



Senate Bill 288 Sponsor Testimony Senator Nathan Manning, 13th District

Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the Ohio House Criminal Justice Committee. Thank you for hearing my testimony on SB 288 today. This bill will seek to accomplish the overarching goal of reducing unnecessary collateral sanctions on formerly incarcerated persons. It also codifies a variety of relatively uncontroversial ideas that have been through process in past general assemblies, whether as amendments or bills. This Committee has previously heard testimony from Representatives Seitz and Galonski for House Bill 699, Senate Bill 288's companion bill, and explained numerous provisions of both bills in detail. However, I will elaborate on several provisions in the bill during my testimony today.

When the bill was first introduced, we included provisions based on the following pieces of legislation that were part of previous General Assemblies:

- A sealing and expungement provision closely resembling HB 604 from the 133rd General Assembly, introduced by former Representative Rogers.
- SB 377 from the 133rd General Assembly, regarding transitional control
- SB 48 from the 133rd General Assembly, regarding speedy trial
- HB 205 from the 133rd General Assembly, also known as the Good Samaritan Law
- HB 446 from the 131st General Assembly, which will affect certain traffic offenses.

After months of discussion with interested parties, the most recent version of Senate Bill 288 includes language that would accomplish the following:

Earned Credit: We included language that would allow incarcerated individuals that demonstrate good behavior the opportunity to reduce their sentence after serving the majority of their time, thereby incentivizing inmates to spend their sentence engaging in constructive activities created and overseen by DRC. The bill would increase the maximum earned credit from 8% to 15%, making Ohio more comparable with other neighboring states.

DRC Recommended Release: SB 288 also seeks to require judicial release be granted at 80% of sentence completion upon DRC recommendation (eligibility based on current law, and recommendation criteria based on DRC Administrative Code). The process requires a hearing and the recommendation is a rebuttable presumption unless the prosecutor can prove by preponderance of the evidence that the public/government interest outweighs the offender's private interest in being released.

State of Emergency Judicial Release: Allows DRC to recommend a judicial release for a qualifying offender during a pandemic or public health emergency, specifying that the offender is located in the area covered by the state of emergency and that a nexus is established between the emergency and the reason for release.

Strangulation: Incorporates language from Senate Bill 90, a compromise struck between prosecutors and the defense bar that creates a tiered system that outlaws strangulation and adds it as an offense of violence.

Fraudulent/Nonconsensual Assisted Reproduction: Creates the offense of fraudulent assisted reproduction and provides for civil actions for an assisted reproduction procedure without consent.

Searches for Felons in Post-Release Control: In response to *State v. Campbell*, the bill allows courts to require the offender's consent to searches as part of the terms and conditions of community control and the offender agreed to those terms and conditions and to otherwise allow probationers to consent to searches. This applies to a felony offender sentenced to a nonresidential sanction.

Statute of Limitations for Attempted Murder: In response to *State v. Bortree*, the bill removes the statute of limitations for conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder. Current law has the statute of limitations at six years.

During the course of the drafting process, my office sought the input of many interested parties in an effort to craft a bill that addresses the core goal while satisfying some additional requests. These parties included but are not limited to, the Ohio Judicial Conference, the Ohio Public Defender's Office, 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 Community Corrections Association, the Ohio Domestic Violence Network, the Ohio Poverty Law Center, the Ohio Justice & Policy Center, the Buckeye State Sheriff's Association, the Fraternal Order of Police, the Buckeye Institute and others.

Thank you for allowing the opportunity to provide sponsor testimony today. I'd be glad to take questions at this time.