



Ohio Prosecuting Attorneys Association

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Executive Director
House Bill 425
Interested Party Testimony
February 26, 2020

Chairman Becker, Vice-Chair Stoltzfus, Ranking Member Miller and members of the House Federalism Committee, thank you for the opportunity to offer interested party testimony on House Bill 425. I would like to take this opportunity to raise one concern that we have with House Bill 425 and generally just to encourage this committee to consider law enforcement safety during your deliberations on this bill. The duty to notify exists not because we wish to punish those who are exercising their constitutional rights but because we wish to protect those who place their lives on the line to keep the public safe. All of this is about officer safety. Please be sensitive to the fact that the bill could lead to more intense encounters between police and the public, placing both police and those who are exercising constitutional rights at greater risk.

That said, our primary issue with House Bill 425 is that the bill reduces the penalty for failure to notify from a misdemeanor of the first degree to an unclassified misdemeanor with a maximum fine of \$25. Our Association generally disfavors the creation of unclassified misdemeanors and special sanctions that fall outside of the standard range of sanctions provided in Chapter 2929, in this case the financial sanctions for misdemeanors provided in section 2929.28 of the Revised Code. A quick search of the Revised Code reveals a minimal number of unclassified misdemeanor offenses. None that I could find come with a fine as low as \$25. The OPAA has no position on what level of misdemeanor a failure to notify should warrant but we strongly encourage the committee to require something other than an unclassified misdemeanor and to apply the standard sanctions. A \$25 fine is simply not enough to deter some individuals who would flout the law from doing just that. It is in fact so low that it would even discourage those who might be wrongfully accused of failure to notify from challenging the fine in court.

Thank you again for the opportunity to provide testimony. I would be happy to answer any questions that you have.