



Office of the Ohio Public Defender

Timothy Young, State Public Defender

**Testimony in Opposition of SB231
Violent Offender Registry
Sponsor Senator Gardner**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to provide written testimony on behalf of the Ohio Public Defender in opposition of Senate Bill 231.

First, I want to thank the bill sponsor, Senator Gardner. The evolution of this bill shows that he has developed a better understanding of the long-term negative consequences being placed on a public registry can have on a person who has paid their debt to society, as well as that person's family. That being said, OPD has some concerns with the SB231.

Senate Bill 231 requires individuals, convicted of one of the delineated offenses, to register annually with their local sheriff's office. The database of violent offenders will be a public record available to anyone who requests it from the sheriff's office. Nothing in the bill prohibits individuals from publishing the information from the database on social media or providing copies to their community at large. Studies of sex offender registries show that mere presence on public lists, like that proposed in Substitute SB231, can lead to assumptions by the community that the individuals included are dangerous and should be shamed and ostracized.¹

The information available to the public does not include context for each person who is included. There will be no explanation that the individual on list may have only been eighteen-years-

¹ See Richard G. Zevitz & Mary Ann Farkas, Sex Offender Community Notification: Assessing the Impact in Wisconsin, National Institute of Justice (2000) <https://www.ncjrs.gov/pdffiles1/nij/179992.pdf>

old when they committed the offense and that they spent significant time in prison working hard to improve and educate themselves. Regardless of the circumstances surrounding an individual's admission to the database, being on the list will cause the public to assume those people should be feared and loathed. These types of misconceptions can cause loss of employment and housing opportunities, which continue to punish not only the offender, but also their family.

While the events that inspired, this legislation are tragic, there is no evidence SB231 will prevent future tragedies. Another study of sex offender registries showed they are linked to increased rates of recidivism. The authors of the study hypothesized that the personal, professional, financial, and social consequences of making this information public can make a crime-free lifestyle unobtainable for the offenders.² Because the violent offender database information will be so readily available to the public, logic dictates that individuals on the violent offender database will suffer the same fate.

While OPD appreciates that SB231 provides for a presumption that an individual should be removed from the database after ten years, OPD has concern about the procedure for removal. First, most of these individuals will have served long prison sentences. Forcing them to wait another ten years to move beyond their mistakes is far too long, and, for many, amounts to punishing them for their life. Second, an individual may only request removal from the database once. The court can never reconsider that person's request even after years have passed and the individual has worked to completely reform their life.

² See J.J. Prescott & Jonah E. Rockoff, Do Sex Offender Registration and Notification Laws Affect Criminal Behavior? 1 J.L. ECON 54, 15 (2008). <http://www.nber.org/papers/w13803.pdf>



Finally, OPD opposes the bill because, as this committee well knows, Ohio is suffering from a prison overcrowding epidemic. Senate Bill 231 creates yet another new felony offense. Under the bill, failure to register for the database annually is a felony of the fifth degree. Instead of allowing individuals to move past their mistakes and become productive members of society, this bill creates new requirements that may lead to additional criminal convictions and additional time in prison.

Databases like the one proposed in SB231 will hamper opportunities for individuals, who have paid their debt to society, to make better lives for themselves and to be law-abiding citizens. Ohio is not made better or safer by making it impossible for capable people to obtain adequate housing and good jobs.

Thank you for the opportunity to provide written testimony.

