



THE BUCKEYE INSTITUTE

**Maintaining Momentum for
Ohio Criminal Justice Reform**

Interested Party Testimony
Ohio Senate Judiciary Committee
Senate Bill 288

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Thank you, Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Committee, for the opportunity to testify regarding Senate Bill 288.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

Senate Bill 288 takes another modest but significant step toward meaningful criminal justice reform that continues striving to balance due process, individual freedom, and society’s need for robust criminal law enforcement. Unsurprisingly, the criminal justice system remains one of the state’s three largest expenses, with the Ohio Department of Rehabilitation and Correction (DRC) **currently** accounting for nearly \$2 billion in general revenues, and additional costs for local police, courts, and jails.

But more than dollars and cents, criminal justice signals the kind of society we wish to have, which is why The Buckeye Institute has championed a wide range of criminal justice reforms for more than a decade. Beginning with **House Bill 86** in the 129th General Assembly (2011-2012), the legislature has shown its commitment to prudent criminal justice policies, including the **Certificates of Qualification for Employment** (CQE) program; the nation’s first and best **mens rea** or criminal intent reform; **civil asset forfeiture** reforms; the **Targeted Community Alternatives to Prison** (T-CAP) program; an expansion of **intervention-in-lieu-of-conviction eligibility**; and **giving judges more discretion to seal records**.

Senate Bill 288 will maintain this momentum by:

- Raising “earned credit” limits, or how much time can be removed from some sentences for completing prison educational and vocational programming;
- Reducing the judicial veto over DRC’s decision to move an individual to “transitional control” settings;
- Expanding the Sentencing Commission’s duties to help implement a criminal sentencing database pilot program in collaboration with the Ohio Supreme Court;
- Restricting new collateral sanctions regarding occupational licenses; and
- Expanding eligibility for expunging criminal records for non-violent, non-sexually oriented offenders.

Earned credit systems accomplish two major goals: making prisons safer and lowering recidivism. Research by the **U.S. Department of Justice’s Office of Justice Programs** and the **National Council for State Legislatures** confirm that prison educational and vocational programs focus inmates on their future prospects and provide them with tools to be gainfully employed and successful upon release. According to **the Prison Fellowship**, Ohio’s current earned credit cap of eight percent is relatively low, especially compared to neighboring Indiana’s 33 percent and Kentucky’s 72 percent limits. In fact, of the states with statutory earned credit caps, Ohio’s is the lowest. Thus, Senate Bill 288’s modest cap increase from eight percent to 15 percent will likely have a positive, if limited, impact on recidivism.

Senate Bill 288 will also make Ohio's transitional control programs more efficient and effective. Currently, judges enjoy a judicial veto over DRC's decisions to transfer inmates to community-based settings or halfway houses if they have a sentence of two years or less. Senate Bill 288 limits this veto to inmates serving less than one year. This is an improvement, but eliminating the judicial veto entirely would be even better. Research shows that effective transitional programming in halfway houses can reduce recidivism by helping those still technically incarcerated to begin employment and maintain addiction services they had while in prison. A University of Cincinnati **study** found, for example, that participants in the best transitional control programs, halfway houses, and community-based correctional facilities, were 50 percent less likely to engage in criminal activity during the two years following their release. Judicial vetoes over these DRC decisions often ignore the DRC's institutional knowledge of individual inmates, which needlessly limits the benefits of transitional programs for those with shorter sentences.

Senate Bill 288 wisely authorizes the Sentencing Commission to collaborate with the Ohio Supreme Court on a pilot statewide sentencing database. Creating a quality database of relevant sentencing data collected from all 88 of Ohio's counties will help researchers and policymakers better understand various sentencing outcomes across the state and make more meaningful comparisons across jurisdictions. Most importantly, quality sentencing data will help policymakers move beyond legislating by anecdote and instead make sentencing changes based on comprehensive data.

Senate Bill 288 also rightly expands collateral sanctions relief. The Buckeye Institute **has long called for** ameliorating collateral sanctions for those who have served their time and paid their debt to society. By temporarily blocking new occupational licensing restrictions for two years, Senate Bill 288 helps former inmates avoid the "cycle of despondency" that can occur when they are prevented from earning a living after their release.

Finally, Senate Bill 288 streamlines current laws regarding the sealing and expungement of records. The bill's provisions will make it easier for individuals to move forward with job- and education-prospects. Critically, certain major violent and sexually oriented offenses are rightly *excluded* from the bill's streamlined rules.

Although more criminal justice reform remains to be done, Senate Bill 288 takes significant steps in the right direction. The bill will improve Ohio's criminal justice system as policymakers look to balance public safety, due process, and constitutional freedoms. The legislation should be enacted without delay.

I would be happy to answer any questions that the committee might have at this time.

About The Buckeye Institute

Founded in 1989, The Buckeye Institute is an independent research and educational institution – a think tank – whose mission is to advance free-market public policy in the states.

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