Senate Bill 159 Sponsor Testimony

Judiciary Committee

November 13, 2018

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to offer sponsor testimony on Senate Bill 159.

Senate Bill 159 would permit a person to apply for the sealing of their official records pertaining to a case where they were granted a pardon after being convicted and incarcerated. Specifically, it would be in the event that the governor granted them either an absolute and entire pardon, partial pardon or pardon upon conditions that must be met.

Senate Bill 159 comes at the request of concerned constituents who have worked with expungement law in the state of Ohio. Those who have worked in Ohio helping others seal their records have witnessed the primary effects that a criminal record can have on a person’s quality of life.

In Ohio a pardon is considered a record of forgiveness that relieves a former offender of any further punishment for that crime. In essence, the pardon places a recipient, at least from a legal standpoint, in the same condition as if the crime had never been committed. However, Ohio law does not allow a pardoned individual to get their records sealed and, as it stands, a trial court does not have the ability to seal the records of a pardoned offense based on the Ohio Supreme Court Decision in State v. Radcliff.

The process towards receiving a pardon from the state can take a considerable amount of time as the required application is lengthy and involved. After a Parole Board receives the application they conduct a full investigation including background information and other pre-sentencing reports, and when completed they may vote to hold a hearing. After the Governor receives the Parole Board’s recommendation they can choose to either accept or deny the application, but the Governor has no set time limit in which they have to make the decision.

After application the entire process can take close to a year of time and the odds of receiving one in Ohio are extremely low. Governor Kasich approved 130 of 3,066 pardon requests during his tenure in office. The roughly 4% of pardons approved by Kasich were all for non-violent offenses that had been charged many years prior, with some actually being given posthumously.

Even though a pardon recognizes that an individual has repaid their debt to society, and absolves them of guilt, without the sealing of their record the collateral consequences of conviction can continue to bar them from finding work, securing housing, or obtaining public benefits. In essence, these community members are being further penalized for their record long after legal forgiveness has been granted.

Criminal records affect the ability for long-time upstanding citizens to reintegrate back into society, and considering the rarity of those community members who are granted pardons it would only make sense that we allow them the chance to finally move on with their lives and put their past behind them.

Chairman Bacon and members of the committee this completes my testimony. I would be happy to answer any questions.