

REAGAN TOKES ACT (SB 201) Advocate's Guide

What is the Reagan Tokes Act?

PURPOSE The Reagan Tokes Act (SB 201), also known as "Tokes," is to amend Ohio's sentencing laws in regards to all state non-life felony convictions of the first and second degree and create an indefinite sentencing structure.

WHEN Sentencing for qualifying crimes committed on or after March 22, 2019, will no longer be from definite ranges but rather will be comprised of a minimum to maximum range computed by a judge.

HOW Tokes creates a presumption that convicted offenders will be released after serving their minimum sentence, but the Ohio Department of Rehabilitation and Correction (ODRC) can argue that presumption and keep the offender incarcerated longer, up to the maximum.

Impact on Victims' Rights & the Role of the Advocate

- **Since Tokes creates a new presumptive release date system for convicted offenders, Tokes also creates a new notification right for victims. Specifically, R.C. 2930.16(A) now mandates that prosecutors must notify victims of the date that the convicted offender will be initially eligible for release.**
 - Notification can be done in a variety of ways; through letter, follow up meeting, or telephone conversation after the sentencing. It is recommended that victim advocates now notify victims soon after the sentencing of their right to appear at the sentence reduction hearing, if one is requested, and their right to submit a victim impact statement for consideration at that hearing.
- **R.C. 2967.271(E) was created by Tokes' passage, and further mandates that victims must be notified of pending presumptive release of offenders.**
 - The notification of the upcoming pending release of offenders will be handled through ODRC.
- **Per R.C. 2967.271(F)(3), the ODRC may seek to reduce the offender's minimum sentence. There is a presumption that the court will approve this request, but the presumption can be argued. The court is required to schedule a hearing to consider the reduction request and is required to notify the prosecutor of the hearing. The prosecutor must notify the victim of the hearing and of the victim's opportunity to submit written information to the court for consideration at the hearing.**
 - The Tokes statute states that victims can only be heard through a written statement.
 - Marsy's Law states victims have the right to be present and heard at public hearings. Tokes seems to conflict with this constitutional right as it states that victims only have the right to submit a written victim impact statement for "consideration" at the hearing and the court is not required to accept the victim's impact statement. This conflict may be resolved through court decisions or a modification to Marsy's Law implementation language.
 - Throughout the process of implementing this law and the implementation and codification of Marsy's Law, the victim may seek out assistance through Ohio Crime Victim Justice Center (OCVJC) if they feel that their rights through Marsy's Law have been denied.
- **Per R.C. 2967.271(F)(5), if the court grants the request to reduce the offender's minimum sentence, the court must notify the prosecutor and the prosecutor must notify the victim.**
 - The Reagan Tokes Act essentially creates a brand new step in the criminal justice process. Explanation, in addition to notification, of this process to the victim of crime of what they may expect is essential. A victim of crime, if prepared at the beginning of the post-sentencing phase, are less likely to be surprised receiving an early release notification through ODRC. Additionally, the knowledge of their right to participate in the process is vitally important.
 - In addition to providing notification of release based upon this ruling, advocates are encouraged to collaborate with the victim and their support system to provide services that will safely prepare the victim for the offender's release.

If you need technical assistance on how to serve victims under the Tokes Act, please contact the Ohio Victim Witness Association at (614) 787-9000 or at info@ovwa.org.

Victims may seek assistance from OCVJC if they feel that their rights under Marsy's Law, Tokes, or any other victims' rights law have been denied, by calling (614) 848-8500.



**Ohio Crime Victim
Justice Center**