



Jim Hughes

State Representative, 24th House District

Chairman Manning, Vice-Chair Rezabek, and Ranking Member Celebrezze, thank you for the opportunity to testify on House Bill 365, also known as the Reagan Tokes Act.

Reagan Tokes had her whole life ahead of her. A bright, young, intelligent, hardworking student, she was taken from this earth much too early. The entire OSU and Columbus community was devastated by the news of Reagan's death. As a state, we can and must do better to ensure that this does not happen again.

Reagan Tokes, a student at the Ohio State University, was kidnapped, raped, and killed on February 8, 2017. The man charged with her death, Brian Golsby, was released from prison three months prior to her murder. He was on parole and being monitored by a GPS tracker. Evidence from his GPS tracker linked him to six additional crimes of that took place over several weeks and less than a mile away from where Reagan was abducted.

Prior to July 1, 1996, Ohio had an indeterminate sentencing scheme, with judges having discretion to select a minimum term from a range of punishments for each felony level. Upon completion of the minimum term, the offender was eligible for parole. With the passage of Senate Bill 2 in 1995, Ohio established a determinate sentencing scheme, based on the principle that the penalty that a judge imposes should be the penalty served.

While incarcerated, Brian Golsby, was shuffled between 5 different prisons had 52 infractions, which included: fighting, possession of contraband, stealing from the commissary, refusal to obey orders, and creating disturbance. Under our current determinate sentencing structure, Golsby's behavior in prison had no effect on his release day, and thus provided little incentive for rehabilitation.

Under HB 365 bill, all current felony level 1 & 2 offenses and the felony 3 offenses of violence subject to a 1-5 year definite sentence shall be sentenced to an indeterminate range as follows: Minimum and maximum sentence with the maximum being no more than 150% of the minimum. Current determinate ranges will continue to apply to remaining F3, F4, and F5 offenses. Notably, this provision is one of the recommendations set forth by the Criminal Justice Recodification Committee.

Release shall be granted at 100% service of the state prison term, without extension for inmates who have conducted them in an acceptable manner during incarceration, and who are classified as a Security Level 1 or 2. Additionally, release shall be presumptive at a predetermined

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percentage of the sentence imposed (85%-95%) for exceptional conduct and adjustment to incarceration. The percentage of the minimum sentence that must be served will be determined by the offense level. An exception is made for sex offenders, who shall serve at least 100% of the minimum range imposed regardless of whether they satisfy the criteria for presumptive earned early release.

Regarding post release control, all offenders subject to indeterminate terms shall be subject to a mandatory period of PRC supervision. The current terms of supervision relevant to designated felony levels will still apply. Termination of PRC will not be considered prior to the completion of a minimum of one year for those offenders whose prison terms were extended due to institutional misconduct. Early termination factors will be developed for offenders released at the service of a minimum term or under presumptive earned early release. All remaining offense, except sex offenses, can have PRC waived at the discretion of the Parole Board, if the inmate is low or moderate risk and has completed recommended re-entry approved programming, and has had acceptable institutional conduct.

Again, thank you to the committee for the opportunity to testify on the Reagan Tokes Act. I will now turn it over to my joint-sponsor to explain other aspects of this legislation. After Representative Boggs has presented her remarks, we would be happy to address any questions that the committee might have.

