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# SENTENCING ROUNDTABLE WORKGROUP

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Felony Sentencing in Ohio: Then, Now, and Now What?

Timeline and Synopsis



## TIMELINE OF REPORT DEVELOPMENT

### **September 16, 2021: Commission Meeting.**

**25<sup>TH</sup> Anniversary of Senate Bill 2 (the “Truth in Sentencing” bill) roundtable discussion led by Reginald Wilkinson, EdD. Creation of the ad hoc group, Sentencing Roundtable Workgroup (Workgroup).**

October 2021 through August 2022: Sentencing Roundtable Workgroup Meetings.

The Workgroup met once per month during this time period. At the August meeting the Crafting Committee was created.

September 2022 and October 2022: Crafting Committee Meetings.

Two meetings were held in September and one meeting in October to draft a report and recommendations that would be presented to the Commission at its December meeting.

November 2022: Sentencing Roundtable Workgroup Meeting.

Discussed the Draft report prior to presentation at Commission’s December meeting.

### **December 15, 2022: Commission Meeting.**

**Sentencing Roundtable Workgroup DRAFT Report & Recommendations.**

[Felony Sentencing Report](#)

March 6, 2023: Sentencing Roundtable Workgroup Meeting.

Discussed public comment received as well as Commission feedback. Discussed revisions to the Felony Sentencing Report ([Revised Portions of Report](#) (This link also includes the Public Comments))

### **March 16, 2023: Commission Meeting**

**Revised portions of the report presented to the Commission. The revisions were made based on the Commission’s feedback from the December meeting as well as the public comment period.**

[Revised Portions of Report](#) (This link also includes the Public Comments)

April 25, 2023: Sentencing Roundtable Workgroup Meeting

Discussion of synopsis version of report and next steps.

## **I. INTRODUCTION**

After more than a year of meetings and research, the Sentencing Roundtable Workgroup convened a smaller group to begin the crafting of what ultimately became the draft report, *Felony Sentencing in Ohio: Then, Now, and Now What*, which was presented to the Full Commission in December 2022. The report and recommendations were posted for public comment through February 1, 2023. The Commission reviewed those comments and revisions to the report at its meeting March 16, 2023.

Criminal Justice policy should be based on facts and evidence that make the most effective use of resources, not rhetoric and emotion. With the endorsement of the Commission, the Workgroup will further explore and study an indeterminate sentencing structure that incentivizes release, ties rehabilitation with the purposes and principles of sentencing and incorporates parole and probation.

**As noted in the report, the recommendations are consistent with the overriding purposes and principles of felony sentencing and should be read in that context.**

## **II. STRUCTURAL CHANGES**

The first six recommendations outline a modified and modern rehabilitative system of criminal sentencing that builds on the Reagan Tokes Law and meets **all of** the purposes and principles of sentencing. The “modified” aspect of this recommended model comes from the understanding that retribution is an important part of every criminal sentence (punish the offender). Once the offender has been appropriately punished, the offender would then have a robust and meaningful *opportunity* to meet objective rehabilitation standards. The “modernized” aspect centers on using objective, evidence-based practices to structure the criminal sentence.

The six recommendations are:

- 1. Establish a modified and modernized rehabilitative model of criminal sentencing.**
- 2. Seriousness and recidivism factors, contained in R.C. 2929.12<sup>1</sup>, to be weighted to provide context and distinction to sentences.**
- 3. Expand indeterminate sentencing to apply to felonies of the third degree and eliminate the bifurcated structure of felonies of the third degree.**
- 4. Implement a definite minimum time that a prisoner must serve before release options become available.**
- 5. Modify consecutive sentence statutes to provide proportionality more effectively between similarly situated offenders.**
- 6. Expand responsibility of parole system to implement the proposed indeterminate model of sentencing while statutorily limiting its discretion with oversight and accountability.**

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<sup>1</sup> [R.C. 2929.12](#)

### **III. ADDITIONAL RECOMMENDATIONS**

Regardless of the changes outlined in recommendations 1 through 6, these changes will help in promoting the process of sentencing and assessing sentencing policy.

- 7. Support the Commission's efforts to promote the adoption of uniform entry templates.**
- 8. Standardize Presentence Investigation Reports.<sup>2</sup>**
- 9. Reorganize and simplify criminal statutes.**
- 10. Authorize an existing agency or create one to act as a clearing house for professional notifications.**
- 11. Expand the use of, and resources for, prosecutor diversion programs and specialized dockets.<sup>3</sup>**

### **IV. DRUG OFFENSES – (Recommendation 12)**

The Workgroup acknowledged that drug offenses are a recurring debate for reform while also recognizing the practical reality that the comprehensive review of the laws guiding drug prosecutions and the resources that can be directed to combating the drug problem in Ohio would consume the totality of its work. However, should the proposed recommendations in this report be supported, they will provide Ohio courts with more options for dealing with drug offenders, which is one step (of many) toward long term resolution.

Before any comprehensive look at Ohio's drug statutes is conducted, there must be guidance from the General Assembly and other state leaders regarding drug addiction; for instance, is it a public health concern, a criminal offense, or a mental health issue? Once we know more about and understand how to categorize or define drug addiction, then we can begin to address the consequences of relapse, how community supervision should operate, and what type of facilities or treatment options are best suited for programming or monitoring drug offenders.

### **V. MOVING FORWARD**

The Commission will be asked for its endorsement for the Workgroup to continue the work and refine recommendations and transition to the Criminal Justice Committee of the Commission. The Committee will meet monthly with the proposed schedule of topics as outlined below:

- Meeting 1 – Indeterminate Sentencing – Reagan Tokes formulas
  - Best practices for rehabilitative models
- Meeting 2 – Indeterminate Sentencing – F3s
  - Analyze presumptions for and against prison.
- Meeting 3 – Consecutive Sentencing
  - Meaningfully guided discretion
- Meeting 4 – General Rules for simplification of Criminal Code

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<sup>2</sup> With adequate resources, it would be ideal for a PSI to be prepared for all defendants, but those PSIs that are prepared should be uniform in appearance and the information they contain.

<sup>3</sup> With a judge's increased participation in treatment options canonical issues may arise and judges should be mindful of those potential issues.

- How to analyze pending changes to the code
- Meeting 5 – Redundancy of the Code
- Meeting 6 – Parole Board
  - How to incorporate and what statutory guidance is needed.
- Meeting 7 – Professional Notifications
- Meeting 8 – Diversion and Specialized Dockets
- Meeting 9 – Standardization of Pre-Sentence Report
  - Gather samples and create draft Pre-Sentence Report
- Meeting 10 – National Perspective

## VI. CONCLUSION

With the endorsement of the Full Commission, the Sentencing Roundtable Workgroup will transition to the Criminal Justice Committee defined by guiding principles consistent with the statutory authority of the Commission and its vision and mission:

**Vision:** To enhance justice

**Mission:** To ensure fair sentencing in the state of Ohio

To fulfill its vision, the Ohio Criminal Sentencing Commission will develop and recommend sentencing policy to the General Assembly that is designed to:

- Advance public safety.
- Realize fairness in sentencing.
- Preserve meaningful judicial discretion.
- Distinguish the most efficient and effective use of correctional resources.
- Provide a meaningful array of sentencing options.

The Ohio Criminal Sentencing Commission will achieve its mission by:

- Analyzing current adult and juvenile criminal statutes and law in Ohio and other states.
- Studying sentencing patterns and outcomes and balancing the needs of criminal sentencing and available correctional resources.
- Researching and recommending evidence-based approaches to reducing recidivism.
- Recommending reasonable and specific criminal justice reforms.



### ADDITIONAL INFORMATION FOR REPORT

As part of the recommendation that the Commission review and analyze proposed legislation (Recommendation 9), the following template is an example of the structure of how that analysis will occur:

**TO:**  
**DATE:**  
**SUBJECT:**

The Ohio Criminal Sentencing Commission review and analysis on potential impact of XXXXX.

**TOPIC:** **BILL NUMBER:**

**SUMMARY OF PROPOSED LEGISLATION:**

**IS THERE EXISTING STATUTE OR LANGUAGE TO ADDRESS THE ISSUE?**

**ANALYSIS:** **FISCAL:**

**GENERAL IMPACT:**

**IMPACT TO LOCAL GOVERNMENT:** **IMPACT TO VICTIM COMMUNITY:**

**POTENTIAL CONFLICT WITH CURRENT LAW, RULE, ETC., IF APPLICABLE:**

**RELEVANT SUPREME COURT OF OHIO DECISION(S), IF APPLICABLE:**

**HISTORICAL RESOURCES, IF AVAILABLE:**

**NOTES:**



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## CRIMINAL SENTENCING COMMISSION

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