



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Jeff Hobday

### **H.B. 63**

132nd General Assembly  
(As Introduced)

**Reps.** Hughes, Duffey, Leland, Kent, Boggs

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### **BILL SUMMARY**

- Requires an additional prison term of 5 to 20 years if an offender is convicted of felonious assault and a specification that the victim suffered a permanent, serious disfigurement or substantial incapacity, or that the offender used an accelerant.
  - Names the provisions of the bill "Judy's Law."
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### **CONTENT AND OPERATION**

#### **Mandatory prison term – permanent, serious disfigurement**

The bill creates a new criminal sentencing specification that applies to a person convicted of felonious assault when either the harm suffered by the victim resulted in a permanent, serious disfigurement or substantial incapacity, or the offender used an accelerant in committing the offense. The felonious assault underlying the specification may involve either of the following elements:<sup>1</sup>

(1) Causing serious physical harm to another or to another's unborn;

(2) Causing physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

If an offender is convicted of or pleads guilty to felonious assault as described above and the specification created by the bill, the court must impose a definite prison term, consisting of a specified number of years, within the range of 5 to 20 years in addition to the sentence imposed for the underlying offense. The mandatory prison

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<sup>1</sup> R.C. 2903.11(A) and (D)(2) and 2941.1425.

term may not be reduced by judicial release, earned credits, or any other form of early release. It must be served consecutively and prior to any prison term imposed for the felonious assault and any other prison term previously or subsequently imposed. The bill also specifies that the court may not impose more than one prison term in connection with the specification for felonies committed as part of the same act.<sup>2</sup>

The bill specifies that the mandatory prison term described above applies only if the specification is included in the indictment, count in the indictment, or information charging the offender. The bill provides a model form for the specification to be included in the charging document.<sup>3</sup>

"Permanent, serious disfigurement or substantial incapacity" is defined as a physical or mental impairment that substantially limits one or more major life activities.<sup>4</sup> The bill's provisions are to be known as "Judy's Law."<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	02-14-17

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<sup>2</sup> R.C. 2929.13(F)(20) and 2929.14(B)(9) and (C)(6).

<sup>3</sup> R.C. 2941.1425.

<sup>4</sup> R.C. 2929.01(EEE).

<sup>5</sup> R.C. 2903.11(D)(2), 2929.13(F)(20), 2929.14(B)(9) and (C)(6), and 2941.1425.

