



SENTENCING COMMISSION | ROUNDTABLE DISCUSSION | September 16, 2021

I. Purpose

The Commission has long discussed the need for common sense changes to modernize and refine the provisions of Revised Code. Call to action from the Commission to advocate specific recommendations to reduce complexity of sentencing.

II. Goal

Develop recommendations to achieve clarity and reduce the complexity of felony sentencing consistent with the Commission's **Vision:** To enhance justice and its **Mission:** To ensure fair sentencing in the state of Ohio.

III. Background – Justice Donnelly & Judge Zmuda

25 years ago, in July 1996, SB2 was enacted. The legislation established a type of determinate sentencing structure called a presumptive system, that required minimum sentences with judicial discretion from a range of possible punishments.

A decade into the implementation of SB2, prisons were crowded, there was a push toward a broader use of the former indeterminate sentences for high-level felons and there was resounding recognition that the felony sentencing code had become more, not less, complex.

Individually, each change seems logical enough, but the complexity and cost increase significantly and generally reflect the heightened sensitivities of an individual interest group, rather than careful public policy analysis. In other words, “[E]xceptions often swallow rules and make it difficult to read and apply the basic statutes”.

[A Decade of Sentencing Reform](#) (March 2007)

[A Plan for Simplifying the Ohio Revised Code Felony Sentencing Statutes](#) (May 2008)

Today, the reality is that we are suffering from the cumulative effect of tinkering with sentencing structure on limited data sources and a crime-by-crime basis. It’s time to acknowledge the need for a realistic, dedicated and long-range evaluation of criminal sentencing.

2929.19 and 2929.13 graphics (attachments)

[Felony Sentencing Reference Guide](#) (Updated July 2021)

[Regan Tokes Law Challenges and Opportunities \(27 months into the law\)](#) (June 2021)

[Supreme Court of Ohio Criminal Justice Opinion Summary](#) (May 2021)

The Commission has developed a Uniform Sentencing Entry and [the Ohio Sentencing Data Platform \(OSDP\)](#) to generate, for the first time, a standardized statewide felony sentencing entry template to ensure clear, comprehensible sentences and promote confidence in the system.

This effort further provides the leverage to implement wise, responsible legislation to protect the public at a pivotal time for criminal justice and sentence reform in Ohio.



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IV. Observations & Recommendations – Justice Donnelly, Judge Gallagher, Judge Routson

V. Common themes & Priorities – All

Short term & Fast Starts

Long term

VI. Political climate & Vehicles for Change – Senator Manning

VII. Next steps & action items