



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**Sentencing & Criminal Justice Committee**

January 21, 2016

Meeting Notes

Attending:	Judge Spanagel, Co- Chair	Gary Yates, Co-Chair
	Judge Selvaggio	Representative Pelanda
	Judge Marcelain	Senator Thomas
	Lara Baker-Morrish	Aaron Montz
	Chris Nicastro	Steve Gray
	Doug Berman	Paula Brown
	Dave Forman	Jim Lawrence
	Olivia Vandervoort	Lusanne Green
	Jennifer Turnes	Michele Miller
	Cynthia Mausser	David Roper
	Kari Bloom	Jo Ellen Cline
	Brian Martin	Josh Williams
	Marta Mudri	Margaret Casey
	Joanna Saul	

**Staff Liaison: Sara Andrews**

The meeting was called to order by Co-Chair Judge Spanagel and Co-Chair Yates. The notes from the last sentencing committee and criminal justice committee meetings were approved and introductions were made.

**Recodification Committee Update** – Kari Bloom reported the committee is beginning to vote on sections to send to the legislative service commission for drafting. The meetings are two party events, with one part voting on the items from the previous month and the second is preview to the workgroup sections for vote the next month. There will be an invitation for public comment, but that has not yet been scheduled.

**Expungement/Sealing of Records** – Chair Berman noted the committee had just recently received the bill draft from Senator Seitz and will meet to determine which of the subcommittee recommendations – significant changes v. moderate to consider for inclusion in the bill. The committee envisions parallel tracks for its work – moderate suggestions to bill for friendly amendments and working on larger fundamental changes to the process. Subcommittee: Lara, Paula, Judge Spanagel, Judge Selvaggio, Marta and Kari. Sara will arrange a phone conference in the next two-three weeks and distribute the bill draft.



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**Bail Reform** – There was discussion regarding priorities for the group noting it's timely and an issue previously identified for work by the Commission. Other states working on it – KY for instance. Considerations include moving to a risk based system, review of bail consideration factors and process, the jail overcrowding issue –cost of pretrial detention, the demands on local detention center – treatment and detention – judges looking intrinsically how using jail and should there be a reevaluation of who is there. Criminal Rule 46 and relevant statutes will be reviewed. The subcommittee has a conference call meeting scheduled 01-27-16.

**Review of DRC incentive grant performance data** – DRC reported they will continue to track data and report accordingly.

**Transitional Control** – Cynthia Mausser reminded members the Department has several internal projects underway and that the group will have an update for the full commission at the March 2016 meeting.

**Commitments to DRC and allow DRC to “sort them out”** – DRC is compiling information regarding the exits from prison by category. Brian Martin indicated it is a long range project but will report progress at the June 2016 full Commission meeting.

**HB388** – OJC recapped the status and the goal of Representative Sherer to incentivize use of interlock v. mandating it. Senator Seitz has contacted OJC and is interested in mandates, which OJC doesn't support. The Traffic Law Committee is meeting next week and will discuss it.

**OVI legislation** – Judge Spanagel reported no change in status and Jo Ellen commented she still expects to hear from Senator Obhof in the near future.

**Adult Extended Sentence Review** – The Ad Hoc committee voted to advance the redrafted proposal that applies only to offenders whose highest offense was an F5, an F4, or a low-level (sentence 36 months or less) F3 and excludes those sentences agreed to on the record. The full commission will vote on the language at the March 17, 2016 meeting.

**Discretionary Driver's License suspension bills** – Representative Pelanda noted she has the companion bill and is working with Senator Seitz – she had three amendments, he is ok with one (car involved in offense). Ready for third hearing in House and could be voted out. Goal is identical bills to move them along.



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**Foster** – Jo Ellen suggested Steve Hardwick will give group a primer on the court decision at the February 2016 meeting. Brian Martin indicated that since the 2006 Foster ruling DRC has been quietly worried about the population impact – suspected that sentencing would move up the range, that the use of top of range for all felony levels would increase and that the proportion of consecutive sentences imposed would increase– all three have happened. Patterns since 2006 clearly demonstrate increase of 6-7,000 bed impact – softened some with the 9 month sentence option for F3 with HB86 – bed savings of 1200-1300. DRC has been vocal and in different forums about the incremental, but dramatic impact. Flattening in last couple of years, but still concerned. At the February meeting, if authorized, DRC will distribute charts of increase since 2006 and take projections and simulate what would have happened pre-Foster.

#### **New Business –**

**DRC structured sentencing** proposal – a modified form of indefinite sentencing. Director Mohr discuss at the February 18, 2016 meeting.

**Ad Hoc Committee on Sex Offender Registration** – Kari reported that the ad hoc adult meeting includes participation of a diverse group discussing the registration process, including the cost benefit and effect on public safety.

Sara reported on a presentation to Representative Cupp's workgroup of the House Judiciary Committee and follow up meetings with members of the Sunset Review Committee. Chair Judge Spanagel thanked members for their outstanding contributions and adjourned the meeting. The next meeting of the committee will be February 18, 2016 time to be announced, room 281.