



ENACTMENT NEWS

Enacted Senate Bill 337/Collateral Sanctions (Adult Civil and Criminal Penalties)

Effective September 28, 2012

This legislation was introduced in both legislative chambers in May. Senators Seitz and Smith co-sponsored Senate Bill 337 in the Senate. Representatives McGregor and Heard co-sponsored House Bill 524 in the House. Driven by the executive branch, this legislation is the result of regional stakeholder meetings seeking to craft policy initiatives that will reduce recidivism by removing unnecessary statutory and regulatory barriers to employment and housing for ex-offenders.

The Ohio Judicial Conference participated in the workgroups and meetings that helped create this legislation and the Conference supports the policy intention of the bill. Of particular interest to judges may be the provisions regarding the Certificate for Qualification for Employment (CQE). The CQE was originally drafted as an Order of Limited Relief which was based on concepts from the Uniform Collateral Consequences of Conviction Act (UCCCA). The Uniform Collateral Consequences of Conviction Act was approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

Both bills were amended and passed in identical form in both chambers in early June. An omnibus amendment offered on the floor of each house included many provisions of the House Bill 86 clean-up legislation (HB 533). Senate Bill (SB 337) became the vehicle. The House Criminal Justice Committee considered and reported SB 337 on June 12th. The full House passed it on June 13th and it was signed by Governor Kasich on June 26, 2012.

Please note that there are additional changes to the adult criminal laws that were passed in House Bill 487. These changes are intended to improve the administration of justice following passage of House Bill 86. For more information on those changes, please consult the Enactment Information for House Bill 487.

Title 3 Counties

Chapter 307 County Commissioners Powers – Automatic Data Processing

307.932 Community Alternative Sentencing Centers

Establishes a maximum term of 90 days for a combination of OVI and confinement for a violation of 4510.14 or confinement of a municipal DUS offense. *Note – this amendment was passed in HB 509.*

Title 23 Courts – Common Pleas

Chapter 2301 Organization (Courts – Common Pleas)

2301.27 Provides express authority to contract with private, or non-profit organizations for PSI writing. This provision needs to be expanded to allow for LEADS access.

2301.271 **Minimum standards for training of probation officers.** Clarifies that the Department of Youth Services is responsible for developing standards for the training of juvenile probation officers.

Title 29 Crimes

Please note that there are additional changes to the adult criminal laws that were passed in House Bill 487. These changes are intended to improve the administration of justice following passage of House Bill 86. For more information on those changes, please consult the Enactment Information for House Bill 487.

Chapter 2901 General Provisions

2901.01 Definitions. Specifies that indigent, when used in connection with the payment of a fine, costs, or a fee, means unable to pay the fine, costs, or fee. There is a rebuttable presumption that a person is indigent if the person has an income that is equal to or less than the income set forth in the federal poverty guidelines as revised annually by the United States Department of Health and Human Services in accordance with section 673(2) of the “omnibus Budget Reconciliation Act of 1981,” 95 Stat. 511, 42 USCA 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Chapter 2907 Sex Offenses

2907.24 Soliciting; after positive HIV test. Grants judicial discretion to impose community service in lieu of suspending CDL, probationary driver’s license, temporary instruction permit, or nonresident operating privilege.

Chapter 2921 Offenses Against Justice and Public Administration

2921.331 Failure to Comply.

Provides for a class 5 suspension for failure to comply. Prohibits driving privileges for a felony violation and for limited driving privileges for misdemeanor violations.

Chapter 2923 Conspiracy, Attempt, and Complicity

2923.122 Illegal conveyance or possession of deadly weapon or dangerous ordinance or illegal possession of object indistinguishable from firearm in school safety zone. Grants judicial discretion to order community service instead of imposing driver’s license suspensions.

Chapter 2925 Drug Offenses

2925.14 and 2925.141 Drug paraphernalia (dp) offenses. Specifies that the existing drug paraphernalia law does not apply to marijuana drug paraphernalia and changes the penalty from m4 to mm if the offender uses or possesses the dp with marijuana.

Chapter 2929 Penalties and Sentencing

2929.01 Definitions. Clarifies the definition of “stated prison term” to include any period of time by which the prison term imposed upon the offender is shortened by the offender’s successful completion of all assessment and treatment programs for offenders serving risk reduction programs.

2929.14 Felony Sentencing.

Corrects cross-reference made to section that no longer exists. Removes the requirement that the mdo spec be proved and clarifies that the penalty is f1 (11 years).

2929.19 Sentencing. Determination of Jail Time Credit.

Requires jail time credit to be determined at sentencing and included in the sentencing entry and in making that determination, shall consider the arguments by the parties and hold a hearing if one is requested.

Specifies that the court retains continuing jurisdiction to correct any error not previously raised at sentencing. Grants the court discretion to have a hearing at the request of the offender. In the event the court changes the number of days, the court is required to deliver the correction to DRC without delay.

Specifies that an inaccurate determination is not grounds for setting aside a conviction or sentence.

2929.26 Community Residential Sanctions. Removes “alternative residential facility” from this code section.

2947.23 Costs of Prosecution. Specifies that the failure of a judge or magistrate to notify the defendant that the sentence includes the costs of prosecution does not negate or limit the authority of the court to order the defendant to perform community service if the defendant fails to pay the judgment or to make timely payments in satisfaction of the judgment.

Chapter 2949 Execution of Sentence

2949.08 Confinement upon conviction; reduction of sentence for prior conviction. Adds juvenile detention facility to the provision requiring reduction of adult jail sentences by the number of days the person was confined for any reason arising out of the offense for which the person was convicted and sentenced.

Chapter 2951 Probation

2951.022 Concurrent Supervision Offenders.

Provides permissive authority to create a local rule authorizing chiefs of probation to manage concurrent supervision offenders consistent with the existing statutory criteria in sub-section (C) of 2951.022.

Specifies that unpaid financial obligations are judgments in favor of the state, or local subdivision, and the offender is the debtor.

Provides immunity from liability for DRC in claims for damages arising from the issuance, revocation, and or failure to revoke a certificate of employability.

Chapter 2953 Appeals; Other post-conviction remedies

2953.25 NEW SECTION - Certificate of Qualification for Employment (CQE)

Definitions. Defines the following terms:

“Collateral sanction” – means penalty, disability, or disadvantage that is related to employment, education, housing, public benefits, or occupational licensing, however denominated, imposed on an individual as a result of the individual’s conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed. Specifies that collateral sanction does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, or assessment, or costs of prosecution.

“Conviction” – includes delinquent child adjudication.

“Decision-maker” – includes but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance.

“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 in part by drc, 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.

“Designee” means the person designated by the deputy director of the division of parole and community services of DRC to perform duties under this section.

“Offense” means any felony or misdemeanor under the laws of this state.

Authorizes individuals subject to collateral sanctions to file a petition for a CQE.

WHO MAY FILE:

Individuals subject to one or more collateral sanctions as a result of being convicted or pleading guilty to an offense and who 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 (on a form prescribed by DRC) for a CQE with the DRC designee.

Individuals subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who has not 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 for a CQE (on a form prescribed by DRC) with the court of common pleas of the county of residence or with the DRC designee.

WHAT DOES A CQE DO AND HOW IS IT USED?

A CQE issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual’s possession of the certificate, without, however, reconsidering any finding made by a designee or court.

A CQE is admissible in a judicial or administrative proceeding alleging negligence as evidence of a person’s due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the order of limited relief was issued if the person knew of the order at the time of the alleged negligence or other fault.

Provides immunity for employers in any proceeding on a claim for negligent hiring if the employer knew of the CQE at the time of the alleged negligence. And in cases where an employer has hired an individual who has been issued a CQE and that individual subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, the employer may only be held liable in a civil action if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility had actual knowledge of the dangerousness and was willful in retaining the individual.

WHEN MAY PETITION BE FILED:

If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, the individual may file one year from the release date of any period of incarceration and all periods of supervision. If the individual was not incarcerated for the offense, one year from date of the individual’s final release from all other sanctions imposed for that offense.

If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, the individual may file six months from the date of release of any period of incarceration and all periods of supervision. If the individual was not incarcerated for that offense, six months from the date of the final release of the individual from all sanctions imposed for the offense including supervision.

WHAT HAPPENS THEN?

A DRC designee that receives a petition reviews it to determine whether it is complete. If it is complete, then the designee forwards the petition to the common pleas court of the county in which the individual resides.

A court of common pleas that receives a forwarded petition or an original petition (that has not been reviewed for completeness by the DRC designee) has the following mandatory duties:

- Attempt to determine all other courts in Ohio in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. Once these courts are identified, the court considering the petition must notify the other courts and invite them to send comments regarding the possible issuance of a CQE.
- Notify the prosecuting attorney of the county in which the individual resides that the petition has been filed.
- Review the petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by DRC's division of parole and community services, and all other relevant evidence. The court has permissive authority to order any report, investigation, or disclosure by the individual that the court believes is necessary to reach a decision.
- Decide whether to issue the CQE within sixty days after the court receives the petition and all information requested for the court to make the decision. The court has permissive authority to extend the sixty-day period upon request of the individual.

WHO HAS THE AUTHORITY TO ISSUE A CQE?

As currently drafted, the court of common pleas in the county of residence is the only statutory authority with discretion to issue a CQE.

WHAT IS THE CRITERIA FOR ISSUING A CQE?

Regardless of whether the court receives a petition directly from the individual or a forwarded petition from the DRC designee, the court has discretion to issue a CQE, if the court finds that the individual has established all of the following by a preponderance of the evidence:

- Granting the petition will materially assist the individual in obtaining employment or occupational licensing;
- The individual has a substantial need for the relief requested in order to live a law-abiding life;
- Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

The statute expressly states that an incomplete petition is not grounds for the court to deny the petition.

WHAT IS THE CRITERIA FOR DENIAL OF A CQE?

Issuance of a CQE is at the discretion of the court. If a court denies a CQE, the court is required to provide written notice to the individual of the denial.

WHAT HAPPENS FOLLOWING A DENIAL OF A CQE?

If a court denies a CQE, it may place conditions on the individual regarding subsequent petitions. These conditions must be communicated in writing.

The court's decision is appealable to the court of appeals only if the individual alleges that the denial was an abuse of discretion.

WHAT COLLATERAL SANCTIONS ARE NOT RELIEVED BY A CQE?

Prohibits a court from issuing of a CQE to relieve the following collateral sanctions:

- SORN duties under 2950 and rules adopted pursuant to 2950.13 and 2950.132;
- driver's license, CDL, or probationary license suspension or revocation under the following revised code provisions if the relief sought is available pursuant to 4510.021 Limited driving privileges; or 4510.13 Restrictions on suspending or granting limited driving privileges; surrender or permit in certain cases; immobilizing or disabling device order:
 - 4510.037 Driving Under a 12-pt suspension;
 - 4510.07 Violation of ordinance equivalent to vehicular homicide or manslaughter or solicitation offense;
 - 4511.19 Operation while under the influence of alcohol or drug of abuse or with specified concentration of alcohol or drug in certain bodily substances; chemical test; penalties;
 - 4511.191 Implied consent.
- Restrictions on employment as a prosecutor or law enforcement officer;
- The denial, ineligibility, or automatic suspension of a license as a health care professional under Title 47 if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction under 2951.041, or is subject to treatment or intervention in lieu of conviction for a violation of the following provisions:
 - 2903.01 Aggravated Murder; 2903.02 Murder; 2903.03 Voluntary manslaughter; 2903.11 Felonious assault; 2905.01 Kidnapping; 2907.02 Rape; 2907.03 Sexual Battery; 2907.05 Gross sexual imposition; 2909.02 Aggravated arson; 2911.01 Aggravated robbery; 2911.11 Aggravated burglary ; 2919.123 Unlawful distribution of abortion-inducing drug.
- The immediate suspension of a license, certificate, or evidence of registration imposed on a person holding a license as a health care professional pursuant to 3719.121 Suspension of licensed person addicted to or illegally distributing a controlled substance.
- The denial or ineligibility for employment in a pain clinic under 4729.552(B) Category III terminal distributor of dangerous drugs; eligibility.
- The mandatory suspension of a license as a health care professional for being in default of child support payments – following board notification by the CSEA pursuant to 3123.43.

A CQE does not grant the individual to whom the order was issued relief from the mandatory civil impacts identified in 2961.01 (A)(1) (prohibition on voting, jury service, or holding an office of honor trust or profit for convicted felons), and/or 2961.02 (B) (prohibition on holding public office, a position of public employment, or serving as a volunteer if that position requires substantial management or control over state property or a state agency, political subdivision, or private entity for persons convicted of a felony theft, fraud, or deceit offense).

Requires the sentencing court to maintain a public record of all orders of limited relief issued by the court. Requires BCII to include a record of any order of limited relief in the criminal records maintained under 109.57.

Authorizes the adult parole authority to adopt rules governing the designee's performance.

HOW IS A CQE REVOKED?

There is a presumption that a CQE is revoked if the individual is convicted of or pleads guilty to a felony subsequent to the issuance of the order of limited relief.

WHAT IS DRC'S ROLE IN THIS PROCESS?

The statute requires the division of parole and community services of DRC to adopt rules in accordance with this chapter for the implementation and administration of this process, and to generate a form for the petition for a CQE.

DRC is required to conduct a study to determine the manner for transferring the mechanism for issuance, revocation, and tracking the number of CQE's.

DRC and OJC are required to conduct a study to determine whether the application process for CQE's is feasible based on the caseload capacity of DRC and the courts of common pleas and to include any recommendations for improvement of the application process. The report is due to the General Assembly not later than one year after the effective date of this section.

2953.31 Sealing Conviction Records Definitions.

Changes the term "first offender" to "eligible offender" and defines the new term as anyone who has not been convicted of an offense in this state or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction.

2953.32 Sealing Conviction or Bail Forfeiture Record.

Requires the county probation department or the probation officer, at the direction of the court, to contact the CSEA to inquire about the defendant's compliance with child support obligations if the offense to be sealed is a violation of non-support of dependants.

2953.36 Sealing Conviction Record Exceptions.

Creates an exception to the prohibition against sealing records of an offender's conviction in cases where the victim was under 18 and the offense is an m1 or a felony violation of non-support of dependants.

Chapter 2967 Pardon.

2967.14 Time to be Served at Halfway House or Community Residential Center; Licensing and Reimbursing of Facilities.

Increases the reimbursement rate from 10% to 15% that can be used for non-residential services such as substance abuse treatment, after-care, electronic monitoring, mental health counseling, and counseling for sex offenders.

2967.191 Reduction of Prison Term for Related Days of Confinement.

Adds juvenile detention facility to this section. Changes the division within DRC responsible for this program from the apa to the Division of Parole and Community Service.

2967.28 Period of Post-release Control for Certain Offenders; Sanctions; Proceedings Upon Violation.

Defines risk reduction sentence (rrs) pursuant to 2929.143 and includes rrs in prc supervision requirements of up to 3-years for all rrs offenders. Requires DRC to adopt ch 119 rules establishing standards for supervision for rrs offenders.

Chapter 4301 Liquor Control Law.

4301.99 Penalties. Adds judicial discretion to order community service instead of imposing drivers' license suspensions.

Title 45 Motor Vehicles

Driving Under Suspension.

R.C. 4510.111 was created to outline the offenses of (A) Driving Under a License Forfeiture Suspension for failing to appear in court or pay a fine and (B) Driving under a Child Support Suspension for failing to pay child support. Am. Sub. SB 337 now modifies the provision to a general Driving Under Suspension offense under (A). The suspensions that are covered by the amendment are: 2151.354(unruly child driving suspension), 2151.87(failure of juvenile to comply with order to attend a youth smoking education or treatment program suspension), 2935.27(failure to appear on a minor misdemeanor traffic violation suspension), 3123.58(child support suspension), 4301.99((B)consumption of beer or intoxicating liquor in a motor vehicle by a person less than 18 years of age suspension), (F)(3)giving false information in order to purchase or otherwise obtain intoxicating liquor by a person less than 18 years of age on a third or subsequent offense suspension), 4510.032(abstract filing requirement, no suspension possible, mistake to include here), 4510.22(failure to appear on a traffic violation or to pay fine suspension), and 4510.33(underage person using altered, fictitious or not own license to purchase beer or intoxicating liquor suspension).

A violation of R.C. 4510.111 or R.C. 4510.16 remains an unclassified misdemeanor. However, a third violation within three years of two or more violations of 4510.111, 4510.16 or any combination of these sections or a substantially equivalent municipal ordinance is now a misdemeanor of the fourth degree, not a misdemeanor of the first degree. There is no longer any authority under R.C. 4510.41 for law enforcement to immediately seize the vehicle and license plates of an offender found violating R.C. 4510.16 or a substantially equivalent municipal ordinance. The ability under 4510.111 and 4510.16 to impose a class 7 license suspension, impound the plates, immobilize the vehicle or declare a vehicle forfeiture, or order restitution for economic loss has been removed. These sanctions are no longer possible. Offenders are also no longer required to provide proof of financial responsibility to the court, but the court still is required to notify the BMV if the defendant does or does not provide proof of financial responsibility. This deletion of the proof requirement was more than likely a drafting oversight when they eliminated the other parts under 4510.111 and 4510.16.

There is no longer a non-compliance suspension of 90 days imposed on a first noncompliance suspension. It is now an indefinite suspension that is fixed by paying the reinstatement fee and filing a financial responsibility bond. An offender will no longer be required to seek driving privileges on the first noncompliance suspension. Driving privileges are now authorized on the third and subsequent noncompliance suspensions imposed in the five year period. Offenders are still required to pay the reinstatement fee and post a financial responsibility bond before the court grants privileges.

R.C. 4510.161 has been modified to eliminate the immobilization and vehicle forfeiture provisions for a violation of a municipal ordinance substantially similar to R.C. 4510.16. The immobilization and vehicle forfeiture provisions remain in place for a violation of a municipal ordinance that is substantially similar to R.C. 4510.14.

The other DUS offenses were not impacted and remain as modified under Am. Sub. HB 5.

Motion for Modification or Termination of Suspension for Life or For Period Exceeding 15-years 4510.54

Adds a provision allowing filing of a motion for modification or termination of the suspension if the person has not been found guilty of any offense involving a moving violation under Ohio law or any of its political subdivisions or federal law or any violation of 2903.06 AVH or 2903.08 AVA or a violation of a suspension under chapter 2903 or a substantially equivalent municipal ordinance for at least 5-years.

Driving privileges on a Child Support Suspension.

Child support driving privileges can be granted by a domestic relations or juvenile or common pleas court in any pending contempt action. (3123.58(B)) The summons on the contempt action shall contain notice of the ability to request driving privileges. (2705.031(C)(5))

- Requires the court granting privileges in accordance with division B of 4510.021 to deliver a permit card to the person specifying the terms of the driving privileges which include the date on which the privileges will become effective, the purposes for which the person may drive, the times and places the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.
- The court shall take into consideration the position of the child support enforcement agency offered either in person or through a representative testifying at a hearing or through a written document. The court shall not be controlled by the position of the child support enforcement agency.
- The court shall notify the registrar of the BMV of any grant of driving privileges.
- Specifies that if a person who has been granted privileges is convicted of, or pleads guilty to or is adjudicated in juvenile court of having committed a violation of Chapter 4510 or any similar municipal ordinance during the period in which the person was granted driving privileges, then the person's driving privileges are suspended immediately pending a reinstatement hearing. (3123.58(B) and (C)).

Failure to file accident report suspension has been eliminated. (4509.06(D))

All equipment violations in Chapter 4513 are now minor misdemeanors on a subsequent violation.

Failure to Comply.

The driving suspension for a misdemeanor violation of R.C. 2921.331 (failure to comply) has been changed from a Class 2 to a Class 5. Driving privileges are permitted during the suspension. A felony violation still requires a Class 1 or 2 suspension with no driving privileges permitted during the first three years of the suspension.

Community Service in Lieu of Driver's License Suspension

The following provisions authorize the court to impose community service for a number of hours to be determined by the court in lieu of a driving suspension: soliciting (2907.24(D) now a discretionary suspension); theft of gasoline from a retail seller (2913.02(B)(9)(c)); illegal conveyance of a deadly weapon or dangerous ordnance in school by a person less than 18 years of age (2923.122(F)(2)); consumption of beer or intoxicating liquor in a motor vehicle by a person less than 18 years (4301.99(B)); giving false information in order to purchase or otherwise obtain intoxicating liquor by a person less than 18 years of age on a third or subsequent violation (4301.99(F)(3)); trafficking in cigarettes while using a motor vehicle (5743.99(G) now a discretionary suspension).

BMV is now authorized to adopt rules allowing reinstatement fees to be paid in installments. (4510.10(G)(1) – (4)).

New Criminal Code Section for Drug Paraphernalia.

Illegal use or possession of marijuana drug paraphernalia has been removed from R.C. 2925.14 and is now a separate offense under a newly created provision at R.C. 2925.141. The offense is now a minor misdemeanor. The mandatory license suspension is still required. The court is also still mandated to report a conviction of the offense to the appropriate licensing authority when the offender is a professionally licensed person (R.C.2925.38).

Title 47 Occupations – Professions

Chapter 4713 Cosmetologists.

4713.07 Duties of Board. Adds the duty to assist ex-offenders and military veterans who hold licenses, to find employment.

4713.28 Qualifications for license.

Prohibits the board from denying a license based on prior incarceration or conviction for any crime.

Chapter 4725 Optometrists; Dispensing Opticians

Prohibits the board from denying a license or certification for apprenticeship based on prior incarceration or conviction for any crime unless the individual has committed a crime of moral turpitude or disqualifying offense as defined in 4776.10. Grants discretion to consider misdemeanor convictions for one year and felony convictions for three years.

Chapter 4738 Motor Vehicle Salvage.

Changes the felony disclosure requirement to disclosure of a crime of moral turpitude as defined in 4776.10. Grants discretion to consider misdemeanor convictions for one year and felony convictions for three years

Chapter 4740 Construction Industry Licensing Board.

Changes the criminal disclosure requirement to mean specific offenses, and disqualifying offenses or crime of moral turpitude as defined in 4776.10. Grants discretion to consider misdemeanor convictions for one year and felony convictions for three years

Chapter 4747 Hearing Aid Dealers

Requires the board to establish a list of offenses that would disqualify a person from becoming a dealer. Replaces the condition that a person be of good moral character with the condition that a person has not committed a disqualifying offense or crime of moral turpitude as defined in 4776.10. Grants discretion to consider misdemeanor convictions for one year and felony convictions for three years

Chapter 4749 Private Investigators; Security Services.

Replaces the prohibition on licensure for individuals convicted of a felony to a list of disqualifying offenses committed within the past 3 years or a crime of moral turpitude as defined in 4776.10. Grants discretion to consider misdemeanor convictions for one year and felony convictions for three years

5502.011 Requires the director of the department of public safety to develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider.

Chapter 4776 Criminal Records Checks Required for Certain Occupational Licenses.

4776.10 NEW SECTION Definitions.

“Crime of moral turpitude” means all of the following:

- a violation 2903.01 Aggravated murder; 2903.02 Murder; or complicity to commit these offenses;
- a sexually oriented offense as defined in 2950.01;
- an offense that is an offense of violence as defined in 2901.01 if the offense is an f1;
- an attempt or conspiracy to commit any of the offenses above if the penalty is a felony of the first or second degree.

“Direct nexus” means the nature of the offense has a direct bearing on the fitness or ability of the individual to perform one or more duties or responsibilities related to a particular operation or trade.

“Disqualifying offense” means an offense that is a felony and that has a direct nexus to an individual’s proposed or current field of licensure, certification, or employment.

Title 51 Public Welfare

Chapter 5120 Department of Rehabilitation and Correction

5120.036 Risk reduction programming and treatment for inmates serving risk reduction sentence; eligibility criteria; conditions for release upon successful completion of assessment and treatment or programming required by department.

Specifies that rrs offenders will be subject to prc (as defined in 2967.01) and its accompanying sanctions in accordance with the terms set forth 2967.28, and shall be subject to that section and 2929.141 and 2967.15 for violations.

Chapter 5149 Adult Parole Authority

5149.311 Probation Improvement Grant and Probation Incentive Grant.

Expands eligibility for these grants to municipal and county courts.