

# The Supreme Court of Ohio

CHAMBERS OF  
CHIEF JUSTICE MAUREEN O'CONNOR

65 SOUTH FRONT STREET  
COLUMBUS, OH 43215-3431

January 21, 2020

Senator John Eklund  
Ohio Senate  
1 Capitol Square  
Senate Building  
Columbus, Ohio 43215

Chairman Eklund:

Thank you for the opportunity to comment on House Bill 1. I am writing to commend the bill's sponsors for their efforts to help criminal defendants rebuild their lives once they've had genuine success in rehabilitation. 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. These are principles I have long supported and I am grateful for the Committee taking the time to address them.

House Bill 1 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 most importantly, it bolsters access to intervention in lieu of conviction. Such access can prevent a criminal record from being created at all.

House Bill 1 allows persons with only low-level convictions to apply for record sealing, regardless of how many convictions they have and 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 littered with criminal convictions. By allowing lower level convictions to be sealed after only one year, the addicted can find success even sooner.

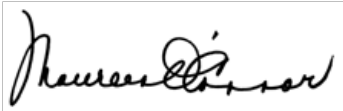
Finally, House Bill 1 will increase participation in Intervention in Lieu of Conviction. This will help defendants that genuinely take responsibility for their actions receive treatment and ensure that successful participants have no criminal conviction. Currently, a court can dismiss a request for this programming without a hearing. This bill would require a hearing if addiction is the impetus for the crime. The bill also creates a presumption in favor of intervention in lieu and requires a court set forth specific, written reasons for any denial. These changes will help push those fighting addiction into the treatment they need.

A recent study of reentry drug courts in Texas has shown that those charged with misdemeanors actually have a higher relapse rate than those charged with felonies.<sup>1</sup> The study found that the threat of felony-level punishment provides the external pressure needed to keep a defendant in treatment. House Bill 1 retains that pressure while opening opportunities for defendants once they successfully complete treatment.

By incentivizing court-ordered treatment, House Bill 1 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. House Bill 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 the opportunity to comment on House Bill 1 and the improvements it can bring in our criminal justice system.

Warm Regards,

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Maureen O'Connor" in a cursive script.

Maureen O’Connor  
Chief Justice

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<sup>1</sup> Ruiz, et al., The Relative Influence of Legal Pressure on Outcomes in a Rehabilitation Aftercare Drug Court, AMERICAN JOURNAL OF CRIMINAL JUSTICE, November 28, 2018, available at <https://link.springer.com/article/10.1007/s12103-018-9465-3>