



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **Proponent Testimony in Support of HB67 Penalty Reductions Due to Changes in Law Sponsor Representatives Williams and Seitz**

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for the opportunity to testify on House Bill 67. I am State Public Defender Tim Young and I am here today on behalf of the Office of Ohio Public Defender (OPD), to testify in support of House Bill 67.

The OPD appreciates the purpose of House Bill 67 – to allow individuals who were sentenced under a law that was subsequently changed, to petition the sentencing court to have their sentence reduced or eliminated to comport with the current law. As Maya Angelou said, do the best you can until you know better – then, when you know better, do better. As a society there are times when we have made a collective decision in the past based on our knowledge and values at the time, only to later look back, reevaluate, and decide to change course – whether based on different or additional information or an adjustment in community expectations. When the State of Ohio elects to amend our laws and reduce or eliminate a penalty, the OPD supports individuals who were sentenced under the prior law being able to request a change in their sentence that reflects the current law. House Bill 67 does just that, and in doing so would bring clarity and uniformity to Ohio’s sentencing.

At the same time, the OPD understands that this law would not apply to individuals who were sentenced as a result of a negotiated plea. As Representative Seitz noted to this committee last week – a deal is a deal. The OPD appreciates that this law would apply equally to individuals who were convicted at trial as well as those individuals who pled to an offense as charged. Neither would have been sentenced as a result of a negotiated plea. There is no deal when an individual pleads to an offense as charged, and therefore no bargain or agreement to adhere to.

In conclusion the OPD believes House Bill 67 will make Ohio’s sentencing laws more fair through clarity and uniformity on the occasions where Ohio elects to reduce or eliminate certain penalties. We appreciate Representative Williams and Representative Seitz advancing the same.

Thank you for the opportunity to testify. I welcome any questions you might have for me.