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Senator John Eklund – Sponsor Testimony
Senate Bill 47
Senate Judiciary Committee
February 27, 2019

Good Morning Vice-Chair Manning, Ranking Member Thomas, and members of the committee. Thank you for the opportunity to give sponsor testimony on Senate Bill 47 which, if enacted, would allow a qualified offender convicted of having sex with a minor to petition for relief.

SB 47 sets forth a procedure for the sentencing court to determine if a youthful low-risk sex offender who engaged in consensual sex with a minor has been rehabilitated enough to have his or her duty to register as a sex offender modified or terminated.

This legislation will only give an opportunity for the low-risk offender to file a petition with the court for a possibility to either be reclassified or removed from the sex offender registry. For an offender to be eligible for this program:

1. The sentencing court found the offender to be at low risk of re-offending;
2. The offender was under 21 at the time of the offense;
3. The minor participant was at least 14 years of age at the time of the offense and consented to the sexual conduct, with no evidence of coercion, force, or threat of force;
4. The offender was sentenced to community control sanctions instead of prison and has fulfilled every condition thereof;
5. The offender has not been convicted of additional sex crimes; and
6. The offender was not in a position of authority over the minor participant.

The U.S. Department of Justice recognizes the developmental differences between adults and adolescents.ⁱ The Department recommends sex offender therapy as the preferred treatment for this group of sex offenders.ⁱⁱ In recognition of these findings, courts and legislatures have extended proportional penalties and rehabilitative treatment to adolescents as old as 24.ⁱⁱⁱ

Thank you for the opportunity to provide testimony on Senate Bill 47, and I will be glad to answer any questions you may have.

ⁱ Center for Sex Offender Management: “The Comprehensive Approach to Sex Offender Management,” at pg. 6 (U.S. Department of Justice Programs 2008).

ⁱⁱ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) “Sex Offender Management and Planning Initiative; Chapter 5” (U.S. Department of Justice, Office of Justice Services 2010).

ⁱⁱⁱ Holmes Youthful Trainee Act, Michigan Statutes Chapter 760 through 777, 1931 PA 328 (1966, Act 301, Eff. Jan. 1, 1967; amended 2015, Act 31-33, et seq., eff 8/18/2015; *People v. House*, 2015 IL App (1st) 110580; *People v. Harris*, 2016IL App (1st) 141744; *Waterman v. Alaska*, 342 P.3d 1261 (App.2015).