



TO: Senate Judiciary Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: April 10, 2018
RE: Amended Senate Bill 231 – Opponent Testimony

To Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary 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.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

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

First, there appears to be significant confusion as to whether or not the violent offender database created by this bill will or will not be available to the public to search. In sponsor testimony delivered in November 2017, it is clear the sponsor anticipates the database will be a public one given the scenario he raised of a 19-year-old college student searching for apartments who is curious as to the possible criminal records of her prospective neighbors.

Yet, in Line 274 of the bill, it is clearly explained the database is “not a public record under Section 149.43 of the Revised Code.” Before proceeding any further with consideration of SB 231, the ACLU of Ohio believes it is important to clarify this matter and the sponsor’s intentions.

The ACLU of Ohio is against SB 231 whether the database is private or publicly accessible. But, if this bill is amended to explicitly make this database searchable by the public, numerous other problems arise regarding the effect of such registries on the successful reintegration into society of those who paid their debt to society and left prison.

What will unquestionably be public record as a result of SB 231 is various personal information about all those forced to register. This includes a person’s a) Social Security Number, b) driver’s license number, and c) license plate number. Indeed, SB 231 explicitly makes such information available to the public (see Lines 276-282). Again, before proceeding any further on this legislation, the ACLU of Ohio believes, at a minimum, further research and inquiry needs done to determine the legality of disclosing such information under current state and federal laws.

SB 231 does allow a person to petition a court to have some or all of that information removed from public record if they can demonstrate a fear for their safety. But, that is the sole criteria by which this information can become private, and only if a court agrees.

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 would 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 seems to always be 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.

Members of the Senate Judiciary Committee, at the very least, clarification is needed as to whether SB 231 is a private or public database and the legal ramifications of dissemination to the public of others' Social Security Numbers, drivers' license numbers, and license plate numbers. Far better would be to abandon SB 231 as an unnecessary growth of government bureaucracy that, like others before it, will have no impact on the underlying problems it seeks to address.