



## Ohio SB 337: The Collateral-Sanctions Reform Bill

Ohio Senate Bill 337 overwhelmingly passed through both chambers of the General Assembly and will likely be signed into law by Governor Kasich around July 1, 2012. Here are the most significant parts of the bill:

**Certificates of Qualifications for Employment (CQE):** These are similar to, but more widely available than, the Certificates of Achievement and Employability (R.C. 2961.21-.24) created in House Bill 86 in 2011. Based on the likely effective date of SB 337 and the time allotted for drafting new implementation regulations, CQEs will become available to interested applicants in January 2013. The CQEs do two important things:

**Loosen Job Restrictions** —A license applicant with a CQE is entitled to *individualized consideration* by the relevant agency, even if there is a law that would normally make that applicant ineligible because of his or her criminal record. In other words, a CQE converts a mandatory barrier into a discretionary one.

**Protect Employers** — Businesses that hire job applicants with CQEs will be immune from negligent-hiring lawsuits.

**Keeping juveniles in juvenile facilities**, even if bound-over to adult court: This will reduce the harm to young people by reducing the likelihood that they will only be further criminalized by their incarceration experience.

**Clarifying the confidentiality juvenile records.** Also expanding the ability to seal juvenile records.

**Creating alternatives of drivers-license suspensions.** Courts may order community service in place of certain fines and suspensions. They may also permit limited driving privileges to those whose license was suspended for nonpayment of child support.

**Marijuana-paraphernalia possession:** Reduced to a minor misdemeanor, like marijuana possession itself (under 100g).

**Record-sealing eligibility:** This expands the eligibility to allow certain conviction records to be sealed (often mistakenly referred to as “expungement”) such that someone with *one* felony and *one* misdemeanor or with *two misdemeanors* can get both sealed, as long as the specific offenses are not otherwise prohibited.

**Allowing for child-support modifications based on actual earning capacity:** Ohio courts used to calculate child-support orders by presuming that obligors with criminal records had the same earning capacity that they had before they were convicted or incarcerated. Now incarcerated and formerly incarcerated obligors will be able to get sensible, right-sized child-support orders.

**Reducing restrictions on specific professions:** Cosmetology, optical dispensers, salvage-yards dealers, construction-industry licenses, hearing-aid dealers and fitters, and security guards.

\* Read the entire bill online at [http://bit.ly/SB337\\_fulltext](http://bit.ly/SB337_fulltext). \*