



ENACTMENT NEWS

House Bill 483 Mid-Biennial Budget Review

House Bill 483 (Amstutz) was signed into law by the Governor on June 16, 2014. The bill is immense, and the sections provided here are only those that impact the judiciary. Because H.B. 483 was a budget bill, different portions have different effective dates; the provisions below all become effective September 15, 2014.

Criminal Justice Recodification Committee. A Criminal Justice Recodification Committee was created, tasked with studying “the existing criminal statutes of this state, with the goal of enhancing public safety and the administration of criminal justice in Ohio by eliminating duplication in those statutes, aligning those statutes with the purpose of defining a culpable mental state for all crimes, removing or revising crimes included in those statutes for which no culpable mental state is provided, and other appropriate measures.” Results from the Committee’s study are expected to become recommendations for the Legislature. The Committee is to be composed of 21 members, with 11 members constituting a quorum:

- 2 state Senators,
- 2 state Representatives,
- the Director of ODRC (or a designee),
- 3 judges (not all from the same party and 1 each from a municipal or county court, a court of common pleas, and an appeals court);
- and members from the following constituencies: one representative of DYS; one sheriff; one peace officer of a municipal corporation or township; three prosecutors; three defense attorneys; one member of the OSBA; one representative of community corrections programs; and one representative of community addiction services providers or community mental health services providers. 729.10, 729.11

**The Committee is expected to start its work within 60 days of the effective date of the enacting provision.*

Funding for Specialized Dockets. HB 369, which dealt with increased funding for specialized dockets, was incorporated into HB 483. The budget bill earmarked \$4.4 million from the General Revenue Fund to help defray the cost of a full-time specialized docket staff member. The staff member is expected to have a salary of about \$78,000, with state funding not exceeding \$50,700 (or 65%). The bill contains eligibility criteria, including Supreme Court certification for a specialized docket.

Shock Probation/Judicial Release. Authorizes an offender whose offense was committed before July 1, 1996, and who otherwise satisfies the eligibility criteria for shock probation as it

existed immediately prior to July 1, 1996 to file a second application for shock probation after the effective date of this bill. R.C. 2929.201.

Expanded Use of IDAT and IDAM. The law expands the possible uses of IDAT and IDAM funds, notably to allow courts to move IDAT or IDAM funds to another court in the same county if there is a surplus. More information is provided in a separate fact sheet. R.C. 4511.191

Charge-back to Mentally Ill Person's County of Residence. The newly created Section 5122.36 requires (1) that the county of residence be charged the expenses of returning a mentally ill person to the person's county of legal residence and, if the person is ordered hospitalized, probate fees and other expenses incurred on the person's behalf; (2) that a transcript of proceedings be sent to the probate court of the county of residence; and (3) that if the person's residence cannot be established, the matter be referred to the Department of Mental Health and Addiction Services. R.C. 5122.36.

State Public Notice Website. Requires that all legal advertisements, notices, or proclamations (currently only advertisements and notices) be posted on the newspaper's website if the newspaper has one (this is in addition to the current requirement of printing these in a newspaper of general circulation); prohibits the newspaper from charging for the posting of such materials on the website; clarifies the procedure for a state agency or political subdivision to provide a second, abbreviated, notice or advertisement by posting the notice or advertisement on the state's official public notice website. R.C. 7.10 and 7.16.

Consumer Sales Practices Act Investigations. The bill clarifies that it is a person subpoenaed by the Attorney General (AG) investigating violations of the Consumer Sales Practices Act who may, within 20 days after a subpoena has been served, file a motion to extend the return day, or to modify or quash the subpoena, stating good cause, and provides that the motion may be filed in the Court of Common Pleas of Franklin County, as in current law, or the court of common pleas of any other county in Ohio, instead of the court of common pleas of the county in which the person served resides or has the principal place of business in current law. The bill provides that if a person fails without lawful excuse to obey a subpoena or to produce relevant matter, the AG may apply for an order of compliance to the Court of Common Pleas of Franklin County, as in current law, or the court of common pleas of any other county in Ohio, instead of the court of common pleas of the county in which the person served resides or has the principal place of business in current law. R.C. 1345.06.

Mediation Communications. Amends a cross reference in a section of law that lists the circumstances under which a mediator may disclose otherwise confidential communications concerning a mediation to a court or other entity that may make a ruling on the dispute that is the subject of the mediation to do both of the following: Add a reference to a section of law that details exceptions to the mediation communication privilege, including, for example, communications made in a public meeting and communications concerning imminent criminal activity. Remove a reference to a section of law that states that except as provided in the Open

Meetings Law and the Public Records Law, mediation communications are confidential to the extent provided by the parties' agreement or provided by rule or law. R.C. 2710.06.

Mental Health and Drug Addiction Services for Returning Offenders: Requires the ADAMHS boards serving Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties to prioritize the use of certain funds to temporarily assist returning offenders who have severe mental illnesses, severe substance use disorders, or both in obtaining Medicaid-covered community mental health services, Medicaid-covered community drug addiction services, or both.

Avon Lake Municipal Court: Converts the judgeship of the Avon Lake Municipal Court from part-time to full-time. R.C. 1901.08.

State Penal Museum: The bill designates the museum located on the grounds of the Ohio State Reformatory, which is operated by the Mansfield Reformatory Preservation Society, as the official State Penal Museum. R.C. 5.077.

Limitations period for actions against registered surveyors: The bill establishes four years from the completion of the engagement on which the cause of action is based as the period within which a professional negligence action against a registered surveyor must be commenced. Under existing law, a professional negligence action against a registered surveyor must be commenced within four years after the cause of action accrues. R.C. 2305.09.

Children Services Funding Workgroup. The bill creates the Children Services Funding Workgroup within the Department of Job and Family Services. The group is charged with investigating programmatic or financial gaps in the children services funding system, identifying best practices currently employed at the county level as well as those that can be integrated into the system, identifying areas of overlaps and linkages across all human services programs, and coordinating with the Adult Protective Services Funding Workgroup (also created in the bill) within the Department of Job and Family Services.

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Child Support Intercept – Lottery and Casino Winnings. Requires the Department of Job and Family Services with the State Lottery Commission and each casino to identify obligors who are subject to a final and enforceable determination of default made under a child support order. R.C. 3123.89 and 3123.90.

Permanency Plan Approval and Finalization. Requires a reviewing court to determine whether a public children services agency or private child placing agency made reasonable efforts to finalize the permanency plan for a child; if the agency has not made such efforts, the bill requires a reviewing court to issue an order finalizing a permanency plan requiring that the agency use reasonable efforts to permanently place the child. R.C. 2151.417.

Franklin County Probate Court Mental Health Fund. Expands the possible donors to and use of money in the Franklin County Probate Court Mental Health Fund. Authorizes donations by individuals, corporations, or organizations, in addition to the Franklin County ADAMHS and DD boards. Authorizes the use of the money for services for persons under the care of other guardianships, in addition to the Franklin County ADAMHS and DD boards. R.C. 2101.026.

Planning for Ohio's Future Study Committee. The bill creates the Mental Health and Addiction Services Planning for Ohio's Future Study Committee to review and make recommendations for improving access and dedicating consistent funding streams to Ohio's mental health and addiction services programming. The Committee includes the Chief Justice of the Supreme Court or her designee. The Committee must report by December 31, 2014. R.C. 703.10.

Law Enforcement – Use of Naloxone. Exempts law enforcement agencies from the licensing requirements for the use of naloxone. R.C. 4729.51.

Placement of Female Delinquents in Community Corrections Facilities. Authorizes the Department of Youth Services, with the consent of the Montgomery County juvenile court, to establish a unit within the Montgomery County Center for Adolescent Services for female felony delinquents committed to the custody of the Department; authorizes the Department to place female felony delinquents in the facility without separate approval of the court.