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S.B. 198*
135th General Assembly

Bill Analysis

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Version: As Reported by House State and Local Government

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SUMMARY

Post-release employment assistance

- Requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS) to make available and submit completed applications for state identification cards or temporary identification cards ("ID card"), on behalf of an individual who is a U.S. citizen in their custody.
- Requires DRC and DYS to initiate the application process within the nine months prior to an individual's release if the individual is serving a sentence more than one year, or within a reasonable time if the individual is serving a sentence less than one year.
- Authorizes the Registrar of Motor Vehicles to create a process by which DRC and DYS may submit the applications described above.
- Eliminates the current law identification cards issued by DRC and DYS that are used by individuals to obtain an ID card issued by the Bureau of Motor Vehicles (BMV).
- Specifies that the ID cards issued by the BMV to residents in the custody of DRC or DYS are free.
- Delays the administrative implementation of the ID card requirements by 18 months.
- Requires DRC, if resources or third-party assistance is available, to provide every inmate released from prison that committed a felony offense, who is a U.S. citizen, and who

* This analysis was prepared before the report of the House State and Local Government Committee appeared in the House Journal. Note that the legislative history may be incomplete.

intends to live in Ohio, with documentation to assist the inmate in obtaining post-release employment, creating a resume, and conducting a practice job interview.

- Exempts certain inmates from being required to complete resumes or practice job interviews prior to release from incarceration, including those who decline to participate.

Local Jail Facility Funding Program

- Makes retroactive changes to the Local Jail Facility Funding Program related to multicounty facility requirements and cost sharing.

DETAILED ANALYSIS

Post-release employment assistance

The bill makes several changes to current law designed to assist certain inmates and youth in custody in obtaining post-release employment after their confinement. Such assistance includes resume creation, interview practice, compilation of necessary identity documentation, and obtaining a state identification card.

State identification cards

The bill requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS) to provide an application for a state identification card or temporary identification card (“ID card”), as applicable, to a person who is a U.S. citizen and who is in their custody.¹ The process for obtaining the ID card must begin approximately nine months before the inmate or youth’s release from confinement if the inmate or youth is serving a sentence that is more than one year. If the inmate or youth is serving a sentence that is less than one year, then the process must begin within a reasonable timeframe. DRC and DYS must give the application to anyone who is a U.S. citizen and who does not have a current valid and unexpired ID card or driver’s license. If the person in the custody of DRC or DYS completes the application, the Department must submit the completed application, along with a color photograph of the person and supporting documentation of the person’s age and identity, to the Registrar of Motor Vehicles.² DRC or DYS may sign the application, in lieu of a parent or guardian, for any minor applicants.³

Under current law, rather than applying directly for an ID card issued by the Bureau of Motor Vehicles (BMV), DRC and DYS issue a separate identification card that operates as verification of the cardholder’s Social Security number and identification as a U.S. citizen. The cardholder can then use that separate identification card to obtain an ID card from the BMV. The

¹ R.C. 4507.50. A “temporary identification card” is issued to individuals whose driver’s license is suspended.

² R.C. 5120.59 and 5139.511.

³ R.C. 4507.51(A)(1).

bill eliminates this separate identification card in favor of DRC and DYS assisting certain inmates and youth in obtaining an ID card from the BMV directly.⁴

The bill authorizes the Registrar to establish a separate application and process for DRC and DYS to use in submitting applications. DRC and DYS must use that process in submitting completed applications. The Registrar can mail the ID card to either the individual or the applicable Department, as necessary based on the timing of the mailing and the location of the individual. Any ID card issued to an inmate or youth who is under 17 and in the custody of DRC or DYS is free.⁵ The bill also makes technical changes, clarifying that all ID card applications must be accompanied by any necessary supporting documents, which the Registrar or deputy registrar will authenticate and verify.⁶

Equal Protection

Under Ohio law, state ID cards can be obtained by both U.S. citizens and individuals who have legal presence in the U.S. (e.g., permanent residents, foreign exchange students, etc.). Additionally, Ohio ID cards are free for any person 17 or older or for individuals who are permanently or irreversibly disabled. The ID cards otherwise cost between \$10 to \$19 (depending on expiration date).⁷ By creating an easier process for obtaining an ID card that is free for inmates and youth who are U.S. citizens, but is potentially costly for inmates and youth who have legal presence but are not U.S. citizens, the bill potentially implicates the Equal Protection Clause.⁸

Federal law allows for state participation or policymaking on immigration in certain limited areas. However, any state law that attempts to deny state or local benefits to lawfully present immigrants based on their lack of U.S. citizenship, may be held unconstitutional. The U.S. Supreme Court has ruled that state or local laws that discriminate against legal immigrants violate the Equal Protection Clause of the 14th Amendment, and that, “aliens lawfully within this country have a right to enter and abide in any State in the Union ‘on an equality of legal privileges with all citizens under nondiscriminatory laws.’”⁹

Delayed implementation

In order to give the BMV, DRC, and DYS time to update their computer and processing systems, the bill delays the full implementation of the new ID card process by 18 months. Until that time, the agencies must continue to use the current law process, which requires DRC/DYS

⁴ R.C. 4507.51(B), 5120.59, and 5139.511. It is unclear whether

⁵ R.C. 4507.50(D) and (E)(3), 4507.51(B)(2), and 4507.52(B)(5)(c). ID cards are already free for anyone 17 or older in Ohio.

⁶ R.C. 4507.51(A)(4).

⁷ R.C. 4507.50(B).

⁸ U.S. Constitution, 14th Amendment.

⁹ *Graham v. Richardson*, 403 U.S. 365, 377 (1971). See also 42 United States Code 1981.

to issue identification cards so that a former inmate's identity may be verified by the BMV in order to obtain a state ID card.¹⁰

Employment-related documents

The bill requires DRC to provide every inmate released from a term of imprisonment for a felony offense, who is a U.S. citizen, and who intends to reside in Ohio with documentation that will assist the inmate in obtaining post-release employment. Additionally, DRC must help some inmates in creating a resume and conducting a practice job interview, provided that resources are available or third parties can assist with the resumes and interviews at no cost to DRC. The bill authorizes DRC to contract with government or nonprofit workforce development reentry organizations to assist inmates in creating resumes and conducting interviews.¹¹

The documentation that DRC must provide upon the inmate's release from custody includes:

- A copy of the vocational training record of the inmate, if applicable;
- A copy of the work record of the inmate, if applicable;
- A certified copy of the birth certificate of the inmate, if obtainable;
- A Social Security card or a replacement Social Security card of the inmate, if the inmate has a Social Security number and if obtainable; and
- An identification card or temporary identification card issued by the BMV, if applicable.¹²

To assist an inmate released from prison in obtaining post-release employment, unless otherwise exempt, DRC must provide a resume that includes any trade learned by the inmate and the proficiency at that trade by the inmate and documentation that the inmate has completed a practice interview. DRC must also provide a notification to the inmate if the inmate is eligible to apply for a license from a state entity charged with oversight of an occupational license or certification, if the inmate completed the eligibility requirements for the license while incarcerated with DRC.¹³

Inmate exemption

The bill exempts certain inmates released from prison for a felony offense from being required to complete a resume or practice job interview. Specifically, inmates who decline to participate, inmates 65 or older, inmates granted judicial release, or inmates released as if on parole, and inmates released to the custody of another jurisdiction are not required to complete resumes or practice job interviews. The bill also provides that inmates DRC determines to be

¹⁰ Section 3.

¹¹ R.C. 5145.1611(A).

¹² R.C. 5145.1611(B).

¹³ R.C. 5145.1611(B).

physically or mentally unable to return to the workforce upon release from incarceration are not required to complete resumes or practice job interviews.¹⁴

Local Jail Facility Funding

The bill makes retroactive changes to the Local Jail Facility Funding Program enacted in H.B. 33 of the 135th General Assembly. This program requires the Department of Rehabilitation and Correction (DRC) to award appropriated funds to counties for projects involving the construction and renovation of county jails. The DRC, with the help of the Department of Taxation, does a needs-based ranking for counties, and assigns funds to projects based on this ranking, among other factors. Existing law requires the DRC to adopt guidelines to accept and review applications, and designate projects.

The bill specifies that the DRC's guidelines may require counties, when jointly applying for a multicounty jail facility, to provide evidence that all the counties agree on each county's share of the basic project cost, as well as ongoing costs for operation and maintenance of the proposed jail facility, and that each county will be able to generate adequate revenue to meet these costs.

Additionally, the bill specifies that the state's portion of the basic project cost – i.e., the amount awarded by the DRC – shall be *at least* the difference between 100%, and a percent equal to 1% of the basic project costs times the percentile in which the county ranks according to the percentile ranking. Under current law, the state's portion is simply the difference as stated above, and not "at least" that difference, effectively making that amount a state minimum, rather than the state requirement.¹⁵

For instance, if the county ranked in the 20th percentile, the state's portion would be 80% of the basic project cost under current law. Under the bill, the state could elect to pay a percentage higher than 80%.

HISTORY

Action	Date
Introduced	11-29-23
Reported, S. Small Business & Economic Opportunity	06-12-24
Passed Senate (31-0)	06-26-24
Reported, H. State & Local Gov't	---

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¹⁴ R.C. 5145.1611(C).

¹⁵ Section 383.10 of H.B. 33 of the 135th General Assembly; Sections 4, 5, and 6 of the bill.