



HOUSE CRIMINAL JUSTICE COMMITTEE – Proponent Testimony, Substitute Senate Bill 3, Thursday, November 19, 2020

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the committee, thank you for holding this hearing and for the opportunity to provide testimony.

My name is Micah Derry, and I am the State Director for Americans for Prosperity – Ohio. As one of the largest grassroots organizations in the country, Americans for Prosperity (AFP) is driving long-term solutions to some of the country's biggest problems. Our organization, and its thousands of activists across Ohio, are dedicated to breaking barriers that stand in the way of people realizing their full potential. Removing these barriers, in whatever forms they take, helps move our society toward one of mutual benefit, where people succeed by helping others improve their lives and by transforming their communities. Accordingly, I urge you to support Senate Bill 3. The passage and enactment of this legislation has been, and remains, AFP – Ohio's top legislative priority for the 133rd General Assembly.

Ohio continues to rank second in the nation for opioid deaths, and it is abundantly clear that using prison as the primary response to this epidemic has failed our communities. SB 3 balances the need to expand alternatives to incarceration, such as treatment, for those struggling with addiction, while still providing law enforcement, judges, and prosecutors the tools to increase punishments for habitual violators and those possessing drugs like fentanyl. Public safety always ought to be the first and foremost function of government, its reason for being, and AFP would not be supporting this legislation if we were of the belief that its enactment would not be beneficial to the safety of Ohioans.

However, one current aspect of public policy in Ohio is undeniably detrimental to the futures of those who have the misfortune of becoming entangled with the criminal justice system and their future prospects of becoming a productive citizen: the bevy of collateral sanctions and consequences that can come along with a felony conviction on one's record. By reclassifying low-level drug possession felonies to unclassified misdemeanors, by making opportunities readily available for people to get help, and by *not* branding those people as felons in the

process, our state will begin to stand a chance to turn around our current state of affairs. Continuing to impose overburdensome criminal sentences that carry these collateral consequences puts needless barriers to employment, housing, and educational opportunities in the way of people struggling to turn their lives around. As Senators Eklund and O'Brien stated in their sponsor testimony, this is ultimately what SB 3 is all about: recognizing that drug addiction is an illness, and treating those who are afflicted by it with an approach other than the failed status quo. People who have substance abuse issues deserve a shot at redemption, not one-way tickets to a place that will do them no good, and in fact may very well do them, and society at large, more harm.

As was mentioned in several testimonies at the previous hearing, many other states have already enacted highly similar policies to those contained in SB 3, including Colorado, Oklahoma, Tennessee, Alaska, Iowa, West Virginia, Delaware, Connecticut, and California, and the sky has not fallen down, as opponents of this legislation allege will happen here in the Buckeye State. In Texas, in 2007, it was estimated that state's prison population would increase by 17,000 over the next five years at a cost of at least \$2 billion in prison construction costs alone. Instead continuing the trend of endless incarceration leading to the construction of new facilities, Texas opted to increase capacity of treatment, diversion, and supervision services. Instead of opening new facilities, Texas has closed ten adult facilities in this time period, and overall crime continues to be at its lowest levels in decades. Drug sentencing reform policies, like those contained in SB 3, simply are not the doomsday scenarios that opponents believe them to be.

SB 3 passed the Senate by a vote of 25 – 4. Chairman Eklund vetted this legislation extensively with a total of 14 committee hearings over a year and a half. AFP – Ohio urges this committee to take a different approach to the problems Ohio faces by advancing the smart criminal justice reforms in SB 3, and then our state can continue to grapple with the root causes of addiction together, rather than isolating and continuing to strip opportunities from those who desperately need our help.

Thank you again, Mr. Chairman, for the opportunity to testify today on this important legislation. I'm happy to answer any questions at this time.

Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit www.AmericansForProsperity.org.

