

LASCO

Legal Aid of Southeast &
Central Ohio

Formerly the Legal Aid Society of Columbus

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Chair Abrams, Vice Chair Williams, Ranking Member Brown, and Members of the Committee, my name is Sierra Cooper. I'm an attorney with Legal Aid of Southeast and Central Ohio where I serve as the lead of the Columbus Reentry Team. Thank you for the opportunity to provide testimony.

Legal Aid of Southeast and Central Ohio is a non-profit legal services organization that provides legal advice and representation to low-income clients in 36 of Ohio's counties.

I'd first like to say how thrilled I am about House Bill 460. Automating the criminal record sealing process will hugely benefit Legal Aid's clients. The vast majority of employers and landlords rely on background checks to screen applicants. I have seen first-hand how many of my clients are denied jobs and housing because of the volume of their criminal history, regardless of the types of offenses or how long ago they occurred. Record sealing and expungement is a vital tool to ensure public safety and reduce recidivism by providing opportunities for growth to folks with criminal records.

The record sealing process can be lengthy and complicated for a person to navigate on their own. Our office is happy to provide help and representation when appropriate, but the demand is higher than we can meet. Automating this process will provide greater access to record sealing and ensure that those with criminal convictions can truly move forward to better employment, housing, and education opportunities.

There are, however, a few aspects of this bill that could be improved to maximize the benefits to people like the clients Legal Aid serves. The first would be to include an opt-out option. I know that sounds counter-intuitive for a bill aimed at automation. However, there are many reasons a person may not want to seal their record the moment they are eligible. The two scenarios I have seen in my practice involve clients who are seeking naturalization or citizenship and clients who want to join the military. In both instances, the federal government's background check requires full disclosure of any criminal convictions, even those that have been sealed. For sealed records, the applicants must provide a sealing entry from the court, which can be difficult to obtain in certain jurisdictions, especially if some time has passed between the application being made and the time the records were sealed. For those people, it may be beneficial to skip record sealing until their citizenship has been finalized or after they are accepted into the military. This can be accomplished by sending eligible Ohioans a letter letting them know that they are eligible to have certain records

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sealed, letting them know that if they do nothing, they will be moved through the process, but providing a checkbox they can check indicating they are not interested. At that point, those folks can be moved out of the queue until they are ready to apply on their own.

This brings me to my second concern: notice. Record sealing is incredibly helpful for my clients, but only to the extent that they know the records have been sealed. It is essential that the person whose records have been sealed receive actual notice of the seal, preferably in the form of an entry from the court, in order to fully benefit from the process. For example, many employers and landlords require disclosure of criminal records right on their application. Because applicants do not have to disclose sealed records, they must first know that their records have been sealed to avoid unnecessarily disclosing their sealed convictions.

As it is currently written, House Bill 460 will provide much needed streamlining to a complex process. Although my clients would benefit from a few minor changes, overall, House Bill 460 is incredibly helpful in providing an avenue for steady employment and safe housing.