



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **Testimony in Support of HB55 Allow Virtual Committee Meetings Sponsor Representative Kelly**

Chair Wilkin, Vice Chair White, Ranking Member Sweeny, and members of the House Government Oversight Committee, thank you for the opportunity to provide testimony in support of House Bill (HB55) on behalf of the Office of the Ohio Public Defender (OPD). I am Niki Clum, legislative liaison for OPD.

Last week a witness told the House Criminal Justice Committee that she felt so passionately about the bill she was opposing that she decided to testify at the Statehouse despite the pandemic and her health issues. Heaven forbid this individual fall ill from COVID-19 because she was compelled to do her civic duty and explain the ramifications of a bill on her community. Some of the bills this legislature considers are life and death for Ohioans. The pandemic has put these individuals in an impossible position, risk illness and possible death to come to the Statehouse to testify or risk detrimental consequences and possible death by doing nothing to support or oppose a bill. This awful conundrum is easily avoided by passing HB55 and allowing virtual testimony.

It has been suggested that the Ohio legislature cannot allow virtual testimony because the logistics are too complicated. However, other states allow virtual testimony or have recently changed their rules to allow it because of COVID-19.<sup>1</sup> Individuals testify before Congress virtually.<sup>2</sup> Ohio courts have adjusted to the pandemic by allowing more arraignments, plea hearings, and depositions to be done virtually. If Congress, other states, and Ohio courts can figure out the logistics, surely the Ohio Legislature can as well.

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<sup>1</sup> Mary Schuermann Kuhlman, Virtual Testimony Bill Gets Hearing at Statehouse, Public News Service, February 11, 2021, <https://www.publicnewsservice.org/2021-02-11/civic-engagement/virtual-testimony-bill-gets-hearing-at-statehouse/a73132-1>.

<sup>2</sup> Id.

Personally, I am less concerned about my own health as I am about the health of my family members. My position with OPD means I regularly come to the Statehouse to testify, despite knowing individuals who likely caught COVID-19 at the Statehouse. Further, I am luckily enough to have four living grandparents in their 90s. After each trip to testify, I must quarantine myself and my daughter before seeing my grandparents. I could never forgive myself if something happened to my family because of me and my work at the Statehouse. If virtual testimony were an option, I may have more opportunities to see my grandparents and my daughter to see her great-grandparents. I am sure some other Ohioans who are passionate about legislation also have vulnerable loved ones. Virtual testimony will allow them to be engaged in the legislature process without gambling the life of someone they love.

In addition to individuals with health concerns, allowing virtual testimony will allow individuals who work during the day, care for a family member, have childcare issues, or, possibly, those who are incarcerated to testify. Given that Ohio spends over \$26,000 a year to incarcerate one person, and 134 individuals have died in prison because of COVID-19, this legislature would benefit from hearing from people that are living in the system. While anyone can submit written testimony, it does not carry the same weight as hearing directly from an impacted person and having the chance to ask them questions.

Ohio is a diverse state where the unique circumstances of our citizens make us stronger and better. Legislators should want to hear from Ohioans. They need to know how the laws they discuss in the abstract will impact the real lives of their fellow citizens. Every legislator should want to better understand and appreciate the bills they are passing. Making it dangerous and scary for people to provide feedback and insights to the legislature is antithetical of a representative democracy. The people elected to represent their district should want to do everything in their power to make it easier to hear from constituents. The first thing this legislature should do is allow virtual testimony during this once in a century (hopefully) pandemic by passing HB55. Thank you for the opportunity to testify today. I am happy to answer any questions.

