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House Criminal Justice Committee
Senate Bill 217 — Sponsor Testimony
Thursday October 21, 2021

Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to present sponsor testimony on Senate Bill 217.

Ladies and gentleman, one of Ohio's critical pieces of technological infrastructure, BCI's background check system, is out of compliance with federal law. Senate Bill 217 is a technical change that aligns existing practice with Ohio law to ensure only necessary individuals are given access to confidential criminal background check information. Nothing in this bill limits existing access to information.

Recently, the Ohio Attorney General's office was informed by the FBI that Ohio has four statutes in the Revised Code that require updates in order to be compliant with federal standards necessary to access federal criminal history record information (CHRI). This is due to the fact that the statutes in our state's code allow for private or nongovernmental entities to receive CHRI, which is in violation of the federal standards which allow for CHRI to be shared pursuant to a subpoena or valid court order. This legislation will explicitly state that CHRI is not accessible to these entities unless either of those circumstances are met.

Notably, Ohio already restricts access to private individuals unless there is a valid subpoena or court order, so this change simply solemnizes Ohio's current practice in statute as requested by our federal partners.

While this fix will be simple, it is an extremely important change to enact. By not permitting BCI to continue to provide the information within the FBI's statutory requirements, the FBI may revoke BCI's access to this data.

Thank you once again Chairman LaRe and members of the committee for the opportunity to present this legislation to you today. I will be glad to answer any questions at this time.