



STATEHOUSE REPORT

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Senate passes criminal law reform bill Senate Bill 288

Earlier this week, the Ohio Senate passed [Senate Bill 288](#) (Sen. Nate Manning). This bill contains numerous criminal justice reform measures that were a result of nine legislative hearings and months of work with interested parties. As a result of these conversations, the Ohio Prosecuting Attorneys Association and the Buckeye State Sheriff's Association were neutral on the bill. Among other items, the bill proposes the following changes:

- Increases earned credit eligibility from the current 8 percent to 15 percent in reduction of a prison term for active participation or completion of constructive programs;
- Modifies the current "Good Samaritan" law by expanding immunity from prosecution for drug paraphernalia offenses;
- Increases the penalties for strangulation or suffocation to a felony domestic violence conviction; and
- Modifies existing timelines and exceptions for record sealing. Additionally, the bill allows certain offenses to be expunged after a period of 3, 5, or 10 years depending on the seriousness of the offense.

The bill will head to the Ohio House of Representatives where a similar proposal, [House Bill 699](#) (Rep. Bill Seitz and Rep. Tavia Galonski) is currently being deliberated. It is unclear if any of these proposals will be enacted into law before the current General Assembly ends on December 31st.

Legislature enacts bill to regulate indemnification clauses in Public Sector Construction Contracts

The Senate and House agreed to a Conference Report for [Senate Bill 56](#) (Sen. Louis Blessing) that enacts a new section of the Revised Code, 153.81, to regulate indemnity clauses in public improvement contracts between public authorities and a professional design firm. An indemnity clause requires that the architect or engineering firm provide

financial security with regard to third party claims arising from liability related to the professional design services. Under the bill, the indemnification can only be for the liabilities incurred from the proportionate share of the tortious conduct of the professional design firm or any consultant, subcontractor, or other entity used by the professional design firm. In other words, the professional design firm will only be financially responsible for its share of damages assigned by the court.

The indemnification provisions do not prohibit either of the following:

- (1) A public authority from bringing a damages action against a professional design firm for breach of the public improvement contract or of the professional standard of care;
- (2) A professional design firm from bringing a damages action against a subcontracted design firm for breach of the subcontract or of the professional standard of care.

The bill specifies that a provision in a contract between a public authority and the federal government prevails over a conflicting provision in the bill to the extent of such conflict.

House amends and passes Senate Bill 110 to support nursing home industry

On Thursday, the Ohio House of Representatives moved swiftly to provide assistance to the struggling nursing home industry by amending language into [Senate Bill 110](#) (Sen. Sandra O'Brien and Sen. Steve Wilson). The language requires the Ohio Department of Medicaid to rebase nursing home rates for 2023 using 2021 cost data, and appropriates \$615 million, about \$200 million of which is state General Revenue Fund money, and the rest of which would come from federal matching funds.

Of the \$615 million, the proposal requires 60% of the allocation to go to enhanced quality incentive payments, and the remainder to fund enhanced base rates. Furthermore, the proposal requires health care staffing agencies to register with the Ohio Department of Health.

SB 110 was voted out of the Ohio House by a 63-12 vote and will head back to the Ohio Senate for concurrence before the legislature finishes up their work for the year.

Senate Bill 16 amended to allow county corrections officers to carry firearms on duty

During its 4th hearing in House Criminal Justice, [Senate Bill 16](#) (Rep. Tim Schaffer) received a number of amendments. [One of these amendments](#) is of note for counties. It allows a county correctional officer who has completed a firearms qualification training program from an approved peace officer training school to carry firearms on duty if authorized by the individual in charge of the correctional facility. This statutory change has been a priority for

county sheriffs since it will allow corrections officers to assist in inmate transfers. A similar provision exists in [Senate Bill 288](#), which passed out of the Senate this week (see prior article).

More broadly, Senate Bill 16 increases the penalty for assault and for menacing if the victim is an emergency service responder or a family member of an emergency service responder. It passed unanimously out of the Senate in June 2021 and has received four hearings in House Criminal Justice.

135th General Assembly House Democratic leadership team named

This week the 135th General Assembly House of Representatives Democratic caucus voted for its leadership team. The leadership team will be:

- Minority Leader: Rep. Allison Russo (D-Upper Arlington)
- Assistant Minority Leader: Rep. Dontavius Jarrells (D-Columbus)
- Minority Whip: Rep. Jessica Miranda (D-Forest Park)
- Assistant Minority Whip: Rep. Tavia Galonski (D-Akron)

The leadership teams for the House Republican caucus as well as both Senate caucuses were previously reported in the [November 18 edition of Statehouse Report](#).

Other legislative activity

The following bills of interest to the Association had action this week.

Bill	Bill Summary	Activity
House Bill 294	Makes a number of revisions to election law. This bill includes two CCAO priorities, \$7.5 million for replacement of electronic pollbooks and the elimination of August special elections.	Had its 4 th hearing in Government Oversight. Received two minor amendments.
House Bill 150	Creates the Rural Practice Incentive Program (public defender loan repayment for practicing in rural areas) and creates a task force to study the indigent defense system. CCAO will appoint one member of the task force.	Had an informal hearing in Senate Finance (the bill had not yet been formally referred to the committee yet).
House Bill 405	Clarify the appointing authority for boards of county hospital trustees.	Had its 5 th hearing in Senate Local Government and Elections, was amended to remove charter counties from the scope of the bill.

Bill	Bill Summary	Activity
House Bill 501	Authorize property taxes for school resource officer services.	Had its 1 st hearing in Senate Local Government and Elections.
House Bill 487	Allows ballots to be printed out of state.	Had its 3 rd hearing in Senate Local Government and Elections. <i>Provisions identical to this bill have been amended into House Bill 294.</i>
House Bill 458	Eliminates August special elections except in limited circumstances.	Had its 3 rd hearing in Senate Local Government and Elections. <i>Provisions identical to this bill have been amended into House Bill 294.</i>
House Bill 223	Allows private label credit card vendors to deduct sales taxes remitted for certain bad debts. LSC estimates that counties and transit authorities will lose up to \$4.2 million a year in sales tax revenue.	Had its 2 nd hearing in Senate Ways and Means.
House Bill 729	Revises membership of county veterans service commissions and gives one appointment to the VSC to the board of county commissioners.	Had its 1 st hearing in House Armed Services and Veterans Affairs