

# OHIO ISSUES REPORT

State Issue Ballot Information for the  
November 5, 2002 General Election



Distributed By  
The Ohio Ballot Board  
Secretary of State J. Kenneth Blackwell  
Chairman



This publication gives Ohioans an opportunity to compare the arguments for and against the statewide issue on the November 5th ballot. The ballot language for Issue 1 was written by the nonpartisan Ohio Ballot Board. The argument and explanation for and the argument against Issue 1 were written by the individuals listed and are printed as submitted to my office.

We urge all Ohioans to study the issue carefully and then vote on November 5.

A handwritten signature in black ink that reads "J. Kenneth Blackwell". The signature is written in a cursive style with a large initial "J".

## **OHIO BALLOT BOARD**

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Secretary of State J. Kenneth Blackwell

State Senator Ben E. Espy

State Senator Doug White

Mr. William N. Morgan

Mr. Thomas R. Winters



# ISSUE 1

## PROPOSED CONSTITUTIONAL AMENDMENT

(Proposed by Initiative Petition)

**1** To adopt Section 24 of Article IV of the Constitution of the State of Ohio.

In order to provide for persons charged with or convicted of illegal possession or use of a drug, in certain circumstances, to choose treatment instead of incarceration, to require the state to spend two hundred forty-seven million dollars (\$247,000,000) over seven (7) fiscal years to pay for the drug treatment programs, to allow the applicable records of offenders who complete treatment instead of incarceration for illegal drug use and possession to be sealed and kept confidential for most purposes, and to limit the maximum sentence to ninety (90) days incarceration that eligible first-time, second-time, and certain repeat illegal drug possession or use offenders could serve, this amendment would:

1. Require a court to order treatment instead of incarceration for first-time or second-time offenders charged with or convicted of illegal possession or use of a drug who request treatment, have not been convicted of or imprisoned for a violent felony within five years of committing the current offense, have not been sentenced to a term of incarceration that would interfere with participation in treatment, and in the same proceeding have not been convicted of or charged with other drug-related offenses or misdemeanors involving theft, violence or the threat of violence.

2. Allow a court to order treatment instead of incarceration for eligible repeat offenders charged with or convicted of illegal possession or use of a drug who request treatment,

and for offenders charged with or convicted of illegal possession or use of a drug who are also charged with or convicted of other nonviolent offenses resulting from drug abuse or addiction and who request treatment.

3. Create a Substance Abuse Treatment Fund and require the state to spend a total of two hundred and forty-seven million dollars (\$247,000,000) to pay for the treatment, breaking down to nineteen million dollars (\$19,000,000) for the remainder of the 2003 fiscal year and thirty-eight million dollars (\$38,000,000) annually through fiscal year 2009, in addition to requiring the state to maintain its current spending to fund existing substance abuse treatment programs through fiscal year 2009, and to require the state to continue to provide adequate resources for these purposes after fiscal year 2009.

4. Limit the period of treatment a court may impose to not more than twelve (12) months, allow an extension of the treatment period for not more than six (6) more months, and allow court supervision of an offender for up to ninety (90) days after treatment.

5. Limit the sentencing of first-time, second-time, and certain repeat offenders who are eligible for treatment but who either do not request treatment or do not meet the terms of the treatment to a maximum of ninety (90) days incarceration for illegal possession or use of a drug.

6. Limit the authority of judges who place eligible offenders into treatment to remove those offenders from the programs.

7. Require a court to dismiss legal proceedings against an offender without a finding of guilt if the offender completes the treatment.

8. Allow an offender who successfully completes the treatment to have applicable records sealed and to have the con-

viction that prompted the request for treatment expunged, and require that the sealed or expunged records be kept confidential except for specified law enforcement and court related purposes.

If adopted, provisions of this amendment related to funding for the remainder of fiscal year 2003 will be effective immediately; otherwise this amendment will be effective July 1, 2003, and will apply to all qualifying charges, convictions and criminal sentences pending before the court from that day forward.

A majority yes vote is necessary for passage.

	<b>YES</b>	<b>SHALL THE PROPOSED AMENDMENT BE ADOPTED?</b>
	<b>NO</b>	

## Argument/Explanation for State Issue 1

Issue 1 requires drug treatment, not jail time, for first- and second-time, nonviolent drug users. It *excludes* offenders caught dealing drugs or with a violent criminal history.

The war on drugs has failed. We need new drug laws that focus on curbing addiction while cracking down on drug dealers.

Under Issue 1, treatment is not a free ride:

Courts and treatment personnel will monitor progress with drug testing.

When problems arise, courts can respond with punishment.

If problems persist, a court can jail an offender.

Too many young people have had their lives ruined by drug convictions, when what they really needed was help. Today in Ohio, THREE OUT OF FOUR people caught with small amounts of drugs end up in prison or jail. In jail, their addictions just get worse.

Besides treatment, Issue 1 allows judges to order job training, literacy training and family counseling to give people the chance to become productive, taxpaying citizens again.

Opponents claim Issue 1 legalizes drug use. That's wrong. Under Issue 1, drug possession is still a felony. Treatment begins after arrest, and failure means jail time.

Opponents also say we can't afford Issue 1. But that's silly. **Issue 1 will save Ohio taxpayers millions each year!**

The annual cost of treatment averages \$3,500, while a prison inmate costs \$23,000. Issue 1 requires the state to invest \$38 million annually in treatment for six years. **Ohio will save between \$300 million and \$450 million overall.**

Don't believe the prosecutors, politicians and judges who are trying to cover up their own failure to fix the war on drugs. We have tried their way and it just doesn't work. It's time for a new way.

The Ohio Drug Treatment Initiative will save lives and save money.  
Vote YES on Issue 1.

## **OHIO CAMPAIGN FOR NEW DRUG POLICIES**

Dr. Chris Adelman, President,

Ohio Society of Addiction Medicine, (campaign co-chair)

Senator Ben E. Espy, (campaign co-chair)

Marilyn Alesnik

Chris Blaskis

Staci Hynd

## Argument Against State Issue 1

State Issue 1 is unsafe and full of loopholes. It ignores Ohio's current system of treatment and justice for drug offenders.

### **Opposed by:**

All major Ohio newspapers

Dozens of drug treatment, medical, law enforcement, judicial, labor, religious and business organizations and victims groups such as MADD  
Community leaders, state and local officials of both political parties

**Vote No** on State Issue 1 because:

- It limits how judges can deal with drug offenders.
- It effectively wipes the slate clean of prior drug offenses, permitting many multiple offenders to be treated as “first-timers.”
- It mandates expungement of drug offense records under certain conditions.
- It allows people with expunged records—even doctors, airline pilots, daycare workers and others with sensitive jobs—to hide their drug history from employers.
- It states that people who commit “non-violent” crimes like burglary or forgery may be eligible for treatment instead of incarceration.
- It drastically reduces maximum incarceration time for drug possession to only 90 days.
- It gives arrested drug offenders a constitutional right to treatment over anyone who voluntarily seeks treatment.
- It requires the state to spend almost \$250 million over seven years above what it spends now, solely on treatment for drug offenders.
- It requires “adequate” ongoing spending after that.
- It puts drug treatment spending above almost every other state spending priority.
- It does not require drug testing during treatment.
- It says next to nothing about drug abuse prevention and education.
- It does not apply specifically to juveniles.
- It does not apply to alcoholics.
- It cannot be changed in any detail without another constitutional amendment.

COMMITTEE TO PREPARE ARGUMENT AGAINST ISSUE 1

Lew Hollinger, State Director,  
Mothers Against Drunk Driving, Ohio Chapter  
Dr. Joe R. Gay, Executive Director,  
Health Recovery Services, *Athens, Ohio*  
Tina Hobson, Program Manager,  
Community Assessment and Treatment Services, *Cleveland, Ohio*

# *Dates To Remember*

## **October 1**

Absentee balloting begins.

## **November 2 at noon**

Deadline for applying for an absentee ballot by mail for the November 5th election.

## **November 4**

Deadline for voting an absentee ballot in person at a county board of elections for the November 5th election.

## **November 5**

### **Election Day**

Polls open 6:30 a.m. to 7:30 p.m.



*For more information contact:*

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