

Proponent Testimony before the House Criminal Justice Committee
Senate Bill 66 (Eklund/Tavares)
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Good morning Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee. Thank you for providing me the opportunity to speak in favor of Senate Bill 66.

Introduction

For the last seven years, DRC has worked together with the legislature and various stakeholder groups to modernize and reform the criminal justice system in the State of Ohio. In fact, many of the provisions in this bill were recommendations that came from the Ohio Judicial Conference. Despite previous reform efforts, Ohio has not experienced the reduction in prison population found in other states.

Today, this committee will hear proponent testimony from experts in the criminal justice field, as well as returned citizens who believe that they would have increased opportunities to successfully re-integrate into society had the provisions of this bill been in existence when they came home. I will touch on a few provisions in the bill.

Purpose of Felony Sentencing

Senate Bill 66 will add “promoting the effective rehabilitation of the offender” to the overriding purposes of felony sentencing as written in current law. The purposes currently specified are protecting the public from future crime by the offender and others; and punishing the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources.

While I believe that the two existing purposes are vital, we should also focus on rehabilitation. We need to make sure that an offender is successfully rehabilitated if we want to keep them from re-offending.

Intervention in Lieu of Conviction

As we fight the opiate epidemic in our state, we know that commitments for drug offenses, particularly those related to opioids are on the rise. Mental illness and intellectual disabilities are also contributing factors in some criminal cases. Intervention in Lieu of Conviction (ILC) provides the opportunity for offenders with these afflictions to seek treatment and gives them

a better chance for rehabilitation after completion of the program. If successful, charges are dismissed and the participant avoids the collateral consequences of a felony conviction.

There is strict eligibility criteria for the program, including that the participant has not been previously convicted of a felony offense of violence or sex offense. These restrictions are important and remain in place under Senate Bill 66.

However, the bill expands eligibility in certain targeted circumstances, including removal of the requirement that the participant had not been previously treated for drug abuse. It also expands judicial discretion by removing the requirement that a judge must terminate a participant from the program the first time a participant violates by allowing the judge to keep the offender in the ILC program. This committee graciously added this second provision to Senate Bill 33 last fall, which has since been enacted.

We have learned that for many with drug addiction, it can take multiple rounds of treatment before they successfully able to manage their addiction. These changes will give participants a better chance of completing treatment while avoiding the collateral consequences of a felony conviction.

Eligibility for Record Sealing

The provisions dealing with expansion of eligibility for record sealing will be particularly valuable for ex-offenders. This bill will allow them to more smoothly transition from life in prison and help them become productive members of society.

This committee will hear from returned citizens who had extreme difficulty finding employment due to their past records. Upon release, it is ideal that a returning citizen is able to get a job, contribute to the tax base, and become a contributing member of the community. But for too many returned citizens, their criminal records make it difficult to find work. They are unable to provide for their families, they become homeless, reliant on public assistance or end up re-offending and sent back behind bars. This is not the way to reduce crime and recidivism in Ohio.

Current law is very narrow when it comes to eligibility for record sealing. For example, an offender is unable to seal more than two misdemeanor convictions. Senate Bill 66 expands that eligibility to an unlimited number of fourth and fifth degree felonies, as long as they are non-violent and non-sex offenses. An amendment in the Senate added that same expansion to misdemeanors. Expanding eligibility will make a world of difference for those returned citizens that simply want to provide for their families.

Ohio Highway Patrol Jurisdiction

The Senate Judiciary Committee added an amendment to allow the State Highway Patrol to have the authority to enforce criminal laws in the Northeast Ohio Correctional Center in Youngstown. This is standard procedure in all facilities where DRC inmates are housed and will allow the Patrol to carry out investigatory duties that are critical in keeping our facilities safe from criminal activity such as assault and illegal contraband.

Conclusion

Our departmental vision is “To reduce crime in Ohio” and our mission is “To reduce recidivism among those we touch.” These two statements are paramount to every aspect of our Department because I believe that the measure of our success is how the Ohioans we touch perform in the community after release, as employees, parents and neighbors.

I believe this bill gives the criminal justice community the tools to further that vision.

In conclusion, Chairman Manning, and members of the House Criminal Justice Committee, thank you for the opportunity to speak before you today. I urge your support for Senate Bill 66. I would be happy to answer any questions from the committee at this time.