



**STATEMENT OF THE OHIO STATE BAR ASSOCIATION
IN OPPOSITION TO SENATE BILL 3**

Before the House Civil Justice Committee
Representative George Lang, Chair
November 19, 2020

Chairman Lang, Vice-Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. On behalf of the Ohio State Bar Association, thank you for the opportunity to state our position on Senate Bill 3. The Ohio State Bar Association opposes Senate Bill 3 as it is currently drafted.

The Ohio State Bar Association applauds the sponsors of the bill and the members of this committee for your leadership and your deliberate and inclusive approach to combatting the scourge of drug addiction in Ohio. When it comes to drug sentencing, we made a commitment to be a part of the solution when our Association decided to oppose State Issue 1 and we would welcome the opportunity to stay involved as you further develop and fine tune this proposal. As you know, we represent attorneys from all different perspectives on criminal sentencing issues and can help provide a balanced view on any proposed reforms.

Overall, Substitute Senate Bill 3 is a very thoughtful approach to a very difficult issue. We are supportive of the attempt to get drug possession cases into the jurisdiction of drug courts whenever possible, and for the creative way in which the bill allows for a person to get the benefits of treatment without having to plead. We would like to take this time to firmly state our support for the provisions that seek to allow for a court hold a complaint against someone for drug possession in abeyance until they are given the opportunity to complete treatment.

However, we continue to have reservations about the reclassification of felonies to misdemeanors, believing that often for an addict to commit to a treatment program, they must have serious consequences hanging over their heads like the threat of a felony and prison time. We appreciate the changes made in Senate Bill 3 that seek to make the unclassified misdemeanor for drug possession offenses in the bill have similar consequences to the penalty in current law and the new felony offense for intent to distribute, but we continue to believe that the our drug possession statute should carry the full weight of a felony. We also oppose any amendments to the criminal code that would reduce the penalty for the offense of drug trafficking.

Thank you for the opportunity to provide testimony. We stand ready to assist the committee in striking the right balance.