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Testimony in Support of SB 160
Megan O'Dell, Attorney
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Senate Judiciary Committee
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Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Megan O'Dell, and I am an attorney at the Ohio Poverty Law Center. The Ohio Poverty Law Center advocates for evidence-based policies that protect and expand the rights of low-income Ohioans. We are a non-profit law firm working closely with Ohio's legal aid community, serving Ohioans who are living, working, and raising their families in poverty. Thank you for the opportunity to provide testimony in support of Senate Bill 160, to provide a mechanism for expungement of records of old convictions.

There are over 850 bars to employment and occupational licensing in the law and administrative rule for individuals with criminal records.¹ Approximately one in six Ohioans has a felony or misdemeanor conviction record.² This means that close to two million Ohioans face significant barriers to employment and occupational licensing due to their criminal record, disproportionately affecting low income people and communities of color.³ When looking at records created by arrests and other infractions, this number jumps to one in three individuals.⁴ These barriers to employment and occupational licensing are significantly reduced when an individual has their record expunged.

Because employment is key to successful reentry, reducing the collateral sanctions affecting an individual with a criminal record is crucial. Employment and occupational licensing that is subject to mandatory barriers in the law pay \$4,700 more on average.⁵ Allowing individuals with criminal records the opportunity to access these higher paying jobs reduces recidivism, enabling them to provide for their families and their community.

All over the state, legal aid offices assist individuals in reducing the collateral sanctions from a criminal record. Sealing, Certificates of Qualification for Employment (CQE), and expungement reduce

¹ Shields, Michael and Pamela Thurston, *Wasted Assets: the Cost of Excluding Ohioans with a Record from Work* (Dec. 2018). <https://www.policymattersohio.org/files/research/collateralsanctions-v2-2019.pdf>.

² See <http://www.ohiojpc.org/about/>.

³ *Id.*

⁴ Vallas, Rebecca and Sharon Dietrich, *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records* (Dec. 2014). <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.

⁵ Shields, Michael and Pamela Thurston, *Wasted Assets: the Cost of Excluding Ohioans with a Record from Work* (Dec. 2018). <https://www.policymattersohio.org/files/research/collateralsanctions-v2-2019.pdf>.

the barriers to employment and licensing, but they have limitations. The current expungement law allows for the deletion of records for survivors of human trafficking and individuals with juvenile records, but it is not an available tool for anyone else. Sealing of a record does not delete the record, but simply hides the record from public view. This means that public employers and state licensing agencies are still able to view an individual's record and must bar an individual from licensing or employment when the law mandates it. Other tools to reduce the barriers created by criminal records have similar limitations. A Certificate of Qualification for Employment (CQE) is granted by a court of common pleas to remove the mandatory barriers in the law for employment and occupational licensing. However, many potential applicants do not know that the CQE exists, and many courts are unaware of the process and hesitant to issue CQEs. Because there is not a filing fee cap on CQEs, the filing fee varies from county to county. An applicant in Franklin County pays \$35 to file an application with the court, but an applicant in Madison County pays \$450 to file an application with the court. For an individual seeking employment or occupational licensing, higher filing fees deter applicants from filing.

Expunging of a criminal record has a tremendously positive impact on individuals. Without a criminal record following an individual around for life, they can gain the employment they desperately need. Because of this, I urge you to pass Senate Bill 160. Thank you for your time and consideration. I look forward to working with you on removing barriers to employment and occupational licensing, and I am happy to answer questions you may have.