

At the April 23, 2015 meeting of the Ohio Criminal Sentencing Commission and its Advisory Committee, the Commission priorities were grouped 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: address future role of commission, respond and make recommendations regarding more broad areas including probation, risk assessment, release programs, specialized dockets, community corrections and improving as well as building relationships and coordinating the work of the Commission with other justice partners – both state and federal.
 - b. Sentencing: study criminal penalties and sentencing statutes and patterns in Ohio, recommend statutory change and review national developments and trends on matters of sentencing.
 - c. Data Collection and sharing: develop, coordinate and identify ways to collect and develop methods for sharing appropriate data and information with justice system partners.
 - d. Juvenile Justice: review and recommend strategies to combat juvenile delinquency and recidivism.
 - e. Executive: consider recommendations from committees of the Commission, review and make recommendations with regard to the work of the Commission, including legislative matters and publicly represent the Commission’s interests, if needed.

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 and others may be added if recommended.

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.

**The Committees will meet Thursday May 14, 2015 10:00 a.m.
at the Judicial Center for organizational purposes.**

Criminal Justice Committee membership

Judge Marcelain	Chrystal Alexander, Victims
Judge Spanagel	Cyndi Mausser, DRC
Director Mohr, DRC	Aaron Montz, Mayor
Elizabeth Miller, OPD	Steve Gray, DRC
Chris Nicastro, OMHAS	Gary Yates, OCPOA
Lara Baker-Morrish, City of Columbus	Michele Miller, DRC
Kathleen Hamm, Public Defender	Steve Van Dine, DRC
Jim Lawrence, OCCA	Paul Dobson, OPAA

Sentencing Committee Membership

Judge Marcelain	Kort Gatterdam, Defense Lawyers
Judge Spanagel	Judge Selvaggio
Judge McIntosh	Senator Thomas
Derek DeVine, Prosecutor	Tim Young, OPD
Lara Baker-Morrish, City of Columbus	Ryan Dolan, DRC
Lori Criss, The Ohio Council	Professor Berman, OSU
Kathleen Hamm, Public Defender	Jim Lawrence, OCCA
Steve Van Dine, DRC	

Data Collection and Sharing Committee Membership

Judge Dumm	Professor Berman, OSU
Gary Yates, OCPOA	Steve Van Dine, DRC
St/L Mejia, OSHP	Dave Picken/AG rep
Erin Waltz, Supreme Court Library	David Landefeld, OJACC
Mark Schweikert, OJC	

Juvenile Justice Committee Membership

Representative Pelanda	Senator Thomas
Representative Craig	Dustin Calhoun, DYS
Judge Delamatre	Kyle Petty, DYS
Director Reed, DYS	Jill Beeler-Andrews, OPD
Aaron Montz, Mayor	Linda Janes, DYS
Kathleen Hamm, Public Defender	Whitney Pesek, CIIC
Paul Dobson, OPAA	Jim Cole, Juv. Court Administrator

Executive Committee Membership

Criminal Justice Committee Chair	Chief Justice O'Connor, ex-officio
Sentencing Committee Chair	Judge Marcelain, Commission V-Chair
Data Collection & Sharing Chair	Sara Andrews
Juvenile Justice Committee Chair	Senator Eklund

Criminal Justice Committee:

Immediate Priorities (three months or less):

1. Clarify what is the precise role and function of the Criminal Sentencing Commission.
2. ~~Consider death penalty task force recommendations~~ – **removed as a priority and Commission will consider the periodic updates provided from the Supreme Court.**
3. ~~Appellate Review~~ – moved to sentencing subcommittee.
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.~~ **S. Andrews will draft an interested party letter/letter of support for approval by the Commission.**

Short Term (three – six months):

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. *Note: 04-28-15 **HB172 CRIMINAL RECORDS LAW (BARNES, JR. J)** To enact the Fair and Accurate Reporting of Criminal Records Law, to require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information. 04-28-15 referred to Judiciary committee: **HB164 RECORD SEALING (Pelanda, D., Rogers, J.)** To allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed.*

Long Term (six – twelve months):

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. *initial work by criminal justice committee, then refer to appropriate subcommittee(s)

Criminal Justice Committee continued – Extended (more than one year):

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.
*initial work by criminal justice committee, then refer to appropriate subcommittee(s)

Sentencing Committee:

Immediate Priorities (three months or less):

1. Appellate Review – including extended and consecutive sentence review

Short Term (three to six months):

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.

Long Term (six – twelve months):

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.

Sentencing Committee continued – Long Term (six – twelve months):

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.

Extended (more than one year): none

Data Collection/Sharing Committee:

Immediate Priorities (three months or less):

1. Marijuana penalty review and data collection (info collected). *publication, fact sheet – **already in progress**
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. *collect data, then assign to committee(s) – **already in progress**
4. 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). **Jo Ellen is working on this.**
5. 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. *collect data, then assign to committee(s)
6. Review offenses mandating limited or no driving privileges. *collect data, then assign to committee(s)
7. Data Repository Primer: identification of data sources, what information collected, how it is reported and if and how the data it is accessible. *added at April 23, 2015 meeting

Data Collection/Sharing Committee continued:

Short Term (three – six months): none

Long Term (six – twelve months): none

Extended (more than one year): none

Juvenile Justice Committee:

Immediate Priorities (three months or less): none

Short Term (three – six months):

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.
4. Address Juvenile Court Costs
5. Clarify Juvenile Confinement Credit

Long Term (six – twelve months):

1. Reduce use of mandatory shackling

Extended (more than one year): none