



Substitute House Bill 196 Proponent Testimony

Zachary Miller, Legislative Policy Manager

House Criminal Justice Committee

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Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

On behalf of the Office of the Ohio Public Defender (“OPD”), thank you for the opportunity to offer proponent testimony on Substitute House Bill 196 (“HB 196”). The OPD supports the bill’s reform of Ohio’s community control laws with the intent to prioritize rehabilitation over incarceration, address the underlying drivers of recidivism, and direct the use of public resources for a more individualized approach to rehabilitation. The OPD provides legal representation to indigent Ohioans accused of a crime, and therefore we offer the following perspective on how HB 196 will positively impact indigent Ohioans across the state.

Ohio’s current community control system results in disproportionately and unnecessarily lengthy community sentences, even for those who are at low risk to reoffend. Not only do these long sentences create a strain on the state’s correctional system and public resources, they also expose individuals under community control to a greater possibility of committing a technical violation. These technical violations are not crimes or willful non-compliance, but are procedural and easy to unintentionally commit. The consequences, however, for technical violations can result in having to serve additional time on community control or being sent to prison, further disrupting an individual’s ability to obtain steady employment, secure housing, and to otherwise successfully reintegrate back into society following an offense. These technical violations are especially burdensome for those who are already living in poverty.

HB 196 addresses these issues by revising the sentencing guidelines, requiring that a community control sentence for third, fourth, and fifth degree felonies to not exceed three years, subject to exceptions. If enacted, this will result in a less burdensome community control sentence on those at low risk to reoffend, allowing them to reintegrate into society easier, and therefore lessening the strain on public resources.



The bill also addresses the way technical violations are addressed, giving supervision officers and the courts more flexibility and options to address these violations other than ineffective prison terms, such as placement in a community based correctional facility. HB 196 will also allow these placements to be served nonconsecutively, giving those subject to community control the opportunity to be held accountable while also maintaining their position in the workforce and fulfilling family responsibilities. In addition to reducing recidivism, these provisions will lead to reduction in those sent to prison for non-criminal violations, further reducing taxpayer costs.

Finally, HB 196 allows for a more individualized approach to community control that can balance the needs of public safety with addressing the unique circumstances of those under supervision. The bill imposes a review of an individual's circumstances after they complete two years of their community control sentence, giving the court the ability reward compliance with early termination of the sentence or to intervene early with additional treatment or programming to ensure successful rehabilitation.

Community control can be an effective public safety tool that allows courts to hold those at low risk to reoffend accountable while also allowing them to remain in the workforce and support their families. If enacted, the improvements to community control under HB 196 will bring a better utilization of public resources by favoring rehabilitation and treatment over incarceration, and leading to a more individualized approach to justice and public safety. On behalf of the OPD, I urge this committee's support and passage of HB 196.

Sincerely,



Zachary J. Miller
Legislative Policy Manager
Office of the Ohio Public Defender
Zachary.miller@opd.ohio.gov