

TO: Sentencing Commission Members & Advisory Committee
FROM: Sara Andrews, Director
DATE: March 21, 2019
RE: Committee Updates

JUVENILE JUSTICE COMMITTEE

The Juvenile Justice Committee remains focused on moving forward recommendations which formed much of what was HB394 in the 132nd General Assembly – including proposals for revising confinement credit for juveniles, changes to fines/fees/restitution, juvenile bindover procedures, and juvenile life without parole removal and parole eligibility. On March 11, 2019, Senator Thomas introduced SB99 Mandatory Bindovers and SB100 Parole Eligibility.

The Committee continues to seek funding sources for a juvenile probation study proposed by Case Western Reserve University researchers. The cost of the proposal is approximately \$60,000. The Committee has long stressed the need for good data on juvenile probation efforts throughout the state, and believes this study could provide strong evidence for policy recommendations in the area. While that project remains ongoing, members still wish to engage in making policy recommendations for statutory changes to the legislature based on review of JDAI initiatives in the state and best practices nationwide.

SENTENCING AND CRIMINAL JUSTICE COMMITTEE

Appellate Review Workgroup: Sentencing Commission staff have worked over the last year with the Ohio Judicial Conference and others on a redraft of the ORC chapter dealing with appellate review of felony sentencing. Judge Sean Gallagher of the 8th district Court of Appeals has volunteered a substantial amount of his time and effort to working on the draft, as have all members of the workgroup. The currently code contains a problematic “contrary to law” standard that remains undefined and has been subject to conflicting interpretation throughout the state.

The appellate review draft was presented to the Sentencing and Criminal Justice Committee in February of 2019. There is agreement on the vast majority of the draft but there is a sticking point regarding expansion of the state’s right to appeal. After lengthy discussion, members believe consensus can be reached but wished to discuss compromise with their respective organizations before voting on the proposed draft. The draft will be presented to the Committee again in April 2019, and subsequently presented to the full Commission in June 2019.

Drug Chapter Workgroup: In light of the myriad proposals regarding drug chapter reform that were presented at the full Commission meeting in December 2018, a workgroup of interested parties convened to attempt to harmonize the various proposals. That workgroup has identified topics of agreement including:

- Diminishing or eliminating the stigma of a felony through 1.) Expanded use of and access to diversion options such as Intervention in Lieu of Conviction and 2.) Improving processes of Record Sealing
- Using or revising the civil commitment process (legal mechanism – i.e. diverting before charge; how to get person connected and program availability, resources)

The workgroup will meet again on March 25, 2019 to further discuss reforms in light of Substitute Senate Bill 3, introduced on March 6th, 2019.