

41ST HOUSE DISTRICT

LUCAS COUNTY

Committees

Vice Chair Criminal Justice,
Higher Education, Primary and
Secondary Education, Economic
and Workforce Development



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**State Representative Joshua E. Williams
Ohio House of Representatives**

Chairman Edwards, Vice Chair LaRe, Ranking Member Sweeney, and members of the House Finance

Committee, thank you for the opportunity to offer sponsor testimony on House Bill 396.

Under the Ohio and United States Constitutions, warrantless searches are presumptively unreasonable and unlawful. Therefore, officers attempt to gain probable cause without a warrant. Up until Issue 2, a narcotics dog could give probable cause by alerting. Now that we have implemented Issue 2, the alert of a dog will no longer be grounds for reasonable cause.

Currently, the bulk our law enforcement's narcotics canines are trained to alert on narcotics as well as marijuana. Therefore, when a canine that is imprinted on marijuana and narcotics alerts to a scent, its possible it has alerted to legal marijuana, and not illegal narcotics. As a result, these dogs can no longer provide reasonable cause for a search. This leaves law enforcement departments with two choices: Retrain the dogs, or retire and replace them. However, experts are conflicted on whether drug dogs can be effectively retrained. If departments do attempt to retrain their dogs, they risk leaving open the door for creative defense attorneys like me to make the argument that the dog was not effectively retrained, and get the charged dismissed. Replacing these dogs makes the most sense, as it will eliminate the legal liability retrained dogs will introduce and will likely be faster.

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The speed at which these dogs are replaced is critical to law enforcement's ongoing efforts to fight the opioid and fentanyl epidemic in our state. Last year alone, Ohio suffered 3,579 deaths from fentanyl, representing 98% of all opioid deaths. Acquiring and training drug dogs is a costly and time-intensive process. Without help from the Legislature, many local police departments will not be able to afford to replace their canines quickly enough. This bill will allow local departments to complete a grant application and quickly replace each dog rendered no longer fit for service as a result of Issue 2.

Thank you for your consideration of this legislation, Rep. Brennan and I look forward to answering any questions from the committee.