



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 283

131st General Assembly
(As Introduced)

Reps. Fedor, Antonio, Bishoff, Boyd, Celebrezze, Gerberry, G. Johnson, Lepore-Hagan, M. O'Brien, Patterson, Phillips, Sheehy, K. Smith, Sykes

BILL SUMMARY

- Expands the list of misdemeanors for which an offender is required to provide a DNA specimen to include voyeurism, public indecency, procuring, soliciting, loitering to engage in solicitation, and prostitution.

CONTENT AND OPERATION

Additional misdemeanor offenses subject to DNA collection

The bill requires the collection of a DNA specimen from any person convicted of any of the following misdemeanors: voyeurism, public indecency, procuring, soliciting, loitering to engage in solicitation, and prostitution.¹ A person who commits a felony violation of voyeurism, public indecency, procuring, or soliciting is required to provide a DNA specimen under continuing law.

DNA collection for these additional offenses is done under the procedures and according to the timeframes specified in continuing law for DNA collection from other misdemeanor offenders. The timing and entity responsible for collection varies depending upon an offender's sentence. For example, if the person is sentenced to a term of imprisonment, the Department of Rehabilitation and Correction is responsible for the DNA collection at intake. The probation department or Adult Parole Authority collects the DNA specimen for offenders on probation, parole, community control, or other supervised release.²

¹ R.C. 2901.07(D)(5).

² R.C. 2901.07(B), unchanged by the bill.

Continuing law requires the officer collecting the DNA specimen, not later than 15 days after collection, to cause the specimen to be forwarded to the Bureau of Criminal Identification and Investigation in accordance with procedures established by the Bureau Superintendent.³

Covered misdemeanors under continuing law

Under continuing law, a DNA specimen must be collected from any person who has been convicted of any of the following misdemeanors:⁴

(1) A misdemeanor offense or an attempt to commit or complicity in committing a misdemeanor offense of unlawful sexual conduct with a minor;

(2) A misdemeanor violation of any law that arose out of the same facts and circumstances and same act as did a charge against the person for aggravated murder, murder, kidnapping, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, or aggravated robbery that previously was dismissed or amended;

(3) A misdemeanor offense of interference with custody that would have been the offense of child stealing had it been committed prior to July 1, 1996;

(4) A sexually oriented offense or a child-victim oriented offense that is a misdemeanor if the offender is a tier III sex offender/child-victim offender in relation to that offense.

HISTORY

ACTION	DATE
Introduced	07-07-15

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³ R.C. 2907.01(C), unchanged by the bill.

⁴ R.C. 2901.07(D).

