



Ohio's Statehouse-to-Prison Pipeline 133rd General Assembly (2019-2020)

FEBRUARY 2021

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Table of Contents

| | |
|--|----|
| Overview | 1 |
| The 133 rd OGA (2019-2020) | 2 |
| Comparing the 133 rd OGA to the 132 nd and 131 st | 3 |
| Positive Bills Enacted During the 133 rd OGA | 4 |
| A Closer Look at the Pipeline | 9 |
| Call to Action | 12 |
| House Pipeline Bills | 13 |
| Senate Pipeline Bills | 18 |
| Acknowledgements | 22 |

Ohio at a Glance

For years, the Ohio prison system hovered over 130% capacity. Due to the COVID-19 pandemic, from March to November 2020, the Ohio prison population decreased by nearly 5,000 people (March 3 – 48,795; December 29 – 43,824). Even so, **the prison population was still at 115% capacity** in December.

In FY 2020, 2,272 people were sent to an Ohio prison for Drug Possession. This represents 16.3% of all FY 2020 commitments. **Drug Possession is the number one reason people are sent to an Ohio prison.** That is true not only for 2020 but for the past seven, consecutive years.

Overview

Two things are certain every legislative session at the Ohio Statehouse – 1) many legislators across the aisle will express surprise and dismay at Ohio’s dangerously overcrowded prisons and jails and the billions spent each year on them, and 2) they will continually support and pass bills that contribute to this crisis affecting Ohio individuals, families, communities, businesses, and taxpayers.

This is now the third full legislative session the ACLU of Ohio has tracked all the bills introduced and/or passed that fuel mass incarceration in our state. **Immediately after the conclusion of the most recent legislative session, we comb through every single bill to identify those that create new crimes, enhance existing sentences, expand current law, or otherwise result in more people going to prison or jail.** We call this the **Statehouse-to-Prison Pipeline**.

Our goal is to demonstrate to legislators, elected officials, stakeholders, and all interested that the primary reason Ohio finds itself in this situation year after year is because of the actions (and inaction) of the Ohio General Assembly (OGA). Considered alone, many criminal sentencing 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 is mass incarceration by a thousand cuts.** Even when crime falls, imprisonment does not. And Ohio families, communities, and taxpayers are bearing the brunt of our growing criminal legal system.

To accurately and fairly depict the 133rd Ohio General Assembly, we would be remiss to not acknowledge the reform-minded legislation that passed this previous session. With the third iteration of our Statehouse-to-Prison Pipeline report, we wanted to add a new component. Included, you will learn of some positive bills passed during our previous legislative session. Naturally, we encourage more of these efforts.

The Statehouse-to-Prison Pipeline is the practice of introducing and/or passing bills to create new crimes, enhance existing penalties, and expand current laws that result in more people going to prison or jail.

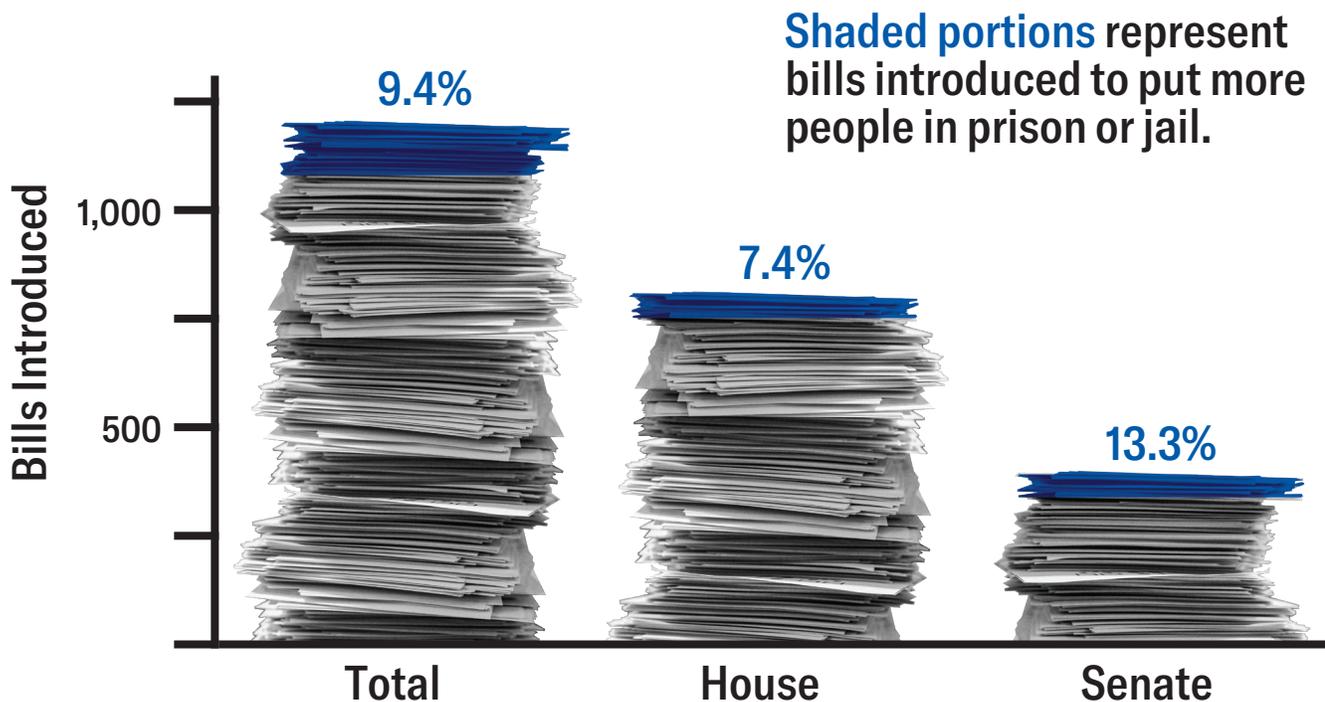
The 133rd Ohio General Assembly (2019-2020)

The coronavirus (COVID-19) pandemic significantly altered the work of the OGA, impacting the amount of time legislators were away from the Statehouse, the ability to consider and pass bills, and the subject matter of legislation. An additional, undeniable variable was the removal of Speaker Householder from his position due to corruption charges and the distractions and interruptions that followed. Still, legislators remained very busy, including with the Statehouse-to-Prison Pipeline.

From January 2019 to December 2020, 1,194 bills were introduced in the OGA. Of those, 112 bills (9.4%) are what we consider Pipeline bills. More specifically, 60 of the 805 (7.4%) House bills and 52 of the 389 (13.3%) Senate bills contained mass incarceration provisions. Ultimately, only nine of these bills passed and were signed into law.

We will never know exactly how COVID-19 affected the Statehouse-to-Prison Pipeline, but we are happy to report the 133rd OGA is a noticeable improvement in several ways over the previous two sessions. Specifically, less Pipeline bills were introduced and/or passed.

133rd OGA Introduced Bill Breakdown



Comparing the 133rd OGA to the 132nd and 131st

Comparing this most recent legislative session to the two that preceded it, more total bills were introduced than during the prior two sessions. However, the total number of Pipeline bills introduced fell compared to the 132nd OGA, which featured dramatically more than the 131st OGA. While House numbers improved considerably from the 132nd and 131st OGAs, **the Senate continues to introduce more and more Pipeline bills session after session.** From 2019 to 2020, significantly less Pipeline bills actually passed into law.

133rd, 132nd, and 131st OGA Bill Breakdown

| | | Introduced | Pipeline | Passed |
|-----------------------|--------|------------|------------|--------|
| 133 rd OGA | House | 805 | 60 (7.4%) | |
| | Senate | 389 | 52 (13.3%) | |
| | Total | 1,194 | 112 (9.4%) | 9 |
| 132 nd OGA | House | 796 | 94 (11.8%) | |
| | Senate | 348 | 43 (12.3%) | |
| | Total | 1,144 | 137 (12%) | 22 |
| 131 st OGA | House | 628 | 67 (10.6%) | |
| | Senate | 376 | 24 (6.4%) | |
| | Total | 1,004 | 91 (9.1%) | 16 |

Positive Bills Enacted During the 133rd OGA

HOUSE BILL 1

► Modify Intervention In Lieu of Conviction/Sealing Requirements

VOTES: **Primary Sponsors:** Rep. Plummer, R-Dayton; Rep. Hicks-Hudson, D-Toledo

House Criminal Justice – 13-0

House – 91-6 (No vote(s): Rep. Kick, R-Loudonville; Rep. Koehler, R-Springfield; Rep. Merrin, R-Monclova; Rep. Powell, R-Arcanum; Rep. Riedel, R-Defiance; Rep. Stoltzfus, R-Canton)

Senate Judiciary – 8-0

Senate – 31-1 (No vote(s): Sen. Schaffer, R-Lancaster)

House Concurrence – 84-1 (No vote(s): Rep. Merrin, R-Monclova)

This law will: Redirect Ohioans to mental health and addiction treatment services rather than incarceration, and expand Ohio’s criminal record sealing laws to non-violent, non-sexual, fourth and fifth degree felony violations. In addition, it compels courts to consider, if applicable, an individual’s substance use disorder and how that contributed to the offense. The OGA also added several amendments to HB 1, including some language from Senate Bill 3. Those additions include a prohibition on “shackling” or physically restraining pregnant people during and after childbirth while in court, jail, and prison, expanding the Ohio Sentencing Commission’s access to federal criminal justice databases, and positive changes to Ohio’s use of incarceration as punishment for individuals violating post-release community control sanctions.

Why this bill is needed: HB 1’s expansion of intervention in lieu of conviction and records sealing is a small step in repairing the damage done to Ohio communities by the failed “War on Drugs.” **For decades, Ohio has tried to incarcerate its way out of drug addiction, with nothing to show but bloated prison budgets and shattered communities.** By redirecting Ohioans with substance use disorder to mental health and addiction treatment services, and expanding records sealing, HB 1 allows more Ohioans to receive treatment and removes barriers to successfully reentering society, such as accessing gainful employment and stable housing.

Kelly Smith, State Program and Policy Director for the Mental Health and Addiction Advocacy Coalition, aptly described why HB 1 is needed, stating, “the legislation signals that there is an understanding to provide more meaningful ways to help those with substance use disorders to regain their health and become a contributing member of society.”

HOUSE BILL 136

► Prohibit Death Penalty if Severely Mentally Ill at Time of Offense

VOTES: **Primary Sponsor:** Rep. Hillyer, R-Uhrichsville

House Criminal Justice – 11-1 (No vote(s): Rep. Cupp, R-Lima)

House – 76-18

Senate Judiciary – 7-3 (No vote(s): Sen. Coley, R-West Chester; Sen. M. Huffman, R-Lima; Sen. O'Brien, D-Bazetta)

Senate Floor – 27-3 (No vote(s): Sen. Coley, R-West Chester; Sen. Hoagland, R-Mingo Junction; Sen. Wilson, R-Maineville)

This law will: Exempt individuals from the death penalty if they have been diagnosed with any of the following mental illnesses prior to, on, or after the alleged commission of a capital offense: schizophrenia, schizoaffective disorder, bipolar disorder, or delusional disorder. The bill also includes a look-back provision that requires individuals previously convicted of a capital offense to be resentenced to life without the possibility of parole if they prove they suffer from any of the serious mental illnesses listed above.

Why this bill is needed: Through the narrow exemption created under HB 136, Ohio law will now formally acknowledge the truth that the death penalty for individuals with serious mental illness is an unconstitutional form of punishment that does not promote public safety. Stakeholders and death penalty reformers agree that HB 136 becoming law is proof that **public opinion on Ohio's use of executions is souring** and is a testament to the tenacity and moral conviction of advocates and stakeholders as they worked to change the hearts and minds of Ohio lawmakers.

During testimony, former Ohio Supreme Court Justice Evelyn Stratton noted, “...deterrence is of little value as a rationale for executing offenders with severe mental illness when they have diminished impulse control and planning abilities.”

HOUSE BILL 263

► Revise Occupational License Restrictions Regarding Criminal Records

VOTES: **Primary Sponsor:** Rep. Koehler, R-Springfield

House Commerce and Labor – 14-0

House – 90-1 (No vote(s): Rep. Antani, R-Miamisburg)

Senate Transportation, Commerce, and Workforce – 10-1 (No vote(s): Sen. Kunze, R-Hilliard)

Senate – 29-2 (No vote(s): Sen. Kunze, R-Hilliard; Sen. Fedor, D-Toledo)

House Concurrence – 86-0

This law will: Enact the “Fresh Start Act,” which greatly improves Ohio’s professional licensing requirements to expand eligibility, clarify disqualifying offenses, and create a public professional licensure database. When reviewing an applicant for licensure, a state licensing authority is limited to considering a criminal offense for disqualification only if the offense directly relates to the occupation for which the applicant is applying and the offense occurred within a set time period prior to their application. Importantly, the bill prohibits any licensing authority to consider any offense if the applicant was not convicted, found guilty by a judge, or plead guilty.

Why this bill is needed: The ACLU of Ohio strongly supported HB 263 because of its restorative potential for Ohioans reentering society after incarceration. Successful reentry into society for individuals with criminal convictions is closely tied to the individuals’ ability to support themselves and their families. **Expanding occupational licensing eligibility is an economic justice issue, it’s a racial justice issue, and it’s a critical improvement for Ohio workers and their families.**

Kevin Werner with the Ohio Justice & Policy Center highlighted, “There are more than 250 laws and rules that create employment barriers for people with criminal convictions. Another 600 rules otherwise limit earning opportunities by restricting licensure or government contracting. Together these barriers restrict more than 1.3 million jobs in Ohio.”

HOUSE BILL 285

▶ Driver's License Reinstatement Fee Debt Reduction Program

VOTES: **Primary Sponsors:** Rep. Greenspan, R-Westlake; Rep. Brent, D-Cleveland

House Transportation and Public Safety Committee – 15-0

House – 91-1 (No vote(s): Rep. Antani, R-Miamisburg)

Senate Local Government, Public Safety and Veterans Affairs Committee – 9-0

Senate – 32-0

House Concurrence – 93-0

This law will: Make permanent and expand a previous program (HB 336, 132nd OGA, 2017-18), providing for reduced and waived drivers' license reinstatement fees following a suspension. The program allows for qualifying individuals to apply for a one-time reduction or waiver of reinstatement fees for a suspended driver's license resulting from several different non-violent, non-drug related offenses. In order to qualify, a person must be declared indigent by determining if they participate in state and federal assistance programs like SNAP, Ohio Works First, supplemental security income, or Medicaid. The program will be administered by the Department of Public Safety, and requires the director to automatically contact qualifying persons regarding eligibility.

Why this bill is needed: According to BMV records, over one million Ohioans had their license suspended since 2018, and the BMV has generated nearly \$36 million dollars in revenue from Ohioans paying reinstatement fees. **A 2018 report from Policy Matters Ohio found that six of the ten most common jobs in Ohio don't pay enough for a family of three to stay off public assistance.**¹ Providing hope in the form of financial relief for Ohioans who have suspended licenses is critical to them finding and maintaining employment and accessing critical services like childcare and healthcare.

Cleveland Municipal Court Judge Emanuella Groves noted that her 18 years of experience on the bench has shown that, often with license offenses, failure to pay reinstatement fees is the underlying issue. She rightly characterizes reinstatement fees as a, "collateral sanction" for many traffic offenses, and "the failure to pay these fees hinders drivers to go to work and tend to their family and household responsibilities."

¹ See <https://www.policymattersohio.org/press-room/2019/05/01/six-of-ohios-10-top-jobs-wont-support-family-of-three>.

SENATE BILL 256

► Sentencing People Under 18 when Committed Offense

VOTES: **Primary Sponsors:** Sen. N. Manning, R-North Ridgeville; Sen. Lehner, R-Kettering

Senate Judiciary – 6-2 (No vote(s): Sen. O’Brien, D-Bazetta; Sen. Coley, R-West Chester)

Senate – 29-4 (No vote(s): Sen. O’Brien, D-Bazetta; Sen. Coley, R-West Chester; Sen. Hoagland, R-Mingo Junction; Sen. Schaffer, R-Lancaster)

House Criminal Justice – 9-1 (No vote(s): Rep. Butler, R-Oakwood)

House – 75-9 (No vote(s): Rep. Antani, R-Miamisburg; Rep. Butler, R-Oakwood; Rep. Merrin, R-Monclova; Rep. Powell, R-Arcanum; Rep. Zeltwanger, R-Mason; Rep. Blair, D-Niles; Rep. M. O’Brien, D-Warren; Rep. Edwards, R-Nelsonville; Rep. Wiggam, R-Wooster)

Senate Concurrence – 28-1 (No vote(s): Sen. Schaffer, R-Lancaster)

This law will: Reform Ohio’s parole eligibility requirements, with a few exceptions, for those who committed their offense before the age of 18. Specifically, the law: 1) prohibits the sentencing of a juvenile for an indefinite prison term; 2) includes a retroactivity clause so the law extends relief to all juveniles currently serving any prison term; 3) sets a parole eligibility timeline for juvenile offenders on a scale determined by the seriousness of the offense committed; and 4) provides specific criteria the Parole Board must consider when a prisoner becomes eligible for parole.

Why this bill is needed: SB 256 will finally bring Ohio law in alignment with several U.S. Supreme Court decisions holding that a mandatory life without the possibility of parole sentence for juveniles is an unconstitutional violation of a person’s Eighth Amendment rights. **The passage of SB 256 makes Ohio the 23rd state to legislatively ban the practice of sentencing juveniles to life without the possibility of parole.** This change in Ohio law will act as a light at the end of the tunnel for those who previously had no recourse under Ohio’s former outdated and unconstitutional policy.

Gabriella Celeste, Policy Director of the Schubert Center for Child Studies at Case Western Reserve University, cited the U.S. Supreme Court’s decision in *Graham v. Florida*, which likened a sentence of a juvenile to life in prison without the possibility of parole as tantamount to the death penalty.

A Closer Look At The Pipeline

Not all bills are equal in effect or impact. Some are clearly designed to put significantly more people behind bars for longer periods of time. Others will ultimately have little meaningful impact on prison and jail numbers. However, they all contribute to Ohio's Statehouse-to-Prison Pipeline.

Senate Bill 55

Two sessions ago, **Senate Bill 1** (dramatically increased fentanyl penalties) and **House Bill 215** (indefinite sentencing) were identified as two specific bills that passed that will notably increase prison population numbers for years to come. This past session, easily the most troubling was **Senate Bill 55**. **The good news is SB 55 did not pass. But, we suspect lawmakers will keep trying as this bill remains a high priority for Ohio's prosecutors.**

SB 55 is a bill to increase drug trafficking penalties by one felony degree if it occurred within 1,000 feet of a treatment provider. Framed by supporters as protecting vulnerable people against predatory dealers, SB 55's language went far beyond this purported goal. It did not simply apply to dealers targeting those in treatment; it essentially applied to all trafficking within three football fields of a drug treatment provider.

Passage of SB 55 would have two results. First, it would substantially add to the number of people locked up for drug trafficking, which is already the number two reason people are committed to an Ohio prison. Second, as should be no surprise, it would add to the ongoing and shameful racial imbalance in prison, felony, and conviction numbers for Black and Brown Ohioans because cities easily contain more treatment options than suburban or rural areas of Ohio.

The ACLU of Ohio repeatedly pointed out these two concerns to legislators on both sides of the aisle. We and others explained they could amend the bill to apply to only those who target people in treatment and accomplish their stated goal. They refused, and SB 55 passed the Senate via a bipartisan 31-2 vote and later passed through the House Criminal Justice Committee with a bipartisan, unanimous vote.

The only reason SB 55 did not cross the finish line was because Republicans added language challenging Governor DeWine's COVID-19 authority via an amendment on the House floor. That amendment prompted an eventual veto from Governor DeWine, killing the entire bill. This didn't stop supporters who later, during the waning days of the "lame duck" period of the legislative session, added SB 55 language to a different bill that ultimately did not pass. **This Pipeline bill becoming law was avoided by the skin of our teeth.**

Enhancing Sentences

Per usual, it appears the most popular version of Pipeline bills favored by the OGA are those that increase prison time above and beyond current law when crimes are committed against specific individuals or groups. This past session, that included, but was not limited to, **House Bill 208** and **Senate Bill 118** (assaults against sports referees), **House Bill 299** (assaults against corrections officers and parole and probation officers), **House Bill 309** (assaults against public transportation operators), **House Bill 743** (assaults against youth victims), **Senate Bill 205** (cruelty against companion animals), and **Senate Bill 359** (assaults against first responders).

The most popular version of Pipeline bills increase prison time above and beyond current law when crimes are committed against specific individuals or groups.

Prostitution, Guns, and Abortion

As we have seen in the past, the topics of prostitution, abortion, and guns remain very popular for legislative efforts that intersect with mass incarceration. Last session, we saw five bills for tougher prostitution laws, 17 for stricter firearms penalties (several overlapped/same subject matter), and seven to criminalize various aspects of abortion.

Bills related to abortion access illustrate a real desire by Ohio Statehouse Republicans to shove more people in prison. During the 133rd General Assembly, these abortion-related bills establish felony penalties including – **Senate Bill 23** and **House Bill 68** (“heartbeat” bills), **House Bill 413** (total abortion ban), **House Bill 538** (Roe v. Wade “trigger” ban), **Senate Bill 260** (banning abortion drugs via telehealth), **Senate Bill 155** (failing to inform of “possibility” of abortion reversal), and **Senate Bill 27** (fetal tissue disposal).

Three new abortion-related bills establish felony penalties.

Pipeline Poster Children

Some bills provide an even clearer demonstration of this mass incarceration mentality. Among those were **House Bill 327** (criminalize business delivery of packages via drone), **House Bill 309** (increase penalties for evading public transportation fares), **House Bill 161** (increase penalties for corpse abuse), and **Senate Bill 156** (six new offenses for evading/tampering with a drug or alcohol test). Numerous others examples exist.

Three others – **Senate Bill 33**, **House Bill 784**, and **Senate Bill 359** – severely increase and enhance penalties for numerous criminal violations resulting from protests but also enveloping many other scenarios. SB 33 passed, and we expect the others to return.

Three new bills severely increase and enhance penalties for numerous criminal violations resulting from protests.

Regulatory Bills

Still other Pipeline concerns are a small part of a much larger bill, often to alter or introduce regulations of some sort to a business or industry. These include bills like **House Bill 289** and **Senate Bill 127** (elevator licensing), **House Bill** and **Senate Bill 194** (bingo), **House Bill 741** (failing to report certain criminal charges and convictions to a public retirement system), and **Senate Bill 111** (sports gambling).

These are not the types of bills that compound our prison and jail problems because the effect and application is typically much smaller than other bills mentioned in this report. **Still, they all add to a particular legislative approach; Pipeline bills are mass incarceration by a thousand small cuts.**

Call To Action

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

- **Stop introducing bills that create new crimes or place additional penalties into state law.**
- **Instruct caucuses not to advance legislation already introduced that creates new crimes or criminal penalties.**

How to Read the Report

Of the 1,194 bills introduced in the 133rd OGA, the following are Pipeline bills which would **create new criminal laws, enhance existing punishments, expand current law to include new actions and actors, and otherwise put more people in prisons and jails.** Like past reports, this list does not include bills when the penalty is a minor misdemeanor for a first offense as those generally do not broadly impact mass incarceration in Ohio.

House Pipeline Bills

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

House Bill 24: Animal cruelty

Effect: Creates, enhances and expands numerous and various animal cruelty penalties.

Sponsor(s): Hambley(R), Kick(R); 46 Republicans, 16 Democrats

Status: *Passed House 92-0; Passed Senate 32-0; House concurred with Senate amendments 83-0; signed by Governor*

House Bill 37: Dangerous dogs

Effect: Creates and enhances various and numerous penalties regarding the sale, destruction, etc. of dangerous dogs.

Sponsor(s): Antani(R), Holmes(R); 1 Republican

Status: *One hearing in House Criminal Sentencing Subcommittee*

House Bill 68: Abortion ban

Effect: Creates a felony offense for performing an abortion when a fetal heartbeat can be detected or no test for a heartbeat was conducted.

Sponsor(s): Hood(R), Keller(R); 48 Republicans

Status: *One hearing in House Health Committee*

House Bill 91: Family and medical leave insurance benefits

Effect: Creates a felony offense for failing to remit premiums from insurance program created by bill.

Sponsor(s): Boggs(D), Boyd(D); 22 Democrats

Status: *Two hearings in House Insurance Committee*

House Bill 113: Towing company spotters

Effect: Creates a misdemeanor offense for employing towing “spotters.”

Sponsor(s): Patton(R); 14 Republicans, 16 Democrats

Status: *Passed House 93-1; One hearing in Senate Transportation, Commerce and Workforce Committee*

House Bill 128: Solicitation

Effect: Increases and enhances various solicitation penalties.

Sponsor(s): Koehler(R), Miller, A.(D); 1 Republican, 2 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 146: Companion animals

Effect: Criminalizes owning, possessing, etc. a companion animal when convicted of a past animal abuse offense.

Sponsor(s): Brinkman(R); 1 Republican

Status: *One hearing in House Agricultural and Rural Development Committee*

House Bill 161: Corpse abuse

Effect: Increases the felony penalty for gross abuse of a corpse.

Sponsor(s): Smith, R.(R); 1 Republican

Status: *Passed House Criminal Justice Committee*

House Bill 180: Sexual activity simulation

Effect: Expands endangering children law to include when a minor simulates sexual activity and related acts.

Sponsor(s): Schafger(R); 5 Republicans, 3 Democrats

Status: *No hearings*

House Bill 208: Assault of sports officials

Effect: Increases assault penalties when the victim is a sports official.

Sponsor(s): Roemer(R), Miller, J.(D); 7 Republicans, 6 Democrats

Status: *Passed House 72-12*

House Bill 232: Importuning and minors

Effect: Mandatory prison term for importuning certain categories of minors.

Sponsor(s): Schaffer(R), Smith, K.(D); 5 Republicans, 1 Democrat

Status: *One hearing in House Criminal Justice Committee*

House Bill 236: Assault of hospital peace officers

Effect: Increases assault penalties when the victim is a hospital peace officer and similar employees.

Sponsor(s): Smith, T.(R), Plummer(R);

Status: *Passed House 79-19; passed Senate 22-9*

House Bill 240: Firearms storage

Effect: Criminalizes negligent storage of firearms if a minor gets access without permission with additional penalties if harm results.

Sponsor(s): Kelly(D), Miranda(D); 11 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 279: Sex assault offenses

Effect: Eliminates statute of limitations for rape and related offenses.

Sponsor(s): Boggs(D), Galonski(D); 26 Democrats, 2 Republicans

Status: *One hearing in House Criminal Justice Committee*

House Bill 282: Bingo regulations

Effect: Criminalizes destroying, altering, etc. certain bingo distributor or manufacturer records under investigation.

Sponsor(s): Holmes(R), LaRe(R); 18 Republicans, 11 Democrats

Status: *Passed House 90-2; 3 hearings in Senate Government Oversight and Reform Committee*

House Bill 289: Elevator licensing

Effect: Criminalizes violations of various elevator licensing provisions.

Sponsor(s): Baldrige(R); 7 Republicans, 3 Democrats

Status: *Passed House Commerce and Labor Committee*

House Bill 290: Health care professionals and sexual contact

Effect: Expands gross sexual imposition laws to include sexual contact between health care professionals and patients.

Sponsor(s): Boggs(D), Crawley(D); 8 Republicans, 2 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 298: Child abuse

Effect: Extends statute of limitations regarding child abuse and neglect when certain authorities have been notified of abuse or allegations.

Sponsor(s): Kent(D); 2 Republicans, 1 Democrat

Status: *One hearing in House Criminal Justice Committee*

House Bill 299: Crimes against criminal justice officials

Effect: Enhances penalties for various crimes against corrections, parole and probation officers and parole board members.

Sponsor(s): Greenspan(R); 2 Republicans, 2 Democrats

Status: *Passed House Criminal Justice Committee*

House Bill 307: Voyeurism

Effect: Increases penalties for numerous voyeurism offenses.

Sponsor(s): Antani(R), Plummer(R)

Status: *One hearing in House Criminal Justice Committee*

House Bill 309: Assault of transportation employees

Effect: Increases penalties for assault when the victim is a bus or rail car operator; increases penalties for evading fares.

Sponsor(s): Denson(D), Perales(R); 9 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 310: School bullying

Effect: Creates and expands various penalties regarding hazing of students and failure to report such offenses.

Sponsor(s): Greenspan(R); 3 Republicans, 2 Democrats

Status: *Passed House 71-15; Two hearings in Senate Education Committee*

House Bill 316: Firearms and emergency orders

Effect: Creates a criminal offense for having a firearm under bill's creation of an emergency risk protection order (ERPO); criminalizes filing a false complaint for an ERPO; expands weapon under disability offense to include ERPOs.

Sponsor(s): Sweeney(D); 23 Democrats

Status: *One hearing in House Health Committee*

House Bill 317: Firearms sales and transfers

Effect: Criminalizes sale and transfer of firearms by licensed firearms dealers unless they comply with federal background check laws.

Sponsor(s): Robinson(D), Miller J.(D); 30 Democrats

Status: *One hearing in House State and Local Government Committee*

House Bill 318: Kratom regulation

Effect: Criminalizes sale or distribution of kratom to people under 18 years of age.

Sponsor(s): Scherer(R)

Status: *Two hearings in House Health Committee*

House Bill 327: Drone delivery

Effect: Criminalizes the delivery of packages via drone by a commercial business.

Sponsor(s): Patton(R)

Status: *No hearings*

House Bill 338: Firearms and domestic violence

Effect: Expands weapons under disability offense to include domestic violence convictions, and when subject to a potential risk protection order created via the bill, criminalizes filing of false petitions for such orders.

Sponsor(s): Greenspan(R)

Status: *Three hearings in House Health Committee*

House Bill 346: Vaping restrictions

Effect: Criminalizes sale, giving away, etc. of flavored electronic smoking devices and products.

Sponsor(s): Patton(R)

Status: *No hearings*

House Bill 347: Vaping retailers

Effect: Criminalizes allowing a person under 18 years of age to enter a vaping store and the open display of vaping products.

Sponsor(s): Patton(R)

Status: *No hearings*

House Bill 348: Firearms and protection orders

Effect: Criminalizes a person from purchasing or receiving a firearm when they are subject to a protection order.

Sponsor(s): Miller, A.(D)

Status: *No hearings*

House Bill 349: Firearms capacity

Effect: Criminalizes possession, sale, purchasing, etc. of large capacity magazines for firearms.

Sponsor(s): Weinstein(D); 21 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 354: Omnibus gun bill

Effect: Expands weapons under disability offense to include eight new categories/situations.

Sponsor(s): Plummer(R), Swearingen(R)

Status: *Five hearings in House Finance Committee*

House Bill 362: Masked intimidation

Effect: Creates crime of masked intimidation regarding wearing of masks in specific instances.

Sponsor(s): Plummer(R), Lang(R)

Status: *No hearings*

House Bill 365: Chemical dependency*

Effect: Note, SB 55 language was added to HB 365 during the "lame duck" period. Otherwise, HB 365 would not appear on this list.

Status: *After SB 55 language was added on the Senate floor, the House refused to concur (43-42 vote) stopping HB 365's progress*

House Bill 368: Computer crimes

Effect: Creates five new crimes regarding computer/electronic interference, tampering, etc.

Sponsor(s): Baldrige(R); 19 Republicans, 7 Democrats

Status: *Passed House 93-1; passed Senate Judiciary Committee*

House Bill 413: Criminalizing abortion

Effect: Creates capital offenses of aggravated abortion murder and abortion murder and applies them to both doctors and patients.

Sponsor(s): Hood(R), Keller(R); 19 Republicans

Status: *No hearings*

House Bill 415: Prostitution proceeds

Effect: Creates new criminal offense for receiving money or other things of value from a prostitute for sexual activity.

Sponsor(s): Powell(R); 12 Republicans, 2 Democrats

Status: *Two hearings in House Criminal Justice Committee*

House Bill 431: Omnibus bill – solicitation, prostitution, etc.

Effect: Modifies some solicitation penalties; creates new offense of engaging in prostitution.

Sponsor(s): Abrams(R), Carfagna(R); 47 Republicans, 24 Democrats

Status: *Passed House 92-1, passed Senate 32-0, House concurred with Senate amendments 84-2; signed by Governor*

House Bill 461: Electronic monitoring – long term care facilities

Effect: Criminalizes tampering with an electronic monitoring device at a long term care facility if not the relevant resident of the facility.

Sponsor(s): Brent(D); 1 Republican, 4 Democrats

Status: *Two hearings in House Aging and Long-Term Care Committee*

House Bill 470: Rape laws

Effect: Eliminates statute of limitations for rape prosecutions.

Sponsor(s): Rogers(D); 12 Democrats

Status: *One hearing in House Criminal Justice Committee*

House Bill 472: Rape statute of limitations

Effect: Eliminates statute of limitations for rape prosecutions.

Sponsor(s): Rogers(D)

Status: *One hearing in House Criminal Justice Committee*

House Bill 486: Fraudulent assisted reproduction

Effect: Criminalizes use of human reproductive material in an assisted reproduction procedure.

Sponsor(s): Powell(R); 7 Republicans, 1 Democrat

Status: *One hearing in House Criminal Justice Committee*

House Bill 510: Vehicle loads

Effect: Increases penalties for failing to secure a load on a vehicle.

Sponsor(s): Patton(R)

Status: *No hearings*

House Bill 513: Transgender youth treatment

Effect: Creates various criminal penalties regarding mental health treatment and affirming transgender action, behavior, etc. with youth.

Sponsor(s): Hood(R), Dean(R); 9 Republicans

Status: *No hearings*

House Bill 538: Abortion trigger ban

Effect: Criminalizes abortion and promotion of abortion should courts overturn abortion rights.

Sponsor(s): Becker(R); 23 Republicans

Status: *No hearings*

House Bill 540: Voter registration

Effect: Expands current law to include when an elected official or law enforcement officer prevents, delays, hinders, etc. a person from registering to vote under the bill's provisions.

Sponsor(s): Manning, G.(R)

Status: *One hearing in House State and Local Government Committee*

House Bill 560: Omnibus voting/elections bill

Effect: Enhances penalties for various voter registration crimes.

Sponsor(s): Liston(D), Lepore-Hagan(D); 18 Democrats

Status: *No hearings*

House Bill 647: Firearms capacity

Effect: Expands unlawful transactions in weapons offense to include high capacity magazines for firearms.

Sponsor(s): Strahorn(D)

Status: *No hearings*

House Bill 652: Explicit images

Effect: Creates criminal penalties for platform operators that do not remove certain explicit images when requested or have a process for doing so.

Sponsor(s): Rogers(D)

Status: *No hearings*

House Bill 660: Medical marijuana theft

Effect: Expands theft offense to explicitly include medical marijuana.

Sponsor(s): Galonski(D)

Status: *No hearings*

House Bill 698: Omnibus corrections bill

Effect: Increases and enhances numerous drug trafficking penalties; creates new offense when someone fails to complete a work program modification.

Sponsor(s): Holmes(R), Crossman(D)

Status: *No hearings*

House Bill 705: Public nuisance properties

Effect: Criminalizes when property owners fail to comply with an injunction or other order regarding abatement of a public nuisance property.

Sponsor(s): Miller, A.(D)

Status: *No hearings*

House Bill 714: Drones explicitly added to trespass, etc.

Effect: Expands trespass, voyeurism and stalking laws to explicitly include when offenses are done via drone.

Sponsor(s): Holmes(R), Crossman(D); 2 Republicans, 9 Democrats

Status: *No hearings*

House Bill 716: Law enforcement strangulation

Effect: Creates new criminal offense when a law enforcement officer engages in strangulation of a person.

Sponsor(s): Galonski(D); Lepore-Hagan(D); 22 Democrats

Status: *No hearings*

House Bill 741: Public retirement system benefits

Effect: Criminalizes failing to report a relevant criminal charge or conviction to a public retirement system.

Sponsor(s): Manning, G.(R), Greenspan(R); 6 Republicans, 1 Democrat

Status: *No hearings*

House Bill 752: Election petition circulators

Effect: Criminalizes interfering with, intimidating, etc. those circulating election and related petitions and/or compensating people for the same.

Sponsor(s): Sweeney(D), Crossman(D); 2 Republicans, 17 Democrats

Status: *No hearings*

House Bill 753: Negligent assault

Effect: Expands and enhances negligent assault offense to include young victims.

Sponsor(s): Becker(R)

Status: *No hearings*

House Bill 781: Truck equipment

Effect: Criminalizes operating or selling a motor vehicle with a bed capable of being raised without an alarm signifying the bed being raised and disabling motor vehicles with such alarms.

Sponsor(s): Patton(R)

Status: *No hearings*

House Bill 783: Voter intimidation

Effect: Expands and enhances current election laws to include when someone intimidates, threatens, etc. another seeking to vote in an election.

Sponsor(s): Miller, A.(D)

Status: *No hearings*

House Bill 784: Protests

Effect: Enhances, expands and creates various laws regarding criminal acts arising from protests and other behavior.

Sponsor(s): Abrams(R), Plummer(R); 9 Republicans

Status: *One hearing in House Criminal Justice Committee*

House Bill 803: Respiratory therapists

Effect: Criminalizes violating any of numerous regulations regarding the licensing of advanced practice respiratory therapists.

Sponsor(s): Patton(R)

Status: *No hearings*

Senate Pipeline Bills

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

Senate Bill 5: Prostitution

Effect: Increases and enhances several penalties for promoting prostitution.

Sponsor(s): Kunze(R), Dolan(R); 53 Republicans, 26 Democrats

Status: *Passed Senate 32-0; passed House 90-0; Senate concurred with House amendments 33-0; signed by Governor*

Senate Bill 10: Theft in office

Effect: Increases penalties for theft in office.

Sponsor(s): Wilson(R); 29 Republicans, 13 Democrats

Status: *Passed House 88-0; passed Senate 32-0; House concurred with Senate amendments 88-0; signed by Governor*

Senate Bill 13: Human trafficking

Effect: Modifies some trafficking in persons provisions/penalties regarding juvenile victims.

Sponsor(s): Fedor(D); 21 Republicans, 8 Democrats

Status: *Passed Senate 31-0; 2 hearings in House Criminal Justice Committee*

Senate Bill 19: Firearms and protection orders

Effect: Criminalizes having a firearm while subject to an emergency risk protection order (ERPO) created by the bill, filing an ERPO petition with false information and expands weapons under disability offense.

Sponsor(s): Williams(D); 6 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 23: Abortion ban

Effect: Creates a felony offense for performing an abortion when a fetal heartbeat can be detected or no test for a heartbeat was conducted.

Sponsor(s): Roegner(R); 63 Republicans

Status: *Passed Senate 19-13; passed House 56-39; signed by Governor*

Senate Bill 27: Fetal tissue

Effect: Criminalizes all but specific methods of disposing fetal tissue after a surgical abortion.

Sponsor(s): Uecker(R); 30 Republicans

Status: *Passed Senate 24-7; passed House 60-35; Senate concurred with House amendments 23-7; signed by Governor*

Senate Bill 28: Protection orders

Effect: Increases penalties for menacing and aggravated menacing when the victim has a protection order against the perpetrator.

Sponsor(s): Hottinger(R); 21 Republicans, 9 Democrats

Status: *Passed Senate 33-0; Two hearings in House Criminal Justice Committee*

Senate Bill 33: Critical infrastructure protests

Effect: Expands and enhances several criminal penalties related to protest convictions at critical infrastructure sites. Criminalizes when an organization knowingly directs, assists, etc. with relevant criminal actions at a critical infrastructure site.

Sponsor(s): Hoagland(R); 18 Republicans, 1 Democrat

Status: *Passed Senate 24-8; passed House 55-30; signed by Governor*

Senate Bill 43: Domestic violence

Effect: Expands and enhances domestic violence statute and penalties. Criminalizes failing to transfer firearms after a domestic violence or assault conviction.

Sponsor(s): Kunze(R), Antonio(D); 4 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 55: Drug trafficking near treatment*

Effect: Increases the penalties for drug trafficking when done within 1,000 feet of a treatment provider.

Sponsor(s): Gavarone(R); 35 Republicans, 3 Democrats

Status: *Passed Senate 31-2; passed House 70-23; vetoed by Governor*

** later amended to add unrelated COVID-19 Governor's authority language*

Senate Bill 62: Firearm modifications

Effect: Criminalizes possessing, selling, manufacturing, etc. parts and devices that increase the rate of fire for semiautomatic weapons.

Sponsor(s): Thomas(D); 1 Republicans, 7 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 63: Firearm transfers

Effect: Criminalizes transfer of firearms from a dealer without a background check and other requirements under federal law.

Sponsor(s): Thomas(D); 4 Democrats

Status: *No hearings*

Senate Bill 64: Firearms and juveniles

Effect: Increases the penalty for improperly furnishing a firearm to a minor.

Sponsor(s): Thomas(D); 4 Democrats

Status: *No hearings*

Senate Bill 65: Gun show sales

Effect: Criminalizes transfer/sale and receipt/purchase of firearms at a gun show if certain federal and state laws are violated.

Sponsor(s): Thomas(D); 5 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 72: Fireworks

Effect: Criminalizes discharging fireworks while under the influence.

Sponsor(s): Burke(R); 2 Republicans

Status: *Four hearings in Senate Transportation, Commerce and Workforce Committee*

Senate Bill 91: Family and medical leave insurance benefits

Effect: Criminalizes when employers fail to remit premiums withheld from employee's wages with regard to family and medical leave insurance program benefits.

Sponsor(s): Maharath(D)

Status: *One hearing in Senate Insurance and Financial Institutions*

Senate Bill 93: Domestic workers

Effect: Expands criminal penalties regarding minimum wage and overtime laws to include domestic workers.

Sponsor(s): Maharath(D)

Status: *One hearing in Senate General Government and Agency Review Committee*

Senate Bill 111: Sports betting

Effect: Creates numerous criminal penalties with regard to sports betting.

Sponsor(s): Eklund(R), O'Brien(D)

Status: *Four hearings in Senate General Government and Agency Review Committee*

Senate Bill 118: Sports officiant assaults

Effect: Enhances assault penalties when the victim is a sports officiant.

Sponsor(s): Roegner(R)

Status: *Two hearings in Senate Judiciary Committee*

Senate Bill 127: Elevator regulations

Effect: Creates criminal penalties for violations of various elevator law and regulations created by the bill.

Sponsor(s): Uecker(R), Yuko(D); 3 Republicans, 4 Democrats

Status: *One hearing in Senate Transportation, Commerce and Workforce Committee*

Senate Bill 134: School bus safety

Effect: Creates new, and enhances existing, aggravated vehicular homicide offenses regarding improperly passing a school bus and causing harm.

Sponsor(s): Gavarone(R); 20 Republicans, 9 Democrats

Status: *Passed Senate 32-0; One hearing in House Criminal Justice Committee*

Senate Bill 143: Bullying

Effect: Creates a new criminal offense of aggravated bullying.

Sponsor(s): Williams(D); 2 Democrats

Status: *One hearing in Senate Judiciary Committee*

Senate Bill 144: Bullying

Effect: Creates a new criminal offense of aggravated bullying (but as part of a larger bullying bill, unlike SB 143).

Sponsor(s): Williams(D); 2 Democrats

Status: *Two hearings in Senate Judiciary Committee*

Senate Bill 145: Telephone crimes

Effect: Creates for new criminal offenses regarding transmitting false information using specific electronic means.

Sponsor(s): Burke(R); 5 Republicans

Status: *Three hearings in Senate Judiciary Committee*

Senate Bill 146: Strangulation/domestic violence

Effect: Expands domestic violence law to include felony strangulation.

Sponsor(s): Kunze(R), Antonio(D)

Status: *Three hearings in Senate Judiciary Committee*

Senate Bill 155: Abortion “reversal”

Effect: Creates a criminal offense of failing to disclose the possibility of “reversing” a mifepristone abortion.

Sponsor(s): Lehner(R); 15 Republicans

Status: *Passed Senate 22-10*

Senate Bill 156: Defrauding drug tests

Effect: Creates six new offenses regarding the defrauding of drug and alcohol screenings/tests.

Sponsor(s): Gavarone(R); 19 Republicans, 6 Democrats

Status: *Passed Senate 31-0, passed by House Criminal Justice Committee*

Senate Bill 162: Spousal exceptions – sex offenses

Effect: Eliminates the spousal exceptions for certain sex offenses and eliminates the statute of limitations for rape prosecutions.

Sponsor(s): Antonio(D), O’Brien(D); 2 Republicans, 7 Democrats

Status: *Two hearings in Senate Judiciary Committee*

Senate Bill 166: Sexual contact and health professionals

Effect: Expands gross sexual imposition offense to include when licensed health care professionals have sexual contact with patients and enhances penalties if the patient is a minor.

Sponsor(s): Kunze(R), Craig(D); 2 Democrats

Status: *One hearing in Senate Judiciary Committee*

Senate Bill 167: Domestic animal destruction

Effect: Criminalizes destroying any domestic animal using a gas chamber.

Sponsor(s): Yuko(D); 4 Democrats

Status: *Two hearings in Senate Agriculture and Natural Resources Committee*

Senate Bill 182: Firearm purchases by minors

Effect: Enhances and expands existing penalties for furnishing a firearm to those under 21 years old.

Sponsor(s): Lehner(R), Thomas(D); 1 Republican, 7 Democrats

Status: *Two hearings in Senate Government Oversight and Reform Committee*

Senate Bill 183: Firearms transfers

Effect: Criminalizes transfer of firearms from a dealer without a background check and other requirements under federal law.

Sponsor(s): Lehner(R), Thomas(D); 7 Democrats, 1 Republican

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 184: Firearms and emergency orders

Effect: Creates a criminal offense for having a firearm under bill’s creation of an emergency risk protection order (ERPO); criminalizes filing a false complaint for an ERPO; expands weapon under disability offense to include ERPOs.

Sponsor(s): Lehner(R), Williams(D); 1 Republican, 7 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 186: Voter registration

Effect: Expands current prohibitions to include when government officials and related others prevent, delay, etc. a voter from registering.

Sponsor(s): Manning, N.(R), Sykes, V.(D)

Status: *Three hearings in Senate Government Oversight and Reform Committee*

Senate Bill 187: Suggestive performances

Effect: Expands endangering children law to prohibit sexually suggestive performances by minors in a bar.

Sponsor(s): Schaffer(R)

Status: *Two hearings in Senate General Government and Agency Review Committee*

Senate Bill 194: Voting equipment board; electronic instant bingo*

Effect: Note, bingo provisions that criminalize violations of several electronic instant bingo laws were added to SB 194 during the “lame duck” period. Otherwise, SB 194 would not appear on this list.

Status: *Passed Senate 33-0 without bingo language; Passed House 78-6 with bingo language*

Senate Bill 201: Alternate employer organizations

Effect: Criminalizes violating alternative employer organization registration requirements.

Sponsor(s): Dolan(R), 20 Republicans, 5 Democrats

Status: *Passed Senate 32-0; passed House 66-24; signed by Governor*

Senate Bill 203: Gun show sales

Effect: Criminalizes transfer/sale and receipt/purchase of firearms at a gun show if certain federal and state laws are violated.

Sponsor(s): Lehner(R), Thomas(D); 1 Republican, 7 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 205: Companion animals

Effect: Increases various penalties for serious acts of cruelty against companion animals.

Sponsor(s): Hottinger(R), O'Brien(D); 3 Republicans, 1 Democrat

Status: *Four hearings in Senate Judiciary Committee*

Senate Bill 208: Failed abortions

Effect: Expands abortion manslaughter offense to include when there is purposeful failure to provide care after a failed abortion and criminalizes failing to comply with reporting requirements.

Sponsor(s): Johnson(R); 17 Republicans

Status: *Passed Senate 24-9*

Senate Bill 221: Firearms regulations

Effect: Expands, enhances and creates prohibitions against selling, lending, etc. firearms to persons prohibited under federal law from possessing, using, etc. firearms.

Sponsor(s): Dolan(R); 1 Republican, 1 Democrat

Status: *Three hearings in Senate Government Oversight and Reform Committee*

Senate Bill 223: Firearm modifications

Effect: Criminalizes possessing, selling, manufacturing, etc. parts and devices that increase the rate of fire for semiautomatic weapons.

Sponsor(s): Lehner(R), Thomas(D); 7 Democrats

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 235: Hair styling

Effect: Criminalizes using the title of “registered” regarding boutique services if not registered.

Sponsor(s): Williams(D)

Status: *No hearings*

Senate Bill 238: Art and music therapy

Effect: Creates criminal penalties when unlicensed persons advertise themselves as licensed when they are not or when they provide services and are not licensed.

Sponsor(s): Brenner(R), Yuko(D); 1 Republican, 6 Democrats

Status: *Two hearings in Senate Transportation, Commerce and Workforce Committee*

Senate Bill 247: Prostitution offenses

Effect: Creates several new prostitution offenses, including receiving proceeds of prostitution.

Sponsor(s): Schaffer(R), Fedor(D); 4 Democrats

Status: *Two hearings in Senate Judiciary Committee*

Senate Bill 260: Abortion care via telemedicine

Effect: Criminalizes providing abortion-inducing drugs unless a physician is present when they are consumed.

Sponsor(s): Huffman, S.(R), Rulli(R); 30 Republicans

Status: *Passed Senate 21-9; passed House 54-30; signed by Governor*

Senate Bill 265: Domestic violence – functional impairment

Effect: Increases the penalties for domestic violence when the victim is functionally impaired at the time of the offense.

Sponsor(s): Kunze(R)

Status: *One hearing in Senate Judiciary*

Senate Bill 285: Distracted driving

Effect: Creates new aggravated homicide and vehicular assault offenses as it relates to distracted driving.

Sponsor(s): Kunze(R), O'Brien(D)

Status: *Three hearings in Senate Local Government, Public Safety and Veterans Affairs Committee*

Senate Bill 345: Electronic instant bingo

Effect: Creates various penalties relative to regulation of electronic instant bingo and bingo.

Sponsor(s): Hoagland(R), Schuring(R)

Status: *One hearing in Senate Government Oversight and Reform Committee*

Senate Bill 359: First responder assault

Effect: Enhances assault and some related penalties when the victim is an emergency service responder. Enhances, expands and creates various laws regarding criminal acts arising from protests and other behavior.

Sponsor(s): Schaffer(R)

Status: *Two hearings in Senate Judiciary Committee*

Senate Bill 366: Assault by law enforcement

Effect: Creates a new offense of assault by a law enforcement officer.

Sponsor(s): Williams(D); 4 Democrats

Status: *No hearings*

Senate Bill 370: Arson penalties

Effect: Increases penalties for arson and numerous other offenses (vandalism, criminal mischief, etc.).

Sponsor(s): Brenner(R); 2 Republicans

Status: *Two hearings in Senate Judiciary Committee*

Acknowledgements

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