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OHIO LEGISLATIVE SERVICE COMMISSION

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Synopsis of Senate Amendments

(This synopsis addresses amendments adopted by the Senate Judiciary Committee and on the Senate Floor.)

H.B. 305 of the 135th General Assembly

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The committee adopted the following amendments:

Committee amendments

Clerk of court authorization

Removes the requirement that funds for the computerization of municipal, county, and common pleas court clerks be authorized and disbursed by the court, and instead permits the clerk to do so if the clerk has been elected; retains the requirement for appointed clerks.

Final appealable order

Classifies the following as a final order that may be reviewed on appeal: an order that restrains or restricts enforcement of a state statute or regulation, whether in whole or in part, facially or as applied.

Conciliation for custody disputes between unmarried parents

Allows a court to order unmarried parents who are in a custody dispute to undergo conciliation with a magistrate.

Requires a magistrate to resolve disputes through conciliation procedures and, upon resolution, to issue an order regarding the allocation of parental rights and responsibilities, parenting time, or companionship or visitation.

Specifies that conciliation procedures may include the use of family counselors and service agencies, community health services, physicians, licensed psychologists, and clergy.

Ashtabula County County Court

Replaces the two part-time judgeships in the Ashtabula County County Court with one full-time judge.

Includes the village of North Kingsville and Kingsville, Monroe, and Sheffield Townships within the territorial jurisdiction of the Conneaut Municipal Court.

Conneaut Municipal Court

Beginning January 1, 2025, expands the territorial jurisdiction of the Conneaut Municipal Court to include the municipal corporation of North Kingsville, and within Kingsville, Monroe, and Sheffield townships, in Ashtabula County.

Requires that all cases arising in the municipal corporation of North Kingsville in Ashtabula County and in Kingsville, Monroe, and Sheffield townships in Ashtabula County that are pending in the Eastern County Court in Ashtabula County on January 1, 2025, be adjudicated by the Ashtabula County County Court.

Requires that all cases arising in the municipal corporation of North Kingsville in Ashtabula County and in Kingsville, Monroe, and Sheffield townships in Ashtabula County on or after January 1, 2025, be brought before the Conneaut Municipal Court.

Legal aid society funds

Prohibits financial assistance received by legal aid societies from being used for the provision of legal services in any criminal case or proceeding or for the provision of legal assistance in any fee generating case, rather than in relation to any criminal case or in relation to any fee generating case.

Reimbursement deadline

Creates a one-year deadline for counties to submit reimbursement requests to the state for the per diem compensation paid to acting/assigned county or municipal court judges.

Ohio Criminal Sentencing Commission

Requires the Ohio Criminal Sentencing Commission to reestablish a standing juvenile committee.

Reestablishes requirements for the Commission to review and develop a juvenile justice policy for the state, as well as assisting policymakers with legislation related to juvenile justice issues.

Political subdivision communications

Applies an existing statute regarding political subdivisions' newsletters and communications to chartered counties and municipal corporations.

Prohibits a chartered county or municipal corporation, along with any other political subdivision, from using public funds to publish communications with certain messages, including messages in support of or opposition to a candidate or a levy or bond issue.

Prohibits a chartered county or municipal corporation, along with any other political subdivision, from paying its employees to engage in activities to influence the outcome of an election regarding a candidate or a levy or bond issue.

Political subdivision soldiers' memorial

Authorizes the board of trustees of a political subdivision soldiers' memorial to make rules and regulations for entertainment, retail, educational, sporting, social, cultural, or arts opportunities at the memorial.

Authorizes the board, with the approval of the board of county commissioners, to enter into contracts with political subdivisions or nonprofit organizations for the use of other facilities separate and apart from the memorial, and to provide other services. Such use must adhere to the rules and regulations established by the board of trustees to carry out the purposes of the memorial.

Indigent Defense Support Fund: funding restoration

Restores a provision from prior law that allocated increased amounts of the reinstatement fee associated with failure to maintain proof of financial responsibility to the Indigent Defense Support Fund.

Specifically, allocates \$50 of each \$300 reinstatement fee (for a 2nd offense within five years), and \$100 of each \$600 reinstatement fee (for a 3rd or subsequent offense within five years) to that Fund. (Current law allocates \$10 regardless of the amount of the reinstatement fee.)

Documentary service charges

Requires the Registrar of Motor Vehicles to adjust the maximum documentary service charge that a motor vehicle dealer may charge in connection with the sale or lease of a motor vehicle to account for increases in the Consumer Price Index (CPI) since July 1, 2006, rounded to the nearest \$1 increment.

Currently, the documentary service charge is capped at \$250, or 10% of the sale or lease price (excluding tax, title, and registration fees, and any negative equity adjustment), whichever is less. The amendment retains the 10% cap, which would continue to apply to smaller sales and leases, but indexes the \$250 cap for inflation.

Requires the adjustments to be made on the effective date of the amendment and annually, thereafter, on the last day of September. Based on current CPI data, if the first adjustment occurred in February 2024, it would increase the cap to approximately \$382.

Specifies that the first adjustment applies from the effective date of the amendment until the last day of December following the second required adjustment. Specifies that the second adjustment applies, and all subsequent adjustments apply, to the calendar year following the date of the adjustment.

Stipulates that the adjusted maximum documentary service charge must not be less than the maximum charge that applies on the date the adjustment is made.

Requires the Registrar to publish the adjusted maximum charge and the dates to which it applies on a web site maintained by the Department of Public Safety.

Third-party driver's exam administrators

Specifies that a third-party administrator for the standard motor vehicle skills test may be:

- Any person;
- Any Ohio agency; or
- Any agency, department, or instrumentality of local government, including a clerk of the court of common pleas.

Requires any fees collected by a clerk of the court of common pleas serving as a third-party administrator to be deposited into the existing Certificate of Title Administration Fund.

Requires fees that have been collected by a clerk of the court of common pleas who has been serving as a third-party administrator between April 12, 2021, and the bill's effective date to be deposited into the Certificate of Title Administration Fund.

Public depositories

Eliminates the prohibition against a financial institution that is a party to an active final or temporary cease-and-desist order issued by the Superintendent of Financial Institutions, or the directors, officers, or controlling persons of which are subject to such an order, from serving as a public depository.

Instead requires any "institution," including certain eligible credit unions, that is designated by a governing board as a public depository to notify each such governing board if the institution becomes party to an active prompt corrective action directive (directive) issued by a regulatory authority of the United States.

Specifies that institutions are generally ineligible to serve as public depositories while party to such a directive, but allows governing boards to continue to use the institution as a public depository, or to designate the institution as a public depository for subsequent designation periods, if the governing board determines that doing so is in the public interest.

Relieves certain public officials from liability for loss of public moneys deposited in a failed public depository.

Cemeteries

Establishes a process cemeteries must follow to disinter and reinter remains when repairing or replacing a mausoleum or columbarium.

Allows the disinterment of the cremated remains of a decedent who died of a contagious or infectious disease, without a permit issued by the local board of health.

Replaces references to "buried" or "burial" with the more inclusive term "interred" or "interment."

Judicial release and transitional control

Reiterates that amendments to the judicial release and transitional control processes made in S.B. 288 of the 134th General Assembly apply only to prisoners serving prison terms on or after April 4, 2023, the effective date of that act.

Campaign finance

Campaign spending by foreign nationals

Prohibits a foreign national from knowingly making a contribution or expenditure to support or oppose a state or local ballot issue, either directly or through another entity, and retains the current prohibition against a foreign national making a contribution or expenditure regarding a candidate.

Prohibits a foreign national from soliciting another person to make a contribution or expenditure.

Expands the list of entities that are prohibited from soliciting or accepting a contribution or expenditure from a foreign national to include a continuing association.

Prohibits any person from knowingly aiding or facilitating a violation of the prohibitions described above regarding foreign nationals.

Adds the term “knowingly” to each prohibition regarding foreign national campaign spending.

Prohibits a lawful permanent U.S. resident, also known as a green card holder, from making contributions or expenditures regarding ballot issues or candidates.

Requires all political entities to certify on their campaign finance filings, under penalty of election falsification, that they have not knowingly accepted, and will not knowingly accept, any campaign contributions that are prohibited under the Campaign Finance Law.

Expenditures from alternate sources of funds

Clarifies that the term “expenditure” means the disbursement or use of a contribution *or other funds* for the purpose of influencing the results of an election.

Independent expenditures regarding ballot issues

Clarifies that the term “independent expenditure” includes an expenditure to advocate support of or opposition to an identified ballot issue or to achieve the successful circulation of an initiative or referendum petition, regardless of whether the issue has yet been certified to appear on the ballot.

Ballot issue committees

Specifies that if the committee in charge of a statewide initiative or referendum petition receives a contribution or makes an expenditure for the purpose of achieving the successful circulation of the petition, the committee is considered a political action committee (PAC) for that purpose and must file periodic disclosures in the same manner as any other PAC.

Enforcement of the Campaign Finance Law

Requires, when the Ohio Elections Commission (OEC) refers a violation of the Campaign Finance Law for prosecution, that the Attorney General prosecute most cases that currently would go to the Franklin County Prosecutor.

Provides a procedure for choosing a different prosecutor if the appropriate prosecutor is a victim or witness or otherwise involved in the case.

Retains the existing penalty for violating the law regarding contributions and expenditures by foreign nationals, but requires a violator to return the contribution to the foreign national, in addition to paying a fine.

Requires the OEC, if it finds a violation of that law, to either (1) impose the maximum fine and, if applicable, order the violator to return the funds, or (2) refer the matter for prosecution.

Allows the Attorney General, if the OEC refers a violation of that law to a county prosecutor, to assume responsibility for prosecuting the case upon the request of the county prosecutor or upon the Attorney General's own initiative, unless the Attorney General has a conflict of interest.

Senate floor amendment

Public depositories

Defines "prompt corrective action directive" for the purposes of the bill's public depository-related changes regarding which financial institutions and credit unions are eligible to serve as public depositories, by reference to federal law.