



TO: House Criminal Justice Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: March 13, 2018

RE: House Bill 296

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 296.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

Supporters of HB 296 contend this bill is a necessary step to prevent drug dealers from preying on people receiving drug treatment. In reality, HB 296 is an extremely broad bill going much further than what has been discussed before this committee.

Generally speaking, it will come as no surprise the ACLU of Ohio opposes HB 296 because it perpetuates the failed, destructive, and discredited “War on Drugs” approach to drug use, abuse, and addiction. As such, it further cements Ohio’s place as an isolated island in a sea of bipartisan reform across the United States. More specifically, the ACLU of Ohio has the following concerns:

First, the increased penalties found in HB 296 impact many more offenses than just the person who deliberately targets vulnerable people in or near a treatment facility. It does this by liberally applying HB 296 to ten different offenses that ultimately include crimes such as when two people share illegal drugs between themselves, growing marijuana, selling steroids, and numerous other scenarios.

In addition, HB 296 does not even require the deliberate targeting of a person in or near a drug treatment facility. Under this bill, a person is guilty whether or not they knew a treatment center was nearby and whether or not they knew the person they solicited was in the area for treatment.

With HB 296’s huge reach, we also know its passage means our decades-long, over-crowded prisons will substantially increase in cost and population. This is because HB 296 deliberately results in more people in prison for longer times, including the expansion of mandatory minimums.

The Legislative Service Commission agrees. In its analysis, the LSC Commission warns "depending on the number of violators, increased penalties for these offenses could create significant expenses for DRC." We believe that language is generous as these costs will undoubtedly increase. The LSC analysis goes on to say we should expect these additional costs to be between \$13,001 and \$61,107 per inmate.

For reasons like these, almost one year ago, and after much consideration, the Ohio Criminal Justice Recodification Committee recommended the Ohio General Assembly remove mandatory minimums and the sentencing enhancements regarding school proximity from Ohio's drug laws. Instead, HB 296 takes us in the opposite direction by adding to that existing list.

We are all here because we are deeply concerned about serious drug problems across Ohio. We all want solutions. House Bill 296 is not a solution. It applies to so many offenses and people it will cause much unnecessary harm. It will not improve Ohio's problems. The ACLU of Ohio urges rejection of House Bill 296.