

OHIO CRIMINAL SENTENCING COMMISSION

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Chief Justice Maureen O'Connor
Chair

Sara Andrews
Director

Recommended Priorities for the Commission as voted March 19, 2015 meeting

The recommendations of the membership of the Ohio Criminal Sentencing Commission and its Advisory Committee are prioritized by time frame and subject matter.

1. Time frame categories:
 - a. Immediate: Three months or less
 - b. Short Term: Three to six months
 - c. Long Term: Six months to one year
 - d. Extended: More than one (1) year

2. Subject matter committees:
 - a. Criminal Justice
 - b. Sentencing
 - c. Data Collection/sharing
 - d. Juvenile Justice
 - e. Executive:

It is recommended that each committee consist of a chair, a vice chair and individual members. The chair of each committee, the Vice Chair of the Commission and the Director will comprise the Executive Committee. The Chair of the Commission serves as an ex officio member.

The committee chairs will be a Commission Member or an Advisory Committee member and staffed by the Criminal Sentencing Commission. Committee membership may include individuals outside of the Sentencing Commission Members and its Advisory Committee that have a vested interest in the Commission's work.

It is proposed that the Sentencing Commission and its Advisory Committee adjust the monthly meeting schedule to accommodate the work of the committees. At the monthly meetings the Committee Chair or the Chair's designee will report on the committee's progress.

The May 2015 meeting of the Sentencing Commission and its Advisory Committee will be cancelled to allow the committees to meet. The next meeting of the Sentencing Commission and its Advisory Committee will be June 18, 2015 and thereafter a quarterly in-person meeting. In the meantime, the committees will meet as needed – in person or by conference call.

Immediate priorities – three months or less:

Criminal Justice Committee:

1. Clarify what is the precise role and function of the Criminal Sentencing Commission.
2. Consider death penalty task force recommendations.
3. Appellate Review – recommendations for vote April 23, 2015 meeting.
4. Remove Halfway Houses from ORC 1.05 D (2). The only place in the ORC that defines Halfway Houses as sentencing serving facilities is ORC 1.05. The reference to the halfway houses in this section should be deleted, as it is in conflict with the other multiple definitions.

Sentencing Committee: none

Data Collection/Sharing Committee:

1. Marijuana penalty review and data collection (info collected).
2. Address felonization of misdemeanors and increasing lengths of sentence for existing felonies since adoption of new criminal sentencing code (SB2) in 1996. Review all offenses made felonies or modified for much more extensive use over the past 25 years and review all felonies that have been upgraded to higher levels to see if lower penalties are more appropriate. Review any felonies reduced in the same period.
3. Clarify sentences for ORC 2907.02 Rape....especially under ORC 2907.02(A)1(b)....section ORC 2907.02(B) and/or perhaps sentencing commission can work on a *chart as we have with other statutes (ie drugs and DUI).
4. Consider revision to ORC 2950.04 and 2950.99 Failure to Register due to inequities that can result with the “strict liability” standard applied and include review of all residency requirements.
5. Review offenses mandating limited or no driving privileges.

Juvenile Justice Committee: none

Short Term priorities 3 – 6 months

Criminal Justice Committee:

1. Review expungement eligibility, filing times and general collateral consequences – consider an automatic removal of non-violent offenses after a period of time, ie. 25 years. Also consider internet accessibility and status of records.

Sentencing Committee:

1. OVI law review & simplification.
2. ORC 2951.041(F) Intervention in lieu of conviction – allow the courts discretion to continue this diversion program if the case warrants another chance. The statute seems to say otherwise.
3. Find a way to restore ORC presumption and appellate language from before the Foster decision.

Data Collection/Sharing Committee: none

Juvenile Justice Committee:

1. Juvenile extended sentence review.
2. Eliminate or limit mandatory bind-over by giving judges the discretion to determine when a child should be transferred to adult court.
3. Eliminate or limit mandatory sentences in the juvenile justice system. Review the mandatory minimum firearm 1-5 year specifications and replace them with discretionary specifications.
4. Address Juvenile Court Costs.
5. Clarify Juvenile Confinement Credit.

Long Term Priorities 6 – 12 months:

Criminal Justice Committee:

1. Review how probation violations for fines and restitution are dealt with, consider decriminalizing nonpayment of fines and costs.

2. Review Transitional Control Program to determine if there are any policy or law changes needed to increase participation by inmates in the Transitional Control Program. Consider mandating Transitional Control exit for all Definite Sentence inmates; this would include a new penalty for those who fail to cooperate while on TC status.

Sentencing Committee:

1. Increase options for non-violent drug offenders to be placed in community based programs
 - a. Consider making it mandatory for individuals with mental health issues to be placed in community based programs, especially if they committed low level and non-violent offenses. How do we provide services for individuals with drug dependencies?
 - b. Ensure fairness and certainty in sentencing; Require supervision for offenders leaving prison; Focus corrections resources on high-risk offenders; High rates of incarceration, growing correctional populations, and over-extended judicial caseloads; Offenders on parole or probation being sent back to prison for breaking rules of their release, not for committing new crimes.
 - c. Drug penalties – possession v. trafficking – restructure controlled substance offenses.
2. Drug penalties – mandatory sentences *note: 2011 monitoring report recommendations, October 2013 meeting discussion; November 2013 meeting discussion and memo ‘prison crowding’ dated 11-18-13.
3. Trace Cocaine Levels - time to address the misdemeanor-like "dumbing down" of our felony drug offenses *note – 2011 sentencing commission recommendation.
4. Revise or eliminate the sections in the O.R.C. that provide for an operator’s license suspension as a sentence for drug convictions.

Data Collection/Sharing Committee: none

Juvenile Justice Committee:

1. Reduce use of mandatory shackling.

Extended Priorities – More than 12 months:

Criminal Justice Committee:

1. Review DRC's Probation Improvement and Incentive Grant Program and the SMART program as a way to move toward a RECLAIM structure for all non-violent F3's, F4's and F5's.
2. Change the sentencing statutes so that commitments are to DRC, with DRC allowed to sort those committed to DRC among appropriate alternatives, ranging from intensive community supervision/ monitoring, CTC's, CBCF & HWH, and prisons of different sorts.

Sentencing Committee: none

Data Collection/Sharing Committee: none

Juvenile Justice Committee: none