

# Ohio's Statehouse-to-Prison Pipeline:

131<sup>st</sup> General Assembly (2015–2016)



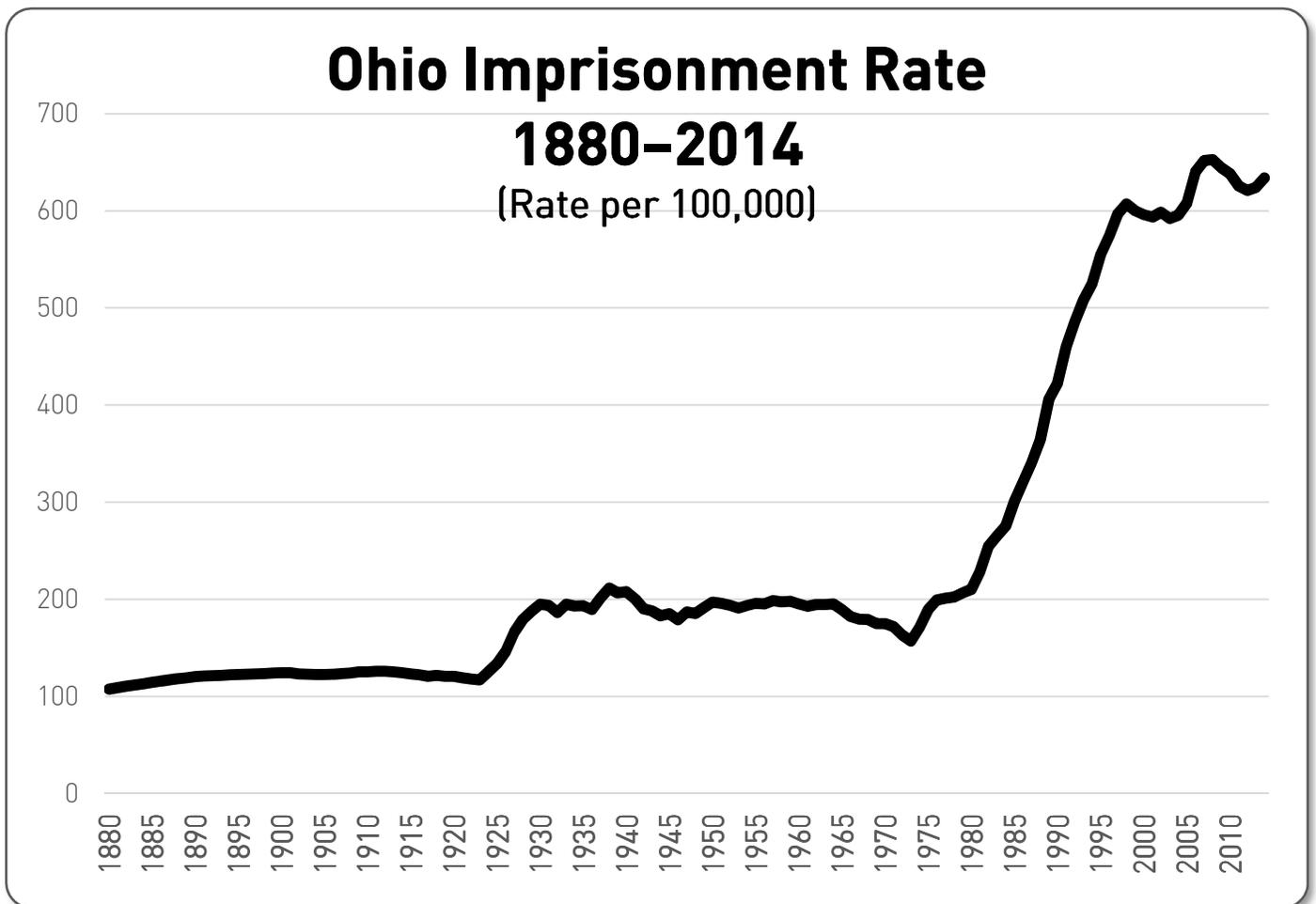
March 2017





# Table of Contents

Introduction	4-6
Ohio House Bills	7-13
Ohio Senate Bills	14-16
Acknowledgements	17



# Introduction

Ohio's General Assembly has a serious mass incarceration problem: Legislators of both parties are addicted to inventing new crimes and punishments.

In bill after bill, legislators propose creating new criminal offenses, extending the scope of existing laws and lengthening prison and jail sentences. The sweeping expansion of criminal law into peoples' lives should concern elected officials in both parties. It has created a bloated criminal code, clogged the justice system and driven mass incarceration—all while contributing nothing to public safety.

This report documents how the relentless, incremental expansion of Ohio's criminal laws has harmed the justice system, thwarted the legislature's own goals and hurt countless Ohioans, especially people of color. **The ACLU of Ohio reviewed all 1,004 bills introduced during the 2015–2016 legislative session** and found nearly one in 10 included language to lock more people up longer.

**Recommendation:** The legislature should temporarily halt adding criminal offenses and new sanctions to state law until the work of the state's Criminal Justice Recodification Committee is completed later this session.

Upon closer examination, **1 in 9 bills in the House and 1 in 15 bills in the Senate contained some form of sentencing enhancement.** Even seemingly innocuous proposals on topics like agriculture, family leave and fantasy sports had provisions to create new crimes and send more people to prison and jail. The legislature's "every problem is a crime" mentality prompted bills that would make it a crime to improperly use a gill fishing net or for a nursery to incorrectly say a plant was good for bees.<sup>1</sup>

The fish and bee bills did not make it to the governor's desk, but **16 bills did become law.** For example, you can now go to jail for fixing an agricultural scale without registering with the state.<sup>2</sup> Other new laws expanded the definitions of and penalties for criminal mischief and arson. Penalties for heroin possession and failing to stop after a traffic accident were increased as well.<sup>3</sup>

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<sup>1</sup> HB 480 would have made possessing a fishing gill net without a license punishable by up to 60 days in jail. HB 566 would have made advertising a plant as beneficial to pollinators punishable by up to 60 days behind bars if the plant has been treated by a pesticide.

<sup>2</sup> HB 131, now law, makes fixing an agricultural weighing machine without first registering with the state punishable by up to 90 days in jail.

<sup>3</sup> The ACLU of Ohio identified no legislation that reduced incarceration lengths or eliminated a criminal offense from state law. The only penalty reduction found was SB 204 which ended automatic driver's license suspensions for drug offenders. However, prison terms for drug offenses were unaffected.

# How the Pipeline Works

Considered alone, many crime-making bills may sound innocuous. Individually, few add significantly to the prison population. But, together, year after year, the lawmaking practice of ceaselessly inventing new crimes and longer sentences causes the tide of imprisonment to rise. **It's mass incarceration by a thousand cuts.**

Even when crime falls, imprisonment does not.

The Statehouse functions, whether legislators realize it or not, as a factory that produces new crimes and longer sentences to support an uninterrupted flow of prisoners into a legal pipeline that ends in jail or prison.

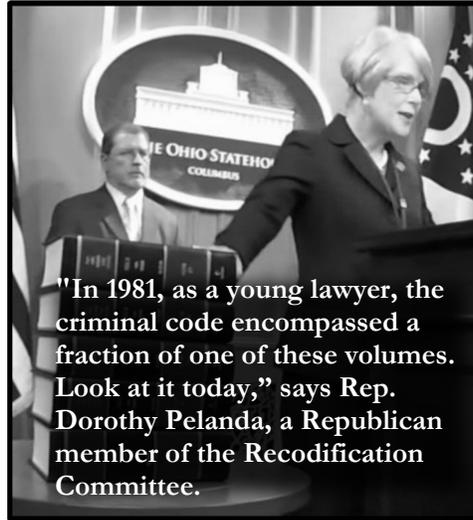
**These laws often use incarceration to address public health issues like addiction, mental health, and poverty, which only serves to exacerbate those problems.** Mandatory minimum sentences, mostly used for drug offenses, further shifts power from judges to police and prosecutors. In the real world, over-criminalization puts a thumb on the scales of justice in ways that lead to injustice and mass incarceration.

The results have made Ohio a worldwide leader in unnecessarily locking people up. **The state prison population has been**

**stuck near the record level of 51,000 for close to a decade,** despite low crime rates and moderate criminal justice reforms. Over 18,000 people are locked up in Ohio's local jails. Ohio's prison system costs taxpayers \$1.8 billion a year.

Mass incarceration has done more than harm

taxpayers. It has devastated the lives of countless individuals, families and communities, especially for people of color who bear the brunt of sweeping criminalization.



"A real problem historically [is] when people want to look tough on crime, you take something that's Misdemeanor 1 and make it a Felony 5. Usually it's introduced because someone hears about one particular case in their district that didn't turn out the way they wanted it to... The average citizen should be able to sit down and look at the code to see what is permitted and what isn't and what those penalties are."

*Ohio Senate President Larry Obhof*  
Brunswick Post (Jan. 12, 2016)

# Criminal Code Repair

The Ohio General Assembly knows the state's criminal law needs reform. The legislature is now making a once-in-a-generation effort to reorganize, simplify and rationalize the state's crimes and punishments.

In 2015, the legislature created a blue ribbon task force—the **Ohio Criminal Justice Recodification Committee**—to recommend how to simplify the state's unwieldy criminal code and reform laws that are packing our prisons and jails.

The committee includes judges, legislators, prosecutors, public defenders and prison officials and will make its recommendations in 2017. The legislature is spending \$250,000 on the two-year effort.

The General Assembly must stop undermining itself and its own Recodification Committee if the criminal code is to be repaired. The legislature should adopt a "First, do no harm"

approach rather than trying to fix the problem with one hand while creating the problem with the other.

Specifically, legislative leaders should commit to the following:

- 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.

Nancy Reagan offered advice about drugs that legislators should heed to cure their addiction to creating crimes and punishments: "Just Say No." **No new criminal law. No more lengthening prison terms. No more adding to a problem you are trying to fix.**

"We can't prison ourselves out of this problem...The problem in the legislature is they worry someone is going to call them soft on crime... Here's the problem... one quarter of the people going into those prisons every year are going to serve less than a year. We thought we were going to see things move in the right direction [to reduce the prison population]. We need additional reforms."

*Ohio Governor John Kasich*

Columbus Dispatch (Dec. 8, 2016)

# House Bills

131<sup>st</sup> General Assembly (2015-16)

Enhanced Sentencing—Creation of New Crimes—Expansion of Offenses

**1 in 9 bills in the House contained a sentencing enhancement.**

## House Bill 16 – Firearms

Effect: Criminalizes various sales, modifications, and displays of imitation firearms.

Sponsors: Reece (D); 13 Democrats

Status: One hearing in the House State Government Committee

## House Bill 36 – Funeral directors

Effect: Criminalizes certain uses of hydrolysis chambers and recklessly operating a hydrolysis facility without a license.

Sponsors: Retherford (R); 1 Republican

Status: One hearing in the Government Accountability & Oversight Committee

## House Bill 38 – Hate crimes

Effect: Enhances penalties for certain felonies committed against disabled or elderly victims.

Sponsors: Patmon (D); 4 Republicans and 1 Democrat

Status: Three hearings in the House Judiciary Committee

## House Bill 53 – Transportation budget

Effect: Increases penalties for acting as a driving school instructor or operating a driving school without being licensed.

Sponsors: Grossman (R)

Status: Passed the House and the Senate, Signed by Governor

## House Bill 57 – Aggravated murder

Effect: Increases sentence for aggravated murder under specified circumstances.

Sponsors: Maag (R); 27 Republicans and 3 Democrats

Status: Passed House (83-11); Three hearings in the Senate Criminal Justice Committee

## House Bill 59 – Firearms

Effect: Increases mandatory prison term for use, display, etc., of firearm when defendant is convicted of underlying felony offense.

Sponsors: Cera (D); 2 Democrats

Status: One hearing in the House Judiciary Committee

## House Bill 60 – Companion animals

Effect: Creates a felony offense for knowingly causing physical harm to a companion animal.

Sponsors: Patmon (D) and Hall (R); 15 Republicans and 25 Democrats

Status: Passed the House (92-1), Passed Senate (33-0), House Concurrence (92-1), Signed by Governor

## House Bill 69 – Abortion

Effect: The “Heartbeat Bill” provides criminal penalties for physicians who perform abortions after a fetal heartbeat is detected.

Sponsors: Hagan (R) and Hood (R); 47 Republicans and 1 Democrat

Status: Passed the House (55-40)

The Committee will accomplish its mission by recommending a plan for a simplified criminal code that makes efficient use of resources through flexible yet consistent statewide policies.

*Ohio Criminal Justice Recodification Committee mission statement*

### **House Bill 75 – Firearms**

Effect: Criminalizes not properly storing a firearm if a minor can access it.

Sponsors: Patmon (D); 2 Democrats

Status: One hearing in the House State Government Committee

### **House Bill 77 – Home contractors**

Effect: Criminalizes acting as a home contractor without a license and failing to register with the relevant licensing board.

Sponsors: Patmon (D)

Status: Five hearings in the House Commerce & Labor Committee

### **House Bill 78 – Firearms**

Effect: Criminalizes and regulates three types of firearm transfers.

Sponsors: Patmon (D); 2 Democrats

Status: One hearing in the House State Government Committee

### **House Bill 90 – Transportation network insurance**

Effect: Criminalizes failure to comply with specific liability insurance, insurance disclosure, and maintenance of records requirements.

Sponsors: Hackett (R) and Sheehy (D); 2 Republicans and 4 Democrats

Status: One hearing in the House Government Accountability & Oversight Committee

### **House Bill 92 – Sexual battery**

Effect: Expands offense of sexual battery to prohibit higher education employees from having sexual conduct with minor students.

Sponsors: Hagan (R); 25 Republicans and 5 Democrats

Status: Passed House (89-0), One hearing in the Senate Government Oversight & Reform Committee

### **House Bill 94 – Animal negligence**

Effect: Criminalizes tethering of animals outside under certain circumstances.

Sponsors: Barnes (D); 2 Republicans and 1 Democrat

Status: One hearing in the House Agriculture & Rural Development Committee

### **House Bill 106 – Public indecency**

Effect: Expands offense of public indecency for certain circumstances and when viewed by a minor.

Sponsors: Schaffer (R); 4 Republicans

Status: Four hearings in the House Judiciary Committee

### **House Bill 110 – Traffic accidents**

Effect: Enhances penalty for failure to stop after an accident that caused death or serious physical harm.

Sponsors: Hill (R); 21 Republicans and 8 Democrats

Status: Passed House (87-0), Passed Senate (23-10), House Concurred (93-0), Signed by Governor

### **House Bill 117 – Abortion**

Effect: Criminalizes performing an abortion after 20 weeks, falsifying reports, and not age-testing fetus.

Sponsors: Roegner (R) and Cupp (R); 27

Republicans and 1 Democrat

Status: No hearings

### **House Bill 119 – Firearms**

Effect: Bans the sale, display, and modification of imitation firearms.

Sponsors: Patmon (D)

Status: One hearing in House State Government Committee

### **House Bill 131 – Animal diseases & agricultural laws**

Effect: Criminalizes recklessly installing, repairing, etc., a commercially used weighing and measuring device.

Sponsors: Pelanda (R); 27 Republicans and 7 Democrats

Status: Passed House (89-2), Passed Senate (30-1), House Concurrence (84-0), Signed by Governor

### **House Bill 135 – Abortion**

Effect: Criminalizes performing abortions on fetuses believed to have Down syndrome.

Sponsors: Hall (R) and LaTourette (R); 16 Republicans

Status: Passed out of the House Community & Family Advancement Committee

### **House Bill 151 – Stalking and harassment**

Effect: Expands and/or modifies current menacing by stalking and telecommunications harassment laws. Also expands certain existing assault law when victim is volunteer firefighter.

Sponsors: Anielski (R); 21 Republicans and 18 Democrats

Status: Passed House (88-0), Passed Senate (33-0), House Concurrence (82-0), Signed by Governor

### **House Bill 154 – Traffic**

Effect: Expands traffic offenses to include when driver does not leave safe distance when passing bicyclist. Separate section applies to actions when there is malfunctioning traffic light.

Sponsors: Henne (R) and Sheehy (D); 5 Republicans and 5 Democrats

Status: Passed House (78-15), Passed Senate (30-1), House Concurrence (88-4), Signed by Governor

### **House Bill 161 – Precious metals**

Effect: Criminalizes advertising or acting as a precious metals dealer without being licensed.

Sponsors: Henne (R) and Craig (D); 3 Republicans and 2 Democrats

Status: No hearings

### **House Bill 171 – Drugs/heroin sentencing**

Effect: Reduces amount of heroin needed to make heroin trafficking and possession charges crimes and to classify offender as a major drug offender.

Sponsors: Blessing (R) and Dever (R); 42 Republicans and 5 Democrats

Status: Passed House (80-16). Passed Senate (28-1), Signed by Governor

### **House Bill 172 – Publishing of criminal records**

Effect: Criminalizes accepting or soliciting payment for removing, correcting, etc., criminal records information by publishers or disseminators of that information.

Sponsors: Barnes(D); 20 Republicans and 8 Democrats

Status: Passed House (89-0), Passed Senate (31-0)

### **House Bill 177 – Animal cruelty-violator registry**

Effect: Criminalizes failure of violators to report certain violations of animal cruelty laws to the Ohio Attorney General.

Sponsors: Celebreeze (D); 9 Democrats

Status: No hearings

### **House Bill 185 – Arson laws**

Effect: Expands existing arson laws to include criminalizing arson of real property under specific circumstances.

Sponsors: Koehler (R); 30 Republicans and 11 Democrats

Status: Passed House (90-0), Passed Senate (26-1), House Concurrence (60-28), Signed by Governor

### **House Bill 193 – Address confidentiality**

Effect: Criminalizes disclosure of confidential address under certain circumstances.

Sponsors: Clyde (D) and Fedor (D); 4 Democrats

Status: No hearings

### **House Bill 208 – Importuning**

Effect: Mandates prison terms for some existing importuning offenses.

Sponsors: Schaffer (R)

Status: Passed out of the House Judiciary Committee

### **House Bill 209 – False alarms**

Effect: Expands current offenses of disorderly conduct, inducing panic, making false alarms and obstructing official business to include simulated criminal activity.

Sponsors: Grossman (R)

Status: Three hearings in the House Judiciary Committee

### **House Bill 215 – Animal fighting**

Effect: Expands crime of animal fighting and enhances sentencing for specific violations already illegal.

Sponsors: Sears (R) and Bishoff (D); 5 Republicans and 4 Democrats

Status: Passed House (85-7), One hearing in the Senate Agriculture Committee

### **House Bill 218 – Drone operation**

Effect: Criminalizes drone operation under certain circumstances.

Sponsors: Barnes (D)

Status: One hearing in the House Transportation & Infrastructure Committee

### **House Bill 222 – Transit worker assault**

Effect: Enhances criminal penalties for assault of transit worker and evading payment.

Sponsors: Driehaus (D) and Perales (R); 2 Republicans and 6 Democrats

Status: Two hearings in the House Judiciary Committee

### **House Bill 228 – Drone operation**

Effect: Creates new criminal penalty of “engaging in criminal activity through use of a drone.”

Sponsors: Cupp (R); 11 Republicans and 2 Democrats

Status: One hearing in the House Judiciary Committee

### **House Bill 234 – Sex offenses**

Effect: Eliminates statute of limitations for certain sex offenses.

Sponsors: Johnson (D) and Fedor (D); 15 Democrats

Status: One hearing in the House Judiciary Committee

### **House Bill 246 – Absentee ballot applications**

Effect: Criminalizes Secretary of State knowingly using public funds to mail unsolicited absentee ballot applications containing Secretary of State’s name, signature, or likeness.

Sponsors: Clyde (D); 10 Democrats

Status: No hearings

### **House Bill 255 – Abortion-inducing drugs**

Effect: Expands current RU-486 prohibitions and criminal penalties to other abortion-inducing drugs.

Sponsors: Brinkman (R) and Hagan (R); 16 Republicans

Status: One hearing in the House Community & Family Advancement Committee

### **House Bill 270 – Drug overdoses**

Effect: Expands offense of involuntary manslaughter to include sale or providing of controlled substances when a person overdoses and dies as a result.

Sponsors: Dever (R) and Pelanda (R); 25 Republicans and 2 Democrats

Status: Passed House (78-9), One hearing in the Senate Criminal Justice Committee

### **House Bill 284 – Retirement systems**

Effect: Criminalizes failure of person to send notice to public retirement system after being charged with and convicted for certain offenses.

Sponsors: Dovilla (R) and Anielsk (R); 21 Republicans and 2 Democrats

Status: Passed House (88-2)

### **House Bill 347 – Civil asset forfeiture**

Effect: Creates new crime of receiving proceeds of an offense subject to forfeiture proceedings.

Sponsors: McColley (R) and Brinkman(R); 37 Republicans and 3 Democrats

Status: Passed House (67-23), Passed Senate (31-0), House Concurrence (81-10), Signed by Governor

### **House Bill 353 – Sex offender notifications**

Effect: Criminalizes tampering with or destroying mailed sex offender notice.

Sponsors: Ruhl (R); 2 Democrats & 2 Republicans

Status: Three hearings in the House Judiciary Committee

### **House Bill 359 – Address confidentiality program for crime victims**

Effect: Criminalizes a) providing false info on application, b) knowingly disclosing address or phone number except for official purposes.

Sponsors: Duffey (R) & Gonazales (R); 67 Republicans, 37 Democrats

Status: Passed House (93-0), Passed Senate (33-0), House Concurrence (90-0), Signed by Governor

### **House Bill 362 – Criminalizes strangulation**

Effect: Criminalizes strangulation with a mandatory prison term.

Sponsors: Stinziano (D) & Kunze (R); 9 Republicans, 23 Democrats

Status: Passed House (90-0)

### **House Bill 373 – Regulating surgical technologists**

Effect: Criminalizes practicing as or using title of surgical technologist without a license.

Sponsors: LaTourette (R) & Huffman (R); 4 Republicans

Status: Two hearings in the House Commerce & Labor Committee

### **House Bill 377 – Labor union requirements**

Effect: Creates an unclassified misdemeanor with up to 90 days imprisonment.

Sponsors: Brinkman (R); 9 Republicans

Status: One hearing in the House Commerce & Labor Committee

### **House Bill 388 – OVI offenses**

Effect: Increases from 6 to 10 years the “look back” period for various, repeat OVI & related offenses. Creates offense of operating motor vehicle without restricted license created by bill.

Sponsors: Scherer (R); 47 Republicans and 14 Democrats

Status: Passed House (84-5), Passed Senate (31-0), House Concurrence (91-0), Signed by Governor

### **House Bill 390 – Omnibus bill – tax exemptions, foreclosures, etc.**

Effect: Expands offense of “criminal mischief” to include when a property owner subject to foreclosure damages, defaces, etc., to their own property.

Sponsors: Schaffer (R), Retherford (R); 33 Republicans and 10 Democrats

Status: Passed House (91-0), Passed Senate (33-0), House Concurrence (69-26), Signed by Governor

### **House Bill 392 – Domestic violence**

Effect: Expands the offense of “violating a protection order.”

Sponsors: Sykes (R), Kuhns (R); 47 Republicans and 12 Democrats

Status: Passed House (89-0), Two hearings in the Senate Criminal Justice Committee

### **House Bill 396 – Protected and restricted species**

Effect: Criminalizes sale, possession, and introduction of protected and restricted species.

Sponsors: Hall (R); 7 Republicans and 4 Democrats

Status: One hearing in the House Agriculture & Rural Development Committee

### **House Bill 405 – Importuning**

Effect: Enhances penalties by mandating prison terms for some importuning offenses.

Sponsors: Schaffer (R) & Smith, K (D); 30 Republicans and 32 Democrats

Status: Passed House (92-0), Four hearings in the Senate Criminal Justice Committee

### **House Bill 408 – Reproductive health care and facilities**

Effect: Criminalizes impeding access to reproductive health care.

Sponsors: Howse (D), Lepore-Hagan (D); 7 Democrats

Status: One hearing in the House Judiciary Committee

### **House Bill 417 – Fetal remains**

Effect: Criminalizes failure to properly dispose of fetal remains or document that process.

Sponsors: McColley (R), Koehler (R); 10 Republicans and 1 Democrat

Status: Passed out of the House Health & Aging Committee

### **House Bill 439 – Voyeurism & obscenity laws**

Effect: Expands scope of current anti-voyeurism and obscenity laws to include “impaired persons” as victims.

Sponsors: Anielski (R); 9 Republicans and 9 Democrats

Status: Passed House (89-0), Three hearings in the Senate Criminal Justice Committee

### **House Bill 447 – Police dogs**

Effect: Creates new crime of killing a police dog while in line of duty.

Sponsors: Schuring (R), Slesnick (D); 14 Republicans and 7 Democrats

Status: Passed House (66-20)

### **House Bill 460 – Federal firearms laws**

Effect: Creates new crime when state and local government officials assist the federal government in enforcing any federal gun laws or policies.

Sponsors: Vitale (R); 10 Republicans

Status: No hearings

### **House Bill 462 – Solicitation offenses, controlled substances, joint police districts**

Effect: Expands “solicitation” offenses to include when others agree to engage in sexual activity for hire without explicit solicitation.

Sponsors: Hagan (R), Sprague (R); 1 Democrat

Status: Three hearings in the House Local Government Committee

### **House Bill 468 – Lead contamination in drinking water**

Effect: Expands existing law to include criminal penalties for members of a board of health and Director of Environment Protection when they do not provide timely notice of lead contamination in drinking water.

Sponsors: Boccieri (D); 18 Democrats

Status: No hearings

### **House Bill 480 – Gill nets**

Effect: Criminalizes negligent possession of a gill net.

Sponsors: Green (R); 3 Republicans

Status: One hearing in the House Energy & Natural Resources Committee

### **House Bill 494 – Firearm prohibitions**

Effect: Criminalizes reckless failure to surrender and follow process to surrender firearms under certain circumstances.

Sponsors: Antonio (D), Boyd (D); 9 Democrats

Status: One hearing in the House State & Local Government Committee

### **House Bill 511 – Family leave**

Effect: Criminalizes reckless failure to remit premiums withheld from employees.

Sponsors: Kuhns (D), Boyd (D); 30 Democrats

Status: One hearing in the House Insurance Committee

### **House Bill 548 – Nurse anesthetists**

Effect: Prohibits certified registered nurse anesthetists from improperly issuing orders for drugs.

Sponsors: Schuring (R), Sprague (R)

Status: Four hearings in the House Health & Aging Committee

### **House Bill 566 – Labeling nursery stock**

Effect: Criminalizes recklessly labeling nursery stock as beneficial to pollinators under some circumstances.

Sponsors: Ramos (D); 2 Democrats

Status: One hearing in the House Agriculture & Rural Development Committee

### **House Bill 568 – Employee definition**

Effect: Criminalizes failing to designate a person as an employee and retaliating against employees under a variety of circumstances.

Sponsors: Phillips (D), Rogers (D); 6 Democrats

Status: No hearings

**House Bill 569 – Hate crimes**

Effect: Expands Ohio’s hate crime law to apply to additional victims.

Sponsors: Antonio (D); 12 Democrats and 1 Republican

Status: No hearings

**House Bill 573 – Regulates dog sales & pet stores**

Effect: Criminalizes failure to follow variety of restrictions for selling dogs.

Sponsors: Scherer (R)

Status: One hearing in the House Finance Committee

**House Bill 590 – Concealed carry restrictions**

Effect: Expands “disorderly conduct” offense to include possessing concealed weapons in certain locations.

Sponsors: Becker (R); 9 Republicans

Status: No hearings

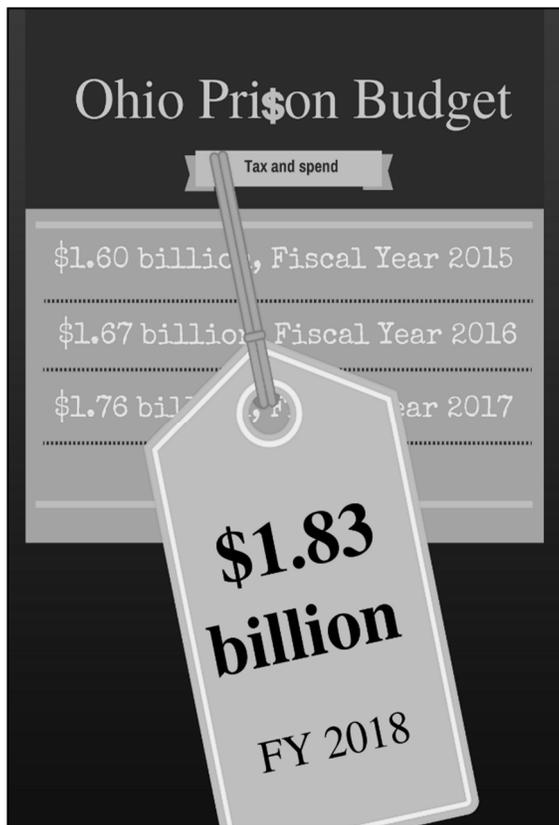
**House Bill 598 – Loan regulation**

Effect: Criminalizes lending money without a license, charging interest under specific situations, and engaging in false & misleading practices on loan paperwork.

Sponsors: Terhar (R); 11 Republicans and 5 Democrats

Status: Passed House (79-2)

**A total of 67 of 628 House bills introduced in the 131<sup>st</sup> General Assembly would create or extend criminal penalties.**



“Think about this. The number one offense for which people come to prison, both men and women—and quite frankly women at a much higher rate—is drug possession... What I’m going to try to do over my last budget here is to try to reform—to try to make a big difference and not just tinker.”

*Ohio Department of Rehabilitation and Correction, Director Gary Mohr*  
Dayton Daily News (Feb. 8, 2017)

Fiscal Year 2015, \$1.60 billion  
 Fiscal Year 2016, \$1.67 billion  
 Fiscal Year 2017, \$1.76 billion  
 Fiscal Year 2018, \$1.83 billion (*Estimated*)  
*Ohio Prison Budget*

# SENATE BILLS

131<sup>st</sup> General Assembly (2015-16)

Enhanced Sentencing–Creation of New Crimes–Expansion of Offenses

**1 in 15 bills in the Senate contained a sentencing enhancement.**

## Senate Bill 13 – Sex offenses

Effect: Eliminates statute of limitations for certain sex offenses.

Sponsors: Jones (R) and Hughes (R); 19 Republicans and 2 Democrats

Status: Passed the Senate (32-1), Passed out of the House Judiciary Committee

## Senate Bill 25 – Minimum wage

Effect: Criminalizes various retaliation measures by employer against employee.

Sponsors: Yuko (D); 9 Democrats

Status: One hearing in the Senate Transportation, Commerce & Labor Committee

## Senate Bill 39 – Traffic

Effect: Increases penalties for not yielding the right-of-way to pedestrians at school crosswalks.

Sponsors: Beagle (R); 2 Republicans

Status: One hearing in the Senate Criminal Justice Committee

## Senate Bill 53 – Aggravated menacing

Effect: Enhances sentence for aggravated menacing when victim is law enforcement officer performing duties.

Sponsors: Hughes(R); 3 Republicans and 1 Democrat

Status: One hearing in the Senate Criminal Justice Committee

## Senate Bill 76 – Protection orders

Effect: Expands circumstances when violation of protection order is a felony offense.

Sponsors: Bacon (R) and Manning (R); 6 Republicans and 2 Democrats

Status: Passed Senate 32-0, Passed House 91-0

## Senate Bill 83 – Address confidentiality

Effect: Criminalizes disclosure of a confidential address.

Sponsors: Williams (D); 3 Democrats

Status: One hearing in the Senate State & Local Government Committee

## Senate Bill 86 – Charitable auctions

Effect: Criminalizes illegal conduct of a quarter auction.

Sponsors: Gardner (R)

Status: One hearing in the Senate Finance Committee

## Senate Bill 97 – Firearms

Effect: Enhances sentences and requires mandatory sentences for a variety of gun-related crimes.

Sponsors: Hughes (R) and LaRose (R)

Status: Passed the Senate (30-3), Passed the House (79-7), Senate Concurrence (28-5), Signed by Governor

## Senate Bill 111 – Transportation insurance

Effect: Criminalizes violations of various policy, record-keeping and disclosure provisions.

Sponsors: Bacon (R); 1 Republican

Status: No hearings

**Senate Bill 120 – Oil and gas law**

Effect: Enhances sentences for certain pollution provisions.

Sponsors: Schiavoni (D); 1 Democrat

Status: One hearing in the Senate Energy & Natural Resources Committee

**Senate Bill 127 – Abortion**

Effect: Criminalizes performing abortions if probable age of fetus is 20 weeks or more.

Sponsors: Lehner (R) and Hottinger (R); 8 Republicans

Status: Passed the Senate (23-9), Passed the House (64-29), Signed by Governor

**Senate Bill 138 – Traffic**

Effect: Enhances penalties for driving on wrong side of freeway. Penalties depend on exact circumstances but can include mandatory prison terms.

Sponsors: Hughes (R) and Cafaro (D); 2 Republicans

Status: Three hearings in the Senate Criminal Justice Committee

**Senate Bill 145 – Stalking and harassment**

Effect: Expands and/or modifies current menacing by stalking and telecommunications harassment laws. Also, it expands certain existing assault law when victim is volunteer firefighter.

Sponsors: Eklund (R); 4 Republicans

Status: One hearing in the Senate Government Oversight & Reform Committee

**Senate Bill 151 – Vicious dogs**

Effect: Enhances some sentences for violation of vicious dog laws and creates new ones.

Sponsors: Beagle (R); 1 Republican

Status: Passed the Senate (31-0)

**Senate Bill 178 – Prison terms for death or physical harm**

Effect: Mandatory prison terms for felony convictions involving causing or attempting to cause death or physical harm to victim.

Sponsors: Schiavoni (D) and Gentile (D); 4 Democrats and 1 Republican

Status: One hearing in the Senate Criminal Justice Committee

**Senate Bill 184 – Sex offender registration**

Effect: Expands current penalties for certain violations of SORN law to all violations.

Sponsors: Balderson (R); 8 Republicans

Status: Passed Senate (33-0), One hearing in the House Judiciary Committee

- 64% of registered voters in Ohio say there are too many laws on the books.
- 65% say too many people are in prison.
- 85% say the criminal code should be reformed to fix confusion, inconsistency and duplication.

*U.S. Justice Action Network poll*  
Public Opinion Strategies (Sept. 7–10, 2015)

**Senate Bill 186 – Elections Commission enforcement**

Effect: Criminalizes various violations of Ohio election law.

Sponsors: LaRose (R) and Seitz (R); 2 Republicans

Status: No hearings

**Senate Bill 286 – Police animals**

Effect: Mandatory prison term for assault of police horse or dog that results in animal’s death.

Sponsors: Hughes (R); 2 Democrats

Status: No hearings

**Senate Bill 307 – Family leave**

Effect: Criminalizes failing to remit premiums withheld from employees for family medical leave insurance fund.

Sponsors: Cafaro (D); 4 Democrats

Status: One hearing in the Senate Transportation, Commerce & Labor Committee

**Senate Bill 316 – Sexual imposition**

Effect: Increases penalties for those convicted of sexual imposition and related crimes 3+ times.

Sponsors: Hughes (R); 1 Republican

Status: Three hearings in the Senate Criminal Justice Committee

**Senate Bill 331 – Statewide animal regulations (among other unrelated provisions)**

Effect: Criminalizes the sale & related actions by a dog retailer or pet store employee when the dog was not obtained via a shelter, humane society, and related sources.

Criminalizes participation in cockfights and other animal fights.

Sponsors: Peterson (R); 10 Republicans

Status: Passed Senate (21-11), passed House (55-40), Senate concurrence (21-10), Signed by Governor

**Senate Bill 333 – Environmental laws**

Effect: Criminalizes using, managing, or placing dredged material in any location without proper authorization.

Sponsors: Hite (R)

Status: Three hearings in the Senate Energy & Natural Resources Committee

**Senate Bill 353 – Circulating private sexual images**

Effect: Criminalizes dissemination of images showing nudity or sexual acts without subject's consent.

Sponsors: Schiavoni (D); 3 Democrats

Status: No hearings

**Senate Bill 356 – Fantasy sports**

Effect: Expands current gaming laws to criminalize facilitation of fantasy sports and E sports contests.

Sponsors: Coley (R)

Status: One hearing in the Senate State & Local Government Committee.

**A total of 24 of 376 Senate bills introduced in the 131<sup>st</sup> General Assembly would create or extend criminal penalties.**

# Acknowledgements

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**Ohio's  
Statehouse-to-Prison  
Pipeline:  
131<sup>st</sup> General Assembly (2015 –2016)**

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