



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
Senate Bill 201
Proponent Testimony
December 4, 2018

Chairman Manning, Vice-Chair Lanese, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to testify today in support of Senate Bill 201, a bill to reinstitute indefinite sentencing for first and second degree felonies as well as certain third degree felony offenses of violence.

Ohio's prosecutors are supportive of indefinite sentencing. We believe that indefinite sentencing gives prosecutors, judges, and the Ohio Department of Rehabilitation and Correction an appropriate tool to effect two overriding purposes of felony sentencing in Ohio – to protect the public from future crime by the offender and others and to punish the offender. Senate Bill 201 accomplishes this by giving the Department of Rehabilitation and Correction greater control over when dangerous felons can be kept in prison beyond their minimum sentence. Additionally, the bill should have the added benefit of enhancing safety in prisons. Under an indefinite sentencing model, prisoners have an incentive to behave while incarcerated because most will want to be released when they reach the minimum sentence. This will promote public safety as well as offender accountability and we thank the bill sponsors for taking this on.

I would like to briefly touch on one aspect of the bill that we devoted much effort to changing in the Senate. The bill creates the possibility of a sentence reduction for "exceptional conduct while incarcerated" or "adjustment to incarceration." The bill, As Introduced, provided for the early release decision to be made by ODRC – a provision that we believe contradicts truth-in-sentencing and the separation of powers. While we preferred, and in fact still prefer, that the early release provision be removed entirely, we are satisfied with the compromise struck in the Senate that places the early release decision in the hands of the sentencing judge with opportunity for input from the victim and prosecutor. This places the decision in the hands of an elected official and requires that it be made in open court.

Thank you again. I would be happy to answer any questions.