



Ohio Prosecuting Attorneys Association

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House Bill 166
Proponent Testimony
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Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 166 to to enact Reagan Tokes II regarding the GPS monitoring of offenders on post-release control and clarify issues related to criminal sentencing that arose after the enactment of Reagan Tokes I regarding indefinite sentencing. Both aspects of the bill are equally important and equally urgent.

Everyone will recall that Reagan Tokes was murdered by a prior violent offender who had been released into homelessness after dozens of institutional infractions and placed on a GPS monitor that didn't include restrictions on his movement and that was not closely watched. Consequently, he was able to commit a string of armed robberies over the several weeks prior to his kidnapping and murder of Reagan Tokes. House Bill 166 addresses this problem by requiring GPS monitoring to specify inclusionary and exclusionary zones, and requires the administrator of the GPS program to provide actual continuous monitoring of the offender and crime scene correlation. The GPS monitoring portion of this bill is an important public safety measure that will substantially improve law enforcement's ability to use GPS monitoring as a means of preventing future crime as opposed to one that is used to identify only past activity. It has been almost five years since the murder of Reagan Tokes and this substantial gap in our monitoring of dangerous offenders has yet to be filled.

Second, and just as important, the bill clarifies a variety of sentencing issues that arose as a result of the passage of Reagan Tokes part I in 2018. That legislation required the imposition of indefinite prison terms for offenders sentenced on first and second degree felonies. While OPAA was and remains supportive of an indefinite sentencing model that gives ODRC the capability to keep offenders in prison longer for bad behavior, the sentencing terminology that was adopted in Reagan Tokes I has led to a lot of confusion and complex math, complex plea advisements, and complex sentences when an offender is convicted of multiple offenses. The maximum sentence is calculated differently for concurrent offenses than it is for consecutive offenses, there is vagueness surrounding which felony controls minimum and maximum sentences, and there is no clarity over how terms imposed consecutively are to be served. House Bill 166 provides clarity surrounding these issues without any substantive change in the length of indefinite sentencing – the maximum sentence will still be 50% of the most serious qualifying felony sentenced. We believe that the bill reflects what was the intent of Reagan Tokes I.

Thank you again for the opportunity to testify in support of the bill. We encourage the committee's favorable consideration and I would be happy to answer questions.