

TO: Senate Transportation, Commerce & Workforce Committee  
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio  
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RE: Sub. House Bill 263 – Proponent Testimony



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To Chairman McColley, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Transportation, Commerce & Workforce Committee, thank you for this opportunity to present proponent testimony on Substitute House Bill 263, The Fresh Start Act.

House Bill 263 rebalances a system that has grown increasingly unfair and counterproductive over years and decades. That system is one of professional licensing and its specific impact on Ohioans with criminal records.

For far too long, your constituents have been unable to overcome statutory barriers that limit their productivity and their ability to adequately provide for themselves and their families. These hurdles sometimes totally disqualify a person from an entire field.

Too many other times, when discretion is permitted by authorities, that discretion works against those seeking jobs and establishing careers. I speak specifically of the ability to disqualify license applicants for vague, broad, and subjective reasons involving “moral character” and “integrity,” among similar language.

Instead, HB 263 injects common sense and transparency into the licensing process to improve it for Ohioans, employers, businesses, and taxpayers. Some of the welcome changes made by HB 263 are:

- Licensing authorities are required to develop and post online a list of specific offenses that may prevent a person from obtaining a professional license. Offenses must directly relate to the licensed occupation;
- Still allows licensing authorities to disqualify people for specific, relevant offenses but requires them to consider such factors as the nature of the offense, how long ago it was committed, and any steps the applicant has taken to rehabilitate themselves;

- If an applicant is denied, requires the licensing authority to contact them in writing explaining the reasons for refusal and notifying them of how to appeal, among other information;
- In an appeal, places the burden on the licensing authority to prove the conviction in question relates to the ability of the applicant to perform in the particular occupation.
- A licensing database so Ohioans and other stakeholders can track the effectiveness of HB 263 and identify possible improvements.
- Application to 125 specific professions and occupations.

Those are not all of HB 263's provisions and details but it is hopefully enough information to further illustrate the positive benefits of this bill and why its passage is so crucial to so many Ohioans. HB 263 also arrives in this committee after passing 90-1 in the House with 56 cosponsors and broad support from numerous stakeholders across the state.

As you consider HB 263, please also keep in mind we could make legislation like this less necessary if the General Assembly would stop developing new reasons to create new felony offenses and send ever more people into our decades-long overcrowded prison system.

That said, Substitute House Bill 263 is bipartisan, necessary reform this committee should feel good about passing. It will not solve all of Ohio's criminal justice and mass incarceration problems. But it is a big step towards allowing your constituents to integrate back into society, earn a living, and improve their lives and our state.