

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**THURSDAY, FEBRUARY 3, 2011**

## ELEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Thursday, February 3, 2011, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

**INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 86**-Representatives Blessing, Heard.

To amend sections 109.42, 307.93, 309.18, 341.12, 926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 2909.11, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 5149.01, 5149.10, 5149.33, and 5149.34 and to enact sections 307.932, 2967.19, 5120.035, and 5120.113 of the Revised Code to increase from \$500 to \$1,000 the threshold amount for determining increased penalties for theft-related offenses and for certain elements of "vandalism" and "engaging in a pattern of corrupt activity"; to increase by 50% the other threshold amounts for determining increased penalties for those offenses; to revise and clarify the law regarding prosecution of multiple theft, Medicaid fraud, workers' compensation fraud, and similar offenses and the valuation of property or services involved; to include workers' compensation fraud as a theft offense; to provide that if "nonsupport of dependents" is based on an abandonment of or failure to support a child or a person to whom a court order requires support and is a felony the sentencing court generally must first consider placing the offender on one or more community control sanctions; to eliminate the difference in criminal penalties for crack cocaine and powder cocaine; to revise some of the penalties for trafficking in marihuana or hashish and for possession of marihuana, cocaine, or hashish; to revise procedures for notification of victims when violent offenders escape from the Department of Rehabilitation and Correction; to modify the number of Parole Board members required to conduct a full Board hearing; to limit a member of the Parole Board who is not the Chairperson or a victim representative to two six-year terms; to revise the eligibility criteria for, and procedures governing, intervention in lieu of conviction; to revise the eligibility criteria for judicial release; to reduce the penalty for the offense of "escape" when it involves certain conduct by a

person under supervised release by the Department; to revise the procedure for prisoners in state correctional institutions to earn days of credit for productive participation in specified prison programs and the number of days of credit that may be earned; to require GPS monitoring of a prisoner placed on post-release control who was released early from prison due to earning 60 or more days of credit; to enact a new mechanism for the possible release with sentencing court approval of certain Department inmates who have served at least 85% of their prison term; to expand the membership of a county's local corrections planning board; to expand the authorization to transfer certain Ohio prisoners for pretrial confinement to a contiguous county in an adjoining state to also apply to postconviction confinement and confinement upon civil process; to make changes regarding halfway houses and community residential centers and authorize reentry centers; to allow placement in a skilled nursing facility for care of an inmate who is released on indefinite parole due to being in imminent danger of death, medically incapacitated, or terminally ill; to provide for the establishment and operation of community alternative sentencing centers for misdemeanants sentenced directly to the centers under a community residential sanction or an OVI term of confinement not exceeding 30 days; to change the membership of the Ex-offender Reentry Coalition by reducing the number and functions of members from the Governor's office and adding the Director of Veterans Services; to remove judges from the membership of a corrections commission and instead have them form an advisory board; to require the Department to develop a reentry plan for each inmate committed to the Department who was not sentenced to a term of life without parole or a sentence of death and who is expected to be imprisoned for more than 30 days; to revise the procedures governing the Department's issuance of an inmate identification card upon an inmate's release and the use of such a card to obtain a state identification card; to authorize, instead of require, the Department to discontinue subsidy payment to a political subdivision that reduces local funding for corrections by the amount of a community-based corrections subsidy or that uses a subsidy for capital improvements; to require the Department, together with the Department of Alcohol and Drug Addiction Services, to develop an implementation plan related to funding through the federal Second Chance Act related to community reentry of offenders; and to specify that the report and recommendations of the Council of State Governments' Justice Reinvestment in Ohio Study is to be considered in the bill.

Said bill was considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Phillips submitted the following report:

The standing committee on Rules and Reference to which was referred **H. R. No. 27**-Representative Adams, J., et al., having had the same under consideration, reports it back and recommends its adoption.

RE: RONALD REAGAN DAY

LOUIS W. BLESSING  
JOHN ADAMS  
ANDREW BRENNER  
ANNE GONZALES  
TRACY HEARD

WILLIAM G. BATCHELDER  
DAVE BURKE  
CHERYL GROSSMAN  
DEBBIE PHILLIPS  
ARMOND BUDISH

The report was agreed to.

The resolution was ordered to be engrossed and placed on the calendar.

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bills and House Joint Resolution be considered for the second time and referred to the following committees for consideration.

**H.B. No. 78 - Representatives Uecker and Roegner, et al**  
TO REVISE THE CRIMINAL LAWS GOVERNING POST-VIABILITY  
ABORTIONS.

To the committee on Health and Aging

**H.B. No. 79 - Representatives Bubp and Uecker, et al**  
TO PROHIBIT QUALIFIED HEALTH PLANS FROM PROVIDING  
COVERAGE FOR CERTAIN ABORTIONS.

To the committee on Health and Aging

**H.B. No. 80 - Representative Pillich, et al**  
TO PROHIBIT A MINOR, BY USE OF A TELECOMMUNICATIONS  
DEVICE, FROM KNOWINGLY SHARING, EXCHANGING, SENDING,  
OR POSTING A PHOTOGRAPH, VIDEO, OR OTHER MATERIAL THAT  
SHOWS A MINOR IN A STATE OF NUDITY AND TO DEFINE A STATE  
OF NUDITY FOR PURPOSES OF THIS PROHIBITION, TO LIMIT THE  
OFFENSE OF "ILLEGAL USE OF A MINOR IN A NUDITY-ORIENTED  
MATERIAL OR PERFORMANCE" TO ACTS COMMITTED BY  
PERSONS 18 YEARS OF AGE OR OLDER, AND TO PROHIBIT A  
MINOR FROM COMMITTING BY MEANS OTHER THAN A  
TELECOMMUNICATIONS DEVICE DELINQUENT ACTS THAT  
WOULD BE THE OFFENSE OF "ILLEGAL USE OF A MINOR IN A  
NUDITY-ORIENTED MATERIAL OR PERFORMANCE" IF  
COMMITTED BY AN ADULT.

To the committee on Criminal Justice

**H.B. No. 81 - Representative Snitchler, et al**

TO REQUIRE PERFORMANCE BUDGETING BY MOST STATE AGENCIES.

To the committee on State Government and Elections

**H.B. No. 82 - Representatives Grossman and Boose, et al**

TO PRESCRIBE THE APPLICABILITY OF FEDERAL REGULATIONS ADOPTED BY THE PUBLIC UTILITIES COMMISSION OF OHIO TO CERTAIN MOTOR VEHICLES.

To the committee on Public Utilities

**H.B. No. 83 - Representative Rosenberger, et al**

TO DESIGNATE A POSITION OF UNITED STATES ROUTE 50 WITHIN HIGHLAND COUNTY THE "PFC. ZACHARY GULLETT MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 84 - Representative Rosenberger, et al**

TO DESIGNATE STATE ROUTE 73 WITHIN CLINTON COUNTY ONLY AS THE "SGT. STEVEN CONOVER - VETERANS MEMORIAL HIGHWAY" AND TO DESIGNATE STATE ROUTE 729 WITHIN CLINTON COUNTY ONLY AS THE "LANCE CPL. BRETT WIGHTMAN - VETERANS MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 85 - Representatives Hackett and Sears, et al**

TO PROHIBIT REQUIRING AN INDIVIDUAL TO OBTAIN OR MAINTAIN HEALTH INSURANCE.

To the committee on Health and Aging

**H.J.R. No. 2 - Representatives Maag and Sears, et al**

PROPOSING TO ENACT SECTION 21 OF ARTICLE I OF THE CONSTITUTION OF THE STATE OF OHIO TO PRESERVE THE FREEDOM OF OHIOANS TO CHOOSE THEIR HEALTH CARE AND HEALTH CARE COVERAGE.

To the committee on Health and Aging

LOUIS W. BLESSING  
JOHN ADAMS  
DAVE BURKE  
CHERYL GROSSMAN  
TRACY HEARD

WILLIAM G. BATCHELDER  
ANDREW BRENNER  
ANNE GONZALES  
ARMOND BUDISH  
DEBBIE PHILLIPS

Representative Grossman moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and the House Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and House Joint Resolution were considered the second time and referred as recommended.

On motion of Representative Grossman, the House adjourned until Tuesday, February 8, 2011 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.