



TO: Senate Judiciary Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: December 12, 2017
RE: Senate Bill 64

To Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present proponent testimony on Senate Bill 64.

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SB 64 is not a complicated bill but its capacity to improve Ohio and how we handle youthful offenders is undeniable. Across the country, legislatures, courts, and stakeholders are continually rejecting one-size-fits-all approaches in our justice systems. Other ongoing trends include a) increasing recognition children are different than adults in fundamental ways, b) concerns about how ignoring those differences impacts the justice system, and c) awareness of the importance of judicial discretion and input, especially in the youth system.

SB 64 is written with all these concerns in mind as it eliminates mandatory transfers of youths to adult courts but does not eliminate such transfers altogether. Instead, such transfers would be discretionary, as is the case for many current transfers. SB 64 then adds additional factors courts must consider when contemplating all discretionary transfers. These additional considerations will more fully inform courts about the individuals before them. Then, SB 64 allows discretionary transfers to be appealed, an important development to protect due process rights of the youth involved. Of course, current mandatory transfers allow for none of what was just described.

This current lack of judicial discretion serves no one. It does not lead to rehabilitation of youth. In fact, it puts them in far more danger when they are incarcerated with adults. These same people then leave prison in worse shape than when they arrived, to the detriment of everyone.

The reforms found in SB 64 are much-needed and have been discussed for years. Now is the time to finally improve upon Ohio's youth and criminal justice systems and support these meaningful changes by voting for Senate Bill 64.