



# ENACTMENT SUMMARY

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## House Bill 33

### FY 2024-2025 State Operating Budget

Non-Appropriation Provisions Effective October 3, 2023 (except as otherwise noted)

On July 4, 2023, Governor DeWine signed Senate Bill 33 (Rep. Edwards), the biennial state operating budget, into law. Appropriation provisions took effect immediately, with the remaining provisions taking effect generally on October 3, 2023. Below represents items in the bill relevant to courts, and is not intended to be an exhaustive summary of all provisions contained in the bill. For more information on the contents of the bill, visit [the legislature's HB 33 page](#).

#### **Distracted Driving Course Completion**

Existing law permits a person charged with a driving-while-texting offense (R.C. 4511.204) to complete an online distracted-driving safety course in lieu of paying a fine and having points assessed against their license on a first offense. H.B. 33 clarifies that evidence of completion of the course must be submitted to the court within 90 days of the offense in order to avoid the penalties. It also clarifies that completion of the course does not constitute a dismissal of charges, for purposes of elevated penalties for repeat offenses.

#### **Local Court Fees – Applications to Seal/Expunge and for CQEs**

134 S.B. 288 limited the fees that can be charged for applications to seal or expunge records and for Certificates for Qualification of Employment to \$50 “including local court fees.” H.B. 33 expressly permits courts to charge a local fee of not more than \$50 on top of the \$50 application fee.

#### **Records expungement exceptions**

The bill narrows the types of offenses for which records in a dismissed case or a no-bill can be expunged, such that the following offenses are not eligible: First- or second-degree felonies; non-sexually-oriented offenses of violence; offenses of violence when the offender is subject to SORN requirements as it existed prior to 2008, the offense of domestic violence or violating a protection order (or substantially similar municipal ordinance); offenses (other than nonsupport of dependents and contributing to the nonsupport of dependents) where the victim is under the age of 13; an F3 if the person has more than one prior felony offense, or, if the person has exactly one prior F3 conviction and the person has more prior convictions in total than a third degree felony conviction and two misdemeanor convictions; violations of DCL law or a substantially similar municipal ordinance.

### **Indigent defense reimbursement**

The bill enacts permanent language providing that the General Assembly may cap the rate at which the state reimburses counties for indigent defense services. Temporary law then caps the rate at \$75 per hour for fiscal years 2024 and 2025.

### **CDL testing falsification**

The bill expands the offense of falsification (R.C. 4506.04) to prohibit knowingly providing false statements or engaging in any fraudulent act related to testing for a commercial driver's license. A violation of this offense is an M3, and shall result in the cancellation of the person's CDL.

### **Commercial vehicles and human trafficking offenses**

The bill makes the use of a commercial vehicle in the commission of a human trafficking offense a misdemeanor of the first degree, and is a strict liability offense. A violation of this offense will result in a lifetime disqualification period for CDL holders.

### **CDL surrender – OVI**

H.B. 33 clarifies that a CDL holder or a CDL-instruction-permit holder must immediately the CDL or permit to an arresting officer upon an arrest for OVI.

### **Noncompliance reinstatement fee**

The bill lowers the reinstatement fee for a first-time noncompliance offense from \$100 to \$40.

### **Minimum age to sell tobacco products**

The bill expands the offense of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products by prohibiting a person under the age of 18 from selling such a product. A first violation of the offense is an M4, and subsequent violations are an M3.

### **Appointment of nonresident fiduciaries**

The bill modifies R.C. 2109.21 to expand who would qualify for appointment as a nonresident executor or trustee or nonresident ancillary administrator to include a private trust company or family trust company organized under the laws of any state.

### **Redirecting child support to nonparent caretakers**

The bill establishes a process to redirect existing child support orders to a caretaker of a child and allows for new child support orders to be directed to the caretaker. It makes changes to several statutes to clarify these rights for caretakers. A child support order subject to the process includes both health care coverage and cash medical support required for the child. *These provisions have an extended 180-day effective date beyond the bill's October 3, 2023 effective date.*

The Ohio House passed its version of the bill on April 26, 2023 by a vote of 78-19. The Senate passed its version on June 15, 2023 by a vote of 24-7. Both chambers accepted the report of the conference committee on June 30, passing the House by a vote of 67-30 and the Senate by a vote of 25-6.