



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of SB66 Sentencing Modification – Rehabilitation Sponsor Senators Eklund and Tavares

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for the opportunity to provide written testimony on behalf of the Office of the Ohio Public Defender in support of Senate Bill 66. This bill makes a number of relatively small changes to our criminal justice code that will have a big impact on improving the system and allowing individuals with low level felony offenses the chance to become productive members of society.

SB66 expands the principal purposes of felony sentencing to include promoting the rehabilitation of offenders. In order to truly reduce crime, our criminal justice system must focus on, not only protecting the public, but also rehabilitation. The data shows rehabilitation focused programming - things like access to education, job training, mental health counseling, and substance abuse counseling, are linked to reductions in recidivism, whereas, longer prison sentences are not.¹ Making rehabilitation a priority of felony sentencing is the first step to actually seeing reductions in recidivism.

Another important change in the bill is the removal of the one-year minimum requirement for community control sentences for felonies of the fourth and fifth degree. Since each case is distinct and each defendant is unique, it makes sense to give discretion to judges to craft community control sanctions specific to each defendant. Otherwise, a lot of time and money will continue to be wasted on “one size fits all” sentencing that requires all defendants to be on community control for a year even when there is no need.

¹ *Reducing Recidivism*, June 2014, The National Reentry Resource Center, A project of the Council of State Government Justice Center

While OPD appreciates the bill's language that removes the current requirement that the Parole Board consider, as an additional factor, even mere technical post-release control violations when deciding whether to impose a prison sentence, OPD was disappointed to see the amendment that removed bill's language that limited the prison term that could be imposed as a sanction for a violation of post-release control to 90 days. It is important to remember that nothing in the bill before the amendments stopped the State from filing new charges if the post-release control violation is a felony or misdemeanor offense that warrants prosecution. This change would have ensured that individuals are not forced back into prison for long periods of time after the individual already served their time on the original offense. As I previously mentioned, keeping individuals in prison for long periods of time does nothing to reduce recidivism. Additionally, while in prison, those individuals are not contributing to society.

Perhaps most important, SB66 will open the door so that more Ohioans can take advantage of opportunities like intervention in lieu of conviction ("ILC"), diversion, and having their criminal record sealed. In regards to ILC, first, the bill eliminates the requirement that the individual would have been sentenced to community control, and the requirement that the individual has not gone through ILC before. The bill also allows ILC for offenses with mandatory incarceration and for offenders charged with third degree felony drug possession. Additionally, the bill expands eligibility for diversion to some drug related misdemeanors and felonies of the fourth and fifth degree. Finally, under the bill, the class of individuals who are eligible to seal their criminal record is expanded to anyone who has been convicted of one or more misdemeanors or felonies of the fourth and fifth degree, provided that none of the offenses were an "offense of violence" or a felony sex offense.

A felony criminal record can severely hinder an individual's ability to obtain employment, housing, financial aid, professional licenses, and social services. OPD supports SB66 because it makes important changes that allow individuals the opportunity to move past the criminal activity and become productive members of society.



Thank you for the opportunity to provide written testimony to your committee.

