

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/senate-bill-55-opponent-testimony>

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Below is our Chief Lobbyist Gary Daniels' proponent testimony on Senate Bill 55. This was delivered to the House Criminal Justice Committee on October 10, 2019.

To Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for this opportunity to present opponent testimony on Senate Bill 55.

The ACLU of Ohio understands the desire of SB 55s proponents to protect those receiving drug treatment if or when they are targeted by drug traffickers. However, SB 55 goes far beyond this goal and will make matters worse, not better.

First, please keep in mind drug traffickers are already punished with felony sentences in Ohio. SB 55 would increase the penalty by one degree if the offense takes place within 1,000 feet or 3+ football fields of a treatment center.

However, SB 55 does not require the defendant to know they are within 1,000 feet of a treatment center or that the person they sell to is actually undergoing treatment at that location(s) in question. Instead, SB 55 simply increases prison sentences because of a particular location, whether or not that location has any bearing or impact on the seller or buyers actions.

In larger urban areas, where more treatment exists, SB 55 will create large swaths in those cities where anyone caught selling drugs will face increased punishment. All the prosecutor needs to do is break out a tape measurer. No inquiry into motives or knowledge is required.

Proponents of SB 55 continually remind this committee this sentencing enhancement is no different from, and is modeled after, current enhancements for the same offense when they occur near schools or in the vicinity of juveniles. That is true. What is not being asked is whether those existing enhancements are good public policy. The ACLU of Ohio believes they are not and Ohio would not benefit from repeating this increased punishment as it does not reduce the problem it is meant to address.

The predictable end result from passage of SB 55 will be more people in Ohio prisons. After all, that is what SB 55 is designed to accomplish. By doing so, SB 55 repeats 40+ years of a failed War On Drugs approach the discredited idea that drug problems are something we can arrest, convict, and incarcerate our way out of.

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