
DEPARTMENT OF REHABILITATION AND CORRECTION

Local confinement for fourth and fifth degree felony prison terms

- Expands the voluntary Targeting Community Alternatives to Prison (T-CAP) Program to include fourth degree felonies instead of only fifth degree felonies.

Post-release control sanctions

- Modifies the law regarding post-release control (PRC) by:
 - Changing the duration of mandatory PRC to “up to five years, but not less than two years” for a first degree felony that is not a felony sex offense; “up to three years, but not less than 18 months” for a second degree felony that is not a felony sex offense; and “up to three years, but not less than one year” for a third degree felony that is an offense of violence and is not a felony sex offense;
 - Changing the duration of discretionary PRC to “up to two years” for a third, fourth, or fifth degree felony that is not subject to mandatory PRC;
 - Removing juvenile court delinquent child adjudications as items that must be considered by the Parole Board or court in determining PRC sanctions;
 - Changing from mandatory to discretionary the use of active GPS monitoring for the first 14 days of a prisoner on PRC who is released before the expiration of the prisoner’s term and who earned over 60 days of earned credit;
 - Modifying the mechanism for shortening or terminating PRC of an offender who is complying with the PRC sanctions;
 - Specifying that if, during the PRC period, the offender serves as a sanction for violating PRC conditions the maximum prison sanction time available as a PRC sanction, the PRC terminates;
 - Providing rules for determining the manner in which PRC operates when an offender is simultaneously subject to a period of parole and a period of PRC or is subject to two simultaneous PRC periods; and
 - Specifying that a PRC period must not be imposed consecutively to any other PRC period.

Sacramental wine in governmental facility

- Exempts small amounts of sacramental wine from the offense of “illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility” when the person conveying, delivering, or attempting to convey or deliver the wine is a cleric.

Notification of possible prison term for community control violation

- Specifies that the notice a court must give to an offender it sentences to a community control sanction for a felony regarding a possible prison term as a violation sanction must indicate “the range from which the term may be imposed.”

Prison term penalty for certain conduct by a felony offender serving a community control sanction

- Modifies provisions regarding a court’s imposition of a prison term as a penalty for a convicted felon who is sentenced to a community control sanction and who violates the conditions of the sanction, violates a law, or leaves the state without the permission of the court or probation officer.

Community-based substance use disorder treatment

- Extends eligibility for the community-based substance use disorder treatment program.
- Removes a restriction that prevents those with certain prior offense of violence convictions from participating in the program.

Subsidies for community-based corrections programs

- Modifies the requirements for the program of subsidies for community-based corrections programs.

Administrative releases

- Expands the Adult Parole Authority’s ability to grant an administrative release to include: (1) a “releasee” who is serving another felony sentence in a prison within or outside Ohio for the purpose of consolidating the records or if justice would best be served, or (2) a “releasee” who has been deported from the U.S.

Certificate of qualification for employment (CQE)

Sealing of CQE records

- Specifies that when a criminal record is sealed, records related to a certificate of qualification for employment (CQE) are also sealed.

Consideration of sealed CQE records

- Provides that a petition for a CQE must include the individual’s criminal history, except for information contained in any record that has been sealed.
- Provides that, upon receiving a petition for a CQE, a court must review the individual’s criminal history, except for information contained in any record that has been sealed.
- Provides that a court may order any report, investigation, or disclosure by the individual, except that the court must not require an individual to disclose information about any record that has been sealed.

- Specifies that in any application for a CQE, a person may be questioned only with respect to convictions and bail forfeitures not sealed.

Sealing of records related to an unconditional pardon

- Allows the Governor to include as a condition of an unconditional pardon that the records related to the conviction or convictions be sealed, and generally provides that the records are not subject to public inspection unless directed by the Governor.

Internet access for prisoners

- Provides greater flexibility for prisons to provide internet access to prisoners in state owned and private prison facilities.

Outdated law – Ohio River Valley Facility

- Removes outdated provisions that allowed Lawrence County to place inmates in the Ohio River Valley Facility.

Local confinement for fourth and fifth degree felony prison terms

The act expands the voluntary Targeting Community Alternatives to Prison (T-CAP) Program to include fourth degree felonies instead of only fifth degree felonies.

Voluntary local confinement

(R.C. 2929.34)

Continuing law provides that in any voluntary county, the board of county commissioners and the administrative judge of the general division of the common pleas court may agree to have the county participate in the procedures regarding state and local confinement described below.

The act provides, subject to exceptions for certain offenses and categories of offenders (see “**Exceptions**,” below), that in any voluntary county, either (1) or (1) and (2) must apply:

1. Under preexisting law, on or after July 1, 2018, a person sentenced to a prison term for a fifth degree felony may not serve the term in a DRC institution;
2. Under the act, on or after September 1, 2022, a person sentenced to a prison term for a fourth degree felony may not serve the term in a DRC institution.

The person must instead serve a term of confinement in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, in a community alternative sentencing center or district community alternative sentencing center, or in a community-based correctional facility.

As used in the act, “voluntary county” means any county in which the board of county commissioners and the administrative judge of the general division of the common pleas court enter into an agreement described above.

Exceptions

(R.C. 2929.34)

The provisions do not apply to any person to whom any of the following apply: (1) fourth or fifth degree felony was an offense of violence, sex offense, drug trafficking offense, or any offense for which a mandatory prison term is required, (2) the person previously has been convicted of or pleaded guilty to any felony offense of violence, (3) the person previously has been convicted of or pleaded guilty to any felony sex offense, or (4) the sentence is required to be served concurrently to any other sentence imposed on the person for a felony that is required to be served in a DRC institution.

Voluntary memorandum of understanding

(R.C. 5149.38)

Continuing law requires that, not later than October 29, 2017, each voluntary county must submit a memorandum of understanding to DRC for its approval. Also, not later than October 29, 2017, two or more affiliating voluntary counties may jointly submit a memorandum of understanding to DRC for its approval. The bill changes the deadline from October 29, 2017, to September 1, 2022.

The memorandum of understanding must be agreed to and signed by the following: (1) a county commissioner representing the board of county commissioners, (2) the administrative judge of the general division of the common pleas court, (3) the sheriff, and (4) an official from any municipality operating a local correctional facility in the county to which courts sentence offenders.

The memorandum of understanding must do all of the following: (1) set forth the plans by which the county will use grant money provided to it in FY 2018 and succeeding fiscal years under the T-CAP program, and (2) specify the manner in which the county will address per diem reimbursement of local correctional facilities for prisoners who serve a prison term in local confinement in the facility under the act's provisions described above. The bill modifies these requirements in two ways. First, the bill changes the FY from 2018 to 2023. Second, the bill adds a requirement that the memorandum of understanding must specify whether it will apply to prison terms for fifth degree felonies or prison terms for fourth and fifth degree felonies.

Post-release control sanctions

(R.C. 2967.28)

Background

The act modifies some of the provisions regarding post-release control (PRC). PRC is a period of supervision by the Adult Parole Authority (APA) after a prisoner's release from imprisonment, other than under a term of life imprisonment, that includes one or more post-release control sanctions. "Post-release control sanction" means a residential sanction,

nonresidential sanction, or financial sanction authorized for a felony under the Felony Sentencing Law that is imposed on a prisoner upon the prisoner's release from a prison term other than a term of life imprisonment.¹²⁰

Law unchanged by the act specifies that when an offender convicted of a felony is released from prison, in some circumstances PRC is mandatory, and in other circumstances, PRC is discretionary. When an offender is placed under PRC, specified procedures apply regarding the offender, the PRC period, the imposition by the Parole Board (or court in certain circumstances) of PRC sanctions and conditions that apply during the PRC period, and supervision of the offender. The act changes some of these procedures, as described below.

Mandatory PRC

Law unchanged by the act specifies that if an offender is sentenced to prison for a first or second degree felony, for a felony sex offense, or for a third degree felony that is an offense of violence, the Parole Board (or court), prior to the offender's release from imprisonment, must impose a PRC period on the offender that runs after the offender's release. The law sets the duration of mandatory PRC based on the offense, and the act changes the duration for most offenses. The act retains the preexisting duration for a felony sex offense, which is five years, but changes the preexisting duration of mandatory PRC in all other cases as follows:

1. From five years to "up to five years, but not less than two years" for a first degree felony that is not a felony sex offense;
2. From three years to "up to three years, but not less than 18 months" for a second degree felony that is not a felony sex offense; and
3. From three years to "up to three years, but not less than one year" for a third degree felony that is an offense of violence and is not a felony sex offense.

The law also specifies that if an offender is sentenced to a term of shock incarceration or to a term in an intensive program prison, the Board (or court) must impose a PRC period on the offender that runs during a specified portion of the term.

Discretionary PRC

Law unchanged by the act specifies that if an offender is sentenced to a prison term for a third, fourth, or fifth degree felony that is not subject to the mandatory PRC provisions described above, the Parole Board (or court), prior to the offender's release from imprisonment, may impose a PRC period on the offender that runs after the offender's release, if it determines that PRC is necessary for the offender. The law sets the duration of authorized discretionary PRC, and the act changes the set duration from up to three years to "up to two years" for a third, fourth, or fifth degree felony that is not subject to mandatory PRC. If an offender is sentenced to a prison term for such an offense and is released early under a risk

¹²⁰ R.C. 2967.01, not in the act.

reduction sentence, the Parole Board (or court) must impose a PRC period on the offender, apparently under the same rule as to duration as for discretionary PRC.

Consideration of delinquent child adjudications

The act changes the information that the Parole Board (or court) must review, prior to the release of an offender for whom it will impose PRC sanctions, in determining which PRC sanctions are reasonable under the circumstances. The act removes juvenile court delinquent child adjudications as items that the Parole Board (or court) must consider in determining PRC sanctions. The act does not change the other information that must be considered, including the offender's criminal history, results from the single validated risk assessment tool, and the record of the offender's conduct while imprisoned.

Use of active GPS monitoring

Under the act, if an offender who is placed on PRC is released from prison before the expiration of the offender's prison term and the offender earned 60 or more days of credit, the APA may supervise the offender with an active GPS device for the first 14 days after the offender's release from imprisonment. Prior to the act, the use of active GPS monitoring for supervising the offender in the specified circumstances was mandatory.

Shortening or terminating PRC

The act modifies the actions that the APA (or court) may take after it conducts a review of the behavior under PRC sanctions of a prisoner released from imprisonment. Preexisting law, unchanged by the act, authorizes such a review any time after a prisoner is released from imprisonment and during the PRC period. Under the act, if the APA (or court), based on the review and in accordance with specified standards, determines that the releasee has satisfactorily complied with the sanctions imposed, it may recommend a less restrictive sanction, reduce the PRC period, or, no sooner than a specified minimum period of time, recommend that the Parole Board (or court) terminate the PRC period. In no case may the Board (or court) reduce the PRC duration imposed for a felony sex offense, described above with regard to mandatory PRC.

Related to the act's changes described in the preceding paragraph, the act expands a provision that requires the DRC to adopt rules that establish standards for certain PRC-related purposes to also require that the rules establish standards to be used by the Parole Board in terminating (or reducing, under the preexisting provision) the PRC duration when authorized as described in that paragraph, in imposing a more restrictive sanction than monitored time on certain offenders, or in imposing a less restrictive sanction on a releasee based on results from the single validated risk assessment tool (and, as specified under the preexisting provision, on the releasee's activities, including remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution or meeting the terms of other financial sanctions).

The provisions in effect prior to the act regarding the actions the APA (or court) could take, repealed by the act, specified that: (1) if it determined that a more restrictive or a less

restrictive sanction was appropriate it could impose a different sanction, (2) the APA could recommend that the Parole Board (or court) increase or reduce the PRC duration, (3) if the APA recommended that the PRC duration be increased, the Parole Board (or court) had to review the releasee's behavior and could increase the PRC duration up to eight years, (4) if the APA recommended that the PRC duration be reduced, the Parole Board (or court) had to review the releasee's behavior and generally could reduce the PRC duration or, in certain cases, reduce the PRC duration or terminate the PRC, and (5) in no case could the Parole Board (or court) reduce the PRC duration for a felony sex offense to a period less than the length of the prison term included in the prison term originally imposed on the offender, consider any reduction or termination of the PRC duration imposed on a releasee prior to the expiration of one year after the commencement of the PRC period for certain types of indefinite sentences, or permit the releasee to leave Ohio without permission of the court or the releasee's supervising officer.

Termination of PRC, if maximum prison time available expires

Law unchanged by the act specifies that if the Parole Board (or court) at a hearing finds that a releasee under a PRC sanction violated the sanction or condition: (1) it may increase the PRC duration up to the maximum authorized duration or impose a more restrictive PRC sanction, (2) when appropriate, it may impose as a PRC sanction a residential sanction that includes a prison term, (3) subject to one limited exception, a prison term imposed as a PRC sanction under this provision may not exceed nine months, and the maximum cumulative prison term for all violations under it may not exceed one-half of the prison term that was originally imposed on the offender, and (4) the period of a prison term imposed as a PRC sanction under this provision does not count as, or may not be credited toward, the remaining PRC period. The act adds a provision specifying that if, during the releasee's PRC period, the releasee serves as a PRC sanction the maximum prison time available as a sanction, the PRC terminates.

Simultaneous parole and PRC; ban on consecutive PRC periods

The act replaces several provisions that pertain to calculating service of a PRC period. Under the act: (1) if an offender is simultaneously subject to a period of parole and a PRC period, or is simultaneously subject to two PRC periods, the period of supervision that expires last determines the length and form of supervision for all the periods and related sentences, (2) an offender is to receive credit for PRC supervision during the period of parole, and is not eligible for final release under a separate provision of law¹²¹ until the PRC period otherwise would have ended, and (3) if the period of parole ends prior to the end of the PRC period, the requirements of parole supervision are to be satisfied during the PRC period.

The act retains a provision specifying that a PRC period may not be imposed consecutively to any other PRC period (although the act does not retain the express statement that PRC periods are to be served concurrently). It also retains provisions that govern the duration of a PRC period imposed on a releasee who commits a felony while under PRC for an

¹²¹ R.C. 2967.16, not in the act.

earlier felony, and the maximum cumulative prison term for all PRC violations that may be imposed on a releasee.

The replaced provisions specified that: (1) a PRC period commenced upon an offender's actual release from prison, (2) if a PRC period was imposed and the offender also was subject to a period of parole, and if the PRC period ended prior to the period of parole, the offender was to be supervised on parole and received credit for PRC supervision during the period of parole and was not eligible for final release until the PRC period otherwise would have ended, (3) if an offender was under a PRC period and also was subject to a period of parole, and if the period of parole ended prior to the PRC period, the offender was to be supervised on PRC and the requirements of parole supervision were to be satisfied during the PRC period, and (4) if an offender was subject to more than one PRC period, the PRC period for all of the sentences was the PRC period that expired last, as determined by the Parole Board (or court).

Sacramental wine in governmental facility

(R.C. 2921.36)

The act exempts from the offense of "illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility" small amounts of wine conveyed or attempted to be conveyed into the facility, or delivered or attempted to be delivered to a person in the facility, when the person engaging in the conduct with the sacramental wine is a "cleric." As used in the exemption, a "cleric" is a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

The liquor-related prohibitions under the offense, unchanged by the act except for its exemption, apply to the grounds of a detention facility or of an institution, office building, or other place under the control of the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, the Department of Youth Services, or the Department of Rehabilitation and Correction.

Notification of possible prison term for community control violation

(R.C. 2929.19 and 2929.15)

Law unchanged by the act requires a court that sentences an offender to a community control sanction for a felony to notify the offender that, if the offender violates the sanction conditions, commits a violation of any law, or leaves Ohio without permission of the court or the offender's probation officer, the court may impose any of several specified types of sanctions.

The act changes the reference to one of the types of sanctions, which is a possible prison term. Under the act, instead of indicating "the specific prison term" that may be imposed for the violation, out of the range of terms available for the offense, the notice must indicate the "range from which" the prison term may be imposed, which must be the range of terms available for the offense. The act does not change the references to the other types of sanctions that may be imposed, which are a longer time under the same community control

sanction or a more restrictive community control sanction. The act also conforms a cross-reference to that notification in the provision described in the next part of this analysis governing the imposition of a prison term for such a violation or leaving of the state.

Prison term penalty for certain conduct by a felony offender serving a community control sanction

(R.C. 2929.15)

The act modifies one of the three types of penalties that a court that sentences an offender to a community control sanction for a felony may impose on an offender who violates the conditions of the sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer. Two of the types of authorized penalties, unchanged by the act, are a longer time under the same sanction if the total time under the sanctions does not exceed five years, or a more restrictive sanction, including a new term in a community-based correctional facility, halfway house, or jail. The third type, which the act modifies, is a prison term that is subject to a specified maximum (see "**Notification of possible prison term for community control violation**," above) and to specified conditions. The act modifies the authorized prison term penalty as follows:

1. It generally retains the provisions that govern prison terms that may be imposed, but if the prison term is imposed for a technical violation of the sanction conditions, it clarifies the manner of crediting the time served under the term against the offender's sentence and replaces the references to "suspended" sentences with references to "reserved" sentences. Under the act, the provisions specify that:

a. If the prison term is imposed for a technical violation of sanction conditions imposed for a fifth degree felony, the term may not exceed 90 days, provided that if the remaining period of community control at the time of the violation or the remaining period of the "reserved" (previously, "suspended") prison sentence at that time is less than 90 days, the prison term may not exceed the length of the remaining period of community control or the remaining period of the "reserved" (previously, "suspended") prison sentence.

b. If the prison term is imposed for a technical violation of sanction conditions imposed for a fourth degree felony that is neither an offense of violence nor a sexually oriented offense, the term may not exceed 180 days, provided that if the remaining period of community control at the time of the violation or the remaining period of the "reserved" (previously, "suspended") prison sentence at that time is less than 180 days, the prison term may not exceed the length of the remaining period of community control or the remaining period of the "reserved" (previously, "suspended") prison sentence.

c. If a prison term is imposed on an offender under either provision described above for a technical violation, one of the following applies with respect to the time that the offender spends in prison under the term:

i. Subject to the provisions described below in (ii), the time must be credited against the offender's community control sanction that was being served at the time of

the violation, the remaining time under that community control sanction must be reduced by the time that the offender spends in prison under the term, and the court is to determine whether the offender upon release from the prison term must continue serving the remaining time under the community control sanction, as reduced by the credit, or must have the sanction terminated (the same as under the law prior to the act, except that under that prior law, no reference to community control sanction “termination” was included).

ii. If, at the time a prison term is imposed for a technical violation, the offender was serving a “residential” community control sanction imposed under the Felony Sentencing Law, the time spent serving the residential community control sanction must be credited against the offender’s “reserved” prison sentence, the remaining time under that “residential” community control sanction and under the “reserved” prison sentence must be reduced by the time that the offender spends in prison under the prison term, and the court is to determine whether the offender upon release from the prison term must continue serving the remaining time under the community control sanction, as reduced by the credit, or must have the sanction terminated (prior to the act, the application of the provision was not limited to “residential” community control sanctions, the references to “reserved” prison sentences were to be “suspended” sentences, and no reference to community control sanction “termination” was included).

2. It relocates, but does not otherwise change, a provision that authorizes a judge to use a prison term as a penalty multiple times, to clarify that the authorization is an option along with the other previously authorized prison term penalty. The relocated provision specifies that: (a) a court is not limited in the number of times it may sentence an offender to a prison term for violating the sanction conditions, violating a law, or leaving the state without permission, and (b) if an offender violates the sanction conditions, violates a law, or leaves the state without permission, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction, violates a law, or leaves the state without permission, the court may impose a new prison term penalty on the offender for the subsequent violation or conduct. As under the law prior to and retained by the act, the prison term penalties are subject to the specified maximum (see “**Notification of possible prison term for community control violation,**” above) and to the limitations described above in (1).

Community-based substance use disorder treatment

(R.C. 5120.035)

The act extends eligibility for the community-based substance use disorder treatment program to nonviolent third degree felony offenders, and removes a restriction that prevents those with any prior conviction of a felony offense of violence or a prior conviction of a misdemeanor offense of violence within the preceding five years from participating in the program.

Continuing law requires DRC to operate a program for community-based substance use disorder treatment of qualified nonviolent fourth and fifth degree felony offenders who are in their final year of imprisonment.

Subsidies for community-based corrections programs

(R.C. 5149.31)

The act modifies the requirements for the program of subsidies for community-based corrections programs by also making the subsidies contingent upon the outcomes of any performance-based standards established by DRC. It requires DRC's standards for community-based corrections programs to be designed to support evidence-based policies and practices, as defined by DRC.

Administrative releases

(R.C. 2967.17)

The act expands a provision that allows the Adult Parole Authority (APA) to grant an administrative release to certain categories of convicted offenders under specified conditions to also allow the APA, in its discretion, to grant an administrative release to a "releasee" who is: (1) serving another felony sentence in a prison within or outside Ohio for the purpose of consolidation of the records or if justice would best be served, or (2) taken into custody by the U.S. Immigration and Naturalization Service and deported from the U.S. An "administrative release" is a termination of jurisdiction over a particular sentence or prison term by the APA for administrative convenience, and a "releasee" is an inmate who has been released from confinement at the expiration of a prison term under a period of post-release control that includes one or more post-release control sanctions.¹²²

The conditions regarding an administrative release prior to the act, unchanged by the act, specify that: (1) the APA may not grant an administrative release except upon concurrence of a majority of the Parole Board and approval of the APA's Chief, (2) an administrative release does not restore for the recipient rights and privileges forfeited by conviction, and (3) a recipient may subsequently apply for a commutation of sentence to regain the rights and privileges forfeited by conviction, except that specified election-related privileges may not be restored under this provision and the privilege of holding a position of honor, trust, or profit may not be restored under this provision to a recipient convicted of specified offenses in certain circumstances.

The categories of offenders for whom the APA could grant an administrative release prior to the act, which the act does not change, are: (1) parole violators or release violators serving another felony sentence in a prison within or outside Ohio for the purpose of consolidation of the records or if justice would best be served, (2) a parole violator at large or release violator at large whose case has been inactive for at least ten years following the

¹²² R.C. 2967.01, not in the act.

declaration of the violation, and (3) parolees taken into custody by the U.S. Immigration and Naturalization Service and deported from the U.S.

Certificate of qualification for employment (CQE)

Sealing CQE records

(R.C. 2953.31 and 2953.32, not in the act)

An eligible offender may apply to the sentencing court for an order to seal the records of the offender's case and conviction. Generally, if the court determines that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having those records sealed are not outweighed by any legitimate government needs to maintain those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, the court must order all "official records" pertaining to the case sealed and all index references to the case deleted.

The act expands the definition of "official records" to include all records that are possessed by any public office or agency that relate to an application for or the issuance or denial of, a certificate of qualification for employment (CQE). The continuing law definition of "official records" means all records that are possessed by any public office or agency that relate to a criminal case.

Consideration of sealed CQE records

(R.C. 2953.25 and 2953.33)

An individual who has been convicted of or pleaded guilty to an offense, who for a specified period of time has been released from incarceration and all supervision imposed after release or has received final release from all other sanctions imposed, and who is subject to a collateral sanction may obtain from the court of common pleas of the county in which the individual resides a CQE that will provide relief from certain bars on employment or occupational licensing.

Under continuing law, a petition for a CQE must include, among other items, a summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses. The act still requires that the petition include a summary of the individual's criminal history, except that the petition must not include information contained in any record that has been sealed.

Under continuing law, upon receiving a petition for a CQE the court must review, among other items, the individual's criminal history. The act still requires that the court review the individual's criminal history, except that the court must not review information contained in any record that has been sealed.

Under continuing law, the court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a CQE. The act still allows the court to order such

disclosures, except that the court must not require an individual to disclose information about any record sealed.

The act specifies that in any application for a CQE, a person may be questioned only with respect to convictions and bail forfeitures not sealed.

Generally, if the court finds that granting the petition will materially assist the individual in obtaining employment or occupational licensing, that the individual has a substantial need for relief requested in order to live a law-abiding life, and that granting the petition would not pose an unreasonable risk of safety to the public or any individual, the court may issue a CQE.

Sealing of records related to unconditional pardon

(R.C. 2967.04)

The act allows the Governor to include as a condition of an unconditional pardon that the records related to the conviction or convictions be sealed, and generally provides that the records are not subject to public inspection unless directed by the Governor. Inspection of the records or disclosure of information contained in them may be made pursuant to the Sealing Law regarding the inspection of sealed records or as the Governor may direct. A disclosure of records sealed under a writ issued by the Governor is not a criminal offense.

Internet access for prisoners

(R.C. 9.08, 5120.62, and 5145.31)

The act provides greater flexibility for prisons to provide internet access to prisoners in state-owned and private prison facilities by replacing prior law that allows prisoner internet access while “participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes,” with a provision that allows prisoner access to the internet for uses or purposes approved by the prison’s managing officer or the managing officer’s designee.

Outdated law – Ohio River Valley Facility

(R.C. 307.93 and 341.12; repealed R.C. 341.121)

The act removes outdated portions of the Revised Code that allowed Lawrence County to use the Ohio River Valley Facility, located in Franklin Furnace (Scioto County), to house inmates pursuant to an agreement. These sections are no longer necessary.