

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 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 5
criminal justice law. 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, on an age group, or on a 79
gender" includes increased exposure of the racial or ethnic 80
group, of the age group, or of the gender, to police contact, 81
criminal investigation, detention, pretrial release, post-trial 82
release, prosecution, plea bargaining, adjudication, conviction, 83
sentencing, imprisonment, correctional supervision, or 84
rehabilitation. 85

(B) If a bill or joint resolution introduced or offered in 86
the general assembly proposes to create or amend a criminal 87
prohibition or criminal penalty, or to amend the law governing 88
imprisonment, correctional supervision, or the rehabilitation of 89
offenders, the director of the legislative service commission 90
shall prepare a human impact statement concerning the bill or 91
joint resolution before the bill or joint resolution is 92
recommended for passage or adoption by the house committee or 93
the senate committee of the general assembly to which the bill 94
or joint resolution was referred, and again before the bill or 95
joint resolution is taken up for final consideration by either 96
house of the general assembly. The statement shall analyze 97
whether the new or amended criminal prohibition, criminal 98
penalty, or law, when implemented or enforced, would have a 99
disparate impact on a racial or ethnic group, on an age group, 100
or on a gender. Specifically, the statement shall do one of the 101
following: 102

(1) Indicate that the bill or joint resolution would have 103
a disparate impact on a racial or ethnic group, on an age group, 104
or on a gender and explain that impact; 105

(2) Indicate that the bill or joint resolution would not 106

have a disparate impact on a racial or ethnic group, on an age 107
group, or on a gender; 108

(3) Indicate that it cannot be determined whether the bill 109
or joint resolution would have a disparate impact on a racial or 110
ethnic group, on an age group, or on a gender; or 111

(4) Indicate that the director of the legislative service 112
commission cannot determine within the time allotted whether the 113
bill or joint resolution would have a disparate impact on a 114
racial or ethnic group, on an age group, or on a gender. 115

(C) The director of the legislative service commission may 116
request any department, division, institution, board, 117
commission, authority, bureau, or other instrumentality or 118
officer of the state, a county, a municipal corporation, a 119
township, a school district, or other governmental entity of the 120
state to provide any information the director requires to 121
complete the statement. An agency, instrumentality, or officer 122
receiving such a request shall comply with the request as 123
directed in the request. 124

(D) The director shall provide the human impact statement 125
solely for the purpose of informing the members of the general 126
assembly, and the statement does not represent the intent of the 127
general assembly or either house of the general assembly for any 128
purpose. 129

(E) The failure of the director of the legislative service 130
commission to prepare a human impact statement before a bill or 131
joint resolution is taken up for consideration by a house or 132
senate committee or by either or both houses of the general 133
assembly for final consideration does not impair the validity of 134
any bill or joint resolution passed or adopted by either or both 135

houses of the general assembly. 136

Section 2. That existing section 101.30 of the Revised 137
Code is hereby repealed. 138