



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

**Testimony in Opposition of HB96  
Sexual Imposition – Report Offenders  
Sponsor Representative Hughes**

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to testify on behalf of the Ohio Public Defender in opposition of House Bill 96.

Two weeks ago, Sara Andrews of the Ohio Sentencing Commission told this committee that Ohio's "criminal code has also become increasingly complex and fraught with provisions that are exceedingly hard to administer." HB96 will further confuse an already overly intricate criminal code by creating a new unclassified misdemeanor that carries a jail term of one year. This would be a unique misdemeanor criminal offense in the Ohio Revised Code – as a misdemeanor of the first degree carries a maximum jail term of only 180 days. At risk of relying on a cliché, this is a slippery slope. Carving out these distinct offenses that carry their own unique penalties further confounds and complicates Ohio's criminal laws.

HB96 makes the offense of sexual imposition punishable by a maximum of a year in jail if the individual has three more prior convictions for sexual imposition or another specified sexual offense. An individual facing their fourth sexual imposition conviction likely has mental or behavior issues that need to be addressed - as evidenced that despite increasing penalties, the individual continues to offend. If the prior punishments have not deterred their behavior, there is no reason to think more time in jail would resolve the problem. Recently Senator Eklund introduced SB235 that, if passed, will require individuals who are convicted of Unlawful Sexual Conduct with a Minor, and are under the age of 21 at the time of the offense, to complete a sex offender treatment program certified by DRC. If this legislature's goal is stop offenses of sexual imposition, the better approach is to require repeat offenders to obtain professional assistance so their mental and behavior issues can be addressed.

The other issue OPD has with HB96 is that bill requires that any jail term imposed under the bill, for individual with three or more prior convictions, be served consecutive to other penalties. Therefore, an individual may be sentenced to years in prison and yet still must serve up to a year in jail for a conviction of sexual imposition. This seems nonsensical and like a frivolous use of county resources when an individual will spend so much time in prison. However, HB96 removes the judge's discretion to sentence an individual to serve their jail time for the sexual imposition charge concurrent with any imposed prison sentence.

Thank you for the opportunity to speak today before your committee. I am happy to answer questions at this time.

