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TO: House Criminal Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: June 20, 2019
RE: House Bill 205 – Proponent Testimony

To Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for this opportunity to present proponent testimony on House Bill 205.

As this committee previously heard during sponsor testimony, HB 205 is an update to Ohio's existing Good Samaritan law. Current law applies to minor drug possession offenses. HB 205 expands it to include drug paraphernalia. This is important because it seems rather nonsensical to provide limited immunity for possession of the actual drugs but not to the tools used to ingest them.

What we also know is that, when asked, people in these situations say the number one reason they do not call emergency services when they or someone they are with are experiencing an overdose is fear of law enforcement. So, in a very real way, Good Samaritan laws save lives.

Because these laws save lives, the ACLU of Ohio believes we should strive for the best possible Good Samaritan law while the interest and opportunity exists.

Accordingly, the ACLU of Ohio suggests the following changes to current law and HB 205:

- Simply decriminalize the possession of paraphernalia. New Mexico recently took this step as part of its recognition limited law enforcement resources are better spent on more serious crimes.
- Remove the provision limiting immunity to only those with no more than two previous offenses. If the idea is to help people, let's help as many as possible.
- Remove the provision that makes people on community control or post-release control ineligible. Again, let's help as many as we can. Many people struggling with addiction have surely run afoul of the law before and we should not leave them behind.

- Remove the provision requiring a person to seek treatment to be eligible for immunity. Of course, getting treatment for these individuals is a laudable goal. It should always be encouraged and, when possible, incentivized. But, we should not compound peoples' problems with criminal records when there is growing recognition putting people with drug abuse problems in cages and saddling them with criminal records increases, instead of improves, their problems.
- Related to the above, remove the provision that requires a person to produce proof they are seeking treatment upon the request of any prosecutor anywhere in Ohio. We assume the purpose is to simplify proof of compliance with the Good Samaritan law. But, if the provision regarding required treatment is removed, this particular provision is unnecessary. If the treatment requirement is retained, we still question this prosecutor notification provision's overall usefulness.
- Add an appropriation for education and outreach regarding Ohio's Good Samaritan law. Too many who need this information remain unaware.

I believe we all share the goal of saving lives, especially for people in such vulnerable situations. The better a state's Good Samaritan law, the more lives saved. House Bill 205 is an improvement and deserves your favorable consideration. But, Ohio also can and should do much better. There is plenty of room for further improvement. The ACLU of Ohio asks that you pass HB 205 while also ensuring our Good Samaritan law is the best it can be.