

Executive

As Passed by the House

As Passed by the Senate

As Enacted

**CLACD3 Wrongful imprisonment**

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(1) No provision.	<p><b>R.C. 2305.02, 2743.48</b></p> <p>(1) Removes the requirement that a determination of an individual as a "wrongfully imprisoned individual" must be made in a separate civil action in the common pleas court of the county in which the underlying criminal action was initiated, and, instead, allows an action to be filed in any court of common pleas in the state.</p>	<p><b>R.C. 2305.02, 2743.48</b></p> <p>(1) Same as the House, but (a) adds that an action to be declared a "wrongfully imprisoned individual" brought by a "nonresident" of Ohio must be brought in the common pleas court in the county where the underlying criminal action was initiated and (b) permits an action to be declared a "wrongfully imprisoned individual" by a "resident" of Ohio to be brought in the common pleas court in either the county where the underlying criminal action was initiated or the county in which the person resides rather than in any court of common pleas in the state as currently provided in the bill.</p>	(1) No provision.
(2) No provision.	<p>(2) Clarifies the criterion to be designated as a wrongfully imprisoned individual to include that the individual did not commit the crime in question or that no crime was committed.</p>	<p>(2) Same as the House, but adds that to be designated as a wrongfully imprisoned individual, no criminal proceeding may be pending against the individual.</p>	(2) No provision.
(3) No provision.	<p>(3) Modifies the "error in procedure that resulted in the individual's release" criterion that an individual must satisfy to be a "wrongfully imprisoned individual" to specify that the procedural error was discovered subsequent to sentencing or during or subsequent to imprisonment and that it occurred prior to, during, or after sentencing</p>	<p>(3) Same as the House, but adds that if an individual had a claim dismissed, has a claim pending, or did not file a claim because the law in effect prior to the effective date barred the claim or made it appear to be futile, the House provision applies with respect to the individual and the claim and, on or after the effective date of</p>	(3) No provision.

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and violated the individual's constitutional rights to a fair trial, and makes the change apply retroactively to individuals whose wrongful imprisonment action was barred or dismissed on or after March 5, 2014, based on the current provisions of that criterion

this provision, the individual may file a claim and obtain the benefit of that provision.

(4) No provision.

(4) Removes the criterion that the prosecutor will not appeal or refile charges.

(4) Same as the House.

(4) No provision.

(5) No provision.

(5) Expands the law concerning wrongfully imprisoned individuals to also apply regarding misdemeanor convictions, including compensation by the Court of Claims.

(5) Same as the House.

(5) No provision.

(6) No provision.

(6) Requires the Court of Claims to deduct any known debts owed by a wrongfully imprisoned individual to the state or a political subdivision from the sum of money that the individual otherwise would be awarded and pay those deducted amounts to the state or political subdivision, as applicable.

(6) Same as the House.

(6) No provision.

**Fiscal effect: Potential: (1) indeterminate annual increase in state-paid wrongful imprisonment compensation awards, and (2) annual increase in operating expenses for courts of common pleas and the Court of Claims to hear additional wrongful imprisonment cases stemming from both felony and misdemeanor convictions.**

**Fiscal effect: Same as the House.**

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**CLACD2 Court of Claims Public Records Fund**

**R.C. 2743.75**

Requires that: (1) the filing fees collected by the Court of Claims for complaints alleging a denial of access to public records be deposited into the Public Records Fund, which is created by the bill, (2) all investment earnings of the fund be credited to the fund, and (3) the Court use the money to defray the costs it incurs in resolving the complaints.

**R.C. 2743.75**

Same as the Executive.

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Same as the Executive.

**R.C. 2743.75**

Same as the Executive.

**CLACD1 Public records adjudication**

**Section: 253.10**

Requires GRF appropriation item 015403, Public Records Adjudication, to be used by the Court of Claims to perform its duties and responsibilities as directed by S.B. 321 of the 131st General Assembly.

**Section: 253.10**

Same as the Executive.

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Same as the Executive.

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Same as the Executive.

**Fiscal effect: None, as the provision simply creates a fund for fees "kept" by the Court for this purpose under current law.**

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