

DRC's Collateral Sanctions Legislation

Summary

The goal of Collateral Sanctions legislation is to eliminate some barriers that ex-offenders often face when attempting to procure employment after being released from prison. Collateral sanctions are defined as those restrictions, disabilities, and penalties beyond the direct punishment of incarceration imposed on offenders at the time of sentencing. The legislation will update Ohio's criminal statutes to ensure that those who might have previous convictions can more easily obtain employment, and do so without facing the unnecessary barriers that so often plague former offenders from improving their lives post-conviction. DRC Director Gary Mohr supports the legislation, and recognizes its potential to reduce the consequences that impair ex-offenders. Director Mohr said, "Of Ohio's population, 17 percent have been convicted of a felony or misdemeanor. Those convictions have drastic consequences that impair them from getting a place to stay or live for the rest of their lives."

The legislation, described as a jobs bill for former convicts, is designed to help those individuals subjected to collateral sanctions to earn a living by doing the things they are being trained to do while incarcerated. For example, the bill would allow ex-offenders to take exams required to get professional licenses issued by the state for jobs in the construction industry. Further, the bill has two additional potential benefits: increasing payroll tax revenues, and, most relevant to DRC's mission, drastically reduce recidivism rates. Under the legislation, offenders who are subject to restrictions or penalties beyond those imposed at sentencing can petition the court for relief from such obstacles. The legislation would allow offenders who have received training for a particular job while in prison to obtain a license in that field once released. The bill does include certain safeguards; for example, a person convicted of check fraud would be prohibited from working as a bank teller. It also contains protections for employers who hire

former offenders. Director Mohr sees the bill as a public safety and recidivism issue. “If someone is allowed to get a job, have an income, gain the respect of his family and those around him, then that person is far less likely to commit another offense...Our goal is to get these people gainfully employed.”

The legislation additionally requires a sentencing court to determine the days of credit an offender receives for time served in relation to the offense, and requires DRC to adjust a prisoner’s stated prison term or parole eligibility in accordance with the court’s determination. Further, the DRC Director will appoint an ex-offender as a member of the Ex-Offender Reentry Coalition.

Implications for DRC

The legislation has a “certificate of qualification for employment” provision allowing ex-offenders to obtain a certificate that will provide relief from certain barriers on employment and licensing. The ex-offenders’ applications for these certificates will be filed with the DRC pursuant to administrative rules for the implementation and administration of that certification. The DRC will review the petition for completeness and then forward to the relevant Court of Common Pleas for review. This process will not give rise to a claim for damages against DRC or the court.

DRC is required to conduct a study to determine whether the application process for the certificates of qualification for employment is feasible based on DRC’s caseload capacity and, if so, determine the manner for transferring the issuing of those certificates to an electronic database maintained by DRC. Further, DRC must submit to the Governor a report containing the results of the study along with any recommendations for improvement of the application process.