



# THE OHIO PROSECUTOR

April 2025

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## From your Executive Director...



### Prosecutors –

On behalf of OPAA I want to bid a fond farewell to Auglaize County Prosecutor, Ed Pierce, who retired at the beginning of April. Ed is a career prosecutor who served in the office for 41 years and has been the elected prosecutor since 1996. In addition to his years of service to Auglaize County, Ed was an active member of OPAA serving on our Executive and Legislative Committees for many years and as President of the OPAA in 2014. Ed's input and guidance carried a lot of

weight with our leadership and I personally always appreciated Ed's advice. His voice will be missed. Congrats, Ed, and best wishes for your retirement.

At the Statehouse, budget season is in full swing. The House of Representatives passed their version of the budget at the beginning of April and the bill is now pending in the Senate. In the Top 10 Bills to Watch section later in the newsletter, you can read about some of the good and bad of the budget bill. The fight goes on in the Senate. Please consider reaching out to your own Senator or Senators over the next few weeks to talk to them about our budget priorities.

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.ohiopa.org](http://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!

### **Top 10 Bills to Watch – April 2025**

1) House Bill 96 (Biennial Budget). The House Passed version of the biennial budget contains a variety of measures that are of interest to prosecutors. OPAA supports provisions for (1) a pay adjustment of 5% per year from 2026-2029 for prosecutors, judges, and other county and township officials followed by a permanent COLA capped at 3% and (2) public records protections for attorney work product records and specific investigatory work product. OPAA opposes provisions that (1) allow the attorney general to appoint a special prosecutor for offenses that occur in Ohio prison facilities, (2) remove the prosecutor from the county budget commission in favor of the president of the board of county commissioners, and (3) restrict judicial options for community control sentences on Alford pleas. OPAA is seeking additional amendments to provisions related to (1) juvenile record sealing, (2) illegal conveyance, and (3) transfer of some elections commission responsibilities to local boards of elections. The bill is currently pending in the Senate.

2) Senate Bill 56/House Bill 160/Senate Bill 86/House Bill 198 (Marijuana/Hemp Regulation). These bills each deal, in different ways, with changes to Ohio's adult-use marijuana program and the

regulation of intoxicating hemp products. OPAA priorities for these bills include (1) prohibitions on the sale and advertising of marijuana in forms attractive to children, (2) subjecting marijuana to open-container like laws, and (3) preventing the growth of the black market by reducing the number of home grow plants, prohibiting the transfer of home grown marijuana, and allowing prosecutors to file any appropriate charge under Chapter 2925 for violations of home grow.

3) House Bill 36/House Bill 72/Senate Bill 133/Senate Bill 134 (Death Penalty). House Bill 36 enacts an alternative method of execution, nitrogen hypoxia, and reenacts confidentiality for entities that provide lethal injection drugs to the state. House bill 72, Senate Bill 133, and Senate Bill 134 all abolish the death penalty. OPAA supports legislative efforts that will help end the moratorium on the death penalty in Ohio. OPAA opposes legislation to abolish the death penalty.

4) House Bill 252 (Burglary). The bill addresses the Supreme Court of Ohio decision in *State v. Bertram*, 173 Ohio St.3d 186, in which the Court overturned the burglary conviction of an offender who walked into a victim's garage and stole a leaf blower. The conviction was overturned because the offender did not use "force, stealth or deception" in committing the theft. The bill removes the requirement of force, stealth, or deception. OPAA supports this legislation.

5) House Bill 88 (Drug Trafficking). The bill increases penalties for trafficking in fentanyl, heroin, cocaine, and meth, and creates a five year sentencing specification for drug overdose deaths related to fentanyl. The bill also removes the requirement in current law for prosecutors to prove that a person in possession of schedule III, IV, or V drugs knew the drugs contained fentanyl in order for the offender to be convicted of possession of fentanyl. OPAA supports this legislation.

6) Senate Bill 163 (Artificial Intelligence – Simulated Child Pornography). Require AI-generated products have a watermark, prohibits simulated child pornography, and prohibits identity fraud using a replica of a person. OPAA supports this legislation.

7) House Bill 5 (Repeat Weapons Offenders). Create a repeat offender classification and gun specification, increase the penalties for other firearm specifications and for repeat weapons under disability offenses, reduces the penalty for most first-time weapons under disability offenses from an F3 to an F4, broadens the scope of relief from firearms disability, and creates a court-initiated record sealing procedure for misdemeanors and fourth- and fifth- degree felonies. OPAA supports the provisions of the bill that increase penalties for weapons offenses. OPAA opposes the provisions of the bill that reduce first- time weapons under disability offenses to an F4 and that create a court-initiated record sealing process.

8) Senate Bill 4 (Election Integrity Unit). The bill establishes an Election Integrity Unit in the office of the Secretary of State and charges them with investigating alleged violations of Ohio elections law and referring those violations to a prosecutor or law

enforcement agency. The bill also allows the Attorney General after the Election Integrity Unit or the Attorney General refers an Election Law violation to a county prosecutor, to take over the prosecution of the violation if the county prosecutor does not act within 12 months. OPAA is opposed to the provision that allows the Attorney General to take over these prosecutions. We are also concerned with the quality of referrals from the Election Integrity Unit and recommend changes that will improve the quality of these referrals.

9) Senate Bill 55 (OVI – Marijuana). The bill makes changes to the laws pertaining to operating a vehicle or watercraft while under the influence of marijuana and the admissibility of evidence for purposes of OVI statutes. Specifically, it repeals the per se marijuana OVI violations based on marijuana metabolites. It retains per se violations based on blood draws. OPAA is currently monitoring this legislation.

10) House Bill 1/Senate Bill 88 (Property Protection Act). The bill modifies a prohibition, enacted in 2023 by H.B. 33 of the 135th General Assembly, against certain foreign countries, businesses, individuals, and organizations from acquiring agricultural land in Ohio. It expands the prohibition to other “protected property” that is located within 25 miles of a military installation or critical infrastructure facility; modifies the process by which the Ohio Secretary of State (SOS) compiles the registry of persons subject to the prohibition; applies the prohibition to certain individuals, businesses, and agents associated with listed countries (referred to by the bill as “foreign adversaries”); and shifts enforcement responsibilities from state to local officials. OPAA is opposed to the shift in enforcement responsibilities from the state to local officials. The shift is an unfunded mandate to counties to handle what will inevitably be time consuming, resource intense, complex real estate litigation.

#### **Notable Legislation**

HB1 PROPERTY PROTECTION ACT (KING A, KLOPFENSTEIN R) To modify the law that prohibits certain governments, businesses, and individuals from acquiring certain real property and to name this act the Ohio Property Protection Act.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-1>

HB3 SCHOOL BUS SAFETY ACT (WILLIS B, THOMAS C) To address school bus safety, to designate this act as the School Bus Safety Act, and to make an appropriation.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-3>

HB5 REPEAT OFFENSE CLASSIFICATION, PENALTIES (WILLIAMS J, WILLIS B) To enact the Repeat Offender Act to create a repeat offender classification, to create and modify certain

firearm specifications, to increase the penalties for certain firearm offenses and specifications, to broaden the scope of relief from firearms disability, and to modify the sealing procedure for misdemeanors and fourth and fifth degree felonies.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-5>

HB19 UNDERAGE ALCOHOL CONSUMPTION-CULPABILITY LEVEL (BIRD A, WILLIAMS J) To reduce the mental state, from knowingly to recklessly, that applies to the prohibition against allowing an underage person to possess or consume alcohol in a private or public place.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-19>

HB20 PROHIBIT HARASSING EMERGENCY SERVICE RESPONDERS (HALL T, PLUMMER P) To prohibit a person from knowingly harassing or impeding an emergency service responder who is engaged in the lawful performance of a legal duty and to clarify that heightened penalties apply for menacing a probation officer.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-20>

HB23 CREATE ESCAPED CONVICT ALERT PROGRAM (ROEMER B, WILLIAMS J) To create the escaped convict alert program.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-23>

HB31 RECORD PAROLE BOARD HEARINGS (HUMPHREY L, STEWART B) To require electronic recordings to be made of all parole board hearings and to make electronic recordings of full parole board hearings public records.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-31>

HB36 EXECUTION METHODS-ADD NITROGEN HYPOXIA (STEWART B, PLUMMER P) To add nitrogen hypoxia as a method of execution and to prohibit the disclosure of execution identifying information.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-36>

HB47 INCREASE HUMAN TRAFFICKING PENALTIES (WILLIAMS J, SANTUCCI N) To enact the Human Trafficking Prevention Act to increase the penalty for human trafficking of a minor or person with a developmental disability, kidnapping, and abduction.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-47>

HB58 RECOVERY HOUSING-CERTIFICATES OF NEED (PIZZULLI J, JARRELLS D) To create a certificate of need program for recovery housing residences.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-58>

HB68 CONCEALED CARRY, FIREARMS DISABILITY RELIEF (MATHEWS A, PIZZULLI J) To allow a concealed handgun licensee to carry a handgun in a building or structure that is not a courthouse but in which a courtroom is located in specified circumstances and to permit a nonresident of Ohio to obtain statutory relief from firearms disability based on an Ohio conviction, guilty plea, or delinquent child adjudication.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-68>

HB72 LETHAL INJECTION DRUG PROHIBITIONS (SCHMIDT J, MATHEWS A) To prohibit public funding for and insurance coverage of the use of lethal injection drugs in nontherapeutic abortions and assisting suicide, 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.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-72>

HB79 INCREASED PENALTY-ASSAULTING SPORTS OFFICIALS (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.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-79>

HB82 TRAFFIC OFFENSES-CONSTRUCTION ZONES (CLICK G, JOHNSON M) Regarding traffic offenses in construction zones.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-82>

HB84 OBSCENE MATERIAL AGE REQUIREMENTS, PROHIBITIONS (DEMETRIOU S, WILLIAMS J) To enact the Innocence Act to prohibit an organization from failing to verify the age of a person attempting to access material that is obscene or harmful to juveniles, to prohibit a person from using another person's likeness to create sexual images of the other person, and to create a private right of action for each prohibited activity.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-84>

HB86 LAW CHANGES-TAX FORECLOSURE, LAND REUTILIZATION (DEMETRIOU S) To make changes to the law relating to tax foreclosures and county land reutilization corporations, and to name this act the Gus Frangos Act.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-86>

HB88 DRUG TRAFFICKING PENALTIES, FENTANYL AWARENESS (ABRAMS C, PLUMMER P) To increase penalties for drug trafficking above certain amounts, to prohibit organized trafficking of persons, to require schools and institutions of higher education to incorporate instruction and policies on fentanyl awareness and abuse prevention, and to designate the month of August as "Fentanyl Poisoning Awareness Month."

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-88>

HB90 SET LEGAL ANTI-SEMITISM DEFINITION (SCHMIDT J, PIZZULLI J) To define antisemitism for the purpose of investigations and proceedings in courts and state agencies and for state employee anti-bias training.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-90>

HB96 OPERATING BUDGET (STEWART B) To make operating appropriations for the biennium beginning July 1, 2025, and ending June 30, 2027, to levy taxes, and to provide authorization and conditions for the operation of state programs.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-96>

HB102 SEX OFFENDER RESIDENCY LIMITS

(KLOPFENSTEIN R, WILLIAMS J) To prohibit a sex offender or a child-victim offender from residing within 2,000 feet of the residence of the victim and from loitering within 1,000 feet of the residence of the victim.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-102>

HB108 SELF-DEFENSE PRETRIAL PROCEDURE

(WILLIAMS J) To enact the Self-Defense Protection Act to create a pretrial procedure for a person asserting self-defense, defense of another, or defense of that person's property.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-108>

HB110 INCREASED PENALTY-REPEAT VOYEURISM

(THOMAS C, WILLIAMS J) To increase the penalty for repeat voyeurism.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-110>

HB111 ADDITIONAL FINE-HIGH-SPEED DRIVERS

(MILLER K, CREECH R) To impose an additional fine on drivers who exceed the speed limit by 30 miles per hour.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-111>

HB131 LAW ENFORCEMENT QUOTA PROHIBITION

(MILLER K, SWEENEY B) To prohibit law enforcement agencies from using quotas for arrests and citations.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-131>

HB132 MOVE OVER DUTY-STATIONARY VEHICLES

(CRAIG M, MILLER M) To increase penalties for failing to slow down or change lanes when approaching specified stationary vehicles, to increase penalties for vehicular homicide and vehicular assault resulting from that offense, and to name this act Philip

Wigal's Law.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-132>

HB160 REVISE LIQUOR CONTROL, HEMP, MARIJUANA LAWS (STEWART B) To revise specified provisions of the liquor control, hemp, and adult-use marijuana laws and to levy taxes on marijuana.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-160>

HB168 OFFENSE REQUIREMENTS-CRIMINAL CHILD

ENTICEMENT (WILLIAMS J, BRENNAN S) To require that a person act with a sexual motivation or an unlawful purpose to commit the offense of criminal child enticement.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-168>

HB177 COURT PROCESSES-NEW EVIDENCE (WILLIAMS J,

TIMS D) To allow a person to file a motion for a new trial or a petition for postconviction relief if the person produces new evidence that would establish a strong probability of a different result at trial.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-177>

HB185 PROHIBIT UNAUTHORIZED DEEPPFAKE

RECORDINGS (MATHEWS A, MATHEWS T) To make changes to the law relating to the unauthorized use of an individual's persona and to prohibit certain unauthorized deepfake recordings.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-185>

HB198 INHALABLE, INGESTIBLE HEMP REGULATIONS

(FISCHER T, MATHEWS T) To regulate the manufacture, distribution, and sale of inhalable and ingestible hemp products.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-198>

HB199 OFF-ROAD VEHICLE LAW CHANGES (MILLER K, PLUMMER P) To make changes to the laws governing all-purpose vehicles, off-highway motorcycles, snowmobiles, utility vehicles, and mini-trucks. Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-199>

HB200 IMMIGRATION PROHIBITIONS, REQUIRE ENFORCEMENT COOPERATION (CLICK G, SANTUCCI N) To enact the America First Act to prohibit a person who is unlawfully present in the United States from entering or being present in Ohio, to require law enforcement agencies and detention facilities to cooperate in the enforcement of federal immigration laws, and to withhold state local government funds from a subdivision that does not abide by the act.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-200>

HB203 INCREASED PENALTIES-SCHOOL ZONES (HALL T, WILLIAMS J) To increase penalties for vehicular assault and vehicular homicide that occur in an active school zone, to require doubled fines for specified traffic violations in an active school zone, and to name this act Aspen Runnels' Law.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-203>

HB208 INCREASED PENALTY-ASSAULT ON COURT EMPLOYEES (LORENZ B) To increase the penalty for assault when the victim is a judge, magistrate, prosecutor, or court official or employee.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-208>

HB210 REGARDING USED CATALYTIC CONVERTER SALES (ROEMER B, PLUMMER P) Regarding the sale of used catalytic converters.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-210>

HB211 SENTENCING CONSIDERATION-PRIMARY CARETAKERS (HUMPHREY L, WILLIAMS J) To require a court to consider an offender's status as a primary caretaker of a child in determining whether the offender is amenable to a community control sanction or to intervention in lieu of conviction.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-211>

HB217 MISSING PERSONS REPORTING REQUIREMENTS (COCKLEY C, RITTER K) To enact the Finding and Identifying with NamUs Data (FIND) Act to require law enforcement agencies to enter information relating to a report of a missing person in the national missing and unidentified persons system (NamUs).

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-217>

HB226 APP STORE AGE LIMITS (MILLER M) To require application stores to offer parental control options and to obtain parental consent before permitting individuals under 16 years of age to download certain applications.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-226>

HB236 PROHIBIT MASKED HARASSMENT, TRESPASSING (WILLIAMS J) To prohibit masked harassment and masked trespassing, to modify the offense of aggravated riot when the offender is wearing a mask or disguise or is otherwise concealing or attempting to conceal the offender's face, and to require an additional prison term of one year for an offender who is convicted of or pleads guilty to a felony if the offender is convicted of or pleads guilty to a specification that the offender wore a mask or disguise or otherwise concealed or attempted to conceal the offender's face in commission of the offense.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-236>

HB247 LAW CHANGES-DANGEROUS DOGS (MILLER K) To make changes to the laws governing dogs, including dangerous and vicious dogs.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-247>

HB249 LAW CHANGES-INDECENT EXPOSURE (KING A, WILLIAMS J) To enact the Indecent Exposure Modernization Act.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-249>

HB251 UAV LAW ENFORCEMENT USE, AVIATION FACILITIES (WILLIS B) To establish requirements related to the use of an unmanned aerial vehicle by law enforcement and to

expressly incorporate additional aviation facilities into the Aeronautics Law.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-251>

HB252 OFFENSE MODIFICATIONS-BURGLARY, TRESPASS (CLICK G, BIRD A) To modify the offenses of burglary, aggravated burglary, breaking and entering, and trespass in a habitation when a person is present or likely to be present.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-252>

SB4 ESTABLISH ELECTION INTEGRITY UNIT (GAVARONE T) To establish the Election Integrity Unit in the Office of the Secretary of State and to modify the law governing the prosecution of Election Law violations.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-4>

SB5 EXPEDITE REMOVAL-UNAUTHORIZED RESIDENTIAL OCCUPANTS (BRENNER A, HUFFMAN S) To provide for the expedited removal of unauthorized occupants from residential property and to prohibit the use and sale of fraudulent deeds.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-5>

SB26 CREATE JOINT LAW ENFORCEMENT OVERSIGHT COMMITTEE (JOHNSON T) To create the Joint Law Enforcement Oversight Committee and to make an appropriation.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-26>

SB53 REGARDING CIVIL ACTIONS-VANDALISM, RIOTS (SCHAFFER T) Regarding civil actions by persons who suffer injury or loss due to vandalism or riot activity.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-53>

SB55 CHANGE OVI LAWS-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 for purposes of OVI statutes.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-55>

SB56 MARIJUANA-REVISE LAWS, LEVY TAXES (HUFFMAN S) To consolidate the administration of the marijuana control program and to revise the medical and adult-use marijuana laws.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-56>

SB61 RELATIVE TO COURTS, COURT PROCEDURES (GAVARONE T, MANNING N) Relative to courts and court procedures.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-61>

SB62 SCHOOL BUS SAFETY-PENALTIES, MONTH DESIGNATION (GAVARONE T) To authorize a civil penalty system related to drivers who illegally pass a school bus but cannot be identified, to designate the month of August as "School Bus Safety Awareness Month," and to designate this act as the School Bus Safety Act.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-62>

SB64 INCREASE PENALTIES-ANIMAL CRUELTY (CUTRONA A) To increase the penalties for violating companion animal cruelty offenses and to prohibit a felony animal abuse offender from owning a companion animal in certain circumstances.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-64>

SB82 DESIGNATE ELECTIONS OFFICIALS-PUBLIC SERVICE WORKERS (DEMORA B, GAVARONE T) To specify that certain election officials are designated public service workers for purposes of the public records law.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-82>

SB86 REGULATE HEMP, CANNABINOID PRODUCTS (HUFFMAN S, WILKIN S) To generally prohibit the sale of intoxicating hemp products, except for sales at licensed dispensaries; to regulate drinkable cannabinoid products, and to levy taxes on drinkable cannabinoid products and other intoxicating hemp products that may be sold.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-86>

SB87 DEFINE ANTI-SEMITISM-INVESTIGATIONS (JOHNSON T) To define anti-Semitism for the purpose of investigations and proceedings by state agencies and to expand the offense of ethnic intimidation to include the offenses of riot and aggravated riot committed by reason of the race, color, religion, or national origin of another person or group of persons.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-87>

SB88 OHIO PROPERTY PROTECTION ACT (JOHNSON T) To modify the law that prohibits certain governments, businesses, and individuals from acquiring certain real property and to name this act the Ohio Property Protection Act.

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-88>

SB97 INCREASE PENALTY-FAILURE TO YIELD, FUNERAL PROCESSION (CRAIG H, WILSON S) To double fines for failing to yield to a funeral procession.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-97>

SB102 GUS FRANGOS ACT (PATTON T) To make changes to the law relating to tax foreclosures and county land reutilization corporations, and to name this act the Gus Frangos Act.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-102>

SB114 PROHIBIT LAW ENFORCEMENT QUOTAS (PATTON T) To prohibit law enforcement agencies from using quotas for arrests and citations.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-114>

SB124 PENALTIES-TRANSIT SYSTEMS (CRAIG H, PATTON T) To increase the penalty for assault when the victim is an operator of an Ohio transit system bus or rail car; to authorize Ohio transit systems to post a sign regarding abuse or assault of staff; and to increase the penalty for evading payment of the known fares of a public transportation system.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-124>

SB133 ABOLISH DEATH PENALTY, COURT CHANGES (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.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-133>

SB134 ABOLISH DEATH PENALTY, PROHIBIT LETHAL INJECTION DRUGS (ANTONIO N, HUFFMAN S) To abolish the death penalty, to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment, and to prohibit public funding for the use of lethal injection drugs in nontherapeutic abortions, assisting suicide, and executing a death sentence.

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-134>

SB138 MODIFY ADAMH SERVICES LAWS (JOHNSON T) To modify various laws regarding boards of alcohol, drug addiction, and mental health services and to impose penalties for not registering recovery housing residences.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-138>

SB143 PROHIBIT CRIMINAL BACKGROUND QUESTIONS-EMPLOYMENT APPLICATIONS (CRAIG H, BLESSING III L) To prohibit private employers from including on an employment application any question concerning the criminal background of the applicant.

Position: Monitor

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-143>

SB163 VARIOUS REGULATIONS-ARTIFICIAL INTELLIGENCE (BLESSING III L, JOHNSON T) To require AI-generated products have a watermark, to prohibit simulated child pornography, and to prohibit identity fraud using a replica of a person.

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-163>

SB175 AGE VERIFICATION-APP STORES (PATTON T) To establish age verification and parental consent requirements for certain developers and application stores.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-175>

SB185 LAW CHANGES-DANGEROUS DOGS (BLESSING III L) To make changes to the laws governing dogs, including dangerous and vicious dogs.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-185>

SB188 EXPANDED OFFENSE-FAILURE TO COMPLY (PATTON T) To expand the offense of failure to comply with an order or signal of a law enforcement officer.

Position: Undetermined

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-188>

## New and Noteworthy



### Merit Decisions of Interest Since 2/1/25

None to report

### Newly-Accepted Criminal Law Cases Since 2/1/25

25-66 *State v. Rodriguez* (1) When an individual is charged with multiple “carbon copy” counts of the same crime, whether the State can sustain a conviction for each count if it presents evidence of discernible facts to substantiate the separate counts;

(2) Whether a reviewing court may find plain error in the absence of binding authority that clearly demonstrates an obvious defect in the proceedings below. (State’s appeal; Hamilton County)

25-196 *State v. Powell* (1) Whether a criminal defendant has an unconditional right to recall expert witnesses in the sur-rebuttal portion of a trial; (2) Whether a trial court’s decision to deny sur-rebuttal evidence to a criminal defendant is subject to harmless-error analysis. (State’s appeal; Summit County)

25-218 *State v. Lash* Whether R.C. 2953.73(D) requires that a trial court provide a statutory reason for accepting or rejecting a post-conviction DNA application or whether the statute requires that the court go further and place specific findings or analysis in the order. (State’s appeal; Cuyahoga County)

24-1715 *State v. Bradley* Whether plain error occurred when the trial court failed to instruct on transferred self-defense when the jury was otherwise instructed on self-defense without defense objection. (State’s appeal; Belmont County)

25-91 *State v. Mathis* When officers are confronted with evidence of a crime during a valid traffic stop, whether they are required to abandon the investigation of that crime simply because the crime may be unrelated to the initial subjective reason for the stop. (State’s appeal; Cuyahoga County)

25-93 *State v. Thoen* (1) Whether jeopardy attaches when a trial court unconditionally accepts a defendant’s guilty plea; (2) When the trial court erroneously accepted the defendant’s guilty plea, whether there was a manifest necessity for the prosecution to dismiss the bill of information and to indict the case when any such error could be resolved by restoring the parties to their pre-plea positions. (Knox County)

25-30 *State v. Barnes* Whether victims have the constitutional right to seek a delayed appeal. (Victim’s appeal; Cuyahoga County)

24-1768 *State v. Jones* (1) Whether a reviewing court on appeal is limited to the evidence admitted into the record by the trial court; (2) Whether a court of appeals is allowed to use a lower standard for ineffectiveness than that set forth in *Strickland v. Washington*; (3) Whether the inevitable-discovery doctrine requires officers to have taken steps toward obtaining a search warrant when the officers had a good-faith belief that a valid exception to the warrant requirement allowed the warrantless search. (State’s appeal; Hamilton County)

24-1769 *State v. Reillo* Whether an appellate court erred under manifest-weight review in substituting its judgment for that of the trier of fact. (State’s appeal; Cuyahoga County)

24-1759 *State v. Johnson* Whether R.C. 2953.33, governing the sealing of records for persons found not guilty, applies to persons found not guilty by reason of insanity. (Certified-conflict appeal; Lucas County)

24-1655/1732 *State v. Seymour* (1) Whether the concepts of “cause . . . as a proximate result” in R.C. 2903.04(A) and “cause” in R.C. 2925.02(A)(3) require strict but-for causation or rather require proof that the defendant’s conduct was a substantial or contributing factor in the death or serious physical harm; (2) Even if R.C. 2903.04(A) or R.C. 2925.02(A)(3) require but-for causation, whether the State can satisfy that standard by showing that the death or serious physical harm would not have occurred absent the defendant’s conduct, so that the State need not prove that the defendant’s conduct alone would have caused death or serious physical harm, as the existence of other necessary causes does not negate but-for causation. (State’s discretionary and certified-conflict appeals; Franklin County)

### **Upcoming Oral Arguments**

24-522 *State v. Reed* (1) Whether a pretrial motion to sever is properly denied when it only presents general assertions without a specific analysis of the facts; (2) Whether in-trial developments should be considered by an appellate court when it is reviewing the pretrial denial of a motion to sever; (3) Whether an appellate court must find that the trial court abused its discretion under both prongs of the severance test before it reverses the trial court’s denial of the motion to sever; (4) Whether all judges sitting on the court of appeals must review and decide a request for en banc consideration. (State’s appeal; Fairfield County) (Argument on 5-13-25)

24-540/541 *State v. Musarra* (1) Whether the non-element of venue is a proper basis for a mid-trial Crim.R. 29(A) “judgment of acquittal”; (2) Whether a purported “acquittal” based on venue under Crim.R. 29(A) constitutes a “final verdict” that bars the State from pursuing an appeal by leave under R.C. 2945.67(A). (State’s appeal; Cuyahoga County) (Argument on 5-13-25)

24-474 *State v. Brown* Whether the evidence of venue in Henry County was insufficient on the corrupt-activity charge when the connection of the enterprise to the drug sales in Henry County was solely as a supplier of the drugs on credit to the offender who then took the drugs to Henry County and sold them there. (Henry County) (Argument on 5-14-25)

24-854 *State v. Roberts* Even if the court of appeals was correct in concluding that the evidence of the defendant’s statements and other acts should have been excluded, whether the court of appeals failed to correctly apply the standard for harmless error. (State’s appeal; Hamilton County) (Argument on 5-14-25)

23-1242 *State v. Turner* (1) Whether the jurisdiction referenced in R.C. 2151.23(H) implicates jurisdiction over the case rather than subject-matter jurisdiction; (2) Whether, in a juvenile bindover case, the defendant’s guilty plea waives challenges to the underlying bindover hearing because a grand jury determination supersedes the juvenile court’s probable cause finding; (3) Whether the adult court had jurisdiction under R.C. 2151.23(H) to hear and determine the case. (State’s appeal; Cuyahoga County) (accepted

and held on 12-26-23; full briefing ordered 7-24-24) (Argument on 6-3-25)

24-882 *State v. Gowdy* Whether the trial court’s statements vitiated the validity of the defendant’s guilty plea when the court had reviewed a surveillance video of the incident and indicated before the plea that the court would not instruct on self-defense. (Hamilton County) (Argument on 6-24-25)

24-951 *State v. J.B.* (1) Whether the court can deny an application for sealing based solely on its conclusion that the defendant’s criminal record makes it unlikely that she is rehabilitated; (2) Whether the court denying sealing can consider sua sponte the State’s legitimate governmental interest in maintaining the record of conviction. (State’s appeal; Hamilton County) (Argument on 6-24-25)

24-899 *State v. Ballish* Whether the test from *State v. Jones*, 49 Ohio St.3d 51 (1990), is applicable to a community-control condition that is specifically authorized by statute. (State’s appeal; Geauga County) (Argument on 6-25-25)

24-1038 *State v. Fraley* Whether the 365-day time period for filing a post-conviction petition after the filing of the transcript in the court of appeals in the direct appeal will be considered to start running when the transcript is not filed during the direct appeal but, instead, is only filed during a reopened appeal. (Butler County) (Argument on 6-25-25)

### **Keep an Eye Out for These Cases Awaiting Decision**

23-1318 & -1417 *State v. Logan* Whether R.C. 2929.13(F)(8) requires a mandatory prison term and precludes the imposition of community-control sanctions on an underlying felony when a defendant is found guilty on a corresponding firearm specification. (State’s appeals; Cuyahoga County) (Argument on 1-7-25)

23-1531 *In re P.M.S.* Whether a rape by force occurs when the only evidence of force is the physical exertion inherent in the sexual act itself. (Warren County) (Argument on 2-11-25)

23-1614 *State v. Morris* (1) Whether the appellate court erred in rejecting *Montejo v. Louisiana*, 556 U.S. 778 (2009), for purposes of the Ohio Constitution by holding that a request for counsel at a first appearance amounts to an invocation of counsel and therefore cuts off the ability of police to initiate an interrogation of the defendant outside of court; (2) Whether the right to counsel attaches on the filing of a criminal complaint; (3) Whether the defendant unequivocally invoked the right to counsel when he asked during the interrogation “I can’t see a lawyer?” (State’s appeal; Hamilton County) (Argument on 2-12-25)

23-772 *State v. Jones* Whether an appellate court abuses its discretion by denying leave to appeal the granting of a new trial in a 26-year-old capital case where the State complies with App.R. 5(C)’s requirements, timely sets forth errors for review, and shows

it has evidentiary support for the claimed errors. (State's appeal; Hamilton County) (Argument on 2-13-25)

24-458 *State v. Bostick* When evidence that the defendant was not the perpetrator of the crime is withheld from the defense and not discovered until after conviction, and when the exculpatory value of the evidence is dependent upon its credibility, whether a trial court must conduct an evidentiary hearing prior to ruling on a motion for new trial prompted by that evidence. (Cuyahoga County) (Argument on 4-2-25)

24-669 *State v. Balmert* (1) For purposes of the aggravated vehicular assault (AVA) charge, whether the State provided sufficient evidence that the defendant's OVI-metabolite violation was a proximate cause of the injuries; (2) After a bench trial, whether the trial court's acquittal of the defendant on the OVI-impaired count created a double jeopardy bar that should have prevented the appellate court from relying on evidence of impairment in upholding the guilty finding on the AVA charge. (Lorain County) (Argument on 4-23-25)

24-1083 *State v. Dian* Whether an investigative subpoena issued to an internet-app provider was overly broad and implicated the Fourth Amendment's protection of location data under *Carpenter v. United States* so that the disclosure of a single location point in response to the subpoena violated the Fourth Amendment and warranted suppression. (Franklin County) (Argument on 4-23-25)

### ***Ohio Attorney General Opinions***

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

#### **2025-008**

Requested by: Cuyahoga County Prosecuting Attorney  
In accordance with R.C. 2930.07, a public office that maintains case documents with a crime victim's identifying information has discretion, but no obligation, to share the unredacted records with another public office or official that is charged with knowing a crime victim's information. A public office or official is charged with knowing a victim's identifying information only if they have duties related to the individual victim beyond a general concern or interest in public safety. A public office or official that receives unredacted case documents must not disclose a victim's identifying information to an unauthorized person or the public if the victim previously requested to have information redacted or otherwise qualifies to have that information automatically redacted.



## **OPAA Training**

### **OPAA/OPAIA Spring Training**

The 2025 OPAA Spring Training held April 17th and 18th was attended by 131 prosecutors and assistant prosecutors from 45 counties along with a couple from the Ohio Attorney General's office. The training was once again held at the Hilton Columbus at Polaris.



Glenn Bard from Pactech presents on securing Cell Phone Evidence for Prosecutions.



Jon E. Sprague joins us to talk about illicitly manufactured fentanyl (IMFs)



The Cannabis Control division of Ohio Commerce presented on the new marijuana rules and laws, charging, pitfalls, and societal issues that have stemmed from legalization.



Brian M. McDonough, AUSA and Sylvia M. Pla-Raith, Dep. Dir. Cuyahoga County HHS Community Programs finish our 2025 Spring Training with a presentation on combating elder financial abuse through criminal and civil action.

Pictures from OPAA events can always be viewed on our X account by clicking the icon.



The Ohio Prosecuting Attorneys Investigators Association (OPAIA) hosted their Spring Trainer at the Hilton Columbus Polaris April 17<sup>th</sup>. They welcomed 29 investigators from 8 counties for their all day presentation from the Ohio ICAC task force.



**Thank you to all that participated in the Spring Trainings!**

**2025 Training Dates**

**Summer Workshop - June 19-21, Breakers Cedar Point**

**Fall Training - September 18-19 – Crowne Plaza Cleveland at Playhouse Square.**

**Annual Meeting - December 4-5, Hilton Columbus at Easton**



## New Prosecutor

OPAA welcomes Auglaize County Prosecutor Ben Elder to the Elected Prosecutor position, taking over for retired Prosecutor Ed "Big P" Pierce who has been at the helm for 29 plus years. Ben has been a familiar face around OPAA trainings, being an assistant prosecutor at Auglaize County for 13 years. We look forward to Ben's continued participation with the Association.



## Thanks Ed!





## Your 2025 OPAA Officers



Keller J. Blackburn  
Athens County  
President



David P. Fornshell  
Warren County  
President-Elect



Gwen Howe-Gebbers  
Henry County  
Vice President



Steven D. Barnett  
Carroll County  
Treasurer



Christopher R. Tunnell  
Ashland County  
Secretary

### **2025 OPAA Executive and Legislative Committee Meeting Dates**

May – Thursday, May 22 – Zanesville CC

June – Via Zoom. Date TBD

July – No Meeting

August – Thursday, August 21

September – Wednesday, September 17 – Crowne Plaza Cleveland (Fall Training)

October – Thursday, October 23 – Granville Inn

November – No Meeting

December – Wednesday, December 3 – Hilton Easton (Annual Meeting)