



ENACTMENT NEWS

H.B. 64

MAIN OPERATING APPROPRIATIONS BILL

On June 30, 2015, Governor John Kasich signed H.B. 64 (Smith), the budget bill, into law. H.B. 64 passed out of the Senate on June 25 with a 23 – 9 vote and it passed out of the House of Representatives on June 26 with a 61 – 34 vote.

The bill is immense, and the sections provided here are only those that impact the judiciary. Different provisions have different effective dates; unless otherwise noted, the provisions below become effective on the 91st day after the bill's signing, September 29, 2015.

Judicial Compensation. Salaries of the Ohio Supreme Court Justices and Ohio judges are increased by 5% each calendar year, with the first increase beginning 90 days after the budget bill is signed and then on January 1, 2017, January 1, 2018 and the last increase beginning January 1, 2019 (R.C. 141.04).

Ohio Judicial Conference. In 2016, the Conference's funding is reduced to 75% of its operating budget for FY 2015 and funding is scheduled to discontinue on January 1, 2017. The future of the Judicial Conference is an immediate concern for the judicial branch of Ohio.

Salary Increases for Local Officials, Sheriffs, and Prosecuting Attorneys. Starting in 2016, salaries will increase by 5% yearly (in 2016 and 2017 for local officials, and until 2019 for sheriffs and prosecuting attorneys); the number of pay classes is reduced from eight to six (R.C. Chapter 325).

Ohio Constitutional Modernization Commission. The OCMC is terminated as of January 1, 2018 (R.C. 102.01, 103.61).

Half-Way Houses. The definition of "half-way house" and "alternative residential facility" was clarified as not part of the definition of "imprisonment," possibly making it easier to get Medicaid funding for those programs (R.C. 1.05).

Consumer Fraud. Money from court-ordered judgments against sellers in actions brought by the Attorney General is to be used to provide restitution to consumers victimized by the fraud that generated the judgment; additional funding (\$750,000 per year) is provided (R.C. 221.10).

**This provision takes effect immediately, July 1, 2015.*

Criminal Justice Recodification Committee. Funding (\$150,000) is provided to support the operation and expenses of the Committee (R.C. 317.10)

**This provision takes effect immediately, July 1, 2015.*

Indigent Defense. Funding was provided for an indigent defense office in Trumbull County and to support the Multi-County office (serving 10 counties in southern and southeastern Ohio). Funding was provided for free legal training programs for private appointed counsel and state and county public defenders and attorneys who contract with the Public Defender to provide services. Funding was provided for reimbursements for providing legal representation in federal court cases. Lastly, the Public Defender is authorized to use up to 13% of the money in the Indigent Defense Support Fund to appoint assistant public defenders, provide necessary personnel, equipment, and facilities, and provide training, development and implementation of electronic forms (R.C. 359.10).

**This provision takes effect immediately, July 1, 2015.*

Legal Aid. \$750,000 was provided to the Ohio Legal Assistance Foundation to provide legal services for economically disadvantaged veterans (R.C. 359.10).

**This provision takes effect immediately, July 1, 2015.*

Capital Cases. Counties may be reimbursed from an earmark of \$1,500,000 statewide in each fiscal year for indigent defense services in capital cases (R.C. 359.10).

**This provision takes effect immediately, July 1, 2015.*

Specialized Docket Payroll Subsidy. A portion of the ODMHAS budget is to be used as a payroll subsidy for one full-time specialized docket staff member in any court. Drug or alcohol addiction training is required for the staff member and certification is required for the specialized docket. State funding is to be 65% of the payroll cost and is not to exceed \$50,700 (R.C. 331.113). Funding totals \$5 million per year (GRF 336425).

**This provision takes effect immediately, July 1, 2015.*

Medication-Assisted Treatment Drug Court Program. ODMHAS is required to conduct a pilot program to provide addiction treatment – including medication-assisted treatment – to persons who are eligible to participate in a certified drug court program for dependence on opioids, alcohol, or both. ODMHAS must conduct the program in the courts of the following counties: Allen, Clinton, Crawford, Cuyahoga, Fairfield, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and Warren; however, ODMHAS may conduct additional programs elsewhere and does not need to conduct a program in a county that does not have a certified drug court, even if listed above (R.C. 331.90). The program is funded \$5.5 million per year (GRF 336422).

**This provision takes effect immediately, July 1, 2015.*

Community Police Relations. A community police relations fund is to be created to implement key recommendations of the Ohio Task Force on Community-Police Relations (R.C. 361.10). \$2 million each year is provided for the fund.

**This provision takes effect immediately, July 1, 2015.*

Oil and Gas Law. The maximum civil penalty for violations of certain sections of the oil and gas law or conditions of a permit, including certain drilling and mineral extraction activities, are increased to no more than \$10,000. Violations of statutes governing brine management and disposal are misdemeanors at first offense and are felonies for each subsequent offense. Any person who violates the statutes regarding oil and gas is liable for damage or injury caused by the violation, and a person can be held criminally and civilly liable for the same offense. Upon conviction, the sentencing court may order the offender to reimburse the state for any actual response costs (R.C. 1509.33).

Surviving Spouses. If, under current law, a decedent's watercraft or outboard motor is transferred to a surviving spouse, one watercraft trailer of the decedent can also be transferred to the surviving spouse (R.C. 2106.19).

Fees and Accounts for Administrators/Executors. Administrators and Executors of a decedent's estate are now entitled to the same commission that existed before the repeal of Ohio's estate tax (R.C. 2113.35). Executors and Administrators are no longer required to render an account if a partial account is waived. In these cases, annual accounts must be made annually unless a certificate of termination is filed (R.C. 2106.19).

Community Addiction Service Provider. When ordering a parent into treatment for alcohol or drug addiction treatment under R.C. 2151.353(A), a juvenile court is no longer limited to community addiction service providers that are certified by the ODMHAS (R.C. 2151.3514).

Stark County Domestic Relations Court. The Stark County Family Court is now finally referred to properly in the jurisdiction statute (R.C. 2301.03).

Judicial Release on Compassionate Medical Grounds. A court may grant compassionate release to an offender if one is in imminent danger of death, one is medically incapacitated, or one is suffering a terminal illness. The court does not need to make an annual determination of the released offender's health status, but must revoke the judicial release if the offender's health improves to a status that would not have been eligible for release. If granting such a release, a court must order an appropriate community control sanction and place the offender under the authority of either the probation department or the APA; the court may revoke release if the offender violates the community control sanction (R.C. 2929.20).

CQE. When considering an application for a Certificate of Qualification for Employment, a court must consider the applicant's military service and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service and that was a contributing factor in the commission of the offense or offenses (R.C. 2953.25).

Substance Use Disorder Treatment. ODRC is required to establish a community-based substance use disorder treatment program for the non-violent F4 and F5 offender with a substance use disorder, with no previous convictions for violent offenses, and with

less than 12 months remaining on his sentence. ODRC has full discretion in determining which qualifying offenders will be released into the program. ODRC can then transfer these prisoners to halfway houses, reentry centers, or community residential centers, and the transferred prisoner earns credit for time served. If the prisoner is successfully participating, ODRC can release the prisoner to reside at a residence with electronic monitoring (R.C. 2967.193).

Child Support Orders. Processing fees for child support orders are now 2% of the support payment to be collected from a child support obligor instead of the existing law allowing for collection of 2% or \$1 per month, whichever is greater. (R.C. 3119.27). Courts and administrative child support agencies are now required to order an obligor to register with OhioMeansJobs when ordering an obligor to seek employment or participate in a work activity (R.C. 3121.03).

Affirmative Defense to Alcohol Sales. A person who sells alcohol to an underage purchaser can utilize the affirmative defense that the seller accepted an out-of-state license, a U.S. passport, or a foreign passport (R.C. 4301.639).

Adult Protective Services. Probate courts are authorized to issue an ex parte emergency protective services order for an older adult (R.C. 5101.691, 5101.692). Immediate and irreparable financial harm is added to the reasons for which an emergency protective services order may be issued (R.C. 5101.69(B)(1)), and includes financial harm in the definition of “exploitation” (R.C. 5106.60(G)). ODJFS may enter into a contract or an agreement with another person or government entity, and that person or entity may petition the court for an order providing adult protective services (R.C. 5101.622). The funding for adult protective services was increased (\$2.64 million).

Substance Abuse Recovery Program Study. ODRC is required to study the feasibility of converting an existing state correctional facility into a substance abuse recovery prison, with a report due to the legislature and the Governor by June, 2016 (R.C. 5120.037).

Probate Court Reimbursement for Commitment of Mentally Ill. A committing court no longer needs to send a transcript of the proceedings to a mentally ill person’s county of residence in order for the committing court to be reimbursed for its expenses and must instead send a copy of the commitment order. A receiving court must enter and record the commitment order, which is prima facie evidence of the person’s residence. Additional funding – up to \$1.3 million yearly statewide – was provided to allow reimbursement (R.C. 5122.36).

Consent for Medical Treatment. A guardian (or probate court) of a resident of an institution for the mentally retarded may now consent to experimental procedures on the resident’s behalf. Convulsive therapy, major aversive interventions, or unusual or hazardous treatment procedures can no longer be performed, regardless of consent (R.C. 5123.86).

Traffic Cameras. Any local authority that has operated a traffic camera after March 23, 2015 must submit to the Auditor of State one of the following: either a statement of compliance with the new state law on traffic cameras, or if the local authority is not in compliance with the law, a report with the civil fines that have been collected through use of traffic cameras. Local authorities will then receive local government funds reduced by the amount of fine receipts (R.C. 5747.51, 5747.50).

UIFSA 2008. Per requirement of Congress, Ohio adopted the 2008 Amendments to the Uniform Interstate Family Support Act. The 2008 Amendments modify the current version of UIFSA's international provisions to comport with the obligations of the United States under the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (R.C. Chapter 3315). More information is provided in a separate fact sheet.

**This provision will go into effect on January 1, 2016.*