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H.B. 111
135th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. LaRe and K. Miller

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SUMMARY

- Creates a presumption for a prison term for third degree felony domestic violence.
- Increases the sentencing range for third degree felony domestic violence.

DETAILED ANALYSIS

Presumption for prison term

The bill creates a presumption for a prison term for the offense of third degree felony domestic violence involving a family or household member if the offender pleaded guilty to or was convicted of two or more offenses of domestic violence or substantially similar municipal ordinances.¹ The bill also makes the offense of domestic violence a third degree felony when the offender previously pleaded guilty to, or was convicted of two or more offenses of domestic violence or substantially similar municipal ordinances involving a family or household member, and knew that the victim of the violation was pregnant at the time of the violation.² In that circumstance, continuing law requires the court to impose a mandatory prison term on the offender.³

Increased sentencing ranges

The bill also increases sentencing ranges for third degree felony (F3) domestic violence offenses as follows:

¹ R.C. 2919.25(D)(4).

² R.C. 2919.25(D)(4).

³ R.C. 2919.25(D)(4).

Domestic violence sentencing range increases		
Circumstances	Sentencing under current law	Sentencing under the bill
F3 Domestic violence: knowingly causing physical harm or recklessly causing serious physical harm to a family or household member with two or more prior domestic violence convictions or two or more prior convictions involving specified violent offenses against a family or household member.	Except as otherwise provided, 9, 12, 18, 24, 30, or 36 months. ⁴	Except as otherwise provided, 12, 18, 24, 30, 36, 42, 48, 54, or 60 months. ⁵
Same as above and the offender knows or should know the victim was pregnant at the time of the violation.	A mandatory term of six months or one of the prison terms prescribed above. ⁶	A mandatory term of 12 months or one of the prison terms prescribed above. ⁷
Same as above, and the offender also caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy.	A mandatory term of 12 months or one of the prison terms prescribed above. ⁸	A mandatory prison term of 18 months or one of the prison terms prescribed above. ⁹

Technical correction

The bill corrects a cross-reference in the law regarding protection orders on behalf of an organization.¹⁰

⁴ R.C. 2919.25(D)(4) and 2929.14(A)(3)(b).

⁵ R.C. 2919.25(D)(4) and 2929.14(A)(3)(a).

⁶ R.C. 2919.25(D)(6)(d) and 2929.14(A)(3)(b).

⁷ R.C. 2919.25(D)(6)(d) and 2929.14(A)(3)(a).

⁸ R.C. 2919.25(D)(6)(e) and 2929.14(A)(3)(b).

⁹ R.C. 2919.25(D)(6)(e) and 2929.14(A)(3)(a).

¹⁰ R.C. 2903.215.

HISTORY

Action	Date
Introduced	03-14-23
Reported, H. Criminal Justice	10-11-23
Passed House (90-0)	12-13-23
