

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/house-bill-101-interested-party-testimony>

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Below is our Chief Lobbyist Gary Daniels interested party testimony on House Bill 101. This was delivered to the House Infrastructure and Rural Development Committee on April 27, 2021.

To Chairman Stoltzfus, Vice Chair Dean, Ranking Member Brown, and members of the House Infrastructure & Rural Development Committee, thank you for this opportunity to provide interested party testimony for House Bill 101.

Government has a constitutional obligation to provide adequate care for those they incarcerate. To the extent HB 101 facilitates, via state funding, the renovation of current county jails or building of new ones to meet this obligation, passage of HB 101 can lead to positive results. In our experience at the ACLU of Ohio, too many jails fail to accomplish what the Constitution requires in this regard.

At the same time, we believe this legislation should not inadvertently lead to a continuation of the status quo. HB 101 can and should be amended to require positive, important changes from Ohio counties wishing to build new or renovate existing facilities.

HB 101 provides opportunities for the State to exert influence over counties and county jails seeking state funding. Under this legislation, the Department of Rehabilitation & Correction, with input from the Ohio Facilities Construction Commission, conducts a needs assessment regarding a county's request for funding. HB 101 lays out numerous, specified criteria to be considered and required at this step of the process along with other considerations yet to be developed. If DRC is ultimately satisfied, it conditionally approves funding and the matter passes to the Controlling Board, who has final say regarding this state/county funding partnership.

During this formal process, the ACLU of Ohio requests these four matters be part of any consideration by counties for state funding of jails:

It does appear the language of HB 101 is flexible enough that any/all of the above four matters could become part of DRC and OFCC's criteria for funding consideration. That said, the ACLU of Ohio's desire is for clear and direct language in HB 101 mandating all these considerations. Doing so would ensure their inclusion rather than hoping or wishing for them to become reality.

HB 101 could go even further by incentivizing, if not requiring, other county actions with regard to the operation of their jails. These could include such matters as facilitating jail voting and providing transparency and public input regarding jail funding plans.

The overall point is this committee has an opportunity to not only embark on a new system of state funding of county jails but to also require several, distinct changes at the county level to improve jail operations, jail conditions, and meet their constitutional obligations regarding those they incarcerate.

As you continue to consider House Bill 101, the ACLU of Ohio urges this committee to make this bill the best it can be for all of Ohio.

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