

127th OHIO GENERAL ASSEMBLY – WINS AND LOSSES

The end of 2008 marked the end of the 127th Ohio General Assembly, and we aren't looking back with many fond memories. A variety of legislative initiatives helpful to victims were introduced but many met with defeat in the closing hours of session.

Teen Dating Violence Bill – A LOSS

Representative Edna Brown introduced House Bill 247, the Teen Dating Violence Bill, which would have allowed a court to issue a civil protection order to a child who has had or has a dating relationship with the respondent. Juvenile court would have jurisdiction if the perpetrator is a juvenile and common pleas court would have jurisdiction in cases of adult perpetrators. The bill also filled a gap in Ohio's DV law by including foster parent in the definition of "family or household member." ACTION OHIO testified in support of the bill. In the final deliberations of the bill on the Senate side, Senators amended the bill to delete "dating relationships" and finally Senator Keith Faber insisted that the bill include a provision to expunge a juvenile's record if falsely accused of violence and then found to be innocent. This move sealed the fate of the bill and it died in committee.

Ban Corporal Punishment Bill – A LOSS

House Bill 406, co-sponsored by Representative Jon Peterson and Representative Brian Williams, would have banned corporal punishment in Ohio's public schools. Although only six public school districts still use corporal punishment as a form of discipline and the practice has little support among educators and parents, a small number of legislators have continued to resist efforts to ban it. Because the co-sponsors were from both parties and the bill did pass favorably out of the House Education Committee, advocates were hopeful that HB 406 would be enacted in 2008. Nevertheless, a few key legislators on the GOP side of the aisle blocked the bill's progress and it died without a showdown vote. ACTION OHIO lobbied in support of the bill.

Pets and Protection Orders Bill – A LOSS

Representative Courtney Combs and Representative Brian Williams co-sponsored House Bill 418, which provided that DV victims could choose to include companion pets in protection orders. This bill did pass the Ohio House and was sent to the Senate, where it was assigned to the Judiciary Committee on Criminal Justice, chaired by Senator Tim Grendell. Unfortunately, the bill was never scheduled for a hearing in the final weeks of session and died as a result. ACTION OHIO lobbied in support of the bill.

Interstate Enforcement of DV Protection Orders – A LOSS

Senator Kevin Coughlin introduced Senate Bill 21, which would have updated Ohio law to conform to new VAWA provisions. SB 21 would require Ohio to enforce the provisions of a valid foreign protection order including custody and visitation provisions. Early in the legislative session, Senators Steve Austria and Keith Faber indicated that they intended to amend the bill and stakeholders (including ACTION OHIO and ODEVN) had objections. Although it appeared that one or both Senators would back off their amendments and ACTION OHIO encouraged Senator Coughlin to move forward with the bill, he chose to put it on the back burner and let it die in committee.

Anti-Abortion Poster Bill – A WIN & A LOSS

Representative Michelle Schneider, at the behest of Ohio Right To Life, introduced House Bill 280, which requires that abortion clinics place posters in waiting rooms, stating that “NO ONE CAN FORCE YOU TO HAVE AN ABORTION. NO ONE – NOT A PARENT, NOT A HUSBAND, NOT A BOYFRIEND – NO ONE.”

In an attempt to give the impression that the bill’s focus was on helping pregnant battered women, provisions were added to increase the penalty for acts of violence when an abuser injures a pregnant victim and he knows that she is pregnant.

In spite of the DV penalty enhancement, both ACTION OHIO and ODVN objected to the bill because it did not address the key issue of screening for DV in all health care settings. Furthermore, the presence of the posters could do more to provoke abusers than remove barriers for victims who may be forced to have abortions by their batterers.

In the final hours of deliberations on this bill, Senator Tim Grendell added a mandatory prison term provision for offenders who knowingly batter pregnant women. Secondly, Senator Teresa Fedor was able to convince her colleagues to amend the bill to include much of the substance of Senate Bill 205, her Anti-Trafficking Bill. Those provisions include the definition of “human trafficking” and strong encouragement to the Attorney General to establish a Trafficking in Persons Study Commission.

Stalking Protection Order/Electronic Monitoring Bill – A WIN

Senator Tom Sawyer sponsored Senate Bill 244, which provides the court with the option of ordering electronic monitoring for stalking offenders or sexually oriented offenders who violate protection orders. The bill had passed the Senate and was stalled in the House Criminal Justice Committee. In the final days of the session Senator Sawyer was able to find support among his Senate colleagues to amend his bill into House Bill 471, a bill about coroners, sponsored by Representative Arlene Setzer, that was destined to pass. ACTION OHIO testified in support of SB 244.

Two VAWA Requirements Enacted in Ohio Law – A WIN

Representative Jay Hottinger introduced House Bill 562, the Capital and Other Appropriations Bill, in May 2008. Two VAWA provisions were amended into the bill to bring Ohio into compliance with federal law. They include 1) the notification to offenders by courts regarding firearms restrictions for DV and 2) the state’s certification that law enforcement officers do not require victims of sexual assault to take polygraph examinations as part of an investigation.

Compliance with Adam Walsh Act & Federal SORN Requirements

On July 27, 2006, President Bush signed into law the Adam Walsh Child Protection and Safety Act. Passage of this act triggered a ripple effect of compliance legislation across the country. Ohio Senators who played a role in this initiative included Patricia Clancy with Senate Bill 9, which expanded the statute of limitations for certain sex offenses against juveniles, Steve Austria with Senate Bill 10, which updated Ohio’s sex offender registration, community notification and sentencing guidelines, Keith Faber with Senate Bill 22, which provided for the civil commitment of sexually violent offenders, David

Goodman with Senate Bill 23, which enhanced prosecution for human trafficking, and Steve Stivers with Senate Bill 97, which increased penalties for sex offenders who fail to register. Of all these bills, only SB 10 and SB 97 became law.

Long-term Care Facilities & Sex Offenders – DID NOT PASS

Representative Courtney Combs sponsored House Bill 57, which would have required the Sheriff to notify long term care facilities regarding registered sex offenders residing in the neighborhood. The facility would then be required to pass this information along to employees, but not residents. Upon entering the facility, long-term care facilities would be required to inform new residents that the long term care facility may admit registered sex offenders or child-victim offenders for treatment. Although this bill did pass the House, nursing home lobbyists were successful in getting the bill side-lined in the Senate, where it died.

Spying on a Nude Minor - PASSED

Sponsored by Representative John Schlichter, House Bill 74 prohibits a person from trespassing or invading the privacy of another person who is a minor to videotape, film, photograph, or spy upon the minor in a state of nudity for the purpose of sexual arousal. Offenders who violate this provision will be guilty of a felony of the fifth degree. An Ohio family whose children were spied on by a neighbor/voyeur was responsible for the passage of this bill.

Child Neglect-if sex offender in residence – DID NOT PASS

Representative Thom Collier sponsored House Bill 111, which expanded the definition of “neglected child” to include a child whose parent, guardian, or custodian knowingly allows a certain sex offender to reside in the same residence as that child. Opponents included families with juvenile sex offenders, whose children could no longer live in the family home if the bill became law, and youth advocates who worried about what would become of juvenile sex offenders banned from the family home but unable to support themselves and live independently. The bill as passed by the House also prohibited the court from ordering a name change for a person who has committed identity fraud or who must register under the SORN Law.

Schools & Records of Missing Students - PASSED

Sponsored by Representative Arlene Setzer, House Bill 181 would require each school to mark the records of a student when the school receives notice from a law enforcement (LE) agency that the student has been reported missing and to notify LE whenever it receives a request for the records. There are concerns that battered victims who flee from abusers and/or who go underground will be more apt to be found and subject to violence and retaliation by abusers. On the flip side, if abusers take their children and go into hiding, this bill might help victims reunite with their children.

Sex Between Peace Officer & Minor-Sexual Battery – PASSED

House Bill 209, sponsored by Representative Anthony Core, would expand the offense of sexual battery to prohibit a peace officer from engaging in sexual conduct with a minor who is not the officer’s spouse if the officer is more than two years older than the minor.

The bill was introduced as a direct result of a peace officer becoming intimate with a juvenile survivor of family violence in Ohio.

Prohibition against Sealing Criminal Records - PASSED

Senator Patricia Clancy introduced Senate Bill 18, which expanded the list of convictions for which a criminal record could not be sealed when victims were under the age of 18. The offenses included crimes often related to sexual abuse and assault, such as voyeurism, public indecency, compelling prostitution, promoting prostitution, procuring, disseminating matter harmful to juveniles, displaying matter harmful to juveniles, and pandering obscenity. A young woman who had been sexually abused by her stepfather brought the issue to the attention of Senator Clancy. She and her family and her counselor plus ACTION OHIO were instrumental in the bill's passage.

Elderly/Mentally impaired Statewide Emergency Alert Program - PASSED

Senator John Carey sponsored Senate Bill 87, which created the Statewide Emergency Alert Program, to aid in the identification and location of missing individuals who have a mental impairment or who are 65 years of age or older. The alert system is similar to the Amber Alert for children. This bill was a direct result of the cases of several elderly missing persons in Ohio.

Shaken Baby Syndrome Education Program - PASSED

Senate Bill 144, introduced by Senator Steve Stivers, establishes the Shaken Baby Syndrome Education Program and requires the Department of Job and Family Services to record shaken baby syndrome in child abuse cases. An Ohio family whose baby suffered shaken baby syndrome at the hands of a babysitter was responsible for this legislation.

Child's Death Leads to Passage of Two Foster Care Reform Bills – PASSED

Senator Tom Niehaus introduced Senate Bill 163, which improves foster caregiver background checks and makes other changes. On the House side, Representative Jeff Wagner sponsored House Bill 214, which made further changes to foster care laws, such as increasing the hours of pre-placement training and making specified information a public record when foster caregivers and potential foster caregivers are convicted of certain crimes. The bills were the direct result of the death of a foster child in Ohio when his foster family left him restrained and alone in a closet while going on a weekend family reunion.

Mandatory Prison Term for Importuning – PASSED

Senator Tim Schaffer introduced Senate Bill 183, which requires a mandatory prison term for the offense of "importuning" if the offender previously has been convicted of a sexually oriented offense or a child-victim oriented offense. The bill also prohibits anyone from inducing, procuring, encouraging, soliciting, requesting, or facilitating someone believed to be a minor to engage in sexual activity for hire, and other changes.

Penalties Increased for Procuring Offenses Near School – DID NOT PASS

Senator Kirk Schuring sponsored Senate Bill 220, which would have authorized a court to impose an additional prison or jail term for an offender convicted of one of a series of

related offenses, such as “promoting prostitution,” “procuring,” “soliciting,” “solicitation after a positive HIV test,” “loitering to engage in solicitation,” “loitering to engage in solicitation after a positive HIV test,” “prostitution,” or “prostitution after a positive HIV test,” when the crime was “committed in proximity to a school.”

Prosecutor Retains Obscene Materials – DID NOT PASS

Representative Bruce Goodwin sponsored House Bill 191, which would have required the Prosecuting Attorney’s Office or the Court to retain obscene materials in cases involving minors. Cases would include minors as participants in the obscene materials or as observers. The object was to safeguard and protect the minors from the future display of the materials.

Green License Plates for Sex Offenders – DID NOT PASS

Senator Kevin Coughlin sponsored Senate Bill 56 in response to a child abduction and murder of a teenage girl in Wayne County. Family members lobbied for the creation of neon green license plates to be issued to registered sex offenders, inasmuch as the girl’s abductor was such an offender. Although repeated hearings were held on the bill with family members testifying and sharing their story, law enforcement organizations and the Ohio Prosecuting Attorneys Association opposed the legislation for many reasons. For example, offenders would be apt to borrow other vehicles instead of driving their own with the neon plates. Passage of the bill could signal that anyone without a neon plate will not offend, leading to a false sense of security. Legislators were persuaded that the bill would not solve the problem and could lead to more family tragedies.

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