

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 143**

**Senators Craig, Blessing**

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To enact section 4113.86 of the Revised Code to 1  
prohibit private employers from including on an 2  
employment application any question concerning 3  
the criminal background of the applicant. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4113.86 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 4113.86.** (A) As used in this section, "employer" 7  
includes any person employing five or more persons and any 8  
person acting as an agent of an employer. "Employer" does not 9  
include a state agency or political subdivision, as those terms 10  
are defined in section 9.73 of the Revised Code. 11

(B) No employer shall do any of the following: 12

(1) Include on any initial application for employment any 13  
question that seeks the disclosure of an applicant's criminal 14  
background; 15

(2) Inquire into or consider the criminal background of 16  
the applicant, including any inquiry about criminal background 17  
on any initial employment application; 18

(3) Consider, distribute, or disseminate information about 19

<u>either of the following while conducting a criminal background</u>	20
<u>check in connection with any application for employment:</u>	21
<u>(a) Arrest not followed by conviction;</u>	22
<u>(b) Referral to or participation in a pre-trial diversion</u>	23
<u>program under section 2935.36 of the Revised Code or a similar</u>	24
<u>diversion program under rules of a court.</u>	25
<u>(4) Interfere with, restrain, or deny the exercise of, or</u>	26
<u>the attempt to exercise, any right provided under this section.</u>	27
<u>(C) This section shall not be construed to prevent an</u>	28
<u>employer from conducting a criminal background check not in</u>	29
<u>conflict with division (B) of this section.</u>	30
<u>(D) (1) An employer that intends to deny an applicant a</u>	31
<u>position of employment because of the applicant's criminal</u>	32
<u>background shall make an individualized assessment of whether</u>	33
<u>the applicant's criminal background has a direct and adverse</u>	34
<u>relationship with the specific duties of the job that justify</u>	35
<u>denying the applicant the position. In making the assessment,</u>	36
<u>the employer shall consider all of the following:</u>	37
<u>(a) The nature and gravity of the offense or conduct;</u>	38
<u>(b) The time that has passed since the offense was</u>	39
<u>committed or conduct occurred and completion of the sentence;</u>	40
<u>(c) The nature of the job held or sought.</u>	41
<u>(2) An employer may commit the results of this</u>	42
<u>individualized assessment to writing.</u>	43
<u>(E) (1) If the employer makes a preliminary decision that</u>	44
<u>the applicant's criminal background disqualifies the applicant</u>	45
<u>from employment, the employer shall notify the applicant of this</u>	46

preliminary decision in writing. The employer may justify or 47  
explain the employer's reasoning for making the preliminary 48  
decision. The employer shall include all of the following: 49

(a) A notice of the disqualifying conviction or 50  
convictions that are the basis for the preliminary decision to 51  
rescind the offer; 52

(b) A copy of the criminal background check, if any; 53

(c) An explanation of the applicant's right to respond to 54  
the notice of the employer's preliminary decision before that 55  
decision becomes final and the deadline by which to respond. 56

(2) The employer, in the explanation described in division 57  
(E) (1) (c) of this section, shall inform the applicant that the 58  
applicant may submit in the response evidence challenging the 59  
accuracy of the criminal background check that is the basis for 60  
rescinding the offer, evidence of rehabilitation or mitigating 61  
circumstances, or both. 62

(F) The applicant shall have at least five days to respond 63  
to the notice provided to the applicant under division (E) of 64  
this section before the employer may make a final decision. 65  
Within that time period, the applicant may notify the employer 66  
in writing that the applicant disputes the accuracy of the 67  
criminal background check that was the basis for the preliminary 68  
decision to rescind the offer. If, within that time period, the 69  
applicant disputes the accuracy of the criminal background check 70  
and is taking specific steps to obtain evidence supporting that 71  
assertion, the applicant shall have five additional days to 72  
respond to the notice. 73

(G) (1) The employer shall consider information submitted 74  
by the applicant pursuant to division (F) of this section before 75

making a final decision. If an employer makes a final decision 76  
to deny an application because of the applicant's criminal 77  
background, the employer shall notify the applicant in writing 78  
of all the following: 79

(a) The final denial or disqualification; 80

(b) Any procedure the employer has for the applicant to 81  
challenge the decision or request reconsideration; 82

(c) The right to file a complaint with the Ohio civil 83  
rights commission. 84

(2) The employer may justify or explain the employer's 85  
reasoning for making the final denial or disqualification 86  
described in division (G) (1) (a) of this section. 87

(H) This section does not apply to a position where an 88  
employer is required by any federal, state, or local law to 89  
conduct criminal background checks for employment purposes or to 90  
restrict employment based on criminal background. 91

(I) A violation of division (B) of this section is an 92  
unlawful discriminatory practice in employment as described in 93  
division (A) of section 4112.02 of the Revised Code. An 94  
applicant who is injured by an alleged violation of division (B) 95  
of this section may file a complaint with the Ohio civil rights 96  
commission in accordance with section 4112.051 of the Revised 97  
Code. 98