

**Testimony of
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**Regarding
Senate Bill 341**

**Before the
Senate Judiciary Committee
December 12, 2018**

Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, and members of the committee, thank you for inviting me to testify today regarding reformation of Ohio's drug laws. The Justice Action Network is the first and largest 501(c)4 organization in the country to bring together progressive and conservative partners and collaborate with law enforcement, business, civil rights, victims' rights, and faith-based groups to make our justice system more effective and cost-efficient. We work diligently with the states and federal government to craft localized solutions around the following policy goals:

- To enact data-driven sentencing reforms that safely address the prison population and associated taxpayer costs
- To reform criminal codes to end the systematic problems of overcriminalization
- To increase public safety through effective rehabilitation programs
- To reduce recidivism by breaking down barriers faced by those returning home after detention or incarceration
- To ensure prompt and fair outcomes for both the accused and the victim

To that end, I'll discuss some policy that I think would be well suited for Ohio to consider.

Reducing drug possession to presumption in favor of probation if offender agrees to treatment:

JAN has been supportive of efforts to reduce penalties for low-level drug offenses in states around the country, including conservative states like Georgia and Oklahoma. Evidence from states across the country has shown that individuals with substance abuse disorder benefit more from treatment over incarceration. Public safety is enhanced when prison is reserved for more serious offenders, not low-level drug offenders who have substance abuse issues.

Allow those in prison/on probation for a newly reclassified F4 and F5 drug possession offense to petition a court for reclassification of their offense to a misdemeanor:

JAN is supportive of allowing individuals who have been sentenced under previous laws to have their records adjusted when the legislature determines that certain punishments for offenses is no longer necessary or warranted. This ensures fairness and proportionality in sentencing, and allows individuals sentenced under old laws to gain a second chance to become productive members of society. This will also create an easier pathway for successful reentry for many individuals convicted of low-level crimes.

Record sealing:

JAN is a big supporter of reducing barriers to re-entry for individuals with criminal records and second chances. As such, JAN has supported expungement and record sealing proposals in states around the country. JAN was most recently supportive of legislation that was enacted in Pennsylvania in 2018 that allows for the automatic sealing of records of individuals convicted of misdemeanor offenses if they remain crime-free for 10 years.

Create a presumption against jail time as a sanction for technical felony probation violations, but grants judges discretion to send the offender for more treatment or to a penal facility if the violation is the commission of a new offense or when there are repeated violations. Generally, a relapse into addiction will not mean prison time:

JAN has been supportive of efforts across the country to adjust the way technical probation violations are handled. In the past, JAN has been supportive of “swift and certain” sanction policies that give probation officers and judges flexibility to impose a variety of different sanctions or punishments for individuals who have violated terms of probation or parole instead of sending them back to prison as a first option. This allows punishment to be individually tailored to the individual violator, and gives judges and officers more flexibility to impose these sanctions, which ultimately benefits public safety. Not all probation violations need to result in incarceration, and judges and officers should have the flexibility to impose sanctions as they see fit.

For the remaining felony drug possession offenses, eliminate all mandatory drug sentences except for major drug offender convictions and possession of fentanyl.

JAN has been supportive of efforts in other states that have created more flexibility in sentencing, especially for low-level offenders. While this does not eliminate prison as an option, it does give judges the tools to take individual circumstances into account and tailor sentences accordingly, giving them the flexibility to impose sentences as they see fit. In states that have given judges more flexibility in sentencing, prison populations and crime have been reduced simultaneously. JAN is supportive of the idea of giving more flexibility to judges when it comes to sentencing, especially for individuals convicted of low-level drug offenses.