



# Judicial Impact Statement

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## SB 265 – Enhanced penalty – Domestic Violence & “Impaired Persons”

SB 265

Sen. Kunze

### Title Information

To amend section 2919.25 of the Revised Code to increase the penalty for the offense of domestic violence when the victim is a functionally impaired person.

### Background

Under existing law, the offense of domestic violence is a misdemeanor of the fourth degree. Under certain circumstances in existing law, the offense can escalate to a felony. S.B. 265 creates a new penalty enhancement: if the victim of the offense is a functionally impaired person (defined in existing law at R.C. 2903.10), the offense is elevated to a felony of the fourth degree.

### Judicial Impact

The Judicial Conference generally disfavors sentencing or penalty enhancements based on a special class of victims, in this case “functionally impaired person[s].” The harm that a particular victim suffers is no different simply because that victim falls into a particular class. The law must be applied equally regardless of who the victim is, and judges will always use their discretion in imposing sentences based on all relevant circumstances surrounding the offense, including, but not limited to, the position, condition, or status of the victim at the time of the offense.

#### What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio’s court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.