



CRIMINAL SENTENCING COMMISSION

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TO: Senator Eklund, Senator O'Brien
FROM: Sara Andrews, Director *Sara Andrews*
DATE: March 12, 2019
RE: Sub. Senate Bill 3 – Interested Party Comment

On behalf of the Ohio Criminal Sentencing Commission (Commission), thank you for the opportunity to comment on Substitute Senate Bill 3. The Commission has long discussed the need for common sense changes to modernize and refine the provisions of Revised Code section 2925. The Commission recognizes that incarceration without effective treatment results in higher recidivism and risk of overdose. We have to determine how best to address addiction-motivated criminal behavior, divert those individuals into needed treatment and rehabilitation, and avoid collateral consequences of conviction. To that end, the Commission has considered the work of the Recodification Committee, hosted the Council of State Government Justice Reinvestment Initiative (JR) in 2018, monitored legislative efforts, evaluated Issue 1 and subsequent draft proposals (i.e. “the Klein-O’Brien plan”), and researched reform efforts in other states to help inform the discussion of changes to Chapter 2925.

There also has to be constructive conversation about treatment and program resources, capacity, outcomes and, importantly movement toward a data-informed environment. Data at the aggregate level will provide Ohio a framework designed to move people with drug and mental health needs into treatment that works and reduce criminal justice involvement. Empowering the Commission to collect aggregate criminal justice data will provide an unprecedented level of information for system practitioners and policy makers that can in turn be used to develop and implement new law enforcement interventions and policing strategies, to refine extant criminal justice policies, and to leverage resources and programming to improve outcomes. Robust data and information translates to a safer, fairer, and more cost-efficient criminal justice system and guides people who need treatment into effective programs.

The full Commission meets on March 21, 2019, and will discuss Sub.SB3 to formally address its position on the provisions of the bill.

Additionally, as you know, at the meeting of the full Commission on December 13, 2018, the Commission heard details on several proposals for drug sentencing reform, including the “Klein-O’Brien” plan, suggestions from the Ohio Judicial Conference and Chief Justice O’Connor, the “Ohio Fresh Start” plan and others. The Commission sanctioned a workgroup to convene and work toward harmonizing the proposals. The workgroup is meeting next on March 25, 2019, and notably, has identified several consensus areas for reform, some of which are included in Sub.SB3, i.e. record sealing, intervention in lieu of conviction, and civil commitment. In the near future we anticipate offering specific suggestions to build on the language of those provisions in Sub.SB3 and, mindful of the Commission’s interest in simplification, we will also include suggested revisions to achieve clarity and ease of administration of the aforementioned sections.