



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of HB263 Occupational Licensing-Criminal Convictions Sponsor Representative Koehler

Chairman Manning, Vice Chair Dean, Ranking Member Lepore-Hagan, and members of the House Commerce and Labor Committee. My name is Niki Clum, and I am the Legislative Liaison for the Office of the Ohio Public Defender. Thank you for the opportunity to provide proponent testimony regarding House Bill 263 (HB263).

The Legislative Service Commission analysis for HB236 lists 125 professions that require a license in Ohio. According to the Ohio Department of Rehabilitation & Corrections, approximately 2 million citizens, 17% of Ohioans, have a felony or misdemeanor conviction. That means that under current law, those 2 million Ohioans may not be able to obtain a license to work in those 125 professions. That is why Ohio needs HB263.

Under this bill, every state entity that grants professional licenses must determine a list of criminal convictions that disqualify candidates from receiving a license, and those offenses must be related to the duties and responsibilities of the licensed occupation. Licensing authorities would no longer be permitted to deny licenses for nonspecific offenses like crimes of “moral turpitude” or crimes that show bad “moral character.” Furthermore, when considering a license, HB263 requires the licensing entity to consider the conviction for the specified offense in relation to (1) the nature and seriousness of the offense, (2) the passage time since the offense, (3) the relationship between the offense and the duties of the licensed occupation, and (4) any evidence of mitigating rehabilitation or treatment undertaken by the applicant.

Individuals who have paid their debt to society deserve the chance to make a better life for themselves and their family. However, a criminal conviction can be a significant impediment to obtaining gainful employment, particularly in fast-growing industries that require a professional license, “such as health care, human services and some mechanical trades.”¹ The jobs that are off limits to these individuals “pay better and are growing at twice the rate of other Ohio jobs.”² According to a December 2018 report from the Ohio Justice & Policy Center, “Ohio’s expansive collateral sanctions limit access to more than one in four jobs statewide” and “cost individuals an estimated \$3.4 billion in foregone wages in 2017.” According to the report, the average Ohioan with a felony conviction lost \$36,479 in wages in 2017.

Limiting professional licenses to individuals without a criminal history does not make Ohio safer. In fact, allowing individuals to obtain employment reduces recidivism,³ and it is the reductions in recidivism that make Ohio safer. Furthermore, Ohio’s unemployment rate in September was 4.1%.⁴ Not only do individuals with a criminal history need employment, businesses also need reliable employees. Allowing these individuals to obtain professional licenses is a benefit to all Ohioans.

¹ Tracy Jan, *After Prison, More Punishment*, The Washington Post, September 3, 2019, <https://www.washingtonpost.com/graphics/2019/business/jobs-after-prison-rhode-island-recently-occupational-licensing/?noredirect=on>.

² Brad Whitehead and Amy Hanauer, *Reducing collateral sanctions as part of Ohio criminal justice reform would be a boon to employers too*, Cleveland.com, March 10, 2019 <https://www.cleveland.com/opinion/2019/03/reducing-collateral-sanctions-as-part-of-ohio-criminal-justice-reform-would-be-a-boon-to-employers-too-brad-whitehead-and-amy-hanauer-opinion.html>

³ Caitlin Curley, *Denying Employment to Ex-Offenders Increases Recidivism Rates*, GenFKD, March 17, 2017, <http://www.genfkd.org/denying-employment-ex-offenders-increases-recidivism-rates>.

⁴ Hannah Report, September 20, 2019.



To quote Bryan Stevenson, founder the of the Equal Justice Initiative, “each of us is more than the worst thing we have ever done.” Individuals who have worked hard to rehabilitate themselves should not be prohibited from obtaining meaningful employment. Thank you for the opportunity to testify in support of HB263. I am happy to answer any questions at this time.

