



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Nicholas A. Keller

H.B. 354

132nd General Assembly
(As Passed by the House)

Reps. Reineke, Gavarone, Goodman, Sprague, Manning, Rezabek, Celebrezze, Galonski, Lang, Rogers, Anielski, Blessing, Boyd, Brown, Faber, Green, Johnson, Lepore-Hagan, Patton, Riedel, Ryan, Schaffer, Seitz, Sheehy, R. Smith, Strahorn, Sweeney

BILL SUMMARY

- Grants the Tiffin-Fostoria Municipal Court and the Seneca County Court of Common Pleas concurrent jurisdiction in certain criminal proceedings in which the offender is admitted to participate in a drug recovery program.
 - Specifies criminal proceedings in which the Tiffin-Fostoria Municipal Court would not have concurrent jurisdiction with the Seneca County Court of Common Pleas.
 - Provides that the concurrent jurisdiction granted by the bill expires five years after its effective date, unless renewed or made permanent by the General Assembly.
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CONTENT AND OPERATION

Seneca County PIVOT drug recovery program

Concurrent jurisdiction in drug abuse-related cases

The bill provides that the Tiffin-Fostoria Municipal Court has concurrent jurisdiction with the Seneca County Court of Common Pleas in certain criminal actions or proceedings to which both of the following apply:¹

(1) The court finds that the offender's addiction to a drug of abuse was the primary factor leading to the offender's commission of the offense charged;

(2) The offender is admitted to participate in the "Participating In Victory Of Transition" (also known as "PIVOT") drug recovery program.

¹ R.C. 1901.186(B).

Limitations on concurrent jurisdiction

The bill provides that the Tiffin-Fostoria Municipal Court does not have concurrent jurisdiction with the Seneca County Court of Common Pleas in a criminal action or proceeding if any of the following applies:²

(1) The defendant is not a resident of Seneca County.

(2) The defendant is charged with a felony "offense of violence" (see below, for definitions of the terms in quotation marks) or a felony-level offense of illegal manufacture of drugs or illegal cultivation of marihuana.

(3) The defendant is charged with a "felony sex offense" or has a duty to comply with the registration and notification requirements of the Sex Offender Registration and Notification Law.

(4) The defendant is serving a prison term imposed by another court, is under a community control sanction or post-release control sanction imposed by another court, or is on parole or probation under the supervision of another jurisdiction.

(5) Criminal proceedings are pending against the defendant for a felony offense in another jurisdiction.

(6) The defendant is engaged as an "informant" for a law enforcement agency.

Expiration of concurrent jurisdiction

The concurrent jurisdiction granted by the bill expires five years after the effective date of the bill, unless renewed or made permanent by the General Assembly prior to its expiration.³

Definitions

The bill defines an "**informant**" as a person who is assisting a law enforcement agency in a criminal investigation by purchasing controlled substances from others in return for compensation from the law enforcement agency.⁴

Under existing law, applicable to the bill:⁵

² R.C. 1901.186(C).

³ R.C. 1901.186(D).

⁴ R.C. 1901.186(A)(3).

⁵ R.C. 1901.186(A)(1) and (2), by reference to R.C. 2967.28 and 2901.01, respectively.



"Felony sex offense" means any felony offense that is included in Chapter 2907. of the Revised Code.

"Offense of violence" means any of the following (all but a few of the offenses are felonies):

(1) The offense of: aggravated murder; murder; voluntary manslaughter; involuntary manslaughter; felonious assault; aggravated assault; assault; permitting child abuse; aggravated menacing; menacing by stalking; menacing; kidnapping; abduction; extortion; trafficking in persons; rape; sexual battery; gross sexual imposition; aggravated arson; arson; terrorism; aggravated robbery; robbery; aggravated burglary; inciting to violence; aggravated riot; riot; inducing panic; domestic violence; intimidation; intimidation of an attorney, victim, or witness in a criminal case; escape; improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function; patient abuse committed in specified circumstances; burglary committed in specified circumstances; endangering children committed in specified circumstances; or the former offense of felonious sexual penetration;

(2) A violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States, substantially equivalent to any offense listed in paragraph (1);

(3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of Ohio or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense described in paragraph (1), (2), or (3).

HISTORY

| ACTION | DATE |
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| Introduced | 09-20-17 |
| Reported, H. Criminal Justice | 11-29-17 |
| Passed House (95-0) | 12-05-17 |

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