



# Ohio Legislative Service Commission

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## Synopsis of Senate Committee Amendments\*

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### **Sub. H.B. 338**

128th General Assembly  
(Senate Judiciary Civil Justice)

The committee adopted amendments that do the following:

(1) Require the Clerk of the Court of Claims within 60 days after the date of the entry of a court of common pleas' determination that a person is a wrongfully imprisoned individual, to request that the Controlling Board pay 50% of a certain specified amount of money (statutory annual amount for each year of wrongful imprisonment) to that wrongfully imprisoned individual.

(2) Permit a trial judge to do one or more of the following when a felon or misdemeanor violates a community control sanction: impose a prison term or jail time, extend the length of a community control sanction, or impose a more restrictive sanction.

(3) Permit a court to retain jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but prohibit the court from reducing any mandatory jail term.

(4) Require the court, if a prosecutor has filed notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, to notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case, allow the prosecutor to request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and require the court to hold a hearing if the prosecutor so requests.

(5) Provide that the court is not required to call for an explanation of the circumstances of an offense if the offense to which the accused is pleading is a minor misdemeanor.

\* This synopsis does not address amendments that may have been adopted on the Senate Floor.

(6) Provide that a plea to a misdemeanor offense of "no contest" constitutes an admission of the truth of the facts alleged in the complaint, and provide that if the offense to which the accused is entering a plea of "no contest" is a minor misdemeanor, the judge or magistrate is not required to call for an explanation of the circumstances of the offense and may base a finding on the facts alleged in the complaint.

(7) Modify the penalties for repeat offenders under "operating a motor vehicle without a valid license" who never have held a valid driver's or commercial driver's license or permit or have never held a valid license as a motorcycle operator.

(8) Clarify the manner of sentencing for "operating a motor vehicle without a valid license," "driving under suspension," "permitting the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license," and "driving under financial responsibility law suspension or cancellation."

(9) Modify the condition for increased penalties for the offenses of failure to stop after an accident and failure to stop after a nonpublic road accident so that the increased penalties apply when the accident or collision (rather than the failure to stop) results in serious physical harm or death.