

Erin Davies, Executive Director, Juvenile Justice Coalition
Testimony on HB 394
House Criminal Justice Committee
May 14, 2018

Chair Manning, Vice Chair Rezebek, and Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for the opportunity to testify on HB 394. The Juvenile Justice Coalition (JJC) is an organization that works to ensure that approaches to Ohio youth who are at-risk of involvement or involved in the juvenile court system are research-based and cost-effective. In addition, JJC engages youth leaders to get their perspective on what would be most effective for them and other youth across the state.

Although it is unknown how many youth go through Ohio's courts each year, Ohio's juvenile courts handle nearly 100,000 unruly (i.e. offenses like truancy, unruliness, and running away) and delinquency cases annually. HB 394 touches on three issues that impact youth: mandatory bindover, fines and fees imposed by the courts on youth, and giving individuals who committed an offense before age 18 a chance at parole. My testimony today will focus on mandatory bindover and fees and fines for youth in courts.

Overall, JJC supports this bill, which is founded in research-based best practices of what works to stop young people from reoffending, and believes it will help to keep Ohio's communities more safe. The juvenile court's unique purpose is to recognize the unique developmental characteristics of adolescents and to put measures in place that both hold youth accountable, but also help rehabilitate them and put them on a path to success. We have two suggested changes that would further improve the bill.

Mandatory bindover: Research shows that youth who are bound over to the adult criminal justice system are more likely to reoffend compared to youth who have committed similar offenses but are retained in juvenile court. HB 394 eliminates mandatory bindover of youth, making all bindovers discretionary based on the findings of a juvenile court judge. This change ensures that decisions of whether youth are in adult or juvenile court are determined by juvenile court judges – a neutral, specially trained individual – rather than prosecutors. It also allows judges to take critical circumstances of the youth and the offense into account, including the youth's mental health status.

HB 394 still allows youth charged with aggravated murder to be bound over to adult court. We believe this provision should be eliminated because it does not allow judges to consider any additional circumstances of the offense. In addition, any mandatory bindover is based on what a youth is charged with, not what they are ultimately convicted of, which in the case of aggravated murder will often be a lesser offense. This change may lead prosecutors to overcharge youth in order to take a plea in adult court. Finally, keeping mandatory bindover in Ohio law also means keeping reverse waiver, which is a complicated process that can waste the court's time by sending a case back and forth between juvenile and adult court. Having a hearing first makes sure that the case is in the right court from the beginning and is more efficient for all stakeholders.

Juvenile court fines and fees: HB 394 modifies Ohio law on fines and fees in several ways, including holding an ability to pay hearing in order to assess the proper fees and fines against a youth or their parents. However, we would recommend removing a provision that allows juvenile courts to transfer fines and fees to a civil judgement after a youth turns 21. This provision dangerously expands the jurisdiction of the juvenile court's ability to continue punishing a youth well beyond the offense, which goes against the purpose of the juvenile court's goal of rehabilitation.

Overall, we support HB 394 and urge the Committee to support the bill moving forward today. Thank you for the opportunity to testify and I welcome any questions you may have.