



June 29, 2020

Dear Chairman Eklund, Vice Chairman Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee:

On behalf of the Alliance for Safety and Justice, we write to urge the timely passage of Senate Bill 3 out of the Senate Judiciary Committee and full Senate this month. The bill's current provisions are the result of careful review and thoughtful revision over the last 18 months, including several rounds of debate, testimony, and ultimately agreement over amendments to the bill. And, to the extent the legislation benefited from and incorporated the consensus recommendations of the criminal code recodification process, Senate Bill 3 reflects an even deeper timeline of consideration and consensus.

We also express our opposition to the introduction at this late date of any significant amendments that would diminish Senate Bill 3's scope and impact. Over the last 18 months, and over the course of 13 hearings in the Senate Judiciary Committee, all interested parties have had the fullest opportunity to raise concerns and the committee has responded.

While some opponents have misleading arguments, the facts are clear. Senate Bill 3 represents a smarter approach to addiction that prioritizes real solutions like treatment, maintains systems of accountability, and reduces the number of Ohioans subjected to the many devastating and destabilizing consequences of a felony conviction as a result of their addiction. Senate Bill 3 also grants prosecutors enormous flexibility in their ability to charge felony trafficking whenever law enforcement believes that someone possessed drugs not for their own personal use. Prosecutors can charge possession with the intent to distribute - a trafficking felony - whenever they believe someone has drugs other than for personal use regardless of the quantity. Many of the scare tactic hypotheticals we see used in opposition to Senate Bill 3 - the person with dozens of small amounts of a drug, for example - are in fact heartland cases for this felony trafficking charge.

The passage of this critical, priority legislation without diminishment or delay is made especially urgent by the current health crisis in Ohio's correctional facilities. The legislature and a full range of stakeholders from across health and public safety systems have invested significant time and attention on crafting a bill that will allow for a safer, fairer, and more responsive approach to addiction in Ohio. This is now a moment for Ohio legislators to continue the state's tradition of leadership on criminal justice issues and pass Senate Bill 3.

We thank you for dedication and ongoing leadership on these issues and stand ready to support you in any way.

John Cutler  
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