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**House Bill 418 Testimony
Zac Corbin, Brown County Prosecuting Attorney
Before the House Committee on Criminal Justice**

Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, I thank you for the opportunity to address you. My name is Zac Corbin - I am the elected prosecuting attorney for Brown County, Ohio. Brown County is a rural county of about 45,000 residents; located approximately one hour east of Cincinnati. I write today to urge you help combat underage drinking by supporting HB 418.

There is no question that HB 418 will afford Ohio prosecutors greater discretion and ability to hold accountable those parents who choose to turn a blind eye to underage drinking. As prosecutors, time and time again we see the tragic consequences of underage drinking. I could present to you one case right after another of these teenage drinking parties in our communities that have culminated in reports of sexual assault. Quite often, parents or other adults are present, sometimes even participating, when these parties occur.

A few years ago, I prosecuted a case where a 19-year-old male crashed his car, around 2:00 a.m., while driving under the influence of alcohol. A 14-year-old girl was ejected from his vehicle, and had to be air-cared with a traumatic brain injury. It turns out, the two were coming from a house party where dozens of teenagers were playing drinking games and consuming heavy amounts of alcohol. The investigation revealed that at least two adult parents were home and aware that the party was going into the early morning hours. However, the parents claimed they did not *know* that the kids were actually drinking alcohol on the premises. Under our current law, which requires that the adult *knowingly* allows the underage alcohol consumption on their property, no charges were brought.

HB 418 is a very simple bill that changes only one word in the Ohio Revised Code. Because the current law prohibits an owner or occupant of a public or private place from *knowingly* allowing an underage person to consume or possess alcohol in that place, it very difficult to prosecute those adults who plead willful ignorance to what may be occurring under their own roof. The current state of the law effectively permits an adult to avoid prosecution by sticking their head in the sand and pleading ignorance. HB 418 will address this by simply changing the culpable mental state, i.e., that one word, "knowingly," to "recklessly."

As you are aware, "[a] person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless

indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.” *R.C. §2901.22(C)*.

At your October 12, 2021 first hearing on HB 418, one of your members indicated that he was “violently opposed” to this one word change in legislation. While commenting on the duties and responsibilities of parents as it relates to underage drinking occurring in their home, this same member stated: “[t]hat is not their (the parent’s) job. It is the personal responsibility of the kid not to be violating the law.”

Excuse me? I can only hope and pray that the majority of you do not share this same parenting philosophy. I am all for teaching kids to take responsibility for their actions, but at the end of the day – they are still kids. It is absolutely the job, duty, and responsibility of a parent to know what their underage children are doing while living in the parent’s home. Are we really prepared to say that recklessness is too stringent a burden to place upon a parent? Are we really prepared to accept parents being heedlessly indifferent to what their kids are doing while under the parent’s roof? Is that how low we set the parenting bar? Woe to us if so. In this day and age, with all the darkness, depravity and immorality this world throws at our children, we simply must hold parents to a higher standard.

It is important to keep in mind that this bill only criminalizes behavior that is reckless. It absolutely does not seek to punish or criminalize the parent that is doing his or her best, and is truly unaware of their child’s illicit conduct.

As a prosecutor, I see daily the downward spiraling and life destruction that results from underage alcohol consumption and other illicit drug use. We, as leaders, need to do everything we can to encourage parents to create a climate and culture in their home that does not promote underage drinking or the use of any other illegal substance. HB 418 is a solid step in furtherance of that goal. Reckless and irresponsible parenting hurts Ohio children – and HB 418 will give prosecutors greater discretion in holding those parents responsible. I urge you to get behind and support this legislation.

I appreciate the time and opportunity to address you today, and I always welcome any questions you may have on these issues. I can be reached at zcorbin@browncountyohio.gov or at (937) 378-4151, ext. 210.



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