



ENACTMENT NEWS

Senate Bill 5

Increased penalties – promoting prostitution; CQE changes

Effective March 12, 2020

On January 12, 2020, Governor DeWine signed Senate Bill 5 (Sens. Kunze and Dolan) into law. The bill increases the penalty for certain promoting-prostitution offenders, and makes changes to the process for the application for Certificates for Qualification of Employment (CQEs).

Promoting Prostitution Penalties

Under existing law, promoting prostitution (R.C. 2907.22) is a felony of the 4th degree.

The bill increases the offense to an F3 in the following circumstances:

- The prostitute involved is a minor, whether or not the offender knows the age of the minor
- The offender has previously been convicted of or pleaded guilty to promoting prostitution (or a substantially similar offense in another state)
- The offender also is convicted of or pleads guilty to a violation of R.C. 2925.03 (drug trafficking)

Further, the offense is an F2 under the bill on a third and subsequent promoting prostitution charge. If the offender is also convicted of a firearms specification, then the court must impose a mandatory prison term as provided for specifications in existing law (R.C. 2929.14(B)(1)(a)).

Certificates for Qualification of Employment

The bill makes several changes pertaining to the issuance of CQEs. Specifically:

- The bill sets a uniform application fee of \$50, which may be waived in whole or in part for indigent applicants
- The bill creates a rebuttable presumption that applicants are eligible for a CQE, if the court finds all of the following:
 - That the application was filed after the expiration of the applicable waiting period
 - If the underlying offense was a felony, that at least three years have passed since the applicant's release from any incarceration and/or supervision for the offense, or, if not incarcerated, since the applicant's final release from all other sanctions imposed
 - If the underlying offense was a misdemeanor, that at least one year has passed since the applicant's release from any incarceration and/or supervision for the offense, or, if not incarcerated, since the applicant's final release from all other sanctions imposed
- An application that meets the above criteria can be denied only if the court finds, by clear and convincing evidence, that the applicant has not been rehabilitated.

The bill was passed by the Senate (32-0) on March 6, 2019, and by the House of Representatives (90-0) on October 23, 2019. The Senate concurred in House amendments (33-0) on November 6, 2019. The bill takes effect on March 12, 2020.