



# **OHIO'S STATEHOUSE-TO-PRISON PIPELINE: 132<sup>ND</sup> GENERAL ASSEMBLY (2017-2018)**



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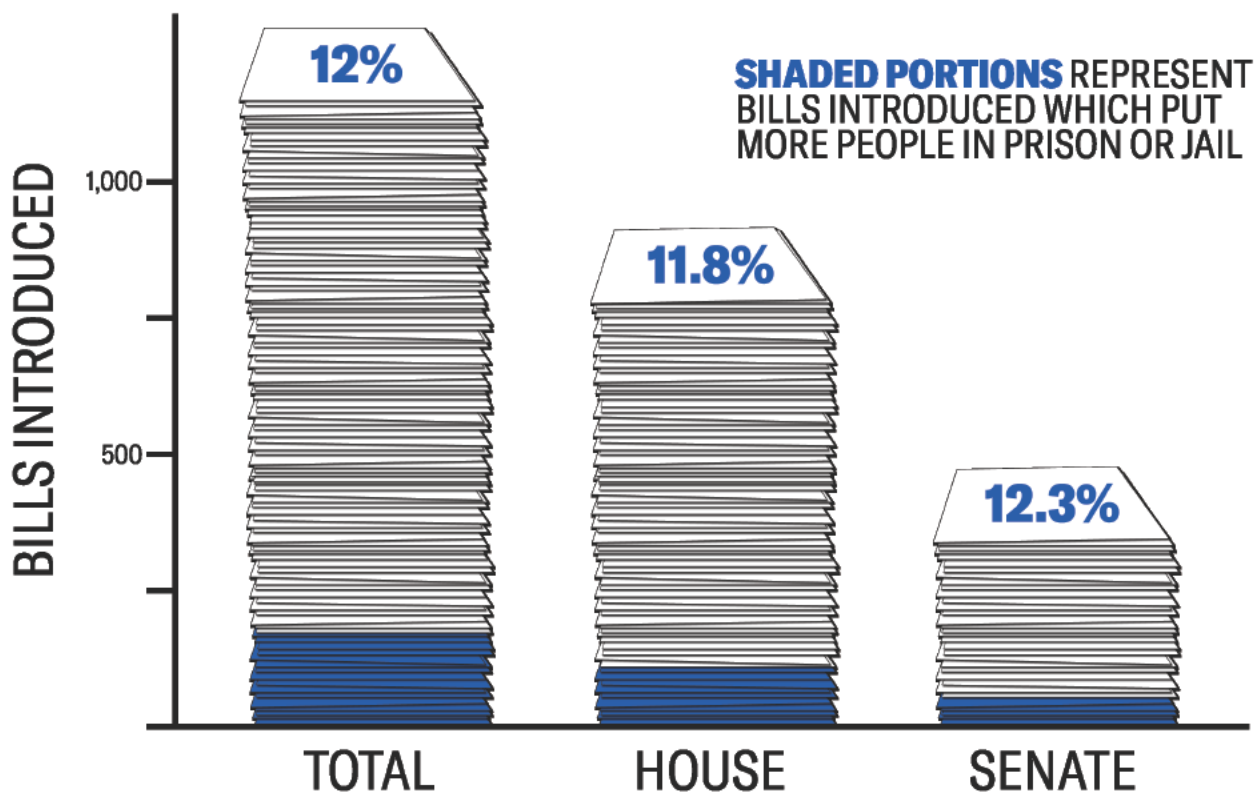
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## THE 132<sup>ND</sup> OHIO GENERAL ASSEMBLY (A VISUAL REPRESENTATION)



## OHIO AT A GLANCE

- OHIO PRISONS HAVE HOVERED AROUND 130% CAPACITY FOR YEARS
- INCARCERATION IN OHIO HAS NEARLY QUADRUPLED SINCE 1980
- IN 2016, OHIO HAD THE 5TH LARGEST PRISON POPULATION IN THE COUNTRY
- BLACK PEOPLE COMPRISE 44% OF THE PRISON POPULATION EVEN THOUGH THEY ONLY MAKE UP 12% OF THE ADULT POPULATION IN OHIO
- IN 2016, 16% OF THE OHIO PRISON POPULATION WAS SERVING TIME FOR A DRUG OFFENSE

## OVERVIEW

Mass incarceration begins at the Statehouse. Each year, legislators of both parties introduce laws that create new crimes or expand the scope of existing laws and lengthen prison and jail sentences. This is the Statehouse-to-Prison Pipeline.

Previously, we released similar reports for midway through the 131<sup>st</sup> Ohio General Assembly (2015-2016), the entire session of the 131<sup>st</sup> Ohio General Assembly, and midway through the 132<sup>nd</sup> Ohio General Assembly (2017-2018).

The purpose of this report is to highlight the role and responsibility of the Ohio General Assembly in maintaining our state's ongoing, dangerously overcrowded prison system. Of course, this is not a new concern as Ohio's prison system has been shamefully operating far above capacity for decades.

Still, as the legislature prepares to consider and debate the State of Ohio's next operating budget this spring, many senators and representatives will surely express surprise and dismay at preparing to spend an estimated \$2 billion a year on our prison system. Indeed, this occurs every budget cycle.

What too many legislators fail to grasp is their direct role in imprisoning tens of thousands of Ohioans and the huge impact this has on our communities, our families, and our economy. When pressed, legislators who introduce, sponsor, or vote for sentencing enhancement bills will often attempt to deflect criticism and concerns by saying the specific bill they support will have only a minimal negative impact on overcrowding and other problems. But all bills of this type contribute to the problem. It's mass incarceration by a thousand cuts.

**Legislators must stop the continuous pipeline of bills that put more and more people behind bars.**

## THE 132<sup>ND</sup> OHIO GENERAL ASSEMBLY (2017-2018)

The Statehouse-to-Prison Pipeline continues to be a bipartisan creation in Ohio with legislators on both sides of the aisle often agreeing to a large - sometimes unanimous - degree to increase the prison population and further pack our local jails.

This past session, 1,144 bills were introduced. Of those, a whopping 137 bills - 12% of all bills introduced - contained provisions to send more people to prison or jail.\*

Breaking these numbers down further, the House introduced 796 bills. Of those, 94 (or 11.8%) would throw more people in prison or jail. The Senate introduced 348 bills and 43 (or 12.3%) do the same.

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\* Of those 137 bills, 22 were approved by the legislature and became law.

## A CLOSER LOOK AT THE PIPELINE

The following two bills are examples of the Ohio General Assembly's default towards mass incarceration. Both bills are now law, both passed with substantial bipartisan support, and both will noticeably impact prison and jail numbers.

Senate Bill 1 aimed to address the problems of fentanyl and related substances across the state. Legislators are right to be concerned about the impact of fentanyl and its large role in Ohio's overdoses and overdose deaths. The problem with SB 1 is its purported solutions are nothing more than a continuation of the thoroughly failed and discredited War on Drugs approach.

SB 1 was repeatedly framed as legislation to target traffickers while acknowledging low-level users need help. However, what was claimed and what SB 1 actually does are two different realities. SB 1 significantly increases punishment for possession of even the smallest amounts of fentanyl. Combine this with Ohio law that requires that any non-drug substance containing any amount of fentanyl be treated as 100% fentanyl (this is true for other drugs and substances, as well), and **we have a recipe for even more packed prisons and jails throughout the state.**

Senate Bill 1 passed the Senate 27-6 and passed the House 91-7.\*\*

Senate Bill 201 was introduced following the highly-publicized murder of an Ohio State University student by someone recently released from prison. It was one of three bills quickly introduced and meant to address possible shortfalls leading to this tragic incident. The legislature concluded that Ohio needed to adopt indefinite sentencing to ensure violent offenders who still pose a risk to others are not released.

Indefinite sentencing can be a positive development when used thoughtfully and when other, concurrent steps are taken to reduce prison populations so the end effect is not simply an increase in those numbers. The problem with the passage of SB 201 is it ignored those other needed steps. While SB 201 did contain provisions to theoretically make improvements, the legislature disregarded testimony from opponents that those steps did not go nearly far enough and, in some cases, expanded practices that are already underutilized. Even proponents admitted SB 201 will increase the prison population. **The only question now is – by how much?**

Senate Bill 201 passed the Senate 33-0 and passed the House 76-0.

\*\* SB 1 also later went to conference committee and that report was adopted by the Senate 31-1 and the House 82-12.

**NEARLY 1 IN 8 BILLS INTRODUCED  
IN THE 132<sup>ND</sup> OGA CONTAINED A  
SENTENCING ENHANCEMENT.**



Although it fell just short of becoming law last session, House Bill 296 is also worth mentioning. HB 296 would have increased the penalties for selling drugs in the vicinity of a treatment facility. It would have enhanced sentences, expanded mandatory minimums, and would not even require that the defendant knew they were near a treatment facility. We choose to highlight this bill because it illustrates everything wrong and counterproductive about Ohio's failed but ongoing approach to drugs and drug offenses. Yet, HB 296 received overwhelming bipartisan support.

HB 296 passed the House 92-1 and passed out of the Senate Judiciary Committee 7-2.

**TO SEE PRISON AND JAIL NUMBERS REDUCED IN IMPACTFUL, POSITIVE WAYS, OHIO LEGISLATORS **MUST STOP** INTRODUCING AND PASSING BILLS THAT UNDERMINE REFORM EFFORTS AND KEEP OUR PRISONS AND JAILS PACKED BEYOND CAPACITY.**

## COMPARING THE 132<sup>ND</sup> OGA TO THE 131<sup>ST</sup>

Unfortunately, as the chart (opposite) demonstrates, almost every number tracked for the purposes of the Statehouse-to-Prison Pipeline Report increased this past session when compared to the prior session. Some of the increases are more troubling than others.

For instance, while the Senate introduced 28 fewer bills in total, it included 19 more bills with mass incarceration implications when compared to the prior session. This is a jump from 6.4% to 12.3% of all bills introduced in the Senate.

Between both sessions, 38 total bills of this type became law — each one funneling more people into our overcrowded prisons and costing Ohio communities.

**We call on legislative leaders to stop adding to a problem they say they are trying to fix. Legislative leaders must commit to:**

- **Stop introducing bills that create new crimes or place additional penalties into state law.**
- **Instruct caucuses not to advance legislation already introduced that create new crimes or criminal penalties.**
- **Freeze sentencing enhancements permanently or, at a minimum, until a simplified version of the criminal code has been adopted.**

## 132<sup>ND</sup> OGA (2017-2018)

### TOTAL BILLS INTRODUCED

**1,144**

### BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**137**

### PERCENTAGE OF TOTAL BILLS INTRODUCED

**12%**

### BILLS THAT BECAME LAW

**22**

### HOUSE BILLS INTRODUCED

**796**

### HOUSE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**94**

### PERCENTAGE OF HOUSE BILLS INTRODUCED

**11.8%**

### SENATE BILLS INTRODUCED

**348**

### SENATE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**43**

### PERCENTAGE OF SENATE BILLS INTRODUCED

**12.3%**

## 131<sup>ST</sup> OGA (2015-2016)

### TOTAL BILLS INTRODUCED

**1,004**

### BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**91**

### PERCENTAGE OF TOTAL BILLS INTRODUCED

**9%**

### BILLS THAT BECAME LAW

**16**

### HOUSE BILLS INTRODUCED

**628**

### HOUSE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**67**

### PERCENTAGE OF HOUSE BILLS INTRODUCED

**10.6%**

### SENATE BILLS INTRODUCED

**376**

### SENATE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

**24**

### PERCENTAGE OF SENATE BILLS INTRODUCED

**6.4%**

# HOUSE BILLS

132<sup>ND</sup> OHIO GENERAL ASSEMBLY (2017-2018)

ENHANCED SENTENCING - CREATION OF NEW CRIMES - EXPANSION OF OFFENSES

## 94 BILLS INTRODUCED IN THE OHIO HOUSE CONTAINED A SENTENCING ENHANCEMENT.



A rectangle indicates a bill that was signed into law by the Governor

### **HB 1: Domestic violence protection orders**

Effect: Criminalizes violating the terms of a dating relationship domestic violence civil protection order.  
Sponsors: Manning(R), Sykes(D); 55 Republicans, 38 Democrats  
*Status: Passed House 93-0, Passed Senate 32-0, Signed by Governor*

### **HB 4: Cocaine offenses**

Effect: Clarifies cocaine offense sentencing includes weight of actual cocaine plus any mixture or additives that are not cocaine.  
Sponsors: Cupp(R), Rogers(D); 39 Republicans and 15 Democrats  
*Status: Passed House 97-0; 3 hearings in Senate Judiciary Committee*

### **HB 6: Publication of criminal records**

Effect: Criminalizes accepting or soliciting payment to remove, correct or modify the publication of criminal records.  
Sponsors: Barnes(D); 41 Republicans and 21 Democrats  
*Status: Passed House 88-4; Passed Senate 33-0; Signed by Governor*

### **HB 10: Crowdfunding**

Effect: Adds to existing law various actions regarding funds and securities subject to criminal penalties.  
Sponsors: Arndt(R); 24 Republicans, 15 Democrats  
*Status: Passed House 89-0, passed Senate 33-0*

### **HB 19: Arson offenses**

Effect: Expands offense of arson as it relates to manufacturing of controlled substances.  
Sponsors: Blessing(R), Landis(R); 5 Republicans  
*Status: 2 hearings in House Criminal Justice Committee*

### **HB 30: Prison terms – violent felonies**

Effect: Enhances sentences for felony offenses of violence that cause permanent disabling harm to victims under six years of age.  
Sponsors: Koehler(R); 4 Republicans, 2 Democrats  
*Status: Passed by House Criminal Justice Committee*

### **HB 33: Storage of firearms**

Effect: Criminalizes storing or leaving a firearm unsecured if a minor can gain access.  
Sponsors: Patmon(D); No cosponsors  
*Status: 1 hearing in House Government Accountability & Oversight Committee*

### **HB 38: Aggravated murder**

Effect: Expands offense of aggravated murder to include victims who are first responders or military members.  
Sponsors: Greenspan(R); 57 Republicans and 5 Democrats  
*Status: Passed House 91-0; Passed Senate 31-0; House Concurrence 79-0; Signed by Governor*

### **HB 63: Felonious assault**

Effect: Enhances penalty to include a mandatory prison term for felonious assault when an accelerant is used.  
Sponsors: Hughes(R); 65 Republicans and 27 Democrats  
*Status: Passed House 95-0; Passed Senate 33-0; Signed by Governor*

### **HB 67: Judgment confessions**

Effect: Creates offense of illegally obtaining a confession of judgment.  
Sponsors: Young(R); No cosponsors  
*Status: 3 hearings in House Financial Institutions, Housing & Urban Development Committee*

### **HB 68: Voyeurism and obscenity law expansion**

Effect: Expands penalties for voyeurism and obscenity laws to include victims who are impaired persons.  
Sponsors: Anielski(R); 55 Republicans and 23 Democrats  
*Status: Passed House 93-0; Passed Senate 29-0*



# HOUSE BILLS

## **HB 77: Child care centers**

Effect: Criminalizes operating a sick-child care center without a license.

Sponsors: Retherford(R); No cosponsors

Status: 3 hearings in House Economic Development, Commerce & Labor Committee

## **HB 92: Public indecency**

Effect: Expands sex offender registry for public indecency offenses in front of minors, which includes criminal penalties for not reporting.

Sponsors: Schaffer(R); 24 Republicans and 10 Democrats

Status: Passed House 80-0; Passed Senate 31-0; Signed by Governor

## **HB 97: Spousal exceptions – sex offenses**

Effect: Eliminates spousal exceptions for offenses of rape, sexual battery, and several related offenses.

Sponsors: G. Johnson(D) and Boggs(D); 1 Republican and 14 Democrats

Status: 1 hearing in House Criminal Justice Committee

## **HB 109: Felony offenses against disabled or elderly victims**

Effect: Enhances penalties for felony offenses committed against disabled or elderly victims.

Sponsors: Patmon(D); 2 Republicans

Status: 2 hearings in House Criminal Justice Committee

## **HB 111: Mental health commitments**

Effect: Criminalizes providing certain alcohol and drug addiction services without a license.

Sponsors: Carfagna(R) and Ryan(R); 41 Republicans and 28 Democrats

Status: Passed House 94-0, Passed Senate 31-0, House Concurrence 86-4; Signed by Governor

## **HB 113: Union dues**

Effect: Criminalizes requiring employees to join unions, pay union dues and fees, and related actions.

Sponsors: Brinkman(R); 12 Republicans

Status: No hearings

## **HB 120: Precious metals**

Effect: Criminalizes advertising as precious metals dealer when not licensed.

Sponsors: Henne(R); 1 Republican and 1 Democrat

Status: 2 hearings in House Economic Development, Commerce & Labor Committee

## **HB 141: Involuntary manslaughter**

Effect: Expands involuntary manslaughter offense to include the sale, distribution, etc. of controlled substances.

Sponsors: Dever(R) and Wiggam(R); 8 Republicans

Status: 4 hearings in House Criminal Justice Committee

## **HB 148: Home improvement contractors**

Effect: Prohibits acting as a home improvement contractor without board registration.

Sponsors: Patmon(D); 1 Republican

Status: 1 hearing in House Finance Committee

## **HB 149: Abortion trafficking**

Effect: Expands scope of and enhances penalties for abortion trafficking.

Sponsors: Patmon(D) and Conditt(R); 23 Republicans

Status: 4 hearings in House Health Committee

## **HB 151: Firearms dealers**

Effect: Creates offense “Illegal Transfer of a Firearm” with regard to certain firearms sales.

Sponsors: Patmon(D); no cosponsors

Status: 1 hearing in House Federalism & Interstate Relations Committee

## **HB 152: Hunting licenses**

Effect: Criminalizes hunting with a firearm restricted license.

Sponsors: Patmon(D); no cosponsors

Status: 1 hearing in House Federalism & Interstate Relations Committee

## **HB 153: Imitation firearms**

Effect: Creates a variety of criminal offenses regarding illegal manufacture, sale, alteration, disguising, etc. of imitation firearms.

Sponsors: Patmon(D); no cosponsors

Status: 1 hearing House Federalism & Interstate Relations Committee

## **HB 182: Debt adjusting**

Effect: Criminalizes not disclosing to debtors certain creditor information regarding settlement negotiations.

Sponsors: Seitz(R); 5 Republicans

Status: Passed House 58-37, 2 hearings in Senate Insurance & Financial Institutions Committee

# HOUSE BILLS

## **HB 190: Rail crossings**

Effect: Criminalizes motorist's failure to stop for on-track railroad equipment.

Sponsors: LePore-Hagan(D), Schuring(R); 25

Republicans, 29 Democrats

*Status: Passed House 88-0*

## **HB 191: Nurse anesthetists**

Effect: Prohibits certified registered nurse anesthetists from issuing orders for drugs or directing others to do the same.

Sponsors: Gonzales(R); 5 Republicans, 1 Democrat

*Status: 4 hearings in House Health Committee*

## **HB 198: Lottery ticket purchases**

Effect: Criminalizes accepting a credit card for lottery ticket purchases.

Sponsors: Koehler(R); 9 Republicans, 2 Democrats

*Status: 1 hearing in House Government*

*Accountability & Oversight Committee*

## **HB 199: Mortgage lending**

Effect: Criminalizes various actions including acting as a mortgage lender or broker without proper certification.

Sponsors: Blessing III(R); 22 Republicans, 1 Democrat

*Status: Passed House 67-17, passed Senate 80-8, signed by Governor*

## **HB 211: Home inspectors**

Effect: Prohibits unlicensed home inspectors and misrepresenting licensure.

Sponsors: Hughes(R), 20 Republicans, 17 Democrats

*Status: Passed House 74-6, passed out of Senate Transportation, Commerce & Workforce Committee*

## **HB 213: Real estate appraisers**

Effect: Criminalizes numerous actions including altering or modifying completed appraisal reports.

Sponsors: Dever(R); 8 Republicans, 11 Democrats

*Status: Passed House 82-8, passed Senate 31-1, signed by Governor*

## **HB 214: Down syndrome abortion ban**

Effect: Criminalizes performing an abortion when there is a fetal diagnosis of Down syndrome or any other reason to believe a fetus may have Down syndrome.

Sponsors: LaTourette(R), Merrin(R); 52 Republicans

*Status: Passed House 63-30, passed Senate 20-12, signed by Governor*

## **HB 226: Fireworks laws**

Effect: Prohibits negligently discharging, igniting, exploding fireworks while intoxicated.

Sponsors: Seitz(R), Sweeney(D); 7 Republicans

*Status: Passed House 77-12, 3 hearings in Senate Government Oversight & Reform Committee*

## **HB 228: Gun laws**

Effect: Expands unlawful transactions offense to include three additional situations.

Sponsors: Johnson(R), LaTourette(R); 60 Republicans

*Status: Passed House 64-26, passed Senate 19-10, House concurrence 59-21, vetoed by Governor, House veto override 67-22, Senate veto override 21-11*

## **HB 233: Concealed firearms**

Effect: Creates offense of criminal trespass with a deadly weapon.

Sponsors: Becker(R); 55 Republicans

*Status: Passed House 64-31*

## **HB 234: Reproductive health care access**

Effect: Criminalizes impeding access to reproductive health care.

Sponsors: Howse(D), LePore-Hagan(D); 9 Democrats

*Status: 1 hearing in House Criminal Justice Committee*

## **HB 236: Elevator laws**

Effect: Outlaws providing conveyance services or conducting inspections of the same without a license.

Sponsors: Cupp(R), Patton(R); 1 Republican

*Status: 3 hearings in House Economic Development, Commerce & Labor Committee*

## **HB 258: Abortion ban**

Effect: Criminalizes performing an abortion if a fetal heartbeat is detected.

Sponsors: Hagan(R), Hood(R); 61 Republicans, 1 Democrat

*Status: Passed House 60-35, passed Senate 18-13, House concurrence 53-32, vetoed by Governor, House veto override 61-28, Senate veto override failed 19-13*

## **HB 276: Utility workers – aggravated menacing**

Effect: Expands aggravated menacing offense to include protection of utility workers.

Sponsors: Greenspan(R), Rezabek(R), 20 Republicans, 19 Democrats

*Status: Passed House 89-3, 3 hearings in Senate Judiciary Committee*

# HOUSE BILLS

## **HB 278: Vehicular assault**

Effect: Expands vehicular assault offense to include failure to comply with move-over law.

Sponsors: Patton(R), Kelly(D); 1 Republican, 2 Democrats

Status: *Passed House Criminal Justice Committee*

## **HB 282: Criminal mischief – rental property**

Effect: Expands criminal mischief law to include rental properties when subject to mortgage and foreclosure actions.

Sponsors: Hambley(R); 8 Republicans

Status: *4 hearings in House Financial Institutions, Housing & Urban Development Committee*

## **HB 296: Drug offenses – treatment facilities**

Effect: Enhances penalties for some drug offenses near treatment facilities.

Sponsors: Gavarone(R); 38 Republicans, 6 Democrats

Status: *Passed House 84-0, Passed out of Senate Judiciary Committee*

## **HB 303: Service animals**

Effect: Criminalizes falsely claiming an animal is a service animal to gain access to public accommodations.

Sponsors: Kelly(D), Lipps(R); 6 Republicans, 9 Democrats

Status: *1 hearing in House Economic Development, Commerce & Labor Committee*

## **HB 305: Protection orders**

Effect: Prohibits possession of firearm if convicted of domestic violence, assault, etc. if the victim is a family or household member. Also prohibits the same if there is a court order or temporary protection order with regard to a family or household member.

Sponsors: Antonio(D), Boyd(D); 10 Democrats

Status: *1 hearing in House Federalism & Interstate Relations Committee*

## **HB 312: Political subdivision spending**

Effect: Expands misuse of credit card laws to include new parties.

Sponsors: Greenspan(R), Schuring(R); 47 Republicans, 17 Democrats

Status: *Passed House 90-0, passed Senate 32-0, House concurrence 91-0, signed by Governor*

## **HB 327: Importuning**

Effect: Expands importuning offense to include mandatory prison terms when victims are minors under certain circumstances.

Sponsors: Schaffer(R), K. Smith(D); 23 Republicans, 10 Democrats

Status: *4 hearings in House Criminal Justice Committee*

## **HB 348: Fentanyl penalties**

Effect: Enhances various penalties with regard to possession of and trafficking fentanyl and carfentanil.

Sponsors: Ginter(R); no cosponsors

Status: *No hearings*

## **HB 349: Search and rescue animals**

Effect: Expands current law and increases penalties for assault of search and rescue animals.

Sponsors: LaTourette(R); 10 Republicans, 7 Democrats

Status: *Passed House 69-11, 1 hearing in Senate Judiciary Committee*

## **HB 352: – Dangerous dogs**

Effect: Expands current law and increases penalties for various violations of dangerous dog laws.

Sponsors: Rezabek(R), Huffman(R); no cosponsors

Status: *1 hearing in House Government Accountability & Oversight Committee*

## **HB 355: Sexting**

Effect: Criminalizes sexting and related actions by those under 19 years of age.

Sponsors: Hill(R), Rezabek(R); 20 Republicans, 13 Democrats

Status: *Passed House 85-0, 2 hearings in Senate Judiciary Committee*

## **HB 360: Bullying and hazing in schools**

Effect: Increases penalty for hazing and creates additional hazing penalties.

Sponsors: Greenspan(R); 13 Republicans, 4 Democrats

Status: *Passed House 68-26, 2 hearings in Senate Education Committee*

## **HB 365: Indefinite sentencing**

Effect: Provides for indefinite sentencing for first, second, and some third degree felony offenses.

Sponsors: Hughes(R), Boggs(D); 26 Republicans, 19 Democrats

Status: *Passed House 83-3*

# HOUSE BILLS

## **HB 374: Child enticement**

Effect: Increases penalties and creates new prohibitions regarding child enticement laws.  
Sponsors: Cupp(R), Duffey(R); 4 Republicans, 2 Democrats  
*Status: 1 hearing in House Criminal Justice Committee*

## **HB 395: Firearm accessories**

Effect: Criminalizes sale, transfer and manufacture of devices or products to accelerate a semi-automatic firearm's rate of fire.  
Sponsors: Patmon(D); 4 Democrats  
*Status: 1 hearing in House Federalism & Interstate Relations Committee*

## **HB 405: Counterfeiting**

Effect: Creates counterfeiting offense.  
Sponsors: Perales(R); 49 Republicans, 25 Democrats  
*Status: Passed House 87-1, passed Senate 29-0, signed by Governor*

## **HB 423: Masked intimidation**

Effect: Creates the crime of masked intimidation.  
Sponsors: Lang(R), Seitz(R); 5 Republicans  
*Status: 2 hearings in House Criminal Justice Committee*

## **HB 426: School employees – sexual conduct**

Effect: Expands offense of sexual battery to include additional school employees.  
Sponsors: Hagan(R); 9 Republicans, 1 Democrat  
*Status: 1 hearing in House Criminal Justice Committee*

## **HB 432: Student loans**

Effect: Creates numerous crimes with regard to student loans, including violating application requirements.  
Sponsors: Boggs(D), Kelly(D); 1 Republican, 7 Democrats  
*Status: 1 hearing in House Financial Institutions, Housing & Urban Development Committee*

## **HB 455: Cocaine and drug offenses**

Effect: Increases penalties for certain drug offenses and clarifies cocaine offense sentencing includes weight of actual cocaine plus any mixture or additives that are not cocaine.  
Sponsors: Wiggam(R); 18 Republicans  
*Status: 1 hearing in House Criminal Justice Committee*

## **HB 457: Failed drug tests**

Effect: Requires jail (or treatment) for those who fail drug test for heroin, fentanyl, or carfentanil while on parole or community control sanction.  
Sponsors: Antani(R); no cosponsors  
*Status: 2 hearings in House Criminal Justice Committee*

## **HB 482: Nuisance properties**

Effect: Creates penalty for failing to comply with an order requiring abatement of a public notice.  
Sponsors: Lipps(R), A. Miller(D); 3 Democrats  
*Status: 1 hearing in House Civil Justice Committee*

## **HB 484: Health districts**

Effect: Expands misuse of credit card offense to include health district officers and employees.  
Sponsors: Brenner(R); 3 Republicans  
*Status: Passed by House State & Local Government Committee*

## **HB 489: Financial institutions**

Effect: Criminalizes acting as a mortgage servicer without proper registration.  
Sponsors: Dever(R); 31 Republicans, 10 Democrats  
*Status: Passed House 86-6, passed Senate 30-0, House concurrence 83-0, signed by Governor*

## **HB 496: Assault penalties – public transportation**

Effect: Increases assault penalties when the victim is a transit employee and increases penalty for evading fare.  
Sponsors: Kelly(D), Perales(R); 6 Democrats  
*Status: 1 hearing in House Criminal Justice Committee*

## **HB 497: Private sexual images**

Effect: Criminalizes dissemination of private sexual images without consent of subject.  
Sponsors: Rogers(D), Manning(R); 36 Republicans, 20 Democrats  
*Status: Passed House 81-0, passed Senate 31-0, House concurrence 85-0, signed by Governor*

## **HB 498: Resisting arrest**

Effect: Enhances penalties for resisting arrest offenses.  
Sponsors: Schuring(R); no cosponsors  
*Status: 1 hearing in House Criminal Justice Committee*



# HOUSE BILLS

## **HB 515: Parental rights**

Effect: Expands in a few ways the offense of endangering children.

Sponsors: Pelanda(R); 4 Republicans, 5 Democrats

Status: 3 hearings in House Community & Family Advancement Committee

## **HB 520: Solicitation**

Effect: Increases penalty for solicitation when person solicited is over 18.

Sponsors: A. Miller(D), Hughes(R); no cosponsors

Status: 1 hearing in House Criminal Justice Committee

## **HB 523: Abuse reporting**

Effect: Prohibits a false report regarding those required to report animal abuse.

Sponsors: Lanese(R), Perales(R); 10 Republicans, 10 Democrats

Status: Passed House 80-6

## **HB 528: Corpse abuse**

Effect: Expands the crime of and penalties for corpse abuse.

Sponsors: R. Smith(R), Rezabek(R); no cosponsors

Status: 1 hearing in House Criminal Justice Committee

## **HB 550: Family leave**

Effect: Criminalizes failing to remit premiums withheld from employees' wages.

Sponsors: Boyd(D), Boggs(D); 25 Democrats

Status: No hearings

## **HB 552: Animal euthanasia regulations**

Effect: Criminalizes performing chemical capture without proper certification or with unapproved drugs.

Sponsors: LaTourette(R); 13 Republicans, 10 Democrats

Status: Passed House 82-3, 2 hearings in Senate Agriculture Committee

## **HB 553: Theft in office**

Effect: Increases penalties for theft in office.

Sponsors: Cupp(R); 3 Republicans

Status: 1 hearing in House Criminal Justice Committee

## **HB 557: Art therapy**

Effect: Prohibits engaging in art therapy or using the title of art therapist without a license.

Sponsors: Anielski(R); 3 Republicans, 6 Democrats

Status: Passed House Health Committee

## **HB 560: Pet food**

Effect: Outlaws adulterating or distributing adulterated commercial feed or pet food.

Sponsors: Lanese(R); No cosponsors

Status: 1 hearing in House Agriculture & Rural Development Committee

## **HB 561: Spousal exceptions – sex offenses**

Effect: Eliminates spousal exceptions for rape and similar offenses.

Sponsors: Boggs(D), Lanese(R); 2 Republicans, 2 Democrats

Status: Passed by House Criminal Justice Committee

## **HB 565: Abortion ban**

Effect: Effectively bans and criminalizes abortion.

Sponsors: Hood(R), Vitale(R); 16 Republicans

Status: No hearings

## **HB 566: Cigarette prices**

Effect: Criminalizes retailers purchasing or acquiring cigarettes for less than the minimum wholesale price and related actions.

Sponsors: Scherer(R), Cera(D); 5 Republicans

Status: Passed by House Ways & Means Committee

## **HB 585: Gun laws**

Effect: Enhances and expands various existing gun penalties and prohibits purchasing or obtaining a firearm on behalf of a third party.

Sponsors: Henne(R); no cosponsors

Status: 4 hearings in House State & Local Government Committee

## **HB 597: Phone numbers**

Effect: Criminalizes theft or conversion of a phone number and deceptive practices regarding caller ID services.

Sponsors: Faber(R), Dever(R); 9 Republicans

Status: 3 hearings in House Criminal Justice Committee

## **HB 629: Campaign finance**

Effect: Outlaws knowingly using contributions to pay for or reimburse any person for travel costs outside the U.S.

Sponsors: Antani(R); no cosponsors

Status: No hearings

## **HB 633: Littering**

Effect: Criminalizes littering on one's own property in quantities dangerous to life or health.

Sponsors: Boggs(D), Miller(D); No cosponsors

Status: 2 hearings in House State & Local Government Committee



## HOUSE BILLS

### **HB 638: Child abuse**

Effect: Extends period of time for commencing prosecution for child abuse or neglect.

Sponsors: Kent(D); no cosponsors

Status: 1 hearing in House Criminal Justice Committee

### **HB 655: Fertilizer use**

Effect: Criminalizes variety of reckless manure applications in Western Basin of Lake Erie.

Sponsors: Sheehy(D); 3 Democrats

Status: 1 hearing in House Agriculture & Rural Development Committee

### **HB 656: Law enforcement database**

Effect: Criminalizes unauthorized use of information obtained from database tracking law enforcement officer terminations and resignations.

Sponsors: Sheehy(D); 2 Democrats

Status: 1 hearing in House Government Accountability & Oversight Committee

### **HB 658: Child custody – gender dysphoria**

Effect: Outlaws government employees providing or authorizing gender dysphoria treatment to a minor without parental consent.

Sponsors: Brinkman(R), Zeltwanger(R); no cosponsors

Status: 1 hearing in House Community & Family Advancement Committee

### **HB 674: Transit system employee assaults**

Effect: Increases penalties for assault of transit system employees.

Sponsors: Barnes(D); no cosponsors

Status: No hearings

### **HB 684: Companion animals**

Effect: Creates criminal penalty for improper tethering if the animal becomes sick or dies as result.

Sponsors: Barnes(D); no cosponsors

Status: No hearings

### **HB 685: Drone operation**

Effect: Criminalizes drone operation in certain areas and failing to track retail drone sales.

Sponsors: Barnes(D); no cosponsors

Status: No hearings

### **HB 688: Pregnancy restraints**

Effect: Expands criminal offense of “interfering with civil rights” to include restraining a pregnant women during her third trimester.

Sponsors: Antonio(D); 8 Democrats

Status: 1 hearing in House Community & Family Advancement Committee

### **HB 703: Concealed handguns**

Effect: Creates offense of illegal possession of a firearm in a government facility.

Sponsors: Becker(R); 9 Republicans

Status: 1 hearing in House Federalism & Interstate Relations Committee

### **HB 717: Massage parlor regulation**

Effect: Criminalizes acting as a massager for a massage establishment without a license.

Sponsors: Brenner(R); 2 Republicans

Status: 3 hearings in House State & Local Government Committee

### **HB 754: Animal ownership**

Effect: Prohibits those convicted of animal cruelty from owning or possessing a companion animal.

Sponsors: Brinkman(R); 5 Republicans

Status: 1 hearing in House Criminal Justice

### **HB 793: Sexual battery**

Effect: Expands crime of sexual battery to include removing a condom without knowledge or consent during sexual conduct with another person.

Sponsors: Ramos(D); No cosponsors

Status: No hearings

## HOUSE SUMMARY

### HOUSE BILLS INTRODUCED

796

### HOUSE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

94

### PERCENTAGE OF HOUSE BILLS INTRODUCED

11.8%

# SENATE BILLS

132<sup>ND</sup> OHIO GENERAL ASSEMBLY (2017-2018)

ENHANCED SENTENCING - CREATION OF NEW CRIMES - EXPANSION OF OFFENSES

## 43 BILLS INTRODUCED IN THE OHIO SENATE CONTAINED A SENTENCING ENHANCEMENT.

A rectangle indicates a bill that was signed into law by the Governor

### **SB 1: Fentanyl offenses**

Effect: Enhances penalties for fentanyl and fentanyl-related offenses.

Sponsors: LaRose(R); 65 Republicans, 11 Democrats

Status: Passed Senate 27-6, passed House 91-7, conference reported adopted by Senate 31-1, conference report adopted by House 59-10, signed by Governor

### **SB 14: Domestic workers**

Effect: Expands current law/penalties to include provisions regarding domestic workers' wages, overtime pay, and rest periods.

Sponsors: Tavares(D); 2 Republicans

Status: 1 hearing in Senate Transportation, Commerce & Workforce Committee

### **SB 20: Felonious assault – youth victim**

Effect: Enhances penalty when victim is under 10 and suffers permanent disabling harm.

Sponsors: Hackett(R); 59 Republicans, 19 Democrats

Status: Passed Senate 33-0, passed House 84-1, Senate concurrence 31-0, signed by Governor

### **SB 24: Consumer loans**

Effect: Creates a few felony offenses for violations of Consumer Installment Loan Act created by bill.

Sponsors: Terhar(R); 32 Republicans, 7 Democrats

Status: Passed Senate 32-0, passed House 92-0, signed by Governor

### **SB 28: Fetal tissue disposal**

Effect: Criminalizes failure to properly dispose of fetal tissue in some circumstances.

Sponsors: Uecker(R);

Status: Passed Senate 24-9, passed out of House Health Committee

### **SB 38: Minimum wage**

Effect: Creates criminal penalties for violating various misclassification provisions.

Sponsors: Yuko(D); 5 Democrats

Status: 1 hearing in Senate Transportation, Commerce & Workforce Committee

### **SB 42: Drug offenses**

Effect: Ensures that drug offense penalties that refer to particular substances also include mixtures and compounds including any amount of that substance.

Sponsors: Eklund(R); 9 Republicans, 1 Democrat

Status: 3 hearings in Senate Judiciary Committee

### **SB 67: Violent offender database**

Effect: Criminalizes failing to enroll in violent offender database or notify authorities of change of address.

Sponsors: Garder(R), Hite(R); no cosponsors

Status: 4 hearings in Senate Judiciary

### **SB 145: Abortion method**

Effect: Outlaws performing or attempting to perform an abortion using dilation and extraction method.

Sponsors: Huffman(R), Wilson(R); 42 Republicans

Status: Passed Senate 24-9, passed House 62-27, Senate concurrence 23-9, signed by Governor

### **SB 150: Domestic violence - firearms**

Effect: Outlaws failing to transfer firearms after a domestic violence, assault conviction against a family member, or after receiving certain protection orders.

Sponsors: Brown(D); 3 Democrats

Status: 1 hearing in Senate Judiciary Committee

### **SB 164: Down syndrome abortion ban**

Effect: Criminalizes performing an abortion when there is a fetal diagnosis of Down syndrome or any other reason to believe a fetus may have Down syndrome.

Sponsors: LaRose(R); 16 Republicans

Status: Passed Senate 20-12, passed out of House Health Committee

# SENATE BILLS

## **SB 171: Protection orders**

Effect: Enhances penalties for violations of certain protection orders.

Sponsors: Hottinger(R); 21 Republicans, 6 Democrats

Status: Passed Senate 32-0, 4 hearings in House Criminal Justice Committee

## **SB 195: Dog laws**

Effect: Enhances various penalties re: Ohio's dangerous dog laws.

Sponsors: Beagle(R); 1 Republican

Status: 3 hearings in Senate Judiciary Committee

## **SB 196: Bullying**

Effect: Creates the offense of aggravated bullying.

Sponsors: Williams(D); 1 Democrat

Status: 1 hearing in Senate Judiciary Committee

## **SB 197: Bullying in schools**

Effect: Creates the offense of aggravated bullying.

Sponsors: Williams(D); 1 Democrat

Status: 1 hearing in Senate Education Committee

## **SB 201: Prison terms and indefinite sentencing**

Effect: Provides for indefinite sentencing for first, second, and some third degree felony offenses.

Expands offense of pandering obscenity involving a minor and related crimes when the victim is an impaired person.

Sponsors: Bacon(R), O'Brien(D); 57 Republicans, 17 Democrats

Status: Passed Senate 33-0, passed House 76-0, Senate concurrence 76-0, signed by Governor

## **SB 207: Strangulation**

Effect: Expands offense of domestic violence to include suffocation and strangulation.

Sponsors: Kunze(R); 16 Republicans, 7 Democrats

Status: Passed Senate 30-0

## **SB 214: Genital mutilation**

Effect: Criminalizes female genital mutilation against those under age 18.

Sponsors: Terhar(R), Lehner(R); 50 Republicans, 22 Democrats

Status: Passed Senate 31-0, passed House 86-0, signed by Governor

## **SB 215: Create Ohio Pharmaceutical Assistance Program**

Effect: Criminalizes making false statement on application to participate in program.

Sponsors: Skindell(D); no cosponsors

Status: No hearings

## **SB 217: Brine disposal**

Effect: Increases penalties for improper disposal of brine.

Sponsors: Schiavoni(D); 4 Democrats

Status: 1 hearing in Senate Energy & Natural Resources Committee

## **SB 219: Firearm accessories**

Effect: Outlaws using devices to increase rate of fire for semi-automatic firearms.

Sponsors: Thomas(D); 5 Democrats

Status: 1 hearing in Senate Government Oversight & Reform Committee

## **SB 229: Regulation of controlled substances**

Effect: Expands misuse of credit prohibitions to include board of health employees.

Sponsors: Eklund(R); 30 Republicans, 13 Democrats

Status: Passed Senate 32-0, passed House 80-0, Senate concurrence 32-0, signed by Governor

## **SB 231: Violent offender database**

Effect: Criminalizes failing to enroll in violent offender database or notify authorities of change of address.

Sponsors: Gardner(R); 59 Republicans, 18 Democrats

Status: Passed Senate 31-2, passed House 85-0, Senate concurrence 24-3, signed by Governor

## **SB 244: Prostitution**

Effect: Increases penalties for promoting prostitution.

Sponsors: Dolan(R), Manning(R); 16 Republicans, 7 Democrats

Status: Passed Senate 33-0, 1 hearing in House Criminal Justice Committee

## **SB 249: Terminal conditions**

Effect: Criminalizes engaging in fraudulent activities when requesting aid-in-dying medication.

Sponsors: Tavares(D); 2 Democrats

Status: 1 hearing in Senate Health, Human Services & Medicaid Committee

## **SB 250: Critical infrastructure interference**

Effect: Enhances some criminal penalties when directed at critical infrastructure sites.

Sponsors: Hoagland(R); 10 Republicans

Status: Passed Senate 23-5



# SENATE BILLS

## **SB 251: Dissemination of private sexual images**

Effect: Outlaws the nonconsensual dissemination of private sexual images.

Sponsors: Schiavoni(D); 15 Republicans, 7

Democrats

Status: Passed Senate 31-0

## **SB 255: Occupational licensing**

Effect: Establishes criminal penalties for performing home inspections without a license and making false representations about license status.

Sponsors: McColley(R)

Status: Passed Senate 24-8, passed House 55-27,

Senate concurrence 24-8, signed by Governor

## **SB 260: Assault weapons**

Effect: Outlaws possession or acquisition of assault weapons.

Sponsors: Skindell(D), Tavares(D); 5 Democrats

Status: No hearings

## **SB 261: Paid leave**

Effect: Criminalizes failing to remit premiums withheld from employee wages.

Sponsors: Tavares(D); 1 Republican, 5 Democrats

Status: 1 hearing in Senate Insurance & Financial Institutions Committee

## **SB 267: Soliciting**

Effect: Increases penalty for solicitation.

Sponsors: Brown(D), Kunze(R); 1 Republican, 2

Democrats

Status: 1 hearing in Senate Judiciary Committee

## **SB 268: Theft in office**

Effect: Expands offense of theft in office in numerous ways.

Sponsors: Wilson(R); 34 Republicans, 10 Democrats

Status: Passed Senate 32-0, passed House 86-0

## **SB 278: Access to firearms**

Effect: Criminalizes having a firearm while subject to an emergency risk protection order and filing a false petition for an emergency risk protection order. Expands offense of having weapons while under a disability.

Sponsors: Schiavoni(D), Williams(D); 5 Democrats

Status: 2 hearings in Senate Government Oversight & Reform Committee

## **SB 279: Firearm storage**

Effect: Prohibits negligent storage of firearms.

Sponsors: Tavares(D), Sykes(D); 5 Democrats

Status: 1 hearing in Senate Government Oversight & Reform Committee

## **SB 283: Firearm transfer restrictions**

Effect: Criminalizes three types of firearm transfers.

Sponsors: Thomas(D), Schiavoni(D); 6 Democrats

Status: 1 hearing in Senate Government Oversight & Reform Committee

## **SB 284: Firearm purchases**

Effect: Increases penalty for improperly furnishing firearms to an underage person.

Sponsors: Thomas(D), Schiavoni(D); 6 Democrats

Status: No hearings

## **SB 285: Firearms transfers – gun shows**

Effect: Criminalizes transfer of firearms involving unlicensed transferors and transferees.

Sponsors: Thomas(D), Schiavoni(D); 6 Democrats

Status: 1 hearing in Senate Government Oversight & Reform Committee

## **SB 288: Firearm regulations**

Effect: Expands weapons under disability prohibitions to include domestic violence, violating a protection order, and any felony offense. Expands offense of unlawful transactions in weapons and enhances some other penalties.

Sponsors: Eklund(R), Kunze(R); no cosponsors

Status: 1 hearing in Senate Government Oversight & Reform Committee

## **SB 290: Telephone number theft**

Effect: Creates four offenses regarding theft of or conversion of phone numbers and misleading caller ID information.

Sponsors: Burke(R); 2 Republicans, 1 Democrat

Status: 2 hearings in Senate Judiciary Committee

## **SB 304: Fertilizer use**

Effect: Expands restrictions regarding manure application in western Lake Erie basin.

Sponsors: Brown(D), Yuko(D); 4 Democrats

Status: No hearings

## **SB 308: Elevator laws**

Effect: Criminalizes violating elevator license law.

Sponsors: Uecker(R), Yuko(D); no cosponsors

Status: Passed Senate Transportation, Commerce & Workforce Committee

## **SB 329: Hazing**

Effect: Expands offense of hazing and increases the penalty.

Sponsors: Bacon(R); 1 Republican

Status: 1 hearing in Senate Government Oversight & Reform Committee

# SENATE BILLS

**SB 339: Statute of limitations for rape and related crimes**

Effect: Eliminates statute of limitations for rape, conspiracy to commit rape, complicity in committing rape, and attempted rape.

Sponsors: Schiavoni(D); 5 Democrats

Status: No hearings

## SENATE SUMMARY

SENATE BILLS INTRODUCED

348

SENATE BILLS WHICH PUT MORE PEOPLE IN PRISON OR JAIL

43

PERCENTAGE OF SENATE BILLS INTRODUCED

12.3%

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FOR MORE INFORMATION ON  
OHIO’S STATEHOUSE-TO-PRISON PIPELINE,  
PLEASE VISIT: [ACLUOHIO.ORG/PIPELINE](https://acluohio.org/pipeline).







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