



## Ohio Revised Code

### Section 5103.053 Residential facility criminal records check.

Effective: April 3, 2025

Legislation: House Bill 315 - 135th General Assembly

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(A) The appointing or hiring officer of a residential facility that appoints or employs any person in the residential facility shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment in the residential facility. The request shall be made at the time of initial application for appointment or employment and every four years thereafter.

(B)(1) When the appointing or hiring officer requests, at the time of initial application for appointment or employment, a criminal records check for a person subject to division (A) of this section, the officer shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the appointing or hiring officer requests a criminal records check for a person pursuant to division (A) of this section, the officer may request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check.

(2) An appointing or hiring officer required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

(3) Any person subject to a criminal records check who receives pursuant to division (B)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and



who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person in the residential facility.

(C)(1) No appointing or hiring officer shall appoint or employ a person in the residential facility if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) If the federal government approves a waiver requested by the director of children and youth to allow conditional appointment or employment in a residential facility, an appointing or hiring officer may appoint or employ conditionally a person before obtaining the results of a criminal records check regarding the person, provided that the officer shall request a criminal records check regarding the person under division (A) of this section before the commencement of the conditional appointment or employment and the person has no direct contact with or access to children during the period of conditional appointment or employment.

(3) An appointing or hiring officer that appoints or employs a person conditionally under division (C)(2) of this section shall terminate the person's appointment or employment if the results of the criminal records check requested under division (A) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, the officer shall terminate the person's appointment or employment unless the person meets rehabilitation standards established in rules adopted under division (F) of this section. Termination under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the person makes any attempt to deceive the appointing or hiring officer about the person's criminal record.



(D) The appointing or hiring officer shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer may charge the person subject to the criminal records check a fee for the costs the officer incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer pays for the criminal records check. If a fee is charged under this division, the officer shall notify the person who is the applicant at the time of the person's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer requesting the criminal records check or the officer's representative;

(3) The department of children and youth, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment.

(F) Not later than ninety days after the effective date of this section, the director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person in the residential facility and, to the extent permitted under federal law, guidelines regarding conditional appointment or



employment during the pendency of a criminal records check.

(G) An appointing or hiring officer required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) "Person subject to a criminal records check" means a person who is under final consideration for appointment or employment in the residential facility;

(3) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.