

# The Ohio Association of Criminal Defense Lawyers

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Chairman Eklund, Vice Chairman Manning, Ranking Minority Member Thomas, and Members of the Senate Judiciary Committee: My name is Blaise Katter with the Ohio Association for Criminal Defense Lawyers (OACDL), and I appreciate the opportunity to testify in support of Senate Bill 47.

I would like to start by thanking Senator Eklund for sponsoring this legislation. Senator Eklund has made countless contributions to the advancement of criminal justice reform. As a member of the Ohio Criminal Justice Recodification Committee, Chairman Eklund recognizes that SORN reform is long overdue.

I would also like to thank Senators Manning, Huffman, and Thomas for their contributions to that committee. The Recodification Committee recommended sweeping reform of sex offender registration; Senate Bill 47 is a good first step toward that reform.

The Ohio Criminal Justice Recodification Committee was a bi-partisan effort by interested parties to improve our criminal justice system. The committee members included representation from legislative and judicial branches of Ohio's government, as well as state agencies, law enforcement, prosecution and criminal defense. The recommendations were largely based upon the recommendations of an ad hoc committee formed by the Ohio Criminal Sentencing Commissions. That committee included many interested parties, including academicians and advocates for survivor groups.

The ad hoc committee reported that "(t)here is no clear evidence to support that SORNA implementation has made the public safer, deterred any sexual offenses, or contributed to the arrest or discovery of any sex offender."<sup>1</sup> The committee concluded that SORN, in its current form, "...costs the taxpayers millions of dollars, compromises public safety, and dilutes the validity of the registry to the point of ineffectiveness."<sup>2</sup>

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<sup>1</sup> Report and Recommendations: Ad Hoc Committee on Sex Offender Registration (Ohio Criminal Sentencing Commission, April 2016), at p. 9.

<sup>2</sup> *Ibid.*

Senate Bill 47 would begin to implement the philosophy of those recommendations and embrace the goal of this current administration to punish the most serious offenders, while giving low risk offenders an opportunity for second chances.

It is well established that returning citizens face numerous collateral consequences, including job loss and housing discrimination. The consequences for returning citizens who have been convicted of sexual offenses are doubly egregious because of the stigma and fear associated with sexual offenses. Among other prohibitions, Ohio law prohibits anyone convicted of a sexually oriented offense from living within 1,000 feet of any school, preschool or daycare center.<sup>3</sup>

The Ohio Justice and Policy Center and Ohio Public Defender publish a website titled “Civil Impacts of Criminal Convictions under Ohio Law.”<sup>4</sup> That site lists 604 impacts of a felony conviction for unlawful sexual conduct, the offense involved in S.B. 47.<sup>5</sup> These impacts include restrictions or prohibitions on benefits, civic and political participation, employment, government contract participation, government loans, housing, professional licenses, motor vehicle licenses or privileges, and property rights.<sup>6</sup>

In addition, private employers, landlords, homeowner’s associations, schools, hospitals, city councils and township trustees, even homeless shelters or emergency shelters, all impose additional restrictions. In Cuyahoga County alone, 41 municipalities impose proximity restrictions which exceed SORN residency restrictions.<sup>7</sup> The City of Cincinnati requires anyone with certain convictions coming into the city, “whether in transit or otherwise...” to register with the city within 24 hours after arrival.<sup>8</sup> And the City of North Canton prohibits residency within 2,500 feet of any public park, library or public pool.<sup>9</sup>

In order to avoid these consequences, some defendants indicted of sexually oriented offenses may refuse to accept a plea deal which results in registration, thereby costing the county countless dollars to prosecute. The result is a public registry which does not reflect the seriousness of the offense, or the risk an offender poses to society.

Senate Bill 47 will not avoid these results at the trial level. Only true reform of SORN will accomplish that. But S.B. 47 will allow courts to level the playing field somewhat by considering whether registry of an offender who poses no risk to society serves the public purpose.

I ask this committee, and its honorable members, to recommend S.B. 47 for passage to allow offenders who have paid their debt to society to request termination of their SORN duties.

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<sup>3</sup> Section 2950.034 of the Revised Code.

<sup>4</sup> CIVICC <https://civicc.opd.ohio.gov/>.

<sup>5</sup> *Ibid* at <https://civicc.opd.ohio.gov/Home.aspx/OffenseDetail/96>.

<sup>6</sup> *Ibid* at <https://civicc.opd.ohio.gov/Home.aspx/OffenseDetail/96>.

<sup>7</sup> Municipal Registration Laws for Cuyahoga County (Cuyahoga County Health and Human Services Office of Reentry)

<sup>8</sup> Cincinnati, Ohio Code of Ordinances Section 717-2.

<sup>9</sup> City of North Canton Section 533.14.