

Dennis P. Brinton
OHRSQL Membership Director
2951 8th St.
Cuyahoga Falls, OH 44221
dennisbrinton@sbcglobal.net
330-923-6520

Chairman LaRe, and fellow committee members, I want to thank you for the opportunity to speak in opposition to HB 459. I want to start by expressing my deep felt thanks for removing the employment related provisions from the original bill. It is a good step forward. However, I still have concerns about the remainder of the bill.

As I indicated in previous written testimony, I have young grandchildren and great grandchildren. I want them and other young persons and the general public to be safe from sexual harm. I also have a son who committed a non-contact offense and is subject to the provisions of this bill. Aside from his offense, he has been a son to be proud of. I want him to be able to move on with his life after his imprisonment and parole, to build a good life. He has a lot to offer to the community.

This bill is another example of well-intended legislation with unfortunate un-intended consequences. This legislation, and others like it, are another card in a poorly designed house of cards built upon a shaky foundation. The shaky foundation is the guidelines and policy provisions of the Adam Walsh act that base restrictions on persons who commit sexual offenses solely on the category of offense with no concern for the risk of re-offense. Certainly, the nature of the offense must be considered, but the risk to re-offend and risk to the public must be a big component of any policy and legislation designed to protect the public while restricting the offenders.

Ohio's legislation, which follows Adam Walsh guidelines closely, is based on grouping offenses into 3 tiers. These tiers guide the restrictions on offenders. Within a tier, the potential risk for re-offense or risk to the public varies greatly, but the tier based offense restrictions do not recognize this variability. All persons within the tier are treated the same. There is also a range of risk within a category of offense. This is an in-effective one size fits all approach.

This legislation builds upon that shaky foundation. It would be better to table this legislation and start fresh in the next legislative session with a new bill that attempts to base restrictions on consideration of the potential risk of re-offense. There are in existence various methods of assessing this risk. The time with no re-offense could also be a factor. Research shows that the longer a person does not re-offend, the less likely they are to re-offend. Such legislation could remove restrictions after a certain number of years with no re-offense.

Over the years, I've provided members of this committee with various documents describing research on this topic.¹ You have my e-mail address, I'd be glad to respond to any specific concerns or questions. It is possible to better meet your concerns about public safety by crafting a bill that is based on the best

research and science and still not impose un-due burdens on people who have committed a sexual offense. One of the goals of our Criminal Justice system should be rehabilitation of the offender, not placing huge barriers in their path to redemption.

In regard to the impact of the Adam Walsh act, the Byrne funds that could be withheld due to non-compliance with the Adam Walsh act, are far less than the amount of funds spent trying to meet the provisions of the Adam Walsh act.ⁱⁱ Only about 17 states are in full compliance with this act, mainly because the other states find it less expensive to only partially comply with the act.

I also want to mention The Ohio Criminal Justice Recodification Committee. A great deal of effort was put forth a few years ago to improve our Criminal Justice system. This included several provisions for persons who commit sexual crimes. Very little of these findings were enacted into legislation. These findings showed that there was room for improvements in the laws relating to persons who commit sexual offenses. This legislation goes the other way.

In summary, I hope that the committee realizes that most persons who commit sexual offenses are not monsters. They are like the rest of us, people who have some flaws, but basically are good people. How many of you would want to be judged and subject to long term significant restrictions, because of something you did in the past and now regret, and will not do in the future?

ⁱ See attached the following documents: "Fact Sheet Sexual Offender Laws 5-22-2022", for an example of these documents

ⁱⁱ See attached the following documents: "Registration Costs" and Pages 6 and 14-17 from "Paying the Piper, The Cost of Compliance" If you desire, I can send the complete document as a follow up. Note that the page numbers are for the portion of the larger document I printed.