



**THE BUCKEYE INSTITUTE**

**Interested Party Testimony Before the Ohio Senate  
Judiciary Committee**

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Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to speak about the important criminal justice reform policies found in Senate Bill 66. My name is Daniel J. Dew, and I am the Criminal Justice Fellow at The Buckeye Institute's Legal Center, a free-market think tank here in Columbus.

Several initiatives in Senate Bill 66 would help make Ohio safer and save taxpayer dollars, and my testimony today addresses the bill's efforts to expand pre-conviction treatment and criminal record-sealing eligibility.

First, Senate Bill 66 takes important steps toward fulfilling the promises of the Justice Reinvestment Act, commonly known as House Bill 86. House Bill 86 was supposed to curb Ohio's growing prison population safely by providing treatment to low-level offenders suffering from drug and alcohol addiction—a policy proven to decrease recidivism and save tax dollars. A sound “treatment instead of conviction” policy would allow those accused of certain low-level drug crimes to complete a substance abuse program rather than be convicted.

Unfortunately, House Bill 86 did not adequately fund the state's treatment infrastructure needed to serve Ohio's addicts effectively, and so Ohio's prisons remain overcrowded and more expensive than ever.

Beyond inadequate funding for treatment, however, Ohio's current policy does not reasonably account for the setbacks and relapses that scientific studies show should be expected of recovering addicts. Even those addicts who ultimately return to addiction-free lives will slip-up from time to time. State policies should reflect that reality by allowing for a recovery process that does not threaten prison for every mistake and relapse along the way. Too many offenders were given a second chance under House Bill 86 only to lose it due to relapse.

Senate Bill 66 expands the eligibility for pre-conviction treatment and would allow judges to order more treatment for low-level addicts instead of sentencing them to prison where they may become “better” criminals by being exposed to career criminals. And that is a step in the right direction.

Second, many ex-convicts who return to our communities are haunted by their past mistakes. An arrest or felony conviction will often “follow” a reformed offender for years if not decades,

affecting his job prospects, education opportunities, and even where he lives. Such barriers and limits on returning to society can lead former offenders to resort to crime or government handouts, or both. By expanding eligibility for sealing certain criminal records, Senate Bill 66 can help remove those obstacles and create a clearer path forward for those on the road to recovery and rehabilitation.

### **Conclusion**

Providing judges with statutory tools to help recovering addicts and reformed ex-convicts return to our communities as productive members of society will make Ohio safer for us all.

Thank you for your time and consideration. I would be happy to answer any questions you might have.