



Office of the Ohio Public Defender

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TIMOTHY YOUNG
State Public Defender

February 6, 2009

Hon. Ted Strickland
Governor
Statehouse, Ground Floor
Columbus, OH 43215

Hon. Richard Cordray
Attorney General
30 E. Broad St., 17th floor
Columbus, OH 43215-3428

Re: Extension of deadline to comply with the federal Adam Walsh Act

Dear Governor Strickland and Attorney General Cordray:

As you know, in a letter dated January 16, 2009, the U.S. Department of Justice's SMART Office informed former Attorney General Nancy Rogers that the State of Ohio has not achieved the minimum standards necessary to comply with the federal Adam Walsh Act.

While states must substantially comply with the AWA by July 27, 2009 in order to avoid a 10% reduction in Byrne Justice Grant funding, the Act allows states to request two one-year extensions of that deadline. At least nine states—Arkansas, Arizona, Iowa, Kansas, Kentucky, Mississippi, New Jersey, New Mexico, South Carolina—and the territory of Guam have already requested such an extension. No state or territory has been found to be in substantial compliance with the requirements of the federal AWA.

On behalf of the organizations and individuals listed below, I strongly encourage the State of Ohio to request the first of its allowed one-year extensions from the SMART Office, rather than attempt to pass compliance legislation before the July 27, 2009 deadline.

Senate Bill 10, Ohio's AWA implementation legislation, was greatly debated in the legislature, but the compromises reached have been rejected by the SMART Office. The implementation of SB 10 has been time-consuming and costly for law enforcement, the court system, prosecutors, defenders, and service providers; the implementation of compliance legislation will only compound these burdens. And legal challenges to SB 10 are currently before the Supreme Court of Ohio, which will ultimately decide questions about the constitutionality of the new law.

By requesting a one-year extension, Ohio can allow the outcome of these legal challenges to shape future legislation, the Ohio Legislature can focus exclusively on the biennial budget during this challenging economic time, and the State will continue to receive its full Byrne Justice Grant funding.

We will be happy to provide any assistance or information you may need, including extension-request letters that other states have submitted, as you decide what Ohio's next steps will be with regard to the Adam Walsh Act.

Thank you for your consideration.

Sincerely,

Tim Young
State Public Defender

Organizations

Juvenile Justice Coalition (of Ohio)

Voices for Ohio's Children
Juvenile Justice Initiative

Montgomery County Public Defender's Office

Lighthouse Youth Services, Inc.

Children's Law Center, Inc.

Children's Defense Fund—Ohio

The Ohio Association of Child Caring Agencies
(OACCA)

National Youth Advocate Program

Ohio Justice Alliance for Community
Corrections (OJACC)

Individuals

(titles provided for identification purposes)

Dr. Morris Jenkins
University of Toledo, Criminal Justice Dept.

Katherine Hunt Federle
Professor of Law and Director, Center for
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Justice for Children Project
The Ohio State University
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