



**OHIO STATE BAR  
ASSOCIATION**  
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January 21, 2020

Members of the Senate Judiciary Committee  
1 Capitol Square  
Columbus, Ohio 43215

Dear Senate Judiciary Committee:

On behalf of the Ohio State Bar Association, I am pleased to offer proponent testimony in support of House Bill 1.

When the Ohio State Bar Association decided to oppose Issue 1, we did so with the understanding that we had an obligation to the state to use our resources to help be a part of the solution. We applaud the sponsors for proposing this bill and House leadership for making it a priority. We want to make clear, however, that more can and must be done to address the growing number of persons who are serving time in prison for the illness of drug addiction. We stand ready to assist the legislature in other endeavors to address that issue.

The Ohio State Bar Association believes that this bill accomplishes two crucial objectives while maintaining the backbone of our justice system – judicial discretion.

First, this bill accomplishes the goal of getting more people into treatment vis-à-vis expanding and encouraging the use of Intervention in Lieu of Conviction (ILC). ILC is a critical piece to combating the drug epidemic because it allows for offenders to address the underlying cause of their criminal offense—their addiction—while avoiding most of the collateral consequences that come with a criminal conviction. By requiring a court to hold an ILC hearing in which granting ILC is presumed if alcohol or drug abuse is alleged, the legislature is sending a strong message to courts around the State that where possible, treatment should be sought.

The bill also importantly encourages broad and uniform application across the State by requiring that denials of ILC are accompanied by a stated reason for the rejection and it caps the mandatory terms of the ILC at no longer than five years. Importantly, HB 1 accomplishes this while maintaining a judge’s ability to deny ILC where appropriate. The preservation of this discretion is vital to the operation of our justice system that recognizes the importance of the judicial branch.

Second, the bill accomplishes the objective of making rehabilitation a priority of criminal justice policy by expanding the availability of records sealing. The changes demonstrate that the State must be a partner with offenders in the rehabilitation journey and that people can turn their lives around if they are given the tools to be able to do it.

For the foregoing reasons, the Ohio State Bar Association stands in support of House Bill 1.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Lundregan". The signature is stylized with a large initial "S" and a long horizontal flourish at the end.

Scott Lundregan, Esq.  
Director of Policy and Legislative Counsel  
Ohio State Bar Association