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Senate Judiciary Committee
Ohio Public Defender
Testimony in Opposition
SB 20
February 21, 2017

Chairman Bacon, Vice Chair Dolan, and Ranking Member Thomas, thank you for the opportunity to testify today regarding Senate Bill 20.

Like other elements of offenses which require proof beyond a reasonable doubt, permanent physical disability will require evidence of the harm and causation. These cases will require State's experts and expert fees for each defendant to hire his/her own. Unlike other specifications which are traditionally binary; firearms either work or they don't, a defendant used body armor or he/she didn't, this bill will require expert medical testimony at trial to make a medical diagnosis.

Fiscal and time efficiencies that promote other criminal justice policies are defrayed by SB 20. The Ohio Public Defender is responsible for a reimbursing a portion of the cost of providing indigent defense in Ohio. Passing SB 20 will increase the amount of receipts submitted to our office-all reimbursed from the same fund of money. Without additional appropriation, SB 20 has the ability to lower the percentage of costs reimbursed to counties and increase the counties' fiscal responsibility.

This Committee is aware of the Recodification Committee's efforts to remedy the confusing and unnecessarily lengthy criminal code. Rather than pass this language into the existing law, it would be prudent to submit this language to the Committee now, or, amend the Recodification Committee's sentencing bill when it comes through the legislature. Either way, more research and trickle down fiscal analysis is necessary to ensure the counties are prepared for the increased caseloads and costs associated with this new specification.