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House Bill 1 Sponsor Testimony

Thank you Chair Lang, Ranking Member Leland, and members of the House Criminal Justice Committee for the opportunity to provide sponsor testimony on House Bill 1, which will address the epidemic of drug addiction and the criminal justice system by expanding opportunities for those who made a mistake to right a wrong, and help them seek treatment and gainful employment.

The criminal justice system is in need of reforms to properly address the epidemic of drug addiction. House Bill 1 will expand access to treatment and remove some of the barriers those in recovery face when seeking employment while at the same time preserving judicial discretion. HB 1 has two parts, intervention in lieu of conviction (IIL) and sealing conviction records:

Expanding Access to Intervention in Lieu of Conviction

Intervention in Lieu of Conviction (ILC) is a program in which an eligible offender charged with a low-level non-violent felony offense, who committed the offense due to drug or alcohol usage or mental illness or intellectual disability, has the opportunity to obtain a dismissal of the charge(s) after completing court-ordered treatment. HB 1 seeks to lift some of the current limits on access to ILC to give defendants access to desperately needed treatment options.

We propose that this bill designate ILC as the initial option for defendants whose offenses are found to be related to their addiction after an assessment. A judge who does not approve ILC after a hearing would be required to articulate the specific reasons for rejecting a defendant's application to participate in ILC. HB 1 strikes a balance by preserving judicial discretion, but requiring justification for rejecting the ILC path. These changes will expand access to intervention in lieu of conviction.

Expanding Access to Sealing of Convictions

Consistent employment can be an important element in sustained recovery and turning a defendant's life around. While offenders may have served their time and sought rehabilitation to put them on the right path, a felony conviction on their records present serious to gainful employment.

Accordingly, HB 1 would expand access to sealing of convictions to low level, non-violent, non-sex offense felonies. This proposal would allow fourth and fifth degree offenders to have those convictions sealed – regardless of how many low-level felony convictions they have.

Current law also cuts off sealing of convictions to persons with more than one misdemeanor and one 3rd degree felony conviction. As an example, a person with two prior misdemeanors who then sells drugs to support their habit and is later charged with 3rd degree felony trafficking is barred from seeking sealing of their conviction. Therefore, this bill proposes to allow a person with up to two eligible misdemeanors and up to two eligible 3rd degree felonies to apply for sealing.

Finally, HB 1 would reduce the waiting period in order for a low-level felony offender to apply for sealing of their conviction. The current wait period to apply is three years from completion of a person's sentence – including probation. We propose that the waiting period be reduced to one year. Collectively, these changes will allow former offenders to reform their lives through greater access to employment opportunities.

Thank you again for the opportunity to provide testimony on House Bill 1. We are happy to answer any questions you might have at this time.