



House Bill 211 Proponent Testimony

Zachary Miller, Legislative Officer

House Judiciary Committee

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Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee:

Thank you for the opportunity to submit proponent testimony on House Bill 211 (HB 211). On behalf of the Office of the Ohio Public Defender (OPD), we urge passage of this critical and commonsense legislation.

Every day, public defenders represent indigent Ohioans who stand before the court not just as defendants, but as parents. Our clients are often the sole, primary caregiver for their children. Under current law, our justice system does not have a formal, required mechanism to consider this profound responsibility when imposing a sentence.

This is not a theoretical problem. When a primary caregiver is incarcerated, we do not just sentence one person; we destabilize an entire family. We see firsthand the devastating collateral consequences. Children are separated from their parents, a traumatic event that too often leads to placement in the foster care system. This separation creates a cascade of instability and emotional distress that can permanently alter a child's life.

HB 211 provides a necessary and just response to this crisis and ensures that our courts are empowered to make fully informed decisions after considering the impact of a sentence. At sentencing, it requires that judges consider a person's "status as the primary caretaker of a child" as one of many factors during the sentencing hearing. In Presentence Investigation Reports (PSI), it creates a mechanism for the defense to file a motion to have the investigating probation officer seek information about the defendant's caretaker status for the judge's review. When intervention in lieu of conviction is considered, it requires a court to consider this same factor when determining a person's eligibility for this critical alternative pathway to criminal convictions.



HB 211 does not encourage courts to excuse an offense. Instead, it promotes smart, effective, and humane justice. It empowers judges by giving them the full picture before they make a life-altering decision.

From the OPD's perspective, this is a powerful pro-rehabilitation bill. For many of our clients, the responsibility of caring for their child is the single greatest motivator for change. Sentencing options that allow a caregiver to maintain employment, receive treatment, and stay present in their child's life are far more likely to reduce recidivism and foster long-term public safety.

This bill will also positively impact Ohio's children. It provides a crucial off-ramp to prevent the trauma of family separation. By requiring judges to weigh a person's caretaking status, we can help break the devastating cycle of intergenerational incarceration, where the children of those who are incarcerated are at a higher risk of future involvement with the criminal justice system.

House Bill 211 strengthens our communities and protects our most vulnerable. We respectfully urge this body's support.

Sincerely,



Zachary J. Miller

Legislative Officer

Office of the Ohio Public Defender

Zachary.miller@opd.ohio.gov

