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Testimony in Support of HB 1
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 House Bill 1, to modify intervention in lieu of conviction and sealing requirements.

Approximately one in six Ohioans has a felony or misdemeanor conviction record.¹ 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. This further perpetuates the cycle of poverty.² When looking at records created by arrests and other infractions, this number jumps to one in three individuals.³

Barriers to employment and occupational licensing are somewhat reduced when an individual has their record sealed. Senate Bill 66 greatly expanded an individual's likelihood of having their record sealed, and House Bill 1 takes it a step further by allowing individuals with more than five felonies to apply for record sealing. We are in full support of this effort. It is important to note that the sealing of a criminal record does not delete the record. That occurs through the expungement process, which is available for juvenile records and for survivors of human trafficking. Sealing a record simply hides the record from public view, which means that public employers and state licensing agencies are still able to see an individual's record. Because employment is critical to successful reentry, reducing the mandatory bars in the law and administrative rule is crucial.

We appreciate the focus on rehabilitation for those vulnerable to the criminal justice system, allowing for individuals who would otherwise not be eligible for intervention in lieu of conviction to petition the court and make their case. More individuals will be able to be treated for their substance

¹ See <http://www.ohiojpc.org/about/>.

² *Id.*

³ 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>.

use disorder than punished for it, which will reduce recidivism rates, lessening the amount of criminal convictions on one's record.

Although intervention in lieu of conviction is not a criminal conviction, it is often treated like a conviction in our statutes and administrative rules in creating barriers to employment and licensing. There are 127 barriers in the law for those who have been found eligible for intervention in lieu of conviction. For example, an individual seeking to become a cosmetic therapist can be denied a license to practice for being found eligible for intervention in lieu of conviction for any violation of a state or federal drug law. Similar bars exist for acupuncturists, community health workers, home health aides, and massage therapists, among others. While we do believe that expanding intervention in lieu of conviction to more individuals with substance abuse issues will provide more Ohioans with the treatment they need, barriers to employment and licensing still exist for those eligible for such treatment and must be removed.

Sealing and intervention in lieu of conviction are tools to reduce recidivism. However, to lessen the impact of one's criminal record, barriers in the law to employment and occupational licensing must be addressed. I urge you to pass House Bill 1 and remove the barriers in the law related to intervention in lieu of conviction, making the bill most effective at creating second chance opportunities for those with substance use disorder. Thank you for your time and consideration.