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**Testimony in Support of HB 263**  
**Susan Jagers, Director**  
**Ohio Poverty Law Center**  
**Senate Transportation, Commerce, and Workforce Committee**  
**September 23, 2020**

Chair McColley, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Transportation, Commerce, and Workforce Committee, thank you for the opportunity to provide testimony in support of House Bill 263. My name is Susan Jagers and I am the Director of the Ohio Poverty Law Center. The Ohio Poverty Law Center’s mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working and raising their families in poverty. We work closely with Ohio’s legal aid programs that provide civil legal services to low-income Ohioans.

There are more than 850 barriers to employment and occupational licensing for individuals with criminal convictions.<sup>1</sup> An estimated one in four Ohio jobs (1.3 million) is blocked or restricted for those with a conviction and these jobs pay, on average, \$4,700 more and are growing at twice the rate of other jobs.<sup>2</sup> An estimated 994,000 Ohioans are living with a felony conviction—approximately one in 11 adults in the state—and as many as one in three Ohio adults has a criminal record of some kind. Black Ohioans are six times more likely to have a criminal conviction than white Ohioans and are more likely to serve time.<sup>3</sup>

House Bill 263 would remove these barriers to employment by reforming occupational licensing restrictions for those seeking initial licensing. Under HB 263, licensing agencies would be required to create new disqualifying criminal offense lists that only include offenses related to the duties and responsibilities of the licensed occupation. For example, under current law, an individual seeking to be licensed as a barber may have their license suspended or denied for possession or addiction to the use of any controlled substance that is prohibited by state or federal law.<sup>4</sup> An individual seeking to be licensed as a community health worker may be denied

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<sup>1</sup> Shields, Michael and Pamela Thurston, *Wasted assets: the cost of excluding Ohioans with a record from work* (Dec. 2018). <https://www.policymattersohio.org/files/research/collateralsanctions-v2-2019.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> ORC 4709.13(A)(2), ORC 4709.13(B)(1)-(2)

a license or have their license revoked for any drug possession conviction or for “a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction.”<sup>5</sup> These offenses are not related to the duties and responsibilities of being a barber or a community health worker.

House Bill 263 would also only allow licensing agencies to consider disqualifying offenses for five years after the date of conviction or the release from incarceration, whichever is latest. There are certain offenses that a licensing agency can always take into consideration, such as sexually oriented offenses and violent offenses. However, reform would give licensing agencies the authority to license individuals based on an individual’s qualifications and experience. HB 263 does give licensing agencies the discretion to deny an applicant they believe not suitable for the licensed occupation. Within the five-year time period, a licensing agency could deny an applicant due to their criminal record if they have taken other factors into account, such as the nature and seriousness of the offense.

The General Assembly has been working to reduce barriers to employment. Senate Bill 66, passed in the 132rd GA, greatly expanded an individual’s ability to have their record sealed, and pending legislation such as House Bill 1, Senate Bill 3, and Senate Bill 160 would expand sealing and expungement, reducing the barriers to employment for individuals with criminal offenses. We are in full support of this effort. It is important to note that the sealing of a criminal record does not delete the record. That occurs through the expungement process, which is only available for juvenile records and for survivors of human trafficking. Sealing a record hides the record from public view, which means that public employers and state licensing agencies are still able to see an individual’s record and still must bar an individual from licensing based on that record. Because employment is critical to successful reentry, reducing the mandatory bars in the law and administrative rule is crucial, and HB 263 would do just that.

Many states have taken the lead in this type of occupational licensing reform. Since 2015, 21 states have reformed their occupational licensing laws to help individuals with criminal records become licensed.<sup>6</sup> Seven states including Indiana, Kentucky, and Oklahoma no longer allow licensing agencies to use vague standards such as “good moral character.”<sup>7</sup> Ohio would be included in this list if HB 263 passes. Thirteen states including Indiana, Kentucky, Tennessee, and Wisconsin generally bar licensing agencies from denying licenses to individuals based on their criminal record unless their record is directly related to the license sought.<sup>8</sup> Other states understand the detriment that licensing barriers create not just for individuals but also for

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<sup>5</sup> OAC 4723-26-11(B)(5)

<sup>6</sup> Institute for Justice, <https://www.policymattersohio.org/files/research/collateralsanctions-v2-2019.pdf>.

<sup>7</sup> Id.

<sup>8</sup> Id.

employers and licensing agencies. Individuals with criminal records who are otherwise qualified, experienced, and hardworking are forced to settle for low paying jobs, negatively impacting employers.

Because House Bill 263 only addresses the barriers to occupational licensing for initial licenses, I would encourage you to extend these reforms to renewals of occupational licensing as well. Disqualifying offense lists for the renewal of a license should only include offenses related to the duties and responsibilities of the licensed occupation. An individual should not lose their occupational license and their livelihood due to an offense that is not related to their licensed occupation. The Ohio Poverty Law Center asks that you remove barriers to employment by supporting HB 263.