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**Majority Floor Leader Bill Seitz
The Ohio House of Representatives**

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Sponsor Testimony for House Bill 699: Revise law regarding crimes and corrections

Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the Criminal Justice Committee. It is my pleasure to present sponsor testimony on HB 699 with my joint sponsor, Representative Galonski. This legislation is the companion bill to SB 288, Senator Manning's criminal justice reform bill. HB 699 reflects input from the Senate proceedings on SB 288, and has received bipartisan support. I fully expect the Senate bill to become the vehicle we end up considering, so today's testimony is simply intended to be an introduction to the main provisions of the bill. The legislative proposals that I am presenting to you today reflects further discussions between and among Senator Manning, Representative Galonski, myself, and interested parties.

In "as introduced" form, HB 699 encompasses a vast array of topics. Notably, sealing and expungement provisions, similar to House Bill 604 from the 133rd General Assembly, the elimination of transitional control requirements from Senate Bill 377 of the 133rd General

Assembly, and corrections to traffic violations from House Bill 446 of the 131st General Assembly.

Moreover, the legislation contains language that promotes the judicial release of inmates who demonstrate good behavior and who receive a positive recommendation from the Department of Rehabilitation and Corrections (“DRC”). The bill also increases the maximum earned credit that inmates can accumulate for active participation in DRC-approved job training and educational programs from 8% to 15% of the qualifying inmate’s sentence.

Further, this proposal creates additional resources for youth aging out of the Department of Youth Services for ease of transition outside incarceration. It extends the Good Samaritan law to cases of possession of drug paraphernalia, as well as to possession of small amounts of drugs that is already covered by that law (HB 205 of the 133rd General Assembly).

The substitute bill, that will be considered in the near future presents a joint effort with the Senate and other interested parties, seeks to enact additional reforms. Of note, we have included limitations on collateral sanctions, additional expansion of the Good Samaritan law, new provisions enacting increased access to sealing and expungement for low-level controlled substance offenses, changes to judicial release, and changes to bindover law stemming from the recent *State v. Smith* decision. We also plan to include other pieces of legislation in the substitute

bill including HB 64, legislation aimed at preventing fertility fraud. The proposed substitute bill also encompasses the reduction of certain penalties, including underage drinking to bring the offense in line with similar offenses.

As we continue working on the substitute bill, we are also considering additional amendments including an addition that creates the offense of strangulation and adds strangulation to the definition of "offense of violence," an elimination of the statute of limitations for conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder, changes to the waiting period in which an individual is eligible for expungement, and other technical corrections.

HB 699 and SB 288 have received an abundance of input from various groups, and we have made every effort to assemble a bill that balances priorities from these different entities. For example, the Ohio Prosecuting Attorney's Association proposed several inclusions that have made their way into the bill, as introduced, and the substitute bill. For example, the Prosecutors support provisions of the bill that would allow for a coroner to redact confidential law enforcement investigatory material from preliminary reports, changes to the OVI law that would ensure that repeat offenders receive appropriate sentences even after the 20 year look back period expires, corrections to civil stalking protection order statute, and a provision in the substitute bill

to reinstate transitional control vetoes for sentences of less than a year, which had been deleted altogether in the as introduced version.

One issue that has been of particular interest is the bill's speedy trial provisions. The bill sponsors in both the House and the Senate have worked diligently to create compromise language that all interested parties support. Together, the Ohio Prosecuting Attorney's Association, the Ohio Public Defender, and the Ohio Association of Defense Lawyers have agreed to language that would prohibit the addition of any new charges during the 14-day extension proposed in the original bill. We hope that this language will be included in the substitute bill.

Finally, numerous groups have offered their input on this bill throughout the legislative process, including, but not limited to, the Ohio Judicial Conference, the Ohio Public Defender, The Ohio Prosecuting Attorneys Association, the Ohio Attorney General, the Ohio Sentencing Commission, The Ohio State Bar Association, the Ohio Department of Rehabilitation and Corrections, the Ohio Alliance for Safety and Justice, the Ohio Justice & Policy Center, the Buckeye State Sheriff's Association, the Fraternal Order of Police, and the Buckeye Institute.

Thank you for the opportunity to provide sponsor testimony on HB 699. We would be happy to answer any questions that the committee may have.

