

November 18, 2019

Senator Matt Dolan
1 Capitol Square, Rm. 127
Columbus, Ohio 43215

Re: SB 221

The Ohio Judicial Conference has reviewed SB 221, which has the laudable goal of decreasing gun violence, and would like to share with you several comments.

Not every court has a LEADS terminal, which is very expensive and requires training and a license. Many courts currently have information entered into LEADS through another entity that has the appropriate terminal and training. The bill should be clear that a court is *to cause to have something entered* into LEADS, rather than to be the entity responsible for the entry.

In 2923.20(B) and (D), concerning illegal transfer of firearms, the “does not apply” language is used. Because of the *Nucklos* case, it is currently unclear whether “does not apply” language creates an affirmative defense (with the burden of proof on the defendant) or an element of the crime (with the burden of proof on the prosecution). It is a good idea to clarify this, and the Ohio Judicial Conference would recommend that it be made clear that “does not apply” language creates an affirmative defense.

SB 221 might be a good vehicle for a clarification based on the Reagan Tokes law change (see 132 SB 201). The length of a commitment for a violent offender who is either being restored to competency or has been found to be not restorable is based on the sentence that would have been imposed for the crime charged. The Reagan Tokes Law changed the sentences for F1 and F2 non-life violent offenders from a definite sentence to an indeterminate range. The Ohio Revised Code should clearly state how that changes the length of commitment for restoration to competency for that population of offender. The Ohio Judicial Conference is not advocating for a particular change; we are advocating for a clarification.

Thank you for considering the input of the Ohio Judicial Conference. We stand ready to assist in any way needed.

Sincerely,