



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 478

131st General Assembly
(As Introduced)

Reps. G. Johnson, Antonio, Boccieri, Boyce, Clyde, Howse, Leland, Lepore-Hagan, M. O'Brien, Phillips, Ramos, Sheehy, K. Smith, Sweeney

BILL SUMMARY

- Authorizes a sentencing court to impose in the sentence an additional order that prohibits the offender from having direct or indirect contact with persons specified in the order if the sentence is any of the following:
 - A prison term for a felony;
 - A mandatory term of local incarceration for a fourth degree OVI offense if the offender was not convicted of a specification of previous conviction of five or more equivalent offenses;
 - A prison term, including life imprisonment, for a "violent sex offense" if the offender was convicted of a sexual motivation specification, or a "designated homicide, assault, or kidnapping offense" if the offender was convicted of both a sexual motivation specification and a sexually violent predator specification;
 - A prison term for certain other felony offenses if the offender was convicted of specified specifications or if the offense was committed under specified circumstances;
 - A jail term for a misdemeanor;
 - Specifies that a no-contact order must remain in effect for the duration of the offender's term and for specified periods following the offender's release while subject to supervision or judicial control.
- Provides an emergency clause.

CONTENT AND OPERATION

No-contact order for felony offender

The bill authorizes a sentencing court that imposes a prison term on an offender for a felony under the Felony Sentencing Law or other provision of the Revised Code or a mandatory term of local incarceration for a fourth degree felony OVI if the offender was not convicted of a specification of previous conviction of five or more equivalent offenses within 20 years of the OVI offense, to impose in the sentence, in addition to the prison term or term of local incarceration, an order prohibiting the offender from having direct or indirect contact with one or more persons as specified in the order.¹

A court may additionally impose such a no-contact order as part of the sentence that is a prison term, including a term of life imprisonment, on an offender who is convicted of any of the following felony offenses under specified circumstances:²

(1) A "violent sex offense" (a defined term under current law) and conviction of a sexually violent predator specification;

(2) A "designated homicide, assault, or kidnapping offense" (a defined term under current law) and conviction of both a sexual motivation specification and sexually violent predator specification;

(3) If neither (1) nor (2) applies and under specified circumstances, rape of a person under 13, or attempted rape and a conviction of a specified specification pertaining to the offender's age, the victim's age, a previous conviction, or serious physical harm to the victim;

(4) Specified prohibitions under the offense of kidnapping, aggravated murder, or murder and conviction of a sexual motivation specification.

A no-contact order imposed as described above must remain in effect for the duration of the offender's prison term or term of local incarceration and during any one or more of the following periods specified in the order:³

- While the offender is subject to supervision after judicial release or early release;

¹ R.C. 2929.13(K)(1) and 2929.14(K).

² R.C. 2971.03(G).

³ R.C. 2929.13(K)(2), 2929.14(K), and 2971.03(G).

- While the offender is subject to post-release control supervision after being released from that term;
- While the offender otherwise is under judicial control or supervision after having been released from that term.

No-contact order for misdemeanor offender

The bill authorizes a sentencing court that imposes a jail term on an offender for a misdemeanor under the Misdemeanor Sentencing Law or other provision of the Revised Code to impose in the sentence, in addition to the jail term, an order prohibiting the offender from having direct or indirect contact with one or more persons as specified in the order.⁴ Such no-contact order must remain in effect for the duration of the offender's jail term and during one or more of the following periods specified in the order:⁵

- While the offender is subject to supervision after having all or a portion of the jail term suspended and being placed under one or more community control sanctions;
- While the offender otherwise is under judicial control or supervision after having been released from that term.

Emergency clause

The bill provides that it is an emergency measure necessary for the immediate preservation of the public peace, health, and safety, the reason for the necessity being that immediate action to allow the issuance of no-contact orders as part of an offender's sentence to prison or jail is crucial for the protection of victims, witnesses, their family members, and others.⁶

HISTORY

ACTION

DATE

Introduced

03-01-16

H0478-I-131.docx/emr

⁴ R.C. 2929.22(E)(1) and 2929.24(H)(2).

⁵ R.C. 2929.22(E)(2) and 2929.24(H)(2).

⁶ Section 3.