



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Dennis M. Papp

Sub. H.B. 96

132nd General Assembly
(As Passed by the General Assembly)

- Reps.** Hughes, R. Smith, Schaffer, Manning, Rezabek, Anielski, Antonio, Arndt, Ashford, Boccieri, Boggs, Boyd, Brenner, Brown, Butler, Clyde, Craig, Dever, Edwards, Fedor, Gavarone, Ginter, Gonzales, Hambley, Hill, Holmes, Ingram, T. Johnson, Kelly, Kent, Kick, Landis, Leland, Lepore-Hagan, McClain, Miller, O'Brien, Patmon, Patterson, Patton, Ramos, Riedel, Rogers, Romanchuk, Schuring, Slaby, K. Smith, Sprague, Stein, Strahorn, M. Sweeney, West, Young
- Sens.** Bacon, Burke, Gardner, Hoagland, Kunze, Lehner, Manning, O'Brien, Schiavoni, Wilson

Effective date: March 22, 2019

ACT SUMMARY

- Increases the jail term for sexual imposition if the offender has three or more previous convictions of sexual imposition or another specified sex offense.
 - Increases the jail term for disorderly conduct involving voluntary intoxication if the offender has three or more previous convictions of that offense involving voluntary intoxication.
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CONTENT AND OPERATION

Sexual imposition

The act increases the potential jail term for a conviction of sexual imposition if the offender previously was convicted three or more times of any of several specified sex offenses. The qualifying sex offenses are: sexual imposition, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and the former offense of felonious sexual imposition.

Under the act, as under preexisting law, sexual imposition generally is a third degree misdemeanor punishable by a possible jail term of up to 60 days, but it is a first degree misdemeanor punishable by a possible jail term of up to 180 days if the offender

has one or more prior qualifying sex offense convictions. The act authorizes the court to impose a jail term of not more than one year, notwithstanding the regular range of jail terms for a first degree misdemeanor, if the offender previously was convicted three or more times of any qualifying sex offense or combination of them.¹

Disorderly conduct involving voluntary intoxication

One prohibition under the offense of disorderly conduct prohibits a person who is voluntarily intoxicated from engaging in specified conduct, such as creating a condition that causes a risk of physical harm to the offender, another person, or another's property. The act increases the penalty for a disorderly conduct conviction committed in violation of the voluntary intoxication prohibition if the offender previously was convicted three or more times of that offense in violation of the voluntary intoxication prohibition.

Under the act, as under preexisting law, a conviction of disorderly conduct generally is a minor misdemeanor (with no potential jail term), but it is a fourth degree misdemeanor punishable by a possible jail term of up to 30 days in certain aggravating circumstances (e.g., persisted after reasonable warning to desist, committed in a school safety zone, committed in the presence of emergency personnel, etc.). The act adds a new penalty enhancement that applies only to a conviction of the offense committed in violation of the voluntary intoxication prohibition. Under that new penalty enhancement, disorderly conduct committed in violation of the voluntary intoxication prohibition also becomes a fourth degree misdemeanor if the offender previously was convicted three or more times of that offense committed in violation of that prohibition.²

HISTORY

ACTION	DATE
Introduced	02-27-17
Reported, H. Criminal Justice	01-17-18
Passed House (97-0)	02-28-18
Reported, S. Judiciary	11-28-18
Passed Senate (31-0)	12-13-18

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¹ R.C. 2907.06(C).

² R.C. 2917.11(E)(2) and (4).

