



TO: House Criminal Justice Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: May 22, 2018

RE: Am. House Bill 92 – Opponent Testimony

To Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio (“ACLU of Ohio”) and I appear to present opponent testimony on Amended House Bill 92.

The ACLU of Ohio opposes HB 92 because it expands sex offender registration and residency requirements that are counterproductive in regard to their intended goals. In this case, HB 92 modifies the offense of Public Indecency, expands the definitions of “sexually-oriented offense,” and designates those guilty of the offense as a Tier I sex offender/child-victim offender, subject to reporting requirements and residency restrictions for fifteen years.

Sex offender registries and residency restrictions have now been in existence long enough for numerous studies to be conducted on their usefulness. What that research demonstrates is they are ineffective at best, and harmful at worst. There is no evidence these policies and laws keep people safer or reduce recidivism. In fact, as we assume this committee is aware, recidivism numbers for sex offenders are generally far lower than those for other felony offenses. In addition, sex offenses are overwhelmingly committed against someone known by the victim, not a random stranger.

Ideally, after someone commits an offense and while or after they serve their punishment, we should examine and take steps to reduce the chances they will reoffend. This can take the form of counseling, treatment, and other supportive services. What we should not do is exile them to the fringes of society, leaving them many times unable to find housing and unemployment. By fostering such isolation and helplessness, we increase the chances they will reoffend and make society less safe.

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At a minimum, HB 92 should incorporate recommendations from The Ohio Criminal Justice Recodification Committee regarding Tier I sex offenders. Those recommendations are 1) to require a court hearing where a judge uses individualized determinations to decide if a person should be subject to the applicable Tier I reporting and residency requirements and 2) the ability to petition a court to reduce these requirements to a five-year period instead of fifteen-year requirement, as is the case under current law (which can now be reduced to ten years if a judge agrees).

Those proposed reforms are modest, but are welcome recognition that Ohio's approach to these offenses are in need of change.

As is the case with drug laws, Ohio needs to abandon that which does not work and focus on what does. Sex offender registries and residency restrictions make us less safe, not more. HB 92 only compounds these problems at the expense of real solutions. The ACLU of Ohio asks that you reject Amended House Bill 92.