



# Ohio Prosecuting Attorneys Association

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House Bill 111  
Proponent Testimony  
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Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, I appreciate the opportunity to offer our support for House Bill 111, to make felony domestic violence a “high-tier” F3 and to create a presumption for a prison term for the offense.

Prior to the enactment of House Bill 86 (129<sup>th</sup> General Assembly) in 2011 the sentencing range for felonies of the third degree was 1 – 5 years. Then, the Council of State Governments, as part of its ‘Justice Reinvestment Initiative’ or JRI recommended, among other things, that the range for these F3 offenses be reduced to 9 months – 3 years. This was done for the express purpose of reducing the prison population and saving the state money. There was a lot of debate at the time about whether to keep the 1 – 5 year range in its entirety or whether to at least keep it for some F3 offenses and if so, which offenses. Our Association advocated for keeping the 1 – 5 year range because it provided judges a wider range of discretion to put dangerous offenders behind bars for longer periods of time while allowing them to keep first time non-violent offenders at the lower end of the sentencing range and even place them on community control as warranted. As an alternative, it was suggested that we keep the higher, 1 – 5 year, range at least for offenses of violence and sexually oriented offenses. What we wound up with in the end was a narrow set of offenses in the “high-tier” F3 range that were suggested by ODRC, whose primary concern was not public safety or justice for the victims of violent crime and sex crimes but bed days and cost savings.

We have believed since then and continue to believe that the “high-tier” F3 should at least include felony domestic violence offenders. In order to get to the F3 domestic violence level, an offender must have two or more prior convictions for domestic violence or two or more convictions for a few other specified offenses involving a family or household member. These are people who necessarily have a violent criminal history, who have continued to offend, and who present a unique set of dangers to their victims and their victims families. Each year since 2015-2016, the Ohio Domestic Violence Network has reported on the number of domestic violence fatalities in Ohio.<sup>1</sup> In 2018-2019 they started reporting on the fatalities where the perpetrator had prior domestic violence charges or convictions. In 2018-19 it was 32% of 60 cases, in 2019-20 it was more than 20 perpetrators in 77 cases, in 2020-21 it was more than 20 perpetrators in 90 cases, in 2021-22 it was

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<sup>1</sup> <https://www.odvn.org/reports/>

25.6% of 72 cases, and in 2022-23 they reported that there was prior contact with the criminal or civil justice systems in 65% of the 82 cases in which there was a total of 112 fatalities.

Domestic violence homicides are on the rise in Ohio.<sup>2</sup> We have to do more to prevent these outcomes, to protect the victims of domestic violence from serial abusers, and to help them break the cycle of violence. Giving judges the authority to sentence some of them to prison for longer periods of time is a step in the right direction and we support House Bill 111 because of it. We hope the Committee and the Senate will support this effort to better protect these vulnerable victims. We want to thank Representative LaRe and Miller for their advocacy on this important issue that gained bipartisan support in the House and we encourage your favorable consideration of the bill.

I would be happy to answer any questions.

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<sup>2</sup> <https://www.nbc4i.com/news/local-news/columbus/columbus-police-say-domestic-violence-account-for-17-of-homicides-so-far-this-year/>