

House Criminal Justice Committee

Senate Bill 3

Proponent testimony of: Rabbi Rick Kellner

Faith Leader of Congregation Beth Tikvah, Worthington, OH and RAC-OH

November 19, 2020

Dear Chairperson Lang, Vice Chairperson Plummer, Ranking Member Leland and members of the House Criminal Justice Committee,

Thank you for the opportunity to testify in support of Senate Bill 3. My name is Rick Kellner and I serve as the Rabbi of Congregation Beth Tikvah in Worthington, Ohio. I also serve as the Co-Chair of the Ohio Religious Action Center of Reform Judaism. Our clergy serve more than 43,000 Jews in 34 synagogues in every corner of Ohio. We are a faith-based group, organizing our communities around issues of Jewish values. Over the past three years members of our communities have been working to raise awareness about the challenges of substance abuse and drug addiction and the impact opioids have had on our youth and youth from around the state. In the prior legislative session our members worked to support changes to sentencing laws, expanded record sealing and treatment in lieu of conviction.

Our Jewish text and tradition tell of the challenging story of our people's slavery in Egypt. The Hebrew word for Egypt is *Mitzrayim*, which also means narrow place. The word addiction comes from the Latin root to give oneself over. When someone is addicted to a drug, that individual gives himself or herself over to the forces that trap them in the endless cycle of addiction. Those individuals become enslaved to that substance. Each time we pray we celebrate our freedom from bondage in Egypt, as we constantly celebrate emerging from our enslavement, we also celebrate those who emerge from the narrow place of addiction. When we hear that someone has been sober for 5 years, we cheer. Coming out of the personal Egypt, the personal narrow place is the story of every recovering addict. Jewish tradition also talks about something called the *yetzer hara*, these are the temptations or impulses that draw an individual repeatedly to use a drug. The rabbis taught that the *yetzer hara*, the temptation, renews itself every day and that it seeks to destroy a person. The rabbis have a term for someone who can overcome these powerful temptations; the rabbis call such an individual heroic or mighty. We know that when someone battles addiction, it takes a mighty act on a daily basis to overcome those addictive forces. This happens through meaningful attempts at recovery.

Nearly two years, I brought a group of temple members with me to meet with Donn Parsons, the State Senate Legal Council regarding this legislation, a young man who grew up at our congregation spoke to him about his own story of addiction and recovery. He had reached bottom, he had been arrested, kicked out of his home; his life was spiraling downward. His family supported him in getting his felony drug possession record sealed and now he is working to get

back on his feet, he has since earned his masters degree. When he moved to Chicago for graduate school, he had a difficult time getting apartments because his felony still appears on private databases. He told Mr. Parsons that having a felony record is like wearing a “scarlet letter” for life. It does not allow people to get back on their feet after they have paid their debt to society. My congregant’s story and our Jewish values teach us that we must view addiction as an illness, not a moral failure.

Right now, our criminal sentencing laws are incredibly harmful. They do not allow us to view drug addiction as an illness. Right now the strict nature of the laws teaches us that addiction is a moral failure. People must be given the opportunity to work toward recovery. Along with many of my rabbinic colleagues, we have spoken with rabbis, Judges, elected officials and restored citizens throughout Ohio. We have learned that carrying a felony record for a drug possession is a crime that has eternal punishment. With a felony record, people cannot get jobs, they face challenges when trying get housing and they cannot even volunteer in their children’s school. We have heard these stories and we recognize that these individuals should not be punished eternally for their addiction. We are also guided by the age-old Jewish value of *teshuvah*. We often translate this word as repentance, but the magic of Hebrew tells us it can also mean a return to the proper path. In our communities we encounter good people who are still scarred from the mistakes they made when they were young. They have paid their debt to society, have rehabilitated their lives and are working to be good upstanding citizens again. The scarlet letter is holding them back. What can we do to retroactively change their felonies to misdemeanors so they can be good participating members of society with access to good jobs, housing and more? What can we do to make our laws reflect this value of *teshuvah*?

Senate Bill 3 has the potential to restore the opportunity for people to get their lives back. Changes to the current law will make access to loans, jobs, housing and education attainable once again. With adequate funds that support recovery, people will be less likely to return to the cycle of addiction, and will be more likely to remain in communities successfully. Including rehabilitation as a purpose of felony sentencing is vital to giving Ohio healthy communities and to respecting the sanctity of human life.

In the fall of 2018, numerous congregations around our state held forums to educate about addiction. We knocked on doors to learn stories and talk to

people across Ohio. In the fall of 2019, more than 200 members of our congregations came to the state house to advocate for the passing of this legislation. We felt the urgency then and we feel it even more today, Senate Bill 3 is an opportunity to changes people’s lives for the better. It is important legislation that can give people the chance to emerge from their personal narrow place of addiction and erase the scarlet letter of a felony.

Thank you again for allowing me to submit this testimony morning. I am happy to answer any questions you may have.