Ohio Senate Judiciary Committee

May 15, 2018

Senate Bill 171

Proponent Testimony

Chairman Bacon, Vice Chair Dolan and Ranking Member Thomas, and members of the Senate Judiciary Committee: My name is Phyllis Carlson-Riehm and I am representing ACTION OHIO Coalition For Battered Women. On behalf of ACTION OHIO, I am submitting written testimony in support of the passage of Senate Bill 171.

Senate Bill 171 will

* Increase the penalty for the offense of “violating a protection order” if the offender has one or more prior convictions of that offense or another specified menacing-related, stalking-related, or trespass-related offense, and
* Require that electronic monitoring of those convicted of violating certain protection orders that included electronic monitoring be carried out by a probation agency instead of by a law enforcement agency.

About one year ago in Kirkersville, Ohio, Thomas Hartless showed up at the workplace of his ex- girlfriend Marlina Medrano. After shooting Kirkersville Police Chief Eric DiSario outside of Pine Kirk Care Center, he entered the facility and shot Cindy Kurtz, an aide, and then Marlina, a nurse. Next he ended his own life.

Marlina had obtained three protection orders against Thomas Hartless, the last one on May 5. In spite of her attempts to protect herself, a Licking County probation officer recommended the offender’s early release from a 90-day jail sentence and a judge granted the release.

As a result of the triple murder in cold blood by a repeat offender with 60 firearms in his possession, community outrage was expressed by the cascading failures of the county’s probation department and court system. Probation officers failed to adequately assess the offender’s lethality and unwillingness to change his behavior. They also failed to visit the offender’s residence and remove all firearms in his possession as required. The judge failed to be familiar with the offender and the victim’s repeated efforts to seek protection from her ex-boyfriend.

Senator Jay Hottinger introduced this bill as a direct result of the need to remedy systemic short-comings and increase penalties for repeat acts of violence in order to prevent such horrific tragedies in the future. And although the bill does not address all the failures that contributed to the triple murder, it represents a step in the right direction.

I urge committee members to support passage of Senate Bill 171 in committee and on the Senate floor. Thank you for the opportunity to present this viewpoint.

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