

Legislative News: Two-Week Review



January 9, 2023

In Case You Missed It:

[New Documentary Showcases Chief Justice O'Connor's Long Career in Public Service](#)

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.

- Keep an eye on our website for **Enactment News** providing effective dates and explaining the various bills that were passed in December: [SB 16](#) (Increase in penalty for assault and amended to include changes to importuning crimes, to police riot powers, and to shackling of pregnant detainees); [SB 288](#) (the criminal justice omnibus that was heavily amended to include distracted driving restrictions, and clarification of charges allowable when a juvenile is bound over); [HB 343](#) (Marsy's Law, or the victims' rights bill); [SB 202](#) (a guardianship bill that was amended to include some portions of [SB 199](#), and to require a Bail Task Force that collects data from sheriffs about jail population); and others.
- In [Brandt v. Pompa](#), Slip Opinion No. 2022-Ohio-4525, decided 12.16.22, the Ohio Supreme Court found that **tort damage caps** are unconstitutional when applied to sexually abused children.
- In [State v. Hill](#), Slip Opinion No. 2022-Ohio-4544, decided 12.20.22, the Ohio Supreme Court ruled that a trial court abused its discretion by denying defendant's request to enter a **no-contest plea** based on trial court's own review of the appealable issues.
- In [State v. Messenger](#), Slip Opinion No. 2022-Ohio-4562, decided 12.21.22, the Ohio Supreme Court ruled that the 2018 change to the **self-defense law** does not change the way a case is evaluated by an appeals court. On appeal, a sufficiency-of-the-evidence standard of review applies to the defendant's burden of production and a manifest-weight standard of review applies to the state's burden of persuasion.
- In [State v. Burns](#), Slip Opinion No. 2022-Ohio-4606, decided 12.23.22, the Ohio Supreme Court decided that, in cases with a **juvenile defendant bound over** to the adult court, while the law does not allow an adult court to move forward with charges for which no probable cause was found by the juvenile court (per [State v. Smith](#) decided on 2.3.22), a prosecutor *can* charge a juvenile with additional counts in adult court that were not presented in juvenile court as long as the new charges are rooted in the acts that were the subject of the juvenile complaint.
- In [State v. Gwynne](#), Slip Opinion No. 2022-Ohio-4607, decided 12.12.23.22, the Ohio Supreme Court struck down for the second time an appeals court decision regarding a 65-year prison sentence. When reviewing a trial court's **imposition of consecutive sentences**, appellate courts are not required to be deferential to the trial court findings under the consecutive sentencing statute.
- In [TWISM Ents., L.L.C. v. State Bd. of Registration for Professional Engineers & Surveyors](#), Slip Opinion No. 2022-Ohio-4677, decided 12.29.22, the Ohio Supreme Court ruled that Ohio courts are not mandated to defer to state agency interpretations. The so-called "**Chevron deference**," which is a doctrine used in the federal courts, has no place in Ohio law.
- The Ohio Public Defender has released an [update on the status of indigent reimbursement](#). Taking into account the submissions received thus far during FY23, the OPD continues to project a reimbursement rate of approximately 90% for FY23.

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



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