



Office of the Ohio Public Defender

Timothy Young, State Public Defender

**Testimony in Opposition of Sub. HB38
Increase Penalty for Murder or Assault
Sponsor Representative Greenspan**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to testify on behalf of the Ohio Public Defender in opposition of Sub. HB38.

OPD appreciates the desire to protect Ohioans, namely those who risk their lives to protect the rest of us. As the committee knows, Sub. HB38 allows an individual to be charged with aggravated murder or felonious assault if they knew or should have known that the person is or had ever been a member of the armed services, including ROTC, a first responder, or a federal law enforcement officer. Since the bill includes anyone who currently holds or has ever held one of these positions, this is an ever growing population. According to the Legislative Service Commission's fiscal analysis of the bill, this class of victims is approximately 11.2 million Ohioans.

OPD agrees that veterans, emergency responders, police officers, and all law enforcement personnel deserve to feel safe from attack - as do prison guards, teachers, ministers, nurses, doctors, lawyers, politicians, and every other Ohioan. Sub. HB38 is addressing serious offenses, but these offenses are serious regardless of the profession of the victim. Ohio's current sentencing structure is equipped to handle these serious offenses for every victim and the additional enhancements included in this bill are not needed.

The Ohio Criminal Justice Recodification Committee reviewed both the aggravated murder and felonious assault statutes. The Recodification Committee did not recommend any of the changes that Sub.

HB38 would make to these statutes. In fact, the Recodification Committee recommended removing the law enforcement officer enhancement from the felonious assault statute. This was something the Recodification Committee debated, but they ultimately decided that harm is harm, and it is a slippery slope when you start to include some professions but not others. These types of enhancements can lead to absurd results. For example, under current law, the penalties for assaulting a bus driver are more severe than for assaulting one of the children on the bus. OPD agrees with the Recodification Committee that no person is more or less worthy of protection than anyone else because of their profession, and these types of enhancements should not be included in the Ohio Revised Code.

Furthermore, Sub. HB38 will lead to further overcrowding of Ohio's already overcrowded prisons by extending the prison sentences of individuals charged under this bill. The Legislative Service Commission's fiscal analysis predicts that this bill will result in an increase to DRC's cost of "several hundred thousand dollars or so annually starting roughly six years after the bill's effective date." Under current law, individuals who commit murder and felonious assault are severely punished. This additional burden on Ohio's prisons and budget is not needed.

Thank you for the opportunity to testify today before your committee. I am happy to answer questions at this time.

