



# Ohio Judicial Conference

The Voice of Ohio Judges

January 31, 2022

Honorable Brian Lampton  
Ohio House of Representatives  
77 South High Street, 13th Floor  
Columbus, Ohio 43215

Honorable Brian Stewart  
Ohio House of Representatives  
77 South High Street, 12th Floor  
Columbus, Ohio 43215

Re: Ohio Judicial Conference's Feedback on House Bill 500

Dear Representative Lampton and Representative Stewart:

The Ohio Judicial Conference's Juvenile Law & Procedure Committee and the Ohio Association of Juvenile Court Judges have reviewed and discussed House Bill 500. We support H.B. 500 for the opportunity to eliminate mandatory bindovers. We have some suggestions on how the bill may be improved, which we will discuss below.

## **Elimination of Mandatory Bindovers**

The OJC and OAJCJ respect the authority of the General Assembly to set public policy on this issue. We request that the legislature, through your bill, will consider allowing juvenile judges to exercise their discretion on who does or does not belong in the adult criminal justice system.

Elimination of mandatory bindovers does not mean juveniles will no longer be transferred to adult court. It means that some undeserving juveniles will not be automatically transferred without an amenability hearing. Courts will still determine that many juveniles who committed egregious acts should have their case transferred to adult court, but some amenable children will get a second chance at rehabilitation in the juvenile system, an option which current law does not afford to those juveniles facing a mandatory bindover.

## **Revised Bindover Factors**

In addition to eliminating mandatory bindovers, H.B. 500 would delete the current bindover factors in R.C. 2152.12 and replace them with revised factors. Judges have raised concerns and questions about some of the bill's rewritten factors. The current factors are familiar to judges and have been reviewed by

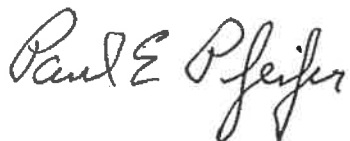
appellate courts. We believe a clean bill that simply eliminated the mandatory bindover language is preferable and may garner fewer concerns and less opposition than one with complicated new factors.

### **Interlocutory Appeal**

Although well-intended, the bill's proposed interlocutory appeal provision will delay justice for victims and finality for juvenile offenders. Any attorney who does not file for an interlocutory appeal will face an ineffective assistance claim, which will increase litigation and further delay the case. Meanwhile, the juvenile will spend months in a detention facility while the appellate courts determine if the juvenile court abused its discretion. Regardless of the interlocutory appeal provision, the juvenile will maintain the right to challenge the bindover decision at the conclusion of the case. The possible utility of this provision is far outweighed by the delay it will impose on all discretionary bindover cases moving forward.

We thank you for the opportunity to present our suggestions for improving the bill. If you have any questions, please do not hesitate to contact OAJCJ liaison Erik Mikkelson by phone at (614) 638-6669 or by email at [erik.mikkelson@hickspartners.com](mailto:erik.mikkelson@hickspartners.com) and OJC liaison Shawn Welch by phone at (614) 387-9765 or by email at [shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov). Thank you.

Sincerely,



Paul E. Pfeifer  
Executive Director  
Ohio Judicial Conference



Judge Alison L. Floyd, Cuyahoga County Juvenile Court  
President  
Ohio Association of Juvenile Court Judges