



HISTORY PROJECT

1990-PRESENT

“What is past is prologue.” - William Shakespeare

The past work of the Commission has laid a foundation for the necessary work of the Commission going forward. The need for the Commission is just as important today as it was at its creation in 1990.

1. BACKGROUND

A. Creation of the Sentencing Commission

- Timeline:
 - 1990 SB 258 Governor signed creating 17-member commission
 - Office of criminal justice services
 - 1992 SB 273 One year to submit felony recommendations
 - 1993 HB [152](#) placed the Commission within the Supreme Court
 - 1994 HB 21 expanded to 24 members – misdemeanor sentencing
 - 1996 SB 2 study forfeiture statutes and monitor impact of new felony laws
 - 1996 HB 670 renamed to Sentencing Council
 - 1997 HB 591 expanded Council to 31 members - study juvenile dispositions
 - 1998 HB [484](#) directed Council to submit juvenile sentencing plan
 - 2000 SB [SB 107](#) restored Commission name
 - 2021 HB 1 added HB 1 Report

B. History of Enabling Statutes

- 122.21 amended in 1993 to 181.51
- LSC has available the following:
 - 181.21
 - March 23, 2000 ([SB 107](#)- 123RD GA)
 - April 12, 2021 ([SB 331](#) – 133RD GA)
 - Repealed (D) Juvenile Committee
 - 181.22 (Advisory Committee)
 - Not available in LSC - Repealed
 - 181.23
 - March 23, 2000 ([SB 107](#) – 123RD GA)
 - 181.24
 - March 23, 2000 ([SB 107](#) – 123RD GA)
 - 181.25
 - March 22, 2013 ([HB 247](#) – 129TH GA)
 - 181.26
 - April 12, 2021 ([SB 331](#) – 133RD GA)
 - Repealed
 - 181.27
 - April 12, 2021 (HB1 – 133RD GA)

C. Chair of the Commission

- 2023 to Present

- Chief Justice Sharon Kennedy
 - Executive Director – Melissa Knopp (October 2023 to Present)
 - Interim Director – Nikole Hotchkiss (May 2023 to October 2023)
 - 2011 to 2022
 - Chief Justice Maureen O’Connor
 - Executive Director – David Diroll (1990 to 2014)
 - Executive Director – Sara Andrews (2014 to May 2023)
 - 2010
 - Chief Justice Eric Brown
 - Executive Director – David Diroll (1990 to 2014)
 - 1990 to 2010
 - Chief Justice Thomas Moyer
 - Executive Director – David Diroll (1990 to 2014)

D. Commission Staff History

- Todd Ives, Research Specialist (Present)
- Will Davies, Criminal Justice Counsel (Present)
- Alex T. Jones, Criminal Justice Counsel (Present)
- Michael Crofford, Research Specialist (Present)
- Niki Hotchkiss, Research Director, Assistant Director, Interim Director (2019-2023)
- Scott Shumaker, Criminal Justice Counsel (2018-2022)
- Jo Ellen Cline, Criminal Justice Counsel (2014 – 2017)
- Cynthia Ward, Administrative Assistant (1990 - 2015)
- Fritz Rauschenberger,
- Lisa Hickman, Research Specialist (2017-2019)
- Scott Anderson, Staff Attorney (2003-2007)
- Shawn Welch, Law Clerk
- Jeff Harris, Research Analyst (2004-2006)
- Throughout the history of the commission various interns and externs have contributed to the work of the Commission.
- Numerous legal interns from the legislative clinic of The Ohio State University College of Law have also contributed to the work of the Commission.

2. SENTENCING COMMISSION STATUTORY DUTIES

R.C. [181.23](#)

- (A)(1) Evaluate the effectiveness of the sentencing structure of the state.
- (A)(2) Study all existing criminal statutes
- (A)(3) Review any existing sentencing guidelines
- (A)(4) Determine the capacity and quality of existing correctional resources
- (A)(5) Profile populations of state and local correctional facilities and programs
- (A)(6) Coordinate correctional resources
- (A)(7) Identify additional correctional resources that are needed
- (B) Develop a sentencing policy

R.C. [181.24](#)

- (A) And (B) By July 1, 1993 recommend to the GA comprehensive criminal sentencing structure consistent with policy developed in 181.23(B) and conclusions of 181.23(A) study.
- (C) Project impact of sentencing plan on correctional resources and need for more
- (D) Determine special appellate procedures
- (E) Submit draft version for review

R.C. [181.25](#)

- (A)(1) Assist General Assembly in implementing plan
- (A)(2) Monitor and report biennially
- (A)(3) Review all criminal bills introduced
- (A)(4) Study sentencing structures and costs in Ohio, other states and federally
- (A)(5) Collect and maintain data regarding felony sentence appeals and postconviction
- (B) Study forfeiture law and recommend changes by July 1, 2002

R.C. [181.27](#)

- (B)(1) Study the impact of changes made in HB 1 and continue to study
- (B)(2) No later than December 31, 2021 and biennially thereafter, submit report

3. SENTENCING COMMISSION WORK

A. Legislative Work of the Commission (1996 to Present)

1996

SB 2 “Truth in Sentencing”
SB 269 companion with SB2

2002

HB 327 Criminal Forfeiture
SB 179 Juvenile Sentencing
HB 393 Juvenile Sentencing Refinements

2004

SB 123 Traffic Law
HB 490 Misdemeanor Sentencing

2005

HB 329 Traffic Law Refinements
HB 52 Restitution and Vehicular Homicide
HB 163 OVI penalties and record keeping

2006

SB 260 New Penalties for Sex Offenses

2007

HB 241 Forfeiture Criminal/Civil – Introduced in 2005
HB 461 Vehicular Homicides and Assaults

2011

HB 86 Felony sentencing

2016

SB 272 Parole

2017

SB 64 Juvenile Mandatory Bindover
Marsy’s Law – Constitutional Amendment
SB 201 Indefinite Sentencing – Reagan Tokes Law

2018

HB 439 companion SB 274
SB 274 Bail Modifications
SB 1 Drug Laws

2019

SB 3 Drug Sentencing

2020

HB 1 Sealing, ILC, Inv Court Ordered Treatment, CC Changes
SB 331 Sunset Review
SB 353 Pretrial Reform Bill

2021

HB 110 Budget Bill - Clarified HB 1 changes
HB 166 SB 201 refinements

2022

SB 288 Criminal Omnibus Bill

B. Felony Sentencing

- a. SB 2 – Truth in Sentencing
- b. HB 86 Summary (2011)
- c. Life Without the Possibility of Parole – State Summary (2015)
- d. Interstate Commission For Adult Offender Supervision (2015)
- e. History of Marijuana Laws in OH and Supplemental Reports (2015)
- f. Extradition for Interstate Compact Cases (2016)
- g. Extended Sentencing RC 2929.202 (2016)
 - i. Approved by full Commission (14-1)
 - ii. Arose out of Ad hoc Committee to Review Extended Sentences
- h. Felony Sentencing in Ohio: Then, Now and Now What? (2022-2023)
- i. SORN Ad Hoc Committee Report & Recommendations (2016)
 - i. Sex Offender Registration Ad Hoc Committee (2015)
- j. Legislative and Judicial Brief (2016 to Present)
 - i. Statutory Duty – 181.25(A)(3)
 - ii. Volume 1 (2016) through Volume 8 (2023)
- k. A Plan for Simplifying the Ohio Revised Code (2008)
 - i. Pursuant to 181.24(A)
 - ii. Has never been acted upon by GA
- l. Monitoring Reports (1997 to Present)
 - i. Statutory Duty
 - 1. 181.25 (A)(2) Monitor and report to the GA biennially:
 - ii. Reports
 - 1. Monitoring Sentencing Reform (1997)
 - 2. Monitoring Sentencing Reform (1998)
 - 3. Monitoring Sentencing Reform (1999)
 - 4. Monitoring Sentencing Reform (2001)
 - 5. Monitoring Sentencing Reform (2003)
 - 6. [Monitoring Sentencing Reform \(2005\)](#)
 - 7. [A Decade of Sentencing Reform \(2007\)](#)
 - 8. [Monitoring Sentencing Reform \(2009\)](#)
 - 9. [Prison Crowding: The Long View, With Suggestions \(2011\)](#)
 - 10. OCSC Monitoring Report 2023 Working Draft (2023 Pending)
- m. Justice Reinvestment 2.0 in Ohio (2017)
 - i. Worked with Justice Reinvestment (JRI 2.0) Committee (2017 to 2018)
- n. Uniform Sentencing Entry and Associated Templates (2019 to Present)
 - i. Ad hoc committee Uniform Sentencing Entry (2020)
 - ii. Development and revision of USE and other templates
 - iii. Ohio Sentencing Data Platform
- o. Firearm Sentencing Penalties In The 133RD General Assembly (2020)
 - i. SB 221 – Governor Dewine’s Strong Ohio Proposal
 - 1. In response to mass shooting in Dayton
- p. COVID-19 (2020)

- i. Covid-19 and the Courts 2020: A Survey of Ohio Judges, Court Administrator, and Attorneys
- ii. Covid-19 and the Courts 2020: Follow-Up Interviews Addendum to the Full Report

C. Misdemeanor Sentencing (1994 to Present)

- a. HB 21 (1994)
- b. Misdemeanor Sentencing: A Plan (December 1998)
 - i. Volume 1: Misdemeanor Sentencing
 - ii. Volume 2: Traffic Overhaul
 - iii. Volume 3: Distribution of Fines and Costs
- c. Misdemeanor Sentencing Primer (HB 490 and others) (2004)
- d. Interstate Compact & Municipal Courts (2015)
- e. Crimes Reduced to Misdemeanors – a look back to 1990 (2015)

D. Juvenile Sentencing (1999, 2015, 2016)

- a. R.C. 181.26 (Repealed April 12, 2021: SB 331 – 133RD GA)
- b. A Plan for Juvenile Sentencing (1999)
 - i. Basis of SB 179
- c. Bindover Proposal (2016)
 - i. Based on Commission approved draft of changes to 2152.12
- d. Extended Sentence Review – Juvenile Offenders 2967.13(B) (2015)
 - i. Basis of SB 272 (131ST GA)
 - ii. Arose out of Ad hoc Cmte to Review Extended Sentences
- e. Juvenile Costs, Fees and Restitution Proposal (2015 to 2016)
 - i. RC 2152.20 – Forwarded proposal to General Assembly
- f. Confinement Credit Proposal (2015)
 - i. RC 2151.18 Draft approved Commission November 2015

E. Asset Forfeiture Plan (2003)

- a. 181.25(B) Statutory Duty – by July 1, 2002 – COMPLETED!
- b. Title 29 (Criminal Code) and Title 45 (Traffic Code)
- c. HB 241 (2007)

F. National Association of Sentencing Commissions' Annual Conference (2018)

- a. Host

G. HB 1 (133RD General Assembly) REPORT (2022 to Present)

With the passage of HB1, R.C. 181.27 was added to the Sentencing Commission enabling statutes. The Commission was given the duty to study the impact of the changes that were made regarding the Attorney General Reimbursement Fund, R.C. 109.11, Community Control Sanctions and Technical Violations, R.C. 2929.15, Intervention in Lieu

of Conviction, R.C. 2951.041, Sealing of Record of Conviction or Bail Forfeiture, R.C. 2953.31 and R.C. 2953.32, and Involuntary Commitment to Treatment in Probate Courts, R.C. 5119.94. The first biennial HB1-Impact Study report was completed in [2022](#). The second HB1 Impact Study report was completed in [2023](#). The next report will be due December 31, 2025.