As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 690

Representatives Howse, Crossman

Cosponsors: Representatives Sobecki, Crawley, Sweeney, Lepore-Hagan, Leland, Lang, Boyd, Miranda, Lightbody

A BILL

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

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

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

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

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

(a) A working paper, work product, correspondence, preliminary draft, note, proposed bill or resolution, proposed amendment to a bill or resolution, analysis, opinion, memorandum, or other document in whatever form or format prepared by legislative staff for a member of the general assembly or for general assembly staff;
(b) Any document or material in whatever form or format provided by a member of the general assembly or general assembly staff to legislative staff that requests, or that provides information or materials to assist in, the preparation of any of the items described in division (A)(1)(a) of this section;

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

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

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

(B) Legislative staff shall maintain a confidential relationship with each member of the general assembly, and with each member of the general assembly staff, with respect to communications between the member of the general assembly or general assembly staff and legislative staff. Except as otherwise provided in this division and division (C) of this section, a legislative document arising out of this confidential relationship is not a public record for purposes of section 149.43 of the Revised Code. When it is in the public interest and with the consent of the commission, the director of the
commission may release to the public any legislative document in the possession of the commission staff arising out of a confidential relationship with a former member of the general assembly or former member of the general assembly staff who is not available to make the legislative document a public record as provided in division (C) of this section because of death or disability, whom the director is unable to contact for that purpose, or who fails to respond to the director after the director has made a reasonable number of attempts to make such contact.

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

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

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

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

(c) Releases it, or authorizes general assembly staff or
legislative staff to release it, to the public.

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

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

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

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

(3) Indicate that it cannot be determined whether the bill or joint resolution would have a disparate impact on a racial or ethnic group, on an age group, or on a gender; or

(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 a racial or ethnic group, on an age group, or on a gender.

(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.

(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.

(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.

Section 2. That existing section 101.30 of the Revised Code is hereby repealed.