



## OHIO CRIMINAL JUSTICE RECODIFICATION COMMITTEE

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

### COMMITTEE MINUTES FEBRUARY 11, 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 Obhof motioned to approve the January 14, 2016 minutes. The motion was seconded by Senator Thomas. 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:

Shall the definition of "prior calculation and design," contained in **ATTACHMENT 1**, be added to LSC's draft of 2901.01? Justice Lanzinger motioned to table the vote. The motion to table the vote did not have any opposition.

Shall the phrase "occasioned by the victim" be replaced with "by anyone" in R.C. 2903.03 (Voluntary Manslaughter) and 2903.11(B) (Aggravated Assault) prior to forwarding it to LSC for formal drafting? The vote failed 7-13.

Shall R.C. 2903.06(A)(8) [strict liability traffic offense] be removed prior to forwarding the draft to LSC for formal drafting? The vote passed 20-2.

Shall the mandatory license suspensions contained in R.C. 2903.06 and 2903.08 be changed to discretionary license suspensions prior to forwarding the draft to LSC for formal drafting? The vote passed 22-0.

Shall the mandatory prison terms contained in R.C. 2903.06(E) and 2903.08(D) be removed prior to forwarding the draft to LSC for formal drafting? The vote passed 19-3.

Shall any special victims be eliminated from Chapter 2903 prior to forwarding the draft to LSC for formal drafting? The vote passed 21-1.

Should all special victims be eliminated from Chapter 2903 [**Option 1**], or should all special victims except for police and children be eliminated from Chapter 2903 [**Option 2**], prior to forwarding the draft to LSC for formal drafting? The Committee voted to adopt [Option 1] by a 13-9 margin.

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Shall the spiritual means exception contained in R.C. 2903.34(B)(1) and 2903.341(A) and (B) be removed prior to forwarding the draft to LSC for formal drafting? The vote failed 2-18.

Shall the draft of 2901, 2903, and 2941.14 as amended, be forwarded to LSC for formal drafting? The vote passed 19-1.

Shall the dangerous drug enhancement (F5) in R.C. 2913.90 be removed, prior to forwarding the draft to LSC for formal drafting? The vote passed 11-10.

Shall an enhancement (to a F5 regardless of value) be added to 2913.90 for the theft of credit cards and blank checks, prior to forwarding the draft to LSC for formal drafting? The vote failed 4-18.

Shall the proposed theft valuations contained in R.C. 2923.90 be removed and replaced with current law valuations as contained in **ATTACHMENT 2**, prior to forwarding the draft to LSC for formal drafting? The vote failed 5-16.

Shall the special victim enhancements for the elderly, disabled adults, and active-duty service member and spouses be removed, prior to forwarding the draft to LSC for formal drafting? The vote passed 17-4.

Shall R.C. 2913.06(B)(1) be removed from the draft and folded into the theft section, R.C. 2913.02, prior to forwarding the draft to LSC for formal drafting? The vote passed 16-6.

Shall R.C. 2913.08 be removed from the draft, prior to the draft being forwarded to LSC for formal drafting? The vote failed 1-20.

Shall R.C. 2913.11 (passing bad checks) be removed from the draft prior to forwarding it to LSC for formal drafting? The vote failed 3-17.

Shall the enhancement (F1) for theft of a firearm from a federally licensed firearm dealer in R.C. 2913.01 be removed, prior to forwarding the draft to LSC for formal drafting? The vote passed 11-10.

Shall the enhancement (F3) for theft of a firearm be removed and replaced with language specifying theft of a firearm is an F5 subject to valuation enhancements, prior to forwarding the draft to LSC for formal drafting? The vote failed 2-19.

Shall the draft of 2913, as amended, be forwarded to LSC for formal drafting? The vote passed 21-0.

Shall 2923.13(A)(1)(a) (Weapons under Disability) be modified to restrict the fugitive from justice disability from applying to warrants based on minor misdemeanors, prior to forwarding to LSC for formal drafting? The vote passed 18-3.

Shall 2923.13(A)(2)(b) (Weapons under Disability) be modified to restrict the drug-conviction disability to only people who have been convicted of F4 drug offenses and higher prior to forwarding to LSC for formal drafting? The vote failed 9-12.

Shall the current law R.C. 2923.32 (Promoting Corrupt Activity) be deleted and replaced with the proposed language contained in **ATTACHMENT 3**, prior to forwarding the draft to LSC for formal drafting? The vote passed 19-2.

Shall language which restricts the ability to add a gang specification to R.C. 2923.42, as contained in **ATTACHMENT 4**, be added to 2941.142 prior to forwarding the draft to LSC for formal drafting? The vote passed 21-0.

Shall language which restricts the ability to add a gun specification to any crime which includes a firearm as an essential element, as contained in **ATTACHMENT 5**, be added to R.C. 2941.141 prior to forwarding the draft to LSC for formal drafting? The vote passed 19-2.

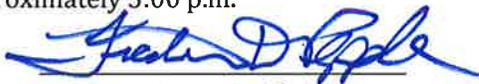
Shall the length of the mandatory prison terms contained in R.C. 2941.141, as outlined in **ATTACHMENT 6**, be the longer jail terms of the majority position [**OPTION 1**] or the shorter jail terms of the minority position [**OPTION 2**], prior to forwarding the draft to LSC for formal drafting? The Committee voted to adopt [**OPTION 2**] by a 12-9 margin.

Shall the draft of 2923, as amended, be forwarded to LSC for formal drafting? The item was adopted by voice vote without objection.

After finishing with the vote, the Allied Offenses workgroup presented and discussed its draft and took questions from the Committee. After the Allied Offenses workgroup finished its presentation, Chairman Peple announced that there would not be enough time for the 2917 workgroup to present and discuss its draft. As a result, Chairman Peple asked that the Committee carefully review the 2917 draft before the March 24 meeting because the Committee would still be expected to vote on the 2917 draft at the March 24 meeting.

Chairman Peple announced there would be an additional meeting on April 28, 2016.

With no further business to come before the Committee, Chairman Peple adjourned the meeting at approximately 5:00 p.m.



Judge Fred Peple, Chair

