



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

Sub. H.B. 63*

132nd General Assembly
(As Reported by H. Criminal Justice)

Reps. Hughes, Duffey, Leland, Kent, Boggs

BILL SUMMARY

- Requires an additional prison term of six years if an offender is convicted of felonious assault and a specification that the offender used an accelerant and that the victim suffered a permanent, serious disfigurement or permanent, substantial incapacity.
 - Names the provisions of the bill "Judy's Law."
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CONTENT AND OPERATION

Mandatory prison term – permanent, serious disfigurement

The bill creates a new criminal sentencing specification that applies to a person convicted of felonious assault when the offender used an accelerant in committing the offense and the harm suffered by the victim resulted in a permanent, serious disfigurement or permanent, substantial incapacity. The felonious assault underlying the specification may involve either of the following elements:¹

(1) Causing serious physical harm to another or to another's unborn;

(2) Causing physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 2903.11(A) and (D)(2) and 2941.1425.

If an offender is convicted of or pleads guilty to felonious assault as described above and the specification created by the bill, the court must impose a definite prison term, consisting of six years, in addition to the sentence imposed for the underlying offense. The mandatory prison term may not be reduced by judicial release, earned credits, or any other form of early release. It must be served consecutively and prior to any prison term imposed for the felonious assault and any other prison term previously or subsequently imposed. The bill also specifies that the court may not impose more than one prison term in connection with the specification for felonies committed as part of the same act.²

The bill specifies that the mandatory prison term described above applies only if the specification is included in the indictment, count in the indictment, or information charging the offender. The bill provides a model form for the specification to be included in the charging document.³

The bill defines an "accelerant" as a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.⁴ The bill's provisions are to be known as "Judy's Law."⁵

HISTORY

ACTION	DATE
Introduced	02-14-17
Reported, H. Criminal Justice	---

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² R.C. 2929.13(F)(20) and 2929.14(B)(9) and (C)(6).

³ R.C. 2941.1425.

⁴ R.C. 2929.01(EEE).

⁵ R.C. 2903.11(D)(2), 2929.13(F)(20), 2929.14(B)(9) and (C)(6), and 2941.1425.

