



State Representative Brian Stewart

Sponsor Testimony on House Bill 418

October 12th, 2021

Chairman LaRe, Vice-Chair Swearingen and ranking member Leland, thank-you for your time today, and thank-you to my joint-sponsor, Representative Bird, for allowing me to joint sponsor this legislation with him. As Representative Bird highlighted, this bill literally makes a single change, to a single word, by adjusting the mens rea associated with providing alcohol to minors from a “knowingly” standard, to a “recklessly” standard.

I have great respect for my friend Representative Bird, but as a practicing attorney, I have also historically been very skeptical of bills that enhance penalties or create new crimes. And so, reflexively, the first few times Representative Bird mentioned this idea to me, I said I would keep an open mind, but it probably was not the bill for me. To his credit, Representative Bird continued to persuade, continued to provide me additional information about the problem, and finally, made a closing argument that I simply could not ignore. “When your daughters are 16 and 18, instead of 10 and 12, you’re going to wish there was a law like this in place,” he told me.

And he’s right. House Bill 418 does not create any new crimes, it does not enhance any criminal penalties, and it does nothing to require any prosecutor to bring criminal charges where the prosecutor believes charges are not warranted based on the totality of the circumstances.

Rather, the bill simply addresses the current problem on the ground in which too many irresponsible parents, in effect, play games with our Ohio Revised Code. The “knowingly” standard is very high, and they know it. And so they stock the fridge with beer, unlock the liquor cabinet, collect car keys so the kids won’t drink and drive, and then turn a blind eye to what is happening in their basement. “I didn’t *know* what they were doing down there.” “I didn’t *know* they were playing drinking games until someone needed hospitalization.” “I didn’t *know* that drunk girls were being sexually assaulted.”

The recklessness of irresponsible parents is hurting Ohio children and House Bill 418 would allow that recklessness to have consequences. I urge that the bill be favorably reported, and am happy to answer any questions you may have.