

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 5

Senators Kunze, Dolan

Cosponsors: Senators Huffman, M., Hottinger, Roegner, Craig, Fedor, Obhof, Coley, Gavarone, Antonio, Brenner, Burke, Eklund, Hill, Hoagland, Huffman, S., Lehner, Maharath, McColley, O'Brien, Peterson, Rulli, Schuring, Terhar, Thomas, Uecker, Williams, Wilson, Yuko Representatives Lang, Crossman, Galonski, Rogers, Seitz, Smith, T., Abrams, Baldrige, Blair, Brent, Brown, Butler, Carfagna, Carruthers, Clites, Edwards, Ghanbari, Ginter, Green, Greenspan, Hambley, Hicks-Hudson, Jones, Jordan, Kick, Koehler, Lanese, LaRe, Manning, D., Manning, G., McClain, Miller, J., Miranda, O'Brien, Oelslager, Patterson, Patton, Plummer, Reineke, Richardson, Riedel, Roemer, Romanchuk, Russo, Sheehy, Sobecki, Stoltzfus, Swearingen, Upchurch, West, Wiggam

A BILL

To amend sections 9.78, 2907.22, and 2953.25 of the Revised Code to amend the penalties for promoting prostitution, to set a uniform fee for a certificate of qualification for employment, to require licensing agencies to provide additional information on the use of certificates of qualification for employment and certificates of achievement and employability, and to create a rebuttable presumption for issuance of a certificate of qualification for employment under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.78, 2907.22, and 2953.25 of the

Revised Code be amended to read as follows: 13

Sec. 9.78. (A) As used in this section: 14

(1) "License" means an authorization evidenced by a 15
license, certificate, registration, permit, card, or other 16
authority that is issued or conferred by a licensing authority 17
to an individual by which the individual has or claims the 18
privilege to engage in a profession, occupation, or occupational 19
activity over which the licensing authority has jurisdiction. 20

(2) "Licensing authority" means both of the following: 21

(a) A board, commission, or other entity that issues 22
licenses under Title XLVII or any other provision of the Revised 23
Code to practice an occupation or profession; 24

(b) A political subdivision that issues a license or that 25
charges a fee for an individual to practice an occupation or 26
profession in that political subdivision. 27

(B) An individual who has been convicted of any criminal 28
offense may request, at any time, that a licensing authority 29
determine whether the individual's criminal conviction 30
disqualifies the individual from obtaining a license issued or 31
conferred by the licensing authority. An individual making such 32
a request shall include details of the individual's criminal 33
conviction and any payment required by the licensing authority. 34
A licensing authority may charge a fee of not more than twenty- 35
five dollars for each request made under this section, to 36
reimburse the costs it incurs in making the determination. 37

Not later than thirty days after receiving a request under 38
this section, the licensing authority shall inform the 39
individual whether, based on the criminal record information 40
submitted, the individual is disqualified from receiving or 41

holding the license about which the individual inquired. A 42
licensing authority is not bound by a determination made under 43
this section, if, on further investigation, the licensing 44
authority determines that the individual's criminal convictions 45
differ from the information presented in the determination 46
request. 47

(C) A licensing authority shall make all of the following 48
available to the public on the licensing authority's internet 49
web site ~~a:~~ 50

(1) A list of all criminal offenses of which conviction of 51
that offense shall disqualify an individual from obtaining a 52
license issued or conferred by the licensing authority; 53

(2) That a disqualification referenced in division (C) (1) 54
of this section may be overcome if the individual applying for 55
the license or, as applicable, the individual's employee, holds 56
a certificate of qualification for employment issued under 57
section 2953.25 of the Revised Code or a certificate of 58
achievement and employability issued under section 2961.22 of 59
the Revised Code; 60

(3) A reference to the certificate of qualification for 61
employment web site maintained by the department of 62
rehabilitation and correction. 63

(D) A licensing authority shall include on any form, 64
policy, manual, or other material that lists criminal offenses, 65
the conviction of which would disqualify an individual from 66
obtaining a license issued or conferred by that licensing 67
authority, a statement that a disqualification may be overcome 68
by the individual applying for the license or, as applicable, by 69
the individual's employee, holding a certificate of 70

qualification for employment issued under section 2953.25 of the 71
Revised Code or a certificate of achievement and employability 72
issued under section 2961.22 of the Revised Code, including a 73
reference to the certificate of qualification for employment web 74
site maintained by the department of rehabilitation and 75
correction. 76

(E) Any predetermination form, nonconviction statement 77
form, or other form used by a licensing authority to determine 78
whether a conviction or adjudication record disqualifies an 79
applicant from obtaining a particular license shall include a 80
section requesting the applicant to provide information if they 81
are a recipient of a certificate of qualification for employment 82
under section 2953.25 of the Revised Code or a certificate of 83
achievement and employability under section 2961.22 of the 84
Revised Code. 85

Sec. 2907.22. (A) No person shall knowingly: 86

(1) Establish, maintain, operate, manage, supervise, 87
control, or have an interest in a brothel or any other 88
enterprise a purpose of which is to facilitate engagement in 89
sexual activity for hire; 90

(2) Supervise, manage, or control the activities of a 91
prostitute in engaging in sexual activity for hire; 92

(3) Transport another, or cause another to be transported, 93
in order to facilitate the other person's engaging in sexual 94
activity for hire; 95

(4) For the purpose of violating or facilitating a 96
violation of this section, induce or procure another to engage 97
in sexual activity for hire. 98

(B) Whoever violates this section is guilty of promoting 99

prostitution. Except, and the court shall sentence the offender 100
as follows: 101

(1) Except as otherwise provided in this division (B) (2) 102
or (3) of this section, promoting prostitution is a felony of 103
the fourth degree. If any 104

(2) Except as provided in division (B) (3) of this section, 105
promoting prostitution is a felony of the third degree if any of 106
the following apply: 107

(a) A prostitute in the brothel involved in the offense, 108
or the prostitute whose activities are supervised, managed, or 109
controlled by the offender, or the person transported, induced, 110
or procured by the offender to engage in sexual activity for 111
hire, is a minor, whether or not the offender knows the age of 112
the minor, then promoting prostitution is a felony of the third- 113
degree. If . 114

(b) The offender previously has been convicted of or 115
pleaded guilty to a violation of this section or a substantially 116
similar violation of a law of another state or the United 117
States. 118

(c) The offender also is convicted of or pleads guilty to 119
a violation of section 2925.03 of the Revised Code. 120

(3) If the offender previously has been convicted of or 121
pleaded guilty to two or more violations of this section or two 122
or more substantially similar violations of a law of another 123
state or the United States, promoting prostitution is a felony 124
of the second degree. 125

(4) If the offender in any case also is convicted of or 126
pleads guilty to a specification as described in section 127
2941.1422 of the Revised Code that was included in the 128

indictment, count in the indictment, or information charging the 129
offense, the court shall sentence the offender to a mandatory 130
prison term as provided in division (B) (7) of section 2929.14 of 131
the Revised Code and shall order the offender to make 132
restitution as provided in division (B) (8) of section 2929.18 of 133
the Revised Code. 134

(5) If the offender in any case also is convicted of or 135
pleads guilty to a firearm specification of the type described 136
in section 2941.141, 2941.144, or 2941.145 of the Revised Code 137
that was included in the indictment, count in the indictment, or 138
information charging the offense, the court shall sentence the 139
offender to a mandatory prison term as provided in division (B) 140
(1) (a) of section 2929.14 of the Revised Code. 141

Sec. 2953.25. (A) As used in this section: 142

(1) "Collateral sanction" means a penalty, disability, or 143
disadvantage that is related to employment or occupational 144
licensing, however denominated, as a result of the individual's 145
conviction of or plea of guilty to an offense and that applies 146
by operation of law in this state whether or not the penalty, 147
disability, or disadvantage is included in the sentence or 148
judgment imposed. 149

"Collateral sanction" does not include imprisonment, 150
probation, parole, supervised release, forfeiture, restitution, 151
fine, assessment, or costs of prosecution. 152

(2) "Decision-maker" includes, but is not limited to, the 153
state acting through a department, agency, board, commission, or 154
instrumentality established by the law of this state for the 155
exercise of any function of government, a political subdivision, 156
an educational institution, or a government contractor or 157

subcontractor made subject to this section by contract, law, or ordinance.	158 159
(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense.	160 161 162 163 164 165 166
(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.	167 168 169
(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.	170 171 172
(6) "Offense" means any felony or misdemeanor under the laws of this state.	173 174
(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.	175 176
(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code.	177 178 179
(B) (1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of	180 181 182 183 184 185 186

qualification for employment.	187
(2) An individual who is subject to one or more collateral	188
sanctions as a result of being convicted of or pleading guilty	189
to an offense and who is not in a category described in division	190
(B) (1) of this section may file for a certificate of	191
qualification for employment by doing either of the following:	192
(a) In the case of an individual who resides in this	193
state, filing a petition with the court of common pleas of the	194
county in which the person resides or with the designee of the	195
deputy director of the division of parole and community	196
services;	197
(b) In the case of an individual who resides outside of	198
this state, filing a petition with the court of common pleas of	199
any county in which any conviction or plea of guilty from which	200
the individual seeks relief was entered or with the designee of	201
the deputy director of the division of parole and community	202
services.	203
(3) A petition under division (B) (1) or (2) of this	204
section shall be made on a copy of the form prescribed by the	205
division of parole and community services under division (J) of	206
this section and, shall contain all of the information described	207
in division (F) of this section, <u>and, except as provided in</u>	208
<u>division (B) (6) of this section, shall be accompanied by an</u>	209
<u>application fee of fifty dollars.</u>	210
(4) (a) Except as provided in division (B) (4) (b) of this	211
section, an individual may file a petition under division (B) (1)	212
or (2) of this section at any time after the expiration of	213
whichever of the following is applicable:	214
(i) If the offense that resulted in the collateral	215

sanction from which the individual seeks relief is a felony, at 216
any time after the expiration of one year from the date of 217
release of the individual from any period of incarceration in a 218
state or local correctional facility that was imposed for that 219
offense and all periods of supervision imposed after release 220
from the period of incarceration or, if the individual was not 221
incarcerated for that offense, at any time after the expiration 222
of one year from the date of the individual's final release from 223
all other sanctions imposed for that offense. 224

(ii) If the offense that resulted in the collateral 225
sanction from which the individual seeks relief is a 226
misdemeanor, at any time after the expiration of six months from 227
the date of release of the individual from any period of 228
incarceration in a local correctional facility that was imposed 229
for that offense and all periods of supervision imposed after 230
release from the period of incarceration or, if the individual 231
was not incarcerated for that offense, at any time after the 232
expiration of six months from the date of the final release of 233
the individual from all sanctions imposed for that offense 234
including any period of supervision. 235

(b) The department of rehabilitation and correction may 236
establish criteria by rule adopted under Chapter 119. of the 237
Revised Code that, if satisfied by an individual, would allow 238
the individual to file a petition before the expiration of six 239
months or one year from the date of final release, whichever is 240
applicable under division (B) (4) (a) of this section. 241

(5) (a) A designee that receives a petition for a 242
certificate of qualification for employment from an individual 243
under division (B) (1) or (2) of this section shall review the 244
petition to determine whether it is complete. If the petition is 245

complete, the designee shall forward the petition, the 246
application fee, and any other information the designee 247
possesses that relates to the petition, to the court of common 248
pleas of the county in which the individual resides if the 249
individual submitting the petition resides in this state or, if 250
the individual resides outside of this state, to the court of 251
common pleas of the county in which the conviction or plea of 252
guilty from which the individual seeks relief was entered. 253

(b) A court of common pleas that receives a petition for a 254
certificate of qualification for employment from an individual 255
under division (B) (2) of this section, or that is forwarded a 256
petition for such a certificate under division (B) (5) (a) of this 257
section, shall attempt to determine all other courts in this 258
state in which the individual was convicted of or pleaded guilty 259
to an offense other than the offense from which the individual 260
is seeking relief. The court that receives or is forwarded the 261
petition shall notify all other courts in this state that it 262
determines under this division were courts in which the 263
individual was convicted of or pleaded guilty to an offense 264
other than the offense from which the individual is seeking 265
relief that the individual has filed the petition and that the 266
court may send comments regarding the possible issuance of the 267
certificate. 268

A court of common pleas that receives a petition for a 269
certificate of qualification for employment under division (B) 270
(2) of this section shall notify the county's prosecuting 271
attorney that the individual has filed the petition. 272

A court of common pleas that receives a petition for a 273
certificate of qualification for employment under division (B) 274
(2) of this section, or that is forwarded a petition for 275

qualification under division (B) (5) (a) of this section may 276
direct the clerk of court to process and record all notices 277
required in or under this section. Except as provided in 278
division (B) (6) of this section, the court shall pay thirty 279
dollars of the application fee into the state treasury and 280
twenty dollars of the application fee into the county general 281
revenue fund. 282

(6) Upon receiving a petition for a certificate of 283
qualification for employment filed by an individual under 284
division (B) (1) or (2) of this section, a court of common pleas 285
or the designee of the deputy director of the division of parole 286
and community services who receives the petition may waive all 287
or part of the fifty-dollar filing fee for an applicant who is 288
indigent. If an application fee is partially waived, the first 289
twenty dollars of the fee that is collected shall be paid into 290
the county general revenue fund. Any partial fee collected in 291
excess of twenty dollars shall be paid into the state treasury. 292

(C) (1) Upon receiving a petition for a certificate of 293
qualification for employment filed by an individual under 294
division (B) (2) of this section or being forwarded a petition 295
for such a certificate under division (B) (5) (a) of this section, 296
the court shall review the individual's petition, the 297
individual's criminal history, all filings submitted by the 298
prosecutor or by the victim in accordance with rules adopted by 299
the division of parole and community services, the applicant's 300
military service record, if applicable, and whether the 301
applicant has an emotional, mental, or physical condition that 302
is traceable to the applicant's military service in the armed 303
forces of the United States and that was a contributing factor 304
in the commission of the offense or offenses, and all other 305
relevant evidence. The court may order any report, 306

investigation, or disclosure by the individual that the court 307
believes is necessary for the court to reach a decision on 308
whether to approve the individual's petition for a certificate 309
of qualification for employment. 310

(2) Upon receiving a petition for a certificate of 311
qualification for employment filed by an individual under 312
division (B) (2) of this section or being forwarded a petition 313
for such a certificate under division (B) (5) (a) of this section, 314
except as otherwise provided in this division, the court shall 315
decide whether to issue the certificate within sixty days after 316
the court receives or is forwarded the completed petition and 317
all information requested for the court to make that decision. 318
Upon request of the individual who filed the petition, the court 319
may extend the sixty-day period specified in this division. 320

(3) ~~Subject~~ Except as provided in division (C) (5) of this 321
section and subject to division (C) (5) (7) of this section, a 322
court that receives an individual's petition for a certificate 323
of qualification for employment under division (B) (2) of this 324
section or that is forwarded a petition for such a certificate 325
under division (B) (5) (a) of this section may issue a certificate 326
of qualification for employment, at the court's discretion, if 327
the court finds that the individual has established all of the 328
following by a preponderance of the evidence: 329

(a) Granting the petition will materially assist the 330
individual in obtaining employment or occupational licensing. 331

(b) The individual has a substantial need for the relief 332
requested in order to live a law-abiding life. 333

(c) Granting the petition would not pose an unreasonable 334
risk to the safety of the public or any individual. 335

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section;

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed

since the date of the final release of the individual from all 366
sanctions imposed for that offense including any period of 367
supervision. 368

(6) An application that meets all of the requirements for 369
the presumption under division (C) (5) of this section shall be 370
denied only if the court that receives the petition finds that 371
the evidence reviewed under division (C) (1) of this section 372
rebutts the presumption of eligibility for issuance by 373
establishing, by clear and convincing evidence, that the 374
applicant has not been rehabilitated. 375

(7) A certificate of qualification for employment shall 376
not create relief from any of the following collateral 377
sanctions: 378

(a) Requirements imposed by Chapter 2950. of the Revised 379
Code and rules adopted under sections 2950.13 and 2950.132 of 380
the Revised Code; 381

(b) A driver's license, commercial driver's license, or 382
probationary license suspension, cancellation, or revocation 383
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 384
the Revised Code if the relief sought is available pursuant to 385
section 4510.021 or division (B) of section 4510.13 of the 386
Revised Code; 387

(c) Restrictions on employment as a prosecutor or law 388
enforcement officer; 389

(d) The denial, ineligibility, or automatic suspension of 390
a license that is imposed upon an individual applying for or 391
holding a license as a health care professional under Title 392
XLVII of the Revised Code if the individual is convicted of, 393
pleads guilty to, is subject to a judicial finding of 394

eligibility for intervention in lieu of conviction in this state 395
under section 2951.041 of the Revised Code, or is subject to 396
treatment or intervention in lieu of conviction for a violation 397
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 398
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the 399
Revised Code; 400

(e) The immediate suspension of a license, certificate, or 401
evidence of registration that is imposed upon an individual 402
holding a license as a health care professional under Title 403
XLVII of the Revised Code pursuant to division (C) of section 404
3719.121 of the Revised Code; 405

(f) The denial or ineligibility for employment in a pain 406
clinic under division (B) (4) of section 4729.552 of the Revised 407
Code; 408

(g) The mandatory suspension of a license that is imposed 409
on an individual applying for or holding a license as a health 410
care professional under Title XLVII of the Revised Code pursuant 411
to section 3123.43 of the Revised Code. 412

~~(6)~~ (8) If a court that receives an individual's petition 413
for a certificate of qualification for employment under division 414
(B) (2) of this section or that is forwarded a petition for such 415
a certificate under division (B) (5) (a) of this section denies 416
the petition, the court shall provide written notice to the 417
individual of the court's denial. The court may place conditions 418
on the individual regarding the individual's filing of any 419
subsequent petition for a certificate of qualification for 420
employment. The written notice must notify the individual of any 421
conditions placed on the individual's filing of a subsequent 422
petition for a certificate of qualification for employment. 423

If a court of common pleas that receives an individual's 424
petition for a certificate of qualification for employment under 425
division (B) (2) of this section or that is forwarded a petition 426
for such a certificate under division (B) (5) (a) of this section 427
denies the petition, the individual may appeal the decision to 428
the court of appeals only if the individual alleges that the 429
denial was an abuse of discretion on the part of the court of 430
common pleas. 431

(D) (1) A certificate of qualification for employment 432
issued to an individual lifts the automatic bar of a collateral 433
sanction, and a decision-maker shall consider on a case-by-case 434
basis whether to grant or deny the issuance or restoration of an 435
occupational license or an employment opportunity, 436
notwithstanding the individual's possession of the certificate, 437
without, however, reconsidering or rejecting any finding made by 438
a designee or court under division (C) (3) of this section. 439

(2) The certificate constitutes a rebuttable presumption 440
that the person's criminal convictions are insufficient evidence 441
that the person is unfit for the license, employment 442
opportunity, or certification in question. Notwithstanding the 443
presumption established under this division, the agency may deny 444
the license or certification for the person if it determines 445
that the person is unfit for issuance of the license. 446

(3) If an employer that has hired a person who has been 447
issued a certificate of qualification for employment applies to 448
a licensing agency for a license or certification and the person 449
has a conviction or guilty plea that otherwise would bar the 450
person's employment with the employer or licensure for the 451
employer because of a mandatory civil impact, the agency shall 452
give the person individualized consideration, notwithstanding 453

the mandatory civil impact, the mandatory civil impact shall be 454
considered for all purposes to be a discretionary civil impact, 455
and the certificate constitutes a rebuttable presumption that 456
the person's criminal convictions are insufficient evidence that 457
the person is unfit for the employment, or that the employer is 458
unfit for the license or certification, in question. 459

(E) A certificate of qualification for employment does not 460
grant the individual to whom the certificate was issued relief 461
from the mandatory civil impacts identified in division (A) (1) 462
of section 2961.01 or division (B) of section 2961.02 of the 463
Revised Code. 464

(F) A petition for a certificate of qualification for 465
employment filed by an individual under division (B) (1) or (2) 466
of this section shall include all of the following: 467

(1) The individual's name, date of birth, and social 468
security number; 469

(2) All aliases of the individual and all social security 470
numbers associated with those aliases; 471

(3) The individual's residence address, including the 472
city, county, and state of residence and zip code; 473

(4) The length of time that the individual has resided in 474
the individual's current state of residence, expressed in years 475
and months of residence; 476

(5) A general statement as to why the individual has filed 477
the petition and how the certificate of qualification for 478
employment would assist the individual; 479

(6) A summary of the individual's criminal history with 480
respect to each offense that is a disqualification from 481

employment or licensing in an occupation or profession, 482
including the years of each conviction or plea of guilty for 483
each of those offenses; 484

(7) A summary of the individual's employment history, 485
specifying the name of, and dates of employment with, each 486
employer; 487

(8) Verifiable references and endorsements; 488

(9) The name of one or more immediate family members of 489
the individual, or other persons with whom the individual has a 490
close relationship, who support the individual's reentry plan; 491

(10) A summary of the reason the individual believes the 492
certificate of qualification for employment should be granted; 493

(11) Any other information required by rule by the 494
department of rehabilitation and correction. 495

(G) (1) In a judicial or administrative proceeding alleging 496
negligence or other fault, a certificate of qualification for 497
employment issued to an individual under this section may be 498
introduced as evidence of a person's due care in hiring, 499
retaining, licensing, leasing to, admitting to a school or 500
program, or otherwise transacting business or engaging in 501
activity with the individual to whom the certificate of 502
qualification for employment was issued if the person knew of 503
the certificate at the time of the alleged negligence or other 504
fault. 505

(2) In any proceeding on a claim against an employer for 506
negligent hiring, a certificate of qualification for employment 507
issued to an individual under this section shall provide 508
immunity for the employer as to the claim if the employer knew 509
of the certificate at the time of the alleged negligence. 510

(3) If an employer hires an individual who has been issued 511
a certificate of qualification for employment under this 512
section, if the individual, after being hired, subsequently 513
demonstrates dangerousness or is convicted of or pleads guilty 514
to a felony, and if the employer retains the individual as an 515
employee after the demonstration of dangerousness or the 516
conviction or guilty plea, the employer may be held liable in a 517
civil action that is based on or relates to the retention of the 518
individual as an employee only if it is proved by a 519
preponderance of the evidence that the person having hiring and 520
firing responsibility for the employer had actual knowledge that 521
the employee was dangerous or had been convicted of or pleaded 522
guilty to the felony and was willful in retaining the individual 523
as an employee after the demonstration of dangerousness or the 524
conviction or guilty plea of which the person has actual 525
knowledge. 526

(H) A certificate of qualification for employment issued 527
under this section shall be revoked if the individual to whom 528
the certificate of qualification for employment was issued is 529
convicted of or pleads guilty to a felony offense committed 530
subsequent to the issuance of the certificate of qualification 531
for employment. The department of rehabilitation and correction 532
shall periodically review the certificates listed in the 533
database described in division (K) of this section to identify 534
those that are subject to revocation under this division. Upon 535
identifying a certificate of qualification for employment that 536
is subject to revocation, the department shall note in the 537
database that the certificate has been revoked, the reason for 538
revocation, and the effective date of revocation, which shall be 539
the date of the conviction or plea of guilty subsequent to the 540
issuance of the certificate. 541

(I) A designee's forwarding, or failure to forward, a 542
petition for a certificate of qualification for employment to a 543
court or a court's issuance, or failure to issue, a petition for 544
a certificate of qualification for employment to an individual 545
under division (B) of this section does not give rise to a claim 546
for damages against the department of rehabilitation and 547
correction or court. 548

(J) The division of parole and community services shall 549
adopt rules in accordance with Chapter 119. of the Revised Code 550
for the implementation and administration of this section and 551
shall prescribe the form for the petition to be used under 552
division (B) (1) or (2) of this section. The form for the 553
petition shall include places for all of the information 554
specified in division (F) of this section. 555

(K) The department of rehabilitation and correction shall 556
maintain a database that identifies granted certificates and 557
revoked certificates and tracks the number of certificates 558
granted and revoked, the industries, occupations, and 559
professions with respect to which the certificates have been 560
most applicable, and the types of employers that have accepted 561
the certificates. The department shall annually create a report 562
that summarizes the information maintained in the database and 563
shall make the report available to the public on its internet 564
web site. 565

Section 2. That existing sections 9.78, 2907.22, and 566
2953.25 of the Revised Code are hereby repealed. 567