

OHIO PROSECUTING ATTORNEYS ASSOCIATION

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SB-20; Permanent disabling injury
Proponent Testimony
February 14, 2017
Senate Judiciary Committee

The Ohio Prosecuting Attorneys Association supports SB-20 that would create a specification with an additional mandatory penalty if it is proved that the offender caused permanent disabling injury to the victim.

In many cases of physical harm, even serious physical harm, the victim eventually recovers and can carry on a normal life. But this bill recognizes that the victims in some cases have the misfortune to suffer especially serious and permanent injury. In these cases, the victim has been deprived of a normal life, and will always live with the disability of not being able to provide for themselves, live independently, or carry on a normal life. We believe that an offender who inflicts such permanent disabling injuries should be subject to a substantial additional penalty.

This would apply only to felonies of violence, and since the resulting injury is so serious, it will be limited to the more serious felonies, such as attempted murder, felonious assault, robbery, rape, possibly burglary and other similar offenses. It does not apply to cases involving accidental injury, because those offenses are not designated offenses of violence.

The definition of permanent injury will also limit its application to relatively few cases. The injury would have to be of such gravity that the victim can no longer carry on the functions of daily life without assistance, and this would be a permanent condition.

This provision will result in additional time for some offenders, thus increasing the prison population to some extent over time. But we believe the increase will be comparatively small, and fully warranted by the suffering inflicted by these offenders.

cc: Sen. Robert Hackett

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