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Senator John Eklund - Sponsor Testimony
Senate Bill 272
Senate Government Oversight & Reform Committee
April 20, 2016

Good morning Chairman Coley, Vice-Chair Seitz, Ranking Member Yuko and fellow colleagues of the committee. Thank you for the opportunity to give sponsor testimony with Senator Thomas for Senate Bill 272, which will provide special parole eligibility dates for individuals with an indefinite or life sentence imposed of an offense committed when the individual was less than 18 years of age.

Over the last couple of decades, the United State Supreme Court has issued a line of decisions regarding juvenile offender sentencing. The Court has held that States cannot sentence a juvenile to the death penalty and that a State cannot sentence juveniles who commit non-homicide offenses to life without parole as they must have a “meaningful opportunity for release”. A few years later the Court declared that there can be no mandatory life without parole for juvenile homicide offenders.

After these decisions, States have been working on revising their laws regarding juvenile offenders. California passed legislation that creates a parole process with different criteria where the offender was under the age of 18 at the time of the crime. Our neighboring State of West Virginia has also banned life without parole entirely in their juvenile sentence statutes, and now allows parole after 15 years.

In current Ohio law a juvenile can be sentenced to life without parole on certain rape offenses. Ohio does not have a procedural mechanism in place to bring challenges to non-death sentences based on new applicable decision of the U.S. Supreme Court.

With the approval of the Ohio Criminal Sentencing Commission (of which Senator Thomas and I are members) and after thorough discussions among prosecutors, defense attorneys, judges, and staff from the Department of Rehabilitation and Correction and the Department of youth Services, Senate Bill 272 was created.

SB 272 will establish a mechanism for juvenile offenders to seek review of their sentences in the following circumstances:

- If the prisoner's stated prison term totals at least fifteen years, the prisoner is eligible for parole after serving fifteen years;
- If the prisoner has a sentence that permits parole only after fifteen or more years, the prisoner is eligible for parole after serving fifteen years;
- If the prisoner is serving a sentence of life without parole, the prisoner is eligible for parole upon turning age forty.

As of January 1, 2015 the Department of Rehabilitation and Corrections identified 62 current inmates that would be eligible to be reviewed. SB 272 will bring Ohio into compliance with U.S. Supreme Court jurisprudence by giving juvenile offenders serving extended sentences a meaningful opportunity for review of their sentence after a point of time in incarceration.

Again, thank you for allowing us the opportunity to speak on behalf of this bill. We would be happy to answer any questions the committee may have.