



TO: House Criminal Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: November 14, 2017
RE: House Bill 141

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 141.

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The reason for our opposition to HB 141 is simple – it continues an ineffective and counterproductive approach to serious drug issues that has failed for several decades. In this case, HB 141 is particularly punitive and filled with serious ramifications for Ohio’s criminal justice system.

HB 141 expands the offense of Involuntary Manslaughter to explicitly include when a person sells or provides illegal drugs to another and the recipient suffers a fatal overdose. More specifically, HB 141 also:

- 1) forbids using any and all conduct of the victim as a defense against this charge;
- 2) makes the intent of the provider irrelevant and;
- 3) applies whether the drugs caused or contributed to the death.

These three troubling exceptions mean the following scenarios could or might be considered Involuntary Manslaughter under HB 141:

- One or more users share their small supply with another who overdoses and dies. All could face prosecution under this section.
- A victim has a pre-existing health condition they may or may not know about. Their drug use exacerbates their condition and their death. One or multiple drug providers, whether dealers or merely fellow users, could be convicted.
- Many people who overdose were currently seeking treatment but relapse and take a higher dosage of drugs than their body can now handle. Here, the provider will be guilty of involuntary manslaughter.

- If a drug is tampered with down the supply chain and another substance, such as fentanyl, is added and the end user dies, it appears all involved could be charged with involuntary manslaughter, whether they knew about the additive or not.
- Many toxicology tests from overdoses reveal the presence of multiple drugs. Under HB 141, any and all providers of all the drugs would be fair game.

The ACLU of Ohio appreciates this committee is genuinely concerned about and frustrated with serious drug and addiction issues facing so many Ohioans in all our communities. But, HB 141 will not help a single addict. In the long run, it will not prevent overdoses. It does nothing to reduce the harm these drugs cause.

On one hand, the Ohio General Assembly and state government have taken several positive and thoughtful bipartisan steps to battle drug problems here, with much more obviously still needed. On the other hand, Ohio continues to expend limited time and resources embracing the failed approaches of the past that embrace arrests, convictions, and prison as the ultimate solutions.

The ACLU of Ohio urges this committee to abandon what has not worked for the past 40 years by rejecting House Bill 141. It is not needed and it makes no contribution to improving Ohio's serious drug problems.