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Testimony of Lisa DeGeeter, Director of Systems Advocacy for the Ohio Domestic Violence Network (ODVN), regarding HB 315 to the Criminal Justice Committee.

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Good morning and thank you for the opportunity to provide Opponent testimony on HB 315.

My name is Lisa DeGeeter and I am the Director of Systems Advocacy at the Ohio Domestic Violence Network. I am here today representing 74 local domestic violence organizations across the state. In 2021 ODVN programs sheltered more than 9,100 survivors and their children and provided nearly 81,000 survivors with supportive services, including legal advocacy for criminal issues, including protection orders.

We have had positive conversations with the bill's proponents, and want you to know that we were pleased that the bill was modified to include misdemeanor domestic violence in the category of crimes that would be eligible for a conditions of release hearing. We were also pleased with the time frame included for the conditions of release hearing. We strongly believe that 96 hours should be sufficient to allow a prosecutor to provide the Court with the information needed to consider what kind of additional conditions should be imposed.

We believe, however, that the bill still does not contain sufficient protections for victims.

First and foremost, the legislation, as written, does not reference the process and availability of temporary protection orders outlined in 2919.26 and 2903.213. That process is an important safety-net for those victims involved with the criminal justice system. We believe it is important to include the 11 safety factors outlined in 2919.251. Those factors were an important reform that lawmakers added in 2005 to toughen the requirements for granting bail to persons accused of domestic violence or violating a protection order. They are already known to the courts and prosecutors and are comprehensive. Without any reference to that process and those standards, it is unclear what kind of protection those victims would be afforded.

Second, we are also greatly concerned about the standard of proof court must consider before imposing additional release conditions. Imposing a clear and convincing legal standard would make it very difficult if not impossible for victims to receive needed protections. A preponderance of the evidence standard would be better at this point in the proceedings. In addition, it should be clarified that safety of the victim, in addition to public safety, should be a consideration in those pre-release hearings. For example, line 4785 of the substitute bill states

that the accused shall avoid all contact with witnesses. Avoidance isn't a standard. The bill should state specifically that the accused shall have no contact with witnesses. Line 4791 states the accused shall not visit a specified location, but visit lacks a definition. The language used in other portions of the code would be preferable, such as shall not approach, enter, go to, or be in a specified geographic area. We are looking for bright line rules that will be clear to courts, parties and those who have been affected by the crime.

Finally, we remain concerned that the request for a motion to modify a condition of release can only be sought by a party to the case and seems to exclude the victim from consideration. We strongly believe that the victim should have the right to seek a modification and should also have the right to notice and the opportunity to attend the hearing, consistent with the requirements of Marsy's Law.

The Ohio Domestic Violence Network strongly supports efforts to reform Ohio's bail system, which has been ineffective and unfair – especially to people of color. We look forward to supporting this effort once these clarifications are made.