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Chairperson Abrams, Vice Chair Williams, Ranking Member Brown, Leader Seitz and members of the House Criminal Justice Committee, I appreciate the opportunity to provide written opponent testimony against House Bill 289.

I have ministered to and made friends with many citizens who are forced to register as sex offenders. Out of concern for them and for real safety of Ohio communities, I urge you to oppose HB 289 on the following grounds:

- The law penalizes a labeled group of Ohio citizens without evidence of their potential to re-offend.
- Enforcement depends on a non-integrated computer system.
- The law is based on data that suffers from critical irregularities.

The law penalizes a labeled group of Ohio citizens without evidence of their potential to re-offend.

Among all released prisoners, those required to register as sex offenders exhibit some of the lowest recidivism rates. This fact has not changed in the decades since this socially, mentally and spiritually damaging public sexual offense registry was instituted by law.

If an Ohio citizen who is forced to register as a sex offender is noncompliant for 5 years and does not commit a criminal offense within that time, their non-compliance has no bearing on re-offending. Compliant or not, their lack of re-offense activity they are not a threat.

Enforcement depends on a non-integrated computer system.

Within Ohio, the registry system does not 'talk' between counties. Here is an example. A citizen who is forced to register as a sex offender moves from Summit County to Washington county. Upon their move, they update their address in Washington County but are not aware or forget to notify Summit County.

When it comes time for their annual or six-month check-in at Summit, they do not show up. Why? They are not living there anymore. But the Ohio registry tracking system shows them as non-compliant. All the while, their inhabited home address is compliant. What makes this worse is that the officers in Washington County cannot 'unregister' the citizen from Summit County.

Ohio's system fails to follow the individual. A citizen forced to register as a sex offender who lives in one county, works in another and goes to school in another is treated as three separate individuals in the system. The individual is ONE Ohio citizen and should be treated as such. By forcing these multiple presences upon the citizen, the state is effectively doubling or tripling the citizen's probability of a compliance error.

Other state systems, like child support and Medicaid, handle each case or individual as one entry within a system that functions over all 88 Ohio counties. It is not unreasonable for the SORN software to do the same. Without fixing this, HB 289 will penalize individuals unjustly.

You should already be aware that being on the sex offender registry does not come with a manual. The convoluted nature of registry laws, coupled with a statewide system that does not link data between counties, creates numerous possibilities for noncompliance. An example: Consider an Ohio citizen who is forced to register as a sex offender, and who works or attends school outside of their home county. The individual quits the job or school but does not update the SORN office. They ARE NOT a threat to the community, yet HB 289 treats this citizen as a threat and seeks to punish them while all other pertinent registry data is compliant.

The law is based on data that suffers from critical irregularities.

The Ohio Attorney General’s Office reported on 12 December 2023 that there were nearly 500 noncompliant citizens forced to register as sex offenders, while the month prior to it had 2400 noncompliant citizens.

It is peculiar that 2,400 citizens forced to register as sex offenders (approximately 12% of all Ohio citizens forced to register) were out of compliance, yet 31 days later only 500 (about 2.5% all Ohio citizens forced to register) were out of compliance. Does this mean 1900 registrants who were noncompliant were miraculously compliant within 31 days without a concerted effort or task force by law enforcement?

Or does this reveal critical irregularities in how the Attorney General’s Office tracks and qualifies noncompliance? If the AG’s office cannot accurately track non-compliance, then how can HB 289 be enforced? These irregularities, coupled with the lack of coordination above, could result in a great deal of time wasted on administration and enforcement. Valuable time will be wasted by sheriff's deputies to locate registrants who are already compliant. Lawyers would be compelled to file legal complaints from registrants who experienced unwarranted harassment, particularly given the heightened consequences of registry termination delays.

Do the AG’s inflated numbers include individuals who moved within Ohio and did not notify their exiting county? Does it include individuals who moved out of Ohio and did not notify their sheriff of the move? As the registry population ages, does their inflated numbers include deceased registrants?

Without accurate data, HB 289 is trying to solve an insignificant or nonexistent problem.

The AG’s office’s statistics do not align with the annual census reports of the Ohio Department of Correction. If there were thousands of non-compliant Ohio registrants, it should be reflected in incarceration rates.

Incarcerated Offense	2023	2022	2021
Failure to Notify Address Change	254	289	287
Failure to Register	55	58	41
Failure to Verify	78	75	63
TOTALS	387	422	391

ODRC INSTITUTION CENSUS 2023, 2022, 2021

Conclusion

I implore you to reject HB 289 as it does not provide a solution to a public safety concern. It is merely ineffective legislation that targets a labeled group of Ohio citizens, the supermajority of whom attempt to comply with the complicated web of registry requirements, accused using a poorly managed computer system. The registry's ineffectiveness is the root cause of both issues, and HB 289 only makes this broken system more complicated.

Respectfully,

Rev. Dr. Lloyd Newman