



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

Juvenile Justice Subcommittee

January 21, 2016

Meeting Notes

Attending:

Erin Davies, Vice-Chair	Jill Beeler
Jim Cole	Rep. Hearcel Craig
Judge DeLamatre	Hon. Aaron Montz
Rep. Dorothy Pelanda	Kyle Petty
Director Harvey Reed	Sen. Cecil Thomas
Judge Nick Selvaggio	John Ryan, OJC
Kathy Wellington (Rep. Craig)	Judge Ken Spanagel
Kari Bloom, OPD	Ashley Gilbert, OSC
Olivia Vandervoort	Kate Foulke (DYS)
Scott Lundregan	Camren Harris (Rep. Craig)
David Roper (Sen. Thomas)	Sara Andrews, OCSC
Jo Ellen Cline, OCSC	

1. Vice-Chair Davies called the meeting to order at 10:01 a.m.
2. Upon motion and second the meeting notes from the December 17, 2015 were unanimously approved.
3. Kate Foulke a victim services representatives from DYS addressed the committee regarding restitution. Ms. Foulke discussed that most restitution orders are for less than \$1000, amounts victims are not making insurance claims for, and therefore, need to be honored by the offenders. She suggested that perhaps offenders could be encouraged to tell victim's where items of sentimental value might be found. She suggested that, in terms of parental responsibility, that perhaps a child support rationale might work for holding parent's responsible in restitution. Judge Selvaggio said that the committee should be directed by 1) who can afford the loss; and 2) don't we want a societal teaching point on taking responsibility. Jill Andrews said that she was fine with pulling restitution out of the costs and fines section was a good idea as was putting on the restitution order. Her concerns centered on ability to pay and parental responsibility for restitution. Greg Trout with the Ohio Attorney General's Office discussed the interplay between restitution and the victim of crime fund. Mr. Trout explained that restitution would likely be an offset to an award from the fund. Ms. Foulke also explained that crime victim money does not cover property losses. Finally, Mr. Trout expressed concerns about potential violations of parents' due process rights if the statute holds them responsible for restitution. The committee also discussed codifying priority among financial sanctions. The committee decided to make any suggested revisions to the current draft and provide those to Ms. Cline by February 12, 2016 so that they can be discussed at the next committee meeting.



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4. The committee turned its attention to mandatory bindovers. Ms. Davies explained draft language that was circulated to the committee. Ms. Beeler told the committee that her office has a case currently pending before the Supreme Court of Ohio regarding the constitutionality of mandatory bindovers (*State v. Aalim*, 2015-Ohio-0677). The committee discussed whether or not it was prudent to propose language to eliminate mandatory bindovers if the Court could rule they are unconstitutional. It was determined to move forward because the Court's ruling is not likely to come out for over a year. Mr. Cole discussed whether or not aggravated murder and murder should be treated differently, perhaps with a presumption for bindover. Concerns were expressed that a presumption would cause "up-charging" by prosecutors. The committee determined that it should take a fresh look at the factors that a court considers in division (C) of 2152.12 if all bindovers are to become discretionary. Ms. Beeler also described an issue regarding appeals of bindover decisions. She suggested the committee consider an interlocutory appeal of the bindover decision. Her office will draft suggested language. Committee members were encouraged to look at the division (C) factors for the February meeting. The committee then engaged in a discussion of the General Assembly's schedule and timelines for finalizing recommendations. Rep. Pelanda strongly suggested that March was the latest possible time for recommendations to be forwarded to the General Assembly based upon the legislature's abbreviated schedule for 2016.
5. The committee briefly turned its attention to juvenile SORN. Ms. Beeler described the Criminal Justice Recodification Committee process on SORN and the Sentencing Commission's SORN Ad Hoc Committee's work. The question for the committee is whether or not Ohio should remain SORNA compliant. Differences between the federal law and Ohio law currently include: community notification, registration eligible offenses, the definition of "jurisdiction", and how failure to register is treated. Ms. Beeler also talked about a case from her office in which the juvenile argues that sex offender registration is no different than any other juvenile disposition and should terminate at age 21 (*In re D.S.*, 2014-Ohio-0607). Committee members were asked to consider what changes, if any, they would recommend to the Criminal Justice Recodification Committee to meet the committee's timeline.
6. The committee adjourned at 12:05 p.m.

Upcoming Meetings:

Juvenile Justice Committee	February 18, 2016
Criminal Sentencing Commission	March 17, 2016