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To: Senate Finance Committee
Fr: Kevin Werner, Policy Director
Re: Proponent testimony HB 33
June 8, 2023

Chairman Dolan, Vice Chair Cirino, Ranking Member Sykes and members of the Senate Finance Committee, thank you for the opportunity to provide testimony on HB 33. My name is Kevin Werner and I am the policy director for the Ohio Justice & Policy Center, a non-profit law firm with offices in Cincinnati and Columbus whose mission is to promote fair, intelligent, and redemptive criminal justice systems.

One in three Ohioans have a criminal record of some kind. With SB 288's recent changes to record sealing and expungement laws, more Ohioans are now eligible than ever before for relief—but many may not know that they are eligible or how to apply, particularly Ohioans who live in counties outside of large population areas.

The Ohio Justice & Policy Center (OJPC) estimates that 50-70 counties currently have no legal services for people to gain access to the improvements made in SB 288. Data from the Ohio Department of Rehabilitation and Correction affirms the dearth of second chance legal services throughout Ohio. Some legal aid offices and law schools offer essential legal services; however, those services are often geographically limited by an organization's local reach, income restrictions, and capacity to meet localized needs.

OJPC is proposing the legislature create a grant program to enable more Ohioans to obtain relief from criminal-records-based barriers through second chance legal clinics. Our proposal is made in collaboration with the Office of the Ohio Public Defender via an amendment to HB 33.

Primarily, this grant program would expand access to record sealing and expungement, and certificates of qualifications for employment. The creation of this type of grant program, optimally achieved through a General Revenue Fund (GRF) line item, is essential to workforce development since many Ohioans face collateral sanctions disqualifying them from access to the job market without the legal relief offered by criminal record sealing and expungement or certificates of qualification for employment (CQE)

Another benefit of this grant program would allow access to a developing form of relief from collateral sanctions, the certificate of qualification for housing as proposed by HB 50. House Bill 50 recognizes the needed relief from housing barriers returning citizens face and intelligently provides a pathway for landlords and property owners to rent to individuals with a criminal record. The bill affords property owners protection from certain torts that could arise if those landlords offer tenancy to individuals with criminal convictions.



Grant funding would allow individuals with criminal records to have access to both improvements made to record sealing and expungement in SB 288 and to the housing barrier removal tools in HB 50. The grant funds would be used to launch a multi-layered pilot program to expand access to legal services in Ohio through community education; second chance legal clinics; partnership and practitioner collaboration; and data collection/reporting.

To be most effective, OJPC contends that the grant program should be resourced with an allocation of \$4 million dollars to establish funds necessary for hiring of and training for legal professionals, building a network of legal service providers and community agencies and to develop public educational and outreach resources. The \$4 million dollar funding level will also provide for compliance and reporting requirements set by the grant administrators.

OJPC's view is that non-profit law firms or organizations that provide free legal services, and law schools who operate clinics that provide record sealing and expungement services would apply for this funding administered by the Office of the Ohio Public Defender. Organizations without legal and technical expertise in record sealing and expungement should not be eligible for grant funding. The rationale for reasonable restrictions is given the scale and scope of the barriers to employment and housing, the grant funding is best utilized by entities who would not need to spend resources "getting up to speed" on these areas of the law.

To illustrate the need for second chance legal clinics in Ohio, we look to available data on CQEs and align with prisoner release data, both provided by ODRC. Tables 1-4¹ paint a picture of immense need. ODRC released 20,343 individuals in 2020; ODRC released 21,890 individuals in 2019; and ODRC released 22,617 individuals in 2018. There were 148 CQEs granted in 2021; 178 granted in 2020; and 1347 granted in 2019. Because CQEs require a waiting period of 6 months-1 year, we compare CQE figures the year following release. **At best, 0.8% of CQE-eligible returned citizens were granted the first kind of collateral sanction relief available to them under Ohio law during this three-year period.**

Second chance legal clinics are the best way to provide Ohioans access to relief from criminal record-based barriers, be it CQEs or record sealing and expungement. Second chance legal clinics are the optimal way to educate Ohioans on their options while also being able to provide legal services in communities across the state where services are lacking.

Thank you for the opportunity to provide testimony on HB 33. The Ohio Justice & Policy Center stands ready to answer any questions the committee may have regarding this second chance legal clinic budget request.

¹ Ohio Department of Rehabilitation and Correction annual report 2022; annual CQE reports 2019-2021. Available at <https://drc.ohio.gov/about/resource/reports>



Table 1. 2021 CQE Report

County Breakdown of Approved/Denied Petitions 2021

County Breakdown*	Petitions	Approved	Denied	In DRC Review	In Court Review	In Progress (Not Submitted)	Other Status
Summit	1493	10	2	0	38	51	1392
Cuyahoga	1211	17	5	0	47	97	1045
Hamilton	719	30	0	0	25	67	597
Franklin	411	15	8	0	22	48	318
Mahoning	290	5	1	0	22	23	239
Montgomery	239	14	1	0	12	50	162
Stark	206	7	2	0	9	33	155
Lucas	145	0	0	0	16	13	116
Lorain	89	4	0	0	7	10	68
Scioto	84	12	2	0	10	12	48
Trumbull	83	1	0	0	6	9	67
Butler	66	2	0	0	3	11	50
Lake	52	0	0	0	2	2	48
Ross	41	6	5	0	5	9	16
Portage	40	0	1	0	0	6	33
Greene	36	2	1	0	6	11	16
Fairfield	33	0	0	0	3	4	26
Medina	33	0	0	0	3	5	25
Marion	30	0	0	0	3	1	26
Pike	28	1	0	0	5	3	19
Clark	27	0	0	0	4	6	17
Lawrence	26	1	0	0	2	2	21
Warren	26	2	0	0	1	6	17
Licking	23	0	0	0	4	3	16
Allen	22	2	0	0	3	2	15
Clermont	21	1	0	0	2	1	17
Muskingum	19	0	0	0	3	1	15
Richland	19	4	0	0	0	3	12
Ashtabula	18	1	0	0	4	5	8
Delaware	15	2	0	0	0	2	11
Columbiana	14	0	0	0	1	1	12
Erie	14	0	0	0	1	1	12
Miami	14	1	0	0	1	6	6
Wayne	14	0	0	0	1	2	11
Brown	12	0	0	0	3	1	8
Huron	11	0	0	0	0	1	10
Athens	10	0	0	0	1	4	5
Gallia	10	1	0	0	3	1	5
Geauga	10	0	0	0	1	1	8
All others	279	7	0	0	20	29	227
Total	5933	148	28	0	299	543	4915



Table 2. 2020 CQE Report

**County Breakdown of Approved/Denied Petitions 2020
 (Counties with 10 or more CQE's)**

County Breakdown	Petitions	Approved	Denied	In DRC Review	In Court Review	In Progress (not Submitted)	Other Status
Summit	143	25	1		73	38	6
Cuyahoga	142	23	8		34	68	9
Hamilton	77	23			14	30	10
Franklin	73	16	2		12	33	10
Montgomery	60	27	7		4	20	2
Stark	38	14	1		6	11	6
Mahoning	37	7	4		9	13	4
Lucas	20	2			3	13	2
Lorain	18	2			5	10	1
Lawrence	13	2	1		2	7	1
Scioto	13	5			3	4	1
Trumbull	13	4	2		4	3	
All Others	151	28	2		48	548	14
	798	178	28	0	217	798	66

Table 3. 2019 CQE Report

County Breakdown of Approved/Denied Petitions 2019

County Breakdown*	Petitions	Approved	Denied	In DRC Review	In Court Review	In Progress (Not Submitted)	Other Status
Allen	31	6	0	0	7	14	4
Ashland	9	2	0	0	3	4	0
Brown	11	2	0	0	5	4	0
Butler	72	7	2	0	24	36	3
Clark	29	7	0	0	13	8	1
Cuyahoga	1738	258	109	0	364	892	115
Clermont	33	6	0	0	8	16	3
Delaware	18	2	0	0	4	14	0
Fairfield	31	3	0	0	10	16	2
Franklin	595	99	50	0	103	301	42
Greene	50	19	1	0	7	21	2
Hamilton	979	232	21	0	192	495	39
Lake	77	15	2	0	11	46	3
Lawrence	59	15	9	0	8	23	3
Licking	26	2	1	0	9	11	3
Lorain	127	30	0	1	23	68	5
Lucas	196	32	6	0	56	87	15
Mahoning	413	89	21	0	130	139	34
Marion	51	15	0	0	13	21	3
Medina	42	9	0	0	13	20	0
Montgomery	320	86	23	0	52	148	11
Out of State	3	0	1	0	1	0	1
Richland	35	5	3	0	1	15	11
Ross	33	6	2	0	10	15	0
Scioto	106	43	2	0	32	26	3
Stark	310	90	13	0	80	110	17
Summit	1893	260	25	3	1078	479	97
Warren	37	7	0	0	8	18	2
Total	7321	1347	290	4	2264	3047	418

*List consists of most counties with four or more petitions in the system as of 12/31/2019 except Out of State petitions.

Table 4. ODRC release statistics

OFFICE OF PRISONS
RELEASE INFORMATION

