

Legislative News: Two Week Review



December 19, 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.

The following are only some of the bills passed during lame duck. The next newsletter will contain additional lame duck bills and updates.

- [HB 347](#) (Reps. Brinkman, McColley) **Civil Asset Forfeiture**, passed out of both chambers, 12.8.16. The bill restricts civil asset forfeiture by permitting it only under certain circumstances; the prosecutor's burden of proof is changed from a preponderance of the evidence to clear and convincing evidence.
- [HB 388](#) (Rep. Scherer) **Ignition Interlock Devices**, passed out of both chambers, 12.6.16. The bill encourages the use of ignition interlock devices for first-time OVI offenders and alters the look-back period for multiple OVIs from 6 years to 10 years.
- [HB 410](#) (Reps. Hayes, Rezabek) **Truancy**, passed out of both chambers, 12.8.16. The bill generally prohibits a school from suspending, expelling, or removing a student from school solely on the basis of a student's unexcused absences. The bill also removed "excessive truancy" from the current zero tolerance policy application.
- [HB 432](#) (Rep. Cupp) **Omnibus Probate Bill**, passed out of both chambers, 12.8.16. The bill updates probate law, the Ohio Trust Code, the Uniform Principal and Income Act, and related Acts. The bill was amended to remove the OJC- requested computerization fee parity and the current will-deposit fee; also added was the Revised Uniform Fiduciary Access to Digital Assets Act ([SB 358](#), Sen. Oelslager).
- [HB 436](#) (Reps. Cupp, Rogers) **OVI/Immobilization**, passed out of both chambers, 12.8.16. The bill harmonizes the time periods for license suspension and vehicle immobilization for an OVI.
- [HB 471](#) (Rep. Blessing) **Dissolution of Boards and Commissions**, passed out of both chambers, 12.8.16. The bill was amended to include an extension of the work of the Criminal Recodification Committee until June 30, 2017.
- [SB 30](#) (Sen. Tavares) **Family Stability Commission**, passed out of both chambers, 12.8.16. The bill creates a commission that includes judicial system experts to make recommendations on: domestic violence, child custody, and child support.

- [SB 139](#) (Sen. Seitz) **Post-Conviction Relief**, passed out of both chambers, 12.6.16. Among other things, the bill requires the clerk of a common pleas court to retain a copy of the original trial file when a death penalty is imposed, and requires a judge hearing a post-conviction relief proceeding to state in the findings why each claim was either denied or granted. An amendment made the time limit for post-conviction discovery 18 months, as a general rule, although the court can extend the period.
- [SB 199](#) (Sens. Gardner, Uecker) **Handgun License**, passed out of both chambers, 12.8.16. The bill was amended to include provisions of [HB 48](#) (Rep. Maag – concealed carry), which created an affirmative defense to a charge of carrying a concealed weapon or having or transporting a firearm in a motor vehicle.
- [SB 227](#) (Sen. Bacon) **Attorney General Functions**, passed out of both chambers, 12.6.16. The bill made various changes to the duties and authority of the attorney general. Before passage, the bill was amended to include a change to judgment dormancy law.



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