



OHIO'S STATEHOUSE-TO-PRISON PIPELINE: 132ND GENERAL ASSEMBLY (2017-2018)



ISSUED BY THE
ACLU OF OHIO
1108 CITY PARK AVENUE
SUITE 203
COLUMBUS, OH 43206

FEBRUARY 2019

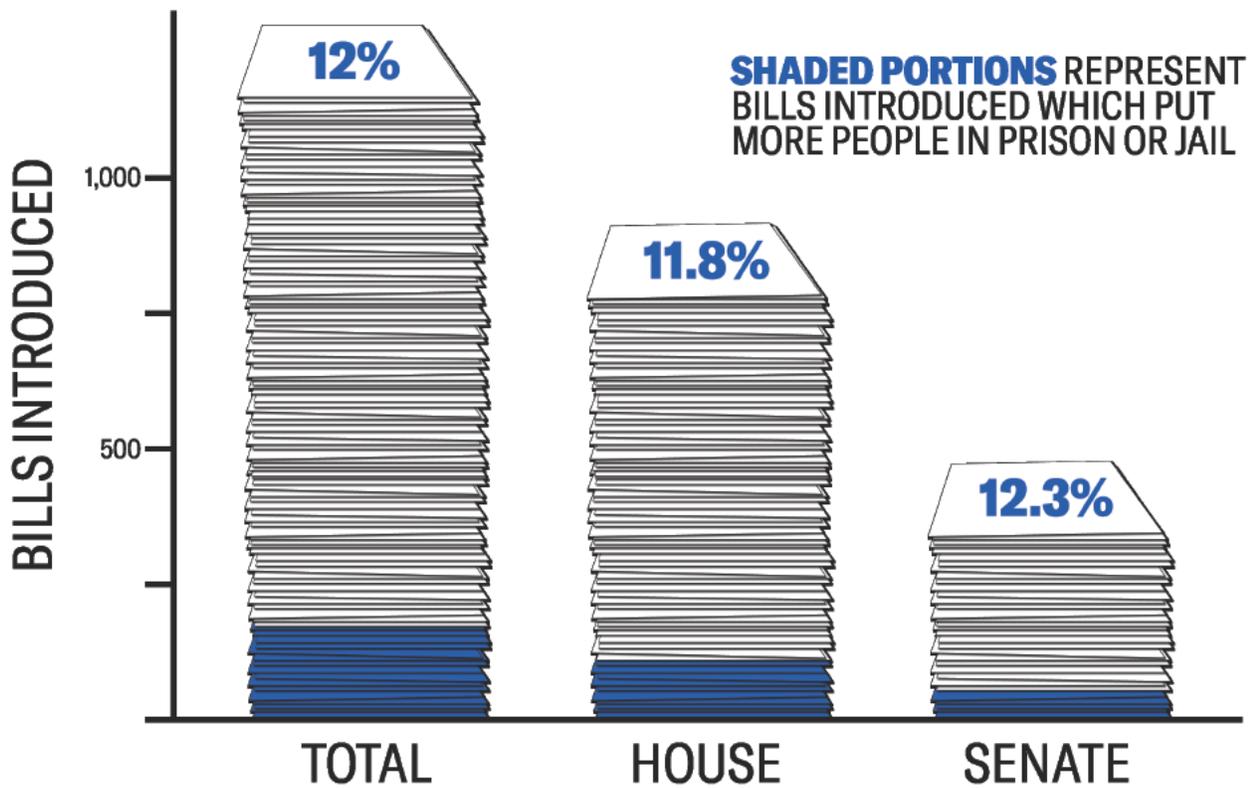
"Ohio Statehouse" photo courtesy of the Ohio Statehouse Photo Archive

"Prison Fence Razor Ribbon Wire" photo courtesy of Pixabay com - Used with CC0 Creative Commons, free for commercial use, no attribution required

TABLE OF CONTENTS

OVERVIEW	4
A CLOSER LOOK AT THE PIPELINE.....	4
THE 132 ND OHIO GENERAL ASSEMBLY (2017-2018)	6
COMPARING THE 132 ND OGA TO THE 131 ST	6
HOUSE BILLS.....	8
SENATE BILLS	15

THE 132ND 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 131st Ohio General Assembly (2015-2016), the entire session of the 131st Ohio General Assembly, and midway through the 132nd 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 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 132ND 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.

* 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 132ND 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 132ND OGA TO THE 131ST

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.**

132ND 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%

131ST 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

132ND 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 carfentanyl.

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

132ND 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%

ACKNOWLEDGEMENTS

The ACLU of Ohio would like to acknowledge the following staff who contributed to this report:

J. Bennett Guess Executive Director
Jocelyn Rosnick Advocacy Director
Gary Daniels Chief Lobbyist
Dan Rogan Communications Associate

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



1108 CITY PARK AVENUE • SUITE 203 • COLUMBUS, OH 43206
ACLUOHIO.ORG