



TO: House Criminal Justice Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: October 24, 2017

RE: House Bill 327

To Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present opponent testimony on House Bill 327.

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House Bill 327 is not difficult to understand. At its core, HB 327 bill requires mandatory prison terms for those convicted of soliciting minors or undercover law enforcement posing as minors, for sexual conduct, whether in person or online. These mandatory prison terms also apply regardless of whether or not the offender knew the age of those solicited. Current penalties for the specific crimes in question are either third or fifth degree felonies.

In early 2017, the ACLU of Ohio released a report titled The Statehouse-to-Prison Pipeline. In it, we examined all 1,004 bills introduced in the just-ended 131st General Assembly (2015-2016). As our report revealed, nearly 1 in 10 bills introduced sought to create new crimes, enhance sentences, or revise current law to include additional offenders or situations.

This report also pointed out these almost 100 bills were introduced in a time of serious prison overcrowding, an unfortunate reality here in Ohio for not just years, but *decades*.

Ohio's practices differ from an ongoing trend across the country, with many states finding new and common sense ways to reduce their prison and jail populations in a bipartisan fashion.

It should also be pointed out, in Ohio, we do not see individual bills being introduced that would throw large numbers of people into prison. Instead, we see dozens of bills introduced, and too many of them passed, that have the cumulative effect of keeping our prison system stuffed well beyond its capacity.

I mention all this because HB 327 is a perfect example of this Statehouse-to-Prison Pipeline. It requires mandatory minimums, a significant factor in our nation's out-of-control incarceration rates. It enhances sentences for offenses that are *already* third and fifth degree felonies. It does not even require the offender to knowingly commit these particular crimes.

A balance must be struck. The ACLU of Ohio does not believe proponents of HB 327 have demonstrated why this bill's passage necessitates increasing an already bursting prison system. We urge a "no" vote on House Bill 327.