

**SENATOR JOE SCHIAVONI**  
33<sup>rd</sup> District



**SENATOR LOU GENTILE**  
30<sup>th</sup> District

**Sponsor Testimony**  
**Senator Joe Schiavoni and Senator Lou Gentile**  
**Senate Bill 178**  
**Criminal Justice Committee**  
**Chair, Senator John Eklund**  
**Wednesday, January 20, 2016**

Chairman Eklund, Ranking Member Thomas, and members of the Senate Criminal Justice Committee, thank you for allowing us this opportunity to offer testimony on Senate Bill 178. This bill proposes a change to the O.R.C. that would impose a mandatory prison sentence of one to five years on an offender who is convicted of purposely causing harm to a child under the age of 13. Unfortunately, nothing in the criminal code provides law enforcement the tools necessary to sufficiently punish these abusers.

This legislation was brought to our attention by a prosecutor that is currently working on a number of child abuse cases. Currently, felonious assault is the most serious charge a child abuser can face. Assault is committed when a person causes serious physical harm to another or attempts to cause physical harm by means of a deadly weapon. Current law typically results in a 2 to 8 year sentence for felonious assault. The purpose of this legislation is to strike a balance between appropriately punishing those who commit grievous acts of violence against defenseless children while maintaining judicial discretion.

The bill creates a specification that a prosecutor may pursue to charge a defendant who is also charged with felonious assault when the crime resulted in serious physical harm to a child under thirteen years of age. The specification results in a mandatory prison term of 1-5 years that must be served prior and consecutively to any other sentence. This mandatory range balances the ability of prosecutors to pursue stronger punishment on behalf of vulnerable victims and judicial discretion in issuing sentences. Allowing special punishments for child victims is consistent with other criminal provisions such as cases of rape and sexual assault.

This bill has been vetted by a number of interested parties at the state and local level, most notably, the Ohio Judicial Conference, and the Ohio Prosecuting Attorneys Association. We also sought the input from a number of children's hospitals.

Mr. Chairman, thank you for allowing Senate Bill 178 to be heard today. The passage of this bill will be a step towards resolving disparities in the criminal code. This proposal does not create new crime or a classification. It will be a tool that gives prosecutors and judges the discretion to add to charges when the crime warrants it.

We will be happy to answer any questions you may have at this time.