



4506 Chester Avenue
Cleveland, OH 44103
P: (216) 472-2220
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Jack Guttenberg
President

J. Bennett Guess
Executive Director

TO: House Criminal Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: November 27, 2018
RE: Amended Senate Bill 231 – Opponent Testimony

To Chairman Manning, Ranking Member Celebrezze, and members of the House Criminal 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 Senate Bill 231.

The ACLU of Ohio has various concerns about SB 231 we believe would be helpful to summarize for members of this committee.

First, SB 231 is an unorthodox bill that creates a database theoretically for law enforcement only and explicitly states the database is not a public record (Sec. 2903.43(F)(2)). Yet, SB 231 also allows the public access to every bit of information that goes into a person’s database profile (2903.43(F)(3)(a)). The database itself is private, all of the information provided to it is public. That is a distinction with almost no difference.

Among the information SB 231 requires from registrants is their Social Security Number, their driver’s license or state ID card number, their license plate number(s), their place of employment, and their school (Sec. 2903.43(B)(2)(c)(d)(f)(g)(h)). Again, all information that would now be public with the passage of SB 231.

When the ACLU of Ohio raised this concern in the Senate, the committee was told by the bill’s sponsor these requirements model Ohio’s sex offender registry laws. However, that is not accurate. It is correct Ohio collects all of this same information for law enforcement’s internal sex offender database. But, Ohio’s sex offender registry works differently than SB 231.

People conducting an online sex offender search do not learn of the registrant’s Social Security Number, driver’s or state ID numbers, license plate numbers, places of employment or schools. Nor can they otherwise access this information as that is explicitly forbidden under Ohio law (ORC Sec. 2950.13(A)(13)). SB 231 carries no such protections.

Should SB 231 pass, it will not take long before people will have their identities stolen and their financial information compromised because their Social Security Numbers and driver's license numbers are stolen. That is exactly what happened years ago again when Ohio courts published documents with Ohioans' Social Security Numbers. It should also be mentioned the release of Social Security Numbers in this manner may be a violation of federal law.

Even if these concerns and problems are rectified, the ACLU of Ohio questions the need for, and effectiveness of, yet another registry of criminal offenders and the expansion of government bureaucracy necessary to accomplish the mandates of SB 231. There is no evidence sex offender and the various other registries adopted in Ohio and around the country have any effect in reducing the crimes or behaviors they are meant to address.

This is an important point to consider as it is hard to believe passage of SB 231 will be the last we hear of this issue. More likely, we will see such a database made explicitly public. Perhaps with additional offenses added, more rigorous reporting requirements, and enhanced penalties. This is always the trajectory of such laws and policies.

Indeed, what were once registries for only sex offenses have turned into a system of ever-growing lists of numerous offenses. These lists start more modestly, then expand in scope and size. DNA databases are an excellent example. They were once sold to legislatures and the public as only for the most serious felony convictions. Then all felony convictions. Then, like in Ohio, all felony arrests. Now we see proposals to expand it to certain misdemeanor convictions. And on and on.

At its best, SB 231 is unneeded. At its worst, SB 231 is a recipe for personal and private information to be compromised and/ or used to make it even tougher for those who have paid their price to society to return to our communities and stabilize their lives with employment, housing, and education.

Members of the House Criminal Justice Committee, we ask that you reject Amended Senate Bill 231 as it is the wrong direction for Ohio and our criminal justice system.