

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 310

Senator Cates

Cosponsors: Senators Schuring, Cafaro, Kearney

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A B I L L

To amend sections 2961.01 and 2961.02 of the Revised 1
Code to make existing laws prohibiting a person 2
who has been convicted of a felony from holding 3
public office and denying such person other 4
specified privileges applicable upon the 5
determination of the person's guilt. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2961.01 and 2961.02 of the Revised 7
Code be amended to read as follows: 8

Sec. 2961.01. (A) A person who is convicted of or pleads 9
guilty to a felony under the laws of this or any other state or 10
the United States, unless the conviction is reversed or annulled, 11
is incompetent to be an elector or juror or to hold an office of 12
honor, trust, or profit. When any person convicted of a felony 13
under any law of that type is granted parole, judicial release, or 14
a conditional pardon or is released under a non-jail community 15
control sanction or a post-release control sanction, the person is 16
competent to be an elector during the period of community control, 17
parole, post-release control, or release or until the conditions 18
of the pardon have been performed or have transpired and is 19

competent to be an elector thereafter following final discharge. 20
The full pardon of a person convicted of a felony restores the 21
rights and privileges so forfeited under this division, but a 22
pardon shall not release the person convicted of a felony from the 23
costs of a conviction in this state, unless so specified. 24

(B) A person who is convicted of or pleads guilty to a felony 25
under laws of this state or any other state or the United States 26
is incompetent to circulate or serve as a witness for the signing 27
of any declaration of candidacy and petition, voter registration 28
application, or nominating, initiative, referendum, or recall 29
petition. 30

(C) As used in this section: 31

(1) "Community control sanction" has the same meaning as in 32
section 2929.01 of the Revised Code. 33

(2) "Non-jail community control sanction" means a community 34
control sanction that is neither a term in a community-based 35
correctional facility nor a term in a jail. 36

(3) "Post-release control" and "post-release control 37
sanction" have the same meanings as in section 2967.01 of the 38
Revised Code. 39

Sec. 2961.02. (A) As used in this section: 40

(1) "Disqualifying offense" means an offense that has both of 41
the following characteristics: 42

(a) It is one of the following: 43

(i) A theft offense that is a felony; 44

(ii) A felony under the laws of this state, another state, or 45
the United States, that is not covered by division (A)(1)(a)(i) of 46
this section and that involves fraud, deceit, or theft. 47

(b) It is an offense for which the laws of this state, 48
another state, or the United States do not otherwise contain a 49
provision specifying permanent disqualification, or 50
disqualification for a specified period, from holding a public 51
office or position of public employment, or from serving as an 52
unpaid volunteer, as a result of conviction of the offense, 53
including, but not limited to, a provision such as that in 54
division (C)(1) of section 2921.41 of the Revised Code. 55

(2) "Political subdivision" has the same meaning as in 56
section 2744.01 of the Revised Code. 57

(3) "Private entity" includes an individual, corporation, 58
limited liability company, business trust, estate, trust, 59
partnership, or association that receives any funds from a state 60
agency or political subdivision to perform an activity on behalf 61
of the state agency or political subdivision. 62

(4) "State agency" has the same meaning as in section 1.60 of 63
the Revised Code. 64

(5) "Theft offense" has the same meaning as in section 65
2913.01 of the Revised Code. 66

(6) "Volunteer" means a person who serves as a volunteer 67
without compensation with a state agency or political subdivision 68
or who serves as a volunteer without compensation with a private 69
entity, including, but not limited to, an uncompensated auxiliary 70
police officer, auxiliary deputy sheriff, or volunteer 71
firefighter. 72

(B) Any person who is convicted of or pleads guilty to a 73
disqualifying offense is incompetent to hold a public office or 74
position of public employment or to serve as a volunteer, if 75
holding the public office or position of public employment or 76
serving as the volunteer involves substantial management or 77
control over the property of a state agency, political 78

subdivision, or private entity. 79

(C) Division (B) of this section does not apply if a 80
conviction of a disqualifying offense is reversed, expunged, or 81
annulled. The full pardon of a person convicted of a disqualifying 82
offense restores the privileges forfeited under division (B) of 83
this section, but the pardon does not release the person from the 84
costs of the person's conviction in this state, unless so 85
specified. 86

Section 2. That existing sections 2961.01 and 2961.02 of the 87
Revised Code are hereby repealed. 88