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Committee on Health

Committee on Energy &  
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Committee on Community &  
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**House Bill 457**

**Sponsor Testimony**

**Criminal Justice Committee**

**January 19, 2018**

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Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze, and Members of the Criminal Justice Committee, thank you for allowing me to provide sponsor testimony on HB 457. This bill would require an individual who is subject to a community control or parole sanction to be immediately sent to jail or a treatment facility if they test positive for heroin, fentanyl, or carfentanil.

This bill is named for Scottie Childers, who tested positive on a drug test during a probation check in. Scottie was allowed to go home after testing positive, and died of an overdose four hours later that same day. Scottie's mother, Linda Chambers, was shocked that her son was able to walk out after testing positive. In this case, had Scottie been sent to jail, it would have saved his life. This bill will help protect and save the lives of individuals afflicted with substance abuse.

Currently, some individuals who have been sentenced to community control or parole in lieu of prison or jail time are required to undergo random drug screenings. My bill would require that any individual who is on community control, post-release control, or parole, that tests positive for heroin, fentanyl, or carfentanil, will immediately be sent to jail for violating their sanctions or sent to a residential drug treatment center for a maximum thirty days. During that time, the judge will make the decision as to what penalty they will receive for violating their probation or parole. If an individual on parole tests positive for these lethal drugs, the safest place for them is in treatment centers or in jail. Failure to address these serious issues endangers the lives of those who the state intends to save.

I completely agree that those struggling with substance abuse should be treated as addicts who need treatment, and not as criminals. However, in current reality, we simply do not have enough residential treatment facilities for those who need it. While we in the General Assembly must address that issue, we also must face where we are today in Ohio and the challenges that we are up against. While we are working on getting more treatment facilities, there has to be somewhere for individuals afflicted with substance abuse to go, and jail is the safest place for them.

Thank you for the opportunity to testify in support of House Bill 457. I would be happy to answer any questions.