

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 645

Representative Howse

Cosponsors: Representatives Ashford, Boggs, Antonio, Sykes, Ramos, Smith, K.

A BILL

To amend section 101.30 and to enact section 1
103.147 of the Revised Code to require the 2
Director of the Legislative Service Commission 3
to prepare a human impact statement concerning a 4
bill or resolution that proposes to amend the 5
law governing criminal justice. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 101.30 be amended and section 7
103.147 of the Revised Code be enacted to read as follows: 8

Sec. 101.30. (A) As used in this section: 9

(1) "Legislative document" includes, but is not limited 10
to, all of the following: 11

(a) A working paper, work product, correspondence, 12
preliminary draft, note, proposed bill or resolution, proposed 13
amendment to a bill or resolution, analysis, opinion, 14
memorandum, or other document in whatever form or format 15
prepared by legislative staff for a member of the general 16
assembly or for general assembly staff; 17

(b) Any document or material in whatever form or format 18
provided by a member of the general assembly or general assembly 19
staff to legislative staff that requests, or that provides 20
information or materials to assist in, the preparation of any of 21
the items described in division (A) (1) (a) of this section; 22

(c) Any summary of a bill or resolution or of an amendment 23
to a bill or resolution in whatever form or format that is 24
prepared by or in the possession of a member of the general 25
assembly or general assembly staff, if the summary is prepared 26
before the bill, resolution, or amendment is filed for 27
introduction or presented at a committee hearing or floor 28
session, as applicable. 29

(2) "Legislative staff" means the staff of the legislative 30
service commission, ~~legislative budget office of the legislative~~ 31
~~service commission,~~ or any other legislative agency included in 32
the legislative service commission budget group. 33

(3) "General assembly staff" means an officer or employee 34
of either house of the general assembly who acts on behalf of a 35
member of the general assembly or on behalf of a committee or 36
either house of the general assembly. 37

(B) Legislative staff shall maintain a confidential 38
relationship with each member of the general assembly, and with 39
each member of the general assembly staff, with respect to 40
communications between the member of the general assembly or 41
general assembly staff and legislative staff. Except as 42
otherwise provided in this division and division (C) of this 43
section, a legislative document arising out of this confidential 44
relationship is not a public record for purposes of section 45
149.43 of the Revised Code. When it is in the public interest 46
and with the consent of the commission, the director of the 47

commission may release to the public any legislative document in 48
the possession of the commission staff arising out of a 49
confidential relationship with a former member of the general 50
assembly or former member of the general assembly staff who is 51
not available to make the legislative document a public record 52
as provided in division (C) of this section because of death or 53
disability, whom the director is unable to contact for that 54
purpose, or who fails to respond to the director after the 55
director has made a reasonable number of attempts to make such 56
contact. 57

(C) (1) A legislative document is a public record for 58
purposes of section 149.43 of the Revised Code if it is an 59
analysis, synopsis, fiscal note, ~~or~~ local impact statement, or 60
human impact statement prepared by legislative staff that is 61
required to be prepared by law, or by a rule of either house of 62
the general assembly, for the benefit of the members of either 63
or both of those houses or any legislative committee and if it 64
has been presented to those members. 65

(2) A legislative document is a public record for purposes 66
of section 149.43 of the Revised Code if a member of the general 67
assembly for whom legislative staff prepared the legislative 68
document does any of the following: 69

(a) Files it for introduction with the clerk of the senate 70
or the clerk of the house of representatives, if it is a bill or 71
resolution; 72

(b) Presents it at a committee hearing or floor session, 73
if it is an amendment to a bill or resolution or is a substitute 74
bill or resolution; 75

(c) Releases it, or authorizes general assembly staff or 76

legislative staff to release it, to the public. 77

Sec. 103.147. (A) As used in this section, "disparate 78
impact on a racial or ethnic group, or on a gender" includes 79
increased exposure of the racial or ethnic group, or of the 80
gender, to police contact, criminal investigation, detention, 81
pretrial release, post-trial release, prosecution, plea 82
bargaining, adjudication, conviction, sentencing, imprisonment, 83
correctional supervision, or rehabilitation. 84

(B) If a bill or joint resolution introduced or offered in 85
the general assembly proposes to create or amend a criminal 86
prohibition or criminal penalty, or to amend the law governing 87
imprisonment, correctional supervision, or the rehabilitation of 88
offenders, the director of the legislative service commission 89
shall prepare a human impact statement concerning the bill or 90
joint resolution before the bill or joint resolution is 91
recommended for passage or adoption by the house committee or 92
the senate committee of the general assembly to which the bill 93
or joint resolution was referred, and again before the bill or 94
joint resolution is taken up for final consideration by either 95
house of the general assembly. The statement shall analyze 96
whether the new or amended criminal prohibition, criminal 97
penalty, or law, when implemented or enforced, would have a 98
disparate impact on a racial or ethnic group, or on a gender. 99
Specifically, the statement shall do one of the following: 100

(1) Indicate that the bill or joint resolution would have 101
a disparate impact on a racial or ethnic group, or on a gender 102
and explain that impact; 103

(2) Indicate that the bill or joint resolution would not 104
have a disparate impact on a racial or ethnic group, or on a 105
gender; 106

(3) Indicate that it cannot be determined whether the bill or joint resolution would have a disparate impact on any racial or ethnic group, or on a gender; or 107
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(4) Indicate that the director of the legislative service commission cannot determine within the time allotted whether the bill or joint resolution would have a disparate impact on any racial or ethnic group, or on a gender. 110
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(C) The director of the legislative service commission may request any department, division, institution, board, commission, authority, bureau, or other instrumentality or officer of the state, a county, a municipal corporation, a township, a school district, or other governmental entity of the state to provide any information the director requires to complete the statement. An agency, instrumentality, or officer receiving such a request shall comply with the request as directed in the request. 114
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(D) The director shall provide the human impact statement solely for the purpose of informing the members of the general assembly, and the statement does not represent the intent of the general assembly or either house of the general assembly for any purpose. 123
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(E) The failure of the director of the legislative service commission to prepare a human impact statement before a bill or joint resolution is taken up for consideration by a house or senate committee or by either or both houses of the general assembly for final consideration does not impair the validity of any bill or joint resolution passed or adopted by either or both houses of the general assembly. 128
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Section 2. That existing section 101.30 of the Revised 135

Code is hereby repealed.

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