TO: House Judiciary Committee

FROM: Gary Daniels, Legislative Director, ACLU of Ohio

DATE: February 25, 2026

RE: House Bill 487 – Opponent Testimony (written only)

To Chairman Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee, thank you for this opportunity to provide opponent, written testimony for House Bill 487.

As this committee knows, HB 487 is a bill to increase penalties for drug trafficking. It does this by creating a Major Drug Offender specification and designation. The intended result is longer periods of incarceration for repeat offenders of Ohio's drug trafficking laws.

The ACLU of Ohio's main concerns with HB 487 are twofold. First, it perpetuates the failed (and very expensive) belief we can punish and incarcerate our way out of our drug problems.

According to available data from the Department of Rehabilitation and Correction (DRC), Drug Trafficking is the number two reason a person lands in an Ohio prison. This is true for at least the past 10+ years. (Drug Possession is number one, also for the past 10+ years). Fueled by the War on Drugs, taxpayers fund billions of dollars, per year, on our perpetually overcrowded prisons and jails around the state. Clearly, cops, courts, and cages remain Ohio's preferred approach.

Second, the ACLU of Ohio has concerns HB 487 continues the practice of considering and passing bills without adequate examination of, or inquiry into, how the newly created, enhanced, or expanded laws will impact Ohio's prisons, jails, and taxpayers. Of course, this concern includes the cumulative effect of multiple bills designed to increase, expand, and enhance penalties that have recently passed the House.

In other words, we know HB 487's passage will grow our prison population. But even a rough estimate of that growth is not available via HB 487's fiscal analysis. That analysis does state about 1,200 people entering Ohio's prison system in FY 2025 were for drug trafficking convictions. What is left unrevealed is information highly relevant to HB 487. That is:

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- How many of those offenses were repeat offenses that would be subject to HB 487's increased penalties, were they in place at the time?
- Of those 1,200 or so people, what were the various felony levels of the offenses committed?
- Using those 1,200+ people as examples, what is the expected increase in length in prison time pre-HB 487 versus after HB 487's enactment?

This data is ultimately available via our courts and DRC. But only if there is interest in compiling it for those curious about the true impact of HB 487. Otherwise, HB 487 proceeds as so many other bills of its type over the years – with very little useful data for legislators and stakeholders to examine and utilize to determine the actual effects of the bills considered and passed and apparently no plan, or even desire, by legislators to request, or demand, such crucial information.

In addition, as mentioned before, the cumulative effects of all the various bills to throw more people in prisons and jails seem to never be considered. That is, concerns of additional financial, physical capacity, and personnel stress on an already overburdened prison system are ignored as bill after bill to deliberately grow prison populations passes through the House.

For example, it was not long ago, this committee heard compelling testimony via a different bill about the current, extreme shortages of prison staff around Ohio. There was much concern about that dynamic and safety issues from committee members. Yet, the prison population continues to grow because of bills like HB 487, and others, while staffing numbers remain inadequate to deal with even the current population.

Finally, until the State of Ohio adequately addresses the root causes of addiction and drug use, it is hard to imagine HB 487 will positively impact those issues any more than the various other bills of its type before, which were also promoted as much needed and sure to succeed.

For these reasons and more, the ACLU of Ohio urges this committee's rejection of House Bill 487.