



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Opposition of HB161 Child Abuse in Violent Offender Registry Sponsor Representative Lampton

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony on behalf of the Office of the Ohio Public Defender (“OPD”) in opposition of Substitute House Bill 161 (“HB161”). I am Niki Clum, the legislative policy manager for the OPD.

The OPD opposes HB161, because, despite their purpose, the research is clear that public registries do not make communities safer. The National Institute of Justice (NIJ), supports research projects to examine public sex offender registries, more specifically the effects of sex offender registration, notification, and residency restriction laws. NIJ notes that while these laws are popular, there “has been very little evidence of their effectiveness in reducing crime.”ⁱ Studies of sex offender registries show that mere presence on public lists, like the database in HB161, can lead to assumptions by the community that the individual is dangerous and should be shamed and ostracized.ⁱⁱ

In fact, there is a significant amount of research that has found that public registries make communities less safe. Inclusion on a registry makes it harder for individuals to obtain employment or find housing. Researchers have found that a lack of housing and a “transient status seems to be associated with higher sexual recidivism rates” for individuals on sex offender registries.ⁱⁱⁱ Another study hypothesized that the link between sex offender registries and increased rates of recidivism is due to the personal, professional, financial, and social consequences of making registries public causing crime-free lifestyles to be unobtainable for

registrants.^{iv} As one of the researchers put it, “[w]e have an anti-reentry policy for sex offenders.”^v

HB161 requires individuals who are convicted of Permitting Child Abuse or Domestic Violence, when the victim was younger than age fourteen, to register annually with their local sheriff’s office as part of the Violent Offender Database that passed last General Assembly. The database of violent offenders is a public record available to anyone who requests it from their sheriff’s office. Nothing in the bill or current law prohibits individuals from publishing the information from the database on social media or providing copies to their community at large. Because the database information will be so readily available to the public, logic dictates that individuals on this database will suffer the same fate as those on sex offender registries. They will forever be deemed a threat to children and will face difficulties obtaining housing and employment.

The information available to the public through the database does not include context for each person who is included. There will be no explanation that the individual on the list may have only been age eighteen when the case occurred, and the domestic violence incident involved hitting their thirteen-year-old brother. The database does not include information about whether that person worked hard to rehabilitate and improve themselves. Regardless of the circumstances surrounding an individual’s admission to the database, being on the list will cause the public to assume those people should be feared and loathed. These types of misconceptions will lead to collateral consequences that continue to punish the individual and their family.

As this committee well knows, Ohio is suffering from a prison overcrowding epidemic. HB161 exposes more individuals to the possibility of being convicted of a felony offense. Under



the current law, failure to register with Violent Offender Database annually is a felony of the fifth degree. Under the bill, an individual convicted of domestic violence involving threats, a misdemeanor of the fourth-degree, could face a felony of the fifth degree charge for failing to register with the database. Instead of allowing individuals to move past their mistakes and become productive members of society, this bill exposes these individuals to new requirements that may lead to additional criminal convictions and prison.

While the events that led to this legislation are tragic, HB161 will not prevent future tragedies. Databases like the one proposed in HB161 destroy opportunities for individuals, who have paid their debt to society, to live and find employment as law-abiding citizens. Ohio is not made better or safer by making it impossible for capable people to obtain adequate housing and employment.

Thank you for the opportunity to provide testimony. I am happy to answer any questions at this time.

ⁱ National Institute of Justice – Sex Offender Registration, Notification, and Residency Restrictions www.nij.gov/topics/corrections/community/sex-offenders/pages/registration-notification.aspx

ⁱⁱ See Richard G. Zevitz & Mary Ann Farkas, *Sex Offender Community Notification: Assessing the Impact in Wisconsin*, National Institute of Justice (2000) <https://www.ncjrs.gov/pdffiles1/nij/179992.pdf>

ⁱⁱⁱ Steven Yoder & Commentary, *New evidence says US sex-offender policies are actually causing more crime*, Quartz, December 21, 2016, [https://qz.com/869499/new-evidence-says-us-sex-offender-policies-dont-work-and-are-actually-causing-more-crime/#:~:targetText=They%20found%20that%20the%20average,per%2010%2C000%20people%20to%209.3.](https://qz.com/869499/new-evidence-says-us-sex-offender-policies-dont-work-and-are-actually-causing-more-crime/#:~:targetText=They%20found%20that%20the%20average,per%2010%2C000%20people%20to%209.3.;); quoting *The Predictive Validity of Static-99R for Sexual Offenders in California: 2016 Update*, California Department of Justice & Public Safety Canada, July 13, 2016, http://www.saratso.org/docs/ThePredictiveValidity_of_Static-99R_forSexualOffenders_inCalifornia-2016v1.pdf.

^{iv} See J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* 1 J.L. ECON 54, 15 (2008), <http://www.nber.org/papers/w13803.pdf>.

^v Steven Yoder & Commentary, *New evidence says US sex-offender policies are actually causing more crime*, Quartz, December 21, 2016; quoting J.J. Prescott.

