

State Issue 1: Reduces Prison Time for Dangerous Criminals

Claim

The amendment increases public safety by rewarding personal rehabilitation while in prison. It is the intent of the amendment to “ensure that state prison spending is focused on violent and serious offenses.” Amendment Division (A).

The Facts

The amendment creates a constitutional right to a 25% sentence reduction for violent and non-violent criminals. It will result in dangerous criminals being released from prison early. Only individuals sentenced to death or life without parole, or who were convicted of murder, rape, or “child molestation”¹ will be prevented from receiving a reduced sentence. In order to receive this 25% sentence reduction, the offender need only “participate” in programming. There is no requirement that the person complete the programming or demonstrate rehabilitation. It places the interests of those who break the law ahead of the interests of innocent victims. Victims will not have peace of mind about when their offender will get out of prison.

Here are some of the offenses for which people will be released from prison early:

Voluntary Manslaughter (R.C. 2903.03)	Terrorism (R.C. 2909.24)
Involuntary Manslaughter (R.C. 2903.04)	Aggravated Robbery (R.C. 2911.01)
Felonious Assault (R.C. 2903.11)	Aggravated Arson (R.C. 2909.02)
Aggravated Assault (R.C. 2903.12)	Robbery (R.C. 2911.02)
Permitting Child Abuse (R.C. 2903.15)	Aggravated Burglary (R.C. 2911.11)
Menacing by Stalking (R.C. 2903.211)	Inciting to Violence (R.C. 2917.01)
Kidnapping (R.C. 2905.01)	Aggravated Riot (R.C. 2917.02)
Abduction (R.C. 2905.02)	Inducing Panic (R.C. 2917.31)
Extortion (R.C. 2905.11)	Domestic Violence (R.C. 2919.25)
Trafficking in Persons (R.C. 2905.32)	Endangering Children (R.C. 2919.22)
Sexual Battery (R.C. 2907.03)	Drug Trafficking (R.C. 2925.03)
Gross Sexual Imposition (R.C. 2907.05)	Illegal Manufacture of Drugs (R.C. 2925.04)
Arson (R.C. 2909.03)	Funding Drug Trafficking (R.C. 2925.05)

¹ “Child molestation” is not a criminal offense in the Ohio Revised Code. It is unclear what is intended.

State Issue 1: Not the Only Way to Win

Claim

Proponents of Issue 1 claim that they had to propose a constitutional amendment due to legislative inaction.

The Facts

The Ohio General Assembly, Ohio courts, and others have taken many steps to help solve the opiate crisis. Here are a few:

In a news release¹ on September 27, 2018, the Ohio Department of Health stated that “The State of Ohio is investing more than \$1 billion each year to help battle drug abuse and addiction at the state and local levels by:

- Sponsoring community rapid response teams to follow up with individuals who survive a drug overdose to seek to connect them to treatment
- Increasing the number of medical professionals qualified to prescribe medication-assisted treatment, the gold standard for treating opioid use disorder
- Expanding local prescription drug overdose prevention initiatives
- Pursuing scientific breakthroughs to battle drug abuse and addiction
- Expanding access to the opioid overdose reversal drug naloxone to save lives
- Implementing common sense reforms to prevent pain medication abuse
- Expanding data and tools available in Ohio’s prescription drug reporting and monitoring program (known as OARRS) used by opioid prescribers and pharmacists to enhance patient safety
- Providing funding to support toxicology screenings during Ohio coroner drug overdose investigations
- Educating prescribers and patients on how to safely manage pain and prevent pain medication abuse

The Ohio legislature has enacted the following pieces of legislation, among others, in an effort to address the opiate crisis:

- House Bill 86 (Criminal Justice Reform) 129th G.A. – Created a presumption of community control for first-time non-violent F4/F5 offenders. Funded probation improvement and incentive grants to keep offenders in the community.
- House Bill 337 (Collateral Sanctions) 129th G.A. – Expanded record sealing. Created the “Certificate of Qualification for Employment” to remove barriers to employment for individuals with felony records.
- Senate Bill 143 (Criminal Justice Reform) 130th G.A. – Expanded record sealing. Removed the cap on the number of hours of community service that an offender could complete in lieu of a cost judgment.
- House Bill 49 (Biennial Budget) 132nd G.A. – Created “Targeted Community Alternatives to Prison” to prohibit the 10 largest Ohio counties from sending non-violent, non-sex offense, F5 offenders to prison in exchange for funding for community treatment. Made the program voluntary for others. Fifty-six Ohio counties currently participate.
- Senate Bill 66 (Criminal Justice Reform) 132nd G.A. – Expanded record sealing to allow for sealing of up to 5 non-violent, non-sex offense felony convictions. Expanded Prosecutor Diversion to increase treatment opportunities in lieu of convictions. Expanded Intervention in Lieu of Conviction to increase treatment opportunities in lieu of convictions.

As of August 2018, The Supreme Court of Ohio Commission on Specialized Dockets lists 233 certified specialized dockets including 104 drug courts, 43 mental health courts, 30 family dependency courts, 23 veterans courts, and 12 reentry courts.² All are intended to improve how the criminal justice system deals with mental health and substance abuse problems.

¹ <https://www.odh.ohio.gov/-/media/ODH/ASSETS/Files/news/2018/ODH-News-Release---2017-Ohio-Drug-Overdose-Report.pdf?la=en>

² <http://supremecourt.ohio.gov/JCS/specDockets/certification/statusSheetDocket.pdf>

State Issue 1: Powered By Big Money

Out-of-State Donors

Claim

Issue 1 is powered by a vibrant coalition of Ohio citizens.

The Facts

Issue 1 is powered by money from wealthy out-of-state donors. It is based on laws that the same donors have had enacted in other states.

Here are 5 of the biggest donors to the Issue 1 campaign in the past year:¹

1. Open Society Policy Center, Washington DC – \$1.5 million
2. Open Philanthropy Project Action Fund, San Francisco CA - \$1 million
3. Chan Zuckerberg Advocacy, Palo Alto CA - \$1 million
4. Tides Advocacy, San Francisco CA - \$604,142
5. Center for Community Change Action Fund, Washington DC - \$150,000

Additionally, the effort to put Issue 1 in Ohio's Constitution is led by the Ohio Organizing Collaborative who lists five "national partners" that all receive funding from George Soros' Open Society Policy Center. Here is who they are and how much they received in 2016 and 2017:²

1. Center for Popular Democracy/Center for Popular Democracy Action - \$2.7 million
2. Center for Community Change/Center for Community Change Action - \$2.1 million
3. PICO National Network - \$750,000
4. Alliance for Safety and Justice (a project of the Tides Center) - \$600,000
5. National People's Action - \$400,000

Finally, the Ohio Justice and Policy Center, the organization responsible for drafting the language of Issue 1 also received funding from George Soros' Open Society Policy Center:³

1. Ohio Justice and Policy Center - \$50,000

¹ https://www6.sos.state.oh.us/ords/f?p=CFDISCLOSURE:45:219201300900862::NO::P45_ENTITY_ID:14752

² <https://www.opensocietyfoundations.org/grants-database>

³ <https://www.opensocietyfoundations.org/grants-database>

Issue 1

To Reduce Penalties for Crimes of Obtaining, Possessing, and Using Illegal Drugs

Proposed Constitutional Amendment

Proposed by Initiative Petition

To add a new Section 12 to Article XV of the Constitution of the State of Ohio

A majority yes vote is necessary for the amendment to pass.

If adopted, the amendment would:

- Require sentence reductions of incarcerated individuals, except individuals incarcerated for murder, rape, or child molestation, by up to 25% if the individual participates in rehabilitative, work, or educational programming.
- Mandate that criminal offenses of obtaining, possessing, or using any drug such as fentanyl, heroin, methamphetamine, cocaine, LSD, and other controlled substances cannot be classified as a felony, but only a misdemeanor.
- Prohibit jail time as a sentence for obtaining, possessing, or using such drugs until an individual's third offense within 24 months.
- Allow an individual convicted of obtaining, possessing, or using any such drug prior to the effective date of the amendment to ask a court to reduce the conviction to a misdemeanor, regardless of whether the individual has completed the sentence.
- Require any available funding, based on projected savings, to be applied to state-administered rehabilitation programs and crime victim funds.
- Require a graduated series of responses, such as community service, drug treatment, or jail time, for minor, non-criminal probation violations.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	