



## Ohio Revised Code

### Section 9.78 Determination of effect of criminal conviction by licensing authority.

Effective: October 9, 2021

Legislation: House Bill 110

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(A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

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

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

(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:

(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 certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

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

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

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



(F)(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 for the license;
- (b) The number of those applications that resulted in a license being granted;
- (c) The number of those applications that resulted in a license being denied;
- (d) A list of criminal offenses reported by individuals who were granted a license;
- (e) A list of criminal offenses reported by individuals who were denied a license;
- (f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information:
  - (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;
  - (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;
  - (iii) A list of the offenses reported by individuals described in division (F)(1)(f)(i) of this section;
  - (iv) A list of the offenses reported by individuals described in division (F)(1)(f)(ii) of this section.
- (g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license.
- (h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of



the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were denied a license.

(i) Any other information the director may require.

(2) The first report of information required under division (F)(1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter, each licensing authority shall submit the required information from the past year by the thirtieth day of June.

(3) The director shall compile the information submitted pursuant to division (F)(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 necessary to implement division (F) of this section.