



SB 3 + HB 1 = Commonsense Safety and Sentencing Reform

Over the past decade, Ohio lawmakers have been national leaders in showing the country how to take bold, important steps to improve the operation of Ohio's justice system to target and scale back excessively harsh and wasteful policies in best-practice ways that improve public safety overall.

This year, faced with an unprecedented addiction and overdose crisis, Ohio legislators have the opportunity to respond with best practice approaches that prioritize recovery, rehabilitation, and public safety by advancing policies that lower recidivism rates and break the cycles of addiction and crime.

Already, legislators in the House and Senate have developed complementary pieces of legislation addressing these issues. Together, these bills form a smart, comprehensive set of reforms and a new, solutions-focused approach to drug issues in the criminal justice system.

Senate Bill 3

A comprehensive reform of sentencing practices for low-level drug offenses designed to ensure people with drug problems do not end up warehoused in state prisons and marked for life with felony records.

This means quicker access to treatment, a path to employment, and greater stability without the hundreds of collateral consequences caused by a felony conviction. SB 3's core components were developed by a commission of legislators, law enforcement leaders, and policy experts. It includes a number of reforms, including but not limited to the following:

- » **Reclassifying first and second offense low-level drug possession as a misdemeanor instead of felony (except for fentanyl and date-rape drugs).**
- » **Giving local stakeholders the authority to charge misdemeanor drug possession in courts that normally handle felonies in order to ensure access to services like drug court.**
- » **Allowing judges to pause drug possession prosecutions to offer someone treatment alternatives.**
- » **Updating other drug offenses' quantity thresholds and creating a new crime of possession with intent to sell, which allows prosecutors to charge a felony when someone possesses a small amount of drugs that they do not possess for personal use and intend to sell.**
- » **Giving family members greater access to legal proceedings that allow a judge to require treatment for someone shown to have a serious drug problem without a criminal prosecution.**



House Bill 1

New important proposals in areas outside of Senate Bill 3's current scope provide two new components to the reform effort.

- » **A new requirement related to Intervention in Lieu of Conviction, a diversion program for people who commit a range of misdemeanor and low-level felony offenses if addiction is a factor in those offenses. Under HB 1, in order for judges to deny someone access to this program, they must state their reasons for doing so. Currently, a judge can deny such a request without a full hearing and without stating reasons for the denial.**
- » **Allows people to petition the court to seal more low-level criminal convictions than they are currently allowed. Under this provision, people would be allowed to petition the court sooner and have more misdemeanor and F4/F5 felony convictions on their record sealed so those convictions will not appear on criminal background checks.**

	House Bill 1	Senate Bill 3
Involuntary Commitment to Treatment	-	Expands access by easing requirements and reducing financial burden on families
Intervention-In-Lieu (early diversion to treatment for many low-level felonies and misdemeanors if addiction is a factor)	Judges must give reasons when denying requests for this diversion program.	-
Case Suspension for Treatment (special diversion to treatment for drug possession only)	-	Judges can pause criminal proceedings for 1st time possession and refer to treatment
Drug Possession Sentencing	-	1st and 2nd time drug possession (except fentanyl and date-rape drugs) is prosecuted as a misdemeanor instead of a felony. Charges can still be brought in felony courts.
Other Drug Sentencing	-	Updates quantity thresholds and gives prosecutors a new felony charge that better allows prosecutors to distinguish between traffickers and people struggling with addiction.
Record Sealing	People with more misdemeanor and low-level felony convictions can petition the court for record clearance, and so without waiting as long, so those records do not appear on background checks.	-