

Ohio Association Criminal Defense Lawyers
Board of Director's Meeting
October 3, 2019

Ohio Criminal Sentencing Commission Report
Kathleen M. Hamm

Full Commission Meeting September 19, 2019 (Agenda attached)

1. Appellate Review of Felony Sentencing R.C. §2953.08

The Sentencing and Criminal Justice Committee of the Commission has been working with Judge Sean Gallagher of the 8th District Court of Appeals and the Ohio Judicial Conference to propose a revision of R.C. 2953.08

A summary of the committee's discussion is attached and the "draft" proposal is available on line. There are several areas of contention including the provision that would expand the State's ability to appeal a sentence. [See lines 33-36 of proposed draft] The prosecutors are not unanimous in eliminating "contrary to law" and at this point also not in favor of this proposal. The full commission voted to table the draft proposal.

Thank you to member Jeff Gamzo for his feedback on this issue.

2. Ohio's Drug Sentencing Reform

Following the defeat of Issue 1, the Commission formed a workgroup to continue the pursuit of state reform in this area.

The workgroup has developed consensus on a number of reform goals (see attached summary) but in light of recently introduced legislation such as HB 1 and SB 3 the group has opted to discontinue meetings.

3. Juvenile Subcommittee

The subcommittee has been working with researchers at Case Western Reserve University to propose a study of juvenile probation practices in Ohio.

DYS has recently agreed to fully fund the study. It is hoped a completed study will be available summer 2020. (See attached summary for more information)

4. Pretrial Practices

The Sentencing Commission has initiated a statewide survey of local pretrial practices. Results are being compiled and a report anticipated Fall of 2019. (See summary attached)

5. Implementation of SB 201.

Sentencing Commission is providing education and training for criminal justice practitioners regarding the new sentencing legislation. Initial implementation has already evidenced numerous difficulties including but not limited to errors in the sentencing judgment entries. The process to rebut the “Presumption of Release” is also wrought with issues. The commission will be working to address the many unanswered questions that have arisen in the early implementation of this legislation. (See attached summary)

REMINDER: Much more information available on Ohio Supreme Court website (Boards and Commissions)

Also Legislative & Judicial Brief published by the Ohio Criminal Sentencing Commission is available on the website. The periodical tracks legislation and court decisions impacting sentencing.

As always, if the membership has any questions about the work of the Sentencing Commission or input on any of the ongoing issues, please feel free to contact me. We also welcome suggested topics for the Commission to consider.