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H.B. 211
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Humphrey and Williams

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SUMMARY

- Requires the court to consider an offender's status as a primary caretaker of a child before imposing a sentence or when determining the offender's eligibility for intervention in lieu of conviction.
- Requires an officer to investigate a defendant's status as a primary caretaker of a child and include any findings in the report if a defendant files a motion that includes evidence of the defendant's status as a primary caretaker.
- Allows an offender to file a motion with the court that includes evidence that the offender is a primary caretaker of a child if the court schedules a hearing.

DETAILED ANALYSIS

Required consideration of caretaker status in criminal cases

Under continuing law, in felony cases the court is required to hold a sentencing hearing before imposing a sentence upon an offender.¹ The court is also required to consider multiple factors before imposing a sentence. Under the bill, the court is required to also consider the offender's status as a primary caretaker of a child before imposing a sentence upon the offender.²

Presentence investigation report

Under continuing law, unless the defendant and the prosecutor who is handling the case against the defendant agree to waive the presentence investigation report, a person who has been convicted of or pleaded guilty to a felony cannot be placed under a community control

¹ R.C. 2929.19(A).

² R.C. 2929.19(B)(1)(a)(iii).

sanction until a written presentence investigation report has been considered by the court.³ If a court orders the preparation of a presentence investigation report, the officer making the report must inquire into the circumstances of the offense and the criminal record, social history, and present condition of the defendant, among other things. Under the bill, if the defendant files a motion that includes evidence of the defendant's status as primary caretaker of a child, the officer is required to investigate the defendant's status and include any findings in the presentence investigation report.⁴

Intervention in lieu of conviction

Under continuing law the court may accept, prior to the entry of a guilty plea, an offender's request for intervention in lieu of conviction if the offender meets specific criteria. If the court considers the offender's request, the court must conduct a hearing to determine whether the offender is eligible for intervention in lieu of conviction. Under the bill, if the court schedules a hearing, the offender may file a motion with the court that includes evidence that the offender is the primary caretaker of a child. If the court determines that the offender is a primary caretaker, the court is required to consider that fact when determining the offender's program eligibility for intervention in lieu of conviction.⁵

HISTORY

Action	Date
Introduced	03-31-25

ANHB0211IN-136/ks

³ R.C. 2951.03(A)(1).

⁴ R.C. 2951.03(A)(1).

⁵ R.C. 2951.041(A)(1).