



October 24, 2016

Legislation and Policy in the News:

[Court Fight Over Ohio
Executions Likely to Focus on
Sedative; Toledo Blade,
October 10, 2016](#)

[Supreme Court Weighs Bias in
Jury Deliberations; New York
Times, October 12, 2016](#)



The Ohio Judicial Conference is dedicated to serving all Ohio judges. It is the voice of the judiciary and the primary resource to ensure the fair, unbiased, open, and effective administration of justice.

Legislative News: Two Week Review

- The Supreme Court has issued a new [bench card](#) describing what criminal records can be sealed, what fees can be charged to seal a record, and how affidavits of indigency should be accepted.
- [HR 520](#) (Rep. Antonio) Domestic Violence Month, introduced 10.11.16.
- The [Criminal Recodification Committee](#) has developed a first draft of a bill. The proposed bill is not expected to pass before the end of the year, although there is a possibility that some portion of it will. Some of the proposed changes include:
 - A general change to (non-capital) felony sentencing that allows a sentencing judge to impose a sentence from a stated range and include a remainder, or tail, of half the sentence. The person will serve the term imposed and will be released unless there has been violent or disruptive behavior while incarcerated, in which case a parole board review will determine whether the person will serve all or a portion of the remainder stated at sentencing.
 - A prohibition of a felony term of 1 year or less being served in a facility controlled by ODRC.
 - The creation of 4 categories for drug offenses: aggravated trafficking, trafficking, petty trafficking, and possession, based generally on the amount of the drug in question. Only the most serious offense, aggravated trafficking, has a mandatory prison term. The next most serious, trafficking, allows for maximum judicial discretion with no presumptions for or against prison. Petty trafficking and trafficking are now F4s or F5s.
 - The removal of the [child-victim oriented offender](#) designation in Ch. 2950.
 - A change to the definition of "affirmative defense" to address results of the decision in [Nucklos v. State](#), 121 Ohio St.3d 332, 2009-Ohio-792.
 - A change to elements of Gross Sexual Imposition that enhance the penalty, in response to [State v. Bevely](#), 142 Ohio St.3d 41, 2015-Ohio-475.
 - A change to the definition of "pardon," in response to [State v. Boykin](#), 138 Ohio St.3d 97, 2013-Ohio-4582.
 - Removal of Sec. [2929.19\(B\)\(2\)\(f\)](#), which currently requires a court to notify an offender at sentencing and before incarceration in ODRC that the offender is subject to drug testing within ODRC.
- Speaker Cliff Rosenberger announced a revised lame duck schedule for the Ohio House, adding two session days on 11.17.16 and 12.8.16 and confirming session on 11.29.16.

For a complete list of bills that affect the judiciary, please visit the [OJC website](#).



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