

## Legislative News: Two-Week Review



August 1, 2022

### ***In Case You Missed It:***

[\*The Cause of the Crime Wave is Hiding in Plain Sight: The Atlantic, July 19, 2022\*](#)

[\*Governor DeWine Announces Recommendations for Post-Release Control Supervision in Ohio, July 29, 2022\*](#)

*The Ohio Judicial Conference is dedicated to serving all Ohio judges. The Judicial Conference is the voice of the judiciary & a primary resource to ensure the fair, unbiased, open & effective administration of justice.*

- **HB 708** (Reps. Davis, Seitz) **Penalty Reductions due to Changes in Law**, introduced 7.26.22. Under the bill, if a penalty for an offense is reduced by a change in the Code or the Constitution, a penalty previously imposed on an offender may also be reduced. The bill tasks the Ohio Criminal Sentencing Commission with notifying the State Public Defender, each county public defender, and the Correctional Institution Inspection Committee of any such change; and with developing a form by which a person, eligible under the bill, would apply for a reduction in penalty. Within 30 days of the receipt of such an application, a court must grant the application if the court finds that the penalty imposed was subsequently reduced; the court is to determine the new sentence by applying the current purposes, principles, and factors of sentencing.
- **HB 709** (Reps. Miranda, Seitz) **Statute of Limitations for Childhood Abuse Claims**, introduced 7.26.22. The bill eliminates the statute of limitations for a civil action based on a claim of childhood sexual abuse only for purposes of filing claims against a bankruptcy estate. Under current law, all actions for assault and battery based on childhood sexual abuse must be brought within 12 years after the cause of action accrues, which is, under statute, upon the date the victim reaches the age of majority. This law would remain for any claims against anyone other than a bankruptcy estate.
- On 7.21.22, the Ohio Supreme Court decided [\*State v. Brooks\*](#), a case that challenged a 2018 change in state law ([132 HB 228](#)) that shifted the burden of proof, effective on the date of the bill's enactment. The Court held that prosecutors, not defendants, bear the burden of proof of self-defense claims for any trial beginning after 3.28.19, regardless of when the alleged offense occurred.
- The public comment period is over for proposed changes to the Rules of Superintendence regarding the **Sentencing Data Platform**. On 7.26.22, the Platform Governance Board issued a [memo](#) to address the submitted comments.
- The Ohio Supreme Court is accepting public comment on a proposed [webform](#) to inquire about **case status and delays** in court cases. Comments on the proposal should be submitted to [casemgmt@sc.ohio.gov](mailto:casemgmt@sc.ohio.gov) by 8.12.22.
- The [Office of Criminal Justice Services](#) is accepting grant applications for the \$10 million **Ohio Court Backlog Reduction Program**. [HB 169](#) recently dedicated \$250 million in American Rescue Plan Act funding to first responders, and that money is meant to support "every aspect of our criminal justice system," according to a statement from the Governor's office, including courts.
- **Save the Date:** the Ohio Judicial Conference's **Annual Meeting** takes place 9.15.22 and 9.16.22. This year's theme is "Envision this World: A Modern Judiciary." Join us for a U.S. constitutional law update and for discussions on judicial wellness and stress management; eWarrant implementation; medical marijuana; active shooters; and high-tech stalking of domestic violence victims. Registration is now open via the Ohio Judicial Conference's [website](#).

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



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