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Senators John Eklund and Sean O'Brien – Sponsor Testimony
Senate Bill 3
Senate Judiciary Committee
February 13, 2019

Good Afternoon Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas, and members of the committee. Thank you for the opportunity to give sponsor testimony on Senate Bill 3 and to encourage your support on this legislation.

Why would we develop and enact legislation to reform Ohio's drug sentencing laws? To me, the fundamental reason lies in a concept that should be a bedrock principle of legislating, but sadly is not so much so. It is the concept of critical self-evaluation, a process by which one examines what they have done, or not done, and how in order to assess whether it is serving the intended purpose.

We often hear opponents to legislation repeat the mantra that the bill they oppose will have "unintended consequences." Rarely, in my view, can one predict a parade of horrors with the degree of certainty advocates sometimes profess. But, when we've already done something we very often do have at our disposal the tools necessary to determine, in retrospect, whether or not it was a good idea that works without adverse consequences.

In the area of criminal sentencing, particularly on drug crimes, we have lived the future results of past policy decisions and while it might be hyperbolic to say that it is dystopian, in many respects it's getting close to it.

You've heard many of the numbers and in the course of this exercise you'll hear them again. Intractably high prison and jail populations; 25% of people sent to prison are going to serve less than a year; the number one offense for which Ohioans go to prison is drug possession, almost \$2 billion budgeted to operate prisons in Ohio.

Too often our criminal sentencing scheme removes legitimate discretion from judges, and mandates ever-increasing prison terms for people who need treatment much more than they need punishment (notwithstanding that we now have analysis tools to identify who they are and new ways to treat them).

We applaud you all for your support of criminal justice reform efforts we have undertaken over the years. But while our efforts have been purposeful, at times they have been intermittent while the flow of new bills that criminalize heretofore non-criminal behavior and enhance penalties continues, persistent and unabated.

What we need is sentencing reform that does what it is meant to do – punish those who are dangerous and treat those who we're simply mad at. It will take an effort informed by policies that recognize our primary obligation to protect Ohio's citizens, to promote the physical and mental well-being of everyone, to be fiscally responsible and to enhance opportunities for rehabilitation and redemption.

Our challenge will be to do so in a manner that maximizes freedom in a system of ordered liberty, and I know we can meet that challenge.

Thank you for the opportunity to provide testimony on SB 3, and we will be glad to answer any questions you may have.