



THE BUCKEYE INSTITUTE

House Bill 1 and Senate Bill 3: Complementary Pieces for Holistic Reform

Interested Party Testimony
Ohio Senate Judiciary Committee
House Bill 1

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December 9, 2020

As Submitted

Chairman Eklund, Vice Chair Manning, and Ranking Member Thomas, thank you for the opportunity to submit written testimony on House Bill 1.

My name is Andrew Geisler, and I am a legal fellow at **The Buckeye Institute**'s Legal Center, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

Thank you for your longstanding commitment to pursuing a smart criminal justice policy that will balance due process, individual freedom, and society's inherent need for vigorous criminal law enforcement.

Ohio has been the **second hardest hit** state in the nation by the opiate crisis, even as our strategy for dealing with addiction has largely focused on criminal penalties and, in some cases, incarceration. This approach has proven expensive—an individual prisoner costs the state nearly **\$30,000 per year**—and ineffective—nationally **70 percent of prisoners** are back in the criminal justice system within three years.

A more successful approach recognizes that Ohioans struggling with addiction need treatment and steady employment. Indeed, the two needs are closely related, with **research** showing that “employment is one of the best predictors of a positive treatment outcome.” House Bill 1 takes important steps toward meeting these needs by removing some of the barriers that current law creates for those addicted to drugs to get treatment, get back into their communities, and get back to work.

First, House Bill 1 wisely creates a presumption for intervention in lieu of conviction (ILC), which allows people to avoid conviction by completing a demanding treatment program. Expanding ILC will help many Ohioans receive the help they need while avoiding a stigmatizing criminal conviction that can reduce employment prospects down the road. Second, ILC is not a panacea, so House Bill 1 also expands Ohio's record sealing so that one year after completing a sentence, individuals may have their record sealed.

We commend House Bill 1 for taking steps to deal with the front- and back-end barriers to employment for those in recovery, but House Bill 1 does not address the intermediate period between a conviction and record sealing. During this interim period, the state hopes for and encourages participation in drug court and probation, but then makes it exceedingly difficult for those in recovery to find employment by saddling them with a felony conviction.

This Committee's efforts to reform Ohio's sentencing law through Senate Bill 3 will help Ohio tackle this intermediate problem, too. Senate Bill 3 reclassifies low-level drug possession offenses as misdemeanors. And although misdemeanor convictions can still make it harder to find a job, they do not create the almost insurmountable hurdle that a felony does. Senate Bill 3, paired with House Bill 1, help lower the barriers to employment that Ohio public policy has created for those in recovery—an essential step on the long road to recovery.

House Bill 1 and Senate Bill 3 offer complementary, not competing proposals. Paired together, these two bills will remove some barriers that Ohio law creates for those on recovery's road to employment and redemption.

Thank you again for the opportunity to submit testimony today.



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