

## Legislative News: Two-Week Review



January 19, 2021

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

[Potential George Floyd Trial Jurors Being Selected; Insider, December 24, 2020](#)  
[View 14-page Juror Questionnaire](#)

[The Left of Bang Principle; National Judicial College, January 11, 2021](#)  
[View Judicial Security Checklist](#)

### [Ohio Public Health Orders](#)

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

- [SB 175](#) (Sen. Schaffer) **Stand Your Ground Bill**, signed by the Governor, 1.4.21. The bill expands the locations at which a person has no duty to retreat before using force under both civil and criminal law. The bill takes effect 90 days after being signed by the Governor.
- [SB 256](#) (Sens. Lehner, Manning) **LWOP Sentences for Juveniles**, signed by the Governor, 1.9.21. The bill prohibits a sentence of life without the possibility of parole for offenders who were younger than 18 at the time of the offense, with some significant exceptions. Instead, there are special parole eligibility dates for the offender. When sentencing someone who committed an offense when younger than 18, the court must consider youth and its hallmarks, family and home environment, extent of participation in the event, extent to which youth contributed to a more serious charge, and evidence of rehabilitation. The parole board is to consider the same factors when making its determination. The bill was amended to allow for limited continuances in abuse, neglect, and dependency proceedings for good cause shown. The bill takes effect 90 days after being signed by the Governor.
- The [2021 Consolidated Appropriations Act](#), effective 12.27.20, extended the federal CARES Act. It also extended the **moratorium on evictions**, but only until 1.31.21. It contains funding meant to be used for rent subsidies, which will be distributed at the state level.
- On 12.23.20, the Court decided *Lingle v. State*, Slip Opinion No. 2020-Ohio-6788. When former R.C. 2950.09 applies, out-of-state sex offenders cannot be automatically designated as sexual predators subject to lifetime registration in Ohio. Instead, a trial court is to use a standard of clear and convincing evidence to examine why the offender was required to register for life and whether that reason is substantially similar to a classification as a sexual predator in Ohio. The statute does not contemplate a recidivism hearing.
- On 12.23.20, the Court decided *State v. Pendleton*, Slip Opinion No. 2020-Ohio-6833. A sentencing court may not impose greater punishment than the legislature intended and it is double jeopardy for a court to impose 2 consecutive sentences for trafficking based on a single mixture of drugs containing both heroin and fentanyl.
- On 12.23.20, the Court decided *State ex rel. Romine v. McIntosh*, Slip Opinion No. 2020-Ohio-6826, stating that imposition of two sentences for allied offenses prior to merger is a violation of R.C. 2941.25(A). Further, imposition of compound sentences for allied offenses is an error in the exercise of jurisdiction, to be challenged at sentencing and remedied on direct appeal.
- On 12.31.20, the Court reconsidered a case decided on 12.15.20: *State v. Gideon* (Slip Opinion No. 2020-Ohio-6961, 5636). The Court ruled that a medical license is a property right and its threatened loss is coercion. Unless the threat is both subjectively believed and objectively reasonable, coercion is not sufficient to warrant the suppression of statements made during a medical-board investigative interview.

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



Legislative Counsel  
*Civil Law; Specialized Dockets; Community Corrections*



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



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



Legislative Services Specialist;  
*Publications; PCCO; Professionalism*

[Marta Mudri](#)

[Shawn Welch](#)

[Josh Williams](#)

[OJC | www.ohiojudges.org](http://www.ohiojudges.org) | 614.387.9750

[Justin Long](#)

Legislative Counsel  
*Civil Law; Specialized  
Dockets; Community  
Corrections*

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

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

Legislative Services  
Specialist;  
*Publications; PCCO;  
Professionalism*