



THE OHIO PROSECUTOR

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From your President...



Michael O'Malley
Cuyahoga County

My Fellow Prosecutors,

I am so honored to be President of our great Association this year and to lead a group of people who are as committed to their jobs, to securing justice for crime victims, and to promoting public safety as Ohio prosecutors are. We are living in a tough time for public safety with homicides, armed robberies, shootings, and other crime on the rise in many parts of our country and in our great state. It is incumbent on us as prosecutors to lead our communities through these times, to do everything we can to hold the people who commit these crimes accountable, to fight for victims and their rights, and to advocate for policies that will help ensure that all Ohioans can feel safe as they work, play, go to school, and support their families. I look forward to helping promote these values on behalf of Cuyahoga County and on behalf of all of OPAA as the voice of Ohio Prosecutors.

Mike

From your Executive Director...



Louis Tobin
OPAA Executive
Director

As always, our quarterly newsletter has a list of the priority bills that we are following and working on. I consider a bill to be a priority bill when the topic is of great importance to prosecutors and/or when I think the sponsors have enough influence to have the bill passed. Legislation that was important in the first half of the G.A., like bills to repeal the death penalty, bail reform, and Marsy's Law implementing legislation, will continue to be important during the second half of the G.A. There are also new bills already on the horizon that everyone should be aware of. Here are some issues to keep your eyes on and contact your legislators about.

Marijuana Reform: The Coalition to Regulate Marijuana Like Alcohol recently submitted additional signatures to the Secretary of State in their effort to obtain a citizen initiated statute to allow those who are 21 and older to buy and possess up to 2.5 ounces of marijuana and grow a limited number of plants. If the signatures are valid, the legislature will have four months to take up the issue. If they do not take up the issue, the group can obtain additional signatures to put the issue before voters. In addition, there are two bills already pending in the G.A. to expand permissible uses of marijuana. In November 2021, Sen. Steve Huffman (R – Tipp City) introduced Senate Bill 261 to significantly expand permissible uses of medical marijuana and place sole oversight authority with the Ohio Department of Commerce. In December 2021, Reps. Callendar (R – Concord) and Ferguson (R – Wintersville) introduced House Bill 498 to decriminalize adult use of marijuana in a similar fashion to the initiated statute effort. OPAA is opposed to all three of these efforts.

Mandatory Bindover Repeal: Also in December 2021, Reps. Stewart (R – Ashville) and Lampton (R – Beavercreek) introduced House Bill 500 to repeal mandatory juvenile bindovers, to require courts to consider certain factors when ordering a discretionary bindover, and to create an interlocutory appeal for a juvenile offender who has a case boundover to adult court. Mandatory bindovers are the result of only the ten most serious offenses in Ohio's criminal code. They are all murder offenses or first-degree felonies, with the exception of kidnapping where the victim is released in a safe place, a second-degree felony. For these offenses public safety must be the first priority. OPAA is opposed.

Criminal Justice Omnibus: Sen. Manning (R – North Ridgeville) has been working since last fall on a yet to be introduced piece of legislation that will include the unanimous recommendations of the Recodification Committee from several years ago along with a variety of other criminal justice measures that are sought by stakeholders. There will be things to support and things to oppose in this legislation. While we will have to wait until the legislation is introduced to see exactly what those items are, I think we can expect at least some expansion of the ability to expunge criminal records, expanded earned credit time, and repeal of the judicial veto of transitional control.



At the Statehouse

Below is a current list of priority legislation along with the OPAA's position. For a full list of bills that we are tracking visit www.ohio.gov. **Please contact Lou if you have any questions about a piece of legislation or the reason for our position.**

Also, if you have any questions about the work of the legislature or the status of any legislation, please let us know!

Legislative Top 10 Bills to Watch

1) House Bill 315/Senate Bill 182 – Bail Reform. These bills create a presumption of own recognizance release, set strict timelines for making bail determinations, place a high evidentiary bar in the way of establishing even non-financial conditions of release, and cap secured bond based on a defendant's ability to pay. OPAA Position – Oppose.

2) House Bill 183/Senate Bill 103 – Death Penalty Repeal. These bills repeal the death penalty. OPAA Position – Oppose.

3) Senate Bill 90/House Bill 3 – Felony Strangulation/Domestic Violence. Both of these bills would make strangulation a felony offense in a domestic violence context. House Bill 3 makes additional changes to our domestic violence laws including expanding aggravated murder to include DV circumstances, requiring the use of a lethality assessment tool to screen for high risk cases, and establishing a new emergency protection order. OPAA Position – Support.

4) House Bill 343 – Marsy's Law Implementation. The bill implements the Marsy's Law constitutional amendment. Serious concerns exist about creating an interlocutory appeal as an enforcement mechanism for victim rights, language that appears to allow for the reopening of pleas and sentences under certain circumstances, and lack of funding for implementation. OPAA Position – Oppose as Written/Amend.

5) House Bill 500 – Mandatory Bindover Repeal. The bill replaces all mandatory bindovers with discretionary bindovers and provides that a discretionary bindover order is a final appealable order that may be immediately appealed. Mandatory bindovers are the result of only the ten worst offenses in the Revised Code and public safety should be the first priority. OPAA Position – Oppose.

6) House Bill 498 – Adult Use Marijuana. Authorizes individuals who are 21 or older to buy and possess up to 2.5 ounces of marijuana and to grow a limited number of plants. OPAA Position – Oppose.

7) Senate Bill 261 – Medical Marijuana Expansion. Expands the medical marijuana program to authorize doctors to recommend marijuana for any condition and removes oversight authority from the Board of Pharmacy. OPAA Position – Oppose.

8) Senate Bill 25 – Penalties for Drug Trafficking Offenses. Enhances penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider or directed toward a recovering addict and prohibits defrauding an alcohol, drug, or urine screening test. OPAA Position – Support.

9) House Bill 150 – Public Defender Loan Forgiveness Program. Creates a loan forgiveness program for lawyers who agree to serve for a number of years as a public defender or as appointed counsel. There are issues in the bill with how a county is designated a public defender "shortage" area and with the fact that assistant prosecutors are not offered the same loan forgiveness. OPAA Position – Oppose as Written/Amend.

10) Senate Bill 215/House Bill 227 – Concealed Carry. Authorizes a person who is 21 or older and not prohibited by Ohio or federal law from possessing a firearm to carry concealed and changes the duty to notify law enforcement when a person is carrying a concealed weapon to require notification "before or at the time" the law enforcement officer asks if the person is carrying concealed. The senate bill previously had a provision that enabled a person claiming self-defense to obtain pretrial immunity based on the filing of a motion. This provision was removed from SB 215 at the request of OPAA. OPAA Position – Monitor.

Priority Bills for Ohio Prosecutors

HB3 AISHA'S LAW REGARDING DOMESTIC VIOLENCE (BOYD J, CARRUTHERS S) To make changes to civil and criminal law regarding domestic violence, to address State Highway Patrol arrest authority, to name the act Aisha's Law, and to make an appropriation.

Current Status: 12/7/2021 – Senate Judiciary, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-3>

HB4 REGARDS CHILD ABUSE, NEGLECT REPORTING (PLUMMER P, MANCHESTER S) Regarding county child abuse and neglect memorandums of understanding, cross-reporting of child abuse and neglect reports by public children services agencies to law enforcement agencies, notification of reporter rights, home assessor eligibility, and creation of the children service ombudsman office.
Current Status: 12/7/2021 - SUBSTITUTE BILL ACCEPTED, Senate Judiciary, (Third Hearing)
Position: Monitor
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-4>

HB8 REVISE ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS (WEST T, PLUMMER P) To revise the law governing the electronic recording of custodial interrogations and to make changes to the prohibition against the restraint of a pregnant woman or child who is charged or has been convicted of an offense.
Current Status: 5/17/2021 - SIGNED BY GOVERNOR; eff. Immediately
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-8>

HB22 EXPAND OFFENSE OF OBSTRUCTING JUSTICE (LARE J, WILKIN S) To expand the offense of obstructing justice to include failure to follow a lawful order from a law enforcement officer, diverting a law enforcement officer's attention, and throwing an object at a law enforcement officer.
Current Status: 9/8/2021 - Referred to Committee Senate Judiciary
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-22>

HB44 INCREASE PENALTIES - ASSAULT (ROEMER B, MILLER J) To increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official.
Current Status: 10/19/2021 - Senate Judiciary, (First Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-44>

HB83 REVISE CHILD SUPPORT LAWS (RUSSO A, MANCHESTER S) To make changes to child support laws with regard to caretakers.
Current Status: 9/8/2021 - Referred to Committee Senate Judiciary
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-83>

HB89 REVISE CONCEALED HANDGUN LAW (WIGGAM S) To modify the requirement that a concealed handgun licensee must notify a law enforcement officer that the licensee is authorized to carry a concealed handgun and is carrying a concealed handgun when stopped.
Current Status: 3/9/2021 – REPORTED OUT, House State and Local Government, (Third Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-89>

HB109 INCREASE PENALTIES – RIOT OFFENSES (ABRAMS C, CARRUTHERS S) To increase penalties for certain assault, vandalism, and riot offenses, to allow peace officers to bring civil suits against persons participating in a riot, and to prohibit bias motivated intimidation of first responders.
Current Status: 11/10/2021 – REPORTED OUT AS AMENDED, House Criminal Justice, (Fourth Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-109>

HB110 OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs.
Current Status: 7/1/2021 – SIGNED BY GOVERNOR; effective 7/1/21
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-110>

HB116 OHIO COMPUTER CRIMES ACT (BALDRIDGE B) To enact the Ohio Computer Crimes Act and to amend the version of section 109.572 of the Revised Code that is scheduled to take effect October 9, 2021, to continue the provisions of this act on and after that date.
Current Status: 11/30/2021 – Referred to Committee Senate Judiciary
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-116>

HB121 ELIMINATE SPOUSAL EXCEPTIONS FOR SEXUAL OFFENSES (LANESE L, BOGGS K) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses.
Current Status: 5/26/2021 – House Criminal Justice, (Second Hearing)
Position: Support
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-121>

HB150 OHIO PUBLIC DEFENDER STATE LOAN REPAYMENT PROGRAM (HILLYER B, LELAND D) To establish the Ohio Public Defender State Loan Repayment Program, to establish a task force to study Ohio's indigent defense system, and to make an appropriation.
Current Status: 5/4/2021 - Re-Referred to Committee
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-150>

HB166 REGARDS CRIMINAL SENTENCING, CORRECTIONS (BOGGS K, CARFAGNA R) To modify the Criminal Sentencing Law with respect to non-life felony indefinite sentencing, to modify the process for felony appeals as a matter of right, to modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.
Current Status: 9/30/2021 - House Criminal Justice, (Second Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-166>

HB183 ABOLISH DEATH PENALTY (SCHMIDT J) To abolish the death penalty and to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment.
Current Status: 11/18/2021 - House Criminal Justice, (Fourth Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-183>

HB206 PERMIT TOWNSHIP POLICE ENFORCE CERTAIN OFFENSES ON INTERSTATE (GHANBARI H, O'BRIEN M) To permit a township police officer who serves a population between 5,000 and 50,000 to enforce specified traffic offenses on interstate highways within the township if authorized by that township's board of trustees.
Current Status: 6/2/2021 - Senate Government Oversight and Reform, (First Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-206>

HB211 STATE PROPERTY PROTECTION, PROSECUTION ACT (LARE J, PLUMMER P) To provide in specified circumstances for the Attorney General's prosecution of criminal activity committed at, or on, certain specified state facilities, buildings, premises, or property and to name the act the State Property Protection and Prosecution Act.
Current Status: 3/17/2021 - Referred to Committee House Criminal Justice
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-211>

HB227 REGARDING CONCEALED WEAPONS (BRINKMAN T, JORDAN K) To generally extend the firearm possession provisions that apply to a concealed handgun licensee to also apply to a person who is age 21 or older and not prohibited by Ohio or federal law from possessing a firearm without need for the person obtaining a license.
Current Status: 11/30/2021 - Referred to Committee Senate Veterans and Public Safety
Position: Monitor
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-227>

HB241 REVISE TAX FORECLOSURES LAW (PATTON T) To make changes to the law relating to tax foreclosures and county land reutilization corporations.
Current Status: 4/14/2021 - Referred to Committee House State and Local Government
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-241>

HB276 PROHIBIT PROSTITUTION PROCEEDS (POWELL J, SCHMIDT J) To prohibit a person from receiving proceeds of prostitution.
Current Status: 11/10/2021 - House Criminal Justice, (Third Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-276>

HB283 EXPAND DISTRACTED DRIVING LAWS (ABRAMS C, LAMPTON B) To expand the texting while driving prohibition to a general prohibition against using an electronic wireless communications device while driving, with certain exceptions, and to create data collection requirements based on associated violations of the distracted driving laws.
Current Status: 9/23/2021 - BILL AMENDED, House Criminal Justice, (Third Hearing)
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-283>

HB286 AGENCY ORDER APPEAL - LOCAL COURT OF COMMON PLEAS (SEITZ B) To change the venue in which appeal from an agency order is proper to the local court of common pleas.

Current Status: 6/22/2021 - REPORTED OUT, House Civil Justice, (Fifth Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-286>

HB315 REGARDING BAIL (LELAND D, HILLYER B) To make changes regarding bail.

Current Status: 6/10/2021 - House Criminal Justice, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-315>

HB319 EXPANDING HUMAN TRAFFICKING JUSTICE ACT (GALONSKI T, RICHARDSON T) To allow a victim of human trafficking to expunge certain criminal records and to name this act the Expanding Human Trafficking Justice Act.

Current Status: 5/25/2021 - Referred to Committee House Criminal Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-319>

HB343 RIGHTS OF CRIME VICTIMS (WHITE A) To make changes relative to the rights of crime victims.

Current Status: 6/10/2021 - Referred to Committee House Criminal Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-343>

HB383 MODIFY PENALTIES FOR HAVING WEAPON UNDER DISABILITY (KOEHLER K) To modify the penalties for the offense of "having weapons while under disability."

Current Status: 12/8/2021 - House Government Oversight, (Second Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-383>

HB390 REGARDING SEXUAL ASSAULT EXAM KITS (LANESE L, JOHN M) To require governmental evidence-retention entities to secure and test sexual assault examination kits in relation to an investigation or prosecution of trafficking in persons.

Current Status: 10/26/2021 - House Criminal Justice, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-390>

HB406 OFFENSE OF VOYEURISM (SCHMIDT J) To make changes to the offense of voyeurism.

Current Status: 9/21/2021 – Referred to Committee House Criminal Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-406>

HB408 SALE OF CATALYTIC CONVERTERS (YOUNG B) Regarding the sale of catalytic converters.

Current Status: 11/10/2021 – House Criminal Justice, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-408>

HB418 REDUCE MENTAL STATE – UNDERAGE PERSON POSSESS ALCOHOL (BIRD A, STEWART B) To reduce the mental state, from knowingly to recklessly, that applies to the prohibition against allowing an underage person to possess or consume alcohol in a private or public place.

Current Status: 10/12/2021 – House Criminal Justice, (First Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-418>

HB427 PROHIBIT ADDICTION TO COMPEL PROSTITUTION (WHITE A, MANCHESTER S) To prohibit the use of a controlled substance or manipulation of controlled substance addiction as a method of human trafficking or to compel prostitution.

Current Status: 11/18/2021 – House Criminal Justice, (Third Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-427>

HB455 AVOID CHARGES FOR CARRYING WEAPON INTO CERTAIN PLACES (STOLTZFUS R) To provide an opportunity for a concealed handgun licensee or qualified military member to avoid charges for carrying a deadly weapon into a prohibited place if the person leaves upon request and to penalize failure to leave upon request or returning with a firearm.

Current Status: 12/8/2021 – House Government Oversight, (First Hearing)

Position: Monitor

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-455>

HB456 DECRIMINALIZE FENTANYL TESTING STRIPS

(BOGGS K) To decriminalize fentanyl drug testing strips.
Current Status: 10/26/2021 - Referred to Committee House
Criminal Justice

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-456>

HB459 PROHIBIT SEX OFFENDERS FROM CERTAIN EMPLOYMENT (CUTRONA A, LARE J) To prohibit certain sex offenders and child-victim offenders from engaging in a specified employment or volunteer capacity involving direct work with, or supervision or disciplinary power over, minors.

Current Status: 10/26/2021 - Referred to Committee House
Criminal Justice

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-459>

HB462 PROHIBITION ON SWATTING (MILLER K, CARFAGNA R) To prohibit swatting.

Current Status: 10/26/2021 - Referred to Committee House
Criminal Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-462>

HB488 GUARDIANSHIP LAW (GRENDALL D, GALONSKI T) To make changes to the Guardianship Law and to authorize a court of common pleas to employ an attorney under certain circumstances to provide legal services to the judge or court officials.

Current Status: 12/7/2021 - House Civil Justice, (Second Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-488>

HB498 ADULT USE ACT (CALLENDER J, FERGUSON R)

To enact the Ohio Adult Use Act and to levy a tax.

Current Status: 12/7/2021 - Referred to Committee House
Finance

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-498>

HB500 ELIMINATE MANDATORY BINDOVERS (STEWART B, LAMPTON B) To eliminate mandatory bindovers and reverse bindovers, and modify the law governing a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court.

Current Status: 12/7/2021 - Referred to Committee House
Criminal Justice

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-500>

HB504 INCREASE PENALTY FOR DISTURBING RELIGIOUS GATHERING (CARFAGNA R, JOHNSON M) To increase the penalty for “disturbing a lawful meeting” when committed with the intent to disturb or disquiet an assemblage for religious worship or to prevent, disrupt, or interfere with a virtual meeting or gathering for religious worship.

Current Status: 12/8/2021 – Referred to Committee House
Criminal Justice

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-504>

SB2 COMPETENCY EVALUATIONS-CRIMINAL CASES (GAVARONE T) To make changes to the requirements for competency evaluations and mental health treatment in criminal cases, to eliminate a provision authorizing the hospitalization, on an emergency basis, of a person found after a hearing to meet the criteria for involuntary substance abuse treatment, and to enter into the Psychology Interjurisdictional Compact (PSYPACT).

Current Status: 4/27/2021 – SIGNED BY GOVERNOR; eff. 8/3/21

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-2>

SB16 EMS RESPONDERS-CIVIL ACTION (SCHAFFER T) Regarding a civil action for an emergency service responder based on a civil rights abridgement or false complaint, and certain crimes regarding conduct directed at an actual or perceived emergency service responder, public servant, family member, co-worker, or BCII investigator or at a public emergency.

Current Status: 10/26/2021 – House Criminal Justice, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-16>

SB25 ENHANCE PENALTIES FOR CERTAIN DRUG TRAFFICKING OFFENSES (GAVARONE T) To enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider or a recovering addict, to prohibit defrauding an alcohol, drug, or urine screening test, and to name the act’s provisions the Relapse Reduction Act.

Current Status: 10/12/2021 – House Criminal Justice, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-25>

SB36 CRIME VICTIMS – REPARATIONS STANDARDS (MANNING N, HUFFMAN S) To revise the eligibility standards and procedure for awarding reparations to crime victims.

Current Status: 12/1/2021 – SIGNED BY GOVERNOR; eff. 90 days.

Position: Monitor

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-36>

SB54 TELECOMMUNICATIONS FRAUD (GAVARONE T) To include within the offense of telecommunications fraud providing misleading or inaccurate caller identification information, allow the Attorney General to prosecute offenses of unauthorized use of property and telecommunications fraud, and prohibit any person, entity, or merchant from violating the federal Telemarketing and Consumer Fraud and Abuse Prevention Act. Current Status: 12/1/2021 - SIGNED BY GOVERNOR; eff. 90 days.
Position: Monitor
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-54>

SB90 DOMESTIC VIOLENCE-STRANGULATION (KUNZE S, ANTONIO N) To expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's nose or mouth.
Current Status: 6/22/2021 - BILL AMENDED, Senate Judiciary, (Second Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-90>

SB103 ABOLISH DEATH PENALTY (ANTONIO N, HUFFMAN S) To abolish the death penalty and to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment.
Current Status: 6/16/2021 - Senate Judiciary, (Second Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-103>

SB112 TAX FORECLOSURES, LAND REUTILIZATION (DOLAN M) To make changes to the law relating to tax foreclosures and county land reutilization corporations.
Current Status: 10/19/2021 - BILL AMENDED, Senate Local Government and Elections, (Third Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-112>

SB126 ANTI-HAZING (KUNZE S, GAVARONE T) To enact Collin's Law: The Ohio Anti-Hazing Act with regard to hazing policies at colleges and criminal prohibitions against hazing.
Current Status: 7/6/2021 - SIGNED BY GOVERNOR; eff. 90 days
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-126>

SB164 ANIMAL CRUELTY (HOTTINGER J, YUKO K) To revise the law and penalties associated with companion animal cruelty and to prohibit the destruction of a domestic animal by the use of a gas chamber.
Current Status: 10/5/2021 – Senate Agriculture and Natural Resources, (Third Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-164>

SB182 BAIL REFORM (MCCOLLEY R, HUFFMAN S) To make changes regarding bail.
Current Status: 6/16/2021 – Senate Judiciary, (Second Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-182>

SB183 EXPUNGE CRIMINAL RECORDS-TRAFFICKING VICTIMS (FEDOR T, KUNZE S) To allow a victim of human trafficking to expunge certain criminal records and to name this act the Expanding Human Trafficking Justice Act.
Current Status: 12/7/2021 – SUBSTITUTE BILL ACCEPTED, Senate Judiciary, (Fourth Hearing)
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-183>

SB203 OPERATING A VEHICLE UNDER THE INFLUENCE-MARIHUANA (MANNING N) To change the laws pertaining to operating a vehicle or watercraft while under the influence of marihuana and the admissibility of evidence regarding the testing of a person's whole blood, blood serum or plasma, urine, breath, or other bodily substance for purposes of OVI statutes.
Current Status: 9/21/2021 – Senate Veterans and Public Safety, (First Hearing)
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-203>

SB215 CONCEALED HANDGUN POSSESSION (JOHNSON T) Regarding a concealed handgun licensee's duty to carry the license and notify a law enforcement officer if the licensee is carrying a concealed handgun, a right of a person age twenty-one or older and not legally prohibited from firearm possession to carry a concealed handgun in the same manner as if the person was a licensee, and a pretrial immunity hearing.
Current Status: 12/15/2021 – PASSED BY SENATE; Vote 23-8
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-215>

SB216 CUSTODY OF INFANTS - SUBSTANCE EXPOSURE (JOHNSON T) To enact Dylan's Law regarding parental custody of infants born substance exposed.

Current Status: 11/9/2021 - Senate Judiciary, (Second Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-216>

SB218 VOYEURISM - INCREASE PENALTIES (ANTANI N) To increase the penalties for the offense of voyeurism.

Current Status: 9/28/2021 - Senate Judiciary, (First Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-218>

SB223 SEALING CERTAIN DISMISSED CHARGES (ANTANI N) To allow for the sealing of charges dismissed through intervention in lieu of conviction when those charges are connected to a conviction for operating a vehicle under the influence and to allow a clerk of court to spend computerization funds upon request.

Current Status: 9/28/2021 - Senate Judiciary, (First Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-223>

SB226 LIMITATIONS PERIOD - OFFENSES INVOLVING CHILDREN (KUNZE S, ANTONIO N) To extend, from the age of majority to age 26, the tolling of the period of limitation for offenses involving a wound, injury, disability, or condition that indicates abuse or neglect of a child.

Current Status: 12/7/2021 - Senate Judiciary, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-226>

SB261 LAW CHANGES-MEDICAL MARIJUANA (HUFFMAN S) To amend the law related to medical marijuana.

Current Status: 12/15/2021 - PASSED BY SENATE; Vote 26-5

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-261>

Legislative tracking information provided by actionTRACK - Hannah News Service, Inc.

New and Noteworthy



Pending Supreme Court Cases of Interest

Merit Decisions of Interest Since 11/1/21

DuBose v. McGuffey, ___ Ohio St.3d ___, 2022-Ohio-8. Per the 4-3 majority opinion, the trial court's setting of bail at \$1.5 million was excessive in this murder case. The majority held that, in a pretrial habeas action challenging bail as excessive, the standard of review is de novo. The majority also held that, based on its reading of the second sentence of Crim.R. 46(B), a trial court cannot consider public-safety risks in determining the financial amount of bail and that only the risk of non-appearance should be considered in determining the amount. But see Crim.R. 46(C). The majority conceded that public-safety risks can be considered in setting nonfinancial conditions of bail. (Decided 1-4-22; State's appeal; Hamilton County)

State v. Harrison, ___ Ohio St.3d ___, 2021-Ohio-4465. The three-justice plurality concluded that the lack of a signature on the arrest warrant itself did not vitiate the warrant under Ohio law or under the Fourth Amendment under the facts of this case, including the fact that the judge had documented the court's probable-cause finding in the same packet of documentation in which the unsigned warrant was included. The plurality concluded that a signature on the warrant itself is strongly advised but not always legally required for the warrant to be operative and valid. Three other justices would have upheld the validity of the arrest because, even in the absence of a warrant, the Fourth Amendment allowed a warrantless public arrest based on probable cause. (Decided 12-22-21; Logan County)

State ex rel. Suwalski v. Peeler, ___ Ohio St.3d ___, 2021-Ohio-4061. Under Marsy's Law, the court recognized that the victim could bring a prohibition action challenging the trial court's decision to grant the DV defendant's application for relief from firearm disability, since granting relief from disability was plainly unauthorized by law. (Decided 11-18-21; Warren County)

State v. LaRosa, ___ Ohio St.3d ___, 2021-Ohio-4060.

Regarding items seized from the defendant and his hospital room, the court held that the defendant lacked standing to challenge the seizure of a washcloth that had been used on him by hospital staff and further held that fingernail scrapings fell within the scope of a search warrant allowing a search of his hands. But the court also held that the warrantless seizure of the defendant's socks and underwear violated the Fourth Amendment in the absence of any claimed exigent circumstance that would have justified a warrantless seizure. The majority held that the trial court's error in failing to sustain the motion to suppress in that limited degree was harmless given the other properly-seized evidence showing the victim's DNA on the defendant's penis. (Decided 11-18-21; Trumbull County)

State v. Jordan, ___ Ohio St.3d ___, 2021-Ohio-3922.

Reaffirming that a warrantless public arrest based on probable cause is valid even when the police had time to obtain an arrest warrant first. (Decided 11-9-21; Hamilton County)

Newly-Accepted Criminal Law Cases Since 11/1//21

21-1254 St. v. Bortree Whether the statute of limitations for attempted aggravated murder and attempted murder is six years under R.C. 2901.13(A)(1)(a). (Logan County)

21-1182. St. v. Troisi (1) Whether the Ohio and United States Constitutions require notice of the statute that a wholesale distributor allegedly violated to lose its exemption from drug trafficking laws in order for the State to charge the distributor with drug trafficking; (2) Whether, for a wholesale distributor to lose its exemption from drug trafficking laws, its conduct must violate a statute in Chapter 4729 of the Revised Code. (Cuyahoga County)

21-1158. St. v. Morris Whether a court that sentences a defendant to life in prison for an offense committed when the defendant was a juvenile violates Article I, Section 9 of the Ohio Constitution, and the Eighth and Fourteenth Amendments to the United States Constitution, when the trial court fails to consider the defendant's youth as a factor in sentencing. (Ashland County)

21-1060 St. v. Brasher (1) Whether a trial court retains jurisdiction under Marsy's Law to correct previous proceedings as to restitution after a defendant's conviction and performance of his prison sentence by filing a post-completion-of-prison-sentence supplemental sentencing entry ordering restitution. (State's Appeal); (2) Victims are constitutionally entitled to full and timely restitution, and must be provided an effective appellate remedy for violations of their right to restitution. (Victim's appeal). (Butler County)

21-1047 St. v. Fisk Whether Ohio Constitution, Article I, Section 10(a), gives standing to the State of Ohio, through the prosecuting attorney who tried the defendant's criminal case, to challenge on appeal the trial court's decision not to order restitution as part of a defendant's sentence. (State's Appeal; Montgomery County)

21-1033 St. v. Gwynne (1) Whether the defendant's consecutive sentences totaling 65 years are clearly and convincingly not supported by the record; (2) whether the 65-year aggregate sentence shocks the conscience and thereby constitutes cruel and unusual punishment. (Delaware County)

21-967 St. v. Martin Whether probable-cause determinations in mandatory-bindover decisions are subject to manifest-weight review on appeal. (Cuyahoga County)

Coming Up for Oral Argument

21-19 St. v. Hansard If the defense presents evidence of a testifying officer's racial bias in a suppression hearing, whether the trial court must consider it when assessing the credibility of that officer's testimony and whether the testimony establishes probable cause for an initial traffic stop. (Gallia County) (Argument set for 2-8-22)

21-124 St. v. G.K. If a criminal case is not eligible for sealing, whether individual dismissed counts within that case can be sealed. (State's appeal; Cuyahoga County) (Argument set for 2-8-22)

21-215 St. v. Haynes Crim.R. 7 provides that the prosecution "shall" provide a Bill of Particulars upon timely request, and this provision is mandatory and is not satisfied by the prosecution's provision of discovery, and the State violates due process by failing to inform the defendant of the specific acts the defendant is accused of committing. (Wood County) (Argument set for 2-9-22)

21-266 St. v. Moore When the defendant commits the crime of retaliation, this offense occurs in two venues, the place where the defendant makes the threats and the place where the victim filed charges against the defendant. (State's appeal; Erie County) (Argument set for 2-9-22)

20-652 St. v. Drain Death Penalty Case (Warren County) (Argument set for 3-8-22)

21-172 St. v. Blanton (1) Res judicata does not bar a Sixth Amendment ineffective assistance of trial counsel claim raised in the first instance in a post-conviction proceeding under R.C. 2953.21, even if the defendant was represented by a different attorney in the direct appeal. [*State v. Cole*, 2 Ohio St.3d 112 (1982), overruled]. (2) Res judicata does not apply to a Sixth Amendment claim of ineffective assistance of trial counsel that requires development of additional evidence in a post-conviction hearing under R.C. 2953.21(F) in order for a court to meaningfully adjudicate the claim. [*State v. Cole*, 2 Ohio St.3d 112 (1982), clarified]. (3) A court of appeals lacks authority to make a de novo determination of the credibility of an affidavit filed in a post-conviction proceeding under R.C. 2953.21. [*State v. Calboun*, 86 Ohio St.3d 279 (1999), explained]. (4) Res judicata does not bar a Fourteenth Amendment failure to preserve exculpatory evidence claim that requires development of additional evidence in a postconviction hearing under R.C. 2953.21(F) in order for a court to meaningfully adjudicate the claim. (Adams County) (Argument set for 3-8-22)

21-392 St. v. Brown Whether the public policy underlying the civil immunity relied upon by the First District supports a similar application of criminal immunity. (State’s Appeal; Hamilton County) (Argument set for 3-9-22)

21-428 St. v. Stutler Whether a trial court has discretion to deny a level of change requested by a institutionalized NGRI-murder defendant in regard to the conditions of his commitment in the absence of clear and convincing evidence that the level change should not be granted. (Stark County) (Argument set for 3-9-22)

21-382 St. v. Yontz Whether a person subject to conditions of supervision is required to violate those conditions in order to challenge their illegality. (Guernsey County) (Argument set for 3-29-22)

21-452 St. v. Jackson (1) Whether an officer’s act of opening a driver’s door and ordering the driver to step outside the vehicle constitutes a search under the Fourth Amendment and Article I, Section 14 of the Ohio Constitution; (2) Whether a *Mimms* order provides a lawful right of access to search a vehicle’s interior and whether, after a driver is asked to step out of the vehicle, the responding officer must have an independent justification to search the interior of the vehicle in order for an item to be properly observed in plain view. (Hamilton County) (Argument set for 3-29-22)

21-481 St. v. Bellamy When a conviction is overturned on appeal due to the late disclosure of an expert witness, whether Crim.R. 16(K) requires that testimony from said expert witness must be excluded at a new trial on remand. (State’s Appeal; Delaware County) (Argument set for 3-29-22)

21-483 St. v. Belville (1) whether supplemental discovery, which the State is obligated to turn over to the defense, tolls speedy-trial time for constitutional speedy-trial purposes; (2) whether a defendant’s inaction in providing discovery to the State, even when not requested, tolls speedy-trial time indefinitely without violating constitutional and statutory speedy-trial rights. (Lawrence County) (Argument set for 3-30-22)

21-704 St. v. Hatton (1) When the State conducts DNA testing in anticipation of connecting a specific individual to the evidentiary source, evidence that excludes a defendant as the contributor are material and disclosure is always required, regardless of when the State learns of the exclusion and regardless of other circumstantial evidence that may seem to exist to support conviction; (2) Where a conviction rests in part on materially false evidence, a trial court commits reversible error in denying a post-conviction petition where a Defendant presents the court with newly discovered evidence establishing the falsity of the State’s evidence upon which the conviction was based; (3) Prosecutors are required to disclose DNA test results and analysis under *Brady v. Maryland* when prosecutors learn, even post-trial, that the State’s expert testified contrary to her actual findings that Appellant could not be excluded as the source of the DNA linking the victim and the rapist. (Pickaway County) (Argument set for 3-30-22)

21-822/857 In re K.K. Whether R.C. 2151.35(B)(1) is jurisdictional in requiring that a matter involving Abuse/Neglect/Dependency be heard within 90 days. (Appeal by Butler County Children Services) (Argument set for 3-30-22)

Keep an Eye Out for These Cases Awaiting Decision

21-51 St. v. Smith Whether a conviction for rape based on insertion must be supported by evidence that the person accused inserted a body part or object into another. (Highland County)

21-26 St. v. Kidd Whether a court of appeals should grant leave to file a delayed appeal pursuant to App.R. 5(A) if a trial court has sentenced a person to a criminal sentence outside the range set by the General Assembly and a previously available remedy as to “void” sentences has been eliminated. (Cuyahoga County)

20-1505 St. v. Brunson (1) Whether a trial court violates a defendant’s right to remain silent, in violation of both the Ohio Constitution and the U.S. Constitution, when it relies upon that silence as part of the basis for imposing a sentence of Life without the possibility of parole. (2) Whether a witness waives attorney-client privilege with respect to a subject when he or she offers testimony on the same subject. (3) Whether the attorney-client privilege of a State’s witness must yield to a defendant’s right to present a full defense and confront his accuser when the information that is purportedly the subject of that privilege is *Brady* material in the possession of the State. (Cuyahoga County)

20-1503 St. v. Towns Whether R.C. 102.03(B) permits complaints subject to chapter 102 of the Revised Code to proceed as a criminal complaint without a review of the Ohio Ethics Commission. (State of Ohio/City of Bryan)

20-1392 St. v. Yerkey Whether victims are constitutionally entitled to restitution for losses incurred throughout the prosecution of the criminal offense, including lost wages from attending hearings. (State’s appeal; Columbiana County)

20-1266 St. v. Maddox Whether the constitutionality of the Reagan Tokes Act is ripe for review on direct appeal from sentencing, or only after the defendant has served the minimum term and been subject to extension by ODRC. (Lucas County)

20-1189/1250 St. v. Brooks Whether the shift in the burden of proof enacted by H.B. 228 eff. 3-28-19 applies to all subsequent trials regardless of when the offense was committed. (Richland County)

20-1187 St. v. Campbell Whether the warrantless search of the probationer based on the consent-to-search condition of community control was constitutional, whether the remedy of exclusion applies to a mere statutory issue, and whether the good-faith exception applies. (State’s appeal; Fairfield County)

20-797 St. v. Crawford Whether the crime of having weapon under disability can serve as the predicate offense to involuntary manslaughter. (Cuyahoga County)

20-599 St. v. Bryant Whether the trial court erred when it imposed an additional six years on the defendant's sentence after his outburst in court. (Lake County)

20-312 St. v. Montgomery Whether the defendant was denied his right to a fair trial when the trial court permitted the victim to be introduced to the jury during voir dire as representing the State of Ohio and permitted the victim to sit with the prosecutor at counsel table throughout the trial. (Stark County)

19-1642 St. v. Brinkman Death Penalty Case (Stark County)

19-1482 St. v. Whitaker Death Penalty Case (Cuyahoga County)

19-926 St. v. McAlpin Death Penalty Case (Cuyahoga County)

Ohio Attorney General Opinions

provided by the Ohio Attorney General's website at <https://www.ohioattorneygeneral.gov/Files/Legal/Opinions>

2022-001

Requested by: Seneca County Prosecuting attorney

R.C. 3501.054 prohibits public officials from collaborating with nongovernmental persons or entities only when the public official is acting in his or her official capacity.

2021-029

Requested by: Brown County Prosecuting Attorney

Compatibility: A person cannot simultaneously serve as a township trustee and board-of-education member for a local school district when the local school district serves the township.

2021-028

Requested by: Butler County Prosecuting Attorney

County fees collected by county officials through financial transaction devices must comply with the requirements of R.C. 301.28, which cannot be circumvented by relying upon the competitive bidding process in sections R.C. 307.86 or 307.862 or by contracting with a third-party vendor who uses their own financial-transaction-device processor.

2021-027

Requested by: Jackson County Prosecuting Attorney

Compatibility: A person may not serve simultaneously as a county sheriff and as a district supervisor of a soil and water conservation district when the positions are within the same county.

2021-026

Requested by: Summit County Prosecuting Attorney

A board of township trustees is a "local authority" as defined in R.C. 4511.01(AA) and does not have open-ended authority to promulgate traffic regulations but may, at the intersection of two township roads or a township road and a county road, erect and

maintain traffic-control devices that make the intersection a multi-way stop, and a board is not required to obtain an engineering study before erecting those devices.

2021-025

Requested by: Delaware County Prosecuting Attorney

Data created by a county office that is merely stored on servers kept and maintained by a county automatic data processing center does not constitute a "record," as defined by R.C. 149.011(G), of the county automatic data processing center, and the center has no authority to respond to public records requests made pursuant to R.C. 149.43.

2021-024

Requested by: Sandusky County Prosecuting Attorney

A joint self-insurance pool operating pursuant to R.C. 9.833 may not purchase an ownership interest in a foreign or out-of-state captive-insurance pool in order to obtain stop-loss health insurance.

OPAA Training

2022 OPAA Trainings

OPAA Free CLE Webinar – Top 7 Things to Know about Venue

Beware the issue of venue! Proving that the crime or an element thereof occurred in your jurisdiction is not an "element", but it still must be established beyond a reasonable doubt and can result in a Crim.R. 29 "acquittal" if venue is not sufficiently shown.

Join OPAA's Steve Taylor for the Top Seven Things to Know on Venue webinar via Zoom Thursday, February 17th, 2022 from 12:00 noon to 1:30 p.m. This presentation will discuss a "top seven" list of things to know about venue, including how the multi-county "course of conduct" provision operates, and ways to fix a venue problem if you realize after the close of your case-in-chief that venue might not be satisfied. Registration information has been sent out and a reminder will go out prior to the training.

Spring Training
April 28th and 29th
Sheraton Columbus at Capitol Square

OPAIA Training
April 28th and 29th
Sheraton Columbus at Capitol Square

Summer Workshop
June 24th and 25th, 2022
Breakers Cedar Point

Fall Training
September 29th and 30th, 2022
Crowne Plaza Cleveland Playhouse Square

Annual Meeting
December 8th and 9th
Hilton Columbus at Easton

We are still awaiting final contracts on some of these so dates are somewhat tentative.

OPAA Annual Meeting

The 2021 OPAA Annual Meeting was held December 15th and 16th at the Hilton Columbus at Easton and drew a crowd of nearly 400 prosecutors and assistant prosecutors from 80 counties, the AG's office, and AOS office. The event was a great success! Thanks to all who attended. All CLE credits have been reported for this event and should be included on your 2021 transcript.

Award winners for this year included Sherri Bevan Walsh (Summit County) for Outstanding Prosecuting Attorney, Daniel Lutz (Wayne County) for Leadership, Kara Keating (Franklin County) for Outstanding Assistant Prosecutor, Diana Oswalt (Knox County) for Outstanding Staff Person, and Joseph Dangelo (Summit County) for Meritorious Assistant Prosecutor.

We also had four award recipients for Outstanding Peace Officer – Detective Troy Looney (Akron Police Department), Investigator Brian Pertman (Ohio State Fire Marshal), Video Forensic Supervisor Brad Barkhurst (Ohio State Fire Marshal), and Lieutenant Todd Webb (Akron Fire Department) for their work on the Stanley Ford arson case in which 9 persons died in separate fires.



Prosecutor Sherri Bevan Walsh (Summit County) was surprised with the 2021 Outstanding Prosecuting Attorney award. Thanks to her family, staff, and Montgomery County Prosecutor Mat Heck for their part in the surprise!



Prosecutor Dan Lutz (Wayne County) received the 2021 Leadership Award (with OPAA Director Tobin)



Kara Keating (with award, Franklin County) received the 2021 Outstanding Assistant Prosecutor award



Joseph Dangelo (left, Summit County) received the 2021 Meritorious Assistant Prosecutor Award (shown with Chief of the Criminal Division Brian LoPrinzi)



From left to right - Assistant Summit County Prosecutor Joe Dangelo, Ohio State Fire Marshal Brian Peterman, Akron Fire Dept Lt. Todd Webb, Summit County Prosecutor Sherri Bevan Walsb, Ohio State Fire Marshal Forensic Video Analyst Supervisor Brad Barkhurst, Akron Police Det. Troy Looney, Summit County Prosecutor's Office Criminal Division Chief Brian LoPrinzi. Peterman, Webb, Barkhurst, and Looney received 2021 Outstanding Peace Officer Awards



Diana Oswalt (Knox County) received the 2021 Outstanding Staff Person Award (With Prosecutor Chip McConville)



Your 2022 OPAA Officers



Michael C. O'Malley
Cuyahoga County
President



Jane Hanlin
Jefferson County
President-Elect



Kevin S. Talebi
Champaign County
Vice President



Keller J. Blackburn
Athens County
Treasurer



David P. Fornshell
Warren County
Secretary

Along with the new President, committee appointments for 2022 have been made. These have been emailed to the elected prosecutor, and can also be viewed on our website at <http://www.ohiopa.org/committees22.html>

2022 Executive Committee Meeting Dates

January 27 – Athletic Club of Columbus
February 24th
March 24th
April – Spring Training
May 26th
June – Summer Workshop
July – No Meeting
August 25th
September – Fall Training
October 20th
November – No Meeting
December – Annual Meeting

Dates are tentative. Times will be posted when determined.



We welcome Warren County Prosecutor David Fornshell to the Secretary position of the OPAA officers and start to his journey to OPAA President. As Secretary, he will be responsible for all meeting minutes and will perform the duties of the Secretary as may be required by the President or the Executive Committee.

David was sworn-in as the 38th Prosecuting Attorney of Warren County on February 17, 2011. David came to the Prosecutor's Office after serving as a partner in the litigation department at Dinsmore & Shohl LLP in Cincinnati, where he started his legal practice in 1999. From 1999-2007, David also served as Prosecuting Attorney for the City of Blue Ash, Ohio.

David is actively involved in the community and serves as a member of the FBI Joint Terrorism Task Force, Ohio Prosecuting Attorney's Association Executive Committee, Warren County Drug Task Force Policy Board, Child Advocacy Center of Warren County Steering Committee, and various other boards and committees. David is also the former Chairman of the Warren County Board of Elections, former Chairman of the Warren County Republican Party, and former Secretary of the Warren County Board of MR/DD.

Since becoming Warren County Prosecutor, David has expanded the Prosecutor's Office's community outreach efforts. Most recently, David developed and conducted training for board members, officers, and volunteers of charitable, church, booster, youth sports, and other not-for-profit organizations on how to protect against internal organizational theft. He has also developed and conducted age-appropriate presentations for numerous Warren County high school, junior high school, and middle school students on topics such as school threats, sexting, date rape, and juvenile decision-making. David has also trained other county prosecutors from around the state of Ohio on topics ranging from the handling of death penalty cases to Ohio's grand jury process and procedures. David received the 2018 Prosecutor of the Year Award for the state of Ohio by the Ohio Prosecuting Attorney's Association, and has prosecuted cases receiving international and national attention, including cases profiled by the BBC documentary series Life and Death Row, Good Morning America, Fox News, CNN, MSNBC, The Washington Post, The New York Times, The UK Daily Mail, and numerous other international and national publications. David also served as a legal consultant for a network television series crime drama.

A seventh-generation Warren County resident, David grew up in the Lebanon/Turtlecreek Township area where he graduated from Lebanon High School. David graduated summa cum laude from

Ohio University where he received degrees in Finance and Business Prelaw. David received his Juris Doctor from Pepperdine University School of Law in Malibu, California, finishing in the top 10% of his graduating class.

David and his wife Amy reside in the Lebanon area with their three children. Over the past decade, David has served as volunteer coach for Lebanon youth football, basketball, baseball, and fast-pitch softball organizations, and also serves as an OHSAA basketball official. He and his family are active in Lebanon Presbyterian Church.

David has been active over the years in several OPAA committees and currently serves as Chair of the Investigators Liaison Committee, member of the Legislative Committee, member of the Membership, Outreach, and Planning Committee, and member of the Victim/Witness Committee.

OPAA Member Benefits

Expert Witness and Brief Bank Databases

As reported in the July newsletter, the newest benefits OPAA is bringing to its members is a database of expert witnesses, as well as a new brief bank. Both allows members to search and add items, so please feel free to contribute anything you feel will help others in the county prosecutor offices around the state.

Membership Groups

Yahoo discontinued their groups (or “listserve”) awhile back so we moved like most associations to Google Groups. We have individual groups for criminal, civil, juvenile, and appellate prosecutors. If you would like to be part of these groups, email steve@ohiopa.org and he will get you set up. There is no cost for these groups, and only a Gmail account is needed. Mail can be directed to the Gmail account or your county email account.

Misc. photos from the 2021 OPAA Annual Meeting



Phil Bogdanoff presents on the Rules of Professional Conduct during our combined session



Steven Bradley discusses “The Weaponization of Technology in the Courtroom” during the Criminal Session



Bridget Coontz provides the Civil Session with an update on “sunshine law”

(additional photos are available on our Twitter feed)

