



***BEFORE THE HOUSE CRIMINAL JUSTICE COMMITTEE
PROPONENT TESTIMONY ON HOUSE BILL 460***

Chair Abram, Vice-Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 460 (HB 460). My name is Kevin Shimp and I am an associate attorney at the law firm Dickinson Wright testifying on behalf of the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate. The organization represents over 8,000 companies that do business in Ohio and our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

In the Ohio Chamber's efforts to champion economic growth for the benefit of all Ohioans, the Ohio Chamber supports House Bill 460 because it can help address workforce challenges by giving over 1 million Ohioans a clean slate and second chance for gainful employment free from the stigma of a criminal conviction on their record.

Currently, Ohio law provides a procedure for the sealing of criminal records for most misdemeanors and non-violent felonies. To have a record sealed under the present process, an individual must first apply to the sentencing court to have their record sealed. After filing the application, a hearing is set where a judge considers statutory factors to determine if record sealing is suitable. Only after this hearing and a favorable finding from the judge will an individual have their record sealed.

This process is time intensive and often requires hiring a lawyer to assist with the record sealing application and court hearing. Due to these barriers, countless Ohioans who are eligible to have a sealed record do not pursue it.

House Bill 460 seeks to alleviate these issues and help more Ohioans find meaningful employment by creating a process for the automatic sealing of criminal records. Through the legislation, rather than having to apply for a record sealing, the Attorney General's Bureau of Criminal Identification and Investigation (BCII) will identify criminal records eligible for sealing. After BCII identifies a record, it submits the record to the appropriate county prosecutor who has 45 days to object to the record sealing. If there is no objection, then the bill directs a court to order the record sealed.

Importantly, House Bill 460 does not expand the type of criminal records that are eligible for sealing nor does it speed up the timeline for when a person's record is eligible for sealing. Instead, it seeks to simplify the record sealing process so that more Ohioans can avail themselves to our state's existing record sealing law.

The Ohio Chamber supports HB 460 because it aligns with objectives in our *Blueprint for Ohio's Economic Future* and we believe it can help address workforce challenges that many employers are facing. In our Blueprint's workforce recommendations, we encourage the state to adopt second chance hiring policies like those in HB 460. The adoption of second chance hiring provisions is a part of building a more vibrant economy in Ohio because it helps all Ohioans, even those who have a criminal history, participate in the workforce and contribute to the state's economic growth. Likewise, it can help reduce strains on public assistance benefits and other government programs because meaningful employment may result in fewer reformed Ohioans needing public benefits.

House Bill 460 can also help address existing workforce issues in our state because it facilitates the hiring of reformed citizens by providing qualified immunity to employers who hire individuals with sealed records. Under the bill, the sealing of a record provides immunity for an employer to the extent that a sealed record is the basis of a claim against the employer for negligent hiring or negligent supervision.

This immunity provision is a key aspect of the bill because it enables employers to hire individuals without having to consider their criminal history since the law protects them from civil liability if an employee with a criminal history ultimately engages in unlawful activities in the workplace.

In closing, the Ohio Chamber urges your support of HB 460 because it will help address the state's workforce challenges and enable all Ohioans to more fully participate in our economy. Thank you for the opportunity to testify and I welcome any questions from the committee.