



THE OHIO PROSECUTOR

July 2022

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From your Director...



Louis Tobin
OPAA Executive
Director

Prosecutors –

The dog days of summer are here and so is one of the strangest legislative primary election seasons. The good news is that means the legislature is busy campaigning and there is some time for us at OPAA to work on things that don't involve legislative attempts to make it harder to protect the public or easier to get people out of prison early.

One of those projects is intended to help aid prosecutors with recruiting new lawyers. Last December, our Executive Committee established an Ad Hoc Committee to explore ways to promote becoming a prosecutor as a career path. This was in response to widespread concern about the difficulty prosecutors are having filling open positions. At OPAA we have never had so many job postings on our career opportunities page as we have had this year. While a variety of things have undoubtedly led to these challenges, one thing the committee decided we could do was to promote prosecutors to law students. To that end, we have been working with Ohio law schools to come to career fairs and orientation events, put together panel discussions about what it's like to be a prosecutor, and attend other law school events where we can talk to students about all of the good things that prosecutors do.

We are also looking forward to our Fall Training in Cleveland, September 29 – 30. This will be the first training in a few years with the Guardians in town. The final game of a three game series against the Rays is on the 29th and the first of six game stretch against Royals starts the 30th. Keep your eyes open for the agenda and registration. We hope to see you there.

Lou



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.ohioopa.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/House Bill 699 – 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 Bill 343 – Marsy's Law Implementation. The bill implements the Marsy's Law constitutional amendment. It underwent substantial revisions before passing out of the House in May. The most substantial remaining issue is lack of funding for implementation. The bill places significant new burdens on prosecutors in terms of victim notification and participation without any new resources to help meet the obligations. *OPAA Position – Oppose as Written/Amend.*
- 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 and cap secured bond based on a defendant's ability to pay. They also expand pretrial detention. The bills are impractical, unsafe, unfunded. *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. Ohio is one of only two states without a stand-alone strangulation statute. House Bill 3 also contains other items related to domestic violence prevention and prosecution. *OPAA Position – Support.*
- 6) 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. They are offenses for which public safety and securing justice for the victim should be the first priority. *OPAA Position – Oppose.*
- 7) 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.*
- 8) 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.*
- 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) House Bill 488 (Judicial Legal Counsel). The biggest portion of this bill updates Ohio guardianship law. A separate segment, however, authorizes the court of common pleas to employ its own legal counsel in matters where the prosecuting attorney, the board of county commissioners, or both, have a conflict of interest and fail within a reasonable time, or refuse, to make an application for the judge to have counsel. *OPAA Position – Opposed to provision on legal counsel.*

Priority Legislation 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)
Comments: The bill expands the offense of aggravated murder to include certain domestic violence circumstances, enacts a felony strangulation law under domestic violence circumstances, requires the use of lethality assessment tools to screen for high risk, expands the definition of "family or household member" for the purpose of existing protection orders to include a child whose guardian or custodian is a spouse, person living as a spouse, or former spouse of the respondent and who is residing with or has resided with the respondent, establishes a new emergency protection order, creates a domestic violence prosecution study committee, and enacts a provision in uncodified law that encourages prosecuting attorneys, in domestic violence cases, to consider the totality of the circumstances, review all of the evidence in the case, and resist seeking voluntary dismissal or no contest based solely on the victim's wishes, unless justice demands otherwise.

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

Comments: Bill amended 3/4/21 to replace "taunting or striking" a police officer with using force or threatening the immediate use of force and to provide penalties for new subsections of obstructing justice. OPAA support 3/25/21.

Amended 4/22/21 to expressly allow the recording of law enforcement in the performance of their duties. Still a possible issue with vagueness in provision that prohibits entering an area "large enough" for the officer to reach.

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)

Comments: Opposed due to bill creating a special class of victim

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)

Position: Support

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: 5/24/2022 - BILL AMENDED, Senate Judiciary, (Second Hearing)

Comments: 5/24/22 Amendment removed language that provided for higher penalty for computer trespass for elderly and disabled victims when the trespass resulted in a certain amount of financial loss. Amendment also lowered the penalties for other computer crimes created in the bill.

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

Comments: Loan forgiveness and Task Force should include prosecutors; Issues in the bill with how a county is designated as a public defender "shortage" area. Could apply to any county in Ohio as written.

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)

Position: Monitor

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.

Current Status: 3/29/2022 - Senate Judiciary, (Second Hearing)

Comments: Amended 2/15/22 with complete rewrite of appellate review statute to address State v. Gwynne. Amendment is poorly drafted and makes it more difficult to impose consecutive sentences beyond a certain length. Opposed to this amendment.

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: 3/3/2022 - House Criminal Justice, (Fifth Hearing)

Comments: See also Senate Bill 103

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-183>

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

Comments: Limited to several state office buildings in Franklin County; State involvement is disfavored; Would be neutral if prosecutors had a right of first refusal.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-211>

HB254 DOMESTIC VIOLENCE FATALITY REVIEW BOARDS (BOGGS K, ABRAMS C) To provide for the establishment of domestic violence fatality review boards.

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

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-254>

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

Comments: Amend to remove references to receiving the proceeds "from a prostitute," remove reference to promiscuous from definition of prostitute, and include specific reference to 2905.32. Amendment adopted in House Criminal Justice 6/24/21.

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: 3/3/2022 - BILL AMENDED, House Criminal Justice, (Fourth Hearing)

Comments: Amend to include tougher penalties for repeat violators and distracted driving as predicate offense for agg vehicular homicide and assault

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 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: 5/24/2022 - BILL AMENDED, Senate Judiciary, (Second Hearing)

Comments: Amended 6/8/21 to require that prosecutions for offenses against public administration be brought in the county of residence unless the accused chooses to be prosecuted in the county where the conduct occurred. Opposed to this amendment. Amendment removed 3/29/22 prior to bill passing House.

Position: Monitor

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: 5/25/2022 - BILL AMENDED, House Criminal Justice, (Fourth Hearing)

Comments: At a minimum, the bill needs amended to provide funding for pretrial services, authorize judges to impose conditions of release in their own discretion, authorize the prosecutor to seek and the court to order pretrial detention for any felony consistent with the constitution, and provide more reasonable timelines for hearings.

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: 3/3/2022 - House Criminal Justice, (First Hearing)

Comments: Amend to (1) provide that the rules of evidence apply to hearings on these petitions, (2) require that the additional factors to consider apply to F3 offenses and offenses of violence in addition to F1 and F2 offenses, (3) require the court to have its probation department make inquiries concerning the applicant, and (4) provide that an application may not be made sooner than 180 days before the applicant has completed their sentence and received final discharge from the court or ODRC and shall not be granted before final discharge.

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: 5/31/2022 - Senate Judiciary, (First Hearing)

Comments: Concerns regarding interlocutory appeal and possibility of reopening pleas, sentences, dismissals, diversions, etc.; The legislation needs the following changes: (1) funding, (2) amend definition of victim, (3) victim window to file appeal, (4) strict appeal timeline, (5) discretion for court of appeals to stay trial court proceedings for violation of victim rights; OPAA concerns about timelines for appeals and reopening of pleas, sentences, dismissals, diversions, addressed by amendment. Funding concerns remain. Clearer definition of victim still needed.

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: 5/26/2022 - SUBSTITUTE BILL ACCEPTED, House Government Oversight, (Third 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: 5/24/2022 - BILL AMENDED, Senate Judiciary, (Second 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: 5/19/2022 - House Criminal Justice, (Second Hearing)

Comments: Support but amend to remove purpose requirement in (B) and (C) and enhance penalties for minor victims

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: 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>

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: 6/14/2022 - SIGNED BY GOVERNOR; eff. 90 days

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: 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>

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

Current Status: 5/19/2022 - House Criminal Justice, (Second Hearing)

Comments: Support the concept but should be done as sentencing enhancement for inducing panic (R.C. 2917.31) or making false alarms (R.C. 2917.32) since these offenses already cover this activity.

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 or county court to employ an attorney under certain circumstances to provide legal services to the court.

Current Status: 6/1/2022 - Informally Passed; Vote 60-27

Comments: Concerned with provision allowing judges to hire outside counsel without consent of prosecutor/commissioners.

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)

Comments: Mandatory bindovers result from only the ten most serious offenses. Juvenile must be charged with a murder offense, have a serious prior record, or commit the offense with a gun. This is an issue of public safety and substantial justice for the victims of these crimes.

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: 5/31/2022 - Senate Judiciary, (First Hearing)

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: 6/2/2022 - House Criminal Justice, (First Hearing)

Position: Support

State Bill Page:

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

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: 5/24/2022 - Senate Local Government and Elections, (First Hearing)

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: 5/25/2022 - Referred to Committee Senate Judiciary
Comments: Amend to provide that (1) the peer support team member must be dispatched or assigned for the sole purpose of providing peer support services and (2) the training regimen must be approved to ensure that certain core training is met.
Position: Amend
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: 5/19/2022 - House Criminal Justice, (First Hearing)
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: 5/19/2022 - House Criminal Justice, (First Hearing)
Comments: This legislation creates a process by which a person can file successive petitions for post-conviction relief based on unreliable DNA evidence. It circumvents safeguards that exist in current statute to ensure the reliability of DNA tested.
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-586>

HB607 PUBLIC SAFETY FACTOR IN SETTING BAIL (LARE J, SWEARINGEN D) To add public safety as a factor in setting bail.
Current Status: 5/31/2022 - Re-Referred to Committee
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-607>

HB672 TRACKING DEVICES (PATTON T, SYKES E) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent.
Current Status: 6/2/2022 - House Criminal Justice, (First Hearing)
Comments: Amend to (1) better define "tracking application" and "tracking device, (2) prohibit the use of the device "in or on" another person's property, (3) address revoked consent and clarify consent of parents in situations involving difference child custody arrangements.
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-672>

HB699 CRIMES AND CORRECTIONS (SEITZ B, GALONSKI T) To modify various aspects of the law regarding crimes and corrections, correctional officers and employees, coroner records, inmate internet access, civil protection orders, delinquent child adjudications, youthful offender parole review, OVI and other traffic offenses, and criminal record sealing and expungement.
Current Status: 6/13/2022 - Introduced
Comments: Companion bill to SB 288; Opposed to (1) repeal of transitional control veto, (2) expansion of record "expungement" to authorize the expungement of any record that can be sealed, (3) expansion of earned credit from 8% to 15%, (4) provisions on judicial release during a public health state of emergency or on "recommendation" of the director of ODRC, and (5) authorizing record sealing for domestic violence.
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-699>

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: 2/15/2022 - Senate Judiciary, (Third 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)
Comments: See also HB 183.
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: 3/29/2022 - House Ways and Means, (First Hearing)

Comments: See also HB 241; Supportive of bill overall and in particular provisions related to electronic notice for foreclosure proceedings.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-112>

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: 6/1/2022 - PASSED BY SENATE; Vote 32-0

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

Comments: At a minimum, the bill needs amended to provide funding for pretrial services, authorize judges to impose conditions of release in their own discretion, authorize the prosecutor to seek and the court to order pretrial detention for any felony consistent with the constitution, and provide more reasonable timelines for hearings.

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)

Comments: Amend to (1) provide that the rules of evidence apply to hearings on these petitions, (2) require that the additional factors to consider apply to F3 offenses and offenses of violence in addition to F1 and F2 offenses, (3) require the court to have it probation department make inquiries concerning the applicant, and (4) provide that an application may not be made sooner than 180 days before the applicant has completed their sentence and received final discharge from the court or ODRC and shall not be granted before final discharge.; Bill amended 12/7/21 to require the court to order its probation department to make inquiries regarding the applicant and to add F3 offenses to the offenses for which the court must consider specific factors before granting an application.

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

Comments: Repeals per se OVI based on marijuana metabolites and replaces it with an inference of impairment if a person has a certain concentration of delta-9 THC; amend to reflect State of Washington RCW 46.61.502 that provides that a person is guilty of driving under the influence of marijuana if, within 2-hours of driving they have a THC concentration of 5.0 or higher as shown by analysis of their blood. If the sample is taken after more than 2-hours may be used as evidence that the person was impaired.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-203>

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)

Comments: Support but amend R.C. 2919 to permit prosecution for child endangerment when child is born as a substance exposed infant.

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)

Comments: Amend to provide higher penalties when victim is under 13.

Position: Amend

State Bill Page:

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

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: 5/31/2022 - Senate Judiciary, (Second 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)
Comments: Opposed to removal of Board of Pharmacy from oversight role and to expansion of doctor's ability to recommend marijuana for any condition.
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: 5/17/2022 - SUBSTITUTE BILL ACCEPTED, Senate Judiciary, (Seventh Hearing)
Comments: Criminal Justice Recodifications Committee recommendations removed 5/17/22; Remain opposed to (1) repeal of transitional control veto, (2) expansion of record "expungement" to authorize the expungement of any record that can be sealed, (3) expansion of earned credit from 8% to 15%, (4) provisions on judicial release during a public health state of emergency or on "recommendation" of the director of ODRC, and (5) authorizing record sealing for domestic violence; See also House Bill 699
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)
Comments: Support the concept but should be done a sentencing enhancement for inducing panic (R.C. 2917.31) or making false alarms (R.C. 2917.32) since these offenses already cover this activity.
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-292>

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)
Comments: Support provision regarding journalist access to CLEAR in preliminary autopsies.
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: 5/18/2022 - Referred to Committee Senate Health
Comments: Remove requirement to report based on "reasonable cause to suspect."
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-322>

SB339 TRACKING DEVICE-GENERAL PROHIBITIONS (MANNING N, ANTONIO N) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent. Current Status: 5/31/2022 - Senate Judiciary, (Second Hearing)
Comments: Amend to (1) better define "tracking application" and "tracking device, (2) prohibit the use of the device "in or on" another person's property, (3) address revoked consent and clarify consent of parents in situations involving difference child custody arrangements.
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-339>

actionTRACK - Hannah News Service, Inc.



New and Noteworthy



Pending Supreme Court Cases of Interest

Merit Decisions of Interest Since 5/1/22

State v. Brinkman, ___ Ohio St.3d ___, 2022-Ohio-2550. The Court (7-0) affirmed the two aggravated murder convictions and death sentences arising from the defendant's commission of a double homicide. (Decided 7-28-22; Stark County)

State v. Brooks, ___ Ohio St.3d ___, 2022-Ohio-2478. The Court (7-0) concluded that the shift in the burden of proof on self-defense enacted by H.B. 228 as effective 3-28-19 applies to all subsequent trials regardless of when the offense was committed. (Decided 7-21-22; Richland County)

State v. Montgomery, ___ Ohio St.3d ___, 2022-Ohio-2211. At the request of the prosecution and over defense objection, the trial court allowed the victim to be seated at the prosecutor's table for the entirety of the trial. At the outset of jury selection, the trial court also informed the jury that "Miss A.B." was seated at counsel table and was the "State's representative". The Court (4-3) concluded that the combination of A.B.'s seating at counsel table and the court's reference to her as the "State's representative" amounted to an error of constitutional dimension by creating an unfair trial setting. The majority further held that the error amounted to "structural error" requiring reversal. (Decided 6-30-22; Stark County)

State v. Burroughs, ___ Ohio St.3d ___, 2022-Ohio-2146. The Court (7-0) concluded that a bookbag found in the defendant's home during the execution of an arrest warrant was not a single-purpose container that would allow a search

of the bookbag without a warrant. (Decided 6-28-22; Marion County)

State v. Bryant, ___ Ohio St.3d ___, 2022-Ohio-1878. After the trial court had initially pronounced an aggregate sentence of 22 years, the defendant immediately launched into a profanity-laced outburst directed at the judge, which prompted the court to increase the aggregate sentence by 6 years to 28 years. The Court's decision (4-3) concluded that the outburst was subject to a possible contempt sanction but did not justify the 6-year increase. (Decided 6-7-22; Lake County)

State v. McAlpin, ___ Ohio St.3d ___, 2022-Ohio-1567. The Court (7-0) affirmed the convictions and two death sentences of a defendant for an execution-style double homicide during an aggravated robbery and aggravated burglary of a used-car business. (Decided 5-12-22; Cuyahoga County)

State v. West, ___ Ohio St.3d ___, 2022-Ohio-1556. The Court (4-3) affirmed the convictions of a defendant claiming that the trial court had committed structural error by engaging in biased questioning of the defendant during his testimony in a jury trial. There was no timely objection to the questioning in the trial court, and, under plain-error review, the three justices on the lead opinion focused on the outcome-determination prong and concluded that the claimed error(s) in questioning did not justify reversal in light of the overwhelming evidence of guilt and in light of the trial court's jury instruction at the end of the trial telling the jury not to draw any inference of bias on the judge's part from the questioning that had occurred. The fourth vote for affirmance concurred in judgment only and provided no explanation. The three dissenters concluded that the questioning amounted to "structural error" that satisfied the reasonable-probability standard for outcome determination. (Decided 5-11-22; Franklin County)

State v. Crawford, ___ Ohio St.3d ___, 2022-Ohio-1509. The Court (4-3) recognized that a weapon-under-disability violation can provide the predicate for an involuntary-manslaughter conviction, and it rejected the defense argument that the underlying basis for the disability must have a causal connection to the death. (Decided 5-10-22; Cuyahoga County)

State v. Moore, ___ Ohio St.3d ___, 2022-Ohio-1460. The Court (7-0) concluded that venue did not exist in Erie County because none of the elements of the 2017 offenses involved in the course of conduct had been committed by the

defendant in that county, and the already-prosecuted 2015 offenses that had been committed by the defendant in that county would not be considered to provide venue under the “course of criminal conduct” venue provision in R.C. 2901.12(H). (Decided 5-5-22; State’s appeal; Erie County)

State v. Hudson, ___ Ohio St.3d ___, 2022-Ohio-1435. The defendant had been arrested at age 20 on an indictment charging offenses he had committed at age 17. At age 22, the prosecution dismissed those charges without prejudice and reindicted them. Ohio statutory law recognizes an exception to the juvenile court’s jurisdiction when the juvenile offender is not taken into custody or apprehended for the act until after he turned 21. The Court (7-0) held that the exception did not apply, as the reindictment did not change the fact that the defendant had originally been taken into custody before age 21. (Decided 5-4-22; Mahoning County)

Newly-Accepted Criminal Law Cases Since 5/1/22

22-603 State v. Daniel. Whether R.C. 2909.15(D)(2)(b) violates the separation of powers by allowing the trial court to reduce the defendant’s lifetime arson-registration duty to 10 years only upon the recommendation of the prosecutor and law enforcement agency. (Lucas County)

22-515 State v. Tancak. Whether the court of appeals erred in failing to reverse the defendant’s guilty pleas on all counts when the trial court had erred in failing to advise the defendant that one of the eight counts could result mandatory consecutive sentencing. (Lorain County)

22-392 St. v. Hawkins. Whether the rule announced in *State v. Patrick* (on the need to consider the defendant’s youth in sentencing) is substantive and must be given retroactive effect in a delayed application for reconsideration filed over six years after the court of appeals affirmed the defendant’s convictions. (Clark County)

22-382 State v. Swazey. (1) Whether a motion to dismiss an indictment may only be decided in a defendant’s favor if it can be determined from the face of the indictment that the indictment is legally defective; (2) Whether a guilty plea bars a defendant from appealing a trial court’s denial of a motion to dismiss the indictment when the issue raised by the motion is whether a statute is retroactive, which is an issue of statutory interpretation. (State’s appeal; Medina County)

22-321 St. v. Miller. (1) In light of *State v. Bethel*, whether the court of appeals erred in concluding that a delayed motion for new trial must be filed within a reasonable time after

discovering the evidence; (2) Whether the lone witness’ recantation of trial testimony provides substantive and/or constitutional grounds for post-conviction relief when there is no physical or other substantive evidence linking the defendant to the crime; (3) whether actual innocence in light of new evidence provides a constitutional basis for relief. (Cuyahoga County)

Recent Oral Arguments

21-860 St. v. Lloyd Whether, for purposes of a claim of ineffective assistance of counsel, the presumption of reasonable trial strategy can be rebutted by evidence of trial counsel’s persistent misunderstanding of the elements of the offense charged. (Cuyahoga County) (Argument on 6-14-22)

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) (Argument on 6-14-22)

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) (Argument on 6-14-22)

19-1381 St. v. Garrett Death Penalty Case (Franklin County) (Argument on 6-15-22)

21-967 St. v. Martin Whether probable-cause determinations in mandatory-bindover decisions are subject to manifest-weight review on appeal. (Cuyahoga County) (Argument on 6-15-22)

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) (Argument on 6-16-22)

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) (Argument on 6-16-22)

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) (Argument on 7-12-22)

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) (Argument on 7-12-22)

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) (Argument on 7-13-22)

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) (Argument on 7-13-22)

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) (Argument on 7-13-22)

Keep an Eye Out for These Cases Awaiting Decision

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) 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)

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)

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)

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

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)

21-481 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)

20-1187 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)

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

19-1482 St. v. Whitaker 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>

2022-011

Requested by: Union Township Law Director

An entity that provides a newborn-safety incubator pursuant to R.C. 2151.3516 is required, if possible, to make available the materials specified in R.C. 2151.3518(A)(3) and (4) to a parent who delivers a child to the incubator and may exercise its official discretion to decide how those materials will be made available.

2022-010

Requested by: Office of the Ohio Public Defender

R.C. 120.521(A) empowers the Ohio Access to Justice Foundation to use money allocated to the Access to Justice Foundation Fund for the charitable purposes of: (i) enhancing or improving the delivery of civil legal services to indigents; (ii) operating the Access to Justice Foundation; and (iii) providing financial assistance to eligible legal-aid societies. The source of the money does not matter. Additionally, the Ohio Access to Justice Foundation has the discretion to disburse funds from the Access to Justice Foundation Fund for the purposes of enhancing or improving the delivery of civil legal services to indigents, even if such disbursement simultaneously benefits non-indigent poor or underserved Ohioans.

2022-009

Requested by: Licking County Prosecuting Attorney

Pursuant to the terms of R.C. 2113.64-.67, a county treasurer cannot take an ownership interest in outstanding annuities when the designated beneficiary of the annuities is either unknown or not found.

2022-008

Requested by: Ashtabula County Prosecuting Attorney

If a board of county commissioners designates a communicable-disease-control program operated by the board of health of a general health district as a tuberculosis-control unit for the county, the board of county commissioners is not permitted to enter into a contract with the general health district for the provision of these services, nor can the general health district refuse to execute the duties of the tuberculosis-control unit.

2022-007

Requested by: Trumbull County Prosecuting Attorney

Compatibility: The positions of township fiscal officer and member of a board of education for a local school district within the same geographical area are compatible, provided that the fiscal officer refrains from assisting in the preparation of the township’s budget, the person refrains from voting on, approving, negotiating, or discussing contracts involving the township and school district, and the person does not partake in determining if or when to issue a tax abatement that impacts the township and school district.

OPAA Training



The **2022 OPAA Workshop** at the Breakers Hotel Cedar Point was well received by the 146 prosecutor attendees from 43 counties and the AG’s office. Thanks to all that attended, trained, and worked the event! Pictures can be found on our @ohioprossecutors twitter account.

2022 OPAA Upcoming Trainings

Fall Training

September 29th and 30th, 2022

Crowne Plaza Cleveland Playhouse Square

Administrative Professional Training
October 27
Sheraton at Capitol Square Columbus

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

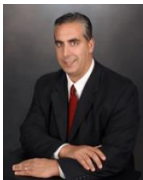
Your 2022 OPAA Officers



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

2022 Executive Committee Meeting Dates July-Dec

July – No Meeting
August 25th – Athens Country Club, Athens, Ohio
September 28th – Cleveland Crowne Plaza on Playhouse Square, prior
to Fall Training
October 20th - TBD
November – No Meeting
December 7th – Hilton Columbus at Easton, prior to Annual Meeting

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

