

**As Passed by the House**

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**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**

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**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  
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(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  
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(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  
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(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction. 170  
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(6) "Offense" means any felony or misdemeanor under the laws of this state. 173  
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(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 175  
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(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code. 177  
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(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  
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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 <del>and,</del> 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