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# LEGISLATIVE UPDATE

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February 15, 2024



**OHIO**

**CRIMINAL SENTENCING COMMISSION**

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

**UPCOMING LEGISLATIVE SESSIONS:**

House: April 10, April 24, May 8, May 22, June 12, June 26

Senate: April 10, April 24, May 8, May 22, June 12, June 26



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## Legislative Update February 2024

Consistent with [R.C. 181.23](#) and [181.25](#), the Commission staff regularly monitors, analyzes, and summarizes all bills that are introduced in the General Assembly that provide for new criminal offenses, change the penalty of any criminal offense, impact the sentencing structure in Ohio, and impact the number and type of offenders who are imprisoned. Additionally, the Commission staff monitors, analyzes, and summarizes all bills that impact the provisions outlined in [R.C. 181.27](#).

### 135<sup>th</sup> General Assembly

The bills outlined below are listed in the order of their introduction. Bills that provide for new criminal offenses, change the penalty for existing criminal offenses, or impact sentencing are listed first, followed by an “Other Bills of Interest” section. Special attention should be given to House Bill 67, which directly impacts the work of the Commission. If passed, HB 67 would enact a new section (R.C. 181.26) requiring the Commission to perform additional duties.

#### **Bills Providing for New Criminal Offenses** **Bills That Change the Penalty for Existing Criminal Offenses** **Bills Impacting Sentencing**

**House Bill 20 (Swearingen)**  
**Enact the Computer Crimes Act**  
**Status: In House Committee**  
**Commission Interest: New Criminal Offense(s)**

[House Bill 20](#) (HB 20) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The fourth hearing was held on March 28, 2023. The bill creates new criminal offenses that cover crimes committed using, or involving, computers.

- The bill creates the new felony of the fifth, fourth, third or second-degree offense of computer trespass, which means to knowingly and without authorization gain access to, or cause access to be gained to, a computer, computer system, or computer network under delineated circumstances.
- The bill creates the new felony of the fourth-degree offense of electronic computer services interference which prohibits an offender from knowingly and without authorization causing the transmission of data, a computer program, or an electronic command that interrupts or suspends

access to or the use of a computer network or computer service with the intent to impair the functioning of a computer network or computer service.

- The bill creates the new felony of the fourth-degree offense of electronic data tampering which, under delineated circumstances, prohibits an offender from knowingly and without authorization altering data as it travels between two computer systems over an open or unsecure network or introducing malware into an electronic data, computer, computer system, or computer network.
- The bill creates the new felony of the fourth-degree offense of electronic data manipulation which prohibits an offender from knowingly and without authorization altering data as it travels between two computer systems over an open or unsecure network or introducing malware into any electronic data, computer, computer system, or computer network under circumstances that do not constitute the offense of electronic data tampering.
- The bill creates the new felony of the fourth-degree offense of electronic data theft which prohibits an offender from knowingly and without authorization obtaining electronic data with the intent to defraud, deceive, extort, or commit any crime OR to wrongfully control or obtain property or wrongfully gain access to electronic data.
- Finally, the bill creates the new felony of the fourth-degree offense of unauthorized data disclosure which prohibits an offender from knowingly and without authorization making or causing to be made a display, use, disclosure, or copy of data residing in, communicated by, or produced by a computer, computer system, or computer network. This new offense also prohibits an offender from knowingly and without authorization disclosing a password, identifying code, personal identification number, or other confidential information that is used as a means of access to a computer, computer system, computer network, or computer service.

The bill makes several other changes to the Ohio Revised Code related to computer crimes. Notably, the bill adds the crime of “electronic computer service interference” to the list of offenses that, if committed by reason of the race, color, religion, or national origin of another person or group of persons, constitute the crime of ethnic intimidation.

### **House Bill 33 (Edwards)**

**Establishes operating appropriations for fiscal years 2024-2025**

**Status: Enrolled and Signed by the Governor**

**Commission Interest: R.C. 181.27**

**House Bill 33** (HB 33) was this biennium’s budget bill. The bill was introduced on February 15, 2023, and was signed by the Governor on July 4, 2023. The bill modified many aspects of the revised code. Notably, HB 33 clarified that, for purposes of R.C. 2953.32 expungements, all entities other than the bureau of criminal identification and investigation must destroy, delete, and erase the official records so that the records are permanently irretrievable. The bill also modified the sealing and

expungement eligibility criteria for offenders who have multiple F3 convictions and made fourth-degree misdemeanor domestic violence convictions eligible for sealing.

**House Bill 37 (Johnson, Miller, K.)**

**Increase penalties for OVI and aggravated vehicular homicide**

**Status: In House Committee**

**Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

**House Bill 37** (HB 37) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The fourth hearing was held on December 12, 2023. The bill makes changes to 2903.06 (Aggravated Vehicular Homicide) and to 4511.19 (Operating a Vehicle Under the Influence of Alcohol or Drugs). The changes are best summarized by first examining existing law and then analyzing how the proposed changes differ from existing law.

*2903.06 Aggravated Vehicular Homicide (OVI at the time of offense)*

For F1 offenses, the bill makes modifications to the criteria necessary for the imposition of one of the two available mandatory prison terms.

Under current law, an offender being sentenced on an aggravated vehicular homicide offense (involving an OVI) is subject to a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years if the offender has previously been convicted of:

- three or more OVI offenses within the previous ten years,
- three or more aggravated vehicular homicide offenses (involving an OVI) within the previous ten years,
- three or more aggravated vehicular assault offenses (involving an OVI) within the previous ten years,
- three or more involuntary manslaughter offenses (involving an OVI) within the previous ten years,
- a combination of three or more of the preceding offenses within the previous ten years, or
- two or more felony OVI offenses.

Under the bill, an offender being sentenced on an aggravated vehicular homicide offense (involving an OVI) committed after the effective date of the amendment is subject to a mandatory prison term of fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years if the offender has previously been convicted of:

- one OVI offense within the previous ten years,
- one aggravated vehicular homicide offense (involving an OVI),
- one aggravated vehicular assault offense (involving an OVI),



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- one involuntary manslaughter offense (involving an OVI), or
- one felony OVI offense.

The bill states that the fine for the offense of aggravated vehicular homicide (involving an OVI) is mandatory and shall not exceed \$25,000.

### 4511.19 OVI

The bill increases both the mandatory minimum and possible maximum fines for OVI offenses. Under current law, an offender convicted of an OVI offense is fined as follows:

Type of Offense	Fine
1 <sup>st</sup> offense in 10 years	\$375-\$1,075
2 <sup>nd</sup> offense in 10 years	\$525-\$1,625
3 <sup>rd</sup> offense in 10 years	\$850-\$2,750
Felony OVI Offense	\$1,350-\$10,500

Under the bill, an offender convicted of an OVI offense is fined as follows:

Type of Offense	Fine
1 <sup>st</sup> offense in 10 years	\$750-\$1,250
2 <sup>nd</sup> offense in 10 years	\$1,200-\$2,000
3 <sup>rd</sup> offense in 10 years	\$2,000-\$2,750
Felony OVI Offense	\$2,300-\$10,500

The bill also creates a new notification judges must give at an OVI sentencing. The court must “warn” a person convicted of an OVI that any subsequent OVI conviction that results in the death of another/another’s unborn could result in the person being convicted of aggravated vehicular homicide. The judge must also “warn” the person of the possible penalties for an aggravated vehicular homicide (involving an OVI) offense.

### House Bill 56 (Plummer, White)

**Increase penalty-fleeing police; regards motor vehicle pursuit**

**Status: Reported by House Committee**

**Commission Interest: New Criminal Offense(s); Change in Penalty for Existing Criminal Offense(s)**

House Bill 56 (HB 56) was introduced on February 16, 2023, and was referred to the House Criminal Justice Committee on February 21, 2023. The bill was reported out of Committee on October 18, 2023. HB 56 increases the penalties for the offense of failure to comply with an order or signal of a police officer, creates the new offenses of hooning and complicity to hooning, and requires law

enforcement entities to adopt a written policy governing the pursuit of a motor vehicle based on statutorily delineated criteria.

For the offense of failure to comply, the bill increases the 2921.331(B) offense level from a first-degree misdemeanor to a fourth-degree felony if the offender willfully eludes or flees police after receiving a visible or audible signal to stop. Under these circumstances, if the offender was fleeing immediately after the commission of a felony, the bill increases the offense level from a fourth-degree felony to a third-degree felony. The bill also states that, if an offender is sentenced to prison for violating 2921.331(B), the prison term shall be served consecutively to any other prison term.

The bill also creates two new offenses: hooning, and hooning complicity. Hooning, a misdemeanor of the first degree, means operating a motor vehicle in a reckless or dangerous manner to provoke a reaction from spectators by speeding, street racing, performing doughnuts, performing burnouts, drifting, rapid acceleration, squealing tires, engine revving, or allowing passengers to ride partially or fully outside of a motor vehicle. Hooning complicity, an unclassified misdemeanor, means being a spectator at a hooning event.

**House Bill 83 (Humphrey)**  
**Remove criminal penalties for certain drug offenses**  
**Status: In House Committee**  
**Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

**House Bill 83** (HB 83) was introduced on February 27, 2023, and was referred to the House Criminal Justice Committee on February 28, 2023. The bill changes the offense of possession of drug abuse instruments (R.C. 2925.12) to the offense of making drug abuse instruments. Current law states that it is a criminal offense for a person to “knowingly make, obtain, possess, or use any instrument, article or thing the...primary purpose of which is for the administration or use of a dangerous drug...when the instrument involved is a hypodermic or syringe...” Under the bill, it is only a criminal offense if a person knowingly makes such an instrument, article, or thing.

In addition, the bill also makes a change to R.C. 2925.14. Under current law, it is a criminal offense for a person to knowingly use, or possess with the purpose to use, drug paraphernalia. The bill removes this prohibition in its entirety. Thus, under HB 67, R.C. 2925.14 only prohibits a person from dealing in drug paraphernalia (i.e., to knowingly sell, or manufacture with the purpose to sell, drug paraphernalia.)



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### **House Bill 91 (Patton)**

#### **Prohibit tracking without consent**

**Status: In House Committee**

**Commission Interest: New Criminal Offense(s)**

House Bill 91 (HB 91) was introduced on March 7, 2023, and was referred to the House Criminal Justice Committee on March 14, 2023. The fourth hearing was held on October 17, 2023. The bill creates the new misdemeanor of the first-degree offense of illegal use of a tracking device or application. The new offense prohibits a person from knowingly installing a tracking device or tracking application on another person's property without the other person's consent. If the victim had previously consented to the installation of a tracking device or tracking application, the bill delineates circumstances that constitute a presumptive revocation of that original consent. The offense does not apply to:

- law enforcement use as part of a criminal investigation,
- parental use in order to track a minor child (under certain circumstances),
- the caregiver of an elder person or disable adult if the tracking is necessary to ensure the safety of the elderly person or disable adult,
- any person acting in good faith on behalf of a business entity for a legitimate business purpose (under certain circumstances), or
- the owner or lessee of a motor vehicle (under certain circumstances).

### **House Bill 111 (LaRe, Miller, K.)**

#### **Increase sentencing range for third degree felony domestic violence**

**Status: In Senate Committee**

**Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

House Bill 111 (HB 111) was introduced on March 14, 2023, and was referred to the House Criminal Justice Committee on March 22, 2023. The bill was passed by the House on December 13, 2023. HB 111 was introduced in the Senate on December 19, 2023, and was referred to the Senate Judiciary Committee on January 24, 2024. The bill increases the penalty range for third-degree felony domestic violence and creates a presumption in favor of a prison term for the offense. Third-degree domestic violence still requires two or more prior convictions, but the sentencing range increases from the normal third-degree felony range (12 to 36 months) to the higher-level third-degree sentencing range (12 to 60 months) with a presumption in favor of the imposition of a prison term. The bill also increases the mandatory minimum definite prison term for third-degree felony domestic violence convictions involving pregnant victims from 6 months to 12 months and increases the mandatory minimum definite prison term for third-degree felony domestic violence convictions resulting in serious physical harm to a woman's unborn or termination of the pregnant woman's pregnancy from 12 months to 18 months.



**House Bill 122 (Pavliga, Miller, A.)**

**Expand intimidation offenses to include guardians ad litem**

**Status: Passed by House; In Senate Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

**House Bill 122** (HB 122) was introduced on March 21, 2023. HB 122 was passed by the House on June 21, 2023. The bill was introduced in the Senate on September 12, 2023, and was referred to the Senate Judiciary Committee on September 13, 2023. The bill modifies both R.C. 2921.04 (Intimidation of attorney, victim, or witness in criminal case or delinquent child action proceeding) and R.C. 2921.03 (Intimidation). The bill adds guardians ad litem to the list of special victim classes for these offenses. Additionally, the bill expands the prohibited behaviors to include attempts to abuse, threaten, or harass the victim (in addition to the existing prohibitions against attempts to influence, intimidate, or hinder.) Under the bill, when the victim of the offense is a guardian ad litem the violation is a misdemeanor of the first degree.

**Senate Bill 88 (Smith, Cirino)**

**Expand offense of aggravated menacing for utility workers**

**Status: In Senate Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

**Senate Bill 88** (SB 88) was introduced on March 21, 2023, and was referred to the Senate Judiciary Committee on March 23, 2023. The second hearing was held on May 9, 2023. SB 88 expands the offense of aggravated menacing to include a new special victim class for utility workers, cable operators, and broadband workers. The bill states that a violation of this section is a first-degree misdemeanor. Subsequent violations are felonies of the fifth degree.

**House Bill 139 (Roemer, Miller, J.)**

**Increase assault penalties if the victim is a sports official**

**Status: Reported by House Committee**

**Commission Interest: New Criminal Offense(s); Impacts Sentencing**

**House Bill 139** (HB 139) was introduced on March 28, 2023. HB 139 was referred to the House Criminal Justice Committee on April 18, 2023. The bill was passed by the House on November 29, 2023. HB 139 was introduced in the Senate on December 5, 2023, and was referred to the Senate Judiciary Committee on December 6, 2023. The bill adds sports officials to the list of special victim classes for assault offenses. To qualify as a special victim, the sports official must be engaged in their official duties

at the time of the offense, or the offense must be committed in retaliation for an action taken by the sports official when they were engaged in their official duties. Under the bill, assaults of this type are misdemeanors of the first degree and require courts to impose mandatory fines of \$1,500 and 40 hours of community service, in addition to other penalties allowed by law. When the offender has previously been convicted of assault with a qualifying sports official as the victim, the offense is a felony of the fifth degree. The bill also creates statutory definitions for “sports official” and “sports event”.

**Senate Bill 101 (Antonio, Huffman)**

**House Bill 259 (Schmidt, Miller, A.)**

**Abolish death penalty; modify juror challenges in certain cases**

**Status: Senate Bill 101 – In Senate Committee; House Bill 259 -In House Committee**

**Commission Interest: Impacts Sentencing**

[Senate Bill 101](#) (SB 101) was introduced on March 29, 2023. SB 101 was referred to the Senate Judiciary Committee on April 19, 2023. The second hearing was held on November 15, 2023. [House Bill 259](#) (HB 259) was introduced on September 12, 2023, and was referred to the House Finance Committee on September 26, 2023. The second hearing was on October 11, 2023.

The bills abolish the death penalty in Ohio and, accordingly, modify many aspects of the revised code related to the death penalty. The bills also modify the sentencing structures for the existing offenses that allow for a death penalty sentence. Under the bills, a person convicted of aggravated murder would be sentenced in one of three ways: life imprisonment with parole eligibility after 20 years, life imprisonment with parole eligibility after 30 years, or life imprisonment without parole. HB 259 includes a \$10 million appropriation for the Attorney General’s Victim Compensation Program.

**House Bill 196 (Williams, Seitz)**

**Change maximum periods of community control sanctions**

**Status: In House Committee**

**Commission Interest: Impacts Sentencing**

[House Bill 196](#) (HB 196) was introduced on May 31, 2023. The first hearing was held on October 17, 2023. The bill adds a fourth category of available sanctions for technical community control violations. Under the bill, offenders who commit a technical community control violation would be subject to the imposition of a more restrictive nonresidential sanction or a term of temporary incarceration. The available terms of temporary incarceration are:

First technical violation	Jail incarceration of not more than 15 days
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Second technical violation	Jail incarceration of not more than 30 days
Third technical violation	Jail incarceration of not more than 45 days
Fourth or subsequent technical violation	Any sanction of temporary incarceration described in divisions (B)(1)(a) to (c) of R.C. 2929.15

HB 196 also modifies the definition of “technical violation” to apply to all felony offense levels, rather than only fourth degree and fifth degree felony offenses that are not offenses of violence or sexually oriented offenses.

In addition to the technical violation changes as described above, HB 196 modifies the available durations of community control sanctions:

<i>Offense Level</i>	<i>Max. Community Control Duration</i>
Misdemeanor (except minor misd.)	2 Years (current max: 5 years)
Fourth or Fifth Degree Felony	2 Years (current max: 5 years)
Third Degree Felony	3 Years (current max: 5 years)
First or Second Degree Felony	5 Years (current max: 5 years)

**House Bill 230 (Abrams, Swearingen)**  
**Regards drug trafficking, organized trafficking of persons**  
**Status: In House Committee**  
**Commission Interest: New Criminal Offense(s)**

House Bill 230 (HB 230) was introduced on June 27, 2023. HB 230 was referred to the House Homeland Security Committee on September 12, 2023. The bill was reported by committee on December 6, 2023. The bill creates the new offense of participating in an organization or operation for trafficking in persons, a felony of the first degree. The bill modifies R.C. 2925.03 (Trafficking, aggravated trafficking in drugs) in several ways. The bill increases the existing third-degree felony offense level for trafficking in cocaine to the second-degree felony offense level and increases the existing second-degree felony offense level for trafficking in cocaine to the first-degree felony offense level. The bill increases the existing fourth-degree felony offense level for trafficking in heroin to the second-degree felony offense level, increases the existing third-degree felony offense level for trafficking in heroin to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in heroin to the first-degree felony offense level. The bill increases the existing fifth-degree felony offense level trafficking in a fentanyl-related compound to the second-degree felony offense level,

increases the existing fourth-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, increases the existing third-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level. The bill creates the new offense of trafficking in methamphetamine. The bill creates a new specification applicable to indictments for R.C. 2903.04 (Involuntary manslaughter) when the victim's death was consistent with opioid overdose or when a fentanyl-related compound was present in the victim's body in lethal amounts.

**House Bill 234 (Williams, Rogers)**

**Regards imposing sentence on offender who entered an Alford plea**

**Status: In House Committee**

**Commission Interest: Impacts Sentencing**

**House Bill 234** (HB 234) was introduced on June 30, 2023. The third hearing was held on November 14, 2023. HB 234 modifies R.C. 2929.12 (Seriousness of crime and recidivism factors) and R.C. 2929.22 (Determining appropriate sentence for misdemeanors) by prohibiting courts from considering an offender's Alford plea when determining whether the offender shows genuine remorse for the offense. The bill also adds that "[t]he general assembly...hereby declares the purpose of the amendment is to address that Alford pleas are generally disfavored by courts of this state because Alford pleas do not determine the guilt or innocence of the offender."

**House Bill 295 (Demetriou)**

**Enact the Innocence Act**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

**House Bill 295** (HB 295) was introduced on October 10, 2023, and was referred to the House Criminal Justice Committee on October 24, 2023. The bill amends two sections of the revised code and enacts three new sections. The bill creates three new offenses: failure to verify age of person accessing materials that are obscene or harmful to juveniles, use of false identifying information to access materials that are obscene or harmful to juveniles, and nonconsensual dissemination of fabricated sexual images.

**House Bill 322 (Seitz, Abrams)**

**Regards childhood sexual abuse registrants, offense of grooming**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

[House Bill 322](#) (HB 322) was introduced on November 8, 2023 and was referred to the House Civil Justice Committee on November 14, 2023. The third hearing was held on February 6, 2024. HB 322 modifies the statute of limitations for R.C. 2151.421 (reporting child abuse or neglect) to provide that any prosecution for a violation of that section is barred unless it is commenced within four years after the violation is committed. Additionally, HB 322 creates the new offense of grooming. Under the bill, new R.C. 2907.071(B) prohibits someone eighteen years or older from engaging in a pattern of conduct with a minor, who is thirteen years of age but less than sixteen years of age and at least four or more years younger than the offender, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with the purpose to entice, coerce, solicit, or prepare the minor to engage in sexual activity when the offender's purpose is to entice, coerce, solicit, or prepare the minor to engage in sexual activity. Generally, a violation of division (B) of this new section is a misdemeanor of the second degree. If the offender supplied alcohol or a drug of abuse to the minor, the violation is a felony of the fifth degree. Offenders with prior convictions would be charged with a felony of the fourth degree and, if an offender with a prior conviction supplied alcohol or a drug of abuse to the minor, a felony of the third degree. Division (C) of R.C. 2907.071 would prohibit someone eighteen years or older who is in a relationship described in divisions (A)(5) to (13) of R.C. 2907.03 (generally, authority persons in the minor's life) from engaging in the pattern of behavior as described in division (B). Generally, a violation of division (C) of this new section is a misdemeanor of the first degree, and offenders who supply alcohol, victimize children under the age of 13, or have prior convictions are subject to the enhanced felony levels as described above.

**House Bill 346 (Dell'Aquila)**

**Create offense – manufacture, purchase, or sale of an auto sear**

**Status: In House Committee**

**Commission Interest: New Offense(s)**

[House Bill 346](#) (HB 346) was introduced on November 30, 2023, and was referred to the House Criminal Justice Committee on December 6, 2023. The bill creates the new offense of unlawful manufacture, purchase, or sale of an auto sear, a felony of the fifth degree. The bill also creates the definition of "auto sear", which is any part or combination of parts designed to convert a weapon to automatically discharge more than one round without manual reloading, by a single function of the trigger.

**House Bill 366 (Ghanbari)**

**Senate Bill 223 (Lang, Rulli)**

**Enact FORCE Act re: organized retail theft**

**Status: In House Committee; Introduced in Senate**

**Commission Interest: New Offense(s); Change in Penalty for Existing Criminal Offense(s)**

[House Bill 366](#) (HB 366) was introduced on December 19, 2023, and was referred to the House Criminal Justice Committee on January 9, 2024. Companion bill, Senate Bill 223 (SB 223) was introduced on February 7, 2024. Among other changes, the bills create a new felony of the third-degree criminal mischief offense when the property involved is a retail pump or meter of an electric vehicle charging station, create the new felony of the fifth degree offense of theft of mail, and create the new offense of organized theft of retail property. Under the bills, organized theft of retail property is either a felony of the third, second, or first degree depending on the value amount of the stolen property.

**Senate Bill 209 (Hicks-Hudson, Ingram)**

**Regards lost or stolen firearms**

**Status: In Senate Committee**

**Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

[Senate Bill 209](#) (SB 209) was introduced on December 27, 2023, and was referred to the Senate Veterans and Public Safety Committee on January 24, 2024. The bill increases the penalty for failure to report a lost or stolen firearm from a misdemeanor of the fourth degree to a misdemeanor of the first degree and changes the level of culpability for the offense from “knowingly” to “recklessly”.

**House Bill 377 (Williams, Santucci)**

**Enact Human Trafficking Prevention Act**

**Status: In House Committee**

**Commission Interest: Change in Penalty for Existing Criminal Offense(s)**

[House Bill 377](#) (HB 377) was introduced on January 16, 2024, and was referred to the House Criminal Justice Committee on February 6, 2024. Among other changes, the bill increases the special victim class under kidnapping to include all persons under the age of eighteen, modifies the penalty for kidnapping offenses committed under circumstances where the victim was kidnapped for the purpose of engaging in sexual activity, modifies the penalty for abduction offenses committed under circumstances where the victim was abducted and held in a condition of involuntary servitude, and modifies the penalty for trafficking in persons offenses.

**Senate Bill 217 (Blessing III, Johnson)**  
**Regards AI-generated products, simulated porn, identify fraud**  
**Status: Introduced**  
**Commission Interest: New Offense(s)**

[Senate Bill 209](#) (SB 209) was introduced on January 24, 2024. The bill adds making or transmitting simulated obscene material and buying, procuring, possessing, or controlling any simulated obscene material to the list of prohibited behaviors for pandering obscenity involving a minor or impaired person offenses. If the offender makes or transmits any such obscene material the offense is a felony of the third degree. If the offender buys, procures, possesses or controls any such obscene material the offense is a felony of the fourth degree. The bill also creates the definition of “simulated obscene material”.

**House Bill 392 (Stewart, Plummer)**  
**Add nitrogen hypoxia as a method of execution**  
**Status: In House Committee**  
**Commission Interest: Impacts Sentencing**

[House Bill 392](#) (HB 392) was introduced on February 1, 2024, and was referred to the House Government Oversight Committee on February 6, 2024. Among other related changes, the bill adds nitrogen hypoxia as a method of execution for persons upon whom a death sentence was imposed.

**House Bill 401 (Miller, K., Demetriou)**  
**Create the offense of nonconsensual distribution of a deepfake**  
**Status: Introduced**  
**Commission Interest: New Offense(s)**

[House Bill 401](#) (HB 401) was introduced on February 6, 2024. The bill creates the new offense of nonconsensual distribution of a deepfake, a misdemeanor of the first degree on a first offense and a felony of the fifth degree on subsequent offenses. The bill creates the definition of a “deepfake”, which is an image or recording that has been convincingly altered or manipulated to misrepresent a person as performing an action or making a statement that the person did not, in fact, perform or make. The bill prohibits an offender, without consent, from creating a deepfake with intent to distribute, distributing a deepfake, or soliciting the creation of a deepfake with intent to distribute, under circumstances where the offender intends to harass, extort, threaten or cause physical, emotional, reputational, or economic harm to the individual falsely depicted.

## Other Bills of Interest

### House Bill 50 (Humphrey, Seitz)

**Status: Passed by House; In Senate Committee**

**Create mechanism to allow relief-collateral sanction for housing**

House Bill 50 (HB 50) was introduced on February 15, 2023, and was referred to the House Criminal Justice Committee on February 16, 2023. The bill passed the House on May 24, 2023, was introduced in the Senate on May 30, 2023, and was referred to the Senate Community Revitalization Committee on May 31, 2023. The third hearing was held on December 6, 2023. The bill creates a mechanism by which persons previously convicted of a criminal offense may seek relief from the collateral sanctions for housing of that conviction by applying for a Certificate of Qualification for Housing (CQH).

The CQH may be granted by the common pleas court if the court finds by a preponderance that: 1) granting the petition will materially assist the individual in obtaining housing; 2) the individual has a substantial need for the requested relief in order to live a law-abiding life and; 3) the granting of the petition would not pose an unreasonable risk to the safety of the public or any individual.

- If convicted of a felony, an offender may petition the court for the CQH at least 1 year after the offender's release from incarceration and all periods of supervision imposed after that release have ended or, if the offender was not incarcerated, at least 1 year after the offender's final release from all other sanctions imposed for the offense.
- If convicted of a misdemeanor, the offender may petition the court for the CQH at least 6 months after the offender's release from incarceration and all periods of supervision after that release have ended or, if the offender was not incarcerated, at least 6 months after the offender's final release from all other sanctions imposed for that offense.

### House Bill 62 (Humphrey)

**Limit the locations at which a person has no duty to retreat**

**Status: In House Committee**

House Bill 62 (HB 62) was introduced on February 21, 2023, and was referred to the House Government Oversight Committee on February 28, 2023. The first hearing was held on June 13, 2023. Current law states that a person does not have a duty to retreat before using force in self-defense when that person is in any place in which they have a lawful right to be. The bill limits the locations at which a person has no duty to retreat before using force in self-defense to the person's residence, the person's vehicle, or the vehicle of the person's immediate family member, provided the person is lawfully in their residence or the vehicle. The bill also removes language stating that the trier of fact shall not consider



the possibility of retreat as a factor in determining whether or not a person who used force in self-defense reasonably believed that the force was necessary to prevent injury, loss, or risk to life or safety.

**House Bill 67 (Seitz, Williams)**  
**Regards subsequent reduction in penalties for prior offenses**  
**Status: In House Committee**

[House Bill 67](#) (HB 67) was introduced on February 27, 2023, and was referred to the House Criminal Justice Committee on February 28, 2023. The second hearing was held on October 24, 2023. The bill states that a qualifying offender who has been sentenced for an offense may apply to the court in which the original penalty, forfeiture, or punishment was imposed if, after the original imposition, the penalty, forfeiture, or punishment for the offense is reduced by a change to the Ohio Revised Code or the Ohio Constitution. This relief is not available to offenders sentenced on an offense of violence. After application is made, the court shall grant the application and make the reduction if the court finds that the change in law is a reduction in a penalty, forfeiture, or punishment for an offense, that the offense is not an offense of violence, that the offender was sentenced for that offense, and that the penalty, forfeiture, or punishment was not imposed pursuant to a negotiated plea agreement.

HB 67 further provides that the Ohio Criminal Sentencing Commission shall prescribe a sample application form that may be used to make the application as described above. The bill also requires the Commission to review all enrolled acts enacted by the general assembly to determine whether the act may provide for a penalty, forfeiture, or punishment reduction. If an enrolled act may provide for one of these reductions, the Commission shall notify the state public defender, each county public defender, and the correctional institution inspection committee. This notification shall include all of the possible reductions in a penalty, forfeiture, or punishment for an offense and a sample application form.

**House Bill 124 (Galonksi, Miranda)**  
**Eliminate period of limitation – rape prosecution or civil action**  
**Status: In House Committee**

[House Bill 124](#) (HB 124) was introduced on March 21, 2023, and was referred to the House Criminal Justice Committee on March 28, 2023. The first hearing was held on October 17, 2023. The bill modifies R.C. 2901.13(A)(2) by adding R.C. 2907.02 (Rape) to the list of offenses with no statute of limitations for criminal prosecution.

**House Bill 314 (Bird, Williams)**  
**Regards juvenile court transfer to juvenile’s home county**  
**Status: Introduced**

[House Bill 314](#) (HB 314) was introduced on October 30, 2023, and was referred to the House Criminal Justice Committee on November 14, 2023. The second hearing was held on December 4, 2023. The bill repeals R.C. 2151.271, eliminating the option for juvenile courts to transfer proceedings against a juvenile to the county where the juvenile resides.