



Ohio Prosecuting Attorneys Association

House Bill 699/Senate Bill 288 (Criminal Justice Reform)

HB 699/SB 288 is another effort to reduce prison population at the expense of victims, public safety, and the rule of law. At a time of increasing violence and increasing crime the bill makes it easier for criminals to get out of prison early and increases the likelihood that they will commit new crimes and victimize more people. Here are some key points:

Early Release from Prison Increases the Likelihood of Recidivism/Future Victimization

Multiple studies on recidivism rates for people released from prison show that longer prison sentences reduce the risk of recidivism.

- U.S. Sentencing Commission – Length of Incarceration and Recidivism¹
- Bureau of Justice Statics 10-Year Follow-Up (2008 – 2018)² and 5-Year Follow-Up (2012 – 2017).³ See Table 14.
- ODRC Recidivism Report (2021) shows recidivism rates have increased every year since 2011, the year House Bill 86 was enacted and amplified early release policies.⁴

HB 699/SB 288 Doubles Down on Early Release Policies at the Expense of Victims and Public Safety

In spite of the evidence that longer sentences reduce recidivism, several proposals in HB 699/SB 288 would reduce sentences:

- Repeals the Transitional Control Veto. Allows ODRC to release from prison during the last 180 days of a sentence. Often this happens within days or weeks of a person being sent to prison and without consideration of criminal history, history on supervision, other pending indictments or other local community safety considerations.
- Enacts a “State of Emergency” Judicial Release. Allows thousands of prisoners to seek judicial release during any public health state of emergency. No requirement that there be to have a health-related reason. Will require prosecutors and courts to sift through thousands of unwarranted motions for judicial release. Violates Marsy’s Law by allowing for the release without a hearing providing the victim the right to be heard. Abandons the rule of law.
- Enacts an ODRC Judicial Release. Allows ODRC to “recommend” judicial release. Almost no ability to deny the “recommendation.” May require the release of offenders who are not dangerous at “present” but who may be dangerous in the future, who pose a moderate but not substantial risk of violence, or who may be likely to commit a series of non-violent offenses. May violate Marsy’s Law by making victim right to be heard meaningless.
- Expands “Earned” Credit. Increases “earned” credit from 8% off to 15% off of a sentence for “participating” in programming. There is no requirement to complete programming or demonstrate actual rehabilitation in order to earn the “earned” credit. Earned credit was created by HB 86 (129th G.A.) and recidivism has increased every year since.

HB 699/SB 288 Expands Record Sealing and Expungement to the Detriment of Victims and Employers

- The bill authorizes a judge to order the expungement (destruction) of any record that can be sealed. Sealed records are still available to law enforcement for certain investigative purposes. Sealed convictions may be available to certain employers in law enforcement, schools, and health care who have a strong need to know a person’s criminal history. Expunged records are destroyed. Shifts the risk from the people who commit crime to employers and their patrons.
- Authorizes sealing records of misdemeanor domestic violence and some additional sex offenses. Places domestic violence victims in particular, and the public at-large at greater risk of future victimization.

¹ <https://www.ussc.gov/research/research-reports/length-incarceration-and-recidivism-2022>

² https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs

³ <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr34s125yfup1217.pdf>

⁴ [2021 Final Report.pdf \(ohio.gov\)](#)