



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

## **Data Collection & Sharing Committee**

May 14, 2015

### **Meeting Notes**

Attending:	Judge Gary Dumm	David Landefeld, OJACC
	S/L Edward Mejia, OSHP	Marta Mudri, OJC
	Dave Picken, AG	Erin Waltz, Supreme Court Library
	Steve Van Dine, ODRC	Gary Yates, OCPOA

#### **Staff Liaison: Erin Waltz**

The meeting was called to order by staff liaison Erin Waltz. Introductions were made and following a brief discussion, Judge Dumm was unanimously selected as Chair of the committee and S/L Mejia was unanimously selected as Vice-Chair of the committee.

The committee reviewed the priorities and time line.

1. Marijuana penalty review and data collection (info collected).
  - Status of publication and fact sheet.
2. Address felonization of misdemeanors and increasing lengths of sentence for existing felonies since adoption of new criminal sentencing code (SB2) in 1996. Review all offenses made felonies or modified for much more extensive use over the past 25 years and review all felonies that have been upgraded to higher levels to see if lower penalties are more appropriate. Review any felonies reduced in the same period.
  - 25 year review of felonies to misdemeanors complete and available here: <http://www.supremecourtsohio.gov/Boards/Sentencing/resources/summaries/25YearReview.pdf>
3. Clarify sentences for ORC 2907.02 Rape....especially under ORC 2907.02(A)1(b)....section ORC 2907.02(B) and/or perhaps sentencing commission can work on a chart as we have with other statutes (i.e. drugs and DUI).
  - What is status?

4. Consider revision to ORC 2950.04 and 2950.99 Failure to Register due to inequities that can result with the “strict liability” standard applied and include review of all residency requirements.
  - What perceived problem are we trying to solve.
  - Do local residence laws really serve as deterrent? They make supervision a real problem.
  - What number of offenders incarcerated for this have mental health problems?
  - Are there notes from the Butler County law clerks that worked on this a couple of years ago?
  - Isn't there a group working on a mental health study for this already in Columbus?
5. Review offenses mandating limited or no driving privileges.
  - Do we need a list of every statute and regulations that limits or revokes driving privileges?
  - This problem is clogging courts and puts a huge burden on those can't afford to pay?
  - Does BMV have data on these numbers? Total suspensions and by type (FRE, points, etc.).
  - Should this be simplified? Should this penalty be removed from sections that have no nexus to the offense?
6. Data Repository Primer: identification of data sources, what information collected, how it is reported and if and how the data it is accessible.
  - Discussed need for this information and difficulty in compiling, many have tried before.
  - Beginning of rough draft is in progress and committee can discuss form, ideas and issues.
  - Is this leading to a discussion of what type of information should be kept by the state?
  - Should the commission look to direct the type of information kept? Should it be a clearinghouse for information?
  - Should the Primer be a directory of where data resides and how to access it?

The committee discussed member assignments/tasks.

1. Marijuana penalty review and data collection (info collected).
  - Erin will check with Sara Andrews on status of publication and fact sheet.
2. Address felonization of misdemeanors and increasing lengths of sentence for existing felonies since adoption of new criminal sentencing code (SB2) in 1996. Review all offenses made felonies or modified for much more extensive use over the past 25 years and review all felonies that have been upgraded to higher levels to see if lower penalties are more appropriate. Review any felonies reduced in the same period.
  - Did not discuss second part of questions what felonies are now misdemeanors?
3. Clarify sentences for ORC 2907.02 Rape....especially under ORC 2907.02(A)1(b)....section ORC 2907.02(B) and/or perhaps sentencing commission can work on a chart as we have with other statutes (i.e. drugs and DUI).
  - Erin will check with Sara Andrews and Jo Ellen Cline on status.
4. Consider revision to ORC 2950.04 and 2950.99 Failure to Register due to inequities that can result with the “strict liability” standard applied and include review of all residency requirements.
  - Erin will check with Sara Andrews on what we are trying to accomplish on this task.
  - Steve will research the number of prisoners incarcerated for this that have mental health problems?
  - Erin will check with Sara regarding notes from the Butler County law clerks that worked on this a couple of years ago.
  - Gary will see if he has information on the group working on a mental health study for this already in Columbus.
5. Review offenses mandating limited or no driving privileges.
  - Erin will compile list of every statute and regulations that limits or revokes driving privileges.
  - Staff Lieutenant Mejia will obtain BMV data on total suspensions and numbers by type of suspension.
6. Data Repository Primer: identification of data sources, what information collected, how it is reported and if and how the data it is accessible.
  - Erin will send rough working draft of primer.

The committee agreed to meet by conference call on third Monday of each month at 3:30pm, please expect them to last approximately 45 minutes.

Meetings:     June15, 2015  
                     July 20, 2015  
                     August 17, 2015