

## **Proposals to Address Addiction in Ohio's Criminal Justice System**

Compiled by Chief Justice Maureen O'Connor

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In the wake of the defeat of State Issue 1, I would like to offer the following proposals. It is my hope that these proposals will be part of the framework which will be considered in the coming months by our General Assembly as it works to address this multi-faceted epidemic of drug addiction. These proposals are designed to 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.

### **Expand 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. I would propose 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.

### **Expand 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, I propose that we expand access to the sealing of low-level, non-violent, non-sex offense felonies. Under my 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. My proposal 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.

Also, we should 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. I propose that this three-year period be reduced to one year for this type of low-level offense.