



TO: House Judiciary Committee

FROM: Lisa Wurm, Policy Manager, ACLU of Ohio

DATE: April 21, 2015

RE: House Bill 110

To Chairman Butler, Vice Chair Manning, Ranking Minority Member Stinziano and members of the House Judiciary Committee, my name is Lisa Wurm, Policy Manager for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I welcome this opportunity to present interested party testimony on House Bill 110.

As you know, House Bill 110 would increase the criminal penalty for "failure to stop" traffic offenses when those offenses result in the death or serious physical harm of victims. Under HB 110, failure to stop after an accident resulting in serious physical harm would increase the criminal penalty from a fifth degree felony to a second degree felony. Fleeing the scene from an accident resulting in death would also become a second degree felony as opposed to the current third degree felony penalty.

While the Legislative Service Commission anticipates this will not affect Ohio's prison system or courts to any great degree, there is always a concern when the Ohio General Assembly enhances sentences (and/or creates new offenses) in this way.

For decades now, Ohio's prison system has been dangerously overcrowded with no end in sight. The costs to taxpayers are tremendous. The effects on people who enter and exit the system are numerous and far-reaching. Safety concerns for prison staff are well-founded. Yet, we continue down the road of over-incarceration with this bill and others introduced this session.

Several years back, the Ohio General Assembly and a variety of stakeholders from across the state worked very hard to introduce and pass reform legislation such as House Bill 86 and Senate Bill 337. These efforts were done in a truly bipartisan fashion and involved such parties as the Ohio Department of Rehabilitation and Correction, the Ohio Department of Youth Services, judges, law enforcement, criminal defense attorneys, the formerly incarcerated, scholars and researchers, and advocates.

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Unfortunately, these reforms have not realized their intended effect of reducing Ohio's prison population to safer and more manageable levels. Indeed, Ohio's prisons still incarcerate just over 50,000 prisoners in facilities collectively designed to hold 38,759 people.

There are bold measures legislators could take to meaningfully impact Ohio's prison population but those do not appear to be forthcoming or even discussed much. The result is there are apparently very little means available to notably reduce the prison population via the legislature. So, advocates are left with reminding legislators of our state's commendable commitment to reform a few years ago and the impact any and all sentencing enhancement legislation has on these past and current efforts.

While the Legislative Service Commission does not anticipate a significant impact on courts or the prison system with this bill both will, nonetheless, be impacted and our prison population will continue to grow.

Our prisons are overcrowded for many reasons. Much of the blame goes to legislation over the years that may not appear to be problematic standing alone but does, in fact, have a cumulative and negative effect on our prisons and prison staff. If we do not reverse this trend we will forever be doomed to repeat the mistakes of the past. I ask that you please keep this in mind as you consider House Bill 110 and similar sentencing enhancement bills you will most assuredly be considering the remainder of this term.