



Ohio Revised Code

Section 5104.211 Random sampling of child day camps to determine compliance with background checks.

Effective: October 17, 2019

Legislation: House Bill 166

(A) The director of job and family services may periodically conduct a random sampling of child day camps to determine compliance with section 5104.013 of the Revised Code.

(B)(1) No child day camp shall fail to comply with section 5104.013 of the Revised Code in regards to a person it appoints or employs.

(2) If the director determines that a camp has violated division (B)(1) of this section, the director shall do both of the following:

(a) Consider imposing a civil penalty on the camp in an amount that shall not exceed ten per cent of the camp's gross revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the violation occurred, the penalty shall be five hundred dollars.

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following:

(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section;

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.



(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice.

(D) The director may include on the web site of the department of job and family services a list of child day camps that the director has determined to not be in compliance with the criminal records check requirements of section 5104.013 of the Revised Code. The director shall remove a camp's name from the list when the camp demonstrates to the director that the camp is in compliance with that section.

(E) For the purposes of divisions (C) and (D) of this section, a child day camp will be considered to be in compliance with section 5104.013 of the Revised Code by doing any of the following:

(1) Requesting that the bureau of criminal identification and investigation conduct a criminal records check regarding the person who is the subject of the violation of division (B)(1) of this section and, if the person does not qualify for the appointment or employment, releasing the person from the appointment or employment;

(2) Releasing the person who is the subject of the violation from the appointment or employment.

(F) The attorney general shall commence and prosecute to judgment a civil action in a court of competent jurisdiction to collect any civil penalty imposed under this section that remains unpaid.

(G) This section does not apply to a child day camp that is an approved child day camp.