

## Legislative News: Two-Week Review



September 26, 2022

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

[The Supreme Court's new website is live. This is a reminder to double check your links to the site to make sure they still work.](#)

[What to Know About Ohio State Issue 1; Columbus Dispatch, September 21, 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.*

- In *Portage Cty. Educators Assn. for Dev. Disabilities-Unit B, OEA/NEAv. State Emp. Relations Bd.*, [Slip Opinion No. 2022-Ohio-3167](#), decided 9.13.22, the Ohio Supreme Court ruled that the statutory prohibition (R.C. 4117.11(B)(7)) against encouraging any individual in a labor-relations dispute to picket the residence or place of private employment of any public official of the public employer violates the First Amendment.
- In *State v. Wilson*, [Slip Opinion No. 2022-Ohio-3202](#), decided 9.14.22, the Ohio Supreme Court found that a motorist cannot violate an OVI suspension unless the vehicle in question is moving, thus clarifying the definition of "operating" a vehicle.
- In *State v. O'Malley*, [Slip Opinion No. 2022-Ohio-3207](#), decided 9.15.22, the Ohio Supreme Court upheld the use of a state law that requires certain OVI offenders to forfeit their vehicles. The majority opinion stated that a man's constitutional rights against excessive fines were not violated when he had to forfeit his \$31,000 truck after his 3<sup>rd</sup> drunk driving violation in 10 years
- [Proposed changes](#) to the Rules of Civil Procedure (1, 1.1, 4.1, 4.6, 10, 26, 30, 33, 36, 37, 39, 43, 65.1, 73, 75 and Civil Form 20), the Rules of Criminal Procedure (1, 2, 10, 12, 15, 40, and 43), the Rules of Evidence (101, 601, and 609), and the Rules of Juvenile Procedure (1, 2, 8, 27, 34, 35, and 41) have been published for public comment. One of the controversial proposals from the last Rule cycle, a change to CivR 39, has been tweaked to expressly allow for *bench trials* to be conducted remotely based on a number of factors, including age and special needs of a witness, whether translation will be required and how exhibits will be handled. The public comment period ends 10.27.22.
- The OJC's Jury Instructions Committee has completed **14 new jury instructions**, some necessitated by recent statutory changes. The new instructions are available on the [OJC website](#) and include: use of non-deadly force in self-defense, the defense of another, or the defense of a residence; carrying concealed weapons; retaliation; making false claims; criminal mischief; criminal trespass and aggravated trespass; and trafficking in persons.
- Just **5 voting sessions remain** in the 134<sup>th</sup> General Assembly per chamber: 11.16.22 (House and Senate), 11.30.22 (House and Senate), 12.1.22 (House), 12.7.22 (Senate), 12.14.22 (House and Senate), and 12.21.22 (House and Senate).
- More than 60 criminal appeals of F1 and F2 convictions challenging sentences under the **Reagan Tokes Act** are awaiting oral argument at the Ohio Supreme Court. Enacting legislation [SB 201](#) took effect in 2019. It requires a minimum and maximum term for violent crimes including rape, kidnapping, aggravated robbery, and others.
- **Did you know?** The [Supreme Court of Ohio Law Library](#) can assist you and your staff with **legal research needs** like searching for older law review or bar journal articles on a particular topic. Email your research questions to [libref@sc.ohio.gov](mailto:libref@sc.ohio.gov).
- **Did you know?** Effective 1.1.24, judges and magistrates may earn up to half of their biennial 40 hours of CLE remotely.

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



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