



STATE SENATOR
CHARLETA B. TAVARES

15TH DISTRICT

Sponsor Testimony
Presented by: Senator Charleta B. Tavares and Senator John Eklund
Substitute Senate Bill 66
House Criminal Justice Committee
March 20, 2018

Good Afternoon Chairman Manning, Ranking Member Celebreeze, and members of the House Criminal Justice Committee. Thank you for the opportunity to present Substitute Senate Bill 66 which will strengthen our criminal justice system and allow those who have offended to have a fair shot at rehabilitation without being subjected to unfair penalties. This legislation was the product of hard work by Senator Eklund, the Department of Rehabilitation and Corrections, Ohio Judicial Conference, the Ohio Community Corrections Association and me.

As of February 2017, Ohio has just over 50,000 inmates in our state prison system which is far more than the 38,000 it was designed to house. Recognizing not only the strain this puts on the resources available to the Department of Rehabilitation and Corrections, but the societal costs for families trying to navigate the criminal justice system, Senator Eklund and I have introduced Sub SB 66 which will implement common sense reform. Sub SB 66 will give our judges more discretion, bolster our Intervention in Lieu of Conviction programs, make changes to the presumptive return to prison for technical parole violations and expand the eligibility for sealing conviction recordings.

Thanks to the changes made by the General Assembly over the last few years, when someone commits a felony of the fourth or fifth degree that is not an offense of violence or a qualifying assault, that person has the presumption of a community control sanction. However, that person must be sentenced to that sanction for a minimum of one year. Sub SB 66 removes the one year minimum allowing judges, who know the needs of their community and citizens best, to impose a length of time they deem most appropriate. Sub SB 66 also adds language that allows for judges to impose a six month sentence in jail, halfway house, or a community-based correctional facility when the felony offender violates a community control sanction, rather than sentence them to a prison term.

We are also expanding Intervention in Lieu of Conviction (ILC) eligibility by removing some of the current disqualifiers. This will allow more offenders access to these diversion programs. Diversion programs are critical in helping the addicted get clean while allowing them to avoid a criminal conviction and all of the negative stereotypes associated with criminal convictions. This bill also gives judges more leeway with those who relapse while in these diversion programs. Under current law, when a person has failed to comply with a term of their ILC plan, the only option the court has is to find that person guilty and impose a sanction under the felony sentencing law. Sub SB 66 gives judges the discretion to allow the offender to continue in the ILC program rather than binding their hands and forcing them to hand down a ruling not in the best interest of the offender.

Sub SB 66 makes important changes in what happens when someone violates a term of Post-Release Control (PRC). Currently, when someone violates PRC the Parole Board is required to consider a return to prison as part of the response even if the violation were only minor and technical in nature. Sub SB 66 would change this to remove that required return to prison consideration for technical violations and have it only apply to violations involving deadly weapons, physical harm or attempted serious physical harm, or sexual misconduct. In addition, Sub SB 66 expands the category of offenders who are eligible to have their records sealed by allowing for records of conviction to be sealed by anyone who has committed a

felony of the fourth and fifth degree so long as none of the offenses are offenses of violence or felony sex offenses.

While all the provisions in Sub SB 66 are important, perhaps the most important provision to Senator Eklund and me, is adding effective rehabilitation as an overriding purpose in felony sentencing because it shows our commitment to bringing Ohio's criminal justice system into the 21st century. We cannot simply continue to place people behind bars in an effort to be tough on crime, but rather we must make an effort to help change the behaviors of people who stay in our penal institutions. We must be as dedicated to rehabilitation as we are to punishment so that we allowing people to start again with the ability to become valuable and contributing citizens in the state of Ohio. I believe Sub SB 66 is a step in that direction.

Chairman Manning and members of the Committee, I appreciate your attention to this important issue and I respectfully request your favorable consideration and passage of Substitute Senate Bill 66. Thank you and I am happy to respond to questions from the committee.