

Representatives

Cindy Abrams
Willis E. Blackshear, Jr.
Juanita O. Brent
Sara P. Carruthers
Rodney Creech
Steve Demetriou
Thomas Hall
Adam C. Miller
Kevin D. Miller
Ismail Mohamed



Chairman
Haraz N. Ghanbari

Vice-Chairman
Phil Plummer

Ranking Member
Cecil Thomas

HOMELAND SECURITY COMMITTEE

Meeting Minutes | October 11, 2023

Chairman Ghanbari called the committee to order at 11:00 a.m.

Chairman Ghanbari calls forward HB230 for its second hearing. Chairman Ghanbari introduces Jane Hanlin for proponent testimony.

Jane Hanlin states there has been a large spike in deaths and overdoses in Jefferson County. She states youth are being targeted by fentanyl pills that look like Adderall and are being ingested not knowing that the pill contains fentanyl. All recreational street drugs are being laced with fentanyl and this does not change the taste or affect of the drug they are using. The cartel is aware of this targeting and knows that this is causing an increase in overdoses as well as a rise in addiction. There is no real punishment that comes with trafficking the drugs, at least none that is worth the profit from the drugs. The dealers know that it is easier to traffic these drugs in Ohio as there is less penalties compared to other states such as West Virginia. There is a loophole that allows for xylazine to be laced with fentanyl and the charges are minimal to none, this bill will fix this issue. The bill will overall increase penalties for trafficking to all people, especially those who are most vulnerable. This bill also provides prosecutors with a mandatory 5-year penalty for these traffickers. This bill does not hurt low level offenders or addicts and these people will still have other community control sanctions available to them. This bill will cause more people to be imprisoned, however, this is a better place for these people compared to on the street dealing drugs to children. Additionally, human trafficking has also seen an increase in our state and this bill will expand the definition to include a harsher penalty.

Representative Brent asks if there are similar drug laws that are already on the books to address fentanyl.

Jane Hanlin states there are not, and this is for raising the penalties already available.

Representative Brent asks if there is an increase for trafficking other drugs such as cocaine, fentanyl, and methamphetamine.

Jane Hanlin states these other drugs are included in the bill.

Representative Adam Miller asks how the charging decision is made by the prosecuting staff as well as how will this bill change that.

Jane Hanlin states there is a great amount of discretion in Ohio for prosecutors. The issue they are facing are the repeat offenders that do not care who their drugs kill and will continue to sell after they are released. They will have the decision to recognize that these are the people that they should be charging with these new charges, compared to somebody who is an addict and is not meant to be harmed by this bill.

Representative Adam Miller asks how this bill will offset the human trafficking.

Jane Hanlin states human trafficking is profit driven and this will broaden the scope to aim at the people who are part of the trafficking network.

Chairman Ghanbari asks how trafficking charges can change in one community compared to another community based on the plea deal a prosecutor reaches.

Jane Hanlin states the voters are recognizing this issue and they are moving in a direction to elect prosecutors who are willing to put these criminals in prison instead of releasing them.

Chairman Ghanbari states drug traffickers know where certain communities are vulnerable. This should be addressed in the bill to make sure all traffickers know there is no safe community in Ohio for traffickers.

Ranking Member Thomas states when he was a police officer, they would often arrest the dealers who would quickly be replaced by another dealer and would only fill up the prisons and jails. He asks how the street vendors and prostitutes will be dealt with.

Jane Hanlin states these people will be given an incentive to work with the police and therefore they can be used for reaching the people above them who are supplying the drugs.

Ranking Member Thomas states if there is mandatory time, then these people will be sent to prison regardless. How will the state agencies work with the federal agencies work with the state and federal laws.

Jane Hanlin states this bill will not affect the relationship that they already have with the southern districts as well as the federal agencies. It is difficult for the federal agencies to take a case that is not seen as serious, this bill will make that relationship easier.

Ranking Member Thomas asks how we can use the incentive to get these people to work with the police agencies if there is a mandatory sentence.

Jane Hanlin states they will not have to use the charge that requires a mandatory sentence and instead they will use a lesser charge to work with the low-level dealers.

Representative Kevin Miller asks if this bill passes, what level will we be on in comparison to West Virginia.

Jane Hanlin states some parts of West Virginia laws are outdated, however, most of their laws do create a strong enough incentive to not deal on their side of the border. This bill would put us on a similar playing field as West Virginia.

Ranking Member Thomas asks how long the laws have been in place in West Virginia and how has it affected the crisis in their state.

Jane Hanlin states there are ranked very high in addiction but not for trafficking. The people doing drugs in their communities know that Ohio is accessible and therefore there is still an easy access of drugs.

Representative Blackshear Jr. asks how Ohio compares on penalties compared to other states.

Jane Hanlin states Ohio is lagging behind in the issues that we need it the most, for example, in trafficking fentanyl and methamphetamine.

Representative Brent asks where the rates of conviction for Illinois compared to Ohio.

Jane Hanlin state people who come from Chicago can sell their drugs for much more here as well as we have significantly less crime. Therefore, the profit margin is so much higher that it is much more beneficial.

Representative Ghanbari introduces Jay McDonald for proponent testimony.

Jay McDonald states the Fraternal Order of Police is in strong support of increasing penalties for fentanyl trafficking. In Marion, there was 40 deaths in only one year due to fentanyl. Fentanyl is found in every drug and is being found more often by officers on the street. This fentanyl is finding its way to young people who have no tolerance and are not expecting this potent drug to be in the drugs they are taking, ultimately causing their deaths. He states that cartels are controlling border crossings and the people being trafficker are becoming indentured servants to them.

Ranking Member Thomas asks what else could the Representatives do to assist in this issue.

Jay McDonald states drug treatment needs to be increased and intervention programs should be expanded to take the place of convictions. Comprehensive evidence-based strategy needs to be expanded and more patient facilities should be invested in. The prevent aspect is way behind all of our other efforts.

Ranking Member Thomas states we can't arrest our way out of this problem. He states most treatment facilities that already exist are stating they need more funding. He asks if we need to invest more in these treatment facilities.

Jay McDonald states we do, however, all prongs of the strategy of treatment, prevention, and enforcement need to be made.

Ranking Member Thomas states the chemists coming from the border are keeping up with every change we make as a state. He asks if this bill be able to give more leverage to police to move up from the small dealers to the higher up traffickers.

Jay McDonald states it will and through his time in law enforcement, he can easily tell the difference between a small dealer and a trafficker. The people who are trafficked over by the cartel will hold the threat of death against these people and they force them to work in organizations that are trafficking drugs. These are the people who can lead to reach the higher ups of the organization.

Representative Brent asks how often people get prosecuted statewide for these offenses.

Jay McDonald states he cannot speak on behalf of the state, however, in his district they most often see the drugs being brought in from the ports of entry. Most people are not carrying the drugs, instead, the cartel has switched to charging these people the fee to cross, and if they get caught, they are trafficked over again. The costs then increase and are indebted deeply and for a long time. If they do not pay, death is either brought upon them or their family.

Representative Brent asks how we make sure those who serve their time do not come back to dealing on the street.

Jay McDonald states he does not have a solid answer of preventing this crime from occurring again. However, the children services cannot keep up with the demand that has been brought on by the overdose death as well as those who have been arrested. By providing more of these programs, this will prevent crime in the future.

Chairman Ghanbari states that there are programs in the prisons that assist with preventing people from turning back to crime. For example, there was a sheriff in Sandusky County who became addicted to drugs and was caught and sent to prison. While he was in prison, he went through training programs to make sure that he will not be haunted by his offenses. Now, he works in Columbus and successfully assists people with turning away from drugs.

Jay McDonald states there are entities on the inside and outside that are working to assist on this issue.

Representative Abrams asks what is different about the fentanyl epidemic compared to the other epidemics such as crack.

Jay McDonald states he was working when crack first came to the state. At the time, it was first page news, now, it is hardly tried for any serious penalties. The issue that faces us now, is fentanyl is so deadly and addicting that people will seek the drug out at all expenses. This bill will assist with this issue in several ways as already discussed and he hopes to see the bill move forward.

Chairman Ghanbari concludes the second hearing on HB230 and calls for the third hearing of HB241. Seeing no parties here to testify, the testimony.

Chairman Ghanbari

Ranking Member Thomas