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Ohio House of Representatives
Criminal Justice Committee

RE: House Bill 56

Chairwoman Abrams, Vice Chairman Williams, and Ranking Member Brown:

On behalf of the Ohio Prosecuting Attorneys Association, and Fayette County, I thank you for the opportunity to testify in support of House Bill 56 in which the level and penalties for willfully fleeing and eluding police officers are increased.

As the elected prosecuting attorney for Fayette County, fleeing and eluding cases are cases that we see on a regular basis, pose a direct threat to our community, pose a direct threat of serious physical harm to both persons and property, and are some of the most unpredictable cases that we see. Fayette County is a county of under 30,000 people, but since 2020, my office has prosecuted in excess of thirty-five felony fleeing and eluding cases, inclusive of adult and juvenile court. In addition to that we have reviewed and referred an additional six cases to the Washington Court House Municipal Court as we did not believe that the conduct rose to that of a felony level. My office does not prosecute the misdemeanor offenses in Fayette County, and as a result I do not have the data for the total number of misdemeanor cases that are prosecuted.

For a county that indicts between 300 and 350 cases per year, these offenses make up a little under five percent of our caseload. While that number may seem small, the amount of property damage and potential for serious bodily injury and loss of life that these cases bring, an increase in the level of the crime and the level of the penalty is needed to protect the public and deter future crime.

Slightly less than fifteen miles of Interstate 71 travel through Fayette County, and many of fleeing and eluding cases either have their genesis or their terminus in that section. Many of these cases involve drivers that exceed speeds of 100 mph with no regard for other innocent

drivers that may be on the roadway. We often see drivers cross the median with no regard for oncoming traffic, abruptly take exits and then fail to abide by traffic control devices at very busy intersections, and of course swerve throughout traffic. In addition to the interstate cases, we also often see routine traffic stops in residential areas immediately turn into a suspect vehicle traveling in excess of 100 miles per hour within city limits. The old adage about playing with fire is very apropos here.

These types of incidents take a large law enforcement presence, many times from multiple jurisdictions, to bring the vehicle to a stop. At that point law enforcement resources that could be better served handling other issues often find themselves tied up for multiple hours many miles away from their original jurisdiction. As we have multiple jurisdictions involved in the pursuit, if any of these cases go to trial, that results again in multiple officers from many jurisdictions being involved in the trial.

When looking at those that are likely to flee and elude, we do not often see people without prior criminal records. Most of our offenders on these cases have been to prison previously, and if they have not, then the genesis for the fleeing is that they are either intoxicated or carrying contraband in the vehicle. Neither of those scenarios are safe for the general public.

Thus, what I am asking the General Assembly to do in this case is to provide the justice system with increased penalties for these offenses. The current bill before this committee is good, but I would suggest that these offenses be raised to high-tier felony of the third degree. With the current structure it is difficult to impose a fair and appropriate sentence for all offenders. Currently 2929.331(C)(5)(b) contains nine factors that are relevant to sentencing. Those do not need changed, but when balancing them with the sentencing factors that get considered in every case, such as prior criminal history and whether the defendant is currently under community control or post-release control sanctions, a thirty-six month sentence for conduct of a repeat felon that endangers the lives of dozens if not hundreds of people is not enough.

I am asking the law to be increased such that the following types of incidents can be appropriately punished, and the public can be protected from the following types of individuals, all of which have occurred in Fayette County during my time as Prosecuting Attorney:

- 1) The defendant that crosses the median on the interstate into oncoming traffic and narrowly misses a family traveling the opposite way, while the defendant is on post-release control; or
- 2) The defendant who chooses to drive through the backyards of a residential neighborhood without regard to the children who may be playing in what should be their safe place; or
- 3) The defendant that takes the exit ramp off of the interstate, then disregards the traffic light at the busy intersection crossing through at ninety miles per hour only to get back on the interstate; or
- 4) The defendant that leads multiple jurisdictions on a fifty mile pursuit in a stolen car.

For these individuals, thirty-six months was not enough time, and as a prosecutor, I would seek a higher penalty, if it was possible.

I also acknowledge that this bill deals with “hooning”. Fortunately, I have not had to personally deal with any hooning or stunt driving type of offenses. However, after educating myself as to what these offenses are, and again the dangerous impact that hooning or stunt driving could have on innocent members of the general public that happen to be in the area when an event occurs, I applaud this bill for its efforts. This type of offense is primarily concentrated in the more metropolitan as opposed to rural areas of the state at this time, but it is likely only a matter of time, before it comes to Fayette County. Thus, it is important for all Ohioans that the General Assembly take a stand against such reckless and dangerous behavior.

Thank you to the committee as a whole for looking at this important issue and hearing from me today. I would also like to thank the Co-Sponsors of this bill, Representative Plummer and Representative White for their efforts in addressing this important issue. I look forward to any questions that you may have.

Sincerely,



Jess C. Weade
Prosecuting Attorney
Fayette County, Ohio