



January 8, 2018

### Legislation and Policy in the News:

[Crime Victims' Rights  
Campaign Faces Fresh  
Backlash: Associated Press,  
December 27, 2017](#)

[Ohio's Child Support System:  
Everyone Agrees It's Broken  
But Fix Has Taken 25 Years  
and Counting; Cincinnati  
Enquirer, January 2, 2018](#)

[What Does Jeff Sessions' New  
Marijuana Policy Mean for  
Ohio?; cleveland.com, January  
5, 2018](#)

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## Legislative News: Two Week Review

- Happy New Year!! The legislature is expected to resume sessions on 1.17.18.
- **Marsy's Law** (Issue 1) passed overwhelmingly, 11.7.17. It goes into effect on the 91<sup>st</sup> day after Election Day, or 2.5.18. It will have a particularly significant impact on "full and timely restitution," which is a right afforded to victims and is to be protected "in a manner no less vigorous than the rights afforded to the accused."
- **SB 246** (Sens. Lehner, Manning) **Student Safety Act**, introduced 12.21.17. Among other things, the bill revises the procedures for emergency removal of a student and prohibits certain suspensions and expulsions of students in grades pre-K - 3.
- **HB 455** (Rep. Wiggam) **Drug Trafficking**, introduced 12.27.17. The bill provides that, in determining the amount of cocaine for trafficking offenses, the weight of a compound, mixture, preparation, or substance containing cocaine is included. The bill also increases penalties for certain drug trafficking offenses, including making an F4 trafficking offense an F3 with a mandatory prison term, making an F3 trafficking offense an F2 with a mandatory prison term, and making an F3 aggravated trafficking offense an F1 (the statute already provides a mandatory prison term for this offense).
- **HB 457** (Rep. Antani) **Opiate Use; Parole & Community Control**, introduced 12.28.17. The bill mandates a court to sentence an offender serving a community control sanction or a parolee who fails a drug test for heroin, fentanyl, or carfentanil to jail or a residential treatment program for up to 30 days.
- The Ohio Supreme Court held that there is no statutory right to an **interlocutory appeal on a juvenile bindover**. A child whose case has been transferred by a juvenile court to adult court cannot appeal the bindover decision until adult court proceedings have concluded, the Supreme Court ruled. [In re D.H., Slip Opinion No. 2018-Ohio-17](#). If passed, **HB 394** (Juvenile Omnibus Bill) would contain a statutory right to an interlocutory appeal in juvenile bindover cases.
- The Ohio Supreme Court held that, without a "usual dose range" to show "bulk amount," the statutory requirements for proving **enhanced felony levels of aggravated possession of fentanyl** could not be met. Ohio statute defines drug felony levels based on "bulk amount," and that term is defined as an amount in excess of the "usual dose range." [State v. Pountney, Slip Opinion No. 2018-Ohio-22](#). If passed, **SB 1** would increase penalties for fentanyl possession and trafficking.

For a complete list of bills & the latest issue of **BillBoard**, please visit the [OJC website](#).



[Marta Mudri](#)

Legislative Counsel  
Civil Law; Specialized  
Dockets; Jury Service



[Shawn Welch](#)

Deputy Legislative Counsel  
Probate Law; Domestic  
Relations Law; Juvenile Law



[Josh Williams](#)

Deputy Legislative Counsel  
Criminal Law; Traffic Law;  
Appellate Law, Magistrates



[Justin Long](#)

Legislative Services  
Specialist  
Publications; PCCO