



THE BUCKEYE INSTITUTE

Interested Party Testimony on Senate Bill 341 Before the Ohio Senate Judiciary Committee

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Chair Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Committee, thank you for the opportunity to testify today regarding Senate Bill 341 and potential criminal justice reforms in the next General Assembly.

My name is Daniel J. Dew, and I am a legal fellow at **The Buckeye Institute's** Legal Center, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

President Larry Obhof and Senator John Eklund deserve thanks and credit for making sentencing and criminal justice reform top legislative priorities. They, and others in the General Assembly, have shown a longstanding commitment to pursuing smart criminal justice policy and balancing due process, individual freedom, and society's inherent need for vigorous criminal law enforcement.

Striking the proper balance, of course, is neither easy or cheap, as Ohio's prison system alone currently costs our taxpayers \$1.8 billion per year—a staggering sum that does not include costs for police, courts, or local jails. So The Buckeye Institute applauds the dedicated advocates of sentencing and criminal justice reform who have helped make Ohio a safer and freer state. Senate Bill 341 suggests that the General Assembly and this Committee will continue that yeoman's work.

The Buckeye Institute—the recent inaugural winner of the Atlas Network's **North American Liberty Award**—has worked proudly and effectively with the General Assembly on a number of criminal justice reforms over the last several terms.

Beginning with the state's Justice Reinvestment Initiative in 2011, known as House Bill 86, the legislature has shown dedicated commitment to adopting smart-on-crime policies that have included: the Certificates of Qualification for Employment (CQE) program; the nation's first and best criminal intent reform; civil asset forfeiture reforms; the Targeted Community Alternatives to Prison (T-CAP) program; an expansion of intervention-in-lieu-of-conviction eligibility; and giving judges more discretion to seal records.

Indeed, these recent reform initiatives have helped ensure that Ohio's prisons remain available for the state's more dangerous criminals rather than overwhelmed by low-level, non-violent drug possessors. As of January 2018, only 2,688 of almost 50,000 prison beds in Ohio were taken by those whose most serious crime is drug possession. During the Issue 1 campaign, judges and prosecutors observed that because of House Bill 86, T-CAP, drug courts, and other sensible reforms, Ohio's criminal justice system already treats low-level drug possession like a misdemeanor and that hardly anyone is going to prison for it. And that's a good thing.

Ohio stands among the nation's leaders in looking for common sense policies that will keep our neighborhoods safe while ensuring that non-violent offenders do not overrun our prisons or our courts, and that those who have gotten clean can return to society and contribute again as fathers, mothers, employees, and citizens.

As the Senate and the General Assembly flesh out their legislative priorities in the coming months, they would do well to build on the work of the state's **Criminal Justice Recodification**

Committee. Convened about two years ago and comprised of judges, prosecutors, defense attorneys, victim advocates, legislators, and law enforcement officials, that committee was asked to review Ohio’s criminal code and suggest revisions that would make the state safer and fairer.

The Recodification Committee’s report contained more than **4,000 pages** of suggested policy proposals, including particularly useful proposals that would help law enforcement and the courts distinguish between drug trafficking and personal drug use. With the Recodification Committee’s proposal as its base and a revised “unclassified misdemeanors” sentencing structure for low-level possessors, Ohio would be a national leader on drug sentencing policy.

Finally, the legislature should also carefully consider the retroactive reclassification to misdemeanors, some additional protections for technical probation violations, and how certain drugs—such as fentanyl and date-rape drugs—are treated under the law.

Your willingness to continue to address the important but nettlesome issues of sentencing and criminal justice reform has not gone unnoticed. The Buckeye Institute applauds your efforts and stands ready to help at your request.

I am happy to answer any questions that you may have at this time.

About The Buckeye Institute

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