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Written Testimony in Support of Senate Bill 66

To: Judiciary Committee, The Ohio Senate

Chair Bacon, Vice Chair Dolan, Ranking Member Thomas, Senator Brown, Senator Coley, Senator Eklund, Senator Huffman, Senator Lehner, Senator O'Brien, Senator Oelslager, Senator Skindell

From: Patrick Higgins, Ohio Legal Assistance Foundation Justice for All Fellow, Ohio Poverty Law Center; phiggins@ohiopoverlylaw.org

Date: Tuesday, February 27, 2018

Chair Bacon, Vice Chair Dolan, Ranking Member Thomas, and Committee Members;

The Ohio Poverty Law Center (OPLC) supports SB 66, particularly the language expanding the categories of offenders who are "eligible offenders" for purposes of Ohio's Conviction Record Sealing Law.

OPLC advocates for evidence-based policies that protect and expand the rights of low-income Ohioans. We are a non-profit law firm working closely with Ohio's legal aid community serving Ohioans who are living, working, and raising their families in poverty. Expanding the categories of "eligible offenders" for record sealing will likely reduce recidivism and improve the economic well-being of restored citizens and the communities that they live in.

Approximately one-in-six Ohioans has a felony or misdemeanor conviction record.¹ This number excludes records created by arrests and other infractions and, if it did, could be as high as one-in-three according to the Center for American Progress.² These are nearly two million—or more—Ohioans who, because of their criminal record, face significant and often insurmountable barriers to employment, housing, and other resources critical to self-sufficiency and supporting a family. In Ohio and around the country, these impacts fall disproportionately on low income people and communities of color and perpetuate cycles of poverty.³

Ohio's Conviction Record Sealing Law permits "eligible offenders" to reduce these barriers when a court makes the determination, among others, that the petitioner's interest in having the record sealed outweighs the state's interest in maintaining it. It is important to note here that the sealing of a record in Ohio does not destroy it. Sealing means that the record is taken away from the public eye, but remains available to prosecutors, judges, police, state licensing boards, and others with an interest in investigating crimes and keeping the community safe. When "eligible

¹ See <http://www.ohiojpc.org/about/>.

² Vallas, Rebecca and Sharon Dietrich, ONE STRIKE AND YOU'RE OUT: HOW WE CAN ELIMINATE BARRIERS TO ECONOMIC SECURITY AND MOBILITY FOR PEOPLE WITH CRIMINAL RECORDS (Dec. 2014).

<https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.

³ *Id.*

offenders” have their records sealed, their employment and housing prospects improve, meaning their likelihood of recidivism can decrease. Employment and housing are critical to successful reentry.

Imagine, after serving the sentence for your crimes, being precluded from record sealing—and employment and housing opportunities—for the remainder of your life because you have three convictions from early adulthood. Today, an Ohioan ceases to be an “eligible offender” once she or he has more than two convictions throughout her or his entire adult life.⁴ A few limited exceptions apply, but this extremely limited eligibility standard precludes many individuals from the opportunity to get back on their feet and provide for themselves and their families due to an inability to find work at a livable wage and quality, safe housing.

The expansion of who makes up “eligible offenders” in SB 66 changes this exact problem. By expanding eligibility, SB 66 does not change a judge's discretion in determining whether the petitioner's interest outweighs that of the state but makes it possible for more Ohioans to seal their records, get back to work, and to continue living law-abiding lives. When this is possible, we all do better because of it. Throughout the country, employment losses among people with criminal records are estimated to be as high as \$65 billion per year.⁵ You can change this by supporting SB 66. We urge you to support this bill and are happy to answer any questions that you may have.

⁴ See LSC Bill Analysis: “Currently, for purposes of the Conviction Record Sealing Law “eligible offenders” includes only a person who has been convicted of an Offenses in Ohio or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions, or not more than one felony conviction and one misdemeanor conviction in Ohio or any other jurisdiction.”

⁵ See ONE STRIKE AND YOU’RE OUT, *supra* note 2. (citing: John Schmitt and Kris Warner, “Ex-offenders and the Labor Market” (Washington: Center for Economic and Policy Research, 2010)).