



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

TO: Ohio Criminal Sentencing Commission Members & Advisory Committee

FROM: Sara Andrews, Director

DATE: October 19, 2015

RE: Crimes Reduced to Misdemeanors – a look back to 1990

The Commission identified and subsequently voted a priority is to address the ‘felonization’ of misdemeanors and increasing lengths of sentence for existing felonies since adoption of new criminal sentencing code (SB2) in 1996. The Commission further suggested conducting a review of all offenses made felonies or modified for much more extensive use over the past 25 years to examine if lower penalties are more appropriate.

The aforementioned is illustrated by two reports, ***a 25 year felony summary*** that compares the 1990 version of the offense and prison commitment data to 2014 offense and prison commitment data. The second report is ***a 25 year felony survey*** that outlines the crime and sentence in 1990 and illustrates the iterations of the crime to current statute available on the Commission’s website. In follow up to those reports, we are pleased to share with you a list of felony crimes in 1990 that are no longer classified as such.

The reports will be used by our own working committees and distributed to Senate President Keith Faber’s Recodification Committee and other interested parties as appropriate. I trust the information will be useful and appreciate the support and collaboration of the Supreme Court of Ohio Law Library.

The following information is a 25 year review of felonies that have become misdemeanors. The information was compiled from a comparison of the 1990 and 2015 version of the *Ohio Criminal Law Handbook*.

The information contained below includes only crimes that are misdemeanors in 2015 that also existed and were felonies in 1990. Crimes that have seen a change in dollar value but not in the level of crime are not included on this list (i.e. Receiving Stolen Property under \$300 in 1990 was a M1 and Receiving Stolen Property under \$1000 in 2015 was a M1). This list does not track changes in offense levels overtime but is just a snapshot of 1990 and 2015.



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Medicaid Fraud (2013.40)

1990 – F4
2015 – M1

Patients, gross neglect of (2903.34)

1990 – M1 or F4
2015 - M1

Patients, neglect of (2903.34)

1990 – M2 or F4
2015 - M2

Forgery, identification cards, offenses involving (2913.31)

1990 – F4
2015 - M1

Criminal Simulation (2913.32)

1990- F4
2015 – M1

Bingo, illegally conducting (2915.09)

1990 – F3
2015 – F4, M1, MM

Riot inciting to violence (2917.01)

1990 – F3
2015 – M1, F3

Gunshot Wound, Stab Wound, Burn Violently Inflicted, Failure to Report (2921.22)

1990 – M2
2015 - M2, MM

Obstructing Justice (2921.32)

1990 – M1
2015 - MM, M4, M3, M2, M1

Failure to Comply with Order or Signal of Police Officer (2921.33.1)

1990 – M1, F4
2015 - M1



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Escape (2921.34)

1990 – F4

2015 - M1, F5, F3, F2

Criminal Tools, possessing (2923.24)

1990- F4

2015 – M1, F5

Housing Rights (2927.03)

1990 – M1, F3, F1

2015 – M1

Weapons Offenses, possessing criminal tools (2923.24)

1990 – F4

2015 - M1, F5

Motor Vehicle/Traffic Laws, vehicle identification number or derivative, offenses re (4549.62)

1990 – M1 to F3

2015 - MM, F5, F4