

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," 1
- In line 62, after "sections" insert "9.78," 2
- After line 104, insert: 3
- Sec. 9.78.** (A) As used in this section: 4
- (1) "License" means an authorization evidenced by a license, 5
certificate, registration, permit, card, or other authority that 6
is issued or conferred by a licensing authority to an individual 7
by which the individual has or claims the privilege to engage in a 8
profession, occupation, or occupational activity over which the 9
licensing authority has jurisdiction. 10
- (2) "Licensing authority" means both of the following: 11
- (a) A board, commission, or other entity that issues licenses 12
under Title XLVII or any other provision of the Revised Code to 13
practice an occupation or profession; 14
- (b) A political subdivision that issues a license or that 15
charges a fee for an individual to practice an occupation or 16
profession in that political subdivision. 17
- (B) An individual who has been convicted of any criminal 18

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

<u>license being granted;</u>	49
<u>(c) The number of those applications that resulted in a license being denied;</u>	50
<u>(d) A list of criminal offenses reported by individuals who were granted a license;</u>	52
<u>(e) A list of criminal offenses reported by individuals who were denied a license;</u>	54
<u>(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:</u>	56
<u>(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;</u>	59
<u>(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;</u>	63
<u>(iii) A list of the offenses reported by individuals described in division (D)(1)(f)(i) of this section;</u>	67
<u>(iv) A list of the offenses reported by individuals described in division (D)(1)(f)(ii) of this section;</u>	69
<u>(g) Any other information the director may require.</u>	71
<u>(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</u>	72
	73
	74
	75
	76

necessary to implement division (D) of this section. 77

In line 179, after "individual" insert ", including whether 78
the individual has been issued a certificate of qualification for 79
employment under section 2953.25 of the Revised Code or a 80
certificate of achievement and employability under section 2961.22 81
of the Revised Code; 82

(e) Whether the denial of a license is reasonably necessary 83
to ensure public safety" 84

After line 225, insert: 85

"(I) Nothing in this section prohibits a licensing authority 86
from considering either of the following when making a 87
determination whether to issue a license to an individual: 88

(1) Past disciplinary action taken by the licensing authority 89
against the individual; 90

(2) Past disciplinary action taken against the individual by 91
an authority in another state that issues a license that is 92
substantially similar to the license for which the individual 93
applies." 94

In line 1454, strike through "ten-year" and insert 95
"five-year" 96

In line 1478, strike through "ten-year" and insert 97
"five-year" 98

In line 24993, after "sections" insert "9.78," 99

The motion was _____ agreed to.