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Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

S.B. 16 of the 134th General Assembly

House Criminal Justice

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Menacing and Assault

Provides that if an offender is convicted of or pleads guilty to a violation of menacing or assault based on the same conduct involving the same victim that was the basis of the violation of the offense, the two offenses are allied offenses of similar import.

Importuning

Prohibits a person from soliciting a person who is less than 16 years of age to engage in sexual activity with the offender when the person who is less than 16 years of age is substantially impaired because of a mental or physical condition.

Requires the court to impose a mandatory prison term for a third degree felony if the offender, in addition to soliciting the other person, arranged to meet the other person for the purpose of engaging in sexual activity in specified circumstances.

Requires the court to impose a mandatory prison term for a fifth degree felony if the offender is more than ten years older than the other person and, in addition to soliciting the other person, the offender arranged to meet the other person for the purpose of engaging in sexual activity in specified circumstances.

Voyeurism

Modifies the offense of “voyeurism” to prohibit a person from knowingly doing any of the following:

Committing trespass or otherwise secretly or surreptitiously videotaping, filming, photographing, broadcasting, streaming, or otherwise recording another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person;

Committing trespass or otherwise secretly or surreptitiously videotaping, filming, photographing, broadcasting, streaming, or otherwise recording a minor, in a place where a

person has a reasonable expectation of privacy, for the purpose of viewing the private areas of the minor;

Secretly or surreptitiously videotaping, filming, photographing, or otherwise recording another person above, under, or through the clothing worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

Restrictions on certain offenders serving in a position affording extensive contact with children

Enacts restrictions in the Sex Offender Registration and Notification Law (SORN Law) that bar offenders convicted of a sexually oriented offense when the victim was under age 18, or a child-victim oriented offense, from serving in a volunteer position that affords extensive contact with minor children if:

- The offender is either a Tier II or a Tier III Sex Offender/Child-Victim Offender with respect to the offense who is subject to SORN Law duties; or
- The offense was committed prior to January 1, 2008, and under the version of the SORN Law in effect prior to that date, the offender was adjudicated or classified a sexual predator, child-victim predator, habitual sex offender, or habitual child-victim offender with respect to the offense.

Provides that if an offender violates any restriction described above, a prosecutor may bring an action for an injunction for the violation or, if the offender previously had been subjected to an injunction for a violation of such a restriction, that the violation is a criminal offense.

Criminal statute of limitations for conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder

Provides that there is no period of limitations for prosecution of a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

Searches regarding convicted offender under supervision

Provides that for a search of a felony offender sentenced to a nonresidential sanction, probation officers and Adult Parole Authority (APA) field officers will have the authority to search, with or without a warrant, the offender's person, real property, motor vehicle, or personal property if either of the following apply:

- The court requires the offender's consent to search as part of the terms and conditions of community control, and the offender agreed to those terms and conditions;
- The offender otherwise consents to the search.

Provides that for a search of a felon who is granted a conditional pardon or parole, transitional control, or another form of authorized release, APA field officers will have the authority to search, with or without a warrant, the offender's person, real property, motor vehicle, or personal property if either of the following apply:

- The APA requires the offender's consent to searches as part of the terms and conditions of the conditional pardon or parole, of the transitional control, or of the other form of authorized release and the offender agreed to those terms and conditions;
- The offender otherwise consents to the search.

Restraint of pregnant child or woman

Allows a law enforcement, court, or corrections official to restrain a female child who is charged or adjudicated a delinquent child or a woman who is charged or convicted a criminal offender if the official determines that the pregnant child or woman presents a risk of physical harm to herself or another, presents a risk of physical harm to property, presents a security risk, or presents a substantial flight risk.

Provides that a law enforcement, court, or corrections official who restrains pregnant child or woman must not use any waist restraint to restrain the female child or woman.

Political subdivision suppression of a riot or mob

Provides that a political subdivision with police powers, when engaged in suppressing a riot or mob or when there is clear and present danger of a riot or mob, may do either of the following:

- Cordon off any area or areas threatened by the riot or mob;
- Prohibit persons from entering the cordoned off area or areas except when carrying on necessary and legitimate pursuits;
- Prohibit the sale, offering for sale, dispensing, or transportation of dynamite or other dangerous explosives in, to, or from the cordoned off areas.

Provides that a political subdivision as described above may not prohibit the otherwise legal sale, offering for sale, dispensing, or transportation of firearms, other dangerous weapons, or ammunition by a person in a cordoned off area in specified circumstances.

Preservation of firearms rights during an emergency

Declares that certain deadly weapons or firearms businesses and services are life-sustaining "essential" businesses and services for the purposes of safety and security during an emergency.

Provides that no state agency, political subdivision, elected or appointed official or employee of this state or any political subdivision, or agent of this state or of any political subdivision, board, commission, bureau, or other public body established under law may do any of the following during an emergency:

- Prohibit, regulate, or curtail the otherwise lawful possession, carrying, display, sale, transportation, transfer, defensive use, or other lawful use of any firearm, ammunition, ammunition-reloading equipment, or deadly weapon;
- Require the registration of any firearm, ammunition, or deadly weapon;

- Seize, commandeer, or confiscate in any manner, any firearm, ammunition, ammunition-reloading equipment, or deadly weapon that is possessed, carried, displayed, sold, transferred, transported, stored, or used in connection with otherwise lawful conduct;
- Suspend or revoke a valid concealed handgun license, except as expressly authorized by law;
- Refuse to accept or process an application for a concealed handgun license or for renewal of a concealed handgun license, provided the application for the license or for the renewal has been properly completed and submitted;
- Prohibit, suspend, or limit the business operations of any entity engaged in the lawful selling or servicing of any firearm, ammunition, ammunition-reloading equipment, or deadly weapon;
- Prohibit, suspend, or limit the business operations of any legally established indoor or outdoor shooting range or any entity engaged in providing deadly weapon or firearms training;
- Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any firearm, ammunition, ammunition-reloading equipment, or deadly weapon;
- Suspend, restrict, or prohibit otherwise lawful hunting, fishing, or trapping activities or business entities conducting or directly facilitating lawful hunting, trapping, or fishing activities.

Provides that if a concealed handgun license is scheduled to expire during an emergency or 30 days prior to an emergency, the license is automatically extended throughout the duration of the emergency plus an additional 90 days.

Specifies that any person, group, or entity adversely affected by any manner of law enacted or enforced in violation of the bill may file an action for damages, injunctive relief, declaratory relief, or other appropriate redress.

Provides that the provisions contained in the bill are severable.

County correctional officers carrying firearms

Authorizes a county correctional officer to carry firearms while on duty in the same manner as a law enforcement officer if the county correctional officer is specifically authorized to carry firearms and has received firearms training.

Grants a county correctional officer who is carrying firearms as described above protection from civil or criminal liability for any conduct occurring while carrying firearms to the same extent as a law enforcement officer.

Provides for firearms training for county correctional officers to qualify them to carry firearms while on duty.

Provides for the certification of county correctional officers who have satisfactorily completed approved firearms training programs that qualify them to carry firearms while on duty.

Gaming agent as peace officer

Removes enacted provisions that expand the definition of peace officer to include gaming agents of the Casino Control Commission.

County prosecuting attorney reports

Eliminates the requirement that county prosecutors annually report all criminal case resolutions to the board of county commissioners and all fire-related case resolutions to the State Fire Marshal.

Statewide Emergency Alert System

Authorizes the Statewide Emergency Alert System to be activated to assist in locating any individual with Autism Spectrum Disorder or another developmental disability.