



Ohio Legislative Service Commission

Final Analysis

Dennis M. Papp

H.B. 123

131st General Assembly
(As Passed by the General Assembly)

Reps. G. Johnson and Cupp, Butler, Rogers, Stinziano, S. O'Brien, Rezabek, Celebrezze, Antonio, Boose, Boyd, Clyde, Dever, Fedor, Gerberry, Hackett, Kraus, Kuhns, Leland, Lepore-Hagan, Manning, M. O'Brien, Patterson, Phillips, Ramos, Ryan, Sheehy, K. Smith, Sprague, Strahorn, Sykes

Sens. Coley, Eklund, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Schiavoni, Seitz, Yuko

Effective date: September 14, 2016

ACT SUMMARY

- Increases from three to seven the minimum number of days before trial by which a criminal defendant must notify the prosecutor of an intent to claim an alibi, in conformance with the Criminal Rules.
- Authorizes, but does not require, a sentencing court to dispense with a presentence investigation report before placing a felony offender under a community control sanction if the defendant and prosecutor agree to waive the report.
- Requests the Supreme Court to modify the Criminal Rules to conform to the act's provisions on presentence investigation reports.

CONTENT AND OPERATION

Notification of alibi defense

The act increases from three to seven the number of days before trial by which a criminal defendant must file and serve on the prosecuting attorney a written notice of an intent to claim and establish an alibi. This change conforms the statute to the Rules of

* This version updates the effective date.

Criminal Procedure.¹ Under continuing law, the notice must include specific information as to the place at which the defendant claims to have been at the time of the alleged offense. If the defendant fails to file a notice, the court may exclude evidence offered by the defendant for the purpose of proving the alibi.²

Waiver of presentence investigation report

The act allows a waiver of the presentence investigation report a court normally is required to consider before it may sentence a felony offender to community control. Prior to the act, the law allowed no exceptions to the requirement. The act provides an exception that authorizes, but does not require, the court to dispense with the report if the defendant and the prosecuting attorney who is handling the case agree to waive it.³

The act also respectfully requests the Supreme Court to modify Criminal Rule 32.2, which is a Supreme Court-adopted rule pertaining to presentence investigations, to allow waiver of the presentence report and imposition of a community control sanction as provided in the act.⁴

HISTORY

ACTION	DATE
Introduced	03-17-15
Reported, H. Judiciary	04-29-15
Passed House (96-1)	05-19-15
Reported, S. Criminal Justice	05-19-16
Passed Senate (33-0)	05-24-16

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¹ Crim. R. 12.1, not in the act.

² R.C. 2945.58.

³ R.C. 2951.03(A)(1).

⁴ Section 3.

