



Ohio Rational  
Sexual Offense Laws

**Barbara Wright**  
Legal & Policy  
Chairperson

## Interested Party Testimony

HB 431

### Sexual Exploitation

Chairman Lang, Vice-Chairman Plummer, Ranking Member Leland, Leader Seitz, and the Honorable Members of the House Criminal Justice Committee: thank you for the opportunity to testify as an interested party on House Bill 431 establishing a sexual exploitation database.

My name is Barbara Wright, and I am an advocate with Ohio Rational Sexual Offense Laws, or OH-RSOL. OH-RSOL is committed to promoting and supporting cost-effective, evidence-based policies, practices and laws which balance the need for public safety with the goal of rehabilitation and reintegration of individuals convicted of a sexually oriented offense.

Ohio has had sex offender registration laws since 1963, but they were rarely used until the first enactment of Megan's law in 1996.<sup>1</sup> Ironically, sexual offense rates were already decreasing before Megan's law was adopted.<sup>2</sup>

Megan's law created a private, law-enforcement database for the tracking of sexually violent predators. Megan's law only required these offenders to register name, residential address, and name and address of the offender's employer.

Since 1997, 196 bills have been introduced in the Ohio legislature enhancing or modifying sexual offense registration laws in Ohio.<sup>3</sup> The major revisions to Megan's law in 2003 created a public, Internet database, added prohibitions against living within 1,000 feet of a school, eliminated the right of lifetime offenders to petition for termination of their duty to register, and added penalties for failure to comply.<sup>4</sup>

In 2007, in response to the brutal abduction of Adam Walsh and other young children, Ohio replaced Megan's law, a risk-based system of classification, with the Adam Walsh Act, an offense-based system.<sup>5</sup> Under the AWA, the number of offenders labeled medium to high risk based solely upon the offense of conviction (Tier II and III) more than doubled, while the number of offenders labeled "low risk" (Tier I) decreased by over 60%.<sup>6</sup> The number of offenses subject to registration doubled, and more inmates were incarcerated for registration violations,<sup>7</sup> resulting in overcrowded prisons and overcrowded registries.

SB 10 added so many additional burdens that the Ohio Supreme Court ruled it punitive, and rendered portions of it unconstitutional. Those provisions were never repealed, and remain today.

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My reason for testifying today is to urge this committee not to repeat the mistakes of the past. Despite all of the General Assembly's good intentions, SORN has done nothing to make society safer.

An ad hoc committee formed by the Ohio Criminal Sentencing Commission in 2016 found:

“There is no clear evidence to support that...(SORN)...has made the public safer, deterred any sexual offenses, or contributed to the arrest or discovery of any sex offender.”<sup>8</sup>

In response, the Ohio legislature formed the Ohio Criminal Justice Recodification Committee which recommended sweeping changes to SORN. Despite the commonly-held belief that all sexual offenders are dangerous, the “Recod Committee” found no evidence that “...sex offenders and child victim offenders pose a risk of engaging in further sexually abusive behavior even after being released from imprisonment, a prison term, or other confinement or detention.”<sup>9</sup>

To date, none of the recommendations of the Recod Committee have been implemented. Instead, we have created a new violent offender database, and are already trying to add new offenses (aggravated assault and child abuse). It is only a matter of time before it morphs into the draconian system of laws which govern sexual offenders.

The “VOD” includes some of the same individuals required to register under SORN, but using a different playbook. At the very least, we need to reconcile the many inconsistencies between SORN and the VOD.

Which brings me to HB 431, the sexual exploitation database. I understand that some powerful people support this bill, and for all the right reasons. I just question whether HB 431 will accomplish its objectives, or whether it will become just another “scarlet letter” with no real effect on the behavior it is designed to prevent.

Thank you for allowing me to submit this written testimony as you vote on this important legislation.

<sup>1</sup> 121 Ohio SB 180 (1996).

<sup>2</sup> Ohio Crime Rates 1960-1984 <http://www.disastercenter.com/crime/ohcrime.htm>.

<sup>3</sup> Ohio General Assembly Archives <http://archives.legislature.state.oh.us/>.

<sup>4</sup> 125 Ohio SB 5 (2003).

<sup>5</sup> 127 Ohio SB 10 (2007).

<sup>6</sup> See Comparison Classification vs. Risk, attached.

<sup>7</sup> *Profile of Sex Offenders in Ohio Prisons*, Table: Sex Offenses by Gender (Correctional Institution Inspection Committee, Sept. 23, 2015) <http://www.ciic.state.oh.us/docs/Sex%20Offenders%202015.pdf>;

see also Sex Offender Classification and Treatment In Ohio Prisons (Correctional Institution Inspection Committee, 2006), p. 19 .

<https://www.prisonlegalnews.org/media/publications/sex%20offender%20classification%20and%20treatment%20in%20ohio%20prisons-%20ciic.pdf>.

<sup>8</sup> *State v. Williams*, 129 Ohio St.3d 344 (2011); *State v. Bodyke*, 126 Ohio St. 3d 266 (2010).

<sup>9</sup> Ad Hoc Committee on Sex Offender Registration: *Report and Recommendations* (Ohio Criminal Sentencing Commission, April, 2016).

<https://supremecourt.ohio.gov/Boards/Sentencing/resources/sentencingRecs/AdHocCommSexOffenderReg.pdf16>).

<sup>10</sup> Summary of Ohio Criminal Justice Recodification Committee Recommendations

<http://ocjrc.legislature.ohio.gov/Assets/Files/committee-notes.pdf> at pp. 93-101, et seq.; see full text at

<http://ocjrc.legislature.ohio.gov/Assets/Files/final-lsc-draft.pdf>. 3 Supra full text at lines 45565-45568; see vote at

<http://hannah.com/ShowDocument.aspx?ItemID=129060> at p. 34 and p. 120.

