

S.B. 5
As Passed by the Senate

Topic: Certificate of Qualification for Employment

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 1
9.78 and" 2

In line 2 of the title, after "prostitution" insert "and to 3
require licensing agencies to provide additional information on 4
the use of certificates of qualification for employment and 5
certificates of achievement and employability" 6

In line 3, delete "section" and insert "sections 9.78 and" 7

After line 4, insert: 8

"**Sec. 9.78.** (A) As used in this section: 9

(1) "License" means an authorization evidenced by a license, 10
certificate, registration, permit, card, or other authority that 11
is issued or conferred by a licensing authority to an individual 12
by which the individual has or claims the privilege to engage in a 13
profession, occupation, or occupational activity over which the 14
licensing authority has jurisdiction. 15

(2) "Licensing authority" means both of the following: 16

(a) A board, commission, or other entity that issues licenses 17
under Title XLVII or any other provision of the Revised Code to 18
practice an occupation or profession; 19

(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 all of the following available to the public on the licensing authority's internet web site a:

(1) 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;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the

license or, as applicable, the individual's employee, holds a 50
certificate of qualification for employment issued under section 51
2953.25 of the Revised Code or a certificate of achievement and 52
employability issued under section 2961.22 of the Revised Code; 53

(3) A reference to the certificate of qualification for 54
employment web site maintained by the department of rehabilitation 55
and correction. 56

(D) A licensing authority shall include on any form, policy, 57
manual, or other material that lists criminal offenses, the 58
conviction of which would disqualify an individual from obtaining 59
a license issued or conferred by that licensing authority, a 60
statement that a disqualification may be overcome by the 61
individual applying for the license or, as applicable, by the 62
individual's employee, holding a certificate of qualification for 63
employment issued under section 2953.25 of the Revised Code or a 64
certificate of achievement and employability issued under section 65
2961.22 of the Revised Code, including a reference to the 66
certificate of qualification for employment web site maintained by 67
the department of rehabilitation and correction. 68

(E) Any predetermination form, nonconviction statement form, 69
or other form used by a licensing authority to determine whether a 70
conviction or adjudication record disqualifies an applicant from 71
obtaining a particular license shall include a section requesting 72
the applicant to provide information if they are a recipient of a 73
certificate of qualification for employment under section 2953.25 74
of the Revised Code or a certificate of achievement and 75
employability under section 2961.22 of the Revised Code." 76

In line 61, delete "section" and insert "sections 9.78 and" 77

In line 62, delete "is" and insert "are" 78

The motion was _____ agreed to.