

OHIO CRIMINAL SENTENCING COMMISSION

65 South Front Street · Fifth Floor · Columbus · 43215 · Telephone: (614) 387-9305 · Fax: (614) 387-9309

Chief Justice Maureen O'Connor
Chair

Sara Andrews
Director

The General Assembly created the Sentencing Commission in Ohio Revised Code §181.21 through 181.26 to:

- Study Ohio's criminal laws, sentencing patterns, and juvenile offender dispositions;
- Recommend comprehensive plans to the General Assembly that encourage public safety, proportionality, uniformity, certainty, judicial discretion, deterrence, fairness, simplification, more sentencing options, victims' rights, and other reasonable goals;
- Review correctional resources and make cost-effective proposals;
- Work with the General Assembly as the plans are debated and on individual bills;
- Work to implement any plans once adopted (training, *etc.*);
- Monitor the changes and periodically report on their impact to the General Assembly; and
- Review related bills introduced in the General Assembly and study sentencing and dispositions in other states.

The Commission is the only state agency designed, by statute, to bring judges, prosecutors, and defense attorneys together with members of the General Assembly, state and local officials, victims, and law enforcement officers.

The Chief Justice of the Ohio Supreme Court chairs the 31 member Commission. The Chief Justice appoints 10 members: one appellate judge; 3 municipal or county judges; 3 juvenile court judges; and 3 other common pleas judges. The Governor appoints 12 members: a county, juvenile, and municipal prosecutor; 2 defense attorneys; a Bar Association representative; a sheriff; 2 police chiefs; a crime victim; a county commissioner; and a mayor. Four members of the General Assembly serve on the Commission, one from each caucus. The law also names the State Public Defender, Director of Rehabilitation and Correction, Director of Youth Services, and Superintendent of the Highway Patrol to the Commission.

Members are not paid for their participation, but are reimbursed for actual and necessary expenses.

The Criminal Sentencing Advisory Committee assists the Commission. It includes the Parole Board Chair, the Director of the Correctional Institutions Inspection Committee, a community corrections representative appointed by the Governor, various local corrections officials, and representatives of the Attorney General's office and the Office of Criminal Justice Services. Advisory Committee members freely participate at all Commission meetings.

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The Commission began meeting in 1991. It has issued a series of reports that served as the basis for several major sentencing bills. As a result, nearly every sentencing statute currently used in Ohio's felony, misdemeanor, and juvenile courts grew out of recommendations by the Sentencing Commission.

- **Adult Felons.** Based on the Commission's felony sentencing plan, S.B. 2 and S.B. 269 became law on July 1, 1996. These bills brought "truth in sentencing," guidance based on five felony levels, a continuum of sanctions, and comprehensive victims' rights to Ohio law (also see S.B. 186 in 1994, based on the Commission's work). Under its statutory duty to monitor any plan that becomes law, the Commission suggested refinements that were enacted as S.B. 107 in 2000. Additional refinements were enacted as H.B. 327 in 2002.
- **Adult Misdemeanants.** Late in 1998, the Commission first submitted a plan for sentencing misdemeanants and for redistributing revenue from fines. The General Assembly enacted a version of the plan in 2002 (H.B. 490). The misdemeanor bill took effect January 1, 2004, with further refinements (H.B. 52) taking effect June 1, 2004. Recommendations on collecting and distributing revenue from fines were not addressed.
- **Traffic Law.** Also in 1998, the Commission proposed a plan dealing with the traffic laws. The legislature enacted it as S.B. 123 in 2002. It also took effect January 1, 2004, addressing many longstanding issues in traffic law. Refinements were proposed (and made) in H.B. 52 & H.B. 163, effective 6.1.04 & 9.23.04, respectively.
- **Juvenile Offenders.** The Commission presented a juvenile sentencing plan in July, 1999. The General Assembly approved the key reforms—allowing blended juvenile and adult sentences for certain serious offenders and changing the purposes of the juvenile offender system—as S.B. 179, effective 1.1.02. Some refinements were made in H.B. 393 in 2002.
- **Criminal Forfeitures.** The Commission's plan to improve and simplify Ohio's criminal forfeiture was introduced as H.B. 241 in 2005. The bill passed in 2006, effective July 1, 2007.
- **Code Simplification.** In 2008, the Commission made proposals to make the Revised Code more compact and readable. To date, the General Assembly has not acted on those recommendations.
- **Other Legislation.** In recent sessions of the General Assembly, the Commission has provided input on a range of criminal topics, including legislation for serious sexual offenders, drug offenders, impaired driving law, and prison crowding issues.
- **Training.** The Commission trains judges, prosecuting and defense attorneys, law enforcement officers, probation officers, victims, and other practitioners in these changes.
- **Quick Reference Guides.** The Commission regularly produces quick reference guides pertaining to juvenile, misdemeanor and felony sentencing as well as guides for specific categories of offenses, such as drug offenses.
- **Monitoring Reports.** The Commission has a statutory duty to monitor and biannually report on any Commission proposals that the General Assembly enacts into law.

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Moving forward, the Commission is under new leadership with a strong forward thinking approach. In the short term, the Commission is refreshing, rejuvenating its Members and Advisory Committee. The Commission will be a visible, credible presence in the legislature, with other criminal justice organizations and in state government.

The Commission will also focus on its duty to study sentencing patterns throughout the state, and available correctional resources. With the diverse membership of the Commission and the refreshed Advisory Committee, the Commission is well-positioned to bridge the information gap among criminal justice system partners.

The Commission is actively working on the broad topic of appellate review and anticipates making recommendations in May 2015. We also seek to be an active partner in the Recodification Committee established last session in Am. HB483 and stand ready to be of service in providing input, consult and recommendations in other important subjects.

The support and resources of the offices within the Supreme Court has been instrumental in reestablishing the day to day operation of the Commission. The Commission is also partnering with the Ohio Judicial Conference on several important projects including updated Quick Reference Guides for felony sentencing and drug offenses. Additionally, the Commission is engaging academic institutions, behavioral health advocates, judges, court and legal practitioners, community corrections organizations, state agency leadership and others to further advance sound, well-rounded criminal justice policy.

As the Commission and its Advisory Committee establish themselves, build credibility and demonstrate valuable contributions to advance criminal justice operations, the evolution to a broader-based Criminal Justice Commission is expected. A Criminal Justice Commission can tackle a wide range of criminal justice issues and provide an ongoing forum for judges and others to debate policy initiatives under the Court's broad umbrella.

For more information, please contact Sara Andrews, sara.andrews@sc.ohio.gov or visit <http://www.supremecourt.ohio.gov/Boards/Sentencing/>.