

JUDGE DAVID TYACK

FRANKLIIN COUNTY MUNICIPAL COURT

ANTICIPATED TESTIMONY REGARDING SB 3 ON NOVEMBER 19, 2020:

I preside over the Recovery Court Specialized Docket Program in The Franklin County Municipal Court. In total, we have 5 Specialized Docket Programs certified by The Supreme Court of Ohio, which include 2 drug courts. H.a.r.t. (helping achieve recovery together) is the other certified drug court which deals almost exclusively with cases which currently are felony 4 and felony 5 drug charges. We also have an uncertified drug court docket called the Drug Education Program, which also involves those felony drug charges. Our Specialized Docket Department of the Court employs 12 full-time staff personnel, as well as interns and mentors for these programs.

Since our drug courts were established in 2009, we have been doing exactly what SB3 hopes to accomplish. County prosecutors daily screen the felony drug cases set for initial appearance or preliminary hearing, and if eligible, defendants are offered the opportunity to plead guilty to a misdemeanor charge and transferred to one of our drug courts. This does two important things: 1. Saves money by avoiding the wait for lab results before charges are filed, and 2. Directs defendants to treatment and/or education almost immediately instead of delaying court involvement, which puts defendants and the public at risk. Usually, once the program is successfully completed, the plea is vacated and the case is dismissed, allowing defendants to apply to have the record sealed.

As passed out of the Senate, a last minute amendment gave exclusive jurisdiction to the Common Pleas Courts. In other words, these cases MUST be filed in Common Pleas Court. Prior to this amendment, the county prosecutor's office would decide whether to file the new unclassified misdemeanor drug charge in a Municipal or county court drug court, or alternatively in Common Pleas Court. This is problematic in a number of ways. First, like in Franklin County, the robust drug courts are in Municipal Court. Although the Franklin County Common Pleas Court has a drug court, it is not as well-developed or staffed like the Municipal Court drug courts. There are similar situations across the state. Second, some counties have no common pleas drug court at all, but do have municipal court drug courts.

So, this is why we are advocating for an option for these newly reclassified drug charges to be filed in a municipal or county drug court or in common pleas court in the discretion of the county prosecutor. Every county in Ohio has a different situation. By allowing the option, there would be a choice of jurisdiction to suit the needs and resources of that particular location.

Thank you for the opportunity to present testimony on this important legislation.

Judge David Tyack