

Fresh Start Proposal

Giving the 88 Counties Options.

Over 50 Counties use the State's Adult Parole Authority (APA) to supervise probationers from the Court of Common Pleas. Any reform needs to recognize that Municipal Courts, in some jurisdictions, are not equipped to provide services for an increased case load. Whatever the eventual reform looks like should allow for concurrent jurisdiction between Common Pleas and Municipal/County Court for 2925 crimes and require the APA to supervise offenders in Counties that use their services and prosecute them in the Common Pleas court.

By allowing concurrent jurisdiction, we allow counties like Cuyahoga, Franklin, Hocking, and Montgomery to use the established drug courts and programs that exist, while understanding that other counties either have effective Common Pleas programs or a lack of resources to handle these at the village or city level.

Why Ohio's Fresh Start differs from other proposals.

Ohio's Fresh Start deals with low level trafficking crimes which are also crimes of addiction.

Ohio's Fresh Start increases the ability of Drug Courts, diversion programs, and other alternative dispositions to help those addicted without terminating them from the program.

Ohio's Fresh Start creates an unclassified felony that reduces the collateral consequences to those involved in the system and creates an expedited expungement/sealing process.

Ohio Fresh Start deals with judicial release of individuals serving over 5 years.

Ohio's Fresh Start allows the unclassified felony to be handled in County/Municipal Court or Common Pleas.

Ohio's Fresh Start eliminated driver's license suspensions for these low-level offenders.

Ohio Fresh Start allows for the use of Community Based Correctional Facilities by the court in alternative disposition cases.

Ohio Fresh Start creates an offense to protect children.

Ohio Fresh Start creates an offense to deal with interstate trafficking.

Ohio Fresh Start allows DRC to release offenders to CBCF's in their transitional control period.

Proposal

1. Amend 2925.03
 - (A) Add the words “obtain, possess, …” over F4 amounts.
 - (B) Add “cause to be transported”.
2. Add an affirmative defense to 2925.03 that will allow a Defendant, if they can prove the drugs were for personal use, that the charge shall be amended to 2925.11.
3. Establish possession as a lesser included offense of trafficking.
4. Create an unclassified felony for certain drug trafficking or possession up to a certain quantity.
 - a. Protects public from Fentanyl and GHB;
 - b. Third felony drug conviction within six (6) years makes the unclassified felony a F4.
5. Reduce marihuana under 500 grams to a misdemeanor.
6. Create M1 Endangering Children for using in the presence of juvenile(s) as a guardian/custodian, subsequent convictions a Felony 5.
7. Judicial release at 50% of original sentence over five (5) years, plus mandatory time.
8. At the Court’s discretion, cases that the Court deems were caused by drug addiction can be sealed after three years, except F1/F2 crimes of violence and sex offenses.
9. Amend 2929.14 to make F3 Drug Trafficking based on weight a 1-5 year Felony 3