



Office of the Ohio Public Defender

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Substitute House Bill 365
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Substitute House Bill 365 could cost Ohio as much as \$191.3 million annually

- A 10.5 - 12% Increase to DRC's Overall Budget
 - \$143.5 million annually reflects the cost of increased incarceration
 - \$31.6 – \$44.7 million annually to implement the American Probation and Parole Association caseload standards
 - \$1.3 – \$3.1 million annually to implement the GPS portions of the bill
- Where do these figures come from?
 - OPD calculated from DRC reports and budget data and the LSC's Fiscal Analysis
 - \$143.5 million annually represents the potential cost assuming security level one or two inmates are released at their minimum sentence and all other inmates serve their maximum prison term
- What does DRC say about the fiscal impact of HB365?
 - DRC does not have calculations reflecting the changes in the substitute bill

Longer prison sentences pursuant HB365 could cost Ohio \$143.5 million annually

- Why?
 - Early release is essentially eliminated
 - Due to a required pre-release hearing before the sentencing court
 - Under current law, sentencing courts only grant the comparable 80% release in < .1% of cases
 - Requests for early release will be denied without a hearing because of overloaded court dockets
 - Sentencings courts can consider evidence presented by prosecutors and victims, who have very limited knowledge of an inmate's in-prison conduct, programming, and recidivism risk
 - Confinement credit cannot be applied toward the maximum prison sentence
 - It is unconstitutional to deprive an individual of credit for time spent in state custody
 - No hearing is required to rebut the presumption of release at the minimum prison term release date
 - Functionally, DRC has an automatic rebuttal of the presumption of release in most cases
 - Hearings will only occur if DRC's reason is its belief the individual poses a threat
 - Greater ease of rebuttal incentivizes DRC to use it more frequently
- Impact of the Bill
 - Fails to reduce crime, studies show longer prison sentences do not reduce crime
 - Necessitates building 4 more prisons, costing \$700 million dollars
 - Diverts funds from fighting the opioid crisis
 - Exacerbates state spending