



Ohio Prosecuting Attorneys Association

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House Bill 205
Opponent Testimony
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Chairman Lang, Vice-Chair Plummer, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to offer opponent testimony on House Bill 205,

House Bill 205 expands what is commonly known as Ohio's "good Samaritan" statute to provide immunity from arrest, prosecution, or conviction for use or possession of drug abuse instruments or drug paraphernalia.

Ohio prosecutors are not opposed to increasing treatment options for the drug addicted and appreciate the sentiment behind the good Samaritan law. Unfortunately, the practical experience of the current good Samaritan law is largely negative. The law provides that a "qualified individual" shall not be arrested, charged, prosecuted, convicted, or penalized for a minor drug possession offense if certain conditions are met. One condition is that the addict seek and obtain a screening and referral for treatment from a community addiction services provider within 30 days of when they were given immunity. This leaves addicts on their own to seek and obtain a screening and referral for drug treatment. Most addicts simply do not follow through with this condition. The desire to continue to use drugs is too strong and most return to drug abuse during the 30 day period. Because they are not brought into the system there is no adequate way to monitor whether they have obtained the screening and referral. Many overdose again and again. This is why there are horror stories of first responders being called to revive the same person two, sometimes three, times in one day. Even for those who do follow through, there is no requirement that they actually go to treatment.

Another condition of immunity is that the person must not have been granted immunity two previous times. Again, there is no adequate way to track who has and has not been granted immunity, let alone whether the person has already been granted immunity twice. The practical effect is that a person who is not already on community control or post-release control is immune no matter how many times they call for help.

Ultimately, we think that the current law should be fixed before it is expanded in the manner proposed in House Bill 205. Individuals who call for help must somehow be promptly connected to treatment. A thirty day waiting period just to seek a referral and a system of immunity that cannot be adequately monitored is merely a recipe for continued drug abuse and additional overdoses.

Thank you again for the opportunity to testify. I would be happy to answer any questions.