



## OHIO CRIMINAL JUSTICE RECODIFICATION COMMITTEE

HONORABLE FRED PEPPLER, CHAIRMAN  
MR. TIMOTHY YOUNG, VICE-CHAIRMAN

### COMMITTEE MINUTES APRIL 14, 2016

Chairman Pepple called the meeting of the Ohio Criminal Justice Recodification Committee to order at approximately 1:00 pm.

The clerk called the roll and a quorum was present. Senator Eklund motioned to approve the March 24, 2016 minutes. The motion was seconded by Representative Rogers. The minutes were approved without objection.

The committee next began debate on the voting list distributed to the committee. The committee voted on the following questions:

1. Shall RC 2917.40 [Safety at Live Entertainment Performances] be removed from Title 29 of the Ohio Revised Code and placed in Title 37 of the Ohio Revised Code? The vote passed 18-0
2. (a) Shall RC 2917.41 [Misconduct Involving Public Transportation System] be repealed from Title 29? The vote failed 4-14
2. (b) If "NO" on 2(a), shall division (G) be removed from RC 2917.41 [Misconduct Involving Public Transportation System]? The vote failed 3-15
3. Shall R.C. 2923.01(A) be expanded to include all felonies? The vote failed 5-13
4. Shall the following language from current law be added to R.C. 2923.01 [Conspiracy]:  
"(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship."  
The vote failed 8-12
5. Shall the following language from current law be added to R.C. 2923.01 [Conspiracy]:  
"(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense." The vote failed 9-11
6. Shall the following language from current law be added to R.C. 2923.03(E) [Complicity]:  
"Whoever violates this section is guilty of complicity in the commission of an offense, and shall be

prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense." The vote failed 6-14

7. Shall the following language from current law be added to R.C. 2923.01 and .03, to replace 2923.01(I) and 2923.03(D):

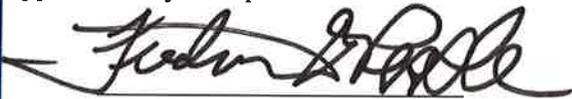
If a person with whom the defendant allegedly has conspired [is complicit] testifies against the defendant in a case in which the defendant is charged with conspiracy [or complicity], the court, when it charges the jury, shall state substantially the following:

"The testimony of an accomplice that is supported by other evidence does not become inadmissible because of the accomplice's complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witness' credibility and make the witness' testimony subject to grave suspicion, and require that it be weighed with great caution. It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth." The vote failed 7-12

8. "Shall the drafts of Attempt, Conspiracy, Complicity, and Multiple Offenses, as amended, be forwarded to LSC for formal drafting? The vote passed unanimously 19-0

After finishing with the vote, the workgroup on sex offenses and sex registration presented and discussed their drafts of Chapters 2907, 2950, and 2971 and took questions from the committee.

With no further business to come before the Committee, Chairman Pepple adjourned the meeting at approximately 4:35 p.m.



Judge Fred Pepple, Chair