



Judicial Impact Statement

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HB 230 – Drug trafficking, organized trafficking of persons

HB 230

**As Reported by House
Criminal Justice
Committee**

**Rep. Abrams and Rep.
Swearingen**

Title Information

To amend sections of the revised code to increase penalties for drug trafficking above certain amounts, to prohibit organized trafficking of persons, to authorize collecting oral fluid as evidence in suspected OVI cases, to require schools and institutions of higher education to incorporate instruction and policies on fentanyl awareness and abuse prevention, to designate the month of August as "Fentanyl Poisoning Awareness Month," and to amend the version of section 3314.03 of the Revised Code that is scheduled to take effect January 1, 2025, to continue the changes on and after that effective date.

Background

House Bill 230, in part, creates the offense of participating in an organization or operation for trafficking in persons. This offense carries a mandatory prison term. The bill also expands mandatory prison terms for other drug related offenses.

Judicial Impact

The Judicial Conference generally does not favor mandatory sentences, or any measures that reduce or infringe upon judicial discretion. Rarely is a “one-size-fits-all” approach effective in furthering the overriding purposes of sentencing that the legislature has established. Mandatory sentences can have unintended practical consequences that are avoided when judicial discretion is preserved, because judges are uniquely positioned to advance the interests of justice through their application of the law to the diverse pattern of facts in every case that comes before them. This allows judges to develop a keen sense of what is a fair and proportional sanction on a case-by-case basis. In addition, mandatory sentences have much broader implications on our state’s corrections system, including prison overcrowding and an increased fiscal impact.

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

The Judicial Conference is not supportive of efforts to expand mandatory sentences, and instead prefers that this discretion is best left to the judge overseeing the case.