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H.B. 459
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Gross and Williams

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SUMMARY

- Creates the offense of “moving or removing human remains” and specifies that there is no period of limitations for the offense.
- Creates a specification for moving or removing human remains with a five-year mandatory prison term for an adult and a one to three-year mandatory term for a delinquent child.
- Names the bill’s provisions “Katelyn’s Law.”

DETAILED ANALYSIS

Moving or removing human remains

Offense

The bill creates the offense of “moving or removing human remains.” The offense prohibits a person, unless otherwise authorized by law, from purposely moving or removing human remains for any of the following purposes: (1) to prevent the discovery of an unlawful act, (2) to prevent the discovery of the death, (3) to prevent the discovery of the cause of the death, or (4) to prevent the discovery of the human remains.¹

The penalty for moving or removing human remains is a third degree felony and there is a presumption that a prison term will be imposed for the offense.²

¹ R.C. 2921.322(A).

² R.C. 2921.322(B).

Period of limitations

The bill specifies that there is no period of limitations for the prosecution of moving or removing human remains or for the prosecution of a conspiracy to commit, attempt to commit, or complicity in committing moving or removing human remains.³

Specification

The bill creates a specification related to moving or removing human remains. The indictment, count in the indictment, or information charging the offense specifies that the offender moved or removed human remains for any of the following purposes: (1) to prevent the discovery of an unlawful act, (2) to prevent the discovery of the death, (3) to prevent the discovery of the cause of death, or (4) to prevent the discovery of the human remains.

The specification must be stated in substantially the following form:

SPECIFICATION (or SPECIFICATION TO THE FIRST COUNT).

The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender moved or removed human remains to prevent the discovery of an unlawful act, the discovery of the death, the discovery of the cause of death, or the discovery of the human remains).

The bill creates a five-year mandatory prison term for an adult offender who was convicted of or pleaded guilty to a felony and who also is convicted of or pleaded guilty to the above specification. A court may not impose more than one five-year mandatory prison term on an offender for felonies committed as part of the same act or transaction.⁴

The bill provides that the above specification may be used in a delinquent child proceeding.⁵ The bill creates a mandatory one to three-year mandatory term to the Department of Youth Services for a child who was adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and who would also be guilty of the above specification.⁶

Katelyn's Law

The bill names the act "Katelyn's Law."⁷

³ R.C. 2901.13(A)(2).

⁴ R.C. 2929.14(B)(12) and 2941.1427(A).

⁵ R.C. 2941.1427(B).

⁶ R.C. 2152.17(A).

⁷ Section 3.

HISTORY

Action	Date
Introduced	09-17-25
