

THE OHIO ASSOCIATION
OF
CRIMINAL DEFENSE LAWYERS

1/21/2020

PROPONENT TESTIMONY ON HOUSE BILL 1

Chairman Eklund, Vice Chair Manning, and Ranking Member Thomas, thank you for the opportunity to testify as a proponent to House Bill 1.

As an initial matter, we applaud the sponsors for seeking to expand intervention in lieu of conviction and sealing of records to more Ohioans. This legislation rightly acknowledges the harsh and lifelong stigma that a criminal conviction can have on a person's record.

The Ohio Association of Criminal Defense Lawyers will always support alternatives to convictions and appreciate any opportunity to show mercy and compassion to those citizens who have lost their way and are deserving of a shot at redemption – a truly American ideal.

As defense lawyers, we encounter numerous people each and every day who are facing criminal charges and feel that all hope is lost – hope for a brighter future, hope for a better life for them and their families. We all understand that people can make mistakes and can be caught up in the criminal justice system. This bill will provide a light at the end of the tunnel for many deserving people, ensuring that if they take their obligations seriously, they will have a chance to overcome their convictions and live a better life.

We also understand that people can change – for the better – and we applaud the intent of this bill to allow people that chance. We especially support the provision of this bill that would reduce the waiting period for low-level felony convictions to become eligible to seal the record of conviction – I have recently met a shining example of an incredibly deserving person to whom that change can make a world of difference.

Rest assured, we are not looking to advance a “get out of jail free” card, and we certainly understand that mistakes or bad choices often deserve to have consequences. This bill certainly does not alleviate accountability – it simply gives those eligible a chance to atone for their actions. For example, intervention in lieu is a strenuous program that requires the criminal defendant to give up all of their trial rights and defenses to the charge, accept supervision of their life and choices for a year or longer, and participate in meaningful programs.

We encourage and urge this committee to continue to seek any and all ways for deserving citizens to overcome their criminal acts and to become productive members of society. This bill is a modest step forward, but more must be done to ensure that we fairly and appropriately punish the culpable among us, without resorting to over-punishment and over-criminalization.

We thank you for your consideration of this testimony.

Sincerely,

Blaise Katter, Public Policy Chair, OACDL