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Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

S.B. 10 of the 133rd General Assembly

House Criminal Justice

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The following changes were made by the House Criminal Justice Committee:

Restitution cap for audit expenses

Caps mandatory restitution for audit expenses for theft in office under the Senate-passed version of the bill at the amount of restitution imposed for all of the property or service that is the subject of the offense or for all of the actual loss suffered, except as provided in a negotiated plea agreement.

Records held by Auditor of State and other sealing and expungement law

Amends the Criminal Conviction Records Sealing Law to prevent an application to seal a record containing a conviction for soliciting improper compensation until 7 years after the offender's final discharge, an increase from the 1-4 years that would be required under current law, depending on the number and severity of other charges in the same case.

Notwithstanding existing law provisions that require law enforcement agencies to close investigatory work product upon the sealing of a criminal record or the expungement of a criminal record or delinquent child adjudication, permits the Auditor of State to provide or discuss investigatory work product with other parties.

Excludes the offense of "theft in office" from the provisions of the Criminal Conviction Records Sealing Law. Excludes, from the definition of "official records" that applies to the criminal records sealing law regarding not guilty findings, dismissed charges, and no bills, any records, reports, or audits maintained by the Auditor of State under the Auditor's authority.

Notwithstanding existing records sealing law, allows the auditor of state or a prosecutor to maintain records of an individual who has been forever disqualified from holding public office, employment, or a position of trust in this state, or who has otherwise been convicted of an offense based on records, reports, or audits of the Auditor of State, to the extent the records were used as the basis for the individual's disqualification or conviction.

Warrants for county obligations

Requires the county auditor to issue warrants for payment of county obligations on the county treasurer for moneys paid out of the county treasury upon presentation of a proper court order for expenses of any court funded through the county treasury.

Allows the county auditor to issue a warrant for payment under protest if the county auditor questions the validity of a court order for expenses submitted under this provision and allows the auditor of state to review a warrant filed in protest as part of the auditor's next regularly scheduled audit of the public office that presented the documents that led to issuance of the warrant under protest.

Tax refund garnishment

Adds to the list of debts toward satisfaction of which the Tax Commissioner may apply a tax refund due to a taxpayer: (1) debts owed to a political subdivision under a claim certified to the Attorney General and (2) debts owed based on a finding in an audit report filed with or delivered to the attorney general that public property has been converted or misappropriated.