

Testimony on HB 1

Ohio House Criminal Justice Committee

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Chairman Lang, Vice-Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to present testimony on Chief Justice Maureen O'Connor's support for the recently introduced House Bill 1.

The Chief Justice has long supported efforts to help criminal defendants rebuild their lives once they've had genuine success in rehabilitation. The approach of House Bill 1 aligns with that exact sentiment. While the criminal justice system should hold offenders accountable, allowing a reformed defendant to clear their record is a just and necessary result. Sealing convictions improves one's odds of finding a home, getting a job, and succeeding in life. If a defendant fulfills their obligation by successfully completing their sentence, the state should fulfill its obligation to allow their success to continue.

House Bill 1 does this in three ways: It expands access to record sealing by allowing a larger group of people to apply, it reduces the length of time those people have to wait before applying, and probably the most important feature, it bolsters access to intervention in lieu of conviction – which can prevent a record from being created in the first place.

House Bill 1 allows persons with only low-level convictions to apply for record sealing, regardless of how many convictions they have. The bill also increases the amount of higher-level convictions one can have and still apply. As Ohio's specialty dockets see, particularly with people suffering from an opioid addiction, the road to rehabilitation is long and often littered with criminal convictions. This bill helps ensure that those who get to the end of that road have a real chance at success. And by allowing lower level convictions to be sealed after only one year, this bill can help that success come even sooner.

Finally, House Bill 1 takes steps to increase participation in Intervention in Lieu of Conviction. This will help defendants receive treatment while taking responsibility for their actions and ensuring no criminal conviction if successfully completed. Under current law, a court can dismiss a request for this programming without a hearing. This bill mandates a hearing if addiction is the driving force behind the crime. The bill also creates a presumption in favor of intervention in lieu, requiring a court to set forth specific reasons for any denial. These changes will help push those fighting addiction into the treatment they need and hopefully out of the criminal justice system entirely.

The Chief Justice believes the changes set forth in this bill will be a positive step for Ohio's criminal justice system. By incentivizing those addicted to stay in court ordered treatment, HB1 will not only deliver second chances it will save lives. Holding offenders accountable while also rewarding them for their successes is the proven model of this state's 249 specialized dockets. Ohio is a national leader when it comes to specialty dockets. HB 1 will continue Ohio's reputation as a state which treats those afflicted with addiction humanely and with programs that brings about recovery.

I thank you again for your time, and I am happy to answer any questions you might have.