H.B. 263
As Introduced

Topic: License denials; reporting requirements

_______________________________ moved to amend as follows:

In line 1 of the title, after "sections" insert "9.78,"
In line 62, after "sections" insert "9.78,"
After line 104, insert:

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

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

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

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

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

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

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make available to the public on the licensing authority's internet web site a list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority.

(D)(1) Each licensing authority described in division (A)(2)(a) of this section annually shall provide to the director of administrative services the following information for each license the licensing authority is authorized to issue:

(a) The number of applications received during the previous year for the license;

(b) The number of those applications that resulted in a
license being granted;

(c) The number of those applications that resulted in a
license being denied;

(d) A list of criminal offenses reported by individuals who
were granted a license;

(e) A list of criminal offenses reported by individuals who
were denied a license;

(f) A list of all of the requests received by the licensing
authority under division (B) of this section during the previous
year that includes the following information:

(i) The number of requests for which the licensing authority
determined that an individual's criminal conviction disqualified
the individual from obtaining a license issued by the licensing
authority;

(ii) The number of requests for which the licensing authority
determined that an individual's criminal conviction did not
disqualify the individual from obtaining a license issued by the
licensing authority;

(iii) A list of the offenses reported by individuals
described in division (D)(1)(f)(i) of this section;

(iv) A list of the offenses reported by individuals described
in division (D)(1)(f)(ii) of this section;

(g) Any other information the director may require.

(2) The director shall compile the information submitted
pursuant to division (D)(1) of this section and annually publish
it in a searchable format on a web site created and maintained by
the director. The director may adopt rules in accordance with
Chapter 119. of the Revised Code as the director determines
necessary to implement division (D) of this section."

In line 179, after "individual" insert ", including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;

(e) Whether the denial of a license is reasonably necessary to ensure public safety"

After line 225, insert:

"(I) Nothing in this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:

(1) Past disciplinary action taken by the licensing authority against the individual;

(2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies."

In line 1454, strike through "ten-year" and insert "five-year"

In line 1478, strike through "ten-year" and insert "five-year"

In line 24993, after "sections" insert "9.78,"

The motion was __________ agreed to.