**TESTIMONY OF CITY ATTORNEY ZACH KLEIN
ON SUB. SB 341
BEFORE THE OHIO SENATE JUDICIARY COMMITTEE**

Chair Kevin Bacon, Vice-Chair Matt Dolan, honorable members of the Senate Judiciary Committee, thank you for welcoming me here to provide proponent testimony in support of the criminal justice reforms envisioned in Substitute Senate Bill 341.

I’m Zach Klein, the Columbus City Attorney. My office is responsible for prosecuting all criminal misdemeanors in the City of Columbus. That’s approximately 21,000 cases per year. I appreciate the opportunity to be here today to discuss our bipartisan effort to make critical and necessary changes to improve Ohio’s drug laws.

Issue 1, while hotly debated throughout this past campaign cycle, was the catalyst for an extremely important conversation in our communities about the need to improve our criminal justice system.

This past summer, while the political debate over Issue 1 heated up, Franklin County Prosecutor Ron O’Brien and I met to discuss how the passage of the ballot initiative would impact both of our offices. During this meeting, we realized a shared vision for reforming our drug laws so that they are reflective of the need to treat addiction through treatment, not incarceration. Together, we drafted a pragmatic, alternative proposal which we believe addresses the important aspects of Issue 1, but removes the negative consequences that Issue 1 carried with it. I want to be clear: our draft proposal and thoughts surrounding pragmatic and effective reform is not Issue 1, in legislative form.

We believe real and substantive reform must include the following concepts:

* Reducing most fourth- and fifth-degree felony drug possession charges to a misdemeanor. Fentanyl, carfentanil and date rape drugs should remain felony offenses.
* Creating a presumption that those convicted of misdemeanor drug possession receive treatment and probation, but maintaining judicial discretion to rebut that presumption if the person struggling with addiction refuses treatment.
* Allowing those currently charged, on probation with an old F4/F5, or in prison for fourth- and fifth-degree drug possession convictions to reclassify their conviction to match the new misdemeanor.
* For those with previous F4/F5 convictions to, at a minimum, seal those convictions, or ideally petition the court to reclassify their conviction to match the newly downgraded misdemeanor offense.
* Eliminating mandatory prison sentences except for major drug offenders. There would be an exception for those convicted of the major drug offender specification – sometimes referred to as the drug kingpin law – for running a large-scale drug operation.

The concepts in this proposal address every single public criticism brought forth by the opponents of Issue 1. These are legislative changes as opposed to enshrining these concepts in Ohio’s constitution; the proposal ensures that fentanyl remains a felony, along with date rape drugs; and it maintains judicial discretion and integrity of drug courts. It also removes the possibility of “good time credit” for child pornographers and human traffickers, who do not need to get out of their prison sentence early.

The reality is the status quo is not working for anyone. Too many people are dying every single day as the number of daily overdoses continues to rise. Our prisons are overcrowded, and too many lives are being destroyed with excessive felony convictions.

The importance of making these changes to our criminal cannot be overstated. They maintain judicial discretion in ordering additional treatment or incarceration for repeat offenders, but also give people the opportunity to seal their records from felony convictions—which we know are enormous barriers for those seeking housing and employment.

It is important to recognize that drug and addiction issues are not new. In fact, addiction has plagued communities of color and rural America for decades and attention to this was largely ignored, with the exception of strengthening our laws to increase incarceration. To put plainly, the war on drugs has been an abysmal failure, and in order to move forward, we must face the fact these policies have been hurting communities around the state for many, many generations.

But now we have the opportunity to embark on a different path: one which enables us to come together as a state, and make our system more just and effective. These reforms will ultimately get more folks into addiction and mental health treatment that desperately need it.

Most of you know, Ron and I were former political opponents—he beat me in the County Prosecutor race just two years ago. I’m encouraged that the Senate leadership has also expressed the shared desire to set our political differences aside, come together to draft this drug reform policy, and accomplish real change for our criminal justice system. I encourage this committee to join us in this bipartisan effort, because the need for change in Ohio is frankly much too great. I truly believe that Ohio has an opportunity to be a national leader in criminal justice reform, and I look forward to supporting this work in any way that I can.

Thank you.

Zach Klein
Columbus City Attorney