



THE OHIO PROSECUTOR

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From your Director...



Louis Tobin
OPAA Executive
Director

In the midst of the now monthslong debate in Columbus over redistricting, the General Assembly still found time to debate and work on a variety of issues that will impact the work of prosecutors. There are now only a few weeks left on the legislative calendar before the General Assembly breaks for the Summer, for the second primary election(!) and for the general election. Then on to the eight-week race to the finish line otherwise known as lame duck. Here are some things that could happen this Spring that offer a preview of lame duck:

Senate Bill 288 (Criminal Justice Omnibus)

Senate Bill 288, introduced at the beginning of February, is a conglomeration of ideas that have been around the legislature for several years and that have failed to pass on their own. The most controversial parts of the bill, in my opinion, come from the recommendations of the Criminal Justice Recodification Committee in 2017 that are a wholesale reduction of criminal liability for everything from aggravated murder to theft. The good news is that I'm optimistic that these provisions are going to be removed from the bill. Still, we are likely to be left with a bill that at a minimum expands judicial release in some way, expands opportunities for record expungement, repeals the judicial veto of transitional control, and expands earned credit. This dialed back version of the bill is likely to pass the Senate this Spring setting it up for the House in lame duck.

Bail Reform

The Supreme Court of Ohio's controversial decision in *DuBose v. McGuffey* in early January prompted a legislative response in the form of a proposed constitutional amendment, House Joint Resolution 2 and Senate Joint Resolution 5, and implementing

legislation, House Bill 607, that would require courts to consider public safety as a factor when determining the amount of bail. These proposals in turn prompted a response from bail reformers who have been calling to end cash bail. This breathed new life into debate, especially in the Senate, about Senate Bill 182 and House Bill 315 that, for all intents and purposes, would end cash bail while expanding pretrial detention. I expect a new version of these reform bills to appear soon. The seeming divide on bail policy between the House and Senate makes action on any of this difficult to predict. In order to put a constitutional amendment on the ballot in November, however, action on the joint resolutions would need to be taken this Spring.

House Bill 343 (Marsy's Law)

The Marsy's Law implementing legislation received a lot of attention this Spring. The bill makes a variety of changes to Chapter 2930 and victims' rights law in an effort to implement the Marsy's Law constitutional amendment. The bill is likely to create some new burdens for many of you. A lot of the debate about the bill has centered on (1) the victims' rights enforcement mechanism that will create an opportunity for victims to file an interlocutory appeal, (2) a prosecutor's responsibility to confer with the victim at certain stages of the case and the effect of not conferring, and (3) the costs of implementation. This is likely to pass the House this Spring setting it up for the Senate in lame duck.





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.ohiopa.org. **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) Senate Bill 288 – Criminal Justice Omnibus. The bill includes some recommendations from the Criminal Justice Recodification Committee, expanded judicial release, expanded record expungement, expanded earned credit, and elimination of the judicial veto of transitional control. It also includes OPAA supported proposals on speedy trial times, OVI sentencing, and the release of certain information in a preliminary autopsy. OPAA Position – Oppose.
- 2) House Joint Resolution 2/Senate Joint Resolution 5/House Bill 607. The joint resolutions would place on the ballot a constitutional amendment to require judges to consider public safety when determining the amount of bail. House Bill 607 would legislatively implement the requirement that public safety be considered. OPAA Position – Support.
- 3) House Bill 315/Senate Bill 182 – Bail Reform. These bills create a presumption of release on recognizance, set strict timelines for making release 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. They also expand pretrial detention. OPAA Position – Oppose.

- 4) House Bill 183/Senate Bill 103 – Death Penalty Repeal. These bills repeal the death penalty. OPAA Position – Oppose.
- 5) Senate Bill 90/House Bill 3 – Felony Strangulation/Domestic Violence. Both bills 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.
- 6) 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.
- 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

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>

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: 4/5/2022 - Senate Judiciary, (Second Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-44>

HB64 CREATE CRIME - FRAUDULENT ASSISTED REPRODUCTION (POWELL J) To create the crime of fraudulent assisted reproduction and civil actions for an assisted reproduction procedure without consent.

Current Status: 4/6/2022 - REPORTED OUT AS AMENDED, House Criminal Justice, (Fourth Hearing)

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-64>

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: 4/5/2022 - Senate Judiciary, (First Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-109>

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>

HB161 ENACT CERTAIN CHILD ABUSE-RELATED OFFENSES (LAMPTON B) To include certain child abuse-related offenses in the violent offender database and to name the act Jacob's Law.

Current Status: 4/5/2022 - Senate Judiciary, (First Hearing)

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-161>

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.

<p>Current Status: 3/29/2022 - Senate Judiciary, (Second Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-166</p> <p>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: 3/3/2022 - House Criminal Justice, (Fifth Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-183</p> <p>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: 3/23/2022 - Senate Government Oversight and Reform, (Third Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-206</p> <p>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</p> <p>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</p> <p>HB254 DOMESTIC VIOLENCE FATALITY REVIEW BOARDS (BOGGS K, ABRAMS C) To provide for the establishment of domestic violence fatality review boards.</p>	<p>Current Status: 4/5/2022 - Senate Judiciary, (First Hearing) State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-254</p> <p>HB276 PROHIBIT PROSTITUTION PROCEEDS (POWELL J, SCHMIDT J) To prohibit a person from receiving proceeds of prostitution. Current Status: 4/6/2022 - Referred to Committee Senate Judiciary Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-276</p> <p>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: 3/3/2022 - BILL AMENDED, House Criminal Justice, (Fourth Hearing) Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-283</p> <p>HB286 AGENCY ORDER APPEAL - LOCAL COURT OF COMMON PLEAS (SEITZ B) To generally change the venue in which appeal from an agency order is proper to the local court of common pleas, to provide that a civil action to challenge a state administrative order issued in a state of emergency be brought in the Court of Claims, and to revise the law governing claim preclusion in zoning appeals. Current Status: 4/6/2022 - Referred to Committee Senate Judiciary Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-286</p> <p>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</p> <p>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: 3/3/2022 - House Criminal Justice, (First Hearing)</p>
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<p>Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-319</p> <p>HB343 RIGHTS OF CRIME VICTIMS (WHITE A) To make changes relative to the rights of crime victims. Current Status: 4/6/2022 - BILL AMENDED, House Criminal Justice, (Fourth Hearing) Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-343</p> <p>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</p> <p>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: 4/6/2022 - Referred to Committee Senate Judiciary Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-390</p> <p>HB406 OFFENSE OF VOYEURISM (SCHMIDT J) To make changes to the offense of voyeurism. Current Status: 3/8/2022 - House Criminal Justice, (First Hearing) Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-406</p> <p>HB408 SALE OF CATALYTIC CONVERTERS (YOUNG B) Regarding the sale of catalytic converters. Current Status: 4/6/2022 - House Criminal Justice, (Second Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-408</p> <p>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</p>	<p>prohibition against allowing an underage person to possess or consume alcohol in a private or public place. Current Status: 3/3/2022 - House Criminal Justice, (Second Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-418</p> <p>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: 3/15/2022 - Senate Judiciary, (First Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-427</p> <p>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: 2/17/2022 - House Government Oversight, (Third Hearing) Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-455</p> <p>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: 2/15/2022 - House Criminal Justice, (First Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-459</p> <p>HB462 PROHIBITION ON SWATTING (MILLER K, CARFAGNA R) To prohibit swatting. Current Status: 4/5/2022 - House Criminal Justice, (First Hearing) Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-462</p> <p>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</p>
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circumstances to provide legal services to the judge or court officials.

Current Status: 4/5/2022 - REPORTED OUT, House Civil Justice, (Fifth 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

Position: Oppose

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: 2/15/2022 - House Criminal Justice, (First Hearing)

Position: Oppose

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: 4/6/2022 - PASSED BY HOUSE; Vote 95-1

Position: Support

State Bill Page:

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

HB511 PUBLIC RECORDS (HUMPHREY L, STEWART B)

To require electronic recordings to be made of all parole board hearings, excluding certain personal identifying information, and to make those electronic recordings "public records" under the Public Records Law.

Current Status: 1/25/2022 - Referred to Committee House Criminal Justice

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-511>

HB522 PUBLIC RECORDS ON PUBLIC SERVICE

WORKERS (ABRAMS C, FRAIZER M) To modify the manner in which designated public service worker residential and familial information is protected from disclosure as a public record.

Current Status: 1/25/2022 - Referred to Committee House Civil Justice

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-522>

HB531 COUNTY PROSECUTOR LEGAL SERVICES

(GHANBARI H) To allow a county prosecutor to provide legal services to a metropolitan planning organization, regional transportation planning organization, or regional council of governments.

Current Status: 3/16/2022 - Referred to Committee Senate Local Government and Elections

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-531>

HB545 PRIVILEGED TESTIMONIAL COMMUNICATIONS

(ABRAMS C, BALDRIDGE B) To generally allow for privileged testimonial communications between a peer support team member and an individual receiving peer support services or advice from the team member.

Current Status: 5/3/2022 - House Civil Justice, (Third Hearing)

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-545>

HB580 MOTOR VEHICLE OFFENSES (MILLER K) To

modify the penalty for the offense of "failure to comply with an order or signal of a police officer" involving the offender's operation of a motor vehicle and expressly provide that a motor vehicle used in the offense is subject to possible seizure and forfeiture.

Current Status: 3/1/2022 - Referred to Committee House Criminal Justice

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-580>

HB586 POSTCONVICTION RELIEF BASED ON DNA

EVIDENCE (SCHMIDT J, UPCHURCH T) To authorize the filing of an initial or subsequent postconviction relief petition regarding a felony conviction that is based on DNA testing showing actual innocence, when the testing was done at the request or on behalf of the petitioner in the case in any circumstances, the state, or any government entity.

Current Status: 3/8/2022 - Referred to Committee House Criminal Justice

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-586>

<p>HB607 PUBLIC SAFETY FACTOR IN SETTING BAIL (LARE J, SWEARINGEN D) To add public safety as a factor in setting bail. Current Status: 4/6/2022 - Bills for Third Consideration; (Pending Committee Report) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-607</p>	<p>household member's throat or neck or blocking the family or household member's nose or mouth. Current Status: 2/15/2022 - Senate Judiciary, (Third Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-90</p>
<p>HJR2 CONDITIONS OF BAIL (LARE J, SWEARINGEN D) Proposing to amend Section 9 of Article I of the Constitution of the State of Ohio to eliminate the requirement that the amount and conditions of bail be established pursuant to Section 5(b) of Article IV of the Constitution of the State of Ohio, and instead allow the courts to use factors such as public safety, a person's criminal record, the likelihood a person will return to court, and the seriousness of a person's offense. Current Status: 4/6/2022 - Bills for Third Consideration; (Pending Committee Report) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HJR-2</p>	<p>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</p>
<p>SB16 EMS RESPONDERS-CIVIL ACTION (SCHAFER 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: 3/8/2022 - House Criminal Justice, (Third Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-16</p>	<p>SB112 TAX FORECLOSURES, LAND REUTILIZATION (DOLAN M) To make changes to the law relating to tax foreclosures and county land reutilization corporations. Current Status: 3/29/2022 - House Ways and Means, (First Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-112</p>
<p>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 designate April as "Sexual Assault Prevention Awareness Month," and to name the act's provisions the Relapse Reduction Act. Current Status: 4/21/2022 - SIGNED BY GOVERNOR; eff. 90 days Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-25</p>	<p>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: 2/15/2022 - Senate Agriculture and Natural resources, (Fourth Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-164</p>
<p>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</p>	<p>SB182 BAIL REFORM (MCCOLLEY R, HUFFMAN S) To make changes regarding bail. Current Status: 4/5/2022 - Senate Judiciary, (Third Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-182</p> <p>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</p>

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: 3/15/2022 - Senate Veterans and Public Safety, (Second 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, and 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.

Current Status: 3/14/2022 - SIGNED BY GOVERNOR; eff. 90 days

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: 2/8/2022 - Senate Judiciary, (Third 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: 4/27/2022 - House Government Oversight, (Fourth Hearing)

Position: Oppose

State Bill Page:

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

SB288 CRIMINAL LAW CHANGES (MANNING N) To modify the Criminal Law regarding arson and related offenses; robbery, burglary, trespass, safecracking, and related offenses; theft, fraud, and related offenses; offenses against the public peace; offenses against justice and public administration; miscellaneous offenses; the meaning of "prior calculation and design"; certain vehicle license suspensions; a new offense of "aggravated rape"; and other miscellaneous provisions of that Law.

Current Status: 4/5/2022 - BILL AMENDED, Senate Judiciary, (Sixth Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-288>

SB292 PROHIBITION ON SWATTING (BRENNER A) To prohibit swatting.

Current Status: 3/15/2022 - Senate Judiciary, (First Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-292>

SB301 LAW CHANGES-LICENSE SUSPENSIONS (BLESSING III L) To make changes to the laws governing driver's license suspensions for certain drug offenses and failure to pay child support and to the laws governing penalties for failure to provide proof of financial responsibility.

Current Status: 4/5/2022 - Senate Judiciary, (First Hearing)

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-301>

SB311 LAW CHANGES-CORONERS, DEATH CERTIFICATES (HUFFMAN S, JOHNSON T) To revise the law governing coroners and death certificates and to amend the version

of section 4723.431 of the Revised Code that is scheduled to take effect on September 30, 2024, to continue the change on and after that date.

Current Status: 4/6/2022 - Senate Health, (Second Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-311>

SB322 SEX OFFENSES, MEDICAL PROFESSIONS (HACKETT R) Regarding sex offenses and individuals regulated by the State Medical Board.

Current Status: 4/12/2022 - Introduced

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-322>

SJR5 CONSTITUTIONAL CHANGE-BAIL DETERMINATIONS (GAVARONE T) Proposing to amend Section 9 of Article I of the Constitution of the State of Ohio to eliminate the requirement that the amount and conditions of bail be established pursuant to Section 5(b) of Article IV of the Constitution of the State of Ohio, and instead allow the courts to use factors such as public safety, a person's criminal record, the likelihood a person will return to court, and the seriousness of a person's offense.

Current Status: 3/30/2022 - Referred to Committee Senate Judiciary

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SJR-5>

New and Noteworthy



Pending Supreme Court Cases of Interest

Merit Decisions of Interest Since 2/1/22

State v. Eatmon, __ Ohio St.3d __, 2022-Ohio-1197. The Court (7-0) concluded that material-witness warrants seeking

the detention of a witness are subject to the Fourth Amendment. The grounds for issuing such a warrant must be supported by oath or affirmation providing probable cause that the witness is material and that the detention of the witness is necessary to procure the witness' attendance at trial. The mere filing of an unsworn motion, or the unsworn making of oral representations, is not enough. (Decided 4-12-22; Cuyahoga County)

State v. Bethel, __ Ohio St.3d __, 2022-Ohio-783. The Court (5-2) concluded that the defense claim of a *Brady* violation was insufficient to warrant untimely post-conviction or new-trial relief because the supposedly-withheld evidence was not material. The majority recognized that a defense claim of a *Brady* violation can satisfy the showing of "unavoidable prevention" for untimely post-conviction petitions and delayed motions for new trial. The majority also concluded that there is no "unreasonable delay" bar to the filing of a delayed motion for a new trial. (Decided 3-22-22; Franklin County)

State v. Maddox, __ Ohio St.3d __, 2022-Ohio-764. The defendant raised constitutional challenges to the indefinite sentence imposed under the Reagan Tokes Act, contending that allowing the ODRC to extend his prison term beyond the presumptive minimum term violates the United States and Ohio Constitutions based on grounds of separation of powers and the defendant's rights to a trial by jury and due process. The Court (4-3) concluded that RTA sentences are ripe for constitutional challenge on direct appeal. (Decided 3-16-22; Lucas County)

In re Cases Held for State v. Maddox, __ Ohio St.3d __, 2022-Ohio-1284. Reversing and remanding 21 cases for appellate review in light of *Maddox*, and dismissing 10 cases as having been improvidently allowed. (Decided 4-27-22)

State v. Bates, __ Ohio St.3d __, 2022-Ohio-475. The Court (4-3) held that the asserted problem with imposition of post-release control in 2008 did not create a "void sentence" problem that could be fixed by a new sentencing entry filed in 2018. (Decided 2-22-22; Cuyahoga County)

State v. Leyh, __ Ohio St.3d __, 2022-Ohio-292. The Court (4-3) concluded that the defense had done enough to satisfy the initial threshold of showing a "genuine issue" as to appellate counsel ineffectiveness. The majority emphasized that, at the initial threshold stage under App.R. 26(B), the defense need only demonstrate a genuine issue, and the defense need not show that it will actually prevail on the claim of ineffectiveness. (Decided 2-8-22; Summit County)

State v. Smith, ___ Ohio St.3d ___, 2022-Ohio-274. The Court (4-3) held that the adult court’s jurisdiction was limited to the counts on which there had been a probable-cause finding. The majority rejected the notion that “the case” is transferred so as to give the grand jury the ability to charge all offenses within “the case”. (Decided 2-3-22; Cuyahoga County)

State v. Smith, ___ Ohio St.3d ___, 2022-Ohio-269. The defendant had pleaded no contest to multiple offenses, including a count of child rape under R.C. 2907.02(A)(1)(b). The facts were not in dispute – the defendant had directed her two-year-old son to insert a sex toy into her vagina while she filmed the act. The defense argued that rape requires that the defendant be the person engaging in the sexual conduct and that it was the boy and not the defendant who had committed the “sexual conduct” by inserting the sex toy into the defendant’s vagina. The Court (7-0) held that rape requires that the defendant be the person engaging in the “sexual conduct” with another. (Decided 2-2-22; Highland County)

Newly-Accepted Criminal Law Cases Since 2/1/22

22-106. St. v. Zarlengo. (1) In a juvenile bindover case, whether a guilty plea in adult criminal court waives constitutional claims for purposes of direct appeal when those claims arise out of the underlying bindover hearings in juvenile court; (2) whether issues bearing on the validity of the jurisdictional transfer decision itself are themselves jurisdictional in nature and therefore not subject to waiver on direct appeal; (3) Whether these issues affect the validity and fairness of earlier decisions barring an immediate appeal from the bindover itself. (Mahoning County)

22-262. Olmsted Twp. v. Ritchie. Whether R.C. 2929.25(D)(4) authorizes a trial court to impose a jail term for a violation of a condition of a community-control sanction when the original sentence was directly imposed under R.C. 2929.25(A)(1)(a) and no suspended jail time was reserved as contemplated under R.C. 2929.25(A)(1)(b), regardless of notice having been provided under R.C. 2929.25(A)(3)(c). (Olmsted Twp. appeal on certified conflict; Cuyahoga County)

22-99 St. v. Ali Whether the admission of other-acts evidence was harmless. (Summit County)

20-1496 St. v. Hacker Whether the Reagan Tokes Act is unconstitutional under the United States and Ohio Constitutions. (Accepted and held for *State v. Maddox* on 3-2-21; stay lifted and briefing ordered on 4-1-22) (Logan County)

21-532 St. v. Simmons (1) Whether the Reagan Tokes Act violates the Sixth Amendment as it permits the imposition of additional punishment for conduct not admitted by the defendant or found by a jury; (2) Whether the Reagan Tokes Act violates the doctrine of separation of powers because, as with bad time, it conferred judicial power to the executive branch; (3) Whether the Reagan Tokes Act violates due process by failing to provide adequate notice, by inadequately confining executive branch discretion, and by lacking adequate guarantees for a fair hearing. (Accepted and held for *State v. Maddox* on 7-6-21; stay lifted and briefing ordered on 4-1-22)(Cuyahoga County)

22-121 St. v. Williams Whether an incarcerated individual satisfies the “causes to be delivered” obligation in R.C. 2941.401 by making a written demand to the warden of the incarcerating institution. (Lorain County)

21-1421 St. v. Walker Whether there was sufficient evidence beyond reasonable doubt that the defendant did not act in self-defense. (Lucas County)

21-1432 St. v. Bailey Whether the appellate court erred in failing to give due deference to the trial court’s refusal to merge the rape and kidnapping offenses in light of the evidence of substantial movement that justified separate sentencing for kidnapping. (State’s appeal; Hamilton County)

21-1491 St. v. Ashcraft In a prosecution for a change-of-address violation under R.C. 2950.05, whether R.C. 2950.99(A)(2)(b)(ii)’s requirement of a mandatory sentence of 36 months for an offender having a prior conviction also allows the court to impose an additional prison term of 9 months chosen from the range of prison terms authorized for third-degree felonies under R.C. 2929.14(A)(3). (Knox County)

21-1380 St. v. Ramunas If an individual trespasses in an occupied structure when any person other than an accomplice of the offender is present or likely to be present with the sole purpose of committing a theft offense therein, whether the burglary offense and the resulting theft offense are allied offenses of similar import within the meaning of R.C. 2941.25. (State’s appeal on certified conflict; Delaware County)

Recent and Upcoming Oral Arguments

21-691 St. v. Lewis Whether a court of appeals lacks authority to make a de novo determination of the credibility of an affidavit filed in a postconviction proceeding under R.C. 2953.21. (Knox County) (Argument on 4-12-22)

21-670 St. v. Barnes Whether a defendant has a reasonable and legitimate basis to withdraw a guilty plea before sentencing upon learning of evidence that: (1) was previously withheld from the defendant; and (2) would have changed the defendant's decision to plead guilty. (Cuyahoga County) (Argument on 4-12-22)

21-579 St. v. Bunch (1) Whether trial courts should deny a hearing on a postconviction petition based on a blanket rule that it is automatically a reasonable strategic decision to rely on cross-examination alone instead of consulting with and calling an expert witness; (2) whether the defendant was transferred to adult court without a finding that the defendant was not amenable to treatment in juvenile court; (3) When making a sexual predator finding, whether it is reversible error for the trial court to fail to state that it is holding the hearing pursuant to R.C. 2950.09(B); (4) whether the trial court erred when it sentenced the defendant because the findings supporting consecutive sentences are clearly and convincingly not supported by the record and the sentence is contrary to law. (Mahoning County) (Argument on 4-12-22)

21-756/769 St. v. Bollar Whether Ohio's legislature has specifically authorized cumulative punishments for multiple firearm specifications that were committed as part of the same act or transaction under the narrowly tailored, specifically designated circumstances set forth in R.C.2929.14(B)(1)(g), when the underlying felonies attendant to the firearm specifications are merged at sentencing as allied offenses of similar import pursuant to R.C. 2929.14(C)(4). (Stark County) (Argument on 4-13-22)

21-794 St. v. Fuell (1) Whether juvenile offenders have a state and federal due process right to cross-examine witnesses whose hearsay statements are presented to provide probable cause for mandatory transfer to adult court; (2) Whether, under *Miller v. Alabama*, *State v. Long*, and *State v. Patrick*, R.C. 2929.02(B)'s mandatory fifteen-years-to-life sentence for murder is unconstitutional as applied to juvenile offenders because it does not permit judicial consideration of youth at sentencing. (Clermont County) (Argument on 4-26-22)

21-998 St. v. Hough Whether the trial court erred to the prejudice of appellant by not conducting a hearing on his motion for competency evaluation. (Franklin County) (Argument on 4-26-22)

21-622 St. v. Weaver (1) An appellate court does not owe the same amount of deference to a trial court's post-conviction determination of credibility as it does to a jury's

determination of credibility; (2) A post-conviction petitioner should be entitled to a fair and impartial factfinder when they are granted a hearing, and the appellate court should reverse the judgment if the record demonstrates bias or prejudice. (Muskingum County) (Argument on 4-27-22)

21-761 St. v. Schubert Whether the good-faith exception applies in relation to a search warrant for a cell phone found at a crash scene when the affidavit supporting the warrant only states that the police "may" find evidence of how a crash occurred on the phone, without any actual evidence that the driver was using his phone when the crash occurred. (Licking County) (Argument on 4-27-22)

21-801 St. v. Sanford Whether the speedy trial time begins at the time of arrest when laboratory samples are taken on the date of the arrest and there is an admission to use, or do the laboratory test results constitute new information, therefore, not relating back for purposes of speedy trial. (Lorain County) (Argument on 4-27-22)

21-744. St. v. McNeal Whether a trial court should grant leave to file a new trial motion pursuant to Crim.R. 33(B) when a defendant has obtained *Brady* material through a post-trial public records request made to a police department, and has demonstrated a reasonable probability that the withholding of that *Brady* material at trial affected the defendant's substantial rights. (Montgomery County) (Argument on 5-10-22)

21-1018. In re T.A. Whether App.R. 26(B) allows juvenile offenders to reopen their direct appeals based on claims of ineffective assistance of appellate counsel. (Medina County) (Argument on 5-10-22)

21-913 St. v. Hill Whether the trial court abused its discretion in not allowing the defendant to enter a plea of no contest. (Stark County) (Argument on 5-11-22)

21-948 St. v. Stansell Whether a life-tail sentence for a sexually-violent offense that is claimed to exceed the statutory maximum for the offense must be corrected by a trial court even when the sentence has not been challenged on direct appeal and the time for appealing has passed. (Cuyahoga County) (Argument on 5-24-22)

21-934. In re D.R. Whether the process provided by the legislature in R.C. 2152.84 complies with state and federal due process and is fundamentally fair in not allowing juvenile offenders who were 16 or 17 years old at the time of the offense to receive an early termination of their sex offender registration duties at the time their juvenile disposition is

otherwise terminated. (State's appeal; Hamilton County)
(Argument on 5-25-22)

21-944. St. v. Messenger Whether self-defense claims are subject to sufficiency-of-evidence review. (Franklin County)
(Argument on 5-25-22)

Keep an Eye Out for These Cases Awaiting Decision

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)

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)

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)

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)

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)

20-1503 St. v. Towns Whether R.C. 102.03(B) permits complaints subject to R.C. Chapter 102 to proceed as a criminal complaint without a previous 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)

20-1189/1250 St. v. Brooks Whether the shift in the burden of proof on self-defense enacted by H.B. 228 as 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 and permitted the victim to sit with the prosecutor at counsel table throughout the trial. (Stark County)

20-652 St. v. Drain Death Penalty Case (Warren 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>

2022-006

Requested by: Geauga County Prosecuting Attorney

Compatibility: A person may not serve simultaneously as a local school district board member and a commissioner of a county park board if the school district is in the same county as the park board.

2022-005

Requested by: Morrow County Prosecuting Attorney

Compatibility: A person may not serve simultaneously as a county commissioner and as the treasurer of a local school district within the same county.

2022-004

Requested by: Speaker of the Ohio House of Representatives
The commission, acting under Ohio Constitution Article XIX Section 3(B)(2), may enact a congressional map by a simple majority vote, which is valid for the time period that the previous map was valid for before being found unconstitutional.

2022-003

Requested by: Preble County Prosecuting Attorney
Compatibility: A person may serve simultaneously as the Preble County clerk of the court of common pleas and as the clerk of the Eaton Municipal Court, but the clerk of the Eaton Municipal Court may not be hired as an independent contractor, and is a public employee as defined in R.C. 145.01.

2022-002

Requested by: Richland County Prosecuting Attorney
When an educational service center or joint educational service center contains a local school district that has part of its territory cross into another county, the territory of the local school district lying in another county is part of the territory of the educational service center.

Membership Focus



Older Americans Month
Morris Murray, Defiance County Prosecutor

May has been designated as “Older Americans Month”. This recognition gives us the opportunity to raise awareness of issues that are faced by many older Ohioans and the resources available in our system that can be accessed.

Ohio’s Prosecutors are increasingly dealing with a variety of crimes and other abuses of citizens over sixty-five years old. Relationship violence related offenses, involving older parents or grandparents being threatened or physically assaulted by household or family members are all too common.

Financial exploitation of the elderly is also a growing problem. The aging “Baby Boomer” population is continually adding to the number of potential victims. These cases pose a variety of challenges to social service and law enforcement investigators and to Prosecutors. The willingness of an older victim / witness to proceed with testimony against a loved one; the overlapping relationship issues with extended family; memory or witness competency issues; and many other obstacles make prosecution difficult if not impossible at times.

Clearly a multidisciplinary approach to these issues has become critical in dealing with the protection of our older citizens. To help

provide resources, training, and other assistance the Ohio Elder Abuse Commission was established. This Commission, coordinated and administered through the Ohio Attorney General’s Office, includes members from multiple Departments and disciplines that are commonly involved with the elderly, including representatives from Law Enforcement, Adult Protective Services, Nursing and Health Care, the Banking community, the Mental Health community, and several others, as well as representatives from the Ohio Legislature.

We celebrate and Honor Older Americans, and commit our collective talents and resources to ensuring quality of life.

For more information on elder abuse, financial exploitation, training for law enforcement and/or the Elder Justice Unit, contact:

Elder Justice Unit (EJU) - Consumer Protection Section
30 E. Broad Street, 14th Floor
Columbus Ohio 43215
614-728-8461
800-282-0515

May is also National Mental Health Awareness Month

National Mental Health Awareness Month in May focuses on bringing tools, resources, and education to the general public

Each year Mental Health America, National Alliance on Mental Illness, and other mental health organizations across the country organize events, webinars, and more to improve mental health access across the country.

Mental health is a hot topic. This is good news. It means the stigma for mental health issues is slowly going away. Mental health issues are finally getting the attention they deserve. Healthcare workers and individuals feel they can discuss mental health more openly. However, that doesn’t mean there isn’t still work to do, however.

As a whole, we often misunderstand mental health because it is hard to define. Additionally, mental health includes several areas. These areas involve one’s social, emotional, and psychological well-being. Mental health affects thoughts, feelings, and actions. When one has positive mental health, they are better equipped to handle stress, be more productive, and realize their full potential.

While we focus on our physical wellbeing, the food we eat, exercise, and getting regular check-ups for vision and dental care, we often forget to take stock of our emotional and spiritual needs. Everyday demands take their toll.

Get involved - #MentalHealthAwarenessMonth
Share the message. Taking care of our mental health is as

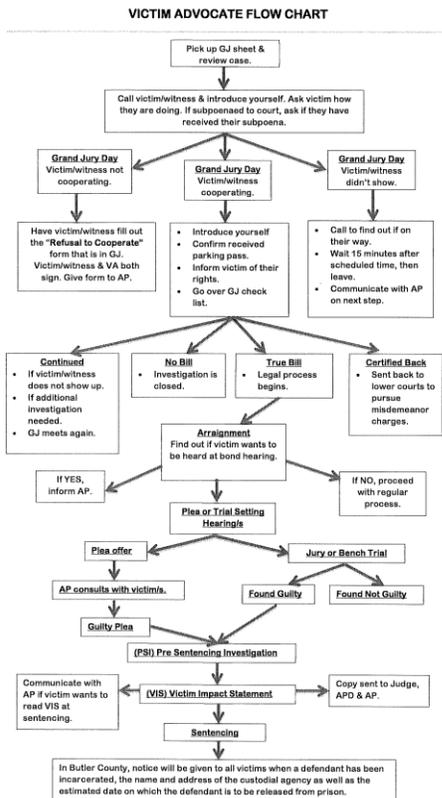
normal as eating healthy, exercising, or even saving for the future. Share your story to help others understand that achieving mental health is a daily process.

If you or someone you know needs to seek assistance, check out one of these resources:

- [Mental Health America](#)
- [National Alliance on Mental Health Issues](#)
mentalhealth.org
- [National Institutes of Mental Health](#)
- [Substance Abuse and Mental Health Administration](#)
- [American Psychiatric Association](#)

Butler County Victims Advocate Flow Chart

Linked below is a revised version of the Butler County victim advocate flow chart. The last task, which Butler County does for all victims whether it has been requested by the victim or not. Thanks to Butler County for sharing. Click the chart below for a larger version.



OPAA Training

The **2022 OPAA/OPAIA Spring Training** at the Sheraton Columbus at Capitol Square was well received by the 143 prosecutor attendees from 52 counties, the AG's office, and the Ohio Auditor of State's office as was the OPAIA's portion with 27 investigators from 16 counties. Thanks to all that attended, trained, and worked the event!

2022 OPAA Upcoming Trainings

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

Agenda is set and on the website, will be mailed soon!

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

Administrative Professional Training
Sheraton at Capitol Square Columbus
October 27, 2022

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

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

To see committee appointments and Committee meeting dates for 2022 visit our website at:

<http://www.ohiopa.org/committees22.html>

2022 Executive Committee Meeting Dates May-Dec

May 26th – Highbanks Metro Park Nature Center, Lewis Center, Ohio

June 23 – Hotel Breakers Cedar Point, prior to Summer Workshop

July – No Meeting

August 25th - TBD

September 28 – Cleveland Crowne Plaza on Playhouse Square, prior to Fall Training

October 20th - TBD

November – No Meeting

December 7– Hilton Columbus at Easton, prior to Annual Meeting

Dates are tentative. Times and locations will be posted when determined.

