



House Bill 314 Interested Party Testimony

Zachary Miller, Legislative Policy Manager

House Criminal Justice Committee

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Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

On behalf of the Office of the Ohio Public Defender (“OPD”), thank you for the opportunity to submit interested party testimony on House Bill 314, which would repeal Ohio’s statute governing juvenile transfers to their home county. The OPD provides legal representation to children who are indigent and alleged to be delinquent, and we believe HB 314 will have a substantial impact on youth across the state of Ohio.

A fundamental pillar of Ohio law is that the juvenile justice system operates separately and differently from the adult criminal justice system. The General Assembly has acted many times throughout our state’s history to express the intent that Ohio’s juvenile justice system is to prioritize rehabilitation, education, and treatment, rather than punishment, for children that are subjected to our criminal justice system. It was within this spirit and intent that the juvenile transfer statute, R.C. 2151.271, was enacted by the General Assembly in 2002. The statute generally gives courts the discretion to transfer youth to their home county for their adjudicatory or dispositional hearings, where the resources for their rehabilitation will likely be located. Juvenile courts may opt to utilize this transfer for many reasons, usually aimed at increasing the child’s chance of successful rehabilitation, such as returning the child to where their family and school is located and to where they will likely have to serve their sentence, such as community service and checking in with their probation officer. This statute is one of the juvenile justice system’s key distinctions from the adult criminal justice system and the OPD is concerned that HB 314’s outright repeal of R.C. 2151.271 chips away at that distinction. Of note, R.C. 2151.271 applies to all functions of the juvenile court including abuse, neglect, and dependency (“AND”) cases. HB 314 would apply equally to AND cases as it would delinquency cases. As OPD’s primary practice and experience is in delinquency cases our testimony will focus on the impact of HB 314 in that area.



It must be emphasized that, under current law, a court *may* transfer a juvenile proceeding to the county of the child’s residence upon motion of the court or a party unless the child is alleged to be a “serious youth offender.” Courts are not mandated to initiate this transfer except for when other proceedings involving the child are pending in the juvenile court of the child’s county of residence. Furthermore, courts are not permitted to transfer juveniles when they are alleged to be serious youthful offenders. It is our position that the current law establishes a healthy balance of judicial discretion that gives courts the necessary authority to transfer the child to their home county for the sake of judicial efficiency and successful rehabilitation while also ensuring that the most serious cases are handled in the county in which the offense is alleged to have occurred.

The OPD understands that there may be instances outside of the “serious youth offender” designation where it is in the best interests of the local community and the victim to have the child adjudicated in the county where the offense is alleged to have occurred rather than the youth being transferred to their home county. Courts currently have the discretion not to transfer those cases. HB 314 sends a message that courts cannot be trusted to decide when transferring a child is appropriate or not.

Finally, the OPD has concerns that HB 314 may lead to additional burdens and costs on both youth and the juvenile justice system. While most system-involved youth’s cases are adjudicated in their home county, a child who is charged as delinquent in a non-residential county could have an open case in their residential county too. The juvenile transfer statute contemplates this, creating the only mandated transfer in order to prevent the child from being subjected to duplicative court proceedings and dispositions. In the same vein, this promotes judicial efficacy and promotes a cost-effective use of the state resources devoted to the rehabilitation of the child. Should HB 314 be enacted, children, who usually do not have driver licenses or access to a vehicle, could be forced to travel to multiple counties, check in with multiple courts and probation officers, further burdening the court and probation system in addition to the youths’ guardians.

If the General Assembly remains committed to ensuring that the juvenile justice system focuses on rehabilitation and education, as distinct from the adult system, then juvenile courts need to maintain the statutory authority and discretion to transfer youth to their home counties where they can receive the appropriate services, support, and treatment. Robbing the courts of this ability will lead to unintended burdens on both youth and the juvenile justice system. The OPD

urges this committee to carefully consider these factors as it continues to examine House Bill 314.

Sincerely,



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