THE OHIO PROSECUTOR

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From your President…



Every year, once we get past Halloween, it becomes a sprint to the end of the year. Before long, Thanksgiving is behind us, the holiday season is in full swing, and we're all in Columbus for the Ohio Prosecuting Attorneys Association Annual Meeting.

As we prepare for this year's Annual Meeting and future OPAA gatherings, I want to share an important change that members will begin to notice: we are placing a greater emphasis on security at OPAA conferences, committee meetings, and other OPAA functions.

Attendees should expect to see a more substantial security presence at these events, including uniformed law enforcement officers and/or investigators from prosecutors' offices. This decision is not the result of any specific threat to OPAA or its members. Rather, it reflects a recognition that when prosecutors from across Ohio gather in one place, we bring together a group of people whose work is essential to the administration of justice. Unfortunately, that collective presence could make one of our events a soft target for someone seeking to make a big splash or substantially disrupt the administration of justice in Ohio. While we cannot eliminate every risk, we can take reasonable steps to reduce it.

My experiences attending national prosecutors' meetings have reinforced the importance of this issue. At several of these functions, I have seen security measures in place or participated in discussions about how best to protect prosecutors and their staffs. Those experiences have made clear that security is something we must take seriously. OPAA is therefore taking steps to coordinate appropriate security at our events, including the use of qualified personnel from our member offices when appropriate, in coordination with event venues and local law enforcement.

Our goal is not to create an atmosphere of alarm, but to ensure that our members, staff, and guests can gather, learn from one another, and conduct the important business of OPAA in a safe environment. I believe this is a prudent and responsible step, and one that reflects our commitment to the people who serve our communities.

As we approach the end of the year, I also want to express how grateful I am to have served as President of the Ohio Prosecuting Attorneys Association. Leading this organization over the past year has been the honor of a professional lifetime. I have had the opportunity to work alongside an outstanding group of prosecutors from every corner of Ohio, and I am continually impressed by their dedication to the work they do on behalf of their communities.

OPAA is fortunate to have a strong slate of Democratic and Republican county prosecutors who, despite differences that may exist on other issues, share a fundamental commitment to enforcing the law, seeking justice, and protecting the communities they serve. That common purpose is what makes OPAA so important, and it has been a privilege to serve as its President.

I hope to see all of you at our Annual Meeting during the first week of December in Columbus. Thank you for your support throughout this past year, for the work you do every day, and for your continued commitment to the citizens of Ohio. I look forward to finishing the year together and continuing our important work.

David P. Fornshell

From your Executive Director…



Prosecutors –

The use of Flock Safety cameras and other ALPR technology has been a hot topic at both the local level and at the Statehouse. Several pieces of legislation have been introduced in recent weeks that range from a complete ban on ALPRs to more limited regulations on use. Here is a run-down of the legislation:

Senate Bill 469 – Limited use. Generally prohibits the government from retaining, selling, transferring, or sharing with a private person any "captured surveillance data" and from transferring or sharing any "captured surveillance data" with another government entity unless there is a search warrant. Captured surveillance data may generally be retained for 10 days. All of the above is subject to exceptions for (1) ongoing trials, litigation, or other legal proceedings, (2) data that is prohibited by federal or state law or court order from deletion or destruction, and (3) data obtained or retained pursuant to a valid search warrant.

House Bill 1009 – Limited use. Generally prohibits private persons and government entities from knowingly accessing, collecting, using, selling, transferring, or sharing any "captured surveillance data". Provides exceptions for (1) law enforcement agencies or peace officers in the course of law enforcement activities, (2) a private person in the course of normal business activity, (3) a

private person in accordance with a warrant, court order, or other similar circumstance authorized by law, (4) the Ohio Turnpike Commission for the purpose of collecting tolls, and (5) traffic law photo-monitoring devices under Chapter 4511.

House Bill 1010 – Ban. Bans government use of ALPRs and prohibits private persons from selling any captured surveillance data. A private person may transfer or share captured surveillance data with a law enforcement agency. Provides that captured surveillance data is inadmissible in any civil or criminal proceeding, unless it was obtained pursuant to a valid warrant, transferred by a private person to a law enforcement agency, or is otherwise exempt under the bill.

House Bill 1011 - Moratorium. Imposes a one-year moratorium on government entities accessing, collecting, using, selling, transferring, or sharing any captured surveillance data. Creates exceptions for a law enforcement agency or peace officer for use in identifying individuals pursuant to statewide alert programs, for use in aiding ICE in the identification and location of an individual who does not have legal presence in the United States, for the turnpike commission for tolls, and for traffic law photo monitoring devices under Chapter 4511. Provides that no peace officer shall access, collect, use, transfer or share captured surveillance data beyond the scope of the officer's duties or the purposes outlined above.

OPAA has reviewed and has concerns with all of these bills. It is our position that ALPRs, including Flock, are a critical investigative tool, that they have enormous benefits for victims and public safety, and that they should therefore remain available to law enforcement, subject to regular audits and penalties for misuse.

Lou



At the Statehouse

Below is a current list of bills that have passed at least one chamber, are companion bills in both chambers, or are otherwise a priority for OPAA. A complete list of bills can be found on our website. **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 – October 2026

1) Senate Bill 393 (Sex Offenses – Juveniles/Animals). This is one of three pieces of legislation that would criminalize the creation, possession, and dissemination of artificial child pornography. See also Senate Bill 163 and House Bill 786. Senate Bill 393 also includes mandatory penalties for child pornography that depicts acts of violence and that depicts children under the age of 13, a 5-year specification for possession of 100 or more images of child pornography, provisions regarding sexting between juveniles who are 14 to 17 years of age, the creation of a close-in-age exception unlawful sexual conduct with a minor and gross sexual imposition, and an increased penalty for sexual conduct with an animal. OPAA supports this legislation.

2) House Bill 252 (Burglary). The bill address 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.

3) 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.

4) House Bill 372 (Murder of First Responder – Penalties). The bill specifies that the penalty for aggravated murder for an adult offender is death or life without the possibility of parole if the victim is a peace officer, prosecutor, first responder, or military member. The act is named the Larry Henderson Act. OPAA supports this legislation.

5) House Bill 667 (GPS Monitoring/Warrant Requirements). The bill requires that certain warrants be entered into LEADS and NCIC within 48 hours, requires active GPS monitoring of offenders released from prison, expands the exceptions to TCAP to address repeat offenders and offenders on PRC, and modifies how offenders on PRC are sentenced for the commission of a new felony while on PRC. OPAA supports this legislation.

6) House Bill 338 (Correctional Institutions). Among other things, the bill increases the penalty for assaulting or causing the death of specified victims at state or local correctional institutions and make changes to department of rehabilitation and correction policies and procedures. The legislation is a response to the murder of corrections officer Andy Lansing at Ross Correctional Institution in December 2024. OPAA supports the legislation.

7) 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.

8) House Bill 5 (Repeat Weapons Offenders). Creates a repeat offender classification and gun specification, increases 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 requires courts to provide notice of eligibility for record sealing to certain offenders. 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 the changes to the timelines for record expungement.

9) House Bill 647 (Child Care Fraud). Revises the law governing publicly funded child-care. The legislation also requires the Attorney General, under certain circumstances, to investigate any criminal or civil violation of the child-care law or the law governing the publicly funded child-care program and, when there is cause to prosecute a criminal violation or pursue a civil remedy, authorizes the following to do so – a prosecuting attorney or, if the prosecuting attorney declines, the Attorney General. OPAA is opposed to this provision granting the attorney general springing jurisdiction to prosecute these cases.

10) House Bill 689 (Modernize Fingerprint, Disposition Reporting). Clarifies when fingerprints and other identifying information must be collected upon arrest or at other stages of the criminal justice process and requires electronic submission of identifying information and case summaries in the form and manner prescribed by BCI. Requires a prosecutor to notify the law enforcement agency

that referred a case that no charges are being brought under two circumstances (1) when no arrest is made, a case is taken directly to a grand jury for indictment and no charges are brought, and (2) when an arrest has been made and no indictment is returned, bill of information filed, or charges filed. OPAA is seeking an amendment to provide immunity for failure to comply with this provision.

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 and Expungement Law.

Position: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-5

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: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-47

HB58 **RECOVERY HOUSING, ADDICTION SERVICES** (PIZZULLI J, JARRELLS D) To require state certification of recovery housing residences, to establish additional duties regarding services offered by community addiction services providers, and to create the Ohio Recovery Housing Task Force.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-58

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

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 modify penalties for drug trafficking and possession, 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: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-90

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: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-102

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

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: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-168

HB203 INCREASED PENALTIES-SCHOOL ZONES (HALL T, WILLIAMS J) To increase penalties for vehicular assault and vehicular homicide within an active school zone, to allow a court to impose doubled fines for specified traffic violations in portions of 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

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 Andy Chapman's 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: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-217

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

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

HB260 RELATIVE TO COURTS, COURT PROCEDURES (ODIOSO M, MATHEWS A) Relative to courts and court procedures.

Position: Monitor
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-260

HB296 DELAY FINANCIAL SANCTIONS AFTER RELEASE (MILLER M) To delay financial sanctions for one hundred eighty days after an offender's release from prison or completion of transitional control.

Position: Oppose
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-296

HB314 RESTRICT DISRUPTIVE RECORD REQUESTS (ISAACSOHN D, RAY S) To restrict harassing or disruptive public records requests and permit private contractors to respond to voluminous public records requests.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-314

HB331 RECLASSIFICATION-FIREARM MUFFLERS, SUPPRESSORS (DEETER K, FISCHER T) To remove firearm mufflers and suppressors from the classification of dangerous ordnance.

Position: Monitor
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-331

HB338 INCREASED PENALTIES-CORRECTIONAL INSTITUTION ASSAULTS (JOHNSON M, PLUMMER P) To enact Andy's Law to increase the penalty for assaulting or causing the death of specified victims at state or local correctional institutions and to make changes to department of rehabilitation and correction policies and procedures.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-338

HB343 EXPAND OFFENSE-BREAKING, ENTERING (LORENZ B) To expand the offense of breaking and entering to include vehicles and to increase penalties for criminal damaging or endangering.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-343

HB345 INCREASED PENALTIES-VOYEURISM (LARE J) To increase the penalties for voyeurism.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-345

HB346 CHILD ABUSE MANDATORY REPORTING (KISHMAN M, WILLIAMS J) To enact V.J.'s Law to require mandatory reporters of child abuse or neglect to report to both a peace officer and the public children services agency.

Position: Monitor
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-346

HB372 INCREASED PENALTY-MURDER OF FIRST RESPONDERS, MILITARY (ABRAMS C, PLUMMER P) To enact the Larry Henderson Act to specify that the penalty for aggravated murder for an adult offender is death or life without the possibility of parole if the victim is a peace officer, prosecutor, first responder, or military member.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-372

HB382 SAFEGUARD FIREARM RIGHTS (FISCHER T) To enact the Second Amendment Protection Act to safeguard the right to keep and bear arms.

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-382

HB459 CREATE OFFENSE-MOVING, REMOVING HUMAN REMAINS (GROSS J, WILLIAMS J) To enact Katelyn's Law to create an offense and specification related to moving or removing human remains, to provide that the offense has no statute of limitations, and to modify the offense of abuse of a corpse.

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-459

HB478 OFFENSE CREATION-JURY TAMPERING (THOMAS D, SYNENBERG E) To create the offense of jury tampering and to include a public servant in the offense of intimidation of an attorney, victim, witness, or public servant in a criminal case.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-478

HB495 LAW CHANGES-CONCEALED WEAPONS (GROSS J, WILLIAMS J) To enact the Freedom to Carry Act to rename a concealed handgun license a concealed weapons license and to allow a concealed weapons licensee to carry a concealed deadly weapon other than an exclusive deadly weapon.

Position: Monitor
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-495

HB507 PROHIBIT RECEIVING PROSTITUTION PROCEEDS (NEWMAN J, JOHN M) To prohibit a person from receiving proceeds of prostitution.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-507

HB519 GAS TAX SUSPENSION, VEHICLE THEFT DEVICES (WHITE A) To prohibit possession of an electronic device while committing a motor vehicle theft offense, to temporarily reduce certain motor fuel taxes, to levy a temporary retail tax on certain motor fuel, to make appropriations to supplement the loss of motor fuel tax revenues, and to declare an emergency.

Position: Undetermined
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-519

HB528 MANDATORY SENTENCE-FORCIBLE RAPE (WILLIAMS J) To require a seven year mandatory minimum prison term for forcible rape and to expand the definition of sexual conduct to include anilingus.

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-528

HB532 REQUIRE IMMEDIATE CHILD CUSTODY ACTIONS (MILLER K) To require a public children services agency to take immediate custody of specified children who cannot be released to a parent, guardian, or custodian.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-532

HB565 RECORDS EXEMPTION-GRAND JURY (JARRELLS D, ODIOSO M) To exempt from disclosure under Public Records Law, the name and address of a grand juror and the signature of a grand-jury foreperson, and to name this act the Grand Jury Privacy and Protection Act.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-565

HB647 LAW CHANGE-PUBLICLY FUNDED CHILD CARE (PLUMMER P, YOUNG T) To revise the law governing the publicly funded child care program.

Position: Oppose
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-647

HB654 PENALTY INCREASE-CORPSE ABUSE (DEETER K, MANNING G) To enact Amanda Dean's Law to increase the penalties for abuse of a corpse.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-654

HB667 GPS MONITORING, WARRANT REQUIREMENTS (ABRAMS C) To enact the Reagan Tokes and Patrick Heringer Act to require certain warrants to be entered into LEADS, to require GPS monitoring of offenders released from prison, and to modify T-CAP requirements.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-667

HB677 CUSTODY INTERFERENCE, MISSING CHILD ALERTS (SYNENBERG E, ABRAMS C) To enact the Kelsey Smith Act to modify the law governing interference with custody, to require wireless service providers to provide call location information to law enforcement in certain emergency situations, and to create an endangered missing child alert.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-677

HB689 MODERNIZE FINGERPRINT, DISPOSITION REPORTING (WHITE A) To amend Section 221.40 of H.B. 96 of the 136th General Assembly, as subsequently amended, to align and modernize fingerprinting and disposition reporting, and to allow disclosure of information related to actions to determine paternity.

Position: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-689

HB728 JUVENILE DELINQUENCY INFORMAL HEARING, DISMISSALS ELIMINATION (ODIOSO M, PLUMMER P) To eliminate informal hearings and dismissals in the best interest of the child in certain juvenile delinquency cases.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-728

HB830 ESTABLISH VIOLENT CRIME REDUCTION GRANT (LARE J, BREWER D) To establish the violent crime reduction grant program.

Position: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-830

HB975 ALLOW BRADY LIST REMOVAL PETITION (PLUMMER P, ABRAMS C) To allow a law enforcement officer to petition the court to remove the officer's name from a prosecutor's Brady-Giglio list.

Position: Oppose
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-HB-975

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

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: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-55

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

SB87 **DEFINE ANTI-SEMITISM, EXPAND ETHNIC INTIMIDATION** (JOHNSON T) To define antisemitism for specific purposes 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: Amend

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

SB102 **LAW CHANGES-FORECLOSURES, LAND REUTILIZATION** (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

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

SB135 **CONCERNING REAL PROPERTY FORECLOSURES, ESTATE SALES** (BRENNER A) Relating to real property foreclosures and estate sales.

Position: Monitor

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-135

SB163 **VARIOUS REGULATIONS-ARTIFICIAL INTELLIGENCE** (BLESSING III L, JOHNSON T) To require AI-generated products to 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

SB214 **REMOVE DANGEROUS CLASSIFICATION-FIREARM MUFFLERS, SUPPRESSORS** (KOEHLER K) To remove firearm mufflers and suppressors from the classification of dangerous ordnance.

Position: Monitor

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-214

SB225 **EXPAND ADDRESS CONFIDENTIALITY PROGRAM** (MANCHESTER S) To expand the Address Confidentiality Program, to exempt judges' and prosecutors' addresses from disclosure, and to make related changes to the Election Law.

Position: Monitor

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-225

SB303 **ALLOW HANDGUN PURCHASE-18-21 YEAR OLDS** (JOHNSON T) To allow a person who is between eighteen and twenty-one years old to receive or purchase a handgun from a federally licensed firearms dealer.

Position: Monitor

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-303

SB321 **CARRYING OF FIREARMS-SPECIAL POLICE OFFICERS** (SCHAFFER T) Regarding the carrying of firearms by certain special police officers.

Position: Monitor

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-321

SB357 EXPAND VIOLENT OFFENDER DATABASE-LEADS SYSTEM (GAVARONE T) To expand the violent offender database, to make public records in that database available on the internet, and to make the database information available through LEADS.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-357

SB392 CONCEALED WEAPONS-POSSESSION, TRANSPORTATION (CUTRONA A, JOHNSON T) To enact the Freedom to Carry Act to rename a concealed handgun license a concealed weapons license, to allow a concealed weapons licensee to carry a concealed deadly weapon other than an exclusive deadly weapon, and to allow the possession or transportation of a loaded firearm while in a motor vehicle or vessel.

Position: Oppose
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-392

SB393 SEXUAL OFFENSES-JUVENILES (TIMKEN J, MANNING N) To make changes to various sexually oriented offenses involving juvenile victims.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-393

SB413 TRANSPORT FIREARM-MOTOR VEHICLE (SCHAFFER T) To modify the circumstances in which a person may transport a firearm in a motor vehicle.

Position: Monitor
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-413

SB422 PROHIBIT SEX OFFENDERS-SCHOOL, CHILD CARE PREMISES (SCHAFFER T, BRENNER A) To prohibit certain sex offender/child-victim offenders from knowingly being present on school premises or preschool or child care center premises.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-422

SB425 GRANT PROGRAM-VIOLENT CRIME REDUCTION (MANNING N) To establish the violent crime reduction grant program.

Position: Amend
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-425

SB432 MODIFY OFFENSE-ABUSE OF CORPSE (MANNING N) To modify the offense of abuse of a corpse.

Position: Support
State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-432

New and Noteworthy



by Steven Taylor, OPAA Legal Research and Staff Counsel

Merit Decisions of Interest Since 8/1/26

State v. Holliman, 2026-Ohio-4232. The Court (7-0) held that, when a defendant has been found guilty of one-year and three-year firearm specifications under the same felony count, the defendant can only be sentenced on one of the specifications and the sentencing court can exercise its discretion to impose only a one-year firearm term even when the prosecution would elect to have the court impose the three-year firearm term instead. (Decided 10-29-26; State's appeal, Cuyahoga County)

State v. Dowell, 2026-Ohio-4094. The Court (6-1) recognized that the crime of obstructing official business can arise from a situation in which a person is resisting being taken into custody pursuant to an order of involuntary commitment. The affirmative act of obstruction need not be a separately-illegal act, but, rather, can be "any act," even if it would be otherwise legal unto itself. And while an act will not constitute an act of obstruction if the actor had a privilege to do it, there was no indication of any privilege or right on the defendant's part to engage in this act of resistance. (Decided 10-21-26; Hamilton County)

State v. Wilson, 2026-Ohio-3988. The Court (7-0) rejected the defendant's constitutional claim of preindictment delay by concluding that the defendant had failed to establish actual prejudice to support that claim. The Court (4-3) also overruled the Court's former burden-shifting test, now putting the burden on the

defendant to demonstrate both prongs of the test to justify dismissal, and, further, emphasizing that only delay on the part of the State *intended* to gain an unfair tactical advantage would satisfy the second prong of the test. (Decided 10-14-26; Clermont County)

State v. Thoen, 2026-Ohio-3976. The Court (5-2) concluded that the issue of whether jeopardy attached to a guilty plea is not defined solely by the question of whether and when the trial court unconditionally accepted the guilty plea. The issue also takes into account a two-part inquiry into whether there was a legitimate expectation of finality in the acceptance of the guilty plea and whether there was prosecutorial overreach involved in vacating the plea. (Decided 10-13-26; Knox County)

State v. McClain, 2026-Ohio-3934. The Court (7-0) reinstated the defendant's conviction for substantial-impairment rape, concluding from a review of the totality of the evidence that the jury could find that the State had circumstantially proven that the defendant knew or had reasonable cause to believe that the victim was substantially impaired at the time of the sexual conduct. (Decided 10-8-26; State's appeal, Cuyahoga County)

State v. Bradley, 2026-Ohio-3771. The Court (6-1) concluded that the defendant could not show plain error warranting reversal of his discharging-into-habitation conviction in relation to the trial court's failure to give a specific instruction on transferred self-defense when a general instruction was given on self-defense and privilege. (Decided 9-29-26; State's appeal, Belmont County)

State v. Smith, 2026-Ohio-3472. The Court (7-0) held that the place of employment was the physical place where the sex offender performed the work, rejecting the defendant's void-for-vagueness challenge to the statutory phrase "place of employment address." (Decided 9-8-26; Geauga County)

State v. Fontanez, 2026-Ohio-3281. The Court (6-1) concluded that the trial court's omission of the "complete admission of guilt" oral advisement required by the rule did not require reversal, since a guilty-pleading defendant is presumed to understand the concept of "guilty" unless he is protesting his innocence at the time of the guilty plea. (Decided 8-26-26; Cuyahoga County)

State v. Brinkman, 2026-Ohio-3190. The Court (7-0) affirmed the aggravated murder convictions and other convictions involved in this triple-homicide case and (6-1) affirmed the three death sentences. (Decided 8-20-26; Cuyahoga County)

Newly-Accepted Criminal Law Cases Since 8/1/26

26-658 *State v. J.L.* Whether a trial court's sealing or expungement order applies to related appellate court cases addressing the same charged criminal acts or transactions. (State's appeal; Hamilton County)

26-741 *State v. Bryant* Whether the third firearm term imposed under R.C. 2929.14(B)(1)(g) is a mandatory and consecutive term pursuant to R.C. 2929.14(C)(1)(a). (State's appeal; Greene County)

26-570 *State v. Armstead* In light of *State v. Logan*, 2025-Ohio-1772, whether the prison term that must be imposed on the underlying felony under R.C. 2929.13(F)(8) when there is an attendant firearm specification is a "mandatory prison term." (Franklin County)

26-493. *State v. O'Brien* Whether the rule in *State ex rel. Special Prosecutors v. Court of Common Pleas Judges*, 55 Ohio St.2d 94 (1978), continues to apply such that a trial court is without jurisdiction to consider a Crim.R. 32.1 post-sentence motion to withdraw a guilty plea that is filed after the conviction has been affirmed on appeal. (Wood County) (certified conflict accepted 6-24-26)

Keep an Eye Out for These Cases Awaiting Decision

24-1187/1301 *State v. Simmons* Whether evidence of force in the nature of manipulating a sleeping victim's clothing to facilitate sexual conduct with the victim is sufficient by itself to establish forcible rape in violation of R.C. 2907.02(A)(2), or whether said evidence is insufficient because the force did not compel the victim to submit to the sexual conduct in question. (State's appeals; Montgomery County) (Argument on 9-16-25)

24-1050 *State v. Striblin* Whether the Fifth District erred in sustaining the defendant's facial constitutional challenge on Second Amendment grounds after the defendant's no contest plea to a charge under R.C. 2923.121(A) for illegal possession of a firearm on a liquor permit premises. (State's appeal; Muskingum County) (Argument on 10-8-25)

25-952/962 *State v. Burrell* Whether a trial court's order amending a domestic-violence charge to delete a degree-raising prior-conviction element amounts to a dismissal of part of the indictment so that the State can immediately appeal as of right under R.C. 2945.67(A). (State's appeals; Muskingum County) (Argument on 3-25-26)

25-643 *State v. Lebron-Novas* (1) Whether the trial court's decision upholding the traffic stop and denying the motion to suppress must be affirmed when the dash cam video provided sufficient evidence to show the follow-too-close traffic violation, even despite the supposed inconsistencies in the trooper's testimony as to what the video showed; (2) Whether the trial court's error in relying on the trooper's supposed inconsistencies should have resulted in a limited remand for the trial court to deliberate again on whether there was reasonable suspicion to support the stop, instead of a remand requiring the outright granting of the motion to suppress. (State's appeal; Erie County) (Argument on 4-15-26)

25-912 *State v. Barton* Whether the drug dog's brief three-second instinctual intrusion of its head into the open driver's side window of a lawfully stopped vehicle before the dog alerted constituted a Fourth Amendment violation. (Hamilton County) (Argument on 4-15-26)

25-1277 *State v. Morrell* (1) Whether it is violative of *State v. Hand*, 2016-Ohio-5504, to use the defendant's prior serious-youthful-offender juvenile adjudication for F-1 aggravated robbery for sentence-enhancement purposes in relation to the sentencing on the defendant's current adult offense of F-2 child endangering; (2)

Whether *Hand* should be overruled. (State's appeal; Muskingum County) (Argument on 6-30-26)

24-1043 *State v. Singh* Death Penalty case (Butler County) (Argument on 8-4-26)

Ohio Attorney General Opinions
provided by Ohio Attorney General Andy Wilson's website at https://www.ohioattorneygeneral.gov/Files/Legal/Opinions

2026-011
Requested by: Franklin County Prosecuting Attorney
Under Article II, Section 20 of the Ohio Constitution, changes to county healthcare plans approved by the board of county commissioners constitute direct legislative action, even if negotiated or recommended by a benefits department or committee. Increasing an elected official's premium contribution along with added benefits can constitute a prohibited change in compensation. A mid-term premium increase is permissible if it results from a pre-existing formula. An increase in office-visit copays may also constitute a prohibited change in compensation unless it results from a pre-existing formula.

2026-010
Requested by: Ashtabula County Prosecuting Attorney
A probate court cannot hold its hearings or other proceedings anywhere other than at the county seat.

2026-009
Requested by: Franklin County Prosecuting Attorney
A county prosecutor may reimburse an employee's travel-related meal costs with money from furtherance of justice funds, the law enforcement trust fund, or mandatory drug fines, if covering those costs would be consistent with the statutory purpose of those funds. A prosecutor may adopt a per diem allowance for employees' travel-related meal costs but only as a limit on reimbursement for actual expenses. Receipt documentation for reimbursement must comply with the Auditor of State's requirements.

Upcoming Statutory Reporting Requirements
We emailed a complete list October 21st and will do so again in December.

November 30 (prior to the first day of December). The county treasurer and the prosecuting attorney each shall submit a report to the board of county commissioners regarding the use of the moneys appropriated from their respective delinquent tax and assessment collection funds. Each report shall specify the amount appropriated from the fund during the current calendar year, an estimate of the amount so appropriated that will be expended by the end of the year, a summary of how the amount appropriated has been expended in connection with delinquent tax collection activities or land reutilization, and an estimate of the amount that will be credited to the fund during the ensuing calendar year. R.C. 321.261(C) (copy to county auditor).

January 1 (prior to first Monday in January). The prosecutor must file with the county auditor an itemized statement verified by the prosecutor of expenditures for the FOJ account, and pay the remainder to the county treasury, R.C. 325.12(E) (copy to county commissioners).

January 1 (prior to first Monday in January). The common pleas court may issue an order setting the minimum aggregate sum to be expended by the prosecuting attorney for assistants, clerks, and stenographers. R.C. 309.06(A). It is *not* a mandatory requirement that the prosecutor obtain such an order from the common pleas court. *State ex rel. Moore v. Fornshell*, 2025-Ohio-65 (12th Dist.).

On or before the second Monday in January. The prosecuting attorney must file with the clerk of the board of county commissioners and the county auditor an inventory of all materials, machinery, tools, and other county supplies under the prosecuting attorney's jurisdiction. R.C. 305.18.

January 10. Each state agency and each agency of each political subdivision that investigates violations of R.C. 2905.32 or acts of human trafficking shall collect and submit specified data to the bureau of criminal identification and investigation. R.C. 109.66.

In January. The prosecutor must report to the administrative office of the United States Courts and to the Ohio Attorney General such information as required to be reported by 18 U.S.C. § 2519(2), R.C. 2933.60(B), which includes all wiretap information pursuant to court orders issued under the Ohio wiretap statute.

Prior to January 31. The prosecutor must file a Law Enforcement Trust Fund (LETF) annual report with the county auditor of expenditures made during the previous calendar year verifying that the proceeds and forfeited monies were expended only for the purposes authorized by R.C. 2981.13(C)(3)(a) and specifying the amounts expended for each authorized purpose. (copy to county commissioners)

OVWA Hotline
OVWA is pleased to announce the launch of the Ohio Homicide Co-Victim Helpline and a new online resource hub , created specifically for homicide co-victims and survivors across Ohio. This important project was made possible by Grant No. 2025-JG-E01-49281 awarded by the Bureau of Justice Assistance and OCJS.

Losing a loved one to homicide can feel overwhelming and isolating. No one should have to navigate that journey alone. The Ohio Homicide Co-Victim Helpline is available for survivors at every stage of grief and healing, whether the homicide happened recently or many years ago. If you know someone who may need support, information, or connection to resources, please encourage them to call 1-866-275-6892 (ASK-OVWA). Helpline hours are Monday through Friday, 9:00 a.m. to 5:00 p.m. We will provide emotional and crisis support, information, and connection to local advocacy and other resources.

In addition to the helpline, OVWA's new website section offers information about victim rights, the criminal justice system, grief

and trauma, self-care, resources for families, and a special section for children. New information and resources will continue to be added, so check back often. Together, we can help ensure that no homicide co-victim has to face this journey alone.

If you have questions about the helpline or the OVWA Homicide Co-Victim Project or helpline, please reach out. We appreciate your ongoing support and collaboration!

Wendy Ricks-Hoff, BA, RA, CA, TRCC
Program Director, Ohio Victim Witness Association
Phone 614-787-9000 Email wendy@ovwa.org

The Importance of Township Trustees
OPAA Vice President Steve Barnett, Carroll County

It is said that township government is the part of government that is closest to the people. If township residents want something done, they show up at board meetings. If township residents complain, they turn first to township trustees. Township trustees come from all walks of life, put themselves in the arena, and stand for an election. Most trustees, if not all, want to do a good job and they want to help. Very rarely does someone set out to intentionally make a mess of local government.

It is no secret that county prosecutors are legal counsel, in most situations, to township government. For an elected prosecutor, this places us in a unique position to build good relationships. Township trustees talk to people. If things are going great in a township, residents will tell them; if things aren't great, for sure, township trustees will hear about it. Experience has taught me that if you give township trustees your time and attention, they will go to bat for you as the county prosecutor. If you have helped them, they will help you usually by praising you. In reverse, if you brush them off, demean them, or ignore them, trustees have long memories.

Township trustees can be a base for you politically. Give them your time, give them your attention. Most, if not all, townships in the county get together regularly. Get involved by regularly attending these association activities. Show up. Mingle with them. Listen to them. Bring them something legal from the statehouse you think they would find interesting that might affect what they do and tell them about it. You don't have to use a social gathering to solve their legal problems, instead use it to cultivate a positive relationship. If township trustees think positive of you—the elected prosecutor—you have a base with them and their base of voters.

Building goodwill and better friendships is third proposition in Rotary International's Four Way Test that Rotarians think, say, or do. This lesson should not be lost on elected prosecutors when it comes to working with township trustees. Build the goodwill and better friendship and it should pay you a dividend in the long term.

Thank you to Prosecutor Barnett for this contribution

OPAA Training

The OPAA Trial Advocacy Boot Camp was held August 5th through the 7th in northwest Ohio. This three day event geared toward "new to the courtroom and jury trials" criminal prosecutors looked through a real murder/self-defense case from Ohio, and prepped the 16 attendees on *voir dire*, opening statement, direct and cross examination, and closing statements readying them for their mock trials on the final day, judged by 4 previous OPAA members that have moved on to the bench.

The OPAA Fall Training was held September 24th and 25th in northern Ohio. We welcomed 180 attendees from 56 counties.

The OPAA Administrative Professional Training was held October 15th in northwest Columbus. We welcomed 79 attendees from 34 counties to this one day training that looked at public records, victim advocacy, and dealing with difficult people. Some pictures are on the following page.

Thanks to all that attended, trained, and provided for us during these events!!

2026 On-Demand CLE
OPAA Members has access to online self-study CLE webinars which have been approved for CLE credit in 2026. These are a great way to get CLE hours that fit your schedule with topics designed for Ohio prosecutors. We currently have 13.5 hours available including 5.5 hours of professional conduct credit! All have been approved by the Supreme Court of Ohio Commission on Continuing Legal Education through 12/31/2026. Training courses are $60 each and vary between 1 and 1.5 hours. All are available at https://opaaclewebinars.ce21.com

2027 Training Dates
Spring – April 15th and 16th
Summer – June 29th and 30th (Tuesday and Wednesday)
Trial Ad Bootcamp – August 4th – 6th (limited attendees)
Fall – September 23rd and 24th
Juvenile Prosecutor – Tentatively October 14th
Annual Meeting – December 2nd and 3rd

Locations and full information will be forwarded to the offices as available.



Public Records with Ryan M. Stubenrauch, Esq.



OVWA Field Guide with Wendy Ricks-Hoff, Crystal Baker, and Alisa Wilson.



Dealing with difficult people with Ian R. Bigalk, Esq.

Your 2026 OPAA Officers

Executive and Legislative meeting dates are listed on our website



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Secretary

Ohio Prosecuting Attorneys Association
196 East State Street, Suite 200
Columbus, Ohio 43215
Telephone 614-221-1266 * Fax 614-221-0753

www.ohiopa.org