



Judicial Impact Statement

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SB 133 & HB 215 – Management of Released Offenders

SB 133

**Sens. Manning,
O'Brien**

HB 215

Reps. Boggs, Carfagna

Title Information

To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Background

The focus of these bills is on supervision of former inmates at release from ODRC and re-entry into the community. For example, the bills would require inclusionary and exclusionary zones for every ex-offender on GPS monitoring. It would prohibit any inmate to be released into homelessness. It would require a minimum workload for the APA personnel who supervise re-entering ex-offenders. And it would require a study on supervision of offenders.

HB 215 and SB 133 are the second phase of a re-entry reform effort that resulted from a murder committed by a recently released homeless and minimally supervised offender and thus far has culminated in the passage of SB 201 in the 132nd General Assembly. 132 SB 201 (2018) created an indeterminate sentencing scheme for non-life F1 and F2 offenders, in an effort to ensure that when violent inmates do not take advantage of rehabilitative programs in prison, they serve the longest possible sentence. The indeterminate sentencing scheme of 132 SB 201 contained considerable ambiguity.

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.

Judicial Impact

The administrative burden of ambiguity in sentencing law is significant, for both trial judges and appellate judges. Definitions are lacking or are not clear and the calculation required to determine an indefinite sentence is similarly unclear. Another related burden, borne by the State, is the cost of having a hearing ostensibly to determine a release earlier than the minimum sentence. Although the law requires that such a hearing occur before a judge, and with input from the victim, the determination to release is made by ODRC prior to the hearing and the judge is required to support ODRC's findings. Inmates are therefore expensively transported across Ohio to give this hearing the appearance of a judicial decision.

Conclusion

SB 133 and HB 215 are good vehicles for improving upon the initial effort to create an indefinite sentencing scheme for F1 and F2 non-life offenders. Specifically, terms used

in the statute (minimum term, maximum term, stated prison term, etc.) should be defined and should comport with common understanding of the English language. The calculation used to determine a sentence for an F1 or F2 non-life offender should be clarified, as should the order of sentences. For purposes of Marsy's Law, the role of the victim in appeals should be clarified. Lastly, the hearing to determine whether a sentence should end before the minimum term is served should be changed to either be a hearing of substance or it should be eliminated completely.