



# Ohio Legislative Service Commission

## Bill Analysis

Bill Rowland

### H.B. 248

128th General Assembly  
(As Introduced)

**Reps.** Garrison, Fende, Pryor, Phillips, Harris, B. Williams, Brown, Yuko, Slesnick, Hackett

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## BILL SUMMARY

- Increases the penalty for a person convicted of or pleading guilty to murder when the victim is less than 13 years of age and the person is not subject to sentencing under the Sexually Violent Predator Sentencing Law, and specifies that the increased penalty is imprisonment for an indefinite term of 20 years to life rather than an indefinite term of 15 years to life as under current law.

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## CONTENT AND OPERATION

### New penalty for murder when victim is less than 13 years of age

Current law prohibits a person from doing either of the following: (a) purposely causing the death of another or the unlawful termination of another's pregnancy, or (b) causing the death of another as the proximate result of the offender's committing or attempting to commit an offense of violence that is a felony of the first or second degree and that is not the offense of "voluntary manslaughter" (R.C. 2903.03, not in the bill) or "involuntary manslaughter" (R.C. 2904.04, not in the bill). A violation of either prohibition is the offense of "murder." (R.C. 2903.02, not in the bill.)

The penalties<sup>1</sup> for a person convicted of or pleading guilty to the offense of murder are as follows (R.C. 2929.02(B)):

(a) Except as provided in paragraphs (b) and (c) below, imprisonment for an indefinite term of 15 years to life;

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<sup>1</sup> In addition to the prison terms discussed in the analysis, a person convicted of or pleading guilty to the offense of murder generally may be fined an amount fixed by the court but not more than \$15,000 and may be subject to a class two suspension of the person's driver's license (R.C. 2929.02(B)(5) and (D)).

(b) Except as provided in paragraph (c) below, if a person is convicted of or pleads guilty to murder, the victim of the offense was less than 13 years of age, and the offender also is convicted of or pleads guilty to a "sexual motivation specification" (as defined in R.C. 2971.01, not in the bill), an indefinite prison term of 30 years to life pursuant to the Sexually Violent Predator Sentencing Law;

(c) If a person is convicted of or pleads guilty to murder and also is convicted of or pleads guilty to a "sexual motivation specification" and a "sexually violent predator specification" (also defined in R.C. 2971.01, not in the bill), life imprisonment without parole that must be served pursuant to the Sexually Violent Predator Sentencing Law.

Thus, current law only allows for more stringent penalties than the general sentence of 15 years to life if the offender is convicted of or pleads guilty to: (1) a "sexual motivation specification" when the victim is less than 13 years of age, or (2) a "sexual motivation specification" and a "sexually violent predator specification." The bill establishes a more stringent penalty for a person who is convicted of or pleads guilty to the offense of murder if the victim is less than 13 years of age and the offender is not convicted of and does not plead guilty to a sexual motivation specification. In that case, the offender must be imprisoned for an indefinite term of 20 years to life. Thus, under the bill, an offender would receive a more stringent sentence than the general sentence of 15 years to life if the victim is less than 13 years of age even if the offense does not involve a "sexual motivation specification" or a "sexually violent predator specification." (R.C. 2929.02(B)(2).)

The bill amends several additional criminal and corrections provisions to conform them to the changes to the law described above (R.C. 2929.14(G)(6), 2941.148(A)(1)(f), 2971.03(B)(3)(d), 2971.07(A)(7), and 5120.61(A)(1)(f)). Further, the bill explicitly states that the changes to current law made by the bill apply only to offenses of murder committed on or after the bill's effective date (Section 3.)

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## HISTORY

ACTION	DATE
Introduced	07-01-09

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