



Judicial Impact Statement

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Josh Williams, Esq., Deputy Legislative Counsel

HB 63 – Add prison term if disfigure or permanently incapacitate victim

HB 63

Rep. Hughes

Title Information

To amend sections 2903.11, 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425 of the Revised Code to require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law."

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.

The bill's sponsor has worked closely with the Judicial Conference to narrow some of the definitions in the bill, such that any negative impact on court caseload will likely be minimized.

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.

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.