



June 25, 2020

Support Senate Bill 3 to Reform Ohio's Sentencing Laws

On behalf of our activist community in Ohio, I urge you to support Senate Bill (SB) 3. This bill reforms Ohio's sentencing laws for low-level, nonviolent offenses and focuses limited prison resources and severe, mandatory minimum sentences for high-level drug traffickers.

FreedomWorks supports this approach. States like Georgia, South Carolina, Utah, and Texas have shown that a focus on recidivism reduction and drug treatment programs while reserving prison space for the worst offenders enhances public safety.

More than 30 states have enacted some form of criminal justice reform. In January, FreedomWorks Foundation [reviewed reforms in ten traditionally Republican states](#) and found that many of the states which have passed the most ambitious reforms have seen their corrections budgets, incarceration rates, and crime rates all decline at the same time, providing an example for others to follow. Of course, this work in the states was further validated in December 2018 when Congress passed, and President Donald Trump signed, the landmark criminal justice reform bill, the First Step Act (S. 756), into law.

One of the states that FreedomWorks Foundation highlighted in its report was Ohio. The Buckeye State previously reformed some aspects of its criminal justice system, when the Ohio Legislature passed [House Bill \(HB\) 86](#), which, among its [many features](#), lowered sentences for nonviolent drug offenses, reclassified some property offenses to misdemeanors, and expanded good time credits that allow an offender to earn up to five days of time served each month for the successful completion of productive activities, including adult literacy, GED and education programs, vocational programs, and drug and alcohol treatment programs.

SB 3 is the next logical step. The proposed reforms are based on the [recommendations](#) made in 2017 by the Ohio Criminal Justice Recodification Committee. Introduced by Sens. John Eklund (R-Munson Township) and Sean O'Brien (D-Bazetta), SB 3 would move away from restrictive felony sentences for certain low-level, nonviolent drug possession offenses, allowing judges to

review the facts of each case to determine the best sentence, and ensuring that these first-time drug offenders are provided community-based alternatives to prison.

These are individuals who, for example, are in possession of drugs because they have an addiction themselves. The best way to address the underlying drug addiction is treatment, not incarceration. Some of these minor drug possession offenses would be reclassified as misdemeanors.

The impact of a felony drug conviction can be devastating, preventing someone from getting a job, an education, or housing, and may prevent an individual from being able to pay rent, child support, or stay sober, leading to a perpetual cycle of crime and addiction. Reclassifying low-level drug offenses as misdemeanors would allow an individual to succeed, if he or she works to break free of addiction, without the burden of a felony on his or her record. SB 3 also allows an individual to seal his or her record more quickly after the completion of his or her sentence.

Drug trafficking is broken down into different categories in the bill -- major trafficking, aggravated trafficking, and trafficking. Some drugs will be treated differently than others. On the whole, the drug trafficking provisions of SB 3 are tougher than current law, particularly when it comes to aggravated trafficking, but it will better allow judges to distinguish between true drug traffickers and lower-level dealers who may be selling drugs to support their own addiction.

We are aware of rumored amendments to SB 3 to reduce trafficking thresholds. **FreedomWorks opposes any further changes to SB 3.** This bill has been vetted for more than a year. The thresholds are needed to distinguish between users and dealers. Ensuring that the lives of low-level users who are getting treatment aren't ruined by a felony record and prison time is the entire point of SB 3.

This bill maintains that anyone who is selling any amount of heroin (or other drugs) will be charged with a felony trafficking offense regardless of the amount. Further, any person who is caught selling an amount of heroin that is below the trafficking threshold can still be charged with trafficking. The threshold merely allows judges and prosecutors to distinguish between those who are suffering from addiction and those who are selling these substances in Ohio communities. Any further changes would undermine the purpose of the bill.

The Ohio House of Representatives has already acted on major criminal justice reform legislation, passing HB 1 in June 2019, which is now sitting in the Senate. HB 1 focuses on addressing addiction and expands record sealing. SB 3 is much broader and is a further step in the right direction, differentiating those who suffer from drug addiction from more serious drug

offenders. FreedomWorks hopes both SB 3 and HB 1 are passed by both chambers and sent to Gov. Mike DeWine for his signature.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks