



Judicial Impact Statement

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HB 612 – Child abuse registry

HB 612

Rep. Perales

Title Information

To amend section 5101.132 and to enact section 109.67 of the Revised Code to require the Attorney General to establish and maintain a publicly accessible child abuse registry containing information on offenders who commit certain offenses against minors under 14 years of age and to name the act Jacob's Law.

Judicial Impact

The Judicial Conference generally disfavors mandatory, offense-based registries. Such one-size-fits all approaches to criminal justice are rarely effective. There is little to no evidence suggesting that offense-based registries actually promote public safety. Attention should instead be placed on the offender's likelihood of reoffending, or any evidence that the offender poses a continued risk to his or her community. Judges are in the best position to determine that likelihood of reoffending, and should play a role in determining whether an offender should be included on a registry.

We can look to Ohio's current mandatory registration for sexually-oriented offenders as an example of how well-intentioned policy can have unintended consequences. A mandatory, offense-based registry effectively dilutes the status of the most serious offenders who pose the greatest risk to the public, by grouping them in the same registry as lower-level offenders who are less likely to reoffend. Additionally, the threat of mandatory registration is often used to negotiate a plea to a lesser offense for which registration would not be required. This has the unfortunate effect of keeping off of the registry many offenders who may very well pose a significant risk to the public.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

Conclusion

If it is the legislature's prerogative that a child-abuse registry is appropriate, the Judicial Conference recommends amending the bill to give judges the discretion to determine whether an offender should be included on such a registry, based on the offender's likelihood of reoffending.

