



Representative Phil Plummer
40th House District

Representative Paula Hicks-Hudson
44th House District

House Bill 1 Sponsor Testimony

Thank you Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee for the opportunity to provide sponsor testimony on House Bill 1, which will address the epidemic of drug addiction and the criminal justice system by expanding opportunities for those who made a mistake to right a wrong, and help them seek treatment and gainful employment.

The criminal justice system is in need of reforms to properly address the epidemic of drug addiction. House Bill 1 will expand access to treatment and remove some of the barriers those in recovery face when seeking employment while at the same time preserving judicial discretion. HB 1 has two parts, intervention in lieu of conviction (IILC) and sealing conviction records:

Expanding Access to Intervention in Lieu of Conviction

Currently, R.C. 2951.041 limits an individual's access to intervention in lieu (IIL) of a criminal conviction. An expanded use of intervention in lieu of conviction would allow more defendants access to the treatment options that are so desperately needed. Chief Justice Maureen O'Connor of the Ohio Supreme Court has proposed that IIL become the initial option for defendants who, after an assessment, are shown to be addicted and their offenses are related to their addiction. If, after a hearing, the judge does not approve IIL, the judge would be required to articulate the specific reasons for rejecting the application of a defendant to participate. Judicial discretion is preserved, but requiring justification for a rejection will increase access to intervention in lieu of conviction. Also, local courts should be provided the resources to perform the behavioral health assessments needed to determine whether offenders suffer from a substance use disorder and if they are appropriate candidates for intervention in lieu of conviction.

Expanding Access to Sealing of Convictions

Individuals who have any felony convictions on their record encounter serious obstacles when seeking employment. Consistent employment can be an important element in sustained recovery and turning a defendant's life around. Therefore, we propose that the legislature expand access to the sealing of low-level, non-violent, non-sex offense felonies. Under this proposal, fourth and fifth degree offenders will be able

to have those convictions sealed – regardless of how many low-level felony convictions they have.

Additionally, under current law, a person cannot have more than one misdemeanor and one third-degree felony conviction to seek sealing of the record. This means a person with two misdemeanor convictions who later sells drugs to support their habit and as a result is charged with a third-degree felony trafficking could never have their record sealed. HB 1 would allow those with up to two eligible misdemeanors and up to two eligible third-degree felonies the opportunity to seek sealing of the record. By allowing more people the opportunity to seek sealing of the record, we can help those who reform their lives have greater access to employment opportunities.

We should also reduce the amount of time that those convicted of low-level felonies have to wait before they are eligible to have their records sealed. Currently, an individual convicted of a low-level felony must wait three years from the time they complete their sentences (including the completion of time on probation) before sealing can be requested. We propose that this three-year period be reduced to one year for this type of low-level offense.

Since being introduced HB1 received four hearings in the House Criminal Justice committee where it passed unanimously, and passed the house with a (91-6) vote. HB1 also received many proponents such as Gary Daniels Chief ACLU Lobbyist, Megan O'Dell Attorney Ohio Poverty Law Center attorney, Chief Justice Maureen O'Connor of

the Ohio Supreme court, Randall Smith Director of the Miami Valley Community Action Partnership Legal Clinic, Scott Lundregan from the Ohio State Bar Association, Blaise Katter Public Policy Chair at The Ohio Association of Criminal Defense lawyers, and Quinnan Howard Program Coordinator of Operations at the Montgomery County Office of Reentry.

Thank you again for the opportunity to provide testimony on House Bill 1. We are happy to answer any questions you might have at this time.