

Proponent Testimony
House Bill 1
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Mr. Chairman, members of the Criminal Justice Committee. Thank you for this opportunity to testify on behalf of and offer my wholehearted support for House Bill (HB) 1, as introduced.

My name is Randall Smith. I am a licensed attorney in Ohio for nearly 30 years, co-chairman of the Montgomery County Legislative Reentry committee and the Director of the Miami Valley Community Action Partnership Legal Clinic. Miami Valley CAP is a 501(c)3 private, nonprofit Community Action Agency based in Dayton, Ohio, committed to eliminating the causes and conditions of poverty and promoting self-sufficiency by providing programs and services in the Miami Valley. We have offices in four counties.

Our legal clinic was started in April of 2017 to provide legal assistance in removing barriers to employment. The program was designed as to not duplicate any other legal services being provided by in our community by either Legal Aid or the Volunteer Lawyers Project. We originally planned to serve 30 clients in our first year. Yet in our two years of operations we have serviced 343 clients and have a waiting list which we had to close once it reached 200.

Over 95 percent of the people seeking our services are those that have problems finding employment due to prior criminal convictions. They typically owe excessive fines, court costs and collection fees, which must be paid before they can obtain a valid driver's license. Many employers require a valid license as a condition of employment and many employment opportunities lay beyond any public bus route. The irony is that these fines and fees are the reason many clients can't get employment, and these fines and fees continue to spiral out of control. Additionally, as a result of these convictions clients have difficulty finding employment and housing because of their criminal record and need to have their record sealed and/or apply for a certificate of qualification of employment to access living-wage employment opportunities and housing.

Criminal convictions bar those who have completed their sentence and have been fully rehabilitated from moving on and obtaining their career goals. Their future is forever tied to their past mistakes, making it almost impossible for them to fully integrate back into larger society and to give back. All our clients come to us with the desire to help others not make the same mistakes that they have made.

Many of these folks have been referred to our clinic by the Montgomery Office of Reentry or by various local agencies who offer counseling and addiction services. In discussing with clients what lead to their criminal convictions, often the explanation involved factors associated with drugs, alcohol and mental illness.

Those clients whose convictions resulted in incarceration often lost jobs, housing, all their personal belongings, and were no longer in a position of being self-sustaining taxpayers but instead became an expense and burden upon society. The long-term impact of incarceration for many of our clients with all the ancillary consequences associated with it continues the punishment long after release and completion of probation.

Forever being branded with a conviction is not an effective deterrent to recidivism if the factors contributing to the commission of a crime continue to remain after release. In these instances, criminal records are more of a delay or interruption of criminal activity than a deterrent.

House Bill 1 addresses these problems and is an innovative and proactive approach to reducing recidivism while still imposing substantial consequences upon the offender. It provides latitude to the court to determine if intervention in lieu of conviction is a better alternative to incarceration. It furthers the chances of a successful integration back into society by permitting the offender to continue to work and maintain housing, while mandating compliance to a recovery plan of one to five years. It also expands the ability to seal criminal records recognizing this as a major obstacle to integration and successful sustainability.

Under this bill punishment is not incarceration but rather it is a court-imposed obligation to comply with mandated intensive rehabilitation.

Please pass HB1 to provide an innovative and much needed alternative to incarceration when factors involve drugs, alcohol or mental illness, while reducing recidivism by keeping the offender in society and remaining self-sufficient while they are rehabilitated.

Thank you for your time.

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