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Synopsis of Senate Committee Amendments

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

H.B. 8 of the 134th General Assembly

Senate Judiciary

Dennis M. Papp, Attorney

Modified the provisions of the House-passed version of the bill that pertain to the provisions of existing law that generally prohibit the restraint or confinement by a law enforcement, court, or corrections official, under specified circumstances, of charged or convicted criminal offenders and charged or adjudicated delinquent children who are, or were, pregnant, by (*R.C. 2152.45, 2901.10, and 2921.45, and Sections 3 and 4*):

1. Repealing the application of the prohibition (and related provisions) with respect to the confinement of charged or convicted criminal offenders and charged or adjudicated delinquent children (and, related to this, repealing or removing the definitions of “confine,” “restrictive housing,” and “disciplinary isolation”);

2. Modifying the definition of “restrain” so that it means to use “any shackles, handcuffs, or other similar appliance or device” instead of “any shackles, handcuffs, or other similar appliance or device that restricts the normal use of a person’s arms or legs”;

3. Repealing existing provisions that pertain to possible criminal sanctions and possible civil actions regarding a violation of the general prohibition, which specify that: (a) a person who violates the general prohibition is guilty of the offense of “interfering with civil rights,” (b) a child or woman who is restrained or confined in violation of the general prohibition may commence a civil action under R.C. 2307.60 against the official who committed the violation, against the official’s employing agency or court, or against both the official and the employing agency or court to recover full damages, punitive damages, or the costs of maintaining the action and reasonable attorney’s fees, and (c) the provisions described in clauses (a) and (b) do not limit any right of a person to obtain injunctive relief or to recover damages in a civil action under any other statutory or common law of Ohio or the United States.

4. Adding an emergency clause, but delaying the day on which the bill’s provisions that pertain to the electronic recording of custodial interrogations take effect until the day that is 90 days after the bill’s effective date.