

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 233

Representative Weddington

Cosponsors: Representatives Boyd, Williams, S., Brown, Stewart, Winburn

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A B I L L

To enact section 181.01 of the Revised Code to create 1
the Criminal Justice Reform Commission. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 181.01 of the Revised Code be enacted 3
to read as follows: 4

Sec. 181.01. (A) There is hereby created the criminal justice 5
reform commission, consisting of the following thirteen members: 6

(1) A dean of a law school appointed by the governor or a 8
professor of law designated by that dean; 9

(2) A law enforcement officer appointed by the governor; 10

(3) A prosecuting attorney experienced in prosecuting 11
felonies appointed by the attorney general; 12

(4) A forensic scientist appointed by the attorney general; 13

(5) An individual appointed by the president of the senate; 14

(6) An individual appointed by the speaker of the house of 15
representatives or, if the speaker belongs to the same political 16
party as the president of the senate, by the minority leader of 17

<u>the house of representatives;</u>	18
<u>(7) A judge of a court in this state appointed by the chief justice of the supreme court;</u>	19
<u>(8) A professor of law appointed by the executive director of the Ohio prosecuting attorneys association;</u>	21
<u>(9) A laboratory scientist appointed by the executive director of the Ohio association of criminal defense lawyers;</u>	23
<u>(10) A criminal defense attorney appointed by the state public defender;</u>	25
<u>(11) An attorney licensed to practice law in this state appointed by the president of the Ohio state bar association;</u>	27
<u>(12) A victim advocate or a victim of a serious felony appointed by the president of the Ohio state bar association;</u>	29
<u>(13) A person who was wrongfully convicted of a serious felony and was incarcerated for five years or more as a result of that conviction appointed by the executive director of the Ohio association of criminal defense lawyers.</u>	31
<u>(B)(1) Of the initial members appointed to the criminal justice reform commission, those appointed under divisions (A)(8) to (13) of this section shall each serve a term that expires on December 31, 2010, and those appointed under divisions (A)(1) to (7) of this section shall each serve a term that expires on December 31, 2011. Thereafter, each term shall be for two years, commencing on the first day of January and ending on the last day of December. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall hold office for the remainder of the term. A member shall continue in office subsequent to the expiration of the term until the member's successor takes office.</u>	32
<u>(2) The governor shall designate one member of the commission</u>	34

to serve as the chairperson. 48

(3) Six members of the commission constitute a quorum, and 49
the affirmative vote of six members is required for approval of 50
any action by the commission. 51

(4) After each initial member of the commission has been 52
appointed, the commission shall meet and select from among the 53
members a secretary and such other officers as the commission 54
considers necessary to carry out its duties. Organizational 55
meetings of the commission shall be held at times and places 56
designated by call of the chairperson. Meetings of the commission 57
may be held anywhere in the state and shall be in compliance with 58
sections 121.22 and 149.43 of the Revised Code. The commission may 59
adopt, pursuant to section 111.15 of the Revised Code, rules 60
necessary to carry out the purposes of this section. 61

(C) The criminal justice reform commission shall do all of 62
the following: 63

(1) Review every case to which both of the following apply: 64

(a) An individual's conviction of an offense or adjudication 65
as a delinquent child was vacated, dismissed, or reversed on 66
appeal, the prosecuting attorney in the case cannot or will not 67
seek any further appeal of right or upon leave of court, and no 68
criminal or delinquency proceeding is pending, can be brought, or 69
will be brought by any prosecuting attorney, city director of law, 70
village solicitor, or other chief legal officer of a municipal 71
corporation against the individual for any act associated with 72
that conviction; 73

(b) After sentencing for the offense or disposition for the 74
delinquent child adjudication and during or after imprisonment or 75
placement in a department of youth services facility, it was 76
determined by a court of common pleas that the offense of which 77
the individual was convicted or the delinquent act for which the 78

individual was adjudicated a delinquent child, including all 79
lesser-included offenses, either was not committed by the 80
individual or was not committed by any person. 81

(2) Identify the causes of wrongful convictions and 82
delinquent child adjudications; 83

(3) Identify current laws, rules, and procedures implicated 84
by each identified cause of wrongful convictions or delinquent 85
child adjudications; 86

(4) Identify through peer-reviewed research, expert evidence, 87
and other means potential solutions to the problem of wrongful 88
convictions and delinquent child adjudications in the form of 89
legislation, rules, procedural changes, and educational or 90
training opportunities demonstrated to eliminate or minimize the 91
occurrence of each cause of wrongful convictions or delinquent 92
child adjudications; 93

(5) Consider potential implementation plans, costs, cost 94
savings, and impact on the criminal justice system and the 95
juvenile justice system for each potential solution; 96

(6) Issue reports under division (E) of this section. 97

(D) Members of the commission shall serve without 98
compensation but shall be reimbursed for the actual and necessary 99
expenses incurred in the performance of their official duties. All 100
actual and necessary expenses incurred by members of the 101
commission in carrying out this section are payable solely from 102
money appropriated for that purpose by the general assembly, and 103
the commission shall incur no liability or obligation beyond that 104
money. 105

(E) The legislative service commission, department of 106
administrative services, and the Ohio board of regents shall 107
assist the criminal justice reform commission in the performance 108
of its duties. The criminal justice reform commission may also 109

accept assistance from other governmental and private entities in 110
Ohio. 111

(F)(1) For each case to which division (C)(1) of this section 112
applies, the criminal justice reform commission shall conduct an 113
investigation, including hearings, to determine the cause or 114
causes of the wrongful conviction or adjudication. Within sixty 115
days after the completion of an investigation, the commission 116
shall issue a preliminary written report of its findings of fact 117
and conclusions, including any recommendations to prevent wrongful 118
convictions or adjudications from occurring under similar 119
circumstances in the future. Within one hundred twenty days after 120
issuing the preliminary report, the commission shall issue a final 121
report. The commission shall make the final report available to 122
the public and shall submit copies to the governor, attorney 123
general, chief justice, president of the senate, and speaker of 124
the house of representatives, and to any governmental agency that 125
the commission finds may have been involved in the investigation 126
or trial that resulted in the wrongful conviction or adjudication. 127

(2) The commission annually shall prepare, make available to 128
the public, and submit to the governor, attorney general, chief 129
justice, president of the senate, and speaker of the house of 130
representatives a report indicating the number of cases 131
investigated pursuant to division (F)(1) of this section and the 132
status of pending investigations, and a summary of its findings 133
and recommendations for the year covered by the report. 134

(3) Within sixty days after receiving a report issued under 135
this section, the governor, president of the senate, and speaker 136
of the house of representatives shall, singly or jointly, issue a 137
formal written response to the commission's findings and 138
recommendations. 139

(4) The contents of any report prepared under this division 140
may not be used as evidence in any civil or criminal proceeding. 141

(G) As used in this section: 142

(1) "Serious felony" means a felony of the first, second, or 143
third degree as a result of which the victim receives serious 144
physical harm to the victim's person or that is a sexually 145
oriented offense. 146

(2) "Sexually oriented offense" has the same meaning as in 147
section 2950.01 of the Revised Code. 148