



Ohio Judicial Conference

The Voice of Ohio Judges

July 1, 2022

Honorable Bill Seitz
77 South High Street, 14th Floor
Columbus, OH 43215

Honorable Daniel Troy
77 South High Street, 10th Floor
Columbus, OH 43215

Re: Ohio Judicial Conference's Feedback on House Bill 419

Dear Representative Seitz and Representative Troy:

Members of the Ohio Judicial Conference's Probate Law & Procedure Committee attended the April 25, 2022 meeting of the Ohio Attorney General's Elder Abuse Commission. At that meeting, Representative Troy encouraged the Elder Abuse Commission members to provide feedback and recommendations for H.B. 419. In response to Representative Troy's request, our Probate Law & Procedure Committee has reviewed and discussed the bill. We have no changes to recommend based on the feedback below.

It is the general policy of the Judicial Conference to defer to the legislature regarding penalty changes. However, the probate judges who have jurisdiction over Adult Protective Services cases believe the bill would create an appropriate change by increasing the penalty for failure to report elder abuse from an unclassified misdemeanor to a fourth-degree misdemeanor, commensurate with the penalty for failure to report child abuse. H.B. 419 also fills a needed gap by specifying a mental state for failure to report elder abuse. Under the bill, knowledge of the abuse is required, consistent with the mens rea for failing to report child abuse. Our Juvenile Law & Procedure Committee agrees that the mental state and criminal penalties for failing to report child abuse and elder abuse should be the same.

We thank you for the opportunity to present our feedback for H.B. 419. If you would like to arrange a meeting with the Judicial Conference, please do not hesitate to contact our Juvenile and Probate Law & Procedure Committee liaison Shawn Welch, by phone at (614) 387-9765 or by email at shawn.welch@sc.ohio.gov. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Paul E Pfeifer". The signature is written in a cursive style with a large, looped initial "P" and a distinct "E".

Paul E. Pfeifer
Executive Director
Ohio Judicial Conference