



# Judicial Impact Statement

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## HB 30 – Add prison term if permanently disable victim

HB 30

Rep. Koehler

### Title Information

To amend sections 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425 of the Revised Code to require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm and that the victim was under 6 years of age at the time of the offense.

### Judicial Impact

The Judicial Conference generally prefers maintaining judicial discretion and disfavors mandatory sentences. Rather than a one-size-fits-all approach to sentencing, judges are uniquely positioned through their legal training, experience with and knowledge of the defendant, and familiarity with the facts of each particular case that comes before them to render sentences that are appropriate for the crime committed and the circumstances of each case. Judicial discretion is fundamental to our democratic system of government, which separates power among the three branches of government. Mandatory sentences enacted by the legislative branch hinder the independence of the judicial branch, putting at risk the separation of powers on which our democracy is based.

Additionally, the Judicial Conference generally disfavors sentencing enhancements based on a special class of victims, in this case those under the age of 6. The harm that a particular victim suffers should be dealt with no differently simply because that victim falls into a particular class. For example, an offender who leaves an 8 year-old victim in a permanently disabled state should not be subject to less severe sanctions than one who leaves a 5 year-old in the same condition. Again, judges should be able to use their discretion to impose an appropriate sentence based on all relevant circumstances surrounding the offense, including the age of the victim.

### Conclusion

The legislature should avoid enacting more additional mandatory sentences and allow judges to use their discretion to determine what type of sentence is appropriate, for all victims, regardless of age.

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.