

## Appendix A to Rule 5180:2-12-09

**Standards for Rehabilitation**

An applicant, employee, child care staff member, resident, owner or administrator of a licensed child care center who has a prohibited offense are to meet the following standards for rehabilitation provided that the victim of the offense (misdemeanor or felony) was not one of the following:

- a. Under 18 years of age.
- b. Functionally impaired as defined in section 2903.10 of the Revised Code. Intellectually disabled or developmentally disabled as defined in section 5123.01 of the Revised Code.
- c. Mentally ill as defined in section 5122.01 of the Revised Code.
- d. 60 years of age or older.

The following additional factors will also be considered in determining rehabilitation:

- a. The age of the person at the time of the offense.
- b. The nature and seriousness of the offense.
- c. The time elapsed since discharge from imprisonment, probation or parole.
- d. Whether the person is a repeat offender.

If the offense was a misdemeanor, the following standard for rehabilitation is to be met:

- a. At least three years have elapsed from the date the individual was fully discharged for imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.

If the offense was a felony, the following standard for rehabilitation is to be met:

- a. At least 10 years have elapsed since the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.
- c. The felony was not an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses, or that would meet the ineligibility requirements under 45 CFR Section 98.43.

**The following offenses (misdemeanor or felony convictions) are non-rehabilitative:**

- R.C. 2903.01 – Aggravated murder
- R.C. 2903.02 – Murder
- R.C. 2903.03 – Voluntary manslaughter
- R.C. 2903.04 – Involuntary manslaughter
- R.C. 2903.11 – Felonious assault
- R.C. 2903.12 – Aggravated assault
- R.C. 2903.13 – Assault
- R.C. 2905.01 – Kidnapping
- R.C. 2905.32 – Trafficking in persons
- R.C. 2907.02 – Rape
- R.C. 2907.03 – Sexual battery
- R.C. 2907.04 – Unlawful sexual conduct with minor
- R.C. 2907.05 – Gross sexual imposition
- R.C. 2907.06 - Sexual imposition
- R.C. 2907.07 - Importuning
- R.C. 2907.12 – Felonious sexual penetration (as this former section of law existed)
- R.C. 2907.19 – Commercial sexual exploitation of a minor
- R.C. 2907.21 – Compelling prostitution
- R.C. 2907.31 – Disseminating matter harmful to juveniles
- R.C. 2907.321 – Pandering obscenity involving a minor or impaired person
- R.C. 2907.322 – Pandering sexually oriented matter involving a minor or impaired person
- R.C. 2907.323 – Illegal use of a minor or impaired person in nudity-oriented material or performance
- R.C. 2909.02 – Aggravated arson
- R.C. 2909.03 – Arson
- R.C. 2911.01 – Aggravated robbery
- R.C. 2911.02 – Robbery
- R.C. 2911.11 – Aggravated burglary
- R.C. 2911.12 – Burglary
- R.C. 2919.22 – Endangering children
- R.C. 2919.23 – Interference with custody
- R.C. 2919.24 – Contributing to unruliness or delinquency of a child
- R.C. 2919.25 – Domestic violence
- R.C. 2923.13 – Having weapons while under disability
- R.C. 2923.161 – Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function