



CRIMINAL SENTENCING COMMISSION

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Legislative & Judicial Brief

A Message from Sara Andrews, Director



The Legislative & Judicial Brief is designed to share information and spark conversation. The Commission strives to move ideas to solutions that advance public safety, realize fairness in sentencing, preserve judicial discretion, provide a meaningful array of sentencing options and distinguish the most efficient and effective use of correctional resources.

-Sara Andrews

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NOTICE OF REQUEST FOR PUBLIC COMMENT

The full Ohio Criminal Sentencing Commission met on December 15, 2022. At the meeting, Reginald Wilkinson, EdD and Judge Robert Nichols addressed the Commission regarding the work of the Sentencing Roundtable Workgroup and the smaller Crafting Committee. The Workgroup began meeting in January of this year. The group met consistently throughout the year and has completed its draft version of the Sentencing Roundtable Workgroup Report & Recommendations. The draft report was circulated to members of the Commission prior to the meeting, and the recommendations contained in the draft report were presented to the Commission during the meeting.

The Commission has published the draft report for public viewing online. Interested groups are encouraged to send comment to the Commission – submissions should be emailed to Sara.Andrews@sc.ohio.gov. Public comment will be accepted until February 1, 2023. The Sentencing Roundtable Workgroup and Crafting Committees will reconvene after the close of the public comment period and will consider the submissions. The draft report may be adjusted after these meetings, and an updated draft report will be presented to the full Commission at the first full meeting on March 16, 2023.

[Click this link to view the draft report.](#)

UNIFORM ENTRY TEMPLATES

The Ohio Criminal Sentencing Commission—in partnership with the University of Cincinnati School of Information Technology—is continuing its work developing a web-based platform for uniform entry templates for sentencing, [the Ohio Sentencing Data Platform \(OSDP\)](#). Started in 2020, the pilot project has expanded much more rapidly than anticipated; currently 97 Judges are engaged with the pilot project in some way.

The OSDP is designed to tell the story of sentencing in Ohio. The story begins when judges implement the uniform entry templates into their existing court processes.

For more information, please contact Sara Andrews, sara.andrews@sc.ohio.gov.

MEMBERSHIP ROSTERS

Sentencing Roundtable Workgroup

Reginald Wilkinson, Ed.D., President – Connecting the Dots, LLC
Paula Brown, Defense Attorney
Patrick Clark, Ohio Public Defender's Office
Michael Donnelly, Associate Justice, Supreme Court of Ohio
Doug Dumolt, Office of the Ohio Attorney General
Sean Gallagher, Judge, Eighth District Court of Appeals
Gwen Howe-Gebers, Henry County Prosecutor
Kate Huffman, Judge, Montgomery County Court of Common Pleas
Marta Mudri, Legislative Counsel, Ohio Judicial Conference
Robert Nichols, Retired Judge
Paul Pfeifer, Executive Director, Ohio Judicial Conference
Liz Poprocki, Ohio Department of Mental Health and Addiction Services
Nathan Manning, State Senator
Reggie Routson, Judge, Hancock County Court of Common Pleas
John J. Russo, Judge, Cuyahoga County Court of Common Pleas
Nick Selvaggio, Judge, Champaign County Court of Common Pleas
Larry Sims, Warren County Sheriff
Cecil Thomas, State Senator
Kevin Werner, Ohio Justice Policy Center
Tim Young, State Public Defender
Gene Zmuda, Judge, Sixth District Court of Appeals

Crafting Committee

Reginald Wilkinson, Ed.D., President – Connecting the Dots, LLC
Robert Nichols, Retired Judge
Sean Gallagher, Judge, Eighth District Court of Appeals
Ron O'Brien, Former Franklin County Prosecuting Attorney
Chip McConville, Knox County Prosecuting Attorney
Kevin Werner, Ohio Justice Policy Center
Marta Mudri, Legislative Counsel, Ohio Judicial Conference

*List includes those invited. Member participation is not unqualified endorsement of the final report or recommendations

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY – DRAFT REPORT

On the 25th anniversary of the passage of Senate Bill 2 (SB 2), the “Truth in Sentencing” bill, the Ohio Criminal Sentencing Commission conducted a roundtable discussion led by Reginald Wilkinson, EdD. This roundtable discussion prompted the creation of an ad hoc group, Sentencing Roundtable Workgroup (Workgroup). The goal of the workgroup was to examine the sentencing system in Ohio and develop recommendations to improve the clarity and reduce the complexity of felony sentencing. After the Workgroup met for over the course of a year, a crafting or drafting Committee met several times to develop recommendations to the Workgroup and the Commission.

The Workgroup studied rehabilitative, retributive, restorative, and therapeutic sentencing and reached a consensus that a modified and modernized rehabilitative model, utilizing indeterminate sentences, probation, and parole would best promote the objectives of the purposes and principles of sentencing. And, consequently, developed recommendations consistent with the Commission’s vision to enhance justice and its mission to ensure fair sentencing in the State of Ohio:

1. **Establish a modified and modernized rehabilitative model of criminal sentencing.**
2. **Seriousness and recidivism factors, contained in R.C. 2929.123, 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.**
7. **Support the Commission’s efforts to promote the adoption of uniform entry templates.**
8. **Standardize Presentence Investigation Reports.**
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.**
12. **The drug epidemic in Ohio needs special attention to ultimately address a solution.**

REMAINING VOTING SESSIONS

The Ohio House and Senate have concluded the business of the 134th General Assembly. The 135th General Assembly will convene in January 2023.

NEWS

OHIO CRIMINAL OFFENSE CODE PORTAL

The Commission is currently working to digitize the entirety of the criminal code. The digitization of the criminal code will ultimately result in the creation of the Ohio Criminal Offense Code Portal. This effort is being done in collaboration with the Ohio Judicial Conference and the Ohio Legislative Services Commission – and is partially funded through a Bureau of Justice Assistance grant awarded to the Commission by the Office of Criminal Justice Services, Ohio Department of Public Safety. Once finished, the Offense Code portal will be a standardized, comprehensive, and non-proprietary anthology of the criminal code that will create a common language to allow for better interagency connectivity.

USER GROUP MEETING

The Ohio Sentencing Data Platform User Group met in Columbus on December 9, 2022. The group is chaired by Judge Jonathan Starn of the Hancock County Common Pleas Court and is made up of users and prospective users of the OSDP. The User Group meets regularly to discuss their experiences with the platform and the uniform entry templates. Anyone interested in learning more about the group, the platform, or the uniform entry templates should contact the Commission at OCSC@sc.ohio.gov.

FULL COMMISSION MEETING DATES

The full Ohio Criminal Sentencing Commission will meet on the following dates in 2023:

Thursday, March 16, 2023
 Thursday, June 15, 2023
 Thursday, September 21, 2023
 Thursday, December 21, 2023

Next Meeting of the Full Commission:**Thursday, March 16, 2023 at 10:00 a.m.**
Location TBD**Working committees meet between full Commission meeting dates.*

Questions, Comments, Suggestions? Contact:
sara.andrews@sc.ohio.gov**Contact Us:**Ohio Criminal Sentencing Commission
65 South Front Street
Columbus, Ohio 43215-3431
<https://www.supremecourt.ohio.gov/criminal-br-sentencing/sentencing/>

MEMBERS**CHAIR****Maureen O'Connor**, *Chief Justice***VICE-CHAIR****Nick Selvaggio**, *Common Pleas Court Judge***Nathan Manning**, *State Senator***Cecil Thomas**, *State Senator***William Seitz**, *State Representative***Kristin Boggs**, *State Representative***Jennifer Muench-McElfresh**, *Common Pleas Court Judge***Robert DeLamatre**, *Juvenile Court Judge***Beth Cappelli**, *Municipal Court Judge***Tyrone Yates**, *Municipal Court Judge***Sean Gallagher**, *Appellate Court Judge***Kenneth Spanagel**, *Municipal Court Judge***Stephen McIntosh**, *Common Pleas Court Judge***Vacant**, *Juvenile Court Judge***Robert Fragale**, *Juvenile Court Judge***Charles "Chip" McConville**, *County Prosecutor***Lara Baker-Morrish**, *Columbus City Solicitor General***Larry Sims**, *Sheriff***Aaron Montz**, *Mayor***Colonel Rick Fambro**, *Ohio State Highway Patrol***Amy Ast**, *Director, Department of Youth Services***Tim Young**, *State Public Defender***Annette Chambers-Smith**, *Director, Department of Rehabilitation and Correction***Elizabeth Poprocki**, *Victim Representative***Paula Brown**, *Ohio State Bar Association***Gwen Howe-Gebbers**, *County Prosecutor (Juvenile)***David Painter**, *County Commissioner***Chief Brandon Standley**, *Law Enforcement***Chief Charles Chandler**, *Peace Officer***Robert Krapenc**, *Defense Attorney***Brooke Burns**, *Public Defender*
