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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 92\*  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 92's Fiscal Note](#)

**Version:** As Reported by Senate Veterans and Public Safety

**Primary Sponsors:** Reps. Abrams and Loychik

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### SUMMARY

#### Child abuse or neglect investigation relating to Armed Forces

- Requires a public children services agency (PCSA) to determine if a parent, guardian, or custodian of a child subject to a child abuse or neglect investigation is in the Armed Forces and, if so, to notify the appropriate authority of that Armed Force in which the parent, guardian, or custodian serves that an investigation is being made.
- Specifies that the requirement under continuing law that PCSAs disclose confidential information discovered during a child abuse or neglect investigation to any appropriate federal, state, or local government includes any appropriate military authority.
- Exempts from child abuse or neglect confidentiality requirements under continuing law the following:
  - PCSA notification of the appropriate military authority that a child abuse or neglect investigation is being made relating to an Armed Forces member;
  - PCSA disclosure of confidential information discovered during a child abuse or neglect investigation to any appropriate federal, state, or local government entity, including any appropriate military authority.

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\* This analysis was prepared before the report of the Senate Veterans and Public Safety Committee appeared in the Senate journal. Note that the legislative history is incomplete.

## **Congressional redistricting – public submissions**

- Requires the Ohio Redistricting Commission to create a website for the public to submit proposed congressional district plans, access census data, and view other submitted maps.
- Allows members of the public to mail proposed congressional district plans to the Commission by mailing it to the Ohio Statehouse.
- Requires the co-chairpersons of the Commission to notify other members of the Commission whenever a member of the public submits a proposed congressional district plan, and post the plan on the Commission’s website.
- Declares an emergency.

## **Judiciary/Supreme Court earmark**

- Revises an FY 2022 and FY 2023 earmark in the Judiciary/Supreme Court appropriations for promoting information about judicial candidates.

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## **DETAILED ANALYSIS**

### **Child abuse or neglect investigation relating to Armed Forces**

#### **PCSA determination and notification of Armed Forces**

The bill requires a public children services agency (PCSA) to determine, as soon as practicable, if a parent, guardian, or custodian of a child who is subject to a child abuse or neglect investigation is in the Armed Forces. If the PCSA determines that the parent, guardian, or custodian is in the Armed Forces, the PCSA must notify the appropriate authority of that Armed Force in which the parent, guardian, or custodian serves, in accordance with the Memorandum of Understanding established by that authority, that a child abuse or neglect investigation is being made that relates to that parent, guardian, or custodian.

Under the bill, “Armed Forces” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.<sup>1</sup>

#### **Confidentiality and disclosure of investigation information**

The bill specifies that the requirement under continuing law that PCSAs disclose confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect applies to any appropriate military authority.<sup>2</sup>

Under continuing law, any child abuse or neglect report is confidential and prohibits the information provided in the report and the name of the person who made the report from

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<sup>1</sup> R.C. 2151.4210.

<sup>2</sup> R.C. 2151.423.

being released for use or used as evidence in any civil action or proceeding brought against the person, except in certain situations, including, as provided under the bill, (1) PCSA notification of the appropriate military authority that a child abuse or neglect investigation is being made, or (2) PCSA disclosure of confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity, including any appropriate military authority, that needs the information to carry out its responsibilities.<sup>3</sup>

## **Congressional redistricting – public submissions**

The bill requires the Ohio Redistricting Commission, established by the Ohio Constitution, to create a website so the public may submit proposed congressional district plans, access the federal decennial census data necessary to create a proposed district plan, and view other submitted maps.<sup>4</sup>

The Ohio Constitution creates the Ohio Redistricting Commission and charges it with drawing new General Assembly districts after the decennial census. Additionally, the Constitution requires the Commission to draw new Congressional districts after the decennial census if the General Assembly cannot pass a congressional redistricting plan by September 30 of a redistricting year (years ending in the numeral “1”), or if the Governor vetoes the plan and the General Assembly does not override the veto. The Commission is composed of the Governor, the Auditor of State, the Secretary of State, one person appointed by the Speaker of the House of Representatives, one person appointed by the House Minority Leader, one person appointed by the President of the Senate, and one person appointed by the Senate Minority Leader.<sup>5</sup>

The Ohio Constitution requires that the General Assembly and the Ohio Redistricting Commission “facilitate and allow for the submission of proposed congressional district plans by members of the public,” in a manner provided by law.<sup>6</sup> To that end, the bill requires the Ohio Redistricting Commission to create a website, housed at [www.redistricting.ohio.gov](http://www.redistricting.ohio.gov).<sup>7</sup> The website must allow members of the public to submit a proposed congressional district plan, access the federal decennial census data necessary to create a proposed congressional district plan, and view proposed congressional district plans submitted by members of the public.

In addition to the website, the bill permits members of the public to submit a proposed congressional district plan by mailing it to the Ohio Redistricting Commission, C/O Clerk of the Senate, Ohio Statehouse, Columbus, Ohio 43215.

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<sup>3</sup> R.C. 2151.421(I)(1).

<sup>4</sup> R.C. 3521.04.

<sup>5</sup> Ohio Constitution, Article XI, Section 1 and Article XIX, Section 1.

<sup>6</sup> Ohio Const., art. XIX, sec. 1(H).

<sup>7</sup> This website currently exists.

The bill also requires that proposed congressional district plans submitted by a member of the public contain visual representations of the proposed boundaries of the congressional districts – i.e., a map.

Upon receiving a proposed congressional district plan submitted by a member of the public, the co-chairpersons of the Commission must promptly electronically notify the members of the Commission of the submitted plan and cause the submitted plan to be posted on the Commission’s website for the public to view.<sup>8</sup>

## Judiciary/Supreme Court earmark

The bill amends the earmark of \$150,000 in FYs 2022 and 2023 from the General Revenue Fund appropriation item 005406, Law-Related Education, to promote information about judicial candidates. It replaces the requirement that the candidates be running for Chief Justice or Justice of the Supreme Court or judge of a court of appeals and are nominated at a primary election to appear on the ballot at the general election with a political party designation with a requirement that the candidates have filed to run for a judicial office.<sup>9</sup>

## Emergency clause

The bill includes an emergency clause requiring it to go into immediate effect once it becomes law because it is necessary for the immediate preservation of the public peace, health, and safety. Although the bill includes provisions governing child abuse and neglect investigations relating to the Armed Forces and a Judiciary/Supreme Court biennial budget earmark, the clause states the reason for the necessity is that the constitutional deadline for completion of Ohio’s redistricting process is approaching.<sup>10</sup>

## HISTORY

Action	Date
Introduced	02-09-21
Reported, H. Families, Aging & Human Services	03-09-21
Passed House (97-0)	03-17-21
Reported, S. Veterans & Public Safety	---

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<sup>8</sup> R.C. 3521.04.

<sup>9</sup> Section 3.

<sup>10</sup> Section 6.