



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Opposition of HB354 Weapons Disability Data Portal Sponsor Representatives Plummer and Swearingen

Chairman Oelslager, Vice Chair Scherer, Ranking Member Cera, and members of the House Finance Committee. My name is Niki Clum, and I'm the Legislative Liaison for the Office of the Ohio Public Defender (OPD). Thank you for the opportunity to provide testimony in opposition of House Bill 354 (HB354).

OPD opposes the provision of HB354 that raises the age of automatic expungement of sealed juvenile records from 23 to 28-years-old. Under current law, automatic expungement only applies to juvenile records that have been sealed by the juvenile court.ⁱ For an individual to seal their juvenile record, the court must find that the "person has been rehabilitated to a satisfactory degree."ⁱⁱ The prosecutor can object to the application for recording sealing, which forces the court to hold a hearing.ⁱⁱⁱ It is also important to keep in mind that juvenile adjudications for aggravated murder, murder, and rape can never be sealed or expunged.^{iv} Only after the juvenile has had their record sealed are they eligible for automatic expungement five years later or upon turning 23-years-old.

OPD's concern is that increasing the age to 28-years-old impacts all individuals with juvenile records, not just those who committed a violent offense or those who are attempting to obtain a gun. The juvenile justice system is about rehabilitation. Forcing these individuals to wait until they are twenty-eight to expunge their record accomplishes nothing towards rehabilitation, but, rather, is an anchor weighing down the individual's potential for success.

The years between twenty-three and twenty-eight are very important for establishing one's career. At 23-years-old many individuals are just out of college and hoping to obtain employment in their chosen field. Around 28-years-old, individuals are somewhat established in their career to the point where many are moving towards homeownership, marriage, and children. To name just two examples – juvenile records that are not expunged can prohibit the individual from joining the military, and individuals attempting to become a lawyer in Ohio must disclose their juvenile adjudications that have not been expunged. By forcing these individuals to wait until 28-years-old for expungement, we are potentially stunting the development of their life and career. The adjudication becomes more punitive than rehabilitative.

Thank you for the opportunity to testify in opposition of HB354. I am happy to answer any questions at this time.

ⁱ See R.C. 2151.358(A).

ⁱⁱ Quoting R.C. 2151.356 (C)(1)(e).

ⁱⁱⁱ See R.C. 2151.356 (C)(1)(d)(i) & (iii).

^{iv} See R.C. 2151.356 (A).

