



SENTENCING REFORM

EARNED CREDIT

- Increases earned credit from 1 to 5 days per month for certain offenders.
- All sex offenders are excluded from earned credit eligibility.
- Caps overall earned credit and/or program completion credit at 8 percent of the offender's sentence.
- Provision does not apply to those offenders sentenced prior to September 30, 2011.

CERTIFICATE OF ACHIEVEMENT & EMPLOYABILITY

- Allows DRC offenders who complete certain programming requirements and a minimum of 120 hours of community service to apply for a Certificate of Achievement and Employability (CAE). These certificates can be used by the recipient to generally obtain relief from employment barriers that would affect a potential job for which the prisoner trained in while incarcerated.

MANDATORY DRUG PROVISIONS

- Creates new categories and potentially shorter mandatory terms for trafficking in or possession of marijuana and hashish.
- Makes changes to other mandatory felony 3 drug penalties.



JUDICIAL RELEASE

- Offenders serving more than 10 years may be eligible to apply for judicial release, depending on his or her crime.
- Restores judicial release eligibility for offenders with five-year sentences.
- The provision applies to inmates who are currently incarcerated.

INTERVENTION IN LIEU OF CONVICTION

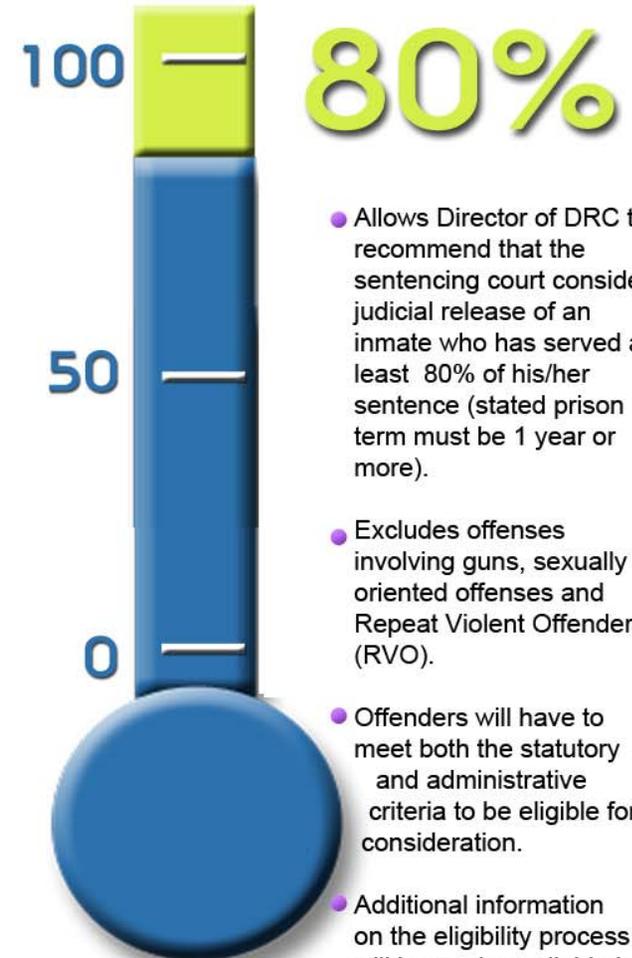
- Expands eligibility to persons charged with specified theft and other offenses. Makes low level drug traffickers and felony 4 drug possession offenses eligible for Intervention in Lieu of Conviction (ILC).
- Authorizes ILC for offenders whose mental illness or intellectual disability contributed to their offense.
- Allows repeat offenders who have not committed a prior felony offense of violence to be considered for ILC.



For additional information visit www.drc.ohio.gov



DRC RECOMMENDATION FOR 80% RELEASE



- Allows Director of DRC to recommend that the sentencing court consider judicial release of an inmate who has served at least 80% of his/her sentence (stated prison term must be 1 year or more).
- Excludes offenses involving guns, sexually oriented offenses and Repeat Violent Offenders (RVO).
- Offenders will have to meet both the statutory and administrative criteria to be eligible for consideration.
- Additional information on the eligibility process will be made available by January 2013.

COLLATERAL SANCTIONS

EMPLOYMENT BARRIERS

- SB 337 creates a Certificate of Qualification for Employment (CQE) for relieving, on a limited basis, collateral sanctions imposed by law. The CQE is aimed at those individuals living in the community who have previous felony and/or misdemeanor convictions or have served a term of imprisonment. This certificate merely lifts the automatic bar of a collateral sanction, leaving an employer free to consider on a case by case basis whether it is appropriate to grant or deny a job opportunity, without being held liable for negligent hiring.
- SB 337 does not lift the barrier to a conviction when it is directly related to the occupation. For example, this bill would not eliminate barriers to employment for someone convicted of check fraud, who then applies for a job at a bank.

SEALING OF CRIMINAL RECORDS

- The bill reforms the sealing of adult records allowing for the sealing of one (1) felony and one (1) misdemeanor committed at different time periods, or two (2) misdemeanors so long as they are not for the same offense.

NON-PAYMENT OF CHILD SUPPORT

- The bill allows the court discretion in sealing non-support convictions if an individual is current in his or her child support payments.
- The bill also modifies child support policies to allow Child Support Enforcement Agencies (CSEAs) to use actual earning potential for an individual while incarcerated and after being released from prison.
- SB 337 allows courts to grant limited driving privileges to drivers under a non-payment of child support license suspension.

FAQs

- Am I Eligible for 80% release under House Bill 86?**
House Bill 86 authorizes the Director to recommend that the sentencing court consider granting a judicial release to an eligible offender who has served at least 80% of his/her stated prison term.
Offenders will have to meet both the statutory and administrative criteria to be eligible for consideration. Additional information on the eligibility process will be made available by January 2013.
- Does SB 337 prevent an employer from asking me if I have been convicted of a felony?**
Senate Bill 337 does not limit an employer's discretion to include questions about felony convictions on the application. However, the State of Ohio is revising its process to remove the question about prior felonies on the initial application for employment. There is an expectation of full disclosure of your conviction(s) at a later part of the application process.
- Will SB 337 allow me to be licensed in certain trades regardless of my criminal conviction?**
Not automatically. The bill allows licensing boards to consider lifting a collateral sanction that prohibits an individual from obtaining a license in certain fields DRC trains for such as HVAC, optical dispensing, construction, cosmetology and other professions.
- Can I have my child support order modified while I am incarcerated?**
The Child Support Enforcement Agency (CSEAs) can now modify child support orders to use actual earning potential based on an inmate's state pay while incarcerated.
- Will SB 337 allow me to have my suspended driver's license or CDL reinstated?**
SB 337 changes first time noncompliance suspension from 90 days to indefinite, until conditions are met. The bill allows a driver or vehicle owner to reinstate his or her license immediately by paying a reinstatement fee and by filing a SR-22 insurance bond. SB 337 eliminates the need to file for limited driving privileges. The legislation allows a CDL driver to reinstate his or her license immediately. The bill also allows a Registrar, with approval of the Director of Public Safety, to adopt rules establishing a BMV reinstatement fee payment plan.

WHAT YOU NEED TO KNOW...

House Bill 86 & Senate Bill 337

CDL & DRIVER LICENSE REINSTATEMENT

EMPLOYMENT BARRIERS

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