

OHIO

SENATE

JOURNAL

THURSDAY, MAY 5, 2011

FORTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Thursday, May 5, 2011, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator LaRose was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 166-Senator LaRose.

Cosponsors: Senators Obhof, Grendell.

To enact section 6115.321 of the Revised Code to establish procedures for the exclusion of a municipal corporation from the territory of a sanitary district established solely for the reduction of populations of biting arthropods.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 67-Senator Bacon.

Cosponsor: Senator Hughes.

Recognizing National Nurses Week, May 6-12, 2011.

S. R. No. 68-Senator Kearney.

Honoring the Taft High School boys basketball team on winning the 2011 Division III State Championship.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 152 -Representative Mallory

Cosponsors: Representatives Murray, Yuko, Combs, Letson, Ashford, O'Brien, Winburn, Stautberg, Dovilla, Huffman, Lundy, Maag, Adams, R., Anielski, Antonio, Baker, Balderson, Barnes, Beck, Blessing, Bulp, Buchy, Budish, Burke, Carney, Coley, Derickson, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Goyal, Grossman, Hagan, C., Hagan, R., Hayes, Heard, Hollington, Kozlowski, Landis, Luckie, Martin, McGregor, Mecklenborg, Milkovich, Newbold, Patmon, Peterson, Ramos, Reece, Rosenberger, Sears, Slesnick, Sprague, Stinziano, Szollosi, Uecker, Weddington, Williams, Young, Speaker Batchelder

To amend section 3773.32 of the Revised Code to exempt amateur boxing, kick boxing, karate, or wrestling events that benefit a charitable organization conducted under the supervision of the fraternal order of police of Ohio, the Ohio association of professional firefighters, or the Northern Ohio Fire Fighters from regulation by the Ohio Athletics Commission.

Sub. H. B. No. 95 -Representative Stautberg

Cosponsors: Representatives Blessing, Uecker, Mecklenborg, Balderson, Hayes, Goodwin, Martin, Beck, Coley, Roegner, Buchy, Gardner, Gonzales, Grossman, Hackett, Hagan, C., Newbold, Thompson, Wachtmann, Speaker Batchelder

To amend sections 4903.083, 4905.302, 4909.05, 4909.06, 4909.07, 4909.08, 4909.15, 4909.156, 4909.17, 4909.18, 4909.19, 4928.18, 4929.05, 4929.051, 4929.11, and 4935.04 and to enact sections 4909.191 and 4929.111 of the Revised Code to permit certain rate-calculation adjustments for natural gas companies, alter public notice requirements for rate cases, and, for natural gas companies, to make other regulatory changes concerning audits, alternative rate plans, and forecast reports, and allowing applications for natural gas company capital expenditure programs.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 86 -Representatives Blessing, Heard

Cosponsors: Representatives Uecker, Slaby, Amstutz, Anielski, Antonio, Barnes, Beck, Blair, Boose, Boyd, Brenner, Bulp, Buchy, Carney, Celeste, Clyde, Coley, Combs, Derickson, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gonzales, Grossman, Hackett, Hagan, C., Henne, Luckie, Mallory, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Peterson, Pillich, Ramos, Schuring, Sears, Sprague, Sykes, Szollosi, Thompson, Winburn, Yuko, Speaker Batchelder

To amend sections 109.42, 307.93, 309.18, 341.12, 926.99, 1333.99, 1707.99, 1716.99, 2151.312, 2151.354, 2152.02, 2152.021, 2152.10, 2152.11, 2152.12, 2152.13, 2152.14, 2152.17, 2152.22, 2152.26, 2301.27, 2301.30, 2903.01, 2909.03, 2909.05, 2909.11, 2911.12, 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, 2923.01, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.11, 2929.13, 2929.14, 2929.15, 2929.16, 2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 2930.17, 2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.16, 5120.331, 5120.48, 5120.59, 5120.60, 5120.66, 5139.01, 5139.05, 5139.06, 5139.20, 5139.43, 5139.51, 5149.01, 5149.10, 5149.31, 5149.32, 5149.33, 5149.34, and 5149.36, to enact new sections 2151.56, 2151.57, 2151.58, and 2151.59 and sections 307.932, 2151.351, 2152.51, 2152.52, 2152.53, 2152.54, 2152.55, 2152.56, 2152.57, 2152.58, 2152.59, 2301.271, 2929.143, 2951.022, 2967.19, 5120.035, 5120.036, 5120.113, 5120.114, 5120.115, and 5149.311, and to repeal sections 2151.56, 2151.57, 2151.58, 2151.59, 2151.60, and 2151.61 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 marijuana or hashish and for possession of marijuana, 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; to adopt a single validated risk assessment tool to be used by courts, probation departments, and the Department of Rehabilitation and Correction to evaluate risk levels of offenders; to provide judges the option of risk reduction sentencing to allow for early release of prisoners who complete treatment and programming while incarcerated; to require offenders convicted of or pleading guilty to a felony of the fourth or fifth degree that is not an offense of violence to serve community control sanctions; to create the offense of trespass in a habitation of a person when any person other than an accomplice of the offender is present or likely to be present; to change the sentencing structure for felonies of the first and third degree; to restrict sentencing to community-based correctional facilities

to offenders who are a high risk to reoffend; to reduce duplication of probation supervision resources and to require probation departments to provide a monthly report with statistical data to the Department of Rehabilitation and Correction; to require the Department of Rehabilitation and Correction to establish and administer the probation improvement grant and the probation incentive grant; to require a county and the Juvenile Court that serves the county to prioritize the use of the moneys in the county treasury's Felony Delinquent Care and Custody Fund to research-supported, outcome-based programs and services; to clarify when a delinquent child committed to the department of youth services generally may be granted a judicial release; to authorize judicial release for a delinquent child committed to the department when the commitment includes a period of commitment imposed for certain specifications; to establish procedures for determining the competency to participate in the proceeding of a child who is the subject of a complaint alleging that the child is an unruly or delinquent child or a juvenile traffic offender and procedures for a child to attain competency if the child is found to be incompetent; to establish an interagency task force to investigate and make recommendations on how to most effectively treat delinquent youth who suffer from serious mental illness or emotional and behavioral disorders; to eliminate mandatory requirements that a court transfer certain alleged delinquent children to adult court; to provide the court discretion on whether or not to commit a child to the Department of Youth Services if the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child is guilty of certain specifications; to specify that a child is eligible for a serious youthful offender disposition only if the case was not transferred out of juvenile court and the child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, was 14 years of age or older when the act was committed, and is eligible for a serious youthful offender disposition based on the child's age and the level of felony charged; to repeal the interstate compact on juveniles and enact the interstate compact for juveniles; and to conform the Ohio Criminal Sentencing Law with the Ohio Supreme Court's decision in *State v. Foster*.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Jordan, the Senate adjourned until Tuesday, May 10, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.