



ENACTMENT NEWS

Senate Bill 20

“Destiny’s Law” – Permanent disabling harm specification – child victim

On December 19, 2018, Governor Kasich signed House Bill 92 (Sen. Hackett) into law. It passed the Ohio Senate by a vote of 30-3 on April 5, 2017, and the Ohio House by a vote of 89-1 on November 28, 2018. It becomes effective 90 days after the governor signs it.

The bill establishes a “permanent disabling harm” specification and an additional prison term for certain felonious-assault offenses. Specifically, if a person commits a violation of 2903.11(A) and the victim is a child under the age of ten and suffers permanent disabling harm as a result of the offense, regardless of whether the offender knew the age of the victim, the bill requires a mandatory prison term of six years, in addition to any other sanctions imposed, to be served consecutively and prior to any term imposed for the felonious assault offense. The additional term is not subject to reduction through judicial release, earned credit, or any other provision of Chapter 2967 or Chapter 5120.

“Permanent disabling harm” is defined in the bill to mean serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person’s ability to meet one or more of the ordinary demands of life, including the functions of caring for one’s self, performing manual tasks, talking, seeing, hearing, speaking, breathing, learning, and working.