



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Issues from Legislation, Litigation, and Crimmigration

County Public Defender Summit

October 5, 2018

- I. TCAP
- II. HB 49 / CCV
- III. Marsy's Law
- IV. Newly Passed Legislation
- V. PRC
- VI. Crimmigration

**48 Initial Targeted Community Alternatives to Prison (T-CAP) Counties with
Funding Levels by Fiscal Year**

County	FY18 Funding	FY19 Funding	Total Funding Amount
Allen	\$ 204,012	\$ 249,349	\$ 453,361
Athens	\$ 119,064	\$ 145,523	\$ 264,587
Auglaize	\$ 89,648	\$ 109,570	\$ 199,218
Belmont	\$ 127,769	\$ 156,163	\$ 283,932
Brown	\$ 132,026	\$ 161,365	\$ 293,391
Clinton	\$ 142,923	\$ 174,683	\$ 317,606
Coshocton	\$ 76,266	\$ 93,214	\$ 169,480
Darke	\$ 80,213	\$ 98,038	\$ 178,251
Defiance	\$ 104,850	\$ 128,150	\$ 233,000
Erie	\$ 248,722	\$ 303,993	\$ 552,715
Fulton	\$ 99,144	\$ 121,176	\$ 220,320
Gallia	\$ 98,397	\$ 120,262	\$ 218,659
Geauga	\$ 127,810	\$ 156,213	\$ 284,023
Guernsey	\$ 91,106	\$ 111,351	\$ 202,457
Hancock	\$ 145,032	\$ 177,262	\$ 322,294
Harrison	\$ 67,500	\$ 82,500	\$ 150,000
Henry	\$ 67,500	\$ 82,500	\$ 150,000
Hocking	\$ 73,452	\$ 89,775	\$ 163,227
Holmes	\$ 67,500	\$ 82,500	\$ 150,000
Huron	\$ 132,683	\$ 162,169	\$ 294,852
Jefferson	\$ 102,978	\$ 125,862	\$ 228,840
Knox	\$ 117,253	\$ 143,309	\$ 260,562
Lawrence	\$ 203,630	\$ 248,881	\$ 452,511
Licking	\$ 438,642	\$ 536,118	\$ 974,760
Lorain	\$ 618,831	\$ 756,349	\$ 1,375,180
Lucas	\$ 780,374	\$ 953,790	\$ 1,734,164
Mahoning	\$ 527,151	\$ 644,295	\$ 1,171,446
Medina	\$ 370,949	\$ 453,383	\$ 824,332
Monroe	\$ 67,500	\$ 82,500	\$ 150,000
Montgomery	\$ 1,383,883	\$ 1,691,412	\$ 3,075,295
Morgan	\$ 67,500	\$ 82,500	\$ 150,000
Morrow	\$ 67,500	\$ 82,500	\$ 150,000
Noble	\$ 67,500	\$ 82,500	\$ 150,000
Ottawa	\$ 67,500	\$ 82,500	\$ 150,000
Paulding	\$ 69,328	\$ 84,735	\$ 154,063
Perry	\$ 67,500	\$ 82,500	\$ 150,000
Pickaway	\$ 195,326	\$ 238,731	\$ 434,057
Ross	\$ 277,061	\$ 338,630	\$ 615,690
Sandusky	\$ 126,672	\$ 154,822	\$ 281,494
Seneca	\$ 121,540	\$ 148,548	\$ 270,088
Summit	\$ 1,336,798	\$ 1,633,865	\$ 2,970,663

48 Initial Targeted Community Alternatives to Prison (T-CAP) Counties with Funding Levels by Fiscal Year

Tuscarawas	\$ 134,815	\$ 164,773	\$ 299,588
Union	\$ 84,645	\$ 103,454	\$ 188,099
Van Wert	\$ 70,482	\$ 86,144	\$ 156,626
Vinton	\$ 67,500	\$ 82,500	\$ 150,000
Washington	\$ 114,696	\$ 140,184	\$ 254,880
Wayne	\$ 204,192	\$ 249,569	\$ 453,761
Williams	\$ 82,821	\$ 101,226	\$ 184,047
Total	\$ 1,130,183	\$ 1,381,336	\$ 2,511,519

March 2018 MOU Counties (8) - These counties submitted MOU's in March 2018 for a 1 yr T-CAP (FY19 only). The funding listed in FY18 is 20% of the 1 yr total for FY19. DRC agreed to provide some of the funding in advance to allow Counties to prepare for the July 1, 2018 effective date.

County	FY18 Funding	FY19 Funding	Total Funding Amount
Cuyahoga	\$ 450,000	\$ 1,800,000	\$ 2,250,000
Franklin	\$ 450,000	\$ 1,800,000	\$ 2,250,000
Hamilton	\$ 450,000	\$ 1,800,000	\$ 2,250,000
Stark	\$ 196,100	\$ 784,401	\$ 980,501
Butler	\$ 247,670	\$ 990,679	\$ 1,238,349
Marion	\$ 52,004	\$ 208,018	\$ 260,022
Putnam	\$ 15,000	\$ 60,000	\$ 75,000
Fairfield	\$ 72,395	\$ 289,581	\$ 361,976
Total	\$ 1,933,169	\$ 7,732,679	\$ 9,665,848

	FY18 Funding	FY19 Funding	Total Funding Amount
Total T-CAP Funding with 56 Confirmed Counties as of 4/12/2018	\$ 12,063,352	\$ 20,114,015	\$ 32,177,367

Crime & Punishment

Tracking	Bill	Short Title	Status Date
<input checked="" type="checkbox"/>	HB1	<p>PROTECTING DOMESTIC VIOLENCE VICTIMS (Sykes, E) - To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.</p> <p>SIGNED BY GOVERNOR; eff. 7/6/18</p>	04/05/2018
<input checked="" type="checkbox"/>	HB6	<p>RECORDS PUBLICATION FEES (Barnes, Jr., J) - To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition.</p> <p>SIGNED BY GOVERNOR; eff. 1/18/18</p>	10/19/2017
<input type="checkbox"/>	HB52	<p>DEED SOLICITATION REGULATION (Rezabek, J) - To regulate the solicitation of certain deeds.</p> <p>SIGNED BY GOVERNOR; eff. 5/11/18</p>	02/08/2018
<input checked="" type="checkbox"/>	HB63	<p>SENTENCING-DISFIGUREMENT SPECIFICATION (Hughes, J) - To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the</p>	07/17/2017

act's provisions "Judy's Law."
SIGNED BY GOVERNOR; eff. 10/17/17

- HB94 MONTH DESIGNATION-TEEN DATING VIOLENCE AWARENESS (Sykes, E) - 10/19/2017
To designate February as "Teen Dating Violence Awareness Month."
SIGNED BY GOVERNOR; eff. 1/18/18
- HB95 DISTRACTED DRIVING PENALTY 07/30/2018
(Hughes, J) - To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.
SIGNED BY GOVERNOR; eff. 10/29/18
- SB1 DRUG LAWS (LaRose, F) - To increase 08/01/2018
penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.
SIGNED BY GOVERNOR; eff. 10/13/2018
- SB4 RECORDS EXPUNGEMENT (Kunze, S) - 06/29/2018
To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of

compelling prostitution.

SIGNED BY GOVERNOR; eff. 9/28/2018

- SB7 PROTECTION ORDER VIOLATIONS 06/28/2017
(Bacon, K) - To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.
SIGNED BY GOVERNOR; eff. 9/27/17
- SB33 LEADS DISCLOSURE (Eklund, J) - To 12/22/2017
allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case.
SIGNED BY GOVERNOR; eff. 3/23/2018
- SB66 SENTENCING MODIFICATION-REHABILITATION
(Eklund, J) - To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.
SIGNED BY GOVERNOR; eff. 10/29/2018