10	Session	Session
Dec. 11	Session (if needed)	Session (if needed)
Dec. 16	Session	Session
Dec. 17	Session	Session
Dec. 18	Session (if needed)	Session (if needed)

LEGISLATIVE COMMITTEES AND MEMBERS

Ohio House of Representatives <http://www.legislature.state.oh.us/house.cfm>

Ohio Senate <http://www.legislature.state.oh.us/senate.cfm>

Ohio Legislative Leadership for 2009

Senate Republicans

Bill Harris (R-Ashland), Senate President
Tom Neihaus (R-New Richmond), President Pro Tempore
Keith Faber (R-Celina), Majority Floor Leader
Mark Wagoner (R-Toledo), Majority Whip

Senate Democrats

Capri Cafaro (D-Hubbard), Senate Minority Leader
Shirley Smith (D-Cleveland), Asst. Minority Leader
Ray Miller (D-Columbus), Minority Whip
Jason Wilson (D-Columbiana), Asst. Minority Whip

House Democrats

Armond Budish (D-Beachwood), Speaker
Matt Szollosi (D-Toledo), Speaker Pro Tempore
Jennifer Garrison (D-Marietta), Majority Floor Leader
Tracy Maxwell Heard (D-Columbus), Asst. Majority Floor Leader
Jay Goyal (D-Mansfield), Majority Whip
Allan Sayre (D-Dover), Asst. Majority Whip

House Republicans

William Batchelder (R-Medina), Minority Leader
Louis Blessing (R-Cincinnati), Asst. Minority Leader
John Adams (R-Sidney), Minority Whip
Kris Jordan (R-Delaware), Asst. Minority Whip

Stateline: States Wants Congress to Move on Prison Reentry Program

Story originally published in *The Hannah Report* on December 1, 2008. Copyright 2008 Hannah News Service, Inc.

The article reports states are lobbying the Congress and the President Elect to fund the Second Chance Act. The Bill, which President Bush signed into law in September 2008, authorizes 165 million dollars in grants to states, localities, non-profit and religious groups to help current and ex-offenders find jobs and housing, drug and alcohol treatment and mentoring. No money, however, has been appropriated for this bill and some state governments want to make sure it is addressed early on in the new presidential administration.

Respectfully Submitted;

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