



**State Representative Kyle Koehler
Sponsor Testimony – HB 263
The Fresh Start Act**

Chairman McColley, Vice-Chair Johnson, Ranking Member Antonio and members of the Transportation, Commerce and Workforce Committee, thank you for allowing me to testify on Amended House Bill 263 – the Fresh Start Act.

I consider this bill to be a vital step on the road to making sure that government gets out of the way of a person looking to do a honest days' work, and an important step toward creating a more JUST, more FREE society.

House Bill 263 is a long-overdue fix to Ohio Revised Code language regarding occupational licenses and addresses a serious issue in the way Ohio's licensing boards treat individuals with criminal records.

I am happy to report that this bill, as amended, passed out of the House on a vote of 90-1 with 56 co-sponsors.

The bottom line: Nearly one in five people in Ohio need an occupational license to do their job.

That means 20 PERCENT of our fellow Ohioans need the go-ahead from an arm of the government to perform their work – from landscape architects to referees to auctioneers. The following examples are a few of the hundreds of occupations requiring an occupational license in Ohio:

- *Announcers, horseshoers (State Racing Commission)*
- *Lead inspectors, sanitarians (Department of Health)*
- *Motor vehicle repair operators (Motor Vehicle Repair Board)*
- *Auctioneers, certified livestock managers (Department of Agriculture)*

Occupational licensing boards can automatically disqualify individuals who have been to jail or prison from obtaining a license, regardless of the amount of time that has passed or the relevance of a person's past crimes to the licensed profession.

Chairman, you know better than anyone that we create these boards, we have oversight of these boards and we have a say in how these boards operate through the Ohio Revised Code.

The problem lies in broad, ambiguous language riddled throughout the Ohio Revised Code when describing character requirements. References to applicants meeting "*moral character requirements*", being "*of good moral character*", "*of high character and integrity*", or having "*a good reputation for integrity*" allow licensing boards to bar individuals from many professions for just one criminal violation – regardless of when that occurred, or whether that violation had ANYTHING to do with the work this person is asking permission to do.

The Fresh Start Act requires licensing boards to state which specific convictions disqualify a person from working. This bill eliminates "blanket bans" and would allow individuals who have been convicted of non-violent, non-sexual offenses the opportunity to be considered for these licenses.

It prohibits boards from looking back more than five years for individuals that have paid their penalty for committing non-violent, non-sexual crimes.

Research from the National Institute of Justice tells us that an individual who has not committed a crime after five-years have passed since conviction is no more likely to commit a crime than the average person.¹

Chairman, the data tells us that we need not fear recidivism from these non-violent offenders. The facts are clear here. There is no logical reason in 2020 for the state to discriminate against a person whose last offense was a non-violent, non-sexual crime in 1999.

It is for these reasons and many others that this bill gained support from individuals and groups across the political spectrum, including Americans for Prosperity, the Buckeye Institute, the ACLU, Policy Matters Ohio, Ohio Justice & Policy Center, Legal Aid Society of Columbus, Ohio Poverty Law Center, the Ohio Public Defender, and the Foundation for Government Accountability via the Opportunity Solutions Project.

Finally, I want to speak to the amendments made to this bill, which arose from the many interested party meetings, which happened over the course of many months. Conversations with the boards and commissions, as well as professional associations affected by the bill, resulted in the addition of language which specifies that licensing authorities *can* consider disciplinary actions taken against an individual who has already been licensed. As a colleague of mine said, “We don't want a doctor getting caught for over-prescribing pain medication to simply vacation in the Bahamas for five-years, waiting to come back to Ohio to set up shop again.” The legislation before you today gives each board and commission the ability to make that determination.

If we are to truly reform criminal justice in Ohio, improve our workforce, and empower individuals to have a second chance at the American Dream, we must reform Ohio's occupational licensing structure.

Again, Amended House Bill 263 passed out of the House on a 90-1 vote with 56 co-sponsors.

Thank you Chair McColley for allowing me to present Amended House Bill 263 for consideration. Because this bill has been through multiple hearings and multiple interested party meetings, I welcome your questions.

¹ Alfred Blumenstein and Kiminori Nakamura, “‘Redemption’ in an Era of Widespread Criminal Background Checks.” National Institute of Justice Journal (2011)