



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
House Bill 111
Proponent Testimony
May 9, 2023

Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I appreciate the opportunity to offer our support for House Bill 111, to make felony domestic violence a “high-tier” F3 and to create a presumption for a prison term for the offense.

Prior to the enactment of House Bill 86 (129th General Assembly) in 2011 the sentencing range for felonies of the third degree was 1 – 5 years. Then, the Council of State Governments, as part of its ‘Justice Reinvestment Initiative’ or JRI recommended, among other things, that the range for these F3 offenses be reduced to 9 months – 3 years. This was done for the express purpose of reducing the prison population and saving the state money. There was a lot of debate at the time about whether to keep the 1 – 5 year range in its entirety or whether to at least keep it for some F3 offenses and if so, which offenses. Our Association advocated for keeping the 1 – 5 year range because it provided judges a wider range of discretion to put dangerous offenders behind bars for longer periods of time while allowing them to keep first time non-violent offenders at the lower end of the sentencing range. As an alternative, it was suggested that we keep the higher, 1 – 5 year, range at least for offenses of violence and sexually oriented offenses. What we wound up with in the end was a narrow set of offenses in the “high-tier” F3 range that were suggested by ODRC, whose primary concern was not public safety or justice for the victims of violent crime and sex crimes but bed days and cost savings.

We have believed since then and continue to believe that the “high-tier” F3 should at least include felony domestic violence offenders. In order to get to the felony domestic violence level, an offender must have two or more prior domestic violence convictions, or two or more convictions for a few other specified offenses involving a family or household member. These are people who necessarily have a violent criminal history, who have continued to offend, and who present a unique set of dangers to their victims and their victims families. Each year since 2015-2016, the Ohio Domestic Violence Network has reported on the number of domestic violence fatalities in Ohio.¹ In 2018-2019 they started reporting on the fatalities where the perpetrator had prior domestic violence charges or convictions. In 2018-19 it was 32% of 60 cases, in 2019-20 it was more than 20 perpetrators in 77 cases, in 2020-21 it was more than 20 perpetrators in 90 cases, and in 2021-22 it was 25.6% of 72 cases. There was a story in the Columbus Dispatch just last week that the

¹ <https://www.odvn.org/reports/>

Columbus City Attorney plans to seek \$500,000 bonds in domestic violence cases involving guns or serious injury.² This is in response to domestic violence homicides in Franklin County already surpassing the total number for 2022. We need to do more to protect the victims of this crime, to get their perpetrators away from them and off the street, and to help break the cycle of violence. House Bill 111 is step in the right direction toward holding more of these dangerous offenders accountable and better protecting the public. We encourage the Committee's favorable consideration of the bill.

I would be happy to answer any questions.

² <https://www.dispatch.com/story/news/courts/2023/05/04/columbus-city-attorney-seeks-higher-bonds-on-domestic-violence-cases/70183633007/>