

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 413**

**Representatives Keller, Hood**

**Cosponsors: Representatives Antani, Becker, Cross, Vitale, Brinkman, Riedel,  
Manchester, Powell, McClain, Zeltwanger, Romanchuk, Dean, Ginter, Jordan,  
Plummer, Smith, T., Kick, Merrin, Richardson**

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**A BILL**

To amend sections 109.57, 109.572, 109.97, 177.01, 1  
313.131, 2105.19, 2108.77, 2151.356, 2151.414, 2  
2151.419, 2152.02, 2152.021, 2152.11, 2152.12, 3  
2152.16, 2152.17, 2152.20, 2152.59, 2152.72, 4  
2152.74, 2152.86, 2317.02, 2901.01, 2901.02, 5  
2901.07, 2901.13, 2903.41, 2909.24, 2921.32, 6  
2921.34, 2923.01, 2923.02, 2923.131, 2923.132, 7  
2923.31, 2923.32, 2927.21, 2929.01, 2929.02, 8  
2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 9  
2929.04, 2929.05, 2929.06, 2929.13, 2929.14, 10  
2929.143, 2929.31, 2929.32, 2929.34, 2930.16, 11  
2933.51, 2933.81, 2933.82, 2937.222, 2941.14, 12  
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2945.38, 2945.57, 2945.74, 2949.02, 2950.01, 14  
2950.99, 2953.08, 2953.09, 2953.11, 2953.21, 15  
2953.25, 2967.01, 2967.05, 2967.12, 2967.121, 16  
2967.13, 2967.18, 2967.19, 2967.193, 2967.26, 17  
2971.01, 2971.03, 2971.07, 3301.32, 3301.541, 18  
3313.662, 3319.31, 3319.39, 3712.09, 3721.121, 19  
3734.44, 4715.30, 4717.05, 4717.051, 4717.14, 20  
4723.092, 4723.281, 4730.25, 4731.22, 4734.36, 21  
4741.22, 4757.361, 4759.07, 4760.13, 4761.09, 22

4762.13, 4765.114, 4774.13, 4776.10, 4778.14, 23  
5103.0319, 5120.032, 5120.53, 5120.61, 5139.05, 24  
5139.20, 5149.101, and 5153.111 and to enact 25  
sections 2904.01, 2904.02, 2904.03, 2904.04, 26  
2904.20, 2904.30, and 2904.35 of the Revised 27  
Code to create the capital offense of aggravated 28  
abortion murder and the offense of abortion 29  
murder. 30

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

**Section 1.** That sections 109.57, 109.572, 109.97, 177.01, 31  
313.131, 2105.19, 2108.77, 2151.356, 2151.414, 2151.419, 32  
2152.02, 2152.021, 2152.11, 2152.12, 2152.16, 2152.17, 2152.20, 33  
2152.59, 2152.72, 2152.74, 2152.86, 2317.02, 2901.01, 2901.02, 34  
2901.07, 2901.13, 2903.41, 2909.24, 2921.32, 2921.34, 2923.01, 35  
2923.02, 2923.131, 2923.132, 2923.31, 2923.32, 2927.21, 2929.01, 36  
2929.02, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 37  
2929.04, 2929.05, 2929.06, 2929.13, 2929.14, 2929.143, 2929.31, 38  
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2941.14, 2941.143, 2941.147, 2941.148, 2945.06, 2945.11, 40  
2945.38, 2945.57, 2945.74, 2949.02, 2950.01, 2950.99, 2953.08, 41  
2953.09, 2953.11, 2953.21, 2953.25, 2967.01, 2967.05, 2967.12, 42  
2967.121, 2967.13, 2967.18, 2967.19, 2967.193, 2967.26, 2971.01, 43  
2971.03, 2971.07, 3301.32, 3301.541, 3313.662, 3319.31, 3319.39, 44  
3712.09, 3721.121, 3734.44, 4715.30, 4717.05, 4717.051, 4717.14, 45  
4723.092, 4723.281, 4730.25, 4731.22, 4734.36, 4741.22, 46  
4757.361, 4759.07, 4760.13, 4761.09, 4762.13, 4765.114, 4774.13, 47  
4776.10, 4778.14, 5103.0319, 5120.032, 5120.53, 5120.61, 48  
5139.05, 5139.20, 5149.101, and 5153.111 be amended and sections 49

2904.01, 2904.02, 2904.03, 2904.04, 2904.20, 2904.30, and 50  
2904.35 of the Revised Code be enacted to read as follows: 51

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 52  
criminal identification and investigation shall procure from 53  
wherever procurable and file for record photographs, pictures, 54  
descriptions, fingerprints, measurements, and other information 55  
that may be pertinent of all persons who have been convicted of 56  
committing within this state a felony, any crime constituting a 57  
misdemeanor on the first offense and a felony on subsequent 58  
offenses, or any misdemeanor described in division (A) (1) (a), 59  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 60  
of all children under eighteen years of age who have been 61  
adjudicated delinquent children for committing within this state 62  
an act that would be a felony or an offense of violence if 63  
committed by an adult or who have been convicted of or pleaded 64  
guilty to committing within this state a felony or an offense of 65  
violence, and of all well-known and habitual criminals. The 66  
person in charge of any county, multicounty, municipal, 67  
municipal-county, or multicounty-municipal jail or workhouse, 68  
community-based correctional facility, halfway house, 69  
alternative residential facility, or state correctional 70  
institution and the person in charge of any state institution 71  
having custody of a person suspected of having committed a 72  
felony, any crime constituting a misdemeanor on the first 73  
offense and a felony on subsequent offenses, or any misdemeanor 74  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 75  
section 109.572 of the Revised Code or having custody of a child 76  
under eighteen years of age with respect to whom there is 77  
probable cause to believe that the child may have committed an 78  
act that would be a felony or an offense of violence if 79  
committed by an adult shall furnish such material to the 80

superintendent of the bureau. Fingerprints, photographs, or 81  
other descriptive information of a child who is under eighteen 82  
years of age, has not been arrested or otherwise taken into 83  
custody for committing an act that would be a felony or an 84  
offense of violence who is not in any other category of child 85  
specified in this division, if committed by an adult, has not 86  
been adjudicated a delinquent child for committing an act that 87  
would be a felony or an offense of violence if committed by an 88  
adult, has not been convicted of or pleaded guilty to committing 89  
a felony or an offense of violence, and is not a child with 90  
respect to whom there is probable cause to believe that the 91  
child may have committed an act that would be a felony or an 92  
offense of violence if committed by an adult shall not be 93  
procured by the superintendent or furnished by any person in 94  
charge of any county, multicounty, municipal, municipal-county, 95  
or multicounty-municipal jail or workhouse, community-based 96  
correctional facility, halfway house, alternative residential 97  
facility, or state correctional institution, except as 98  
authorized in section 2151.313 of the Revised Code. 99

(2) Every clerk of a court of record in this state, other 100  
than the supreme court or a court of appeals, shall send to the 101  
superintendent of the bureau a weekly report containing a 102  
summary of each case involving a felony, involving any crime 103  
constituting a misdemeanor on the first offense and a felony on 104  
subsequent offenses, involving a misdemeanor described in 105  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 106  
of the Revised Code, or involving an adjudication in a case in 107  
which a child under eighteen years of age was alleged to be a 108  
delinquent child for committing an act that would be a felony or 109  
an offense of violence if committed by an adult. The clerk of 110  
the court of common pleas shall include in the report and 111

summary the clerk sends under this division all information 112  
described in divisions (A) (2) (a) to (f) of this section 113  
regarding a case before the court of appeals that is served by 114  
that clerk. The summary shall be written on the standard forms 115  
furnished by the superintendent pursuant to division (B) of this 116  
section and shall include the following information: 117

(a) The incident tracking number contained on the standard 118  
forms furnished by the superintendent pursuant to division (B) 119  
of this section; 120

(b) The style and number of the case; 121

(c) The date of arrest, offense, summons, or arraignment; 122

(d) The date that the person was convicted of or pleaded 123  
guilty to the offense, adjudicated a delinquent child for 124  
committing the act that would be a felony or an offense of 125  
violence if committed by an adult, found not guilty of the 126  
offense, or found not to be a delinquent child for committing an 127  
act that would be a felony or an offense of violence if 128  
committed by an adult, the date of an entry dismissing the 129  
charge, an entry declaring a mistrial of the offense in which 130  
the person is discharged, an entry finding that the person or 131  
child is not competent to stand trial, or an entry of a nolle 132  
prosequi, or the date of any other determination that 133  
constitutes final resolution of the case; 134

(e) A statement of the original charge with the section of 135  
the Revised Code that was alleged to be violated; 136

(f) If the person or child was convicted, pleaded guilty, 137  
or was adjudicated a delinquent child, the sentence or terms of 138  
probation imposed or any other disposition of the offender or 139  
the delinquent child. 140

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its

political subdivisions. 172

(4) The superintendent shall carry out Chapter 2950. of 173  
the Revised Code with respect to the registration of persons who 174  
are convicted of or plead guilty to a sexually oriented offense 175  
or a child-victim oriented offense and with respect to all other 176  
duties imposed on the bureau under that chapter. 177

(5) The bureau shall perform centralized recordkeeping 178  
functions for criminal history records and services in this 179  
state for purposes of the national crime prevention and privacy 180  
compact set forth in section 109.571 of the Revised Code and is 181  
the criminal history record repository as defined in that 182  
section for purposes of that compact. The superintendent or the 183  
superintendent's designee is the compact officer for purposes of 184  
that compact and shall carry out the responsibilities of the 185  
compact officer specified in that compact. 186

(6) The superintendent shall, upon request, assist a 187  
county coroner in the identification of a deceased person 188  
through the use of fingerprint impressions obtained pursuant to 189  
division (A)(1) of this section or collected pursuant to section 190  
109.572 or 311.41 of the Revised Code. 191

(B) The superintendent shall prepare and furnish to every 192  
county, multicounty, municipal, municipal-county, or 193  
multicounty-municipal jail or workhouse, community-based 194  
correctional facility, halfway house, alternative residential 195  
facility, or state correctional institution and to every clerk 196  
of a court in this state specified in division (A)(2) of this 197  
section standard forms for reporting the information required 198  
under division (A) of this section. The standard forms that the 199  
superintendent prepares pursuant to this division may be in a 200  
tangible format, in an electronic format, or in both tangible 201

formats and electronic formats. 202

(C) (1) The superintendent may operate a center for 203  
electronic, automated, or other data processing for the storage 204  
and retrieval of information, data, and statistics pertaining to 205  
criminals and to children under eighteen years of age who are 206  
adjudicated delinquent children for committing an act that would 207  
be a felony or an offense of violence if committed by an adult, 208  
criminal activity, crime prevention, law enforcement, and 209  
criminal justice, and may establish and operate a statewide 210  
communications network to be known as the Ohio law enforcement 211  
gateway to gather and disseminate information, data, and 212  
statistics for the use of law enforcement agencies and for other 213  
uses specified in this division. The superintendent may gather, 214  
store, retrieve, and disseminate information, data, and 215  
statistics that pertain to children who are under eighteen years 216  
of age and that are gathered pursuant to sections 109.57 to 217  
109.61 of the Revised Code together with information, data, and 218  
statistics that pertain to adults and that are gathered pursuant 219  
to those sections. 220

(2) The superintendent or the superintendent's designee 221  
shall gather information of the nature described in division (C) 222  
(1) of this section that pertains to the offense and delinquency 223  
history of a person who has been convicted of, pleaded guilty 224  
to, or been adjudicated a delinquent child for committing a 225  
sexually oriented offense or a child-victim oriented offense for 226  
inclusion in the state registry of sex offenders and child- 227  
victim offenders maintained pursuant to division (A) (1) of 228  
section 2950.13 of the Revised Code and in the internet database 229  
operated pursuant to division (A) (13) of that section and for 230  
possible inclusion in the internet database operated pursuant to 231  
division (A) (11) of that section. 232



(3) In addition to any other authorized use of 233  
information, data, and statistics of the nature described in 234  
division (C)(1) of this section, the superintendent or the 235  
superintendent's designee may provide and exchange the 236  
information, data, and statistics pursuant to the national crime 237  
prevention and privacy compact as described in division (A)(5) 238  
of this section. 239

(4) The Ohio law enforcement gateway shall contain the 240  
name, confidential address, and telephone number of program 241  
participants in the address confidentiality program established 242  
under sections 111.41 to 111.47 of the Revised Code. 243

(5) The attorney general may adopt rules under Chapter 244  
119. of the Revised Code establishing guidelines for the 245  
operation of and participation in the Ohio law enforcement 246  
gateway. The rules may include criteria for granting and 247  
restricting access to information gathered and disseminated 248  
through the Ohio law enforcement gateway. The attorney general 249  
shall adopt rules under Chapter 119. of the Revised Code that 250  
grant access to information in the gateway regarding an address 251  
confidentiality program participant under sections 111.41 to 252  
111.47 of the Revised Code to only chiefs of police, village 253  
marshals, county sheriffs, county prosecuting attorneys, and a 254  
designee of each of these individuals. The attorney general 255  
shall permit the state medical board and board of nursing to 256  
access and view, but not alter, information gathered and 257  
disseminated through the Ohio law enforcement gateway. 258

The attorney general may appoint a steering committee to 259  
advise the attorney general in the operation of the Ohio law 260  
enforcement gateway that is comprised of persons who are 261  
representatives of the criminal justice agencies in this state 262

|  |     |
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| that use the Ohio law enforcement gateway and is chaired by the  | 263 |
| superintendent or the superintendent's designee.                 | 264 |
| (D) (1) The following are not public records under section       | 265 |
| 149.43 of the Revised Code:                                      | 266 |
| (a) Information and materials furnished to the                   | 267 |
| superintendent pursuant to division (A) of this section;         | 268 |
| (b) Information, data, and statistics gathered or                | 269 |
| disseminated through the Ohio law enforcement gateway pursuant   | 270 |
| to division (C) (1) of this section;                             | 271 |
| (c) Information and materials furnished to any board or          | 272 |
| person under division (F) or (G) of this section.                | 273 |
| (2) The superintendent or the superintendent's designee          | 274 |
| shall gather and retain information so furnished under division  | 275 |
| (A) of this section that pertains to the offense and delinquency | 276 |
| history of a person who has been convicted of, pleaded guilty    | 277 |
| to, or been adjudicated a delinquent child for committing a      | 278 |
| sexually oriented offense or a child-victim oriented offense for | 279 |
| the purposes described in division (C) (2) of this section.      | 280 |
| (E) (1) The attorney general shall adopt rules, in               | 281 |
| accordance with Chapter 119. of the Revised Code and subject to  | 282 |
| division (E) (2) of this section, setting forth the procedure by | 283 |
| which a person may receive or release information gathered by    | 284 |
| the superintendent pursuant to division (A) of this section. A   | 285 |
| reasonable fee may be charged for this service. If a temporary   | 286 |
| employment service submits a request for a determination of      | 287 |
| whether a person the service plans to refer to an employment     | 288 |
| position has been convicted of or pleaded guilty to an offense   | 289 |
| listed or described in division (A) (1), (2), or (3) of section  | 290 |
| 109.572 of the Revised Code, the request shall be treated as a   | 291 |

single request and only one fee shall be charged. 292

(2) Except as otherwise provided in this division or 293  
division (E) (3) or (4) of this section, a rule adopted under 294  
division (E) (1) of this section may provide only for the release 295  
of information gathered pursuant to division (A) of this section 296  
that relates to the conviction of a person, or a person's plea 297  
of guilty to, a criminal offense or to the arrest of a person as 298  
provided in division (E) (3) of this section. The superintendent 299  
shall not release, and the attorney general shall not adopt any 300  
rule under division (E) (1) of this section that permits the 301  
release of, any information gathered pursuant to division (A) of 302  
this section that relates to an adjudication of a child as a 303  
delinquent child, or that relates to a criminal conviction of a 304  
person under eighteen years of age if the person's case was 305  
transferred back to a juvenile court under division (B) (2) or 306  
(3) of section 2152.121 of the Revised Code and the juvenile 307  
court imposed a disposition or serious youthful offender 308  
disposition upon the person under either division, unless either 309  
of the following applies with respect to the adjudication or 310  
conviction: 311

(a) The adjudication or conviction was for a violation of 312  
section 2903.01 ~~or~~, 2903.02, 2904.03, or 2904.04 of the Revised 313  
Code. 314

(b) The adjudication or conviction was for a sexually 315  
oriented offense, the juvenile court was required to classify 316  
the child a juvenile offender registrant for that offense under 317  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 318  
classification has not been removed, and the records of the 319  
adjudication or conviction have not been sealed or expunged 320  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 321

section 2952.32 of the Revised Code. 322

(3) A rule adopted under division (E)(1) of this section 323  
may provide for the release of information gathered pursuant to 324  
division (A) of this section that relates to the arrest of a 325  
person who is eighteen years of age or older when the person has 326  
not been convicted as a result of that arrest if any of the 327  
following applies: 328

(a) The arrest was made outside of this state. 329

(b) A criminal action resulting from the arrest is 330  
pending, and the superintendent confirms that the criminal 331  
action has not been resolved at the time the criminal records 332  
check is performed. 333

(c) The bureau cannot reasonably determine whether a 334  
criminal action resulting from the arrest is pending, and not 335  
more than one year has elapsed since the date of the arrest. 336

(4) A rule adopted under division (E)(1) of this section 337  
may provide for the release of information gathered pursuant to 338  
division (A) of this section that relates to an adjudication of 339  
a child as a delinquent child if not more than five years have 340  
elapsed since the date of the adjudication, the adjudication was 341  
for an act that would have been a felony if committed by an 342  
adult, the records of the adjudication have not been sealed or 343  
expunged pursuant to sections 2151.355 to 2151.358 of the 344  
Revised Code, and the request for information is made under 345  
division (F) of this section or under section 109.572 of the 346  
Revised Code. In the case of an adjudication for a violation of 347  
the terms of community control or supervised release, the five- 348  
year period shall be calculated from the date of the 349  
adjudication to which the community control or supervised 350

release pertains. 351

(F) (1) As used in division (F) (2) of this section, "head 352  
start agency" means an entity in this state that has been 353  
approved to be an agency for purposes of subchapter II of the 354  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 355  
U.S.C.A. 9831, as amended. 356

(2) (a) In addition to or in conjunction with any request 357  
that is required to be made under section 109.572, 2151.86, 358  
3301.32, 3301.541, division (C) of section 3310.58, or section 359  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 360  
5153.111 of the Revised Code or that is made under section 361  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 362  
board of education of any school district; the director of 363  
developmental disabilities; any county board of developmental 364  
disabilities; any provider or subcontractor as defined in 365  
section 5123.081 of the Revised Code; the chief administrator of 366  
any chartered nonpublic school; the chief administrator of a 367  
registered private provider that is not also a chartered 368  
nonpublic school; the chief administrator of any home health 369  
agency; the chief administrator of or person operating any child 370  
day-care center, type A family day-care home, or type B family 371  
day-care home licensed under Chapter 5104. of the Revised Code; 372  
the chief administrator of any head start agency; the executive 373  
director of a public children services agency; a private company 374  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 375  
the Revised Code; or an employer described in division (J) (2) of 376  
section 3327.10 of the Revised Code may request that the 377  
superintendent of the bureau investigate and determine, with 378  
respect to any individual who has applied for employment in any 379  
position after October 2, 1989, or any individual wishing to 380  
apply for employment with a board of education may request, with 381

regard to the individual, whether the bureau has any information 382  
gathered under division (A) of this section that pertains to 383  
that individual. On receipt of the request, subject to division 384  
(E) (2) of this section, the superintendent shall determine 385  
whether that information exists and, upon request of the person, 386  
board, or entity requesting information, also shall request from 387  
the federal bureau of investigation any criminal records it has 388  
pertaining to that individual. The superintendent or the 389  
superintendent's designee also may request criminal history 390  
records from other states or the federal government pursuant to 391  
the national crime prevention and privacy compact set forth in 392  
section 109.571 of the Revised Code. Within thirty days of the 393  
date that the superintendent receives a request, subject to 394  
division (E) (2) of this section, the superintendent shall send 395  
to the board, entity, or person a report of any information that 396  
the superintendent determines exists, including information 397  
contained in records that have been sealed under section 2953.32 398  
of the Revised Code, and, within thirty days of its receipt, 399  
subject to division (E) (2) of this section, shall send the 400  
board, entity, or person a report of any information received 401  
from the federal bureau of investigation, other than information 402  
the dissemination of which is prohibited by federal law. 403

(b) When a board of education or a registered private 404  
provider is required to receive information under this section 405  
as a prerequisite to employment of an individual pursuant to 406  
division (C) of section 3310.58 or section 3319.39 of the 407  
Revised Code, it may accept a certified copy of records that 408  
were issued by the bureau of criminal identification and 409  
investigation and that are presented by an individual applying 410  
for employment with the district in lieu of requesting that 411  
information itself. In such a case, the board shall accept the 412

certified copy issued by the bureau in order to make a photocopy 413  
of it for that individual's employment application documents and 414  
shall return the certified copy to the individual. In a case of 415  
that nature, a district or provider only shall accept a 416  
certified copy of records of that nature within one year after 417  
the date of their issuance by the bureau. 418

(c) Notwithstanding division (F)(2)(a) of this section, in 419  
the case of a request under section 3319.39, 3319.391, or 420  
3327.10 of the Revised Code only for criminal records maintained 421  
by the federal bureau of investigation, the superintendent shall 422  
not determine whether any information gathered under division 423  
(A) of this section exists on the person for whom the request is 424  
made. 425

(3) The state board of education may request, with respect 426  
to any individual who has applied for employment after October 427  
2, 1989, in any position with the state board or the department 428  
of education, any information that a school district board of 429  
education is authorized to request under division (F)(2) of this 430  
section, and the superintendent of the bureau shall proceed as 431  
if the request has been received from a school district board of 432  
education under division (F)(2) of this section. 433

(4) When the superintendent of the bureau receives a 434  
request for information under section 3319.291 of the Revised 435  
Code, the superintendent shall proceed as if the request has 436  
been received from a school district board of education and 437  
shall comply with divisions (F)(2)(a) and (c) of this section. 438

(G) In addition to or in conjunction with any request that 439  
is required to be made under section 3701.881, 3712.09, or 440  
3721.121 of the Revised Code with respect to an individual who 441  
has applied for employment in a position that involves providing 442

direct care to an older adult or adult resident, the chief 443  
administrator of a home health agency, hospice care program, 444  
home licensed under Chapter 3721. of the Revised Code, or adult 445  
day-care program operated pursuant to rules adopted under 446  
section 3721.04 of the Revised Code may request that the 447  
superintendent of the bureau investigate and determine, with 448  
respect to any individual who has applied after January 27, 449  
1997, for employment in a position that does not involve 450  
providing direct care to an older adult or adult resident, 451  
whether the bureau has any information gathered under division 452  
(A) of this section that pertains to that individual. 453

In addition to or in conjunction with any request that is 454  
required to be made under section 173.27 of the Revised Code 455  
with respect to an individual who has applied for employment in 456  
a position that involves providing ombudsman services to 457  
residents of long-term care facilities or recipients of 458  
community-based long-term care services, the state long-term 459  
care ombudsman, the director of aging, a regional long-term care 460  
ombudsman program, or the designee of the ombudsman, director, 461  
or program may request that the superintendent investigate and 462  
determine, with respect to any individual who has applied for 463  
employment in a position that does not involve providing such 464  
ombudsman services, whether the bureau has any information 465  
gathered under division (A) of this section that pertains to 466  
that applicant. 467

In addition to or in conjunction with any request that is 468  
required to be made under section 173.38 of the Revised Code 469  
with respect to an individual who has applied for employment in 470  
a direct-care position, the chief administrator of a provider, 471  
as defined in section 173.39 of the Revised Code, may request 472  
that the superintendent investigate and determine, with respect 473



to any individual who has applied for employment in a position 474  
that is not a direct-care position, whether the bureau has any 475  
information gathered under division (A) of this section that 476  
pertains to that applicant. 477

In addition to or in conjunction with any request that is 478  
required to be made under section 3712.09 of the Revised Code 479  
with respect to an individual who has applied for employment in 480  
a position that involves providing direct care to a pediatric 481  
respite care patient, the chief administrator of a pediatric 482  
respite care program may request that the superintendent of the 483  
bureau investigate and determine, with respect to any individual 484  
who has applied for employment in a position that does not 485  
involve providing direct care to a pediatric respite care 486  
patient, whether the bureau has any information gathered under 487  
division (A) of this section that pertains to that individual. 488

On receipt of a request under this division, the 489  
superintendent shall determine whether that information exists 490  
and, on request of the individual requesting information, shall 491  
also request from the federal bureau of investigation any 492  
criminal records it has pertaining to the applicant. The 493  
superintendent or the superintendent's designee also may request 494  
criminal history records from other states or the federal 495  
government pursuant to the national crime prevention and privacy 496  
compact set forth in section 109.571 of the Revised Code. Within 497  
thirty days of the date a request is received, subject to 498  
division (E)(2) of this section, the superintendent shall send 499  
to the requester a report of any information determined to 500  
exist, including information contained in records that have been 501  
sealed under section 2953.32 of the Revised Code, and, within 502  
thirty days of its receipt, shall send the requester a report of 503  
any information received from the federal bureau of 504

investigation, other than information the dissemination of which 505  
is prohibited by federal law. 506

(H) Information obtained by a government entity or person 507  
under this section is confidential and shall not be released or 508  
disseminated. 509

(I) The superintendent may charge a reasonable fee for 510  
providing information or criminal records under division (F) (2) 511  
or (G) of this section. 512

(J) As used in this section: 513

(1) "Pediatric respite care program" and "pediatric care 514  
patient" have the same meanings as in section 3712.01 of the 515  
Revised Code. 516

(2) "Sexually oriented offense" and "child-victim oriented 517  
offense" have the same meanings as in section 2950.01 of the 518  
Revised Code. 519

(3) "Registered private provider" means a nonpublic school 520  
or entity registered with the superintendent of public 521  
instruction under section 3310.41 of the Revised Code to 522  
participate in the autism scholarship program or section 3310.58 523  
of the Revised Code to participate in the Jon Peterson special 524  
needs scholarship program. 525

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 526  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 527  
Code, a completed form prescribed pursuant to division (C) (1) of 528  
this section, and a set of fingerprint impressions obtained in 529  
the manner described in division (C) (2) of this section, the 530  
superintendent of the bureau of criminal identification and 531  
investigation shall conduct a criminal records check in the 532  
manner described in division (B) of this section to determine 533

whether any information exists that indicates that the person 534  
who is the subject of the request previously has been convicted 535  
of or pleaded guilty to any of the following: 536

(a) A violation of section 2903.01, 2903.02, 2903.03, 537  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 538  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 539  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 540  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 541  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 542  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 543  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 544  
felonious sexual penetration in violation of former section 545  
2907.12 of the Revised Code, a violation of section 2905.04 of 546  
the Revised Code as it existed prior to July 1, 1996, a 547  
violation of section 2919.23 of the Revised Code that would have 548  
been a violation of section 2905.04 of the Revised Code as it 549  
existed prior to July 1, 1996, had the violation been committed 550  
prior to that date, or a violation of section 2925.11 of the 551  
Revised Code that is not a minor drug possession offense; 552

(b) A violation of an existing or former law of this 553  
state, any other state, or the United States that is 554  
substantially equivalent to any of the offenses listed in 555  
division (A)(1)(a) of this section; 556

(c) If the request is made pursuant to section 3319.39 of 557  
the Revised Code for an applicant who is a teacher, any offense 558  
specified in section 3319.31 of the Revised Code. 559

(2) On receipt of a request pursuant to section 3712.09 or 560  
3721.121 of the Revised Code, a completed form prescribed 561  
pursuant to division (C)(1) of this section, and a set of 562  
fingerprint impressions obtained in the manner described in 563

division (C) (2) of this section, the superintendent of the 564  
bureau of criminal identification and investigation shall 565  
conduct a criminal records check with respect to any person who 566  
has applied for employment in a position for which a criminal 567  
records check is required by those sections. The superintendent 568  
shall conduct the criminal records check in the manner described 569  
in division (B) of this section to determine whether any 570  
information exists that indicates that the person who is the 571  
subject of the request previously has been convicted of or 572  
pleaded guilty to any of the following: 573

(a) A violation of section 2903.01, 2903.02, 2903.03, 574  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 575  
2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 576  
2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 577  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 578  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 579  
2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 580  
2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 581  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 582  
Revised Code; 583

(b) An existing or former law of this state, any other 584  
state, or the United States that is substantially equivalent to 585  
any of the offenses listed in division (A) (2) (a) of this 586  
section. 587

(3) On receipt of a request pursuant to section 173.27, 588  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 589  
5123.081, or 5123.169 of the Revised Code, a completed form 590  
prescribed pursuant to division (C) (1) of this section, and a 591  
set of fingerprint impressions obtained in the manner described 592  
in division (C) (2) of this section, the superintendent of the 593

bureau of criminal identification and investigation shall 594  
conduct a criminal records check of the person for whom the 595  
request is made. The superintendent shall conduct the criminal 596  
records check in the manner described in division (B) of this 597  
section to determine whether any information exists that 598  
indicates that the person who is the subject of the request 599  
previously has been convicted of, has pleaded guilty to, or 600  
(except in the case of a request pursuant to section 5164.34, 601  
5164.341, or 5164.342 of the Revised Code) has been found 602  
eligible for intervention in lieu of conviction for any of the 603  
following, regardless of the date of the conviction, the date of 604  
entry of the guilty plea, or (except in the case of a request 605  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 606  
Revised Code) the date the person was found eligible for 607  
intervention in lieu of conviction: 608

(a) A violation of section 959.13, 959.131, 2903.01, 609  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 610  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 611  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 612  
2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 613  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 614  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 615  
2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 616  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 617  
2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 618  
2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 619  
2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 620  
2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 621  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 622  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 623  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 624

2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 625  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 626  
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 627  
of the Revised Code; 628

(b) Felonious sexual penetration in violation of former 629  
section 2907.12 of the Revised Code; 630

(c) A violation of section 2905.04 of the Revised Code as 631  
it existed prior to July 1, 1996; 632

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 633  
the Revised Code when the underlying offense that is the object 634  
of the conspiracy, attempt, or complicity is one of the offenses 635  
listed in divisions (A) (3) (a) to (c) of this section; 636

(e) A violation of an existing or former municipal 637  
ordinance or law of this state, any other state, or the United 638  
States that is substantially equivalent to any of the offenses 639  
listed in divisions (A) (3) (a) to (d) of this section. 640

(4) On receipt of a request pursuant to section 2151.86 of 641  
the Revised Code, a completed form prescribed pursuant to 642  
division (C) (1) of this section, and a set of fingerprint 643  
impressions obtained in the manner described in division (C) (2) 644  
of this section, the superintendent of the bureau of criminal 645  
identification and investigation shall conduct a criminal 646  
records check in the manner described in division (B) of this 647  
section to determine whether any information exists that 648  
indicates that the person who is the subject of the request 649  
previously has been convicted of or pleaded guilty to any of the 650  
following: 651

(a) A violation of section 959.13, 2903.01, 2903.02, 652  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 653

2903.21, 2903.211, 2903.22, 2903.34, 2904.03, 2904.04, 2905.01, 654  
2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 655  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 656  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 657  
2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 658  
2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 659  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 660  
2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a 661  
violation of section 2905.04 of the Revised Code as it existed 662  
prior to July 1, 1996, a violation of section 2919.23 of the 663  
Revised Code that would have been a violation of section 2905.04 664  
of the Revised Code as it existed prior to July 1, 1996, had the 665  
violation been committed prior to that date, a violation of 666  
section 2925.11 of the Revised Code that is not a minor drug 667  
possession offense, two or more OVI or OVUAC violations 668  
committed within the three years immediately preceding the 669  
submission of the application or petition that is the basis of 670  
the request, or felonious sexual penetration in violation of 671  
former section 2907.12 of the Revised Code; 672

(b) A violation of an existing or former law of this 673  
state, any other state, or the United States that is 674  
substantially equivalent to any of the offenses listed in 675  
division (A) (4) (a) of this section. 676

(5) Upon receipt of a request pursuant to section 5104.013 677  
of the Revised Code, a completed form prescribed pursuant to 678  
division (C) (1) of this section, and a set of fingerprint 679  
impressions obtained in the manner described in division (C) (2) 680  
of this section, the superintendent of the bureau of criminal 681  
identification and investigation shall conduct a criminal 682  
records check in the manner described in division (B) of this 683  
section to determine whether any information exists that 684

indicates that the person who is the subject of the request has 685  
been convicted of or pleaded guilty to any of the following: 686

(a) A violation of section 2151.421, 2903.01, 2903.02, 687  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 688  
2903.22, 2903.34, 2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 689  
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 690  
2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 691  
2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 692  
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 693  
2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 694  
2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 695  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 696  
2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 697  
2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 698  
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 699  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 700  
2925.06, or 3716.11 of the Revised Code, felonious sexual 701  
penetration in violation of former section 2907.12 of the 702  
Revised Code, a violation of section 2905.04 of the Revised Code 703  
as it existed prior to July 1, 1996, a violation of section 704  
2919.23 of the Revised Code that would have been a violation of 705  
section 2905.04 of the Revised Code as it existed prior to July 706  
1, 1996, had the violation been committed prior to that date, a 707  
violation of section 2925.11 of the Revised Code that is not a 708  
minor drug possession offense, a violation of section 2923.02 or 709  
2923.03 of the Revised Code that relates to a crime specified in 710  
this division, or a second violation of section 4511.19 of the 711  
Revised Code within five years of the date of application for 712  
licensure or certification. 713

(b) A violation of an existing or former law of this 714  
state, any other state, or the United States that is 715



substantially equivalent to any of the offenses or violations 716  
described in division (A) (5) (a) of this section. 717

(6) Upon receipt of a request pursuant to section 5153.111 718  
of the Revised Code, a completed form prescribed pursuant to 719  
division (C) (1) of this section, and a set of fingerprint 720  
impressions obtained in the manner described in division (C) (2) 721  
of this section, the superintendent of the bureau of criminal 722  
identification and investigation shall conduct a criminal 723  
records check in the manner described in division (B) of this 724  
section to determine whether any information exists that 725  
indicates that the person who is the subject of the request 726  
previously has been convicted of or pleaded guilty to any of the 727  
following: 728

(a) A violation of section 2903.01, 2903.02, 2903.03, 729  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 730  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 731  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 732  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 733  
2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 734  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 735  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 736  
Revised Code, felonious sexual penetration in violation of 737  
former section 2907.12 of the Revised Code, a violation of 738  
section 2905.04 of the Revised Code as it existed prior to July 739  
1, 1996, a violation of section 2919.23 of the Revised Code that 740  
would have been a violation of section 2905.04 of the Revised 741  
Code as it existed prior to July 1, 1996, had the violation been 742  
committed prior to that date, or a violation of section 2925.11 743  
of the Revised Code that is not a minor drug possession offense; 744

(b) A violation of an existing or former law of this 745

state, any other state, or the United States that is 746  
substantially equivalent to any of the offenses listed in 747  
division (A) (6) (a) of this section. 748

(7) On receipt of a request for a criminal records check 749  
from an individual pursuant to section 4749.03 or 4749.06 of the 750  
Revised Code, accompanied by a completed copy of the form 751  
prescribed in division (C) (1) of this section and a set of 752  
fingerprint impressions obtained in a manner described in 753  
division (C) (2) of this section, the superintendent of the 754  
bureau of criminal identification and investigation shall 755  
conduct a criminal records check in the manner described in 756  
division (B) of this section to determine whether any 757  
information exists indicating that the person who is the subject 758  
of the request has been convicted of or pleaded guilty to a 759  
felony in this state or in any other state. If the individual 760  
indicates that a firearm will be carried in the course of 761  
business, the superintendent shall require information from the 762  
federal bureau of investigation as described in division (B) (2) 763  
of this section. Subject to division (F) of this section, the 764  
superintendent shall report the findings of the criminal records 765  
check and any information the federal bureau of investigation 766  
provides to the director of public safety. 767

(8) On receipt of a request pursuant to section 1321.37, 768  
1321.53, or 4763.05 of the Revised Code, a completed form 769  
prescribed pursuant to division (C) (1) of this section, and a 770  
set of fingerprint impressions obtained in the manner described 771  
in division (C) (2) of this section, the superintendent of the 772  
bureau of criminal identification and investigation shall 773  
conduct a criminal records check with respect to any person who 774  
has applied for a license, permit, or certification from the 775  
department of commerce or a division in the department. The 776

superintendent shall conduct the criminal records check in the 777  
manner described in division (B) of this section to determine 778  
whether any information exists that indicates that the person 779  
who is the subject of the request previously has been convicted 780  
of or pleaded guilty to any of the following: a violation of 781  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 782  
Revised Code; any other criminal offense involving theft, 783  
receiving stolen property, embezzlement, forgery, fraud, passing 784  
bad checks, money laundering, or drug trafficking, or any 785  
criminal offense involving money or securities, as set forth in 786  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 787  
the Revised Code; or any existing or former law of this state, 788  
any other state, or the United States that is substantially 789  
equivalent to those offenses. 790

(9) On receipt of a request for a criminal records check 791  
from the treasurer of state under section 113.041 of the Revised 792  
Code or from an individual under section 4701.08, 4715.101, 793  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 794  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 795  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 796  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 797  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 798  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 799  
4779.091, or 4783.04 of the Revised Code, accompanied by a 800  
completed form prescribed under division (C)(1) of this section 801  
and a set of fingerprint impressions obtained in the manner 802  
described in division (C)(2) of this section, the superintendent 803  
of the bureau of criminal identification and investigation shall 804  
conduct a criminal records check in the manner described in 805  
division (B) of this section to determine whether any 806  
information exists that indicates that the person who is the 807

subject of the request has been convicted of or pleaded guilty 808  
to any criminal offense in this state or any other state. 809  
Subject to division (F) of this section, the superintendent 810  
shall send the results of a check requested under section 811  
113.041 of the Revised Code to the treasurer of state and shall 812  
send the results of a check requested under any of the other 813  
listed sections to the licensing board specified by the 814  
individual in the request. 815

(10) On receipt of a request pursuant to section 124.74, 816  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 817  
completed form prescribed pursuant to division (C)(1) of this 818  
section, and a set of fingerprint impressions obtained in the 819  
manner described in division (C)(2) of this section, the 820  
superintendent of the bureau of criminal identification and 821  
investigation shall conduct a criminal records check in the 822  
manner described in division (B) of this section to determine 823  
whether any information exists that indicates that the person 824  
who is the subject of the request previously has been convicted 825  
of or pleaded guilty to any criminal offense under any existing 826  
or former law of this state, any other state, or the United 827  
States. 828

(11) On receipt of a request for a criminal records check 829  
from an appointing or licensing authority under section 3772.07 830  
of the Revised Code, a completed form prescribed under division 831  
(C)(1) of this section, and a set of fingerprint impressions 832  
obtained in the manner prescribed in division (C)(2) of this 833  
section, the superintendent of the bureau of criminal 834  
identification and investigation shall conduct a criminal 835  
records check in the manner described in division (B) of this 836  
section to determine whether any information exists that 837  
indicates that the person who is the subject of the request 838

previously has been convicted of or pleaded guilty or no contest 839  
to any offense under any existing or former law of this state, 840  
any other state, or the United States that is a disqualifying 841  
offense as defined in section 3772.07 of the Revised Code or 842  
substantially equivalent to such an offense. 843

(12) On receipt of a request pursuant to section 2151.33 844  
or 2151.412 of the Revised Code, a completed form prescribed 845  
pursuant to division (C)(1) of this section, and a set of 846  
fingerprint impressions obtained in the manner described in 847  
division (C)(2) of this section, the superintendent of the 848  
bureau of criminal identification and investigation shall 849  
conduct a criminal records check with respect to any person for 850  
whom a criminal records check is required under that section. 851  
The superintendent shall conduct the criminal records check in 852  
the manner described in division (B) of this section to 853  
determine whether any information exists that indicates that the 854  
person who is the subject of the request previously has been 855  
convicted of or pleaded guilty to any of the following: 856

(a) A violation of section 2903.01, 2903.02, 2903.03, 857  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 858  
2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 859  
2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 860  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 861  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 862  
2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 863  
2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 864  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 865  
Revised Code; 866

(b) An existing or former law of this state, any other 867  
state, or the United States that is substantially equivalent to 868

any of the offenses listed in division (A) (12) (a) of this section. 869  
870

(13) On receipt of a request pursuant to section 3796.12 871  
of the Revised Code, a completed form prescribed pursuant to 872  
division (C) (1) of this section, and a set of fingerprint 873  
impressions obtained in a manner described in division (C) (2) of 874  
this section, the superintendent of the bureau of criminal 875  
identification and investigation shall conduct a criminal 876  
records check in the manner described in division (B) of this 877  
section to determine whether any information exists that 878  
indicates that the person who is the subject of the request 879  
previously has been convicted of or pleaded guilty to the 880  
following: 881

(a) A disqualifying offense as specified in rules adopted 882  
under division (B) (2) (b) of section 3796.03 of the Revised Code 883  
if the person who is the subject of the request is an 884  
administrator or other person responsible for the daily 885  
operation of, or an owner or prospective owner, officer or 886  
prospective officer, or board member or prospective board member 887  
of, an entity seeking a license from the department of commerce 888  
under Chapter 3796. of the Revised Code; 889

(b) A disqualifying offense as specified in rules adopted 890  
under division (B) (2) (b) of section 3796.04 of the Revised Code 891  
if the person who is the subject of the request is an 892  
administrator or other person responsible for the daily 893  
operation of, or an owner or prospective owner, officer or 894  
prospective officer, or board member or prospective board member 895  
of, an entity seeking a license from the state board of pharmacy 896  
under Chapter 3796. of the Revised Code. 897

(14) On receipt of a request required by section 3796.13 898

of the Revised Code, a completed form prescribed pursuant to 899  
division (C)(1) of this section, and a set of fingerprint 900  
impressions obtained in a manner described in division (C)(2) of 901  
this section, the superintendent of the bureau of criminal 902  
identification and investigation shall conduct a criminal 903  
records check in the manner described in division (B) of this 904  
section to determine whether any information exists that 905  
indicates that the person who is the subject of the request 906  
previously has been convicted of or pleaded guilty to the 907  
following: 908

(a) A disqualifying offense as specified in rules adopted 909  
under division (B)(8)(a) of section 3796.03 of the Revised Code 910  
if the person who is the subject of the request is seeking 911  
employment with an entity licensed by the department of commerce 912  
under Chapter 3796. of the Revised Code; 913

(b) A disqualifying offense as specified in rules adopted 914  
under division (B)(14)(a) of section 3796.04 of the Revised Code 915  
if the person who is the subject of the request is seeking 916  
employment with an entity licensed by the state board of 917  
pharmacy under Chapter 3796. of the Revised Code. 918

(15) On receipt of a request pursuant to section 4768.06 919  
of the Revised Code, a completed form prescribed under division 920  
(C)(1) of this section, and a set of fingerprint impressions 921  
obtained in the manner described in division (C)(2) of this 922  
section, the superintendent of the bureau of criminal 923  
identification and investigation shall conduct a criminal 924  
records check in the manner described in division (B) of this 925  
section to determine whether any information exists indicating 926  
that the person who is the subject of the request has been 927  
convicted of or pleaded guilty to a felony in this state or in 928

any other state. 929

(16) On receipt of a request pursuant to division (B) of 930  
section 4764.07 of the Revised Code, a completed form prescribed 931  
under division (C)(1) of this section, and a set of fingerprint 932  
impressions obtained in the manner described in division (C)(2) 933  
of this section, the superintendent of the bureau of criminal 934  
identification and investigation shall conduct a criminal 935  
records check in the manner described in division (B) of this 936  
section to determine whether any information exists indicating 937  
that the person who is the subject of the request has been 938  
convicted of or pleaded guilty to any crime of moral turpitude, 939  
a felony, or an equivalent offense in any other state or the 940  
United States. 941

(17) On receipt of a request for a criminal records check 942  
under section 147.022 of the Revised Code, a completed form 943  
prescribed under division (C)(1) of this section, and a set of 944  
fingerprint impressions obtained in the manner prescribed in 945  
division (C)(2) of this section, the superintendent of the 946  
bureau of criminal identification and investigation shall 947  
conduct a criminal records check in the manner described in 948  
division (B) of this section to determine whether any 949  
information exists that indicates that the person who is the 950  
subject of the request previously has been convicted of or 951  
pleaded guilty or no contest to any disqualifying offense, as 952  
defined in section 147.011 of the Revised Code, or to any 953  
offense under any existing or former law of this state, any 954  
other state, or the United States that is substantially 955  
equivalent to such a disqualifying offense. 956

(B) Subject to division (F) of this section, the 957  
superintendent shall conduct any criminal records check to be 958



conducted under this section as follows: 959

(1) The superintendent shall review or cause to be 960  
reviewed any relevant information gathered and compiled by the 961  
bureau under division (A) of section 109.57 of the Revised Code 962  
that relates to the person who is the subject of the criminal 963  
records check, including, if the criminal records check was 964  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 965  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 966  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 967  
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 968  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 969  
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 970  
the Revised Code, any relevant information contained in records 971  
that have been sealed under section 2953.32 of the Revised Code; 972

(2) If the request received by the superintendent asks for 973  
information from the federal bureau of investigation, the 974  
superintendent shall request from the federal bureau of 975  
investigation any information it has with respect to the person 976  
who is the subject of the criminal records check, including 977  
fingerprint-based checks of national crime information databases 978  
as described in 42 U.S.C. 671 if the request is made pursuant to 979  
section 2151.86 or 5104.013 of the Revised Code or if any other 980  
Revised Code section requires fingerprint-based checks of that 981  
nature, and shall review or cause to be reviewed any information 982  
the superintendent receives from that bureau. If a request under 983  
section 3319.39 of the Revised Code asks only for information 984  
from the federal bureau of investigation, the superintendent 985  
shall not conduct the review prescribed by division (B) (1) of 986  
this section. 987

(3) The superintendent or the superintendent's designee 988

may request criminal history records from other states or the 989  
federal government pursuant to the national crime prevention and 990  
privacy compact set forth in section 109.571 of the Revised 991  
Code. 992

(4) The superintendent shall include in the results of the 993  
criminal records check a list or description of the offenses 994  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 995  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 996  
of this section, whichever division requires the superintendent 997  
to conduct the criminal records check. The superintendent shall 998  
exclude from the results any information the dissemination of 999  
which is prohibited by federal law. 1000

(5) The superintendent shall send the results of the 1001  
criminal records check to the person to whom it is to be sent 1002  
not later than the following number of days after the date the 1003  
superintendent receives the request for the criminal records 1004  
check, the completed form prescribed under division (C) (1) of 1005  
this section, and the set of fingerprint impressions obtained in 1006  
the manner described in division (C) (2) of this section: 1007

(a) If the superintendent is required by division (A) of 1008  
this section (other than division (A) (3) of this section) to 1009  
conduct the criminal records check, thirty; 1010

(b) If the superintendent is required by division (A) (3) 1011  
of this section to conduct the criminal records check, sixty. 1012

(C) (1) The superintendent shall prescribe a form to obtain 1013  
the information necessary to conduct a criminal records check 1014  
from any person for whom a criminal records check is to be 1015  
conducted under this section. The form that the superintendent 1016  
prescribes pursuant to this division may be in a tangible 1017

format, in an electronic format, or in both tangible and 1018  
electronic formats. 1019

(2) The superintendent shall prescribe standard impression 1020  
sheets to obtain the fingerprint impressions of any person for 1021  
whom a criminal records check is to be conducted under this 1022  
section. Any person for whom a records check is to be conducted 1023  
under this section shall obtain the fingerprint impressions at a 1024  
county sheriff's office, municipal police department, or any 1025  
other entity with the ability to make fingerprint impressions on 1026  
the standard impression sheets prescribed by the superintendent. 1027  
The office, department, or entity may charge the person a 1028  
reasonable fee for making the impressions. The standard 1029  
impression sheets the superintendent prescribes pursuant to this 1030  
division may be in a tangible format, in an electronic format, 1031  
or in both tangible and electronic formats. 1032

(3) Subject to division (D) of this section, the 1033  
superintendent shall prescribe and charge a reasonable fee for 1034  
providing a criminal records check under this section. The 1035  
person requesting the criminal records check shall pay the fee 1036  
prescribed pursuant to this division. In the case of a request 1037  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1038  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1039  
fee shall be paid in the manner specified in that section. 1040

(4) The superintendent of the bureau of criminal 1041  
identification and investigation may prescribe methods of 1042  
forwarding fingerprint impressions and information necessary to 1043  
conduct a criminal records check, which methods shall include, 1044  
but not be limited to, an electronic method. 1045

(D) The results of a criminal records check conducted 1046  
under this section, other than a criminal records check 1047

specified in division (A) (7) of this section, are valid for the 1048  
person who is the subject of the criminal records check for a 1049  
period of one year from the date upon which the superintendent 1050  
completes the criminal records check. If during that period the 1051  
superintendent receives another request for a criminal records 1052  
check to be conducted under this section for that person, the 1053  
superintendent shall provide the results from the previous 1054  
criminal records check of the person at a lower fee than the fee 1055  
prescribed for the initial criminal records check. 1056

(E) When the superintendent receives a request for 1057  
information from a registered private provider, the 1058  
superintendent shall proceed as if the request was received from 1059  
a school district board of education under section 3319.39 of 1060  
the Revised Code. The superintendent shall apply division (A) (1) 1061  
(c) of this section to any such request for an applicant who is 1062  
a teacher. 1063

(F) (1) Subject to division (F) (2) of this section, all 1064  
information regarding the results of a criminal records check 1065  
conducted under this section that the superintendent reports or 1066  
sends under division (A) (7) or (9) of this section to the 1067  
director of public safety, the treasurer of state, or the 1068  
person, board, or entity that made the request for the criminal 1069  
records check shall relate to the conviction of the subject 1070  
person, or the subject person's plea of guilty to, a criminal 1071  
offense. 1072

(2) Division (F) (1) of this section does not limit, 1073  
restrict, or preclude the superintendent's release of 1074  
information that relates to the arrest of a person who is 1075  
eighteen years of age or older, to an adjudication of a child as 1076  
a delinquent child, or to a criminal conviction of a person 1077

under eighteen years of age in circumstances in which a release 1078  
of that nature is authorized under division (E) (2), (3), or (4) 1079  
of section 109.57 of the Revised Code pursuant to a rule adopted 1080  
under division (E) (1) of that section. 1081

(G) As used in this section: 1082

(1) "Criminal records check" means any criminal records 1083  
check conducted by the superintendent of the bureau of criminal 1084  
identification and investigation in accordance with division (B) 1085  
of this section. 1086

(2) "Minor drug possession offense" has the same meaning 1087  
as in section 2925.01 of the Revised Code. 1088

(3) "OVI or OVUAC violation" means a violation of section 1089  
4511.19 of the Revised Code or a violation of an existing or 1090  
former law of this state, any other state, or the United States 1091  
that is substantially equivalent to section 4511.19 of the 1092  
Revised Code. 1093

(4) "Registered private provider" means a nonpublic school 1094  
or entity registered with the superintendent of public 1095  
instruction under section 3310.41 of the Revised Code to 1096  
participate in the autism scholarship program or section 3310.58 1097  
of the Revised Code to participate in the Jon Peterson special 1098  
needs scholarship program. 1099

**Sec. 109.97.** (A) As used in this section: 1100

(1) "Commutation," "pardon," "prisoner," and "state 1101  
correctional institution" have the same meanings as in section 1102  
2967.01 of the Revised Code. 1103

(2) "Individual's present legal status" means whichever of 1104  
the following circumstances apply on the thirty-first day of 1105

December of the calendar year covered by a capital case status 1106  
report described in divisions (B) and (C) of this section to an 1107  
individual who was sentenced to death pursuant to sections 1108  
2929.02 to 2929.04 or section 2929.06 of the Revised Code for an 1109  
aggravated murder or aggravated abortion murder committed on or 1110  
after October 19, 1981: 1111

(a) The individual was executed in accordance with section 1112  
2949.22 of the Revised Code for the aggravated murder or 1113  
aggravated abortion murder, or the individual otherwise is 1114  
deceased. 1115

(b) The individual continues to be confined in a state 1116  
correctional institution waiting for the execution of the 1117  
sentence of death. 1118

(c) The individual has been released from confinement in a 1119  
state correctional institution pursuant to a pardon granted in 1120  
connection with the aggravated murder or aggravated abortion 1121  
murder, or the individual has been granted a commutation in 1122  
connection with the aggravated murder or aggravated abortion 1123  
murder and has been released from confinement or is serving a 1124  
prison term or sentence of imprisonment pursuant to the 1125  
commutation. 1126

(d) The individual has had the sentence of death vacated 1127  
or reversed on appeal or pursuant to division (C) of section 1128  
2929.05 of the Revised Code or otherwise has been relieved of 1129  
the sentence of death by a court of this state or the United 1130  
States. 1131

(e) The individual has had the sentence of death vacated 1132  
as described in section 2929.06 of the Revised Code or 1133  
otherwise, the individual has been resentenced pursuant to that 1134

section or otherwise to a sentence other than a sentence of 1135  
death, and the individual is a prisoner serving a prison term or 1136  
sentence of imprisonment in a state correctional institution. 1137

(f) The individual is confined in a correctional 1138  
institution of another state or the United States for the 1139  
commission of another offense or has been executed in accordance 1140  
with a sentence of death imposed by a court of another state or 1141  
the United States for the commission of another offense. 1142

(g) The individual has escaped from confinement in a state 1143  
correctional institution or a correctional institution of 1144  
another state or the United States and currently is at-large. 1145

(B) The attorney general annually shall prepare or cause 1146  
to be prepared a capital case status report that pertains to all 1147  
individuals who were sentenced to death pursuant to sections 1148  
2929.02 to 2929.04 or section 2929.06 of the Revised Code for an 1149  
aggravated murder or aggravated abortion murder committed on or 1150  
after October 19, 1981, and that contains for each of those 1151  
individuals the information described in division (C) (1) of this 1152  
section. The attorney general shall file a copy of each annual 1153  
capital case status report with the governor, the chief justice 1154  
of the supreme court, the president of the senate, and the 1155  
speaker of the house of representatives no later than the first 1156  
day of April of the calendar year following the calendar year 1157  
covered by the report. Each annual capital case status report 1158  
shall be a public record subject to inspection and copying in 1159  
accordance with section 149.43 of the Revised Code. 1160

(C) (1) An annual capital case status report prepared 1161  
pursuant to division (B) of this section shall contain all of 1162  
the following information that pertains as of the thirty-first 1163  
day of December of the calendar year covered by the report to 1164

each individual who was sentenced to death pursuant to sections 1165  
2929.02 to 2929.04 or 2929.06 of the Revised Code for an 1166  
aggravated murder or aggravated abortion murder committed on or 1167  
after October 19, 1981: 1168

(a) A citation to and brief summary of the facts of each 1169  
case in which the individual was sentenced to death pursuant to 1170  
sections 2929.02 to 2929.04 or section 2929.06 of the Revised 1171  
Code for an aggravated murder or aggravated abortion murder 1172  
committed on or after October 19, 1981; 1173

(b) A statement as to the individual's present legal 1174  
status; 1175

(c) A summary history of the individual's legal actions to 1176  
vacate, reverse, or otherwise be relieved from the sentence of 1177  
death described in division (C)(1)(a) of this section, 1178  
including, but not limited to, motions to vacate the sentence of 1179  
death, appeals, petitions for postconviction relief, and 1180  
petitions for habeas corpus relief filed with a court of this 1181  
state or a court of the United States under section 2929.05, 1182  
2953.21, or another section of the Revised Code, the Ohio 1183  
Constitution, federal statutes, or the United States 1184  
Constitution; 1185

(d) Any other information that the attorney general 1186  
determines is relevant, including, but not limited to, a 1187  
tentatively scheduled date for the execution of the individual's 1188  
sentence of death in accordance with section 2949.22 of the 1189  
Revised Code. 1190

(2) In each annual capital case status report prepared 1191  
pursuant to division (B) of this section, the attorney general 1192  
shall set forth or cause to be set forth the information 1193



described in division (C) (1) of this section in the form that 1194  
the attorney general considers most appropriate to present that 1195  
information, including, but not limited to, charts, tables, 1196  
graphs, and narrative summaries. 1197

(D) All officers and employees of the government of this 1198  
state and its political subdivisions shall cooperate, upon 1199  
request of the attorney general, in providing information that 1200  
facilitates the attorney general in the performance of the 1201  
attorney general's responsibilities under this section. 1202

**Sec. 177.01.** (A) The organized crime investigations 1203  
commission, consisting of seven members, is hereby established 1204  
in the office of the attorney general. One of the members shall 1205  
be the attorney general. Of the remaining members, each of whom 1206  
shall be appointed by the governor with the advice and consent 1207  
of the senate, two shall be prosecuting attorneys, two shall be 1208  
county sheriffs, and two shall be chief municipal law 1209  
enforcement officers. No more than four members of the 1210  
commission shall be members of the same political party. 1211

Of the initial appointments to the commission, one member 1212  
who is a prosecuting attorney and one who is a county sheriff 1213  
each shall be appointed for terms ending September 3, 1987, one 1214  
member who is a prosecuting attorney and one who is a chief 1215  
municipal law enforcement officer each shall be appointed for 1216  
terms ending September 3, 1988, and one member who is a county 1217  
sheriff and one who is a chief municipal law enforcement officer 1218  
each shall be appointed for terms ending September 3, 1989. 1219  
Thereafter, terms of office of persons appointed to the 1220  
commission shall be for three years, with each term ending on 1221  
the same day of the same month of the year as did the term that 1222  
it succeeds. Members may be reappointed. Each appointed member 1223

shall hold office from the date of the member's appointment 1224  
until the end of the term for which the member was appointed, 1225  
except that an appointed member who ceases to hold the office or 1226  
position of prosecuting attorney, county sheriff, or chief 1227  
municipal law enforcement officer prior to the expiration of the 1228  
member's term of office on the commission shall cease to be a 1229  
member of the commission on the date that the member ceases to 1230  
hold the office or position. Vacancies shall be filled in the 1231  
manner provided for original appointments. Any member appointed 1232  
to fill a vacancy occurring prior to the expiration of the term 1233  
for which the member's predecessor was appointed shall take 1234  
office on the commission when the member is confirmed by the 1235  
senate and shall hold office for the remainder of such term. Any 1236  
member shall continue in office subsequent to the expiration 1237  
date of the member's term until the member's successor takes 1238  
office, or until a period of sixty days has elapsed, whichever 1239  
occurs first. 1240

The attorney general shall become a member of the 1241  
commission on September 3, 1986. Successors in office to that 1242  
attorney general shall become members of the commission on the 1243  
day they assume the office of attorney general. An attorney 1244  
general's term of office as a member of the commission shall 1245  
continue for as long as the person in question holds the office 1246  
of attorney general. 1247

Each member of the commission may designate, in writing, 1248  
another person to represent the member on the commission. If a 1249  
member makes such a designation, either the member or the 1250  
designee may perform the member's duties and exercise the 1251  
member's authority on the commission. If a member makes such a 1252  
designation, the member may revoke the designation by sending 1253  
written notice of the revocation to the commission. Upon such a 1254

revocation, the member may designate a different person to 1255  
represent the member on the commission by sending written notice 1256  
of the designation to the commission at least two weeks prior to 1257  
the date on which the new designation is to take effect. 1258

The attorney general or a person the attorney general 1259  
designates pursuant to this division to represent the attorney 1260  
general on the commission shall serve as chairperson of the 1261  
commission. The commission shall meet within two weeks after all 1262  
appointed members have been appointed, at a time and place 1263  
determined by the governor. The commission shall organize by 1264  
selecting a vice-chairperson and other officers who are 1265  
necessary and shall adopt rules to govern its procedures. 1266  
Thereafter, the commission shall meet at least once every six 1267  
months, or more often upon the call of the chairperson or the 1268  
written request of two or more members. Each member of the 1269  
commission shall have one vote. Four members constitute a 1270  
quorum, and four votes are required to validate an action of the 1271  
commission. 1272

The members of the commission shall serve without 1273  
compensation, but each member shall be reimbursed for actual and 1274  
necessary expenses incurred in the performance of official 1275  
duties. In the absence of the chairperson, the vice-chairperson 1276  
shall perform the duties of the chairperson. 1277

(B) The commission shall coordinate investigations of 1278  
organized criminal activity and perform all of the functions and 1279  
duties relative to the investigations that are set forth in 1280  
section 177.02 of the Revised Code, and it shall cooperate with 1281  
departments and officers of the government of the United States 1282  
in the suppression of organized criminal activity. 1283

(C) The commission shall appoint and fix the compensation 1284

of a director and such technical and clerical employees who are 1285  
necessary to exercise the powers and carry out the duties of the 1286  
commission, may enter into contracts with one or more 1287  
consultants to assist in exercising those powers and carrying 1288  
out those duties, and may enter into contracts and purchase any 1289  
equipment necessary to the performance of its duties. The 1290  
director and employees of the commission shall be members of the 1291  
unclassified service as defined in section 124.11 of the Revised 1292  
Code. The commission shall require the director and each 1293  
employee, prior to commencing employment with the commission, to 1294  
undergo an investigation for the purpose of obtaining a security 1295  
clearance and, after the initial investigation, may require the 1296  
director and each employee to undergo an investigation for that 1297  
purpose at any time during the director's or employee's 1298  
employment with the commission. The commission may require any 1299  
consultant with whom it contracts to undergo an investigation 1300  
for the purpose of obtaining a security clearance. An 1301  
investigation under this division may include, but is not 1302  
limited to, a polygraph examination and shall be conducted by an 1303  
organization designated by the commission. 1304

(D) An appointed commission member may be removed from 1305  
office as a member of the commission by the vote of four members 1306  
of the commission or by the governor for any of the following 1307  
reasons: 1308

(1) Neglect of duty, misconduct, incompetence, or 1309  
malfeasance in office; 1310

(2) Conviction of or a plea of guilty to a felony or an 1311  
offense of moral turpitude; 1312

(3) Being mentally ill or mentally incompetent; 1313

(4) Being the subject of an investigation by a task force 1314  
established by the commission or another law enforcement agency, 1315  
where the proof of criminal activity is evident or the 1316  
presumption great; 1317

(5) Engaging in any activity or associating with any 1318  
persons or organization inappropriate to the member's position 1319  
as a member of the commission. 1320

(E) As used in sections 177.01 to 177.03 of the Revised 1321  
Code: 1322

(1) "Organized criminal activity" means any combination or 1323  
conspiracy to engage in activity that constitutes "engaging in a 1324  
pattern of corrupt activity;" any violation, combination of 1325  
violations, or conspiracy to commit one or more violations of 1326  
section 2925.03, 2925.04, 2925.05, 2925.06, or 2925.11 of the 1327  
Revised Code other than a violation of section 2925.11 of the 1328  
Revised Code that is a minor drug possession offense; or any 1329  
criminal activity that relates to the corruption of a public 1330  
official, as defined in section 2921.01 of the Revised Code, or 1331  
of a public servant of the type described in division (B) (3) of 1332  
that section. 1333

(2) A person is engaging in an activity that constitutes 1334  
"engaging in a pattern of corrupt activity" if any of the 1335  
following apply: 1336

(a) The person is or was employed by, or associated with, 1337  
an enterprise and the person conducts or participates in, 1338  
directly or indirectly, the affairs of the enterprise through a 1339  
pattern of corrupt activity or the collection of an unlawful 1340  
debt. 1341

(b) The person, through a pattern of corrupt activity or 1342

the collection of an unlawful debt, acquires or maintains, 1343  
directly or indirectly, an interest in, or control of, an 1344  
enterprise or real property. 1345

(c) The person knowingly has received proceeds derived, 1346  
directly or indirectly, from a pattern of corrupt activity or 1347  
the collection of an unlawful debt and the person uses or 1348  
invests, directly or indirectly, a part of those proceeds, or 1349  
proceeds derived from the use or investment of any of those 1350  
proceeds, in the acquisition of title to, or a right, interest, 1351  
or equity in, real property or the establishment or operation of 1352  
an enterprise. A purchase of securities on the open market with 1353  
intent to make an investment, without intent to control or 1354  
participate in the control of the issuer, and without intent to 1355  
assist another to do so is not an activity that constitutes 1356  
"engaging in a pattern of corrupt activity" if the securities of 1357  
the issuer held after the purchase by the purchaser, the members 1358  
of the purchaser's immediate family, and the purchaser's or 1359  
members' accomplices in any pattern of corrupt activity or the 1360  
collection of an unlawful debt, do not aggregate one per cent of 1361  
the outstanding securities of any one class of the issuer and do 1362  
not confer, in law or in fact, the power to elect one or more 1363  
directors of the issuer. 1364

(3) "Pattern of corrupt activity" means two or more 1365  
incidents of corrupt activity, whether or not there has been a 1366  
prior conviction, that are related to the affairs of the same 1367  
enterprise, are not isolated, and are not so closely related to 1368  
each other and connected in time and place that they constitute 1369  
a single event. At least one of the incidents forming the 1370  
pattern shall occur on or after September 3, 1986. Unless any 1371  
incident was an aggravated murder~~or~~, murder, aggravated 1372  
abortion murder, or abortion murder, the most recent of the 1373

incidents forming the pattern shall occur within six years after 1374  
the commission of any prior incident forming the pattern, 1375  
excluding any period of imprisonment served by any person 1376  
engaging in the corrupt activity. 1377

(4) "Corrupt activity," "unlawful debt," "enterprise," 1378  
"person," "real property," and "beneficial interest" have the 1379  
same meanings as in section 2923.31 of the Revised Code. 1380

(5) "Minor drug possession offense" has the same meaning 1381  
as in section 2925.01 of the Revised Code. 1382

**Sec. 313.131.** (A) As used in this section: 1383

(1) "Friend" means any person who maintained regular 1384  
contact with the deceased person, and who was familiar with the 1385  
deceased person's activities, health, and religious beliefs at 1386  
the time of the deceased person's death, any person who assumes 1387  
custody of the body for burial, and any person authorized by 1388  
written instrument, executed by the deceased person to make 1389  
burial arrangements. 1390

(2) "Relative" means any of the following persons: the 1391  
deceased person's surviving spouse, children, parents, or 1392  
siblings. 1393

(B) The coroner, deputy coroner, or pathologist shall 1394  
perform an autopsy if, in the opinion of the coroner, or, in ~~his~~ 1395  
the coroner's absence, in the opinion of the deputy coroner, an 1396  
autopsy is necessary, except for certain circumstances provided 1397  
for in this section where a relative or friend of the deceased 1398  
person informs the coroner that an autopsy is contrary to the 1399  
deceased person's religious beliefs, or the coroner otherwise 1400  
has reason to believe that an autopsy is contrary to the 1401  
deceased person's religious beliefs. The coroner has such reason 1402

to believe an autopsy is contrary to the deceased person's 1403  
religious beliefs if a document signed by the deceased and 1404  
stating an objection to an autopsy is found on the ~~deceased's~~ 1405  
deceased person or in ~~his~~ the deceased person's effects. For the 1406  
purposes of this division, a person is a relative or friend of 1407  
the deceased person if the person presents an affidavit stating 1408  
that ~~he~~ the person is a relative or friend as defined in 1409  
division (A) of this section. 1410

(C) (1) Except as provided in division (F) of this section, 1411  
if a relative or friend of the deceased person informs the 1412  
coroner that an autopsy is contrary to the deceased person's 1413  
religious beliefs, or the coroner otherwise has reason to 1414  
believe that an autopsy is contrary to the deceased person's 1415  
religious beliefs, and the coroner concludes the autopsy is a 1416  
compelling public necessity, no autopsy shall be performed for 1417  
forty-eight hours after the coroner takes charge of the deceased 1418  
person. An autopsy is a compelling public necessity if it is 1419  
necessary to the conduct of an investigation by law enforcement 1420  
officials of a homicide or suspected homicide, or any other 1421  
criminal investigation, or is necessary to establish the cause 1422  
of the deceased person's death for the purpose of protecting 1423  
against an immediate and substantial threat to the public 1424  
health. During the forty-eight-hour period, the objecting 1425  
relative or friend may file suit to enjoin the autopsy, and 1426  
shall give notice of any such filing to the coroner. The coroner 1427  
may seek an order waiving the forty-eight-hour waiting period. 1428  
If the coroner seeks such an order, the court shall give notice 1429  
of the coroner's motion, by telephone if necessary, to the 1430  
objecting relative or friend, or, if none objected, to all of 1431  
the deceased person's relatives whose addresses or telephone 1432  
numbers can be obtained through the exercise of reasonable 1433



diligence. The court may grant the coroner's motion if the court 1434  
determines that no friend or relative of the deceased person 1435  
objects to the autopsy or if the court is satisfied that any 1436  
objections of a friend or relative have been heard, and if it 1437  
also determines that the delay may prejudice the accuracy of the 1438  
autopsy, or if law enforcement officials are investigating the 1439  
deceased person's death as a homicide and suspect the objecting 1440  
party committed the homicide or aided or abetted in the 1441  
homicide. If no friend or relative files suit within the forty- 1442  
eight-hour period, the coroner may proceed with the autopsy. 1443

(2) The court shall hear a petition to enjoin an autopsy 1444  
within forty-eight hours after the filing of the petition. The 1445  
Rules of Civil Procedure shall govern all aspects of the 1446  
proceedings, except as otherwise provided in division (C) (2) of 1447  
this section. The court is not bound by the rules of evidence in 1448  
the conduct of the hearing. The court shall order the autopsy if 1449  
the court finds that under the circumstances the coroner has 1450  
demonstrated a need for the autopsy. If the court enjoins the 1451  
autopsy, the coroner shall immediately proceed under section 1452  
313.14 of the Revised Code. 1453

(D) (1) If a relative or friend of the decedent informs the 1454  
coroner that an autopsy is contrary to the deceased person's 1455  
religious beliefs, or the coroner otherwise has reason to 1456  
believe that an autopsy is contrary to the deceased person's 1457  
religious beliefs, and the coroner concludes the autopsy is 1458  
necessary, but not a compelling public necessity, the coroner 1459  
may file a petition in a court of common pleas seeking a 1460  
declaratory judgment authorizing the autopsy. Upon the filing of 1461  
the petition, the court shall schedule a hearing on the 1462  
petition, and shall issue a summons to the objecting relative or 1463  
friend, or, if none objected, to all of the deceased person's 1464

relatives whose addresses can be obtained through the exercise 1465  
of reasonable diligence. The court shall hold the hearing no 1466  
later than forty-eight hours after the filing of the petition. 1467  
The court shall conduct the hearing in the manner provided in 1468  
division (C) (2) of this section. 1469

(2) Each person claiming to be a relative or friend of the 1470  
deceased person shall immediately upon receipt of the summons 1471  
file an affidavit with the court stating the facts upon which 1472  
the claim is based. If the court finds that any person is 1473  
falsely representing ~~himself~~ self as a relative or friend of the 1474  
deceased person, the court shall dismiss the person from the 1475  
action. If after dismissal no objecting party remains, and the 1476  
coroner does not have reason to believe that an autopsy is 1477  
contrary to the deceased person's religious beliefs, the court 1478  
shall dismiss the action and the coroner may proceed with the 1479  
autopsy. The court shall order the autopsy after hearing the 1480  
petition if the court finds that under the circumstances the 1481  
coroner has demonstrated a need for the autopsy. The court shall 1482  
waive the payment of all court costs in the action. If the 1483  
petition is denied, the coroner shall immediately proceed under 1484  
section 313.14 of the Revised Code. 1485

Any autopsy performed pursuant to a court order granting 1486  
an autopsy shall be performed using the least intrusive 1487  
procedure. 1488

(E) For purposes of divisions (B), (C) (1), and (D) (1) of 1489  
this section, any time the friends or relatives of a deceased 1490  
person disagree about whether an autopsy is contrary to the 1491  
deceased person's religious beliefs, the coroner shall consider 1492  
only the information provided to ~~him~~ the coroner by the person 1493  
of highest priority, as determined by which is listed first 1494

|   |  |
|---|--|
| among the following:  | 1495   |
| (1) The deceased person's surviving spouse;   | 1496   |
| (2) An adult son or daughter of the deceased person;  | 1497   |
| (3) Either parent of the deceased person;   | 1498   |
| (4) An adult brother or sister of the deceased person;  | 1499   |
| (5) The guardian of the person of the deceased person at<br>the time of death;  | 1500<br>1501                                 |
| (6) A person other than those listed in divisions (E) (1)<br>to (5) of this section who is a friend as defined in division<br>(A) of this section.  | 1502<br>1503<br>1504                         |
| If two or more persons of equal priority disagree about<br>whether an autopsy is contrary to the deceased person's<br>religious beliefs, and those persons are also of the highest<br>priority among those who provide the coroner with information<br>the coroner has reason to believe that an autopsy is contrary to<br>the deceased person's religious beliefs.                     | 1505<br>1506<br>1507<br>1508<br>1509<br>1510 |
| (F) (1) Divisions (C) (1) and (2) of this section do not<br>apply in any case involving aggravated murder, suspected<br>aggravated murder, murder, suspected murder, <u>aggravated abortion</u><br><u>murder, suspected aggravated abortion murder, abortion murder,</u><br><u>suspected abortion murder, manslaughter offenses, or suspected</u><br>manslaughter offenses.             | 1511<br>1512<br>1513<br>1514<br>1515<br>1516 |
| (2) This section does not prohibit the coroner, deputy<br>coroner, or pathologist from administering a chemical test to<br>the blood of a deceased person to determine the alcohol, drug,<br>or alcohol and drug content of the blood, when required by<br>division (B) of section 313.13 of the Revised Code, and does not<br>limit the coroner, deputy coroner, or pathologist in the | 1517<br>1518<br>1519<br>1520<br>1521<br>1522 |

performance of ~~his~~ the coroner's, deputy coroner's, or 1523  
pathologist's duties in administering a chemical test under that 1524  
division. 1525

**Sec. 2105.19.** (A) Except as provided in division (C) of 1526  
this section, no person who is convicted of, pleads guilty to, 1527  
or is found not guilty by reason of insanity of a violation of 1528  
or complicity in the violation of section 2903.01, 2903.02, ~~or~~ 1529  
2903.03, 2904.03, or 2904.04 of the Revised Code or a violation 1530  
of division (A) of section 2903.04 of the Revised Code that is 1531  
not a proximate result of a felony violation of section 2903.06 1532  
of the Revised Code, or of an existing or former law of any 1533  
other state, the United States, or a foreign nation, 1534  
substantially equivalent to a violation of or complicity in the 1535  
violation of any of these sections, no person who is indicted 1536  
for a violation of or complicity in the violation of any of 1537  
those sections or laws and subsequently is adjudicated 1538  
incompetent to stand trial on that charge, and no juvenile who 1539  
is found to be a delinquent child by reason of committing an act 1540  
that, if committed by an adult, would be a violation of or 1541  
complicity in the violation of any of those sections or laws, 1542  
shall in any way benefit by the death. All property of the 1543  
decedent, and all money, insurance proceeds, or other property 1544  
or benefits payable or distributable in respect of the 1545  
decedent's death, shall pass or be paid or distributed as if the 1546  
person who caused the death of the decedent had predeceased the 1547  
decedent. 1548

(B) A person prohibited by division (A) of this section 1549  
from benefiting by the death of another is a constructive 1550  
trustee for the benefit of those entitled to any property or 1551  
benefit that the person has obtained, or over which the person 1552  
has exerted control, because of the decedent's death. A person 1553

who purchases any such property or benefit from the constructive trustee, for value, in good faith, and without notice of the constructive trustee's disability under division (A) of this section, acquires good title, but the constructive trustee is accountable to the beneficiaries for the proceeds or value of the property or benefit.

(C) A person who is prohibited from benefiting from a death pursuant to division (A) of this section either because the person was adjudicated incompetent to stand trial or was found not guilty by reason of insanity, or the person's guardian appointed pursuant to Chapter 2111. of the Revised Code or other legal representative, may file a complaint to declare the person's right to benefit from the death in the probate court in which the decedent's estate is being administered or that released the estate from administration. The complaint shall be filed no later than sixty days after the person is adjudicated incompetent to stand trial or found not guilty by reason of insanity. The court shall notify each person who is a devisee or legatee under the decedent's will, or if there is no will, each person who is an heir of the decedent pursuant to section 2105.06 of the Revised Code that a complaint of that nature has been filed within ten days after the filing of the complaint. The person who files the complaint, and each person who is required to be notified of the filing of the complaint under this division, is entitled to a jury trial in the action. To assert the right, the person desiring a jury trial shall demand a jury in the manner prescribed in the Civil Rules.

A person who files a complaint pursuant to this division shall be restored to the person's right to benefit from the death unless the court determines, by a preponderance of the evidence, that the person would have been convicted of a

violation of, or complicity in the violation of, section 1585  
2903.01, 2903.02, ~~or~~ 2903.03, 2904.03, or 2904.04 of the Revised 1586  
Code or a violation of division (A) of section 2903.04 of the 1587  
Revised Code that is not a proximate result of a felony 1588  
violation of section 2903.06 of the Revised Code, or of a law of 1589  
another state, the United States, or a foreign nation that is 1590  
substantially similar to any of those sections, if the person 1591  
had been brought to trial in the case in which the person was 1592  
adjudicated incompetent or if the person were not insane at the 1593  
time of the commission of the offense. 1594

**Sec. 2108.77.** If the person named as the declarant's 1595  
representative or successor representative in a written 1596  
declaration, or the person who has a deceased adult's right of 1597  
disposition pursuant to section 2108.81 of the Revised Code, 1598  
meets any of the following criteria, the person shall be 1599  
disqualified from serving as the representative or successor 1600  
representative, or from having the right: 1601

(A) (1) Subject to division (A) (2) of this section, the 1602  
person has been charged with murder, aggravated murder, 1603  
aggravated abortion murder, abortion murder, or voluntary 1604  
manslaughter. 1605

(2) If the charges against the person described in 1606  
division (A) (1) of this section are dismissed or if the person 1607  
is acquitted of such charges, the right is restored to the 1608  
person. 1609

(B) (1) Subject to division (B) (2) of this section, the 1610  
person has been charged with an act of domestic violence under 1611  
section 2919.25 of the Revised Code and it has been alleged in 1612  
the charging instrument or accompanying papers that the act 1613  
resulted in or contributed to the declarant's death. 1614

(2) If the charges against the person described in 1615  
division (B)(1) of this section are dismissed or if the person 1616  
is acquitted of such charges, the right is restored to the 1617  
person. 1618

(C) The person and the declarant or deceased adult are 1619  
spouses and an action to terminate the marriage pursuant to 1620  
Chapter 3105. of the Revised Code was pending at the time of the 1621  
declarant's or deceased adult's death. 1622

(D) The person and the declarant or deceased adult are 1623  
spouses and a probate court, on the motion of any other person 1624  
or its own motion, determines that the declarant's or deceased 1625  
adult's spouse and the declarant were estranged at the time of 1626  
the declarant's or deceased adult's death. As used in this 1627  
division, "estranged" means that a declarant's or a deceased 1628  
adult's spouse and the declarant or deceased adult were 1629  
physically and emotionally separated from each other, at the 1630  
time of the declarant's or deceased adult's death, and had been 1631  
separated for a period of time that clearly demonstrates an 1632  
absence of due affection, trust, and regard between spouse and 1633  
the declarant of deceased adult. 1634

**Sec. 2151.356.** (A) The records of a case in which a person 1635  
was adjudicated a delinquent child for committing a violation of 1636  
section 2903.01, 2903.02, 2904.03, 2904.04, or 2907.02 of the 1637  
Revised Code shall not be sealed under this section. 1638

(B)(1) The juvenile court shall promptly order the 1639  
immediate sealing of records pertaining to a juvenile in any of 1640  
the following circumstances: 1641

(a) If the court receives a record from a public office or 1642  
agency under division (B)(2) of this section; 1643

(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

(c) If a person was charged with violating division (E) (1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E) (2) (a) of section 4301.69 of the Revised Code with respect to that charge;

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of



the act. The records delivered to the court as required under 1674  
this division shall not include fingerprints, DNA specimens, and 1675  
DNA records described under division (A) (3) of section 2151.357 1676  
of the Revised Code. 1677

(C) (1) The juvenile court shall consider the sealing of 1678  
records pertaining to a juvenile upon the court's own motion or 1679  
upon the application of a person if the person has been 1680  
adjudicated a delinquent child for committing an act other than 1681  
a violation of section 2903.01, 2903.02, 2904.03, 2904.04, or 1682  
2907.02 of the Revised Code, an unruly child, or a juvenile 1683  
traffic offender and if, at the time of the motion or 1684  
application, the person is not under the jurisdiction of the 1685  
court in relation to a complaint alleging the person to be a 1686  
delinquent child. The court shall not require a fee for the 1687  
filing of the application. The motion or application may be made 1688  
on or after the time specified in whichever of the following is 1689  
applicable: 1690

(a) If the person is under eighteen years of age, at any 1691  
time after six months after any of the following events occur: 1692

(i) The termination of any order made by the court in 1693  
relation to the adjudication; 1694

(ii) The unconditional discharge of the person from the 1695  
department of youth services with respect to a dispositional 1696  
order made in relation to the adjudication or from an 1697  
institution or facility to which the person was committed 1698  
pursuant to a dispositional order made in relation to the 1699  
adjudication; 1700

(iii) The court enters an order under section 2152.84 or 1701  
2152.85 of the Revised Code that contains a determination that 1702

the child is no longer a juvenile offender registrant. 1703

(b) If the person is eighteen years of age or older, at 1704  
any time after the later of the following: 1705

(i) The person's attainment of eighteen years of age; 1706

(ii) The occurrence of any event identified in divisions 1707  
(C) (1) (a) (i) to (iii) of this section. 1708

(2) In making the determination whether to seal records 1709  
pursuant to division (C) (1) of this section, all of the 1710  
following apply: 1711

(a) The court may require a person filing an application 1712  
under division (C) (1) of this section to submit any relevant 1713  
documentation to support the application. 1714

(b) The court may cause an investigation to be made to 1715  
determine if the person who is the subject of the proceedings 1716  
has been rehabilitated to a satisfactory degree. 1717

(c) The court shall promptly notify the prosecuting 1718  
attorney of any proceedings to seal records initiated pursuant 1719  
to division (C) (1) of this section. 1720

(d) (i) The prosecuting attorney may file a response with 1721  
the court within thirty days of receiving notice of the sealing 1722  
proceedings. 1723

(ii) If the prosecuting attorney does not file a response 1724  
with the court or if the prosecuting attorney files a response 1725  
but indicates that the prosecuting attorney does not object to 1726  
the sealing of the records, the court may order the records of 1727  
the person that are under consideration to be sealed without 1728  
conducting a hearing on the motion or application. If the court 1729  
decides in its discretion to conduct a hearing on the motion or 1730

application, the court shall conduct the hearing within thirty 1731  
days after making that decision and shall give notice, by 1732  
regular mail, of the date, time, and location of the hearing to 1733  
the prosecuting attorney and to the person who is the subject of 1734  
the records under consideration. 1735

(iii) If the prosecuting attorney files a response with 1736  
the court that indicates that the prosecuting attorney objects 1737  
to the sealing of the records, the court shall conduct a hearing 1738  
on the motion or application within thirty days after the court 1739  
receives the response. The court shall give notice, by regular 1740  
mail, of the date, time, and location of the hearing to the 1741  
prosecuting attorney and to the person who is the subject of the 1742  
records under consideration. 1743

(e) After conducting a hearing in accordance with division 1744  
(C) (2) (d) of this section or after due consideration when a 1745  
hearing is not conducted, except as provided in division (B) (1) 1746  
(c) of this section, the court may order the records of the 1747  
person that are the subject of the motion or application to be 1748  
sealed if it finds that the person has been rehabilitated to a 1749  
satisfactory degree. In determining whether the person has been 1750  
rehabilitated to a satisfactory degree, the court may consider 1751  
all of the following: 1752

(i) The age of the person; 1753

(ii) The nature of the case; 1754

(iii) The cessation or continuation of delinquent, unruly, 1755  
or criminal behavior; 1756

(iv) The education and employment history of the person; 1757

(v) The granting of a new tier classification or 1758  
declassification from the juvenile offender registry pursuant to 1759

section 2152.85 of the Revised Code, except for public registry-qualified juvenile offender registrants;

(vi) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.

(D) (1) (a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.

(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2904.03, 2904.04, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide written notice to the person that does all of the following:

(a) States that the person may apply to the court for an order to seal the record;

|  |  |
|--|--|
| (b) Explains what sealing a record means;  | 1789   |
| (c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;   | 1790<br>1791<br>1792   |
| (d) Explains what expunging a record means.  | 1793   |
| (3) The department of youth services and any other institution or facility that unconditionally discharges a person who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.  | 1794<br>1795<br>1796<br>1797<br>1798<br>1799<br>1800   |
| <b>Sec. 2151.414.</b> (A) (1) Upon the filing of a motion pursuant to section 2151.413 of the Revised Code for permanent custody of a child, the court shall schedule a hearing and give notice of the filing of the motion and of the hearing, in accordance with section 2151.29 of the Revised Code, to all parties to the action and to the child's guardian ad litem. The notice also shall contain a full explanation that the granting of permanent custody permanently divests the parents of their parental rights, a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent, and the name and telephone number of the court employee designated by the court pursuant to section 2151.314 of the Revised Code to arrange for the prompt appointment of counsel for indigent persons. | 1801<br>1802<br>1803<br>1804<br>1805<br>1806<br>1807<br>1808<br>1809<br>1810<br>1811<br>1812<br>1813<br>1814 |
| The court shall conduct a hearing in accordance with section 2151.35 of the Revised Code to determine if it is in the best interest of the child to permanently terminate parental   | 1815<br>1816<br>1817   |

rights and grant permanent custody to the agency that filed the 1818  
motion. The adjudication that the child is an abused, neglected, 1819  
or dependent child and any dispositional order that has been 1820  
issued in the case under section 2151.353 of the Revised Code 1821  
pursuant to the adjudication shall not be readjudicated at the 1822  
hearing and shall not be affected by a denial of the motion for 1823  
permanent custody. 1824

(2) The court shall hold the hearing scheduled pursuant to 1825  
division (A) (1) of this section not later than one hundred 1826  
twenty days after the agency files the motion for permanent 1827  
custody, except that, for good cause shown, the court may 1828  
continue the hearing for a reasonable period of time beyond the 1829  
one-hundred-twenty-day deadline. The court shall issue an order 1830  
that grants, denies, or otherwise disposes of the motion for 1831  
permanent custody, and journalize the order, not later than two 1832  
hundred days after the agency files the motion. 1833

If a motion is made under division (D) (2) of section 1834  
2151.413 of the Revised Code and no dispositional hearing has 1835  
been held in the case, the court may hear the motion in the 1836  
dispositional hearing required by division (B) of section 1837  
2151.35 of the Revised Code. If the court issues an order 1838  
pursuant to section 2151.353 of the Revised Code granting 1839  
permanent custody of the child to the agency, the court shall 1840  
immediately dismiss the motion made under division (D) (2) of 1841  
section 2151.413 of the Revised Code. 1842

The failure of the court to comply with the time periods 1843  
set forth in division (A) (2) of this section does not affect the 1844  
authority of the court to issue any order under this chapter and 1845  
does not provide any basis for attacking the jurisdiction of the 1846  
court or the validity of any order of the court. 1847

(B) (1) Except as provided in division (B) (2) of this 1848  
section, the court may grant permanent custody of a child to a 1849  
movant if the court determines at the hearing held pursuant to 1850  
division (A) of this section, by clear and convincing evidence, 1851  
that it is in the best interest of the child to grant permanent 1852  
custody of the child to the agency that filed the motion for 1853  
permanent custody and that any of the following apply: 1854

(a) The child is not abandoned or orphaned, has not been 1855  
in the temporary custody of one or more public children services 1856  
agencies or private child placing agencies for twelve or more 1857  
months of a consecutive twenty-two-month period, or has not been 1858  
in the temporary custody of one or more public children services 1859  
agencies or private child placing agencies for twelve or more 1860  
months of a consecutive twenty-two-month period if, as described 1861  
in division (D) (1) of section 2151.413 of the Revised Code, the 1862  
child was previously in the temporary custody of an equivalent 1863  
agency in another state, and the child cannot be placed with 1864  
either of the child's parents within a reasonable time or should 1865  
not be placed with the child's parents. 1866

(b) The child is abandoned. 1867

(c) The child is orphaned, and there are no relatives of 1868  
the child who are able to take permanent custody. 1869

(d) The child has been in the temporary custody of one or 1870  
more public children services agencies or private child placing 1871  
agencies for twelve or more months of a consecutive twenty-two- 1872  
month period, or the child has been in the temporary custody of 1873  
one or more public children services agencies or private child 1874  
placing agencies for twelve or more months of a consecutive 1875  
twenty-two-month period and, as described in division (D) (1) of 1876  
section 2151.413 of the Revised Code, the child was previously 1877

in the temporary custody of an equivalent agency in another 1878  
state. 1879

(e) The child or another child in the custody of the 1880  
parent or parents from whose custody the child has been removed 1881  
has been adjudicated an abused, neglected, or dependent child on 1882  
three separate occasions by any court in this state or another 1883  
state. 1884

For the purposes of division (B) (1) of this section, a 1885  
child shall be considered to have entered the temporary custody 1886  
of an agency on the earlier of the date the child is adjudicated 1887  
pursuant to section 2151.28 of the Revised Code or the date that 1888  
is sixty days after the removal of the child from home. 1889

(2) With respect to a motion made pursuant to division (D) 1890  
(2) of section 2151.413 of the Revised Code, the court shall 1891  
grant permanent custody of the child to the movant if the court 1892  
determines in accordance with division (E) of this section that 1893  
the child cannot be placed with one of the child's parents 1894  
within a reasonable time or should not be placed with either 1895  
parent and determines in accordance with division (D) of this 1896  
section that permanent custody is in the child's best interest. 1897

(C) In making the determinations required by this section 1898  
or division (A) (4) of section 2151.353 of the Revised Code, a 1899  
court shall not consider the effect the granting of permanent 1900  
custody to the agency would have upon any parent of the child. A 1901  
written report of the guardian ad litem of the child shall be 1902  
submitted to the court prior to or at the time of the hearing 1903  
held pursuant to division (A) of this section or section 2151.35 1904  
of the Revised Code but shall not be submitted under oath. 1905

If the court grants permanent custody of a child to a 1906



movant under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding. The court shall not deny an agency's motion for permanent custody solely because the agency failed to implement any particular aspect of the child's case plan.

(D) (1) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all relevant factors, including, but not limited to, the following:

(a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;

(b) The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;

(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

|   |                                      |
|---|--------------------------------------|
| (d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;  | 1937<br>1938<br>1939                 |
| (e) Whether any of the factors in divisions (E) (7) to (11) of this section apply in relation to the parents and child.   | 1940<br>1941                         |
| For the purposes of division (D) (1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home. | 1942<br>1943<br>1944<br>1945<br>1946 |
| (2) If all of the following apply, permanent custody is in the best interest of the child, and the court shall commit the child to the permanent custody of a public children services agency or private child placing agency:  | 1947<br>1948<br>1949<br>1950         |
| (a) The court determines by clear and convincing evidence that one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent.   | 1951<br>1952<br>1953<br>1954<br>1955 |
| (b) The child has been in an agency's custody for two years or longer, and no longer qualifies for temporary custody pursuant to division (D) of section 2151.415 of the Revised Code.  | 1956<br>1957<br>1958<br>1959         |
| (c) The child does not meet the requirements for a planned permanent living arrangement pursuant to division (A) (5) of section 2151.353 of the Revised Code.   | 1960<br>1961<br>1962                 |
| (d) Prior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child.   | 1963<br>1964<br>1965                 |

(E) In determining at a hearing held pursuant to division 1966  
(A) of this section or for the purposes of division (A) (4) of 1967  
section 2151.353 of the Revised Code whether a child cannot be 1968  
placed with either parent within a reasonable period of time or 1969  
should not be placed with the parents, the court shall consider 1970  
all relevant evidence. If the court determines, by clear and 1971  
convincing evidence, at a hearing held pursuant to division (A) 1972  
of this section or for the purposes of division (A) (4) of 1973  
section 2151.353 of the Revised Code that one or more of the 1974  
following exist as to each of the child's parents, the court 1975  
shall enter a finding that the child cannot be placed with 1976  
either parent within a reasonable time or should not be placed 1977  
with either parent: 1978

(1) Following the placement of the child outside the 1979  
child's home and notwithstanding reasonable case planning and 1980  
diligent efforts by the agency to assist the parents to remedy 1981  
the problems that initially caused the child to be placed 1982  
outside the home, the parent has failed continuously and 1983  
repeatedly to substantially remedy the conditions causing the 1984  
child to be placed outside the child's home. In determining 1985  
whether the parents have substantially remedied those 1986  
conditions, the court shall consider parental utilization of 1987  
medical, psychiatric, psychological, and other social and 1988  
rehabilitative services and material resources that were made 1989  
available to the parents for the purpose of changing parental 1990  
conduct to allow them to resume and maintain parental duties. 1991

(2) Chronic mental illness, chronic emotional illness, 1992  
intellectual disability, physical disability, or chemical 1993  
dependency of the parent that is so severe that it makes the 1994  
parent unable to provide an adequate permanent home for the 1995  
child at the present time and, as anticipated, within one year 1996

after the court holds the hearing pursuant to division (A) of 1997  
this section or for the purposes of division (A)(4) of section 1998  
2151.353 of the Revised Code; 1999

(3) The parent committed any abuse as described in section 2000  
2151.031 of the Revised Code against the child, caused the child 2001  
to suffer any neglect as described in section 2151.03 of the 2002  
Revised Code, or allowed the child to suffer any neglect as 2003  
described in section 2151.03 of the Revised Code between the 2004  
date that the original complaint alleging abuse or neglect was 2005  
filed and the date of the filing of the motion for permanent 2006  
custody; 2007

(4) The parent has demonstrated a lack of commitment 2008  
toward the child by failing to regularly support, visit, or 2009  
communicate with the child when able to do so, or by other 2010  
actions showing an unwillingness to provide an adequate 2011  
permanent home for the child; 2012

(5) The parent is incarcerated for an offense committed 2013  
against the child or a sibling of the child; 2014

(6) The parent has been convicted of or pleaded guilty to 2015  
an offense under division (A) or (C) of section 2919.22 or under 2016  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2017  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 2018  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2019  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 2020  
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 2021  
Code, and the child or a sibling of the child was a victim of 2022  
the offense, or the parent has been convicted of or pleaded 2023  
guilty to an offense under section 2903.04 of the Revised Code, 2024  
a sibling of the child was the victim of the offense, and the 2025  
parent who committed the offense poses an ongoing danger to the 2026

child or a sibling of the child. 2027

(7) The parent has been convicted of or pleaded guilty to 2028  
one of the following: 2029

(a) An offense under section 2903.01, 2903.02, ~~or 2903.03,~~ 2030  
2904.03, or 2904.04 of the Revised Code or under an existing or 2031  
former law of this state, any other state, or the United States 2032  
that is substantially equivalent to an offense described in 2033  
those sections and the victim of the offense was a sibling of 2034  
the child or the victim was another child who lived in the 2035  
parent's household at the time of the offense; 2036

(b) An offense under section 2903.11, 2903.12, or 2903.13 2037  
of the Revised Code or under an existing or former law of this 2038  
state, any other state, or the United States that is 2039  
substantially equivalent to an offense described in those 2040  
sections and the victim of the offense is the child, a sibling 2041  
of the child, or another child who lived in the parent's 2042  
household at the time of the offense; 2043

(c) An offense under division (B) (2) of section 2919.22 of 2044  
the Revised Code or under an existing or former law of this 2045  
state, any other state, or the United States that is 2046  
substantially equivalent to the offense described in that 2047  
section and the child, a sibling of the child, or another child 2048  
who lived in the parent's household at the time of the offense 2049  
is the victim of the offense; 2050

(d) An offense under section 2907.02, 2907.03, 2907.04, 2051  
2907.05, or 2907.06 of the Revised Code or under an existing or 2052  
former law of this state, any other state, or the United States 2053  
that is substantially equivalent to an offense described in 2054  
those sections and the victim of the offense is the child, a 2055

sibling of the child, or another child who lived in the parent's household at the time of the offense;

(e) An offense under section 2905.32, 2907.21, or 2907.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(f) A conspiracy or attempt to commit, or complicity in committing, an offense described in division (E) (7) (a), (d), or (e) of this section.

(8) The parent has repeatedly withheld medical treatment or food from the child when the parent has the means to provide the treatment or food, and, in the case of withheld medical treatment, the parent withheld it for a purpose other than to treat the physical or mental illness or defect of the child by spiritual means through prayer alone in accordance with the tenets of a recognized religious body.

(9) The parent has placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and has rejected treatment two or more times or refused to participate in further treatment two or more times after a case plan issued pursuant to section 2151.412 of the Revised Code requiring treatment of the parent was journalized as part of a dispositional order issued with respect to the child or an order was issued by any other court requiring treatment of the parent.

(10) The parent has abandoned the child.

(11) The parent has had parental rights involuntarily

terminated with respect to a sibling of the child pursuant to 2085  
this section or section 2151.353 or 2151.415 of the Revised 2086  
Code, or under an existing or former law of this state, any 2087  
other state, or the United States that is substantially 2088  
equivalent to those sections, and the parent has failed to 2089  
provide clear and convincing evidence to prove that, 2090  
notwithstanding the prior termination, the parent can provide a 2091  
legally secure permanent placement and adequate care for the 2092  
health, welfare, and safety of the child. 2093

(12) The parent is incarcerated at the time of the filing 2094  
of the motion for permanent custody or the dispositional hearing 2095  
of the child and will not be available to care for the child for 2096  
at least eighteen months after the filing of the motion for 2097  
permanent custody or the dispositional hearing. 2098

(13) The parent is repeatedly incarcerated, and the 2099  
repeated incarceration prevents the parent from providing care 2100  
for the child. 2101

(14) The parent for any reason is unwilling to provide 2102  
food, clothing, shelter, and other basic necessities for the 2103  
child or to prevent the child from suffering physical, 2104  
emotional, or sexual abuse or physical, emotional, or mental 2105  
neglect. 2106

(15) The parent has committed abuse as described in 2107  
section 2151.031 of the Revised Code against the child or caused 2108  
or allowed the child to suffer neglect as described in section 2109  
2151.03 of the Revised Code, and the court determines that the 2110  
seriousness, nature, or likelihood of recurrence of the abuse or 2111  
neglect makes the child's placement with the child's parent a 2112  
threat to the child's safety. 2113

(16) Any other factor the court considers relevant. 2114

(F) The parents of a child for whom the court has issued 2115  
an order granting permanent custody pursuant to this section, 2116  
upon the issuance of the order, cease to be parties to the 2117  
action. This division is not intended to eliminate or restrict 2118  
any right of the parents to appeal the granting of permanent 2119  
custody of their child to a movant pursuant to this section. 2120

**Sec. 2151.419.** (A) (1) Except as provided in division (A) 2121  
(2) of this section, at any hearing held pursuant to section 2122  
2151.28, division (E) of section 2151.31, or section 2151.314, 2123  
2151.33, or 2151.353 of the Revised Code at which the court 2124  
removes a child from the child's home or continues the removal 2125  
of a child from the child's home, the court shall determine 2126  
whether the public children services agency or private child 2127  
placing agency that filed the complaint in the case, removed the 2128  
child from home, has custody of the child, or will be given 2129  
custody of the child has made reasonable efforts to prevent the 2130  
removal of the child from the child's home, to eliminate the 2131  
continued removal of the child from the child's home, or to make 2132  
it possible for the child to return safely home. The agency 2133  
shall have the burden of proving that it has made those 2134  
reasonable efforts. If the agency removed the child from home 2135  
during an emergency in which the child could not safely remain 2136  
at home and the agency did not have prior contact with the 2137  
child, the court is not prohibited, solely because the agency 2138  
did not make reasonable efforts during the emergency to prevent 2139  
the removal of the child, from determining that the agency made 2140  
those reasonable efforts. In determining whether reasonable 2141  
efforts were made, the child's health and safety shall be 2142  
paramount. 2143



(2) If any of the following apply, the court shall make a determination that the agency is not required to make reasonable efforts to prevent the removal of the child from the child's home, eliminate the continued removal of the child from the child's home, and return the child to the child's home:

(a) The parent from whom the child was removed has been convicted of or pleaded guilty to one of the following:

(i) An offense under section 2903.01, 2903.02, ~~or 2903.03,~~ 2904.03, or 2904.04 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense was a sibling of the child or the victim was another child who lived in the parent's household at the time of the offense;

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(iii) An offense under division (B) (2) of section 2919.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;

(iv) An offense under section 2907.02, 2907.03, 2907.04,

2907.05, or 2907.06 of the Revised Code or under an existing or 2173  
former law of this state, any other state, or the United States 2174  
that is substantially equivalent to an offense described in 2175  
those sections and the victim of the offense is the child, a 2176  
sibling of the child, or another child who lived in the parent's 2177  
household at the time of the offense; 2178

(v) An offense under section 2905.32, 2907.21, or 2907.22 2179  
of the Revised Code or under an existing or former law of this 2180  
state, any other state, or the United States that is 2181  
substantially equivalent to the offense described in those 2182  
sections and the victim of the offense is the child, a sibling 2183  
of the child, or another child who lived in the parent's 2184  
household at the time of the offense; 2185

(vi) A conspiracy or attempt to commit, or complicity in 2186  
committing, an offense described in division (A)(2)(a)(i), (iv), 2187  
or (v) of this section. 2188

(b) The parent from whom the child was removed has 2189  
repeatedly withheld medical treatment or food from the child 2190  
when the parent has the means to provide the treatment or food. 2191  
If the parent has withheld medical treatment in order to treat 2192  
the physical or mental illness or defect of the child by 2193  
spiritual means through prayer alone, in accordance with the 2194  
tenets of a recognized religious body, the court or agency shall 2195  
comply with the requirements of division (A)(1) of this section. 2196

(c) The parent from whom the child was removed has placed 2197  
the child at substantial risk of harm two or more times due to 2198  
alcohol or drug abuse and has rejected treatment two or more 2199  
times or refused to participate in further treatment two or more 2200  
times after a case plan issued pursuant to section 2151.412 of 2201  
the Revised Code requiring treatment of the parent was 2202

journalized as part of a dispositional order issued with respect 2203  
to the child or an order was issued by any other court requiring 2204  
such treatment of the parent. 2205

(d) The parent from whom the child was removed has 2206  
abandoned the child. 2207

(e) The parent from whom the child was removed has had 2208  
parental rights involuntarily terminated with respect to a 2209  
sibling of the child pursuant to section 2151.353, 2151.414, or 2210  
2151.415 of the Revised Code or under an existing or former law 2211  
of this state, any other state, or the United States that is 2212  
substantially equivalent to those sections. 2213

(3) At any hearing in which the court determines whether 2214  
to return a child to the child's home, the court may issue an 2215  
order that returns the child in situations in which the 2216  
conditions described in divisions (A) (2) (a) to (e) of this 2217  
section are present. 2218

(B) (1) A court that is required to make a determination as 2219  
described in division (A) (1) or (2) of this section shall issue 2220  
written findings of fact setting forth the reasons supporting 2221  
its determination. If the court makes a written determination 2222  
under division (A) (1) of this section, it shall briefly describe 2223  
in the findings of fact the relevant services provided by the 2224  
agency to the family of the child and why those services did not 2225  
prevent the removal of the child from the child's home or enable 2226  
the child to return safely home. 2227

(2) If a court issues an order that returns the child to 2228  
the child's home in situations in which division (A) (2) (a), (b), 2229  
(c), (d), or (e) of this section applies, the court shall issue 2230  
written findings of fact setting forth the reasons supporting 2231

its determination. 2232

(C) If the court makes a determination pursuant to 2233  
division (A) (2) of this section, the court shall conduct a 2234  
review hearing pursuant to section 2151.417 of the Revised Code 2235  
to approve a permanency plan with respect to the child, unless 2236  
the court issues an order returning the child home pursuant to 2237  
division (A) (3) of this section. The hearing to approve the 2238  
permanency plan may be held immediately following the court's 2239  
determination pursuant to division (A) (2) of this section and 2240  
shall be held no later than thirty days following that 2241  
determination. 2242

**Sec. 2152.02.** As used in this chapter: 2243

(A) "Act charged" means the act that is identified in a 2244  
complaint, indictment, or information alleging that a child is a 2245  
delinquent child. 2246

(B) "Admitted to a department of youth services facility" 2247  
includes admission to a facility operated, or contracted for, by 2248  
the department and admission to a comparable facility outside 2249  
this state by another state or the United States. 2250

(C) (1) "Child" means a person who is under eighteen years 2251  
of age, except as otherwise provided in divisions (C) (2) to (8) 2252  
of this section. 2253

(2) Subject to division (C) (3) of this section, any person 2254  
who violates a federal or state law or a municipal ordinance 2255  
prior to attaining eighteen years of age shall be deemed a 2256  
"child" irrespective of that person's age at the time the 2257  
complaint with respect to that violation is filed or the hearing 2258  
on the complaint is held. 2259

(3) Any person who, while under eighteen years of age, 2260

commits an act that would be a felony if committed by an adult 2261  
and who is not taken into custody or apprehended for that act 2262  
until after the person attains twenty-one years of age is not a 2263  
child in relation to that act. 2264

(4) Except as otherwise provided in divisions (C) (5) and 2265  
(7) of this section, any person whose case is transferred for 2266  
criminal prosecution pursuant to section 2152.12 of the Revised 2267  
Code shall be deemed after the transfer not to be a child in the 2268  
transferred case. 2269

(5) Any person whose case is transferred for criminal 2270  
prosecution pursuant to section 2152.12 of the Revised Code and 2271  
who subsequently is convicted of or pleads guilty to a felony in 2272  
that case, unless a serious youthful offender dispositional 2273  
sentence is imposed on the child for that offense under division 2274  
(B) (2) or (3) of section 2152.121 of the Revised Code and the 2275  
adult portion of that sentence is not invoked pursuant to 2276  
section 2152.14 of the Revised Code, and any person who is 2277  
adjudicated a delinquent child for the commission of an act, who 2278  
has a serious youthful offender dispositional sentence imposed 2279  
for the act pursuant to section 2152.13 of the Revised Code, and 2280  
whose adult portion of the dispositional sentence is invoked 2281  
pursuant to section 2152.14 of the Revised Code, shall be deemed 2282  
after the conviction, plea, or invocation not to be a child in 2283  
any case in which a complaint is filed against the person. 2284

(6) The juvenile court has jurisdiction over a person who 2285  
is adjudicated a delinquent child or juvenile traffic offender 2286  
prior to attaining eighteen years of age until the person 2287  
attains twenty-one years of age, and, for purposes of that 2288  
jurisdiction related to that adjudication, except as otherwise 2289  
provided in this division, a person who is so adjudicated a 2290

delinquent child or juvenile traffic offender shall be deemed a 2291  
"child" until the person attains twenty-one years of age. If a 2292  
person is so adjudicated a delinquent child or juvenile traffic 2293  
offender and the court makes a disposition of the person under 2294  
this chapter, at any time after the person attains twenty-one 2295  
years of age, the places at which the person may be held under 2296  
that disposition are not limited to places authorized under this 2297  
chapter solely for confinement of children, and the person may 2298  
be confined under that disposition, in accordance with division 2299  
(F) (2) of section 2152.26 of the Revised Code, in places other 2300  
than those authorized under this chapter solely for confinement 2301  
of children. 2302

(7) The juvenile court has jurisdiction over any person 2303  
whose case is transferred for criminal prosecution solely for 2304  
the purpose of detaining the person as authorized in division 2305  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 2306  
person is convicted of or pleads guilty to a felony in the adult 2307  
court. 2308

(8) Any person who, while eighteen years of age, violates 2309  
division (A) (1) or (2) of section 2919.27 of the Revised Code by 2310  
violating a protection order issued or consent agreement 2311  
approved under section 2151.34 or 3113.31 of the Revised Code 2312  
shall be considered a child for the purposes of that violation 2313  
of section 2919.27 of the Revised Code. 2314

(D) "Community corrections facility," "public safety 2315  
beds," "release authority," and "supervised release" have the 2316  
same meanings as in section 5139.01 of the Revised Code. 2317

(E) "Delinquent child" includes any of the following: 2318

(1) Any child, except a juvenile traffic offender, who 2319

violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;

(2) Any child who violates any lawful order of the court made under this chapter, including a child who violates a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;

(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C) (1) or (D) of section 2925.55 of the Revised Code.

(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.

(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.

(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.

(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.

(J) "Electronic monitoring" and "electronic monitoring

device" have the same meanings as in section 2929.01 of the Revised Code.

(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(L) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(M) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.

(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.

(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer and



also includes, for purposes of imposition of a mandatory serious 2377  
youthful dispositional sentence under section 2152.13 of the 2378  
Revised Code, a person upon whom a juvenile court is required to 2379  
impose such a sentence under division (B) (3) of section 2152.121 2380  
of the Revised Code. 2381

(Q) "Mandatory SYO" means a case in which the juvenile 2382  
court is required to impose a mandatory serious youthful 2383  
offender disposition under section 2152.13 of the Revised Code. 2384

(R) "Mandatory transfer" means that a case is required to 2385  
be transferred for criminal prosecution under division (A) of 2386  
section 2152.12 of the Revised Code. 2387

(S) "Mental illness" has the same meaning as in section 2388  
5122.01 of the Revised Code. 2389

(T) "Monitored time" and "repeat violent offender" have 2390  
the same meanings as in section 2929.01 of the Revised Code. 2391

(U) "Of compulsory school age" has the same meaning as in 2392  
section 3321.01 of the Revised Code. 2393

(V) "Public record" has the same meaning as in section 2394  
149.43 of the Revised Code. 2395

(W) "Serious youthful offender" means a person who is 2396  
eligible for a mandatory SYO or discretionary SYO but who is not 2397  
transferred to adult court under a mandatory or discretionary 2398  
transfer and also includes, for purposes of imposition of a 2399  
mandatory serious youthful dispositional sentence under section 2400  
2152.13 of the Revised Code, a person upon whom a juvenile court 2401  
is required to impose such a sentence under division (B) (3) of 2402  
section 2152.121 of the Revised Code. 2403

(X) "Sexually oriented offense," "juvenile offender 2404

registrant," "child-victim oriented offense," "tier I sex 2405  
offender/child-victim offender," "tier II sex offender/child- 2406  
victim offender," "tier III sex offender/child-victim offender," 2407  
and "public registry-qualified juvenile offender registrant" 2408  
have the same meanings as in section 2950.01 of the Revised 2409  
Code. 2410

(Y) "Traditional juvenile" means a case that is not 2411  
transferred to adult court under a mandatory or discretionary 2412  
transfer, that is eligible for a disposition under sections 2413  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 2414  
that is not eligible for a disposition under section 2152.13 of 2415  
the Revised Code. 2416

(Z) "Transfer" means the transfer for criminal prosecution 2417  
of a case involving the alleged commission by a child of an act 2418  
that would be an offense if committed by an adult from the 2419  
juvenile court to the appropriate court that has jurisdiction of 2420  
the offense. 2421

(AA) "Category one offense" means any of the following: 2422

(1) A violation of section 2903.01 ~~or,~~ 2903.02, 2904.03, 2423  
or 2904.04 of the Revised Code; 2424

(2) A violation of section 2923.02 of the Revised Code 2425  
involving an attempt to commit aggravated murder ~~or,~~ murder, 2426  
aggravated abortion murder, or abortion murder. 2427

(BB) "Category two offense" means any of the following: 2428

(1) A violation of section 2903.03, 2905.01, 2907.02, 2429  
2909.02, 2911.01, or 2911.11 of the Revised Code; 2430

(2) A violation of section 2903.04 of the Revised Code 2431  
that is a felony of the first degree; 2432

(3) A violation of section 2907.12 of the Revised Code as 2433  
it existed prior to September 3, 1996. 2434

(CC) "Non-economic loss" means nonpecuniary harm suffered 2435  
by a victim of a delinquent act or juvenile traffic offense as a 2436  
result of or related to the delinquent act or juvenile traffic 2437  
offense, including, but not limited to, pain and suffering; loss 2438  
of society, consortium, companionship, care, assistance, 2439  
attention, protection, advice, guidance, counsel, instruction, 2440  
training, or education; mental anguish; and any other intangible 2441  
loss. 2442

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this 2443  
section, any person having knowledge of a child who appears to 2444  
be a juvenile traffic offender or to be a delinquent child may 2445  
file a sworn complaint with respect to that child in the 2446  
juvenile court of the county in which the child has a residence 2447  
or legal settlement or in which the traffic offense or 2448  
delinquent act allegedly occurred. The sworn complaint may be 2449  
upon information and belief, and, in addition to the allegation 2450  
that the child is a delinquent child or a juvenile traffic 2451  
offender, the complaint shall allege the particular facts upon 2452  
which the allegation that the child is a delinquent child or a 2453  
juvenile traffic offender is based. 2454

If a child appears to be a delinquent child who is 2455  
eligible for a serious youthful offender dispositional sentence 2456  
under section 2152.11 of the Revised Code and if the prosecuting 2457  
attorney desires to seek a serious youthful offender 2458  
dispositional sentence under section 2152.13 of the Revised Code 2459  
in regard to the child, the prosecuting attorney of the county 2460  
in which the alleged delinquency occurs may initiate a case in 2461  
the juvenile court of the county by presenting the case to a 2462

grand jury for indictment, by charging the child in a bill of 2463  
information as a serious youthful offender pursuant to section 2464  
2152.13 of the Revised Code, by requesting a serious youthful 2465  
offender dispositional sentence in the original complaint 2466  
alleging that the child is a delinquent child, or by filing with 2467  
the juvenile court a written notice of intent to seek a serious 2468  
youthful offender dispositional sentence. This paragraph does 2469  
not apply regarding the imposition of a serious youthful 2470  
offender dispositional sentence pursuant to section 2152.121 of 2471  
the Revised Code. 2472

(2) Any person having knowledge of a child who appears to 2473  
be a delinquent child for violating a court order regarding the 2474  
child's adjudication as an unruly child for being an habitual 2475  
truant, may file a sworn complaint with respect to that child, 2476  
or with respect to that child and the parent, guardian, or other 2477  
person having care of the child, in the juvenile court of the 2478  
county in which the child has a residence or legal settlement or 2479  
in which the child is supposed to attend public school. The 2480  
sworn complaint may be upon information and belief and shall 2481  
allege that the child is a delinquent child for violating a 2482  
court order regarding the child's prior adjudication as an 2483  
unruly child for being a habitual truant and, in addition, the 2484  
particular facts upon which that allegation is based. If the 2485  
complaint contains allegations regarding the child's parent, 2486  
guardian, or other person having care of the child, the 2487  
complaint additionally shall allege that the parent, guardian, 2488  
or other person having care of the child has failed to cause the 2489  
child's attendance at school in violation of section 3321.38 of 2490  
the Revised Code and, in addition, the particular facts upon 2491  
which that allegation is based. 2492

(B) Any person with standing under applicable law may file 2493

a complaint for the determination of any other matter over which 2494  
the juvenile court is given jurisdiction by section 2151.23 of 2495  
the Revised Code. The complaint shall be filed in the county in 2496  
which the child who is the subject of the complaint is found or 2497  
was last known to be found. 2498

(C) Within ten days after the filing of a complaint or the 2499  
issuance of an indictment, the court shall give written notice 2500  
of the filing of the complaint or the issuance of an indictment 2501  
and of the substance of the complaint or indictment to the 2502  
superintendent of a city, local, exempted village, or joint 2503  
vocational school district if the complaint or indictment 2504  
alleges that a child committed an act that would be a criminal 2505  
offense if committed by an adult, that the child was sixteen 2506  
years of age or older at the time of the commission of the 2507  
alleged act, and that the alleged act is any of the following: 2508

(1) A violation of section 2923.122 of the Revised Code 2509  
that relates to property owned or controlled by, or to an 2510  
activity held under the auspices of, the board of education of 2511  
that school district; 2512

(2) A violation of section 2923.12 of the Revised Code, of 2513  
a substantially similar municipal ordinance, or of section 2514  
2925.03 of the Revised Code that was committed on property owned 2515  
or controlled by, or at an activity held under the auspices of, 2516  
the board of education of that school district; 2517

(3) A violation of section 2925.11 of the Revised Code 2518  
that was committed on property owned or controlled by, or at an 2519  
activity held under the auspices of, the board of education of 2520  
that school district, other than a violation of that section 2521  
that would be a minor drug possession offense if committed by an 2522  
adult; 2523

(4) A violation of section 2903.01, 2903.02, 2903.03, 2524  
2903.04, 2903.11, 2903.12, 2904.03, 2904.04, 2907.02, or 2907.05 2525  
of the Revised Code, or a violation of former section 2907.12 of 2526  
the Revised Code, that was committed on property owned or 2527  
controlled by, or at an activity held under the auspices of, the 2528  
board of education of that school district, if the victim at the 2529  
time of the commission of the alleged act was an employee of the 2530  
board of education of that school district; 2531

(5) Complicity in any violation described in division (C) 2532  
(1), (2), (3), or (4) of this section that was alleged to have 2533  
been committed in the manner described in division (C) (1), (2), 2534  
(3), or (4) of this section, regardless of whether the act of 2535  
complicity was committed on property owned or controlled by, or 2536  
at an activity held under the auspices of, the board of 2537  
education of that school district. 2538

(D) A public children services agency, acting pursuant to 2539  
a complaint or an action on a complaint filed under this 2540  
section, is not subject to the requirements of section 3127.23 2541  
of the Revised Code. 2542

(E) For purposes of the record to be maintained by the 2543  
clerk under division (B) of section 2152.71 of the Revised Code, 2544  
when a complaint is filed that alleges that a child is a 2545  
delinquent child, the court shall determine if the victim of the 2546  
alleged delinquent act was sixty-five years of age or older or 2547  
permanently and totally disabled at the time of the alleged 2548  
commission of the act. 2549

(F) (1) At any time after the filing of a complaint 2550  
alleging that a child is a delinquent child and before 2551  
adjudication, the court may hold a hearing to determine whether 2552  
to hold the complaint in abeyance pending the child's successful 2553

completion of actions that constitute a method to divert the 2554  
child from the juvenile court system if the child agrees to the 2555  
hearing and either of the following applies: 2556

(a) The act charged would be a violation of section 2557  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 2558  
were an adult. 2559

(b) The court has reason to believe that the child is a 2560  
victim of a violation of section 2905.32 of the Revised Code, 2561  
regardless of whether any person has been convicted of a 2562  
violation of that section or of any other section for 2563  
victimizing the child, and the act charged is related to the 2564  
child's victimization. 2565

(2) The prosecuting attorney has the right to participate 2566  
in any hearing held under division (F) (1) of this section, to 2567  
object to holding the complaint that is the subject of the 2568  
hearing in abeyance, and to make recommendations related to 2569  
diversion actions. No statement made by a child at a hearing 2570  
held under division (F) (1) of this section is admissible in any 2571  
subsequent proceeding against the child. 2572

(3) If either division (F) (1) (a) or (b) of this section 2573  
applies, the court shall promptly appoint a guardian ad litem 2574  
for the child. The court shall not appoint the child's attorney 2575  
as guardian ad litem. If the court decides to hold the complaint 2576  
in abeyance, the guardian ad litem shall make recommendations 2577  
that are in the best interest of the child to the court. 2578

(4) If after a hearing the court decides to hold the 2579  
complaint in abeyance, the court may make any orders regarding 2580  
placement, services, supervision, diversion actions, and 2581  
conditions of abeyance, including, but not limited to, 2582

engagement in trauma-based behavioral health services or 2583  
education activities, that the court considers appropriate and 2584  
in the best interest of the child. The court may hold the 2585  
complaint in abeyance for up to ninety days while the child 2586  
engages in diversion actions. If the child violates the 2587  
conditions of abeyance or does not complete the diversion 2588  
actions to the court's satisfaction within ninety days, the 2589  
court may extend the period of abeyance for not more than two 2590  
additional ninety-day periods. 2591

(5) If the court holds the complaint in abeyance and the 2592  
child complies with the conditions of abeyance and completes the 2593  
diversion actions to the court's satisfaction, the court shall 2594  
dismiss the complaint and order that the records pertaining to 2595  
the case be expunged immediately. If the child fails to complete 2596  
the diversion actions to the court's satisfaction, the court 2597  
shall proceed upon the complaint. 2598

**Sec. 2152.11.** (A) A child who is adjudicated a delinquent 2599  
child for committing an act that would be a felony if committed 2600  
by an adult is eligible for a particular type of disposition 2601  
under this section if the child was not transferred under 2602  
section 2152.12 of the Revised Code. If the complaint, 2603  
indictment, or information charging the act includes one or more 2604  
of the following factors, the act is considered to be enhanced, 2605  
and the child is eligible for a more restrictive disposition 2606  
under this section; 2607

(1) The act charged against the child would be an offense 2608  
of violence if committed by an adult. 2609

(2) During the commission of the act charged, the child 2610  
used a firearm, displayed a firearm, brandished a firearm, or 2611  
indicated that the child possessed a firearm and actually 2612



possessed a firearm. 2613

(3) The child previously was admitted to a department of 2614  
youth services facility for the commission of an act that would 2615  
have been aggravated murder, murder, aggravated abortion murder, 2616  
abortion murder, a felony of the first or second degree if 2617  
committed by an adult, or an act that would have been a felony 2618  
of the third degree and an offense of violence if committed by 2619  
an adult. 2620

(B) If a child is adjudicated a delinquent child for 2621  
committing an act that would be aggravated murder ~~or,~~ murder, 2622  
aggravated abortion murder, or abortion murder if committed by 2623  
an adult, the child is eligible for whichever of the following 2624  
is appropriate: 2625

(1) Mandatory SYO, if the act allegedly was committed when 2626  
the child was fourteen or fifteen years of age; 2627

(2) Discretionary SYO, if the act was committed when the 2628  
child was ten, eleven, twelve, or thirteen years of age; 2629

(3) Traditional juvenile, if divisions (B)(1) and (2) of 2630  
this section do not apply. 2631

(C) If a child is adjudicated a delinquent child for 2632  
committing an act that would be attempted aggravated murder, ~~or~~ 2633  
attempted murder, attempted aggravated abortion murder, or 2634  
attempted abortion murder if committed by an adult, the child is 2635  
eligible for whichever of the following is appropriate: 2636

(1) Mandatory SYO, if the act allegedly was committed when 2637  
the child was fourteen or fifteen years of age; 2638

(2) Discretionary SYO, if the act was committed when the 2639  
child was ten, eleven, twelve, or thirteen years of age; 2640

(3) Traditional juvenile, if divisions (C) (1) and (2) of 2641  
this section do not apply. 2642

(D) If a child is adjudicated a delinquent child for 2643  
committing an act that would be a felony of the first degree if 2644  
committed by an adult, the child is eligible for whichever of 2645  
the following is appropriate: 2646

(1) Mandatory SYO, if the act allegedly was committed when 2647  
the child was sixteen or seventeen years of age, and the act is 2648  
enhanced by the factors described in division (A) (1) and either 2649  
division (A) (2) or (3) of this section; 2650

(2) Discretionary SYO, if any of the following applies: 2651

(a) The act was committed when the child was sixteen or 2652  
seventeen years of age, and division (D) (1) of this section does 2653  
not apply. 2654

(b) The act was committed when the child was fourteen or 2655  
fifteen years of age. 2656

(c) The act was committed when the child was twelve or 2657  
thirteen years of age, and the act is enhanced by any factor 2658  
described in division (A) (1), (2), or (3) of this section. 2659

(d) The act was committed when the child was ten or eleven 2660  
years of age, and the act is enhanced by the factors described 2661  
in division (A) (1) and either division (A) (2) or (3) of this 2662  
section. 2663

(3) Traditional juvenile, if divisions (D) (1) and (2) of 2664  
this section do not apply. 2665

(E) If a child is adjudicated a delinquent child for 2666  
committing an act that would be a felony of the second degree if 2667  
committed by an adult, the child is eligible for whichever of 2668

the following is appropriate: 2669

(1) Discretionary SYO, if the act was committed when the 2670  
child was fourteen, fifteen, sixteen, or seventeen years of age; 2671

(2) Discretionary SYO, if the act was committed when the 2672  
child was twelve or thirteen years of age, and the act is 2673  
enhanced by any factor described in division (A) (1), (2), or (3) 2674  
of this section; 2675

(3) Traditional juvenile, if divisions (E) (1) and (2) of 2676  
this section do not apply. 2677

(F) If a child is adjudicated a delinquent child for 2678  
committing an act that would be a felony of the third degree if 2679  
committed by an adult, the child is eligible for whichever of 2680  
the following is appropriate: 2681

(1) Discretionary SYO, if the act was committed when the 2682  
child was sixteen or seventeen years of age; 2683

(2) Discretionary SYO, if the act was committed when the 2684  
child was fourteen or fifteen years of age, and the act is 2685  
enhanced by any factor described in division (A) (1), (2), or (3) 2686  
of this section; 2687

(3) Traditional juvenile, if divisions (F) (1) and (2) of 2688  
this section do not apply. 2689

(G) If a child is adjudicated a delinquent child for 2690  
committing an act that would be a felony of the fourth or fifth 2691  
degree if committed by an adult, the child is eligible for 2692  
whichever of the following dispositions is appropriate: 2693

(1) Discretionary SYO, if the act was committed when the 2694  
child was sixteen or seventeen years of age, and the act is 2695  
enhanced by any factor described in division (A) (1), (2), or (3) 2696

of this section; 2697

(2) Traditional juvenile, if division (G)(1) of this 2698  
section does not apply. 2699

(H) The following table describes the dispositions that a 2700  
juvenile court may impose on a delinquent child: 2701

2702

|   | 1  | 2           | 3           | 4           | 5           |
|---|--|-------------|-------------|-------------|-------------|
| A | OFFENSE CATEGORY   | AGE         | AGE         | AGE         | AGE         |
| B | (Enhancement factors)  | 16 & 17     | 14 & 15     | 12 & 13     | 10 & 11     |
| C | Murder/aggravated murder; <u>abortion</u><br><u>murder/aggravated abortion murder</u>  | N/A         | MSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ |
| D | Attempted murder/attempted<br>aggravated murder; <u>attempted</u><br><u>abortion murder/attempted aggravated</u><br><u>abortion murder</u> | N/A         | MSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ |
| E | F1 (Enhanced by offense of violence<br>factor and either disposition<br>firearm factor or previous DYS<br>admission factor)                | MSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ |
| F | F1 (Enhanced by any single or other<br>combination of enhancement factors)   | DSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ | TJ          |
| G | F1 (Not enhanced)  | DSYO,<br>TJ | DSYO,<br>TJ | TJ          | TJ          |

|   |   |             |             |             |    |
|---|---|-------------|-------------|-------------|----|
| H | F2 (Enhanced by any enhancement factor) | DSYO,<br>TJ | DSYO,<br>TJ | DSYO,<br>TJ | TJ |
| I | F2 (Not enhanced)                       | DSYO,<br>TJ | DSYO,<br>TJ | TJ          | TJ |
| J | F3 (Enhanced by any enhancement factor) | DSYO,<br>TJ | DSYO,<br>TJ | TJ          | TJ |
| K | F3 (Not enhanced)                       | DSYO,<br>TJ | TJ          | TJ          | TJ |
| L | F4 (Enhanced by any enhancement factor) | DSYO,<br>TJ | TJ          | TJ          | TJ |
| M | F4 (Not enhanced)                       | TJ          | TJ          | TJ          | TJ |
| N | F5 (Enhanced by any enhancement factor) | DSYO,<br>TJ | TJ          | TJ          | TJ |
| O | F5 (Not enhanced)                       | TJ          | TJ          | TJ          | TJ |

(I) The table in division (H) of this section is for illustrative purposes only. If the table conflicts with any provision of divisions (A) to (G) of this section, divisions (A) to (G) of this section shall control. 2703  
2704  
2705  
2706

(J) Key for table in division (H) of this section: 2707

(1) "Any enhancement factor" applies when the criteria described in division (A) (1), (2), or (3) of this section apply. 2708  
2709

(2) The "disposition firearm factor" applies when the criteria described in division (A) (2) of this section apply. 2710  
2711

(3) "DSYO" refers to discretionary serious youthful 2712

|  |  |
|--|--|
| offender disposition.  | 2713   |
| (4) "F1" refers to an act that would be a felony of the first degree if committed by an adult.   | 2714<br>2715   |
| (5) "F2" refers to an act that would be a felony of the second degree if committed by an adult.  | 2716<br>2717   |
| (6) "F3" refers to an act that would be a felony of the third degree if committed by an adult.   | 2718<br>2719   |
| (7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult.  | 2720<br>2721   |
| (8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult.   | 2722<br>2723   |
| (9) "MSYO" refers to mandatory serious youthful offender disposition.  | 2724<br>2725   |
| (10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply.   | 2726<br>2727   |
| (11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply.  | 2728<br>2729   |
| (12) "TJ" refers to traditional juvenile.  | 2730   |
| <b>Sec. 2152.12.</b> (A) (1) (a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, <del>or attempted murder,</del> <u>aggravated abortion murder, abortion murder, attempted aggravated abortion murder, or attempted abortion murder</u> if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies: | 2731<br>2732<br>2733<br>2734<br>2735<br>2736<br>2737<br>2738 |
| (i) The child was sixteen or seventeen years of age at the   | 2739   |

time of the act charged and there is probable cause to believe 2740  
that the child committed the act charged. 2741

(ii) The child was fourteen or fifteen years of age at the 2742  
time of the act charged, section 2152.10 of the Revised Code 2743  
provides that the child is eligible for mandatory transfer, and 2744  
there is probable cause to believe that the child committed the 2745  
act charged. 2746

(b) After a complaint has been filed alleging that a child 2747  
is a delinquent child by reason of committing a category two 2748  
offense, the juvenile court at a hearing shall transfer the case 2749  
if the child was sixteen or seventeen years of age at the time 2750  
of the act charged and either of the following applies: 2751

(i) Division (A) (2) (a) of section 2152.10 of the Revised 2752  
Code requires the mandatory transfer of the case, and there is 2753  
probable cause to believe that the child committed the act 2754  
charged. 2755

(ii) Division (A) (2) (b) of section 2152.10 of the Revised 2756  
Code requires the mandatory transfer of the case, and there is 2757  
probable cause to believe that the child committed the act 2758  
charged. 2759

(2) The juvenile court also shall transfer a case in the 2760  
circumstances described in division (C) (5) of section 2152.02 of 2761  
the Revised Code or if either of the following applies: 2762

(a) A complaint is filed against a child who is eligible 2763  
for a discretionary transfer under section 2152.10 of the 2764  
Revised Code and who previously was convicted of or pleaded 2765  
guilty to a felony in a case that was transferred to a criminal 2766  
court. 2767

(b) A complaint is filed against a child who is domiciled 2768

in another state alleging that the child is a delinquent child 2769  
for committing an act that would be a felony if committed by an 2770  
adult, and, if the act charged had been committed in that other 2771  
state, the child would be subject to criminal prosecution as an 2772  
adult under the law of that other state without the need for a 2773  
transfer of jurisdiction from a juvenile, family, or similar 2774  
noncriminal court to a criminal court. 2775

(3) If a complaint is filed against a child alleging that 2776  
the child is a delinquent child and the case is transferred 2777  
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this 2778  
section and if the child subsequently is convicted of or pleads 2779  
guilty to an offense in that case, the sentence to be imposed or 2780  
disposition to be made of the child shall be determined in 2781  
accordance with section 2152.121 of the Revised Code. 2782

(B) Except as provided in division (A) of this section, 2783  
after a complaint has been filed alleging that a child is a 2784  
delinquent child for committing an act that would be a felony if 2785  
committed by an adult, the juvenile court at a hearing may 2786  
transfer the case if the court finds all of the following: 2787

(1) The child was fourteen years of age or older at the 2788  
time of the act charged. 2789

(2) There is probable cause to believe that the child 2790  
committed the act charged. 2791

(3) The child is not amenable to care or rehabilitation 2792  
within the juvenile system, and the safety of the community may 2793  
require that the child be subject to adult sanctions. In making 2794  
its decision under this division, the court shall consider 2795  
whether the applicable factors under division (D) of this 2796  
section indicating that the case should be transferred outweigh 2797



the applicable factors under division (E) of this section 2798  
indicating that the case should not be transferred. The record 2799  
shall indicate the specific factors that were applicable and 2800  
that the court weighed. 2801

(C) Before considering a transfer under division (B) of 2802  
this section, the juvenile court shall order an investigation 2803  
into the child's social history, education, family situation, 2804  
and any other factor bearing on whether the child is amenable to 2805  
juvenile rehabilitation, including a mental examination of the 2806  
child by a public or private agency or a person qualified to 2807  
make the examination. The investigation shall be completed and a 2808  
report on the investigation shall be submitted to the court as 2809  
soon as possible but not more than forty-five calendar days 2810  
after the court orders the investigation. The court may grant 2811  
one or more extensions for a reasonable length of time. The 2812  
child may waive the examination required by this division if the 2813  
court finds that the waiver is competently and intelligently 2814  
made. Refusal to submit to a mental examination by the child 2815  
constitutes a waiver of the examination. 2816

(D) In considering whether to transfer a child under 2817  
division (B) of this section, the juvenile court shall consider 2818  
the following relevant factors, and any other relevant factors, 2819  
in favor of a transfer under that division: 2820

(1) The victim of the act charged suffered physical or 2821  
psychological harm, or serious economic harm, as a result of the 2822  
alleged act. 2823

(2) The physical or psychological harm suffered by the 2824  
victim due to the alleged act of the child was exacerbated 2825  
because of the physical or psychological vulnerability or the 2826  
age of the victim. 2827

|   |  |
|---|--|
| (3) The child's relationship with the victim facilitated the act charged.   | 2828<br>2829                                 |
| (4) The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity.   | 2830<br>2831                                 |
| (5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm. | 2832<br>2833<br>2834<br>2835<br>2836<br>2837 |
| (6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.   | 2838<br>2839<br>2840<br>2841                 |
| (7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.  | 2842<br>2843<br>2844                         |
| (8) The child is emotionally, physically, or psychologically mature enough for the transfer.  | 2845<br>2846                                 |
| (9) There is not sufficient time to rehabilitate the child within the juvenile system.  | 2847<br>2848                                 |
| (E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:  | 2849<br>2850<br>2851<br>2852                 |
| (1) The victim induced or facilitated the act charged.  | 2853   |
| (2) The child acted under provocation in allegedly committing the act charged.  | 2854<br>2855                                 |

(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.

(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.

(5) The child previously has not been adjudicated a delinquent child.

(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.

(7) The child has a mental illness or intellectual disability.

(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.

(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:

(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be

transferred. 2885

(2) If the court determines that division (A) of this 2886  
section applies and requires that the case or cases involving 2887  
one or more of the acts charged be transferred, the court shall 2888  
transfer the case or cases in accordance with that division. 2889  
After the transfer pursuant to division (A) of this section, the 2890  
court shall decide, in accordance with division (B) of this 2891  
section, whether to grant the motion requesting that the case or 2892  
cases involving one or more of the acts charged be transferred 2893  
pursuant to that division. Notwithstanding division (B) of this 2894  
section, prior to transferring a case pursuant to division (A) 2895  
of this section, the court is not required to consider any 2896  
factor specified in division (D) or (E) of this section or to 2897  
conduct an investigation under division (C) of this section. 2898

(3) If the court determines that division (A) of this 2899  
section does not require that the case or cases involving one or 2900  
more of the acts charged be transferred, the court shall decide 2901  
in accordance with division (B) of this section whether to grant 2902  
the motion requesting that the case or cases involving one or 2903  
more of the acts charged be transferred pursuant to that 2904  
division. 2905

(4) No report on an investigation conducted pursuant to 2906  
division (C) of this section shall include details of the 2907  
alleged offense as reported by the child. 2908

(G) The court shall give notice in writing of the time, 2909  
place, and purpose of any hearing held pursuant to division (A) 2910  
or (B) of this section to the child's parents, guardian, or 2911  
other custodian and to the child's counsel at least three days 2912  
prior to the hearing. 2913

(H) No person, either before or after reaching eighteen 2914  
years of age, shall be prosecuted as an adult for an offense 2915  
committed prior to becoming eighteen years of age, unless the 2916  
person has been transferred as provided in division (A) or (B) 2917  
of this section or unless division (J) of this section applies. 2918  
Any prosecution that is had in a criminal court on the mistaken 2919  
belief that the person who is the subject of the case was 2920  
eighteen years of age or older at the time of the commission of 2921  
the offense shall be deemed a nullity, and the person shall not 2922  
be considered to have been in jeopardy on the offense. 2923

(I) Upon the transfer of a case under division (A) or (B) 2924  
of this section, the juvenile court shall state the reasons for 2925  
the transfer on the record, and shall order the child to enter 2926  
into a recognizance with good and sufficient surety for the 2927  
child's appearance before the appropriate court for any 2928  
disposition that the court is authorized to make for a similar 2929  
act committed by an adult. The transfer abates the jurisdiction 2930  
of the juvenile court with respect to the delinquent acts 2931  
alleged in the complaint, and, upon the transfer, all further 2932  
proceedings pertaining to the act charged shall be discontinued 2933  
in the juvenile court, and the case then shall be within the 2934  
jurisdiction of the court to which it is transferred as 2935  
described in division (H) of section 2151.23 of the Revised 2936  
Code. 2937

(J) If a person under eighteen years of age allegedly 2938  
commits an act that would be a felony if committed by an adult 2939  
and if the person is not taken into custody or apprehended for 2940  
that act until after the person attains twenty-one years of age, 2941  
the juvenile court does not have jurisdiction to hear or 2942  
determine any portion of the case charging the person with 2943  
committing that act. In those circumstances, divisions (A) and 2944

(B) of this section do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case as it has in other criminal cases in that court.

**Sec. 2152.16.** (A) (1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court may commit the child to the legal custody of the department of youth services for secure confinement as follows:

(a) For an act that would be aggravated murder ~~or,~~  murder, aggravated abortion murder, or abortion murder if committed by an adult, until the offender attains twenty-one years of age;

(b) For a violation of section 2923.02 of the Revised Code that involves an attempt to commit an act that would be aggravated murder ~~or,~~  murder, aggravated abortion murder, or abortion murder if committed by an adult, a minimum period of six to seven years as prescribed by the court and a maximum period not to exceed the child's attainment of twenty-one years of age;

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 2911.01 or division (A) of section 2903.04 of the Revised Code or for a violation of any provision of section 2907.02 of the Revised Code other than division (A) (1) (b) of that section when the sexual conduct or insertion involved was consensual and

when the victim of the violation of division (A) (1) (b) of that 2975  
section was older than the delinquent child, was the same age as 2976  
the delinquent child, or was less than three years younger than 2977  
the delinquent child, for an indefinite term consisting of a 2978  
minimum period of one to three years, as prescribed by the 2979  
court, and a maximum period not to exceed the child's attainment 2980  
of twenty-one years of age; 2981

(d) If the child is adjudicated a delinquent child for 2982  
committing an act that is not described in division (A) (1) (b) or 2983  
(c) of this section and that would be a felony of the first or 2984  
second degree if committed by an adult, for an indefinite term 2985  
consisting of a minimum period of one year and a maximum period 2986  
not to exceed the child's attainment of twenty-one years of age. 2987

(e) For committing an act that would be a felony of the 2988  
third, fourth, or fifth degree if committed by an adult or for a 2989  
violation of division (A) of section 2923.211 of the Revised 2990  
Code, for an indefinite term consisting of a minimum period of 2991  
six months and a maximum period not to exceed the child's 2992  
attainment of twenty-one years of age. 2993

(2) In each case in which a court makes a disposition 2994  
under this section, the court retains control over the 2995  
commitment for the minimum period specified by the court in 2996  
divisions (A) (1) (a) to (e) of this section. During the minimum 2997  
period, the department of youth services shall not move the 2998  
child to a nonsecure setting without the permission of the court 2999  
that imposed the disposition. 3000

(B) (1) Subject to division (B) (2) of this section, if a 3001  
delinquent child is committed to the department of youth 3002  
services under this section, the department may release the 3003  
child at any time after the minimum period specified by the 3004

court in division (A) (1) of this section ends. 3005

(2) A commitment under this section is subject to a 3006  
supervised release or to a discharge of the child from the 3007  
custody of the department for medical reasons pursuant to 3008  
section 5139.54 of the Revised Code, but, during the minimum 3009  
period specified by the court in division (A) (1) of this 3010  
section, the department shall obtain court approval of a 3011  
supervised release or discharge under that section. 3012

(C) If a child is adjudicated a delinquent child, at the 3013  
dispositional hearing and prior to making any disposition 3014  
pursuant to this section, the court shall determine whether the 3015  
delinquent child previously has been adjudicated a delinquent 3016  
child for a violation of a law or ordinance. If the delinquent 3017  
child previously has been adjudicated a delinquent child for a 3018  
violation of a law or ordinance, the court, for purposes of 3019  
entering an order of disposition of the delinquent child under 3020  
this section, shall consider the previous delinquent child 3021  
adjudication as a conviction of a violation of the law or 3022  
ordinance in determining the degree of the offense the current 3023  
act would be had it been committed by an adult. This division 3024  
also shall apply in relation to the imposition of any financial 3025  
sanction under section 2152.19 of the Revised Code. 3026

**Sec. 2152.17.** (A) Subject to division (D) of this section, 3027  
if a child is adjudicated a delinquent child for committing an 3028  
act, other than a violation of section 2923.12 of the Revised 3029  
Code, that would be a felony if committed by an adult and if the 3030  
court determines that, if the child was an adult, the child 3031  
would be guilty of a specification of the type set forth in 3032  
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 3033  
2941.1414, or 2941.1415 of the Revised Code, in addition to any 3034



commitment or other disposition the court imposes for the 3035  
underlying delinquent act, all of the following apply: 3036

(1) If the court determines that the child would be guilty 3037  
of a specification of the type set forth in section 2941.141 of 3038  
the Revised Code, the court may commit the child to the 3039  
department of youth services for the specification for a 3040  
definite period of up to one year. 3041

(2) If the court determines that the child would be guilty 3042  
of a specification of the type set forth in section 2941.145 of 3043  
the Revised Code or if the delinquent act is a violation of 3044  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3045  
and the court determines that the child would be guilty of a 3046  
specification of the type set forth in section 2941.1415 of the 3047  
Revised Code, the court shall commit the child to the department 3048  
of youth services for the specification for a definite period of 3049  
not less than one and not more than three years, and the court 3050  
also shall commit the child to the department for the underlying 3051  
delinquent act under sections 2152.11 to 2152.16 of the Revised 3052  
Code. 3053

(3) If the court determines that the child would be guilty 3054  
of a specification of the type set forth in section 2941.144, 3055  
2941.146, or 2941.1412 of the Revised Code or if the delinquent 3056  
act is a violation of division (A) (1) or (2) of section 2903.06 3057  
of the Revised Code and the court determines that the child 3058  
would be guilty of a specification of the type set forth in 3059  
section 2941.1414 of the Revised Code, the court shall commit 3060  
the child to the department of youth services for the 3061  
specification for a definite period of not less than one and not 3062  
more than five years, and the court also shall commit the child 3063  
to the department for the underlying delinquent act under 3064

sections 2152.11 to 2152.16 of the Revised Code. 3065

(B) (1) If a child is adjudicated a delinquent child for 3066  
committing an act, other than a violation of section 2923.12 of 3067  
the Revised Code, that would be a felony if committed by an 3068  
adult, if the court determines that the child is complicit in 3069  
another person's conduct that is of such a nature that the other 3070  
person would be guilty of a specification of the type set forth 3071  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 3072  
Revised Code if the other person was an adult, if the other 3073  
person's conduct relates to the child's underlying delinquent 3074  
act, and if the child did not furnish, use, or dispose of any 3075  
firearm that was involved with the underlying delinquent act or 3076  
with the other person's specification-related conduct, in 3077  
addition to any other disposition the court imposes for the 3078  
underlying delinquent act, the court may commit the child to the 3079  
department of youth services for the specification for a 3080  
definite period of not more than one year, subject to division 3081  
(D) (2) of this section. 3082

(2) Except as provided in division (B) (1) of this section, 3083  
division (A) of this section also applies to a child who is an 3084  
accomplice regarding a specification of the type set forth in 3085  
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 3086  
to the same extent the specifications would apply to an adult 3087  
accomplice in a criminal proceeding. 3088

(C) If a child is adjudicated a delinquent child for 3089  
committing an act that would be aggravated murder, murder, 3090  
aggravated abortion murder, abortion murder, or a first, second, 3091  
or third degree felony offense of violence if committed by an 3092  
adult and if the court determines that, if the child was an 3093  
adult, the child would be guilty of a specification of the type 3094

set forth in section 2941.142 of the Revised Code in relation to 3095  
the act for which the child was adjudicated a delinquent child, 3096  
the court shall commit the child for the specification to the 3097  
legal custody of the department of youth services for 3098  
institutionalization in a secure facility for a definite period 3099  
of not less than one and not more than three years, subject to 3100  
division (D) (2) of this section, and the court also shall commit 3101  
the child to the department for the underlying delinquent act. 3102

(D) (1) If the child is adjudicated a delinquent child for 3103  
committing an act that would be an offense of violence that is a 3104  
felony if committed by an adult and is committed to the legal 3105  
custody of the department of youth services pursuant to division 3106  
(A) (1) of section 2152.16 of the Revised Code and if the court 3107  
determines that the child, if the child was an adult, would be 3108  
guilty of a specification of the type set forth in section 3109  
2941.1411 of the Revised Code in relation to the act for which 3110  
the child was adjudicated a delinquent child, the court may 3111  
commit the child to the custody of the department of youth 3112  
services for institutionalization in a secure facility for up to 3113  
two years, subject to division (D) (2) of this section. 3114

(2) A court that imposes a period of commitment under 3115  
division (A) of this section is not precluded from imposing an 3116  
additional period of commitment under division (C) or (D) (1) of 3117  
this section, a court that imposes a period of commitment under 3118  
division (C) of this section is not precluded from imposing an 3119  
additional period of commitment under division (A) or (D) (1) of 3120  
this section, and a court that imposes a period of commitment 3121  
under division (D) (1) of this section is not precluded from 3122  
imposing an additional period of commitment under division (A) 3123  
or (C) of this section. 3124

(E) The court shall not commit a child to the legal custody of the department of youth services for a specification pursuant to this section for a period that exceeds five years for any one delinquent act. Any commitment imposed pursuant to division (A), (B), (C), or (D)(1) of this section shall be in addition to, and shall be served consecutively with and prior to, a period of commitment ordered under this chapter for the underlying delinquent act, and each commitment imposed pursuant to division (A), (B), (C), or (D)(1) of this section shall be in addition to, and shall be served consecutively with, any other period of commitment imposed under those divisions. If a commitment is imposed under division (A) or (B) of this section and a commitment also is imposed under division (C) of this section, the period imposed under division (A) or (B) of this section shall be served prior to the period imposed under division (C) of this section.

In each case in which a court makes a disposition under this section, the court retains control over the commitment for the entire period of the commitment.

The total of all the periods of commitment imposed for any specification under this section and for the underlying offense shall not exceed the child's attainment of twenty-one years of age.

(F) If a child is adjudicated a delinquent child for committing two or more acts that would be felonies if committed by an adult and if the court entering the delinquent child adjudication orders the commitment of the child for two or more of those acts to the legal custody of the department of youth services for institutionalization in a secure facility pursuant to section 2152.13 or 2152.16 of the Revised Code, the court may

order that all of the periods of commitment imposed under those 3155  
sections for those acts be served consecutively in the legal 3156  
custody of the department of youth services, provided that those 3157  
periods of commitment shall be in addition to and commence 3158  
immediately following the expiration of a period of commitment 3159  
that the court imposes pursuant to division (A), (B), (C), or 3160  
(D) (1) of this section. A court shall not commit a delinquent 3161  
child to the legal custody of the department of youth services 3162  
under this division for a period that exceeds the child's 3163  
attainment of twenty-one years of age. 3164

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 3165  
child or a juvenile traffic offender, the court may order any of 3166  
the following dispositions, in addition to any other disposition 3167  
authorized or required by this chapter: 3168

(1) Impose a fine in accordance with the following 3169  
schedule: 3170

(a) For an act that would be a minor misdemeanor or an 3171  
unclassified misdemeanor if committed by an adult, a fine not to 3172  
exceed fifty dollars; 3173

(b) For an act that would be a misdemeanor of the fourth 3174  
degree if committed by an adult, a fine not to exceed one 3175  
hundred dollars; 3176

(c) For an act that would be a misdemeanor of the third 3177  
degree if committed by an adult, a fine not to exceed one 3178  
hundred fifty dollars; 3179

(d) For an act that would be a misdemeanor of the second 3180  
degree if committed by an adult, a fine not to exceed two 3181  
hundred dollars; 3182

(e) For an act that would be a misdemeanor of the first 3183

|  |      |
|--|------|
| degree if committed by an adult, a fine not to exceed two        | 3184 |
| hundred fifty dollars;   | 3185 |
| (f) For an act that would be a felony of the fifth degree        | 3186 |
| or an unclassified felony if committed by an adult, a fine not   | 3187 |
| to exceed three hundred dollars;                                 | 3188 |
| (g) For an act that would be a felony of the fourth degree       | 3189 |
| if committed by an adult, a fine not to exceed four hundred      | 3190 |
| dollars;   | 3191 |
| (h) For an act that would be a felony of the third degree        | 3192 |
| if committed by an adult, a fine not to exceed seven hundred     | 3193 |
| fifty dollars;   | 3194 |
| (i) For an act that would be a felony of the second degree       | 3195 |
| if committed by an adult, a fine not to exceed one thousand      | 3196 |
| dollars;   | 3197 |
| (j) For an act that would be a felony of the first degree        | 3198 |
| if committed by an adult, a fine not to exceed one thousand five | 3199 |
| hundred dollars;   | 3200 |
| (k) For an act that would be aggravated murder <del> or, </del>  | 3201 |
| <u>murder, aggravated abortion murder, or abortion murder</u> if | 3202 |
| committed by an adult, a fine not to exceed two thousand         | 3203 |
| dollars.   | 3204 |
| (2) Require the child to pay costs;                              | 3205 |
| (3) Unless the child's delinquent act or juvenile traffic        | 3206 |
| offense would be a minor misdemeanor if committed by an adult or | 3207 |
| could be disposed of by the juvenile traffic violations bureau   | 3208 |
| serving the court under Traffic Rule 13.1 if the court has       | 3209 |
| established a juvenile traffic violations bureau, require the    | 3210 |
| child to make restitution to the victim of the child's           | 3211 |

delinquent act or juvenile traffic offense or, if the victim is 3212  
deceased, to a survivor of the victim in an amount based upon 3213  
the victim's economic loss caused by or related to the 3214  
delinquent act or juvenile traffic offense. The court may not 3215  
require a child to make restitution pursuant to this division if 3216  
the child's delinquent act or juvenile traffic offense would be 3217  
a minor misdemeanor if committed by an adult or could be 3218  
disposed of by the juvenile traffic violations bureau serving 3219  
the court under Traffic Rule 13.1 if the court has established a 3220  
juvenile traffic violations bureau. If the court requires 3221  
restitution under this division, the restitution shall be made 3222  
directly to the victim in open court or to the probation 3223  
department that serves the jurisdiction or the clerk of courts 3224  
on behalf of the victim. 3225

If the court requires restitution under this division, the 3226  
restitution may be in the form of a cash reimbursement paid in a 3227  
lump sum or in installments, the performance of repair work to 3228  
restore any damaged property to its original condition, the 3229  
performance of a reasonable amount of labor for the victim or 3230  
survivor of the victim, the performance of community service 3231  
work, any other form of restitution devised by the court, or any 3232  
combination of the previously described forms of restitution. 3233

If the court requires restitution under this division, the 3234  
court may base the restitution order on an amount recommended by 3235  
the victim or survivor of the victim, the delinquent child, the 3236  
juvenile traffic offender, a presentence investigation report, 3237  
estimates or receipts indicating the cost of repairing or 3238  
replacing property, and any other information, provided that the 3239  
amount the court orders as restitution shall not exceed the 3240  
amount of the economic loss suffered by the victim as a direct 3241  
and proximate result of the delinquent act or juvenile traffic 3242

offense. If the court decides to order restitution under this 3243  
division and the amount of the restitution is disputed by the 3244  
victim or survivor or by the delinquent child or juvenile 3245  
traffic offender, the court shall hold a hearing on the 3246  
restitution. If the court requires restitution under this 3247  
division, the court shall determine, or order the determination 3248  
of, the amount of restitution to be paid by the delinquent child 3249  
or juvenile traffic offender. All restitution payments shall be 3250  
credited against any recovery of economic loss in a civil action 3251  
brought by or on behalf of the victim against the delinquent 3252  
child or juvenile traffic offender or the delinquent child's or 3253  
juvenile traffic offender's parent, guardian, or other 3254  
custodian. 3255

If the court requires restitution under this division, the 3256  
court may order that the delinquent child or juvenile traffic 3257  
offender pay a surcharge, in an amount not exceeding five per 3258  
cent of the amount of restitution otherwise ordered under this 3259  
division, to the entity responsible for collecting and 3260  
processing the restitution payments. 3261

The victim or the survivor of the victim may request that 3262  
the prosecuting authority file a motion, or the delinquent child 3263  
or juvenile traffic offender may file a motion, for modification 3264  
of the payment terms of any restitution ordered under this 3265  
division. If the court grants the motion, it may modify the 3266  
payment terms as it determines appropriate. 3267

(4) Require the child to reimburse any or all of the costs 3268  
incurred for services or sanctions provided or imposed, 3269  
including, but not limited to, the following: 3270

(a) All or part of the costs of implementing any community 3271  
control imposed as a disposition under section 2152.19 of the 3272



Revised Code, including a supervision fee; 3273

(b) All or part of the costs of confinement in a 3274  
residential facility described in section 2152.19 of the Revised 3275  
Code or in a department of youth services institution, 3276  
including, but not limited to, a per diem fee for room and 3277  
board, the costs of medical and dental treatment provided, and 3278  
the costs of repairing property the delinquent child damaged 3279  
while so confined. The amount of reimbursement ordered for a 3280  
child under this division shall not exceed the total amount of 3281  
reimbursement the child is able to pay as determined at a 3282  
hearing and shall not exceed the actual cost of the confinement. 3283  
The court may collect any reimbursement ordered under this 3284  
division. If the court does not order reimbursement under this 3285  
division, confinement costs may be assessed pursuant to a 3286  
repayment policy adopted under section 2929.37 of the Revised 3287  
Code and division (D) of section 307.93, division (A) of section 3288  
341.19, division (C) of section 341.23 or 753.16, division (C) 3289  
of section 2301.56, or division (B) of section 341.14, 753.02, 3290  
753.04, or 2947.19 of the Revised Code. 3291

(B) Chapter 2981. of the Revised Code applies to a child 3292  
who is adjudicated a delinquent child for violating section 3293  
2923.32 or 2923.42 of the Revised Code or for committing an act 3294  
that, if committed by an adult, would be a felony drug abuse 3295  
offense. 3296

(C) The court may hold a hearing if necessary to determine 3297  
whether a child is able to pay a sanction under this section. 3298

(D) If a child who is adjudicated a delinquent child is 3299  
indigent, the court shall consider imposing a term of community 3300  
service under division (A) of section 2152.19 of the Revised 3301  
Code in lieu of imposing a financial sanction under this 3302

section. If a child who is adjudicated a delinquent child is not 3303  
indigent, the court may impose a term of community service under 3304  
that division in lieu of, or in addition to, imposing a 3305  
financial sanction under this section. The court may order 3306  
community service for an act that if committed by an adult would 3307  
be a minor misdemeanor. 3308

If a child fails to pay a financial sanction imposed under 3309  
this section, the court may impose a term of community service 3310  
in lieu of the sanction. 3311

(E) The clerk of the court, or another person authorized 3312  
by law or by the court to collect a financial sanction imposed 3313  
under this section, may do any of the following: 3314

(1) Enter into contracts with one or more public agencies 3315  
or private vendors for the collection of the amounts due under 3316  
the financial sanction, which amounts may include interest from 3317  
the date of imposition of the financial sanction; 3318

(2) Permit payment of all, or any portion of, the 3319  
financial sanction in installments, by credit or debit card, by 3320  
another type of electronic transfer, or by any other reasonable 3321  
method, within any period of time, and on any terms that the 3322  
court considers just, except that the maximum time permitted for 3323  
payment shall not exceed five years. The clerk may pay any fee 3324  
associated with processing an electronic transfer out of public 3325  
money and may charge the fee to the delinquent child. 3326

(3) To defray administrative costs, charge a reasonable 3327  
fee to a child who elects a payment plan rather than a lump sum 3328  
payment of a financial sanction. 3329

**Sec. 2152.59.** (A) If after a hearing held pursuant to 3330  
section 2152.58 of the Revised Code the court determines that a 3331

child is competent, the court shall proceed with the delinquent 3332  
child's proceeding as provided by law. No statement that a child 3333  
makes during an evaluation or hearing conducted under sections 3334  
2152.51 through 2152.59 of the Revised Code shall be used 3335  
against the child on the issue of responsibility or guilt in any 3336  
child or adult proceeding. 3337

(B) If after a hearing held pursuant to section 2152.58 of 3338  
the Revised Code the court determines that the child is not 3339  
competent and cannot attain competency within the period of time 3340  
applicable under division (D)(2) of this section, the court 3341  
shall dismiss the charges without prejudice, except that the 3342  
court may delay dismissal for up to ninety calendar days and do 3343  
either of the following: 3344

(1) Refer the matter to a public children services agency 3345  
and request that agency determine whether to file an action in 3346  
accordance with section 2151.27 of the Revised Code alleging 3347  
that the child is a dependent, neglected, or abused child; 3348

(2) Assign court staff to refer the child or the child's 3349  
family to the local family and children first council or an 3350  
agency funded by the department of mental health and addiction 3351  
services or department of developmental disabilities or 3352  
otherwise secure services to reduce the potential that the child 3353  
would engage in behavior that could result in delinquent child 3354  
or other criminal charges. 3355

(C) If after a hearing held pursuant to section 2152.58 of 3356  
the Revised Code the court determines that a child is not 3357  
competent but could likely attain competency by participating in 3358  
services specifically designed to help the child develop 3359  
competency, the court may order the child to participate in 3360  
services specifically designed to help the child develop 3361

competency at county expense. The court shall name a reliable 3362  
provider to deliver the competency attainment services and shall 3363  
order the child's parent, guardian, or custodian to contact that 3364  
provider by a specified date to arrange for services. 3365

(D) The competency attainment services provided to a child 3366  
shall be based on a competency attainment plan described in 3367  
division (E) (2) of this section and approved by the court. 3368  
Services are subject to the following conditions and time 3369  
periods measured from the date the court approves the plan: 3370

(1) Services shall be provided in the least restrictive 3371  
setting that is consistent with the child's ability to attain 3372  
competency and the safety of both the child and the community. 3373  
If the child has been released on temporary or interim orders 3374  
and refuses or fails to cooperate with the service provider, the 3375  
court may reassess the orders and amend them to require a more 3376  
appropriate setting. 3377

(2) No child shall be required to participate in 3378  
competency attainment services for longer than is required for 3379  
the child to attain competency. The following maximum periods of 3380  
participation apply: 3381

(a) If a child is ordered to participate in competency 3382  
attainment services that are provided outside of a residential 3383  
setting, the child shall not participate in those services for a 3384  
period exceeding three months if the child is charged with an 3385  
act that would be a misdemeanor if committed by an adult, six 3386  
months if the child is charged with an act that would be a 3387  
felony of the third, fourth, or fifth degree if committed by an 3388  
adult, or one year if the child is charged with an act that 3389  
would be a felony of the first or second degree, aggravated 3390  
murder, ~~or~~ murder, aggravated abortion murder, or abortion 3391

murder if committed by an adult. 3392

(b) If a child is ordered to receive competency attainment 3393  
services that are provided in a residential setting that is 3394  
operated solely or in part for the purpose of providing 3395  
competency attainment services, the child shall not participate 3396  
in those services for a period exceeding forty-five calendar 3397  
days if the child is charged with an act that would be a 3398  
misdemeanor if committed by an adult, three months if the child 3399  
is charged with an act that would be a felony of the third, 3400  
fourth, or fifth degree if committed by an adult, six months if 3401  
the child is charged with an act that would be a felony of the 3402  
first or second degree if committed by an adult, or one year if 3403  
the child is charged with an act that would be aggravated murder 3404  
~~or, murder, aggravated abortion murder, or abortion murder~~ if 3405  
committed by an adult. 3406

(c) If a child is ordered into a residential, detention, 3407  
or other secured setting for reasons other than to participate 3408  
in competency attainment services and is also ordered to 3409  
participate in competency attainment services concurrently, the 3410  
child shall participate in the competency attainment services 3411  
for not longer than the relevant period set forth in division 3412  
(D) (2) (a) of this section. 3413

(d) If a child is ordered to participate in competency 3414  
attainment services that require the child to live for some but 3415  
not all of the duration of the services in a residential setting 3416  
that is operated solely or in part for the purpose of providing 3417  
competency attainment services, the child shall participate in 3418  
the competency attainment services for not longer than the 3419  
relevant period set forth in division (D) (2) (b) of this section. 3420  
For the purpose of calculating a time period under division (D) 3421

(2) (d) of this section, two days of participation in a 3422  
nonresidential setting shall equal one day of participation in a 3423  
residential setting. 3424

(3) A child who receives competency attainment services in 3425  
a residential setting that is operated solely or partly for the 3426  
purpose of providing competency attainment services is in 3427  
detention for purposes of section 2921.34 and division (B) of 3428  
section 2152.18 of the Revised Code during the time that the 3429  
child resides in the residential setting. 3430

(E) (1) Within ten business days after the court names the 3431  
provider responsible for the child's competency attainment 3432  
services under division (D) of this section, the court shall 3433  
deliver to that provider a copy of each competency assessment 3434  
report it has received for review. The provider shall return the 3435  
copies of the reports to the court upon the termination of the 3436  
services. 3437

(2) Not later than thirty calendar days after the child 3438  
contacts the competency attainment services provider under 3439  
division (C) of this section, the provider shall submit to the 3440  
court a plan for the child to attain competency. The court shall 3441  
provide copies of the plan to the prosecuting attorney, the 3442  
child's attorney, the child's guardian ad litem, if any, and the 3443  
child's parents, guardian, or custodian. 3444

(F) The provider that provides the child's competency 3445  
attainment services pursuant to the competency attainment plan 3446  
shall submit reports to the court on the following schedule: 3447

(1) A report on the child's progress every thirty calendar 3448  
days and on the termination of services. The report shall not 3449  
include any details of the alleged offense as reported by the 3450

child. 3451

(2) If the provider determines that the child is not 3452  
cooperating to a degree that would allow the services to be 3453  
effective to help the child attain competency, a report 3454  
informing the court of the determination within three business 3455  
days after making the determination; 3456

(3) If the provider determines that the current setting is 3457  
no longer the least restrictive setting that is consistent with 3458  
the child's ability to attain competency and the safety of both 3459  
the child and the community, a report informing the court of the 3460  
determination within three business days after making the 3461  
determination; 3462

(4) If the provider determines that the child has achieved 3463  
the goals of the plan and would be able to understand the nature 3464  
and objectives of the proceeding against the child and to assist 3465  
in the child's defense, with or without reasonable 3466  
accommodations to meet the criteria set forth in division (B) of 3467  
section 2152.56 of the Revised Code, a report informing the 3468  
court of that determination within three business days after 3469  
making the determination. If the provider believes that 3470  
accommodations would be necessary or desirable, the report shall 3471  
include recommendations for accommodations. 3472

(5) If the provider determines that the child will not 3473  
achieve the goals of the plan within the applicable period of 3474  
time under division (D) (2) of this section, a report informing 3475  
the court of the determination within three business days after 3476  
making the determination. The report shall include 3477  
recommendations for services for the child that would support 3478  
the safety of the child or the community. 3479

(G) The court shall provide copies of any report made 3480  
under division (F) of this section to the prosecuting attorney, 3481  
the child's attorney, and the child's guardian ad litem, if any. 3482  
The court shall provide copies of any report made under division 3483  
(F) of this section to the child's parents, guardian, or 3484  
custodian unless the court finds that doing so is not in the 3485  
best interest of the child. 3486

(H) (1) Within fifteen business days after receiving a 3487  
report under division (F) of this section, the court may hold a 3488  
hearing to determine if a new order is necessary. To assist in 3489  
making a determination under division (H) of this section, the 3490  
court may order a new competency evaluation in accordance with 3491  
section 2152.53 of the Revised Code. Until a new order is issued 3492  
or the required period of participation expires, the child shall 3493  
continue to participate in competency attainment services. 3494

(2) If after a hearing held under division (H) (1) of this 3495  
section the court determines that the child is not making 3496  
progress toward competency or is so uncooperative that 3497  
attainment services cannot be effective, the court may order a 3498  
change in setting or services that would help the child attain 3499  
competency within the relevant period of time under division (D) 3500  
(2) of this section. 3501

(3) If after a hearing held under division (H) (1) of this 3502  
section the court determines that the child has not or will not 3503  
attain competency within the relevant period of time under 3504  
division (D) (2) of this section, the court shall dismiss the 3505  
delinquency complaint without prejudice, except that the court 3506  
may delay dismissal for up to ninety calendar days and do either 3507  
of the following: 3508

(a) Refer the matter to a public children services agency 3509



and request that agency determine whether to file an action in 3510  
accordance with section 2151.27 of the Revised Code alleging 3511  
that the child is a dependent, neglected, or abused child; 3512

(b) Assign court staff to refer the child or the child's 3513  
family to the local family and children first council or an 3514  
agency funded by the department of mental health and addiction 3515  
services or department of developmental disabilities or 3516  
otherwise secure services to reduce the potential that the child 3517  
would engage in behavior that could result in delinquency or 3518  
other criminal charges. 3519

(4) A dismissal under division (H)(3) of this section does 3520  
not preclude a future delinquent child proceeding or criminal 3521  
prosecution as provided under section 2151.23 of the Revised 3522  
Code if the child eventually attains competency. 3523

(5) If after a hearing held under division (H)(1) of this 3524  
section the court determines that the child has attained 3525  
competency, the court shall proceed with the delinquent child's 3526  
proceeding in accordance with division (A) of this section. 3527

(6) A dismissal under this section does not bar a civil 3528  
action based on the acts or omissions that formed the basis of 3529  
the complaint. 3530

**Sec. 2152.72.** (A) This section applies only to a child who 3531  
is or previously has been adjudicated a delinquent child for an 3532  
act to which any of the following applies: 3533

(1) The act is a violation of section 2903.01, 2903.02, 3534  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2904.03, 2904.04, 3535  
2907.02, 2907.03, or 2907.05 of the Revised Code. 3536

(2) The act is a violation of section 2923.01 of the 3537  
Revised Code and involved an attempt to commit aggravated murder 3538

~~or, murder, aggravated abortion murder, or abortion murder.~~ 3539

(3) The act would be a felony if committed by an adult, 3540  
and the court determined that the child, if an adult, would be 3541  
guilty of a specification found in section 2941.141, 2941.144, 3542  
or 2941.145 of the Revised Code or in another section of the 3543  
Revised Code that relates to the possession or use of a firearm 3544  
during the commission of the act for which the child was 3545  
adjudicated a delinquent child. 3546

(4) The act would be an offense of violence that is a 3547  
felony if committed by an adult, and the court determined that 3548  
the child, if an adult, would be guilty of a specification found 3549  
in section 2941.1411 of the Revised Code or in another section 3550  
of the Revised Code that relates to the wearing or carrying of 3551  
body armor during the commission of the act for which the child 3552  
was adjudicated a delinquent child. 3553

(B) (1) Except as provided in division (E) of this section, 3554  
a public children services agency, private child placing agency, 3555  
private noncustodial agency, or court, the department of youth 3556  
services, or another private or government entity shall not 3557  
place a child in a certified foster home or for adoption until 3558  
it provides the foster caregivers or prospective adoptive 3559  
parents with all of the following: 3560

(a) A written report describing the child's social 3561  
history; 3562

(b) A written report describing all the acts committed by 3563  
the child the entity knows of that resulted in the child being 3564  
adjudicated a delinquent child and the disposition made by the 3565  
court, unless the records pertaining to the acts have been 3566  
sealed pursuant to section 2151.356 of the Revised Code; 3567

(c) A written report describing any other violent act 3568  
committed by the child of which the entity is aware; 3569

(d) The substantial and material conclusions and 3570  
recommendations of any psychiatric or psychological examination 3571  
conducted on the child or, if no psychological or psychiatric 3572  
examination of the child is available, the substantial and 3573  
material conclusions and recommendations of an examination to 3574  
detect mental and emotional disorders conducted in compliance 3575  
with the requirements of Chapter 4757. of the Revised Code by an 3576  
independent social worker, social worker, licensed professional 3577  
clinical counselor, licensed professional counselor, independent 3578  
marriage and family therapist, or marriage and family therapist 3579  
licensed under that chapter. The entity shall not provide any 3580  
part of a psychological, psychiatric, or mental and emotional 3581  
disorder examination to the foster caregivers or prospective 3582  
adoptive parents other than the substantial and material 3583  
conclusions. 3584

(2) Notwithstanding sections 2151.356 to 2151.358 of the 3585  
Revised Code, if records of an adjudication that a child is a 3586  
delinquent child have been sealed pursuant to those sections and 3587  
an entity knows the records have been sealed, the entity shall 3588  
provide the foster caregivers or prospective adoptive parents a 3589  
written statement that the records of a prior adjudication have 3590  
been sealed. 3591

(C) (1) The entity that places the child in a certified 3592  
foster home or for adoption shall conduct a psychological 3593  
examination of the child unless either of the following applies: 3594

(a) An entity is not required to conduct the examination 3595  
if an examination was conducted no more than one year prior to 3596  
the child's placement, and division (C) (1) (b) of this section 3597

does not apply. 3598

(b) An entity is not required to conduct the examination 3599  
if a foster caregiver seeks to adopt the foster caregiver's 3600  
foster child, and an examination was conducted no more than two 3601  
years prior to the date the foster caregiver seeks to adopt the 3602  
child. 3603

(2) No later than sixty days after placing the child, the 3604  
entity shall provide the foster caregiver or prospective 3605  
adoptive parents a written report detailing the substantial and 3606  
material conclusions and recommendations of the examination 3607  
conducted pursuant to this division. 3608

(D) (1) Except as provided in divisions (D) (2) and (3) of 3609  
this section, the expenses of conducting the examinations and 3610  
preparing the reports and assessment required by division (B) or 3611  
(C) of this section shall be paid by the entity that places the 3612  
child in the certified foster home or for adoption. 3613

(2) When a juvenile court grants temporary or permanent 3614  
custody of a child pursuant to any section of the Revised Code, 3615  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 3616  
Revised Code, to a public children services agency or private 3617  
child placing agency, the court shall provide the agency the 3618  
information described in division (B) of this section, pay the 3619  
expenses of preparing that information, and, if a new 3620  
examination is required to be conducted, pay the expenses of 3621  
conducting the examination described in division (C) of this 3622  
section. On receipt of the information described in division (B) 3623  
of this section, the agency shall provide to the court written 3624  
acknowledgment that the agency received the information. The 3625  
court shall keep the acknowledgment and provide a copy to the 3626  
agency. On the motion of the agency, the court may terminate the 3627

order granting temporary or permanent custody of the child to 3628  
that agency, if the court does not provide the information 3629  
described in division (B) of this section. 3630

(3) If one of the following entities is placing a child in 3631  
a certified foster home or for adoption with the assistance of 3632  
or by contracting with a public children services agency, 3633  
private child placing agency, or a private noncustodial agency, 3634  
the entity shall provide the agency with the information 3635  
described in division (B) of this section, pay the expenses of 3636  
preparing that information, and, if a new examination is 3637  
required to be conducted, pay the expenses of conducting the 3638  
examination described in division (C) of this section: 3639

(a) The department of youth services if the placement is 3640  
pursuant to any section of the Revised Code including section 3641  
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 3642  
Code; 3643

(b) A juvenile court with temporary or permanent custody 3644  
of a child pursuant to section 2151.354 or 2152.19 of the 3645  
Revised Code; 3646

(c) A public children services agency or private child 3647  
placing agency with temporary or permanent custody of the child. 3648

The agency receiving the information described in division 3649  
(B) of this section shall provide the entity described in 3650  
divisions (D) (3) (a) to (c) of this section that sent the 3651  
information written acknowledgment that the agency received the 3652  
information and provided it to the foster caregivers or 3653  
prospective adoptive parents. The entity shall keep the 3654  
acknowledgment and provide a copy to the agency. An entity that 3655  
places a child in a certified foster home or for adoption with 3656

the assistance of or by contracting with an agency remains 3657  
responsible to provide the information described in division (B) 3658  
of this section to the foster caregivers or prospective adoptive 3659  
parents unless the entity receives written acknowledgment that 3660  
the agency provided the information. 3661

(E) If a child is placed in a certified foster home as a 3662  
result of an emergency removal of the child from home pursuant 3663  
to division (D) of section 2151.31 of the Revised Code, an 3664  
emergency change in the child's case plan pursuant to division 3665  
(F) (3) of section 2151.412 of the Revised Code, or an emergency 3666  
placement by the department of youth services pursuant to this 3667  
chapter or Chapter 5139. of the Revised Code, the entity that 3668  
places the child in the certified foster home shall provide the 3669  
information described in division (B) of this section no later 3670  
than ninety-six hours after the child is placed in the certified 3671  
foster home. 3672

(F) On receipt of the information described in divisions 3673  
(B) and (C) of this section, the foster caregiver or prospective 3674  
adoptive parents shall provide to the entity that places the 3675  
child in the foster caregiver's or prospective adoptive parents' 3676  
home a written acknowledgment that the foster caregiver or 3677  
prospective adoptive parents received the information. The 3678  
entity shall keep the acknowledgment and provide a copy to the 3679  
foster caregiver or prospective adoptive parents. 3680

(G) No person employed by an entity subject to this 3681  
section and made responsible by that entity for the child's 3682  
placement in a certified foster home or for adoption shall fail 3683  
to provide the foster caregivers or prospective adoptive parents 3684  
with the information required by divisions (B) and (C) of this 3685  
section. 3686

(H) It is not a violation of any duty of confidentiality 3687  
provided for in the Revised Code or a code of professional 3688  
responsibility for a person or government entity to provide the 3689  
substantial and material conclusions and recommendations of a 3690  
psychiatric or psychological examination, or an examination to 3691  
detect mental and emotional disorders, in accordance with 3692  
division (B) (1) (d) or (C) of this section. 3693

(I) As used in this section: 3694

(1) "Body armor" has the same meaning as in section 3695  
2941.1411 of the Revised Code. 3696

(2) "Firearm" has the same meaning as in section 2923.11 3697  
of the Revised Code. 3698

**Sec. 2152.74.** (A) As used in this section, "DNA analysis" 3699  
and "DNA specimen" have the same meanings as in section 109.573 3700  
of the Revised Code. 3701

(B) (1) A child who is adjudicated a delinquent child for 3702  
committing an act listed in division (D) of this section and who 3703  
is committed to the custody of the department of youth services, 3704  
placed in a detention facility or district detention facility 3705  
pursuant to division (A) (3) of section 2152.19 of the Revised 3706  
Code, or placed in a school, camp, institution, or other 3707  
facility for delinquent children described in division (A) (2) of 3708  
section 2152.19 of the Revised Code shall submit to a DNA 3709  
specimen collection procedure administered by the director of 3710  
youth services if committed to the department or by the chief 3711  
administrative officer of the detention facility, district 3712  
detention facility, school, camp, institution, or other facility 3713  
for delinquent children to which the child was committed or in 3714  
which the child was placed. If the court commits the child to 3715

the department of youth services, the director of youth services 3716  
shall cause the DNA specimen to be collected from the child 3717  
during the intake process at an institution operated by or under 3718  
the control of the department. If the court commits the child to 3719  
or places the child in a detention facility, district detention 3720  
facility, school, camp, institution, or other facility for 3721  
delinquent children, the chief administrative officer of the 3722  
detention facility, district detention facility, school, camp, 3723  
institution, or facility to which the child is committed or in 3724  
which the child is placed shall cause the DNA specimen to be 3725  
collected from the child during the intake process for the 3726  
detention facility, district detention facility, school, camp, 3727  
institution, or facility. The DNA specimen shall be collected 3728  
from the child in accordance with division (C) of this section. 3729

(2) If a child is adjudicated a delinquent child for 3730  
committing an act listed in division (D) of this section, is 3731  
committed to or placed in the department of youth services, a 3732  
detention facility or district detention facility, or a school, 3733  
camp, institution, or other facility for delinquent children, 3734  
and does not submit to a DNA specimen collection procedure 3735  
pursuant to division (B)(1) of this section, prior to the 3736  
child's release from the custody of the department of youth 3737  
services, from the custody of the detention facility or district 3738  
detention facility, or from the custody of the school, camp, 3739  
institution, or facility, the child shall submit to, and the 3740  
director of youth services or the chief administrator of the 3741  
detention facility, district detention facility, school, camp, 3742  
institution, or facility to which the child is committed or in 3743  
which the child was placed shall administer, a DNA specimen 3744  
collection procedure at the institution operated by or under the 3745  
control of the department of youth services or at the detention 3746



facility, district detention facility, school, camp, 3747  
institution, or facility to which the child is committed or in 3748  
which the child was placed. The DNA specimen shall be collected 3749  
in accordance with division (C) of this section. 3750

(3) If a child is adjudicated a delinquent child for 3751  
committing an act listed in division (D) of this section, is not 3752  
committed to or placed in the department of youth services, a 3753  
detention facility or district detention facility, or a school, 3754  
camp, institution, or other facility for delinquent children 3755  
described in division (A) (2) or (3) of section 2152.19 of the 3756  
Revised Code, and does not provide a DNA specimen pursuant to 3757  
division (B) (1) or (2) of this section, the juvenile court shall 3758  
order the child to report to the county probation department 3759  
immediately after disposition to submit to a DNA specimen 3760  
collection procedure administered by the chief administrative 3761  
officer of the county probation department. The DNA specimen 3762  
shall be collected from the child in accordance with division 3763  
(C) of this section. 3764

(C) If the DNA specimen is collected by withdrawing blood 3765  
from the child or a similarly invasive procedure, a physician, 3766  
registered nurse, licensed practical nurse, duly licensed 3767  
clinical laboratory technician, or other qualified medical 3768  
practitioner shall collect in a medically approved manner the 3769  
DNA specimen required to be collected pursuant to division (B) 3770  
of this section. If the DNA specimen is collected by swabbing 3771  
for buccal cells or a similarly noninvasive procedure, this 3772  
section does not require that the DNA specimen be collected by a 3773  
qualified medical practitioner of that nature. No later than 3774  
fifteen days after the date of the collection of the DNA 3775  
specimen, the director of youth services or the chief 3776  
administrative officer of the detention facility, district 3777

detention facility, school, camp, institution, or other facility 3778  
for delinquent children to which the child is committed or in 3779  
which the child was placed shall cause the DNA specimen to be 3780  
forwarded to the bureau of criminal identification and 3781  
investigation in accordance with procedures established by the 3782  
superintendent of the bureau under division (H) of section 3783  
109.573 of the Revised Code. The bureau shall provide the 3784  
specimen vials, mailing tubes, labels, postage, and instruction 3785  
needed for the collection and forwarding of the DNA specimen to 3786  
the bureau. 3787

(D) The director of youth services and the chief 3788  
administrative officer of a detention facility, district 3789  
detention facility, school, camp, institution, or other facility 3790  
for delinquent children shall cause a DNA specimen to be 3791  
collected in accordance with divisions (B) and (C) of this 3792  
section from each child in its custody who is adjudicated a 3793  
delinquent child for committing any of the following acts: 3794

(1) An act that would be a felony if committed by an 3795  
adult; 3796

(2) A violation of any law that would be a misdemeanor if 3797  
committed by an adult and that arose out of the same facts and 3798  
circumstances and same act as did a charge against the child of 3799  
a violation of section 2903.01, 2903.02, 2904.03, 2904.04, 3800  
2905.01, 2907.02, 2907.03, 2907.05, or 2911.11 of the Revised 3801  
Code that previously was dismissed or amended or as did a charge 3802  
against the child of a violation of section 2907.12 of the 3803  
Revised Code as it existed prior to September 3, 1996, that 3804  
previously was dismissed or amended; 3805

(3) A violation of section 2919.23 of the Revised Code 3806  
that would be a misdemeanor if committed by an adult and that 3807

would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(4) A violation of section 2923.03 of the Revised Code involving complicity in committing a violation of section 2907.04 of the Revised Code that would be a misdemeanor if committed by an adult.

**Sec. 2152.86.** (A) (1) The court that, on or after January 1, 2008, adjudicates a child a delinquent child for committing an act shall issue as part of the dispositional order an order that classifies the child a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if the child was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act, the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code, and the child is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing any of the following acts:

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(b) A violation of section 2903.01, 2903.02, 2904.03, 2904.04, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child;

(c) A violation of division (B) of section 2903.03 of the

Revised Code. 3837

(2) Upon a child's release, on or after January 1, 2008, 3838  
from the department of youth services, the court shall issue an 3839  
order that classifies the child a juvenile offender registrant, 3840  
specifies that the child has a duty to comply with sections 3841  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 3842  
additionally classifies the child a public registry-qualified 3843  
juvenile offender registrant if all of the following apply: 3844

(a) The child was adjudicated a delinquent child, and a 3845  
juvenile court imposed on the child a serious youthful offender 3846  
dispositional sentence under section 2152.13 of the Revised Code 3847  
for committing one of the acts described in division (A) (1) (a) 3848  
or (b) of this section or for committing on or after ~~the~~ 3849  
~~effective date of this amendment~~ March 22, 2013, a violation of 3850  
division (B) of section 2903.03 of the Revised Code. 3851

(b) The child was fourteen, fifteen, sixteen, or seventeen 3852  
years of age at the time of committing the act. 3853

(c) The court did not issue an order classifying the child 3854  
as both a juvenile offender registrant and a public registry- 3855  
qualified juvenile offender registrant pursuant to division (A) 3856  
(1) of this section. 3857

(3) If a court issued an order classifying a child a 3858  
juvenile offender registrant pursuant to section 2152.82 or 3859  
2152.83 of the Revised Code prior to January 1, 2008, not later 3860  
than February 1, 2008, the court shall issue a new order that 3861  
reclassifies the child as a juvenile offender registrant, 3862  
specifies that the child has a duty to comply with sections 3863  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 3864  
additionally classifies the child a public registry-qualified 3865

juvenile offender registrant if all of the following apply: 3866

(a) The sexually oriented offense that was the basis of 3867  
the previous order that classified the child a juvenile offender 3868  
registrant was an act described in division (A)(1)(a) or (b) of 3869  
this section. 3870

(b) The child was fourteen, fifteen, sixteen, or seventeen 3871  
years of age at the time of committing the act. 3872

(c) The court imposed on the child a serious youthful 3873  
offender dispositional sentence under section 2152.13 of the 3874  
Revised Code for the act described in division (A)(1)(a) or (b) 3875  
of this section. 3876

(B)(1) If an order is issued under division (A)(1), (2), 3877  
or (3) of this section, the classification of tier III sex 3878  
offender/child-victim offender automatically applies to the 3879  
delinquent child based on the sexually oriented offense the 3880  
child committed, subject to a possible reclassification pursuant 3881  
to division (D) of this section for a child whose delinquent act 3882  
was committed prior to January 1, 2008. If an order is issued 3883  
under division (A)(2) of this section regarding a child whose 3884  
delinquent act described in division (A)(1)(a) or (b) of this 3885  
section was committed prior to January 1, 2008, or if an order 3886  
is issued under division (A)(3) of this section regarding a 3887  
delinquent child, the order shall inform the child and the 3888  
child's parent, guardian, or custodian, that the child has a 3889  
right to a hearing as described in division (D) of this section 3890  
and inform the child and the child's parent, guardian, or 3891  
custodian of the procedures for requesting the hearing and the 3892  
period of time within which the request for the hearing must be 3893  
made. Section 2152.831 of the Revised Code does not apply 3894  
regarding an order issued under division (A)(1), (2), or (3) of 3895

this section. 3896

(2) The judge that issues an order under division (A) (1), 3897  
(2), or (3) of this section shall provide to the delinquent 3898  
child who is the subject of the order and to the delinquent 3899  
child's parent, guardian, or custodian the notice required under 3900  
divisions (A) and (B) of section 2950.03 of the Revised Code and 3901  
shall provide as part of that notice a copy of the order 3902  
required under division (A) (1), (2), or (3) of this section. The 3903  
judge shall include the order in the delinquent child's 3904  
dispositional order and shall specify in the dispositional order 3905  
that the order issued under division (A) (1), (2), or (3) of this 3906  
section was made pursuant to this section. 3907

(C) An order issued under division (A) (1), (2), or (3) of 3908  
this section shall remain in effect for the period of time 3909  
specified in section 2950.07 of the Revised Code as it exists on 3910  
and after January 1, 2008, subject to a judicial termination of 3911  
that period of time as provided in section 2950.15 of the 3912  
Revised Code, subject to a possible reclassification of the 3913  
child pursuant to division (D) of this section if the child's 3914  
delinquent act was committed prior to January 1, 2008. If an 3915  
order is issued under division (A) (1), (2), or (3) of this 3916  
section, the child's attainment of eighteen or twenty-one years 3917  
of age does not affect or terminate the order, and the order 3918  
remains in effect for the period of time described in this 3919  
division. If an order is issued under division (A) (3) of this 3920  
section, the duty to comply with sections 2950.04, 2950.041, 3921  
2950.05, and 2950.06 of the Revised Code based upon that order 3922  
shall be considered, for purposes of section 2950.07 of the 3923  
Revised Code and for all other purposes, to be a continuation of 3924  
the duty to comply with those sections imposed upon the child 3925  
prior to January 1, 2008, under the order issued under section 3926

2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. of the 3927  
Revised Code. 3928

(D) (1) If an order is issued under division (A) (2) of this 3929  
section regarding a delinquent child whose delinquent act 3930  
described in division (A) (1) (a) or (b) of this section was 3931  
committed prior to January 1, 2008, or if an order is issued 3932  
under division (A) (3) of this section regarding a delinquent 3933  
child, except as otherwise provided in this division, the child 3934  
may request as a matter of right a court hearing to contest the 3935  
court's classification in the order of the child as a public 3936  
registry-qualified juvenile offender registrant. To request the 3937  
hearing, not later than the date that is sixty days after the 3938  
delinquent child is provided with the copy of the order, the 3939  
delinquent child shall file a petition with the juvenile court 3940  
that issued the order. 3941

If the delinquent child requests a hearing by timely 3942  
filing a petition with the juvenile court, the delinquent child 3943  
shall serve a copy of the petition on the prosecutor who handled 3944  
the case in which the delinquent child was adjudicated a 3945  
delinquent child for committing the sexually oriented offense or 3946  
child-victim oriented offense that resulted in the delinquent 3947  
child's registration duty under section 2950.04 or 2950.041 of 3948  
the Revised Code. The prosecutor shall represent the interest of 3949  
the state in the hearing. In any hearing under this division, 3950  
the Rules of Juvenile Procedure apply except to the extent that 3951  
those Rules would by their nature be clearly inapplicable. The 3952  
court shall schedule a hearing and shall provide notice to the 3953  
delinquent child and the delinquent child's parent, guardian, or 3954  
custodian and to the prosecutor of the date, time, and place of 3955  
the hearing. 3956

If the delinquent child requests a hearing in accordance 3957  
with this division, until the court issues its decision at or 3958  
subsequent to the hearing, the delinquent child shall comply 3959  
with Chapter 2950. of the Revised Code as it exists on and after 3960  
January 1, 2008. If a delinquent child requests a hearing in 3961  
accordance with this division, at the hearing, all parties are 3962  
entitled to be heard, and the court shall consider all relevant 3963  
information and testimony presented relative to the issue of 3964  
whether the child should be classified a public registry- 3965  
qualified juvenile offender registrant. Notwithstanding the 3966  
court's classification of the delinquent child as a public 3967  
registry-qualified juvenile offender registrant, the court may 3968  
terminate that classification if it determines by clear and 3969  
convincing evidence that the classification is in error. 3970

If the court decides to terminate the court's 3971  
classification of the delinquent child as a public registry- 3972  
qualified juvenile offender registrant, the court shall issue an 3973  
order that specifies that it has determined that the child is 3974  
not a public registry-qualified juvenile offender registrant and 3975  
that it has terminated the court's classification of the 3976  
delinquent child as a public registry-qualified juvenile 3977  
offender registrant. The court promptly shall serve a copy of 3978  
the order upon the sheriff with whom the delinquent child most 3979  
recently registered under section 2950.04 or 2950.041 of the 3980  
Revised Code and upon the bureau of criminal identification and 3981  
investigation. The delinquent child and the prosecutor have the 3982  
right to appeal the decision of the court issued under this 3983  
division. 3984

If the delinquent child fails to request a hearing in 3985  
accordance with this division within the applicable sixty-day 3986  
period specified in this division, the failure constitutes a 3987



waiver by the delinquent child of the delinquent child's right 3988  
to a hearing under this division, and the delinquent child is 3989  
bound by the court's classification of the delinquent child as a 3990  
public registry-qualified juvenile offender registrant. 3991

(2) An order issued under division (D)(1) of this section 3992  
is independent of any order of a type described in division (F) 3993  
of section 2950.031 of the Revised Code or division (E) of 3994  
section 2950.032 of the Revised Code, and the court may issue an 3995  
order under both division (D)(1) of this section and an order of 3996  
a type described in division (F) of section 2950.031 of the 3997  
Revised Code or division (E) of section 2950.032 of the Revised 3998  
Code. A court that conducts a hearing under division (D)(1) of 3999  
this section may consolidate that hearing with a hearing 4000  
conducted for the same delinquent child under division (F) of 4001  
section 2950.031 of the Revised Code or division (E) of section 4002  
2950.032 of the Revised Code. 4003

**Sec. 2317.02.** The following persons shall not testify in 4004  
certain respects: 4005

(A)(1) An attorney, concerning a communication made to the 4006  
attorney by a client in that relation or concerning the 4007  
attorney's advice to a client, except that the attorney may 4008  
testify by express consent of the client or, if the client is 4009  
deceased, by the express consent of the surviving spouse or the 4010  
executor or administrator of the estate of the deceased client. 4011  
However, if the client voluntarily reveals the substance of 4012  
attorney-client communications in a nonprivileged context or is 4013  
deemed by section 2151.421 of the Revised Code to have waived 4014  
any testimonial privilege under this division, the attorney may 4015  
be compelled to testify on the same subject. 4016

The testimonial privilege established under this division 4017

does not apply concerning either of the following: 4018

(a) A communication between a client in a capital case, as 4019  
defined in section 2901.02 of the Revised Code, and the client's 4020  
attorney if the communication is relevant to a subsequent 4021  
ineffective assistance of counsel claim by the client alleging 4022  
that the attorney did not effectively represent the client in 4023  
the case; 4024

(b) A communication between a client who has since died 4025  
and the deceased client's attorney if the communication is 4026  
relevant to a dispute between parties who claim through that 4027  
deceased client, regardless of whether the claims are by testate 4028  
or intestate succession or by inter vivos transaction, and the 4029  
dispute addresses the competency of the deceased client when the 4030  
deceased client executed a document that is the basis of the 4031  
dispute or whether the deceased client was a victim of fraud, 4032  
undue influence, or duress when the deceased client executed a 4033  
document that is the basis of the dispute. 4034

(2) An attorney, concerning a communication made to the 4035  
attorney by a client in that relationship or the attorney's 4036  
advice to a client, except that if the client is an insurance 4037  
company, the attorney may be compelled to testify, subject to an 4038  
in camera inspection by a court, about communications made by 4039  
the client to the attorney or by the attorney to the client that 4040  
are related to the attorney's aiding or furthering an ongoing or 4041  
future commission of bad faith by the client, if the party 4042  
seeking disclosure of the communications has made a prima-facie 4043  
showing of bad faith, fraud, or criminal misconduct by the 4044  
client. 4045

(B) (1) A physician, advanced practice registered nurse, or 4046  
dentist concerning a communication made to the physician, 4047

advanced practice registered nurse, or dentist by a patient in 4048  
that relation or the advice of a physician, advanced practice 4049  
registered nurse, or dentist given to a patient, except as 4050  
otherwise provided in this division, division (B) (2), and 4051  
division (B) (3) of this section, and except that, if the patient 4052  
is deemed by section 2151.421 of the Revised Code to have waived 4053  
any testimonial privilege under this division, the physician or 4054  
advanced practice registered nurse may be compelled to testify 4055  
on the same subject. 4056

The testimonial privilege established under this division 4057  
does not apply, and a physician, advanced practice registered 4058  
nurse, or dentist may testify or may be compelled to testify, in 4059  
any of the following circumstances: 4060

(a) In any civil action, in accordance with the discovery 4061  
provisions of the Rules of Civil Procedure in connection with a 4062  
civil action, or in connection with a claim under Chapter 4123. 4063  
of the Revised Code, under any of the following circumstances: 4064

(i) If the patient or the guardian or other legal 4065  
representative of the patient gives express consent; 4066

(ii) If the patient is deceased, the spouse of the patient 4067  
or the executor or administrator of the patient's estate gives 4068  
express consent; 4069

(iii) If a medical claim, dental claim, chiropractic 4070  
claim, or optometric claim, as defined in section 2305.113 of 4071  
the Revised Code, an action for wrongful death, any other type 4072  
of civil action, or a claim under Chapter 4123. of the Revised 4073  
Code is filed by the patient, the personal representative of the 4074  
estate of the patient if deceased, or the patient's guardian or 4075  
other legal representative. 4076

(b) In any civil action concerning court-ordered treatment 4077  
or services received by a patient, if the court-ordered 4078  
treatment or services were ordered as part of a case plan 4079  
journalized under section 2151.412 of the Revised Code or the 4080  
court-ordered treatment or services are necessary or relevant to 4081  
dependency, neglect, or abuse or temporary or permanent custody 4082  
proceedings under Chapter 2151. of the Revised Code. 4083

(c) In any criminal action concerning any test or the 4084  
results of any test that determines the presence or 4085  
concentration of alcohol, a drug of abuse, a combination of 4086  
them, a controlled substance, or a metabolite of a controlled 4087  
substance in the patient's whole blood, blood serum or plasma, 4088  
breath, urine, or other bodily substance at any time relevant to 4089  
the criminal offense in question. 4090

(d) In any criminal action against a physician, advanced 4091  
practice registered nurse, or dentist. In such an action, the 4092  
testimonial privilege established under this division does not 4093  
prohibit the admission into evidence, in accordance with the 4094  
Rules of Evidence, of a patient's medical or dental records or 4095  
other communications between a patient and the physician, 4096  
advanced practice registered nurse, or dentist that are related 4097  
to the action and obtained by subpoena, search warrant, or other 4098  
lawful means. A court that permits or compels a physician, 4099  
advanced practice registered nurse, or dentist to testify in 4100  
such an action or permits the introduction into evidence of 4101  
patient records or other communications in such an action shall 4102  
require that appropriate measures be taken to ensure that the 4103  
confidentiality of any patient named or otherwise identified in 4104  
the records is maintained. Measures to ensure confidentiality 4105  
that may be taken by the court include sealing its records or 4106  
deleting specific information from its records. 4107

(e) (i) If the communication was between a patient who has 4108  
since died and the deceased patient's physician, advanced 4109  
practice registered nurse, or dentist, the communication is 4110  
relevant to a dispute between parties who claim through that 4111  
deceased patient, regardless of whether the claims are by 4112  
testate or intestate succession or by inter vivos transaction, 4113  
and the dispute addresses the competency of the deceased patient 4114  
when the deceased patient executed a document that is the basis 4115  
of the dispute or whether the deceased patient was a victim of 4116  
fraud, undue influence, or duress when the deceased patient 4117  
executed a document that is the basis of the dispute. 4118

(ii) If neither the spouse of a patient nor the executor 4119  
or administrator of that patient's estate gives consent under 4120  
division (B) (1) (a) (ii) of this section, testimony or the 4121  
disclosure of the patient's medical records by a physician, 4122  
advanced practice registered nurse, dentist, or other health 4123  
care provider under division (B) (1) (e) (i) of this section is a 4124  
permitted use or disclosure of protected health information, as 4125  
defined in 45 C.F.R. 160.103, and an authorization or 4126  
opportunity to be heard shall not be required. 4127

(iii) Division (B) (1) (e) (i) of this section does not 4128  
require a mental health professional to disclose psychotherapy 4129  
notes, as defined in 45 C.F.R. 164.501. 4130

(iv) An interested person who objects to testimony or 4131  
disclosure under division (B) (1) (e) (i) of this section may seek 4132  
a protective order pursuant to Civil Rule 26. 4133

(v) A person to whom protected health information is 4134  
disclosed under division (B) (1) (e) (i) of this section shall not 4135  
use or disclose the protected health information for any purpose 4136  
other than the litigation or proceeding for which the 4137

information was requested and shall return the protected health 4138  
information to the covered entity or destroy the protected 4139  
health information, including all copies made, at the conclusion 4140  
of the litigation or proceeding. 4141

(2) (a) If any law enforcement officer submits a written 4142  
statement to a health care provider that states that an official 4143  
criminal investigation has begun regarding a specified person or 4144  
that a criminal action or proceeding has been commenced against 4145  
a specified person, that requests the provider to supply to the 4146  
officer copies of any records the provider possesses that 4147  
pertain to any test or the results of any test administered to 4148  
the specified person to determine the presence or concentration 4149  
of alcohol, a drug of abuse, a combination of them, a controlled 4150  
substance, or a metabolite of a controlled substance in the 4151  
person's whole blood, blood serum or plasma, breath, or urine at 4152  
any time relevant to the criminal offense in question, and that 4153  
conforms to section 2317.022 of the Revised Code, the provider, 4154  
except to the extent specifically prohibited by any law of this 4155  
state or of the United States, shall supply to the officer a 4156  
copy of any of the requested records the provider possesses. If 4157  
the health care provider does not possess any of the requested 4158  
records, the provider shall give the officer a written statement 4159  
that indicates that the provider does not possess any of the 4160  
requested records. 4161

(b) If a health care provider possesses any records of the 4162  
type described in division (B) (2) (a) of this section regarding 4163  
the person in question at any time relevant to the criminal 4164  
offense in question, in lieu of personally testifying as to the 4165  
results of the test in question, the custodian of the records 4166  
may submit a certified copy of the records, and, upon its 4167  
submission, the certified copy is qualified as authentic 4168

evidence and may be admitted as evidence in accordance with the 4169  
Rules of Evidence. Division (A) of section 2317.422 of the 4170  
Revised Code does not apply to any certified copy of records 4171  
submitted in accordance with this division. Nothing in this 4172  
division shall be construed to limit the right of any party to 4173  
call as a witness the person who administered the test to which 4174  
the records pertain, the person under whose supervision the test 4175  
was administered, the custodian of the records, the person who 4176  
made the records, or the person under whose supervision the 4177  
records were made. 4178

(3) (a) If the testimonial privilege described in division 4179  
(B) (1) of this section does not apply as provided in division 4180  
(B) (1) (a) (iii) of this section, a physician, advanced practice 4181  
registered nurse, or dentist may be compelled to testify or to 4182  
submit to discovery under the Rules of Civil Procedure only as 4183  
to a communication made to the physician, advanced practice 4184  
registered nurse, or dentist by the patient in question in that 4185  
relation, or the advice of the physician, advanced practice 4186  
registered nurse, or dentist given to the patient in question, 4187  
that related causally or historically to physical or mental 4188  
injuries that are relevant to issues in the medical claim, 4189  
dental claim, chiropractic claim, or optometric claim, action 4190  
for wrongful death, other civil action, or claim under Chapter 4191  
4123. of the Revised Code. 4192

(b) If the testimonial privilege described in division (B) 4193  
(1) of this section does not apply to a physician, advanced 4194  
practice registered nurse, or dentist as provided in division 4195  
(B) (1) (c) of this section, the physician, advanced practice 4196  
registered nurse, or dentist, in lieu of personally testifying 4197  
as to the results of the test in question, may submit a 4198  
certified copy of those results, and, upon its submission, the 4199

certified copy is qualified as authentic evidence and may be 4200  
admitted as evidence in accordance with the Rules of Evidence. 4201  
Division (A) of section 2317.422 of the Revised Code does not 4202  
apply to any certified copy of results submitted in accordance 4203  
with this division. Nothing in this division shall be construed 4204  
to limit the right of any party to call as a witness the person 4205  
who administered the test in question, the person under whose 4206  
supervision the test was administered, the custodian of the 4207  
results of the test, the person who compiled the results, or the 4208  
person under whose supervision the results were compiled. 4209

(4) The testimonial privilege described in division (B) (1) 4210  
of this section is not waived when a communication is made by a 4211  
physician or advanced practice registered nurse to a pharmacist 4212  
or when there is communication between a patient and a 4213  
pharmacist in furtherance of the physician-patient or advanced 4214  
practice registered nurse-patient relation. 4215

(5) (a) As used in divisions (B) (1) to (4) of this section, 4216  
"communication" means acquiring, recording, or transmitting any 4217  
information, in any manner, concerning any facts, opinions, or 4218  
statements necessary to enable a physician, advanced practice 4219  
registered nurse, or dentist to diagnose, treat, prescribe, or 4220  
act for a patient. A "communication" may include, but is not 4221  
limited to, any medical or dental, office, or hospital 4222  
communication such as a record, chart, letter, memorandum, 4223  
laboratory test and results, x-ray, photograph, financial 4224  
statement, diagnosis, or prognosis. 4225

(b) As used in division (B) (2) of this section, "health 4226  
care provider" means a hospital, ambulatory care facility, long- 4227  
term care facility, pharmacy, emergency facility, or health care 4228  
practitioner. 4229



- (c) As used in division (B) (5) (b) of this section: 4230
- (i) "Ambulatory care facility" means a facility that 4231  
provides medical, diagnostic, or surgical treatment to patients 4232  
who do not require hospitalization, including a dialysis center, 4233  
ambulatory surgical facility, cardiac catheterization facility, 4234  
diagnostic imaging center, extracorporeal shock wave lithotripsy 4235  
center, home health agency, inpatient hospice, birthing center, 4236  
radiation therapy center, emergency facility, and an urgent care 4237  
center. "Ambulatory health care facility" does not include the 4238  
private office of a physician, advanced practice registered 4239  
nurse, or dentist, whether the office is for an individual or 4240  
group practice. 4241
- (ii) "Emergency facility" means a hospital emergency 4242  
department or any other facility that provides emergency medical 4243  
services. 4244
- (iii) "Health care practitioner" has the same meaning as 4245  
in section 4769.01 of the Revised Code. 4246
- (iv) "Hospital" has the same meaning as in section 3727.01 4247  
of the Revised Code. 4248
- (v) "Long-term care facility" means a nursing home, 4249  
residential care facility, or home for the aging, as those terms 4250  
are defined in section 3721.01 of the Revised Code; a 4251  
residential facility licensed under section 5119.34 of the 4252  
Revised Code that provides accommodations, supervision, and 4253  
personal care services for three to sixteen unrelated adults; a 4254  
nursing facility, as defined in section 5165.01 of the Revised 4255  
Code; a skilled nursing facility, as defined in section 5165.01 4256  
of the Revised Code; and an intermediate care facility for 4257  
individuals with intellectual disabilities, as defined in 4258

section 5124.01 of the Revised Code. 4259

(vi) "Pharmacy" has the same meaning as in section 4729.01 4260  
of the Revised Code. 4261

(d) As used in divisions (B) (1) and (2) of this section, 4262  
"drug of abuse" has the same meaning as in section 4506.01 of 4263  
the Revised Code. 4264

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 4265  
section apply to doctors of medicine, doctors of osteopathic 4266  
medicine, doctors of podiatry, advanced practice registered 4267  
nurses, and dentists. 4268

(7) Nothing in divisions (B) (1) to (6) of this section 4269  
affects, or shall be construed as affecting, the immunity from 4270  
civil liability conferred by section 307.628 of the Revised Code 4271  
or the immunity from civil liability conferred by section 4272  
2305.33 of the Revised Code upon physicians or advanced practice 4273  
registered nurses who report an employee's use of a drug of 4274  
abuse, or a condition of an employee other than one involving 4275  
the use of a drug of abuse, to the employer of the employee in 4276  
accordance with division (B) of that section. As used in 4277  
division (B) (7) of this section, "employee," "employer," and 4278  
"physician" have the same meanings as in section 2305.33 of the 4279  
Revised Code and "advanced practice registered nurse" has the 4280  
same meaning as in section 4723.01 of the Revised Code. 4281

(C) (1) A cleric, when the cleric remains accountable to 4282  
the authority of that cleric's church, denomination, or sect, 4283  
concerning a confession made, or any information confidentially 4284  
communicated, to the cleric for a religious counseling purpose 4285  
in the cleric's professional character. The cleric may testify 4286  
by express consent of the person making the communication, 4287

except when the disclosure of the information is in violation of 4288  
a sacred trust and except that, if the person voluntarily 4289  
testifies or is deemed by division (A) (4) (c) of section 2151.421 4290  
of the Revised Code to have waived any testimonial privilege 4291  
under this division, the cleric may be compelled to testify on 4292  
the same subject except when disclosure of the information is in 4293  
violation of a sacred trust. 4294

(2) As used in division (C) of this section: 4295

(a) "Cleric" means a member of the clergy, rabbi, priest, 4296  
Christian Science practitioner, or regularly ordained, 4297  
accredited, or licensed minister of an established and legally 4298  
cognizable church, denomination, or sect. 4299

(b) "Sacred trust" means a confession or confidential 4300  
communication made to a cleric in the cleric's ecclesiastical 4301  
capacity in the course of discipline enjoined by the church to 4302  
which the cleric belongs, including, but not limited to, the 4303  
Catholic Church, if both of the following apply: 4304

(i) The confession or confidential communication was made 4305  
directly to the cleric. 4306

(ii) The confession or confidential communication was made 4307  
in the manner and context that places the cleric specifically 4308  
and strictly under a level of confidentiality that is considered 4309  
inviolable by canon law or church doctrine. 4310

(D) Husband or wife, concerning any communication made by 4311  
one to the other, or an act done by either in the presence of 4312  
the other, during coverture, unless the communication was made, 4313  
or act done, in the known presence or hearing of a third person 4314  
competent to be a witness; and such rule is the same if the 4315  
marital relation has ceased to exist; 4316

(E) A person who assigns a claim or interest, concerning 4317  
any matter in respect to which the person would not, if a party, 4318  
be permitted to testify; 4319

(F) A person who, if a party, would be restricted under 4320  
section 2317.03 of the Revised Code, when the property or thing 4321  
is sold or transferred by an executor, administrator, guardian, 4322  
trustee, heir, devisee, or legatee, shall be restricted in the 4323  
same manner in any action or proceeding concerning the property 4324  
or thing. 4325

(G) (1) A school guidance counselor who holds a valid 4326  
educator license from the state board of education as provided 4327  
for in section 3319.22 of the Revised Code, a person licensed 4328  
under Chapter 4757. of the Revised Code as a licensed 4329  
professional clinical counselor, licensed professional 4330  
counselor, social worker, independent social worker, marriage 4331  
and family therapist or independent marriage and family 4332  
therapist, or registered under Chapter 4757. of the Revised Code 4333  
as a social work assistant concerning a confidential 4334  
communication received from a client in that relation or the 4335  
person's advice to a client unless any of the following applies: 4336

(a) The communication or advice indicates clear and 4337  
present danger to the client or other persons. For the purposes 4338  
of this division, cases in which there are indications of 4339  
present or past child abuse or neglect of the client constitute 4340  
a clear and present danger. 4341

(b) The client gives express consent to the testimony. 4342

(c) If the client is deceased, the surviving spouse or the 4343  
executor or administrator of the estate of the deceased client 4344  
gives express consent. 4345

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any

action or proceeding, other than a criminal, delinquency, child 4375  
abuse, child neglect, or dependent child action or proceeding, 4376  
that is brought by or against either parent who takes part in 4377  
mediation in accordance with the order and that pertains to the 4378  
mediation process, to any information discussed or presented in 4379  
the mediation process, to the allocation of parental rights and 4380  
responsibilities for the care of the parents' children, or to 4381  
the awarding of parenting time rights in relation to their 4382  
children; 4383

(I) A communications assistant, acting within the scope of 4384  
the communication assistant's authority, when providing 4385  
telecommunications relay service pursuant to section 4931.06 of 4386  
the Revised Code or Title II of the "Communications Act of 4387  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 4388  
communication made through a telecommunications relay service. 4389  
Nothing in this section shall limit the obligation of a 4390  
communications assistant to divulge information or testify when 4391  
mandated by federal law or regulation or pursuant to subpoena in 4392  
a criminal proceeding. 4393

Nothing in this section shall limit any immunity or 4394  
privilege granted under federal law or regulation. 4395

(J) (1) A chiropractor in a civil proceeding concerning a 4396  
communication made to the chiropractor by a patient in that 4397  
relation or the chiropractor's advice to a patient, except as 4398  
otherwise provided in this division. The testimonial privilege 4399  
established under this division does not apply, and a 4400  
chiropractor may testify or may be compelled to testify, in any 4401  
civil action, in accordance with the discovery provisions of the 4402  
Rules of Civil Procedure in connection with a civil action, or 4403  
in connection with a claim under Chapter 4123. of the Revised 4404

Code, under any of the following circumstances: 4405

(a) If the patient or the guardian or other legal 4406  
representative of the patient gives express consent. 4407

(b) If the patient is deceased, the spouse of the patient 4408  
or the executor or administrator of the patient's estate gives 4409  
express consent. 4410

(c) If a medical claim, dental claim, chiropractic claim, 4411  
or optometric claim, as defined in section 2305.113 of the 4412  
Revised Code, an action for wrongful death, any other type of 4413  
civil action, or a claim under Chapter 4123. of the Revised Code 4414  
is filed by the patient, the personal representative of the 4415  
estate of the patient if deceased, or the patient's guardian or 4416  
other legal representative. 4417

(2) If the testimonial privilege described in division (J) 4418  
(1) of this section does not apply as provided in division (J) 4419  
(1)(c) of this section, a chiropractor may be compelled to 4420  
testify or to submit to discovery under the Rules of Civil 4421  
Procedure only as to a communication made to the chiropractor by 4422  
the patient in question in that relation, or the chiropractor's 4423  
advice to the patient in question, that related causally or 4424  
historically to physical or mental injuries that are relevant to 4425  
issues in the medical claim, dental claim, chiropractic claim, 4426  
or optometric claim, action for wrongful death, other civil 4427  
action, or claim under Chapter 4123. of the Revised Code. 4428

(3) The testimonial privilege established under this 4429  
division does not apply, and a chiropractor may testify or be 4430  
compelled to testify, in any criminal action or administrative 4431  
proceeding. 4432

(4) As used in this division, "communication" means 4433

acquiring, recording, or transmitting any information, in any 4434  
manner, concerning any facts, opinions, or statements necessary 4435  
to enable a chiropractor to diagnose, treat, or act for a 4436  
patient. A communication may include, but is not limited to, any 4437  
chiropractic, office, or hospital communication such as a 4438  
record, chart, letter, memorandum, laboratory test and results, 4439  
x-ray, photograph, financial statement, diagnosis, or prognosis. 4440

(K) (1) Except as provided under division (K) (2) of this 4441  
section, a critical incident stress management team member 4442  
concerning a communication received from an individual who 4443  
receives crisis response services from the team member, or the 4444  
team member's advice to the individual, during a debriefing 4445  
session. 4446

(2) The testimonial privilege established under division 4447  
(K) (1) of this section does not apply if any of the following 4448  
are true: 4449

(a) The communication or advice indicates clear and 4450  
present danger to the individual who receives crisis response 4451  
services or to other persons. For purposes of this division, 4452  
cases in which there are indications of present or past child 4453  
abuse or neglect of the individual constitute a clear and 4454  
present danger. 4455

(b) The individual who received crisis response services 4456  
gives express consent to the testimony. 4457

(c) If the individual who received crisis response 4458  
services is deceased, the surviving spouse or the executor or 4459  
administrator of the estate of the deceased individual gives 4460  
express consent. 4461

(d) The individual who received crisis response services 4462



voluntarily testifies, in which case the team member may be 4463  
compelled to testify on the same subject. 4464

(e) The court in camera determines that the information 4465  
communicated by the individual who received crisis response 4466  
services is not germane to the relationship between the 4467  
individual and the team member. 4468

(f) The communication or advice pertains or is related to 4469  
any criminal act. 4470

(3) As used in division (K) of this section: 4471

(a) "Crisis response services" means consultation, risk 4472  
assessment, referral, and on-site crisis intervention services 4473  
provided by a critical incident stress management team to 4474  
individuals affected by crisis or disaster. 4475

(b) "Critical incident stress management team member" or 4476  
"team member" means an individual specially trained to provide 4477  
crisis response services as a member of an organized community 4478  
or local crisis response team that holds membership in the Ohio 4479  
critical incident stress management network. 4480

(c) "Debriefing session" means a session at which crisis 4481  
response services are rendered by a critical incident stress 4482  
management team member during or after a crisis or disaster. 4483

(L) (1) Subject to division (L) (2) of this section and 4484  
except as provided in division (L) (3) of this section, an 4485  
employee assistance professional, concerning a communication 4486  
made to the employee assistance professional by a client in the 4487  
employee assistance professional's official capacity as an 4488  
employee assistance professional. 4489

(2) Division (L) (1) of this section applies to an employee 4490

|   |      |
|---|------|
| assistance professional who meets either or both of the                 | 4491 |
| following requirements:   | 4492 |
| (a) Is certified by the employee assistance certification               | 4493 |
| commission to engage in the employee assistance profession;             | 4494 |
| (b) Has education, training, and experience in all of the               | 4495 |
| following:  | 4496 |
| (i) Providing workplace-based services designed to address              | 4497 |
| employer and employee productivity issues;                              | 4498 |
| (ii) Providing assistance to employees and employees'                   | 4499 |
| dependents in identifying and finding the means to resolve              | 4500 |
| personal problems that affect the employees or the employees'           | 4501 |
| performance;  | 4502 |
| (iii) Identifying and resolving productivity problems                   | 4503 |
| associated with an employee's concerns about any of the                 | 4504 |
| following matters: health, marriage, family, finances, substance        | 4505 |
| abuse or other addiction, workplace, law, and emotional issues;         | 4506 |
| (iv) Selecting and evaluating available community                       | 4507 |
| resources;  | 4508 |
| (v) Making appropriate referrals;                                       | 4509 |
| (vi) Local and national employee assistance agreements;                 | 4510 |
| (vii) Client confidentiality.   | 4511 |
| (3) Division (L) (1) of this section does not apply to any              | 4512 |
| of the following:   | 4513 |
| (a) A criminal action or proceeding involving an offense                | 4514 |
| under sections 2903.01 to 2903.06, <u>or section 2904.03 or 2904.04</u> | 4515 |
| of the Revised Code if the employee assistance professional's           | 4516 |
| disclosure or testimony relates directly to the facts or                | 4517 |

immediate circumstances of the offense; 4518

(b) A communication made by a client to an employee 4519  
assistance professional that reveals the contemplation or 4520  
commission of a crime or serious, harmful act; 4521

(c) A communication that is made by a client who is an 4522  
unemancipated minor or an adult adjudicated to be incompetent 4523  
and indicates that the client was the victim of a crime or 4524  
abuse; 4525

(d) A civil proceeding to determine an individual's mental 4526  
competency or a criminal action in which a plea of not guilty by 4527  
reason of insanity is entered; 4528

(e) A civil or criminal malpractice action brought against 4529  
the employee assistance professional; 4530

(f) When the employee assistance professional has the 4531  
express consent of the client or, if the client is deceased or 4532  
disabled, the client's legal representative; 4533

(g) When the testimonial privilege otherwise provided by 4534  
division (L)(1) of this section is abrogated under law. 4535

**Sec. 2901.01.** (A) As used in the Revised Code: 4536

(1) "Force" means any violence, compulsion, or constraint 4537  
physically exerted by any means upon or against a person or 4538  
thing. 4539

(2) "Deadly force" means any force that carries a 4540  
substantial risk that it will proximately result in the death of 4541  
any person. 4542

(3) "Physical harm to persons" means any injury, illness, 4543  
or other physiological impairment, regardless of its gravity or 4544

duration. 4545

(4) "Physical harm to property" means any tangible or 4546  
intangible damage to property that, in any degree, results in 4547  
loss to its value or interferes with its use or enjoyment. 4548  
"Physical harm to property" does not include wear and tear 4549  
occasioned by normal use. 4550

(5) "Serious physical harm to persons" means any of the 4551  
following: 4552

(a) Any mental illness or condition of such gravity as 4553  
would normally require hospitalization or prolonged psychiatric 4554  
treatment; 4555

(b) Any physical harm that carries a substantial risk of 4556  
death; 4557

(c) Any physical harm that involves some permanent 4558  
incapacity, whether partial or total, or that involves some 4559  
temporary, substantial incapacity; 4560

(d) Any physical harm that involves some permanent 4561  
disfigurement or that involves some temporary, serious 4562  
disfigurement; 4563

(e) Any physical harm that involves acute pain of such 4564  
duration as to result in substantial suffering or that involves 4565  
any degree of prolonged or intractable pain. 4566

(6) "Serious physical harm to property" means any physical 4567  
harm to property that does either of the following: 4568

(a) Results in substantial loss to the value of the 4569  
property or requires a substantial amount of time, effort, or 4570  
money to repair or replace; 4571

(b) Temporarily prevents the use or enjoyment of the 4572  
property or substantially interferes with its use or enjoyment 4573  
for an extended period of time. 4574

(7) "Risk" means a significant possibility, as contrasted 4575  
with a remote possibility, that a certain result may occur or 4576  
that certain circumstances may exist. 4577

(8) "Substantial risk" means a strong possibility, as 4578  
contrasted with a remote or significant possibility, that a 4579  
certain result may occur or that certain circumstances may 4580  
exist. 4581

(9) "Offense of violence" means any of the following: 4582

(a) A violation of section 2903.01, 2903.02, 2903.03, 4583  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 4584  
2903.22, 2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.32, 4585  
2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 4586  
2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 4587  
2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of 4588  
section 2903.34, of division (A) (1), (2), or (3) of section 4589  
2911.12, or of division (B) (1), (2), (3), or (4) of section 4590  
2919.22 of the Revised Code or felonious sexual penetration in 4591  
violation of former section 2907.12 of the Revised Code; 4592

(b) A violation of an existing or former municipal 4593  
ordinance or law of this or any other state or the United 4594  
States, substantially equivalent to any section, division, or 4595  
offense listed in division (A) (9) (a) of this section; 4596

(c) An offense, other than a traffic offense, under an 4597  
existing or former municipal ordinance or law of this or any 4598  
other state or the United States, committed purposely or 4599  
knowingly, and involving physical harm to persons or a risk of 4600

serious physical harm to persons; 4601

(d) A conspiracy or attempt to commit, or complicity in 4602  
committing, any offense under division (A) (9) (a), (b), or (c) of 4603  
this section. 4604

(10) (a) "Property" means any property, real or personal, 4605  
tangible or intangible, and any interest or license in that 4606  
property. "Property" includes, but is not limited to, cable 4607  
television service, other telecommunications service, 4608  
telecommunications devices, information service, computers, 4609  
data, computer software, financial instruments associated with 4610  
computers, other documents associated with computers, or copies 4611  
of the documents, whether in machine or human readable form, 4612  
trade secrets, trademarks, copyrights, patents, and property 4613  
protected by a trademark, copyright, or patent. "Financial 4614  
instruments associated with computers" include, but are not 4615  
limited to, checks, drafts, warrants, money orders, notes of 4616  
indebtedness, certificates of deposit, letters of credit, bills 4617  
of credit or debit cards, financial transaction authorization 4618  
mechanisms, marketable securities, or any computer system 4619  
representations of any of them. 4620

(b) As used in division (A) (10) of this section, "trade 4621  
secret" has the same meaning as in section 1333.61 of the 4622  
Revised Code, and "telecommunications service" and "information 4623  
service" have the same meanings as in section 2913.01 of the 4624  
Revised Code. 4625

(c) As used in divisions (A) (10) and (13) of this section, 4626  
"cable television service," "computer," "computer software," 4627  
"computer system," "computer network," "data," and 4628  
"telecommunications device" have the same meanings as in section 4629  
2913.01 of the Revised Code. 4630

- (11) "Law enforcement officer" means any of the following: 4631
- (a) A sheriff, deputy sheriff, constable, police officer 4632  
of a township or joint police district, marshal, deputy marshal, 4633  
municipal police officer, member of a police force employed by a 4634  
metropolitan housing authority under division (D) of section 4635  
3735.31 of the Revised Code, or state highway patrol trooper; 4636
- (b) An officer, agent, or employee of the state or any of 4637  
its agencies, instrumentalities, or political subdivisions, upon 4638  
whom, by statute, a duty to conserve the peace or to enforce all 4639  
or certain laws is imposed and the authority to arrest violators 4640  
is conferred, within the limits of that statutory duty and 4641  
authority; 4642
- (c) A mayor, in the mayor's capacity as chief conservator 4643  
of the peace within the mayor's municipal corporation; 4644
- (d) A member of an auxiliary police force organized by 4645  
county, township, or municipal law enforcement authorities, 4646  
within the scope of the member's appointment or commission; 4647
- (e) A person lawfully called pursuant to section 311.07 of 4648  
the Revised Code to aid a sheriff in keeping the peace, for the 4649  
purposes and during the time when the person is called; 4650
- (f) A person appointed by a mayor pursuant to section 4651  
737.01 of the Revised Code as a special patrolling officer 4652  
during riot or emergency, for the purposes and during the time 4653  
when the person is appointed; 4654
- (g) A member of the organized militia of this state or the 4655  
armed forces of the United States, lawfully called to duty to 4656  
aid civil authorities in keeping the peace or protect against 4657  
domestic violence; 4658

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; 4659  
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(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code; 4661  
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(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; 4663  
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(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 4666  
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(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; 4668  
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(m) The senate sergeant at arms and an assistant senate sergeant at arms; 4672  
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(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. 4674  
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(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity. 4684  
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(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B) (1) (a) Subject to division (B) (2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership, and association.

(c) As used in division (B) (1) (a) of this section:

(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding division (B) (1) (a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B) (1) (a) (ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (B) (2) (a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.15, 2919.151, 2919.17, or

2919.18 of the Revised Code, as applicable. Consent is 4746  
sufficient under this division if it is of the type otherwise 4747  
adequate to permit medical treatment to the pregnant woman, even 4748  
if it does not comply with section 2919.12 of the Revised Code. 4749

(b) In a manner so that the offense is applied or is 4750  
construed as applying to a woman based on an act or omission of 4751  
the woman that occurs while she is or was pregnant and that 4752  
results in any of the following: 4753

(i) Her delivery of a stillborn baby; 4754

(ii) Her causing, in any other manner, the death in utero 4755  
of a viable, unborn human that she is carrying; 4756

(iii) Her causing the death of her child who is born alive 4757  
but who dies from one or more injuries that are sustained while 4758  
the child is a viable, unborn human; 4759

(iv) Her causing her child who is born alive to sustain 4760  
one or more injuries while the child is a viable, unborn human; 4761

(v) Her causing, threatening to cause, or attempting to 4762  
cause, in any other manner, an injury, illness, or other 4763  
physiological impairment, regardless of its duration or gravity, 4764  
or a mental illness or condition, regardless of its duration or 4765  
gravity, to a viable, unborn human that she is carrying. 4766

(C) As used in Title XXIX of the Revised Code: 4767

(1) "School safety zone" consists of a school, school 4768  
building, school premises, school activity, and school bus. 4769

(2) "School," "school building," and "school premises" 4770  
have the same meanings as in section 2925.01 of the Revised 4771  
Code. 4772

(3) "School activity" means any activity held under the 4773  
auspices of a board of education of a city, local, exempted 4774  
village, joint vocational, or cooperative education school 4775  
district; a governing authority of a community school 4776  
established under Chapter 3314. of the Revised Code; a governing 4777  
board of an educational service center, or the governing body of 4778  
a school for which the state board of education prescribes 4779  
minimum standards under section 3301.07 of the Revised Code. 4780

(4) "School bus" has the same meaning as in section 4781  
4511.01 of the Revised Code. 4782

**Sec. 2901.02.** As used in the Revised Code: 4783

(A) Offenses include aggravated murder, murder, aggravated 4784  
abortion murder, abortion murder, felonies of the first, second, 4785  
third, fourth, and fifth degree, misdemeanors of the first, 4786  
second, third, and fourth degree, minor misdemeanors, and 4787  
offenses not specifically classified. 4788

(B) Aggravated murder and aggravated abortion murder when 4789  
the indictment or the count in the indictment charging 4790  
aggravated murder or aggravated abortion murder contains one or 4791  
more specifications of aggravating circumstances listed in 4792  
division (A) of section 2929.04 of the Revised Code, and any 4793  
other offense for which death may be imposed as a penalty, is a 4794  
capital offense. 4795

(C) Aggravated murder ~~and~~, murder, aggravated abortion 4796  
murder, and abortion murder are felonies. 4797

(D) Regardless of the penalty that may be imposed, any 4798  
offense specifically classified as a felony is a felony, and any 4799  
offense specifically classified as a misdemeanor is a 4800  
misdemeanor. 4801

(E) Any offense not specifically classified is a felony if imprisonment for more than one year may be imposed as a penalty. 4802  
4803

(F) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty. 4804  
4805  
4806

(G) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is one of the following: 4807  
4808  
4809

(1) For an offense committed prior to January 1, 2004, a fine not exceeding one hundred dollars; 4810  
4811

(2) For an offense committed on or after January 1, 2004, a fine not exceeding one hundred fifty dollars, community service under division (D) of section 2929.27 of the Revised Code, or a financial sanction other than a fine under section 2929.28 of the Revised Code. 4812  
4813  
4814  
4815  
4816

**Sec. 2901.07.** (A) As used in this section: 4817

(1) "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code. 4818  
4819

(2) "Jail" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code. 4820  
4821  
4822

(3) "Post-release control" has the same meaning as in section 2967.01 of the Revised Code. 4823  
4824

(4) "Head of the arresting law enforcement agency" means whichever of the following is applicable regarding the arrest in question: 4825  
4826  
4827

(a) If the arrest was made by a sheriff or a deputy 4828

sheriff, the sheriff who made the arrest or who employs the 4829  
deputy sheriff who made the arrest; 4830

(b) If the arrest was made by a law enforcement officer of 4831  
a law enforcement agency of a municipal corporation, the chief 4832  
of police, marshal, or other chief law enforcement officer of 4833  
the agency that employs the officer who made the arrest; 4834

(c) If the arrest was made by a constable or a law 4835  
enforcement officer of a township police department or police 4836  
district police force, the constable who made the arrest or the 4837  
chief law enforcement officer of the department or agency that 4838  
employs the officer who made the arrest; 4839

(d) If the arrest was made by the superintendent or a 4840  
trooper of the state highway patrol, the superintendent of the 4841  
state highway patrol; 4842

(e) If the arrest was made by a law enforcement officer 4843  
not identified in division (A) (4) (a), (b), (c), or (d) of this 4844  
section, the chief law enforcement officer of the law 4845  
enforcement agency that employs the officer who made the arrest. 4846

(5) "Detention facility" has the same meaning as in 4847  
section 2921.01 of the Revised Code. 4848

(B) (1) (a) On and after July 1, 2011, a person who is 4849  
eighteen years of age or older and who is arrested on or after 4850  
July 1, 2011, for a felony offense shall submit to a DNA 4851  
specimen collection procedure administered by the head of the 4852  
arresting law enforcement agency. The head of the arresting law 4853  
enforcement agency shall cause the DNA specimen to be collected 4854  
from the person during the intake process at the jail, 4855  
community-based correctional facility, detention facility, or 4856  
law enforcement agency office or station to which the arrested 4857

person is taken after the arrest. The head of the arresting law 4858  
enforcement agency shall cause the DNA specimen to be collected 4859  
in accordance with division (C) of this section. 4860

(b) If a person who is charged with a felony on or after 4861  
July 1, 2011, has not been arrested and first appears before a 4862  
court or magistrate in response to a summons, or if the head of 4863  
the arresting law enforcement agency has not administered a DNA 4864  
specimen collection procedure upon the person arrested for a 4865  
felony in accordance with division (B) (1) (a) of this section by 4866  
the time of the arraignment or first appearance of the person, 4867  
the court shall order the person to appear before the sheriff or 4868  
chief of police of the county or municipal corporation within 4869  
twenty-four hours to submit to a DNA specimen collection 4870  
procedure administered by the sheriff or chief of police. The 4871  
sheriff or chief of police shall cause the DNA specimen to be 4872  
collected from the person in accordance with division (C) of 4873  
this section. 4874

(c) Every court with jurisdiction over a case involving a 4875  
person with respect to whom division (B) (1) (a) or (b) of this 4876  
section requires the head of a law enforcement agency or a 4877  
sheriff or chief of police to administer a DNA specimen 4878  
collection procedure upon the person shall inquire at the time 4879  
of the person's sentencing whether or not the person has 4880  
submitted to a DNA specimen collection procedure pursuant to 4881  
division (B) (1) (a) or (b) of this section for the original 4882  
arrest or court appearance upon which the sentence is based. If 4883  
the person has not submitted to a DNA specimen collection 4884  
procedure for the original arrest or court appearance upon which 4885  
the sentence is based, the court shall order the person to 4886  
appear before the sheriff or chief of police of the county or 4887  
municipal corporation within twenty-four hours to submit to a 4888

DNA specimen collection procedure administered by the sheriff or 4889  
chief of police. The sheriff or chief of police shall cause the 4890  
DNA specimen to be collected in accordance with division (C) of 4891  
this section. 4892

(d) If a person is in the custody of a law enforcement 4893  
agency or a detention facility, if the chief law enforcement 4894  
officer or chief administrative officer of the detention 4895  
facility discovers that a warrant has been issued or a bill of 4896  
information has been filed alleging the person to have committed 4897  
an offense other than the offense for which the person is in 4898  
custody, and if the other alleged offense is one for which a DNA 4899  
specimen is to be collected from the person pursuant to division 4900  
(B) (1) (a) or (b) of this section, the chief law enforcement 4901  
officer or chief administrative officer shall cause a DNA 4902  
specimen to be collected from the person in accordance with 4903  
division (C) of this section. 4904

(2) Regardless of when the conviction occurred or the 4905  
guilty plea was entered, a person who has been convicted of, is 4906  
convicted of, has pleaded guilty to, or pleads guilty to a 4907  
felony offense, who is sentenced to a prison term or to a 4908  
community residential sanction in a jail or community-based 4909  
correctional facility for that offense pursuant to section 4910  
2929.16 of the Revised Code, and who does not provide a DNA 4911  
specimen pursuant to division (B) (1) of this section, and a 4912  
person who has been convicted of, is convicted of, has pleaded 4913  
guilty to, or pleads guilty to a misdemeanor offense listed in 4914  
division (D) of this section, who is sentenced to a term of 4915  
imprisonment for that offense, and who does not provide a DNA 4916  
specimen pursuant to division (B) (1) of this section, shall 4917  
submit to a DNA specimen collection procedure administered by 4918  
the director of rehabilitation and correction or the chief 4919



administrative officer of the jail or other detention facility 4920  
in which the person is serving the term of imprisonment. If the 4921  
person serves the prison term in a state correctional 4922  
institution, the director of rehabilitation and correction shall 4923  
cause the DNA specimen to be collected from the person during 4924  
the intake process at the reception facility designated by the 4925  
director. If the person serves the community residential 4926  
sanction or term of imprisonment in a jail, a community-based 4927  
correctional facility, or another county, multicounty, 4928  
municipal, municipal-county, or multicounty-municipal detention 4929  
facility, the chief administrative officer of the jail, 4930  
community-based correctional facility, or detention facility 4931  
shall cause the DNA specimen to be collected from the person 4932  
during the intake process at the jail, community-based 4933  
correctional facility, or detention facility. The DNA specimen 4934  
shall be collected in accordance with division (C) of this 4935  
section. 4936

(3) Regardless of when the conviction occurred or the 4937  
guilty plea was entered, if a person has been convicted of, is 4938  
convicted of, has pleaded guilty to, or pleads guilty to a 4939  
felony offense or a misdemeanor offense listed in division (D) 4940  
of this section, is serving a prison term, community residential 4941  
sanction, or term of imprisonment for that offense, and does not 4942  
provide a DNA specimen pursuant to division (B) (1) or (2) of 4943  
this section, prior to the person's release from the prison 4944  
term, community residential sanction, or imprisonment, the 4945  
person shall submit to, and the director of rehabilitation and 4946  
correction or the chief administrative officer of the jail, 4947  
community-based correctional facility, or detention facility in 4948  
which the person is serving the prison term, community 4949  
residential sanction, or term of imprisonment shall administer, 4950

a DNA specimen collection procedure at the state correctional 4951  
institution, jail, community-based correctional facility, or 4952  
detention facility in which the person is serving the prison 4953  
term, community residential sanction, or term of imprisonment. 4954  
The DNA specimen shall be collected in accordance with division 4955  
(C) of this section. 4956

(4) (a) Regardless of when the conviction occurred or the 4957  
guilty plea was entered, if a person has been convicted of, is 4958  
convicted of, has pleaded guilty to, or pleads guilty to a 4959  
felony offense or a misdemeanor offense listed in division (D) 4960  
of this section and the person is on probation, released on 4961  
parole, under transitional control, on community control, on 4962  
post-release control, or under any other type of supervised 4963  
release under the supervision of a probation department or the 4964  
adult parole authority for that offense, and did not provide a 4965  
DNA specimen pursuant to division (B) (1), (2), or (3) of this 4966  
section, the person shall submit to a DNA specimen collection 4967  
procedure administered by the chief administrative officer of 4968  
the probation department or the adult parole authority. The DNA 4969  
specimen shall be collected in accordance with division (C) of 4970  
this section. If the person refuses to submit to a DNA specimen 4971  
collection procedure as provided in this division, the person 4972  
may be subject to the provisions of section 2967.15 of the 4973  
Revised Code. 4974

(b) If a person to whom division (B) (4) (a) of this section 4975  
applies is sent to jail or is returned to a jail, community- 4976  
based correctional facility, or state correctional institution 4977  
for a violation of the terms and conditions of the probation, 4978  
parole, transitional control, other release, or post-release 4979  
control, if the person was or will be serving a term of 4980  
imprisonment, prison term, or community residential sanction for 4981

committing a felony offense or for committing a misdemeanor 4982  
offense listed in division (D) of this section, and if the 4983  
person did not provide a DNA specimen pursuant to division (B) 4984  
(1), (2), (3), or (4)(a) of this section, the person shall 4985  
submit to, and the director of rehabilitation and correction or 4986  
the chief administrative officer of the jail or community-based 4987  
correctional facility shall administer, a DNA specimen 4988  
collection procedure at the jail, community-based correctional 4989  
facility, or state correctional institution in which the person 4990  
is serving the term of imprisonment, prison term, or community 4991  
residential sanction. The DNA specimen shall be collected from 4992  
the person in accordance with division (C) of this section. 4993

(5) Regardless of when the conviction occurred or the 4994  
guilty plea was entered, if a person has been convicted of, is 4995  
convicted of, has pleaded guilty to, or pleads guilty to a 4996  
felony offense or a misdemeanor offense listed in division (D) 4997  
of this section, the person is not sentenced to a prison term, a 4998  
community residential sanction in a jail or community-based 4999  
correctional facility, a term of imprisonment, or any type of 5000  
supervised release under the supervision of a probation 5001  
department or the adult parole authority, and the person does 5002  
not provide a DNA specimen pursuant to division (B)(1), (2), 5003  
(3), (4)(a), or (4)(b) of this section, the sentencing court 5004  
shall order the person to report to the county probation 5005  
department immediately after sentencing to submit to a DNA 5006  
specimen collection procedure administered by the chief 5007  
administrative officer of the county probation office. If the 5008  
person is incarcerated at the time of sentencing, the person 5009  
shall submit to a DNA specimen collection procedure administered 5010  
by the director of rehabilitation and correction or the chief 5011  
administrative officer of the jail or other detention facility 5012

in which the person is incarcerated. The DNA specimen shall be 5013  
collected in accordance with division (C) of this section. 5014

(C) If the DNA specimen is collected by withdrawing blood 5015  
from the person or a similarly invasive procedure, a physician, 5016  
registered nurse, licensed practical nurse, duly licensed 5017  
clinical laboratory technician, or other qualified medical 5018  
practitioner shall collect in a medically approved manner the 5019  
DNA specimen required to be collected pursuant to division (B) 5020  
of this section. If the DNA specimen is collected by swabbing 5021  
for buccal cells or a similarly noninvasive procedure, this 5022  
section does not require that the DNA specimen be collected by a 5023  
qualified medical practitioner of that nature. No later than 5024  
fifteen days after the date of the collection of the DNA 5025  
specimen, the head of the arresting law enforcement agency, the 5026  
sheriff or chief of police, the chief law enforcement officer, 5027  
or the chief administrative officer of the detention facility 5028  
regarding a DNA specimen taken pursuant to division (B) (1) of 5029  
this section, the director of rehabilitation and correction or 5030  
the chief administrative officer of the detention facility 5031  
regarding a DNA specimen taken pursuant to division (B) (2), (3), 5032  
or (4) (b) of this section, the chief administrative officer of 5033  
the probation department or the adult parole authority regarding 5034  
a DNA specimen taken pursuant to division (B) (4) (a) of this 5035  
section, or the chief administrative officer of the county 5036  
probation office, the director of rehabilitation and correction, 5037  
or the chief administrative officer of the detention facility 5038  
regarding a DNA specimen taken pursuant to division (B) (5) of 5039  
this section, whichever is applicable, shall cause the DNA 5040  
specimen to be forwarded to the bureau of criminal 5041  
identification and investigation in accordance with procedures 5042  
established by the superintendent of the bureau under division 5043

(H) of section 109.573 of the Revised Code. The bureau shall 5044  
provide the specimen vials, mailing tubes, labels, postage, and 5045  
instructions needed for the collection and forwarding of the DNA 5046  
specimen to the bureau. 5047

(D) The DNA specimen collection duty set forth in division 5048  
(B) (1) of this section applies to any person who is eighteen 5049  
years of age or older and who on or after July 1, 2011, is 5050  
arrested for or charged with any felony offense or is in any 5051  
other circumstance described in that division. The DNA specimen 5052  
collection duties set forth in divisions (B) (2), (3), (4) (a), 5053  
(4) (b), and (5) of this section apply to any person who has been 5054  
convicted of, is convicted of, has pleaded guilty to, or pleads 5055  
guilty to any felony offense or any of the following misdemeanor 5056  
offenses: 5057

(1) A misdemeanor violation, an attempt to commit a 5058  
misdemeanor violation, or complicity in committing a misdemeanor 5059  
violation of section 2907.04 of the Revised Code; 5060

(2) A misdemeanor violation of any law that arose out of 5061  
the same facts and circumstances and same act as did a charge 5062  
against the person of a violation of section 2903.01, 2903.02, 5063  
2904.03, 2904.04, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 5064  
or 2911.11 of the Revised Code that previously was dismissed or 5065  
amended or as did a charge against the person of a violation of 5066  
section 2907.12 of the Revised Code as it existed prior to 5067  
September 3, 1996, that previously was dismissed or amended; 5068

(3) A misdemeanor violation of section 2919.23 of the 5069  
Revised Code that would have been a violation of section 2905.04 5070  
of the Revised Code as it existed prior to July 1, 1996, had it 5071  
been committed prior to that date; 5072

(4) A sexually oriented offense or a child-victim oriented offense, both as defined in section 2950.01 of the Revised Code, that is a misdemeanor, if, in relation to that offense, the offender is a tier III sex offender/child-victim offender, as defined in section 2950.01 of the Revised Code.

(E) The director of rehabilitation and correction may prescribe rules in accordance with Chapter 119. of the Revised Code to collect a DNA specimen, as provided in this section, from an offender whose supervision is transferred from another state to this state in accordance with the interstate compact for adult offender supervision described in section 5149.21 of the Revised Code.

**Sec. 2901.13.** (A) (1) Except as provided in division (A) (2), (3), or (4) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

(a) For a felony, six years;

(b) For a misdemeanor other than a minor misdemeanor, two years;

(c) For a minor misdemeanor, six months.

(2) There is no period of limitation for the prosecution of a violation of section 2903.01 ~~or~~, 2903.02, 2904.03, or 2904.04 of the Revised Code.

(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:

(a) A violation of section 2903.03, 2903.04, 2905.01, 5101  
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 5102  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 5103  
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 5104  
section 2903.11 or 2903.12 of the Revised Code if the victim is 5105  
a peace officer, a violation of section 2903.13 of the Revised 5106  
Code that is a felony, or a violation of former section 2907.12 5107  
of the Revised Code; 5108

(b) A conspiracy to commit, attempt to commit, or 5109  
complicity in committing a violation set forth in division (A) 5110  
(3) (a) of this section. 5111

(4) Except as otherwise provided in divisions (D) to (L) 5112  
of this section, a prosecution of a violation of section 2907.02 5113  
or 2907.03 of the Revised Code or a conspiracy to commit, 5114  
attempt to commit, or complicity in committing a violation of 5115  
either section shall be barred unless it is commenced within 5116  
twenty-five years after the offense is committed. 5117

(B) (1) Except as otherwise provided in division (B) (2) of 5118  
this section, if the period of limitation provided in division 5119  
(A) (1) or (3) of this section has expired, prosecution shall be 5120  
commenced for an offense of which an element is fraud or breach 5121  
of a fiduciary duty, within one year after discovery of the 5122  
offense either by an aggrieved person, or by the aggrieved 5123  
person's legal representative who is not a party to the offense. 5124

(2) If the period of limitation provided in division (A) 5125  
(1) or (3) of this section has expired, prosecution for a 5126  
violation of section 2913.49 of the Revised Code shall be 5127  
commenced within five years after discovery of the offense 5128  
either by an aggrieved person or the aggrieved person's legal 5129  
representative who is not a party to the offense. 5130

(C) (1) If the period of limitation provided in division 5131  
(A) (1) or (3) of this section has expired, prosecution shall be 5132  
commenced for the following offenses during the following 5133  
specified periods of time: 5134

(a) For an offense involving misconduct in office by a 5135  
public servant, at any time while the accused remains a public 5136  
servant, or within two years thereafter; 5137

(b) For an offense by a person who is not a public servant 5138  
but whose offense is directly related to the misconduct in 5139  
office of a public servant, at any time while that public 5140  
servant remains a public servant, or within two years 5141  
thereafter. 5142

(2) As used in this division: 5143

(a) An "offense is directly related to the misconduct in 5144  
office of a public servant" includes, but is not limited to, a 5145  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 5146  
(F) or (H) of section 102.03, division (A) of section 2921.02, 5147  
division (A) or (B) of section 2921.43, or division (F) or (G) 5148  
of section 3517.13 of the Revised Code, that is directly related 5149  
to an offense involving misconduct in office of a public 5150  
servant. 5151

(b) "Public servant" has the same meaning as in section 5152  
2921.01 of the Revised Code. 5153

(D) (1) If a DNA record made in connection with the 5154  
criminal investigation of the commission of a violation of 5155  
section 2907.02 or 2907.03 of the Revised Code is determined to 5156  
match another DNA record that is of an identifiable person and 5157  
if the time of the determination is later than twenty-five years 5158  
after the offense is committed, prosecution of that person for a 5159



violation of the section may be commenced within five years 5160  
after the determination is complete. 5161

(2) If a DNA record made in connection with the criminal 5162  
investigation of the commission of a violation of section 5163  
2907.02 or 2907.03 of the Revised Code is determined to match 5164  
another DNA record that is of an identifiable person and if the 5165  
time of the determination is within twenty-five years after the 5166  
offense is committed, prosecution of that person for a violation 5167  
of the section may be commenced within the longer of twenty-five 5168  
years after the offense is committed or five years after the 5169  
determination is complete. 5170

(3) As used in this division, "DNA record" has the same 5171  
meaning as in section 109.573 of the Revised Code. 5172

(E) An offense is committed when every element of the 5173  
offense occurs. In the case of an offense of which an element is 5174  
a continuing course of conduct, the period of limitation does 5175  
not begin to run until such course of conduct or the accused's 5176  
accountability for it terminates, whichever occurs first. 5177

(F) A prosecution is commenced on the date an indictment 5178  
is returned or an information filed, or on the date a lawful 5179  
arrest without a warrant is made, or on the date a warrant, 5180  
summons, citation, or other process is issued, whichever occurs 5181  
first. A prosecution is not commenced by the return of an 5182  
indictment or the filing of an information unless reasonable 5183  
diligence is exercised to issue and execute process on the same. 5184  
A prosecution is not commenced upon issuance of a warrant, 5185  
summons, citation, or other process, unless reasonable diligence 5186  
is exercised to execute the same. 5187

(G) The period of limitation shall not run during any time 5188

when the corpus delicti remains undiscovered. 5189

(H) The period of limitation shall not run during any time 5190  
when the accused purposely avoids prosecution. Proof that the 5191  
accused departed this state or concealed the accused's identity 5192  
or whereabouts is prima-facie evidence of the accused's purpose 5193  
to avoid prosecution. 5194

(I) The period of limitation shall not run during any time 5195  
a prosecution against the accused based on the same conduct is 5196  
pending in this state, even though the indictment, information, 5197  
or process that commenced the prosecution is quashed or the 5198  
proceedings on the indictment, information, or process are set 5199  
aside or reversed on appeal. 5200

(J) The period of limitation for a violation of any 5201  
provision of Title XXIX of the Revised Code that involves a 5202  
physical or mental wound, injury, disability, or condition of a 5203  
nature that reasonably indicates abuse or neglect of a child 5204  
under eighteen years of age or of a child with a developmental 5205  
disability or physical impairment under twenty-one years of age 5206  
shall not begin to run until either of the following occurs: 5207

(1) The victim of the offense reaches the age of majority. 5208

(2) A public children services agency, or a municipal or 5209  
county peace officer that is not the parent or guardian of the 5210  
child, in the county in which the child resides or in which the 5211  
abuse or neglect is occurring or has occurred has been notified 5212  
that abuse or neglect is known, suspected, or believed to have 5213  
occurred. 5214

(K) As used in this section, "peace officer" has the same 5215  
meaning as in section 2935.01 of the Revised Code. 5216

(L) The amendments to divisions (A) and (D) of this 5217

section apply to a violation of section 2907.02 or 2907.03 of 5218  
the Revised Code committed on and after July 16, 2015, and apply 5219  
to a violation of either of those sections committed prior to 5220  
July 16, 2015, if prosecution for that violation was not barred 5221  
under this section as it existed on the day prior to July 16, 5222  
2015. 5223

**Sec. 2903.41.** As used in sections 2903.41 to 2903.44 of 5224  
the Revised Code: 5225

(A) "Violent offender" means any of the following: 5226

(1) A person who on or after the effective date of this 5227  
section is convicted of or pleads guilty to any of the 5228  
following: 5229

(a) A violation of section 2903.01, 2903.02, 2903.03, 5230  
2904.03, 2904.04, or 2905.01 of the Revised Code or a violation 5231  
of section 2905.02 of the Revised Code that is a felony of the 5232  
second degree; 5233

(b) Any attempt to commit, conspiracy to commit, or 5234  
complicity in committing any offense listed in division (A)(1) 5235  
(a) of this section. 5236

(2) A person who on the effective date of this section has 5237  
been convicted of or pleaded guilty to an offense listed in 5238  
division (A)(1) of this section and is confined in a jail, 5239  
workhouse, state correctional institution, or other institution, 5240  
serving a prison term, term of imprisonment, or other term of 5241  
confinement for the offense. 5242

(B) "Community control sanction," "jail," and "prison" 5243  
have the same meanings as in section 2929.01 of the Revised 5244  
Code. 5245

(C) "Out-of-state violent offender" means a person who is 5246  
convicted of, pleads guilty to, has been convicted of, or has 5247  
pleaded guilty to a violation of any existing or former 5248  
municipal ordinance or law of another state or the United 5249  
States, or any existing or former law applicable in a military 5250  
court or in an Indian tribal court, that is or was substantially 5251  
equivalent to any offense listed in division (A) (1) of this 5252  
section. 5253

(D) "Qualifying out-of-state violent offender" means an 5254  
out-of-state violent offender who is aware of the existence of 5255  
the violent offender database. 5256

(E) "Post-release control sanction" and "supervised 5257  
release" have the same meanings as in section 2950.01 of the 5258  
Revised Code. 5259

(F) "Change of address" means a change to a violent 5260  
offender's or out-of-state violent offender's residence address, 5261  
employment address, or school or institution of higher education 5262  
address. 5263

(G) "Violent offender database" means the database of 5264  
violent offenders and out-of-state violent offenders that is 5265  
established and maintained by the bureau of criminal 5266  
identification and investigation under division (F) (2) of 5267  
section 2903.43 of the Revised Code, that is operated by 5268  
sheriffs under sections 2903.42 and 2903.43 of the Revised Code, 5269  
and for which sheriffs obtain information from violent offenders 5270  
and out-of-state violent offenders pursuant to sections 2903.42 5271  
and 2903.43 of the Revised Code. 5272

(H) "Violent offender database duties" and "VOD duties" 5273  
mean the duty to enroll, duty to re-enroll, and duty to provide 5274

notice of a change of address imposed on a violent offender or a 5275  
qualifying out-of-state violent offender under section 2903.42, 5276  
2903.421, 2903.43, or 2903.44 of the Revised Code. 5277

(I) "Ten-year enrollment period" means, for a violent 5278  
offender who has violent offender database duties pursuant to 5279  
section 2903.42 of the Revised Code or a qualifying out-of-state 5280  
violent offender who has violent offender database duties 5281  
pursuant to section 2903.421 of the Revised Code, ten years from 5282  
the date on which the offender initially enrolls in the violent 5283  
offender database. 5284

(J) "Extended enrollment period" means, for a violent 5285  
offender who has violent offender database duties pursuant to 5286  
section 2903.42 of the Revised Code or a qualifying out-of-state 5287  
violent offender who has violent offender database duties 5288  
pursuant to section 2903.421 of the Revised Code, the offender's 5289  
enrollment period as extended pursuant to division (D) (2) of 5290  
section 2903.43 of the Revised Code. 5291

(K) "Prosecutor" means one of the following: 5292

(1) As used in section 2903.42 of the Revised Code, the 5293  
office of the prosecuting attorney who handled a violent 5294  
offender's underlying case or the office of that prosecutor's 5295  
successor. 5296

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 5297  
the Revised Code, the office of the prosecuting attorney of the 5298  
county in which a violent offender resides or of the county in 5299  
which an out-of-state violent offender resides or occupies a 5300  
dwelling. 5301

Sec. 2904.01. This chapter supersedes all conflicting 5302  
provisions of the Revised Code regarding abortion. 5303

No state funds shall be disbursed that would support a violation of this chapter. No contract shall be enforced, if that enforcement would require or support a violation of this chapter. 5304  
5305  
5306  
5307

**Sec. 2904.02. As used in this chapter:** 5308

(A) "Fatal condition" means a disease or injury that will lead to a patient's death, and does not include either (1) a condition related to the patient's mental health; or (2) pregnancy itself. 5309  
5310  
5311  
5312

(B) "Physician" has the same meaning as in section 2305.113 of the Revised Code. 5313  
5314

(C) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. 5315  
5316  
5317  
5318

(D) "Unborn child" means an individual organism of the species homo sapiens from fertilization until live birth. 5319  
5320

(E) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing life outside the womb with or without temporary artificial life-sustaining support. 5321  
5322  
5323  
5324

**Sec. 2904.03. (A) No person shall purposely, and with prior calculation and design, perform or have an abortion.** 5325  
5326

(B) No person shall purposely perform an abortion while committing or attempting to commit kidnapping, rape, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, trespass in a habitation when a person is present or likely to be present, terrorism, or escape. 5327  
5328  
5329  
5330  
5331

(C) No person who is under detention as a result of having 5332  
been found guilty of or having pleaded guilty to a felony or who 5333  
breaks that detention shall purposely perform or have an 5334  
abortion. 5335

(D) Whoever violates this section is guilty of aggravated 5336  
abortion murder and shall be punished as provided in section 5337  
2929.02 of the Revised Code. 5338

**Sec. 2904.04.** (A) No person shall purposely perform or 5339  
have an abortion. 5340

(B) No person shall cause an abortion as a proximate 5341  
result of the offender's committing or attempting to commit an 5342  
offense of violence that is a felony of the first or second 5343  
degree and that is not a violation of section 2904.03 of the 5344  
Revised Code. 5345

(C) Division (B) of this section does not apply to an 5346  
offense that becomes a felony of the first or second degree only 5347  
if the offender previously has been convicted of that offense or 5348  
another specified offense. 5349

(D) Whoever violates this section is guilty of abortion 5350  
murder and shall be punished as provided in section 2929.02 of 5351  
the Revised Code. 5352

**Sec. 2904.20.** A court shall regard the unborn child victim 5353  
of an aggravated abortion murder or abortion murder as a person 5354  
who is less than thirteen years of age. 5355

**Sec. 2904.30.** It is an affirmative defense to a charge 5356  
under this chapter, for the woman upon whom an abortion was 5357  
performed or attempted to be performed, if both of the following 5358  
apply: 5359

(A) She was compelled by force, fear, duress, 5360  
intimidation, or fraud to have the abortion. 5361

(B) She has filed a report with a law enforcement agency, 5362  
with the requisite jurisdiction, certifying in writing that she 5363  
was compelled to have the abortion. 5364

**Sec. 2904.35. A physician who does all of the following is** 5365  
not subject to criminal prosecution, damages in any civil 5366  
action, or professional disciplinary action, for a violation of 5367  
this chapter: 5368

(A) Using reasonable medical judgment, believes it is 5369  
highly probable that the pregnant woman will die from a certain 5370  
fatal condition before her unborn child is viable; 5371

(B) Performs a surgery, before the unborn child is viable, 5372  
for the sole purpose of treating the pregnant woman's fatal 5373  
condition; 5374

(C) Takes all possible steps to preserve the life of the 5375  
unborn child, while preserving the life of the woman. Such steps 5376  
include, if applicable, attempting to reimplant an ectopic 5377  
pregnancy into the woman's uterus. 5378

**Sec. 2909.24. (A) No person shall commit a specified** 5379  
offense with purpose to do any of the following: 5380

(1) Intimidate or coerce a civilian population; 5381

(2) Influence the policy of any government by intimidation 5382  
or coercion; 5383

(3) Affect the conduct of any government by the specified 5384  
offense. 5385

(B) (1) Whoever violates this section is guilty of 5386



terrorism. 5387

(2) Except as otherwise provided in divisions (B) (3) and 5388  
(4) of this section, terrorism is an offense one degree higher 5389  
than the most serious underlying specified offense the defendant 5390  
committed. 5391

(3) If the most serious underlying specified offense the 5392  
defendant committed is a felony of the first degree ~~or,~~ murder, 5393  
or abortion murder, the person shall be sentenced to life 5394  
imprisonment without parole. 5395

(4) If the most serious underlying specified offense the 5396  
defendant committed is aggravated murder or aggravated abortion 5397  
murder, the offender shall be sentenced to life imprisonment 5398  
without parole or death pursuant to sections 2929.02 to 2929.06 5399  
of the Revised Code. 5400

(5) Section 2909.25 of the Revised Code applies regarding 5401  
an offender who is convicted of or pleads guilty to a violation 5402  
of this section. 5403

**Sec. 2921.32.** (A) No person, with purpose to hinder the 5404  
discovery, apprehension, prosecution, conviction, or punishment 5405  
of another for crime or to assist another to benefit from the 5406  
commission of a crime, and no person, with purpose to hinder the 5407  
discovery, apprehension, prosecution, adjudication as a 5408  
delinquent child, or disposition of a child for an act that if 5409  
committed by an adult would be a crime or to assist a child to 5410  
benefit from the commission of an act that if committed by an 5411  
adult would be a crime, shall do any of the following: 5412

(1) Harbor or conceal the other person or child; 5413

(2) Provide the other person or child with money, 5414  
transportation, a weapon, a disguise, or other means of avoiding 5415

|   |  |
|---|--|
| discovery or apprehension;  | 5416   |
| (3) Warn the other person or child of impending discovery<br>or apprehension;   | 5417<br>5418   |
| (4) Destroy or conceal physical evidence of the crime or<br>act, or induce any person to withhold testimony or information<br>or to elude legal process summoning the person to testify or<br>supply evidence;  | 5419<br>5420<br>5421<br>5422   |
| (5) Communicate false information to any person;  | 5423   |
| (6) Prevent or obstruct any person, by means of force,<br>intimidation, or deception, from performing any act to aid in<br>the discovery, apprehension, or prosecution of the other person<br>or child.   | 5424<br>5425<br>5426<br>5427   |
| (B) A person may be prosecuted for, and may be convicted<br>of or adjudicated a delinquent child for committing, a violation<br>of division (A) of this section regardless of whether the person<br>or child aided ultimately is apprehended for, is charged with,<br>is convicted of, pleads guilty to, or is adjudicated a<br>delinquent child for committing the crime or act the person or<br>child aided committed. The crime or act the person or child<br>aided committed shall be used under division (C) of this section<br>in determining the penalty for the violation of division (A) of<br>this section, regardless of whether the person or child aided<br>ultimately is apprehended for, is charged with, is convicted of,<br>pleads guilty to, or is adjudicated a delinquent child for<br>committing the crime or act the person or child aided committed. | 5428<br>5429<br>5430<br>5431<br>5432<br>5433<br>5434<br>5435<br>5436<br>5437<br>5438<br>5439<br>5440 |
| (C) (1) Whoever violates this section is guilty of<br>obstructing justice.  | 5441<br>5442   |
| (2) If the crime committed by the person aided is a<br>misdemeanor or if the act committed by the child aided would be  | 5443<br>5444   |

a misdemeanor if committed by an adult, obstructing justice is a 5445  
misdemeanor of the same degree as the crime committed by the 5446  
person aided or a misdemeanor of the same degree that the act 5447  
committed by the child aided would be if committed by an adult. 5448

(3) Except as otherwise provided in divisions (C) (4), (5), 5449  
and (6) of this section, if the crime committed by the person 5450  
aided is a felony or if the act committed by the child aided 5451  
would be a felony if committed by an adult, obstructing justice 5452  
is a felony of the fifth degree. 5453

(4) Except as otherwise provided in division (C) (6) of 5454  
this section, if the crime committed by the person aided is 5455  
aggravated murder, murder, aggravated abortion murder, or 5456  
abortion murder, or a felony of the first or second degree or if 5457  
the act committed by the child aided would be one of those 5458  
offenses if committed by an adult and if the offender knows or 5459  
has reason to believe that the crime committed by the person 5460  
aided is one of those offenses or that the act committed by the 5461  
child aided would be one of those offenses if committed by an 5462  
adult, obstructing justice is a felony of the third degree. 5463

(5) If the crime or act committed by the person or child 5464  
aided is an act of terrorism, obstructing justice is one of the 5465  
following: 5466

(a) Except as provided in division (C) (5) (b) of this 5467  
section, a felony of the second degree; 5468

(b) If the act of terrorism resulted in the death of a 5469  
person who was not a participant in the act of terrorism, a 5470  
felony of the first degree. 5471

(6) If the crime committed by the person is trafficking in 5472  
persons or if the act committed by the child aided would be 5473

trafficking in persons if committed by an adult, obstructing 5474  
justice is a felony of the second degree. 5475

(D) As used in this section: 5476

(1) "Adult" and "child" have the same meanings as in 5477  
section 2151.011 of the Revised Code. 5478

(2) "Delinquent child" has the same meaning as in section 5479  
2152.02 of the Revised Code. 5480

(3) "Act of terrorism" has the same meaning as in section 5481  
2909.21 of the Revised Code. 5482

**Sec. 2921.34.** (A) (1) No person, knowing the person is 5483  
under detention, other than supervised release detention, or 5484  
being reckless in that regard, shall purposely break or attempt 5485  
to break the detention, or purposely fail to return to 5486  
detention, either following temporary leave granted for a 5487  
specific purpose or limited period, or at the time required when 5488  
serving a sentence in intermittent confinement. 5489

(2) (a) Division (A) (2) (b) of this section applies to any 5490  
person who is sentenced to a prison term pursuant to division 5491  
(A) (3) or (B) of section 2971.03 of the Revised Code. 5492

(b) No person to whom this division applies, for whom the 5493  
requirement that the entire prison term imposed upon the person 5494  
pursuant to division (A) (3) or (B) of section 2971.03 of the 5495  
Revised Code be served in a state correctional institution has 5496  
been modified pursuant to section 2971.05 of the Revised Code, 5497  
and who, pursuant to that modification, is restricted to a 5498  
geographic area, knowing that the person is under a geographic 5499  
restriction or being reckless in that regard, shall purposely 5500  
leave the geographic area to which the restriction applies or 5501  
purposely fail to return to that geographic area following a 5502

temporary leave granted for a specific purpose or for a limited 5503  
period of time. 5504

(3) No person, knowing the person is under supervised 5505  
release detention or being reckless in that regard, shall 5506  
purposely break or attempt to break the supervised release 5507  
detention or purposely fail to return to the supervised release 5508  
detention, either following temporary leave granted for a 5509  
specific purpose or limited period, or at the time required when 5510  
serving a sentence in intermittent confinement. 5511

(B) Irregularity in bringing about or maintaining 5512  
detention, or lack of jurisdiction of the committing or 5513  
detaining authority, is not a defense to a charge under this 5514  
section if the detention is pursuant to judicial order or in a 5515  
detention facility. In the case of any other detention, 5516  
irregularity or lack of jurisdiction is an affirmative defense 5517  
only if either of the following occurs: 5518

(1) The escape involved no substantial risk of harm to the 5519  
person or property of another. 5520

(2) The detaining authority knew or should have known 5521  
there was no legal basis or authority for the detention. 5522

(C) Whoever violates this section is guilty of escape. 5523

(1) If the offender violates division (A)(1) or (2) of 5524  
this section, if the offender, at the time of the commission of 5525  
the offense, was under detention as an alleged or adjudicated 5526  
delinquent child or unruly child, and if the act for which the 5527  
offender was under detention would not be a felony if committed 5528  
by an adult, escape is a misdemeanor of the first degree. 5529

(2) If the offender violates division (A)(1) or (2) of 5530  
this section and if either the offender, at the time of the 5531

commission of the offense, was under detention in any other 5532  
manner or the offender is a person for whom the requirement that 5533  
the entire prison term imposed upon the person pursuant to 5534  
division (A) (3) or (B) of section 2971.03 of the Revised Code be 5535  
served in a state correctional institution has been modified 5536  
pursuant to section 2971.05 of the Revised Code, escape is one 5537  
of the following: 5538

(a) A felony of the second degree, when the most serious 5539  
offense for which the person was under detention or for which 5540  
the person had been sentenced to the prison term under division 5541  
(A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) 5542  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 5543  
is aggravated murder, murder, aggravated abortion murder, 5544  
abortion murder, or a felony of the first or second degree or, 5545  
if the person was under detention as an alleged or adjudicated 5546  
delinquent child, when the most serious act for which the person 5547  
was under detention would be aggravated murder, murder, 5548  
aggravated abortion murder, or abortion murder, or a felony of 5549  
the first or second degree if committed by an adult; 5550

(b) A felony of the third degree, when the most serious 5551  
offense for which the person was under detention or for which 5552  
the person had been sentenced to the prison term under division 5553  
(A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) 5554  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 5555  
is a felony of the third, fourth, or fifth degree or an 5556  
unclassified felony or, if the person was under detention as an 5557  
alleged or adjudicated delinquent child, when the most serious 5558  
act for which the person was under detention would be a felony 5559  
of the third, fourth, or fifth degree or an unclassified felony 5560  
if committed by an adult; 5561

(c) A felony of the fifth degree, when any of the 5562  
following applies: 5563

(i) The most serious offense for which the person was 5564  
under detention is a misdemeanor. 5565

(ii) The person was found not guilty by reason of 5566  
insanity, and the person's detention consisted of 5567  
hospitalization, institutionalization, or confinement in a 5568  
facility under an order made pursuant to or under authority of 5569  
section 2945.40, 2945.401, or 2945.402 of the Revised Code. 5570

(d) A misdemeanor of the first degree, when the most 5571  
serious offense for which the person was under detention is a 5572  
misdemeanor and when the person fails to return to detention at 5573  
a specified time following temporary leave granted for a 5574  
specific purpose or limited period or at the time required when 5575  
serving a sentence in intermittent confinement. 5576

(3) If the offender violates division (A) (3) of this 5577  
section, except as otherwise provided in this division, escape 5578  
is a felony of the fifth degree. If the offender violates 5579  
division (A) (3) of this section and if, at the time of the 5580  
commission of the offense, the most serious offense for which 5581  
the offender was under supervised release detention was 5582  
aggravated murder, murder, aggravated abortion murder, abortion 5583  
murder, any other offense for which a sentence of life 5584  
imprisonment was imposed, or a felony of the first or second 5585  
degree, escape is a felony of the fourth degree. 5586

(D) As used in this section, "supervised release 5587  
detention" means detention that is supervision of a person by an 5588  
employee of the department of rehabilitation and correction 5589  
while the person is on any type of release from a state 5590

correctional institution, other than transitional control under 5591  
section 2967.26 of the Revised Code or placement in a community- 5592  
based correctional facility by the parole board under section 5593  
2967.28 of the Revised Code. 5594

**Sec. 2923.01.** (A) No person, with purpose to commit or to 5595  
promote or facilitate the commission of aggravated murder, 5596  
murder, aggravated abortion murder, abortion murder, kidnapping, 5597  
abduction, compelling prostitution, promoting prostitution, 5598  
trafficking in persons, aggravated arson, arson, aggravated 5599  
robbery, robbery, aggravated burglary, burglary, trespassing in 5600  
a habitation when a person is present or likely to be present, 5601  
engaging in a pattern of corrupt activity, corrupting another 5602  
with drugs, a felony drug trafficking, manufacturing, 5603  
processing, or possession offense, theft of drugs, or illegal 5604  
processing of drug documents, the commission of a felony offense 5605  
of unauthorized use of a vehicle, illegally transmitting 5606  
multiple commercial electronic mail messages or unauthorized 5607  
access of a computer in violation of section 2923.421 of the 5608  
Revised Code, or the commission of a violation of any provision 5609  
of Chapter 3734. of the Revised Code, other than section 3734.18 5610  
of the Revised Code, that relates to hazardous wastes, shall do 5611  
either of the following: 5612

(1) With another person or persons, plan or aid in 5613  
planning the commission of any of the specified offenses; 5614

(2) Agree with another person or persons that one or more 5615  
of them will engage in conduct that facilitates the commission 5616  
of any of the specified offenses. 5617

(B) No person shall be convicted of conspiracy unless a 5618  
substantial overt act in furtherance of the conspiracy is 5619  
alleged and proved to have been done by the accused or a person 5620



with whom the accused conspired, subsequent to the accused's 5621  
entrance into the conspiracy. For purposes of this section, an 5622  
overt act is substantial when it is of a character that 5623  
manifests a purpose on the part of the actor that the object of 5624  
the conspiracy should be completed. 5625

(C) When the offender knows or has reasonable cause to 5626  
believe that a person with whom the offender conspires also has 5627  
conspired or is conspiring with another to commit the same 5628  
offense, the offender is guilty of conspiring with that other 5629  
person, even though the other person's identity may be unknown 5630  
to the offender. 5631

(D) It is no defense to a charge under this section that, 5632  
in retrospect, commission of the offense that was the object of 5633  
the conspiracy was impossible under the circumstances. 5634

(E) A conspiracy terminates when the offense or offenses 5635  
that are its objects are committed or when it is abandoned by 5636  
all conspirators. In the absence of abandonment, it is no 5637  
defense to a charge under this section that no offense that was 5638  
the object of the conspiracy was committed. 5639

(F) A person who conspires to commit more than one offense 5640  
is guilty of only one conspiracy, when the offenses are the 5641  
object of the same agreement or continuous conspiratorial 5642  
relationship. 5643

(G) When a person is convicted of committing or attempting 5644  
to commit a specific offense or of complicity in the commission 5645  
of or attempt to commit the specific offense, the person shall 5646  
not be convicted of conspiracy involving the same offense. 5647

(H) (1) No person shall be convicted of conspiracy upon the 5648  
testimony of a person with whom the defendant conspired, 5649

unsupported by other evidence. 5650

(2) If a person with whom the defendant allegedly has 5651  
conspired testifies against the defendant in a case in which the 5652  
defendant is charged with conspiracy and if the testimony is 5653  
supported by other evidence, the court, when it charges the 5654  
jury, shall state substantially the following: 5655

"The testimony of an accomplice that is supported by other 5656  
evidence does not become inadmissible because of the 5657  
accomplice's complicity, moral turpitude, or self-interest, but 5658  
the admitted or claimed complicity of a witness may affect the 5659  
witness' credibility and make the witness' testimony subject to 5660  
grave suspicion, and require that it be weighed with great 5661  
caution. 5662

It is for you, as jurors, in the light of all the facts 5663  
presented to you from the witness stand, to evaluate such 5664  
testimony and to determine its quality and worth or its lack of 5665  
quality and worth." 5666

(3) "Conspiracy," as used in division (H)(1) of this 5667  
section, does not include any conspiracy that results in an 5668  
attempt to commit an offense or in the commission of an offense. 5669

(I) The following are affirmative defenses to a charge of 5670  
conspiracy: 5671

(1) After conspiring to commit an offense, the actor 5672  
thwarted the success of the conspiracy under circumstances 5673  
manifesting a complete and voluntary renunciation of the actor's 5674  
criminal purpose. 5675

(2) After conspiring to commit an offense, the actor 5676  
abandoned the conspiracy prior to the commission of or attempt 5677  
to commit any offense that was the object of the conspiracy, 5678

either by advising all other conspirators of the actor's 5679  
abandonment, or by informing any law enforcement authority of 5680  
the existence of the conspiracy and of the actor's participation 5681  
in the conspiracy. 5682

(J) Whoever violates this section is guilty of conspiracy, 5683  
which is one of the following: 5684

(1) A felony of the first degree, when one of the objects 5685  
of the conspiracy is aggravated murder, murder, aggravated 5686  
abortion murder, abortion murder, or an offense for which the 5687  
maximum penalty is imprisonment for life; 5688

(2) A felony of the next lesser degree than the most 5689  
serious offense that is the object of the conspiracy, when the 5690  
most serious offense that is the object of the conspiracy is a 5691  
felony of the first, second, third, or fourth degree; 5692

(3) A felony punishable by a fine of not more than twenty- 5693  
five thousand dollars or imprisonment for not more than eighteen 5694  
months, or both, when the offense that is the object of the 5695  
conspiracy is a violation of any provision of Chapter 3734. of 5696  
the Revised Code, other than section 3734.18 of the Revised 5697  
Code, that relates to hazardous wastes; 5698

(4) A misdemeanor of the first degree, when the most 5699  
serious offense that is the object of the conspiracy is a felony 5700  
of the fifth degree. 5701

(K) This section does not define a separate conspiracy 5702  
offense or penalty where conspiracy is defined as an offense by 5703  
one or more sections of the Revised Code, other than this 5704  
section. In such a case, however: 5705

(1) With respect to the offense specified as the object of 5706  
the conspiracy in the other section or sections, division (A) of 5707

this section defines the voluntary act or acts and culpable 5708  
mental state necessary to constitute the conspiracy; 5709

(2) Divisions (B) to (I) of this section are incorporated 5710  
by reference in the conspiracy offense defined by the other 5711  
section or sections of the Revised Code. 5712

(L) (1) In addition to the penalties that otherwise are 5713  
imposed for conspiracy, a person who is found guilty of 5714  
conspiracy to engage in a pattern of corrupt activity is subject 5715  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 5716  
section 2981.04, and division (D) of section 2981.06 of the 5717  
Revised Code. 5718

(2) If a person is convicted of or pleads guilty to 5719  
conspiracy and if the most serious offense that is the object of 5720  
the conspiracy is a felony drug trafficking, manufacturing, 5721  
processing, or possession offense, in addition to the penalties 5722  
or sanctions that may be imposed for the conspiracy under 5723  
division (J) (2) or (4) of this section and Chapter 2929. of the 5724  
Revised Code, both of the following apply: 5725

(a) The provisions of divisions (D), (F), and (G) of 5726  
section 2925.03, division (D) of section 2925.04, division (D) 5727  
of section 2925.05, division (D) of section 2925.06, and 5728  
division (E) of section 2925.11 of the Revised Code that pertain 5729  
to mandatory and additional fines, driver's or commercial 5730  
driver's license or permit suspensions, and professionally 5731  
licensed persons and that would apply under the appropriate 5732  
provisions of those divisions to a person who is convicted of or 5733  
pleads guilty to the felony drug trafficking, manufacturing, 5734  
processing, or possession offense that is the most serious 5735  
offense that is the basis of the conspiracy shall apply to the 5736  
person who is convicted of or pleads guilty to the conspiracy as 5737

if the person had been convicted of or pleaded guilty to the 5738  
felony drug trafficking, manufacturing, processing, or 5739  
possession offense that is the most serious offense that is the 5740  
basis of the conspiracy. 5741

(b) The court that imposes sentence upon the person who is 5742  
convicted of or pleads guilty to the conspiracy shall comply 5743  
with the provisions identified as being applicable under 5744  
division (L) (2) of this section, in addition to any other 5745  
penalty or sanction that it imposes for the conspiracy under 5746  
division (J) (2) or (4) of this section and Chapter 2929. of the 5747  
Revised Code. 5748

(M) As used in this section: 5749

(1) "Felony drug trafficking, manufacturing, processing, 5750  
or possession offense" means any of the following that is a 5751  
felony: 5752

(a) A violation of section 2925.03, 2925.04, 2925.05, or 5753  
2925.06 of the Revised Code; 5754

(b) A violation of section 2925.11 of the Revised Code 5755  
that is not a minor drug possession offense. 5756

(2) "Minor drug possession offense" has the same meaning 5757  
as in section 2925.01 of the Revised Code. 5758

**Sec. 2923.02.** (A) No person, purposely or knowingly, and 5759  
when purpose or knowledge is sufficient culpability for the 5760  
commission of an offense, shall engage in conduct that, if 5761  
successful, would constitute or result in the offense. 5762

(B) It is no defense to a charge under this section that, 5763  
in retrospect, commission of the offense that was the object of 5764  
the attempt was either factually or legally impossible under the 5765

attendant circumstances, if that offense could have been 5766  
committed had the attendant circumstances been as the actor 5767  
believed them to be. 5768

(C) No person who is convicted of committing a specific 5769  
offense, of complicity in the commission of an offense, or of 5770  
conspiracy to commit an offense shall be convicted of an attempt 5771  
to commit the same offense in violation of this section. 5772

(D) It is an affirmative defense to a charge under this 5773  
section that the actor abandoned the actor's effort to commit 5774  
the offense or otherwise prevented its commission, under 5775  
circumstances manifesting a complete and voluntary renunciation 5776  
of the actor's criminal purpose. 5777

(E) (1) Whoever violates this section is guilty of an 5778  
attempt to commit an offense. An attempt to commit aggravated 5779  
murder, murder, aggravated abortion murder, abortion murder, or 5780  
an offense for which the maximum penalty is imprisonment for 5781  
life is a felony of the first degree. An attempt to commit a 5782  
drug abuse offense for which the penalty is determined by the 5783  
amount or number of unit doses of the controlled substance 5784  
involved in the drug abuse offense is an offense of the same 5785  
degree as the drug abuse offense attempted would be if that drug 5786  
abuse offense had been committed and had involved an amount or 5787  
number of unit doses of the controlled substance that is within 5788  
the next lower range of controlled substance amounts than was 5789  
involved in the attempt. An attempt to commit any other offense 5790  
is an offense of the next lesser degree than the offense 5791  
attempted. In the case of an attempt to commit an offense other 5792  
than a violation of Chapter 3734. of the Revised Code that is 5793  
not specifically classified, an attempt is a misdemeanor of the 5794  
first degree if the offense attempted is a felony, and a 5795

misdemeanor of the fourth degree if the offense attempted is a 5796  
misdemeanor. In the case of an attempt to commit a violation of 5797  
any provision of Chapter 3734. of the Revised Code, other than 5798  
section 3734.18 of the Revised Code, that relates to hazardous 5799  
wastes, an attempt is a felony punishable by a fine of not more 5800  
than twenty-five thousand dollars or imprisonment for not more 5801  
than eighteen months, or both. An attempt to commit a minor 5802  
misdemeanor, or to engage in conspiracy, is not an offense under 5803  
this section. 5804

(2) If a person is convicted of or pleads guilty to 5805  
attempted rape and also is convicted of or pleads guilty to a 5806  
specification of the type described in section 2941.1418, 5807  
2941.1419, or 2941.1420 of the Revised Code, the offender shall 5808  
be sentenced to a prison term or term of life imprisonment 5809  
pursuant to section 2971.03 of the Revised Code. 5810

(3) In addition to any other sanctions imposed pursuant to 5811  
division (E)(1) of this section for an attempt to commit 5812  
aggravated murder or murder in violation of division (A) of this 5813  
section, if the offender used a motor vehicle as the means to 5814  
attempt to commit the offense, the court shall impose upon the 5815  
offender a class two suspension of the offender's driver's 5816  
license, commercial driver's license, temporary instruction 5817  
permit, probationary license, or nonresident operating privilege 5818  
as specified in division (A)(2) of section 4510.02 of the 5819  
Revised Code. 5820

(4) If a person is convicted of or found guilty of an 5821  
attempt to commit aggravated murder of the type described in 5822  
division (E) or (F) of section 2903.01 of the Revised Code, the 5823  
court shall impose as a mandatory prison term one of the prison 5824  
terms prescribed for a felony of the first degree. 5825

|   |  |
|---|--|
| (F) As used in this section:  | 5826   |
| (1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.  | 5827<br>5828   |
| (2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.   | 5829<br>5830   |
| <b>Sec. 2923.131.</b> (A) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.  | 5831<br>5832<br>5833                                 |
| (B) No person under detention at a detention facility shall possess a deadly weapon.  | 5834<br>5835   |
| (C) Whoever violates this section is guilty of possession of a deadly weapon while under detention.   | 5836<br>5837   |
| (1) If the offender, at the time of the commission of the offense, was under detention as an alleged or adjudicated delinquent child or unruly child and if at the time the offender commits the act for which the offender was under detention it would not be a felony if committed by an adult, possession of a deadly weapon while under detention is a misdemeanor of the first degree.                    | 5838<br>5839<br>5840<br>5841<br>5842<br>5843<br>5844 |
| (2) If the offender, at the time of the commission of the offense, was under detention in any other manner, possession of a deadly weapon while under detention is one of the following:  | 5845<br>5846<br>5847                                 |
| (a) A felony of the first degree, when the most serious offense for which the person was under detention is <u>aggravated murder</u> <del>or, murder, aggravated abortion murder, or abortion murder</del> and regardless of when the <del>aggravated murder or murder</del> <u>offense</u> occurred or, if the person was under detention as an alleged or adjudicated delinquent child, when the most serious | 5848<br>5849<br>5850<br>5851<br>5852<br>5853         |



act for which the person was under detention would be aggravated 5854  
~~murder or~~, murder, aggravated abortion murder, or abortion 5855  
murder if committed by an adult and regardless of when that act 5856  
occurred; 5857

(b) A felony of the second degree if any of the following 5858  
applies: 5859

(i) The most serious offense for which the person was 5860  
under detention is a felony of the first degree committed on or 5861  
after July 1, 1996, or an aggravated felony of the first degree 5862  
committed prior to July 1, 1996. 5863

(ii) If the person was under detention as an alleged or 5864  
adjudicated delinquent child, the most serious act for which the 5865  
person was under detention was committed on or after July 1, 5866  
1996, and would be a felony of the first degree if committed by 5867  
an adult, or was committed prior to July 1, 1996, and would have 5868  
been an aggravated felony of the first degree if committed by an 5869  
adult. 5870

(c) A felony of the third degree if any of the following 5871  
applies: 5872

(i) The most serious offense for which the person was 5873  
under detention is a felony of the second degree committed on or 5874  
after July 1, 1996, or is an aggravated felony of the second 5875  
degree or a felony of the first degree committed prior to July 5876  
1, 1996. 5877

(ii) If the person was under detention as an alleged or 5878  
adjudicated delinquent child, the most serious act for which the 5879  
person was under detention was committed on or after July 1, 5880  
1996, and would be a felony of the second degree if committed by 5881  
an adult, or was committed prior to July 1, 1996, and would have 5882

been an aggravated felony of the second degree or a felony of 5883  
the first degree if committed by an adult. 5884

(d) A felony of the fourth degree if any of the following 5885  
applies: 5886

(i) The most serious offense for which the person was 5887  
under detention is a felony of the third degree committed on or 5888  
after July 1, 1996, is an aggravated felony of the third degree 5889  
or a felony of the second degree committed prior to July 1, 5890  
1996, or is a felony of the third degree committed prior to July 5891  
1, 1996, that, if it had been committed on or after July 1, 5892  
1996, also would be a felony of the third degree. 5893

(ii) If the person was under detention as an alleged or 5894  
adjudicated delinquent child, the most serious act for which the 5895  
person was under detention was committed on or after July 1, 5896  
1996, and would be a felony of the third degree if committed by 5897  
an adult, was committed prior to July 1, 1996, and would have 5898  
been an aggravated felony of the third degree or a felony of the 5899  
second degree if committed by an adult, or was committed prior 5900  
to July 1, 1996, would have been a felony of the third degree if 5901  
committed by an adult, and, if it had been committed on or after 5902  
July 1, 1996, also would be a felony of the third degree if 5903  
committed by an adult. 5904

(e) A felony of the fifth degree if any of the following 5905  
applies: 5906

(i) The most serious offense for which the person was 5907  
under detention is a felony of the fourth or fifth degree 5908  
committed on or after July 1, 1996, is a felony of the third 5909  
degree committed prior to July 1, 1996, that, if committed on or 5910  
after July 1, 1996, would be a felony of the fourth degree, is a 5911

felony of the fourth degree committed prior to July 1, 1996, or 5912  
is an unclassified felony or a misdemeanor regardless of when 5913  
the unclassified felony or misdemeanor is committed. 5914

(ii) If the person was under detention as an alleged or 5915  
adjudicated delinquent child, the most serious act for which the 5916  
person was under detention was committed on or after July 1, 5917  
1996, and would be a felony of the fourth or fifth degree if 5918  
committed by an adult, was committed prior to July 1, 1996, 5919  
would have been a felony of the third degree if committed by an 5920  
adult, and, if it had been committed on or after July 1, 1996, 5921  
would be a felony of the fourth degree if committed by an adult, 5922  
was committed prior to July 1, 1996, and would have been a 5923  
felony of the fourth degree if committed by an adult, or would 5924  
be an unclassified felony if committed by an adult regardless of 5925  
when the act is committed. 5926

**Sec. 2923.132.** (A) As used in this section: 5927

(1) (a) "Violent career criminal" means a person who within 5928  
the preceding eight years, subject to extension as provided in 5929  
division (A) (1) (b) of this section, has been convicted of or 5930  
pleaded guilty to two or more violent felony offenses that are 5931  
separated by intervening sentences and are not so closely 5932  
related to each other and connected in time and place that they 5933  
constitute a course of criminal conduct. 5934

(b) Except as provided in division (A) (1) (c) of this 5935  
section, the eight-year period described in division (A) (1) (a) 5936  
of this section shall be extended by a period of time equal to 5937  
any period of time during which the person, within that eight- 5938  
year period, was confined as a result of having been accused of 5939  
an offense, having been convicted of or pleaded guilty to an 5940  
offense, or having been accused of violating or found to have 5941

violated any community control sanction, post-release control 5942  
sanction, or term or condition of supervised release. 5943

(c) Division (A) (1) (b) of this section shall not apply to 5944  
extend the eight-year period described in division (A) (1) (a) of 5945  
this section by any period of time during which a person is 5946  
confined if the person is acquitted of the charges or the 5947  
charges are dismissed in final disposition of the case or during 5948  
which a person is confined as a result of having been accused of 5949  
violating any sanction, term, or condition described in division 5950  
(A) (1) (b) of this section if the person subsequently is not 5951  
found to have violated that sanction, term, or condition. 5952

(2) "Violent felony offense" means any of the following: 5953

(a) A violation of section 2903.01, 2903.02, 2903.03, 5954  
2903.04, 2903.11, 2903.12, 2904.03, 2904.04, 2905.01, 2905.02, 5955  
2909.02, 2909.23, 2911.01, 2911.02, or 2911.11 of the Revised 5956  
Code; 5957

(b) A violation of division (A) (1) or (2) of section 5958  
2911.12 of the Revised Code; 5959

(c) A felony violation of section 2907.02, 2907.03, 5960  
2907.04, or 2907.05 of the Revised Code; 5961

(d) A felony violation of section 2909.24 of the Revised 5962  
Code or a violation of section 2919.25 of the Revised Code that 5963  
is a felony of the third degree; 5964

(e) A felony violation of any existing or former ordinance 5965  
or law of this state, another state, or the United States that 5966  
is or was substantially equivalent to any offense listed or 5967  
described in divisions (A) (2) (a) to (e) of this section; 5968

(f) A conspiracy or attempt to commit, or complicity in 5969

committing, any of the offenses listed or described in divisions 5970  
(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 5971  
complicity is a felony of the first or second degree. 5972

(3) "Dangerous ordnance" and "firearm" have the same 5973  
meanings as in section 2923.11 of the Revised Code. 5974

(4) "Community control sanction" has the same meaning as 5975  
in section 2929.01 of the Revised Code. 5976

(5) "Post-release control sanction" has the same meaning 5977  
as in section 2967.01 of the Revised Code. 5978

(6) "Supervised release" has the same meaning as in 5979  
section 2950.01 of the Revised Code. 5980

(B) No violent career criminal shall knowingly use any 5981  
firearm or dangerous ordnance. 5982

(C) Whoever violates this section is guilty of unlawful 5983  
use of a weapon by a violent career criminal, a felony of the 5984  
first degree. For an offense committed prior to ~~the effective~~ 5985  
~~date of this amendment~~ March 22, 2019, notwithstanding the range 5986  
of definite prison terms set forth in division (A) (1) (b) of 5987  
section 2929.14 of the Revised Code, the court shall impose upon 5988  
the offender a mandatory prison term that is a definite prison 5989  
term of two, three, four, five, six, seven, eight, nine, ten, or 5990  
eleven years. For an offense committed on or after ~~the effective~~ 5991  
~~date of this amendment~~ March 22, 2019, notwithstanding the range 5992  
of minimum prison terms set forth in division (A) (1) (a) of 5993  
section 2929.14 of the Revised Code, the court shall impose upon 5994  
the offender an indefinite prison term pursuant to that 5995  
division, with a minimum term under that sentence that is a 5996  
mandatory prison term of two, three, four, five, six, seven, 5997  
eight, nine, ten, or eleven years. 5998

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 5999  
the Revised Code: 6000

(A) "Beneficial interest" means any of the following: 6001

(1) The interest of a person as a beneficiary under a 6002  
trust in which the trustee holds title to personal or real 6003  
property; 6004

(2) The interest of a person as a beneficiary under any 6005  
other trust arrangement under which any other person holds title 6006  
to personal or real property for the benefit of such person; 6007

(3) The interest of a person under any other form of 6008  
express fiduciary arrangement under which any other person holds 6009  
title to personal or real property for the benefit of such 6010  
person. 6011

"Beneficial interest" does not include the interest of a 6012  
stockholder in a corporation or the interest of a partner in 6013  
either a general or limited partnership. 6014

(B) "Costs of investigation and prosecution" and "costs of 6015  
investigation and litigation" mean all of the costs incurred by 6016  
the state or a county or municipal corporation under sections 6017  
2923.31 to 2923.36 of the Revised Code in the prosecution and 6018  
investigation of any criminal action or in the litigation and 6019  
investigation of any civil action, and includes, but is not 6020  
limited to, the costs of resources and personnel. 6021

(C) "Enterprise" includes any individual, sole 6022  
proprietorship, partnership, limited partnership, corporation, 6023  
trust, union, government agency, or other legal entity, or any 6024  
organization, association, or group of persons associated in 6025  
fact although not a legal entity. "Enterprise" includes illicit 6026  
as well as licit enterprises. 6027

(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who establishes a valid claim to or interest in the property in accordance with division (E) of section 2981.04 of the Revised Code, and any victim of an alleged violation of that section or of any underlying offense involved in an alleged violation of that section.

(E) "Pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event.

At least one of the incidents forming the pattern shall occur on or after January 1, 1986. Unless any incident was an aggravated murder ~~or, murder, aggravated abortion murder, or abortion murder,~~ the last of the incidents forming the pattern shall occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment served by any person engaging in the corrupt activity.

For the purposes of the criminal penalties that may be imposed pursuant to section 2923.32 of the Revised Code, at least one of the incidents forming the pattern shall constitute a felony under the laws of this state in existence at the time it was committed or, if committed in violation of the laws of the United States or of any other state, shall constitute a felony under the law of the United States or the other state and would be a criminal offense under the law of this state if

committed in this state. 6058

(F) "Pecuniary value" means money, a negotiable 6059  
instrument, a commercial interest, or anything of value, as 6060  
defined in section 1.03 of the Revised Code, or any other 6061  
property or service that has a value in excess of one hundred 6062  
dollars. 6063

(G) "Person" means any person, as defined in section 1.59 6064  
of the Revised Code, and any governmental officer, employee, or 6065  
entity. 6066

(H) "Personal property" means any personal property, any 6067  
interest in personal property, or any right, including, but not 6068  
limited to, bank accounts, debts, corporate stocks, patents, or 6069  
copyrights. Personal property and any beneficial interest in 6070  
personal property are deemed to be located where the trustee of 6071  
the property, the personal property, or the instrument 6072  
evidencing the right is located. 6073

(I) "Corrupt activity" means engaging in, attempting to 6074  
engage in, conspiring to engage in, or soliciting, coercing, or 6075  
intimidating another person to engage in any of the following: 6076

(1) Conduct defined as "racketeering activity" under the 6077  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 6078  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 6079

(2) Conduct constituting any of the following: 6080

(a) A violation of section 1315.55, 1322.07, 2903.01, 6081  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2904.03, 2904.04, 6082  
2905.01, 2905.02, 2905.11, 2905.22, 2905.32 as specified in 6083  
division (I)(2)(g) of this section, 2907.321, 2907.322, 6084  
2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 6085  
2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 6086



2911.13, 2911.31, 2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 6087  
2921.04, 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 6088  
2923.12, or 2923.17; division (F) (1) (a), (b), or (c) of section 6089  
1315.53; division (A) (1) or (2) of section 1707.042; division 6090  
(B), (C) (4), (D), (E), or (F) of section 1707.44; division (A) 6091  
(1) or (2) of section 2923.20; division (E) or (G) of section 6092  
3772.99; division (J) (1) of section 4712.02; section 4719.02, 6093  
4719.05, or 4719.06; division (C), (D), or (E) of section 6094  
4719.07; section 4719.08; or division (A) of section 4719.09 of 6095  
the Revised Code. 6096

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 6097  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 6098  
any violation of section 2915.02 of the Revised Code that occurs 6099  
on or after July 1, 1996, and that, had it occurred prior to 6100  
that date, would have been a violation of section 3769.11 of the 6101  
Revised Code as it existed prior to that date, or any violation 6102  
of section 2915.05 of the Revised Code that occurs on or after 6103  
July 1, 1996, and that, had it occurred prior to that date, 6104  
would have been a violation of section 3769.15, 3769.16, or 6105  
3769.19 of the Revised Code as it existed prior to that date. 6106

(c) Any violation of section 2907.21, 2907.22, 2907.31, 6107  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 6108  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 6109  
of the Revised Code, any violation of section 2925.11 of the 6110  
Revised Code that is a felony of the first, second, third, or 6111  
fourth degree and that occurs on or after July 1, 1996, any 6112  
violation of section 2915.02 of the Revised Code that occurred 6113  
prior to July 1, 1996, any violation of section 2915.02 of the 6114  
Revised Code that occurs on or after July 1, 1996, and that, had 6115  
it occurred prior to that date, would not have been a violation 6116  
of section 3769.11 of the Revised Code as it existed prior to 6117

that date, any violation of section 2915.06 of the Revised Code 6118  
as it existed prior to July 1, 1996, or any violation of 6119  
division (B) of section 2915.05 of the Revised Code as it exists 6120  
on and after July 1, 1996, when the proceeds of the violation, 6121  
the payments made in the violation, the amount of a claim for 6122  
payment or for any other benefit that is false or deceptive and 6123  
that is involved in the violation, or the value of the 6124  
contraband or other property illegally possessed, sold, or 6125  
purchased in the violation exceeds one thousand dollars, or any 6126  
combination of violations described in division (I) (2) (c) of 6127  
this section when the total proceeds of the combination of 6128  
violations, payments made in the combination of violations, 6129  
amount of the claims for payment or for other benefits that is 6130  
false or deceptive and that is involved in the combination of 6131  
violations, or value of the contraband or other property 6132  
illegally possessed, sold, or purchased in the combination of 6133  
violations exceeds one thousand dollars; 6134

(d) Any violation of section 5743.112 of the Revised Code 6135  
when the amount of unpaid tax exceeds one hundred dollars; 6136

(e) Any violation or combination of violations of section 6137  
2907.32 of the Revised Code involving any material or 6138  
performance containing a display of bestiality or of sexual 6139  
conduct, as defined in section 2907.01 of the Revised Code, that 6140  
is explicit and depicted with clearly visible penetration of the 6141  
genitals or clearly visible penetration by the penis of any 6142  
orifice when the total proceeds of the violation or combination 6143  
of violations, the payments made in the violation or combination 6144  
of violations, or the value of the contraband or other property 6145  
illegally possessed, sold, or purchased in the violation or 6146  
combination of violations exceeds one thousand dollars; 6147

(f) Any combination of violations described in division 6148  
(I) (2) (c) of this section and violations of section 2907.32 of 6149  
the Revised Code involving any material or performance 6150  
containing a display of bestiality or of sexual conduct, as 6151  
defined in section 2907.01 of the Revised Code, that is explicit 6152  
and depicted with clearly visible penetration of the genitals or 6153  
clearly visible penetration by the penis of any orifice when the 6154  
total proceeds of the combination of violations, payments made 6155  
in the combination of violations, amount of the claims for 6156  
payment or for other benefits that is false or deceptive and 6157  
that is involved in the combination of violations, or value of 6158  
the contraband or other property illegally possessed, sold, or 6159  
purchased in the combination of violations exceeds one thousand 6160  
dollars; 6161

(g) Any violation of section 2905.32 of the Revised Code 6162  
to the extent the violation is not based solely on the same 6163  
conduct that constitutes corrupt activity pursuant to division 6164  
(I) (2) (c) of this section due to the conduct being in violation 6165  
of section 2907.21 of the Revised Code. 6166

(3) Conduct constituting a violation of any law of any 6167  
state other than this state that is substantially similar to the 6168  
conduct described in division (I) (2) of this section, provided 6169  
the defendant was convicted of the conduct in a criminal 6170  
proceeding in the other state; 6171

(4) Animal or ecological terrorism; 6172

(5) (a) Conduct constituting any of the following: 6173

(i) Organized retail theft; 6174

(ii) Conduct that constitutes one or more violations of 6175  
any law of any state other than this state, that is 6176

substantially similar to organized retail theft, and that if 6177  
committed in this state would be organized retail theft, if the 6178  
defendant was convicted of or pleaded guilty to the conduct in a 6179  
criminal proceeding in the other state. 6180

(b) By enacting division (I) (5) (a) of this section, it is 6181  
the intent of the general assembly to add organized retail theft 6182  
and the conduct described in division (I) (5) (a) (ii) of this 6183  
section as conduct constituting corrupt activity. The enactment 6184  
of division (I) (5) (a) of this section and the addition by 6185  
division (I) (5) (a) of this section of organized retail theft and 6186  
the conduct described in division (I) (5) (a) (ii) of this section 6187  
as conduct constituting corrupt activity does not limit or 6188  
preclude, and shall not be construed as limiting or precluding, 6189  
any prosecution for a violation of section 2923.32 of the 6190  
Revised Code that is based on one or more violations of section 6191  
2913.02 or 2913.51 of the Revised Code, one or more similar 6192  
offenses under the laws of this state or any other state, or any 6193  
combination of any of those violations or similar offenses, even 6194  
though the conduct constituting the basis for those violations 6195  
or offenses could be construed as also constituting organized 6196  
retail theft or conduct of the type described in division (I) (5) 6197  
(a) (ii) of this section. 6198

(J) "Real property" means any real property or any 6199  
interest in real property, including, but not limited to, any 6200  
lease of, or mortgage upon, real property. Real property and any 6201  
beneficial interest in it is deemed to be located where the real 6202  
property is located. 6203

(K) "Trustee" means any of the following: 6204

(1) Any person acting as trustee under a trust in which 6205  
the trustee holds title to personal or real property; 6206

(2) Any person who holds title to personal or real 6207  
property for which any other person has a beneficial interest; 6208

(3) Any successor trustee. 6209

"Trustee" does not include an assignee or trustee for an 6210  
insolvent debtor or an executor, administrator, administrator 6211  
with the will annexed, testamentary trustee, guardian, or 6212  
committee, appointed by, under the control of, or accountable to 6213  
a court. 6214

(L) "Unlawful debt" means any money or other thing of 6215  
value constituting principal or interest of a debt that is 6216  
legally unenforceable in this state in whole or in part because 6217  
the debt was incurred or contracted in violation of any federal 6218  
or state law relating to the business of gambling activity or 6219  
relating to the business of lending money at an usurious rate 6220  
unless the creditor proves, by a preponderance of the evidence, 6221  
that the usurious rate was not intentionally set and that it 6222  
resulted from a good faith error by the creditor, 6223  
notwithstanding the maintenance of procedures that were adopted 6224  
by the creditor to avoid an error of that nature. 6225

(M) "Animal activity" means any activity that involves the 6226  
use of animals or animal parts, including, but not limited to, 6227  
hunting, fishing, trapping, traveling, camping, the production, 6228  
preparation, or processing of food or food products, clothing or 6229  
garment manufacturing, medical research, other research, 6230  
entertainment, recreation, agriculture, biotechnology, or 6231  
service activity that involves the use of animals or animal 6232  
parts. 6233

(N) "Animal facility" means a vehicle, building, 6234  
structure, nature preserve, or other premises in which an animal 6235

is lawfully kept, handled, housed, exhibited, bred, or offered 6236  
for sale, including, but not limited to, a zoo, rodeo, circus, 6237  
amusement park, hunting preserve, or premises in which a horse 6238  
or dog event is held. 6239

(O) "Animal or ecological terrorism" means the commission 6240  
of any felony that involves causing or creating a substantial 6241  
risk of physical harm to any property of another, the use of a 6242  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 6243  
recklessly causing serious physical harm to property and that 6244  
involves an intent to obstruct, impede, or deter any person from 6245  
participating in a lawful animal activity, from mining, 6246  
forestry, harvesting, gathering, or processing natural 6247  
resources, or from being lawfully present in or on an animal 6248  
facility or research facility. 6249

(P) "Research facility" means a place, laboratory, 6250  
institution, medical care facility, government facility, or 6251  
public or private educational institution in which a scientific 6252  
test, experiment, or investigation involving the use of animals 6253  
or other living organisms is lawfully carried out, conducted, or 6254  
attempted. 6255

(Q) "Organized retail theft" means the theft of retail 6256  
property with a retail value of one thousand dollars or more 6257  
from one or more retail establishments with the intent to sell, 6258  
deliver, or transfer that property to a retail property fence. 6259

(R) "Retail property" means any tangible personal property 6260  
displayed, held, stored, or offered for sale in or by a retail 6261  
establishment. 6262

(S) "Retail property fence" means a person who possesses, 6263  
procures, receives, or conceals retail property that was 6264

represented to the person as being stolen or that the person 6265  
knows or believes to be stolen. 6266

(T) "Retail value" means the full retail value of the 6267  
retail property. In determining whether the retail value of 6268  
retail property equals or exceeds one thousand dollars, the 6269  
value of all retail property stolen from the retail 6270  
establishment or retail establishments by the same person or 6271  
persons within any one-hundred-eighty-day period shall be 6272  
aggregated. 6273

**Sec. 2923.32.** (A) (1) No person employed by, or associated 6274  
with, any enterprise shall conduct or participate in, directly 6275  
or indirectly, the affairs of the enterprise through a pattern 6276  
of corrupt activity or the collection of an unlawful debt. 6277

(2) No person, through a pattern of corrupt activity or 6278  
the collection of an unlawful debt, shall acquire or maintain, 6279  
directly or indirectly, any interest in, or control of, any 6280  
enterprise or real property. 6281

(3) No person, who knowingly has received any proceeds 6282  
derived, directly or indirectly, from a pattern of corrupt 6283  
activity or the collection of any unlawful debt, shall use or 6284  
invest, directly or indirectly, any part of those proceeds, or 6285  
any proceeds derived from the use or investment of any of those 6286  
proceeds, in the acquisition of any title to, or any right, 6287  
interest, or equity in, real property or in the establishment or 6288  
operation of any enterprise. 6289

A purchase of securities on the open market with intent to 6290  
make an investment, without intent to control or participate in 6291  
the control of the issuer, and without intent to assist another 6292  
to do so is not a violation of this division, if the securities 6293

of the issuer held after the purchase by the purchaser, the 6294  
members of the purchaser's immediate family, and the purchaser's 6295  
or the immediate family members' accomplices in any pattern of 6296  
corrupt activity or the collection of an unlawful debt do not 6297  
aggregate one per cent of the outstanding securities of any one 6298  
class of the issuer and do not confer, in law or in fact, the 6299  
power to elect one or more directors of the issuer. 6300

(B) (1) Whoever violates this section is guilty of engaging 6301  
in a pattern of corrupt activity. Except as otherwise provided 6302  
in this division, engaging in corrupt activity is a felony of 6303  
the second degree. Except as otherwise provided in this 6304  
division, if at least one of the incidents of corrupt activity 6305  
is a felony of the first, second, or third degree, aggravated 6306  
murder, ~~or murder~~, aggravated abortion murder, or abortion 6307  
murder, if at least one of the incidents was a felony under the 6308  
law of this state that was committed prior to July 1, 1996, and 6309  
that would constitute a felony of the first, second, or third 6310  
degree, aggravated murder, or murder if committed on or after 6311  
July 1, 1996, or if at least one of the incidents of corrupt 6312  
activity is a felony under the law of the United States or of 6313  
another state that, if committed in this state on or after July 6314  
1, 1996, would constitute a felony of the first, second, or 6315  
third degree, aggravated murder, ~~or murder~~, aggravated abortion 6316  
murder, or abortion murder, under the law of this state, 6317  
engaging in a pattern of corrupt activity is a felony of the 6318  
first degree. If the offender also is convicted of or pleads 6319  
guilty to a specification as described in section 2941.1422 of 6320  
the Revised Code that was included in the indictment, count in 6321  
the indictment, or information charging the offense, engaging in 6322  
a pattern of corrupt activity is a felony of the first degree, 6323  
and the court shall sentence the offender to a mandatory prison 6324



term as provided in division (B) (7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B) (8) of section 2929.18 of the Revised Code. Notwithstanding any other provision of law, a person may be convicted of violating the provisions of this section as well as of a conspiracy to violate one or more of those provisions under section 2923.01 of the Revised Code.

(2) Notwithstanding the financial sanctions authorized by section 2929.18 of the Revised Code, the court may do all of the following with respect to any person who derives pecuniary value or causes property damage, personal injury other than pain and suffering, or other loss through or by the violation of this section:

(a) In lieu of the fine authorized by that section, impose a fine not exceeding the greater of three times the gross value gained or three times the gross loss caused and order the clerk of the court to pay the fine into the state treasury to the credit of the corrupt activity investigation and prosecution fund, which is hereby created;

(b) In addition to the fine described in division (B) (2) (a) of this section and the financial sanctions authorized by section 2929.18 of the Revised Code, order the person to pay court costs;

(c) In addition to the fine described in division (B) (2) (a) of this section and the financial sanctions authorized by section 2929.18 of the Revised Code, order the person to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution the costs of investigation and prosecution that are reasonably incurred.

The court shall hold a hearing to determine the amount of fine, court costs, and other costs to be imposed under this division.

(3) In addition to any other penalty or disposition authorized or required by law, the court shall order any person who is convicted of or pleads guilty to a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit to the state under Chapter 2981. of the Revised Code any personal or real property in which the person has an interest and that was used in the course of or intended for use in the course of a violation of this section, or that was derived from or realized through conduct in violation of this section, including any property constituting an interest in, means of control over, or influence over the enterprise involved in the violation and any property constituting proceeds derived from the violation, including all of the following:

(a) Any position, office, appointment, tenure, commission, or employment contract of any kind acquired or maintained by the person in violation of this section, through which the person, in violation of this section, conducted or participated in the conduct of an enterprise, or that afforded the person a source of influence or control over an enterprise that the person exercised in violation of this section;

(b) Any compensation, right, or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in division (B) (3) (a) of this section that accrued to the person in violation of this section during the period of the pattern of corrupt activity;

(c) Any interest in, security of, claim against, or

property or contractual right affording the person a source of 6384  
influence or control over the affairs of an enterprise that the 6385  
person exercised in violation of this section; 6386

(d) Any amount payable or paid under any contract for 6387  
goods or services that was awarded or performed in violation of 6388  
this section. 6389

**Sec. 2927.21.** (A) As used in this section: 6390

(1) "Offense subject to forfeiture proceedings" means any 6391  
of the following: 6392

(a) A violation of section 2903.01, 2903.02, 2903.03, 6393  
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 6394  
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, ~~or~~ 6395  
2903.211, 2904.03, or 2904.04 of the Revised Code; 6396

(b) A violation of section 2905.01, 2905.02, 2905.03, 6397  
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 6398

(c) A violation of section 2907.02, 2907.03, 2907.04, 6399  
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 6400  
2907.322, or 2907.323 of the Revised Code; 6401

(d) A violation of section 2909.02, 2909.03, 2909.22, 6402  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 6403  
Revised Code; 6404

(e) A violation of section 2911.01, 2911.02, 2911.11, 6405  
2911.12, or 2911.13 of the Revised Code; 6406

(f) A violation of section 2915.02, 2915.03, 2915.04, or 6407  
2915.05 of the Revised Code; 6408

(g) A violation of section 2921.02, 2921.03, 2921.04, 6409  
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 6410

(h) A violation of section 2925.02, 2925.03, 2925.04,  
2925.041, 2925.05, 2925.06, 2925.09, or 2925.11 of the Revised  
Code;

(i) A conspiracy or attempt to commit, or complicity in  
committing, any offense under division (A) (1) (a), (b), (c), (d),  
(e), (f), (g), or (h) of this section.

(2) "Proceeds" has the same meaning as in section 2981.01  
of the Revised Code.

(3) "Vehicle" has the same meaning as in section 4501.01  
of the Revised Code.

(B) No person shall receive, retain, possess, or dispose  
of proceeds knowing or having reasonable cause to believe that  
the proceeds were derived from the commission of an offense  
subject to forfeiture proceedings.

(C) It is not a defense to a charge of receiving proceeds  
of an offense subject to forfeiture proceedings in violation of  
this section that the proceeds were derived by means other than  
the commission of an offense subject to forfeiture proceedings  
if the property was explicitly represented to the accused person  
as having been derived from the commission of an offense subject  
to forfeiture proceedings.

(D) A person shall be considered to have received,  
retained, possessed, or disposed of proceeds if the proceeds are  
found anywhere in a vehicle and the person was the last person  
who operated the vehicle immediately prior to the search of the  
vehicle by the law enforcement officer who found the proceeds.

(E) Whoever violates this section is guilty of receiving  
proceeds of an offense subject to forfeiture proceedings. If the  
value of the proceeds involved is less than one thousand

dollars, receiving proceeds of an offense subject to forfeiture 6440  
proceedings is a misdemeanor of the first degree. If the value 6441  
of the proceeds involved is one thousand dollars or more and is 6442  
less than twenty-five thousand dollars, receiving proceeds of an 6443  
offense subject to forfeiture proceedings is a felony of the 6444  
fifth degree. If the value of the proceeds involved is twenty- 6445  
five thousand dollars or more and is less than one hundred fifty 6446  
thousand dollars, receiving proceeds of an offense subject to 6447  
forfeiture proceedings is a felony of the fourth degree. If the 6448  
value of the proceeds involved is one hundred fifty thousand 6449  
dollars or more, receiving proceeds of an offense subject to 6450  
forfeiture proceedings is a felony of the third degree. 6451

**Sec. 2929.01.** As used in this chapter: 6452

(A) (1) "Alternative residential facility" means, subject 6453  
to division (A) (2) of this section, any facility other than an 6454  
offender's home or residence in which an offender is assigned to 6455  
live and that satisfies all of the following criteria: 6456

(a) It provides programs through which the offender may 6457  
seek or maintain employment or may receive education, training, 6458  
treatment, or habilitation. 6459

(b) It has received the appropriate license or certificate 6460  
for any specialized education, training, treatment, 6461  
habilitation, or other service that it provides from the 6462  
government agency that is responsible for licensing or 6463  
certifying that type of education, training, treatment, 6464  
habilitation, or service. 6465

(2) "Alternative residential facility" does not include a 6466  
community-based correctional facility, jail, halfway house, or 6467  
prison. 6468

(B) "Basic probation supervision" means a requirement that 6469  
the offender maintain contact with a person appointed to 6470  
supervise the offender in accordance with sanctions imposed by 6471  
the court or imposed by the parole board pursuant to section 6472  
2967.28 of the Revised Code. "Basic probation supervision" 6473  
includes basic parole supervision and basic post-release control 6474  
supervision. 6475

(C) "Cocaine," "fentanyl-related compound," "hashish," 6476  
"L.S.D.," and "unit dose" have the same meanings as in section 6477  
2925.01 of the Revised Code. 6478

(D) "Community-based correctional facility" means a 6479  
community-based correctional facility and program or district 6480  
community-based correctional facility and program developed 6481  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6482

(E) "Community control sanction" means a sanction that is 6483  
not a prison term and that is described in section 2929.15, 6484  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6485  
that is not a jail term and that is described in section 6486  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6487  
control sanction" includes probation if the sentence involved 6488  
was imposed for a felony that was committed prior to July 1, 6489  
1996, or if the sentence involved was imposed for a misdemeanor 6490  
that was committed prior to January 1, 2004. 6491

(F) "Controlled substance," "marihuana," "schedule I," and 6492  
"schedule II" have the same meanings as in section 3719.01 of 6493  
the Revised Code. 6494

(G) "Curfew" means a requirement that an offender during a 6495  
specified period of time be at a designated place. 6496

(H) "Day reporting" means a sanction pursuant to which an 6497

offender is required each day to report to and leave a center or 6498  
other approved reporting location at specified times in order to 6499  
participate in work, education or training, treatment, and other 6500  
approved programs at the center or outside the center. 6501

(I) "Deadly weapon" has the same meaning as in section 6502  
2923.11 of the Revised Code. 6503

(J) "Drug and alcohol use monitoring" means a program 6504  
under which an offender agrees to submit to random chemical 6505  
analysis of the offender's blood, breath, or urine to determine 6506  
whether the offender has ingested any alcohol or other drugs. 6507

(K) "Drug treatment program" means any program under which 6508  
a person undergoes assessment and treatment designed to reduce 6509  
or completely eliminate the person's physical or emotional 6510  
reliance upon alcohol, another drug, or alcohol and another drug 6511  
and under which the person may be required to receive assessment 6512  
and treatment on an outpatient basis or may be required to 6513  
reside at a facility other than the person's home or residence 6514  
while undergoing assessment and treatment. 6515

(L) "Economic loss" means any economic detriment suffered 6516  
by a victim as a direct and proximate result of the commission 6517  
of an offense and includes any loss of income due to lost time 6518  
at work because of any injury caused to the victim, and any 6519  
property loss, medical cost, or funeral expense incurred as a 6520  
result of the commission of the offense. "Economic loss" does 6521  
not include non-economic loss or any punitive or exemplary 6522  
damages. 6523

(M) "Education or training" includes study at, or in 6524  
conjunction with a program offered by, a university, college, or 6525  
technical college or vocational study and also includes the 6526

completion of primary school, secondary school, and literacy 6527  
curricula or their equivalent. 6528

(N) "Firearm" has the same meaning as in section 2923.11 6529  
of the Revised Code. 6530

(O) "Halfway house" means a facility licensed by the 6531  
division of parole and community services of the department of 6532  
rehabilitation and correction pursuant to section 2967.14 of the 6533  
Revised Code as a suitable facility for the care and treatment 6534  
of adult offenders. 6535

(P) "House arrest" means a period of confinement of an 6536  
offender that is in the offender's home or in other premises 6537  
specified by the sentencing court or by the parole board 6538  
pursuant to section 2967.28 of the Revised Code and during which 6539  
all of the following apply: 6540

(1) The offender is required to remain in the offender's 6541  
home or other specified premises for the specified period of 6542  
confinement, except for periods of time during which the 6543  
offender is at the offender's place of employment or at other 6544  
premises as authorized by the sentencing court or by the parole 6545  
board. 6546

(2) The offender is required to report periodically to a 6547  
person designated by the court or parole board. 6548

(3) The offender is subject to any other restrictions and 6549  
requirements that may be imposed by the sentencing court or by 6550  
the parole board. 6551

(Q) "Intensive probation supervision" means a requirement 6552  
that an offender maintain frequent contact with a person 6553  
appointed by the court, or by the parole board pursuant to 6554  
section 2967.28 of the Revised Code, to supervise the offender 6555



while the offender is seeking or maintaining necessary 6556  
employment and participating in training, education, and 6557  
treatment programs as required in the court's or parole board's 6558  
order. "Intensive probation supervision" includes intensive 6559  
parole supervision and intensive post-release control 6560  
supervision. 6561

(R) "Jail" means a jail, workhouse, minimum security jail, 6562  
or other residential facility used for the confinement of 6563  
alleged or convicted offenders that is operated by a political 6564  
subdivision or a combination of political subdivisions of this 6565  
state. 6566

(S) "Jail term" means the term in a jail that a sentencing 6567  
court imposes or is authorized to impose pursuant to section 6568  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6569  
provision of the Revised Code that authorizes a term in a jail 6570  
for a misdemeanor conviction. 6571

(T) "Mandatory jail term" means the term in a jail that a 6572  
sentencing court is required to impose pursuant to division (G) 6573  
of section 1547.99 of the Revised Code, division (E) of section 6574  
2903.06 or division (D) of section 2903.08 of the Revised Code, 6575  
division (E) or (G) of section 2929.24 of the Revised Code, 6576  
division (B) of section 4510.14 of the Revised Code, or division 6577  
(G) of section 4511.19 of the Revised Code or pursuant to any 6578  
other provision of the Revised Code that requires a term in a 6579  
jail for a misdemeanor conviction. 6580

(U) "Delinquent child" has the same meaning as in section 6581  
2152.02 of the Revised Code. 6582

(V) "License violation report" means a report that is made 6583  
by a sentencing court, or by the parole board pursuant to 6584

section 2967.28 of the Revised Code, to the regulatory or 6585  
licensing board or agency that issued an offender a professional 6586  
license or a license or permit to do business in this state and 6587  
that specifies that the offender has been convicted of or 6588  
pleaded guilty to an offense that may violate the conditions 6589  
under which the offender's professional license or license or 6590  
permit to do business in this state was granted or an offense 6591  
for which the offender's professional license or license or 6592  
permit to do business in this state may be revoked or suspended. 6593

(W) "Major drug offender" means an offender who is 6594  
convicted of or pleads guilty to the possession of, sale of, or 6595  
offer to sell any drug, compound, mixture, preparation, or 6596  
substance that consists of or contains at least one thousand 6597  
grams of hashish; at least one hundred grams of cocaine; at 6598  
least one thousand unit doses or one hundred grams of heroin; at 6599  
least five thousand unit doses of L.S.D. or five hundred grams 6600  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6601  
distillate form; at least fifty grams of a controlled substance 6602  
analog; at least one thousand unit doses or one hundred grams of 6603  
a fentanyl-related compound; or at least one hundred times the 6604  
amount of any other schedule I or II controlled substance other 6605  
than marihuana that is necessary to commit a felony of the third 6606  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 6607  
of the Revised Code that is based on the possession of, sale of, 6608  
or offer to sell the controlled substance. 6609

(X) "Mandatory prison term" means any of the following: 6610

(1) Subject to division (X)(2) of this section, the term 6611  
in prison that must be imposed for the offenses or circumstances 6612  
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 6613  
section 2929.13 and division (B) of section 2929.14 of the 6614

Revised Code. Except as provided in sections 2925.02, 2925.03, 6615  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6616  
maximum or another specific term is required under section 6617  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6618  
described in this division may be any prison term authorized for 6619  
the level of offense except that if the offense is a felony of 6620  
the first or second degree committed on or after the effective 6621  
date of this amendment, a mandatory prison term described in 6622  
this division may be one of the terms prescribed in division (A) 6623  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code, 6624  
whichever is applicable, that is authorized as the minimum term 6625  
for the offense. 6626

(2) The term of sixty or one hundred twenty days in prison 6627  
that a sentencing court is required to impose for a third or 6628  
fourth degree felony OVI offense pursuant to division (G) (2) of 6629  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6630  
of the Revised Code or the term of one, two, three, four, or 6631  
five years in prison that a sentencing court is required to 6632  
impose pursuant to division (G) (2) of section 2929.13 of the 6633  
Revised Code. 6634

(3) The term in prison imposed pursuant to division (A) of 6635  
section 2971.03 of the Revised Code for the offenses and in the 6636  
circumstances described in division (F) (11) of section 2929.13 6637  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6638  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6639  
section 2971.03 of the Revised Code and that term as modified or 6640  
terminated pursuant to section 2971.05 of the Revised Code. 6641

(Y) "Monitored time" means a period of time during which 6642  
an offender continues to be under the control of the sentencing 6643  
court or parole board, subject to no conditions other than 6644

leading a law-abiding life. 6645

(Z) "Offender" means a person who, in this state, is 6646  
convicted of or pleads guilty to a felony or a misdemeanor. 6647

(AA) "Prison" means a residential facility used for the 6648  
confinement of convicted felony offenders that is under the 6649  
control of the department of rehabilitation and correction and 6650  
includes a violation sanction center operated under authority of 6651  
section 2967.141 of the Revised Code. 6652

(BB) (1) "Prison term" includes either of the following 6653  
sanctions for an offender: 6654

(a) A stated prison term; 6655

(b) A term in a prison shortened by, or with the approval 6656  
of, the sentencing court pursuant to section 2929.143, 2929.20, 6657  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 6658

(2) With respect to a non-life felony indefinite prison 6659  
term, references in any provision of law to a reduction of, or 6660  
deduction from, the prison term mean a reduction in, or 6661  
deduction from, the minimum term imposed as part of the 6662  
indefinite term. 6663

(CC) "Repeat violent offender" means a person about whom 6664  
both of the following apply: 6665

(1) The person is being sentenced for committing or for 6666  
complicity in committing any of the following: 6667

(a) Aggravated murder, murder, aggravated abortion murder, 6668  
abortion murder, any felony of the first or second degree that 6669  
is an offense of violence, or an attempt to commit any of these 6670  
offenses if the attempt is a felony of the first or second 6671  
degree; 6672

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or

programming pursuant to those sections. 6703

(2) As used in the definition of "stated prison term" set 6704  
forth in division (FF)(1) of this section, a prison term is a 6705  
definite prison term imposed under section 2929.14 of the 6706  
Revised Code or any other provision of law, is the minimum and 6707  
maximum prison terms under a non-life felony indefinite prison 6708  
term, or is a term of life imprisonment except to the extent 6709  
that the use of that definition in a section of the Revised Code 6710  
clearly is not intended to include a term of life imprisonment. 6711  
With respect to an offender sentenced to a non-life felony 6712  
indefinite prison term, references in section 2967.191 or 6713  
2967.193 of the Revised Code or any other provision of law to a 6714  
reduction of, or deduction from, the offender's stated prison 6715  
term or to release of the offender before the expiration of the 6716  
offender's stated prison term mean a reduction in, or deduction 6717  
from, the minimum term imposed as part of the indefinite term or 6718  
a release of the offender before the expiration of that minimum 6719  
term, references in section 2929.19 or 2967.28 of the Revised 6720  
Code to a stated prison term with respect to a prison term 6721  
imposed for a violation of a post-release control sanction mean 6722  
the minimum term so imposed, and references in any provision of 6723  
law to an offender's service of the offender's stated prison 6724  
term or the expiration of the offender's stated prison term mean 6725  
service or expiration of the minimum term so imposed plus any 6726  
additional period of incarceration under the sentence that is 6727  
required under section 2967.271 of the Revised Code. 6728

(GG) "Victim-offender mediation" means a reconciliation or 6729  
mediation program that involves an offender and the victim of 6730  
the offense committed by the offender and that includes a 6731  
meeting in which the offender and the victim may discuss the 6732  
offense, discuss restitution, and consider other sanctions for 6733

the offense. 6734

(HH) "Fourth degree felony OVI offense" means a violation 6735  
of division (A) of section 4511.19 of the Revised Code that, 6736  
under division (G) of that section, is a felony of the fourth 6737  
degree. 6738

(II) "Mandatory term of local incarceration" means the 6739  
term of sixty or one hundred twenty days in a jail, a community- 6740  
based correctional facility, a halfway house, or an alternative 6741  
residential facility that a sentencing court may impose upon a 6742  
person who is convicted of or pleads guilty to a fourth degree 6743  
felony OVI offense pursuant to division (G) (1) of section 6744  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6745  
section 4511.19 of the Revised Code. 6746

(JJ) "Designated homicide, assault, or kidnapping 6747  
offense," "violent sex offense," "sexual motivation 6748  
specification," "sexually violent offense," "sexually violent 6749  
predator," and "sexually violent predator specification" have 6750  
the same meanings as in section 2971.01 of the Revised Code. 6751

(KK) "Sexually oriented offense," "child-victim oriented 6752  
offense," and "tier III sex offender/child-victim offender" have 6753  
the same meanings as in section 2950.01 of the Revised Code. 6754

(LL) An offense is "committed in the vicinity of a child" 6755  
if the offender commits the offense within thirty feet of or 6756  
within the same residential unit as a child who is under 6757  
eighteen years of age, regardless of whether the offender knows 6758  
the age of the child or whether the offender knows the offense 6759  
is being committed within thirty feet of or within the same 6760  
residential unit as the child and regardless of whether the 6761  
child actually views the commission of the offense. 6762

(MM) "Family or household member" has the same meaning as  
in section 2919.25 of the Revised Code. 6763  
6764

(NN) "Motor vehicle" and "manufactured home" have the same  
meanings as in section 4501.01 of the Revised Code. 6765  
6766

(OO) "Detention" and "detention facility" have the same  
meanings as in section 2921.01 of the Revised Code. 6767  
6768

(PP) "Third degree felony OVI offense" means a violation  
of division (A) of section 4511.19 of the Revised Code that,  
under division (G) of that section, is a felony of the third  
degree. 6769  
6770  
6771  
6772

(QQ) "Random drug testing" has the same meaning as in  
section 5120.63 of the Revised Code. 6773  
6774

(RR) "Felony sex offense" has the same meaning as in  
section 2967.28 of the Revised Code. 6775  
6776

(SS) "Body armor" has the same meaning as in section  
2941.1411 of the Revised Code. 6777  
6778

(TT) "Electronic monitoring" means monitoring through the  
use of an electronic monitoring device. 6779  
6780

(UU) "Electronic monitoring device" means any of the  
following: 6781  
6782

(1) Any device that can be operated by electrical or  
battery power and that conforms with all of the following: 6783  
6784

(a) The device has a transmitter that can be attached to a  
person, that will transmit a specified signal to a receiver of  
the type described in division (UU) (1) (b) of this section if the  
transmitter is removed from the person, turned off, or altered  
in any manner without prior court approval in relation to 6785  
6786  
6787  
6788  
6789



electronic monitoring or without prior approval of the 6790  
department of rehabilitation and correction in relation to the 6791  
use of an electronic monitoring device for an inmate on 6792  
transitional control or otherwise is tampered with, that can 6793  
transmit continuously and periodically a signal to that receiver 6794  
when the person is within a specified distance from the 6795  
receiver, and that can transmit an appropriate signal to that 6796  
receiver if the person to whom it is attached travels a 6797  
specified distance from that receiver. 6798

(b) The device has a receiver that can receive 6799  
continuously the signals transmitted by a transmitter of the 6800  
type described in division (UU) (1) (a) of this section, can 6801  
transmit continuously those signals by a wireless or landline 6802  
telephone connection to a central monitoring computer of the 6803  
type described in division (UU) (1) (c) of this section, and can 6804  
transmit continuously an appropriate signal to that central 6805  
monitoring computer if the device has been turned off or altered 6806  
without prior court approval or otherwise tampered with. The 6807  
device is designed specifically for use in electronic 6808  
monitoring, is not a converted wireless phone or another 6809  
tracking device that is clearly not designed for electronic 6810  
monitoring, and provides a means of text-based or voice 6811  
communication with the person. 6812

(c) The device has a central monitoring computer that can 6813  
receive continuously the signals transmitted by a wireless or 6814  
landline telephone connection by a receiver of the type 6815  
described in division (UU) (1) (b) of this section and can monitor 6816  
continuously the person to whom an electronic monitoring device 6817  
of the type described in division (UU) (1) (a) of this section is 6818  
attached. 6819

(2) Any device that is not a device of the type described 6820  
in division (UU) (1) of this section and that conforms with all 6821  
of the following: 6822

(a) The device includes a transmitter and receiver that 6823  
can monitor and determine the location of a subject person at 6824  
any time, or at a designated point in time, through the use of a 6825  
central monitoring computer or through other electronic means. 6826

(b) The device includes a transmitter and receiver that 6827  
can determine at any time, or at a designated point in time, 6828  
through the use of a central monitoring computer or other 6829  
electronic means the fact that the transmitter is turned off or 6830  
altered in any manner without prior approval of the court in 6831  
relation to the electronic monitoring or without prior approval 6832  
of the department of rehabilitation and correction in relation 6833  
to the use of an electronic monitoring device for an inmate on 6834  
transitional control or otherwise is tampered with. 6835

(3) Any type of technology that can adequately track or 6836  
determine the location of a subject person at any time and that 6837  
is approved by the director of rehabilitation and correction, 6838  
including, but not limited to, any satellite technology, voice 6839  
tracking system, or retinal scanning system that is so approved. 6840

(VV) "Non-economic loss" means nonpecuniary harm suffered 6841  
by a victim of an offense as a result of or related to the 6842  
commission of the offense, including, but not limited to, pain 6843  
and suffering; loss of society, consortium, companionship, care, 6844  
assistance, attention, protection, advice, guidance, counsel, 6845  
instruction, training, or education; mental anguish; and any 6846  
other intangible loss. 6847

(WW) "Prosecutor" has the same meaning as in section 6848

2935.01 of the Revised Code. 6849

(XX) "Continuous alcohol monitoring" means the ability to 6850  
automatically test and periodically transmit alcohol consumption 6851  
levels and tamper attempts at least every hour, regardless of 6852  
the location of the person who is being monitored. 6853

(YY) A person is "adjudicated a sexually violent predator" 6854  
if the person is convicted of or pleads guilty to a violent sex 6855  
offense and also is convicted of or pleads guilty to a sexually 6856  
violent predator specification that was included in the 6857  
indictment, count in the indictment, or information charging 6858  
that violent sex offense or if the person is convicted of or 6859  
pleads guilty to a designated homicide, assault, or kidnapping 6860  
offense and also is convicted of or pleads guilty to both a 6861  
sexual motivation specification and a sexually violent predator 6862  
specification that were included in the indictment, count in the 6863  
indictment, or information charging that designated homicide, 6864  
assault, or kidnapping offense. 6865

(ZZ) An offense is "committed in proximity to a school" if 6866  
the offender commits the offense in a school safety zone or 6867  
within five hundred feet of any school building or the 6868  
boundaries of any school premises, regardless of whether the 6869  
offender knows the offense is being committed in a school safety 6870  
zone or within five hundred feet of any school building or the 6871  
boundaries of any school premises. 6872

(AAA) "Human trafficking" means a scheme or plan to which 6873  
all of the following apply: 6874

(1) Its object is one or more of the following: 6875

(a) To subject a victim or victims to involuntary 6876  
servitude, as defined in section 2905.31 of the Revised Code or 6877

to compel a victim or victims to engage in sexual activity for 6878  
hire, to engage in a performance that is obscene, sexually 6879  
oriented, or nudity oriented, or to be a model or participant in 6880  
the production of material that is obscene, sexually oriented, 6881  
or nudity oriented; 6882

(b) To facilitate, encourage, or recruit a victim who is 6883  
less than sixteen years of age or is a person with a 6884  
developmental disability, or victims who are less than sixteen 6885  
years of age or are persons with developmental disabilities, for 6886  
any purpose listed in divisions (A) (2) (a) to (c) of section 6887  
2905.32 of the Revised Code; 6888

(c) To facilitate, encourage, or recruit a victim who is 6889  
sixteen or seventeen years of age, or victims who are sixteen or 6890  
seventeen years of age, for any purpose listed in divisions (A) 6891  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6892  
circumstances described in division (A) (5), (6), (7), (8), (9), 6893  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6894  
apply with respect to the person engaging in the conduct and the 6895  
victim or victims. 6896

(2) It involves at least two felony offenses, whether or 6897  
not there has been a prior conviction for any of the felony 6898  
offenses, to which all of the following apply: 6899

(a) Each of the felony offenses is a violation of section 6900  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6901  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6902  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6903  
is a violation of a law of any state other than this state that 6904  
is substantially similar to any of the sections or divisions of 6905  
the Revised Code identified in this division. 6906

(b) At least one of the felony offenses was committed in 6907  
this state. 6908

(c) The felony offenses are related to the same scheme or 6909  
plan and are not isolated instances. 6910

(BBB) "Material," "nudity," "obscene," "performance," and 6911  
"sexual activity" have the same meanings as in section 2907.01 6912  
of the Revised Code. 6913

(CCC) "Material that is obscene, sexually oriented, or 6914  
nudity oriented" means any material that is obscene, that shows 6915  
a person participating or engaging in sexual activity, 6916  
masturbation, or bestiality, or that shows a person in a state 6917  
of nudity. 6918

(DDD) "Performance that is obscene, sexually oriented, or 6919  
nudity oriented" means any performance that is obscene, that 6920  
shows a person participating or engaging in sexual activity, 6921  
masturbation, or bestiality, or that shows a person in a state 6922  
of nudity. 6923

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6924  
as an ignitable liquid, used to initiate a fire or increase the 6925  
rate of growth or spread of a fire. 6926

(FFF) "Permanent disabling harm" means serious physical 6927  
harm that results in permanent injury to the intellectual, 6928  
physical, or sensory functions and that permanently and 6929  
substantially impairs a person's ability to meet one or more of 6930  
the ordinary demands of life, including the functions of caring 6931  
for one's self, performing manual tasks, walking, seeing, 6932  
hearing, speaking, breathing, learning, and working. 6933

(GGG) "Non-life felony indefinite prison term" means a 6934  
prison term imposed under division (A) (1) (a) or (2) (a) of 6935

section 2929.14 and section 2929.144 of the Revised Code for a 6936  
felony of the first or second degree committed on or after the 6937  
effective date of this amendment. 6938

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 6939  
either to aggravated murder in violation of section 2903.01 of 6940  
the Revised Code or aggravated abortion murder in violation of 6941  
section 2904.03 of the Revised Code shall suffer death or be 6942  
imprisoned for life, as determined pursuant to sections 6943  
2929.022, 2929.03, and 2929.04 of the Revised Code, except that 6944  
no person who raises the matter of age pursuant to section 6945  
2929.023 of the Revised Code and who is not found to have been 6946  
eighteen years of age or older at the time of the commission of 6947  
the offense shall suffer death. In addition, the offender may be 6948  
fined an amount fixed by the court, but not more than twenty- 6949  
five thousand dollars. 6950

(B) (1) Except as otherwise provided in division (B) (2) or 6951  
(3) of this section, whoever is convicted of or pleads guilty 6952  
either to murder in violation of section 2903.02 of the Revised 6953  
Code or abortion murder in violation of section 2904.04 of the 6954  
Revised Code shall be imprisoned for an indefinite term of 6955  
fifteen years to life. 6956

(2) Except as otherwise provided in division (B) (3) of 6957  
this section, if a person is convicted of or pleads guilty 6958  
either to murder in violation of section 2903.02 of the Revised 6959  
Code or abortion murder in violation of section 2904.04 of the 6960  
Revised Code, the victim of the offense was less than thirteen 6961  
years of age, and the offender also is convicted of or pleads 6962  
guilty to a sexual motivation specification that was included in 6963  
the indictment, count in the indictment, or information charging 6964  
the offense, the court shall impose an indefinite prison term of 6965

thirty years to life pursuant to division (B) (3) of section 2971.03 of the Revised Code. 6966  
6967

(3) If a person is convicted of or pleads guilty either to 6968  
murder in violation of section 2903.02 of the Revised Code or 6969  
abortion murder in violation of section 2904.04 of the Revised 6970  
Code, and also is convicted of or pleads guilty to a sexual 6971  
motivation specification and a sexually violent predator 6972  
specification that were included in the indictment, count in the 6973  
indictment, or information that charged the murder or abortion 6974  
murder, the court shall impose upon the offender a term of life 6975  
imprisonment without parole that shall be served pursuant to 6976  
section 2971.03 of the Revised Code. 6977

(4) In addition, the offender may be fined an amount fixed 6978  
by the court, but not more than fifteen thousand dollars. 6979

(C) The court shall not impose a fine or fines for 6980  
aggravated murder ~~or~~, murder, aggravated abortion murder, or 6981  
abortion murder, which, in the aggregate and to the extent not 6982  
suspended by the court, exceeds the amount which the offender is 6983  
or will be able to pay by the method and within the time allowed 6984  
without undue hardship to the offender or to the dependents of 6985  
the offender, or will prevent the offender from making 6986  
reparation for the victim's wrongful death. 6987

(D) (1) In addition to any other sanctions imposed for a 6988  
violation of section 2903.01 or 2903.02 of the Revised Code, if 6989  
the offender used a motor vehicle as the means to commit the 6990  
violation, the court shall impose upon the offender a class two 6991  
suspension of the offender's driver's license, commercial 6992  
driver's license, temporary instruction permit, probationary 6993  
license, or nonresident operating privilege as specified in 6994  
division (A) (2) of section 4510.02 of the Revised Code. 6995

(2) As used in division (D) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

**Sec. 2929.021.** (A) If an indictment or a count in an indictment charges the defendant with either aggravated murder or aggravated abortion murder and contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code, the clerk of the court in which the indictment is filed, within fifteen days after the day on which it is filed, shall file a notice with the supreme court indicating that the indictment was filed. The notice shall be in the form prescribed by the clerk of the supreme court and shall contain, for each charge of aggravated murder or abortion murder, with a specification, at least the following information pertaining to the charge:

(1) The name of the person charged in the indictment or count in the indictment with either aggravated murder or aggravated abortion murder with a specification;

(2) The docket number or numbers of the case or cases arising out of the charge, if available;

(3) The court in which the case or cases will be heard;

(4) The date on which the indictment was filed.

(B) If an indictment or a count in an indictment charges the defendant with either aggravated murder or aggravated abortion murder and contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code and if the defendant pleads guilty or no contest to any offense in the case or if the indictment or any count in the indictment is dismissed, the clerk of the court



in which the plea is entered or the indictment or count is 7025  
dismissed shall file a notice with the supreme court indicating 7026  
what action was taken in the case. The notice shall be filed 7027  
within fifteen days after the plea is entered or the indictment 7028  
or count is dismissed, shall be in the form prescribed by the 7029  
clerk of the supreme court, and shall contain at least the 7030  
following information: 7031

(1) The name of the person who entered the guilty or no 7032  
contest plea or who is named in the indictment or count that is 7033  
dismissed; 7034

(2) The docket numbers of the cases in which the guilty or 7035  
no contest plea is entered or in which the indictment or count 7036  
is dismissed; 7037

(3) The sentence imposed on the offender in each case. 7038

**Sec. 2929.022.** (A) If an indictment or count in an 7039  
indictment charging a defendant with aggravated murder or 7040  
aggravated abortion murder contains a specification of the 7041  
aggravating circumstance of a prior conviction listed in 7042  
division (A) (5) of section 2929.04 of the Revised Code, the 7043  
defendant may elect to have the panel of three judges, if the 7044  
defendant waives trial by jury, or the trial judge, if the 7045  
defendant is tried by jury, determine the existence of that 7046  
aggravating circumstance at the sentencing hearing held pursuant 7047  
to divisions (C) and (D) of section 2929.03 of the Revised Code. 7048

(1) If the defendant does not elect to have the existence 7049  
of the aggravating circumstance determined at the sentencing 7050  
hearing, the defendant shall be tried on the charge of 7051  
aggravated murder or aggravated abortion murder, as applicable, 7052  
on the specification of the aggravating circumstance of a prior 7053

conviction listed in division (A) (5) of section 2929.04 of the Revised Code, and on any other specifications of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code in a single trial as in any other criminal case in which a person is charged with either aggravated murder or aggravated abortion murder and specifications.

(2) If the defendant does elect to have the existence of the aggravating circumstance of a prior conviction listed in division (A) (5) of section 2929.04 of the Revised Code determined at the sentencing hearing, then, following a verdict of guilty of the charge of aggravated murder or aggravated abortion murder, as applicable, the panel of three judges or the trial judge shall:

(a) Hold a sentencing hearing pursuant to division (B) of this section, unless required to do otherwise under division (A) (2) (b) of this section;

(b) If the offender raises the matter of age at trial pursuant to section 2929.023 of the Revised Code and is not found at trial to have been eighteen years of age or older at the time of the commission of the offense, conduct a hearing to determine if the specification of the aggravating circumstance of a prior conviction listed in division (A) (5) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt. After conducting the hearing, the panel or judge shall proceed as follows:

(i) If that aggravating circumstance is proven beyond a reasonable doubt or if the defendant at trial was convicted of any other specification of an aggravating circumstance, the panel or judge shall impose sentence according to division (E) of section 2929.03 of the Revised Code.

(ii) If that aggravating circumstance is not proven beyond 7084  
a reasonable doubt and the defendant at trial was not convicted 7085  
of any other specification of an aggravating circumstance, 7086  
except as otherwise provided in this division, the panel or 7087  
judge shall impose sentence of life imprisonment with parole 7088  
eligibility after serving twenty years of imprisonment on the 7089  
offender. If that aggravating circumstance is not proven beyond 7090  
a reasonable doubt, the defendant at trial was not convicted of 7091  
any other specification of an aggravating circumstance, the 7092  
victim ~~of the aggravated murder~~ was less than thirteen years of 7093  
age, and the offender also is convicted of or pleads guilty to a 7094  
sexual motivation specification that was included in the 7095  
indictment, count in the indictment, or information charging the 7096  
offense, the panel or judge shall sentence the offender pursuant 7097  
to division (B) (3) of section 2971.03 of the Revised Code to an 7098  
indefinite term consisting of a minimum term of thirty years and 7099  
a maximum term of life imprisonment. 7100

(B) At the sentencing hearing, the panel of judges, if the 7101  
defendant was tried by a panel of three judges, or the trial 7102  
judge, if the defendant was tried by jury, shall, when required 7103  
pursuant to division (A) (2) of this section, first determine if 7104  
the specification of the aggravating circumstance of a prior 7105  
conviction listed in division (A) (5) of section 2929.04 of the 7106  
Revised Code is proven beyond a reasonable doubt. If the panel 7107  
of judges or the trial judge determines that the specification 7108  
of the aggravating circumstance of a prior conviction listed in 7109  
division (A) (5) of section 2929.04 of the Revised Code is proven 7110  
beyond a reasonable doubt or if they do not determine that the 7111  
specification is proven beyond a reasonable doubt but the 7112  
defendant at trial was convicted of a specification of any other 7113  
aggravating circumstance listed in division (A) of section 7114

2929.04 of the Revised Code, the panel of judges or the trial judge and trial jury shall impose sentence on the offender pursuant to division (D) of section 2929.03 and section 2929.04 of the Revised Code. If the panel of judges or the trial judge does not determine that the specification of the aggravating circumstance of a prior conviction listed in division (A) (5) of section 2929.04 of the Revised Code is proven beyond a reasonable doubt and the defendant at trial was not convicted of any other specification of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, the panel of judges or the trial judge shall terminate the sentencing hearing and impose sentence on the offender as follows:

(1) Subject to division (B) (2) of this section, the panel or judge shall impose a sentence of life imprisonment with parole eligibility after serving twenty years of imprisonment on the offender.

(2) If the victim ~~of the aggravated murder~~ was less than thirteen years of age and the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, the panel or judge shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.

**Sec. 2929.023.** A person charged with aggravated murder or aggravated abortion murder, and one or more specifications of an aggravating circumstance, may, at trial, raise the matter of ~~his~~ the defendant's age at the time of the alleged commission of the offense and may present evidence at trial that ~~he~~ the defendant

was not eighteen years of age or older at the time of the 7145  
alleged commission of the offense. The burdens of raising the 7146  
matter of age, and of going forward with the evidence relating 7147  
to the matter of age, are upon the defendant. After a defendant 7148  
has raised the matter of age at trial, the prosecution shall 7149  
have the burden of proving, by proof beyond a reasonable doubt, 7150  
that the defendant was eighteen years of age or older at the 7151  
time of the alleged commission of the offense. 7152

**Sec. 2929.024.** If the court determines that the defendant 7153  
is indigent and that investigation services, experts, or other 7154  
services are reasonably necessary for the proper representation 7155  
of a defendant charged with aggravated murder or aggravated 7156  
abortion murder, at trial or at the sentencing hearing, the 7157  
court shall authorize the defendant's counsel to obtain the 7158  
necessary services for the defendant, and shall order that 7159  
payment of the fees and expenses for the necessary services be 7160  
made in the same manner that payment for appointed counsel is 7161  
made pursuant to Chapter 120. of the Revised Code. If the court 7162  
determines that the necessary services had to be obtained prior 7163  
to court authorization for payment of the fees and expenses for 7164  
the necessary services, the court may, after the services have 7165  
been obtained, authorize the defendant's counsel to obtain the 7166  
necessary services and order that payment of the fees and 7167  
expenses for the necessary services be made as provided in this 7168  
section. 7169

**Sec. 2929.03.** (A) If the indictment or count in the 7170  
indictment charging aggravated murder or aggravated abortion 7171  
murder does not contain one or more specifications of 7172  
aggravating circumstances listed in division (A) of section 7173  
2929.04 of the Revised Code, then, following a verdict of guilty 7174  
of the charge of aggravated murder or aggravated abortion 7175

murder, the trial court shall impose sentence on the offender as follows: 7176  
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(1) Except as provided in division (A) (2) of this section, the trial court shall impose one of the following sentences on the offender: 7178  
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(a) Life imprisonment without parole; 7181

(b) Subject to division (A) (1) (e) of this section, life imprisonment with parole eligibility after serving twenty years of imprisonment; 7182  
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(c) Subject to division (A) (1) (e) of this section, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment; 7185  
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(d) Subject to division (A) (1) (e) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment; 7188  
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(e) If the victim ~~of the aggravated murder~~ was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (A) (1) (a) of this section, the trial court shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that shall be served pursuant to that section. 7191  
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(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent 7203  
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predator specification that are included in the indictment, 7205  
count in the indictment, or information that charged the 7206  
aggravated murder or aggravated abortion murder, the trial court 7207  
shall impose upon the offender a sentence of life imprisonment 7208  
without parole that shall be served pursuant to section 2971.03 7209  
of the Revised Code. 7210

(B) If the indictment or count in the indictment charging 7211  
aggravated murder or aggravated abortion murder contains one or 7212  
more specifications of aggravating circumstances listed in 7213  
division (A) of section 2929.04 of the Revised Code, the verdict 7214  
shall separately state whether the accused is found guilty or 7215  
not guilty of the principal charge and, if guilty of the 7216  
principal charge, whether the offender was eighteen years of age 7217  
or older at the time of the commission of the offense, if the 7218  
matter of age was raised by the offender pursuant to section 7219  
2929.023 of the Revised Code, and whether the offender is guilty 7220  
or not guilty of each specification. The jury shall be 7221  
instructed on its duties in this regard. The instruction to the 7222  
jury shall include an instruction that a specification shall be 7223  
proved beyond a reasonable doubt in order to support a guilty 7224  
verdict on the specification, but the instruction shall not 7225  
mention the penalty that may be the consequence of a guilty or 7226  
not guilty verdict on any charge or specification. 7227

(C) (1) If the indictment or count in the indictment 7228  
charging aggravated murder or aggravated abortion murder 7229  
contains one or more specifications of aggravating circumstances 7230  
listed in division (A) of section 2929.04 of the Revised Code, 7231  
then, following a verdict of guilty of the charge but not guilty 7232  
of each of the specifications, and regardless of whether the 7233  
offender raised the matter of age pursuant to section 2929.023 7234  
of the Revised Code, the trial court shall impose sentence on 7235

the offender as follows: 7236

(a) Except as provided in division (C) (1) (b) of this 7237  
section, the trial court shall impose one of the following 7238  
sentences on the offender: 7239

(i) Life imprisonment without parole; 7240

(ii) Subject to division (C) (1) (a) (v) of this section, 7241  
life imprisonment with parole eligibility after serving twenty 7242  
years of imprisonment; 7243

(iii) Subject to division (C) (1) (a) (v) of this section, 7244  
life imprisonment with parole eligibility after serving twenty- 7245  
five full years of imprisonment; 7246

(iv) Subject to division (C) (1) (a) (v) of this section, 7247  
life imprisonment with parole eligibility after serving thirty 7248  
full years of imprisonment; 7249

(v) If the victim ~~of the aggravated murder~~ was less than 7250  
thirteen years of age, the offender also is convicted of or 7251  
pleads guilty to a sexual motivation specification that was 7252  
included in the indictment, count in the indictment, or 7253  
information charging the offense, and the trial court does not 7254  
impose a sentence of life imprisonment without parole on the 7255  
offender pursuant to division (C) (1) (a) (i) of this section, the 7256  
trial court shall sentence the offender pursuant to division (B) 7257  
(3) of section 2971.03 of the Revised Code to an indefinite term 7258  
consisting of a minimum term of thirty years and a maximum term 7259  
of life imprisonment. 7260

(b) If the offender also is convicted of or pleads guilty 7261  
to a sexual motivation specification and a sexually violent 7262  
predator specification that are included in the indictment, 7263  
count in the indictment, or information that charged the 7264



aggravated murder ~~or aggravated abortion murder~~, the trial court 7265  
shall impose upon the offender a sentence of life imprisonment 7266  
without parole that shall be served pursuant to section 2971.03 7267  
of the Revised Code. 7268

(2) (a) If the indictment or count in the indictment 7269  
contains one or more specifications of aggravating circumstances 7270  
listed in division (A) of section 2929.04 of the Revised Code 7271  
and if the offender is found guilty of both the charge and one 7272  
or more of the specifications, the penalty to be imposed on the 7273  
offender shall be one of the following: 7274

(i) Except as provided in division (C) (2) (a) (ii) or (iii) 7275  
of this section, the penalty to be imposed on the offender shall 7276  
be death, life imprisonment without parole, life imprisonment 7277  
with parole eligibility after serving twenty-five full years of 7278  
imprisonment, or life imprisonment with parole eligibility after 7279  
serving thirty full years of imprisonment. 7280

(ii) Except as provided in division (C) (2) (a) (iii) of this 7281  
section, if the victim ~~of the aggravated murder~~ was less than 7282  
thirteen years of age, the offender also is convicted of or 7283  
pleads guilty to a sexual motivation specification that was 7284  
included in the indictment, count in the indictment, or 7285  
information charging the offense, and the trial court does not 7286  
impose a sentence of death or life imprisonment without parole 7287  
on the offender pursuant to division (C) (2) (a) (i) of this 7288  
section, the penalty to be imposed on the offender shall be an 7289  
indefinite term consisting of a minimum term of thirty years and 7290  
a maximum term of life imprisonment that shall be imposed 7291  
pursuant to division (B) (3) of section 2971.03 of the Revised 7292  
Code and served pursuant to that section. 7293

(iii) If the offender also is convicted of or pleads 7294

guilty to a sexual motivation specification and a sexually 7295  
violent predator specification that are included in the 7296  
indictment, count in the indictment, or information that charged 7297  
the aggravated murder or aggravated abortion murder, the penalty 7298  
to be imposed on the offender shall be death or life 7299  
imprisonment without parole that shall be served pursuant to 7300  
section 2971.03 of the Revised Code. 7301

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 7302  
(ii), or (iii) of this section shall be determined pursuant to 7303  
divisions (D) and (E) of this section and shall be determined by 7304  
one of the following: 7305

(i) By the panel of three judges that tried the offender 7306  
upon the offender's waiver of the right to trial by jury; 7307

(ii) By the trial jury and the trial judge, if the 7308  
offender was tried by jury. 7309

(D) (1) Death may not be imposed as a penalty for 7310  
aggravated murder or aggravated abortion murder if the offender 7311  
raised the matter of age at trial pursuant to section 2929.023 7312  
of the Revised Code and was not found at trial to have been 7313  
eighteen years of age or older at the time of the commission of 7314  
the offense. When death may be imposed as a penalty for 7315  
aggravated murder or aggravated abortion murder, the court shall 7316  
proceed under this division. When death may be imposed as a 7317  
penalty, the court, upon the request of the defendant, shall 7318  
require a pre-sentence investigation to be made and, upon the 7319  
request of the defendant, shall require a mental examination to 7320  
be made, and shall require reports of the investigation and of 7321  
any mental examination submitted to the court, pursuant to 7322  
section 2947.06 of the Revised Code. No statement made or 7323  
information provided by a defendant in a mental examination or 7324

proceeding conducted pursuant to this division shall be 7325  
disclosed to any person, except as provided in this division, or 7326  
be used in evidence against the defendant on the issue of guilt 7327  
in any retrial. A pre-sentence investigation or mental 7328  
examination shall not be made except upon request of the 7329  
defendant. Copies of any reports prepared under this division 7330  
shall be furnished to the court, to the trial jury if the 7331  
offender was tried by a jury, to the prosecutor, and to the 7332  
offender or the offender's counsel for use under this division. 7333  
The court, and the trial jury if the offender was tried by a 7334  
jury, shall consider any report prepared pursuant to this 7335  
division and furnished to it and any evidence raised at trial 7336  
that is relevant to the aggravating circumstances the offender 7337  
was found guilty of committing or to any factors in mitigation 7338  
of the imposition of the sentence of death, shall hear testimony 7339  
and other evidence that is relevant to the nature and 7340  
circumstances of the aggravating circumstances the offender was 7341  
found guilty of committing, the mitigating factors set forth in 7342  
division (B) of section 2929.04 of the Revised Code, and any 7343  
other factors in mitigation of the imposition of the sentence of 7344  
death, and shall hear the statement, if any, of the offender, 7345  
and the arguments, if any, of counsel for the defense and 7346  
prosecution, that are relevant to the penalty that should be 7347  
imposed on the offender. The defendant shall be given great 7348  
latitude in the presentation of evidence of the mitigating 7349  
factors set forth in division (B) of section 2929.04 of the 7350  
Revised Code and of any other factors in mitigation of the 7351  
imposition of the sentence of death. If the offender chooses to 7352  
make a statement, the offender is subject to cross-examination 7353  
only if the offender consents to make the statement under oath 7354  
or affirmation. 7355

The defendant shall have the burden of going forward with the evidence of any factors in mitigation of the imposition of the sentence of death. The prosecution shall have the burden of proving, by proof beyond a reasonable doubt, that the aggravating circumstances the defendant was found guilty of committing are sufficient to outweigh the factors in mitigation of the imposition of the sentence of death.

(2) Upon consideration of the relevant evidence raised at trial, the testimony, other evidence, statement of the offender, arguments of counsel, and, if applicable, the reports submitted pursuant to division (D)(1) of this section, the trial jury, if the offender was tried by a jury, shall determine whether the aggravating circumstances the offender was found guilty of committing are sufficient to outweigh the mitigating factors present in the case. If the trial jury unanimously finds, by proof beyond a reasonable doubt, that the aggravating circumstances the offender was found guilty of committing outweigh the mitigating factors, the trial jury shall recommend to the court that the sentence of death be imposed on the offender. Absent such a finding, the jury shall recommend that the offender be sentenced to one of the following:

(a) Except as provided in division (D)(2)(b) or (c) of this section, to life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, or life imprisonment with parole eligibility after serving thirty full years of imprisonment;

(b) Except as provided in division (D)(2)(c) of this section, if the victim ~~of the aggravated murder~~ was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was

included in the indictment, count in the indictment, or 7386  
information charging the offense, and the jury does not 7387  
recommend a sentence of life imprisonment without parole 7388  
pursuant to division (D) (2) (a) of this section, to an indefinite 7389  
term consisting of a minimum term of thirty years and a maximum 7390  
term of life imprisonment to be imposed pursuant to division (B) 7391  
(3) of section 2971.03 of the Revised Code and served pursuant 7392  
to that section. 7393

(c) If the offender also is convicted of or pleads guilty 7394  
to a sexual motivation specification and a sexually violent 7395  
predator specification that are included in the indictment, 7396  
count in the indictment, or information that charged the 7397  
aggravated murder or aggravated abortion murder, to life 7398  
imprisonment without parole. 7399

If the trial jury recommends that the offender be 7400  
sentenced to life imprisonment without parole, life imprisonment 7401  
with parole eligibility after serving twenty-five full years of 7402  
imprisonment, life imprisonment with parole eligibility after 7403  
serving thirty full years of imprisonment, or an indefinite term 7404  
consisting of a minimum term of thirty years and a maximum term 7405  
of life imprisonment to be imposed pursuant to division (B) (3) 7406  
of section 2971.03 of the Revised Code, the court shall impose 7407  
the sentence recommended by the jury upon the offender. If the 7408  
sentence is an indefinite term consisting of a minimum term of 7409  
thirty years and a maximum term of life imprisonment imposed as 7410  
described in division (D) (2) (b) of this section or a sentence of 7411  
life imprisonment without parole imposed under division (D) (2) 7412  
(c) of this section, the sentence shall be served pursuant to 7413  
section 2971.03 of the Revised Code. If the trial jury 7414  
recommends that the sentence of death be imposed upon the 7415  
offender, the court shall proceed to impose sentence pursuant to 7416

division (D) (3) of this section. 7417

(3) Upon consideration of the relevant evidence raised at 7418  
trial, the testimony, other evidence, statement of the offender, 7419  
arguments of counsel, and, if applicable, the reports submitted 7420  
to the court pursuant to division (D) (1) of this section, if, 7421  
after receiving pursuant to division (D) (2) of this section the 7422  
trial jury's recommendation that the sentence of death be 7423  
imposed, the court finds, by proof beyond a reasonable doubt, or 7424  
if the panel of three judges unanimously finds, by proof beyond 7425  
a reasonable doubt, that the aggravating circumstances the 7426  
offender was found guilty of committing outweigh the mitigating 7427  
factors, it shall impose sentence of death on the offender. 7428  
Absent such a finding by the court or panel, the court or the 7429  
panel shall impose one of the following sentences on the 7430  
offender: 7431

(a) Except as provided in division (D) (3) (b) of this 7432  
section, one of the following: 7433

(i) Life imprisonment without parole; 7434

(ii) Subject to division (D) (3) (a) (iv) of this section, 7435  
life imprisonment with parole eligibility after serving twenty- 7436  
five full years of imprisonment; 7437

(iii) Subject to division (D) (3) (a) (iv) of this section, 7438  
life imprisonment with parole eligibility after serving thirty 7439  
full years of imprisonment; 7440

(iv) If the victim ~~of the aggravated murder~~ was less than 7441  
thirteen years of age, the offender also is convicted of or 7442  
pleads guilty to a sexual motivation specification that was 7443  
included in the indictment, count in the indictment, or 7444  
information charging the offense, and the trial court does not 7445

impose a sentence of life imprisonment without parole on the 7446  
offender pursuant to division (D) (3) (a) (i) of this section, the 7447  
court or panel shall sentence the offender pursuant to division 7448  
(B) (3) of section 2971.03 of the Revised Code to an indefinite 7449  
term consisting of a minimum term of thirty years and a maximum 7450  
term of life imprisonment. 7451

(b) If the offender also is convicted of or pleads guilty 7452  
to a sexual motivation specification and a sexually violent 7453  
predator specification that are included in the indictment, 7454  
count in the indictment, or information that charged the 7455  
aggravated murder or aggravated abortion murder, life 7456  
imprisonment without parole that shall be served pursuant to 7457  
section 2971.03 of the Revised Code. 7458

(E) If the offender raised the matter of age at trial 7459  
pursuant to section 2929.023 of the Revised Code, was convicted 7460  
of either aggravated murder or aggravated abortion murder and 7461  
one or more specifications of an aggravating circumstance listed 7462  
in division (A) of section 2929.04 of the Revised Code, and was 7463  
not found at trial to have been eighteen years of age or older 7464  
at the time of the commission of the offense, the court or the 7465  
panel of three judges shall not impose a sentence of death on 7466  
the offender. Instead, the court or panel shall impose one of 7467  
the following sentences on the offender: 7468

(1) Except as provided in division (E) (2) of this section, 7469  
one of the following: 7470

(a) Life imprisonment without parole; 7471

(b) Subject to division (E) (2) (d) of this section, life 7472  
imprisonment with parole eligibility after serving twenty-five 7473  
full years of imprisonment; 7474

(c) Subject to division (E) (2) (d) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;

(d) If the victim ~~of the aggravated murder~~ was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (E) (2) (a) of this section, the court or panel shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.

(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder or aggravated abortion murder, life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.

(F) The court or the panel of three judges, when it imposes sentence of death, shall state in a separate opinion its specific findings as to the existence of any of the mitigating factors set forth in division (B) of section 2929.04 of the Revised Code, the existence of any other mitigating factors, the aggravating circumstances the offender was found guilty of committing, and the reasons why the aggravating circumstances the offender was found guilty of committing were sufficient to outweigh the mitigating factors. The court or panel, when it



imposes life imprisonment or an indefinite term consisting of a 7505  
minimum term of thirty years and a maximum term of life 7506  
imprisonment under division (D) of this section, shall state in 7507  
a separate opinion its specific findings of which of the 7508  
mitigating factors set forth in division (B) of section 2929.04 7509  
of the Revised Code it found to exist, what other mitigating 7510  
factors it found to exist, what aggravating circumstances the 7511  
offender was found guilty of committing, and why it could not 7512  
find that these aggravating circumstances were sufficient to 7513  
outweigh the mitigating factors. For cases in which a sentence 7514  
of death is imposed for an offense committed before January 1, 7515  
1995, the court or panel shall file the opinion required to be 7516  
prepared by this division with the clerk of the appropriate 7517  
court of appeals and with the clerk of the supreme court within 7518  
fifteen days after the court or panel imposes sentence. For 7519  
cases in which a sentence of death is imposed for an offense 7520  
committed on or after January 1, 1995, the court or panel shall 7521  
file the opinion required to be prepared by this division with 7522  
the clerk of the supreme court within fifteen days after the 7523  
court or panel imposes sentence. The judgment in a case in which 7524  
a sentencing hearing is held pursuant to this section is not 7525  
final until the opinion is filed. 7526

(G) (1) Whenever the court or a panel of three judges 7527  
imposes a sentence of death for an offense committed before 7528  
January 1, 1995, the clerk of the court in which the judgment is 7529  
rendered shall make and retain a copy of the entire record in 7530  
the case, and shall deliver the original of the entire record in 7531  
the case to the appellate court. 7532

(2) Whenever the court or a panel of three judges imposes 7533  
a sentence of death for an offense committed on or after January 7534  
1, 1995, the clerk of the court in which the judgment is 7535

rendered shall make and retain a copy of the entire record in 7536  
the case, and shall deliver the original of the entire record in 7537  
the case to the supreme court. 7538

**Sec. 2929.04.** (A) Imposition of the death penalty for 7539  
aggravated murder or aggravated abortion murder is precluded 7540  
unless one or more of the following is specified in the 7541  
indictment or count in the indictment pursuant to section 7542  
2941.14 of the Revised Code and proved beyond a reasonable 7543  
doubt: 7544

(1) The offense was the assassination of the president of 7545  
the United States or a person in line of succession to the 7546  
presidency, the governor or lieutenant governor of this state, 7547  
the president-elect or vice president-elect of the United 7548  
States, the governor-elect or lieutenant governor-elect of this 7549  
state, or a candidate for any of the offices described in this 7550  
division. For purposes of this division, a person is a candidate 7551  
if the person has been nominated for election according to law, 7552  
if the person has filed a petition or petitions according to law 7553  
to have the person's name placed on the ballot in a primary or 7554  
general election, or if the person campaigns as a write-in 7555  
candidate in a primary or general election. 7556

(2) The offense was committed for hire. 7557

(3) The offense was committed for the purpose of escaping 7558  
detection, apprehension, trial, or punishment for another 7559  
offense committed by the offender. 7560

(4) The offense was committed while the offender was under 7561  
detention or while the offender was at large after having broken 7562  
detention. As used in division (A)(4) of this section, 7563  
"detention" has the same meaning as in section 2921.01 of the 7564

Revised Code, except that detention does not include 7565  
hospitalization, institutionalization, or confinement in a 7566  
mental health facility or intellectual disabilities facility 7567  
unless at the time of the commission of the offense either of 7568  
the following circumstances apply: 7569

(a) The offender was in the facility as a result of being 7570  
charged with a violation of a section of the Revised Code. 7571

(b) The offender was under detention as a result of being 7572  
convicted of or pleading guilty to a violation of a section of 7573  
the Revised Code. 7574

(5) Prior to the offense at bar, the offender was 7575  
convicted of an offense an essential element of which was the 7576  
purposeful killing of or attempt to kill another, or the offense 7577  
at bar was part of a course of conduct involving the purposeful 7578  
killing of or attempt to kill two or more persons by the 7579  
offender. 7580

(6) The victim of the offense was a law enforcement 7581  
officer, as defined in section 2911.01 of the Revised Code, whom 7582  
the offender had reasonable cause to know or knew to be a law 7583  
enforcement officer as so defined, and either the victim, at the 7584  
time of the commission of the offense, was engaged in the 7585  
victim's duties, or it was the offender's specific purpose to 7586  
kill a law enforcement officer as so defined. 7587

(7) The offense was committed while the offender was 7588  
committing, attempting to commit, or fleeing immediately after 7589  
committing or attempting to commit kidnapping, rape, aggravated 7590  
arson, aggravated robbery, or aggravated burglary, and either 7591  
the offender was the principal offender in the commission of the 7592  
aggravated murder or aggravated abortion murder or, if not the 7593

principal offender, committed either the aggravated murder or 7594  
aggravated abortion murder with prior calculation and design. 7595

(8) The victim of the aggravated murder was a witness to 7596  
an offense who was purposely killed to prevent the victim's 7597  
testimony in any criminal proceeding and the aggravated murder 7598  
was not committed during the commission, attempted commission, 7599  
or flight immediately after the commission or attempted 7600  
commission of the offense to which the victim was a witness, or 7601  
the victim of the aggravated murder was a witness to an offense 7602  
and was purposely killed in retaliation for the victim's 7603  
testimony in any criminal proceeding. 7604

(9) The offender, in the commission of the offense, 7605  
purposefully caused the death of another who was under thirteen 7606  
years of age at the time of the commission of the offense, and 7607  
either the offender was the principal offender in the commission 7608  
of the offense or, if not the principal offender, committed the 7609  
offense with prior calculation and design. 7610

(10) The offense was committed while the offender was 7611  
committing, attempting to commit, or fleeing immediately after 7612  
committing or attempting to commit terrorism. 7613

(B) If one or more of the aggravating circumstances listed 7614  
in division (A) of this section is specified in the indictment 7615  
or count in the indictment and proved beyond a reasonable doubt, 7616  
and if the offender did not raise the matter of age pursuant to 7617  
section 2929.023 of the Revised Code or if the offender, after 7618  
raising the matter of age, was found at trial to have been 7619  
eighteen years of age or older at the time of the commission of 7620  
the offense, the court, trial jury, or panel of three judges 7621  
shall consider, and weigh against the aggravating circumstances 7622  
proved beyond a reasonable doubt, the nature and circumstances 7623

of the offense, the history, character, and background of the 7624  
offender, and all of the following factors: 7625

(1) Whether the victim of the offense induced or 7626  
facilitated it; 7627

(2) Whether it is unlikely that the offense would have 7628  
been committed, but for the fact that the offender was under 7629  
duress, coercion, or strong provocation; 7630

(3) Whether, at the time of committing the offense, the 7631  
offender, because of a mental disease or defect, lacked 7632  
substantial capacity to appreciate the criminality of the 7633  
offender's conduct or to conform the offender's conduct to the 7634  
requirements of the law; 7635

(4) The youth of the offender; 7636

(5) The offender's lack of a significant history of prior 7637  
criminal convictions and delinquency adjudications; 7638

(6) If the offender was a participant in the offense but 7639  
not the principal offender, the degree of the offender's 7640  
participation in the offense and the degree of the offender's 7641  
participation in the acts that led to the death of the victim; 7642

(7) Any other factors that are relevant to the issue of 7643  
whether the offender should be sentenced to death. 7644

(C) The defendant shall be given great latitude in the 7645  
presentation of evidence of the factors listed in division (B) 7646  
of this section and of any other factors in mitigation of the 7647  
imposition of the sentence of death. 7648

The existence of any of the mitigating factors listed in 7649  
division (B) of this section does not preclude the imposition of 7650  
a sentence of death on the offender but shall be weighed 7651

pursuant to divisions (D) (2) and (3) of section 2929.03 of the Revised Code by the trial court, trial jury, or the panel of three judges against the aggravating circumstances the offender was found guilty of committing.

**Sec. 2929.05.** (A) Whenever sentence of death is imposed pursuant to sections 2929.03 and 2929.04 of the Revised Code, the court of appeals, in a case in which a sentence of death was imposed for an offense committed before January 1, 1995, and the supreme court shall review upon appeal the sentence of death at the same time that they review the other issues in the case. The court of appeals and the supreme court shall review the judgment in the case and the sentence of death imposed by the court or panel of three judges in the same manner that they review other criminal cases, except that they shall review and independently weigh all of the facts and other evidence disclosed in the record in the case and consider the offense and the offender to determine whether the aggravating circumstances the offender was found guilty of committing outweigh the mitigating factors in the case, and whether the sentence of death is appropriate. In determining whether the sentence of death is appropriate, the court of appeals, in a case in which a sentence of death was imposed for an offense committed before January 1, 1995, and the supreme court shall consider whether the sentence is excessive or disproportionate to the penalty imposed in similar cases. They also shall review all of the facts and other evidence to determine if the evidence supports the finding of the aggravating circumstances the trial jury or the panel of three judges found the offender guilty of committing, and shall determine whether the sentencing court properly weighed the aggravating circumstances the offender was found guilty of committing and the mitigating factors. The court of appeals, in

a case in which a sentence of death was imposed for an offense 7683  
committed before January 1, 1995, or the supreme court shall 7684  
affirm a sentence of death only if the particular court is 7685  
persuaded from the record that the aggravating circumstances the 7686  
offender was found guilty of committing outweigh the mitigating 7687  
factors present in the case and that the sentence of death is 7688  
the appropriate sentence in the case. 7689

A court of appeals that reviews a case in which the 7690  
sentence of death is imposed for an offense committed before 7691  
January 1, 1995, shall file a separate opinion as to its 7692  
findings in the case with the clerk of the supreme court. The 7693  
opinion shall be filed within fifteen days after the court 7694  
issues its opinion and shall contain whatever information is 7695  
required by the clerk of the supreme court. 7696

(B) The court of appeals, in a case in which a sentence of 7697  
death was imposed for an offense committed before January 1, 7698  
1995, and the supreme court shall give priority over all other 7699  
cases to the review of judgments in which the sentence of death 7700  
is imposed and, except as otherwise provided in this section, 7701  
shall conduct the review in accordance with the Rules of 7702  
Appellate Procedure. 7703

(C) At any time after a sentence of death is imposed 7704  
pursuant to section 2929.022 or 2929.03 of the Revised Code, the 7705  
court of common pleas that sentenced the offender shall vacate 7706  
the sentence if the offender did not present evidence at trial 7707  
that the offender was not eighteen years of age or older at the 7708  
time of the commission of the aggravated murder or aggravated 7709  
abortion murder for which the offender was sentenced and if the 7710  
offender shows by a preponderance of the evidence that the 7711  
offender was less than eighteen years of age at the time of the 7712

commission of the aggravated murder or aggravated abortion 7713  
murder for which the offender was sentenced. The court is not 7714  
required to hold a hearing on a motion filed pursuant to this 7715  
division unless the court finds, based on the motion and any 7716  
supporting information submitted by the defendant, any 7717  
information submitted by the prosecuting attorney, and the 7718  
record in the case, including any previous hearings and orders, 7719  
probable cause to believe that the defendant was not eighteen 7720  
years of age or older at the time of the commission of the 7721  
aggravated murder or aggravated abortion murder for which the 7722  
defendant was sentenced to death. 7723

**Sec. 2929.06.** (A) If a sentence of death imposed upon an 7724  
offender is set aside, nullified, or vacated because the court 7725  
of appeals, in a case in which a sentence of death was imposed 7726  
for an offense committed before January 1, 1995, or the supreme 7727  
court, in cases in which the supreme court reviews the sentence 7728  
upon appeal, could not affirm the sentence of death under the 7729  
standards imposed by section 2929.05 of the Revised Code, is set 7730  
aside, nullified, or vacated for the sole reason that the 7731  
statutory procedure for imposing the sentence of death that is 7732  
set forth in sections 2929.03 and 2929.04 of the Revised Code is 7733  
unconstitutional, is set aside, nullified, or vacated pursuant 7734  
to division (C) of section 2929.05 of the Revised Code, or is 7735  
set aside, nullified, or vacated because a court has determined 7736  
that the offender is a person with an intellectual disability 7737  
under standards set forth in decisions of the supreme court of 7738  
this state or the United States supreme court, the trial court 7739  
that sentenced the offender shall conduct a hearing to 7740  
resentence the offender. At the resentencing hearing, the court 7741  
shall impose upon the offender a sentence of life imprisonment 7742  
or an indefinite term consisting of a minimum term of thirty 7743



years and a maximum term of life imprisonment that is determined 7744  
as specified in this division. If division (D) of section 7745  
2929.03 of the Revised Code, at the time the offender committed 7746  
the aggravated murder or aggravated abortion murder for which 7747  
the sentence of death was imposed, required the imposition when 7748  
a sentence of death was not imposed of a sentence of life 7749  
imprisonment without parole or a sentence of an indefinite term 7750  
consisting of a minimum term of thirty years and a maximum term 7751  
of life imprisonment to be imposed pursuant to division (A) or 7752  
(B) (3) of section 2971.03 of the Revised Code and served 7753  
pursuant to that section, the court shall impose the sentence so 7754  
required. In all other cases, the sentences of life imprisonment 7755  
that are available at the hearing, and from which the court 7756  
shall impose sentence, shall be the same sentences of life 7757  
imprisonment that were available under division (D) of section 7758  
2929.03 or under section 2909.24 of the Revised Code at the time 7759  
the offender committed the offense for which the sentence of 7760  
death was imposed. Nothing in this division regarding the 7761  
resentencing of an offender shall affect the operation of 7762  
section 2971.03 of the Revised Code. 7763

(B) Whenever any court of this state or any federal court 7764  
sets aside, nullifies, or vacates a sentence of death imposed 7765  
upon an offender because of error that occurred in the 7766  
sentencing phase of the trial and if division (A) of this 7767  
section does not apply, the trial court that sentenced the 7768  
offender shall conduct a new hearing to resentence the offender. 7769  
If the offender was tried by a jury, the trial court shall 7770  
impanel a new jury for the hearing. If the offender was tried by 7771  
a panel of three judges, that panel or, if necessary, a new 7772  
panel of three judges shall conduct the hearing. At the hearing, 7773  
the court or panel shall follow the procedure set forth in 7774

division (D) of section 2929.03 of the Revised Code in 7775  
determining whether to impose upon the offender a sentence of 7776  
death, a sentence of life imprisonment, or an indefinite term 7777  
consisting of a minimum term of thirty years and a maximum term 7778  
of life imprisonment. If, pursuant to that procedure, the court 7779  
or panel determines that it will impose a sentence other than a 7780  
sentence of death, the court or panel shall impose upon the 7781  
offender one of the sentences of life imprisonment that could 7782  
have been imposed at the time the offender committed the offense 7783  
for which the sentence of death was imposed, determined as 7784  
specified in this division, or an indefinite term consisting of 7785  
a minimum term of thirty years and a maximum term of life 7786  
imprisonment that is determined as specified in this division. 7787  
If division (D) of section 2929.03 of the Revised Code, at the 7788  
time the offender committed the aggravated murder or aggravated 7789  
abortion murder for which the sentence of death was imposed, 7790  
required the imposition when a sentence of death was not imposed 7791  
of a sentence of life imprisonment without parole or a sentence 7792  
of an indefinite term consisting of a minimum term of thirty 7793  
years and a maximum term of life imprisonment to be imposed 7794  
pursuant to division (A) or (B) (3) of section 2971.03 of the 7795  
Revised Code and served pursuant to that section, the court or 7796  
panel shall impose the sentence so required. In all other cases, 7797  
the sentences of life imprisonment that are available at the 7798  
hearing, and from which the court or panel shall impose 7799  
sentence, shall be the same sentences of life imprisonment that 7800  
were available under division (D) of section 2929.03 or under 7801  
section 2909.24 of the Revised Code at the time the offender 7802  
committed the offense for which the sentence of death was 7803  
imposed. 7804

(C) If a sentence of life imprisonment without parole 7805

imposed upon an offender pursuant to section 2929.021 or 2929.03 7806  
of the Revised Code is set aside, nullified, or vacated for the 7807  
sole reason that the statutory procedure for imposing the 7808  
sentence of life imprisonment without parole that is set forth 7809  
in sections 2929.03 and 2929.04 of the Revised Code is 7810  
unconstitutional, the trial court that sentenced the offender 7811  
shall conduct a hearing to resentence the offender to life 7812  
imprisonment with parole eligibility after serving twenty-five 7813  
full years of imprisonment or to life imprisonment with parole 7814  
eligibility after serving thirty full years of imprisonment. 7815

(D) Nothing in this section limits or restricts the rights 7816  
of the state to appeal any order setting aside, nullifying, or 7817  
vacating a conviction or sentence of death, when an appeal of 7818  
that nature otherwise would be available. 7819

(E) This section, as amended by H.B. 184 of the 125th 7820  
general assembly, shall apply to all offenders who have been 7821  
sentenced to death for an aggravated murder that was committed 7822  
on or after October 19, 1981, or for terrorism that was 7823  
committed on or after May 15, 2002. This section, as amended by 7824  
H.B. 184 of the 125th general assembly, shall apply equally to 7825  
all such offenders sentenced to death prior to, on, or after 7826  
March 23, 2005, including offenders who, on March 23, 2005, are 7827  
challenging their sentence of death and offenders whose sentence 7828  
of death has been set aside, nullified, or vacated by any court 7829  
of this state or any federal court but who, as of March 23, 7830  
2005, have not yet been resentenced. 7831

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 7832  
or (G) of this section and unless a specific sanction is 7833  
required to be imposed or is precluded from being imposed 7834  
pursuant to law, a court that imposes a sentence upon an 7835

offender for a felony may impose any sanction or combination of 7836  
sanctions on the offender that are provided in sections 2929.14 7837  
to 2929.18 of the Revised Code. 7838

If the offender is eligible to be sentenced to community 7839  
control sanctions, the court shall consider the appropriateness 7840  
of imposing a financial sanction pursuant to section 2929.18 of 7841  
the Revised Code or a sanction of community service pursuant to 7842  
section 2929.17 of the Revised Code as the sole sanction for the 7843  
offense. Except as otherwise provided in this division, if the 7844  
court is required to impose a mandatory prison term for the 7845  
offense for which sentence is being imposed, the court also 7846  
shall impose any financial sanction pursuant to section 2929.18 7847  
of the Revised Code that is required for the offense and may 7848  
impose any other financial sanction pursuant to that section but 7849  
may not impose any additional sanction or combination of 7850  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 7851

If the offender is being sentenced for a fourth degree 7852  
felony OVI offense or for a third degree felony OVI offense, in 7853  
addition to the mandatory term of local incarceration or the 7854  
mandatory prison term required for the offense by division (G) 7855  
(1) or (2) of this section, the court shall impose upon the 7856  
offender a mandatory fine in accordance with division (B) (3) of 7857  
section 2929.18 of the Revised Code and may impose whichever of 7858  
the following is applicable: 7859

(1) For a fourth degree felony OVI offense for which 7860  
sentence is imposed under division (G) (1) of this section, an 7861  
additional community control sanction or combination of 7862  
community control sanctions under section 2929.16 or 2929.17 of 7863  
the Revised Code. If the court imposes upon the offender a 7864  
community control sanction and the offender violates any 7865

condition of the community control sanction, the court may take 7866  
any action prescribed in division (B) of section 2929.15 of the 7867  
Revised Code relative to the offender, including imposing a 7868  
prison term on the offender pursuant to that division. 7869

(2) For a third or fourth degree felony OVI offense for 7870  
which sentence is imposed under division (G)(2) of this section, 7871  
an additional prison term as described in division (B)(4) of 7872  
section 2929.14 of the Revised Code or a community control 7873  
sanction as described in division (G)(2) of this section. 7874

(B)(1)(a) Except as provided in division (B)(1)(b) of this 7875  
section, if an offender is convicted of or pleads guilty to a 7876  
felony of the fourth or fifth degree that is not an offense of 7877  
violence or that is a qualifying assault offense, the court 7878  
shall sentence the offender to a community control sanction or 7879  
combination of community control sanctions if all of the 7880  
following apply: 7881

(i) The offender previously has not been convicted of or 7882  
pleaded guilty to a felony offense. 7883

(ii) The most serious charge against the offender at the 7884  
time of sentencing is a felony of the fourth or fifth degree. 7885

(iii) If the court made a request of the department of 7886  
rehabilitation and correction pursuant to division (B)(1)(c) of 7887  
this section, the department, within the forty-five-day period 7888  
specified in that division, provided the court with the names 7889  
of, contact information for, and program details of one or more 7890  
community control sanctions that are available for persons 7891  
sentenced by the court. 7892

(iv) The offender previously has not been convicted of or 7893  
pleaded guilty to a misdemeanor offense of violence that the 7894

offender committed within two years prior to the offense for 7895  
which sentence is being imposed. 7896

(b) The court has discretion to impose a prison term upon 7897  
an offender who is convicted of or pleads guilty to a felony of 7898  
the fourth or fifth degree that is not an offense of violence or 7899  
that is a qualifying assault offense if any of the following 7900  
apply: 7901

(i) The offender committed the offense while having a 7902  
firearm on or about the offender's person or under the 7903  
offender's control. 7904

(ii) If the offense is a qualifying assault offense, the 7905  
offender caused serious physical harm to another person while 7906  
committing the offense, and, if the offense is not a qualifying 7907  
assault offense, the offender caused physical harm to another 7908  
person while committing the offense. 7909

(iii) The offender violated a term of the conditions of 7910  
bond as set by the court. 7911

(iv) The court made a request of the department of 7912  
rehabilitation and correction pursuant to division (B) (1) (c) of 7913  
this section, and the department, within the forty-five-day 7914  
period specified in that division, did not provide the court 7915  
with the name of, contact information for, and program details 7916  
of any community control sanction that is available for persons 7917  
sentenced by the court. 7918

(v) The offense is a sex offense that is a fourth or fifth 7919  
degree felony violation of any provision of Chapter 2907. of the 7920  
Revised Code. 7921

(vi) In committing the offense, the offender attempted to 7922  
cause or made an actual threat of physical harm to a person with 7923

a deadly weapon. 7924

(vii) In committing the offense, the offender attempted to 7925  
cause or made an actual threat of physical harm to a person, and 7926  
the offender previously was convicted of an offense that caused 7927  
physical harm to a person. 7928

(viii) The offender held a public office or position of 7929  
trust, and the offense related to that office or position; the 7930  
offender's position obliged the offender to prevent the offense 7931  
or to bring those committing it to justice; or the offender's 7932  
professional reputation or position facilitated the offense or 7933  
was likely to influence the future conduct of others. 7934

(ix) The offender committed the offense for hire or as 7935  
part of an organized criminal activity. 7936

(x) The offender at the time of the offense was serving, 7937  
or the offender previously had served, a prison term. 7938

(xi) The offender committed the offense while under a 7939  
community control sanction, while on probation, or while 7940  
released from custody on a bond or personal recognizance. 7941

(c) If a court that is sentencing an offender who is 7942  
convicted of or pleads guilty to a felony of the fourth or fifth 7943  
degree that is not an offense of violence or that is a 7944  
qualifying assault offense believes that no community control 7945  
sanctions are available for its use that, if imposed on the 7946  
offender, will adequately fulfill the overriding principles and 7947  
purposes of sentencing, the court shall contact the department 7948  
of rehabilitation and correction and ask the department to 7949  
provide the court with the names of, contact information for, 7950  
and program details of one or more community control sanctions 7951  
that are available for persons sentenced by the court. Not later 7952

than forty-five days after receipt of a request from a court 7953  
under this division, the department shall provide the court with 7954  
the names of, contact information for, and program details of 7955  
one or more community control sanctions that are available for 7956  
persons sentenced by the court, if any. Upon making a request 7957  
under this division that relates to a particular offender, a 7958  
court shall defer sentencing of that offender until it receives 7959  
from the department the names of, contact information for, and 7960  
program details of one or more community control sanctions that 7961  
are available for persons sentenced by the court or for forty- 7962  
five days, whichever is the earlier. 7963

If the department provides the court with the names of, 7964  
contact information for, and program details of one or more 7965  
community control sanctions that are available for persons 7966  
sentenced by the court within the forty-five-day period 7967  
specified in this division, the court shall impose upon the 7968  
offender a community control sanction under division (B) (1) (a) 7969  
of this section, except that the court may impose a prison term 7970  
under division (B) (1) (b) of this section if a factor described 7971  
in division (B) (1) (b) (i) or (ii) of this section applies. If the 7972  
department does not provide the court with the names of, contact 7973  
information for, and program details of one or more community 7974  
control sanctions that are available for persons sentenced by 7975  
the court within the forty-five-day period specified in this 7976  
division, the court may impose upon the offender a prison term 7977  
under division (B) (1) (b) (iv) of this section. 7978

(d) A sentencing court may impose an additional penalty 7979  
under division (B) of section 2929.15 of the Revised Code upon 7980  
an offender sentenced to a community control sanction under 7981  
division (B) (1) (a) of this section if the offender violates the 7982  
conditions of the community control sanction, violates a law, or 7983



leaves the state without the permission of the court or the 7984  
offender's probation officer. 7985

(2) If division (B) (1) of this section does not apply, 7986  
except as provided in division (E), (F), or (G) of this section, 7987  
in determining whether to impose a prison term as a sanction for 7988  
a felony of the fourth or fifth degree, the sentencing court 7989  
shall comply with the purposes and principles of sentencing 7990  
under section 2929.11 of the Revised Code and with section 7991  
2929.12 of the Revised Code. 7992

(C) Except as provided in division (D), (E), (F), or (G) 7993  
of this section, in determining whether to impose a prison term 7994  
as a sanction for a felony of the third degree or a felony drug 7995  
offense that is a violation of a provision of Chapter 2925. of 7996  
the Revised Code and that is specified as being subject to this 7997  
division for purposes of sentencing, the sentencing court shall 7998  
comply with the purposes and principles of sentencing under 7999  
section 2929.11 of the Revised Code and with section 2929.12 of 8000  
the Revised Code. 8001

(D) (1) Except as provided in division (E) or (F) of this 8002  
section, for a felony of the first or second degree, for a 8003  
felony drug offense that is a violation of any provision of 8004  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8005  
presumption in favor of a prison term is specified as being 8006  
applicable, and for a violation of division (A) (4) or (B) of 8007  
section 2907.05 of the Revised Code for which a presumption in 8008  
favor of a prison term is specified as being applicable, it is 8009  
presumed that a prison term is necessary in order to comply with 8010  
the purposes and principles of sentencing under section 2929.11 8011  
of the Revised Code. Division (D) (2) of this section does not 8012  
apply to a presumption established under this division for a 8013

violation of division (A) (4) of section 2907.05 of the Revised Code. 8014  
8015

(2) Notwithstanding the presumption established under 8016  
division (D) (1) of this section for the offenses listed in that 8017  
division other than a violation of division (A) (4) or (B) of 8018  
section 2907.05 of the Revised Code, the sentencing court may 8019  
impose a community control sanction or a combination of 8020  
community control sanctions instead of a prison term on an 8021  
offender for a felony of the first or second degree or for a 8022  
felony drug offense that is a violation of any provision of 8023  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8024  
presumption in favor of a prison term is specified as being 8025  
applicable if it makes both of the following findings: 8026

(a) A community control sanction or a combination of 8027  
community control sanctions would adequately punish the offender 8028  
and protect the public from future crime, because the applicable 8029  
factors under section 2929.12 of the Revised Code indicating a 8030  
lesser likelihood of recidivism outweigh the applicable factors 8031  
under that section indicating a greater likelihood of 8032  
recidivism. 8033

(b) A community control sanction or a combination of 8034  
community control sanctions would not demean the seriousness of 8035  
the offense, because one or more factors under section 2929.12 8036  
of the Revised Code that indicate that the offender's conduct 8037  
was less serious than conduct normally constituting the offense 8038  
are applicable, and they outweigh the applicable factors under 8039  
that section that indicate that the offender's conduct was more 8040  
serious than conduct normally constituting the offense. 8041

(E) (1) Except as provided in division (F) of this section, 8042  
for any drug offense that is a violation of any provision of 8043

Chapter 2925. of the Revised Code and that is a felony of the 8044  
third, fourth, or fifth degree, the applicability of a 8045  
presumption under division (D) of this section in favor of a 8046  
prison term or of division (B) or (C) of this section in 8047  
determining whether to impose a prison term for the offense 8048  
shall be determined as specified in section 2925.02, 2925.03, 8049  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 8050  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 8051  
regarding the violation. 8052

(2) If an offender who was convicted of or pleaded guilty 8053  
to a felony violates the conditions of a community control 8054  
sanction imposed for the offense solely by reason of producing 8055  
positive results on a drug test or by acting pursuant to 8056  
division (B) (2) (b) of section 2925.11 of the Revised Code with 8057  
respect to a minor drug possession offense, the court, as 8058  
punishment for the violation of the sanction, shall not order 8059  
that the offender be imprisoned unless the court determines on 8060  
the record either of the following: 8061

(a) The offender had been ordered as a sanction for the 8062  
felony to participate in a drug treatment program, in a drug 8063  
education program, or in narcotics anonymous or a similar 8064  
program, and the offender continued to use illegal drugs after a 8065  
reasonable period of participation in the program. 8066

(b) The imprisonment of the offender for the violation is 8067  
consistent with the purposes and principles of sentencing set 8068  
forth in section 2929.11 of the Revised Code. 8069

(3) A court that sentences an offender for a drug abuse 8070  
offense that is a felony of the third, fourth, or fifth degree 8071  
may require that the offender be assessed by a properly 8072  
credentialed professional within a specified period of time. The 8073

court shall require the professional to file a written 8074  
assessment of the offender with the court. If the offender is 8075  
eligible for a community control sanction and after considering 8076  
the written assessment, the court may impose a community control 8077  
sanction that includes addiction services and recovery supports 8078  
included in a community-based continuum of care established 8079  
under section 340.032 of the Revised Code. If the court imposes 8080  
addiction services and recovery supports as a community control 8081  
sanction, the court shall direct the level and type of addiction 8082  
services and recovery supports after considering the assessment 8083  
and recommendation of community addiction services providers. 8084

(F) Notwithstanding divisions (A) to (E) of this section, 8085  
the court shall impose a prison term or terms under sections 8086  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 8087  
section 2971.03 of the Revised Code and except as specifically 8088  
provided in section 2929.20, divisions (C) to (I) of section 8089  
2967.19, or section 2967.191 of the Revised Code or when parole 8090  
is authorized for the offense under section 2967.13 of the 8091  
Revised Code shall not reduce the term or terms pursuant to 8092  
section 2929.20, section 2967.19, section 2967.193, or any other 8093  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 8094  
for any of the following offenses: 8095

(1) ~~Aggravated~~ Either aggravated murder or aggravated 8096  
abortion murder when death is not imposed, or murder or abortion 8097  
murder; 8098

(2) Any rape, regardless of whether force was involved and 8099  
regardless of the age of the victim, or an attempt to commit 8100  
rape if, had the offender completed the rape that was attempted, 8101  
the offender would have been guilty of a violation of division 8102  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 8103

sentenced under section 2971.03 of the Revised Code; 8104

(3) Gross sexual imposition or sexual battery, if the 8105  
victim is less than thirteen years of age and if any of the 8106  
following applies: 8107

(a) Regarding gross sexual imposition, the offender 8108  
previously was convicted of or pleaded guilty to rape, the 8109  
former offense of felonious sexual penetration, gross sexual 8110  
imposition, or sexual battery, and the victim of the previous 8111  
offense was less than thirteen years of age; 8112

(b) Regarding gross sexual imposition, the offense was 8113  
committed on or after August 3, 2006, and evidence other than 8114  
the testimony of the victim was admitted in the case 8115  
corroborating the violation. 8116

(c) Regarding sexual battery, either of the following 8117  
applies: 8118

(i) The offense was committed prior to August 3, 2006, the 8119  
offender previously was convicted of or pleaded guilty to rape, 8120  
the former offense of felonious sexual penetration, or sexual 8121  
battery, and the victim of the previous offense was less than 8122  
thirteen years of age. 8123

(ii) The offense was committed on or after August 3, 2006. 8124

(4) A felony violation of section 2903.04, 2903.06, 8125  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 8126  
or 2923.132 of the Revised Code if the section requires the 8127  
imposition of a prison term; 8128

(5) A first, second, or third degree felony drug offense 8129  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 8130  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 8131

or 4729.99 of the Revised Code, whichever is applicable 8132  
regarding the violation, requires the imposition of a mandatory 8133  
prison term; 8134

(6) Any offense that is a first or second degree felony 8135  
and that is not set forth in division (F) (1), (2), (3), or (4) 8136  
of this section, if the offender previously was convicted of or 8137  
pleaded guilty to aggravated murder, murder, aggravated abortion 8138  
murder, abortion murder, any first or second degree felony, or 8139  
an offense under an existing or former law of this state, 8140  
another state, or the United States that is or was substantially 8141  
equivalent to one of those offenses; 8142

(7) Any offense that is a third degree felony and either 8143  
is a violation of section 2903.04 of the Revised Code or an 8144  
attempt to commit a felony of the second degree that is an 8145  
offense of violence and involved an attempt to cause serious 8146  
physical harm to a person or that resulted in serious physical 8147  
harm to a person if the offender previously was convicted of or 8148  
pleaded guilty to any of the following offenses: 8149

(a) Aggravated murder, murder, aggravated abortion murder, 8150  
abortion murder, involuntary manslaughter, rape, felonious 8151  
sexual penetration as it existed under section 2907.12 of the 8152  
Revised Code prior to September 3, 1996, a felony of the first 8153  
or second degree that resulted in the death of a person or in 8154  
physical harm to a person, or complicity in or an attempt to 8155  
commit any of those offenses; 8156

(b) An offense under an existing or former law of this 8157  
state, another state, or the United States that is or was 8158  
substantially equivalent to an offense listed in division (F) (7) 8159  
(a) of this section that resulted in the death of a person or in 8160  
physical harm to a person. 8161

(8) Any offense, other than a violation of section 2923.12 8162  
of the Revised Code, that is a felony, if the offender had a 8163  
firearm on or about the offender's person or under the 8164  
offender's control while committing the felony, with respect to 8165  
a portion of the sentence imposed pursuant to division (B) (1) (a) 8166  
of section 2929.14 of the Revised Code for having the firearm; 8167

(9) Any offense of violence that is a felony, if the 8168  
offender wore or carried body armor while committing the felony 8169  
offense of violence, with respect to the portion of the sentence 8170  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 8171  
Revised Code for wearing or carrying the body armor; 8172

(10) Corrupt activity in violation of section 2923.32 of 8173  
the Revised Code when the most serious offense in the pattern of 8174  
corrupt activity that is the basis of the offense is a felony of 8175  
the first degree; 8176

(11) Any violent sex offense or designated homicide, 8177  
assault, or kidnapping offense if, in relation to that offense, 8178  
the offender is adjudicated a sexually violent predator; 8179

(12) A violation of division (A) (1) or (2) of section 8180  
2921.36 of the Revised Code, or a violation of division (C) of 8181  
that section involving an item listed in division (A) (1) or (2) 8182  
of that section, if the offender is an officer or employee of 8183  
the department of rehabilitation and correction; 8184

(13) A violation of division (A) (1) or (2) of section 8185  
2903.06 of the Revised Code if the victim of the offense is a 8186  
peace officer, as defined in section 2935.01 of the Revised 8187  
Code, or an investigator of the bureau of criminal 8188  
identification and investigation, as defined in section 2903.11 8189  
of the Revised Code, with respect to the portion of the sentence 8190

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 8191  
8192

(14) A violation of division (A) (1) or (2) of section 8193  
2903.06 of the Revised Code if the offender has been convicted 8194  
of or pleaded guilty to three or more violations of division (A) 8195  
or (B) of section 4511.19 of the Revised Code or an equivalent 8196  
offense, as defined in section 2941.1415 of the Revised Code, or 8197  
three or more violations of any combination of those divisions 8198  
and offenses, with respect to the portion of the sentence 8199  
imposed pursuant to division (B) (6) of section 2929.14 of the 8200  
Revised Code; 8201

(15) Kidnapping, in the circumstances specified in section 8202  
2971.03 of the Revised Code and when no other provision of 8203  
division (F) of this section applies; 8204

(16) Kidnapping, abduction, compelling prostitution, 8205  
promoting prostitution, engaging in a pattern of corrupt 8206  
activity, a violation of division (A) (1) or (2) of section 8207  
2907.323 of the Revised Code that involves a minor, or 8208  
endangering children in violation of division (B) (1), (2), (3), 8209  
(4), or (5) of section 2919.22 of the Revised Code, if the 8210  
offender is convicted of or pleads guilty to a specification as 8211  
described in section 2941.1422 of the Revised Code that was 8212  
included in the indictment, count in the indictment, or 8213  
information charging the offense; 8214

(17) A felony violation of division (A) or (B) of section 8215  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 8216  
that section, and division (D) (6) of that section, require the 8217  
imposition of a prison term; 8218

(18) A felony violation of section 2903.11, 2903.12, or 8219



2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of

the Revised Code shall be known as "Judy's Law." 8250

(21) Any violation of division (A) of section 2903.11 of 8251  
the Revised Code if the victim of the offense suffered permanent 8252  
disabling harm as a result of the offense and the victim was 8253  
under ten years of age at the time of the offense, with respect 8254  
to a portion of the sentence imposed pursuant to division (B) 8255  
(10) of section 2929.14 of the Revised Code. 8256

(22) A felony violation of section 2925.03, 2925.05, or 8257  
2925.11 of the Revised Code, if the drug involved in the 8258  
violation is a fentanyl-related compound or a compound, mixture, 8259  
preparation, or substance containing a fentanyl-related compound 8260  
and the offender is convicted of or pleads guilty to a 8261  
specification of the type described in division (B) of section 8262  
2941.1410 of the Revised Code that was included in the 8263  
indictment, count in the indictment, or information charging the 8264  
offense, with respect to the portion of the sentence imposed 8265  
under division (B) (9) of section 2929.14 of the Revised Code. 8266

(G) Notwithstanding divisions (A) to (E) of this section, 8267  
if an offender is being sentenced for a fourth degree felony OVI 8268  
offense or for a third degree felony OVI offense, the court 8269  
shall impose upon the offender a mandatory term of local 8270  
incarceration or a mandatory prison term in accordance with the 8271  
following: 8272

(1) If the offender is being sentenced for a fourth degree 8273  
felony OVI offense and if the offender has not been convicted of 8274  
and has not pleaded guilty to a specification of the type 8275  
described in section 2941.1413 of the Revised Code, the court 8276  
may impose upon the offender a mandatory term of local 8277  
incarceration of sixty days or one hundred twenty days as 8278  
specified in division (G) (1) (d) of section 4511.19 of the 8279

Revised Code. The court shall not reduce the term pursuant to 8280  
section 2929.20, 2967.193, or any other provision of the Revised 8281  
Code. The court that imposes a mandatory term of local 8282  
incarceration under this division shall specify whether the term 8283  
is to be served in a jail, a community-based correctional 8284  
facility, a halfway house, or an alternative residential 8285  
facility, and the offender shall serve the term in the type of 8286  
facility specified by the court. A mandatory term of local 8287  
incarceration imposed under division (G) (1) of this section is 8288  
not subject to any other Revised Code provision that pertains to 8289  
a prison term except as provided in division (A) (1) of this 8290  
section. 8291

(2) If the offender is being sentenced for a third degree 8292  
felony OVI offense, or if the offender is being sentenced for a 8293  
fourth degree felony OVI offense and the court does not impose a 8294  
mandatory term of local incarceration under division (G) (1) of 8295  
this section, the court shall impose upon the offender a 8296  
mandatory prison term of one, two, three, four, or five years if 8297  
the offender also is convicted of or also pleads guilty to a 8298  
specification of the type described in section 2941.1413 of the 8299  
Revised Code or shall impose upon the offender a mandatory 8300  
prison term of sixty days or one hundred twenty days as 8301  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 8302  
Revised Code if the offender has not been convicted of and has 8303  
not pleaded guilty to a specification of that type. Subject to 8304  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 8305  
court shall not reduce the term pursuant to section 2929.20, 8306  
2967.19, 2967.193, or any other provision of the Revised Code. 8307  
The offender shall serve the one-, two-, three-, four-, or five- 8308  
year mandatory prison term consecutively to and prior to the 8309  
prison term imposed for the underlying offense and consecutively 8310

to any other mandatory prison term imposed in relation to the 8311  
offense. In no case shall an offender who once has been 8312  
sentenced to a mandatory term of local incarceration pursuant to 8313  
division (G) (1) of this section for a fourth degree felony OVI 8314  
offense be sentenced to another mandatory term of local 8315  
incarceration under that division for any violation of division 8316  
(A) of section 4511.19 of the Revised Code. In addition to the 8317  
mandatory prison term described in division (G) (2) of this 8318  
section, the court may sentence the offender to a community 8319  
control sanction under section 2929.16 or 2929.17 of the Revised 8320  
Code, but the offender shall serve the prison term prior to 8321  
serving the community control sanction. The department of 8322  
rehabilitation and correction may place an offender sentenced to 8323  
a mandatory prison term under this division in an intensive 8324  
program prison established pursuant to section 5120.033 of the 8325  
Revised Code if the department gave the sentencing judge prior 8326  
notice of its intent to place the offender in an intensive 8327  
program prison established under that section and if the judge 8328  
did not notify the department that the judge disapproved the 8329  
placement. Upon the establishment of the initial intensive 8330  
program prison pursuant to section 5120.033 of the Revised Code 8331  
that is privately operated and managed by a contractor pursuant 8332  
to a contract entered into under section 9.06 of the Revised 8333  
Code, both of the following apply: 8334

(a) The department of rehabilitation and correction shall 8335  
make a reasonable effort to ensure that a sufficient number of 8336  
offenders sentenced to a mandatory prison term under this 8337  
division are placed in the privately operated and managed prison 8338  
so that the privately operated and managed prison has full 8339  
occupancy. 8340

(b) Unless the privately operated and managed prison has 8341

full occupancy, the department of rehabilitation and correction 8342  
shall not place any offender sentenced to a mandatory prison 8343  
term under this division in any intensive program prison 8344  
established pursuant to section 5120.033 of the Revised Code 8345  
other than the privately operated and managed prison. 8346

(H) If an offender is being sentenced for a sexually 8347  
oriented offense or child-victim oriented offense that is a 8348  
felony committed on or after January 1, 1997, the judge shall 8349  
require the offender to submit to a DNA specimen collection 8350  
procedure pursuant to section 2901.07 of the Revised Code. 8351

(I) If an offender is being sentenced for a sexually 8352  
oriented offense or a child-victim oriented offense committed on 8353  
or after January 1, 1997, the judge shall include in the 8354  
sentence a summary of the offender's duties imposed under 8355  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 8356  
Code and the duration of the duties. The judge shall inform the 8357  
offender, at the time of sentencing, of those duties and of 8358  
their duration. If required under division (A) (2) of section 8359  
2950.03 of the Revised Code, the judge shall perform the duties 8360  
specified in that section, or, if required under division (A) (6) 8361  
of section 2950.03 of the Revised Code, the judge shall perform 8362  
the duties specified in that division. 8363

(J) (1) Except as provided in division (J) (2) of this 8364  
section, when considering sentencing factors under this section 8365  
in relation to an offender who is convicted of or pleads guilty 8366  
to an attempt to commit an offense in violation of section 8367  
2923.02 of the Revised Code, the sentencing court shall consider 8368  
the factors applicable to the felony category of the violation 8369  
of section 2923.02 of the Revised Code instead of the factors 8370  
applicable to the felony category of the offense attempted. 8371

(2) When considering sentencing factors under this section 8372  
in relation to an offender who is convicted of or pleads guilty 8373  
to an attempt to commit a drug abuse offense for which the 8374  
penalty is determined by the amount or number of unit doses of 8375  
the controlled substance involved in the drug abuse offense, the 8376  
sentencing court shall consider the factors applicable to the 8377  
felony category that the drug abuse offense attempted would be 8378  
if that drug abuse offense had been committed and had involved 8379  
an amount or number of unit doses of the controlled substance 8380  
that is within the next lower range of controlled substance 8381  
amounts than was involved in the attempt. 8382

(K) As used in this section: 8383

(1) "Community addiction services provider" has the same 8384  
meaning as in section 5119.01 of the Revised Code. 8385

(2) "Drug abuse offense" has the same meaning as in 8386  
section 2925.01 of the Revised Code. 8387

(3) "Minor drug possession offense" has the same meaning 8388  
as in section 2925.11 of the Revised Code. 8389

(4) "Qualifying assault offense" means a violation of 8390  
section 2903.13 of the Revised Code for which the penalty 8391  
provision in division (C) (8) (b) or (C) (9) (b) of that section 8392  
applies. 8393

(L) At the time of sentencing an offender for any sexually 8394  
oriented offense, if the offender is a tier III sex 8395  
offender/child-victim offender relative to that offense and the 8396  
offender does not serve a prison term or jail term, the court 8397  
may require that the offender be monitored by means of a global 8398  
positioning device. If the court requires such monitoring, the 8399  
cost of monitoring shall be borne by the offender. If the 8400

offender is indigent, the cost of compliance shall be paid by 8401  
the crime victims reparations fund. 8402

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 8403  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 8404  
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 8405  
in division (D)(6) of section 2919.25 of the Revised Code and 8406  
except in relation to an offense for which a sentence of death 8407  
or life imprisonment is to be imposed, if the court imposing a 8408  
sentence upon an offender for a felony elects or is required to 8409  
impose a prison term on the offender pursuant to this chapter, 8410  
the court shall impose a prison term that shall be one of the 8411  
following: 8412

(1)(a) For a felony of the first degree committed on or 8413  
after the effective date of this amendment, the prison term 8414  
shall be an indefinite prison term with a stated minimum term 8415  
selected by the court of three, four, five, six, seven, eight, 8416  
nine, ten, or eleven years and a maximum term that is determined 8417  
pursuant to section 2929.144 of the Revised Code, except that if 8418  
the section that criminalizes the conduct constituting the 8419  
felony specifies a different minimum term or penalty for the 8420  
offense, the specific language of that section shall control in 8421  
determining the minimum term or otherwise sentencing the 8422  
offender but the minimum term or sentence imposed under that 8423  
specific language shall be considered for purposes of the 8424  
Revised Code as if it had been imposed under this division. 8425

(b) For a felony of the first degree committed prior to 8426  
the effective date of this amendment, the prison term shall be a 8427  
definite prison term of three, four, five, six, seven, eight, 8428  
nine, ten, or eleven years. 8429

(2)(a) For a felony of the second degree committed on or 8430

after the effective date of this amendment, the prison term 8431  
shall be an indefinite prison term with a stated minimum term 8432  
selected by the court of two, three, four, five, six, seven, or 8433  
eight years and a maximum term that is determined pursuant to 8434  
section 2929.144 of the Revised Code, except that if the section 8435  
that criminalizes the conduct constituting the felony specifies 8436  
a different minimum term or penalty for the offense, the 8437  
specific language of that section shall control in determining 8438  
the minimum term or otherwise sentencing the offender but the 8439  
minimum term or sentence imposed under that specific language 8440  
shall be considered for purposes of the Revised Code as if it 8441  
had been imposed under this division. 8442

(b) For a felony of the second degree committed prior to 8443  
the effective date of this amendment, the prison term shall be a 8444  
definite term of two, three, four, five, six, seven, or eight 8445  
years. 8446

(3) (a) For a felony of the third degree that is a 8447  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 8448  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 8449  
Code or that is a violation of section 2911.02 or 2911.12 of the 8450  
Revised Code if the offender previously has been convicted of or 8451  
pleaded guilty in two or more separate proceedings to two or 8452  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 8453  
of the Revised Code, the prison term shall be a definite term of 8454  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 8455  
forty-eight, fifty-four, or sixty months. 8456

(b) For a felony of the third degree that is not an 8457  
offense for which division (A) (3) (a) of this section applies, 8458  
the prison term shall be a definite term of nine, twelve, 8459  
eighteen, twenty-four, thirty, or thirty-six months. 8460



(4) For a felony of the fourth degree, the prison term 8461  
shall be a definite term of six, seven, eight, nine, ten, 8462  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 8463  
or eighteen months. 8464

(5) For a felony of the fifth degree, the prison term 8465  
shall be a definite term of six, seven, eight, nine, ten, 8466  
eleven, or twelve months. 8467

(B) (1) (a) Except as provided in division (B) (1) (e) of this 8468  
section, if an offender who is convicted of or pleads guilty to 8469  
a felony also is convicted of or pleads guilty to a 8470  
specification of the type described in section 2941.141, 8471  
2941.144, or 2941.145 of the Revised Code, the court shall 8472  
impose on the offender one of the following prison terms: 8473

(i) A prison term of six years if the specification is of 8474  
the type described in division (A) of section 2941.144 of the 8475  
Revised Code that charges the offender with having a firearm 8476  
that is an automatic firearm or that was equipped with a firearm 8477  
muffler or suppressor on or about the offender's person or under 8478  
the offender's control while committing the offense; 8479

(ii) A prison term of three years if the specification is 8480  
of the type described in division (A) of section 2941.145 of the 8481  
Revised Code that charges the offender with having a firearm on 8482  
or about the offender's person or under the offender's control 8483  
while committing the offense and displaying the firearm, 8484  
brandishing the firearm, indicating that the offender possessed 8485  
the firearm, or using it to facilitate the offense; 8486

(iii) A prison term of one year if the specification is of 8487  
the type described in division (A) of section 2941.141 of the 8488  
Revised Code that charges the offender with having a firearm on 8489

or about the offender's person or under the offender's control 8490  
while committing the offense; 8491

(iv) A prison term of nine years if the specification is 8492  
of the type described in division (D) of section 2941.144 of the 8493  
Revised Code that charges the offender with having a firearm 8494  
that is an automatic firearm or that was equipped with a firearm 8495  
muffler or suppressor on or about the offender's person or under 8496  
the offender's control while committing the offense and 8497  
specifies that the offender previously has been convicted of or 8498  
pleaded guilty to a specification of the type described in 8499  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 8500  
the Revised Code; 8501

(v) A prison term of fifty-four months if the 8502  
specification is of the type described in division (D) of 8503  
section 2941.145 of the Revised Code that charges the offender 8504  
with having a firearm on or about the offender's person or under 8505  
the offender's control while committing the offense and 8506  
displaying the firearm, brandishing the firearm, indicating that 8507  
the offender possessed the firearm, or using the firearm to 8508  
facilitate the offense and that the offender previously has been 8509  
convicted of or pleaded guilty to a specification of the type 8510  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 8511  
2941.1412 of the Revised Code; 8512

(vi) A prison term of eighteen months if the specification 8513  
is of the type described in division (D) of section 2941.141 of 8514  
the Revised Code that charges the offender with having a firearm 8515  
on or about the offender's person or under the offender's 8516  
control while committing the offense and that the offender 8517  
previously has been convicted of or pleaded guilty to a 8518  
specification of the type described in section 2941.141, 8519

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 8520

(b) If a court imposes a prison term on an offender under 8521  
division (B) (1) (a) of this section, the prison term shall not be 8522  
reduced pursuant to section 2967.19, section 2929.20, section 8523  
2967.193, or any other provision of Chapter 2967. or Chapter 8524  
5120. of the Revised Code. Except as provided in division (B) (1) 8525  
(g) of this section, a court shall not impose more than one 8526  
prison term on an offender under division (B) (1) (a) of this 8527  
section for felonies committed as part of the same act or 8528  
transaction. 8529

(c) (i) Except as provided in division (B) (1) (e) of this 8530  
section, if an offender who is convicted of or pleads guilty to 8531  
a violation of section 2923.161 of the Revised Code or to a 8532  
felony that includes, as an essential element, purposely or 8533  
knowingly causing or attempting to cause the death of or 8534  
physical harm to another, also is convicted of or pleads guilty 8535  
to a specification of the type described in division (A) of 8536  
section 2941.146 of the Revised Code that charges the offender 8537  
with committing the offense by discharging a firearm from a 8538  
motor vehicle other than a manufactured home, the court, after 8539  
imposing a prison term on the offender for the violation of 8540  
section 2923.161 of the Revised Code or for the other felony 8541  
offense under division (A), (B) (2), or (B) (3) of this section, 8542  
shall impose an additional prison term of five years upon the 8543  
offender that shall not be reduced pursuant to section 2929.20, 8544  
section 2967.19, section 2967.193, or any other provision of 8545  
Chapter 2967. or Chapter 5120. of the Revised Code. 8546

(ii) Except as provided in division (B) (1) (e) of this 8547  
section, if an offender who is convicted of or pleads guilty to 8548  
a violation of section 2923.161 of the Revised Code or to a 8549

felony that includes, as an essential element, purposely or 8550  
knowingly causing or attempting to cause the death of or 8551  
physical harm to another, also is convicted of or pleads guilty 8552  
to a specification of the type described in division (C) of 8553  
section 2941.146 of the Revised Code that charges the offender 8554  
with committing the offense by discharging a firearm from a 8555  
motor vehicle other than a manufactured home and that the 8556  
offender previously has been convicted of or pleaded guilty to a 8557  
specification of the type described in section 2941.141, 8558  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 8559  
the court, after imposing a prison term on the offender for the 8560  
violation of section 2923.161 of the Revised Code or for the 8561  
other felony offense under division (A), (B) (2), or (3) of this 8562  
section, shall impose an additional prison term of ninety months 8563  
upon the offender that shall not be reduced pursuant to section 8564  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 8565  
2967. or Chapter 5120. of the Revised Code. 8566

(iii) A court shall not impose more than one additional 8567  
prison term on an offender under division (B) (1) (c) of this 8568  
section for felonies committed as part of the same act or 8569  
transaction. If a court imposes an additional prison term on an 8570  
offender under division (B) (1) (c) of this section relative to an 8571  
offense, the court also shall impose a prison term under 8572  
division (B) (1) (a) of this section relative to the same offense, 8573  
provided the criteria specified in that division for imposing an 8574  
additional prison term are satisfied relative to the offender 8575  
and the offense. 8576

(d) If an offender who is convicted of or pleads guilty to 8577  
an offense of violence that is a felony also is convicted of or 8578  
pleads guilty to a specification of the type described in 8579  
section 2941.1411 of the Revised Code that charges the offender 8580

with wearing or carrying body armor while committing the felony 8581  
offense of violence, the court shall impose on the offender an 8582  
additional prison term of two years. The prison term so imposed, 8583  
subject to divisions (C) to (I) of section 2967.19 of the 8584  
Revised Code, shall not be reduced pursuant to section 2929.20, 8585  
section 2967.19, section 2967.193, or any other provision of 8586  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 8587  
shall not impose more than one prison term on an offender under 8588  
division (B) (1) (d) of this section for felonies committed as 8589  
part of the same act or transaction. If a court imposes an 8590  
additional prison term under division (B) (1) (a) or (c) of this 8591  
section, the court is not precluded from imposing an additional 8592  
prison term under division (B) (1) (d) of this section. 8593

(e) The court shall not impose any of the prison terms 8594  
described in division (B) (1) (a) of this section or any of the 8595  
additional prison terms described in division (B) (1) (c) of this 8596  
section upon an offender for a violation of section 2923.12 or 8597  
2923.123 of the Revised Code. The court shall not impose any of 8598  
the prison terms described in division (B) (1) (a) or (b) of this 8599  
section upon an offender for a violation of section 2923.122 8600  
that involves a deadly weapon that is a firearm other than a 8601  
dangerous ordnance, section 2923.16, or section 2923.121 of the 8602  
Revised Code. The court shall not impose any of the prison terms 8603  
described in division (B) (1) (a) of this section or any of the 8604  
additional prison terms described in division (B) (1) (c) of this 8605  
section upon an offender for a violation of section 2923.13 of 8606  
the Revised Code unless all of the following apply: 8607

(i) The offender previously has been convicted of 8608  
aggravated murder, murder, aggravated abortion murder, abortion 8609  
murder, or any felony of the first or second degree. 8610

(ii) Less than five years have passed since the offender 8611  
was released from prison or post-release control, whichever is 8612  
later, for the prior offense. 8613

(f)(i) If an offender is convicted of or pleads guilty to 8614  
a felony that includes, as an essential element, causing or 8615  
attempting to cause the death of or physical harm to another and 8616  
also is convicted of or pleads guilty to a specification of the 8617  
type described in division (A) of section 2941.1412 of the 8618  
Revised Code that charges the offender with committing the 8619  
offense by discharging a firearm at a peace officer as defined 8620  
in section 2935.01 of the Revised Code or a corrections officer, 8621  
as defined in section 2941.1412 of the Revised Code, the court, 8622  
after imposing a prison term on the offender for the felony 8623  
offense under division (A), (B)(2), or (B)(3) of this section, 8624  
shall impose an additional prison term of seven years upon the 8625  
offender that shall not be reduced pursuant to section 2929.20, 8626  
section 2967.19, section 2967.193, or any other provision of 8627  
Chapter 2967. or Chapter 5120. of the Revised Code. 8628

(ii) If an offender is convicted of or pleads guilty to a 8629  
felony that includes, as an essential element, causing or 8630  
attempting to cause the death of or physical harm to another and 8631  
also is convicted of or pleads guilty to a specification of the 8632  
type described in division (B) of section 2941.1412 of the 8633  
Revised Code that charges the offender with committing the 8634  
offense by discharging a firearm at a peace officer, as defined 8635  
in section 2935.01 of the Revised Code, or a corrections 8636  
officer, as defined in section 2941.1412 of the Revised Code, 8637  
and that the offender previously has been convicted of or 8638  
pleaded guilty to a specification of the type described in 8639  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 8640  
the Revised Code, the court, after imposing a prison term on the 8641

offender for the felony offense under division (A), (B) (2), or 8642  
(3) of this section, shall impose an additional prison term of 8643  
one hundred twenty-six months upon the offender that shall not 8644  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 8645  
any other provision of Chapter 2967. or 5120. of the Revised 8646  
Code. 8647

(iii) If an offender is convicted of or pleads guilty to 8648  
two or more felonies that include, as an essential element, 8649  
causing or attempting to cause the death or physical harm to 8650  
another and also is convicted of or pleads guilty to a 8651  
specification of the type described under division (B) (1) (f) of 8652  
this section in connection with two or more of the felonies of 8653  
which the offender is convicted or to which the offender pleads 8654  
guilty, the sentencing court shall impose on the offender the 8655  
prison term specified under division (B) (1) (f) of this section 8656  
for each of two of the specifications of which the offender is 8657  
convicted or to which the offender pleads guilty and, in its 8658  
discretion, also may impose on the offender the prison term 8659  
specified under that division for any or all of the remaining 8660  
specifications. If a court imposes an additional prison term on 8661  
an offender under division (B) (1) (f) of this section relative to 8662  
an offense, the court shall not impose a prison term under 8663  
division (B) (1) (a) or (c) of this section relative to the same 8664  
offense. 8665

(g) If an offender is convicted of or pleads guilty to two 8666  
or more felonies, if one or more of those felonies are 8667  
aggravated murder, murder, attempted aggravated murder, 8668  
attempted murder, aggravated abortion murder, abortion murder, 8669  
attempted aggravated abortion murder, attempted abortion murder, 8670  
aggravated robbery, felonious assault, or rape, and if the 8671  
offender is convicted of or pleads guilty to a specification of 8672

the type described under division (B) (1) (a) of this section in 8673  
connection with two or more of the felonies, the sentencing 8674  
court shall impose on the offender the prison term specified 8675  
under division (B) (1) (a) of this section for each of the two 8676  
most serious specifications of which the offender is convicted 8677  
or to which the offender pleads guilty and, in its discretion, 8678  
also may impose on the offender the prison term specified under 8679  
that division for any or all of the remaining specifications. 8680

(2) (a) If division (B) (2) (b) of this section does not 8681  
apply, the court may impose on an offender, in addition to the 8682  
longest prison term authorized or required for the offense or, 8683  
for offenses for which division (A) (1) (a) or (2) (a) of this 8684  
section applies, in addition to the longest minimum prison term 8685  
authorized or required for the offense, an additional definite 8686  
prison term of one, two, three, four, five, six, seven, eight, 8687  
nine, or ten years if all of the following criteria are met: 8688

(i) The offender is convicted of or pleads guilty to a 8689  
specification of the type described in section 2941.149 of the 8690  
Revised Code that the offender is a repeat violent offender. 8691

(ii) The offense of which the offender currently is 8692  
convicted or to which the offender currently pleads guilty is 8693  
aggravated murder or aggravated abortion murder and the court 8694  
does not impose a sentence of death or life imprisonment without 8695  
parole, murder, abortion murder, terrorism and the court does 8696  
not impose a sentence of life imprisonment without parole, any 8697  
felony of the first degree that is an offense of violence and 8698  
the court does not impose a sentence of life imprisonment 8699  
without parole, or any felony of the second degree that is an 8700  
offense of violence and the trier of fact finds that the offense 8701  
involved an attempt to cause or a threat to cause serious 8702



physical harm to a person or resulted in serious physical harm 8703  
to a person. 8704

(iii) The court imposes the longest prison term for the 8705  
offense or the longest minimum prison term for the offense, 8706  
whichever is applicable, that is not life imprisonment without 8707  
parole. 8708

(iv) The court finds that the prison terms imposed 8709  
pursuant to division (B) (2) (a) (iii) of this section and, if 8710  
applicable, division (B) (1) or (3) of this section are 8711  
inadequate to punish the offender and protect the public from 8712  
future crime, because the applicable factors under section 8713  
2929.12 of the Revised Code indicating a greater likelihood of 8714  
recidivism outweigh the applicable factors under that section 8715  
indicating a lesser likelihood of recidivism. 8716

(v) The court finds that the prison terms imposed pursuant 8717  
to division (B) (2) (a) (iii) of this section and, if applicable, 8718  
division (B) (1) or (3) of this section are demeaning to the 8719  
seriousness of the offense, because one or more of the factors 8720  
under section 2929.12 of the Revised Code indicating that the 8721  
offender's conduct is more serious than conduct normally 8722  
constituting the offense are present, and they outweigh the 8723  
applicable factors under that section indicating that the 8724  
offender's conduct is less serious than conduct normally 8725  
constituting the offense. 8726

(b) The court shall impose on an offender the longest 8727  
prison term authorized or required for the offense or, for 8728  
offenses for which division (A) (1) (a) or (2) (a) of this section 8729  
applies, the longest minimum prison term authorized or required 8730  
for the offense, and shall impose on the offender an additional 8731  
definite prison term of one, two, three, four, five, six, seven, 8732

eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder or aggravated abortion murder and the court does not impose a sentence of death or life imprisonment without parole, murder, abortion murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(c) For purposes of division (B)(2)(b) of this section, two or more offenses committed at the same time or as part of the same act or event shall be considered one offense, and that

one offense shall be the offense with the greatest penalty. 8763

(d) A sentence imposed under division (B)(2)(a) or (b) of 8764  
this section shall not be reduced pursuant to section 2929.20, 8765  
section 2967.19, or section 2967.193, or any other provision of 8766  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 8767  
shall serve an additional prison term imposed under division (B) 8768  
(2)(a) or (b) of this section consecutively to and prior to the 8769  
prison term imposed for the underlying offense. 8770

(e) When imposing a sentence pursuant to division (B)(2) 8771  
(a) or (b) of this section, the court shall state its findings 8772  
explaining the imposed sentence. 8773

(3) Except when an offender commits a violation of section 8774  
2903.01, 2904.03, or 2907.02 of the Revised Code and the penalty 8775  
imposed for the violation is life imprisonment or commits a 8776  
violation of section 2903.02 or 2904.04 of the Revised Code, if 8777  
the offender commits a violation of section 2925.03 or 2925.11 8778  
of the Revised Code and that section classifies the offender as 8779  
a major drug offender, if the offender commits a violation of 8780  
section 2925.05 of the Revised Code and division (E)(1) of that 8781  
section classifies the offender as a major drug offender, if the 8782  
offender commits a felony violation of section 2925.02, 2925.04, 8783  
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 8784  
or 4729.61, division (C) or (D) of section 3719.172, division 8785  
(E) of section 4729.51, or division (J) of section 4729.54 of 8786  
the Revised Code that includes the sale, offer to sell, or 8787  
possession of a schedule I or II controlled substance, with the 8788  
exception of marihuana, and the court imposing sentence upon the 8789  
offender finds that the offender is guilty of a specification of 8790  
the type described in division (A) of section 2941.1410 of the 8791  
Revised Code charging that the offender is a major drug 8792

offender, if the court imposing sentence upon an offender for a 8793  
felony finds that the offender is guilty of corrupt activity 8794  
with the most serious offense in the pattern of corrupt activity 8795  
being a felony of the first degree, or if the offender is guilty 8796  
of an attempted violation of section 2907.02 of the Revised Code 8797  
and, had the offender completed the violation of section 2907.02 8798  
of the Revised Code that was attempted, the offender would have 8799  
been subject to a sentence of life imprisonment or life 8800  
imprisonment without parole for the violation of section 2907.02 8801  
of the Revised Code, the court shall impose upon the offender 8802  
for the felony violation a mandatory prison term determined as 8803  
described in this division that, subject to divisions (C) to (I) 8804  
of section 2967.19 of the Revised Code, cannot be reduced 8805  
pursuant to section 2929.20, section 2967.19, or any other 8806  
provision of Chapter 2967. or 5120. of the Revised Code. The 8807  
mandatory prison term shall be the maximum definite prison term 8808  
prescribed in division (A)(1)(b) of this section for a felony of 8809  
the first degree, except that for offenses for which division 8810  
(A)(1)(a) of this section applies, the mandatory prison term 8811  
shall be the longest minimum prison term prescribed in that 8812  
division for the offense. 8813

(4) If the offender is being sentenced for a third or 8814  
fourth degree felony OVI offense under division (G)(2) of 8815  
section 2929.13 of the Revised Code, the sentencing court shall 8816  
impose upon the offender a mandatory prison term in accordance 8817  
with that division. In addition to the mandatory prison term, if 8818  
the offender is being sentenced for a fourth degree felony OVI 8819  
offense, the court, notwithstanding division (A)(4) of this 8820  
section, may sentence the offender to a definite prison term of 8821  
not less than six months and not more than thirty months, and if 8822  
the offender is being sentenced for a third degree felony OVI 8823

offense, the sentencing court may sentence the offender to an 8824  
additional prison term of any duration specified in division (A) 8825  
(3) of this section. In either case, the additional prison term 8826  
imposed shall be reduced by the sixty or one hundred twenty days 8827  
imposed upon the offender as the mandatory prison term. The 8828  
total of the additional prison term imposed under division (B) 8829  
(4) of this section plus the sixty or one hundred twenty days 8830  
imposed as the mandatory prison term shall equal a definite term 8831  
in the range of six months to thirty months for a fourth degree 8832  
felony OVI offense and shall equal one of the authorized prison 8833  
terms specified in division (A) (3) of this section for a third 8834  
degree felony OVI offense. If the court imposes an additional 8835  
prison term under division (B) (4) of this section, the offender 8836  
shall serve the additional prison term after the offender has 8837  
served the mandatory prison term required for the offense. In 8838  
addition to the mandatory prison term or mandatory and 8839  
additional prison term imposed as described in division (B) (4) 8840  
of this section, the court also may sentence the offender to a 8841  
community control sanction under section 2929.16 or 2929.17 of 8842  
the Revised Code, but the offender shall serve all of the prison 8843  
terms so imposed prior to serving the community control 8844  
sanction. 8845

If the offender is being sentenced for a fourth degree 8846  
felony OVI offense under division (G) (1) of section 2929.13 of 8847  
the Revised Code and the court imposes a mandatory term of local 8848  
incarceration, the court may impose a prison term as described 8849  
in division (A) (1) of that section. 8850

(5) If an offender is convicted of or pleads guilty to a 8851  
violation of division (A) (1) or (2) of section 2903.06 of the 8852  
Revised Code and also is convicted of or pleads guilty to a 8853  
specification of the type described in section 2941.1414 of the 8854

Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term

on an offender under division (B)(6) of this section for 8886  
felonies committed as part of the same act. 8887

(7)(a) If an offender is convicted of or pleads guilty to 8888  
a felony violation of section 2905.01, 2905.02, 2907.21, 8889  
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 8890  
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 8891  
section 2919.22 of the Revised Code and also is convicted of or 8892  
pleads guilty to a specification of the type described in 8893  
section 2941.1422 of the Revised Code that charges that the 8894  
offender knowingly committed the offense in furtherance of human 8895  
trafficking, the court shall impose on the offender a mandatory 8896  
prison term that is one of the following: 8897

(i) If the offense is a felony of the first degree, a 8898  
definite prison term of not less than five years and not greater 8899  
than eleven years, except that if the offense is a felony of the 8900  
first degree committed on or after the effective date of this 8901  
amendment, the court shall impose as the minimum prison term a 8902  
mandatory term of not less than five years and not greater than 8903  
eleven years; 8904

(ii) If the offense is a felony of the second or third 8905  
degree, a definite prison term of not less than three years and 8906  
not greater than the maximum prison term allowed for the offense 8907  
by division (A)(2)(b) or (3) of this section, except that if the 8908  
offense is a felony of the second degree committed on or after 8909  
the effective date of this amendment, the court shall impose as 8910  
the minimum prison term a mandatory term of not less than three 8911  
years and not greater than eight years; 8912

(iii) If the offense is a felony of the fourth or fifth 8913  
degree, a definite prison term that is the maximum prison term 8914  
allowed for the offense by division (A) of section 2929.14 of 8915

the Revised Code. 8916

(b) Subject to divisions (C) to (I) of section 2967.19 of 8917  
the Revised Code, the prison term imposed under division (B) (7) 8918  
(a) of this section shall not be reduced pursuant to section 8919  
2929.20, section 2967.19, section 2967.193, or any other 8920  
provision of Chapter 2967. of the Revised Code. A court shall 8921  
not impose more than one prison term on an offender under 8922  
division (B) (7) (a) of this section for felonies committed as 8923  
part of the same act, scheme, or plan. 8924

(8) If an offender is convicted of or pleads guilty to a 8925  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 8926  
Revised Code and also is convicted of or pleads guilty to a 8927  
specification of the type described in section 2941.1423 of the 8928  
Revised Code that charges that the victim of the violation was a 8929  
woman whom the offender knew was pregnant at the time of the 8930  
violation, notwithstanding the range prescribed in division (A) 8931  
of this section as the definite prison term or minimum prison 8932  
term for felonies of the same degree as the violation, the court 8933  
shall impose on the offender a mandatory prison term that is 8934  
either a definite prison term of six months or one of the prison 8935  
terms prescribed in division (A) of this section for felonies of 8936  
the same degree as the violation, except that if the violation 8937  
is a felony of the first or second degree committed on or after 8938  
the effective date of this amendment, the court shall impose as 8939  
the minimum prison term under division (A) (1) (a) or (2) (a) of 8940  
this section a mandatory term that is one of the terms 8941  
prescribed in that division, whichever is applicable, for the 8942  
offense. 8943

(9) (a) If an offender is convicted of or pleads guilty to 8944  
a violation of division (A) (1) or (2) of section 2903.11 of the 8945



Revised Code and also is convicted of or pleads guilty to a 8946  
specification of the type described in section 2941.1425 of the 8947  
Revised Code, the court shall impose on the offender a mandatory 8948  
prison term of six years if either of the following applies: 8949

(i) The violation is a violation of division (A) (1) of 8950  
section 2903.11 of the Revised Code and the specification 8951  
charges that the offender used an accelerant in committing the 8952  
violation and the serious physical harm to another or to 8953  
another's unborn caused by the violation resulted in a 8954  
permanent, serious disfigurement or permanent, substantial 8955  
incapacity; 8956

(ii) The violation is a violation of division (A) (2) of 8957  
section 2903.11 of the Revised Code and the specification 8958  
charges that the offender used an accelerant in committing the 8959  
violation, that the violation caused physical harm to another or 8960  
to another's unborn, and that the physical harm resulted in a 8961  
permanent, serious disfigurement or permanent, substantial 8962  
incapacity. 8963

(b) If a court imposes a prison term on an offender under 8964  
division (B) (9) (a) of this section, the prison term shall not be 8965  
reduced pursuant to section 2929.20, section 2967.19, section 8966  
2967.193, or any other provision of Chapter 2967. or Chapter 8967  
5120. of the Revised Code. A court shall not impose more than 8968  
one prison term on an offender under division (B) (9) of this 8969  
section for felonies committed as part of the same act. 8970

(c) The provisions of divisions (B) (9) and (C) (6) of this 8971  
section and of division (D) (2) of section 2903.11, division (F) 8972  
(20) of section 2929.13, and section 2941.1425 of the Revised 8973  
Code shall be known as "Judy's Law." 8974

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six,

seven, or eight years. If a court imposes a prison term on an 9006  
offender under division (B) (11) of this section, the prison 9007  
term, subject to divisions (C) to (I) of section 2967.19 of the 9008  
Revised Code, shall not be reduced pursuant to section 2929.20, 9009  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 9010  
5120. of the Revised Code. A court shall not impose more than 9011  
one prison term on an offender under division (B) (11) of this 9012  
section for felonies committed as part of the same act. 9013

(C) (1) (a) Subject to division (C) (1) (b) of this section, 9014  
if a mandatory prison term is imposed upon an offender pursuant 9015  
to division (B) (1) (a) of this section for having a firearm on or 9016  
about the offender's person or under the offender's control 9017  
while committing a felony, if a mandatory prison term is imposed 9018  
upon an offender pursuant to division (B) (1) (c) of this section 9019  
for committing a felony specified in that division by 9020  
discharging a firearm from a motor vehicle, or if both types of 9021  
mandatory prison terms are imposed, the offender shall serve any 9022  
mandatory prison term imposed under either division 9023  
consecutively to any other mandatory prison term imposed under 9024  
either division or under division (B) (1) (d) of this section, 9025  
consecutively to and prior to any prison term imposed for the 9026  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 9027  
this section or any other section of the Revised Code, and 9028  
consecutively to any other prison term or mandatory prison term 9029  
previously or subsequently imposed upon the offender. 9030

(b) If a mandatory prison term is imposed upon an offender 9031  
pursuant to division (B) (1) (d) of this section for wearing or 9032  
carrying body armor while committing an offense of violence that 9033  
is a felony, the offender shall serve the mandatory term so 9034  
imposed consecutively to any other mandatory prison term imposed 9035  
under that division or under division (B) (1) (a) or (c) of this 9036

section, consecutively to and prior to any prison term imposed 9037  
for the underlying felony under division (A), (B) (2), or (B) (3) 9038  
of this section or any other section of the Revised Code, and 9039  
consecutively to any other prison term or mandatory prison term 9040  
previously or subsequently imposed upon the offender. 9041

(c) If a mandatory prison term is imposed upon an offender 9042  
pursuant to division (B) (1) (f) of this section, the offender 9043  
shall serve the mandatory prison term so imposed consecutively 9044  
to and prior to any prison term imposed for the underlying 9045  
felony under division (A), (B) (2), or (B) (3) of this section or 9046  
any other section of the Revised Code, and consecutively to any 9047  
other prison term or mandatory prison term previously or 9048  
subsequently imposed upon the offender. 9049

(d) If a mandatory prison term is imposed upon an offender 9050  
pursuant to division (B) (7) or (8) of this section, the offender 9051  
shall serve the mandatory prison term so imposed consecutively 9052  
to any other mandatory prison term imposed under that division 9053  
or under any other provision of law and consecutively to any 9054  
other prison term or mandatory prison term previously or 9055  
subsequently imposed upon the offender. 9056

(e) If a mandatory prison term is imposed upon an offender 9057  
pursuant to division (B) (10) of this section, the offender shall 9058  
serve the mandatory prison term consecutively to any other 9059  
mandatory prison term imposed under that division, consecutively 9060  
to and prior to any prison term imposed for the underlying 9061  
felony, and consecutively to any other prison term or mandatory 9062  
prison term previously or subsequently imposed upon the 9063  
offender. 9064

(2) If an offender who is an inmate in a jail, prison, or 9065  
other residential detention facility violates section 2917.02, 9066

2917.03, or 2921.35 of the Revised Code or division (A) (1) or 9067  
(2) of section 2921.34 of the Revised Code, if an offender who 9068  
is under detention at a detention facility commits a felony 9069  
violation of section 2923.131 of the Revised Code, or if an 9070  
offender who is an inmate in a jail, prison, or other 9071  
residential detention facility or is under detention at a 9072  
detention facility commits another felony while the offender is 9073  
an escapee in violation of division (A) (1) or (2) of section 9074  
2921.34 of the Revised Code, any prison term imposed upon the 9075  
offender for one of those violations shall be served by the 9076  
offender consecutively to the prison term or term of 9077  
imprisonment the offender was serving when the offender 9078  
committed that offense and to any other prison term previously 9079  
or subsequently imposed upon the offender. 9080

(3) If a prison term is imposed for a violation of 9081  
division (B) of section 2911.01 of the Revised Code, a violation 9082  
of division (A) of section 2913.02 of the Revised Code in which 9083  
the stolen property is a firearm or dangerous ordnance, or a 9084  
felony violation of division (B) of section 2921.331 of the 9085  
Revised Code, the offender shall serve that prison term 9086  
consecutively to any other prison term or mandatory prison term 9087  
previously or subsequently imposed upon the offender. 9088

(4) If multiple prison terms are imposed on an offender 9089  
for convictions of multiple offenses, the court may require the 9090  
offender to serve the prison terms consecutively if the court 9091  
finds that the consecutive service is necessary to protect the 9092  
public from future crime or to punish the offender and that 9093  
consecutive sentences are not disproportionate to the 9094  
seriousness of the offender's conduct and to the danger the 9095  
offender poses to the public, and if the court also finds any of 9096  
the following: 9097

(a) The offender committed one or more of the multiple 9098  
offenses while the offender was awaiting trial or sentencing, 9099  
was under a sanction imposed pursuant to section 2929.16, 9100  
2929.17, or 2929.18 of the Revised Code, or was under post- 9101  
release control for a prior offense. 9102

(b) At least two of the multiple offenses were committed 9103  
as part of one or more courses of conduct, and the harm caused 9104  
by two or more of the multiple offenses so committed was so 9105  
great or unusual that no single prison term for any of the 9106  
offenses committed as part of any of the courses of conduct 9107  
adequately reflects the seriousness of the offender's conduct. 9108

(c) The offender's history of criminal conduct 9109  
demonstrates that consecutive sentences are necessary to protect 9110  
the public from future crime by the offender. 9111

(5) If a mandatory prison term is imposed upon an offender 9112  
pursuant to division (B) (5) or (6) of this section, the offender 9113  
shall serve the mandatory prison term consecutively to and prior 9114  
to any prison term imposed for the underlying violation of 9115  
division (A) (1) or (2) of section 2903.06 of the Revised Code 9116  
pursuant to division (A) of this section or section 2929.142 of 9117  
the Revised Code. If a mandatory prison term is imposed upon an 9118  
offender pursuant to division (B) (5) of this section, and if a 9119  
mandatory prison term also is imposed upon the offender pursuant 9120  
to division (B) (6) of this section in relation to the same 9121  
violation, the offender shall serve the mandatory prison term 9122  
imposed pursuant to division (B) (5) of this section 9123  
consecutively to and prior to the mandatory prison term imposed 9124  
pursuant to division (B) (6) of this section and consecutively to 9125  
and prior to any prison term imposed for the underlying 9126  
violation of division (A) (1) or (2) of section 2903.06 of the 9127

Revised Code pursuant to division (A) of this section or section 9128  
2929.142 of the Revised Code. 9129

(6) If a mandatory prison term is imposed on an offender 9130  
pursuant to division (B)(9) of this section, the offender shall 9131  
serve the mandatory prison term consecutively to and prior to 9132  
any prison term imposed for the underlying violation of division 9133  
(A)(1) or (2) of section 2903.11 of the Revised Code and 9134  
consecutively to and prior to any other prison term or mandatory 9135  
prison term previously or subsequently imposed on the offender. 9136

(7) If a mandatory prison term is imposed on an offender 9137  
pursuant to division (B)(10) of this section, the offender shall 9138  
serve that mandatory prison term consecutively to and prior to 9139  
any prison term imposed for the underlying felonious assault. 9140  
Except as otherwise provided in division (C) of this section, 9141  
any other prison term or mandatory prison term previously or 9142  
subsequently imposed upon the offender may be served 9143  
concurrently with, or consecutively to, the prison term imposed 9144  
pursuant to division (B)(10) of this section. 9145

(8) Any prison term imposed for a violation of section 9146  
2903.04 of the Revised Code that is based on a violation of 9147  
section 2925.03 or 2925.11 of the Revised Code or on a violation 9148  
of section 2925.05 of the Revised Code that is not funding of 9149  
marihuana trafficking shall run consecutively to any prison term 9150  
imposed for the violation of section 2925.03 or 2925.11 of the 9151  
Revised Code or for the violation of section 2925.05 of the 9152  
Revised Code that is not funding of marihuana trafficking. 9153

(9) When consecutive prison terms are imposed pursuant to 9154  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 9155  
division (H)(1) or (2) of this section, subject to division (C) 9156  
(8) of this section, the term to be served is the aggregate of 9157

all of the terms so imposed. 9158

(10) When a court sentences an offender to a non-life 9159  
felony indefinite prison term, any definite prison term or 9160  
mandatory definite prison term previously or subsequently 9161  
imposed on the offender in addition to that indefinite sentence 9162  
that is required to be served consecutively to that indefinite 9163  
sentence shall be served prior to the indefinite sentence. 9164

(11) If a court is sentencing an offender for a felony of 9165  
the first or second degree, if division (A) (1) (a) or (2) (a) of 9166  
this section applies with respect to the sentencing for the 9167  
offense, and if the court is required under the Revised Code 9168  
section that sets forth the offense or any other Revised Code 9169  
provision to impose a mandatory prison term for the offense, the 9170  
court shall impose the required mandatory prison term as the 9171  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 9172  
section, whichever is applicable. 9173

(D) (1) If a court imposes a prison term, other than a term 9174  
of life imprisonment, for a felony of the first degree, for a 9175  
felony of the second degree, for a felony sex offense, or for a 9176  
felony of the third degree that is an offense of violence and 9177  
that is not a felony sex offense, it shall include in the 9178  
sentence a requirement that the offender be subject to a period 9179  
of post-release control after the offender's release from 9180  
imprisonment, in accordance with section 2967.28 of the Revised 9181  
Code. If a court imposes a sentence including a prison term of a 9182  
type described in this division on or after July 11, 2006, the 9183  
failure of a court to include a post-release control requirement 9184  
in the sentence pursuant to this division does not negate, 9185  
limit, or otherwise affect the mandatory period of post-release 9186  
control that is required for the offender under division (B) of 9187



section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either

the court does not impose a sentence of life without parole when 9218  
authorized pursuant to division (B) of section 2907.02 of the 9219  
Revised Code, or division (B) of section 2907.02 of the Revised 9220  
Code provides that the court shall not sentence the offender 9221  
pursuant to section 2971.03 of the Revised Code. 9222

(3) A person is convicted of or pleads guilty to attempted 9223  
rape committed on or after January 2, 2007, and a specification 9224  
of the type described in section 2941.1418, 2941.1419, or 9225  
2941.1420 of the Revised Code. 9226

(4) A person is convicted of or pleads guilty to a 9227  
violation of section 2905.01 of the Revised Code committed on or 9228  
after January 1, 2008, and that section requires the court to 9229  
sentence the offender pursuant to section 2971.03 of the Revised 9230  
Code. 9231

(5) A person is convicted of or pleads guilty to either 9232  
aggravated murder committed on or after January 1, 2008, or 9233  
aggravated abortion murder, and division (A) (2) (b) (ii) of 9234  
section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) 9235  
(ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, 9236  
or division (A) or (B) of section 2929.06 of the Revised Code 9237  
requires the court to sentence the offender pursuant to division 9238  
(B) (3) of section 2971.03 of the Revised Code. 9239

(6) A person is convicted of or pleads guilty to either 9240  
murder committed on or after January 1, 2008, or abortion 9241  
murder, and division (B) (2) of section 2929.02 of the Revised 9242  
Code requires the court to sentence the offender pursuant to 9243  
section 2971.03 of the Revised Code. 9244

(F) If a person who has been convicted of or pleaded 9245  
guilty to a felony is sentenced to a prison term or term of 9246

imprisonment under this section, sections 2929.02 to 2929.06 of 9247  
the Revised Code, section 2929.142 of the Revised Code, section 9248  
2971.03 of the Revised Code, or any other provision of law, 9249  
section 5120.163 of the Revised Code applies regarding the 9250  
person while the person is confined in a state correctional 9251  
institution. 9252

(G) If an offender who is convicted of or pleads guilty to 9253  
a felony that is an offense of violence also is convicted of or 9254  
pleads guilty to a specification of the type described in 9255  
section 2941.142 of the Revised Code that charges the offender 9256  
with having committed the felony while participating in a 9257  
criminal gang, the court shall impose upon the offender an 9258  
additional prison term of one, two, or three years. 9259

(H) (1) If an offender who is convicted of or pleads guilty 9260  
to aggravated murder, murder, aggravated abortion murder, 9261  
abortion murder, or a felony of the first, second, or third 9262  
degree that is an offense of violence also is convicted of or 9263  
pleads guilty to a specification of the type described in 9264  
section 2941.143 of the Revised Code that charges the offender 9265  
with having committed the offense in a school safety zone or 9266  
towards a person in a school safety zone, the court shall impose 9267  
upon the offender an additional prison term of two years. The 9268  
offender shall serve the additional two years consecutively to 9269  
and prior to the prison term imposed for the underlying offense. 9270

(2) (a) If an offender is convicted of or pleads guilty to 9271  
a felony violation of section 2907.22, 2907.24, 2907.241, or 9272  
2907.25 of the Revised Code and to a specification of the type 9273  
described in section 2941.1421 of the Revised Code and if the 9274  
court imposes a prison term on the offender for the felony 9275  
violation, the court may impose upon the offender an additional 9276

prison term as follows: 9277

(i) Subject to division (H) (2) (a) (ii) of this section, an 9278  
additional prison term of one, two, three, four, five, or six 9279  
months; 9280

(ii) If the offender previously has been convicted of or 9281  
pleaded guilty to one or more felony or misdemeanor violations 9282  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 9283  
the Revised Code and also was convicted of or pleaded guilty to 9284  
a specification of the type described in section 2941.1421 of 9285  
the Revised Code regarding one or more of those violations, an 9286  
additional prison term of one, two, three, four, five, six, 9287  
seven, eight, nine, ten, eleven, or twelve months. 9288

(b) In lieu of imposing an additional prison term under 9289  
division (H) (2) (a) of this section, the court may directly 9290  
impose on the offender a sanction that requires the offender to 9291  
wear a real-time processing, continual tracking electronic 9292  
monitoring device during the period of time specified by the 9293  
court. The period of time specified by the court shall equal the 9294  
duration of an additional prison term that the court could have 9295  
imposed upon the offender under division (H) (2) (a) of this 9296  
section. A sanction imposed under this division shall commence 9297  
on the date specified by the court, provided that the sanction 9298  
shall not commence until after the offender has served the 9299  
prison term imposed for the felony violation of section 2907.22, 9300  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 9301  
residential sanction imposed for the violation under section 9302  
2929.16 of the Revised Code. A sanction imposed under this 9303  
division shall be considered to be a community control sanction 9304  
for purposes of section 2929.15 of the Revised Code, and all 9305  
provisions of the Revised Code that pertain to community control 9306

sanctions shall apply to a sanction imposed under this division, 9307  
except to the extent that they would by their nature be clearly 9308  
inapplicable. The offender shall pay all costs associated with a 9309  
sanction imposed under this division, including the cost of the 9310  
use of the monitoring device. 9311

(I) At the time of sentencing, the court may recommend the 9312  
offender for placement in a program of shock incarceration under 9313  
section 5120.031 of the Revised Code or for placement in an 9314  
intensive program prison under section 5120.032 of the Revised 9315  
Code, disapprove placement of the offender in a program of shock 9316  
incarceration or an intensive program prison of that nature, or 9317  
make no recommendation on placement of the offender. In no case 9318  
shall the department of rehabilitation and correction place the 9319  
offender in a program or prison of that nature unless the 9320  
department determines as specified in section 5120.031 or 9321  
5120.032 of the Revised Code, whichever is applicable, that the 9322  
offender is eligible for the placement. 9323

If the court disapproves placement of the offender in a 9324  
program or prison of that nature, the department of 9325  
rehabilitation and correction shall not place the offender in 9326  
any program of shock incarceration or intensive program prison. 9327

If the court recommends placement of the offender in a 9328  
program of shock incarceration or in an intensive program 9329  
prison, and if the offender is subsequently placed in the 9330  
recommended program or prison, the department shall notify the 9331  
court of the placement and shall include with the notice a brief 9332  
description of the placement. 9333

If the court recommends placement of the offender in a 9334  
program of shock incarceration or in an intensive program prison 9335  
and the department does not subsequently place the offender in 9336

the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm

on or about the offender's person or under the offender's 9367  
control while committing the presently charged violent felony 9368  
offense and displayed or brandished the firearm, indicated that 9369  
the offender possessed a firearm, or used the firearm to 9370  
facilitate the offense. The offender shall serve the prison term 9371  
imposed under this division consecutively to and prior to the 9372  
prison term imposed for the underlying offense. The prison term 9373  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 9374  
any other provision of Chapter 2967. or 5120. of the Revised 9375  
Code. A court may not impose more than one sentence under 9376  
division (B) (2) (a) of this section and this division for acts 9377  
committed as part of the same act or transaction. 9378

(2) As used in division (K) (1) of this section, "violent 9379  
career criminal" and "violent felony offense" have the same 9380  
meanings as in section 2923.132 of the Revised Code. 9381

**Sec. 2929.143.** (A) When a court sentences an offender who 9382  
is convicted of a felony to a term of incarceration in a state 9383  
correctional institution, the court may recommend that the 9384  
offender serve a risk reduction sentence under section 5120.036 9385  
of the Revised Code if the court determines that a risk 9386  
reduction sentence is appropriate, and all of the following 9387  
apply: 9388

(1) The offense for which the offender is being sentenced 9389  
is not aggravated murder, murder, aggravated abortion murder, 9390  
abortion murder, complicity in committing aggravated murder ~~or,~~ 9391  
murder, aggravated abortion murder, or abortion murder, an 9392  
offense of violence that is a felony of the first or second 9393  
degree, a sexually oriented offense, or an attempt or conspiracy 9394  
to commit or complicity in committing any offense otherwise 9395  
identified in this division if the attempt, conspiracy, or 9396

complicity is a felony of the first or second degree. 9397

(2) The offender's sentence to the term of incarceration 9398  
does not consist solely of one or more mandatory prison terms. 9399

(3) The offender agrees to cooperate with an assessment of 9400  
the offender's needs and risk of reoffending that the department 9401  
of rehabilitation and correction conducts under section 5120.036 9402  
of the Revised Code. 9403

(4) The offender agrees to participate in any programming 9404  
or treatment that the department of rehabilitation and 9405  
correction orders to address any issues raised in the assessment 9406  
described in division (A) (3) of this section. 9407

(B) An offender who is serving a risk reduction sentence 9408  
is not entitled to any earned credit under section 2967.193 of 9409  
the Revised Code. 9410

**Sec. 2929.31.** (A) Regardless of the penalties provided in 9411  
sections 2929.02, 2929.14 to 2929.18, and 2929.24 to 2929.28 of 9412  
the Revised Code, an organization convicted of an offense 9413  
pursuant to section 2901.23 of the Revised Code shall be fined 9414  
in accordance with this section. The court shall fix the fine as 9415  
follows: 9416

(1) For aggravated murder or aggravated abortion murder, 9417  
not more than one hundred thousand dollars; 9418

(2) For murder or abortion murder, not more than fifty 9419  
thousand dollars; 9420

(3) For a felony of the first degree, not more than 9421  
twenty-five thousand dollars; 9422

(4) For a felony of the second degree, not more than 9423  
twenty thousand dollars; 9424



|  |      |
|--|------|
| (5) For a felony of the third degree, not more than          | 9425 |
| fifteen thousand dollars;                                    | 9426 |
| (6) For a felony of the fourth degree, not more than ten     | 9427 |
| thousand dollars;  | 9428 |
| (7) For a felony of the fifth degree, not more than          | 9429 |
| seventy-five hundred dollars;                                | 9430 |
| (8) For a misdemeanor of the first degree, not more than     | 9431 |
| five thousand dollars;                                       | 9432 |
| (9) For a misdemeanor of the second degree, not more than    | 9433 |
| four thousand dollars;                                       | 9434 |
| (10) For a misdemeanor of the third degree, not more than    | 9435 |
| three thousand dollars;                                      | 9436 |
| (11) For a misdemeanor of the fourth degree, not more than   | 9437 |
| two thousand dollars;  | 9438 |
| (12) For a minor misdemeanor, not more than one thousand     | 9439 |
| dollars;   | 9440 |
| (13) For a felony not specifically classified, not more      | 9441 |
| than ten thousand dollars;                                   | 9442 |
| (14) For a misdemeanor not specifically classified, not      | 9443 |
| more than two thousand dollars;                              | 9444 |
| (15) For a minor misdemeanor not specifically classified,    | 9445 |
| not more than one thousand dollars.                          | 9446 |
| (B) When an organization is convicted of an offense that     | 9447 |
| is not specifically classified, and the section defining the | 9448 |
| offense or penalty plainly indicates a purpose to impose the | 9449 |
| penalty provided for violation upon organizations, then the  | 9450 |
| penalty so provided shall be imposed in lieu of the penalty  | 9451 |

provided in this section. 9452

(C) When an organization is convicted of an offense that 9453  
is not specifically classified, and the penalty provided 9454  
includes a higher fine than the fine that is provided in this 9455  
section, then the penalty imposed shall be pursuant to the 9456  
penalty provided for the violation of the section defining the 9457  
offense. 9458

(D) This section does not prevent the imposition of 9459  
available civil sanctions against an organization convicted of 9460  
an offense pursuant to section 2901.23 of the Revised Code, 9461  
either in addition to or in lieu of a fine imposed pursuant to 9462  
this section. 9463

**Sec. 2929.32.** (A) (1) Subject to division (A) (2) of this 9464  
section, notwithstanding the fines prescribed in section 2929.02 9465  
of the Revised Code for a person who is convicted of or pleads 9466  
guilty to aggravated murder ~~or~~, murder, aggravated abortion 9467  
murder, or abortion murder, the fines prescribed in section 9468  
2929.18 of the Revised Code for a person who is convicted of or 9469  
pleads guilty to a felony, the fines prescribed in section 9470  
2929.28 of the Revised Code for a person who is convicted of or 9471  
pleads guilty to a misdemeanor, the fines prescribed in section 9472  
2929.31 of the Revised Code for an organization that is 9473  
convicted of or pleads guilty to an offense, and the fines 9474  
prescribed in any other section of the Revised Code for a person 9475  
who is convicted of or pleads guilty to an offense, a sentencing 9476  
court may impose upon the offender a fine of not more than one 9477  
million dollars if any of the following applies to the offense 9478  
and the offender: 9479

(a) There are three or more victims, as defined in section 9480  
2969.11 of the Revised Code, of the offense for which the 9481

offender is being sentenced. 9482

(b) The offender previously has been convicted of or 9483  
pleaded guilty to one or more offenses, and, for the offense for 9484  
which the offender is being sentenced and all of the other 9485  
offenses, there is a total of three or more victims, as defined 9486  
in section 2969.11 of the Revised Code. 9487

(c) The offense for which the offender is being sentenced 9488  
is aggravated murder, murder, aggravated abortion murder, 9489  
abortion murder, or a felony of the first degree that, if it had 9490  
been committed prior to July 1, 1996, would have been an 9491  
aggravated felony of the first degree. 9492

(2) If the offense in question is a first, second, or 9493  
third degree felony violation of any provision of Chapter 2925., 9494  
3719., or 4729. of the Revised Code, the court shall impose upon 9495  
the offender the mandatory fine described in division (B) of 9496  
section 2929.18 of the Revised Code, and, in addition, may 9497  
impose a fine under division (A)(1) of this section, provided 9498  
that the total of the mandatory fine and the fine imposed under 9499  
division (A)(1) of this section shall not exceed one million 9500  
dollars. The mandatory fine shall be paid as described in 9501  
division (D) of section 2929.18 of the Revised Code, and the 9502  
fine imposed under division (A)(1) of this section shall be 9503  
deposited pursuant to division (B) of this section. 9504

(B) If a sentencing court imposes a fine upon an offender 9505  
pursuant to division (A)(1) of this section, all moneys paid in 9506  
satisfaction of the fine or collected pursuant to division (C) 9507  
(1) of this section in satisfaction of the fine shall be 9508  
deposited into the crime victims recovery fund created by 9509  
division (D) of this section and shall be distributed as 9510  
described in that division. 9511

(C) (1) Subject to division (C) (2) of this section, 9512  
notwithstanding any contrary provision of any section of the 9513  
Revised Code, if a sentencing court imposes a fine upon an 9514  
offender pursuant to division (A) (1) of this section or pursuant 9515  
to another section of the Revised Code, the fine shall be a 9516  
judgment against the offender in favor of the state, and both of 9517  
the following apply to that judgment: 9518

(a) The state may collect the judgment by garnishing, 9519  
attaching, or otherwise executing against any income, profits, 9520  
or other real or personal property in which the offender has any 9521  
right, title, or interest, including property acquired after the 9522  
imposition of the fine, in the same manner as if the judgment 9523  
had been rendered against the offender and in favor of the state 9524  
in a civil action. If the fine is imposed pursuant to division 9525  
(A) (1) of this section, the moneys collected as a result of the 9526  
garnishment, attachment, or other execution shall be deposited 9527  
and distributed as described in divisions (B) and (D) of this 9528  
section. If the fine is not imposed pursuant to division (A) (1) 9529  
of this section, the moneys collected as a result of the 9530  
garnishment, attachment, or other execution shall be distributed 9531  
as otherwise provided by law for the distribution of money paid 9532  
in satisfaction of a fine. 9533

(b) The provisions of Chapter 2329. of the Revised Code 9534  
relative to the establishment of court judgments and decrees as 9535  
liens and to the enforcement of those liens apply to the 9536  
judgment. 9537

(2) Division (C) (1) of this section does not apply to any 9538  
financial sanction imposed pursuant to section 2929.18 of the 9539  
Revised Code upon a person who is convicted of or pleads guilty 9540  
to a felony. 9541

(D) There is hereby created in the state treasury the 9542  
crime victims recovery fund. If a sentencing court imposes a 9543  
fine upon an offender pursuant to division (A) (1) of this 9544  
section, all moneys paid in satisfaction of the fine and all 9545  
moneys collected in satisfaction of the fine pursuant to 9546  
division (C) (1) of this section shall be deposited into the 9547  
fund. The fund shall be administered and the moneys in it shall 9548  
be distributed in accordance with sections 2969.11 to 2969.14 of 9549  
the Revised Code. 9550

**Sec. 2929.34.** (A) A person who is convicted of or pleads 9551  
guilty to aggravated murder, murder, aggravated abortion murder, 9552  
abortion murder, or an offense punishable by life imprisonment 9553  
and who is sentenced to a term of life imprisonment or a prison 9554  
term pursuant to that conviction shall serve that term in an 9555  
institution under the control of the department of 9556  
rehabilitation and correction. 9557

(B) (1) A person who is convicted of or pleads guilty to a 9558  
felony other than aggravated murder, murder, aggravated abortion 9559  
murder, abortion murder, or an offense punishable by life 9560  
imprisonment and who is sentenced to a term of imprisonment or a 9561  
prison term pursuant to that conviction shall serve that term as 9562  
follows: 9563

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 9564  
this section, in an institution under the control of the 9565  
department of rehabilitation and correction if the term is a 9566  
prison term or as otherwise determined by the sentencing court 9567  
pursuant to section 2929.16 of the Revised Code if the term is 9568  
not a prison term; 9569

(b) In a facility of a type described in division (G) (1) 9570  
of section 2929.13 of the Revised Code, if the offender is 9571

sentenced pursuant to that division. 9572

(2) If the term is a prison term, the person may be 9573  
imprisoned in a jail that is not a minimum security jail 9574  
pursuant to agreement under section 5120.161 of the Revised Code 9575  
between the department of rehabilitation and correction and the 9576  
local authority that operates the jail. 9577

(3) (a) As used in divisions (B) (3) (a) to (d) of this 9578  
section: 9579

(i) "Target county" means Franklin county, Cuyahoga 9580  
county, Hamilton county, Summit county, Montgomery county, Lucas 9581  
county, Butler county, Stark county, Lorain county, and Mahoning 9582  
county. 9583

(ii) "Voluntary county" means any county in which the 9584  
board of county commissioners of the county and the 9585  
administrative judge of the general division of the court of 9586  
common pleas of the county enter into an agreement of the type 9587  
described in division (B) (3) (b) of this section and in which the 9588  
agreement has not been terminated as described in that division. 9589

(b) In any county other than a target county, the board of 9590  
county commissioners of the county and the administrative judge 9591  
of the general division of the court of common pleas of the 9592  
county may agree to having the county participate in the 9593  
procedures regarding local and state confinement established 9594  
under division (B) (3) (c) of this section. A board of county 9595  
commissioners and an administrative judge of a court of common 9596  
pleas that enter into an agreement of the type described in this 9597  
division may terminate the agreement, but a termination under 9598  
this division shall take effect only at the end of the state 9599  
fiscal biennium in which the termination decision is made. 9600

(c) Except as provided in division (B) (3) (d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a target county or of a voluntary county to a prison term that is twelve months or less for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B) (3) (c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I) (1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served

concurrently to any other sentence imposed upon the person for a 9630  
felony that is required to be served in an institution under the 9631  
control of the department of rehabilitation and correction. 9632

(C) A person who is convicted of or pleads guilty to one 9633  
or more misdemeanors and who is sentenced to a jail term or term 9634  
of imprisonment pursuant to the conviction or convictions shall 9635  
serve that term in a county, multicounty, municipal, municipal- 9636  
county, or multicounty-municipal jail or workhouse; in a 9637  
community alternative sentencing center or district community 9638  
alternative sentencing center when authorized by section 307.932 9639  
of the Revised Code; or, if the misdemeanor or misdemeanors are 9640  
not offenses of violence, in a minimum security jail. 9641

(D) Nothing in this section prohibits the commitment, 9642  
referral, or sentencing of a person who is convicted of or 9643  
pleads guilty to a felony to a community-based correctional 9644  
facility. 9645

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 9646  
in a case who has requested to receive notice under this section 9647  
shall be given notice of the incarceration of the defendant. If 9648  
an alleged juvenile offender is committed to the temporary 9649  
custody of a school, camp, institution, or other facility 9650  
operated for the care of delinquent children or to the legal 9651  
custody of the department of youth services, a victim in a case 9652  
who has requested to receive notice under this section shall be 9653  
given notice of the commitment. Promptly after sentence is 9654  
imposed upon the defendant or the commitment of the alleged 9655  
juvenile offender is ordered, the prosecutor in the case shall 9656  
notify the victim of the date on which the defendant will be 9657  
released, or initially will be eligible for release, from 9658  
confinement or the prosecutor's reasonable estimate of that date 9659



or the date on which the alleged juvenile offender will have 9660  
served the minimum period of commitment or the prosecutor's 9661  
reasonable estimate of that date. The prosecutor also shall 9662  
notify the victim of the name of the custodial agency of the 9663  
defendant or alleged juvenile offender and tell the victim how 9664  
to contact that custodial agency. If the custodial agency is the 9665  
department of rehabilitation and correction, the prosecutor 9666  
shall notify the victim of the services offered by the office of 9667  
victims' services pursuant to section 5120.60 of the Revised 9668  
Code. If the custodial agency is the department of youth 9669  
services, the prosecutor shall notify the victim of the services 9670  
provided by the office of victims' services within the release 9671  
authority of the department pursuant to section 5139.55 of the 9672  
Revised Code and the victim's right pursuant to section 5139.56 9673  
of the Revised Code to submit a written request to the release 9674  
authority to be notified of actions the release authority takes 9675  
with respect to the alleged juvenile offender. The victim shall 9676  
keep the custodial agency informed of the victim's current 9677  
address and telephone number. 9678

(B) (1) Upon the victim's request or in accordance with 9679  
division (D) of this section, the prosecutor promptly shall 9680  
notify the victim of any hearing for judicial release of the 9681  
defendant pursuant to section 2929.20 of the Revised Code, of 9682  
any hearing for release of the defendant pursuant to section 9683  
2967.19 of the Revised Code, or of any hearing for judicial 9684  
release or early release of the alleged juvenile offender 9685  
pursuant to section 2151.38 of the Revised Code and of the 9686  
victim's right to make a statement under those sections. The 9687  
court shall notify the victim of its ruling in each of those 9688  
hearings and on each of those applications. 9689

(2) If an offender is sentenced to a prison term pursuant 9690

to division (A) (3) or (B) of section 2971.03 of the Revised Code, upon the request of the victim of the crime or in accordance with division (D) of this section, the prosecutor promptly shall notify the victim of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. The court shall notify the victim of any order issued at the conclusion of the hearing.

(C) Upon the victim's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:

(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony

indefinite prison term, notice of the fact that the inmate will 9722  
be having a hearing regarding a possible grant of release, the 9723  
date of any hearing regarding a possible grant of release, and 9724  
the right of any person to submit a written statement regarding 9725  
the pending action; 9726

(2) At least sixty days before the defendant is 9727  
transferred to transitional control under section 2967.26 of the 9728  
Revised Code, notice of the pendency of the transfer and of the 9729  
victim's right under that section to submit a statement 9730  
regarding the impact of the transfer; 9731

(3) At least sixty days before the release authority of 9732  
the department of youth services holds a release review, release 9733  
hearing, or discharge review for the alleged juvenile offender, 9734  
notice of the pendency of the review or hearing, of the victim's 9735  
right to make an oral or written statement regarding the impact 9736  
of the crime upon the victim or regarding the possible release 9737  
or discharge, and, if the notice pertains to a hearing, of the 9738  
victim's right to attend and make statements or comments at the 9739  
hearing as authorized by section 5139.56 of the Revised Code; 9740

(4) Prompt notice of the defendant's or alleged juvenile 9741  
offender's escape from a facility of the custodial agency in 9742  
which the defendant was incarcerated or in which the alleged 9743  
juvenile offender was placed after commitment, of the 9744  
defendant's or alleged juvenile offender's absence without leave 9745  
from a mental health or developmental disabilities facility or 9746  
from other custody, and of the capture of the defendant or 9747  
alleged juvenile offender after an escape or absence; 9748

(5) Notice of the defendant's or alleged juvenile 9749  
offender's death while in confinement or custody; 9750

(6) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section 2967.19 of the Revised Code requesting the early release under that section of the defendant;

(7) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

(D) (1) If a defendant is incarcerated for the commission of aggravated murder, murder, aggravated abortion murder, abortion murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment or if an alleged juvenile offender has been charged with the commission of an act that would be aggravated murder, murder, aggravated abortion murder, abortion murder, or an offense of violence that is a felony of the first, second, or third degree or be subject to a sentence of life imprisonment if committed by an adult, except as otherwise provided in this division, the notices described in divisions (B) and (C) of this section shall be given regardless of whether the victim has requested the notification. The notices described in divisions (B) and (C) of this section shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim not be provided the notice. Regardless of whether the victim has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family

who requests notification. If the notice given under this 9782  
division to the victim is based on an offense committed prior to 9783  
March 22, 2013, and if the prosecutor or custodial agency has 9784  
not previously successfully provided any notice to the victim 9785  
under this division or division (B) or (C) of this section with 9786  
respect to that offense and the offender who committed it, the 9787  
notice also shall inform the victim that the victim may request 9788  
that the victim not be provided any further notices with respect 9789  
to that offense and the offender who committed it and shall 9790  
describe the procedure for making that request. If the notice 9791  
given under this division to the victim pertains to a hearing 9792  
regarding a grant of a parole to the defendant, the notice also 9793  
shall inform the victim that the victim, a member of the 9794  
victim's immediate family, or the victim's representative may 9795  
request a victim conference, as described in division (E) of 9796  
this section, and shall provide an explanation of a victim 9797  
conference. 9798

The prosecutor or custodial agency may give the notices to 9799  
which this division applies by any reasonable means, including 9800  
regular mail, telephone, and electronic mail. If the prosecutor 9801  
or custodial agency attempts to provide notice to a victim under 9802  
this division but the attempt is unsuccessful because the 9803  
prosecutor or custodial agency is unable to locate the victim, 9804  
is unable to provide the notice by its chosen method because it 9805  
cannot determine the mailing address, telephone number, or 9806  
electronic mail address at which to provide the notice, or, if 9807  
the notice is sent by mail, the notice is returned, the 9808  
prosecutor or custodial agency shall make another attempt to 9809  
provide the notice to the victim. If the second attempt is 9810  
unsuccessful, the prosecutor or custodial agency shall make at 9811  
least one more attempt to provide the notice. If the notice is 9812

based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D) (2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D) (1) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (D) (1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D) (1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims without revealing the names, addresses, or other identifying information relating to victims. The record of attempts and notices given to victims is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept

under this division may be indexed by offender name, or in any 9844  
other manner determined by the prosecutor or the custodial 9845  
agency. Each prosecutor or custodial agency that is required to 9846  
keep a record under this division shall determine the procedures 9847  
for keeping the record and the manner in which it is to be kept, 9848  
subject to the requirements of this division. 9849

(E) The adult parole authority shall adopt rules under 9850  
Chapter 119. of the Revised Code providing for a victim 9851  
conference, upon request of the victim, a member of the victim's 9852  
immediate family, or the victim's representative, prior to a 9853  
parole hearing in the case of a prisoner who is incarcerated for 9854  
the commission of aggravated murder, murder, aggravated abortion 9855  
murder, abortion murder, or an offense of violence that is a 9856  
felony of the first, second, or third degree or is under a 9857  
sentence of life imprisonment. The rules shall provide for, but 9858  
not be limited to, all of the following: 9859

(1) Subject to division (E)(3) of this section, attendance 9860  
by the victim, members of the victim's immediate family, the 9861  
victim's representative, and, if practicable, other individuals; 9862

(2) Allotment of up to one hour for the conference; 9863

(3) A specification of the number of persons specified in 9864  
division (E)(1) of this section who may be present at any single 9865  
victim conference, if limited by the department pursuant to 9866  
division (F) of this section. 9867

(F) The department may limit the number of persons 9868  
specified in division (E)(1) of this section who may be present 9869  
at any single victim conference, provided that the department 9870  
shall not limit the number of persons who may be present at any 9871  
single conference to fewer than three. If the department limits 9872

the number of persons who may be present at any single victim 9873  
conference, the department shall permit and schedule, upon 9874  
request of the victim, a member of the victim's immediate 9875  
family, or the victim's representative, multiple victim 9876  
conferences for the persons specified in division (E) (1) of this 9877  
section. 9878

(G) As used in this section, "victim's immediate family" 9879  
has the same meaning as in section 2967.12 of the Revised Code. 9880

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 9881  
the Revised Code: 9882

(A) "Wire communication" means an aural transfer that is 9883  
made in whole or in part through the use of facilities for the 9884  
transmission of communications by the aid of wires or similar 9885  
methods of connecting the point of origin of the communication 9886  
and the point of reception of the communication, including the 9887  
use of a method of connecting the point of origin and the point 9888  
of reception of the communication in a switching station, if the 9889  
facilities are furnished or operated by a person engaged in 9890  
providing or operating the facilities for the transmission of 9891  
communications. "Wire communication" includes an electronic 9892  
storage of a wire communication. 9893

(B) "Oral communication" means an oral communication 9894  
uttered by a person exhibiting an expectation that the 9895  
communication is not subject to interception under circumstances 9896  
justifying that expectation. "Oral communication" does not 9897  
include an electronic communication. 9898

(C) "Intercept" means the aural or other acquisition of 9899  
the contents of any wire, oral, or electronic communication 9900  
through the use of an interception device. 9901



(D) "Interception device" means an electronic, mechanical, 9902  
or other device or apparatus that can be used to intercept a 9903  
wire, oral, or electronic communication. "Interception device" 9904  
does not mean any of the following: 9905

(1) A telephone or telegraph instrument, equipment, or 9906  
facility, or any of its components, if the instrument, 9907  
equipment, facility, or component is any of the following: 9908

(a) Furnished to the subscriber or user by a provider of 9909  
wire or electronic communication service in the ordinary course 9910  
of its business and being used by the subscriber or user in the 9911  
ordinary course of its business; 9912

(b) Furnished by a subscriber or user for connection to 9913  
the facilities of a provider of wire or electronic communication 9914  
service and used in the ordinary course of that subscriber's or 9915  
user's business; 9916

(c) Being used by a provider of wire or electronic 9917  
communication service in the ordinary course of its business or 9918  
by an investigative or law enforcement officer in the ordinary 9919  
course of the officer's duties that do not involve the 9920  
interception of wire, oral, or electronic communications. 9921

(2) A hearing aid or similar device being used to correct 9922  
subnormal hearing to not better than normal. 9923

(E) "Investigative officer" means any of the following: 9924

(1) An officer of this state or a political subdivision of 9925  
this state, who is empowered by law to conduct investigations or 9926  
to make arrests for a designated offense; 9927

(2) A person described in divisions (A) (11) (a) and (b) of 9928  
section 2901.01 of the Revised Code; 9929

- (3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense; 9930  
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- (4) A secret service officer appointed pursuant to section 309.07 of the Revised Code; 9932  
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- (5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 9934  
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- (F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code. 9939  
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- (G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication. 9943  
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- (H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting. 9946  
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- (I) "Designated offense" means any of the following: 9952
- (1) A felony violation of section 1315.53, 1315.55, 2903.01, 2903.02, 2903.11, 2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 9953  
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2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 9959  
2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 9960  
section 2915.05 or of division (E) or (G) of section 3772.99 of 9961  
the Revised Code; 9962

(2) A violation of section 2919.23 of the Revised Code 9963  
that, had it occurred prior to July 1, 1996, would have been a 9964  
violation of section 2905.04 of the Revised Code as it existed 9965  
prior to that date; 9966

(3) A felony violation of section 2925.11 of the Revised 9967  
Code that is not a minor drug possession offense, as defined in 9968  
section 2925.01 of the Revised Code; 9969

(4) Complicity in the commission of a felony violation of 9970  
a section listed in division (I) (1), (2), or (3) of this 9971  
section; 9972

(5) An attempt to commit, or conspiracy in the commission 9973  
of, a felony violation of a section listed in division (I) (1), 9974  
(2), or (3) of this section, if the attempt or conspiracy is 9975  
punishable by a term of imprisonment of more than one year. 9976

(J) "Aggrieved person" means a person who was a party to 9977  
an intercepted wire, oral, or electronic communication or a 9978  
person against whom the interception of the communication was 9979  
directed. 9980

(K) "Person" means a person, as defined in section 1.59 of 9981  
the Revised Code, or a governmental officer, employee, or 9982  
entity. 9983

(L) "Special need" means a showing that a licensed 9984  
physician, licensed practicing psychologist, attorney, 9985  
practicing cleric, journalist, or either spouse is personally 9986  
engaging in continuing criminal activity, was engaged in 9987

continuing criminal activity over a period of time, or is 9988  
committing, has committed, or is about to commit, a designated 9989  
offense, or a showing that specified public facilities are being 9990  
regularly used by someone who is personally engaging in 9991  
continuing criminal activity, was engaged in continuing criminal 9992  
activity over a period of time, or is committing, has committed, 9993  
or is about to commit, a designated offense. 9994

(M) "Journalist" means a person engaged in, connected 9995  
with, or employed by, any news media, including a newspaper, 9996  
magazine, press association, news agency, or wire service, a 9997  
radio or television station, or a similar media, for the purpose 9998  
of gathering, processing, transmitting, compiling, editing, or 9999  
disseminating news for the general public. 10000

(N) "Electronic communication" means a transfer of a sign, 10001  
signal, writing, image, sound, datum, or intelligence of any 10002  
nature that is transmitted in whole or in part by a wire, radio, 10003  
electromagnetic, photoelectronic, or photo-optical system. 10004  
"Electronic communication" does not mean any of the following: 10005

(1) A wire or oral communication; 10006

(2) A communication made through a tone-only paging 10007  
device; 10008

(3) A communication from an electronic or mechanical 10009  
tracking device that permits the tracking of the movement of a 10010  
person or object. 10011

(O) "User" means a person or entity that uses an 10012  
electronic communication service and is duly authorized by the 10013  
provider of the service to engage in the use of the electronic 10014  
communication service. 10015

(P) "Electronic communications system" means a wire, 10016

radio, electromagnetic, photoelectronic, or photo-optical 10017  
facility for the transmission of electronic communications, and 10018  
a computer facility or related electronic equipment for the 10019  
electronic storage of electronic communications. 10020

(Q) "Electronic communication service" means a service 10021  
that provides to users of the service the ability to send or 10022  
receive wire or electronic communications. 10023

(R) "Readily accessible to the general public" means, with 10024  
respect to a radio communication, that the communication is none 10025  
of the following: 10026

(1) Scrambled or encrypted; 10027

(2) Transmitted using a modulation technique, the 10028  
essential parameters of which have been withheld from the public 10029  
with the intention of preserving the privacy of the 10030  
communication; 10031

(3) Carried on a subcarrier or other signal subsidiary to 10032  
a radio transmission; 10033

(4) Transmitted over a communications system provided by a 10034  
communications common carrier, unless the communication is a 10035  
tone-only paging system communication; 10036

(5) Transmitted on a frequency allocated under part 25, 10037  
subpart D, E, or F of part 74, or part 94 of the Rules of the 10038  
Federal Communications Commission, as those provisions existed 10039  
on July 1, 1996, unless, in the case of a communication 10040  
transmitted on a frequency allocated under part 74 that is not 10041  
exclusively allocated to broadcast auxiliary services, the 10042  
communication is a two-way voice communication by radio. 10043

(S) "Electronic storage" means a temporary, intermediate 10044

storage of a wire or electronic communication that is incidental 10045  
to the electronic transmission of the communication, and a 10046  
storage of a wire or electronic communication by an electronic 10047  
communication service for the purpose of backup protection of 10048  
the communication. 10049

(T) "Aural transfer" means a transfer containing the human 10050  
voice at a point between and including the point of origin and 10051  
the point of reception. 10052

(U) "Pen register" means a device that records or decodes 10053  
electronic impulses that identify the numbers dialed, pulsed, or 10054  
otherwise transmitted on telephone lines to which the device is 10055  
attached. 10056

(V) "Trap and trace device" means a device that captures 10057  
the incoming electronic or other impulses that identify the 10058  
originating number of an instrument or device from which a wire 10059  
communication or electronic communication was transmitted but 10060  
that does not intercept the contents of the wire communication 10061  
or electronic communication. 10062

(W) "Judge of a court of common pleas" means a judge of 10063  
that court who is elected or appointed as a judge of general 10064  
jurisdiction or as a judge who exercises both general 10065  
jurisdiction and probate, domestic relations, or juvenile 10066  
jurisdiction. "Judge of a court of common pleas" does not mean a 10067  
judge of that court who is elected or appointed specifically as 10068  
a probate, domestic relations, or juvenile judge. 10069

**Sec. 2933.81.** (A) As used in this section: 10070

(1) "Custodial interrogation" means any interrogation 10071  
involving a law enforcement officer's questioning that is 10072  
reasonably likely to elicit incriminating responses and in which 10073

a reasonable person in the subject's position would consider 10074  
self to be in custody, beginning when a person should have been 10075  
advised of the person's right to counsel and right to remain 10076  
silent and of the fact that anything the person says could be 10077  
used against the person, as specified by the United States 10078  
supreme court in *Miranda v. Arizona* (1966), 384 U.S. 436, and 10079  
subsequent decisions, and ending when the questioning has 10080  
completely finished. 10081

(2) "Detention facility" has the same meaning as in 10082  
section 2921.01 of the Revised Code. 10083

(3) "Electronic recording" or "electronically recorded" 10084  
means an audio and visual recording that is an authentic, 10085  
accurate, unaltered record of a custodial interrogation. 10086

(4) "Law enforcement agency" has the same meaning as in 10087  
section 109.573 of the Revised Code. 10088

(5) "Law enforcement vehicle" means a vehicle primarily 10089  
used by a law enforcement agency or by an employee of a law 10090  
enforcement agency for official law enforcement purposes. 10091

(6) "Local correctional facility" has the same meaning as 10092  
in section 2903.13 of the Revised Code. 10093

(7) "Place of detention" means a jail, police or sheriff's 10094  
station, holding cell, state correctional institution, local 10095  
correctional facility, detention facility, or department of 10096  
youth services facility. "Place of detention" does not include a 10097  
law enforcement vehicle. 10098

(8) "State correctional institution" has the same meaning 10099  
as in section 2967.01 of the Revised Code. 10100

(9) "Statement" means an oral, written, sign language, or 10101

nonverbal communication. 10102

(B) All statements made by a person who is the suspect of 10103  
a violation of or possible violation of section 2903.01, 10104  
2903.02, ~~or~~ 2903.03, 2904.03, or 2904.04, a violation of section 10105  
2903.04 or 2903.06 that is a felony of the first or second 10106  
degree, a violation of section 2907.02 or 2907.03, or an attempt 10107  
to commit a violation of section 2907.02 of the Revised Code 10108  
during a custodial interrogation in a place of detention are 10109  
presumed to be voluntary if the statements made by the person 10110  
are electronically recorded. The person making the statements 10111  
during the electronic recording of the custodial interrogation 10112  
has the burden of proving that the statements made during the 10113  
custodial interrogation were not voluntary. There shall be no 10114  
penalty against the law enforcement agency that employs a law 10115  
enforcement officer if the law enforcement officer fails to 10116  
electronically record as required by this division a custodial 10117  
interrogation. A law enforcement officer's failure to 10118  
electronically record a custodial interrogation does not create 10119  
a private cause of action against that law enforcement officer. 10120

(C) A failure to electronically record a statement as 10121  
required by this section shall not provide the basis to exclude 10122  
or suppress the statement in any criminal proceeding, delinquent 10123  
child proceeding, or other legal proceeding. 10124

(D) (1) Law enforcement personnel shall clearly identify 10125  
and catalog every electronic recording of a custodial 10126  
interrogation that is recorded pursuant to this section. 10127

(2) If a criminal or delinquent child proceeding is 10128  
brought against a person who was the subject of a custodial 10129  
interrogation that was electronically recorded, law enforcement 10130  
personnel shall preserve the recording until the later of when 10131



all appeals, post-conviction relief proceedings, and habeas corpus proceedings are final and concluded or the expiration of the period of time within which such appeals and proceedings must be brought.

(3) Upon motion by the defendant in a criminal proceeding or the alleged delinquent child in a delinquent child proceeding, the court may order that a copy of an electronic recording of a custodial interrogation of the person be preserved for any period beyond the expiration of all appeals, post-conviction relief proceedings, and habeas corpus proceedings.

(4) If no criminal or delinquent child proceeding is brought against a person who was the subject of a custodial interrogation that was electronically recorded pursuant to this section, law enforcement personnel are not required to preserve the related recording.

**Sec. 2933.82.** (A) As used in this section:

(1) (a) "Biological evidence" means any of the following:

(i) The contents of a sexual assault examination kit;

(ii) Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.

(b) The definition of "biological evidence" set forth in division (A) (1) (a) of this section applies whether the material in question is cataloged separately, such as on a slide or swab or in a test tube, or is present on other evidence, including,

but not limited to, clothing, ligatures, bedding or other household material, drinking cups or containers, or cigarettes. 10161  
10162

(2) "Biological material" has the same meaning as in section 2953.71 of the Revised Code. 10163  
10164

(3) "DNA," "DNA analysis," "DNA database," "DNA record," and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code. 10165  
10166  
10167

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 10168  
10169

(5) "Governmental evidence-retention entity" means all of the following: 10170  
10171

(a) Any law enforcement agency, prosecutor's office, court, public hospital, crime laboratory, or other governmental or public entity or individual within this state that is charged with the collection, storage, or retrieval of biological evidence; 10172  
10173  
10174  
10175  
10176

(b) Any official or employee of any entity or individual described in division (A) (5) (a) of this section. 10177  
10178

(B) (1) Each governmental evidence-retention entity that secures any biological evidence in relation to an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, 2904.04, or 2904.04, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or division (A) (4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code shall secure the biological evidence for whichever of the following periods of time is applicable: 10179  
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10189

(a) For a violation of section 2903.01 ~~or,~~ 2903.02, 2904.03, or 2904.04 of the Revised Code, for the period of time that the offense or act remains unsolved;

(b) For a violation of section 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A) (4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code, for a period of thirty years if the offense or act remains unsolved;

(c) If any person is convicted of or pleads guilty to the offense, or is adjudicated a delinquent child for committing the delinquent act, for the earlier of the following: (i) the expiration of the latest of the following periods of time that apply to the person: the period of time that the person is incarcerated, is in a department of youth services institution or other juvenile facility, is under a community control sanction for that offense, is under any order of disposition for that act, is on probation or parole for that offense, is under judicial release or supervised release for that act, is under post-release control for that offense, is involved in civil litigation in connection with that offense or act, or is subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty years. If after the period of thirty years the person remains incarcerated, then the governmental evidence-retention entity shall secure the biological evidence until the person is released from incarceration or dies.

(2) (a) A law enforcement agency shall review all of its records and reports pertaining to its investigation of any

offense specified in division (B)(1) of this section as soon as 10220  
possible after March 23, 2015. If the law enforcement agency's 10221  
review determines that one or more persons may have committed or 10222  
participated in an offense specified in division (B)(1) of this 10223  
section or another offense committed during the course of an 10224  
offense specified in division (B)(1) of this section and the 10225  
agency is in possession of a sexual assault examination kit 10226  
secured during the course of the agency's investigation, as soon 10227  
as possible, but not later than one year after March 23, 2015, 10228  
the agency shall forward the contents of the kit to the bureau 10229  
of criminal identification and investigation or another crime 10230  
laboratory for a DNA analysis of the contents of the kit if a 10231  
DNA analysis has not previously been performed on the contents 10232  
of the kit. The law enforcement agency shall consider the period 10233  
of time remaining under section 2901.13 of the Revised Code for 10234  
commencing the prosecution of a criminal offense related to the 10235  
DNA specimens from the kit as well as other relevant factors in 10236  
prioritizing the forwarding of the contents of sexual assault 10237  
examination kits. 10238

(b) If an investigation is initiated on or after March 23, 10239  
2015, and if a law enforcement agency investigating an offense 10240  
specified in division (B)(1) of this section determines that one 10241  
or more persons may have committed or participated in an offense 10242  
specified in division (B)(1) of this section or another offense 10243  
committed during the course of an offense specified in division 10244  
(B)(1) of this section, the law enforcement agency shall forward 10245  
the contents of a sexual assault examination kit in the agency's 10246  
possession to the bureau or another crime laboratory within 10247  
thirty days for a DNA analysis of the contents of the kit. 10248

(c) A law enforcement agency shall be considered in the 10249  
possession of a sexual assault examination kit that is not in 10250

the law enforcement agency's possession for purposes of 10251  
divisions (B) (2) (a) and (b) of this section if the sexual 10252  
assault examination kit contains biological evidence related to 10253  
the law enforcement agency's investigation of an offense 10254  
specified in division (B) (1) of this section and is in the 10255  
possession of another government evidence-retention entity. The 10256  
law enforcement agency shall be responsible for retrieving the 10257  
sexual assault examination kit from the government evidence- 10258  
retention entity and forwarding the contents of the kit to the 10259  
bureau or another crime laboratory as required under divisions 10260  
(B) (2) (a) and (b) of this section. 10261

(d) (i) The bureau or a laboratory under contract with the 10262  
bureau pursuant to division (B) (5) of section 109.573 of the 10263  
Revised Code shall perform a DNA analysis of the contents of any 10264  
sexual assault examination kit forwarded to the bureau pursuant 10265  
to division (B) (2) (a) or (b) of this section as soon as possible 10266  
after the bureau receives the contents of the kit. The bureau 10267  
shall enter the resulting DNA record into a DNA database. If the 10268  
DNA analysis is performed by a laboratory under contract with 10269  
the bureau, the laboratory shall forward the biological evidence 10270  
to the bureau immediately after the laboratory performs the DNA 10271  
analysis. A crime laboratory shall perform a DNA analysis of the 10272  
contents of any sexual assault examination kit forwarded to the 10273  
crime laboratory pursuant to division (B) (2) (a) or (b) of this 10274  
section as soon as possible after the crime laboratory receives 10275  
the contents of the kit and shall enter the resulting DNA record 10276  
into a DNA database subject to the applicable DNA index system 10277  
standards. 10278

(ii) Upon the completion of the DNA analysis by the bureau 10279  
or a crime laboratory under contract with the bureau under this 10280  
division, the bureau shall return the contents of the sexual 10281

assault examination kit to the law enforcement agency. The law 10282  
enforcement agency shall secure the contents of the sexual 10283  
assault examination kit in accordance with division (B) (1) of 10284  
this section, as applicable. 10285

(e) The failure of any law enforcement agency to comply 10286  
with any time limit specified in this section shall not create, 10287  
and shall not be construed as creating, any basis or right to 10288  
appeal, claim for or right to postconviction relief, or claim 10289  
for or right to a new trial or any other claim or right to 10290  
relief by any person. 10291

(3) This section applies to evidence likely to contain 10292  
biological material that was in the possession of any 10293  
governmental evidence-retention entity during the investigation 10294  
and prosecution of a criminal case or delinquent child case 10295  
involving a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, 10296  
2904.03, or 2904.04, a violation of section 2903.04 or 2903.06 10297  
that is a felony of the first or second degree, a violation of 10298  
section 2907.02 or 2907.03 or of division (A) (4) or (B) of 10299  
section 2907.05 of the Revised Code, or an attempt to commit a 10300  
violation of section 2907.02 of the Revised Code. 10301

(4) A governmental evidence-retention entity that 10302  
possesses biological evidence shall retain the biological 10303  
evidence in the amount and manner sufficient to develop a DNA 10304  
record from the biological material contained in or included on 10305  
the evidence. 10306

(5) Upon written request by the defendant in a criminal 10307  
case or the alleged delinquent child in a delinquent child case 10308  
involving a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, 10309  
2904.03, or 2904.04, a violation of section 2903.04 or 2903.06 10310  
that is a felony of the first or second degree, a violation of 10311

section 2907.02 or 2907.03 or of division (A) (4) or (B) of 10312  
section 2907.05 of the Revised Code, or an attempt to commit a 10313  
violation of section 2907.02 of the Revised Code, a governmental 10314  
evidence-retention entity that possesses biological evidence 10315  
shall prepare an inventory of the biological evidence that has 10316  
been preserved in connection with the defendant's criminal case 10317  
or the alleged delinquent child's delinquent child case. 10318

(6) Except as otherwise provided in division (B) (8) of 10319  
this section, a governmental evidence-retention entity that 10320  
possesses biological evidence that includes biological material 10321  
may destroy the evidence before the expiration of the applicable 10322  
period of time specified in division (B) (1) of this section if 10323  
all of the following apply: 10324

(a) No other provision of federal or state law requires 10325  
the state to preserve the evidence. 10326

(b) The governmental evidence-retention entity, by 10327  
certified mail, return receipt requested, provides notice of 10328  
intent to destroy the evidence to all of the following: 10329

(i) All persons who remain in custody, incarcerated, in a 10330  
department of youth services institution or other juvenile 10331  
facility, under a community control sanction, under any order of 10332  
disposition, on probation or parole, under judicial release or 10333  
supervised release, under post-release control, involved in 10334  
civil litigation, or subject to registration and other duties 10335  
imposed for that offense or act under sections 2950.04, 10336  
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 10337  
of a criminal conviction, delinquency adjudication, or 10338  
commitment related to the evidence in question; 10339

(ii) The attorney of record for each person who is in 10340

custody in any circumstance described in division (B) (6) (b) (i) 10341  
of this section if the attorney of record can be located; 10342

(iii) The state public defender; 10343

(iv) The office of the prosecutor of record in the case 10344  
that resulted in the custody of the person in custody in any 10345  
circumstance described in division (B) (6) (b) (i) of this section; 10346

(v) The attorney general. 10347

(c) No person who is notified under division (B) (6) (b) of 10348  
this section does either of the following within one year after 10349  
the date on which the person receives the notice: 10350

(i) Files a motion for testing of evidence under sections 10351  
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 10352

(ii) Submits a written request for retention of evidence 10353  
to the governmental evidence-retention entity that provided 10354  
notice of its intent to destroy evidence under division (B) (6) 10355  
(b) of this section. 10356

(7) Except as otherwise provided in division (B) (8) of 10357  
this section, if, after providing notice under division (B) (6) 10358  
(b) of this section of its intent to destroy evidence, a 10359  
governmental evidence-retention entity receives a written 10360  
request for retention of the evidence from any person to whom 10361  
the notice is provided, the governmental evidence-retention 10362  
entity shall retain the evidence while the person referred to in 10363  
division (B) (6) (b) (i) of this section remains in custody, 10364  
incarcerated, in a department of youth services institution or 10365  
other juvenile facility, under a community control sanction, 10366  
under any order of disposition, on probation or parole, under 10367  
judicial release or supervised release, under post-release 10368  
control, involved in civil litigation, or subject to 10369



registration and other duties imposed for that offense or act 10370  
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 10371  
Revised Code as a result of a criminal conviction, delinquency 10372  
adjudication, or commitment related to the evidence in question. 10373

(8) A governmental evidence-retention entity that 10374  
possesses biological evidence that includes biological material 10375  
may destroy the evidence five years after a person pleads guilty 10376  
or no contest to a violation of section 2903.01, 2903.02, ~~or~~ 10377  
2903.03, 2904.03, or 2904.04, a violation of section 2903.04 or 10378  
2903.06 that is a felony of the first or second degree, a 10379  
violation of section 2907.02, 2907.03, division (A) (4) or (B) of 10380  
section 2907.05, or an attempt to commit a violation of section 10381  
2907.02 of the Revised Code and all appeals have been exhausted 10382  
unless, upon a motion to the court by the person who pleaded 10383  
guilty or no contest or the person's attorney and notice to 10384  
those persons described in division (B) (6) (b) of this section 10385  
requesting that the evidence not be destroyed, the court finds 10386  
good cause as to why that evidence must be retained. 10387

(9) A governmental evidence-retention entity shall not be 10388  
required to preserve physical evidence pursuant to this section 10389  
that is of such a size, bulk, or physical character as to render 10390  
retention impracticable. When retention of physical evidence 10391  
that otherwise would be required to be retained pursuant to this 10392  
section is impracticable as described in this division, the 10393  
governmental evidence-retention entity that otherwise would be 10394  
required to retain the physical evidence shall remove and 10395  
preserve portions of the material evidence likely to contain 10396  
biological evidence related to the offense, in a quantity 10397  
sufficient to permit future DNA testing before returning or 10398  
disposing of that physical evidence. 10399

(C) The office of the attorney general shall administer 10400  
and conduct training programs for law enforcement officers and 10401  
other relevant employees who are charged with preserving and 10402  
cataloging biological evidence regarding the methods and 10403  
procedures referenced in this section. 10404

**Sec. 2937.222.** (A) On the motion of the prosecuting 10405  
attorney or on the judge's own motion, the judge shall hold a 10406  
hearing to determine whether an accused person charged with 10407  
aggravated murder or aggravated abortion murder when it is not a 10408  
capital offense, murder, abortion murder, a felony of the first 10409  
or second degree, a violation of section 2903.06 of the Revised 10410  
Code, a violation of section 2903.211 of the Revised Code that 10411  
is a felony, or a felony OVI offense shall be denied bail. The 10412  
judge shall order that the accused be detained until the 10413  
conclusion of the hearing. Except for good cause, a continuance 10414  
on the motion of the state shall not exceed three court days. 10415  
Except for good cause, a continuance on the motion of the 10416  
accused shall not exceed five court days unless the motion of 10417  
the accused waives in writing the five-day limit and states in 10418  
writing a specific period for which the accused requests a 10419  
continuance. A continuance granted upon a motion of the accused 10420  
that waives in writing the five-day limit shall not exceed five 10421  
court days after the period of continuance requested in the 10422  
motion. 10423

At the hearing, the accused has the right to be 10424  
represented by counsel and, if the accused is indigent, to have 10425  
counsel appointed. The judge shall afford the accused an 10426  
opportunity to testify, to present witnesses and other 10427  
information, and to cross-examine witnesses who appear at the 10428  
hearing. The rules concerning admissibility of evidence in 10429  
criminal trials do not apply to the presentation and 10430

consideration of information at the hearing. Regardless of 10431  
whether the hearing is being held on the motion of the 10432  
prosecuting attorney or on the court's own motion, the state has 10433  
the burden of proving that the proof is evident or the 10434  
presumption great that the accused committed the offense with 10435  
which the accused is charged, of proving that the accused poses 10436  
a substantial risk of serious physical harm to any person or to 10437  
the community, and of proving that no release conditions will 10438  
reasonably assure the safety of that person and the community. 10439

The judge may reopen the hearing at any time before trial 10440  
if the judge finds that information exists that was not known to 10441  
the movant at the time of the hearing and that that information 10442  
has a material bearing on whether bail should be denied. If a 10443  
municipal court or county court enters an order denying bail, a 10444  
judge of the court of common pleas having jurisdiction over the 10445  
case may continue that order or may hold a hearing pursuant to 10446  
this section to determine whether to continue that order. 10447

(B) No accused person shall be denied bail pursuant to 10448  
this section unless the judge finds by clear and convincing 10449  
evidence that the proof is evident or the presumption great that 10450  
the accused committed the offense described in division (A) of 10451  
this section with which the accused is charged, finds by clear 10452  
and convincing evidence that the accused poses a substantial 10453  
risk of serious physical harm to any person or to the community, 10454  
and finds by clear and convincing evidence that no release 10455  
conditions will reasonably assure the safety of that person and 10456  
the community. 10457

(C) The judge, in determining whether the accused person 10458  
described in division (A) of this section poses a substantial 10459  
risk of serious physical harm to any person or to the community 10460

and whether there are conditions of release that will reasonably assure the safety of that person and the community, shall consider all available information regarding all of the following:

(1) The nature and circumstances of the offense charged, including whether the offense is an offense of violence or involves alcohol or a drug of abuse;

(2) The weight of the evidence against the accused;

(3) The history and characteristics of the accused, including, but not limited to, both of the following:

(a) The character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, and criminal history of the accused;

(b) Whether, at the time of the current alleged offense or at the time of the arrest of the accused, the accused was on probation, parole, post-release control, or other release pending trial, sentencing, appeal, or completion of sentence for the commission of an offense under the laws of this state, another state, or the United States or under a municipal ordinance.

(4) The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

(D) (1) An order of the court of common pleas denying bail pursuant to this section is a final appealable order. In an appeal pursuant to division (D) of this section, the court of appeals shall do all of the following:

(a) Give the appeal priority on its calendar;

(b) Liberally modify or dispense with formal requirements 10489  
in the interest of a speedy and just resolution of the appeal; 10490

(c) Decide the appeal expeditiously; 10491

(d) Promptly enter its judgment affirming or reversing the 10492  
order denying bail. 10493

(2) The pendency of an appeal under this section does not 10494  
deprive the court of common pleas of jurisdiction to conduct 10495  
further proceedings in the case or to further consider the order 10496  
denying bail in accordance with this section. If, during the 10497  
pendency of an appeal under division (D) of this section, the 10498  
court of common pleas sets aside or terminates the order denying 10499  
bail, the court of appeals shall dismiss the appeal. 10500

(E) As used in this section: 10501

(1) "Court day" has the same meaning as in section 5122.01 10502  
of the Revised Code. 10503

(2) "Felony OVI offense" means a third degree felony OVI 10504  
offense and a fourth degree felony OVI offense. 10505

(3) "Fourth degree felony OVI offense" and "third degree 10506  
felony OVI offense" have the same meanings as in section 2929.01 10507  
of the Revised Code. 10508

**Sec. 2941.14.** (A) In an indictment for aggravated murder, 10509  
murder, aggravated abortion murder, abortion murder, or 10510  
voluntary or involuntary manslaughter, the manner in which, or 10511  
the means by which the death was caused need not be set forth. 10512

(B) Imposition of the death penalty for aggravated murder 10513  
or aggravated abortion murder is precluded unless the indictment 10514  
or count in the indictment charging the offense specifies one or 10515  
more of the aggravating circumstances listed in division (A) of 10516

section 2929.04 of the Revised Code. If more than one 10517  
aggravating circumstance is specified to an indictment or count, 10518  
each shall be in a separately numbered specification, and if an 10519  
aggravating circumstance is specified to a count in an 10520  
indictment containing more than one count, such specification 10521  
shall be identified as to the count to which it applies. 10522

(C) A specification to an indictment or count in an 10523  
indictment charging aggravated murder or aggravated abortion  
murder shall be stated at the end of the body of the indictment 10524  
or count, and may be in substantially the following form: 10525  
10526

"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE 10527  
FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand 10528  
Jurors further find and specify that (set forth the applicable 10529  
aggravating circumstance listed in divisions (A)(1) to (10) of 10530  
section 2929.04 of the Revised Code. The aggravating 10531  
circumstance may be stated in the words of the subdivision in 10532  
which it appears, or in words sufficient to give the accused 10533  
notice of the same)." 10534

**Sec. 2941.143.** Imposition of a sentence by a court 10535  
pursuant to division (H) of section 2929.14 of the Revised Code 10536  
is precluded unless the indictment, count in the indictment, or 10537  
information charging aggravated murder, murder, aggravated  
abortion murder, abortion murder, or a felony of the first, 10538  
second, or third degree that is an offense of violence specifies 10539  
that the offender committed the offense in a school safety zone 10540  
or towards a person in a school safety zone. The specification 10541  
shall be stated at the end of the body of the indictment, count, 10542  
or information and shall be in substantially the following form: 10543  
10544

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 10545  
grand jurors (or insert the person's or the prosecuting 10546

attorney's name when appropriate) further find and specify that 10547  
(set forth that the offender committed aggravated murder, 10548  
murder, aggravated abortion murder, abortion murder, or the 10549  
felony of the first, second, or third degree that is an offense 10550  
of violence in a school safety zone or towards a person in a 10551  
school safety zone)." 10552

**Sec. 2941.147.** (A) Whenever a person is charged with an 10553  
offense that is a violation of section 2903.01, 2903.02, 10554  
2903.11, 2904.03, 2904.04, or 2905.01 of the Revised Code, a 10555  
violation of division (A) of section 2903.04 of the Revised 10556  
Code, an attempt to violate or complicity in violating section 10557  
2903.01, 2903.02, 2903.11, 2904.03, 2904.04, or 2905.01 of the 10558  
Revised Code when the attempt or complicity is a felony, or an 10559  
attempt to violate or complicity in violating division (A) of 10560  
section 2903.04 of the Revised Code when the attempt or 10561  
complicity is a felony, the indictment, count in the indictment, 10562  
information, or complaint charging the offense may include a 10563  
specification that the person committed the offense with a 10564  
sexual motivation. The specification shall be stated at the end 10565  
of the body of the indictment, count, information, or complaint 10566  
and shall be in substantially the following form: 10567

"SPECIFICATION (OR, SPECIFICATION TO THE FIRST COUNT). The 10568  
Grand Jurors (or insert the person's or the prosecuting 10569  
attorney's name when appropriate) further find and specify that 10570  
the offender committed the offense with a sexual motivation." 10571

(B) As used in this section, "sexual motivation" has the 10572  
same meaning as in section 2971.01 of the Revised Code. 10573

**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 10574  
the Revised Code to an offender is precluded unless one of the 10575  
following applies: 10576

(a) The offender is charged with a violent sex offense, 10577  
and the indictment, count in the indictment, or information 10578  
charging the violent sex offense also includes a specification 10579  
that the offender is a sexually violent predator, or the 10580  
offender is charged with a designated homicide, assault, or 10581  
kidnapping offense, and the indictment, count in the indictment, 10582  
or information charging the designated homicide, assault, or 10583  
kidnapping offense also includes both a specification of the 10584  
type described in section 2941.147 of the Revised Code and a 10585  
specification that the offender is a sexually violent predator. 10586

(b) The offender is convicted of or pleads guilty to a 10587  
violation of division (A) (1) (b) of section 2907.02 of the 10588  
Revised Code committed on or after January 2, 2007, and division 10589  
(B) of section 2907.02 of the Revised Code does not prohibit the 10590  
court from sentencing the offender pursuant to section 2971.03 10591  
of the Revised Code. 10592

(c) The offender is convicted of or pleads guilty to 10593  
attempted rape committed on or after January 2, 2007, and to a 10594  
specification of the type described in section 2941.1418, 10595  
2941.1419, or 2941.1420 of the Revised Code. 10596

(d) The offender is convicted of or pleads guilty to a 10597  
violation of section 2905.01 of the Revised Code and to a 10598  
specification of the type described in section 2941.147 of the 10599  
Revised Code, and section 2905.01 of the Revised Code requires a 10600  
court to sentence the offender pursuant to section 2971.03 of 10601  
the Revised Code. 10602

(e) The offender is convicted of or pleads guilty to 10603  
either aggravated murder or aggravated abortion murder, and to a 10604  
specification of the type described in section 2941.147 of the 10605  
Revised Code, and division (A) (2) (b) (ii) of section 2929.022, 10606



division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) 10607  
(3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or 10608  
(B) of section 2929.06 of the Revised Code requires a court to 10609  
sentence the offender pursuant to division (B) (3) of section 10610  
2971.03 of the Revised Code. 10611

(f) The offender is convicted of or pleads guilty to 10612  
either murder or abortion murder, and to a specification of the 10613  
type described in section 2941.147 of the Revised Code, and 10614  
division (B) (2) of section 2929.02 of the Revised Code requires 10615  
a court to sentence the offender pursuant to section 2971.03 of 10616  
the Revised Code. 10617

(2) A specification required under division (A) (1) (a) of 10618  
this section that an offender is a sexually violent predator 10619  
shall be stated at the end of the body of the indictment, count, 10620  
or information and shall be stated in substantially the 10621  
following form: 10622

"Specification (or, specification to the first count). The 10623  
grand jury (or insert the person's or prosecuting attorney's 10624  
name when appropriate) further find and specify that the 10625  
offender is a sexually violent predator." 10626

(B) In determining for purposes of this section whether a 10627  
person is a sexually violent predator, all of the factors set 10628  
forth in divisions (H) (1) to (6) of section 2971.01 of the 10629  
Revised Code that apply regarding the person may be considered 10630  
as evidence tending to indicate that it is likely that the 10631  
person will engage in the future in one or more sexually violent 10632  
offenses. 10633

(C) As used in this section, "designated homicide, 10634  
assault, or kidnapping offense," "violent sex offense," and 10635

"sexually violent predator" have the same meanings as in section 10636  
2971.01 of the Revised Code. 10637

**Sec. 2945.06.** In any case in which a defendant waives ~~his~~ 10638  
the defendant's right to trial by jury and elects to be tried by 10639  
the court under section 2945.05 of the Revised Code, any judge 10640  
of the court in which the cause is pending shall proceed to 10641  
hear, try, and determine the cause in accordance with the rules 10642  
and in like manner as if the cause were being tried before a 10643  
jury. If the accused is charged with an offense punishable with 10644  
death, ~~he~~ the accused shall be tried by a court to be composed 10645  
of three judges, consisting of the judge presiding at the time 10646  
in the trial of criminal cases and two other judges to be 10647  
designated by the presiding judge or chief justice of that 10648  
court, and in case there is neither a presiding judge nor a 10649  
chief justice, by the chief justice of the supreme court. The 10650  
judges or a majority of them may decide all questions of fact 10651  
and law arising upon the trial; however the accused shall not be 10652  
found guilty or not guilty of any offense unless the judges 10653  
unanimously find the accused guilty or not guilty. If the 10654  
accused pleads guilty of aggravated murder or aggravated 10655  
abortion murder, a court composed of three judges shall examine 10656  
the witnesses, determine whether the accused is guilty of 10657  
aggravated murder or aggravated abortion murder or any other 10658  
offense, and pronounce sentence accordingly. The court shall 10659  
follow the procedures contained in sections 2929.03 and 2929.04 10660  
of the Revised Code in all cases in which the accused is charged 10661  
with an offense punishable by death. If in the composition of 10662  
the court it is necessary that a judge from another county be 10663  
assigned by the chief justice, the judge from another county 10664  
shall be compensated for ~~his~~ the judge's services as provided by 10665  
section 141.07 of the Revised Code. 10666

**Sec. 2945.11.** In charging the jury, the court must state 10667  
to it all matters of law necessary for the information of the 10668  
jury in giving its verdict. The court must also inform the jury 10669  
that the jury is the exclusive judge of all questions of fact. 10670  
The court must state to the jury that in determining the 10671  
question of guilt, it must not consider the punishment but that 10672  
punishment rests with the judge except in cases of abortion 10673  
murder or murder in the first degree or burglary of an inhabited 10674  
dwelling. 10675

**Sec. 2945.38.** (A) If the issue of a defendant's competence 10676  
to stand trial is raised and if the court, upon conducting the 10677  
hearing provided for in section 2945.37 of the Revised Code, 10678  
finds that the defendant is competent to stand trial, the 10679  
defendant shall be proceeded against as provided by law. If the 10680  
court finds the defendant competent to stand trial and the 10681  
defendant is receiving psychotropic drugs or other medication, 10682  
the court may authorize the continued administration of the 10683  
drugs or medication or other appropriate treatment in order to 10684  
maintain the defendant's competence to stand trial, unless the 10685  
defendant's attending physician advises the court against 10686  
continuation of the drugs, other medication, or treatment. 10687

(B) (1) (a) If, after taking into consideration all relevant 10688  
reports, information, and other evidence, the court finds that 10689  
the defendant is incompetent to stand trial and that there is a 10690  
substantial probability that the defendant will become competent 10691  
to stand trial within one year if the defendant is provided with 10692  
a course of treatment, the court shall order the defendant to 10693  
undergo treatment. If the defendant has been charged with a 10694  
felony offense and if, after taking into consideration all 10695  
relevant reports, information, and other evidence, the court 10696  
finds that the defendant is incompetent to stand trial, but the 10697

court is unable at that time to determine whether there is a 10698  
substantial probability that the defendant will become competent 10699  
to stand trial within one year if the defendant is provided with 10700  
a course of treatment, the court shall order continuing 10701  
evaluation and treatment of the defendant for a period not to 10702  
exceed four months to determine whether there is a substantial 10703  
probability that the defendant will become competent to stand 10704  
trial within one year if the defendant is provided with a course 10705  
of treatment. 10706

(b) The court order for the defendant to undergo treatment 10707  
or continuing evaluation and treatment under division (B) (1) (a) 10708  
of this section shall specify that the defendant, if determined 10709  
to require mental health treatment or continuing evaluation and 10710  
treatment, either shall be committed to the department of mental 10711  
health and addiction services for treatment or continuing 10712  
evaluation and treatment at a hospital, facility, or agency, as 10713  
determined to be clinically appropriate by the department of 10714  
mental health and addiction services or shall be committed to a 10715  
facility certified by the department of mental health and 10716  
addiction services as being qualified to treat mental illness, 10717  
to a public or community mental health facility, or to a 10718  
psychiatrist or another mental health professional for treatment 10719  
or continuing evaluation and treatment. Prior to placing the 10720  
defendant, the department of mental health and addiction 10721  
services shall obtain court approval for that placement 10722  
following a hearing. The court order for the defendant to 10723  
undergo treatment or continuing evaluation and treatment under 10724  
division (B) (1) (a) of this section shall specify that the 10725  
defendant, if determined to require treatment or continuing 10726  
evaluation and treatment for an intellectual disability, shall 10727  
receive treatment or continuing evaluation and treatment at an 10728

institution or facility operated by the department of 10729  
developmental disabilities, at a facility certified by the 10730  
department of developmental disabilities as being qualified to 10731  
treat intellectual disabilities, at a public or private 10732  
intellectual disabilities facility, or by a psychiatrist or 10733  
another intellectual disabilities professional. In any case, the 10734  
order may restrict the defendant's freedom of movement as the 10735  
court considers necessary. The prosecutor in the defendant's 10736  
case shall send to the chief clinical officer of the hospital, 10737  
facility, or agency where the defendant is placed by the 10738  
department of mental health and addiction services, or to the 10739  
managing officer of the institution, the director of the program 10740  
or facility, or the person to which the defendant is committed, 10741  
copies of relevant police reports and other background 10742  
information that pertains to the defendant and is available to 10743  
the prosecutor unless the prosecutor determines that the release 10744  
of any of the information in the police reports or any of the 10745  
other background information to unauthorized persons would 10746  
interfere with the effective prosecution of any person or would 10747  
create a substantial risk of harm to any person. 10748

In determining the place of commitment, the court shall 10749  
consider the extent to which the person is a danger to the 10750  
person and to others, the need for security, and the type of 10751  
crime involved and shall order the least restrictive alternative 10752  
available that is consistent with public safety and treatment 10753  
goals. In weighing these factors, the court shall give 10754  
preference to protecting public safety. 10755

(c) If the defendant is found incompetent to stand trial, 10756  
if the chief clinical officer of the hospital, facility, or 10757  
agency where the defendant is placed, or the managing officer of 10758  
the institution, the director of the program or facility, or the 10759

person to which the defendant is committed for treatment or 10760  
continuing evaluation and treatment under division (B) (1) (b) of 10761  
this section determines that medication is necessary to restore 10762  
the defendant's competency to stand trial, and if the defendant 10763  
lacks the capacity to give informed consent or refuses 10764  
medication, the chief clinical officer of the hospital, 10765  
facility, or agency where the defendant is placed, or the 10766  
managing officer of the institution, the director of the program 10767  
or facility, or the person to which the defendant is committed 10768  
for treatment or continuing evaluation and treatment may 10769  
petition the court for authorization for the involuntary 10770  
administration of medication. The court shall hold a hearing on 10771  
the petition within five days of the filing of the petition if 10772  
the petition was filed in a municipal court or a county court 10773  
regarding an incompetent defendant charged with a misdemeanor or 10774  
within ten days of the filing of the petition if the petition 10775  
was filed in a court of common pleas regarding an incompetent 10776  
defendant charged with a felony offense. Following the hearing, 10777  
the court may authorize the involuntary administration of 10778  
medication or may dismiss the petition. 10779

(2) If the court finds that the defendant is incompetent 10780  
to stand trial and that, even if the defendant is provided with 10781  
a course of treatment, there is not a substantial probability 10782  
that the defendant will become competent to stand trial within 10783  
one year, the court shall order the discharge of the defendant, 10784  
unless upon motion of the prosecutor or on its own motion, the 10785  
court either seeks to retain jurisdiction over the defendant 10786  
pursuant to section 2945.39 of the Revised Code or files an 10787  
affidavit in the probate court for the civil commitment of the 10788  
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 10789  
alleging that the defendant is a mentally ill person subject to 10790

court order or a person with an intellectual disability subject 10791  
to institutionalization by court order. If an affidavit is filed 10792  
in the probate court, the trial court shall send to the probate 10793  
court copies of all written reports of the defendant's mental 10794  
condition that were prepared pursuant to section 2945.371 of the 10795  
Revised Code. 10796

The trial court may issue the temporary order of detention 10797  
that a probate court may issue under section 5122.11 or 5123.71 10798  
of the Revised Code, to remain in effect until the probable 10799  
cause or initial hearing in the probate court. Further 10800  
proceedings in the probate court are civil proceedings governed 10801  
by Chapter 5122. or 5123. of the Revised Code. 10802

(C) No defendant shall be required to undergo treatment, 10803  
including any continuing evaluation and treatment, under 10804  
division (B)(1) of this section for longer than whichever of the 10805  
following periods is applicable: 10806

(1) One year, if the most serious offense with which the 10807  
defendant is charged is one of the following offenses: 10808

(a) Aggravated murder, murder, aggravated abortion murder, 10809  
abortion murder, or an offense of violence for which a sentence 10810  
of death or life imprisonment may be imposed; 10811

(b) An offense of violence that is a felony of the first 10812  
or second degree; 10813

(c) A conspiracy to commit, an attempt to commit, or 10814  
complicity in the commission of an offense described in division 10815  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 10816  
complicity is a felony of the first or second degree. 10817

(2) Six months, if the most serious offense with which the 10818  
defendant is charged is a felony other than a felony described 10819

in division (C) (1) of this section; 10820

(3) Sixty days, if the most serious offense with which the 10821  
defendant is charged is a misdemeanor of the first or second 10822  
degree; 10823

(4) Thirty days, if the most serious offense with which 10824  
the defendant is charged is a misdemeanor of the third or fourth 10825  
degree, a minor misdemeanor, or an unclassified misdemeanor. 10826

(D) Any defendant who is committed pursuant to this 10827  
section shall not voluntarily admit the defendant or be 10828  
voluntarily admitted to a hospital or institution pursuant to 10829  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 10830  
Code. 10831

(E) Except as otherwise provided in this division, a 10832  
defendant who is charged with an offense and is committed by the 10833  
court under this section to the department of mental health and 10834  
addiction services or is committed to an institution or facility 10835  
for the treatment of intellectual disabilities shall not be 10836  
granted unsupervised on-grounds movement, supervised off-grounds 10837  
movement, or nonsecured status except in accordance with the 10838  
court order. The court may grant a defendant supervised off- 10839  
grounds movement to obtain medical treatment or specialized 10840  
habilitation treatment services if the person who supervises the 10841  
treatment or the continuing evaluation and treatment of the 10842  
defendant ordered under division (B) (1) (a) of this section 10843  
informs the court that the treatment or continuing evaluation 10844  
and treatment cannot be provided at the hospital or facility 10845  
where the defendant is placed by the department of mental health 10846  
and addiction services or the institution or facility to which 10847  
the defendant is committed. The chief clinical officer of the 10848  
hospital or facility where the defendant is placed by the 10849



department of mental health and addiction services or the 10850  
managing officer of the institution or director of the facility 10851  
to which the defendant is committed, or a designee of any of 10852  
those persons, may grant a defendant movement to a medical 10853  
facility for an emergency medical situation with appropriate 10854  
supervision to ensure the safety of the defendant, staff, and 10855  
community during that emergency medical situation. The chief 10856  
clinical officer of the hospital or facility where the defendant 10857  
is placed by the department of mental health and addiction 10858  
services or the managing officer of the institution or director 10859  
of the facility to which the defendant is committed shall notify 10860  
the court within twenty-four hours of the defendant's movement 10861  
to the medical facility for an emergency medical situation under 10862  
this division. 10863

(F) The person who supervises the treatment or continuing 10864  
evaluation and treatment of a defendant ordered to undergo 10865  
treatment or continuing evaluation and treatment under division 10866  
(B) (1) (a) of this section shall file a written report with the 10867  
court at the following times: 10868

(1) Whenever the person believes the defendant is capable 10869  
of understanding the nature and objective of the proceedings 10870  
against the defendant and of assisting in the defendant's 10871  
defense; 10872

(2) For a felony offense, fourteen days before expiration 10873  
of the maximum time for treatment as specified in division (C) 10874  
of this section and fourteen days before the expiration of the 10875  
maximum time for continuing evaluation and treatment as 10876  
specified in division (B) (1) (a) of this section, and, for a 10877  
misdemeanor offense, ten days before the expiration of the 10878  
maximum time for treatment, as specified in division (C) of this 10879

section; 10880

(3) At a minimum, after each six months of treatment; 10881

(4) Whenever the person who supervises the treatment or 10882  
continuing evaluation and treatment of a defendant ordered under 10883  
division (B) (1) (a) of this section believes that there is not a 10884  
substantial probability that the defendant will become capable 10885  
of understanding the nature and objective of the proceedings 10886  
against the defendant or of assisting in the defendant's defense 10887  
even if the defendant is provided with a course of treatment. 10888

(G) A report under division (F) of this section shall 10889  
contain the examiner's findings, the facts in reasonable detail 10890  
on which the findings are based, and the examiner's opinion as 10891  
to the defendant's capability of understanding the nature and 10892  
objective of the proceedings against the defendant and of 10893  
assisting in the defendant's defense. If, in the examiner's 10894  
opinion, the defendant remains incapable of understanding the 10895  
nature and objective of the proceedings against the defendant 10896  
and of assisting in the defendant's defense and there is a 10897  
substantial probability that the defendant will become capable 10898  
of understanding the nature and objective of the proceedings 10899  
against the defendant and of assisting in the defendant's 10900  
defense if the defendant is provided with a course of treatment, 10901  
if in the examiner's opinion the defendant remains mentally ill 10902  
or continues to have an intellectual disability, and if the 10903  
maximum time for treatment as specified in division (C) of this 10904  
section has not expired, the report also shall contain the 10905  
examiner's recommendation as to the least restrictive placement 10906  
or commitment alternative that is consistent with the 10907  
defendant's treatment needs for restoration to competency and 10908  
with the safety of the community. The court shall provide copies 10909

of the report to the prosecutor and defense counsel. 10910

(H) If a defendant is committed pursuant to division (B) 10911  
(1) of this section, within ten days after the treating 10912  
physician of the defendant or the examiner of the defendant who 10913  
is employed or retained by the treating facility advises that 10914  
there is not a substantial probability that the defendant will 10915  
become capable of understanding the nature and objective of the 10916  
proceedings against the defendant or of assisting in the 10917  
defendant's defense even if the defendant is provided with a 10918  
course of treatment, within ten days after the expiration of the 10919  
maximum time for treatment as specified in division (C) of this 10920  
section, within ten days after the expiration of the maximum 10921  
time for continuing evaluation and treatment as specified in 10922  
division (B) (1) (a) of this section, within thirty days after a 10923  
defendant's request for a hearing that is made after six months 10924  
of treatment, or within thirty days after being advised by the 10925  
treating physician or examiner that the defendant is competent 10926  
to stand trial, whichever is the earliest, the court shall 10927  
conduct another hearing to determine if the defendant is 10928  
competent to stand trial and shall do whichever of the following 10929  
is applicable: 10930

(1) If the court finds that the defendant is competent to 10931  
stand trial, the defendant shall be proceeded against as 10932  
provided by law. 10933

(2) If the court finds that the defendant is incompetent 10934  
to stand trial, but that there is a substantial probability that 10935  
the defendant will become competent to stand trial if the 10936  
defendant is provided with a course of treatment, and the 10937  
maximum time for treatment as specified in division (C) of this 10938  
section has not expired, the court, after consideration of the 10939

examiner's recommendation, shall order that treatment be 10940  
continued, may change the facility or program at which the 10941  
treatment is to be continued, and shall specify whether the 10942  
treatment is to be continued at the same or a different facility 10943  
or program. 10944

(3) If the court finds that the defendant is incompetent 10945  
to stand trial, if the defendant is charged with an offense 10946  
listed in division (C) (1) of this section, and if the court 10947  
finds that there is not a substantial probability that the 10948  
defendant will become competent to stand trial even if the 10949  
defendant is provided with a course of treatment, or if the 10950  
maximum time for treatment relative to that offense as specified 10951  
in division (C) of this section has expired, further proceedings 10952  
shall be as provided in sections 2945.39, 2945.401, and 2945.402 10953  
of the Revised Code. 10954

(4) If the court finds that the defendant is incompetent 10955  
to stand trial, if the most serious offense with which the 10956  
defendant is charged is a misdemeanor or a felony other than a 10957  
felony listed in division (C) (1) of this section, and if the 10958  
court finds that there is not a substantial probability that the 10959  
defendant will become competent to stand trial even if the 10960  
defendant is provided with a course of treatment, or if the 10961  
maximum time for treatment relative to that offense as specified 10962  
in division (C) of this section has expired, the court shall 10963  
dismiss the indictment, information, or complaint against the 10964  
defendant. A dismissal under this division is not a bar to 10965  
further prosecution based on the same conduct. The court shall 10966  
discharge the defendant unless the court or prosecutor files an 10967  
affidavit in probate court for civil commitment pursuant to 10968  
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 10969  
civil commitment is filed, the court may detain the defendant 10970

for ten days pending civil commitment. All of the following 10971  
provisions apply to persons charged with a misdemeanor or a 10972  
felony other than a felony listed in division (C)(1) of this 10973  
section who are committed by the probate court subsequent to the 10974  
court's or prosecutor's filing of an affidavit for civil 10975  
commitment under authority of this division: 10976

(a) The chief clinical officer of the entity, hospital, or 10977  
facility, the managing officer of the institution, the director 10978  
of the program, or the person to which the defendant is 10979  
committed or admitted shall do all of the following: 10980

(i) Notify the prosecutor, in writing, of the discharge of 10981  
the defendant, send the notice at least ten days prior to the 10982  
discharge unless the discharge is by the probate court, and 10983  
state in the notice the date on which the defendant will be 10984  
discharged; 10985

(ii) Notify the prosecutor, in writing, when the defendant 10986  
is absent without leave or is granted unsupervised, off-grounds 10987  
movement, and send this notice promptly after the discovery of 10988  
the absence without leave or prior to the granting of the 10989  
unsupervised, off-grounds movement, whichever is applicable; 10990

(iii) Notify the prosecutor, in writing, of the change of 10991  
the defendant's commitment or admission to voluntary status, 10992  
send the notice promptly upon learning of the change to 10993  
voluntary status, and state in the notice the date on which the 10994  
defendant was committed or admitted on a voluntary status. 10995

(b) Upon receiving notice that the defendant will be 10996  
granted unsupervised, off-grounds movement, the prosecutor 10997  
either shall re-indict the defendant or promptly notify the 10998  
court that the prosecutor does not intend to prosecute the 10999

charges against the defendant. 11000

(I) If a defendant is convicted of a crime and sentenced 11001  
to a jail or workhouse, the defendant's sentence shall be 11002  
reduced by the total number of days the defendant is confined 11003  
for evaluation to determine the defendant's competence to stand 11004  
trial or treatment under this section and sections 2945.37 and 11005  
2945.371 of the Revised Code or by the total number of days the 11006  
defendant is confined for evaluation to determine the 11007  
defendant's mental condition at the time of the offense charged. 11008

**Sec. 2945.57.** The number of witnesses who are expected to 11009  
testify upon the subject of character or reputation, for whom 11010  
subpoenas are issued, shall be designated upon the praecipe and, 11011  
except in cases of aggravated murder ~~in the first and second~~ 11012  
~~degree, murder, aggravated abortion murder, abortion murder,~~ 11013  
manslaughter, rape, assault with intent to commit rape, or 11014  
selling intoxicating liquor to a person in the habit of becoming 11015  
intoxicated, shall not exceed ten upon each side, unless a 11016  
deposit of at least one per diem and mileage fee for each of 11017  
such additional witnesses is first made with the clerk of the 11018  
court of common pleas. Not more than ten witnesses upon each 11019  
side shall be permitted to testify upon the question of 11020  
character or reputation in a criminal cause unless their full 11021  
per diem and mileage fees have been deposited or paid by the 11022  
party in whose behalf they are sworn, and the clerk shall not 11023  
issue a certificate for compensation to be paid out of the 11024  
county treasury to a witness who has testified upon the subject 11025  
of character or reputation, except as provided in this section. 11026

**Sec. 2945.74.** The jury may find the defendant not guilty 11027  
of the offense charged, but guilty of an attempt to commit it if 11028  
such attempt is an offense at law. When the indictment or 11029

information charges an offense, including different degrees, or 11030  
if other offenses are included within the offense charged, the 11031  
jury may find the defendant not guilty of the degree charged but 11032  
guilty of an inferior degree thereof or lesser included offense. 11033

If the offense charged is murder or abortion murder and 11034  
the accused is convicted by confession in open court, the court 11035  
shall examine the witnesses, determine the degree of the crime, 11036  
and pronounce sentence accordingly. 11037

**Sec. 2949.02.** (A) If a person is convicted of any bailable 11038  
offense, including, but not limited to, a violation of an 11039  
ordinance of a municipal corporation, in a municipal or county 11040  
court or in a court of common pleas and if the person gives to 11041  
the trial judge or magistrate a written notice of the person's 11042  
intention to file or apply for leave to file an appeal to the 11043  
court of appeals, the trial judge or magistrate may suspend, 11044  
subject to division (A) (2) (b) of section 2953.09 of the Revised 11045  
Code, execution of the sentence or judgment imposed for any 11046  
fixed time that will give the person time either to prepare and 11047  
file, or to apply for leave to file, the appeal. In all bailable 11048  
cases, except as provided in division (B) of this section, the 11049  
trial judge or magistrate may release the person on bail in 11050  
accordance with Criminal Rule 46, and the bail shall at least be 11051  
conditioned that the person will appeal without delay and abide 11052  
by the judgment and sentence of the court. 11053

(B) Notwithstanding any provision of Criminal Rule 46 to 11054  
the contrary, a trial judge of a court of common pleas shall not 11055  
release on bail pursuant to division (A) of this section a 11056  
person who is convicted of a bailable offense if the person is 11057  
sentenced to imprisonment for life or if that offense is a 11058  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 11059

2903.11, 2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2907.02, 11060  
2909.02, 2911.01, 2911.02, or 2911.11 of the Revised Code or is 11061  
felonious sexual penetration in violation of former section 11062  
2907.12 of the Revised Code. 11063

(C) If a trial judge of a court of common pleas is 11064  
prohibited by division (B) of this section from releasing on 11065  
bail pursuant to division (A) of this section a person who is 11066  
convicted of a bailable offense and not sentenced to 11067  
imprisonment for life, the appropriate court of appeals or two 11068  
judges of it, upon motion of such a person and for good cause 11069  
shown, may release the person on bail in accordance with 11070  
Appellate Rule 8 and Criminal Rule 46, and the bail shall at 11071  
least be conditioned as described in division (A) of this 11072  
section. 11073

**Sec. 2950.01.** As used in this chapter, unless the context 11074  
clearly requires otherwise: 11075

(A) "Sexually oriented offense" means any of the following 11076  
violations or offenses committed by a person, regardless of the 11077  
person's age: 11078

(1) A violation of section 2907.02, 2907.03, 2907.05, 11079  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 11080  
2907.322, or 2907.323 of the Revised Code; 11081

(2) A violation of section 2907.04 of the Revised Code 11082  
when the offender is less than four years older than the other 11083  
person with whom the offender engaged in sexual conduct, the 11084  
other person did not consent to the sexual conduct, and the 11085  
offender previously has not been convicted of or pleaded guilty 11086  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 11087  
Revised Code or a violation of former section 2907.12 of the 11088



|   |       |
|---|-------|
| Revised Code;   | 11089 |
| (3) A violation of section 2907.04 of the Revised Code                | 11090 |
| when the offender is at least four years older than the other         | 11091 |
| person with whom the offender engaged in sexual conduct or when       | 11092 |
| the offender is less than four years older than the other person      | 11093 |
| with whom the offender engaged in sexual conduct and the              | 11094 |
| offender previously has been convicted of or pleaded guilty to a      | 11095 |
| violation of section 2907.02, 2907.03, or 2907.04 of the Revised      | 11096 |
| Code or a violation of former section 2907.12 of the Revised          | 11097 |
| Code;   | 11098 |
| (4) A violation of section 2903.01, 2903.02, <del>or 2903.11,</del>   | 11099 |
| <u>2904.03, or 2904.04</u> of the Revised Code when the violation was | 11100 |
| committed with a sexual motivation;                                   | 11101 |
| (5) A violation of division (A) of section 2903.04 of the             | 11102 |
| Revised Code when the offender committed or attempted to commit       | 11103 |
| the felony that is the basis of the violation with a sexual           | 11104 |
| motivation;   | 11105 |
| (6) A violation of division (A) (3) of section 2903.211 of            | 11106 |
| the Revised Code;   | 11107 |
| (7) A violation of division (A) (1), (2), (3), or (5) of              | 11108 |
| section 2905.01 of the Revised Code when the offense is               | 11109 |
| committed with a sexual motivation;                                   | 11110 |
| (8) A violation of division (A) (4) of section 2905.01 of             | 11111 |
| the Revised Code;   | 11112 |
| (9) A violation of division (B) of section 2905.01 of the             | 11113 |
| Revised Code when the victim of the offense is under eighteen         | 11114 |
| years of age and the offender is not a parent of the victim of        | 11115 |
| the offense;  | 11116 |

(10) A violation of division (B) of section 2903.03, of 11117  
division (B) of section 2905.02, of division (B) of section 11118  
2905.03, of division (B) of section 2905.05, or of division (B) 11119  
(5) of section 2919.22 of the Revised Code; 11120

(11) A violation of section 2905.32 of the Revised Code 11121  
when any of the following applies: 11122

(a) The violation is a violation of division (A) (1) of 11123  
that section and the offender knowingly recruited, lured, 11124  
enticed, isolated, harbored, transported, provided, obtained, or 11125  
maintained, or knowingly attempted to recruit, lure, entice, 11126  
isolate, harbor, transport, provide, obtain, or maintain, 11127  
another person knowing that the person would be compelled to 11128  
engage in sexual activity for hire, engage in a performance that 11129  
was obscene, sexually oriented, or nudity oriented, or be a 11130  
model or participant in the production of material that was 11131  
obscene, sexually oriented, or nudity oriented. 11132

(b) The violation is a violation of division (A) (2) of 11133  
that section and the offender knowingly recruited, lured, 11134  
enticed, isolated, harbored, transported, provided, obtained, or 11135  
maintained, or knowingly attempted to recruit, lure, entice, 11136  
isolate, harbor, transport, provide, obtain, or maintain a 11137  
person who is less than sixteen years of age or is a person with 11138  
a developmental disability whom the offender knows or has 11139  
reasonable cause to believe is a person with a developmental 11140  
disability for any purpose listed in divisions (A) (2) (a) to (c) 11141  
of that section. 11142

(c) The violation is a violation of division (A) (3) of 11143  
that section, the offender knowingly recruited, lured, enticed, 11144  
isolated, harbored, transported, provided, obtained, or 11145  
maintained, or knowingly attempted to recruit, lure, entice, 11146

isolate, harbor, transport, provide, obtain, or maintain a 11147  
person who is sixteen or seventeen years of age for any purpose 11148  
listed in divisions (A) (2) (a) to (c) of that section, and the 11149  
circumstances described in division (A) (5), (6), (7), (8), (9), 11150  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 11151  
apply with respect to the offender and the other person. 11152

(12) A violation of division (B) (4) of section 2907.09 of 11153  
the Revised Code if the sentencing court classifies the offender 11154  
as a tier I sex offender/child-victim offender relative to that 11155  
offense pursuant to division (D) of that section; 11156

(13) A violation of any former law of this state, any 11157  
existing or former municipal ordinance or law of another state 11158  
or the United States, any existing or former law applicable in a 11159  
military court or in an Indian tribal court, or any existing or 11160  
former law of any nation other than the United States that is or 11161  
was substantially equivalent to any offense listed in division 11162  
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 11163  
(12) of this section; 11164

(14) A violation of division (A) (3) of section 2907.24 of 11165  
the Revised Code; 11166

(15) Any attempt to commit, conspiracy to commit, or 11167  
complicity in committing any offense listed in division (A) (1), 11168  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), 11169  
or (14) of this section. 11170

(B) (1) "Sex offender" means, subject to division (B) (2) of 11171  
this section, a person who is convicted of, pleads guilty to, 11172  
has been convicted of, has pleaded guilty to, is adjudicated a 11173  
delinquent child for committing, or has been adjudicated a 11174  
delinquent child for committing any sexually oriented offense. 11175

(2) "Sex offender" does not include a person who is 11176  
convicted of, pleads guilty to, has been convicted of, has 11177  
pleaded guilty to, is adjudicated a delinquent child for 11178  
committing, or has been adjudicated a delinquent child for 11179  
committing a sexually oriented offense if the offense involves 11180  
consensual sexual conduct or consensual sexual contact and 11181  
either of the following applies: 11182

(a) The victim of the sexually oriented offense was 11183  
eighteen years of age or older and at the time of the sexually 11184  
oriented offense was not under the custodial authority of the 11185  
person who is convicted of, pleads guilty to, has been convicted 11186  
of, has pleaded guilty to, is adjudicated a delinquent child for 11187  
committing, or has been adjudicated a delinquent child for 11188  
committing the sexually oriented offense. 11189

(b) The victim of the offense was thirteen years of age or 11190  
older, and the person who is convicted of, pleads guilty to, has 11191  
been convicted of, has pleaded guilty to, is adjudicated a 11192  
delinquent child for committing, or has been adjudicated a 11193  
delinquent child for committing the sexually oriented offense is 11194  
not more than four years older than the victim. 11195

(c) "Child-victim oriented offense" means any of the 11196  
following violations or offenses committed by a person, 11197  
regardless of the person's age, when the victim is under 11198  
eighteen years of age and is not a child of the person who 11199  
commits the violation: 11200

(1) A violation of division (A)(1), (2), (3), or (5) of 11201  
section 2905.01 of the Revised Code when the violation is not 11202  
included in division (A)(7) of this section; 11203

(2) A violation of division (A) of section 2905.02, 11204

division (A) of section 2905.03, or division (A) of section 11205  
2905.05 of the Revised Code; 11206

(3) A violation of any former law of this state, any 11207  
existing or former municipal ordinance or law of another state 11208  
or the United States, any existing or former law applicable in a 11209  
military court or in an Indian tribal court, or any existing or 11210  
former law of any nation other than the United States that is or 11211  
was substantially equivalent to any offense listed in division 11212  
(C) (1) or (2) of this section; 11213

(4) Any attempt to commit, conspiracy to commit, or 11214  
complicity in committing any offense listed in division (C) (1), 11215  
(2), or (3) of this section. 11216

(D) "Child-victim offender" means a person who is 11217  
convicted of, pleads guilty to, has been convicted of, has 11218  
pleaded guilty to, is adjudicated a delinquent child for 11219  
committing, or has been adjudicated a delinquent child for 11220  
committing any child-victim oriented offense. 11221

(E) "Tier I sex offender/child-victim offender" means any 11222  
of the following: 11223

(1) A sex offender who is convicted of, pleads guilty to, 11224  
has been convicted of, or has pleaded guilty to any of the 11225  
following sexually oriented offenses: 11226

(a) A violation of section 2907.06, 2907.07, 2907.08, 11227  
2907.22, or 2907.32 of the Revised Code; 11228

(b) A violation of section 2907.04 of the Revised Code 11229  
when the offender is less than four years older than the other 11230  
person with whom the offender engaged in sexual conduct, the 11231  
other person did not consent to the sexual conduct, and the 11232  
offender previously has not been convicted of or pleaded guilty 11233

to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code;

(c) A violation of division (A) (1), (2), (3), or (5) of section 2907.05 of the Revised Code;

(d) A violation of division (A) (3) of section 2907.323 of the Revised Code;

(e) A violation of division (A) (3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code;

(f) A violation of division (B) (4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E) (1) (a), (b), (c), (d), (e), or (f) of this section;

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E) (1) (a), (b), (c), (d), (e), (f), or (g) of this section.

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F) (2) or (G) (2) of this section.

(3) A sex offender who is adjudicated a delinquent child 11263  
for committing or has been adjudicated a delinquent child for 11264  
committing any sexually oriented offense and who a juvenile 11265  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 11266  
of the Revised Code, classifies a tier I sex offender/child- 11267  
victim offender relative to the offense. 11268

(4) A child-victim offender who is adjudicated a 11269  
delinquent child for committing or has been adjudicated a 11270  
delinquent child for committing any child-victim oriented 11271  
offense and who a juvenile court, pursuant to section 2152.82, 11272  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 11273  
tier I sex offender/child-victim offender relative to the 11274  
offense. 11275

(F) "Tier II sex offender/child-victim offender" means any 11276  
of the following: 11277

(1) A sex offender who is convicted of, pleads guilty to, 11278  
has been convicted of, or has pleaded guilty to any of the 11279  
following sexually oriented offenses: 11280

(a) A violation of section 2907.21, 2907.321, or 2907.322 11281  
of the Revised Code; 11282

(b) A violation of section 2907.04 of the Revised Code 11283  
when the offender is at least four years older than the other 11284  
person with whom the offender engaged in sexual conduct, or when 11285  
the offender is less than four years older than the other person 11286  
with whom the offender engaged in sexual conduct and the 11287  
offender previously has been convicted of or pleaded guilty to a 11288  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 11289  
Code or former section 2907.12 of the Revised Code; 11290

(c) A violation of division (A)(4) of section 2907.05, of 11291

division (A) (3) of section 2907.24, or of division (A) (1) or (2) 11292  
of section 2907.323 of the Revised Code; 11293

(d) A violation of division (A) (1), (2), (3), or (5) of 11294  
section 2905.01 of the Revised Code when the offense is 11295  
committed with a sexual motivation; 11296

(e) A violation of division (A) (4) of section 2905.01 of 11297  
the Revised Code when the victim of the offense is eighteen 11298  
years of age or older; 11299

(f) A violation of division (B) of section 2905.02 or of 11300  
division (B) (5) of section 2919.22 of the Revised Code; 11301

(g) A violation of section 2905.32 of the Revised Code 11302  
that is described in division (A) (11) (a), (b), or (c) of this 11303  
section; 11304

(h) A violation of any former law of this state, any 11305  
existing or former municipal ordinance or law of another state 11306  
or the United States, any existing or former law applicable in a 11307  
military court or in an Indian tribal court, or any existing or 11308  
former law of any nation other than the United States that is or 11309  
was substantially equivalent to any offense listed in division 11310  
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 11311

(i) Any attempt to commit, conspiracy to commit, or 11312  
complicity in committing any offense listed in division (F) (1) 11313  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 11314

(j) Any sexually oriented offense that is committed after 11315  
the sex offender previously has been convicted of, pleaded 11316  
guilty to, or has been adjudicated a delinquent child for 11317  
committing any sexually oriented offense or child-victim 11318  
oriented offense for which the offender was classified a tier I 11319  
sex offender/child-victim offender. 11320



(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier II sex offender/child-victim offender set forth in division (F)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex offender or determined to be a habitual child-victim offender, unless either of the following applies:

(a) The sex offender or child-victim offender is

reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(G) "Tier III sex offender/child-victim offender" means any of the following:

(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses:

(a) A violation of section 2907.02 or 2907.03 of the Revised Code;

(b) A violation of division (B) of section 2907.05 of the Revised Code;

(c) A violation of section 2903.01, 2903.02, ~~or 2903.11,~~ 2904.03, or 2904.04 of the Revised Code when the violation was committed with a sexual motivation;

(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;

(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;

(f) A violation of division (B) of section 2905.01 of the

Revised Code when the victim of the offense is under eighteen 11379  
years of age and the offender is not a parent of the victim of 11380  
the offense; 11381

(g) A violation of division (B) of section 2903.03 of the 11382  
Revised Code; 11383

(h) A violation of any former law of this state, any 11384  
existing or former municipal ordinance or law of another state 11385  
or the United States, any existing or former law applicable in a 11386  
military court or in an Indian tribal court, or any existing or 11387  
former law of any nation other than the United States that is or 11388  
was substantially equivalent to any offense listed in division 11389  
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 11390

(i) Any attempt to commit, conspiracy to commit, or 11391  
complicity in committing any offense listed in division (G) (1) 11392  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 11393

(j) Any sexually oriented offense that is committed after 11394  
the sex offender previously has been convicted of, pleaded 11395  
guilty to, or been adjudicated a delinquent child for committing 11396  
any sexually oriented offense or child-victim oriented offense 11397  
for which the offender was classified a tier II sex 11398  
offender/child-victim offender or a tier III sex offender/child- 11399  
victim offender. 11400

(2) A child-victim offender who is convicted of, pleads 11401  
guilty to, has been convicted of, or has pleaded guilty to any 11402  
child-victim oriented offense when the child-victim oriented 11403  
offense is committed after the child-victim offender previously 11404  
has been convicted of, pleaded guilty to, or been adjudicated a 11405  
delinquent child for committing any sexually oriented offense or 11406  
child-victim oriented offense for which the offender was 11407

classified a tier II sex offender/child-victim offender or a 11408  
tier III sex offender/child-victim offender. 11409

(3) A sex offender who is adjudicated a delinquent child 11410  
for committing or has been adjudicated a delinquent child for 11411  
committing any sexually oriented offense and who a juvenile 11412  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 11413  
of the Revised Code, classifies a tier III sex offender/child- 11414  
victim offender relative to the offense. 11415

(4) A child-victim offender who is adjudicated a 11416  
delinquent child for committing or has been adjudicated a 11417  
delinquent child for committing any child-victim oriented 11418  
offense and whom a juvenile court, pursuant to section 2152.82, 11419  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 11420  
tier III sex offender/child-victim offender relative to the 11421  
current offense. 11422

(5) A sex offender or child-victim offender who is not in 11423  
any category of tier III sex offender/child-victim offender set 11424  
forth in division (G) (1), (2), (3), or (4) of this section, who 11425  
prior to January 1, 2008, was convicted of or pleaded guilty to 11426  
a sexually oriented offense or child-victim oriented offense or 11427  
was adjudicated a delinquent child for committing a sexually 11428  
oriented offense or child-victim oriented offense and classified 11429  
a juvenile offender registrant, and who prior to that date was 11430  
adjudicated a sexual predator or adjudicated a child-victim 11431  
predator, unless either of the following applies: 11432

(a) The sex offender or child-victim offender is 11433  
reclassified pursuant to section 2950.031 or 2950.032 of the 11434  
Revised Code as a tier I sex offender/child-victim offender or a 11435  
tier II sex offender/child-victim offender relative to the 11436  
offense. 11437

(b) The sex offender or child-victim offender is a 11438  
delinquent child, and a juvenile court, pursuant to section 11439  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 11440  
classifies the child a tier I sex offender/child-victim offender 11441  
or a tier II sex offender/child-victim offender relative to the 11442  
offense. 11443

(6) A sex offender who is convicted of, pleads guilty to, 11444  
was convicted of, or pleaded guilty to a sexually oriented 11445  
offense, if the sexually oriented offense and the circumstances 11446  
in which it was committed are such that division (F) of section 11447  
2971.03 of the Revised Code automatically classifies the 11448  
offender as a tier III sex offender/child-victim offender; 11449

(7) A sex offender or child-victim offender who is 11450  
convicted of, pleads guilty to, was convicted of, pleaded guilty 11451  
to, is adjudicated a delinquent child for committing, or was 11452  
adjudicated a delinquent child for committing a sexually 11453  
oriented offense or child-victim offense in another state, in a 11454  
federal court, military court, or Indian tribal court, or in a 11455  
court in any nation other than the United States if both of the 11456  
following apply: 11457

(a) Under the law of the jurisdiction in which the 11458  
offender was convicted or pleaded guilty or the delinquent child 11459  
was adjudicated, the offender or delinquent child is in a 11460  
category substantially equivalent to a category of tier III sex 11461  
offender/child-victim offender described in division (G) (1), 11462  
(2), (3), (4), (5), or (6) of this section. 11463

(b) Subsequent to the conviction, plea of guilty, or 11464  
adjudication in the other jurisdiction, the offender or 11465  
delinquent child resides, has temporary domicile, attends school 11466  
or an institution of higher education, is employed, or intends 11467

to reside in this state in any manner and for any period of time 11468  
that subjects the offender or delinquent child to a duty to 11469  
register or provide notice of intent to reside under section 11470  
2950.04 or 2950.041 of the Revised Code. 11471

(H) "Confinement" includes, but is not limited to, a 11472  
community residential sanction imposed pursuant to section 11473  
2929.16 or 2929.26 of the Revised Code. 11474

(I) "Prosecutor" has the same meaning as in section 11475  
2935.01 of the Revised Code. 11476

(J) "Supervised release" means a release of an offender 11477  
from a prison term, a term of imprisonment, or another type of 11478  
confinement that satisfies either of the following conditions: 11479

(1) The release is on parole, a conditional pardon, under 11480  
a community control sanction, under transitional control, or 11481  
under a post-release control sanction, and it requires the 11482  
person to report to or be supervised by a parole officer, 11483  
probation officer, field officer, or another type of supervising 11484  
officer. 11485

(2) The release is any type of release that is not 11486  
described in division (J)(1) of this section and that requires 11487  
the person to report to or be supervised by a probation officer, 11488  
a parole officer, a field officer, or another type of 11489  
supervising officer. 11490

(K) "Sexually violent predator specification," "sexually 11491  
violent predator," "sexually violent offense," "sexual 11492  
motivation specification," "designated homicide, assault, or 11493  
kidnapping offense," and "violent sex offense" have the same 11494  
meanings as in section 2971.01 of the Revised Code. 11495

(L) "Post-release control sanction" and "transitional 11496

control" have the same meanings as in section 2967.01 of the Revised Code.

(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

(1) The person is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing one of the following acts:

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(b) A violation of section 2903.01, 2903.02, 2904.03, 11527  
2904.04, or 2905.01 of the Revised Code that was committed with 11528  
a purpose to gratify the sexual needs or desires of the child; 11529

(c) A violation of division (B) of section 2903.03 of the 11530  
Revised Code. 11531

(2) The person was fourteen, fifteen, sixteen, or 11532  
seventeen years of age at the time of committing the act. 11533

(3) A juvenile court judge, pursuant to an order issued 11534  
under section 2152.86 of the Revised Code, classifies the person 11535  
a juvenile offender registrant, specifies the person has a duty 11536  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 11537  
Revised Code, and classifies the person a public registry- 11538  
qualified juvenile offender registrant, and the classification 11539  
of the person as a public registry-qualified juvenile offender 11540  
registrant has not been terminated pursuant to division (D) of 11541  
section 2152.86 of the Revised Code. 11542

(O) "Secure facility" means any facility that is designed 11543  
and operated to ensure that all of its entrances and exits are 11544  
locked and under the exclusive control of its staff and to 11545  
ensure that, because of that exclusive control, no person who is 11546  
institutionalized or confined in the facility may leave the 11547  
facility without permission or supervision. 11548

(P) "Out-of-state juvenile offender registrant" means a 11549  
person who is adjudicated a delinquent child in a court in 11550  
another state, in a federal court, military court, or Indian 11551  
tribal court, or in a court in any nation other than the United 11552  
States for committing a sexually oriented offense or a child- 11553  
victim oriented offense, who on or after January 1, 2002, moves 11554  
to and resides in this state or temporarily is domiciled in this 11555



state for more than five days, and who has a duty under section 11556  
2950.04 or 2950.041 of the Revised Code to register in this 11557  
state and the duty to otherwise comply with that applicable 11558  
section and sections 2950.05 and 2950.06 of the Revised Code. 11559  
"Out-of-state juvenile offender registrant" includes a person 11560  
who prior to January 1, 2008, was an "out-of-state juvenile 11561  
offender registrant" under the definition of the term in 11562  
existence prior to January 1, 2008, and a person who prior to 11563  
July 31, 2003, was an "out-of-state juvenile sex offender 11564  
registrant" under the former definition of that former term. 11565

(Q) "Juvenile court judge" includes a magistrate to whom 11566  
the juvenile court judge confers duties pursuant to division (A) 11567  
(15) of section 2151.23 of the Revised Code. 11568

(R) "Adjudicated a delinquent child for committing a 11569  
sexually oriented offense" includes a child who receives a 11570  
serious youthful offender dispositional sentence under section 11571  
2152.13 of the Revised Code for committing a sexually oriented 11572  
offense. 11573

(S) "School" and "school premises" have the same meanings 11574  
as in section 2925.01 of the Revised Code. 11575

(T) "Residential premises" means the building in which a 11576  
residential unit is located and the grounds upon which that 11577  
building stands, extending to the perimeter of the property. 11578  
"Residential premises" includes any type of structure in which a 11579  
residential unit is located, including, but not limited to, 11580  
multi-unit buildings and mobile and manufactured homes. 11581

(U) "Residential unit" means a dwelling unit for 11582  
residential use and occupancy, and includes the structure or 11583  
part of a structure that is used as a home, residence, or 11584

sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

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

(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

**Sec. 2950.99.** (A) (1) (a) Except as otherwise provided in division (A) (1) (b) of this section, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

(i) If the most serious sexually oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder ~~or~~, murder, aggravated abortion murder, or abortion murder if committed by an adult or a comparable category of offense committed in another jurisdiction, the

offender is guilty of a felony of the first degree. 11614

(ii) If the most serious sexually oriented offense or 11615  
child-victim oriented offense that was the basis of the 11616  
registration, notice of intent to reside, change of address 11617  
notification, or address verification requirement that was 11618  
violated under the prohibition is a felony of the first, second, 11619  
third, or fourth degree if committed by an adult or a comparable 11620  
category of offense committed in another jurisdiction, the 11621  
offender is guilty of a felony of the same degree as the most 11622  
serious sexually oriented offense or child-victim oriented 11623  
offense that was the basis of the registration, notice of intent 11624  
to reside, change of address, or address verification 11625  
requirement that was violated under the prohibition, or, if the 11626  
most serious sexually oriented offense or child-victim oriented 11627  
offense that was the basis of the registration, notice of intent 11628  
to reside, change of address, or address verification 11629  
requirement that was violated under the prohibition is a 11630  
comparable category of offense committed in another 11631  
jurisdiction, the offender is guilty of a felony of the same 11632  
degree as that offense committed in the other jurisdiction would 11633  
constitute if committed in this state. 11634

(iii) If the most serious sexually oriented offense or 11635  
child-victim oriented offense that was the basis of the 11636  
registration, notice of intent to reside, change of address 11637  
notification, or address verification requirement that was 11638  
violated under the prohibition is a felony of the fifth degree 11639  
or a misdemeanor if committed by an adult or a comparable 11640  
category of offense committed in another jurisdiction, the 11641  
offender is guilty of a felony of the fourth degree. 11642

(b) If the offender previously has been convicted of or 11643

pleaded guilty to, or previously has been adjudicated a 11644  
delinquent child for committing, a violation of a prohibition in 11645  
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11646  
Code, whoever violates a prohibition in section 2950.04, 11647  
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 11648  
punished as follows: 11649

(i) If the most serious sexually oriented offense that was 11650  
the basis of the registration, notice of intent to reside, 11651  
change of address notification, or address verification 11652  
requirement that was violated under the prohibition is 11653  
aggravated murder ~~or, murder, aggravated abortion murder, or~~ 11654  
abortion murder if committed by an adult or a comparable 11655  
category of offense committed in another jurisdiction, the 11656  
offender is guilty of a felony of the first degree. 11657

(ii) If the most serious sexually oriented offense or 11658  
child-victim oriented offense that was the basis of the 11659  
registration, notice of intent to reside, change of address 11660  
notification, or address verification requirement that was 11661  
violated under the prohibition is a felony of the first, second, 11662  
or third degree if committed by an adult or a comparable 11663  
category of offense committed in another jurisdiction, the 11664  
offender is guilty of a felony of the same degree as the most 11665  
serious sexually oriented offense or child-victim oriented 11666  
offense that was the basis of the registration, notice of intent 11667  
to reside, change of address, or address verification 11668  
requirement that was violated under the prohibition, or, if the 11669  
most serious sexually oriented offense or child-victim oriented 11670  
offense that was the basis of the registration, notice of intent 11671  
to reside, change of address, or address verification 11672  
requirement that was violated under the prohibition is a 11673  
comparable category of offense committed in another 11674

jurisdiction, the offender is guilty of a felony of the same 11675  
degree as that offense committed in the other jurisdiction would 11676  
constitute if committed in this state. 11677

(iii) If the most serious sexually oriented offense or 11678  
child-victim oriented offense that was the basis of the 11679  
registration, notice of intent to reside, change of address 11680  
notification, or address verification requirement that was 11681  
violated under the prohibition is a felony of the fourth or 11682  
fifth degree if committed by an adult or a comparable category 11683  
of offense committed in another jurisdiction, the offender is 11684  
guilty of a felony of the third degree. 11685

(iv) If the most serious sexually oriented offense or 11686  
child-victim oriented offense that was the basis of the 11687  
registration, notice of intent to reside, change of address 11688  
notification, or address verification requirement that was 11689  
violated under the prohibition is a misdemeanor if committed by 11690  
an adult or a comparable category of offense committed in 11691  
another jurisdiction, the offender is guilty of a felony of the 11692  
fourth degree. 11693

(2) (a) In addition to any penalty or sanction imposed 11694  
under division (A) (1) of this section or any other provision of 11695  
law for a violation of a prohibition in section 2950.04, 11696  
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 11697  
offender or delinquent child is subject to a community control 11698  
sanction, is on parole, is subject to one or more post-release 11699  
control sanctions, or is subject to any other type of supervised 11700  
release at the time of the violation, the violation shall 11701  
constitute a violation of the terms and conditions of the 11702  
community control sanction, parole, post-release control 11703  
sanction, or other type of supervised release. 11704

(b) In addition to any penalty or sanction imposed under 11705  
division (A)(1)(b)(i), (ii), or (iii) of this section or any 11706  
other provision of law for a violation of a prohibition in 11707  
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11708  
Code, if the offender previously has been convicted of or 11709  
pleaded guilty to, or previously has been adjudicated a 11710  
delinquent child for committing, a violation of a prohibition in 11711  
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11712  
Code when the most serious sexually oriented offense or child- 11713  
victim oriented offense that was the basis of the requirement 11714  
that was violated under the prohibition is a felony if committed 11715  
by an adult or a comparable category of offense committed in 11716  
another jurisdiction, the court imposing a sentence upon the 11717  
offender shall impose a definite prison term of no less than 11718  
three years. The definite prison term imposed under this 11719  
section, subject to divisions (C) to (I) of section 2967.19 of 11720  
the Revised Code, shall not be reduced to less than three years 11721  
pursuant to any provision of Chapter 2967. or any other 11722  
provision of the Revised Code. 11723

(3) As used in division (A)(1) of this section, 11724  
"comparable category of offense committed in another 11725  
jurisdiction" means a sexually oriented offense or child-victim 11726  
oriented offense that was the basis of the registration, notice 11727  
of intent to reside, change of address notification, or address 11728  
verification requirement that was violated, that is a violation 11729  
of an existing or former law of another state or the United 11730  
States, an existing or former law applicable in a military court 11731  
or in an Indian tribal court, or an existing or former law of 11732  
any nation other than the United States, and that, if it had 11733  
been committed in this state, would constitute or would have 11734  
constituted aggravated murder ~~or~~, murder, aggravated abortion 11735

murder, or abortion murder for purposes of division (A) (1) (a) (i) 11736  
of this section, a felony of the first, second, third, or fourth 11737  
degree for purposes of division (A) (1) (a) (ii) of this section, a 11738  
felony of the fifth degree or a misdemeanor for purposes of 11739  
division (A) (1) (a) (iii) of this section, aggravated murder ~~or,~~ 11740  
murder, aggravated abortion murder, or abortion murder for 11741  
purposes of division (A) (1) (b) (i) of this section, a felony of 11742  
the first, second, or third degree for purposes of division (A) 11743  
(1) (b) (ii) of this section, a felony of the fourth or fifth 11744  
degree for purposes of division (A) (1) (b) (iii) of this section, 11745  
or a misdemeanor for purposes of division (A) (1) (b) (iv) of this 11746  
section. 11747

(B) If a person violates a prohibition in section 2950.04, 11748  
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 11749  
to the person as a result of the person being adjudicated a 11750  
delinquent child and being classified a juvenile offender 11751  
registrant or an out-of-state juvenile offender registrant, both 11752  
of the following apply: 11753

(1) If the violation occurs while the person is under 11754  
eighteen years of age, the person is subject to proceedings 11755  
under Chapter 2152. of the Revised Code based on the violation. 11756

(2) If the violation occurs while the person is eighteen 11757  
years of age or older, the person is subject to criminal 11758  
prosecution based on the violation. 11759

(C) Whoever violates division (C) of section 2950.13 of 11760  
the Revised Code is guilty of a misdemeanor of the first degree. 11761

**Sec. 2953.08.** (A) In addition to any other right to appeal 11762  
and except as provided in division (D) of this section, a 11763  
defendant who is convicted of or pleads guilty to a felony may 11764

appeal as a matter of right the sentence imposed upon the 11765  
defendant on one of the following grounds: 11766

(1) The sentence consisted of or included the maximum 11767  
definite prison term allowed for the offense by division (A) of 11768  
section 2929.14 or section 2929.142 of the Revised Code or, with 11769  
respect to a non-life felony indefinite prison term, the longest 11770  
minimum prison term allowed for the offense by division (A) (1) 11771  
(a) or (2) (a) of section 2929.14 of the Revised Code, the 11772  
maximum definite prison term or longest minimum prison term was 11773  
not required for the offense pursuant to Chapter 2925. or any 11774  
other provision of the Revised Code, and the court imposed the 11775  
sentence under one of the following circumstances: 11776

(a) The sentence was imposed for only one offense. 11777

(b) The sentence was imposed for two or more offenses 11778  
arising out of a single incident, and the court imposed the 11779  
maximum definite prison term or longest minimum prison term for 11780  
the offense of the highest degree. 11781

(2) The sentence consisted of or included a prison term 11782  
and the offense for which it was imposed is a felony of the 11783  
fourth or fifth degree or is a felony drug offense that is a 11784  
violation of a provision of Chapter 2925. of the Revised Code 11785  
and that is specified as being subject to division (B) of 11786  
section 2929.13 of the Revised Code for purposes of sentencing. 11787  
If the court specifies that it found one or more of the factors 11788  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 11789  
apply relative to the defendant, the defendant is not entitled 11790  
under this division to appeal as a matter of right the sentence 11791  
imposed upon the offender. 11792

(3) The person was convicted of or pleaded guilty to a 11793



violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A) (3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A) (3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of definite terms listed in section 2929.14 of the Revised Code or, with respect to a non-life felony indefinite prison term, the longest minimum prison term allowed for the offense by division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (B) (2) (a) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B) (3) of this section the

modification of a sentence imposed upon such a defendant, on any 11824  
of the following grounds: 11825

(1) The sentence did not include a prison term despite a 11826  
presumption favoring a prison term for the offense for which it 11827  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 11828  
the Revised Code. 11829

(2) The sentence is contrary to law. 11830

(3) The sentence is a modification under section 2929.20 11831  
of the Revised Code of a sentence that was imposed for a felony 11832  
of the first or second degree. 11833

(C) (1) In addition to the right to appeal a sentence 11834  
granted under division (A) or (B) of this section, a defendant 11835  
who is convicted of or pleads guilty to a felony may seek leave 11836  
to appeal a sentence imposed upon the defendant on the basis 11837  
that the sentencing judge has imposed consecutive sentences 11838  
under division (C) (3) of section 2929.14 of the Revised Code and 11839  
that the consecutive sentences exceed the maximum definite 11840  
prison term allowed by division (A) of that section for the most 11841  
serious offense of which the defendant was convicted or, with 11842  
respect to a non-life felony indefinite prison term, exceed the 11843  
longest minimum prison term allowed by division (A) (1) (a) or (2) 11844  
(a) of that section for the most serious such offense. Upon the 11845  
filing of a motion under this division, the court of appeals may 11846  
grant leave to appeal the sentence if the court determines that 11847  
the allegation included as the basis of the motion is true. 11848

(2) A defendant may seek leave to appeal an additional 11849  
sentence imposed upon the defendant pursuant to division (B) (2) 11850  
(a) or (b) of section 2929.14 of the Revised Code if the 11851  
additional sentence is for a definite prison term that is longer 11852

than five years. 11853

(D) (1) A sentence imposed upon a defendant is not subject 11854  
to review under this section if the sentence is authorized by 11855  
law, has been recommended jointly by the defendant and the 11856  
prosecution in the case, and is imposed by a sentencing judge. 11857

(2) Except as provided in division (C) (2) of this section, 11858  
a sentence imposed upon a defendant is not subject to review 11859  
under this section if the sentence is imposed pursuant to 11860  
division (B) (2) (b) of section 2929.14 of the Revised Code. 11861  
Except as otherwise provided in this division, a defendant 11862  
retains all rights to appeal as provided under this chapter or 11863  
any other provision of the Revised Code. A defendant has the 11864  
right to appeal under this chapter or any other provision of the 11865  
Revised Code the court's application of division (B) (2) (c) of 11866  
section 2929.14 of the Revised Code. 11867

(3) A sentence imposed for aggravated murder ~~or, murder,~~ 11868  
aggravated abortion murder, or abortion murder pursuant to 11869  
sections 2929.02 to 2929.06 of the Revised Code is not subject 11870  
to review under this section. 11871

(E) A defendant, prosecuting attorney, city director of 11872  
law, village solicitor, or chief municipal legal officer shall 11873  
file an appeal of a sentence under this section to a court of 11874  
appeals within the time limits specified in Rule 4(B) of the 11875  
Rules of Appellate Procedure, provided that if the appeal is 11876  
pursuant to division (B) (3) of this section, the time limits 11877  
specified in that rule shall not commence running until the 11878  
court grants the motion that makes the sentence modification in 11879  
question. A sentence appeal under this section shall be 11880  
consolidated with any other appeal in the case. If no other 11881  
appeal is filed, the court of appeals may review only the 11882

portions of the trial record that pertain to sentencing. 11883

(F) On the appeal of a sentence under this section, the 11884  
record to be reviewed shall include all of the following, as 11885  
applicable: 11886

(1) Any presentence, psychiatric, or other investigative 11887  
report that was submitted to the court in writing before the 11888  
sentence was imposed. An appellate court that reviews a 11889  
presentence investigation report prepared pursuant to section 11890  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 11891  
connection with the appeal of a sentence under this section 11892  
shall comply with division (D) (3) of section 2951.03 of the 11893  
Revised Code when the appellate court is not using the 11894  
presentence investigation report, and the appellate court's use 11895  
of a presentence investigation report of that nature in 11896  
connection with the appeal of a sentence under this section does 11897  
not affect the otherwise confidential character of the contents 11898  
of that report as described in division (D) (1) of section 11899  
2951.03 of the Revised Code and does not cause that report to 11900  
become a public record, as defined in section 149.43 of the 11901  
Revised Code, following the appellate court's use of the report. 11902

(2) The trial record in the case in which the sentence was 11903  
imposed; 11904

(3) Any oral or written statements made to or by the court 11905  
at the sentencing hearing at which the sentence was imposed; 11906

(4) Any written findings that the court was required to 11907  
make in connection with the modification of the sentence 11908  
pursuant to a judicial release under division (I) of section 11909  
2929.20 of the Revised Code. 11910

(G) (1) If the sentencing court was required to make the 11911

findings required by division (B) or (D) of section 2929.13 or 11912  
division (I) of section 2929.20 of the Revised Code, or to state 11913  
the findings of the trier of fact required by division (B) (2) (e) 11914  
of section 2929.14 of the Revised Code, relative to the 11915  
imposition or modification of the sentence, and if the 11916  
sentencing court failed to state the required findings on the 11917  
record, the court hearing an appeal under division (A), (B), or 11918  
(C) of this section shall remand the case to the sentencing 11919  
court and instruct the sentencing court to state, on the record, 11920  
the required findings. 11921

(2) The court hearing an appeal under division (A), (B), 11922  
or (C) of this section shall review the record, including the 11923  
findings underlying the sentence or modification given by the 11924  
sentencing court. 11925

The appellate court may increase, reduce, or otherwise 11926  
modify a sentence that is appealed under this section or may 11927  
vacate the sentence and remand the matter to the sentencing 11928  
court for resentencing. The appellate court's standard for 11929  
review is not whether the sentencing court abused its 11930  
discretion. The appellate court may take any action authorized 11931  
by this division if it clearly and convincingly finds either of 11932  
the following: 11933

(a) That the record does not support the sentencing 11934  
court's findings under division (B) or (D) of section 2929.13, 11935  
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 11936  
of section 2929.20 of the Revised Code, whichever, if any, is 11937  
relevant; 11938

(b) That the sentence is otherwise contrary to law. 11939

(H) A judgment or final order of a court of appeals under 11940

this section may be appealed, by leave of court, to the supreme court. 11941  
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(I) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code. 11943  
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**Sec. 2953.09.** (A) (1) Upon filing an appeal in the supreme court, the execution of the sentence or judgment imposed in cases of felony is suspended. 11946  
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(2) (a) If a notice of appeal is filed pursuant to the Rules of Appellate Procedure by a defendant who is convicted in a municipal or county court or a court of common pleas of a felony or misdemeanor under the Revised Code or an ordinance of a municipal corporation, the filing of the notice of appeal does not suspend execution of the sentence or judgment imposed. However, consistent with divisions (A) (2) (b), (B), and (C) of this section, Appellate Rule 8, and Criminal Rule 46, the municipal or county court, court of common pleas, or court of appeals may suspend execution of the sentence or judgment imposed during the pendency of the appeal and shall determine whether that defendant is entitled to bail and the amount and nature of any bail that is required. The bail shall at least be conditioned that the defendant will prosecute the appeal without delay and abide by the judgment and sentence of the court. 11949  
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(b) (i) A court of common pleas or court of appeals may suspend the execution of a sentence of death imposed for an offense committed before January 1, 1995, only if no date for execution has been set by the supreme court, good cause is shown for the suspension, the defendant files a motion requesting the suspension, and notice has been given to the prosecuting attorney of the appropriate county. 11964  
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(ii) A court of common pleas may suspend the execution of a sentence of death imposed for an offense committed on or after January 1, 1995, only if no date for execution has been set by the supreme court, good cause is shown, the defendant files a motion requesting the suspension, and notice has been given to the prosecuting attorney of the appropriate county.

(iii) A court of common pleas or court of appeals may suspend the execution of the sentence or judgment imposed for a felony in a capital case in which a sentence of death is not imposed only if no date for execution of the sentence has been set by the supreme court, good cause is shown for the suspension, the defendant files a motion requesting the suspension, and only after notice has been given to the prosecuting attorney of the appropriate county.

(B) Notwithstanding any provision of Criminal Rule 46 to the contrary, a trial judge of a court of common pleas shall not release on bail pursuant to division (A)(2)(a) of this section a defendant who is convicted of a bailable offense if the defendant is sentenced to imprisonment for life or if that offense is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

(C) If a trial judge of a court of common pleas is prohibited by division (B) of this section from releasing on bail pursuant to division (A)(2)(a) of this section a defendant who is convicted of a bailable offense and not sentenced to imprisonment for life, the appropriate court of appeals or two judges of it, upon motion of the defendant and for good cause

shown, may release the defendant on bail in accordance with 12001  
division (A) (2) of this section. 12002

**Sec. 2953.11.** In cases of conviction of felony, except for 12003  
aggravated murder ~~or~~, murder, aggravated abortion murder, or 12004  
abortion murder, if the defendant has been committed to a state 12005  
correctional institution and sentence is suspended, the clerk of 12006  
the court in which the entry is made suspending the sentence 12007  
under the seal of the court shall forthwith certify the 12008  
suspension to the warden of the state correctional institution, 12009  
who shall deliver the defendant to the sheriff of the county in 12010  
which the defendant was convicted. The sheriff thereupon shall 12011  
convey the defendant to the jail of the county in which the 12012  
defendant was convicted and keep the defendant in custody unless 12013  
admitted to bail pending the decision on the appeal or the 12014  
termination of the suspension of sentence. If the judgment is 12015  
affirmed or if the suspension of sentence is terminated, the 12016  
sheriff shall convey the defendant to the state correctional 12017  
institution to serve the balance of the defendant's term of 12018  
sentence. The supreme court in the order allowing the filing of 12019  
an appeal may provide that the defendant shall remain in the 12020  
custody of the warden of the state correctional institution 12021  
pending the decision of the court in such case. 12022

**Sec. 2953.21.** (A) (1) (a) Any person who has been convicted 12023  
of a criminal offense or adjudicated a delinquent child and who 12024  
claims that there was such a denial or infringement of the 12025  
person's rights as to render the judgment void or voidable under 12026  
the Ohio Constitution or the Constitution of the United States, 12027  
any person who has been convicted of a criminal offense and 12028  
sentenced to death and who claims that there was a denial or 12029  
infringement of the person's rights under either of those 12030  
Constitutions that creates a reasonable probability of an 12031



altered verdict, and any person who has been convicted of a 12032  
criminal offense that is a felony and who is an offender for 12033  
whom DNA testing that was performed under sections 2953.71 to 12034  
2953.81 of the Revised Code or under former section 2953.82 of 12035  
the Revised Code and analyzed in the context of and upon 12036  
consideration of all available admissible evidence related to 12037  
the person's case as described in division (D) of section 12038  
2953.74 of the Revised Code provided results that establish, by 12039  
clear and convincing evidence, actual innocence of that felony 12040  
offense or, if the person was sentenced to death, establish, by 12041  
clear and convincing evidence, actual innocence of the 12042  
aggravating circumstance or circumstances the person was found 12043  
guilty of committing and that is or are the basis of that 12044  
sentence of death, may file a petition in the court that imposed 12045  
sentence, stating the grounds for relief relied upon, and asking 12046  
the court to vacate or set aside the judgment or sentence or to 12047  
grant other appropriate relief. The petitioner may file a 12048  
supporting affidavit and other documentary evidence in support 12049  
of the claim for relief. 12050

(b) As used in division (A)(1)(a) of this section, "actual 12051  
innocence" means that, had the results of the DNA testing 12052  
conducted under sections 2953.71 to 2953.81 of the Revised Code 12053  
or under former section 2953.82 of the Revised Code been 12054  
presented at trial, and had those results been analyzed in the 12055  
context of and upon consideration of all available admissible 12056  
evidence related to the person's case as described in division 12057  
(D) of section 2953.74 of the Revised Code, no reasonable 12058  
factfinder would have found the petitioner guilty of the offense 12059  
of which the petitioner was convicted, or, if the person was 12060  
sentenced to death, no reasonable factfinder would have found 12061  
the petitioner guilty of the aggravating circumstance or 12062

circumstances the petitioner was found guilty of committing and 12063  
that is or are the basis of that sentence of death. 12064

(c) As used in divisions (A) (1) (a) and (b) of this 12065  
section, "former section 2953.82 of the Revised Code" means 12066  
section 2953.82 of the Revised Code as it existed prior to July 12067  
6, 2010. 12068

(d) At any time in conjunction with the filing of a 12069  
petition for postconviction relief under division (A) of this 12070  
section by a person who has been sentenced to death, or with the 12071  
litigation of a petition so filed, the court, for good cause 12072  
shown, may authorize the petitioner in seeking the 12073  
postconviction relief and the prosecuting attorney of the county 12074  
served by the court in defending the proceeding, to take 12075  
depositions and to issue subpoenas and subpoenas duces tecum in 12076  
accordance with divisions (A) (1) (d), (A) (1) (e), and (C) of this 12077  
section, and to any other form of discovery as in a civil action 12078  
that the court in its discretion permits. The court may limit 12079  
the extent of discovery under this division. In addition to 12080  
discovery that is relevant to the claim and was available under 12081  
Criminal Rule 16 through conclusion of the original criminal 12082  
trial, the court, for good cause shown, may authorize the 12083  
petitioner or prosecuting attorney to take depositions and issue 12084  
subpoenas and subpoenas duces tecum in either of the following 12085  
circumstances: 12086

(i) For any witness who testified at trial or who was 12087  
disclosed by the state prior to trial, except as otherwise 12088  
provided in this division, the petitioner or prosecuting 12089  
attorney shows clear and convincing evidence that the witness is 12090  
material and that a deposition of the witness or the issuing of 12091  
a subpoena or subpoena duces tecum is of assistance in order to 12092

substantiate or refute the petitioner's claim that there is a 12093  
reasonable probability of an altered verdict. This division does 12094  
not apply if the witness was unavailable for trial or would not 12095  
voluntarily be interviewed by the defendant or prosecuting 12096  
attorney. 12097

(ii) For any witness with respect to whom division (A) (1) 12098  
(d) (i) of this section does not apply, the petitioner or 12099  
prosecuting attorney shows good cause that the witness is 12100  
material and that a deposition of the witness or the issuing of 12101  
a subpoena or subpoena duces tecum is of assistance in order to 12102  
substantiate or refute the petitioner's claim that there is a 12103  
reasonable probability of an altered verdict. 12104

(e) If a person who has been sentenced to death and who 12105  
files a petition for postconviction relief under division (A) of 12106  
this section requests postconviction discovery as described in 12107  
division (A) (1) (d) of this section or if the prosecuting 12108  
attorney of the county served by the court requests 12109  
postconviction discovery as described in that division, within 12110  
ten days after the docketing of the request, or within any other 12111  
time that the court sets for good cause shown, the prosecuting 12112  
attorney shall respond by answer or motion to the petitioner's 12113  
request or the petitioner shall respond by answer or motion to 12114  
the prosecuting attorney's request, whichever is applicable. 12115

(f) If a person who has been sentenced to death and who 12116  
files a petition for postconviction relief under division (A) of 12117  
this section requests postconviction discovery as described in 12118  
division (A) (1) (d) of this section or if the prosecuting 12119  
attorney of the county served by the court requests 12120  
postconviction discovery as described in that division, upon 12121  
motion by the petitioner, the prosecuting attorney, or the 12122

person from whom discovery is sought, and for good cause shown, 12123  
the court in which the action is pending may make any order that 12124  
justice requires to protect a party or person from oppression or 12125  
undue burden or expense, including but not limited to the orders 12126  
described in divisions (A) (1) (g) (i) to (viii) of this section. 12127  
The court also may make any such order if, in its discretion, it 12128  
determines that the discovery sought would be irrelevant to the 12129  
claims made in the petition; and if the court makes any such 12130  
order on that basis, it shall explain in the order the reasons 12131  
why the discovery would be irrelevant. 12132

(g) If a petitioner, prosecuting attorney, or person from 12133  
whom discovery is sought makes a motion for an order under 12134  
division (A) (1) (f) of this section and the order is denied in 12135  
whole or in part, the court, on terms and conditions as are 12136  
just, may order that any party or person provide or permit 12137  
discovery as described in division (A) (1) (d) of this section. 12138  
The provisions of Civil Rule 37(A) (4) apply to the award of 12139  
expenses incurred in relation to the motion, except that in no 12140  
case shall a court require a petitioner who is indigent to pay 12141  
expenses under those provisions. 12142

Before any person moves for an order under division (A) (1) 12143  
(f) of this section, that person shall make a reasonable effort 12144  
to resolve the matter through discussion with the petitioner or 12145  
prosecuting attorney seeking discovery. A motion for an order 12146  
under division (A) (1) (f) of this section shall be accompanied by 12147  
a statement reciting the effort made to resolve the matter in 12148  
accordance with this paragraph. 12149

The orders that may be made under division (A) (1) (f) of 12150  
this section include, but are not limited to, any of the 12151  
following: 12152

|   |   |
|---|---|
| (i) That the discovery not be had;  | 12153                                     |
| (ii) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;  | 12154<br>12155                            |
| (iii) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;  | 12156<br>12157<br>12158                   |
| (iv) That certain matters not be inquired into or that the scope of the discovery be limited to certain matters;  | 12159<br>12160                            |
| (v) That discovery be conducted with no one present except persons designated by the court;   | 12161<br>12162                            |
| (vi) That a deposition after being sealed be opened only by order of the court;   | 12163<br>12164                            |
| (vii) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;   | 12165<br>12166<br>12167                   |
| (viii) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.  | 12168<br>12169<br>12170                   |
| (h) Any postconviction discovery authorized under division (A) (1) (d) of this section shall be completed not later than eighteen months after the start of the discovery proceedings unless, for good cause shown, the court extends that period for completing the discovery. | 12171<br>12172<br>12173<br>12174<br>12175 |
| (i) Nothing in division (A) (1) (d) of this section authorizes, or shall be construed as authorizing, the relitigation, or discovery in support of relitigation, of any matter barred by the doctrine of res judicata.  | 12176<br>12177<br>12178<br>12179          |

(j) Division (A) (1) of this section does not apply to any person who has been convicted of a criminal offense and sentenced to death and who has unsuccessfully raised the same claims in a petition for postconviction relief.

(2) Except as otherwise provided in section 2953.23 of the Revised Code, a petition under division (A) (1) of this section shall be filed no later than three hundred sixty-five days after the date on which the trial transcript is filed in the court of appeals in the direct appeal of the judgment of conviction or adjudication or, if the direct appeal involves a sentence of death, the date on which the trial transcript is filed in the supreme court. If no appeal is taken, except as otherwise provided in section 2953.23 of the Revised Code, the petition shall be filed no later than three hundred sixty-five days after the expiration of the time for filing the appeal.

(3) In a petition filed under division (A) of this section, a person who has been sentenced to death may ask the court to render void or voidable the judgment with respect to the conviction of aggravated murder or aggravated abortion murder, or the specification of an aggravating circumstance or the sentence of death.

(4) A petitioner shall state in the original or amended petition filed under division (A) of this section all grounds for relief claimed by the petitioner. Except as provided in section 2953.23 of the Revised Code, any ground for relief that is not so stated in the petition is waived.

(5) If the petitioner in a petition filed under division (A) of this section was convicted of or pleaded guilty to a felony, the petition may include a claim that the petitioner was denied the equal protection of the laws in violation of the Ohio

Constitution or the United States Constitution because the 12210  
sentence imposed upon the petitioner for the felony was part of 12211  
a consistent pattern of disparity in sentencing by the judge who 12212  
imposed the sentence, with regard to the petitioner's race, 12213  
gender, ethnic background, or religion. If the supreme court 12214  
adopts a rule requiring a court of common pleas to maintain 12215  
information with regard to an offender's race, gender, ethnic 12216  
background, or religion, the supporting evidence for the 12217  
petition shall include, but shall not be limited to, a copy of 12218  
that type of information relative to the petitioner's sentence 12219  
and copies of that type of information relative to sentences 12220  
that the same judge imposed upon other persons. 12221

(6) Notwithstanding any law or court rule to the contrary, 12222  
there is no limit on the number of pages in, or on the length 12223  
of, a petition filed under division (A) of this section by a 12224  
person who has been sentenced to death. If any court rule 12225  
specifies a limit on the number of pages in, or on the length 12226  
of, a petition filed under division (A) of this section or on a 12227  
prosecuting attorney's response to such a petition by answer or 12228  
motion and a person who has been sentenced to death files a 12229  
petition that exceeds the limit specified for the petition, the 12230  
prosecuting attorney may respond by an answer or motion that 12231  
exceeds the limit specified for the response. 12232

(B) The clerk of the court in which the petition for 12233  
postconviction relief and, if applicable, a request for 12234  
postconviction discovery described in division (A) (1) (d) of this 12235  
section is filed shall docket the petition and the request and 12236  
bring them promptly to the attention of the court. The clerk of 12237  
the court in which the petition for postconviction relief and, 12238  
if applicable, a request for postconviction discovery described 12239  
in division (A) (1) (d) of this section is filed immediately shall 12240

forward a copy of the petition and a copy of the request if 12241  
filed by the petitioner to the prosecuting attorney of the 12242  
county served by the court. If the request for postconviction 12243  
discovery is filed by the prosecuting attorney, the clerk of the 12244  
court immediately shall forward a copy of the request to the 12245  
petitioner or the petitioner's counsel. 12246

(C) If a person who has been sentenced to death and who 12247  
files a petition for postconviction relief under division (A) of 12248  
this section requests a deposition or the prosecuting attorney 12249  
in the case requests a deposition, and if the court grants the 12250  
request under division (A)(1)(d) of this section, the court 12251  
shall notify the petitioner or the petitioner's counsel and the 12252  
prosecuting attorney. The deposition shall be conducted pursuant 12253  
to divisions (B), (D), and (E) of Criminal Rule 15. 12254  
Notwithstanding division (C) of Criminal Rule 15, the petitioner 12255  
is not entitled to attend the deposition. The prosecuting 12256  
attorney shall be permitted to attend and participate in any 12257  
deposition. 12258

(D) The court shall consider a petition that is timely 12259  
filed under division (A)(2) of this section even if a direct 12260  
appeal of the judgment is pending. Before granting a hearing on 12261  
a petition filed under division (A) of this section, the court 12262  
shall determine whether there are substantive grounds for 12263  
relief. In making such a determination, the court shall 12264  
consider, in addition to the petition, the supporting 12265  
affidavits, and the documentary evidence, all the files and 12266  
records pertaining to the proceedings against the petitioner, 12267  
including, but not limited to, the indictment, the court's 12268  
journal entries, the journalized records of the clerk of the 12269  
court, and the court reporter's transcript. The court reporter's 12270  
transcript, if ordered and certified by the court, shall be 12271



taxed as court costs. If the court dismisses the petition, it 12272  
shall make and file findings of fact and conclusions of law with 12273  
respect to such dismissal. If the petition was filed by a person 12274  
who has been sentenced to death, the findings of fact and 12275  
conclusions of law shall state specifically the reasons for the 12276  
dismissal of the petition and of each claim it contains. 12277

(E) Within ten days after the docketing of the petition, 12278  
or within any further time that the court may fix for good cause 12279  
shown, the prosecuting attorney shall respond by answer or 12280  
motion. Division (A) (6) of this section applies with respect to 12281  
the prosecuting attorney's response. Within twenty days from the 12282  
date the issues are raised, either party may move for summary 12283  
judgment. The right to summary judgment shall appear on the face 12284  
of the record. 12285

(F) Unless the petition and the files and records of the 12286  
case show the petitioner is not entitled to relief, the court 12287  
shall proceed to a prompt hearing on the issues even if a direct 12288  
appeal of the case is pending. If the court notifies the parties 12289  
that it has found grounds for granting relief, either party may 12290  
request an appellate court in which a direct appeal of the 12291  
judgment is pending to remand the pending case to the court. 12292

(G) A petitioner who files a petition under division (A) 12293  
of this section may amend the petition as follows: 12294

(1) If the petition was filed by a person who has been 12295  
sentenced to death, at any time that is not later than one 12296  
hundred eighty days after the petition is filed, the petitioner 12297  
may amend the petition with or without leave or prejudice to the 12298  
proceedings. 12299

(2) If division (G) (1) of this section does not apply, at 12300

any time before the answer or motion is filed, the petitioner 12301  
may amend the petition with or without leave or prejudice to the 12302  
proceedings. 12303

(3) The petitioner may amend the petition with leave of 12304  
court at any time after the expiration of the applicable period 12305  
specified in division (G) (1) or (2) of this section. 12306

(H) If the court does not find grounds for granting 12307  
relief, it shall make and file findings of fact and conclusions 12308  
of law and shall enter judgment denying relief on the petition. 12309  
If the petition was filed by a person who has been sentenced to 12310  
death, the findings of fact and conclusions of law shall state 12311  
specifically the reasons for the denial of relief on the 12312  
petition and of each claim it contains. If no direct appeal of 12313  
the case is pending and the court finds grounds for relief or if 12314  
a pending direct appeal of the case has been remanded to the 12315  
court pursuant to a request made pursuant to division (F) of 12316  
this section and the court finds grounds for granting relief, it 12317  
shall make and file findings of fact and conclusions of law and 12318  
shall enter a judgment that vacates and sets aside the judgment 12319  
in question, and, in the case of a petitioner who is a prisoner 12320  
in custody, shall discharge or resentence the petitioner or 12321  
grant a new trial as the court determines appropriate. If the 12322  
petitioner has been sentenced to death, the findings of fact and 12323  
conclusions of law shall state specifically the reasons for the 12324  
finding of grounds for granting the relief, with respect to each 12325  
claim contained in the petition. The court also may make 12326  
supplementary orders to the relief granted, concerning such 12327  
matters as arraignment, retrial, custody, and bail. If the 12328  
trial court's order granting the petition is reversed on appeal 12329  
and if the direct appeal of the case has been remanded from an 12330  
appellate court pursuant to a request under division (F) of this 12331

section, the appellate court reversing the order granting the 12332  
petition shall notify the appellate court in which the direct 12333  
appeal of the case was pending at the time of the remand of the 12334  
reversal and remand of the trial court's order. Upon the 12335  
reversal and remand of the trial court's order granting the 12336  
petition, regardless of whether notice is sent or received, the 12337  
direct appeal of the case that was remanded is reinstated. 12338

(I) Upon the filing of a petition pursuant to division (A) 12339  
of this section by a person sentenced to death, only the supreme 12340  
court may stay execution of the sentence of death. 12341

(J) (1) If a person sentenced to death intends to file a 12342  
petition under this section, the court shall appoint counsel to 12343  
represent the person upon a finding that the person is indigent 12344  
and that the person either accepts the appointment of counsel or 12345  
is unable to make a competent decision whether to accept or 12346  
reject the appointment of counsel. The court may decline to 12347  
appoint counsel for the person only upon a finding, after a 12348  
hearing if necessary, that the person rejects the appointment of 12349  
counsel and understands the legal consequences of that decision 12350  
or upon a finding that the person is not indigent. 12351

(2) The court shall not appoint as counsel under division 12352  
(J) (1) of this section an attorney who represented the 12353  
petitioner at trial in the case to which the petition relates 12354  
unless the person and the attorney expressly request the 12355  
appointment. The court shall appoint as counsel under division 12356  
(J) (1) of this section only an attorney who is certified under 12357  
Rule 20 of the Rules of Superintendence for the Courts of Ohio 12358  
to represent indigent defendants charged with or convicted of an 12359  
offense for which the death penalty can be or has been imposed. 12360  
The ineffectiveness or incompetence of counsel during 12361

proceedings under this section does not constitute grounds for 12362  
relief in a proceeding under this section, in an appeal of any 12363  
action under this section, or in an application to reopen a 12364  
direct appeal. 12365

(3) Division (J) of this section does not preclude 12366  
attorneys who represent the state of Ohio from invoking the 12367  
provisions of 28 U.S.C. 154 with respect to capital cases that 12368  
were pending in federal habeas corpus proceedings prior to July 12369  
1, 1996, insofar as the petitioners in those cases were 12370  
represented in proceedings under this section by one or more 12371  
counsel appointed by the court under this section or section 12372  
120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 12373  
appointed counsel meet the requirements of division (J) (2) of 12374  
this section. 12375

(K) Subject to the appeal of a sentence for a felony that 12376  
is authorized by section 2953.08 of the Revised Code, the remedy 12377  
set forth in this section is the exclusive remedy by which a 12378  
person may bring a collateral challenge to the validity of a 12379  
conviction or sentence in a criminal case or to the validity of 12380  
an adjudication of a child as a delinquent child for the 12381  
commission of an act that would be a criminal offense if 12382  
committed by an adult or the validity of a related order of 12383  
disposition. 12384

**Sec. 2953.25.** (A) As used in this section: 12385

(1) "Collateral sanction" means a penalty, disability, or 12386  
disadvantage that is related to employment or occupational 12387  
licensing, however denominated, as a result of the individual's 12388  
conviction of or plea of guilty to an offense and that applies 12389  
by operation of law in this state whether or not the penalty, 12390  
disability, or disadvantage is included in the sentence or 12391

judgment imposed. 12392

"Collateral sanction" does not include imprisonment, 12393  
probation, parole, supervised release, forfeiture, restitution, 12394  
fine, assessment, or costs of prosecution. 12395

(2) "Decision-maker" includes, but is not limited to, the 12396  
state acting through a department, agency, board, commission, or 12397  
instrumentality established by the law of this state for the 12398  
exercise of any function of government, a political subdivision, 12399  
an educational institution, or a government contractor or 12400  
subcontractor made subject to this section by contract, law, or 12401  
ordinance. 12402

(3) "Department-funded program" means a residential or 12403  
nonresidential program that is not a term in a state 12404  
correctional institution, that is funded in whole or part by the 12405  
department of rehabilitation and correction, and that is imposed 12406  
as a sanction for an offense, as part of a sanction that is 12407  
imposed for an offense, or as a term or condition of any 12408  
sanction that is imposed for an offense. 12409

(4) "Designee" means the person designated by the deputy 12410  
director of the division of parole and community services to 12411  
perform the duties designated in division (B) of this section. 12412

(5) "Division of parole and community services" means the 12413  
division of parole and community services of the department of 12414  
rehabilitation and correction. 12415

(6) "Offense" means any felony or misdemeanor under the 12416  
laws of this state. 12417

(7) "Political subdivision" has the same meaning as in 12418  
section 2969.21 of the Revised Code. 12419

(8) "Discretionary civil impact," "licensing agency," and 12420  
"mandatory civil impact" have the same meanings as in section 12421  
2961.21 of the Revised Code. 12422

(B) (1) An individual who is subject to one or more 12423  
collateral sanctions as a result of being convicted of or 12424  
pleading guilty to an offense and who either has served a term 12425  
in a state correctional institution for any offense or has spent 12426  
time in a department-funded program for any offense may file a 12427  
petition with the designee of the deputy director of the 12428  
division of parole and community services for a certificate of 12429  
qualification for employment. 12430

(2) An individual who is subject to one or more collateral 12431  
sanctions as a result of being convicted of or pleading guilty 12432  
to an offense and who is not in a category described in division 12433  
(B) (1) of this section may file for a certificate of 12434  
qualification for employment by doing either of the following: 12435

(a) In the case of an individual who resides in this 12436  
state, filing a petition with the court of common pleas of the 12437  
county in which the person resides or with the designee of the 12438  
deputy director of the division of parole and community 12439  
services; 12440

(b) In the case of an individual who resides outside of 12441  
this state, filing a petition with the court of common pleas of 12442  
any county in which any conviction or plea of guilty from which 12443  
the individual seeks relief was entered or with the designee of 12444  
the deputy director of the division of parole and community 12445  
services. 12446

(3) A petition under division (B) (1) or (2) of this 12447  
section shall be made on a copy of the form prescribed by the 12448

division of parole and community services under division (J) of 12449  
this section and shall contain all of the information described 12450  
in division (F) of this section. 12451

(4) (a) Except as provided in division (B) (4) (b) of this 12452  
section, an individual may file a petition under division (B) (1) 12453  
or (2) of this section at any time after the expiration of 12454  
whichever of the following is applicable: 12455

(i) If the offense that resulted in the collateral 12456  
sanction from which the individual seeks relief is a felony, at 12457  
any time after the expiration of one year from the date of 12458  
release of the individual from any period of incarceration in a 12459  
state or local correctional facility that was imposed for that 12460  
offense and all periods of supervision imposed after release 12461  
from the period of incarceration or, if the individual was not 12462  
incarcerated for that offense, at any time after the expiration 12463  
of one year from the date of the individual's final release from 12464  
all other sanctions imposed for that offense. 12465

(ii) If the offense that resulted in the collateral 12466  
sanction from which the individual seeks relief is a 12467  
misdemeanor, at any time after the expiration of six months from 12468  
the date of release of the individual from any period of 12469  
incarceration in a local correctional facility that was imposed 12470  
for that offense and all periods of supervision imposed after 12471  
release from the period of incarceration or, if the individual 12472  
was not incarcerated for that offense, at any time after the 12473  
expiration of six months from the date of the final release of 12474  
the individual from all sanctions imposed for that offense 12475  
including any period of supervision. 12476

(b) The department of rehabilitation and correction may 12477  
establish criteria by rule adopted under Chapter 119. of the 12478

Revised Code that, if satisfied by an individual, would allow 12479  
the individual to file a petition before the expiration of six 12480  
months or one year from the date of final release, whichever is 12481  
applicable under division (B) (4) (a) of this section. 12482

(5) (a) A designee that receives a petition for a 12483  
certificate of qualification for employment from an individual 12484  
under division (B) (1) or (2) of this section shall review the 12485  
petition to determine whether it is complete. If the petition is 12486  
complete, the designee shall forward the petition, and any other 12487  
information the designee possesses that relates to the petition, 12488  
to the court of common pleas of the county in which the 12489  
individual resides if the individual submitting the petition 12490  
resides in this state or, if the individual resides outside of 12491  
this state, to the court of common pleas of the county in which 12492  
the conviction or plea of guilty from which the individual seeks 12493  
relief was entered. 12494

(b) A court of common pleas that receives a petition for a 12495  
certificate of qualification for employment from an individual 12496  
under division (B) (2) of this section, or that is forwarded a 12497  
petition for such a certificate under division (B) (5) (a) of this 12498  
section, shall attempt to determine all other courts in this 12499  
state in which the individual was convicted of or pleaded guilty 12500  
to an offense other than the offense from which the individual 12501  
is seeking relief. The court that receives or is forwarded the 12502  
petition shall notify all other courts in this state that it 12503  
determines under this division were courts in which the 12504  
individual was convicted of or pleaded guilty to an offense 12505  
other than the offense from which the individual is seeking 12506  
relief that the individual has filed the petition and that the 12507  
court may send comments regarding the possible issuance of the 12508  
certificate. 12509



A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section.

(C) (1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition for such a certificate under division (B) (5) (a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under

division (B) (2) of this section or being forwarded a petition 12540  
for such a certificate under division (B) (5) (a) of this section, 12541  
except as otherwise provided in this division, the court shall 12542  
decide whether to issue the certificate within sixty days after 12543  
the court receives or is forwarded the completed petition and 12544  
all information requested for the court to make that decision. 12545  
Upon request of the individual who filed the petition, the court 12546  
may extend the sixty-day period specified in this division. 12547

(3) Subject to division (C) (5) of this section, a court 12548  
that receives an individual's petition for a certificate of 12549  
qualification for employment under division (B) (2) of this 12550  
section or that is forwarded a petition for such a certificate 12551  
under division (B) (5) (a) of this section may issue a certificate 12552  
of qualification for employment, at the court's discretion, if 12553  
the court finds that the individual has established all of the 12554  
following by a preponderance of the evidence: 12555

(a) Granting the petition will materially assist the 12556  
individual in obtaining employment or occupational licensing. 12557

(b) The individual has a substantial need for the relief 12558  
requested in order to live a law-abiding life. 12559

(c) Granting the petition would not pose an unreasonable 12560  
risk to the safety of the public or any individual. 12561

(4) The submission of an incomplete petition by an 12562  
individual shall not be grounds for the designee or court to 12563  
deny the petition. 12564

(5) A certificate of qualification for employment shall 12565  
not create relief from any of the following collateral 12566  
sanctions: 12567

(a) Requirements imposed by Chapter 2950. of the Revised 12568

Code and rules adopted under sections 2950.13 and 2950.132 of  
the Revised Code; 12569  
12570

(b) A driver's license, commercial driver's license, or 12571  
probationary license suspension, cancellation, or revocation 12572  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 12573  
the Revised Code if the relief sought is available pursuant to 12574  
section 4510.021 or division (B) of section 4510.13 of the 12575  
Revised Code; 12576

(c) Restrictions on employment as a prosecutor or law 12577  
enforcement officer; 12578

(d) The denial, ineligibility, or automatic suspension of 12579  
a license that is imposed upon an individual applying for or 12580  
holding a license as a health care professional under Title 12581  
XLVII of the Revised Code if the individual is convicted of, 12582  
pleads guilty to, is subject to a judicial finding of 12583  
eligibility for intervention in lieu of conviction in this state 12584  
under section 2951.041 of the Revised Code, or is subject to 12585  
treatment or intervention in lieu of conviction for a violation 12586  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2904.03, 2904.04, 12587  
2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 12588  
or 2919.123 of the Revised Code; 12589

(e) The immediate suspension of a license, certificate, or 12590  
evidence of registration that is imposed upon an individual 12591  
holding a license as a health care professional under Title 12592  
XLVII of the Revised Code pursuant to division (C) of section 12593  
3719.121 of the Revised Code; 12594

(f) The denial or ineligibility for employment in a pain 12595  
clinic under division (B) (4) of section 4729.552 of the Revised 12596  
Code; 12597

(g) The mandatory suspension of a license that is imposed 12598  
on an individual applying for or holding a license as a health 12599  
care professional under Title XLVII of the Revised Code pursuant 12600  
to section 3123.43 of the Revised Code. 12601

(6) If a court that receives an individual's petition for 12602  
a certificate of qualification for employment under division (B) 12603  
(2) of this section or that is forwarded a petition for such a 12604  
certificate under division (B) (5) (a) of this section denies the 12605  
petition, the court shall provide written notice to the 12606  
individual of the court's denial. The court may place conditions 12607  
on the individual regarding the individual's filing of any 12608  
subsequent petition for a certificate of qualification for 12609  
employment. The written notice must notify the individual of any 12610  
conditions placed on the individual's filing of a subsequent 12611  
petition for a certificate of qualification for employment. 12612

If a court of common pleas that receives an individual's 12613  
petition for a certificate of qualification for employment under 12614  
division (B) (2) of this section or that is forwarded a petition 12615  
for such a certificate under division (B) (5) (a) of this section 12616  
denies the petition, the individual may appeal the decision to 12617  
the court of appeals only if the individual alleges that the 12618  
denial was an abuse of discretion on the part of the court of 12619  
common pleas. 12620

(D) (1) A certificate of qualification for employment 12621  
issued to an individual lifts the automatic bar of a collateral 12622  
sanction, and a decision-maker shall consider on a case-by-case 12623  
basis whether to grant or deny the issuance or restoration of an 12624  
occupational license or an employment opportunity, 12625  
notwithstanding the individual's possession of the certificate, 12626  
without, however, reconsidering or rejecting any finding made by 12627

a designee or court under division (C) (3) of this section. 12628

(2) The certificate constitutes a rebuttable presumption 12629  
that the person's criminal convictions are insufficient evidence 12630  
that the person is unfit for the license, employment 12631  
opportunity, or certification in question. Notwithstanding the 12632  
presumption established under this division, the agency may deny 12633  
the license or certification for the person if it determines 12634  
that the person is unfit for issuance of the license. 12635

(3) If an employer that has hired a person who has been 12636  
issued a certificate of qualification for employment applies to 12637  
a licensing agency for a license or certification and the person 12638  
has a conviction or guilty plea that otherwise would bar the 12639  
person's employment with the employer or licensure for the 12640  
employer because of a mandatory civil impact, the agency shall 12641  
give the person individualized consideration, notwithstanding 12642  
the mandatory civil impact, the mandatory civil impact shall be 12643  
considered for all purposes to be a discretionary civil impact, 12644  
and the certificate constitutes a rebuttable presumption that 12645  
the person's criminal convictions are insufficient evidence that 12646  
the person is unfit for the employment, or that the employer is 12647  
unfit for the license or certification, in question. 12648

(E) A certificate of qualification for employment does not 12649  
grant the individual to whom the certificate was issued relief 12650  
from the mandatory civil impacts identified in division (A) (1) 12651  
of section 2961.01 or division (B) of section 2961.02 of the 12652  
Revised Code. 12653

(F) A petition for a certificate of qualification for 12654  
employment filed by an individual under division (B) (1) or (2) 12655  
of this section shall include all of the following: 12656

- (1) The individual's name, date of birth, and social security number; 12657  
12658
- (2) All aliases of the individual and all social security numbers associated with those aliases; 12659  
12660
- (3) The individual's residence address, including the city, county, and state of residence and zip code; 12661  
12662
- (4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence; 12663  
12664  
12665
- (5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual; 12666  
12667  
12668
- (6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses; 12669  
12670  
12671  
12672  
12673
- (7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 12674  
12675  
12676
- (8) Verifiable references and endorsements; 12677
- (9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 12678  
12679  
12680
- (10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 12681  
12682
- (11) Any other information required by rule by the 12683

department of rehabilitation and correction. 12684

(G) (1) In a judicial or administrative proceeding alleging 12685  
negligence or other fault, a certificate of qualification for 12686  
employment issued to an individual under this section may be 12687  
introduced as evidence of a person's due care in hiring, 12688  
retaining, licensing, leasing to, admitting to a school or 12689  
program, or otherwise transacting business or engaging in 12690  
activity with the individual to whom the certificate of 12691  
qualification for employment was issued if the person knew of 12692  
the certificate at the time of the alleged negligence or other 12693  
fault. 12694

(2) In any proceeding on a claim against an employer for 12695  
negligent hiring, a certificate of qualification for employment 12696  
issued to an individual under this section shall provide 12697  
immunity for the employer as to the claim if the employer knew 12698  
of the certificate at the time of the alleged negligence. 12699

(3) If an employer hires an individual who has been issued 12700  
a certificate of qualification for employment under this 12701  
section, if the individual, after being hired, subsequently 12702  
demonstrates dangerousness or is convicted of or pleads guilty 12703  
to a felony, and if the employer retains the individual as an 12704  
employee after the demonstration of dangerousness or the 12705  
conviction or guilty plea, the employer may be held liable in a 12706  
civil action that is based on or relates to the retention of the 12707  
individual as an employee only if it is proved by a 12708  
preponderance of the evidence that the person having hiring and 12709  
firing responsibility for the employer had actual knowledge that 12710  
the employee was dangerous or had been convicted of or pleaded 12711  
guilty to the felony and was willful in retaining the individual 12712  
as an employee after the demonstration of dangerousness or the 12713

conviction or guilty plea of which the person has actual 12714  
knowledge. 12715

(H) A certificate of qualification for employment issued 12716  
under this section shall be revoked if the individual to whom 12717  
the certificate of qualification for employment was issued is 12718  
convicted of or pleads guilty to a felony offense committed 12719  
subsequent to the issuance of the certificate of qualification 12720  
for employment. The department of rehabilitation and correction 12721  
shall periodically review the certificates listed in the 12722  
database described in division (K) of this section to identify 12723  
those that are subject to revocation under this division. Upon 12724  
identifying a certificate of qualification for employment that 12725  
is subject to revocation, the department shall note in the 12726  
database that the certificate has been revoked, the reason for 12727  
revocation, and the effective date of revocation, which shall be 12728  
the date of the conviction or plea of guilty subsequent to the 12729  
issuance of the certificate. 12730

(I) A designee's forwarding, or failure to forward, a 12731  
petition for a certificate of qualification for employment to a 12732  
court or a court's issuance, or failure to issue, a petition for 12733  
a certificate of qualification for employment to an individual 12734  
under division (B) of this section does not give rise to a claim 12735  
for damages against the department of rehabilitation and 12736  
correction or court. 12737

(J) The division of parole and community services shall 12738  
adopt rules in accordance with Chapter 119. of the Revised Code 12739  
for the implementation and administration of this section and 12740  
shall prescribe the form for the petition to be used under 12741  
division (B)(1) or (2) of this section. The form for the 12742  
petition shall include places for all of the information 12743



specified in division (F) of this section. 12744

(K) The department of rehabilitation and correction shall 12745  
maintain a database that identifies granted certificates and 12746  
revoked certificates and tracks the number of certificates 12747  
granted and revoked, the industries, occupations, and 12748  
professions with respect to which the certificates have been 12749  
most applicable, and the types of employers that have accepted 12750  
the certificates. The department shall annually create a report 12751  
that summarizes the information maintained in the database and 12752  
shall make the report available to the public on its internet 12753  
web site. 12754

**Sec. 2967.01.** As used in this chapter: 12755

(A) "State correctional institution" includes any 12756  
institution or facility that is operated by the department of 12757  
rehabilitation and correction and that is used for the custody, 12758  
care, or treatment of criminal, delinquent, or psychologically 12759  
or psychiatrically disturbed offenders. 12760

(B) "Pardon" means the remission of penalty by the 12761  
governor in accordance with the power vested in the governor by 12762  
the constitution. 12763

(C) "Commutation" or "commutation of sentence" means the 12764  
substitution by the governor of a lesser for a greater 12765  
punishment. A stated prison term may be commuted without the 12766  
consent of the convict, except when granted upon the acceptance 12767  
and performance by the convict of conditions precedent. After 12768  
commutation, the commuted prison term shall be the only one in 12769  
existence. The commutation may be stated in terms of commuting 12770  
from a named offense to a lesser included offense with a shorter 12771  
prison term, in terms of commuting from a stated prison term in 12772

months and years to a shorter prison term in months and years, 12773  
or in terms of commuting from any other stated prison term to a 12774  
shorter prison term. 12775

(D) "Reprieve" means the temporary suspension by the 12776  
governor of the execution of a sentence or prison term. The 12777  
governor may grant a reprieve without the consent of and against 12778  
the will of the convict. 12779

(E) "Parole" means, regarding a prisoner who is serving a 12780  
prison term for aggravated murder or murder or aggravated 12781  
abortion murder or abortion murder, who is serving a prison term 12782  
of life imprisonment for rape or for felonious sexual 12783  
penetration as it existed under section 2907.12 of the Revised 12784  
Code prior to September 3, 1996, or who was sentenced prior to 12785  
July 1, 1996, a release of the prisoner from confinement in any 12786  
state correctional institution by the adult parole authority 12787  
that is subject to the eligibility criteria specified in this 12788  
chapter and that is under the terms and conditions, and for the 12789  
period of time, prescribed by the authority in its published 12790  
rules and official minutes or required by division (A) of 12791  
section 2967.131 of the Revised Code or another provision of 12792  
this chapter. 12793

(F) "Head of a state correctional institution" or "head of 12794  
the institution" means the resident head of the institution and 12795  
the person immediately in charge of the institution, whether 12796  
designated warden, superintendent, or any other name by which 12797  
the head is known. 12798

(G) "Convict" means a person who has been convicted of a 12799  
felony under the laws of this state, whether or not actually 12800  
confined in a state correctional institution, unless the person 12801  
has been pardoned or has served the person's sentence or prison 12802

term. 12803

(H) "Prisoner" means a person who is in actual confinement 12804  
in a state correctional institution. 12805

(I) "Parolee" means any inmate who has been released from 12806  
confinement on parole by order of the adult parole authority or 12807  
conditionally pardoned, who is under supervision of the adult 12808  
parole authority and has not been granted a final release, and 12809  
who has not been declared in violation of the inmate's parole by 12810  
the authority or is performing the prescribed conditions of a 12811  
conditional pardon. 12812

(J) "Releasee" means an inmate who has been released from 12813  
confinement pursuant to section 2967.28 of the Revised Code 12814  
under a period of post-release control that includes one or more 12815  
post-release control sanctions. 12816

(K) "Final release" means a remission by the adult parole 12817  
authority of the balance of the sentence or prison term of a 12818  
parolee or prisoner or the termination by the authority of a 12819  
term of post-release control of a releasee. 12820

(L) "Parole violator" or "release violator" means any 12821  
parolee or releasee who has been declared to be in violation of 12822  
the condition of parole or post-release control specified in 12823  
division (A) or (B) of section 2967.131 of the Revised Code or 12824  
in violation of any other term, condition, or rule of the 12825  
parolee's or releasee's parole or of the parolee's or releasee's 12826  
post-release control sanctions, the determination of which has 12827  
been made by the adult parole authority and recorded in its 12828  
official minutes. 12829

(M) "Administrative release" means a termination of 12830  
jurisdiction over a particular sentence or prison term by the 12831

adult parole authority for administrative convenience. 12832

(N) "Post-release control" means a period of supervision 12833  
by the adult parole authority after a prisoner's release from 12834  
imprisonment, other than under a term of life imprisonment, that 12835  
includes one or more post-release control sanctions imposed 12836  
under section 2967.28 of the Revised Code. 12837

(O) "Post-release control sanction" means a sanction that 12838  
is authorized under sections 2929.16 to 2929.18 of the Revised 12839  
Code and that is imposed upon a prisoner upon the prisoner's 12840  
release from a prison term other than a term of life 12841  
imprisonment. 12842

(P) "Community control sanction," "prison term," 12843  
"mandatory prison term," and "stated prison term" have the same 12844  
meanings as in section 2929.01 of the Revised Code. 12845

(Q) "Transitional control" means control of a prisoner 12846  
under the transitional control program established by the 12847  
department of rehabilitation and correction under section 12848  
2967.26 of the Revised Code, if the department establishes a 12849  
program of that nature under that section. 12850

(R) "Random drug testing" has the same meaning as in 12851  
section 5120.63 of the Revised Code. 12852

(S) "Non-life felony indefinite prison term" has the same 12853  
meaning as in section 2929.01 of the Revised Code. 12854

**Sec. 2967.05.** (A) As used in this section: 12855

(1) "Imminent danger of death" means that the inmate has a 12856  
medically diagnosable condition that will cause death to occur 12857  
within a short period of time. 12858

As used in division (A) (1) of this section, "within a 12859

short period of time" means generally within six months. 12860

(2) (a) "Medically incapacitated" means any diagnosable 12861  
medical condition, including mental dementia and severe, 12862  
permanent medical or cognitive disability, that prevents the 12863  
inmate from completing activities of daily living without 12864  
significant assistance, that incapacitates the inmate to the 12865  
extent that institutional confinement does not offer additional 12866  
restrictions, that is likely to continue throughout the entire 12867  
period of parole, and that is unlikely to improve noticeably. 12868

(b) "Medically incapacitated" does not include conditions 12869  
related solely to mental illness unless the mental illness is 12870  
accompanied by injury, disease, or organic defect. 12871

(3) (a) "Terminal illness" means a condition that satisfies 12872  
all of the following criteria: 12873

(i) The condition is irreversible and incurable and is 12874  
caused by disease, illness, or injury from which the inmate is 12875  
unlikely to recover. 12876

(ii) In accordance with reasonable medical standards and a 12877  
reasonable degree of medical certainty, the condition is likely 12878  
to cause death to the inmate within twelve months. 12879

(iii) Institutional confinement of the inmate does not 12880  
offer additional protections for public safety or against the 12881  
inmate's risk to reoffend. 12882

(b) The department of rehabilitation and correction shall 12883  
adopt rules pursuant to Chapter 119. of the Revised Code to 12884  
implement the definition of "terminal illness" in division (A) 12885  
(3) (a) of this section. 12886

(B) Upon the recommendation of the director of 12887

rehabilitation and correction, accompanied by a certificate of 12888  
the attending physician that an inmate is terminally ill, 12889  
medically incapacitated, or in imminent danger of death, the 12890  
governor may order the inmate's release as if on parole, 12891  
reserving the right to return the inmate to the institution 12892  
pursuant to this section. If, subsequent to the inmate's 12893  
release, the inmate's health improves so that the inmate is no 12894  
longer terminally ill, medically incapacitated, or in imminent 12895  
danger of death, the inmate shall be returned, by order of the 12896  
governor, to the institution from which the inmate was released. 12897  
If the inmate violates any rules or conditions applicable to the 12898  
inmate, the inmate may be returned to an institution under the 12899  
control of the department of rehabilitation and correction. The 12900  
governor may direct the adult parole authority to investigate or 12901  
cause to be investigated the inmate and make a recommendation. 12902  
An inmate released under this section shall be subject to 12903  
supervision by the adult parole authority in accordance with any 12904  
recommendation of the adult parole authority that is approved by 12905  
the governor. The adult parole authority shall adopt rules 12906  
pursuant to section 119.03 of the Revised Code to establish the 12907  
procedure for medical release of an inmate when an inmate is 12908  
terminally ill, medically incapacitated, or in imminent danger 12909  
of death. 12910

(C) No inmate is eligible for release under this section 12911  
if the inmate is serving a death sentence, a sentence of life 12912  
without parole, a sentence under Chapter 2971. of the Revised 12913  
Code for a felony of the first or second degree, a sentence for 12914  
aggravated murder or murder or aggravated abortion murder or 12915  
abortion murder, or a mandatory prison term for an offense of 12916  
violence or any specification described in Chapter 2941. of the 12917  
Revised Code. 12918

**Sec. 2967.12.** (A) Except as provided in division (G) of 12919  
this section, at least sixty days before the adult parole 12920  
authority recommends any pardon or commutation of sentence, or 12921  
grants any parole, the authority shall provide a notice of the 12922  
pendency of the pardon, commutation, or parole, setting forth 12923  
the name of the person on whose behalf it is made, the offense 12924  
of which the person was convicted or to which the person pleaded 12925  
guilty, the time of conviction or the guilty plea, and the term 12926  
of the person's sentence, to the prosecuting attorney and the 12927  
judge of the court of common pleas of the county in which the 12928  
indictment against the person was found. If there is more than 12929  
one judge of that court of common pleas, the authority shall 12930  
provide the notice to the presiding judge. Upon the request of 12931  
the prosecuting attorney or of any law enforcement agency, the 12932  
authority shall provide to the requesting prosecuting attorney 12933  
and law enforcement agencies an institutional summary report 12934  
that covers the subject person's participation while confined in 12935  
a state correctional institution in training, work, and other 12936  
rehabilitative activities and any disciplinary action taken 12937  
against the person while so confined. The department of 12938  
rehabilitation and correction may utilize electronic means to 12939  
provide this notice. The department of rehabilitation and 12940  
correction, at the same time that it provides the notice to the 12941  
prosecuting attorney and judge under this division, also shall 12942  
post on the database it maintains pursuant to section 5120.66 of 12943  
the Revised Code the offender's name and all of the information 12944  
specified in division (A) (1) (c) (iii) of that section. 12945

(B) If a request for notification has been made pursuant 12946  
to section 2930.16 of the Revised Code or if division (H) of 12947  
this section applies, the office of victim services or the adult 12948  
parole authority also shall provide notice to the victim or the 12949

victim's representative at least sixty days prior to 12950  
recommending any pardon or commutation of sentence for, or 12951  
granting any parole to, the person. The notice shall include the 12952  
information required by division (A) of this section and may be 12953  
provided by telephone or through electronic means. The notice 12954  
also shall inform the victim or the victim's representative that 12955  
the victim or representative may send a written statement 12956  
relative to the victimization and the pending action to the 12957  
adult parole authority and that, if the authority receives any 12958  
written statement prior to recommending a pardon or commutation 12959  
or granting a parole for a person, the authority will consider 12960  
the statement before it recommends a pardon or commutation or 12961  
grants a parole. If the person is being considered for parole, 12962  
the notice shall inform the victim or the victim's 12963  
representative that a full board hearing of the parole board may 12964  
be held and that the victim or victim's representative may 12965  
contact the office of victims' services for further information. 12966  
If the person being considered for parole was convicted of or 12967  
pleaded guilty to a violation of section 2903.01 ~~or,~~ 2903.02,  12968  
2904.03, or 2094.04 of the Revised Code, an offense of violence 12969  
that is a felony of the first, second, or third degree, or an 12970  
offense punished by a sentence of life imprisonment, the notice 12971  
shall inform the victim of that offense, the victim's 12972  
representative, or a member of the victim's immediate family 12973  
that the victim, the victim's representative, and the victim's 12974  
immediate family have the right to give testimony at a full 12975  
board hearing of the parole board and that the victim or 12976  
victim's representative may contact the office of victims' 12977  
services for further information. 12978

(C) When notice of the pendency of any pardon, commutation 12979  
of sentence, or parole has been provided to a judge or 12980



prosecutor or posted on the database as required in division (A) 12981  
of this section and a hearing on the pardon, commutation, or 12982  
parole is continued to a date certain, the authority shall 12983  
provide notice of the further consideration of the pardon, 12984  
commutation, or parole at least sixty days before the further 12985  
consideration. The notice of the further consideration shall be 12986  
provided to the proper judge and prosecuting attorney at least 12987  
sixty days before the further consideration, and may be provided 12988  
using electronic means, and, if the initial notice was posted on 12989  
the database as provided in division (A) of this section, the 12990  
notice of the further consideration shall be posted on the 12991  
database at least sixty days before the further consideration. 12992  
If the prosecuting attorney or a law enforcement agency was 12993  
provided a copy of the institutional summary report relative to 12994  
the subject person under division (A) of this section, the 12995  
authority shall include with the notice of the further 12996  
consideration sent to the prosecuting attorney any new 12997  
information with respect to the person that relates to 12998  
activities and actions of the person that are of a type covered 12999  
by the report and shall send to the law enforcement agency a 13000  
report that provides notice of the further consideration and 13001  
includes any such new information with respect to the person. 13002  
When notice of the pendency of any pardon, commutation, or 13003  
parole has been given as provided in division (B) of this 13004  
section and the hearing on it is continued to a date certain, 13005  
the authority shall give notice of the further consideration to 13006  
the victim or the victim's representative in accordance with 13007  
section 2930.03 of the Revised Code. 13008

(D) In case of an application for the pardon or 13009  
commutation of sentence of a person sentenced to capital 13010  
punishment, the governor may modify the requirements of 13011

notification and publication if there is not sufficient time for 13012  
compliance with the requirements before the date fixed for the 13013  
execution of sentence. 13014

(E) If an offender is serving a prison term imposed under 13015  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 13016  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 13017  
Code and if the parole board terminates its control over the 13018  
offender's service of that term pursuant to section 2971.04 of 13019  
the Revised Code, the parole board immediately shall provide 13020  
written notice of its termination of control or the transfer of 13021  
control to the entities and persons specified in section 2971.04 13022  
of the Revised Code. 13023

(F) The failure of the adult parole authority to comply 13024  
with the notice or posting provisions of division (A), (B), or 13025  
(C) of this section or the failure of the parole board to comply 13026  
with the notice provisions of division (E) of this section do 13027  
not give any rights or any grounds for appeal or post-conviction 13028  
relief to the person serving the sentence. 13029

(G) Divisions (A), (B), and (C) of this section do not 13030  
apply to any release of a person that is of the type described 13031  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 13032

(H) If a defendant is incarcerated for the commission of 13033  
aggravated murder, murder, aggravated abortion murder, abortion 13034  
murder, or an offense of violence that is a felony of the first, 13035  
second, or third degree or is under a sentence of life 13036  
imprisonment, except as otherwise provided in this division, the 13037  
notice described in division (B) of this section shall be given 13038  
to the victim or victim's representative regardless of whether 13039  
the victim or victim's representative has made a request for 13040  
notification. The notice described in division (B) of this 13041

section shall not be given under this division to a victim or 13042  
victim's representative if the victim or victim's representative 13043  
has requested pursuant to division (B) (2) of section 2930.03 of 13044  
the Revised Code that the victim or the victim's representative 13045  
not be provided the notice. The notice described in division (B) 13046  
of this section does not have to be given under this division to 13047  
a victim or victim's representative if notice was given to the 13048  
victim or victim's representative with respect to at least two 13049  
prior considerations of pardon, commutation, or parole of a 13050  
person and the victim or victim's representative did not provide 13051  
any written statement relative to the victimization and the 13052  
pending action, did not attend any hearing conducted relative to 13053  
the pending action, and did not otherwise respond to the office 13054  
with respect to the pending action. Regardless of whether the 13055  
victim or victim's representative has requested that the notice 13056  
described in division (B) of this section be provided or not be 13057  
provided, the office of victim services or adult parole 13058  
authority shall give similar notice to the law enforcement 13059  
agency that arrested the defendant if any officer of that agency 13060  
was a victim of the offense and to any member of the victim's 13061  
immediate family who requests notification. If notice is to be 13062  
given under this division, the office or authority may give the 13063  
notice by any reasonable means, including regular mail, 13064  
telephone, and electronic mail, in accordance with division (D) 13065  
(1) of section 2930.16 of the Revised Code. If the notice is 13066  
based on an offense committed prior to ~~the effective date of~~ 13067  
~~this amendment~~ March 22, 2013, the notice to the victim or 13068  
victim's representative also shall include the opt-out 13069  
information described in division (D) (1) of section 2930.16 of 13070  
the Revised Code. The office or authority, in accordance with 13071  
division (D) (2) of section 2930.16 of the Revised Code, shall 13072  
keep a record of all attempts to provide the notice, and of all 13073

notices provided, under this division. 13074

Division (H) of this section, and the notice-related 13075  
provisions of divisions (E)(2) and (K) of section 2929.20, 13076  
division (D)(1) of section 2930.16, division (E)(1)(b) of 13077  
section 2967.19, division (A)(3)(b) of section 2967.26, division 13078  
(D)(1) of section 2967.28, and division (A)(2) of section 13079  
5149.101 of the Revised Code enacted in the act in which 13080  
division (H) of this section was enacted, shall be known as 13081  
"Roberta's Law." 13082

(I) In addition to and independent of the right of a 13083  
victim to make a statement as described in division (A) of this 13084  
section or pursuant to section 2930.17 of the Revised Code or to 13085  
otherwise make a statement, the authority for a judge or 13086  
prosecuting attorney to furnish statements and information, make 13087  
recommendations, and give testimony as described in division (A) 13088  
of this section, the right of a prosecuting attorney, judge, or 13089  
victim to give testimony or submit a statement at a full parole 13090  
board hearing pursuant to section 5149.101 of the Revised Code, 13091  
and any other right or duty of a person to present information 13092  
or make a statement, any person may send to the adult parole 13093  
authority at any time prior to the authority's recommending a 13094  
pardon or commutation or granting a parole for the offender a 13095  
written statement relative to the offense and the pending 13096  
action. 13097

(J) As used in this section, "victim's immediate family" 13098  
means the mother, father, spouse, sibling, or child of the 13099  
victim, provided that in no case does "victim's immediate 13100  
family" include the offender with respect to whom the notice in 13101  
question applies. 13102

**Sec. 2967.121.** (A) Subject to division (D) of this 13103

section, at least two weeks before any convict who is serving a 13104  
sentence for committing aggravated murder, murder, aggravated 13105  
abortion murder, abortion murder, or a felony of the first, 13106  
second, or third degree or who is serving a sentence of life 13107  
imprisonment is released from confinement in any state 13108  
correctional institution pursuant to a pardon, commutation of 13109  
sentence, parole, or completed prison term, the adult parole 13110  
authority shall provide notice of the release to the prosecuting 13111  
attorney of the county in which the indictment of the convict 13112  
was found and a separate notice of that release to the sheriff 13113  
of that county. The notice to prosecuting attorneys and the 13114  
notice to sheriffs required by this division may be contained in 13115  
a weekly list of all convicts who are serving a sentence for 13116  
aggravated murder, murder, aggravated abortion murder, abortion 13117  
murder, or a felony of the first, second, or third degree or are 13118  
serving a sentence of life imprisonment and who are scheduled 13119  
for release. 13120

(B) Subject to division (D) of this section, if a convict 13121  
who is serving a sentence for committing aggravated murder, 13122  
murder, aggravated abortion murder, abortion murder, or a felony 13123  
of the first, second, or third degree or who is serving a 13124  
sentence of life imprisonment is released from confinement 13125  
pursuant to a pardon, commutation of sentence, parole, or 13126  
completed prison term, the adult parole authority shall send 13127  
notice of the release to the prosecuting attorney of the county 13128  
in which the indictment of the convict was filed. The notice 13129  
required by this division shall be sent to the appropriate 13130  
prosecuting attorney at the end of the month in which the 13131  
convict is released and may be contained in a monthly list of 13132  
all convicts who are released in that month and for whom this 13133  
division requires a notice to be sent to that prosecuting 13134

attorney. 13135

(C) The notices required by divisions (A) and (B) of this 13136  
section shall contain all of the following: 13137

(1) The name of the convict being released; 13138

(2) The date of the convict's release; 13139

(3) The offense for the violation of which the convict was 13140  
convicted and incarcerated; 13141

(4) The date of the convict's conviction pursuant to which 13142  
the convict was incarcerated; 13143

(5) The sentence imposed for that conviction; 13144

(6) The length of any supervision that the convict will be 13145  
under; 13146

(7) The name, business address, and business phone number 13147  
of the convict's supervising officer; 13148

(8) The address at which the convict will reside. 13149

(D) (1) Divisions (A) , (B), and (C) of this section do not 13150  
apply to the release from confinement of an offender if the 13151  
offender is serving a prison term imposed under division (A) (3), 13152  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 13153  
(b), (c), or (d) of section 2971.03 of the Revised Code, if the 13154  
court pursuant to section 2971.05 of the Revised Code modifies 13155  
the requirement that the offender serve that entire term in a 13156  
state correctional institution, and if the release from 13157  
confinement is pursuant to that modification. In a case of that 13158  
type, the court that modifies the requirement promptly shall 13159  
provide written notice of the modification and the order that 13160  
modifies the requirement or revises the modification to the 13161

offender, the department of rehabilitation and correction, the 13162  
prosecuting attorney, and any state agency or political 13163  
subdivision that is affected by the order. 13164

(2) Divisions (A), (B), and (C) of this section do not 13165  
apply to the release from confinement of an offender if, upon 13166  
admission to the state correctional institution, the offender 13167  
has less than fourteen days to serve on the sentence. 13168

**Sec. 2967.13.** (A) Except as provided in division (G) of 13169  
this section, a prisoner serving a sentence of imprisonment for 13170  
life for an offense committed on or after July 1, 1996, is not 13171  
entitled to any earned credit under section 2967.193 of the 13172  
Revised Code and becomes eligible for parole as follows: 13173

(1) If a sentence of imprisonment for life was imposed for 13174  
the offense of murder or abortion murder, at the expiration of 13175  
the prisoner's minimum term; 13176

(2) If a sentence of imprisonment for life with parole 13177  
eligibility after serving twenty years of imprisonment was 13178  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 13179  
Code, after serving a term of twenty years; 13180

(3) If a sentence of imprisonment for life with parole 13181  
eligibility after serving twenty-five full years of imprisonment 13182  
was imposed pursuant to section 2929.022 or 2929.03 of the 13183  
Revised Code, after serving a term of twenty-five full years; 13184

(4) If a sentence of imprisonment for life with parole 13185  
eligibility after serving thirty full years of imprisonment was 13186  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 13187  
Code, after serving a term of thirty full years; 13188

(5) If a sentence of imprisonment for life was imposed for 13189  
rape, after serving a term of ten full years' imprisonment; 13190

(6) If a sentence of imprisonment for life with parole 13191  
eligibility after serving fifteen years of imprisonment was 13192  
imposed for a violation of section 2927.24 of the Revised Code, 13193  
after serving a term of fifteen years. 13194

(B) Except as provided in division (G) of this section, a 13195  
prisoner serving a sentence of imprisonment for life with parole 13196  
eligibility after serving twenty years of imprisonment or a 13197  
sentence of imprisonment for life with parole eligibility after 13198  
serving twenty-five full years or thirty full years of 13199  
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 13200  
the Revised Code for an offense committed on or after July 1, 13201  
1996, consecutively to any other term of imprisonment, becomes 13202  
eligible for parole after serving twenty years, twenty full 13203  
years, or thirty full years, as applicable, as to each such 13204  
sentence of life imprisonment, which shall not be reduced for 13205  
earned credits under section 2967.193 of the Revised Code, plus 13206  
the term or terms of the other sentences consecutively imposed 13207  
or, if one of the other sentences is another type of life 13208  
sentence with parole eligibility, the number of years before 13209  
parole eligibility for that sentence. 13210

(C) Except as provided in division (G) of this section, a 13211  
prisoner serving consecutively two or more sentences in which an 13212  
indefinite term of imprisonment is imposed becomes eligible for 13213  
parole upon the expiration of the aggregate of the minimum terms 13214  
of the sentences. 13215

(D) Except as provided in division (G) of this section, a 13216  
prisoner serving a term of imprisonment who is described in 13217  
division (A) of section 2967.021 of the Revised Code becomes 13218  
eligible for parole as described in that division or, if the 13219  
prisoner is serving a definite term of imprisonment, shall be 13220



released as described in that division. 13221

(E) A prisoner serving a sentence of life imprisonment 13222  
without parole imposed pursuant to section 2907.02 or section 13223  
2929.03 or 2929.06 of the Revised Code is not eligible for 13224  
parole and shall be imprisoned until death. 13225

(F) A prisoner serving a stated prison term that is a non- 13226  
life felony indefinite prison term shall be released in 13227  
accordance with sections 2967.271 and 2967.28 of the Revised 13228  
Code. A prisoner serving a stated prison term of any other 13229  
nature shall be released in accordance with section 2967.28 of 13230  
the Revised Code. 13231

(G) A prisoner serving a prison term or term of life 13232  
imprisonment without parole imposed pursuant to section 2971.03 13233  
of the Revised Code never becomes eligible for parole during 13234  
that term of imprisonment. 13235

**Sec. 2967.18.** (A) Whenever the director of rehabilitation 13236  
and correction determines that the total population of the state 13237  
correctional institutions for males and females, the total 13238  
population of the state correctional institutions for males, or 13239  
the total population of the state correctional institutions for 13240  
females exceeds the capacity of those institutions and that an 13241  
overcrowding emergency exists, the director shall notify the 13242  
correctional institution inspection committee of the emergency 13243  
and provide the committee with information in support of the 13244  
director's determination. The director shall not notify the 13245  
committee that an overcrowding emergency exists unless the 13246  
director determines that no other reasonable method is available 13247  
to resolve the overcrowding emergency. 13248

(B) On receipt of the notice given pursuant to division 13249

(A) of this section, the correctional institution inspection committee promptly shall review the determination of the director of rehabilitation and correction. Notwithstanding any other provision of the Revised Code or the Administrative Code that governs the lengths of criminal sentences, sets forth the time within which a prisoner is eligible for parole or within which a prisoner may apply for release, or regulates the procedure for granting parole or release to prisoners confined in state correctional institutions, the committee may recommend to the governor that the prison terms of eligible male, female, or all prisoners, as determined under division (E) of this section, be reduced by thirty, sixty, or ninety days, in the manner prescribed in that division.

(C) If the correctional institution inspection committee disagrees with the determination of the director of rehabilitation and correction that an overcrowding emergency exists, if the committee finds that an overcrowding emergency exists but does not make a recommendation pursuant to division (B) of this section, or if the committee does not make a finding or a recommendation pursuant to that division within thirty days of receipt of the notice given pursuant to division (A) of this section, the director may recommend to the governor that the action set forth in division (B) of this section be taken.

(D) Upon receipt of a recommendation from the correctional institution inspection committee or the director of rehabilitation and correction made pursuant to this section, the governor may declare in writing that an overcrowding emergency exists in all of the institutions within the control of the department in which men are confined, in which women are confined, or both. The declaration shall state that the adult parole authority shall take the action set forth in division (B)

of this section. After the governor makes the declaration, the 13281  
director shall file a copy of it with the secretary of state, 13282  
and the copy is a public record. 13283

The department may begin to implement the declaration of 13284  
the governor made pursuant to this section on the date that it 13285  
is filed with the secretary of state. The department shall begin 13286  
to implement the declaration within thirty days after the date 13287  
of filing. The declaration shall be implemented in accordance 13288  
with division (E) of this section. 13289

(E) (1) No reduction of sentence pursuant to division (B) 13290  
of this section shall be granted to any of the following: 13291

(a) A person who is serving a term of imprisonment for 13292  
aggravated murder, murder, aggravated abortion murder, abortion 13293  
murder, voluntary manslaughter, involuntary manslaughter, 13294  
felonious assault, kidnapping, rape, aggravated arson, 13295  
aggravated robbery, or any other offense punishable by life 13296  
imprisonment or by an indefinite term of a specified number of 13297  
years to life, or for conspiracy in, complicity in, or attempt 13298  
to commit any of those offenses; 13299

(b) A person who is serving a term of imprisonment for any 13300  
felony other than carrying a concealed weapon that was committed 13301  
while the person had a firearm, as defined in section 2923.11 of 13302  
the Revised Code, on or about the offender's person or under the 13303  
offender's control; 13304

(c) A person who is serving a term of imprisonment for a 13305  
violation of section 2925.03 of the Revised Code; 13306

(d) A person who is serving a term of imprisonment for 13307  
engaging in a pattern of corrupt activity; 13308

(e) A person who is serving a prison term or term of life 13309

imprisonment without parole imposed pursuant to section 2971.03 13310  
of the Revised Code; 13311

(f) A person who was denied parole or release pursuant to 13312  
section 2929.20 of the Revised Code during the term of 13313  
imprisonment the person currently is serving. 13314

(2) A declaration of the governor that requires the adult 13315  
parole authority to take the action set forth in division (B) of 13316  
this section shall be implemented only by reducing the prison 13317  
terms of prisoners who are not in any of the categories set 13318  
forth in division (E)(1) of this section, and only by granting 13319  
reductions of prison terms in the following order: 13320

(a) Under any such declaration, prison terms initially 13321  
shall be reduced only for persons who are not in any of the 13322  
categories set forth in division (E)(1) of this section and who 13323  
are not serving a term of imprisonment for any of the following 13324  
offenses: 13325

(i) An offense of violence that is a felony of the first, 13326  
second, or third degree or that, under the law in existence 13327  
prior to ~~the effective date of this amendment~~ July 1, 1996, was 13328  
an aggravated felony of the first, second, or third degree or a 13329  
felony of the first or second degree; 13330

(ii) An offense set forth in Chapter 2925. of the Revised 13331  
Code that is a felony of the first or second degree. 13332

(b) If every person serving a term of imprisonment at the 13333  
time of the implementation of any such declaration who is in the 13334  
class of persons eligible for the initial reduction of prison 13335  
terms, as described in division (E)(2)(a) of this section, has 13336  
received a total of ninety days of term reduction for each three 13337  
years of imprisonment actually served, then prison terms may be 13338

reduced for all other persons serving a term of imprisonment at 13339  
that time who are not in any of the categories set forth in 13340  
division (E) (1) of this section. 13341

(F) An offender who is released from a state correctional 13342  
institution pursuant to this section is subject to post-release 13343  
control sanctions imposed by the adult parole authority as if 13344  
the offender was a prisoner described in division (B) of section 13345  
2967.28 of the Revised Code who was being released from 13346  
imprisonment. 13347

(G) If more than one overcrowding emergency is declared 13348  
while a prisoner is serving a prison term, the total term 13349  
reduction for that prisoner as the result of multiple 13350  
declarations shall not exceed ninety days for each three years 13351  
of imprisonment actually served. 13352

**Sec. 2967.19.** (A) As used in this section: 13353

(1) "Deadly weapon" and "dangerous ordnance" have the same 13354  
meanings as in section 2923.11 of the Revised Code. 13355

(2) "Disqualifying prison term" means any of the 13356  
following: 13357

(a) A prison term imposed for aggravated murder, murder, 13358  
aggravated abortion murder, abortion murder, voluntary 13359  
manslaughter, involuntary manslaughter, felonious assault, 13360  
kidnapping, rape, aggravated arson, aggravated burglary, or 13361  
aggravated robbery; 13362

(b) A prison term imposed for complicity in, an attempt to 13363  
commit, or conspiracy to commit any offense listed in division 13364  
(A) (2) (a) of this section; 13365

(c) A prison term of life imprisonment, including any term 13366

of life imprisonment that has parole eligibility; 13367

(d) A prison term imposed for any felony other than 13368  
carrying a concealed weapon an essential element of which is any 13369  
conduct or failure to act expressly involving any deadly weapon 13370  
or dangerous ordnance; 13371

(e) A prison term imposed for any violation of section 13372  
2925.03 of the Revised Code that is a felony of the first or 13373  
second degree; 13374

(f) A prison term imposed for engaging in a pattern of 13375  
corrupt activity in violation of section 2923.32 of the Revised 13376  
Code; 13377

(g) A prison term imposed pursuant to section 2971.03 of 13378  
the Revised Code; 13379

(h) A prison term imposed for any sexually oriented 13380  
offense. 13381

(3) "Eligible prison term" means any prison term that is 13382  
not a disqualifying prison term and is not a restricting prison 13383  
term. 13384

(4) "Restricting prison term" means any of the following: 13385

(a) A mandatory prison term imposed under division (B) (1) 13386  
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 13387  
section 2929.14 of the Revised Code for a specification of the 13388  
type described in that division; 13389

(b) In the case of an offender who has been sentenced to a 13390  
mandatory prison term for a specification of the type described 13391  
in division (A) (4) (a) of this section, the prison term imposed 13392  
for the felony offense for which the specification was stated at 13393  
the end of the body of the indictment, count in the indictment, 13394

or information charging the offense; 13395

(c) A prison term imposed for trafficking in persons; 13396

(d) A prison term imposed for any offense that is 13397  
described in division (A) (4) (d) (i) of this section if division 13398  
(A) (4) (d) (ii) of this section applies to the offender: 13399

(i) The offense is a felony of the first or second degree 13400  
that is an offense of violence and that is not described in 13401  
division (A) (2) (a) or (b) of this section, an attempt to commit 13402  
a felony of the first or second degree that is an offense of 13403  
violence and that is not described in division (A) (2) (a) or (b) 13404  
of this section if the attempt is a felony of the first or 13405  
second degree, or an offense under an existing or former law of 13406  
this state, another state, or the United States that is or was 13407  
substantially equivalent to any other offense described in this 13408  
division. 13409

(ii) The offender previously was convicted of or pleaded 13410  
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 13411  
of this section. 13412

(5) "Sexually oriented offense" has the same meaning as in 13413  
section 2950.01 of the Revised Code. 13414

(6) "Stated prison term of one year or more" means a 13415  
definite prison term of one year or more imposed as a stated 13416  
prison term, or a minimum prison term of one year or more 13417  
imposed as part of a stated prison term that is a non-life 13418  
felony indefinite prison term. 13419

(B) The director of the department of rehabilitation and 13420  
correction may recommend in writing to the sentencing court that 13421  
the court consider releasing from prison any offender who, on or 13422  
after September 30, 2011, is confined in a state correctional 13423

institution, who is serving a stated prison term of one year or 13424  
more, and who is eligible under division (C) of this section for 13425  
a release under this section. If the director wishes to 13426  
recommend that the sentencing court consider releasing an 13427  
offender under this section, the director shall notify the 13428  
sentencing court in writing of the offender's eligibility not 13429  
earlier than ninety days prior to the date on which the offender 13430  
becomes eligible as described in division (C) of this section. 13431  
The director's submission of the written notice constitutes a 13432  
recommendation by the director that the court strongly consider 13433  
release of the offender consistent with the purposes and 13434  
principles of sentencing set forth in sections 2929.11 and 13435  
2929.13 of the Revised Code. Only an offender recommended by the 13436  
director under division (B) of this section may be considered 13437  
for early release under this section. 13438

(C) (1) An offender serving a stated prison term of one 13439  
year or more and who has commenced service of that stated prison 13440  
term becomes eligible for release from prison under this section 13441  
only as described in this division. An offender serving a stated 13442  
prison term that includes a disqualifying prison term is not 13443  
eligible for release from prison under this section. An offender 13444  
serving a stated prison term that consists solely of one or more 13445  
restricting prison terms is not eligible for release under this 13446  
section. An offender serving a stated prison term of one year or 13447  
more that includes one or more restricting prison terms and one 13448  
or more eligible prison terms becomes eligible for release under 13449  
this section after having fully served all restricting prison 13450  
terms and having served eighty per cent of that stated prison 13451  
term that remains to be served after all restricting prison 13452  
terms have been fully served. An offender serving a stated 13453  
prison term of one year or more that consists solely of one or 13454



more eligible prison terms becomes eligible for release under 13455  
this section after having served eighty per cent of that stated 13456  
prison term. For purposes of determining an offender's 13457  
eligibility for release under this section, if the offender's 13458  
stated prison term includes consecutive prison terms, any 13459  
restricting prison terms shall be deemed served prior to any 13460  
eligible prison terms that run consecutively to the restricting 13461  
prison terms, and the eligible prison terms are deemed to 13462  
commence after all of the restricting prison terms have been 13463  
fully served. 13464

An offender serving a stated prison term of one year or 13465  
more that includes a mandatory prison term that is not a 13466  
disqualifying prison term and is not a restricting prison term 13467  
is not automatically ineligible as a result of the offender's 13468  
service of that mandatory term for release from prison under 13469  
this section, and the offender's eligibility for release from 13470  
prison under this section is determined in accordance with this 13471  
division. 13472

(2) If an offender confined in a state correctional 13473  
institution under a stated prison term is eligible for release 13474  
under this section as described in division (C) (1) of this 13475  
section, the director of the department of rehabilitation and 13476  
correction may recommend in writing that the sentencing court 13477  
consider releasing the offender from prison under this section 13478  
by submitting to the sentencing court the written notice 13479  
described in division (B) of this section. 13480

(D) The director shall include with any notice submitted 13481  
to the sentencing court under division (B) of this section an 13482  
institutional summary report that covers the offender's 13483  
participation while confined in a state correctional institution 13484

in school, training, work, treatment, and other rehabilitative 13485  
activities and any disciplinary action taken against the 13486  
offender while so confined. The director shall include with the 13487  
notice any other documentation requested by the court, if 13488  
available. 13489

(E) (1) When the director submits a written notice to a 13490  
sentencing court that an offender is eligible to be considered 13491  
for early release under this section, the department promptly 13492  
shall provide to the prosecuting attorney of the county in which 13493  
the offender was indicted a copy of the written notice, a copy 13494  
of the institutional summary report, and any other information 13495  
provided to the court and shall provide a copy of the 13496  
institutional summary report to any law enforcement agency that 13497  
requests the report. The department also promptly shall do 13498  
whichever of the following is applicable: 13499

(a) Subject to division (E) (1) (b) of this section, give 13500  
written notice of the submission to any victim of the offender 13501  
or victim's representative of any victim of the offender who is 13502  
registered with the office of victim's services. 13503

(b) If the offense was aggravated murder, murder, 13504  
aggravated abortion murder, abortion murder, an offense of 13505  
violence that is a felony of the first, second, or third degree, 13506  
or an offense punished by a sentence of life imprisonment, 13507  
except as otherwise provided in this division, notify the victim 13508  
or the victim's representative of the filing of the petition 13509  
regardless of whether the victim or victim's representative has 13510  
registered with the office of victim's services. The notice of 13511  
the filing of the petition shall not be given under this 13512  
division to a victim or victim's representative if the victim or 13513  
victim's representative has requested pursuant to division (B) 13514

(2) of section 2930.03 of the Revised Code that the victim or 13515  
the victim's representative not be provided the notice. If 13516  
notice is to be provided to a victim or victim's representative 13517  
under this division, the department may give the notice by any 13518  
reasonable means, including regular mail, telephone, and 13519  
electronic mail, in accordance with division (D)(1) of section 13520  
2930.16 of the Revised Code. If the notice is based on an 13521  
offense committed prior to March 22, 2013, the notice also shall 13522  
include the opt-out information described in division (D)(1) of 13523  
section 2930.16 of the Revised Code. The department, in 13524  
accordance with division (D)(2) of section 2930.16 of the 13525  
Revised Code, shall keep a record of all attempts to provide the 13526  
notice, and of all notices provided, under this division. 13527

Division (E)(1)(b) of this section, and the notice-related 13528  
provisions of divisions (E)(2) and (K) of section 2929.20, 13529  
division (D)(1) of section 2930.16, division (H) of section 13530  
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) 13531  
of section 2967.28, and division (A)(2) of section 5149.101 of 13532  
the Revised Code enacted in the act in which division (E)(2) of 13533  
this section was enacted, shall be known as "Roberta's Law." 13534

(2) When the director submits a petition under this 13535  
section, the department also promptly shall post a copy of the 13536  
written notice on the database it maintains under section 13537  
5120.66 of the Revised Code and include information on where a 13538  
person may send comments regarding the recommendation of early 13539  
release. 13540

The information provided to the court, the prosecutor, and 13541  
the victim or victim's representative under divisions (D) and 13542  
(E) of this section shall include the name and contact 13543  
information of a specific department of rehabilitation and 13544

correction employee who is available to answer questions about 13545  
the offender who is the subject of the written notice submitted 13546  
by the director, including, but not limited to, the offender's 13547  
institutional conduct and rehabilitative activities while 13548  
incarcerated. 13549

(F) Upon receipt of a written notice submitted by the 13550  
director under division (B) of this section, the court either 13551  
shall, on its own motion, schedule a hearing to consider 13552  
releasing the offender who is the subject of the notice or shall 13553  
inform the department that it will not be conducting a hearing 13554  
relative to the offender. The court shall not grant an early 13555  
release to an offender without holding a hearing. If a court 13556  
declines to hold a hearing relative to an offender with respect 13557  
to a written notice submitted by the director, the court may 13558  
later consider release of that offender under this section on 13559  
its own motion by scheduling a hearing for that purpose. Within 13560  
thirty days after the written notice is submitted, the court 13561  
shall inform the department whether or not the court is 13562  
scheduling a hearing on the offender who is the subject of the 13563  
notice. 13564

(G) If the court schedules a hearing upon receiving a 13565  
written notice submitted under division (B) of this section or 13566  
upon its own motion under division (F) of this section, the 13567  
court shall notify the head of the state correctional 13568  
institution in which the offender is confined of the hearing 13569  
prior to the hearing. If the court makes a journal entry 13570  
ordering the offender to be conveyed to the hearing, except as 13571  
otherwise provided in this division, the head of the 13572  
correctional institution shall deliver the offender to the 13573  
sheriff of the county in which the hearing is to be held, and 13574  
the sheriff shall convey the offender to and from the hearing. 13575

Upon the court's own motion or the motion of the offender or the prosecuting attorney of the county in which the offender was indicted, the court may permit the offender to appear at the hearing by video conferencing equipment if equipment of that nature is available and compatible.

Upon receipt of notice from a court of a hearing on the release of an offender under this division, the head of the state correctional institution in which the offender is confined immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (i) of that section. If the court schedules a hearing under this section, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall notify pursuant to section 2930.16 of the Revised Code any victim of the offender or the victim's representative of the hearing.

(H) If the court schedules a hearing under this section, at the hearing, the court shall afford the offender and the offender's attorney an opportunity to present written information and, if present, oral information relevant to the offender's early release. The court shall afford a similar opportunity to the prosecuting attorney, victim or victim's representative, as defined in section 2930.01 of the Revised Code, and any other person the court determines is likely to present additional relevant information. If the court pursuant to division (G) of this section permits the offender to appear

at the hearing by video conferencing equipment, the offender's 13607  
opportunity to present oral information shall be as a part of 13608  
the video conferencing. The court shall consider any statement 13609  
of a victim made under section 2930.14 or 2930.17 of the Revised 13610  
Code, any victim impact statement prepared under section 13611  
2947.051 of the Revised Code, and any report and other 13612  
documentation submitted by the director under division (D) of 13613  
this section. After ruling on whether to grant the offender 13614  
early release, the court shall notify the victim in accordance 13615  
with sections 2930.03 and 2930.16 of the Revised Code. 13616

(I) If the court grants an offender early release under 13617  
this section, it shall order the release of the offender, shall 13618  
place the offender under one or more appropriate community 13619  
control sanctions, under appropriate conditions, and under the 13620  
supervision of the department of probation that serves the 13621  
court, and shall reserve the right to reimpose the sentence that 13622  
it reduced and from which the offender was released if the 13623  
offender violates the sanction. The court shall not make a 13624  
release under this section effective prior to the date on which 13625  
the offender becomes eligible as described in division (C) of 13626  
this section. If the sentence under which the offender is 13627  
confined in a state correctional institution and from which the 13628  
offender is being released was imposed for a felony of the first 13629  
or second degree, the court shall consider ordering that the 13630  
offender be monitored by means of a global positioning device. 13631  
If the court reimposes the sentence that it reduced and from 13632  
which the offender was released and if the violation of the 13633  
sanction is a new offense, the court may order that the 13634  
reimposed sentence be served either concurrently with, or 13635  
consecutive to, any new sentence imposed upon the offender as a 13636  
result of the violation that is a new offense. The period of all 13637

community control sanctions imposed under this division shall 13638  
not exceed five years. The court, in its discretion, may reduce 13639  
the period of community control sanctions by the amount of time 13640  
the offender spent in jail or prison for the offense. 13641

If the court grants an offender early release under this 13642  
section, it shall notify the appropriate person at the 13643  
department of rehabilitation and correction of the release, and 13644  
the department shall post notice of the release on the database 13645  
it maintains pursuant to section 5120.66 of the Revised Code. 13646

(J) The department shall adopt under Chapter 119. of the 13647  
Revised Code any rules necessary to implement this section. 13648

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 13649  
of this section and subject to the maximum aggregate total 13650  
specified in division (A) (3) of this section, a person confined 13651  
in a state correctional institution or placed in the substance 13652  
use disorder treatment program may provisionally earn one day or 13653  
five days of credit, based on the category set forth in division 13654  
(D) (1), (2), (3), (4), or (5) of this section in which the 13655  
person is included, toward satisfaction of the person's stated 13656  
prison term, as described in division (F) of this section, for 13657  
each completed month during which the person, if confined in a 13658  
state correctional institution, productively participates in an 13659  
education program, vocational training, employment in prison 13660  
industries, treatment for substance abuse, or any other 13661  
constructive program developed by the department with specific 13662  
standards for performance by prisoners or during which the 13663  
person, if placed in the substance use disorder treatment 13664  
program, productively participates in the program. Except as 13665  
provided in division (C) of this section and subject to the 13666  
maximum aggregate total specified in division (A) (3) of this 13667

section, a person so confined in a state correctional 13668  
institution who successfully completes two programs or 13669  
activities of that type may, in addition, provisionally earn up 13670  
to five days of credit toward satisfaction of the person's 13671  
stated prison term, as described in division (F) of this 13672  
section, for the successful completion of the second program or 13673  
activity. The person shall not be awarded any provisional days 13674  
of credit for the successful completion of the first program or 13675  
activity or for the successful completion of any program or 13676  
activity that is completed after the second program or activity. 13677  
At the end of each calendar month in which a person productively 13678  
participates in a program or activity listed in this division or 13679  
successfully completes a program or activity listed in this 13680  
division, the department of rehabilitation and correction shall 13681  
determine and record the total number of days credit that the 13682  
person provisionally earned in that calendar month. If the 13683  
person in a state correctional institution violates prison rules 13684  
or the person in the substance use disorder treatment program 13685  
violates program or department rules, the department may deny 13686  
the person a credit that otherwise could have been provisionally 13687  
awarded to the person or may withdraw one or more credits 13688  
previously provisionally earned by the person. Days of credit 13689  
provisionally earned by a person shall be finalized and awarded 13690  
by the department subject to administrative review by the 13691  
department of the person's conduct. 13692

(2) Unless a person is serving a mandatory prison term or 13693  
a prison term for an offense of violence or a sexually oriented 13694  
offense, and notwithstanding the maximum aggregate total 13695  
specified in division (A) (3) of this section, a person who 13696  
successfully completes any of the following shall earn ninety 13697  
days of credit toward satisfaction of the person's stated prison 13698



term or a ten per cent reduction of the person's stated prison term, whichever is less: 13699  
13700

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system; 13701  
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(b) A therapeutic drug community program; 13704

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program; 13705  
13706

(d) A career technical vocational school program; 13707

(e) A college certification program; 13708

(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code. 13709  
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(3) Except for persons described in division (A) (2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term. 13712  
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(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result 13719  
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of a violation of prison rules, or program or department rules, 13727  
whichever is applicable. 13728

(C) No person confined in a state correctional institution 13729  
or placed in a substance use disorder treatment program to whom 13730  
any of the following applies shall be awarded any days of credit 13731  
under division (A) of this section: 13732

(1) The person is serving a prison term that section 13733  
2929.13 or section 2929.14 of the Revised Code specifies cannot 13734  
be reduced pursuant to this section or this chapter or is 13735  
serving a sentence for which section 2967.13 or division (B) of 13736  
section 2929.143 of the Revised Code specifies that the person 13737  
is not entitled to any earned credit under this section. 13738

(2) The person is sentenced to death or is serving a 13739  
prison term or a term of life imprisonment for aggravated 13740  
murder, murder, aggravated abortion murder, abortion murder, or 13741  
a conspiracy or attempt to commit, or complicity in committing, 13742  
aggravated murder ~~or~~, murder, aggravated abortion murder, or 13743  
abortion murder. 13744

(3) The person is serving a sentence of life imprisonment 13745  
without parole imposed pursuant to section 2929.03 or 2929.06 of 13746  
the Revised Code, a prison term or a term of life imprisonment 13747  
without parole imposed pursuant to section 2971.03 of the 13748  
Revised Code, or a sentence for a sexually oriented offense that 13749  
was committed on or after September 30, 2011. 13750

(D) This division does not apply to a determination of 13751  
whether a person confined in a state correctional institution or 13752  
placed in a substance use disorder treatment program may earn 13753  
any days of credit under division (A) of this section for 13754  
successful completion of a second program or activity. The 13755

determination of whether a person confined in a state 13756  
correctional institution may earn one day of credit or five days 13757  
of credit under division (A) of this section for each completed 13758  
month during which the person productively participates in a 13759  
program or activity specified under that division shall be made 13760  
in accordance with the following: 13761

(1) The offender may earn one day of credit under division 13762  
(A) of this section, except as provided in division (C) of this 13763  
section, if the most serious offense for which the offender is 13764  
confined is any of the following that is a felony of the first 13765  
or second degree: 13766

(a) A violation of division (A) of section 2903.04 or of 13767  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 13768  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 13769  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 13770  
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 13771  
or 2927.24 of the Revised Code; 13772

(b) A conspiracy or attempt to commit, or complicity in 13773  
committing, any other offense for which the maximum penalty is 13774  
imprisonment for life or any offense listed in division (D) (1) 13775  
(a) of this section. 13776

(2) The offender may earn one day of credit under division 13777  
(A) of this section, except as provided in division (C) of this 13778  
section, if the offender is serving a stated prison term that 13779  
includes a prison term imposed for a sexually oriented offense 13780  
that the offender committed prior to September 30, 2011. 13781

(3) The offender may earn one day of credit under division 13782  
(A) of this section, except as provided in division (C) of this 13783  
section, if the offender is serving a stated prison term that 13784

includes a prison term imposed for a felony other than carrying 13785  
a concealed weapon an essential element of which is any conduct 13786  
or failure to act expressly involving any deadly weapon or 13787  
dangerous ordnance. 13788

(4) Except as provided in division (C) of this section, if 13789  
the most serious offense for which the offender is confined is a 13790  
felony of the first or second degree and divisions (D)(1), (2), 13791  
and (3) of this section do not apply to the offender, the 13792  
offender may earn one day of credit under division (A) of this 13793  
section if the offender committed that offense prior to 13794  
September 30, 2011, and the offender may earn five days of 13795  
credit under division (A) of this section if the offender 13796  
committed that offense on or after September 30, 2011. 13797

(5) Except as provided in division (C) of this section, if 13798  
the most serious offense for which the offender is confined is a 13799  
felony of the third, fourth, or fifth degree or an unclassified 13800  
felony and neither division (D)(2) nor (3) of this section 13801  
applies to the offender, the offender may earn one day of credit 13802  
under division (A) of this section if the offender committed 13803  
that offense prior to September 30, 2011, and the offender may 13804  
earn five days of credit under division (A) of this section if 13805  
the offender committed that offense on or after September 30, 13806  
2011. 13807

(E) The department annually shall seek and consider the 13808  
written feedback of the Ohio prosecuting attorneys association, 13809  
the Ohio judicial conference, the Ohio public defender, the Ohio 13810  
association of criminal defense lawyers, and other organizations 13811  
and associations that have an interest in the operation of the 13812  
corrections system and the earned credits program under this 13813  
section as part of its evaluation of the program and in 13814

determining whether to modify the program. 13815

(F) Days of credit awarded under this section shall be 13816  
applied toward satisfaction of a person's stated prison term as 13817  
follows: 13818

(1) Toward the definite prison term of a prisoner serving 13819  
a definite prison term as a stated prison term; 13820

(2) Toward the minimum and maximum terms of a prisoner 13821  
serving an indefinite prison term imposed under division (A) (1) 13822  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 13823  
felony of the first or second degree committed on or after ~~the~~ 13824  
~~effective date of this amendment~~ March 22, 2019. 13825

(G) As used in this section: 13826

(1) "Sexually oriented offense" has the same meaning as in 13827  
section 2950.01 of the Revised Code. 13828

(2) "Substance use disorder treatment program" means the 13829  
substance use disorder treatment program established by the 13830  
department of rehabilitation and correction under section 13831  
5120.035 of the Revised Code. 13832

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 13833  
correction, by rule, may establish a transitional control 13834  
program for the purpose of closely monitoring a prisoner's 13835  
adjustment to community supervision during the final one hundred 13836  
eighty days of the prisoner's confinement. If the department 13837  
establishes a transitional control program under this division, 13838  
the division of parole and community services of the department 13839  
of rehabilitation and correction may transfer eligible prisoners 13840  
to transitional control status under the program during the 13841  
final one hundred eighty days of their confinement and under the 13842  
terms and conditions established by the department, shall 13843

provide for the confinement as provided in this division of each 13844  
eligible prisoner so transferred, and shall supervise each 13845  
eligible prisoner so transferred in one or more community 13846  
control sanctions. Each eligible prisoner who is transferred to 13847  
transitional control status under the program shall be confined 13848  
in a suitable facility that is licensed pursuant to division (C) 13849  
of section 2967.14 of the Revised Code, or shall be confined in 13850  
a residence the department has approved for this purpose and be 13851  
monitored pursuant to an electronic monitoring device, as 13852  
defined in section 2929.01 of the Revised Code. If the 13853  
department establishes a transitional control program under this 13854  
division, the rules establishing the program shall include 13855  
criteria that define which prisoners are eligible for the 13856  
program, criteria that must be satisfied to be approved as a 13857  
residence that may be used for confinement under the program of 13858  
a prisoner that is transferred to it and procedures for the 13859  
department to approve residences that satisfy those criteria, 13860  
and provisions of the type described in division (C) of this 13861  
section. At a minimum, the criteria that define which prisoners 13862  
are eligible for the program shall provide all of the following: 13863

(a) That a prisoner is eligible for the program if the 13864  
prisoner is serving a prison term or term of imprisonment for an 13865  
offense committed prior to March 17, 1998, and if, at the time 13866  
at which eligibility is being determined, the prisoner would 13867  
have been eligible for a furlough under this section as it 13868  
existed immediately prior to March 17, 1998, or would have been 13869  
eligible for conditional release under former section 2967.23 of 13870  
the Revised Code as that section existed immediately prior to 13871  
March 17, 1998; 13872

(b) That no prisoner who is serving a mandatory prison 13873  
term is eligible for the program until after expiration of the 13874

mandatory term; 13875

(c) That no prisoner who is serving a prison term or term 13876  
of life imprisonment without parole imposed pursuant to section 13877  
2971.03 of the Revised Code is eligible for the program. 13878

(2) At least sixty days prior to transferring to 13879  
transitional control under this section a prisoner who is 13880  
serving a definite term of imprisonment or definite prison term 13881  
of two years or less for an offense committed on or after July 13882  
1, 1996, or who is serving a minimum term of two years or less 13883  
under a non-life felony indefinite prison term, the division of 13884  
parole and community services of the department of 13885  
rehabilitation and correction shall give notice of the pendency 13886  
of the transfer to transitional control to the court of common 13887  
pleas of the county in which the indictment against the prisoner 13888  
was found and of the fact that the court may disapprove the 13889  
transfer of the prisoner to transitional control and shall 13890  
include the institutional summary report prepared by the head of 13891  
the state correctional institution in which the prisoner is 13892  
confined. The head of the state correctional institution in 13893  
which the prisoner is confined, upon the request of the division 13894  
of parole and community services, shall provide to the division 13895  
for inclusion in the notice sent to the court under this 13896  
division an institutional summary report on the prisoner's 13897  
conduct in the institution and in any institution from which the 13898  
prisoner may have been transferred. The institutional summary 13899  
report shall cover the prisoner's participation in school, 13900  
vocational training, work, treatment, and other rehabilitative 13901  
activities and any disciplinary action taken against the 13902  
prisoner. If the court disapproves of the transfer of the 13903  
prisoner to transitional control, the court shall notify the 13904  
division of the disapproval within thirty days after receipt of 13905

the notice. If the court timely disapproves the transfer of the  
prisoner to transitional control, the division shall not proceed  
with the transfer. If the court does not timely disapprove the  
transfer of the prisoner to transitional control, the division  
may transfer the prisoner to transitional control.

(3) (a) If the victim of an offense for which a prisoner  
was sentenced to a prison term or term of imprisonment has  
requested notification under section 2930.16 of the Revised Code  
and has provided the department of rehabilitation and correction  
with the victim's name and address or if division (A) (3) (b) of  
this section applies, the division of parole and community  
services, at least sixty days prior to transferring the prisoner  
to transitional control pursuant to this section, shall notify  
the victim of the pendency of the transfer and of the victim's  
right to submit a statement to the division regarding the impact  
of the transfer of the prisoner to transitional control. If the  
victim subsequently submits a statement of that nature to the  
division, the division shall consider the statement in deciding  
whether to transfer the prisoner to transitional control.

(b) If a prisoner is incarcerated for the commission of  
aggravated murder, murder, aggravated abortion murder, abortion  
murder, or an offense of violence that is a felony of the first,  
second, or third degree or under a sentence of life  
imprisonment, except as otherwise provided in this division, the  
notice described in division (A) (3) (a) of this section shall be  
given regardless of whether the victim has requested the  
notification. The notice described in division (A) (3) (a) of this  
section shall not be given under this division to a victim if  
the victim has requested pursuant to division (B) (2) of section  
2930.03 of the Revised Code that the victim not be provided the  
notice. If notice is to be provided to a victim under this



division, the authority may give the notice by any reasonable 13937  
means, including regular mail, telephone, and electronic mail, 13938  
in accordance with division (D) (1) of section 2930.16 of the 13939  
Revised Code. If the notice is based on an offense committed 13940  
prior to March 22, 2013, the notice also shall include the opt- 13941  
out information described in division (D) (1) of section 2930.16 13942  
of the Revised Code. The authority, in accordance with division 13943  
(D) (2) of section 2930.16 of the Revised Code, shall keep a 13944  
record of all attempts to provide the notice, and of all notices 13945  
provided, under this division. 13946

Division (A) (3) (b) of this section, and the notice-related 13947  
provisions of divisions (E) (2) and (K) of section 2929.20, 13948  
division (D) (1) of section 2930.16, division (H) of section 13949  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 13950  
of section 2967.28, and division (A) (2) of section 5149.101 of 13951  
the Revised Code enacted in the act in which division (A) (3) (b) 13952  
of this section was enacted, shall be known as "Roberta's Law." 13953

(4) The department of rehabilitation and correction, at 13954  
least sixty days prior to transferring a prisoner to 13955  
transitional control pursuant to this section, shall post on the 13956  
database it maintains pursuant to section 5120.66 of the Revised 13957  
Code the prisoner's name and all of the information specified in 13958  
division (A) (1) (c) (iv) of that section. In addition to and 13959  
independent of the right of a victim to submit a statement as 13960  
described in division (A) (3) of this section or to otherwise 13961  
make a statement and in addition to and independent of any other 13962  
right or duty of a person to present information or make a 13963  
statement, any person may send to the division of parole and 13964  
community services at any time prior to the division's transfer 13965  
of the prisoner to transitional control a written statement 13966  
regarding the transfer of the prisoner to transitional control. 13967

In addition to the information, reports, and statements it 13968  
considers under divisions (A) (2) and (3) of this section or that 13969  
it otherwise considers, the division shall consider each 13970  
statement submitted in accordance with this division in deciding 13971  
whether to transfer the prisoner to transitional control. 13972

(B) Each prisoner transferred to transitional control 13973  
under this section shall be confined in the manner described in 13974  
division (A) of this section during any period of time that the 13975  
prisoner is not actually working at the prisoner's approved 13976  
employment, engaged in a vocational training or another 13977  
educational program, engaged in another program designated by 13978  
the director, or engaged in other activities approved by the 13979  
department. 13980

(C) The department of rehabilitation and correction shall 13981  
adopt rules for transferring eligible prisoners to transitional 13982  
control, supervising and confining prisoners so transferred, 13983  
administering the transitional control program in accordance 13984  
with this section, and using the moneys deposited into the 13985  
transitional control fund established under division (E) of this 13986  
section. 13987

(D) The department of rehabilitation and correction may 13988  
adopt rules for the issuance of passes for the limited purposes 13989  
described in this division to prisoners who are transferred to 13990  
transitional control under this section. If the department 13991  
adopts rules of that nature, the rules shall govern the granting 13992  
of the passes and shall provide for the supervision of prisoners 13993  
who are temporarily released pursuant to one of those passes. 13994  
Upon the adoption of rules under this division, the department 13995  
may issue passes to prisoners who are transferred to 13996  
transitional control status under this section in accordance 13997

with the rules and the provisions of this division. All passes 13998  
issued under this division shall be for a maximum of forty-eight 13999  
hours and may be issued only for the following purposes: 14000

(1) To visit a relative in imminent danger of death; 14001

(2) To have a private viewing of the body of a deceased 14002  
relative; 14003

(3) To visit with family; 14004

(4) To otherwise aid in the rehabilitation of the 14005  
prisoner. 14006

(E) The division of parole and community services may 14007  
require a prisoner who is transferred to transitional control to 14008  
pay to the division the reasonable expenses incurred by the 14009  
division in supervising or confining the prisoner while under 14010  
transitional control. Inability to pay those reasonable expenses 14011  
shall not be grounds for refusing to transfer an otherwise 14012  
eligible prisoner to transitional control. Amounts received by 14013  
the division of parole and community services under this 14014  
division shall be deposited into the transitional control fund, 14015  
which is hereby created in the state treasury and which hereby 14016  
replaces and succeeds the furlough services fund that formerly 14017  
existed in the state treasury. All moneys that remain in the 14018  
furlough services fund on March 17, 1998, shall be transferred 14019  
on that date to the transitional control fund. The transitional 14020  
control fund shall be used solely to pay costs related to the 14021  
operation of the transitional control program established under 14022  
this section. The director of rehabilitation and correction 14023  
shall adopt rules in accordance with section 111.15 of the 14024  
Revised Code for the use of the fund. 14025

(F) A prisoner who violates any rule established by the 14026

department of rehabilitation and correction under division (A), 14027  
(C), or (D) of this section may be transferred to a state 14028  
correctional institution pursuant to rules adopted under 14029  
division (A), (C), or (D) of this section, but the prisoner 14030  
shall receive credit towards completing the prisoner's sentence 14031  
for the time spent under transitional control. 14032

If a prisoner is transferred to transitional control under 14033  
this section, upon successful completion of the period of 14034  
transitional control, the prisoner may be released on parole or 14035  
under post-release control pursuant to section 2967.13 or 14036  
2967.28 of the Revised Code and rules adopted by the department 14037  
of rehabilitation and correction. If the prisoner is released 14038  
under post-release control, the duration of the post-release 14039  
control, the type of post-release control sanctions that may be 14040  
imposed, the enforcement of the sanctions, and the treatment of 14041  
prisoners who violate any sanction applicable to the prisoner 14042  
are governed by section 2967.28 of the Revised Code. 14043

**Sec. 2971.01.** As used in this chapter: 14044

(A) "Mandatory prison term" has the same meaning as in 14045  
section 2929.01 of the Revised Code. 14046

(B) "Designated homicide, assault, or kidnapping offense" 14047  
means any of the following: 14048

(1) A violation of section 2903.01, 2903.02, 2903.11, 14049  
2904.03, 2904.04, or 2905.01 of the Revised Code or a violation 14050  
of division (A) of section 2903.04 of the Revised Code; 14051

(2) An attempt to commit or complicity in committing a 14052  
violation listed in division (B)(1) of this section, if the 14053  
attempt or complicity is a felony. 14054

(C) "Examiner" has the same meaning as in section 2945.371 14055

of the Revised Code. 14056

(D) "Peace officer" has the same meaning as in section 14057  
2935.01 of the Revised Code. 14058

(E) "Prosecuting attorney" means the prosecuting attorney 14059  
who prosecuted the case of the offender in question or the 14060  
successor in office to that prosecuting attorney. 14061

(F) "Sexually oriented offense" and "child-victim oriented 14062  
offense" have the same meanings as in section 2950.01 of the 14063  
Revised Code. 14064

(G) "Sexually violent offense" means any of the following: 14065

(1) A violent sex offense; 14066

(2) A designated homicide, assault, or kidnapping offense 14067  
that the offender commits with a sexual motivation. 14068

(H) (1) "Sexually violent predator" means a person who, on 14069  
or after January 1, 1997, commits a sexually violent offense and 14070  
is likely to engage in the future in one or more sexually 14071  
violent offenses. 14072

(2) For purposes of division (H) (1) of this section, any 14073  
of the following factors may be considered as evidence tending 14074  
to indicate that there is a likelihood that the person will 14075  
engage in the future in one or more sexually violent offenses: 14076

(a) The person has been convicted two or more times, in 14077  
separate criminal actions, of a sexually oriented offense or a 14078  
child-victim oriented offense. For purposes of this division, 14079  
convictions that result from or are connected with the same act 14080  
or result from offenses committed at the same time are one 14081  
conviction, and a conviction set aside pursuant to law is not a 14082  
conviction. 14083

(b) The person has a documented history from childhood, 14084  
into the juvenile developmental years, that exhibits sexually 14085  
deviant behavior. 14086

(c) Available information or evidence suggests that the 14087  
person chronically commits offenses with a sexual motivation. 14088

(d) The person has committed one or more offenses in which 14089  
the person has tortured or engaged in ritualistic acts with one 14090  
or more victims. 14091

(e) The person has committed one or more offenses in which 14092  
one or more victims were physically harmed to the degree that 14093  
the particular victim's life was in jeopardy. 14094

(f) Any other relevant evidence. 14095

(I) "Sexually violent predator specification" means a 14096  
specification, as described in section 2941.148 of the Revised 14097  
Code, that charges that a person charged with a violent sex 14098  
offense, or a person charged with a designated homicide, 14099  
assault, or kidnapping offense and a sexual motivation 14100  
specification, is a sexually violent predator. 14101

(J) "Sexual motivation" means a purpose to gratify the 14102  
sexual needs or desires of the offender. 14103

(K) "Sexual motivation specification" means a 14104  
specification, as described in section 2941.147 of the Revised 14105  
Code, that charges that a person charged with a designated 14106  
homicide, assault, or kidnapping offense committed the offense 14107  
with a sexual motivation. 14108

(L) "Violent sex offense" means any of the following: 14109

(1) A violation of section 2907.02, 2907.03, or 2907.12 or 14110  
of division (A) (4) or (B) of section 2907.05 of the Revised 14111

Code; 14112

(2) A felony violation of a former law of this state that 14113  
is substantially equivalent to a violation listed in division 14114  
(L) (1) of this section or of an existing or former law of the 14115  
United States or of another state that is substantially 14116  
equivalent to a violation listed in division (L) (1) of this 14117  
section; 14118

(3) An attempt to commit or complicity in committing a 14119  
violation listed in division (L) (1) or (2) of this section if 14120  
the attempt or complicity is a felony. 14121

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 14122  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 14123  
another section of the Revised Code, other than divisions (B) 14124  
and (C) of section 2929.14 of the Revised Code, that authorizes 14125  
or requires a specified prison term or a mandatory prison term 14126  
for a person who is convicted of or pleads guilty to a felony or 14127  
that specifies the manner and place of service of a prison term 14128  
or term of imprisonment, the court shall impose a sentence upon 14129  
a person who is convicted of or pleads guilty to a violent sex 14130  
offense and who also is convicted of or pleads guilty to a 14131  
sexually violent predator specification that was included in the 14132  
indictment, count in the indictment, or information charging 14133  
that offense, and upon a person who is convicted of or pleads 14134  
guilty to a designated homicide, assault, or kidnapping offense 14135  
and also is convicted of or pleads guilty to both a sexual 14136  
motivation specification and a sexually violent predator 14137  
specification that were included in the indictment, count in the 14138  
indictment, or information charging that offense, as follows: 14139

(1) If the offense for which the sentence is being imposed 14140  
is either aggravated murder or aggravated abortion murder, and 14141

if the court does not impose upon the offender a sentence of 14142  
death, it shall impose upon the offender a term of life 14143  
imprisonment without parole. If the court sentences the offender 14144  
to death and the sentence of death is vacated, overturned, or 14145  
otherwise set aside, the court shall impose upon the offender a 14146  
term of life imprisonment without parole. 14147

(2) If the offense for which the sentence is being imposed 14148  
is either murder or abortion murder; or if the offense is rape 14149  
committed in violation of division (A) (1) (b) of section 2907.02 14150  
of the Revised Code when the offender purposely compelled the 14151  
victim to submit by force or threat of force, when the victim 14152  
was less than ten years of age, when the offender previously has 14153  
been convicted of or pleaded guilty to either rape committed in 14154  
violation of that division or a violation of an existing or 14155  
former law of this state, another state, or the United States 14156  
that is substantially similar to division (A) (1) (b) of section 14157  
2907.02 of the Revised Code, or when the offender during or 14158  
immediately after the commission of the rape caused serious 14159  
physical harm to the victim; or if the offense is an offense 14160  
other than aggravated murder ~~or~~, murder, aggravated abortion  
murder, or abortion murder, for which a term of life 14161  
imprisonment may be imposed, it shall impose upon the offender a 14162  
term of life imprisonment without parole. 14163  
14164

(3) (a) Except as otherwise provided in division (A) (3) (b), 14165  
(c), (d), or (e) or (A) (4) of this section, if the offense for 14166  
which the sentence is being imposed is an offense other than 14167  
aggravated murder, murder, aggravated abortion murder, abortion  
murder, or rape and other than an offense for which a term of 14168  
life imprisonment may be imposed, it shall impose an indefinite 14169  
prison term consisting of a minimum term fixed by the court as 14170  
described in this division, but not less than two years, and a 14171  
14172



maximum term of life imprisonment. Except as otherwise specified 14173  
in this division, the minimum term shall be fixed by the court 14174  
from among the range of terms available as a definite term for 14175  
the offense. If the offense is a felony of the first or second 14176  
degree committed on or after ~~the effective date of this~~ 14177  
~~amendment~~ March 22, 2019, the minimum term shall be fixed by the 14178  
court from among the range of terms available as a minimum term 14179  
for the offense under division (A) (1) (a) or (2) (a) of that 14180  
section. 14181

(b) Except as otherwise provided in division (A) (4) of 14182  
this section, if the offense for which the sentence is being 14183  
imposed is kidnapping that is a felony of the first degree, it 14184  
shall impose an indefinite prison term as follows: 14185

(i) If the kidnapping is committed on or after January 1, 14186  
2008, and the victim of the offense is less than thirteen years 14187  
of age, except as otherwise provided in this division, it shall 14188  
impose an indefinite prison term consisting of a minimum term of 14189  
fifteen years and a maximum term of life imprisonment. If the 14190  
kidnapping is committed on or after January 1, 2008, the victim 14191  
of the offense is less than thirteen years of age, and the 14192  
offender released the victim in a safe place unharmed, it shall 14193  
impose an indefinite prison term consisting of a minimum term of 14194  
ten years and a maximum term of life imprisonment. 14195

(ii) If the kidnapping is committed prior to January 1, 14196  
2008, or division (A) (3) (b) (i) of this section does not apply, 14197  
it shall impose an indefinite term consisting of a minimum term 14198  
fixed by the court that is not less than ten years and a maximum 14199  
term of life imprisonment. 14200

(c) Except as otherwise provided in division (A) (4) of 14201  
this section, if the offense for which the sentence is being 14202

imposed is kidnapping that is a felony of the second degree, it 14203  
shall impose an indefinite prison term consisting of a minimum 14204  
term fixed by the court that is not less than eight years, and a 14205  
maximum term of life imprisonment. 14206

(d) Except as otherwise provided in division (A) (4) of 14207  
this section, if the offense for which the sentence is being 14208  
imposed is rape for which a term of life imprisonment is not 14209  
imposed under division (A) (2) of this section or division (B) of 14210  
section 2907.02 of the Revised Code, it shall impose an 14211  
indefinite prison term as follows: 14212

(i) If the rape is committed on or after January 2, 2007, 14213  
in violation of division (A) (1) (b) of section 2907.02 of the 14214  
Revised Code, it shall impose an indefinite prison term 14215  
consisting of a minimum term of twenty-five years and a maximum 14216  
term of life imprisonment. 14217

(ii) If the rape is committed prior to January 2, 2007, or 14218  
the rape is committed on or after January 2, 2007, other than in 14219  
violation of division (A) (1) (b) of section 2907.02 of the 14220  
Revised Code, it shall impose an indefinite prison term 14221  
consisting of a minimum term fixed by the court that is not less 14222  
than ten years, and a maximum term of life imprisonment. 14223

(e) Except as otherwise provided in division (A) (4) of 14224  
this section, if the offense for which sentence is being imposed 14225  
is attempted rape, it shall impose an indefinite prison term as 14226  
follows: 14227

(i) Except as otherwise provided in division (A) (3) (e) 14228  
(ii), (iii), or (iv) of this section, it shall impose an 14229  
indefinite prison term pursuant to division (A) (3) (a) of this 14230  
section. 14231

(ii) If the attempted rape for which sentence is being 14232  
imposed was committed on or after January 2, 2007, and if the 14233  
offender also is convicted of or pleads guilty to a 14234  
specification of the type described in section 2941.1418 of the 14235  
Revised Code, it shall impose an indefinite prison term 14236  
consisting of a minimum term of five years and a maximum term of 14237  
twenty-five years. 14238

(iii) If the attempted rape for which sentence is being 14239  
imposed was committed on or after January 2, 2007, and if the 14240  
offender also is convicted of or pleads guilty to a 14241  
specification of the type described in section 2941.1419 of the 14242  
Revised Code, it shall impose an indefinite prison term 14243  
consisting of a minimum term of ten years and a maximum of life 14244  
imprisonment. 14245

(iv) If the attempted rape for which sentence is being 14246  
imposed was committed on or after January 2, 2007, and if the 14247  
offender also is convicted of or pleads guilty to a 14248  
specification of the type described in section 2941.1420 of the 14249  
Revised Code, it shall impose an indefinite prison term 14250  
consisting of a minimum term of fifteen years and a maximum of 14251  
life imprisonment. 14252

(4) For any offense for which the sentence is being 14253  
imposed, if the offender previously has been convicted of or 14254  
pleaded guilty to a violent sex offense and also to a sexually 14255  
violent predator specification that was included in the 14256  
indictment, count in the indictment, or information charging 14257  
that offense, or previously has been convicted of or pleaded 14258  
guilty to a designated homicide, assault, or kidnapping offense 14259  
and also to both a sexual motivation specification and a 14260  
sexually violent predator specification that were included in 14261

the indictment, count in the indictment, or information charging 14262  
that offense, it shall impose upon the offender a term of life 14263  
imprisonment without parole. 14264

(B) (1) Notwithstanding section 2929.13, division (A) or 14265  
(D) of section 2929.14, or another section of the Revised Code 14266  
other than division (B) of section 2907.02 or divisions (B) and 14267  
(C) of section 2929.14 of the Revised Code that authorizes or 14268  
requires a specified prison term or a mandatory prison term for 14269  
a person who is convicted of or pleads guilty to a felony or 14270  
that specifies the manner and place of service of a prison term 14271  
or term of imprisonment, if a person is convicted of or pleads 14272  
guilty to a violation of division (A) (1) (b) of section 2907.02 14273  
of the Revised Code committed on or after January 2, 2007, if 14274  
division (A) of this section does not apply regarding the 14275  
person, and if the court does not impose a sentence of life 14276  
without parole when authorized pursuant to division (B) of 14277  
section 2907.02 of the Revised Code, the court shall impose upon 14278  
the person an indefinite prison term consisting of one of the 14279  
following: 14280

(a) Except as otherwise required in division (B) (1) (b) or 14281  
(c) of this section, a minimum term of ten years and a maximum 14282  
term of life imprisonment. 14283

(b) If the victim was less than ten years of age, a 14284  
minimum term of fifteen years and a maximum of life 14285  
imprisonment. 14286

(c) If the offender purposely compels the victim to submit 14287  
by force or threat of force, or if the offender previously has 14288  
been convicted of or pleaded guilty to violating division (A) (1) 14289  
(b) of section 2907.02 of the Revised Code or to violating an 14290  
existing or former law of this state, another state, or the 14291

United States that is substantially similar to division (A) (1) 14292  
(b) of that section, or if the offender during or immediately 14293  
after the commission of the offense caused serious physical harm 14294  
to the victim, a minimum term of twenty-five years and a maximum 14295  
of life imprisonment. 14296

(2) Notwithstanding section 2929.13, division (A) or (D) 14297  
of section 2929.14, or another section of the Revised Code other 14298  
than divisions (B) and (C) of section 2929.14 of the Revised 14299  
Code that authorizes or requires a specified prison term or a 14300  
mandatory prison term for a person who is convicted of or pleads 14301  
guilty to a felony or that specifies the manner and place of 14302  
service of a prison term or term of imprisonment and except as 14303  
otherwise provided in division (B) of section 2907.02 of the 14304  
Revised Code, if a person is convicted of or pleads guilty to 14305  
attempted rape committed on or after January 2, 2007, and if 14306  
division (A) of this section does not apply regarding the 14307  
person, the court shall impose upon the person an indefinite 14308  
prison term consisting of one of the following: 14309

(a) If the person also is convicted of or pleads guilty to 14310  
a specification of the type described in section 2941.1418 of 14311  
the Revised Code, the court shall impose upon the person an 14312  
indefinite prison term consisting of a minimum term of five 14313  
years and a maximum term of twenty-five years. 14314

(b) If the person also is convicted of or pleads guilty to 14315  
a specification of the type described in section 2941.1419 of 14316  
the Revised Code, the court shall impose upon the person an 14317  
indefinite prison term consisting of a minimum term of ten years 14318  
and a maximum term of life imprisonment. 14319

(c) If the person also is convicted of or pleads guilty to 14320  
a specification of the type described in section 2941.1420 of 14321

the Revised Code, the court shall impose upon the person an 14322  
indefinite prison term consisting of a minimum term of fifteen 14323  
years and a maximum term of life imprisonment. 14324

(3) Notwithstanding section 2929.13, division (A) or (D) 14325  
of section 2929.14, or another section of the Revised Code other 14326  
than divisions (B) and (C) of section 2929.14 of the Revised 14327  
Code that authorizes or requires a specified prison term or a 14328  
mandatory prison term for a person who is convicted of or pleads 14329  
guilty to a felony or that specifies the manner and place of 14330  
service of a prison term or term of imprisonment, if a person is 14331  
convicted of or pleads guilty to an offense described in 14332  
division (B) (3) (a), (b), (c), or (d) of this section committed 14333  
on or after January 1, 2008, if the person also is convicted of 14334  
or pleads guilty to a sexual motivation specification that was 14335  
included in the indictment, count in the indictment, or 14336  
information charging that offense, and if division (A) of this 14337  
section does not apply regarding the person, the court shall 14338  
impose upon the person an indefinite prison term consisting of 14339  
one of the following: 14340

(a) An indefinite prison term consisting of a minimum of 14341  
ten years and a maximum term of life imprisonment if the offense 14342  
for which the sentence is being imposed is kidnapping, the 14343  
victim of the offense is less than thirteen years of age, and 14344  
the offender released the victim in a safe place unharmed; 14345

(b) An indefinite prison term consisting of a minimum of 14346  
fifteen years and a maximum term of life imprisonment if the 14347  
offense for which the sentence is being imposed is kidnapping 14348  
when the victim of the offense is less than thirteen years of 14349  
age and division (B) (3) (a) of this section does not apply; 14350

(c) An indefinite term consisting of a minimum of thirty 14351

years and a maximum term of life imprisonment if the offense for 14352  
which the sentence is being imposed is either aggravated murder, 14353  
when the victim of the offense is less than thirteen years of 14354  
age or aggravated abortion murder, a sentence of death or life 14355  
imprisonment without parole is not imposed for the offense, and 14356  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 14357  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 14358  
(d) of section 2929.03, or division (A) or (B) of section 14359  
2929.06 of the Revised Code requires that the sentence for the 14360  
offense be imposed pursuant to this division; 14361

(d) An indefinite prison term consisting of a minimum of 14362  
thirty years and a maximum term of life imprisonment if the 14363  
offense for which the sentence is being imposed is murder when 14364  
the victim of the offense is less than thirteen years of age or 14365  
abortion murder. 14366

(C) (1) If the offender is sentenced to a prison term 14367  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 14368  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 14369  
parole board shall have control over the offender's service of 14370  
the term during the entire term unless the parole board 14371  
terminates its control in accordance with section 2971.04 of the 14372  
Revised Code. 14373

(2) Except as provided in division (C) (3) of this section, 14374  
an offender sentenced to a prison term or term of life 14375  
imprisonment without parole pursuant to division (A) of this 14376  
section shall serve the entire prison term or term of life 14377  
imprisonment in a state correctional institution. The offender 14378  
is not eligible for judicial release under section 2929.20 of 14379  
the Revised Code. 14380

(3) For a prison term imposed pursuant to division (A) (3), 14381

(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 14382  
(b), (c), or (d) of this section, the court, in accordance with 14383  
section 2971.05 of the Revised Code, may terminate the prison 14384  
term or modify the requirement that the offender serve the 14385  
entire term in a state correctional institution if all of the 14386  
following apply: 14387

(a) The offender has served at least the minimum term 14388  
imposed as part of that prison term. 14389

(b) The parole board, pursuant to section 2971.04 of the 14390  
Revised Code, has terminated its control over the offender's 14391  
service of that prison term. 14392

(c) The court has held a hearing and found, by clear and 14393  
convincing evidence, one of the following: 14394

(i) In the case of termination of the prison term, that 14395  
the offender is unlikely to commit a sexually violent offense in 14396  
the future; 14397

(ii) In the case of modification of the requirement, that 14398  
the offender does not represent a substantial risk of physical 14399  
harm to others. 14400

(4) An offender who has been sentenced to a term of life 14401  
imprisonment without parole pursuant to division (A) (1), (2), or 14402  
(4) of this section shall not be released from the term of life 14403  
imprisonment or be permitted to serve a portion of it in a place 14404  
other than a state correctional institution. 14405

(D) If a court sentences an offender to a prison term or 14406  
term of life imprisonment without parole pursuant to division 14407  
(A) of this section and the court also imposes on the offender 14408  
one or more additional prison terms pursuant to division (B) of 14409  
section 2929.14 of the Revised Code, all of the additional 14410



prison terms shall be served consecutively with, and prior to, 14411  
the prison term or term of life imprisonment without parole 14412  
imposed upon the offender pursuant to division (A) of this 14413  
section. 14414

(E) If the offender is convicted of or pleads guilty to 14415  
two or more offenses for which a prison term or term of life 14416  
imprisonment without parole is required to be imposed pursuant 14417  
to division (A) of this section, divisions (A) to (D) of this 14418  
section shall be applied for each offense. All minimum terms 14419  
imposed upon the offender pursuant to division (A) (3) or (B) of 14420  
this section for those offenses shall be aggregated and served 14421  
consecutively, as if they were a single minimum term imposed 14422  
under that division. 14423

(F) (1) If an offender is convicted of or pleads guilty to 14424  
a violent sex offense and also is convicted of or pleads guilty 14425  
to a sexually violent predator specification that was included 14426  
in the indictment, count in the indictment, or information 14427  
charging that offense, or is convicted of or pleads guilty to a 14428  
designated homicide, assault, or kidnapping offense and also is 14429  
convicted of or pleads guilty to both a sexual motivation 14430  
specification and a sexually violent predator specification that 14431  
were included in the indictment, count in the indictment, or 14432  
information charging that offense, the conviction of or plea of 14433  
guilty to the offense and the sexually violent predator 14434  
specification automatically classifies the offender as a tier 14435  
III sex offender/child-victim offender for purposes of Chapter 14436  
2950. of the Revised Code. 14437

(2) If an offender is convicted of or pleads guilty to 14438  
committing on or after January 2, 2007, a violation of division 14439  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 14440

offender is sentenced under section 2971.03 of the Revised Code 14441  
or a sentence of life without parole is imposed under division 14442  
(B) of section 2907.02 of the Revised Code, the conviction of or 14443  
plea of guilty to the offense automatically classifies the 14444  
offender as a tier III sex offender/child-victim offender for 14445  
purposes of Chapter 2950. of the Revised Code. 14446

(3) If a person is convicted of or pleads guilty to 14447  
committing on or after January 2, 2007, attempted rape and also 14448  
is convicted of or pleads guilty to a specification of the type 14449  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 14450  
Revised Code, the conviction of or plea of guilty to the offense 14451  
and the specification automatically classify the offender as a 14452  
tier III sex offender/child-victim offender for purposes of 14453  
Chapter 2950. of the Revised Code. 14454

(4) If a person is convicted of or pleads guilty to one of 14455  
the offenses described in division (B) (3) (a), (b), (c), or (d) 14456  
of this section and a sexual motivation specification related to 14457  
the offense and the victim of the offense is less than thirteen 14458  
years of age, the conviction of or plea of guilty to the offense 14459  
automatically classifies the offender as a tier III sex 14460  
offender/child-victim offender for purposes of Chapter 2950. of 14461  
the Revised Code. 14462

**Sec. 2971.07.** (A) This chapter does not apply to any 14463  
offender unless the offender is one of the following: 14464

(1) The offender is convicted of or pleads guilty to a 14465  
violent sex offense and also is convicted of or pleads guilty to 14466  
a sexually violent predator specification that was included in 14467  
the indictment, count in the indictment, or information charging 14468  
that offense. 14469

(2) The offender is convicted of or pleads guilty to a 14470  
designated homicide, assault, or kidnapping offense and also is 14471  
convicted of or pleads guilty to both a sexual motivation 14472  
specification and a sexually violent predator specification that 14473  
were included in the indictment, count in the indictment, or 14474  
information charging that offense. 14475

(3) The offender is convicted of or pleads guilty to a 14476  
violation of division (A) (1) (b) of section 2907.02 of the 14477  
Revised Code committed on or after January 2, 2007, and the 14478  
court does not sentence the offender to a term of life without 14479  
parole pursuant to division (B) of section 2907.02 of the 14480  
Revised Code or division (B) of that section prohibits the court 14481  
from sentencing the offender pursuant to section 2971.03 of the 14482  
Revised Code. 14483

(4) The offender is convicted of or pleads guilty to 14484  
attempted rape committed on or after January 2, 2007, and also 14485  
is convicted of or pleads guilty to a specification of the type 14486  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 14487  
Revised Code. 14488

(5) The offender is convicted of or pleads guilty to a 14489  
violation of section 2905.01 of the Revised Code and also is 14490  
convicted of or pleads guilty to a sexual motivation 14491  
specification that was included in the indictment, count in the 14492  
indictment, or information charging that offense, and that 14493  
section requires a court to sentence the offender pursuant to 14494  
section 2971.03 of the Revised Code. 14495

(6) The offender is convicted of or pleads guilty to 14496  
either aggravated murder or aggravated abortion murder, and also 14497  
is convicted of or pleads guilty to a sexual motivation 14498  
specification that was included in the indictment, count in the 14499

indictment, or information charging that offense, and division 14500  
(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) 14501  
(v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of 14502  
section 2929.03, or division (A) or (B) of section 2929.06 of 14503  
the Revised Code requires a court to sentence the offender 14504  
pursuant to division (B) (3) of section 2971.03 of the Revised 14505  
Code. 14506

(7) The offender is convicted of or pleads guilty to 14507  
either murder or abortion murder, and also is convicted of or 14508  
pleads guilty to a sexual motivation specification that was 14509  
included in the indictment, count in the indictment, or 14510  
information charging that offense, and division (B) (2) of 14511  
section 2929.02 of the Revised Code requires a court to sentence 14512  
the offender pursuant to section 2971.03 of the Revised Code. 14513

(B) This chapter does not limit or affect a court in 14514  
imposing upon an offender described in divisions (A) (1) to (9) 14515  
of this section any financial sanction under section 2929.18 or 14516  
any other section of the Revised Code, or, except as 14517  
specifically provided in this chapter, any other sanction that 14518  
is authorized or required for the offense or violation by any 14519  
other provision of law. 14520

(C) If an offender is sentenced to a prison term under 14521  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 14522  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 14523  
Code and if, pursuant to section 2971.05 of the Revised Code, 14524  
the court modifies the requirement that the offender serve the 14525  
entire prison term in a state correctional institution or places 14526  
the offender on conditional release that involves the placement 14527  
of the offender under the supervision of the adult parole 14528  
authority, authorized field officers of the authority who are 14529

engaged within the scope of their supervisory duties or 14530  
responsibilities may search, with or without a warrant, the 14531  
person of the offender, the place of residence of the offender, 14532  
and a motor vehicle, another item of tangible or intangible 14533  
personal property, or any other real property in which the 14534  
offender has the express or implied permission of a person with 14535  
a right, title, or interest to use, occupy, or possess if the 14536  
field officer has reasonable grounds to believe that the 14537  
offender is not abiding by the law or otherwise is not complying 14538  
with the terms and conditions of the offender's modification or 14539  
release. The authority shall provide each offender with a 14540  
written notice that informs the offender that authorized field 14541  
officers of the authority who are engaged within the scope of 14542  
their supervisory duties or responsibilities may conduct those 14543  
types of searches during the period of the modification or 14544  
release if they have reasonable grounds to believe that the 14545  
offender is not abiding by the law or otherwise is not complying 14546  
with the terms and conditions of the offender's modification or 14547  
release. 14548

**Sec. 3301.32.** (A) (1) The chief administrator of any head 14549  
start agency shall request the superintendent of the bureau of 14550  
criminal identification and investigation to conduct a criminal 14551  
records check with respect to any applicant who has applied to 14552  
the head start agency for employment as a person responsible for 14553  
the care, custody, or control of a child. If the applicant does 14554  
not present proof that the applicant has been a resident of this 14555  
state for the five-year period immediately prior to the date 14556  
upon which the criminal records check is requested or does not 14557  
provide evidence that within that five-year period the 14558  
superintendent has requested information about the applicant 14559  
from the federal bureau of investigation in a criminal records 14560

check, the chief administrator shall request that the 14561  
superintendent obtain information from the federal bureau of 14562  
investigation as a part of the criminal records check for the 14563  
applicant. If the applicant presents proof that the applicant 14564  
has been a resident of this state for that five-year period, the 14565  
chief administrator may request that the superintendent include 14566  
information from the federal bureau of investigation in the 14567  
criminal records check. 14568

(2) Any person required by division (A) (1) of this section 14569  
to request a criminal records check shall provide to each 14570  
applicant a copy of the form prescribed pursuant to division (C) 14571  
(1) of section 109.572 of the Revised Code, provide to each 14572  
applicant a standard impression sheet to obtain fingerprint 14573  
impressions prescribed pursuant to division (C) (2) of section 14574  
109.572 of the Revised Code, obtain the completed form and 14575  
impression sheet from each applicant, and forward the completed 14576  
form and impression sheet to the superintendent of the bureau of 14577  
criminal identification and investigation at the time the chief 14578  
administrator requests a criminal records check pursuant to 14579  
division (A) (1) of this section. 14580

(3) Any applicant who receives pursuant to division (A) (2) 14581  
of this section a copy of the form prescribed pursuant to 14582  
division (C) (1) of section 109.572 of the Revised Code and a 14583  
copy of an impression sheet prescribed pursuant to division (C) 14584  
(2) of that section and who is requested to complete the form 14585  
and provide a set of fingerprint impressions shall complete the 14586  
form or provide all the information necessary to complete the 14587  
form and shall provide the impression sheets with the 14588  
impressions of the applicant's fingerprints. If an applicant, 14589  
upon request, fails to provide the information necessary to 14590  
complete the form or fails to provide impressions of the 14591

applicant's fingerprints, the head start agency shall not employ 14592  
that applicant for any position for which a criminal records 14593  
check is required by division (A) (1) of this section. 14594

(B) (1) Except as provided in rules adopted by the director 14595  
of job and family services in accordance with division (E) of 14596  
this section, no head start agency shall employ a person as a 14597  
person responsible for the care, custody, or control of a child 14598  
if the person previously has been convicted of or pleaded guilty 14599  
to any of the following: 14600

(a) A violation of section 2903.01, 2903.02, 2903.03, 14601  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14602  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 14603  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 14604  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 14605  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 14606  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 14607  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 14608  
violation of section 2905.04 of the Revised Code as it existed 14609  
prior to July 1, 1996, a violation of section 2919.23 of the 14610  
Revised Code that would have been a violation of section 2905.04 14611  
of the Revised Code as it existed prior to July 1, 1996, had the 14612  
violation occurred prior to that date, a violation of section 14613  
2925.11 of the Revised Code that is not a minor drug possession 14614  
offense, or felonious sexual penetration in violation of former 14615  
section 2907.12 of the Revised Code; 14616

(b) A violation of an existing or former law of this 14617  
state, any other state, or the United States that is 14618  
substantially equivalent to any of the offenses or violations 14619  
described in division (B) (1) (a) of this section. 14620

(2) A head start agency may employ an applicant 14621

conditionally until the criminal records check required by this 14622  
section is completed and the agency receives the results of the 14623  
criminal records check. If the results of the criminal records 14624  
check indicate that, pursuant to division (B) (1) of this 14625  
section, the applicant does not qualify for employment, the 14626  
agency shall release the applicant from employment. 14627

(C) (1) Each head start agency shall pay to the bureau of 14628  
criminal identification and investigation the fee prescribed 14629  
pursuant to division (C) (3) of section 109.572 of the Revised 14630  
Code for each criminal records check conducted in accordance 14631  
with that section upon the request pursuant to division (A) (1) 14632  
of this section of the chief administrator of the head start 14633  
agency. 14634

(2) A head start agency may charge an applicant a fee for 14635  
the costs it incurs in obtaining a criminal records check under 14636  
this section. A fee charged under this division shall not exceed 14637  
the amount of fees the agency pays under division (C) (1) of this 14638  
section. If a fee is charged under this division, the agency 14639  
shall notify the applicant at the time of the applicant's 14640  
initial application for employment of the amount of the fee and 14641  
that, unless the fee is paid, the head start agency will not 14642  
consider the applicant for employment. 14643

(D) The report of any criminal records check conducted by 14644  
the bureau of criminal identification and investigation in 14645  
accordance with section 109.572 of the Revised Code and pursuant 14646  
to a request made under division (A) (1) of this section is not a 14647  
public record for the purposes of section 149.43 of the Revised 14648  
Code and shall not be made available to any person other than 14649  
the applicant who is the subject of the criminal records check 14650  
or the applicant's representative, the head start agency 14651



requesting the criminal records check or its representative, and 14652  
any court, hearing officer, or other necessary individual 14653  
involved in a case dealing with the denial of employment to the 14654  
applicant. 14655

(E) The director of job and family services shall adopt 14656  
rules pursuant to Chapter 119. of the Revised Code to implement 14657  
this section, including rules specifying circumstances under 14658  
which a head start agency may hire a person who has been 14659  
convicted of an offense listed in division (B) (1) of this 14660  
section but who meets standards in regard to rehabilitation set 14661  
by the director. 14662

(F) Any person required by division (A) (1) of this section 14663  
to request a criminal records check shall inform each person, at 14664  
the time of the person's initial application for employment, 14665  
that the person is required to provide a set of impressions of 14666  
the person's fingerprints and that a criminal records check is 14667  
required to be conducted and satisfactorily completed in 14668  
accordance with section 109.572 of the Revised Code if the 14669  
person comes under final consideration for appointment or 14670  
employment as a precondition to employment for that position. 14671

(G) As used in this section: 14672

(1) "Applicant" means a person who is under final 14673  
consideration for appointment or employment in a position with a 14674  
head start agency as a person responsible for the care, custody, 14675  
or control of a child. 14676

(2) "Head start agency" means an entity in this state that 14677  
has been approved to be an agency for purposes of the "Head 14678  
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 14679

(3) "Criminal records check" has the same meaning as in 14680

section 109.572 of the Revised Code. 14681

(4) "Minor drug possession offense" has the same meaning 14682  
as in section 2925.01 of the Revised Code. 14683

**Sec. 3301.541.** (A) (1) The director, head teacher, 14684  
elementary principal, or site administrator of a preschool 14685  
program shall request the superintendent of the bureau of 14686  
criminal identification and investigation to conduct a criminal 14687  
records check with respect to any applicant who has applied to 14688  
the preschool program for employment as a person responsible for 14689  
the care, custody, or control of a child. If the applicant does 14690  
not present proof that the applicant has been a resident of this 14691  
state for the five-year period immediately prior to the date 14692  
upon which the criminal records check is requested or does not 14693  
provide evidence that within that five-year period the 14694  
superintendent has requested information about the applicant 14695  
from the federal bureau of investigation in a criminal records 14696  
check, the director, head teacher, or elementary principal shall 14697  
request that the superintendent obtain information from the 14698  
federal bureau of investigation as a part of the criminal 14699  
records check for the applicant. If the applicant presents proof 14700  
that the applicant has been a resident of this state for that 14701  
five-year period, the director, head teacher, or elementary 14702  
principal may request that the superintendent include 14703  
information from the federal bureau of investigation in the 14704  
criminal records check. 14705

(2) Any director, head teacher, elementary principal, or 14706  
site administrator required by division (A) (1) of this section 14707  
to request a criminal records check shall provide to each 14708  
applicant a copy of the form prescribed pursuant to division (C) 14709  
(1) of section 109.572 of the Revised Code, provide to each 14710

applicant a standard impression sheet to obtain fingerprint 14711  
impressions prescribed pursuant to division (C) (2) of section 14712  
109.572 of the Revised Code, obtain the completed form and 14713  
impression sheet from each applicant, and forward the completed 14714  
form and impression sheet to the superintendent of the bureau of 14715  
criminal identification and investigation at the time the person 14716  
requests a criminal records check pursuant to division (A) (1) of 14717  
this section. 14718

(3) Any applicant who receives pursuant to division (A) (2) 14719  
of this section a copy of the form prescribed pursuant to 14720  
division (C) (1) of section 109.572 of the Revised Code and a 14721  
copy of an impression sheet prescribed pursuant to division (C) 14722  
(2) of that section and who is requested to complete the form 14723  
and provide a set of fingerprint impressions shall complete the 14724  
form or provide all the information necessary to complete the 14725  
form and provide the impression sheet with the impressions of 14726  
the applicant's fingerprints. If an applicant, upon request, 14727  
fails to provide the information necessary to complete the form 14728  
or fails to provide impressions of the applicant's fingerprints, 14729  
the preschool program shall not employ that applicant for any 14730  
position for which a criminal records check is required by 14731  
division (A) (1) of this section. 14732

(B) (1) Except as provided in rules adopted by the 14733  
department of education in accordance with division (E) of this 14734  
section, no preschool program shall employ a person as a person 14735  
responsible for the care, custody, or control of a child if the 14736  
person previously has been convicted of or pleaded guilty to any 14737  
of the following: 14738

(a) A violation of section 2903.01, 2903.02, 2903.03, 14739  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14740

2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 14741  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 14742  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 14743  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 14744  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 14745  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 14746  
violation of section 2905.04 of the Revised Code as it existed 14747  
prior to July 1, 1996, a violation of section 2919.23 of the 14748  
Revised Code that would have been a violation of section 2905.04 14749  
of the Revised Code as it existed prior to July 1, 1996, had the 14750  
violation occurred prior to that date, a violation of section 14751  
2925.11 of the Revised Code that is not a minor drug possession 14752  
offense, or felonious sexual penetration in violation of former 14753  
section 2907.12 of the Revised Code; 14754

(b) A violation of an existing or former law of this 14755  
state, any other state, or the United States that is 14756  
substantially equivalent to any of the offenses or violations 14757  
described in division (B) (1) (a) of this section. 14758

(2) A preschool program may employ an applicant 14759  
conditionally until the criminal records check required by this 14760  
section is completed and the preschool program receives the 14761  
results of the criminal records check. If the results of the 14762  
criminal records check indicate that, pursuant to division (B) 14763  
(1) of this section, the applicant does not qualify for 14764  
employment, the preschool program shall release the applicant 14765  
from employment. 14766

(C) (1) Each preschool program shall pay to the bureau of 14767  
criminal identification and investigation the fee prescribed 14768  
pursuant to division (C) (3) of section 109.572 of the Revised 14769  
Code for each criminal records check conducted in accordance 14770

with that section upon the request pursuant to division (A) (1) 14771  
of this section of the director, head teacher, elementary 14772  
principal, or site administrator of the preschool program. 14773

(2) A preschool program may charge an applicant a fee for 14774  
the costs it incurs in obtaining a criminal records check under 14775  
this section. A fee charged under this division shall not exceed 14776  
the amount of fees the preschool program pays under division (C) 14777  
(1) of this section. If a fee is charged under this division, 14778  
the preschool program shall notify the applicant at the time of 14779  
the applicant's initial application for employment of the amount 14780  
of the fee and that, unless the fee is paid, the applicant will 14781  
not be considered for employment. 14782

(D) The report of any criminal records check conducted by 14783  
the bureau of criminal identification and investigation in 14784  
accordance with section 109.572 of the Revised Code and pursuant 14785  
to a request under division (A) (1) of this section is not a 14786  
public record for the purposes of section 149.43 of the Revised 14787  
Code and shall not be made available to any person other than 14788  
the applicant who is the subject of the criminal records check 14789  
or the applicant's representative, the preschool program 14790  
requesting the criminal records check or its representative, and 14791  
any court, hearing officer, or other necessary individual in a 14792  
case dealing with the denial of employment to the applicant. 14793

(E) The department of education shall adopt rules pursuant 14794  
to Chapter 119. of the Revised Code to implement this section, 14795  
including rules specifying circumstances under which a preschool 14796  
program may hire a person who has been convicted of an offense 14797  
listed in division (B) (1) of this section but who meets 14798  
standards in regard to rehabilitation set by the department. 14799

(F) Any person required by division (A) (1) of this section 14800

to request a criminal records check shall inform each person, at 14801  
the time of the person's initial application for employment, 14802  
that the person is required to provide a set of impressions of 14803  
the person's fingerprints and that a criminal records check is 14804  
required to be conducted and satisfactorily completed in 14805  
accordance with section 109.572 of the Revised Code if the 14806  
person comes under final consideration for appointment or 14807  
employment as a precondition to employment for that position. 14808

(G) As used in this section: 14809

(1) "Applicant" means a person who is under final 14810  
consideration for appointment or employment in a position with a 14811  
preschool program as a person responsible for the care, custody, 14812  
or control of a child, except that "applicant" does not include 14813  
a person already employed by a board of education, community 14814  
school, or chartered nonpublic school in a position of care, 14815  
custody, or control of a child who is under consideration for a 14816  
different position with such board or school. 14817

(2) "Criminal records check" has the same meaning as in 14818  
section 109.572 of the Revised Code. 14819

(3) "Minor drug possession offense" has the same meaning 14820  
as in section 2925.01 of the Revised Code. 14821

(H) If the board of education of a local school district 14822  
adopts a resolution requesting the assistance of the educational 14823  
service center in which the local district has territory in 14824  
conducting criminal records checks of substitute teachers under 14825  
this section, the appointing or hiring officer of such 14826  
educational service center governing board shall serve for 14827  
purposes of this section as the appointing or hiring officer of 14828  
the local board in the case of hiring substitute teachers for 14829

employment in the local district. 14830

**Sec. 3313.662.** (A) The superintendent of public 14831  
instruction, pursuant to this section and the adjudication 14832  
procedures of section 3301.121 of the Revised Code, may issue an 14833  
adjudication order that permanently excludes a pupil from 14834  
attending any of the public schools of this state if the pupil 14835  
is convicted of, or adjudicated a delinquent child for, 14836  
committing, when the pupil was sixteen years of age or older, an 14837  
act that would be a criminal offense if committed by an adult 14838  
and if the act is any of the following: 14839

(1) A violation of section 2923.122 of the Revised Code; 14840

(2) A violation of section 2923.12 of the Revised Code, of 14841  
a substantially similar municipal ordinance, or of section 14842  
2925.03 of the Revised Code that was committed on property owned 14843  
or controlled by, or at an activity held under the auspices of, 14844  
a board of education of a city, local, exempted village, or 14845  
joint vocational school district; 14846

(3) A violation of section 2925.11 of the Revised Code, 14847  
other than a violation of that section that would be a minor 14848  
drug possession offense, that was committed on property owned or 14849  
controlled by, or at an activity held under the auspices of, the 14850  
board of education of a city, local, exempted village, or joint 14851  
vocational school district; 14852

(4) A violation of section 2903.01, 2903.02, 2903.03, 14853  
2903.04, 2903.11, 2903.12, 2904.03, 2904.04, 2907.02, or 2907.05 14854  
or of former section 2907.12 of the Revised Code that was 14855  
committed on property owned or controlled by, or at an activity 14856  
held under the auspices of, a board of education of a city, 14857  
local, exempted village, or joint vocational school district, if 14858

the victim at the time of the commission of the act was an 14859  
employee of that board of education; 14860

(5) Complicity in any violation described in division (A) 14861  
(1), (2), (3), or (4) of this section that was alleged to have 14862  
been committed in the manner described in division (A) (1), (2), 14863  
(3), or (4) of this section, regardless of whether the act of 14864  
complicity was committed on property owned or controlled by, or 14865  
at an activity held under the auspices of, a board of education 14866  
of a city, local, exempted village, or joint vocational school 14867  
district. 14868

(B) A pupil may be suspended or expelled in accordance 14869  
with section 3313.66 of the Revised Code prior to being 14870  
permanently excluded from public school attendance under this 14871  
section and section 3301.121 of the Revised Code. 14872

(C) (1) If the superintendent of a city, local, exempted 14873  
village, or joint vocational school district in which a pupil 14874  
attends school obtains or receives proof that the pupil has been 14875  
convicted of committing when the pupil was sixteen years of age 14876  
or older a violation listed in division (A) of this section or 14877  
adjudicated a delinquent child for the commission when the pupil 14878  
was sixteen years of age or older of a violation listed in 14879  
division (A) of this section, the superintendent may issue to 14880  
the board of education of the school district a request that the 14881  
pupil be permanently excluded from public school attendance, if 14882  
both of the following apply: 14883

(a) After obtaining or receiving proof of the conviction 14884  
or adjudication, the superintendent or the superintendent's 14885  
designee determines that the pupil's continued attendance in 14886  
school may endanger the health and safety of other pupils or 14887  
school employees and gives the pupil and the pupil's parent, 14888



guardian, or custodian written notice that the superintendent 14889  
intends to recommend to the board of education that the board 14890  
adopt a resolution requesting the superintendent of public 14891  
instruction to permanently exclude the pupil from public school 14892  
attendance. 14893

(b) The superintendent or the superintendent's designee 14894  
forwards to the board of education the superintendent's written 14895  
recommendation that includes the determinations the 14896  
superintendent or designee made pursuant to division (C) (1) (a) 14897  
of this section and a copy of the proof the superintendent 14898  
received showing that the pupil has been convicted of or 14899  
adjudicated a delinquent child for a violation listed in 14900  
division (A) of this section that was committed when the pupil 14901  
was sixteen years of age or older. 14902

(2) Within fourteen days after receipt of a recommendation 14903  
from the superintendent pursuant to division (C) (1) (b) of this 14904  
section that a pupil be permanently excluded from public school 14905  
attendance, the board of education of a city, local, exempted 14906  
village, or joint vocational school district, after review and 14907  
consideration of all of the following available information, may 14908  
adopt a resolution requesting the superintendent of public 14909  
instruction to permanently exclude the pupil who is the subject 14910  
of the recommendation from public school attendance: 14911

(a) The academic record of the pupil and a record of any 14912  
extracurricular activities in which the pupil previously was 14913  
involved; 14914

(b) The disciplinary record of the pupil and any available 14915  
records of the pupil's prior behavioral problems other than the 14916  
behavioral problems contained in the disciplinary record; 14917

|   |   |
|---|---|
| (c) The social history of the pupil;  | 14918   |
| (d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;   | 14919<br>14920  |
| (e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;   | 14921<br>14922<br>14923                                     |
| (f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;   | 14924<br>14925  |
| (g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;   | 14926<br>14927<br>14928                                     |
| (h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;   | 14929<br>14930<br>14931                                     |
| (i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study. | 14932<br>14933<br>14934<br>14935<br>14936<br>14937<br>14938 |
| (3) If the board does not adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact to the superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.                                      | 14939<br>14940<br>14941<br>14942<br>14943<br>14944          |
| (D) (1) Upon adoption of a resolution under division (C) of   | 14945   |

this section, the board of education immediately shall forward 14946  
to the superintendent of public instruction the written 14947  
resolution, proof of the conviction or adjudication that is the 14948  
basis of the resolution, a copy of the pupil's entire school 14949  
record, and any other relevant information and shall forward a 14950  
copy of the resolution to the pupil who is the subject of the 14951  
recommendation and to that pupil's parent, guardian, or 14952  
custodian. 14953

(2) The board of education that adopted and forwarded the 14954  
resolution requesting the permanent exclusion of the pupil to 14955  
the superintendent of public instruction promptly shall 14956  
designate a representative of the school district to present the 14957  
case for permanent exclusion to the superintendent or the 14958  
referee appointed by the superintendent. The representative of 14959  
the school district may be an attorney admitted to the practice 14960  
of law in this state. At the adjudication hearing held pursuant 14961  
to section 3301.121 of the Revised Code, the representative of 14962  
the school district shall present evidence in support of the 14963  
requested permanent exclusion. 14964

(3) Upon receipt of a board of education's resolution 14965  
requesting the permanent exclusion of a pupil from public school 14966  
attendance, the superintendent of public instruction, in 14967  
accordance with the adjudication procedures of section 3301.121 14968  
of the Revised Code, promptly shall issue an adjudication order 14969  
that either permanently excludes the pupil from attending any of 14970  
the public schools of this state or that rejects the resolution 14971  
of the board of education. 14972

(E) Notwithstanding any provision of section 3313.64 of 14973  
the Revised Code or an order of any court of this state that 14974  
otherwise requires the admission of the pupil to a school, no 14975

school official in a city, local, exempted village, or joint 14976  
vocational school district knowingly shall admit to any school 14977  
in the school district a pupil who has been permanently excluded 14978  
from public school attendance by the superintendent of public 14979  
instruction. 14980

(F) (1) (a) Upon determining that the school attendance of a 14981  
pupil who has been permanently excluded from public school 14982  
attendance no longer will endanger the health and safety of 14983  
other students or school employees, the superintendent of any 14984  
city, local, exempted village, or joint vocational school 14985  
district in which the pupil desires to attend school may issue 14986  
to the board of education of the school district a 14987  
recommendation, including the reasons for the recommendation, 14988  
that the permanent exclusion of a pupil be revoked and the pupil 14989  
be allowed to return to the public schools of the state. 14990

If any violation which in whole or in part gave rise to 14991  
the permanent exclusion of any pupil involved the pupil's 14992  
bringing a firearm to a school operated by the board of 14993  
education of a school district or onto any other property owned 14994  
or operated by such a board, no superintendent shall recommend 14995  
under this division an effective date for the revocation of the 14996  
pupil's permanent exclusion that is less than one year after the 14997  
date on which the last such firearm incident occurred. However, 14998  
on a case-by-case basis, a superintendent may recommend an 14999  
earlier effective date for such a revocation for any of the 15000  
reasons for which the superintendent may reduce the one-year 15001  
expulsion requirement in division (B) (2) of section 3313.66 of 15002  
the Revised Code. 15003

(b) Upon receipt of the recommendation of the 15004  
superintendent that a permanent exclusion of a pupil be revoked, 15005

the board of education of a city, local, exempted village, or 15006  
joint vocational school district may adopt a resolution by a 15007  
majority vote of its members requesting the superintendent of 15008  
public instruction to revoke the permanent exclusion of the 15009  
pupil. Upon adoption of the resolution, the board of education 15010  
shall forward a copy of the resolution, the reasons for the 15011  
resolution, and any other relevant information to the 15012  
superintendent of public instruction. 15013

(c) Upon receipt of a resolution of a board of education 15014  
requesting the revocation of a permanent exclusion of a pupil, 15015  
the superintendent of public instruction, in accordance with the 15016  
adjudication procedures of Chapter 119. of the Revised Code, 15017  
shall issue an adjudication order that revokes the permanent 15018  
exclusion of the pupil from public school attendance or that 15019  
rejects the resolution of the board of education. 15020

(2) (a) A pupil who has been permanently excluded pursuant 15021  
to this section and section 3301.121 of the Revised Code may 15022  
request the superintendent of any city, local, exempted village, 15023  
or joint vocational school district in which the pupil desires 15024  
to attend school to admit the pupil on a probationary basis for 15025  
a period not to exceed ninety school days. Upon receiving the 15026  
request, the superintendent may enter into discussions with the 15027  
pupil and with the pupil's parent, guardian, or custodian or a 15028  
person designated by the pupil's parent, guardian, or custodian 15029  
to develop a probationary admission plan designed to assist the 15030  
pupil's probationary admission to the school. The plan may 15031  
include a treatment program, a behavioral modification program, 15032  
or any other program reasonably designed to meet the educational 15033  
needs of the child and the disciplinary requirements of the 15034  
school. 15035

If any violation which in whole or in part gave rise to 15036  
the permanent exclusion of the pupil involved the pupil's 15037  
bringing a firearm to a school operated by the board of 15038  
education of any school district or onto any other property 15039  
owned or operated by such a board, no plan developed under this 15040  
division for the pupil shall include an effective date for the 15041  
probationary admission of the pupil that is less than one year 15042  
after the date on which the last such firearm incident occurred 15043  
except that on a case-by-case basis, a plan may include an 15044  
earlier effective date for such an admission for any of the 15045  
reasons for which the superintendent of the district may reduce 15046  
the one-year expulsion requirement in division (B) (2) of section 15047  
3313.66 of the Revised Code. 15048

(b) If the superintendent of a school district, a pupil, 15049  
and the pupil's parent, guardian, or custodian or a person 15050  
designated by the pupil's parent, guardian, or custodian agree 15051  
upon a probationary admission plan prepared pursuant to division 15052  
(F) (2) (a) of this section, the superintendent of the school 15053  
district shall issue to the board of education of the school 15054  
district a recommendation that the pupil be allowed to attend 15055  
school within the school district under probationary admission, 15056  
the reasons for the recommendation, and a copy of the agreed 15057  
upon probationary admission plan. Within fourteen days after the 15058  
board of education receives the recommendation, reasons, and 15059  
plan, the board may adopt the recommendation by a majority vote 15060  
of its members. If the board adopts the recommendation, the 15061  
pupil may attend school under probationary admission within that 15062  
school district for a period not to exceed ninety days or any 15063  
additional probationary period permitted under divisions (F) (2) 15064  
(d) and (e) of this section in accordance with the probationary 15065  
admission plan prepared pursuant to division (F) (2) (a) of this 15066

section. 15067

(c) If a pupil who is permitted to attend school under 15068  
probationary admission pursuant to division (F)(2)(b) of this 15069  
section fails to comply with the probationary admission plan 15070  
prepared pursuant to division (F)(2)(a) of this section, the 15071  
superintendent of the school district immediately may remove the 15072  
pupil from the school and issue to the board of education of the 15073  
school district a recommendation that the probationary admission 15074  
be revoked. Within five days after the board of education 15075  
receives the recommendation, the board may adopt the 15076  
recommendation to revoke the pupil's probationary admission by a 15077  
majority vote of its members. If a majority of the board does 15078  
not adopt the recommendation to revoke the pupil's probationary 15079  
admission, the pupil shall continue to attend school in 15080  
compliance with the pupil's probationary admission plan. 15081

(d) If a pupil who is permitted to attend school under 15082  
probationary admission pursuant to division (F)(2)(b) of this 15083  
section complies with the probationary admission plan prepared 15084  
pursuant to division (F)(2)(a) of this section, the pupil or the 15085  
pupil's parent, guardian, or custodian, at any time before the 15086  
expiration of the ninety-day probationary admission period, may 15087  
request the superintendent of the school district to extend the 15088  
terms and period of the pupil's probationary admission for a 15089  
period not to exceed ninety days or to issue a recommendation 15090  
pursuant to division (F)(1) of this section that the pupil's 15091  
permanent exclusion be revoked and the pupil be allowed to 15092  
return to the public schools of this state. 15093

(e) If a pupil is granted an extension of the pupil's 15094  
probationary admission pursuant to division (F)(2)(d) of this 15095  
section, the pupil or the pupil's parent, guardian, or 15096

custodian, in the manner described in that division, may 15097  
request, and the superintendent and board, in the manner 15098  
described in that division, may recommend and grant, subsequent 15099  
probationary admission periods not to exceed ninety days each. 15100  
If a pupil who is permitted to attend school under an extension 15101  
of a probationary admission plan complies with the probationary 15102  
admission plan prepared pursuant to the extension, the pupil or 15103  
the pupil's parent, guardian, or custodian may request a 15104  
revocation of the pupil's permanent exclusion in the manner 15105  
described in division (F) (2) (d) of this section. 15106

(f) Any extension of a probationary admission requested by 15107  
a pupil or a pupil's parent, guardian, or custodian pursuant to 15108  
divisions (F) (2) (d) or (e) of this section shall be subject to 15109  
the adoption and approval of a probationary admission plan in 15110  
the manner described in divisions (F) (2) (a) and (b) of this 15111  
section and may be terminated as provided in division (F) (2) (c) 15112  
of this section. 15113

(g) If the pupil has complied with any probationary 15114  
admission plan and the superintendent issues a recommendation 15115  
that seeks revocation of the pupil's permanent exclusion 15116  
pursuant to division (F) (1) of this section, the pupil's 15117  
compliance with any probationary admission plan may be 15118  
considered along with other relevant factors in any 15119  
determination or adjudication conducted pursuant to division (F) 15120  
(1) of this section. 15121

(G) (1) Except as provided in division (G) (2) of this 15122  
section, any information regarding the permanent exclusion of a 15123  
pupil shall be included in the pupil's official records and 15124  
shall be included in any records sent to any school district 15125  
that requests the pupil's records. 15126



(2) When a pupil who has been permanently excluded from public school attendance reaches the age of twenty-two or when the permanent exclusion of a pupil has been revoked, all school districts that maintain records regarding the pupil's permanent exclusion shall remove all references to the exclusion from the pupil's file and shall destroy them.

A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.

(H) (1) This section does not apply to any of the following:

(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code;

(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the state board of education under section 3301.16 of the Revised Code;

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that

enters into a contract or agreement with a school district for 15156  
the provision of educational services in a setting other than a 15157  
setting that is a building or structure owned or controlled by 15158  
the board of education of the school district during normal 15159  
school hours. 15160

(2) This section does not prohibit any person who has been 15161  
permanently excluded pursuant to this section and section 15162  
3301.121 of the Revised Code from seeking a certificate of high 15163  
school equivalence. A person who has been permanently excluded 15164  
may be permitted to participate in a course of study in 15165  
preparation for a high school equivalency test approved by the 15166  
department of education pursuant to division (B) of section 15167  
3301.80 of the Revised Code, except that the person shall not 15168  
participate during normal school hours in that course of study 15169  
in any building or structure owned or controlled by the board of 15170  
education of a school district. 15171

(3) This section does not relieve any school district from 15172  
any requirement under section 2151.362 or 3313.64 of the Revised 15173  
Code to pay for the cost of educating any child who has been 15174  
permanently excluded pursuant to this section and section 15175  
3301.121 of the Revised Code. 15176

(I) As used in this section: 15177

(1) "Permanently exclude" means to forever prohibit an 15178  
individual from attending any public school in this state that 15179  
is operated by a city, local, exempted village, or joint 15180  
vocational school district. 15181

(2) "Permanent exclusion" means the prohibition of a pupil 15182  
forever from attending any public school in this state that is 15183  
operated by a city, local, exempted village, or joint vocational 15184

school district. 15185

(3) "Out-of-home care" has the same meaning as in section 15186  
2151.011 of the Revised Code. 15187

(4) "Certificate of high school equivalence" has the same 15188  
meaning as in section 4109.06 of the Revised Code. 15189

(5) "Nonresidential youth treatment program" means a 15190  
program designed to provide services to persons under the age of 15191  
eighteen in a setting that does not regularly provide long-term 15192  
overnight care, including settlement houses, diversion and 15193  
prevention programs, run-away centers, and alternative education 15194  
programs. 15195

(6) "Firearm" has the same meaning as provided pursuant to 15196  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 15197  
8001(a) (2). 15198

(7) "Minor drug possession offense" has the same meaning 15199  
as in section 2925.01 of the Revised Code. 15200

**Sec. 3319.31.** (A) As used in this section and sections 15201  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 15202  
means a certificate, license, or permit described in this 15203  
chapter or in division (B) of section 3301.071 or in section 15204  
3301.074 of the Revised Code. 15205

(B) For any of the following reasons, the state board of 15206  
education, in accordance with Chapter 119. and section 3319.311 15207  
of the Revised Code, may refuse to issue a license to an 15208  
applicant; may limit a license it issues to an applicant; may 15209  
suspend, revoke, or limit a license that has been issued to any 15210  
person; or may revoke a license that has been issued to any 15211  
person and has expired: 15212

|  |       |
|--|-------|
| (1) Engaging in an immoral act, incompetence, negligence,        | 15213 |
| or conduct that is unbecoming to the applicant's or person's     | 15214 |
| position;  | 15215 |
| (2) A plea of guilty to, a finding of guilt by a jury or         | 15216 |
| court of, or a conviction of any of the following:               | 15217 |
| (a) A felony other than a felony listed in division (C) of       | 15218 |
| this section;  | 15219 |
| (b) An offense of violence other than an offense of              | 15220 |
| violence listed in division (C) of this section;                 | 15221 |
| (c) A theft offense, as defined in section 2913.01 of the        | 15222 |
| Revised Code, other than a theft offense listed in division (C)  | 15223 |
| of this section;   | 15224 |
| (d) A drug abuse offense, as defined in section 2925.01 of       | 15225 |
| the Revised Code, that is not a minor misdemeanor, other than a  | 15226 |
| drug abuse offense listed in division (C) of this section;       | 15227 |
| (e) A violation of an ordinance of a municipal corporation       | 15228 |
| that is substantively comparable to an offense listed in         | 15229 |
| divisions (B) (2) (a) to (d) of this section.                    | 15230 |
| (3) A judicial finding of eligibility for intervention in        | 15231 |
| lieu of conviction under section 2951.041 of the Revised Code,   | 15232 |
| or agreeing to participate in a pre-trial diversion program      | 15233 |
| under section 2935.36 of the Revised Code, or a similar          | 15234 |
| diversion program under rules of a court, for any offense listed | 15235 |
| in division (B) (2) or (C) of this section;                      | 15236 |
| (4) Failure to comply with section 3313.536, 3314.40,            | 15237 |
| 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.     | 15238 |
| (C) Upon learning of a plea of guilty to, a finding of           | 15239 |
| guilt by a jury or court of, or a conviction of any of the       | 15240 |

offenses listed in this division by a person who holds a current 15241  
or expired license or is an applicant for a license or renewal 15242  
of a license, the state board or the superintendent of public 15243  
instruction, if the state board has delegated the duty pursuant 15244  
to division (D) of this section, shall by a written order revoke 15245  
the person's license or deny issuance or renewal of the license 15246  
to the person. The state board or the superintendent shall 15247  
revoke a license that has been issued to a person to whom this 15248  
division applies and has expired in the same manner as a license 15249  
that has not expired. 15250

Revocation of a license or denial of issuance or renewal 15251  
of a license under this division is effective immediately at the 15252  
time and date that the board or superintendent issues the 15253  
written order and is not subject to appeal in accordance with 15254  
Chapter 119. of the Revised Code. Revocation of a license or 15255  
denial of issuance or renewal of license under this division 15256  
remains in force during the pendency of an appeal by the person 15257  
of the plea of guilty, finding of guilt, or conviction that is 15258  
the basis of the action taken under this division. 15259

The state board or superintendent shall take the action 15260  
required by this division for a violation of division (B) (1), 15261  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 15262  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 15263  
2903.041, 2903.11, 2903.12, 2903.15, 2904.03, 2904.04, 2905.01, 15264  
2905.02, 2905.05, 2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 15265  
2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 15266  
2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 15267  
2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 15268  
2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 15269  
2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 15270  
2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 15271

2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 15272  
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 15273  
2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 of the Revised 15274  
Code; a violation of section 2905.04 of the Revised Code as it 15275  
existed prior to July 1, 1996; a violation of section 2919.23 of 15276  
the Revised Code that would have been a violation of section 15277  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 15278  
had the violation been committed prior to that date; felonious 15279  
sexual penetration in violation of former section 2907.12 of the 15280  
Revised Code; or a violation of an ordinance of a municipal 15281  
corporation that is substantively comparable to an offense 15282  
listed in this paragraph. 15283

(D) The state board may delegate to the superintendent of 15284  
public instruction the authority to revoke a person's license or 15285  
to deny issuance or renewal of a license to a person under 15286  
division (C) or (F) of this section. 15287

(E) (1) If the plea of guilty, finding of guilt, or 15288  
conviction that is the basis of the action taken under division 15289  
(B) (2) or (C) of this section, or under the version of division 15290  
(F) of section 3319.311 of the Revised Code in effect prior to 15291  
September 12, 2008, is overturned on appeal, upon exhaustion of 15292  
the criminal appeal, the clerk of the court that overturned the 15293  
plea, finding, or conviction or, if applicable, the clerk of the 15294  
court that accepted an appeal from the court that overturned the 15295  
plea, finding, or conviction, shall notify the state board that 15296  
the plea, finding, or conviction has been overturned. Within 15297  
thirty days after receiving the notification, the state board 15298  
shall initiate proceedings to reconsider the revocation or 15299  
denial of the person's license in accordance with division (E) 15300  
(2) of this section. In addition, the person whose license was 15301  
revoked or denied may file with the state board a petition for 15302

reconsideration of the revocation or denial along with 15303  
appropriate court documents. 15304

(2) Upon receipt of a court notification or a petition and 15305  
supporting court documents under division (E)(1) of this 15306  
section, the state board, after offering the person an 15307  
opportunity for an adjudication hearing under Chapter 119. of 15308  
the Revised Code, shall determine whether the person committed 15309  
the act in question in the prior criminal action against the 15310  
person that is the basis of the revocation or denial and may 15311  
continue the revocation or denial, may reinstate the person's 15312  
license, with or without limits, or may grant the person a new 15313  
license, with or without limits. The decision of the board shall 15314  
be based on grounds for revoking, denying, suspending, or 15315  
limiting a license adopted by rule under division (G) of this 15316  
section and in accordance with the evidentiary standards the 15317  
board employs for all other licensure hearings. The decision of 15318  
the board under this division is subject to appeal under Chapter 15319  
119. of the Revised Code. 15320

(3) A person whose license is revoked or denied under 15321  
division (C) of this section shall not apply for any license if 15322  
the plea of guilty, finding of guilt, or conviction that is the 15323  
basis of the revocation or denial, upon completion of the 15324  
criminal appeal, either is upheld or is overturned but the state 15325  
board continues the revocation or denial under division (E)(2) 15326  
of this section and that continuation is upheld on final appeal. 15327

(F) The state board may take action under division (B) of 15328  
this section, and the state board or the superintendent shall 15329  
take the action required under division (C) of this section, on 15330  
the basis of substantially comparable conduct occurring in a 15331  
jurisdiction outside this state or occurring before a person 15332

applies for or receives any license. 15333

(G) The state board may adopt rules in accordance with 15334  
Chapter 119. of the Revised Code to carry out this section and 15335  
section 3319.311 of the Revised Code. 15336

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 15337  
(b) of section 109.57 of the Revised Code, the appointing or 15338  
hiring officer of the board of education of a school district, 15339  
the governing board of an educational service center, or of a 15340  
chartered nonpublic school shall request the superintendent of 15341  
the bureau of criminal identification and investigation to 15342  
conduct a criminal records check with respect to any applicant 15343  
who has applied to the school district, educational service 15344  
center, or school for employment in any position. The appointing 15345  
or hiring officer shall request that the superintendent include 15346  
information from the federal bureau of investigation in the 15347  
criminal records check, unless all of the following apply to the 15348  
applicant: 15349

(a) The applicant is applying to be an instructor of adult 15350  
education. 15351

(b) The duties of the position for which the applicant is 15352  
applying do not involve routine interaction with a child or 15353  
regular responsibility for the care, custody, or control of a 15354  
child or, if the duties do involve such interaction or 15355  
responsibility, during any period of time in which the 15356  
applicant, if hired, has such interaction or responsibility, 15357  
another employee of the school district, educational service 15358  
center, or chartered nonpublic school will be present in the 15359  
same room with the child or, if outdoors, will be within a 15360  
thirty-yard radius of the child or have visual contact with the 15361  
child. 15362



(c) The applicant presents proof that the applicant has 15363  
been a resident of this state for the five-year period 15364  
immediately prior to the date upon which the criminal records 15365  
check is requested or provides evidence that within that five- 15366  
year period the superintendent has requested information about 15367  
the applicant from the federal bureau of investigation in a 15368  
criminal records check. 15369

(2) A person required by division (A)(1) of this section 15370  
to request a criminal records check shall provide to each 15371  
applicant a copy of the form prescribed pursuant to division (C) 15372  
(1) of section 109.572 of the Revised Code, provide to each 15373  
applicant a standard impression sheet to obtain fingerprint 15374  
impressions prescribed pursuant to division (C)(2) of section 15375  
109.572 of the Revised Code, obtain the completed form and 15376  
impression sheet from each applicant, and forward the completed 15377  
form and impression sheet to the superintendent of the bureau of 15378  
criminal identification and investigation at the time the person 15379  
requests a criminal records check pursuant to division (A)(1) of 15380  
this section. 15381

(3) An applicant who receives pursuant to division (A)(2) 15382  
of this section a copy of the form prescribed pursuant to 15383  
division (C)(1) of section 109.572 of the Revised Code and a 15384  
copy of an impression sheet prescribed pursuant to division (C) 15385  
(2) of that section and who is requested to complete the form 15386  
and provide a set of fingerprint impressions shall complete the 15387  
form or provide all the information necessary to complete the 15388  
form and shall provide the impression sheet with the impressions 15389  
of the applicant's fingerprints. If an applicant, upon request, 15390  
fails to provide the information necessary to complete the form 15391  
or fails to provide impressions of the applicant's fingerprints, 15392  
the board of education of a school district, governing board of 15393

an educational service center, or governing authority of a 15394  
chartered nonpublic school shall not employ that applicant for 15395  
any position. 15396

(4) Notwithstanding any provision of this section to the 15397  
contrary, an applicant who meets the conditions prescribed in 15398  
divisions (A) (1) (a) and (b) of this section and who, within the 15399  
two-year period prior to the date of application, was the 15400  
subject of a criminal records check under this section prior to 15401  
being hired for short-term employment with the school district, 15402  
educational service center, or chartered nonpublic school to 15403  
which application is being made shall not be required to undergo 15404  
a criminal records check prior to the applicant's rehiring by 15405  
that district, service center, or school. 15406

(B) (1) Except as provided in rules adopted by the 15407  
department of education in accordance with division (E) of this 15408  
section and as provided in division (B) (3) of this section, no 15409  
board of education of a school district, no governing board of 15410  
an educational service center, and no governing authority of a 15411  
chartered nonpublic school shall employ a person if the person 15412  
previously has been convicted of or pleaded guilty to any of the 15413  
following: 15414

(a) A violation of section 2903.01, 2903.02, 2903.03, 15415  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15416  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 15417  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 15418  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 15419  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 15420  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 15421  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 15422  
violation of section 2905.04 of the Revised Code as it existed 15423

prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C)(1) Each board and each governing authority of a chartered nonpublic school 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 the request pursuant to division (A)(1) of this section of

the appointing or hiring officer of the board or governing authority. 15454  
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(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment. 15456  
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(D) 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 under division (A) (1) 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 applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant. 15467  
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(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B) (1) or (3) of this section 15479  
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but who meets standards in regard to rehabilitation set by the 15484  
department. 15485

The department shall amend rule 3301-83-23 of the Ohio 15486  
Administrative Code that took effect August 27, 2009, and that 15487  
specifies the offenses that disqualify a person for employment 15488  
as a school bus or school van driver and establishes 15489  
rehabilitation standards for school bus and school van drivers. 15490

(F) Any person required by division (A) (1) of this section 15491  
to request a criminal records check shall inform each person, at 15492  
the time of the person's initial application for employment, of 15493  
the requirement to provide a set of fingerprint impressions and 15494  
that a criminal records check is required to be conducted and 15495  
satisfactorily completed in accordance with section 109.572 of 15496  
the Revised Code if the person comes under final consideration 15497  
for appointment or employment as a precondition to employment 15498  
for the school district, educational service center, or school 15499  
for that position. 15500

(G) As used in this section: 15501

(1) "Applicant" means a person who is under final 15502  
consideration for appointment or employment in a position with a 15503  
board of education, governing board of an educational service 15504  
center, or a chartered nonpublic school, except that "applicant" 15505  
does not include a person already employed by a board or 15506  
chartered nonpublic school who is under consideration for a 15507  
different position with such board or school. 15508

(2) "Teacher" means a person holding an educator license 15509  
or permit issued under section 3319.22 or 3319.301 of the 15510  
Revised Code and teachers in a chartered nonpublic school. 15511

(3) "Criminal records check" has the same meaning as in 15512

section 109.572 of the Revised Code. 15513

(4) "Minor drug possession offense" has the same meaning 15514  
as in section 2925.01 of the Revised Code. 15515

(H) If the board of education of a local school district 15516  
adopts a resolution requesting the assistance of the educational 15517  
service center in which the local district has territory in 15518  
conducting criminal records checks of substitute teachers and 15519  
substitutes for other district employees under this section, the 15520  
appointing or hiring officer of such educational service center 15521  
shall serve for purposes of this section as the appointing or 15522  
hiring officer of the local board in the case of hiring 15523  
substitute teachers and other substitute employees for the local 15524  
district. 15525

**Sec. 3712.09.** (A) As used in this section: 15526

(1) "Applicant" means a person who is under final 15527  
consideration for employment with a hospice care program or 15528  
pediatric respite care program in a full-time, part-time, or 15529  
temporary position that involves providing direct care to an 15530  
older adult or pediatric respite care patient. "Applicant" does 15531  
not include a person who provides direct care as a volunteer 15532  
without receiving or expecting to receive any form of 15533  
remuneration other than reimbursement for actual expenses. 15534

(2) "Criminal records check" has the same meaning as in 15535  
section 109.572 of the Revised Code. 15536

(3) "Older adult" means a person age sixty or older. 15537

(B) (1) Except as provided in division (I) of this section, 15538  
the chief administrator of a hospice care program or pediatric 15539  
respite care program shall request that the superintendent of 15540  
the bureau of criminal identification and investigation conduct 15541

a criminal records check of each applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B) (1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C) (2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint

impression sheet under division (B) (2) (a) of this section who 15572  
fails to complete the form or provide fingerprint impressions 15573  
shall not be employed in any position for which a criminal 15574  
records check is required by this section. 15575

(C) (1) Except as provided in rules adopted by the director 15576  
of health in accordance with division (F) of this section and 15577  
subject to division (C) (2) of this section, no hospice care 15578  
program or pediatric respite care program shall employ a person 15579  
in a position that involves providing direct care to an older 15580  
adult or pediatric respite care patient if the person has been 15581  
convicted of or pleaded guilty to any of the following: 15582

(a) A violation of section 2903.01, 2903.02, 2903.03, 15583  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15584  
2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 15585  
2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 15586  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15587  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 15588  
2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 15589  
2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 15590  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 15591  
Revised Code. 15592

(b) A violation of an existing or former law of this 15593  
state, any other state, or the United States that is 15594  
substantially equivalent to any of the offenses listed in 15595  
division (C) (1) (a) of this section. 15596

(2) (a) A hospice care program or pediatric respite care 15597  
program may employ conditionally an applicant for whom a 15598  
criminal records check request is required under division (B) of 15599  
this section prior to obtaining the results of a criminal 15600  
records check regarding the individual, provided that the 15601



program shall request a criminal records check regarding the 15602  
individual in accordance with division (B)(1) of this section 15603  
not later than five business days after the individual begins 15604  
conditional employment. In the circumstances described in 15605  
division (I)(2) of this section, a hospice care program or 15606  
pediatric respite care program may employ conditionally an 15607  
applicant who has been referred to the hospice care program or 15608  
pediatric respite care program by an employment service that 15609  
supplies full-time, part-time, or temporary staff for positions 15610  
involving the direct care of older adults or pediatric respite 15611  
care patients and for whom, pursuant to that division, a 15612  
criminal records check is not required under division (B) of 15613  
this section. 15614

(b) A hospice care program or pediatric respite care 15615  
program that employs an individual conditionally under authority 15616  
of division (C)(2)(a) of this section shall terminate the 15617  
individual's employment if the results of the criminal records 15618  
check requested under division (B) of this section or described 15619  
in division (I)(2) of this section, other than the results of 15620  
any request for information from the federal bureau of 15621  
investigation, are not obtained within the period ending thirty 15622  
days after the date the request is made. Regardless of when the 15623  
results of the criminal records check are obtained, if the 15624  
results indicate that the individual has been convicted of or 15625  
pleaded guilty to any of the offenses listed or described in 15626  
division (C)(1) of this section, the program shall terminate the 15627  
individual's employment unless the program chooses to employ the 15628  
individual pursuant to division (F) of this section. Termination 15629  
of employment under this division shall be considered just cause 15630  
for discharge for purposes of division (D)(2) of section 4141.29 15631  
of the Revised Code if the individual makes any attempt to 15632

deceive the program about the individual's criminal record. 15633

(D) (1) Each hospice care program or pediatric respite care 15634  
program shall pay to the bureau of criminal identification and 15635  
investigation the fee prescribed pursuant to division (C) (3) of 15636  
section 109.572 of the Revised Code for each criminal records 15637  
check conducted pursuant to a request made under division (B) of 15638  
this section. 15639

(2) A hospice care program or pediatric respite care 15640  
program may charge an applicant a fee not exceeding the amount 15641  
the program pays under division (D) (1) of this section. A 15642  
program may collect a fee only if both of the following apply: 15643

(a) The program notifies the person at the time of initial 15644  
application for employment of the amount of the fee and that, 15645  
unless the fee is paid, the person will not be considered for 15646  
employment; 15647

(b) The medicaid program does not reimburse the program 15648  
the fee it pays under division (D) (1) of this section. 15649

(E) The report of a criminal records check conducted 15650  
pursuant to a request made under this section is not a public 15651  
record for the purposes of section 149.43 of the Revised Code 15652  
and shall not be made available to any person other than the 15653  
following: 15654

(1) The individual who is the subject of the criminal 15655  
records check or the individual's representative; 15656

(2) The chief administrator of the program requesting the 15657  
criminal records check or the administrator's representative; 15658

(3) The administrator of any other facility, agency, or 15659  
program that provides direct care to older adults or pediatric 15660

respite care patients that is owned or operated by the same 15661  
entity that owns or operates the hospice care program or 15662  
pediatric respite care program; 15663

(4) A court, hearing officer, or other necessary 15664  
individual involved in a case dealing with a denial of 15665  
employment of the applicant or dealing with employment or 15666  
unemployment benefits of the applicant; 15667

(5) Any person to whom the report is provided pursuant to, 15668  
and in accordance with, division (I)(1) or (2) of this section. 15669

(F) The director of health shall adopt rules in accordance 15670  
with Chapter 119. of the Revised Code to implement this section. 15671  
The rules shall specify circumstances under which a hospice care 15672  
program or pediatric respite care program may employ a person 15673  
who has been convicted of or pleaded guilty to an offense listed 15674  
or described in division (C)(1) of this section but meets 15675  
personal character standards set by the director. 15676

(G) The chief administrator of a hospice care program or 15677  
pediatric respite care program shall inform each individual, at 15678  
the time of initial application for a position that involves 15679  
providing direct care to an older adult or pediatric respite 15680  
care patient, that the individual is required to provide a set 15681  
of fingerprint impressions and that a criminal records check is 15682  
required to be conducted if the individual comes under final 15683  
consideration for employment. 15684

(H) In a tort or other civil action for damages that is 15685  
brought as the result of an injury, death, or loss to person or 15686  
property caused by an individual who a hospice care program or 15687  
pediatric respite care program employs in a position that 15688  
involves providing direct care to older adults or pediatric 15689

respite care patients, all of the following shall apply: 15690

(1) If the program employed the individual in good faith 15691  
and reasonable reliance on the report of a criminal records 15692  
check requested under this section, the program shall not be 15693  
found negligent solely because of its reliance on the report, 15694  
even if the information in the report is determined later to 15695  
have been incomplete or inaccurate; 15696

(2) If the program employed the individual in good faith 15697  
on a conditional basis pursuant to division (C)(2) of this 15698  
section, the program shall not be found negligent solely because 15699  
it employed the individual prior to receiving the report of a 15700  
criminal records check requested under this section; 15701

(3) If the program in good faith employed the individual 15702  
according to the personal character standards established in 15703  
rules adopted under division (F) of this section, the program 15704  
shall not be found negligent solely because the individual prior 15705  
to being employed had been convicted of or pleaded guilty to an 15706  
offense listed or described in division (C)(1) of this section. 15707

(I)(1) The chief administrator of a hospice care program 15708  
or pediatric respite care program is not required to request 15709  
that the superintendent of the bureau of criminal identification 15710  
and investigation conduct a criminal records check of an 15711  
applicant if the applicant has been referred to the program by 15712  
an employment service that supplies full-time, part-time, or 15713  
temporary staff for positions involving the direct care of older 15714  
adults or pediatric respite care patients and both of the 15715  
following apply: 15716

(a) The chief administrator receives from the employment 15717  
service or the applicant a report of the results of a criminal 15718

records check regarding the applicant that has been conducted by 15719  
the superintendent within the one-year period immediately 15720  
preceding the applicant's referral; 15721

(b) The report of the criminal records check demonstrates 15722  
that the person has not been convicted of or pleaded guilty to 15723  
an offense listed or described in division (C)(1) of this 15724  
section, or the report demonstrates that the person has been 15725  
convicted of or pleaded guilty to one or more of those offenses, 15726  
but the hospice care program or pediatric respite care program 15727  
chooses to employ the individual pursuant to division (F) of 15728  
this section. 15729

(2) The chief administrator of a hospice care program or 15730  
pediatric respite care program is not required to request that 15731  
the superintendent of the bureau of criminal identification and 15732  
investigation conduct a criminal records check of an applicant 15733  
and may employ the applicant conditionally as described in this 15734  
division, if the applicant has been referred to the program by 15735  
an employment service that supplies full-time, part-time, or 15736  
temporary staff for positions involving the direct care of older 15737  
adults or pediatric respite care patients and if the chief 15738  
administrator receives from the employment service or the 15739  
applicant a letter from the employment service that is on the 15740  
letterhead of the employment service, dated, and signed by a 15741  
supervisor or another designated official of the employment 15742  
service and that states that the employment service has 15743  
requested the superintendent to conduct a criminal records check 15744  
regarding the applicant, that the requested criminal records 15745  
check will include a determination of whether the applicant has 15746  
been convicted of or pleaded guilty to any offense listed or 15747  
described in division (C)(1) of this section, that, as of the 15748  
date set forth on the letter, the employment service had not 15749

received the results of the criminal records check, and that, 15750  
when the employment service receives the results of the criminal 15751  
records check, it promptly will send a copy of the results to 15752  
the hospice care program or pediatric respite care program. If a 15753  
hospice care program or pediatric respite care program employs 15754  
an applicant conditionally in accordance with this division, the 15755  
employment service, upon its receipt of the results of the 15756  
criminal records check, promptly shall send a copy of the 15757  
results to the hospice care program or pediatric respite care 15758  
program, and division (C) (2) (b) of this section applies 15759  
regarding the conditional employment. 15760

**Sec. 3721.121.** (A) As used in this section: 15761

(1) "Adult day-care program" means a program operated 15762  
pursuant to rules adopted by the director of health under 15763  
section 3721.04 of the Revised Code and provided by and on the 15764  
same site as homes licensed under this chapter. 15765

(2) "Applicant" means a person who is under final 15766  
consideration for employment with a home or adult day-care 15767  
program in a full-time, part-time, or temporary position that 15768  
involves providing direct care to an older adult. "Applicant" 15769  
does not include a person who provides direct care as a 15770  
volunteer without receiving or expecting to receive any form of 15771  
remuneration other than reimbursement for actual expenses. 15772

(3) "Community-based long-term care services provider" 15773  
means a provider as defined in section 173.39 of the Revised 15774  
Code. 15775

(4) "Criminal records check" has the same meaning as in 15776  
section 109.572 of the Revised Code. 15777

(5) "Home" means a home as defined in section 3721.10 of 15778

the Revised Code. 15779

(6) "Older adult" means a person age sixty or older. 15780

(B) (1) Except as provided in division (I) of this section, 15781  
the chief administrator of a home or adult day-care program 15782  
shall request that the superintendent of the bureau of criminal 15783  
identification and investigation conduct a criminal records 15784  
check of each applicant. If an applicant for whom a criminal 15785  
records check request is required under this division does not 15786  
present proof of having been a resident of this state for the 15787  
five-year period immediately prior to the date the criminal 15788  
records check is requested or provide evidence that within that 15789  
five-year period the superintendent has requested information 15790  
about the applicant from the federal bureau of investigation in 15791  
a criminal records check, the chief administrator shall request 15792  
that the superintendent obtain information from the federal 15793  
bureau of investigation as part of the criminal records check of 15794  
the applicant. Even if an applicant for whom a criminal records 15795  
check request is required under this division presents proof of 15796  
having been a resident of this state for the five-year period, 15797  
the chief administrator may request that the superintendent 15798  
include information from the federal bureau of investigation in 15799  
the criminal records check. 15800

(2) A person required by division (B) (1) of this section 15801  
to request a criminal records check shall do both of the 15802  
following: 15803

(a) Provide to each applicant for whom a criminal records 15804  
check request is required under that division a copy of the form 15805  
prescribed pursuant to division (C) (1) of section 109.572 of the 15806  
Revised Code and a standard fingerprint impression sheet 15807  
prescribed pursuant to division (C) (2) of that section, and 15808

obtain the completed form and impression sheet from the applicant; 15809  
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(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. 15811  
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(3) An applicant provided the form and fingerprint impression sheet under division (B) (2) (a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section. 15814  
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(C) (1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C) (2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following: 15819  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2904.03, 2904.04, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code. 15825  
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in 15835  
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division (C) (1) (a) of this section. 15838

(2) (a) A home or an adult day-care program may employ 15839  
conditionally an applicant for whom a criminal records check 15840  
request is required under division (B) of this section prior to 15841  
obtaining the results of a criminal records check regarding the 15842  
individual, provided that the home or program shall request a 15843  
criminal records check regarding the individual in accordance 15844  
with division (B) (1) of this section not later than five 15845  
business days after the individual begins conditional 15846  
employment. In the circumstances described in division (I) (2) of 15847  
this section, a home or adult day-care program may employ 15848  
conditionally an applicant who has been referred to the home or 15849  
adult day-care program by an employment service that supplies 15850  
full-time, part-time, or temporary staff for positions involving 15851  
the direct care of older adults and for whom, pursuant to that 15852  
division, a criminal records check is not required under 15853  
division (B) of this section. 15854

(b) A home or adult day-care program that employs an 15855  
individual conditionally under authority of division (C) (2) (a) 15856  
of this section shall terminate the individual's employment if 15857  
the results of the criminal records check requested under 15858  
division (B) of this section or described in division (I) (2) of 15859  
this section, other than the results of any request for 15860  
information from the federal bureau of investigation, are not 15861  
obtained within the period ending thirty days after the date the 15862  
request is made. Regardless of when the results of the criminal 15863  
records check are obtained, if the results indicate that the 15864  
individual has been convicted of or pleaded guilty to any of the 15865  
offenses listed or described in division (C) (1) of this section, 15866  
the home or program shall terminate the individual's employment 15867  
unless the home or program chooses to employ the individual 15868

pursuant to division (F) of this section. Termination of 15869  
employment under this division shall be considered just cause 15870  
for discharge for purposes of division (D) (2) of section 4141.29 15871  
of the Revised Code if the individual makes any attempt to 15872  
deceive the home or program about the individual's criminal 15873  
record. 15874

(D) (1) Each home or adult day-care program shall pay to 15875  
the bureau of criminal identification and investigation the fee 15876  
prescribed pursuant to division (C) (3) of section 109.572 of the 15877  
Revised Code for each criminal records check conducted pursuant 15878  
to a request made under division (B) of this section. 15879

(2) A home or adult day-care program may charge an 15880  
applicant a fee not exceeding the amount the home or program 15881  
pays under division (D) (1) of this section. A home or program 15882  
may collect a fee only if both of the following apply: 15883

(a) The home or program notifies the person at the time of 15884  
initial application for employment of the amount of the fee and 15885  
that, unless the fee is paid, the person will not be considered 15886  
for employment; 15887

(b) The medicaid program does not reimburse the home or 15888  
program the fee it pays under division (D) (1) of this section. 15889

(E) The report of any criminal records check conducted 15890  
pursuant to a request made under this section is not a public 15891  
record for the purposes of section 149.43 of the Revised Code 15892  
and shall not be made available to any person other than the 15893  
following: 15894

(1) The individual who is the subject of the criminal 15895  
records check or the individual's representative; 15896

(2) The chief administrator of the home or program 15897

requesting the criminal records check or the administrator's  
representative; 15898  
15899

(3) The administrator of any other facility, agency, or  
program that provides direct care to older adults that is owned 15900  
15901  
or operated by the same entity that owns or operates the home or 15902  
program; 15903

(4) A court, hearing officer, or other necessary 15904  
individual involved in a case dealing with a denial of 15905  
employment of the applicant or dealing with employment or 15906  
unemployment benefits of the applicant; 15907

(5) Any person to whom the report is provided pursuant to, 15908  
and in accordance with, division (I)(1) or (2) of this section; 15909

(6) The board of nursing for purposes of accepting and 15910  
processing an application for a medication aide certificate 15911  
issued under Chapter 4723. of the Revised Code; 15912

(7) The director of aging or the director's designee if 15913  
the criminal records check is requested by the chief 15914  
administrator of a home that is also a community-based long-term 15915  
care services provider. 15916

(F) In accordance with section 3721.11 of the Revised 15917  
Code, the director of health shall adopt rules to implement this 15918  
section. The rules shall specify circumstances under which a 15919  
home or adult day-care program may employ a person who has been 15920  
convicted of or pleaded guilty to an offense listed or described 15921  
in division (C)(1) of this section but meets personal character 15922  
standards set by the director. 15923

(G) The chief administrator of a home or adult day-care 15924  
program shall inform each individual, at the time of initial 15925  
application for a position that involves providing direct care 15926

to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C) (2) of this section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C) (1) of this section.

(I) (1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of

the bureau of criminal identification and investigation conduct 15956  
a criminal records check of an applicant if the applicant has 15957  
been referred to the home or program by an employment service 15958  
that supplies full-time, part-time, or temporary staff for 15959  
positions involving the direct care of older adults and both of 15960  
the following apply: 15961

(a) The chief administrator receives from the employment 15962  
service or the applicant a report of the results of a criminal 15963  
records check regarding the applicant that has been conducted by 15964  
the superintendent within the one-year period immediately 15965  
preceding the applicant's referral; 15966

(b) The report of the criminal records check demonstrates 15967  
that the person has not been convicted of or pleaded guilty to 15968  
an offense listed or described in division (C)(1) of this 15969  
section, or the report demonstrates that the person has been 15970  
convicted of or pleaded guilty to one or more of those offenses, 15971  
but the home or adult day-care program chooses to employ the 15972  
individual pursuant to division (F) of this section. 15973

(2) The chief administrator of a home or adult day-care 15974  
program is not required to request that the superintendent of 15975  
the bureau of criminal identification and investigation conduct 15976  
a criminal records check of an applicant and may employ the 15977  
applicant conditionally as described in this division, if the 15978  
applicant has been referred to the home or program by an 15979  
employment service that supplies full-time, part-time, or 15980  
temporary staff for positions involving the direct care of older 15981  
adults and if the chief administrator receives from the 15982  
employment service or the applicant a letter from the employment 15983  
service that is on the letterhead of the employment service, 15984  
dated, and signed by a supervisor or another designated official 15985

of the employment service and that states that the employment 15986  
service has requested the superintendent to conduct a criminal 15987  
records check regarding the applicant, that the requested 15988  
criminal records check will include a determination of whether 15989  
the applicant has been convicted of or pleaded guilty to any 15990  
offense listed or described in division (C) (1) of this section, 15991  
that, as of the date set forth on the letter, the employment 15992  
service had not received the results of the criminal records 15993  
check, and that, when the employment service receives the 15994  
results of the criminal records check, it promptly will send a 15995  
copy of the results to the home or adult day-care program. If a 15996  
home or adult day-care program employs an applicant 15997  
conditionally in accordance with this division, the employment 15998  
service, upon its receipt of the results of the criminal records 15999  
check, promptly shall send a copy of the results to the home or 16000  
adult day-care program, and division (C) (2) (b) of this section 16001  
applies regarding the conditional employment. 16002

**Sec. 3734.44.** Notwithstanding the provisions of any law to 16003  
the contrary, no permit or license shall be issued or renewed by 16004  
the director of environmental protection or a board of health: 16005

(A) Unless the director or the board of health finds that 16006  
the applicant, in any prior performance record in the 16007  
transportation, transfer, treatment, storage, or disposal of 16008  
solid wastes, infectious wastes, or hazardous waste, has 16009  
exhibited sufficient reliability, expertise, and competency to 16010  
operate the solid waste, infectious waste, or hazardous waste 16011  
facility, given the potential for harm to human health and the 16012  
environment that could result from the irresponsible operation 16013  
of the facility, or, if no prior record exists, that the 16014  
applicant is likely to exhibit that reliability, expertise, and 16015  
competence; 16016

(B) If any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof, has been convicted of any of the following crimes under the laws of this state or equivalent laws of any other jurisdiction:

- (1) Murder or abortion murder;
- (2) Kidnapping;
- (3) Gambling;
- (4) Robbery;
- (5) Bribery;
- (6) Extortion;
- (7) Criminal usury;
- (8) Arson;
- (9) Burglary;
- (10) Theft and related crimes;
- (11) Forgery and fraudulent practices;
- (12) Fraud in the offering, sale, or purchase of securities;
- (13) Alteration of motor vehicle identification numbers;
- (14) Unlawful manufacture, purchase, use, or transfer of firearms;
- (15) Unlawful possession or use of destructive devices or explosives;

(16) A violation of section 2925.03, 2925.04, 2925.05, 16042  
2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the 16043  
Revised Code, unless the violation is for possession of less 16044  
than one hundred grams of marihuana, less than five grams of 16045  
marihuana resin or extraction or preparation of marihuana resin, 16046  
or less than one gram of marihuana resin in a liquid 16047  
concentrate, liquid extract, or liquid distillate form; 16048

(17) Engaging in a pattern of corrupt activity under 16049  
section 2923.32 of the Revised Code; 16050

(18) A violation of the criminal provisions of Chapter 16051  
1331. of the Revised Code; 16052

(19) Any violation of the criminal provisions of any 16053  
federal or state environmental protection laws, rules, or 16054  
regulations that is committed knowingly or recklessly, as 16055  
defined in section 2901.22 of the Revised Code; 16056

(20) A violation of any provision of Chapter 2909. of the 16057  
Revised Code; 16058

(21) Any offense specified in Chapter 2921. of the Revised 16059  
Code. 16060

(C) Notwithstanding division (B) of this section, no 16061  
applicant shall be denied the issuance or renewal of a permit or 16062  
license on the basis of a conviction of any individual or 16063  
business concern required to be listed in the disclosure 16064  
statement or shown to have a beneficial interest in the business 16065  
of the applicant or the permittee, other than an equity interest 16066  
or debt liability, by the investigation thereof for any of the 16067  
offenses enumerated in that division as disqualification 16068  
criteria if that applicant has affirmatively demonstrated 16069  
rehabilitation of the individual or business concern by a 16070



preponderance of the evidence. If any such individual was 16071  
convicted of any of the offenses so enumerated that are 16072  
felonies, a permit shall be denied unless five years have 16073  
elapsed since the individual was fully discharged from 16074  
imprisonment and parole for the offense, from a community 16075  
control sanction imposed under section 2929.15 of the Revised 16076  
Code, from a post-release control sanction imposed under section 16077  
2967.28 of the Revised Code for the offense, or imprisonment, 16078  
probation, and parole for an offense that was committed prior to 16079  
July 1, 1996. In determining whether an applicant has 16080  
affirmatively demonstrated rehabilitation, the director or the 16081  
board of health shall request a recommendation on the matter 16082  
from the attorney general and shall consider and base the 16083  
determination on the following factors: 16084

(1) The nature and responsibilities of the position a 16085  
convicted individual would hold; 16086

(2) The nature and seriousness of the offense; 16087

(3) The circumstances under which the offense occurred; 16088

(4) The date of the offense; 16089

(5) The age of the individual when the offense was 16090  
committed; 16091

(6) Whether the offense was an isolated or repeated 16092  
incident; 16093

(7) Any social conditions that may have contributed to the 16094  
offense; 16095

(8) Any evidence of rehabilitation, including good conduct 16096  
in prison or in the community, counseling or psychiatric 16097  
treatment received, acquisition of additional academic or 16098

vocational schooling, successful participation in correctional 16099  
work release programs, or the recommendation of persons who have 16100  
or have had the applicant under their supervision; 16101

(9) In the instance of an applicant that is a business 16102  
concern, rehabilitation shall be established if the applicant 16103  
has implemented formal management controls to minimize and 16104  
prevent the occurrence of violations and activities that will or 16105  
may result in permit or license denial or revocation or if the 16106  
applicant has formalized those controls as a result of a 16107  
revocation or denial of a permit or license. Those controls may 16108  
include, but are not limited to, instituting environmental 16109  
auditing programs to help ensure the adequacy of internal 16110  
systems to achieve, maintain, and monitor compliance with 16111  
applicable environmental laws and standards or instituting an 16112  
antitrust compliance auditing program to help ensure full 16113  
compliance with applicable antitrust laws. The business concern 16114  
shall prove by a preponderance of the evidence that the 16115  
management controls are effective in preventing the violations 16116  
that are the subject of concern. 16117

(D) Unless the director or the board of health finds that 16118  
the applicant has a history of compliance with environmental 16119  
laws in this state and other jurisdictions and is presently in 16120  
substantial compliance with, or on a legally enforceable 16121  
schedule that will result in compliance with, environmental laws 16122  
in this state and other jurisdictions; 16123

(E) With respect to the approval of a permit, if the 16124  
director determines that current prosecutions or pending charges 16125  
in any jurisdiction for any of the offenses enumerated in 16126  
division (B) of this section against any individual or business 16127  
concern required to be listed in the disclosure statement or 16128

shown by the investigation to have a beneficial interest in the 16129  
business of the applicant other than an equity interest or debt 16130  
liability are of such magnitude that they prevent making the 16131  
finding required under division (A) of this section, provided 16132  
that at the request of the applicant or the individual or 16133  
business concern charged, the director shall defer decision upon 16134  
the application during the pendency of the charge. 16135

**Sec. 4715.30.** (A) An applicant for or holder of a 16136  
certificate or license issued under this chapter is subject to 16137  
disciplinary action by the state dental board for any of the 16138  
following reasons: 16139

(1) Employing or cooperating in fraud or material 16140  
deception in applying for or obtaining a license or certificate; 16141

(2) Obtaining or attempting to obtain money or anything of 16142  
value by intentional misrepresentation or material deception in 16143  
the course of practice; 16144

(3) Advertising services in a false or misleading manner 16145  
or violating the board's rules governing time, place, and manner 16146  
of advertising; 16147

(4) Commission of an act that constitutes a felony in this 16148  
state, regardless of the jurisdiction in which the act was 16149  
committed; 16150

(5) Commission of an act in the course of practice that 16151  
constitutes a misdemeanor in this state, regardless of the 16152  
jurisdiction in which the act was committed; 16153

(6) Conviction of, a plea of guilty to, a judicial finding 16154  
of guilt of, a judicial finding of guilt resulting from a plea 16155  
of no contest to, or a judicial finding of eligibility for 16156  
intervention in lieu of conviction for, any felony or of a 16157

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| misdemeanor committed in the course of practice;  | 16158   |
| (7) Engaging in lewd or immoral conduct in connection with the provision of dental services;  | 16159<br>16160  |
| (8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;  | 16161<br>16162<br>16163<br>16164<br>16165<br>16166<br>16167<br>16168          |
| (9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results; | 16169<br>16170<br>16171<br>16172<br>16173<br>16174<br>16175<br>16176<br>16177 |
| (10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;   | 16178<br>16179<br>16180<br>16181  |
| (11) Violation of any provision of this chapter or any rule adopted thereunder;   | 16182<br>16183  |
| (12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;  | 16184<br>16185<br>16186   |

- (13) Except as provided in division (H) of this section, 16187  
either of the following: 16188
- (a) Waiving the payment of all or any part of a deductible 16189  
or copayment that a patient, pursuant to a health insurance or 16190  
health care policy, contract, or plan that covers dental 16191  
services, would otherwise be required to pay if the waiver is 16192  
used as an enticement to a patient or group of patients to 16193  
receive health care services from that certificate or license 16194  
holder; 16195
- (b) Advertising that the certificate or license holder 16196  
will waive the payment of all or any part of a deductible or 16197  
copayment that a patient, pursuant to a health insurance or 16198  
health care policy, contract, or plan that covers dental 16199  
services, would otherwise be required to pay. 16200
- (14) Failure to comply with section 4715.302 or 4729.79 of 16201  
the Revised Code, unless the state board of pharmacy no longer 16202  
maintains a drug database pursuant to section 4729.75 of the 16203  
Revised Code; 16204
- (15) Any of the following actions taken by an agency 16205  
responsible for authorizing, certifying, or regulating an 16206  
individual to practice a health care occupation or provide 16207  
health care services in this state or another jurisdiction, for 16208  
any reason other than the nonpayment of fees: the limitation, 16209  
revocation, or suspension of an individual's license to 16210  
practice; acceptance of an individual's license surrender; 16211  
denial of a license; refusal to renew or reinstate a license; 16212  
imposition of probation; or issuance of an order of censure or 16213  
other reprimand; 16214
- (16) Failure to cooperate in an investigation conducted by 16215

the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(17) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(B) A manager, proprietor, operator, or conductor of a dental facility shall be subject to disciplinary action if any dentist, dental hygienist, expanded function dental auxiliary, or qualified personnel providing services in the facility is found to have committed a violation listed in division (A) of this section and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis.

(C) Subject to Chapter 119. of the Revised Code, the board may take one or more of the following disciplinary actions if one or more of the grounds for discipline listed in divisions (A) and (B) of this section exist:

(1) Censure the license or certificate holder;

(2) Place the license or certificate on probationary status for such period of time the board determines necessary and require the holder to:

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| (a) Report regularly to the board upon the matters which are the basis of probation;  | 16245<br>16246  |
| (b) Limit practice to those areas specified by the board;   | 16247   |
| (c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.  | 16248<br>16249<br>16250                                     |
| (3) Suspend the certificate or license;   | 16251   |
| (4) Revoke the certificate or license.  | 16252   |
| Where the board places a holder of a license or certificate on probationary status pursuant to division (C) (2) of this section, the board may subsequently suspend or revoke the license or certificate if it determines that the holder has not met the requirements of the probation or continues to engage in activities that constitute grounds for discipline pursuant to division (A) or (B) of this section.                        | 16253<br>16254<br>16255<br>16256<br>16257<br>16258<br>16259 |
| Any order suspending a license or certificate shall state the conditions under which the license or certificate will be restored, which may include a conditional restoration during which time the holder is in a probationary status pursuant to division (C) (2) of this section. The board shall restore the license or certificate unconditionally when such conditions are met.   | 16260<br>16261<br>16262<br>16263<br>16264<br>16265<br>16266 |
| (D) If the physical or mental condition of an applicant or a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by an individual designated or approved by the board and at the board's expense. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician | 16267<br>16268<br>16269<br>16270<br>16271<br>16272<br>16273 |

assistant, a clinical nurse specialist, a certified nurse 16274  
practitioner, or a certified nurse-midwife. Any written 16275  
documentation of the physical examination shall be completed by 16276  
the individual who conducted the examination. 16277

Failure to comply with an order for an examination shall 16278  
be grounds for refusal of a license or certificate or summary 16279  
suspension of a license or certificate under division (E) of 16280  
this section. 16281

(E) If a license or certificate holder has failed to 16282  
comply with an order under division (D) of this section, the 16283  
board may apply to the court of common pleas of the county in 16284  
which the holder resides for an order temporarily suspending the 16285  
holder's license or certificate, without a prior hearing being 16286  
afforded by the board, until the board conducts an adjudication 16287  
hearing pursuant to Chapter 119. of the Revised Code. If the 16288  
court temporarily suspends a holder's license or certificate, 16289  
the board shall give written notice of the suspension personally 16290  
or by certified mail to the license or certificate holder. Such 16291  
notice shall inform the license or certificate holder of the 16292  
right to a hearing pursuant to Chapter 119. of the Revised Code. 16293

(F) Any holder of a certificate or license issued under 16294  
this chapter who has pleaded guilty to, has been convicted of, 16295  
or has had a judicial finding of eligibility for intervention in 16296  
lieu of conviction entered against the holder in this state for 16297  
aggravated murder, murder, aggravated abortion murder, abortion 16298  
murder, voluntary manslaughter, felonious assault, kidnapping, 16299  
rape, sexual battery, gross sexual imposition, aggravated arson, 16300  
aggravated robbery, or aggravated burglary, or who has pleaded 16301  
guilty to, has been convicted of, or has had a judicial finding 16302  
of eligibility for treatment or intervention in lieu of 16303



conviction entered against the holder in another jurisdiction 16304  
for any substantially equivalent criminal offense, is 16305  
automatically suspended from practice under this chapter in this 16306  
state and any certificate or license issued to the holder under 16307  
this chapter is automatically suspended, as of the date of the 16308  
guilty plea, conviction, or judicial finding, whether the 16309  
proceedings are brought in this state or another jurisdiction. 16310  
Continued practice by an individual after the suspension of the 16311  
individual's certificate or license under this division shall be 16312  
considered practicing without a certificate or license. The 16313  
board shall notify the suspended individual of the suspension of 16314  
the individual's certificate or license under this division by 16315  
certified mail or in person in accordance with section 119.07 of 16316  
the Revised Code. If an individual whose certificate or license 16317  
is suspended under this division fails to make a timely request 16318  
for an adjudicatory hearing, the board shall enter a final order 16319  
revoking the individual's certificate or license. 16320

(G) If the supervisory investigative panel determines both 16321  
of the following, the panel may recommend that the board suspend 16322  
an individual's certificate or license without a prior hearing: 16323

(1) That there is clear and convincing evidence that an 16324  
individual has violated division (A) of this section; 16325

(2) That the individual's continued practice presents a 16326  
danger of immediate and serious harm to the public. 16327

Written allegations shall be prepared for consideration by 16328  
the board. The board, upon review of those allegations and by an 16329  
affirmative vote of not fewer than four dentist members of the 16330  
board and seven of its members in total, excluding any member on 16331  
the supervisory investigative panel, may suspend a certificate 16332  
or license without a prior hearing. A telephone conference call 16333

may be utilized for reviewing the allegations and taking the 16334  
vote on the summary suspension. 16335

The board shall issue a written order of suspension by 16336  
certified mail or in person in accordance with section 119.07 of 16337  
the Revised Code. The order shall not be subject to suspension 16338  
by the court during pendency or any appeal filed under section 16339  
119.12 of the Revised Code. If the individual subject to the 16340  
summary suspension requests an adjudicatory hearing by the 16341  
board, the date set for the hearing shall be within fifteen 16342  
days, but not earlier than seven days, after the individual 16343  
requests the hearing, unless otherwise agreed to by both the 16344  
board and the individual. 16345

Any summary suspension imposed under this division shall 16346  
remain in effect, unless reversed on appeal, until a final 16347  
adjudicative order issued by the board pursuant to this section 16348  
and Chapter 119. of the Revised Code becomes effective. The 16349  
board shall issue its final adjudicative order within seventy- 16350  
five days after completion of its hearing. A failure to issue 16351  
the order within seventy-five days shall result in dissolution 16352  
of the summary suspension order but shall not invalidate any 16353  
subsequent, final adjudicative order. 16354

(H) Sanctions shall not be imposed under division (A) (13) 16355  
of this section against any certificate or license holder who 16356  
waives deductibles and copayments as follows: 16357

(1) In compliance with the health benefit plan that 16358  
expressly allows such a practice. Waiver of the deductibles or 16359  
copayments shall be made only with the full knowledge and 16360  
consent of the plan purchaser, payer, and third-party 16361  
administrator. Documentation of the consent shall be made 16362  
available to the board upon request. 16363

(2) For professional services rendered to any other person 16364  
who holds a certificate or license issued pursuant to this 16365  
chapter to the extent allowed by this chapter and the rules of 16366  
the board. 16367

(I) In no event shall the board consider or raise during a 16368  
hearing required by Chapter 119. of the Revised Code the 16369  
circumstances of, or the fact that the board has received, one 16370  
or more complaints about a person unless the one or more 16371  
complaints are the subject of the hearing or resulted in the 16372  
board taking an action authorized by this section against the 16373  
person on a prior occasion. 16374

(J) The board may share any information it receives 16375  
pursuant to an investigation under division (D) of section 16376  
4715.03 of the Revised Code, including patient records and 16377  
patient record information, with law enforcement agencies, other 16378  
licensing boards, and other governmental agencies that are 16379  
prosecuting, adjudicating, or investigating alleged violations 16380  
of statutes or administrative rules. An agency or board that 16381  
receives the information shall comply with the same requirements 16382  
regarding confidentiality as those with which the state dental 16383  
board must comply, notwithstanding any conflicting provision of 16384  
the Revised Code or procedure of the agency or board that 16385  
applies when it is dealing with other information in its 16386  
possession. In a judicial proceeding, the information may be 16387  
admitted into evidence only in accordance with the Rules of 16388  
Evidence, but the court shall require that appropriate measures 16389  
are taken to ensure that confidentiality is maintained with 16390  
respect to any part of the information that contains names or 16391  
other identifying information about patients or complainants 16392  
whose confidentiality was protected by the state dental board 16393  
when the information was in the board's possession. Measures to 16394

ensure confidentiality that may be taken by the court include 16395  
sealing its records or deleting specific information from its 16396  
records. 16397

**Sec. 4717.05.** (A) Any person who desires to be licensed as 16398  
an embalmer shall apply to the board of embalmers and funeral 16399  
directors on a form provided by the board. The applicant shall 16400  
include with the application an initial license fee as set forth 16401  
in section 4717.07 of the Revised Code and evidence, verified by 16402  
oath and satisfactory to the board, that the applicant meets all 16403  
of the following requirements: 16404

(1) The applicant is at least eighteen years of age and of 16405  
good moral character. 16406

(2) If the applicant has pleaded guilty to, has been found 16407  
by a judge or jury to be guilty of, or has had a judicial 16408  
finding of eligibility for treatment in lieu of conviction 16409  
entered against the applicant in this state for aggravated 16410  
murder, murder, aggravated abortion murder, abortion murder, 16411  
voluntary manslaughter, felonious assault, kidnapping, rape, 16412  
sexual battery, gross sexual imposition, aggravated arson, 16413  
aggravated robbery, or aggravated burglary, or has pleaded 16414  
guilty to, has been found by a judge or jury to be guilty of, or 16415  
has had a judicial finding of eligibility for treatment in lieu 16416  
of conviction entered against the applicant in another 16417  
jurisdiction for a substantially equivalent offense, at least 16418  
five years has elapsed since the applicant was released from 16419  
incarceration, a community control sanction, a post-release 16420  
control sanction, parole, or treatment in connection with the 16421  
offense. 16422

(3) The applicant holds at least a bachelor's degree from 16423  
a college or university authorized to confer degrees by the 16424

department of higher education or the comparable legal agency of 16425  
another state in which the college or university is located and 16426  
submits an official transcript from that college or university 16427  
with the application. 16428

(4) The applicant has satisfactorily completed at least 16429  
twelve months of instruction in a prescribed course in mortuary 16430  
science as approved by the board and has presented to the board 16431  
a certificate showing successful completion of the course. The 16432  
course of mortuary science college training may be completed 16433  
either before or after the completion of the educational 16434  
standard set forth in division (A) (3) of this section. 16435

(5) The applicant has registered with the board prior to 16436  
beginning an embalmer apprenticeship. 16437

(6) The applicant has satisfactorily completed at least 16438  
one year of apprenticeship under an embalmer licensed in this 16439  
state and has participated in embalming at least twenty-five 16440  
dead human bodies. 16441

(7) The applicant, upon meeting the educational standards 16442  
provided for in divisions (A) (3) and (4) of this section and 16443  
completing the apprenticeship required in division (A) (6) of 16444  
this section, has completed the examination for an embalmer's 16445  
license required by the board. 16446

(B) Upon receiving satisfactory evidence verified by oath 16447  
that the applicant meets all the requirements of division (A) of 16448  
this section, the board shall issue the applicant an embalmer's 16449  
license. 16450

(C) Any person who desires to be licensed as a funeral 16451  
director shall apply to the board on a form prescribed by the 16452  
board. The application shall include an initial license fee as 16453

set forth in section 4717.07 of the Revised Code and evidence, 16454  
verified by oath and satisfactory to the board, that the 16455  
applicant meets all of the following requirements: 16456

(1) Except as otherwise provided in division (D) of this 16457  
section, the applicant has satisfactorily met all the 16458  
requirements for an embalmer's license as described in divisions 16459  
(A) (1) to (4) of this section. 16460

(2) The applicant has registered with the board prior to 16461  
beginning a funeral director apprenticeship. 16462

(3) The applicant, following mortuary science college 16463  
training described in division (A) (4) of this section, has 16464  
satisfactorily completed a one-year apprenticeship under a 16465  
licensed funeral director in this state and has participated in 16466  
directing at least twenty-five funerals. 16467

(4) The applicant has satisfactorily completed the 16468  
examination for a funeral director's license as required by the 16469  
board. 16470

(D) In lieu of mortuary science college training required 16471  
for a funeral director's license under division (C) (1) of this 16472  
section, the applicant may substitute a satisfactorily completed 16473  
two-year apprenticeship under a licensed funeral director in 16474  
this state assisting that person in directing at least fifty 16475  
funerals. 16476

(E) Upon receiving satisfactory evidence that the 16477  
applicant meets all the requirements of division (C) of this 16478  
section, the board shall issue to the applicant a funeral 16479  
director's license. 16480

(F) A funeral director or embalmer may request the funeral 16481  
director's or embalmer's license be placed on inactive status by 16482

submitting to the board a form prescribed by the board and such 16483  
other information as the board may request. A funeral director 16484  
or embalmer may not place the funeral director's or embalmer's 16485  
license on inactive status unless the funeral director or 16486  
embalmer is in good standing with the board and is in compliance 16487  
with applicable continuing education requirements. A funeral 16488  
director or embalmer who is granted inactive status is 16489  
prohibited from participating in any activity for which a 16490  
funeral director's or embalmer's license is required in this 16491  
state. A funeral director or embalmer who has been granted 16492  
inactive status is exempt from the continuing education 16493  
requirements under section 4717.09 of the Revised Code during 16494  
the period of the inactive status. 16495

(G) A funeral director or embalmer who has been granted 16496  
inactive status may not return to active status for at least two 16497  
years following the date that the inactive status was granted. 16498  
Following a period of at least two years of inactive status, the 16499  
funeral director or embalmer may apply to return to active 16500  
status upon completion of all of the following conditions: 16501

(1) The funeral director or embalmer files with the board 16502  
a form prescribed by the board seeking active status and 16503  
provides any other information as the board may request; 16504

(2) The funeral director or embalmer takes and passes the 16505  
Ohio laws examination for each license being activated; 16506

(3) The funeral director or embalmer pays a reactivation 16507  
fee to the board in the amount of one hundred forty dollars for 16508  
each license being reactivated. 16509

(H) As used in this section: 16510

(1) "Community control sanction" has the same meaning as 16511

in section 2929.01 of the Revised Code. 16512

(2) "Post-release control sanction" has the same meaning 16513  
as in section 2967.01 of the Revised Code. 16514

**Sec. 4717.051.** (A) Any person who desires to obtain a 16515  
permit as a crematory operator shall apply to the board of 16516  
embalmers and funeral directors on a form prescribed by the 16517  
board. The applicant shall include with the application the 16518  
initial permit fee set forth in section 4717.07 of the Revised 16519  
Code and evidence, verified under oath and satisfactory to the 16520  
board, that the applicant satisfies all of the following 16521  
requirements: 16522

(1) The applicant is at least eighteen years of age and of 16523  
good moral character. 16524

(2) If the applicant has pleaded guilty to, or has been 16525  
found by a judge or jury to be guilty of, or has had judicial 16526  
finding of eligibility for treatment in lieu of conviction 16527  
entered against the applicant in this state for aggravated 16528  
murder, murder, aggravated abortion murder, abortion murder, 16529  
voluntary manslaughter, felonious assault, kidnapping, rape, 16530  
sexual battery, gross sexual imposition, aggravated arson, 16531  
aggravated robbery, or aggravated burglary, or has pleaded 16532  
guilty to, has been found by a judge or jury to be guilty of, or 16533  
has had judicial finding of eligibility for treatment in lieu of 16534  
conviction entered against the applicant in another jurisdiction 16535  
for a substantially equivalent offense, at least five years has 16536  
elapsed since the applicant was released from incarceration, a 16537  
community control sanction, a post-release control sanction, 16538  
parole, or treatment in connection with the offense. 16539

(3) The applicant has satisfactorily completed a crematory 16540



operation certification program approved by the board and has 16541  
presented to the board a certificate showing completion of the 16542  
program. 16543

(B) If the board of embalmers and funeral directors, upon 16544  
receiving satisfactory evidence, determines that the applicant 16545  
satisfies all of the requirements of division (A) of this 16546  
section, the board shall issue to the applicant a permit as a 16547  
crematory operator. 16548

(C) The board of embalmers and funeral directors may 16549  
revoke or suspend a crematory operator permit or subject a 16550  
crematory operator permit holder to discipline in accordance 16551  
with the laws, rules, and procedures applicable to licensees 16552  
under this chapter. 16553

**Sec. 4717.14.** (A) The board of embalmers and funeral 16554  
directors may refuse to grant or renew, or may suspend or 16555  
revoke, any license or permit issued under this chapter or may 16556  
require the holder of a license or permit to take corrective 16557  
action courses for any of the following reasons: 16558

(1) The holder of a license or permit obtained the license 16559  
or permit by fraud or misrepresentation either in the 16560  
application or in passing the examination. 16561

(2) The applicant, licensee, or permit holder has been 16562  
convicted of or has pleaded guilty to a felony or of any crime 16563  
involving moral turpitude. 16564

(3) The applicant, licensee, or permit holder has 16565  
recklessly violated any provision of sections 4717.01 to 4717.15 16566  
or a rule adopted under any of those sections; division (A) or 16567  
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 16568  
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 16569

4717.26; division (D) (1) of section 4717.27; or divisions (A) to 16570  
(C) of section 4717.28 of the Revised Code; or any provisions of 16571  
sections 4717.31 to 4717.38 of the Revised Code; any rule or 16572  
order of the department of health or a board of health of a 16573  
health district governing the disposition of dead human bodies; 16574  
or any other rule or order applicable to the applicant or 16575  
licensee. 16576

(4) The applicant, licensee, or permit holder has 16577  
committed immoral or unprofessional conduct. 16578

(5) The applicant or licensee knowingly permitted an 16579  
unlicensed person, other than a person serving an 16580  
apprenticeship, to engage in the profession or business of 16581  
embalming or funeral directing under the applicant's or 16582  
licensee's supervision. 16583

(6) The applicant, licensee, or permit holder has been 16584  
habitually intoxicated, or is addicted to the use of morphine, 16585  
cocaine, or other habit-forming or illegal drugs. 16586

(7) The applicant, licensee, or permit holder has refused 16587  
to promptly submit the custody of a dead human body or cremated 16588  
remains upon the express order of the person legally entitled to 16589  
the body or cremated remains. 16590

(8) The licensee or permit holder loaned the licensee's 16591  
own license or the permit holder's own permit, or the applicant, 16592  
licensee, or permit holder borrowed or used the license or 16593  
permit of another person, or knowingly aided or abetted the 16594  
granting of an improper license or permit. 16595

(9) The applicant, licensee, or permit holder misled the 16596  
public by using false or deceptive advertising. As used in this 16597  
division, "false and deceptive advertising" includes, but is not 16598

limited to, any of the following: 16599

(a) Using the names of persons who are not licensed to 16600  
practice funeral directing in a way that leads the public to 16601  
believe that such persons are engaging in funeral directing; 16602

(b) Using any name for the funeral home other than the 16603  
name under which the funeral home is licensed; 16604

(c) Using in the funeral home's name the surname of an 16605  
individual who is not directly, actively, or presently 16606  
associated with the funeral home, unless such surname has been 16607  
previously and continuously used by the funeral home. 16608

(B) (1) The board of embalmers and funeral directors shall 16609  
refuse to grant or renew, or shall suspend or revoke a license 16610  
or permit only in accordance with Chapter 119. of the Revised 16611  
Code. 16612

(2) The board shall send to the crematory review board 16613  
written notice that it proposes to refuse to issue or renew, or 16614  
proposes to suspend or revoke, a license to operate a crematory 16615  
facility. If, after the conclusion of the adjudicatory hearing 16616  
on the matter conducted under division (F) of section 4717.03 of 16617  
the Revised Code, the board of embalmers and funeral directors 16618  
finds that any of the circumstances described in divisions (A) 16619  
(1) to (9) of this section apply to the person named in its 16620  
proposed action, the board may issue a final order under 16621  
division (F) of section 4717.03 of the Revised Code refusing to 16622  
issue or renew, or suspending or revoking, the person's license 16623  
to operate a crematory facility. 16624

(C) If the board of embalmers and funeral directors 16625  
determines that there is clear and convincing evidence that any 16626  
of the circumstances described in divisions (A) (1) to (9) of 16627

this section apply to the holder of a license or permit issued 16628  
under this chapter and that the licensee's or permit holder's 16629  
continued practice presents a danger of immediate and serious 16630  
harm to the public, the board may suspend the licensee's license 16631  
or permit holder's permit without a prior adjudicatory hearing. 16632  
The executive director of the board shall prepare written 16633  
allegations for consideration by the board. 16634

The board, after reviewing the written allegations, may 16635  
suspend a license or permit without a prior hearing. 16636

Notwithstanding section 121.22 of the Revised Code, the 16637  
board may suspend a license or permit under this division by 16638  
utilizing a telephone conference call to review the allegations 16639  
and to take a vote. 16640

The board shall issue a written order of suspension by a 16641  
delivery system or in person in accordance with section 119.07 16642  
of the Revised Code. Such an order is not subject to suspension 16643  
by the court during the pendency of any appeal filed under 16644  
section 119.12 of the Revised Code. If the licensee or permit 16645  
holder requests an adjudicatory hearing by the board, the date 16646  
set for the hearing shall be within fifteen days, but not 16647  
earlier than seven days, after the licensee or permit holder has 16648  
requested a hearing, unless the board and the licensee or permit 16649  
holder agree to a different time for holding the hearing. 16650

Upon issuing a written order of suspension to the holder 16651  
of a license to operate a crematory facility, the board of 16652  
embalmers and funeral directors shall send written notice of the 16653  
issuance of the order to the crematory review board. The 16654  
crematory review board shall hold an adjudicatory hearing on the 16655  
order under division (F) of section 4717.03 of the Revised Code 16656  
within fifteen days, but not earlier than seven days, after the 16657

issuance of the order, unless the crematory review board and the licensee agree to a different time for holding the adjudicatory hearing. 16658  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicatory order issued by the board of embalmers and funeral directors pursuant to this division and Chapter 119. of the Revised Code, or division (F) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order. 16661  
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(D) If the board of embalmers and funeral directors suspends or revokes a funeral director's license or a license to operate a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court of common pleas in the county where the violation occurred requesting appointment of a receiver and the sequestration of the assets of the funeral home that held the suspended or revoked license or the licensed funeral home that employs the funeral director that held the suspended or revoked license. If the court of common pleas is satisfied with the application for a receivership, the court may appoint a receiver. 16675  
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The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or 16686  
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liquidation and distribution of the assets of the funeral home, 16688  
and, for that purpose, may retain officers or employees of the 16689  
funeral home as needed. All expenses of the receivership or 16690  
liquidation shall be paid from the assets of the funeral home 16691  
and shall be a lien on those assets, and that lien shall be a 16692  
priority to any other lien. 16693

(E) Any holder of a license or permit issued under this 16694  
chapter who has pleaded guilty to, has been found by a judge or 16695  
jury to be guilty of, or has had a judicial finding of 16696  
eligibility for treatment in lieu of conviction entered against 16697  
the individual in this state for aggravated murder, murder, 16698  
aggravated abortion murder, abortion murder, voluntary 16699  
manslaughter, felonious assault, kidnapping, rape, sexual 16700  
battery, gross sexual imposition, aggravated arson, aggravated 16701  
robbery, or aggravated burglary, or who has pleaded guilty to, 16702  
has been found by a judge or jury to be guilty of, or has had a 16703  
judicial finding of eligibility for treatment in lieu of 16704  
conviction entered against the individual in another 16705  
jurisdiction for any substantially equivalent criminal offense, 16706  
is hereby suspended from practice under this chapter by 16707  
operation of law, and any license or permit issued to the 16708  
individual under this chapter is hereby suspended by operation 16709  
of law as of the date of the guilty plea, verdict or finding of 16710  
guilt, or judicial finding of eligibility for treatment in lieu 16711  
of conviction, regardless of whether the proceedings are brought 16712  
in this state or another jurisdiction. The board shall notify 16713  
the suspended individual of the suspension of the individual's 16714  
license or permit by the operation of this division by a 16715  
delivery system or in person in accordance with section 119.07 16716  
of the Revised Code. If an individual whose license or permit is 16717  
suspended under this division fails to make a timely request for 16718

an adjudicatory hearing, the board shall enter a final order 16719  
revoking the license. 16720

(F) No person whose license or permit has been suspended 16721  
or revoked under or by the operation of this section shall 16722  
knowingly practice embalming, funeral directing, or cremation, 16723  
or operate a funeral home, embalming facility, or crematory 16724  
facility until the board has reinstated the person's license or 16725  
permit. 16726

**Sec. 4723.092.** An individual is ineligible for licensure 16727  
under section 4723.09 of the Revised Code or issuance of a 16728  
certificate under section 4723.651, 4723.75, 4723.76, or 4723.85 16729  
of the Revised Code if a criminal records check conducted in 16730  
accordance with section 4723.091 of the Revised Code indicates 16731  
that the individual has been convicted of, pleaded guilty to, or 16732  
had a judicial finding of guilt for either of the following: 16733

(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11, 16734  
2904.03, 2904.04, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 16735  
2911.01, or 2911.11 of the Revised Code; 16736

(B) Violating a law of another state, the United States, 16737  
or another country that is substantially similar to a law 16738  
described in division (A) of this section. 16739

**Sec. 4723.281.** (A) As used in this section, with regard to 16740  
offenses committed in Ohio, "aggravated murder," "murder," 16741  
"aggravated abortion murder," "abortion murder," "voluntary 16742  
manslaughter," "felonious assault," "kidnapping," "rape," 16743  
"sexual battery," "gross sexual imposition," "aggravated arson," 16744  
"aggravated robbery," and "aggravated burglary" mean such 16745  
offenses as defined in Title XXIX of the Revised Code; with 16746  
regard to offenses committed in other jurisdictions, the terms 16747

mean offenses comparable to offenses defined in Title XXIX of 16748  
the Revised Code. 16749

(B) When there is clear and convincing evidence that 16750  
continued practice by an individual licensed under this chapter 16751  
presents a danger of immediate and serious harm to the public, 16752  
as determined on consideration of the evidence by the president 16753  
and the executive director of the board of nursing, the 16754  
president and director shall impose on the individual a summary 16755  
suspension without a hearing. An individual serving as president 16756  
or executive director in the absence of the president or 16757  
executive director may take any action that this section 16758  
requires or authorizes the president or executive director to 16759  
take. 16760

Immediately following the decision to impose a summary 16761  
suspension, the board shall issue a written order of suspension 16762  
and cause it to be delivered by certified mail or in person in 16763  
accordance with section 119.07 of the Revised Code. The order 16764  
shall not be subject to suspension by the court during the 16765  
pendency of any appeal filed under section 119.12 of the Revised 16766  
Code. If the individual subject to the suspension requests an 16767  
adjudication, the date set for the adjudication shall be within 16768  
fifteen days but not earlier than seven days after the 16769  
individual makes the request, unless another date is agreed to 16770  
by both the individual and the board. The summary suspension 16771  
shall remain in effect, unless reversed by the board, until a 16772  
final adjudication order issued by the board pursuant to this 16773  
section and Chapter 119. of the Revised Code becomes effective. 16774

The board shall issue its final adjudication order within 16775  
ninety days after completion of the adjudication. If the board 16776  
does not issue a final order within the ninety-day period, the 16777



summary suspension shall be void, but any final adjudication 16778  
order issued subsequent to the ninety-day period shall not be 16779  
affected. 16780

(C) The license or certificate issued to an individual 16781  
under this chapter is automatically suspended on that 16782  
individual's conviction of, plea of guilty to, or judicial 16783  
finding with regard to any of the following: aggravated murder, 16784  
murder, aggravated abortion murder, abortion murder, voluntary 16785  
manslaughter, felonious assault, kidnapping, rape, sexual 16786  
battery, gross sexual imposition, aggravated arson, aggravated 16787  
robbery, or aggravated burglary. The suspension shall remain in 16788  
effect from the date of the conviction, plea, or finding until 16789  
an adjudication is held under Chapter 119. of the Revised Code. 16790  
If the board has knowledge that an automatic suspension has 16791  
occurred, it shall notify the individual subject to the 16792  
suspension. If the individual is notified and either fails to 16793  
request an adjudication within the time periods established by 16794  
Chapter 119. of the Revised Code or fails to participate in the 16795  
adjudication, the board shall enter a final order permanently 16796  
revoking the person's license or certificate. 16797

**Sec. 4730.25.** (A) The state medical board, by an 16798  
affirmative vote of not fewer than six members, may revoke or 16799  
may refuse to grant a license to practice as a physician 16800  
assistant to a person found by the board to have committed 16801  
fraud, misrepresentation, or deception in applying for or 16802  
securing the license. 16803

(B) The board, by an affirmative vote of not fewer than 16804  
six members, shall, to the extent permitted by law, limit, 16805  
revoke, or suspend an individual's license to practice as a 16806  
physician assistant or prescriber number, refuse to issue a 16807

license to an applicant, refuse to renew a ~~certificate~~ license, 16808  
refuse to reinstate a license, or reprimand or place on 16809  
probation the holder of a license for any of the following 16810  
reasons: 16811

(1) Failure to practice in accordance with the supervising 16812  
physician's supervision agreement with the physician assistant, 16813  
including, if applicable, the policies of the health care 16814  
facility in which the supervising physician and physician 16815  
assistant are practicing; 16816

(2) Failure to comply with the requirements of this 16817  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 16818  
by the board; 16819

(3) Violating or attempting to violate, directly or 16820  
indirectly, or assisting in or abetting the violation of, or 16821  
conspiring to violate, any provision of this chapter, Chapter 16822  
4731. of the Revised Code, or the rules adopted by the board; 16823

(4) Inability to practice according to acceptable and 16824  
prevailing standards of care by reason of mental illness or 16825  
physical illness, including physical deterioration that 16826  
adversely affects cognitive, motor, or perceptive skills; 16827

(5) Impairment of ability to practice according to 16828  
acceptable and prevailing standards of care because of habitual 16829  
or excessive use or abuse of drugs, alcohol, or other substances 16830  
that impair ability to practice; 16831

(6) Administering drugs for purposes other than those 16832  
authorized under this chapter; 16833

(7) Willfully betraying a professional confidence; 16834

(8) Making a false, fraudulent, deceptive, or misleading 16835

statement in soliciting or advertising for employment as a 16836  
physician assistant; in connection with any solicitation or 16837  
advertisement for patients; in relation to the practice of 16838  
medicine as it pertains to physician assistants; or in securing 16839  
or attempting to secure a license to practice as a physician 16840  
assistant. 16841

As used in this division, "false, fraudulent, deceptive, 16842  
or misleading statement" means a statement that includes a 16843  
misrepresentation of fact, is likely to mislead or deceive 16844  
because of a failure to disclose material facts, is intended or 16845  
is likely to create false or unjustified expectations of 16846  
favorable results, or includes representations or implications 16847  
that in reasonable probability will cause an ordinarily prudent 16848  
person to misunderstand or be deceived. 16849

(9) Representing, with the purpose of obtaining 16850  
compensation or other advantage personally or for any other 16851  
person, that an incurable disease or injury, or other incurable 16852  
condition, can be permanently cured; 16853

(10) The obtaining of, or attempting to obtain, money or 16854  
anything of value by fraudulent misrepresentations in the course 16855  
of practice; 16856

(11) A plea of guilty to, a judicial finding of guilt of, 16857  
or a judicial finding of eligibility for intervention in lieu of 16858  
conviction for, a felony; 16859

(12) Commission of an act that constitutes a felony in 16860  
this state, regardless of the jurisdiction in which the act was 16861  
committed; 16862

(13) A plea of guilty to, a judicial finding of guilt of, 16863  
or a judicial finding of eligibility for intervention in lieu of 16864

conviction for, a misdemeanor committed in the course of 16865  
practice; 16866

(14) A plea of guilty to, a judicial finding of guilt of, 16867  
or a judicial finding of eligibility for intervention in lieu of 16868  
conviction for, a misdemeanor involving moral turpitude; 16869

(15) Commission of an act in the course of practice that 16870  
constitutes a misdemeanor in this state, regardless of the 16871  
jurisdiction in which the act was committed; 16872

(16) Commission of an act involving moral turpitude that 16873  
constitutes a misdemeanor in this state, regardless of the 16874  
jurisdiction in which the act was committed; 16875

(17) A plea of guilty to, a judicial finding of guilt of, 16876  
or a judicial finding of eligibility for intervention in lieu of 16877  
conviction for violating any state or federal law regulating the 16878  
possession, distribution, or use of any drug, including 16879  
trafficking in drugs; 16880

(18) Any of the following actions taken by the state 16881  
agency responsible for regulating the practice of physician 16882  
assistants in another state, for any reason other than the 16883  
nonpayment of fees: the limitation, revocation, or suspension of 16884  
an individual's license to practice; acceptance of an 16885  
individual's license surrender; denial of a license; refusal to 16886  
renew or reinstate a license; imposition of probation; or 16887  
issuance of an order of censure or other reprimand; 16888

(19) A departure from, or failure to conform to, minimal 16889  
standards of care of similar physician assistants under the same 16890  
or similar circumstances, regardless of whether actual injury to 16891  
a patient is established; 16892

(20) Violation of the conditions placed by the board on a 16893

|  |       |
|--|-------|
| license to practice as a physician assistant;                    | 16894 |
| (21) Failure to use universal blood and body fluid               | 16895 |
| precautions established by rules adopted under section 4731.051  | 16896 |
| of the Revised Code;   | 16897 |
| (22) Failure to cooperate in an investigation conducted by       | 16898 |
| the board under section 4730.26 of the Revised Code, including   | 16899 |
| failure to comply with a subpoena or order issued by the board   | 16900 |
| or failure to answer truthfully a question presented by the      | 16901 |
| board at a deposition or in written interrogatories, except that | 16902 |
| failure to cooperate with an investigation shall not constitute  | 16903 |
| grounds for discipline under this section if a court of          | 16904 |
| competent jurisdiction has issued an order that either quashes a | 16905 |
| subpoena or permits the individual to withhold the testimony or  | 16906 |
| evidence in issue;   | 16907 |
| (23) Assisting suicide, as defined in section 3795.01 of         | 16908 |
| the Revised Code;  | 16909 |
| (24) Prescribing any drug or device to perform or induce         | 16910 |
| an abortion, or otherwise performing or inducing an abortion;    | 16911 |
| (25) Failure to comply with section 4730.53 of the Revised       | 16912 |
| Code, unless the board no longer maintains a drug database       | 16913 |
| pursuant to section 4729.75 of the Revised Code;                 | 16914 |
| (26) Failure to comply with the requirements in section          | 16915 |
| 3719.061 of the Revised Code before issuing for a minor a        | 16916 |
| prescription for an opioid analgesic, as defined in section      | 16917 |
| 3719.01 of the Revised Code;                                     | 16918 |
| (27) Having certification by the national commission on          | 16919 |
| certification of physician assistants or a successor             | 16920 |
| organization expire, lapse, or be suspended or revoked;          | 16921 |

(28) The revocation, suspension, restriction, reduction, 16922  
or termination of clinical privileges by the United States 16923  
department of defense or department of veterans affairs or the 16924  
termination or suspension of a certificate of registration to 16925  
prescribe drugs by the drug enforcement administration of the 16926  
United States department of justice. 16927

(C) Disciplinary actions taken by the board under 16928  
divisions (A) and (B) of this section shall be taken pursuant to 16929  
an adjudication under Chapter 119. of the Revised Code, except 16930  
that in lieu of an adjudication, the board may enter into a 16931  
consent agreement with a physician assistant or applicant to 16932  
resolve an allegation of a violation of this chapter or any rule 16933  
adopted under it. A consent agreement, when ratified by an 16934  
affirmative vote of not fewer than six members of the board, 16935  
shall constitute the findings and order of the board with 16936  
respect to the matter addressed in the agreement. If the board 16937  
refuses to ratify a consent agreement, the admissions and 16938  
findings contained in the consent agreement shall be of no force 16939  
or effect. 16940

(D) For purposes of divisions (B) (12), (15), and (16) of 16941  
this section, the commission of the act may be established by a 16942  
finding by the board, pursuant to an adjudication under Chapter 16943  
119. of the Revised Code, that the applicant or license holder 16944  
committed the act in question. The board shall have no 16945  
jurisdiction under these divisions in cases where the trial 16946  
court renders a final judgment in the license holder's favor and 16947  
that judgment is based upon an adjudication on the merits. The 16948  
board shall have jurisdiction under these divisions in cases 16949  
where the trial court issues an order of dismissal upon 16950  
technical or procedural grounds. 16951

(E) The sealing of conviction records by any court shall 16952  
have no effect upon a prior board order entered under the 16953  
provisions of this section or upon the board's jurisdiction to 16954  
take action under the provisions of this section if, based upon 16955  
a plea of guilty, a judicial finding of guilt, or a judicial 16956  
finding of eligibility for intervention in lieu of conviction, 16957  
the board issued a notice of opportunity for a hearing prior to 16958  
the court's order to seal the records. The board shall not be 16959  
required to seal, destroy, redact, or otherwise modify its 16960  
records to reflect the court's sealing of conviction records. 16961

(F) For purposes of this division, any individual who 16962  
holds a license issued under this chapter, or applies for a 16963  
license issued under this chapter, shall be deemed to have given 16964  
consent to submit to a mental or physical examination when 16965  
directed to do so in writing by the board and to have waived all 16966  
objections to the admissibility of testimony or examination 16967  
reports that constitute a privileged communication. 16968

(1) In enforcing division (B)(4) of this section, the 16969  
board, upon a showing of a possible violation, may compel any 16970  
individual who holds a license issued under this chapter or who 16971  
has applied for a license pursuant to this chapter to submit to 16972  
a mental examination, physical examination, including an HIV 16973  
test, or both a mental and physical examination. The expense of 16974  
the examination is the responsibility of the individual 16975  
compelled to be examined. Failure to submit to a mental or 16976  
physical examination or consent to an HIV test ordered by the 16977  
board constitutes an admission of the allegations against the 16978  
individual unless the failure is due to circumstances beyond the 16979  
individual's control, and a default and final order may be 16980  
entered without the taking of testimony or presentation of 16981  
evidence. If the board finds a physician assistant unable to 16982

practice because of the reasons set forth in division (B)(4) of 16983  
this section, the board shall require the physician assistant to 16984  
submit to care, counseling, or treatment by physicians approved 16985  
or designated by the board, as a condition for an initial, 16986  
continued, reinstated, or renewed license. An individual 16987  
affected under this division shall be afforded an opportunity to 16988  
demonstrate to the board the ability to resume practicing in 16989  
compliance with acceptable and prevailing standards of care. 16990

(2) For purposes of division (B)(5) of this section, if 16991  
the board has reason to believe that any individual who holds a 16992  
license issued under this chapter or any applicant for a license 16993  
suffers such impairment, the board may compel the individual to 16994  
submit to a mental or physical examination, or both. The expense 16995  
of the examination is the responsibility of the individual 16996  
compelled to be examined. Any mental or physical examination 16997  
required under this division shall be undertaken by a treatment 16998  
provider or physician qualified to conduct such examination and 16999  
chosen by the board. 17000

Failure to submit to a mental or physical examination 17001  
ordered by the board constitutes an admission of the allegations 17002  
against the individual unless the failure is due to 17003  
circumstances beyond the individual's control, and a default and 17004  
final order may be entered without the taking of testimony or 17005  
presentation of evidence. If the board determines that the 17006  
individual's ability to practice is impaired, the board shall 17007  
suspend the individual's license or deny the individual's 17008  
application and shall require the individual, as a condition for 17009  
initial, continued, reinstated, or renewed licensure, to submit 17010  
to treatment. 17011

Before being eligible to apply for reinstatement of a 17012



license suspended under this division, the physician assistant 17013  
shall demonstrate to the board the ability to resume practice or 17014  
prescribing in compliance with acceptable and prevailing 17015  
standards of care. The demonstration shall include the 17016  
following: 17017

(a) Certification from a treatment provider approved under 17018  
section 4731.25 of the Revised Code that the individual has 17019  
successfully completed any required inpatient treatment; 17020

(b) Evidence of continuing full compliance with an 17021  
aftercare contract or consent agreement; 17022

(c) Two written reports indicating that the individual's 17023  
ability to practice has been assessed and that the individual 17024  
has been found capable of practicing according to acceptable and 17025  
prevailing standards of care. The reports shall be made by 17026  
individuals or providers approved by the board for making such 17027  
assessments and shall describe the basis for their 17028  
determination. 17029

The board may reinstate a license suspended under this 17030  
division after such demonstration and after the individual has 17031  
entered into a written consent agreement. 17032

When the impaired physician assistant resumes practice or 17033  
prescribing, the board shall require continued monitoring of the 17034  
physician assistant. The monitoring shall include compliance 17035  
with the written consent agreement entered into before 17036  
reinstatement or with conditions imposed by board order after a 17037  
hearing, and, upon termination of the consent agreement, 17038  
submission to the board for at least two years of annual written 17039  
progress reports made under penalty of falsification stating 17040  
whether the physician assistant has maintained sobriety. 17041

(G) If the secretary and supervising member determine that 17042  
there is clear and convincing evidence that a physician 17043  
assistant has violated division (B) of this section and that the 17044  
individual's continued practice or prescribing presents a danger 17045  
of immediate and serious harm to the public, they may recommend 17046  
that the board suspend the individual's license without a prior 17047  
hearing. Written allegations shall be prepared for consideration 17048  
by the board. 17049

The board, upon review of those allegations and by an 17050  
affirmative vote of not fewer than six of its members, excluding 17051  
the secretary and supervising member, may suspend a license 17052  
without a prior hearing. A telephone conference call may be 17053  
utilized for reviewing the allegations and taking the vote on 17054  
the summary suspension. 17055

The board shall issue a written order of suspension by 17056  
certified mail or in person in accordance with section 119.07 of 17057  
the Revised Code. The order shall not be subject to suspension 17058  
by the court during pendency of any appeal filed under section 17059  
119.12 of the Revised Code. If the physician assistant requests 17060  
an adjudicatory hearing by the board, the date set for the 17061  
hearing shall be within fifteen days, but not earlier than seven 17062  
days, after the physician assistant requests the hearing, unless 17063  
otherwise agreed to by both the board and the license holder. 17064

A summary suspension imposed under this division shall 17065  
remain in effect, unless reversed on appeal, until a final 17066  
adjudicative order issued by the board pursuant to this section 17067  
and Chapter 119. of the Revised Code becomes effective. The 17068  
board shall issue its final adjudicative order within sixty days 17069  
after completion of its hearing. Failure to issue the order 17070  
within sixty days shall result in dissolution of the summary 17071

suspension order, but shall not invalidate any subsequent, final 17072  
adjudicative order. 17073

(H) If the board takes action under division (B) (11), 17074  
(13), or (14) of this section, and the judicial finding of 17075  
guilt, guilty plea, or judicial finding of eligibility for 17076  
intervention in lieu of conviction is overturned on appeal, upon 17077  
exhaustion of the criminal appeal, a petition for 17078  
reconsideration of the order may be filed with the board along 17079  
with appropriate court documents. Upon receipt of a petition and 17080  
supporting court documents, the board shall reinstate the 17081  
individual's license. The board may then hold an adjudication 17082  
under Chapter 119. of the Revised Code to determine whether the 17083  
individual committed the act in question. Notice of opportunity 17084  
for hearing shall be given in accordance with Chapter 119. of 17085  
the Revised Code. If the board finds, pursuant to an 17086  
adjudication held under this division, that the individual 17087  
committed the act, or if no hearing is requested, it may order 17088  
any of the sanctions identified under division (B) of this 17089  
section. 17090

(I) The license to practice issued to a physician 17091  
assistant and the physician assistant's practice in this state 17092  
are automatically suspended as of the date the physician 17093  
assistant pleads guilty to, is found by a judge or jury to be 17094  
guilty of, or is subject to a judicial finding of eligibility 17095  
for intervention in lieu of conviction in this state or 17096  
treatment or intervention in lieu of conviction in another state 17097  
for any of the following criminal offenses in this state or a 17098  
substantially equivalent criminal offense in another 17099  
jurisdiction: aggravated murder, murder, aggravated abortion 17100  
murder, abortion murder, voluntary manslaughter, felonious 17101  
assault, kidnapping, rape, sexual battery, gross sexual 17102

imposition, aggravated arson, aggravated robbery, or aggravated 171103  
burglary. Continued practice after the suspension shall be 171104  
considered practicing without a license. 171105

The board shall notify the individual subject to the 171106  
suspension by certified mail or in person in accordance with 171107  
section 119.07 of the Revised Code. If an individual whose 171108  
license is suspended under this division fails to make a timely 171109  
request for an adjudication under Chapter 119. of the Revised 171110  
Code, the board shall enter a final order permanently revoking 171111  
the individual's license to practice. 171112

(J) In any instance in which the board is required by 171113  
Chapter 119. of the Revised Code to give notice of opportunity 171114  
for hearing and the individual subject to the notice does not 171115  
timely request a hearing in accordance with section 119.07 of 171116  
the Revised Code, the board is not required to hold a hearing, 171117  
but may adopt, by an affirmative vote of not fewer than six of 171118  
its members, a final order that contains the board's findings. 171119  
In that final order, the board may order any of the sanctions 171120  
identified under division (A) or (B) of this section. 171121

(K) Any action taken by the board under division (B) of 171122  
this section resulting in a suspension shall be accompanied by a 171123  
written statement of the conditions under which the physician 171124  
assistant's license may be reinstated. The board shall adopt 171125  
rules in accordance with Chapter 119. of the Revised Code 171126  
governing conditions to be imposed for reinstatement. 171127  
Reinstatement of a license suspended pursuant to division (B) of 171128  
this section requires an affirmative vote of not fewer than six 171129  
members of the board. 171130

(L) When the board refuses to grant or issue to an 171131  
applicant a license to practice as a physician assistant, 171132

revokes an individual's license, refuses to renew an 17133  
individual's license, or refuses to reinstate an individual's 17134  
license, the board may specify that its action is permanent. An 17135  
individual subject to a permanent action taken by the board is 17136  
forever thereafter ineligible to hold the license and the board 17137  
shall not accept an application for reinstatement of the license 17138  
or for issuance of a new license. 17139

(M) Notwithstanding any other provision of the Revised 17140  
Code, all of the following apply: 17141

(1) The surrender of a license issued under this chapter 17142  
is not effective unless or until accepted by the board. 17143  
Reinstatement of a license surrendered to the board requires an 17144  
affirmative vote of not fewer than six members of the board. 17145

(2) An application made under this chapter for a license 17146  
may not be withdrawn without approval of the board. 17147

(3) Failure by an individual to renew a license in 17148  
accordance with section 4730.14 of the Revised Code shall not 17149  
remove or limit the board's jurisdiction to take disciplinary 17150  
action under this section against the individual. 17151

**Sec. 4731.22.** (A) The state medical board, by an 17152  
affirmative vote of not fewer than six of its members, may 17153  
limit, revoke, or suspend a license or certificate to practice 17154  
or certificate to recommend, refuse to grant a license or 17155  
certificate, refuse to renew a license or certificate, refuse to 17156  
reinstate a license or certificate, or reprimand or place on 17157  
probation the holder of a license or certificate if the 17158  
individual applying for or holding the license or certificate is 17159  
found by the board to have committed fraud during the 17160  
administration of the examination for a license or certificate 17161

to practice or to have committed fraud, misrepresentation, or 17162  
deception in applying for, renewing, or securing any license or 17163  
certificate to practice or certificate to recommend issued by 17164  
the board. 17165

(B) The board, by an affirmative vote of not fewer than 17166  
six members, shall, to the extent permitted by law, limit, 17167  
revoke, or suspend a license or certificate to practice or 17168  
certificate to recommend, refuse to issue a license or 17169  
certificate, refuse to renew a license or certificate, refuse to 17170  
reinstate a license or certificate, or reprimand or place on 17171  
probation the holder of a license or certificate for one or more 17172  
of the following reasons: 17173

(1) Permitting one's name or one's license or certificate 17174  
to practice to be used by a person, group, or corporation when 17175  
the individual concerned is not actually directing the treatment 17176  
given; 17177

(2) Failure to maintain minimal standards applicable to 17178  
the selection or administration of drugs, or failure to employ 17179  
acceptable scientific methods in the selection of drugs or other 17180  
modalities for treatment of disease; 17181

(3) Except as provided in section 4731.97 of the Revised 17182  
Code, selling, giving away, personally furnishing, prescribing, 17183  
or administering drugs for other than legal and legitimate 17184  
therapeutic purposes or a plea of guilty to, a judicial finding 17185  
of guilt of, or a judicial finding of eligibility for 17186  
intervention in lieu of conviction of, a violation of any 17187  
federal or state law regulating the possession, distribution, or 17188  
use of any drug; 17189

(4) Willfully betraying a professional confidence. 17190

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or

is likely to create false or unjustified expectations of 17222  
favorable results, or includes representations or implications 17223  
that in reasonable probability will cause an ordinarily prudent 17224  
person to misunderstand or be deceived. 17225

(6) A departure from, or the failure to conform to, 17226  
minimal standards of care of similar practitioners under the 17227  
same or similar circumstances, whether or not actual injury to a 17228  
patient is established; 17229

(7) Representing, with the purpose of obtaining 17230  
compensation or other advantage as personal gain or for any 17231  
other person, that an incurable disease or injury, or other 17232  
incurable condition, can be permanently cured; 17233

(8) The obtaining of, or attempting to obtain, money or 17234  
anything of value by fraudulent misrepresentations in the course 17235  
of practice; 17236

(9) A plea of guilty to, a judicial finding of guilt of, 17237  
or a judicial finding of eligibility for intervention in lieu of 17238  
conviction for, a felony; 17239

(10) Commission of an act that constitutes a felony in 17240  
this state, regardless of the jurisdiction in which the act was 17241  
committed; 17242

(11) A plea of guilty to, a judicial finding of guilt of, 17243  
or a judicial finding of eligibility for intervention in lieu of 17244  
conviction for, a misdemeanor committed in the course of 17245  
practice; 17246

(12) Commission of an act in the course of practice that 17247  
constitutes a misdemeanor in this state, regardless of the 17248  
jurisdiction in which the act was committed; 17249



(13) A plea of guilty to, a judicial finding of guilt of, 17250  
or a judicial finding of eligibility for intervention in lieu of 17251  
conviction for, a misdemeanor involving moral turpitude; 17252

(14) Commission of an act involving moral turpitude that 17253  
constitutes a misdemeanor in this state, regardless of the 17254  
jurisdiction in which the act was committed; 17255

(15) Violation of the conditions of limitation placed by 17256  
the board upon a license or certificate to practice; 17257

(16) Failure to pay license renewal fees specified in this 17258  
chapter; 17259

(17) Except as authorized in section 4731.31 of the 17260  
Revised Code, engaging in the division of fees for referral of 17261  
patients, or the receiving of a thing of value in return for a 17262  
specific referral of a patient to utilize a particular service 17263  
or business; 17264

(18) Subject to section 4731.226 of the Revised Code, 17265  
violation of any provision of a code of ethics of the American 17266  
medical association, the American osteopathic association, the 17267  
American podiatric medical association, or any other national 17268  
professional organizations that the board specifies by rule. The 17269  
state medical board shall obtain and keep on file current copies 17270  
of the codes of ethics of the various national professional 17271  
organizations. The individual whose license or certificate is 17272  
being suspended or revoked shall not be found to have violated 17273  
any provision of a code of ethics of an organization not 17274  
appropriate to the individual's profession. 17275

For purposes of this division, a "provision of a code of 17276  
ethics of a national professional organization" does not include 17277  
any provision that would preclude the making of a report by a 17278

physician of an employee's use of a drug of abuse, or of a 17279  
condition of an employee other than one involving the use of a 17280  
drug of abuse, to the employer of the employee as described in 17281  
division (B) of section 2305.33 of the Revised Code. Nothing in 17282  
this division affects the immunity from civil liability 17283  
conferred by that section upon a physician who makes either type 17284  
of report in accordance with division (B) of that section. As 17285  
used in this division, "employee," "employer," and "physician" 17286  
have the same meanings as in section 2305.33 of the Revised 17287  
Code. 17288

(19) Inability to practice according to acceptable and 17289  
prevailing standards of care by reason of mental illness or 17290  
physical illness, including, but not limited to, physical 17291  
deterioration that adversely affects cognitive, motor, or 17292  
perceptive skills. 17293

In enforcing this division, the board, upon a showing of a 17294  
possible violation, may compel any individual authorized to 17295  
practice by this chapter or who has submitted an application 17296  
pursuant to this chapter to submit to a mental examination, 17297  
physical examination, including an HIV test, or both a mental 17298  
and a physical examination. The expense of the examination is 17299  
the responsibility of the individual compelled to be examined. 17300  
Failure to submit to a mental or physical examination or consent 17301  
to an HIV test ordered by the board constitutes an admission of 17302  
the allegations against the individual unless the failure is due 17303  
to circumstances beyond the individual's control, and a default 17304  
and final order may be entered without the taking of testimony 17305  
or presentation of evidence. If the board finds an individual 17306  
unable to practice because of the reasons set forth in this 17307  
division, the board shall require the individual to submit to 17308  
care, counseling, or treatment by physicians approved or 17309

designated by the board, as a condition for initial, continued, 17310  
reinstated, or renewed authority to practice. An individual 17311  
affected under this division shall be afforded an opportunity to 17312  
demonstrate to the board the ability to resume practice in 17313  
compliance with acceptable and prevailing standards under the 17314  
provisions of the individual's license or certificate. For the 17315  
purpose of this division, any individual who applies for or 17316  
receives a license or certificate to practice under this chapter 17317  
accepts the privilege of practicing in this state and, by so 17318  
doing, shall be deemed to have given consent to submit to a 17319  
mental or physical examination when directed to do so in writing 17320  
by the board, and to have waived all objections to the 17321  
admissibility of testimony or examination reports that 17322  
constitute a privileged communication. 17323

(20) Except as provided in division (F)(1)(b) of section 17324  
4731.282 of the Revised Code or when civil penalties are imposed 17325  
under section 4731.225 of the Revised Code, and subject to 17326  
section 4731.226 of the Revised Code, violating or attempting to 17327  
violate, directly or indirectly, or assisting in or abetting the 17328  
violation of, or conspiring to violate, any provisions of this 17329  
chapter or any rule promulgated by the board. 17330

This division does not apply to a violation or attempted 17331  
violation of, assisting in or abetting the violation of, or a 17332  
conspiracy to violate, any provision of this chapter or any rule 17333  
adopted by the board that would preclude the making of a report 17334  
by a physician of an employee's use of a drug of abuse, or of a 17335  
condition of an employee other than one involving the use of a 17336  
drug of abuse, to the employer of the employee as described in 17337  
division (B) of section 2305.33 of the Revised Code. Nothing in 17338  
this division affects the immunity from civil liability 17339  
conferred by that section upon a physician who makes either type 17340

of report in accordance with division (B) of that section. As 17341  
used in this division, "employee," "employer," and "physician" 17342  
have the same meanings as in section 2305.33 of the Revised 17343  
Code. 17344

(21) The violation of section 3701.79 of the Revised Code 17345  
or of any abortion rule adopted by the director of health 17346  
pursuant to section 3701.341 of the Revised Code; 17347

(22) Any of the following actions taken by an agency 17348  
responsible for authorizing, certifying, or regulating an 17349  
individual to practice a health care occupation or provide 17350  
health care services in this state or another jurisdiction, for 17351  
any reason other than the nonpayment of fees: the limitation, 17352  
revocation, or suspension of an individual's license to 17353  
practice; acceptance of an individual's license surrender; 17354  
denial of a license; refusal to renew or reinstate a license; 17355  
imposition of probation; or issuance of an order of censure or 17356  
other reprimand; 17357

(23) The violation of section 2919.12 of the Revised Code 17358  
or the performance or inducement of an abortion upon a pregnant 17359  
woman with actual knowledge that the conditions specified in 17360  
division (B) of section 2317.56 of the Revised Code have not 17361  
been satisfied or with a heedless indifference as to whether 17362  
those conditions have been satisfied, unless an affirmative 17363  
defense as specified in division (H)(2) of that section would 17364  
apply in a civil action authorized by division (H)(1) of that 17365  
section; 17366

(24) The revocation, suspension, restriction, reduction, 17367  
or termination of clinical privileges by the United States 17368  
department of defense or department of veterans affairs or the 17369  
termination or suspension of a certificate of registration to 17370

prescribe drugs by the drug enforcement administration of the 17371  
United States department of justice; 17372

(25) Termination or suspension from participation in the 17373  
medicare or medicaid programs by the department of health and 17374  
human services or other responsible agency; 17375

(26) Impairment of ability to practice according to 17376  
acceptable and prevailing standards of care because of habitual 17377  
or excessive use or abuse of drugs, alcohol, or other substances 17378  
that impair ability to practice. 17379

For the purposes of this division, any individual 17380  
authorized to practice by this chapter accepts the privilege of 17381  
practicing in this state subject to supervision by the board. By 17382  
filing an application for or holding a license or certificate to 17383  
practice under this chapter, an individual shall be deemed to 17384  
have given consent to submit to a mental or physical examination 17385  
when ordered to do so by the board in writing, and to have 17386  
waived all objections to the admissibility of testimony or 17387  
examination reports that constitute privileged communications. 17388

If it has reason to believe that any individual authorized 17389  
to practice by this chapter or any applicant for licensure or 17390  
certification to practice suffers such impairment, the board may 17391  
compel the individual to submit to a mental or physical 17392  
examination, or both. The expense of the examination is the 17393  
responsibility of the individual compelled to be examined. Any 17394  
mental or physical examination required under this division 17395  
shall be undertaken by a treatment provider or physician who is 17396  
qualified to conduct the examination and who is chosen by the 17397  
board. 17398

Failure to submit to a mental or physical examination 17399

ordered by the board constitutes an admission of the allegations 17400  
against the individual unless the failure is due to 17401  
circumstances beyond the individual's control, and a default and 17402  
final order may be entered without the taking of testimony or 17403  
presentation of evidence. If the board determines that the 17404  
individual's ability to practice is impaired, the board shall 17405  
suspend the individual's license or certificate or deny the 17406  
individual's application and shall require the individual, as a 17407  
condition for initial, continued, reinstated, or renewed 17408  
licensure or certification to practice, to submit to treatment. 17409

Before being eligible to apply for reinstatement of a 17410  
license or certificate suspended under this division, the 17411  
impaired practitioner shall demonstrate to the board the ability 17412  
to resume practice in compliance with acceptable and prevailing 17413  
standards of care under the provisions of the practitioner's 17414  
license or certificate. The demonstration shall include, but 17415  
shall not be limited to, the following: 17416

(a) Certification from a treatment provider approved under 17417  
section 4731.25 of the Revised Code that the individual has 17418  
successfully completed any required inpatient treatment; 17419

(b) Evidence of continuing full compliance with an 17420  
aftercare contract or consent agreement; 17421

(c) Two written reports indicating that the individual's 17422  
ability to practice has been assessed and that the individual 17423  
has been found capable of practicing according to acceptable and 17424  
prevailing standards of care. The reports shall be made by 17425  
individuals or providers approved by the board for making the 17426  
assessments and shall describe the basis for their 17427  
determination. 17428

The board may reinstate a license or certificate suspended 17429  
under this division after that demonstration and after the 17430  
individual has entered into a written consent agreement. 17431

When the impaired practitioner resumes practice, the board 17432  
shall require continued monitoring of the individual. The 17433  
monitoring shall include, but not be limited to, compliance with 17434  
the written consent agreement entered into before reinstatement 17435  
or with conditions imposed by board order after a hearing, and, 17436  
upon termination of the consent agreement, submission to the 17437  
board for at least two years of annual written progress reports 17438  
made under penalty of perjury stating whether the individual has 17439  
maintained sobriety. 17440

(27) A second or subsequent violation of section 4731.66 17441  
or 4731.69 of the Revised Code; 17442

(28) Except as provided in division (N) of this section: 17443

(a) Waiving the payment of all or any part of a deductible 17444  
or copayment that a patient, pursuant to a health insurance or 17445  
health care policy, contract, or plan that covers the 17446  
individual's services, otherwise would be required to pay if the 17447  
waiver is used as an enticement to a patient or group of 17448  
patients to receive health care services from that individual; 17449

(b) Advertising that the individual will waive the payment 17450  
of all or any part of a deductible or copayment that a patient, 17451  
pursuant to a health insurance or health care policy, contract, 17452  
or plan that covers the individual's services, otherwise would 17453  
be required to pay. 17454

(29) Failure to use universal blood and body fluid 17455  
precautions established by rules adopted under section 4731.051 17456  
of the Revised Code; 17457

(30) Failure to provide notice to, and receive 17458  
acknowledgment of the notice from, a patient when required by 17459  
section 4731.143 of the Revised Code prior to providing 17460  
nonemergency professional services, or failure to maintain that 17461  
notice in the patient's medical record; 17462

(31) Failure of a physician supervising a physician 17463  
assistant to maintain supervision in accordance with the 17464  
requirements of Chapter 4730. of the Revised Code and the rules 17465  
adopted under that chapter; 17466

(32) Failure of a physician or podiatrist to enter into a 17467  
standard care arrangement with a clinical nurse specialist, 17468  
certified nurse-midwife, or certified nurse practitioner with 17469  
whom the physician or podiatrist is in collaboration pursuant to 17470  
section 4731.27 of the Revised Code or failure to fulfill the 17471  
responsibilities of collaboration after entering into a standard 17472  
care arrangement; 17473

(33) Failure to comply with the terms of a consult 17474  
agreement entered into with a pharmacist pursuant to section 17475  
4729.39 of the Revised Code; 17476

(34) Failure to cooperate in an investigation conducted by 17477  
the board under division (F) of this section, including failure 17478  
to comply with a subpoena or order issued by the board or 17479  
failure to answer truthfully a question presented by the board 17480  
in an investigative interview, an investigative office 17481  
conference, at a deposition, or in written interrogatories, 17482  
except that failure to cooperate with an investigation shall not 17483  
constitute grounds for discipline under this section if a court 17484  
of competent jurisdiction has issued an order that either 17485  
quashes a subpoena or permits the individual to withhold the 17486  
testimony or evidence in issue; 17487



|  |                                  |
|--|----------------------------------|
| (35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;                                | 17488<br>17489<br>17490<br>17491 |
| (36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;                                   | 17492<br>17493<br>17494          |
| (37) Assisting suicide, as defined in section 3795.01 of the Revised Code;   | 17495<br>17496                   |
| (38) Failure to comply with the requirements of section 2317.561 of the Revised Code;  | 17497<br>17498                   |
| (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;  | 17499<br>17500<br>17501          |
| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;                              | 17502<br>17503<br>17504<br>17505 |
| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;                    | 17506<br>17507<br>17508<br>17509 |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; | 17510<br>17511<br>17512<br>17513 |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board  | 17514<br>17515                   |

of pharmacy no longer maintains a drug database pursuant to 17516  
section 4729.75 of the Revised Code; 17517

(44) Failure to comply with the requirements of section 17518  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 17519  
to submit to the department of health in accordance with a court 17520  
order a complete report as described in section 2919.171 or 17521  
2919.202 of the Revised Code; 17522

(45) Practicing at a facility that is subject to licensure 17523  
as a category III terminal distributor of dangerous drugs with a 17524  
pain management clinic classification unless the person 17525  
operating the facility has obtained and maintains the license 17526  
with the classification; 17527

(46) Owning a facility that is subject to licensure as a 17528  
category III terminal distributor of dangerous drugs with a pain 17529  
management clinic classification unless the facility is licensed 17530  
with the classification; 17531

(47) Failure to comply with the requirement regarding 17532  
maintaining notes described in division (B) of section 2919.191 17533  
of the Revised Code or failure to satisfy the requirements of 17534  
section 2919.191 of the Revised Code prior to performing or 17535  
inducing an abortion upon a pregnant woman; 17536

(48) Failure to comply with the requirements in section 17537  
3719.061 of the Revised Code before issuing for a minor a 17538  
prescription for an opioid analgesic, as defined in section 17539  
3719.01 of the Revised Code; 17540

(49) Failure to comply with the requirements of section 17541  
4731.30 of the Revised Code or rules adopted under section 17542  
4731.301 of the Revised Code when recommending treatment with 17543  
medical marijuana; 17544

(50) Practicing at a facility, clinic, or other location 17545  
that is subject to licensure as a category III terminal 17546  
distributor of dangerous drugs with an office-based opioid 17547  
treatment classification unless the person operating that place 17548  
has obtained and maintains the license with the classification; 17549

(51) Owning a facility, clinic, or other location that is 17550  
subject to licensure as a category III terminal distributor of 17551  
dangerous drugs with an office-based opioid treatment 17552  
classification unless that place is licensed with the 17553  
classification; 17554

(52) A pattern of continuous or repeated violations of 17555  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 17556

(C) Disciplinary actions taken by the board under 17557  
divisions (A) and (B) of this section shall be taken pursuant to 17558  
an adjudication under Chapter 119. of the Revised Code, except 17559  
that in lieu of an adjudication, the board may enter into a 17560  
consent agreement with an individual to resolve an allegation of 17561  
a violation of this chapter or any rule adopted under it. A 17562  
consent agreement, when ratified by an affirmative vote of not 17563  
fewer than six members of the board, shall constitute the 17564  
findings and order of the board with respect to the matter 17565  
addressed in the agreement. If the board refuses to ratify a 17566  
consent agreement, the admissions and findings contained in the 17567  
consent agreement shall be of no force or effect. 17568

A telephone conference call may be utilized for 17569  
ratification of a consent agreement that revokes or suspends an 17570  
individual's license or certificate to practice or certificate 17571  
to recommend. The telephone conference call shall be considered 17572  
a special meeting under division (F) of section 121.22 of the 17573  
Revised Code. 17574

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention

in lieu of conviction, the board issued a notice of opportunity 17606  
for a hearing prior to the court's order to seal the records. 17607  
The board shall not be required to seal, destroy, redact, or 17608  
otherwise modify its records to reflect the court's sealing of 17609  
conviction records. 17610

(F) (1) The board shall investigate evidence that appears 17611  
to show that a person has violated any provision of this chapter 17612  
or any rule adopted under it. Any person may report to the board 17613  
in a signed writing any information that the person may have 17614  
that appears to show a violation of any provision of this 17615  
chapter or any rule adopted under it. In the absence of bad 17616  
faith, any person who reports information of that nature or who 17617  
testifies before the board in any adjudication conducted under 17618  
Chapter 119. of the Revised Code shall not be liable in damages 17619  
in a civil action as a result of the report or testimony. Each 17620  
complaint or allegation of a violation received by the board 17621  
shall be assigned a case number and shall be recorded by the 17622  
board. 17623

(2) Investigations of alleged violations of this chapter 17624  
or any rule adopted under it shall be supervised by the 17625  
supervising member elected by the board in accordance with 17626  
section 4731.02 of the Revised Code and by the secretary as 17627  
provided in section 4731.39 of the Revised Code. The president 17628  
may designate another member of the board to supervise the 17629  
investigation in place of the supervising member. No member of 17630  
the board who supervises the investigation of a case shall 17631  
participate in further adjudication of the case. 17632

(3) In investigating a possible violation of this chapter 17633  
or any rule adopted under this chapter, or in conducting an 17634  
inspection under division (E) of section 4731.054 of the Revised 17635

Code, the board may question witnesses, conduct interviews, 17636  
administer oaths, order the taking of depositions, inspect and 17637  
copy any books, accounts, papers, records, or documents, issue 17638  
subpoenas, and compel the attendance of witnesses and production 17639  
of books, accounts, papers, records, documents, and testimony, 17640  
except that a subpoena for patient record information shall not 17641  
be issued without consultation with the attorney general's 17642  
office and approval of the secretary and supervising member of 17643  
the board. 17644

(a) Before issuance of a subpoena for patient record 17645  
information, the secretary and supervising member shall 17646  
determine whether there is probable cause to believe that the 17647  
complaint filed alleges a violation of this chapter or any rule 17648  
adopted under it and that the records sought are relevant to the 17649  
alleged violation and material to the investigation. The 17650  
subpoena may apply only to records that cover a reasonable 17651  
period of time surrounding the alleged violation. 17652

(b) On failure to comply with any subpoena issued by the 17653  
board and after reasonable notice to the person being 17654  
subpoenaed, the board may move for an order compelling the 17655  
production of persons or records pursuant to the Rules of Civil 17656  
Procedure. 17657

(c) A subpoena issued by the board may be served by a 17658  
sheriff, the sheriff's deputy, or a board employee or agent 17659  
designated by the board. Service of a subpoena issued by the 17660  
board may be made by delivering a copy of the subpoena to the 17661  
person named therein, reading it to the person, or leaving it at 17662  
the person's usual place of residence, usual place of business, 17663  
or address on file with the board. When serving a subpoena to an 17664  
applicant for or the holder of a license or certificate issued 17665

under this chapter, service of the subpoena may be made by 17666  
certified mail, return receipt requested, and the subpoena shall 17667  
be deemed served on the date delivery is made or the date the 17668  
person refuses to accept delivery. If the person being served 17669  
refuses to accept the subpoena or is not located, service may be 17670  
made to an attorney who notifies the board that the attorney is 17671  
representing the person. 17672

(d) A sheriff's deputy who serves a subpoena shall receive 17673  
the same fees as a sheriff. Each witness who appears before the 17674  
board in obedience to a subpoena shall receive the fees and 17675  
mileage provided for under section 119.094 of the Revised Code. 17676

(4) All hearings, investigations, and inspections of the 17677  
board shall be considered civil actions for the purposes of 17678  
section 2305.252 of the Revised Code. 17679

(5) A report required to be submitted to the board under 17680  
this chapter, a complaint, or information received by the board 17681  
pursuant to an investigation or pursuant to an inspection under 17682  
division (E) of section 4731.054 of the Revised Code is 17683  
confidential and not subject to discovery in any civil action. 17684

The board shall conduct all investigations or inspections 17685  
and proceedings in a manner that protects the confidentiality of 17686  
patients and persons who file complaints with the board. The 17687  
board shall not make public the names or any other identifying 17688  
information about patients or complainants unless proper consent 17689  
is given or, in the case of a patient, a waiver of the patient 17690  
privilege exists under division (B) of section 2317.02 of the 17691  
Revised Code, except that consent or a waiver of that nature is 17692  
not required if the board possesses reliable and substantial 17693  
evidence that no bona fide physician-patient relationship 17694  
exists. 17695

The board may share any information it receives pursuant 17696  
to an investigation or inspection, including patient records and 17697  
patient record information, with law enforcement agencies, other 17698  
licensing boards, and other governmental agencies that are 17699  
prosecuting, adjudicating, or investigating alleged violations 17700  
of statutes or administrative rules. An agency or board that 17701  
receives the information shall comply with the same requirements 17702  
regarding confidentiality as those with which the state medical 17703  
board must comply, notwithstanding any conflicting provision of 17704  
the Revised Code or procedure of the agency or board that 17705  
applies when it is dealing with other information in its 17706  
possession. In a judicial proceeding, the information may be 17707  
admitted into evidence only in accordance with the Rules of 17708  
Evidence, but the court shall require that appropriate measures 17709  
are taken to ensure that confidentiality is maintained with 17710  
respect to any part of the information that contains names or 17711  
other identifying information about patients or complainants 17712  
whose confidentiality was protected by the state medical board 17713  
when the information was in the board's possession. Measures to 17714  
ensure confidentiality that may be taken by the court include 17715  
sealing its records or deleting specific information from its 17716  
records. 17717

(6) On a quarterly basis, the board shall prepare a report 17718  
that documents the disposition of all cases during the preceding 17719  
three months. The report shall contain the following information 17720  
for each case with which the board has completed its activities: 17721

(a) The case number assigned to the complaint or alleged 17722  
violation; 17723

(b) The type of license or certificate to practice, if 17724  
any, held by the individual against whom the complaint is 17725



directed; 17726

(c) A description of the allegations contained in the 17727  
complaint; 17728

(d) The disposition of the case. 17729

The report shall state how many cases are still pending 17730  
and shall be prepared in a manner that protects the identity of 17731  
each person involved in each case. The report shall be a public 17732  
record under section 149.43 of the Revised Code. 17733

(G) If the secretary and supervising member determine both 17734  
of the following, they may recommend that the board suspend an 17735  
individual's license or certificate to practice or certificate 17736  
to recommend without a prior hearing: 17737

(1) That there is clear and convincing evidence that an 17738  
individual has violated division (B) of this section; 17739

(2) That the individual's continued practice presents a 17740  
danger of immediate and serious harm to the public. 17741

Written allegations shall be prepared for consideration by 17742  
the board. The board, upon review of those allegations and by an 17743  
affirmative vote of not fewer than six of its members, excluding 17744  
the secretary and supervising member, may suspend a license or 17745  
certificate without a prior hearing. A telephone conference call 17746  
may be utilized for reviewing the allegations and taking the 17747  
vote on the summary suspension. 17748

The board shall issue a written order of suspension by 17749  
certified mail or in person in accordance with section 119.07 of 17750  
the Revised Code. The order shall not be subject to suspension 17751  
by the court during pendency of any appeal filed under section 17752  
119.12 of the Revised Code. If the individual subject to the 17753

summary suspension requests an adjudicatory hearing by the 17754  
board, the date set for the hearing shall be within fifteen 17755  
days, but not earlier than seven days, after the individual 17756  
requests the hearing, unless otherwise agreed to by both the 17757  
board and the individual. 17758

Any summary suspension imposed under this division shall 17759  
remain in effect, unless reversed on appeal, until a final 17760  
adjudicative order issued by the board pursuant to this section 17761  
and Chapter 119. of the Revised Code becomes effective. The 17762  
board shall issue its final adjudicative order within seventy- 17763  
five days after completion of its hearing. A failure to issue 17764  
the order within seventy-five days shall result in dissolution 17765  
of the summary suspension order but shall not invalidate any 17766  
subsequent, final adjudicative order. 17767

(H) If the board takes action under division (B) (9), (11), 17768  
or (13) of this section and the judicial finding of guilt, 17769  
guilty plea, or judicial finding of eligibility for intervention 17770  
in lieu of conviction is overturned on appeal, upon exhaustion 17771  
of the criminal appeal, a petition for reconsideration of the 17772  
order may be filed with the board along with appropriate court 17773  
documents. Upon receipt of a petition of that nature and 17774  
supporting court documents, the board shall reinstate the 17775  
individual's license or certificate to practice. The board may 17776  
then hold an adjudication under Chapter 119. of the Revised Code 17777  
to determine whether the individual committed the act in 17778  
question. Notice of an opportunity for a hearing shall be given 17779  
in accordance with Chapter 119. of the Revised Code. If the 17780  
board finds, pursuant to an adjudication held under this 17781  
division, that the individual committed the act or if no hearing 17782  
is requested, the board may order any of the sanctions 17783  
identified under division (B) of this section. 17784

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, aggravated abortion murder, abortion murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code,

the board shall enter an order suspending the individual's 17816  
license or certificate to practice for a period of at least one 17817  
year or, if determined appropriate by the board, imposing a more 17818  
serious sanction involving the individual's license or 17819  
certificate to practice. 17820

(2) In all circumstances in which division (I)(1) of this 17821  
section does not apply, enter a final order permanently revoking 17822  
the individual's license or certificate to practice. 17823

(J) If the board is required by Chapter 119. of the 17824  
Revised Code to give notice of an opportunity for a hearing and 17825  
if the individual subject to the notice does not timely request 17826  
a hearing in accordance with section 119.07 of the Revised Code, 17827  
the board is not required to hold a hearing, but may adopt, by 17828  
an affirmative vote of not fewer than six of its members, a 17829  
final order that contains the board's findings. In that final 17830  
order, the board may order any of the sanctions identified under 17831  
division (A) or (B) of this section. 17832

(K) Any action taken by the board under division (B) of 17833  
this section resulting in a suspension from practice shall be 17834  
accompanied by a written statement of the conditions under which 17835  
the individual's license or certificate to practice may be 17836  
reinstated. The board shall adopt rules governing conditions to 17837  
be imposed for reinstatement. Reinstatement of a license or 17838  
certificate suspended pursuant to division (B) of this section 17839  
requires an affirmative vote of not fewer than six members of 17840  
the board. 17841

(L) When the board refuses to grant or issue a license or 17842  
certificate to practice to an applicant, revokes an individual's 17843  
license or certificate to practice, refuses to renew an 17844  
individual's license or certificate to practice, or refuses to 17845

reinstate an individual's license or certificate to practice, 17846  
the board may specify that its action is permanent. An 17847  
individual subject to a permanent action taken by the board is 17848  
forever thereafter ineligible to hold a license or certificate 17849  
to practice and the board shall not accept an application for 17850  
reinstatement of the license or certificate or for issuance of a 17851  
new license or certificate. 17852

(M) Notwithstanding any other provision of the Revised 17853  
Code, all of the following apply: 17854

(1) The surrender of a license or certificate issued under 17855  
this chapter shall not be effective unless or until accepted by 17856  
the board. A telephone conference call may be utilized for 17857  
acceptance of the surrender of an individual's license or 17858  
certificate to practice. The telephone conference call shall be 17859  
considered a special meeting under division (F) of section 17860  
121.22 of the Revised Code. Reinstatement of a license or 17861  
certificate surrendered to the board requires an affirmative 17862  
vote of not fewer than six members of the board. 17863

(2) An application for a license or certificate made under 17864  
the provisions of this chapter may not be withdrawn without 17865  
approval of the board. 17866

(3) Failure by an individual to renew a license or 17867  
certificate to practice in accordance with this chapter or a 17868  
certificate to recommend in accordance with rules adopted under 17869  
section 4731.301 of the Revised Code shall not remove or limit 17870  
the board's jurisdiction to take any disciplinary action under 17871  
this section against the individual. 17872

(4) At the request of the board, a license or certificate 17873  
holder shall immediately surrender to the board a license or 17874

certificate that the board has suspended, revoked, or 17875  
permanently revoked. 17876

(N) Sanctions shall not be imposed under division (B) (28) 17877  
of this section against any person who waives deductibles and 17878  
copayments as follows: 17879

(1) In compliance with the health benefit plan that 17880  
expressly allows such a practice. Waiver of the deductibles or 17881  
copayments shall be made only with the full knowledge and 17882  
consent of the plan purchaser, payer, and third-party 17883  
administrator. Documentation of the consent shall be made 17884  
available to the board upon request. 17885

(2) For professional services rendered to any other person 17886  
authorized to practice pursuant to this chapter, to the extent 17887  
allowed by this chapter and rules adopted by the board. 17888

(O) Under the board's investigative duties described in 17889  
this section and subject to division (F) of this section, the 17890  
board shall develop and implement a quality intervention program 17891  
designed to improve through remedial education the clinical and 17892  
communication skills of individuals authorized under this 17893  
chapter to practice medicine and surgery, osteopathic medicine 17894  
and surgery, and podiatric medicine and surgery. In developing 17895  
and implementing the quality intervention program, the board may 17896  
do all of the following: 17897

(1) Offer in appropriate cases as determined by the board 17898  
an educational and assessment program pursuant to an 17899  
investigation the board conducts under this section; 17900

(2) Select providers of educational and assessment 17901  
services, including a quality intervention program panel of case 17902  
reviewers; 17903

(3) Make referrals to educational and assessment service 17904  
providers and approve individual educational programs 17905  
recommended by those providers. The board shall monitor the 17906  
progress of each individual undertaking a recommended individual 17907  
educational program. 17908

(4) Determine what constitutes successful completion of an 17909  
individual educational program and require further monitoring of 17910  
the individual who completed the program or other action that 17911  
the board determines to be appropriate; 17912

(5) Adopt rules in accordance with Chapter 119. of the 17913  
Revised Code to further implement the quality intervention 17914  
program. 17915

An individual who participates in an individual 17916  
educational program pursuant to this division shall pay the 17917  
financial obligations arising from that educational program. 17918

**Sec. 4734.36.** A chiropractor who in this state pleads 17919  
guilty to or is convicted of aggravated murder, murder, 17920  
aggravated abortion murder, abortion murder, voluntary 17921  
manslaughter, felonious assault, kidnapping, rape, sexual 17922  
battery, gross sexual imposition, aggravated arson, aggravated 17923  
robbery, or aggravated burglary, or who in another jurisdiction 17924  
pleads guilty to or is convicted of any substantially equivalent 17925  
criminal offense, is automatically suspended from practice in 17926  
this state and the license issued under this chapter to practice 17927  
chiropractic is automatically suspended as of the date of the 17928  
guilty plea or conviction. If applicable, the chiropractor's 17929  
certificate issued under this chapter to practice acupuncture is 17930  
automatically suspended at the same time. Continued practice 17931  
after suspension under this section shall be considered 17932  
practicing chiropractic without a license and, if applicable, 17933

acupuncture without a certificate. On receiving notice or 17934  
otherwise becoming aware of the conviction, the state 17935  
chiropractic board shall notify the individual of the suspension 17936  
under this section by certified mail or in person in accordance 17937  
with section 119.07 of the Revised Code. If an individual whose 17938  
license and, if applicable, certificate to practice acupuncture 17939  
is suspended under this section fails to make a timely request 17940  
for an adjudication, the board shall enter a final order 17941  
revoking the individual's license and, if applicable, 17942  
certificate to practice acupuncture. 17943

**Sec. 4741.22.** (A) The state veterinary medical licensing 17944  
board may refuse to issue or renew a license, limited license, 17945  
registration, or temporary permit to or of any applicant who, 17946  
and may issue a reprimand to, suspend or revoke the license, 17947  
limited license, registration, or the temporary permit of, or 17948  
impose a civil penalty pursuant to this section upon any person 17949  
holding a license, limited license, or temporary permit to 17950  
practice veterinary medicine or any person registered as a 17951  
registered veterinary technician who: 17952

(1) In the conduct of the person's practice does not 17953  
conform to the rules of the board or the standards of the 17954  
profession governing proper, humane, sanitary, and hygienic 17955  
methods to be used in the care and treatment of animals; 17956

(2) Uses fraud, misrepresentation, or deception in any 17957  
application or examination for licensure, or any other 17958  
documentation created in the course of practicing veterinary 17959  
medicine; 17960

(3) Is found to be physically or psychologically addicted 17961  
to alcohol or an illegal or controlled substance, as defined in 17962  
section 3719.01 of the Revised Code, to such a degree as to 17963



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| render the person unfit to practice veterinary medicine;   | 17964  |
| (4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;  | 17965<br>17966                                     |
| (5) Obtains a fee on the assurance that an incurable disease can be cured;   | 17967<br>17968                                     |
| (6) Advertises in a manner that violates section 4741.21 of the Revised Code;  | 17969<br>17970                                     |
| (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;  | 17971<br>17972<br>17973                            |
| (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;  | 17974<br>17975<br>17976                            |
| (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs; | 17977<br>17978<br>17979<br>17980<br>17981<br>17982 |
| (10) Is convicted of any violation of section 959.13 of the Revised Code;  | 17983<br>17984                                     |
| (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;   | 17985<br>17986<br>17987                            |
| (12) Fails to report promptly to the proper official any known reportable disease;   | 17988<br>17989                                     |
| (13) Fails to report promptly vaccinations or the results  | 17990  |

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| of tests when required to do so by law or rule;   | 17991  |
| (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;  | 17992<br>17993<br>17994<br>17995                   |
| (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;   | 17996<br>17997<br>17998                            |
| (16) Is guilty of gross incompetence or gross negligence;   | 17999  |
| (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia; | 18000<br>18001<br>18002<br>18003<br>18004<br>18005 |
| (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;   | 18006<br>18007                                     |
| (19) Represents self as a specialist unless certified as a specialist by the board;   | 18008<br>18009                                     |
| (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;        | 18010<br>18011<br>18012<br>18013<br>18014<br>18015 |
| (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in  | 18016<br>18017<br>18018                            |

conduct of surgery; 18019

(22) Makes available a dangerous drug, as defined in 18020  
section 4729.01 of the Revised Code, to any person other than 18021  
for the specific treatment of an animal patient; 18022

(23) Refuses to permit a board investigator or the board's 18023  
designee to inspect the person's business premises during 18024  
regular business hours, except as provided in division (A) of 18025  
section 4741.26 of the Revised Code; 18026

(24) Violates any order of the board or fails to comply 18027  
with a subpoena of the board; 18028

(25) Fails to maintain medical records as required by rule 18029  
of the board; 18030

(26) Engages in cruelty to animals; 18031

(27) Uses, prescribes, or sells any veterinary 18032  
prescription drug or biologic, or prescribes any extra-label use 18033  
of any over-the-counter drug or dangerous drug in the absence of 18034  
a valid veterinary-client-patient relationship. 18035

(B) Except as provided in division (D) of this section, 18036  
before the board may revoke, deny, refuse to renew, or suspend a 18037  
license, registration, or temporary permit or otherwise 18038  
discipline the holder of a license, registration, or temporary 18039  
permit, the executive director shall file written charges with 18040  
the board. The board shall conduct a hearing on the charges as 18041  
provided in Chapter 119. of the Revised Code. 18042

(C) If the board, after a hearing conducted pursuant to 18043  
Chapter 119. of the Revised Code, revokes, refuses to renew, or 18044  
suspends a license, registration, or temporary permit for a 18045  
violation of this section, section 4741.23, division (C) or (D) 18046

of section 4741.19, or division (B), (C), or (D) of section 18047  
4741.21 of the Revised Code, the board may impose a civil 18048  
penalty upon the holder of the license, permit, or registration 18049  
of not less than one hundred dollars or more than one thousand 18050  
dollars. In addition to the civil penalty and any other 18051  
penalties imposed pursuant to this chapter, the board may assess 18052  
any holder of a license, permit, or registration the costs of 18053  
the hearing conducted under this section if the board determines 18054  
that the holder has violated any provision for which the board 18055  
may impose a civil penalty under this section. 18056

(D) The executive director may recommend that the board 18057  
suspend an individual's certificate of license without a prior 18058  
hearing if the executive director determines both of the 18059  
following: 18060

(1) There is clear and convincing evidence that division 18061  
(A) (3), (9), (14), (22), or (26) of this section applies to the 18062  
individual. 18063

(2) The individual's continued practice presents a danger 18064  
of immediate and serious harm to the public. 18065

The executive director shall prepare written allegations 18066  
for consideration by the board. The board, upon review of those 18067  
allegations and by an affirmative vote of not fewer than four of 18068  
its members, may suspend the certificate without a prior 18069  
hearing. A telephone conference call may be utilized for 18070  
reviewing the allegations and taking the vote on the suspension. 18071

The board shall issue a written order of suspension by 18072  
certified mail or in person in accordance with section 119.07 of 18073  
the Revised Code. If the individual subject to the suspension 18074  
requests an adjudicatory hearing by the board, the date set for 18075

the hearing shall be not later than fifteen days, but not 18076  
earlier than seven days after the individual requests the 18077  
hearing unless otherwise agreed to by both the board and the 18078  
individual. 18079

A suspension imposed under this division shall remain in 18080  
effect, unless reversed on appeal, until a final adjudicative 18081  
order issued by the board under this section and Chapter 119. of 18082  
the Revised Code becomes effective. The board shall issue its 18083  
final adjudicative order not later than ninety days after 18084  
completion of its hearing. Failure to issue the order within 18085  
ninety days results in dissolution of the suspension order, but 18086  
does not invalidate any subsequent, final adjudicative order. 18087

(E) A license or registration issued to an individual 18088  
under this chapter is automatically suspended upon that 18089  
individual's conviction of or plea of guilty to or upon a 18090  
judicial finding with regard to any of the following: aggravated 18091  
murder, murder, aggravated abortion murder, abortion murder, 18092  
voluntary manslaughter, felonious assault, kidnapping, rape, 18093  
sexual battery, gross sexual imposition, aggravated arson, 18094  
aggravated robbery, or aggravated burglary. The suspension shall 18095  
remain in effect from the date of the conviction, plea, or 18096  
finding until an adjudication is held under Chapter 119. of the 18097  
Revised Code. If the board has knowledge that an automatic 18098  
suspension has occurred, it shall notify the individual subject 18099  
to the suspension. If the individual is notified and either 18100  
fails to request an adjudication within the time periods 18101  
established by Chapter 119. of the Revised Code or fails to 18102  
participate in the adjudication, the board shall enter a final 18103  
order permanently revoking the individual's license or 18104  
registration. 18105

**Sec. 4757.361.** (A) As used in this section, with regard to 18106  
offenses committed in Ohio, "aggravated murder," "murder," 18107  
"aggravated abortion murder," "abortion murder," "voluntary 18108  
manslaughter," "felonious assault," "kidnapping," "rape," 18109  
"sexual battery," "gross sexual imposition," "aggravated arson," 18110  
"aggravated robbery," and "aggravated burglary" mean such 18111  
offenses as defined in Title XXIX of the Revised Code; with 18112  
regard to offenses committed in other jurisdictions, the terms 18113  
mean offenses comparable to offenses defined in Title XXIX of 18114  
the Revised Code. 18115

(B) When there is clear and convincing evidence that 18116  
continued practice by an individual licensed under this chapter 18117  
presents a danger of immediate and serious harm to the public, 18118  
as determined on consideration of the evidence by the 18119  
professional standards committees of the counselor, social 18120  
worker, and marriage and family therapist board, the appropriate 18121  
committee shall impose on the individual a summary suspension 18122  
without a hearing. 18123

Immediately following the decision to impose a summary 18124  
suspension, the appropriate committee shall issue a written 18125  
order of suspension and cause it to be delivered by certified 18126  
mail or in person in accordance with section 119.07 of the 18127  
Revised Code. The order shall not be subject to suspension by 18128  
the court during the pendency of any appeal filed under section 18129  
119.12 of the Revised Code. If the individual subject to the 18130  
suspension requests an adjudication, the date set for the 18131  
adjudication shall be within fifteen days but not earlier than 18132  
seven days after the individual makes the request, unless 18133  
another date is agreed to by both the individual and the 18134  
committee imposing the suspension. The summary suspension shall 18135  
remain in effect, unless reversed by the committee, until a 18136

final adjudication order issued by the committee pursuant to 18137  
this section and Chapter 119. of the Revised Code becomes 18138  
effective. 18139

The committee shall issue its final adjudication order 18140  
within ninety days after completion of the adjudication. If the 18141  
committee does not issue a final order within the ninety-day 18142  
period, the summary suspension shall be void, but any final 18143  
adjudication order issued subsequent to the ninety-day period 18144  
shall not be affected. 18145

(C) The license issued to an individual under this chapter 18146  
is automatically suspended on that individual's conviction of, 18147  
plea of guilty to, or judicial finding with regard to any of the 18148  
following: aggravated murder, murder, aggravated abortion 18149  
murder, abortion murder, voluntary manslaughter, felonious 18150  
assault, kidnapping, rape, sexual battery, gross sexual 18151  
imposition, aggravated arson, aggravated robbery, or aggravated 18152  
burglary. The suspension shall remain in effect from the date of 18153  
the conviction, plea, or finding until an adjudication is held 18154  
under Chapter 119. of the Revised Code. If the appropriate 18155  
committee has knowledge that an automatic suspension has 18156  
occurred, it shall notify the individual subject to the 18157  
suspension. If the individual is notified and either fails to 18158  
request an adjudication within the time periods established by 18159  
Chapter 119. of the Revised Code or fails to participate in the 18160  
adjudication, the committee shall enter a final order 18161  
permanently revoking the person's license or certificate. 18162

**Sec. 4759.07.** (A) The state medical board, by an 18163  
affirmative vote of not fewer than six members, shall, to the 18164  
extent permitted by law, limit, revoke, or suspend an 18165  
individual's license or limited permit, refuse to issue a 18166

license or limited permit to an individual, refuse to renew a 18167  
license or limited permit, refuse to reinstate a license or 18168  
limited permit, or reprimand or place on probation the holder of 18169  
a license or limited permit for one or more of the following 18170  
reasons: 18171

(1) Except when civil penalties are imposed under section 18172  
4759.071 of the Revised Code, violating or attempting to 18173  
violate, directly or indirectly, or assisting in or abetting the 18174  
violation of, or conspiring to violate, any provision of this 18175  
chapter or the rules adopted by the board; 18176

(2) Making a false, fraudulent, deceptive, or misleading 18177  
statement in the solicitation of or advertising for patients; in 18178  
relation to the practice of dietetics; or in securing or 18179  
attempting to secure any license or permit issued by the board 18180  
under this chapter. 18181

As used in division (A) (2) of this section, "false, 18182  
fraudulent, deceptive, or misleading statement" means a 18183  
statement that includes a misrepresentation of fact, is likely 18184  
to mislead or deceive because of a failure to disclose material 18185  
facts, is intended or is likely to create false or unjustified 18186  
expectations of favorable results, or includes representations 18187  
or implications that in reasonable probability will cause an 18188  
ordinarily prudent person to misunderstand or be deceived. 18189

(3) Committing fraud during the administration of the 18190  
examination for a license to practice or committing fraud, 18191  
misrepresentation, or deception in applying for, renewing, or 18192  
securing any license or permit issued by the board; 18193

(4) A plea of guilty to, a judicial finding of guilt of, 18194  
or a judicial finding of eligibility for intervention in lieu of 18195



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| conviction for, a felony;  | 18196                            |
| (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;   | 18197<br>18198<br>18199          |
| (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;           | 18200<br>18201<br>18202<br>18203 |
| (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;  | 18204<br>18205<br>18206          |
| (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;                     | 18207<br>18208<br>18209          |
| (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;  | 18210<br>18211<br>18212          |
| (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;  | 18213<br>18214                   |
| (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; | 18215<br>18216<br>18217<br>18218 |
| (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;   | 18219<br>18220<br>18221          |
| (13) Violation of the conditions of limitation placed by the board on a license or permit;   | 18222<br>18223                   |

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| (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;  | 18224<br>18225<br>18226<br>18227   |
| (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; | 18228<br>18229<br>18230<br>18231<br>18232<br>18233<br>18234<br>18235<br>18236<br>18237 |
| (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;   | 18238<br>18239<br>18240  |
| (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (11), (12), or (14) of this section;  | 18241<br>18242<br>18243<br>18244<br>18245  |
| (18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;  | 18246<br>18247<br>18248<br>18249   |
| (19) Failure to cooperate in an investigation conducted by the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order   | 18250<br>18251<br>18252  |

issued by the board or failure to answer truthfully a question 18253  
presented by the board in an investigative interview, an 18254  
investigative office conference, at a deposition, or in written 18255  
interrogatories, except that failure to cooperate with an 18256  
investigation shall not constitute grounds for discipline under 18257  
this section if a court of competent jurisdiction has issued an 18258  
order that either quashes a subpoena or permits the individual 18259  
to withhold the testimony or evidence in issue; 18260

(20) Representing with the purpose of obtaining 18261  
compensation or other advantage as personal gain or for any 18262  
other person, that an incurable disease or injury, or other 18263  
incurable condition, can be permanently cured. 18264

(B) Any action taken by the board under division (A) of 18265  
this section resulting in a suspension from practice shall be 18266  
accompanied by a written statement of the conditions under which 18267  
the individual's license or permit may be reinstated. The board 18268  
shall adopt rules governing conditions to be imposed for 18269  
reinstatement. Reinstatement of a license or permit suspended 18270  
pursuant to division (A) of this section requires an affirmative 18271  
vote of not fewer than six members of the board. 18272

(C) When the board refuses to grant or issue a license or 18273  
permit to an applicant, revokes an individual's license or 18274  
permit, refuses to renew an individual's license or permit, or 18275  
refuses to reinstate an individual's license or permit, the 18276  
board may specify that its action is permanent. An individual 18277  
subject to a permanent action taken by the board is forever 18278  
thereafter ineligible to hold a license or permit and the board 18279  
shall not accept an application for reinstatement of the license 18280  
or permit or for issuance of a new license or permit. 18281

(D) Disciplinary actions taken by the board under division 18282

(A) of this section shall be taken pursuant to an adjudication 18283  
under Chapter 119. of the Revised Code, except that in lieu of 18284  
an adjudication, the board may enter into a consent agreement 18285  
with an individual to resolve an allegation of a violation of 18286  
this chapter or any rule adopted under it. A consent agreement, 18287  
when ratified by an affirmative vote of not fewer than six 18288  
members of the board, shall constitute the findings and order of 18289  
the board with respect to the matter addressed in the agreement. 18290  
If the board refuses to ratify a consent agreement, the 18291  
admissions and findings contained in the consent agreement shall 18292  
be of no force or effect. 18293

A telephone conference call may be utilized for 18294  
ratification of a consent agreement that revokes or suspends an 18295  
individual's license or permit. The telephone conference call 18296  
shall be considered a special meeting under division (F) of 18297  
section 121.22 of the Revised Code. 18298

(E) In enforcing division (A) (14) of this section, the 18299  
board, upon a showing of a possible violation, may compel any 18300  
individual authorized to practice by this chapter or who has 18301  
submitted an application pursuant to this chapter to submit to a 18302  
mental examination, physical examination, including an HIV test, 18303  
or both a mental and a physical examination. The expense of the 18304  
examination is the responsibility of the individual compelled to 18305  
be examined. Failure to submit to a mental or physical 18306  
examination or consent to an HIV test ordered by the board 18307  
constitutes an admission of the allegations against the 18308  
individual unless the failure is due to circumstances beyond the 18309  
individual's control, and a default and final order may be 18310  
entered without the taking of testimony or presentation of 18311  
evidence. If the board finds an individual unable to practice 18312  
because of the reasons set forth in division (A) (14) of this 18313

section, the board shall require the individual to submit to 18314  
care, counseling, or treatment by physicians approved or 18315  
designated by the board, as a condition for initial, continued, 18316  
reinstated, or renewed authority to practice. An individual 18317  
affected under this division shall be afforded an opportunity to 18318  
demonstrate to the board the ability to resume practice in 18319  
compliance with acceptable and prevailing standards under the 18320  
provisions of the individual's license or permit. For the 18321  
purpose of division (A) (14) of this section, any individual who 18322  
applies for or receives a license or permit under this chapter 18323  
accepts the privilege of practicing in this state and, by so 18324  
doing, shall be deemed to have given consent to submit to a 18325  
mental or physical examination when directed to do so in writing 18326  
by the board, and to have waived all objections to the 18327  
admissibility of testimony or examination reports that 18328  
constitute a privileged communication. 18329

(F) For the purposes of division (A) (18) of this section, 18330  
any individual authorized to practice by this chapter accepts 18331  
the privilege of practicing in this state subject to supervision 18332  
by the board. By filing an application for or holding a license 18333  
or permit under this chapter, an individual shall be deemed to 18334  
have given consent to submit to a mental or physical examination 18335  
when ordered to do so by the board in writing, and to have 18336  
waived all objections to the admissibility of testimony or 18337  
examination reports that constitute privileged communications. 18338

If it has reason to believe that any individual authorized 18339  
to practice by this chapter or any applicant for a license or 18340  
permit suffers such impairment, the board may compel the 18341  
individual to submit to a mental or physical examination, or 18342  
both. The expense of the examination is the responsibility of 18343  
the individual compelled to be examined. Any mental or physical 18344

examination required under this division shall be undertaken by 18345  
a treatment provider or physician who is qualified to conduct 18346  
the examination and who is chosen by the board. 18347

Failure to submit to a mental or physical examination 18348  
ordered by the board constitutes an admission of the allegations 18349  
against the individual unless the failure is due to 18350  
circumstances beyond the individual's control, and a default and 18351  
final order may be entered without the taking of testimony or 18352  
presentation of evidence. If the board determines that the 18353  
individual's ability to practice is impaired, the board shall 18354  
suspend the individual's license or permit or deny the 18355  
individual's application and shall require the individual, as a 18356  
condition for an initial, continued, reinstated, or renewed 18357  
license or permit, to submit to treatment. 18358

Before being eligible to apply for reinstatement of a 18359  
license or permit suspended under this division, the impaired 18360  
practitioner shall demonstrate to the board the ability to 18361  
resume practice in compliance with acceptable and prevailing 18362  
standards of care under the provisions of the practitioner's 18363  
license or permit. The demonstration shall include, but shall 18364  
not be limited to, the following: 18365

(1) Certification from a treatment provider approved under 18366  
section 4731.25 of the Revised Code that the individual has 18367  
successfully completed any required inpatient treatment; 18368

(2) Evidence of continuing full compliance with an 18369  
aftercare contract or consent agreement; 18370

(3) Two written reports indicating that the individual's 18371  
ability to practice has been assessed and that the individual 18372  
has been found capable of practicing according to acceptable and 18373

prevailing standards of care. The reports shall be made by 18374  
individuals or providers approved by the board for making the 18375  
assessments and shall describe the basis for their 18376  
determination. 18377

The board may reinstate a license or permit suspended 18378  
under this division after that demonstration and after the 18379  
individual has entered into a written consent agreement. 18380

When the impaired practitioner resumes practice, the board 18381  
shall require continued monitoring of the individual. The 18382  
monitoring shall include, but not be limited to, compliance with 18383  
the written consent agreement entered into before reinstatement 18384  
or with conditions imposed by board order after a hearing, and, 18385  
upon termination of the consent agreement, submission to the 18386  
board for at least two years of annual written progress reports 18387  
made under penalty of perjury stating whether the individual has 18388  
maintained sobriety. 18389

(G) If the secretary and supervising member determine both 18390  
of the following, they may recommend that the board suspend an 18391  
individual's license or permit without a prior hearing: 18392

(1) That there is clear and convincing evidence that an 18393  
individual has violated division (A) of this section; 18394

(2) That the individual's continued practice presents a 18395  
danger of immediate and serious harm to the public. 18396

Written allegations shall be prepared for consideration by 18397  
the board. The board, upon review of those allegations and by an 18398  
affirmative vote of not fewer than six of its members, excluding 18399  
the secretary and supervising member, may suspend a license or 18400  
permit without a prior hearing. A telephone conference call may 18401  
be utilized for reviewing the allegations and taking the vote on 18402

the summary suspension. 18403

The board shall issue a written order of suspension by 18404  
certified mail or in person in accordance with section 119.07 of 18405  
the Revised Code. The order shall not be subject to suspension 18406  
by the court during pendency of any appeal filed under section 18407  
119.12 of the Revised Code. If the individual subject to the 18408  
summary suspension requests an adjudicatory hearing by the 18409  
board, the date set for the hearing shall be within fifteen 18410  
days, but not earlier than seven days, after the individual 18411  
requests the hearing, unless otherwise agreed to by both the 18412  
board and the individual. 18413

Any summary suspension imposed under this division shall 18414  
remain in effect, unless reversed on appeal, until a final 18415  
adjudicative order issued by the board pursuant to this section 18416  
and Chapter 119. of the Revised Code becomes effective. The 18417  
board shall issue its final adjudicative order within seventy- 18418  
five days after completion of its hearing. A failure to issue 18419  
the order within seventy-five days shall result in dissolution 18420  
of the summary suspension order but shall not invalidate any 18421  
subsequent, final adjudicative order. 18422

(H) If the board is required by Chapter 119. of the 18423  
Revised Code to give notice of an opportunity for a hearing and 18424  
if the individual subject to the notice does not timely request 18425  
a hearing in accordance with section 119.07 of the Revised Code, 18426  
the board is not required to hold a hearing, but may adopt, by 18427  
an affirmative vote of not fewer than six of its members, a 18428  
final order that contains the board's findings. In the final 18429  
order, the board may order any of the sanctions identified under 18430  
division (A) of this section. 18431

(I) For purposes of divisions (A) (5), (7), and (9) of this 18432



section, the commission of the act may be established by a 18433  
finding by the board, pursuant to an adjudication under Chapter 18434  
119. of the Revised Code, that the individual committed the act. 18435  
The board does not have jurisdiction under those divisions if 18436  
the trial court renders a final judgment in the individual's 18437  
favor and that judgment is based upon an adjudication on the 18438  
merits. The board has jurisdiction under those divisions if the 18439  
trial court issues an order of dismissal upon technical or 18440  
procedural grounds. 18441

(J) The sealing of conviction records by any court shall 18442  
have no effect upon a prior board order entered under this 18443  
section or upon the board's jurisdiction to take action under 18444  
this section if, based upon a plea of guilty, a judicial finding 18445  
of guilt, or a judicial finding of eligibility for intervention 18446  
in lieu of conviction, the board issued a notice of opportunity 18447  
for a hearing prior to the court's order to seal the records. 18448  
The board shall not be required to seal, destroy, redact, or 18449  
otherwise modify its records to reflect the court's sealing of 18450  
conviction records. 18451

(K) If the board takes action under division (A) (4), (6), 18452  
or (8) of this section, and the judicial finding of guilt, 18453  
guilty plea, or judicial finding of eligibility for intervention 18454  
in lieu of conviction is overturned on appeal, upon exhaustion 18455  
of the criminal appeal, a petition for reconsideration of the 18456  
order may be filed with the board along with appropriate court 18457  
documents. Upon receipt of a petition for reconsideration and 18458  
supporting court documents, the board shall reinstate the 18459  
individual's license or permit. The board may then hold an 18460  
adjudication under Chapter 119. of the Revised Code to determine 18461  
whether the individual committed the act in question. Notice of 18462  
an opportunity for a hearing shall be given in accordance with 18463

Chapter 119. of the Revised Code. If the board finds, pursuant 18464  
to an adjudication held under this division, that the individual 18465  
committed the act or if no hearing is requested, the board may 18466  
order any of the sanctions identified under division (A) of this 18467  
section. 18468

(L) The license or permit issued to an individual under 18469  
this chapter and the individual's practice in this state are 18470  
automatically suspended as of the date the individual pleads 18471  
guilty to, is found by a judge or jury to be guilty of, or is 18472  
subject to a judicial finding of eligibility for intervention in 18473  
lieu of conviction in this state or treatment or intervention in 18474  
lieu of conviction in another jurisdiction for any of the 18475  
following criminal offenses in this state or a substantially 18476  
equivalent criminal offense in another jurisdiction: aggravated 18477  
murder, murder, aggravated abortion murder, abortion murder, 18478  
voluntary manslaughter, felonious assault, kidnapping, rape, 18479  
sexual battery, gross sexual imposition, aggravated arson, 18480  
aggravated robbery, or aggravated burglary. Continued practice 18481  
after suspension shall be considered practicing without a 18482  
license or permit. 18483

The board shall notify the individual subject to the 18484  
suspension by certified mail or in person in accordance with 18485  
section 119.07 of the Revised Code. If an individual whose 18486  
license or permit is automatically suspended under this division 18487  
fails to make a timely request for an adjudication under Chapter 18488  
119. of the Revised Code, the board shall enter a final order 18489  
permanently revoking the individual's license or permit. 18490

(M) Notwithstanding any other provision of the Revised 18491  
Code, all of the following apply: 18492

(1) The surrender of a license or permit issued under this 18493

chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4760.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice as an anesthesiologist assistant, refuse to issue a certificate to an

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| applicant, refuse to renew a certificate, refuse to reinstate a  | 18523 |
| certificate, or reprimand or place on probation the holder of a  | 18524 |
| certificate for any of the following reasons:                    | 18525 |
| (1) Permitting the holder's name or certificate to be used       | 18526 |
| by another person;   | 18527 |
| (2) Failure to comply with the requirements of this              | 18528 |
| chapter, Chapter 4731. of the Revised Code, or any rules adopted | 18529 |
| by the board;  | 18530 |
| (3) Violating or attempting to violate, directly or              | 18531 |
| indirectly, or assisting in or abetting the violation of, or     | 18532 |
| conspiring to violate, any provision of this chapter, Chapter    | 18533 |
| 4731. of the Revised Code, or the rules adopted by the board;    | 18534 |
| (4) A departure from, or failure to conform to, minimal          | 18535 |
| standards of care of similar practitioners under the same or     | 18536 |
| similar circumstances whether or not actual injury to the        | 18537 |
| patient is established;  | 18538 |
| (5) Inability to practice according to acceptable and            | 18539 |
| prevailing standards of care by reason of mental illness or      | 18540 |
| physical illness, including physical deterioration that          | 18541 |
| adversely affects cognitive, motor, or perceptive skills;        | 18542 |
| (6) Impairment of ability to practice according to               | 18543 |
| acceptable and prevailing standards of care because of habitual  | 18544 |
| or excessive use or abuse of drugs, alcohol, or other substances | 18545 |
| that impair ability to practice;                                 | 18546 |
| (7) Willfully betraying a professional confidence;               | 18547 |
| (8) Making a false, fraudulent, deceptive, or misleading         | 18548 |
| statement in securing or attempting to secure a certificate to   | 18549 |
| practice as an anesthesiologist assistant.                       | 18550 |

As used in this division, "false, fraudulent, deceptive, 18551  
or misleading statement" means a statement that includes a 18552  
misrepresentation of fact, is likely to mislead or deceive 18553  
because of a failure to disclose material facts, is intended or 18554  
is likely to create false or unjustified expectations of 18555  
favorable results, or includes representations or implications 18556  
that in reasonable probability will cause an ordinarily prudent 18557  
person to misunderstand or be deceived. 18558

(9) The obtaining of, or attempting to obtain, money or a 18559  
thing of value by fraudulent misrepresentations in the course of 18560  
practice; 18561

(10) A plea of guilty to, a judicial finding of guilt of, 18562  
or a judicial finding of eligibility for intervention in lieu of 18563  
conviction for, a felony; 18564

(11) Commission of an act that constitutes a felony in 18565  
this state, regardless of the jurisdiction in which the act was 18566  
committed; 18567

(12) A plea of guilty to, a judicial finding of guilt of, 18568  
or a judicial finding of eligibility for intervention in lieu of 18569  
conviction for, a misdemeanor committed in the course of 18570  
practice; 18571

(13) A plea of guilty to, a judicial finding of guilt of, 18572  
or a judicial finding of eligibility for intervention in lieu of 18573  
conviction for, a misdemeanor involving moral turpitude; 18574

(14) Commission of an act in the course of practice that 18575  
constitutes a misdemeanor in this state, regardless of the 18576  
jurisdiction in which the act was committed; 18577

(15) Commission of an act involving moral turpitude that 18578  
constitutes a misdemeanor in this state, regardless of the 18579

jurisdiction in which the act was committed; 18580

(16) A plea of guilty to, a judicial finding of guilt of, 18581  
or a judicial finding of eligibility for intervention in lieu of 18582  
conviction for violating any state or federal law regulating the 18583  
possession, distribution, or use of any drug, including 18584  
trafficking in drugs; 18585

(17) Any of the following actions taken by the state 18586  
agency responsible for regulating the practice of 18587  
anesthesiologist assistants in another jurisdiction, for any 18588  
reason other than the nonpayment of fees: the limitation, 18589  
revocation, or suspension of an individual's license to 18590  
practice; acceptance of an individual's license surrender; 18591  
denial of a license; refusal to renew or reinstate a license; 18592  
imposition of probation; or issuance of an order of censure or 18593  
other reprimand; 18594

(18) Violation of the conditions placed by the board on a 18595  
certificate to practice; 18596

(19) Failure to use universal blood and body fluid 18597  
precautions established by rules adopted under section 4731.051 18598  
of the Revised Code; 18599

(20) Failure to cooperate in an investigation conducted by 18600  
the board under section 4760.14 of the Revised Code, including 18601  
failure to comply with a subpoena or order issued by the board 18602  
or failure to answer truthfully a question presented by the 18603  
board at a deposition or in written interrogatories, except that 18604  
failure to cooperate with an investigation shall not constitute 18605  
grounds for discipline under this section if a court of 18606  
competent jurisdiction has issued an order that either quashes a 18607  
subpoena or permits the individual to withhold the testimony or 18608

evidence in issue; 18609

(21) Failure to comply with any code of ethics established 18610  
by the national commission for the certification of 18611  
anesthesiologist assistants; 18612

(22) Failure to notify the state medical board of the 18613  
revocation or failure to maintain certification from the 18614  
national commission for certification of anesthesiologist 18615  
assistants. 18616

(C) Disciplinary actions taken by the board under 18617  
divisions (A) and (B) of this section shall be taken pursuant to 18618  
an adjudication under Chapter 119. of the Revised Code, except 18619  
that in lieu of an adjudication, the board may enter into a 18620  
consent agreement with an anesthesiologist assistant or 18621  
applicant to resolve an allegation of a violation of this 18622  
chapter or any rule adopted under it. A consent agreement, when 18623  
ratified by an affirmative vote of not fewer than six members of 18624  
the board, shall constitute the findings and order of the board 18625  
with respect to the matter addressed in the agreement. If the 18626  
board refuses to ratify a consent agreement, the admissions and 18627  
findings contained in the consent agreement shall be of no force 18628  
or effect. 18629

(D) For purposes of divisions (B) (11), (14), and (15) of 18630  
this section, the commission of the act may be established by a 18631  
finding by the board, pursuant to an adjudication under Chapter 18632  
119. of the Revised Code, that the applicant or certificate 18633  
holder committed the act in question. The board shall have no 18634  
jurisdiction under these divisions in cases where the trial 18635  
court renders a final judgment in the certificate holder's favor 18636  
and that judgment is based upon an adjudication on the merits. 18637  
The board shall have jurisdiction under these divisions in cases 18638

where the trial court issues an order of dismissal on technical 18639  
or procedural grounds. 18640

(E) The sealing of conviction records by any court shall 18641  
have no effect on a prior board order entered under the 18642  
provisions of this section or on the board's jurisdiction to 18643  
take action under the provisions of this section if, based upon 18644  
a plea of guilty, a judicial finding of guilt, or a judicial 18645  
finding of eligibility for intervention in lieu of conviction, 18646  
the board issued a notice of opportunity for a hearing prior to 18647  
the court's order to seal the records. The board shall not be 18648  
required to seal, destroy, redact, or otherwise modify its 18649  
records to reflect the court's sealing of conviction records. 18650

(F) For purposes of this division, any individual who 18651  
holds a certificate to practice issued under this chapter, or 18652  
applies for a certificate to practice, shall be deemed to have 18653  
given consent to submit to a mental or physical examination when 18654  
directed to do so in writing by the board and to have waived all 18655  
objections to the admissibility of testimony or examination 18656  
reports that constitute a privileged communication. 18657

(1) In enforcing division (B)(5) of this section, the 18658  
board, on a showing of a possible violation, may compel any 18659  
individual who holds a certificate to practice issued under this 18660  
chapter or who has applied for a certificate to practice 18661  
pursuant to this chapter to submit to a mental or physical 18662  
examination, or both. A physical examination may include an HIV 18663  
test. The expense of the examination is the responsibility of 18664  
the individual compelled to be examined. Failure to submit to a 18665  
mental or physical examination or consent to an HIV test ordered 18666  
by the board constitutes an admission of the allegations against 18667  
the individual unless the failure is due to circumstances beyond 18668



the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an anesthesiologist assistant unable to practice because of the reasons set forth in division (B) (5) of this section, the board shall require the anesthesiologist assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B) (6) of this section, if the board has reason to believe that any individual who holds a certificate to practice issued under this chapter or any applicant for a certificate to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for

an initial, continued, reinstated, or renewed certificate to 18700  
practice, to submit to treatment. 18701

Before being eligible to apply for reinstatement of a 18702  
certificate suspended under this division, the anesthesiologist 18703  
assistant shall demonstrate to the board the ability to resume 18704  
practice in compliance with acceptable and prevailing standards 18705  
of care. The demonstration shall include the following: 18706

(a) Certification from a treatment provider approved under 18707  
section 4731.25 of the Revised Code that the individual has 18708  
successfully completed any required inpatient treatment; 18709

(b) Evidence of continuing full compliance with an 18710  
aftercare contract or consent agreement; 18711

(c) Two written reports indicating that the individual's 18712  
ability to practice has been assessed and that the individual 18713  
has been found capable of practicing according to acceptable and 18714  
prevailing standards of care. The reports shall be made by 18715  
individuals or providers approved by the board for making such 18716  
assessments and shall describe the basis for their 18717  
determination. 18718

The board may reinstate a certificate suspended under this 18719  
division after such demonstration and after the individual has 18720  
entered into a written consent agreement. 18721

When the impaired anesthesiologist assistant resumes 18722  
practice, the board shall require continued monitoring of the 18723  
anesthesiologist assistant. The monitoring shall include 18724  
monitoring of compliance with the written consent agreement 18725  
entered into before reinstatement or with conditions imposed by 18726  
board order after a hearing, and, on termination of the consent 18727  
agreement, submission to the board for at least two years of 18728

annual written progress reports made under penalty of 18729  
falsification stating whether the anesthesiologist assistant has 18730  
maintained sobriety. 18731

(G) If the secretary and supervising member determine that 18732  
there is clear and convincing evidence that an anesthesiologist 18733  
assistant has violated division (B) of this section and that the 18734  
individual's continued practice presents a danger of immediate 18735  
and serious harm to the public, they may recommend that the 18736  
board suspend the individual's certificate without a prior 18737  
hearing. Written allegations shall be prepared for consideration 18738  
by the board. 18739

The board, on review of the allegations and by an 18740  
affirmative vote of not fewer than six of its members, excluding 18741  
the secretary and supervising member, may suspend a certificate 18742  
without a prior hearing. A telephone conference call may be 18743  
utilized for reviewing the allegations and taking the vote on 18744  
the summary suspension. 18745

The board shall issue a written order of suspension by 18746  
certified mail or in person in accordance with section 119.07 of 18747  
the Revised Code. The order shall not be subject to suspension 18748  
by the court during pendency of any appeal filed under section 18749  
119.12 of the Revised Code. If the anesthesiologist assistant 18750  
requests an adjudicatory hearing by the board, the date set for 18751  
the hearing shall be within fifteen days, but not earlier than 18752  
seven days, after the anesthesiologist assistant requests the 18753  
hearing, unless otherwise agreed to by both the board and the 18754  
certificate holder. 18755

A summary suspension imposed under this division shall 18756  
remain in effect, unless reversed on appeal, until a final 18757  
adjudicative order issued by the board pursuant to this section 18758

and Chapter 119. of the Revised Code becomes effective. The 18759  
board shall issue its final adjudicative order within sixty days 18760  
after completion of its hearing. Failure to issue the order 18761  
within sixty days shall result in dissolution of the summary 18762  
suspension order, but shall not invalidate any subsequent, final 18763  
adjudicative order. 18764

(H) If the board takes action under division (B) (11), 18765  
(13), or (14) of this section, and the judicial finding of 18766  
guilt, guilty plea, or judicial finding of eligibility for 18767  
intervention in lieu of conviction is overturned on appeal, on 18768  
exhaustion of the criminal appeal, a petition for 18769  
reconsideration of the order may be filed with the board along 18770  
with appropriate court documents. On receipt of a petition and 18771  
supporting court documents, the board shall reinstate the 18772  
certificate to practice. The board may then hold an adjudication 18773  
under Chapter 119. of the Revised Code to determine whether the 18774  
individual committed the act in question. Notice of opportunity 18775  
for hearing shall be given in accordance with Chapter 119. of 18776  
the Revised Code. If the board finds, pursuant to an 18777  
adjudication held under this division, that the individual 18778  
committed the act, or if no hearing is requested, it may order 18779  
any of the sanctions specified in division (B) of this section. 18780

(I) The certificate to practice of an anesthesiologist 18781  
assistant and the assistant's practice in this state are 18782  
automatically suspended as of the date the anesthesiologist 18783  
assistant pleads guilty to, is found by a judge or jury to be 18784  
guilty of, or is subject to a judicial finding of eligibility 18785  
for intervention in lieu of conviction in this state or 18786  
treatment of intervention in lieu of conviction in another 18787  
jurisdiction for any of the following criminal offenses in this 18788  
state or a substantially equivalent criminal offense in another 18789

jurisdiction: aggravated murder, murder, aggravated abortion 18790  
murder, abortion murder, voluntary manslaughter, felonious 18791  
assault, kidnapping, rape, sexual battery, gross sexual 18792  
imposition, aggravated arson, aggravated robbery, or aggravated 18793  
burglary. Continued practice after the suspension shall be 18794  
considered practicing without a certificate. 18795

The board shall notify the individual subject to the 18796  
suspension by certified mail or in person in accordance with 18797  
section 119.07 of the Revised Code. If an individual whose 18798  
certificate is suspended under this division fails to make a 18799  
timely request for an adjudication under Chapter 119. of the 18800  
Revised Code, the board shall enter a final order permanently 18801  
revoking the individual's certificate to practice. 18802

(J) In any instance in which the board is required by 18803  
Chapter 119. of the Revised Code to give notice of opportunity 18804  
for hearing and the individual subject to the notice does not 18805  
timely request a hearing in accordance with section 119.07 of 18806  
the Revised Code, the board is not required to hold a hearing, 18807  
but may adopt, by an affirmative vote of not fewer than six of 18808  
its members, a final order that contains the board's findings. 18809  
In the final order, the board may order any of the sanctions 18810  
identified under division (A) or (B) of this section. 18811

(K) Any action taken by the board under division (B) of 18812  
this section resulting in a suspension shall be accompanied by a 18813  
written statement of the conditions under which the 18814  
anesthesiologist assistant's certificate may be reinstated. The 18815  
board shall adopt rules in accordance with Chapter 119. of the 18816  
Revised Code governing conditions to be imposed for 18817  
reinstatement. Reinstatement of a certificate suspended pursuant 18818  
to division (B) of this section requires an affirmative vote of 18819

not fewer than six members of the board. 18820

(L) When the board refuses to grant or issue a certificate 18821  
to practice as an anesthesiologist assistant to an applicant, 18822  
revokes an individual's certificate, refuses to renew an 18823  
individual's certificate, or refuses to reinstate an 18824  
individual's certificate, the board may specify that its action 18825  
is permanent. An individual subject to a permanent action taken 18826  
by the board is forever thereafter ineligible to hold a 18827  
certificate to practice as an anesthesiologist assistant and the 18828  
board shall not accept an application for reinstatement of the 18829  
certificate or for issuance of a new certificate. 18830

(M) Notwithstanding any other provision of the Revised 18831  
Code, all of the following apply: 18832

(1) The surrender of a certificate to practice issued 18833  
under this chapter is not effective unless or until accepted by 18834  
the board. Reinstatement of a certificate surrendered to the 18835  
board requires an affirmative vote of not fewer than six members 18836  
of the board. 18837

(2) An application made under this chapter for a 18838  
certificate to practice may not be withdrawn without approval of 18839  
the board. 18840

(3) Failure by an individual to renew a certificate to 18841  
practice in accordance with section 4760.06 of the Revised Code 18842  
shall not remove or limit the board's jurisdiction to take 18843  
disciplinary action under this section against the individual. 18844

**Sec. 4761.09.** (A) The state medical board, by an 18845  
affirmative vote of not fewer than six members, shall, to the 18846  
extent permitted by law, limit, revoke, or suspend an 18847  
individual's license or limited permit, refuse to issue a 18848

license or limited permit to an individual, refuse to renew a 18849  
license or limited permit, refuse to reinstate a license or 18850  
limited permit, or reprimand or place on probation the holder of 18851  
a license or limited permit for one or more of the following 18852  
reasons: 18853

(1) A plea of guilty to, a judicial finding of guilt of, 18854  
or a judicial finding of eligibility for intervention in lieu of 18855  
conviction for, a felony; 18856

(2) Commission of an act that constitutes a felony in this 18857  
state, regardless of the jurisdiction in which the act was 18858  
committed; 18859

(3) A plea of guilty to, a judicial finding of guilt of, 18860  
or a judicial finding of eligibility for intervention in lieu of 18861  
conviction for, a misdemeanor committed in the course of 18862  
practice; 18863

(4) Commission of an act in the course of practice that 18864  
constitutes a misdemeanor in this state, regardless of the 18865  
jurisdiction in which the act was committed; 18866

(5) A plea of guilty to, a judicial finding of guilt of, 18867  
or a judicial finding of eligibility for intervention in lieu of 18868  
conviction for, a misdemeanor involving moral turpitude; 18869

(6) Commission of an act involving moral turpitude that 18870  
constitutes a misdemeanor in this state, regardless of the 18871  
jurisdiction in which the act was committed; 18872

(7) Except when civil penalties are imposed under section 18873  
4761.091 of the Revised Code, violating or attempting to 18874  
violate, directly or indirectly, or assisting in or abetting the 18875  
violation of, or conspiring to violate, any provision of this 18876  
chapter or the rules adopted by the board; 18877

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter. 18878  
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As used in division (A) (8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 18883  
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(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board; 18891  
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(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 18895  
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(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care; 18899  
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(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 18901  
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(13) Violation of the conditions of limitation placed by the board upon a license or permit; 18904  
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(14) Inability to practice according to acceptable and 18906



prevailing standards of care by reason of mental illness or 18907  
physical illness, including physical deterioration that 18908  
adversely affects cognitive, motor, or perceptive skills; 18909

(15) Any of the following actions taken by an agency 18910  
responsible for authorizing, certifying, or regulating an 18911  
individual to practice a health care occupation or provide 18912  
health care services in this state or another jurisdiction, for 18913  
any reason other than the nonpayment of fees: the limitation, 18914  
revocation, or suspension of an individual's license; acceptance 18915  
of an individual's license surrender; denial of a license; 18916  
refusal to renew or reinstate a license; imposition of 18917  
probation; or issuance of an order of censure or other 18918  
reprimand; 18919

(16) The revocation, suspension, restriction, reduction, 18920  
or termination of practice privileges by the United States 18921  
department of defense or department of veterans affairs; 18922

(17) Termination or suspension from participation in the 18923  
medicare or medicaid programs by the department of health and 18924  
human services or other responsible agency for any act or acts 18925  
that also would constitute a violation of division (A) (10), 18926  
(12), or (14) of this section; 18927

(18) Impairment of ability to practice according to 18928  
acceptable and prevailing standards of care because of habitual 18929  
or excessive use or abuse of drugs, alcohol, or other substances 18930  
that impair ability to practice; 18931

(19) Failure to cooperate in an investigation conducted by 18932  
the board under division (E) of section 4761.03 of the Revised 18933  
Code, including failure to comply with a subpoena or order 18934  
issued by the board or failure to answer truthfully a question 18935

presented by the board in an investigative interview, an 18936  
investigative office conference, at a deposition, or in written 18937  
interrogatories, except that failure to cooperate with an 18938  
investigation shall not constitute grounds for discipline under 18939  
this section if a court of competent jurisdiction has issued an 18940  
order that either quashes a subpoena or permits the individual 18941  
to withhold the testimony or evidence in issue; 18942

(20) Practicing in an area of respiratory care for which 18943  
the person is clearly untrained or incompetent or practicing in 18944  
a manner that conflicts with section 4761.17 of the Revised 18945  
Code; 18946

(21) Employing, directing, or supervising a person who is 18947  
not authorized to practice respiratory care under this chapter 18948  
in the performance of respiratory care procedures; 18949

(22) Misrepresenting educational attainments or authorized 18950  
functions for the purpose of obtaining some benefit related to 18951  
the practice of respiratory care; 18952

(23) Assisting suicide as defined in section 3795.01 of 18953  
the Revised Code; 18954

(24) Representing, with the purpose of obtaining 18955  
compensation or other advantage as personal gain or for any 18956  
other person, that an incurable disease or injury, or other 18957  
incurable condition, can be permanently cured. 18958

Disciplinary actions taken by the board under division (A) 18959  
of this section shall be taken pursuant to an adjudication under 18960  
Chapter 119. of the Revised Code, except that in lieu of an 18961  
adjudication, the board may enter into a consent agreement with 18962  
an individual to resolve an allegation of a violation of this 18963  
chapter or any rule adopted under it. A consent agreement, when 18964

ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(B) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(C) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(D) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and

if the individual subject to the notice does not timely request 18995  
a hearing in accordance with section 119.07 of the Revised Code, 18996  
the board is not required to hold a hearing, but may adopt, by 18997  
an affirmative vote of not fewer than six of its members, a 18998  
final order that contains the board's findings. In the final 18999  
order, the board may order any of the sanctions identified under 19000  
division (A) of this section. 19001

(E) In enforcing division (A)(14) of this section, the 19002  
board, upon a showing of a possible violation, may compel any 19003  
individual authorized to practice by this chapter or who has 19004  
submitted an application pursuant to this chapter to submit to a 19005  
mental examination, physical examination, including an HIV test, 19006  
or both a mental and a physical examination. The expense of the 19007  
examination is the responsibility of the individual compelled to 19008  
be examined. Failure to submit to a mental or physical 19009  
examination or consent to an HIV test ordered by the board 19010  
constitutes an admission of the allegations against the 19011  
individual unless the failure is due to circumstances beyond the 19012  
individual's control, and a default and final order may be 19013  
entered without the taking of testimony or presentation of 19014  
evidence. If the board finds an individual unable to practice 19015  
because of the reasons set forth in division (A)(14) of this 19016  
section, the board shall require the individual to submit to 19017  
care, counseling, or treatment by physicians approved or 19018  
designated by the board, as a condition for initial, continued, 19019  
reinstated, or renewed authority to practice. An individual 19020  
affected under this division shall be afforded an opportunity to 19021  
demonstrate to the board the ability to resume practice in 19022  
compliance with acceptable and prevailing standards under the 19023  
provisions of the individual's license or permit. For the 19024  
purpose of division (A)(14) of this section, any individual who 19025

applies for or receives a license or permit to practice under 19026  
this chapter accepts the privilege of practicing in this state 19027  
and, by so doing, shall be deemed to have given consent to 19028  
submit to a mental or physical examination when directed to do 19029  
so in writing by the board, and to have waived all objections to 19030  
the admissibility of testimony or examination reports that 19031  
constitute a privileged communication. 19032

(F) For the purposes of division (A) (18) of this section, 19033  
any individual authorized to practice by this chapter accepts 19034  
the privilege of practicing in this state subject to supervision 19035  
by the board. By filing an application for or holding a license 19036  
or permit under this chapter, an individual shall be deemed to 19037  
have given consent to submit to a mental or physical examination 19038  
when ordered to do so by the board in writing, and to have 19039  
waived all objections to the admissibility of testimony or 19040  
examination reports that constitute privileged communications. 19041

If it has reason to believe that any individual authorized 19042  
to practice by this chapter or any applicant for a license or 19043  
permit suffers such impairment, the board may compel the 19044  
individual to submit to a mental or physical examination, or 19045  
both. The expense of the examination is the responsibility of 19046  
the individual compelled to be examined. Any mental or physical 19047  
examination required under this division shall be undertaken by 19048  
a treatment provider or physician who is qualified to conduct 19049  
the examination and who is chosen by the board. 19050

Failure to submit to a mental or physical examination 19051  
ordered by the board constitutes an admission of the allegations 19052  
against the individual unless the failure is due to 19053  
circumstances beyond the individual's control, and a default and 19054  
final order may be entered without the taking of testimony or 19055

presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board

shall require continued monitoring of the individual. The 19085  
monitoring shall include, but not be limited to, compliance with 19086  
the written consent agreement entered into before reinstatement 19087  
or with conditions imposed by board order after a hearing, and, 19088  
upon termination of the consent agreement, submission to the 19089  
board for at least two years of annual written progress reports 19090  
made under penalty of perjury stating whether the individual has 19091  
maintained sobriety. 19092

(G) If the secretary and supervising member determine both 19093  
of the following, they may recommend that the board suspend an 19094  
individual's license or permit without a prior hearing: 19095

(1) That there is clear and convincing evidence that an 19096  
individual has violated division (A) of this section; 19097

(2) That the individual's continued practice presents a 19098  
danger of immediate and serious harm to the public. 19099

Written allegations shall be prepared for consideration by 19100  
the board. The board, upon review of those allegations and by an 19101  
affirmative vote of not fewer than six of its members, excluding 19102  
the secretary and supervising member, may suspend a license or 19103  
permit without a prior hearing. A telephone conference call may 19104  
be utilized for reviewing the allegations and taking the vote on 19105  
the summary suspension. 19106

The board shall issue a written order of suspension by 19107  
certified mail or in person in accordance with section 119.07 of 19108  
the Revised Code. The order shall not be subject to suspension 19109  
by the court during pendency of any appeal filed under section 19110  
119.12 of the Revised Code. If the individual subject to the 19111  
summary suspension requests an adjudicatory hearing by the 19112  
board, the date set for the hearing shall be within fifteen 19113

days, but not earlier than seven days, after the individual 19114  
requests the hearing, unless otherwise agreed to by both the 19115  
board and the individual. 19116

Any summary suspension imposed under this division shall 19117  
remain in effect, unless reversed on appeal, until a final 19118  
adjudicative order issued by the board pursuant to this section 19119  
and Chapter 119. of the Revised Code becomes effective. The 19120  
board shall issue its final adjudicative order within seventy- 19121  
five days after completion of its hearing. A failure to issue 19122  
the order within seventy-five days shall result in dissolution 19123  
of the summary suspension order but shall not invalidate any 19124  
subsequent, final adjudicative order. 19125

(H) For purposes of divisions (A) (2), (4), and (6) of this 19126  
section, the commission of the act may be established by a 19127  
finding by the board, pursuant to an adjudication under Chapter 19128  
119. of the Revised Code, that the individual committed the act. 19129  
The board does not have jurisdiction under those divisions if 19130  
the trial court renders a final judgment in the individual's 19131  
favor and that judgment is based upon an adjudication on the 19132  
merits. The board has jurisdiction under those divisions if the 19133  
trial court issues an order of dismissal upon technical or 19134  
procedural grounds. 19135

(I) The sealing of conviction records by any court shall 19136  
have no effect upon a prior board order entered under this 19137  
section or upon the board's jurisdiction to take action under 19138  
this section if, based upon a plea of guilty, a judicial finding 19139  
of guilt, or a judicial finding of eligibility for intervention 19140  
in lieu of conviction, the board issued a notice of opportunity 19141  
for a hearing prior to the court's order to seal the records. 19142  
The board shall not be required to seal, destroy, redact, or 19143



otherwise modify its records to reflect the court's sealing of conviction records. 19144  
19145

(J) If the board takes action under division (A) (1), (3), 19146  
or (5) of this section, and the judicial finding of guilt, 19147  
guilty plea, or judicial finding of eligibility for intervention 19148  
in lieu of conviction is overturned on appeal, upon exhaustion 19149  
of the criminal appeal, a petition for reconsideration of the 19150  
order may be filed with the board along with appropriate court 19151  
documents. Upon receipt of a petition for reconsideration and 19152  
supporting court documents, the board shall reinstate the 19153  
individual's license or permit. The board may then hold an 19154  
adjudication under Chapter 119. of the Revised Code to determine 19155  
whether the individual committed the act in question. Notice of 19156  
an opportunity for a hearing shall be given in accordance with 19157  
Chapter 119. of the Revised Code. If the board finds, pursuant 19158  
to an adjudication held under this division, that the individual 19159  
committed the act or if no hearing is requested, the board may 19160  
order any of the sanctions identified under division (A) of this 19161  
section. 19162

(K) The license or permit issued to an individual under 19163  
this chapter and the individual's practice in this state are 19164  
automatically suspended as of the date the individual pleads 19165  
guilty to, is found by a judge or jury to be guilty of, or is 19166  
subject to a judicial finding of eligibility for intervention in 19167  
lieu of conviction in this state or treatment or intervention in 19168  
lieu of conviction in another jurisdiction for any of the 19169  
following criminal offenses in this state or a substantially 19170  
equivalent criminal offense in another jurisdiction: aggravated 19171  
murder, murder, aggravated abortion murder, abortion murder, 19172  
voluntary manslaughter, felonious assault, kidnapping, rape, 19173  
sexual battery, gross sexual imposition, aggravated arson, 19174

aggravated robbery, or aggravated burglary. Continued practice 19175  
after suspension shall be considered practicing without a 19176  
license or permit. 19177

The board shall notify the individual subject to the 19178  
suspension by certified mail or in person in accordance with 19179  
section 119.07 of the Revised Code. If an individual whose 19180  
license or permit is automatically suspended under this division 19181  
fails to make a timely request for an adjudication under Chapter 19182  
119. of the Revised Code, the board shall enter a final order 19183  
permanently revoking the individual's license or permit. 19184

(L) Notwithstanding any other provision of the Revised 19185  
Code, all of the following apply: 19186

(1) The surrender of a license or permit issued under this 19187  
chapter shall not be effective unless or until accepted by the 19188  
board. A telephone conference call may be utilized for 19189  
acceptance of the surrender of an individual's license or 19190  
permit. The telephone conference call shall be considered a 19191  
special meeting under division (F) of section 121.22 of the 19192  
Revised Code. Reinstatement of a license or permit surrendered 19193  
to the board requires an affirmative vote of not fewer than six 19194  
members of the board. 19195

(2) An application for a license or permit made under the 19196  
provisions of this chapter may not be withdrawn without approval 19197  
of the board. 19198

(3) Failure by an individual to renew a license or permit 19199  
in accordance with this chapter shall not remove or limit the 19200  
board's jurisdiction to take any disciplinary action under this 19201  
section against the individual. 19202

(4) At the request of the board, a license or permit 19203

holder shall immediately surrender to the board a license or 19204  
permit that the board has suspended, revoked, or permanently 19205  
revoked. 19206

**Sec. 4762.13.** (A) The state medical board, by an 19207  
affirmative vote of not fewer than six members, may revoke or 19208  
may refuse to grant a certificate to practice as an oriental 19209  
medicine practitioner or certificate to practice as an 19210  
acupuncturist to a person found by the board to have committed 19211  
fraud, misrepresentation, or deception in applying for or 19212  
securing the certificate. 19213

(B) The board, by an affirmative vote of not fewer than 19214  
six members, shall, to the extent permitted by law, limit, 19215  
revoke, or suspend an individual's certificate to practice, 19216  
refuse to issue a certificate to an applicant, refuse to renew a 19217  
certificate, refuse to reinstate a certificate, or reprimand or 19218  
place on probation the holder of a certificate for any of the 19219  
following reasons: 19220

(1) Permitting the holder's name or certificate to be used 19221  
by another person; 19222

(2) Failure to comply with the requirements of this 19223  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 19224  
by the board; 19225

(3) Violating or attempting to violate, directly or 19226  
indirectly, or assisting in or abetting the violation of, or 19227  
conspiring to violate, any provision of this chapter, Chapter 19228  
4731. of the Revised Code, or the rules adopted by the board; 19229

(4) A departure from, or failure to conform to, minimal 19230  
standards of care of similar practitioners under the same or 19231  
similar circumstances whether or not actual injury to the 19232

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| patient is established;  | 19233  |
| (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;  | 19234<br>19235<br>19236<br>19237                                     |
| (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;   | 19238<br>19239<br>19240<br>19241                                     |
| (7) Willfully betraying a professional confidence;   | 19242  |
| (8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist.   | 19243<br>19244<br>19245<br>19246<br>19247                            |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. | 19248<br>19249<br>19250<br>19251<br>19252<br>19253<br>19254<br>19255 |
| (9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;   | 19256<br>19257<br>19258<br>19259                                     |
| (10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of  | 19260<br>19261   |

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| practice;  | 19262 |
| (11) A plea of guilty to, a judicial finding of guilt of,        | 19263 |
| or a judicial finding of eligibility for intervention in lieu of | 19264 |
| conviction for, a felony;  | 19265 |
| (12) Commission of an act that constitutes a felony in           | 19266 |
| this state, regardless of the jurisdiction in which the act was  | 19267 |
| committed;   | 19268 |
| (13) A plea of guilty to, a judicial finding of guilt of,        | 19269 |
| or a judicial finding of eligibility for intervention in lieu of | 19270 |
| conviction for, a misdemeanor committed in the course of         | 19271 |
| practice;  | 19272 |
| (14) A plea of guilty to, a judicial finding of guilt of,        | 19273 |
| or a judicial finding of eligibility for intervention in lieu of | 19274 |
| conviction for, a misdemeanor involving moral turpitude;         | 19275 |
| (15) Commission of an act in the course of practice that         | 19276 |
| constitutes a misdemeanor in this state, regardless of the       | 19277 |
| jurisdiction in which the act was committed;                     | 19278 |
| (16) Commission of an act involving moral turpitude that         | 19279 |
| constitutes a misdemeanor in this state, regardless of the       | 19280 |
| jurisdiction in which the act was committed;                     | 19281 |
| (17) A plea of guilty to, a judicial finding of guilt of,        | 19282 |
| or a judicial finding of eligibility for intervention in lieu of | 19283 |
| conviction for violating any state or federal law regulating the | 19284 |
| possession, distribution, or use of any drug, including          | 19285 |
| trafficking in drugs;  | 19286 |
| (18) Any of the following actions taken by the state             | 19287 |
| agency responsible for regulating the practice of oriental       | 19288 |
| medicine or acupuncture in another jurisdiction, for any reason  | 19289 |

other than the nonpayment of fees: the limitation, revocation, 19290  
or suspension of an individual's license to practice; acceptance 19291  
of an individual's license surrender; denial of a license; 19292  
refusal to renew or reinstate a license; imposition of 19293  
probation; or issuance of an order of censure or other 19294  
reprimand; 19295

(19) Violation of the conditions placed by the board on a 19296  
certificate to practice as an oriental medicine practitioner or 19297  
certificate to practice as an acupuncturist; 19298

(20) Failure to use universal blood and body fluid 19299  
precautions established by rules adopted under section 4731.051 19300  
of the Revised Code; 19301

(21) Failure to cooperate in an investigation conducted by 19302  
the board under section 4762.14 of the Revised Code, including 19303  
failure to comply with a subpoena or order issued by the board 19304  
or failure to answer truthfully a question presented by the 19305  
board at a deposition or in written interrogatories, except that 19306  
failure to cooperate with an investigation shall not constitute 19307  
grounds for discipline under this section if a court of 19308  
competent jurisdiction has issued an order that either quashes a 19309  
subpoena or permits the individual to withhold the testimony or 19310  
evidence in issue; 19311

(22) Failure to comply with the standards of the national 19312  
certification commission for acupuncture and oriental medicine 19313  
regarding professional ethics, commitment to patients, 19314  
commitment to the profession, and commitment to the public; 19315

(23) Failure to have adequate professional liability 19316  
insurance coverage in accordance with section 4762.22 of the 19317  
Revised Code; 19318

(24) Failure to maintain a current and active designation 19319  
as a diplomate in oriental medicine, diplomate of acupuncture 19320  
and Chinese herbology, or diplomate in acupuncture, as 19321  
applicable, from the national certification commission for 19322  
acupuncture and oriental medicine, including revocation by the 19323  
commission of the individual's designation, failure by the 19324  
individual to meet the commission's requirements for 19325  
redesignation, or failure to notify the board that the 19326  
appropriate designation has not been maintained. 19327

(C) Disciplinary actions taken by the board under 19328  
divisions (A) and (B) of this section shall be taken pursuant to 19329  
an adjudication under Chapter 119. of the Revised Code, except 19330  
that in lieu of an adjudication, the board may enter into a 19331  
consent agreement with an oriental medicine practitioner or 19332  
acupuncturist or applicant to resolve an allegation of a 19333  
violation of this chapter or any rule adopted under it. A 19334  
consent agreement, when ratified by an affirmative vote of not 19335  
fewer than six members of the board, shall constitute the 19336  
findings and order of the board with respect to the matter 19337  
addressed in the agreement. If the board refuses to ratify a 19338  
consent agreement, the admissions and findings contained in the 19339  
consent agreement shall be of no force or effect. 19340

(D) For purposes of divisions (B) (12), (15), and (16) of 19341  
this section, the commission of the act may be established by a 19342  
finding by the board, pursuant to an adjudication under Chapter 19343  
119. of the Revised Code, that the applicant or certificate 19344  
holder committed the act in question. The board shall have no 19345  
jurisdiction under these divisions in cases where the trial 19346  
court renders a final judgment in the certificate holder's favor 19347  
and that judgment is based upon an adjudication on the merits. 19348  
The board shall have jurisdiction under these divisions in cases 19349

where the trial court issues an order of dismissal upon 19350  
technical or procedural grounds. 19351

(E) The sealing of conviction records by any court shall 19352  
have no effect upon a prior board order entered under the 19353  
provisions of this section or upon the board's jurisdiction to 19354  
take action under the provisions of this section if, based upon 19355  
a plea of guilty, a judicial finding of guilt, or a judicial 19356  
finding of eligibility for intervention in lieu of conviction, 19357  
the board issued a notice of opportunity for a hearing or 19358  
entered into a consent agreement prior to the court's order to 19359  
seal the records. The board shall not be required to seal, 19360  
destroy, redact, or otherwise modify its records to reflect the 19361  
court's sealing of conviction records. 19362

(F) For purposes of this division, any individual who 19363  
holds a certificate to practice issued under this chapter, or 19364  
applies for a certificate to practice, shall be deemed to have 19365  
given consent to submit to a mental or physical examination when 19366  
directed to do so in writing by the board and to have waived all 19367  
objections to the admissibility of testimony or examination 19368  
reports that constitute a privileged communication. 19369

(1) In enforcing division (B)(5) of this section, the 19370  
board, upon a showing of a possible violation, may compel any 19371  
individual who holds a certificate to practice issued under this 19372  
chapter or who has applied for a certificate pursuant to this 19373  
chapter to submit to a mental examination, physical examination, 19374  
including an HIV test, or both a mental and physical 19375  
examination. The expense of the examination is the 19376  
responsibility of the individual compelled to be examined. 19377  
Failure to submit to a mental or physical examination or consent 19378  
to an HIV test ordered by the board constitutes an admission of 19379



the allegations against the individual unless the failure is due 19380  
to circumstances beyond the individual's control, and a default 19381  
and final order may be entered without the taking of testimony 19382  
or presentation of evidence. If the board finds an oriental 19383  
medicine practitioner or acupuncturist unable to practice 19384  
because of the reasons set forth in division (B) (5) of this 19385  
section, the board shall require the individual to submit to 19386  
care, counseling, or treatment by physicians approved or 19387  
designated by the board, as a condition for an initial, 19388  
continued, reinstated, or renewed certificate to practice. An 19389  
individual affected by this division shall be afforded an 19390  
opportunity to demonstrate to the board the ability to resume 19391  
practicing in compliance with acceptable and prevailing 19392  
standards of care. 19393

(2) For purposes of division (B) (6) of this section, if 19394  
the board has reason to believe that any individual who holds a 19395  
certificate to practice issued under this chapter or any 19396  
applicant for a certificate suffers such impairment, the board 19397  
may compel the individual to submit to a mental or physical 19398  
examination, or both. The expense of the examination is the 19399  
responsibility of the individual compelled to be examined. Any 19400  
mental or physical examination required under this division 19401  
shall be undertaken by a treatment provider or physician 19402  
qualified to conduct such examination and chosen by the board. 19403

Failure to submit to a mental or physical examination 19404  
ordered by the board constitutes an admission of the allegations 19405  
against the individual unless the failure is due to 19406  
circumstances beyond the individual's control, and a default and 19407  
final order may be entered without the taking of testimony or 19408  
presentation of evidence. If the board determines that the 19409  
individual's ability to practice is impaired, the board shall 19410

suspend the individual's certificate or deny the individual's 19411  
application and shall require the individual, as a condition for 19412  
an initial, continued, reinstated, or renewed certificate, to 19413  
submit to treatment. 19414

Before being eligible to apply for reinstatement of a 19415  
certificate suspended under this division, the oriental medicine 19416  
practitioner or acupuncturist shall demonstrate to the board the 19417  
ability to resume practice in compliance with acceptable and 19418  
prevailing standards of care. The demonstration shall include 19419  
the following: 19420

(a) Certification from a treatment provider approved under 19421  
section 4731.25 of the Revised Code that the individual has 19422  
successfully completed any required inpatient treatment; 19423

(b) Evidence of continuing full compliance with an 19424  
aftercare contract or consent agreement; 19425

(c) Two written reports indicating that the individual's 19426  
ability to practice has been assessed and that the individual 19427  
has been found capable of practicing according to acceptable and 19428  
prevailing standards of care. The reports shall be made by 19429  
individuals or providers approved by the board for making such 19430  
assessments and shall describe the basis for their 19431  
determination. 19432

The board may reinstate a certificate suspended under this 19433  
division after such demonstration and after the individual has 19434  
entered into a written consent agreement. 19435

When the impaired individual resumes practice, the board 19436  
shall require continued monitoring of the individual. The 19437  
monitoring shall include monitoring of compliance with the 19438  
written consent agreement entered into before reinstatement or 19439

with conditions imposed by board order after a hearing, and, 19440  
upon termination of the consent agreement, submission to the 19441  
board for at least two years of annual written progress reports 19442  
made under penalty of falsification stating whether the 19443  
individual has maintained sobriety. 19444

(G) If the secretary and supervising member determine both 19445  
of the following, they may recommend that the board suspend an 19446  
individual's certificate to practice without a prior hearing: 19447

(1) That there is clear and convincing evidence that an 19448  
oriental medicine practitioner or acupuncturist has violated 19449  
division (B) of this section; 19450

(2) That the individual's continued practice presents a 19451  
danger of immediate and serious harm to the public. 19452

Written allegations shall be prepared for consideration by 19453  
the board. The board, upon review of the allegations and by an 19454  
affirmative vote of not fewer than six of its members, excluding 19455  
the secretary and supervising member, may suspend a certificate 19456  
without a prior hearing. A telephone conference call may be 19457  
utilized for reviewing the allegations and taking the vote on 19458  
the summary suspension. 19459

The board shall issue a written order of suspension by 19460  
certified mail or in person in accordance with section 119.07 of 19461  
the Revised Code. The order shall not be subject to suspension 19462  
by the court during pendency of any appeal filed under section 19463  
119.12 of the Revised Code. If the oriental medicine 19464  
practitioner or acupuncturist requests an adjudicatory hearing 19465  
by the board, the date set for the hearing shall be within 19466  
fifteen days, but not earlier than seven days, after the hearing 19467  
is requested, unless otherwise agreed to by both the board and 19468

the certificate holder. 19469

A summary suspension imposed under this division shall 19470  
remain in effect, unless reversed on appeal, until a final 19471  
adjudicative order issued by the board pursuant to this section 19472  
and Chapter 119. of the Revised Code becomes effective. The 19473  
board shall issue its final adjudicative order within sixty days 19474  
after completion of its hearing. Failure to issue the order 19475  
within sixty days shall result in dissolution of the summary 19476  
suspension order, but shall not invalidate any subsequent, final 19477  
adjudicative order. 19478

(H) If the board takes action under division (B) (11), 19479  
(13), or (14) of this section, and the judicial finding of 19480  
guilt, guilty plea, or judicial finding of eligibility for 19481  
intervention in lieu of conviction is overturned on appeal, upon 19482  
exhaustion of the criminal appeal, a petition for 19483  
reconsideration of the order may be filed with the board along 19484  
with appropriate court documents. Upon receipt of a petition and 19485  
supporting court documents, the board shall reinstate the 19486  
certificate to practice. The board may then hold an adjudication 19487  
under Chapter 119. of the Revised Code to determine whether the 19488  
individual committed the act in question. Notice of opportunity 19489  
for hearing shall be given in accordance with Chapter 119. of 19490  
the Revised Code. If the board finds, pursuant to an 19491  
adjudication held under this division, that the individual 19492  
committed the act, or if no hearing is requested, it may order 19493  
any of the sanctions specified in division (B) of this section. 19494

(I) The certificate to practice of an oriental medicine 19495  
practitioner or acupuncturist and the practitioner's or 19496  
acupuncturist's practice in this state are automatically 19497  
suspended as of the date the practitioner or acupuncturist 19498

pleads guilty to, is found by a judge or jury to be guilty of, 19499  
or is subject to a judicial finding of eligibility for 19500  
intervention in lieu of conviction in this state or treatment or 19501  
intervention in lieu of conviction in another jurisdiction for 19502  
any of the following criminal offenses in this state or a 19503  
substantially equivalent criminal offense in another 19504  
jurisdiction: aggravated murder, murder, aggravated abortion 19505  
murder, abortion murder, voluntary manslaughter, felonious 19506  
assault, kidnapping, rape, sexual battery, gross sexual 19507  
imposition, aggravated arson, aggravated robbery, or aggravated 19508  
burglary. Continued practice after the suspension shall be 19509  
considered practicing without a certificate. 19510

The board shall notify the individual subject to the 19511  
suspension by certified mail or in person in accordance with 19512  
section 119.07 of the Revised Code. If an individual whose 19513  
certificate is suspended under this division fails to make a 19514  
timely request for an adjudication under Chapter 119. of the 19515  
Revised Code, the board shall enter a final order permanently 19516  
revoking the individual's certificate to practice. 19517

(J) In any instance in which the board is required by 19518  
Chapter 119. of the Revised Code to give notice of opportunity 19519  
for hearing and the individual subject to the notice does not 19520  
timely request a hearing in accordance with section 119.07 of 19521  
the Revised Code, the board is not required to hold a hearing, 19522  
but may adopt, by an affirmative vote of not fewer than six of 19523  
its members, a final order that contains the board's findings. 19524  
In the final order, the board may order any of the sanctions 19525  
identified under division (A) or (B) of this section. 19526

(K) Any action taken by the board under division (B) of 19527  
this section resulting in a suspension shall be accompanied by a 19528

written statement of the conditions under which the certificate  
to practice may be reinstated. The board shall adopt rules in  
accordance with Chapter 119. of the Revised Code governing  
conditions to be imposed for reinstatement. Reinstatement of a  
certificate suspended pursuant to division (B) of this section  
requires an affirmative vote of not fewer than six members of  
the board.

(L) When the board refuses to grant or issue a certificate  
to practice to an applicant, revokes an individual's  
certificate, refuses to renew an individual's certificate, or  
refuses to reinstate an individual's certificate, the board may  
specify that its action is permanent. An individual subject to a  
permanent action taken by the board is forever thereafter  
ineligible to hold a certificate to practice as an oriental  
medicine practitioner or certificate to practice as an  
acupuncturist and the board shall not accept an application for  
reinstatement of the certificate or for issuance of a new  
certificate.

(M) Notwithstanding any other provision of the Revised  
Code, all of the following apply:

(1) The surrender of a certificate to practice as an  
oriental medicine practitioner or certificate to practice as an  
acupuncturist issued under this chapter is not effective unless  
or until accepted by the board. Reinstatement of a certificate  
surrendered to the board requires an affirmative vote of not  
fewer than six members of the board.

(2) An application made under this chapter for a  
certificate may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in

accordance with section 4762.06 of the Revised Code shall not 19558  
remove or limit the board's jurisdiction to take disciplinary 19559  
action under this section against the individual. 19560

**Sec. 4765.114.** (A) A certificate to practice emergency 19561  
medical services issued under this chapter is automatically 19562  
suspended on the certificate holder's conviction of, plea of 19563  
guilty to, or judicial finding of guilt of any of the following: 19564  
aggravated murder, murder, aggravated abortion murder, abortion 19565  
murder, voluntary manslaughter, felonious assault, kidnapping, 19566  
rape, sexual battery, gross sexual imposition, aggravated arson, 19567  
aggravated burglary, aggravated robbery, or a substantially 19568  
equivalent offense committed in this or another jurisdiction. 19569  
Continued practice after the suspension is practicing without a 19570  
certificate. 19571

(B) If the state board of emergency medical, fire, and 19572  
transportation services has knowledge that an automatic 19573  
suspension has occurred, it shall notify, in accordance with 19574  
section 119.07 of the Revised Code, the certificate holder of 19575  
the suspension and of the opportunity for a hearing. If timely 19576  
requested by the certificate holder, a hearing shall be 19577  
conducted in accordance with section 4765.115 of the Revised 19578  
Code. 19579

**Sec. 4774.13.** (A) The state medical board, by an 19580  
affirmative vote of not fewer than six members, may revoke or 19581  
may refuse to grant a certificate to practice as a radiologist 19582  
assistant to an individual found by the board to have committed 19583  
fraud, misrepresentation, or deception in applying for or 19584  
securing the certificate. 19585

(B) The board, by an affirmative vote of not fewer than 19586  
six members, shall, to the extent permitted by law, limit, 19587

revoke, or suspend an individual's certificate to practice as a radiologist assistant, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Permitting the holder's name or certificate to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading



statement in securing or attempting to secure a certificate to 19616  
practice as a radiologist assistant. 19617

As used in this division, "false, fraudulent, deceptive, 19618  
or misleading statement" means a statement that includes a 19619  
misrepresentation of fact, is likely to mislead or deceive 19620  
because of a failure to disclose material facts, is intended or 19621  
is likely to create false or unjustified expectations of 19622  
favorable results, or includes representations or implications 19623  
that in reasonable probability will cause an ordinarily prudent 19624  
person to misunderstand or be deceived. 19625

(9) The obtaining of, or attempting to obtain, money or a 19626  
thing of value by fraudulent misrepresentations in the course of 19627  
practice; 19628

(10) A plea of guilty to, a judicial finding of guilt of, 19629  
or a judicial finding of eligibility for intervention in lieu of 19630  
conviction for, a felony; 19631

(11) Commission of an act that constitutes a felony in 19632  
this state, regardless of the jurisdiction in which the act was 19633  
committed; 19634

(12) A plea of guilty to, a judicial finding of guilt of, 19635  
or a judicial finding of eligibility for intervention in lieu of 19636  
conviction for, a misdemeanor committed in the course of 19637  
practice; 19638

(13) A plea of guilty to, a judicial finding of guilt of, 19639  
or a judicial finding of eligibility for intervention in lieu of 19640  
conviction for, a misdemeanor involving moral turpitude; 19641

(14) Commission of an act in the course of practice that 19642  
constitutes a misdemeanor in this state, regardless of the 19643  
jurisdiction in which the act was committed; 19644

(15) Commission of an act involving moral turpitude that 19645  
constitutes a misdemeanor in this state, regardless of the 19646  
jurisdiction in which the act was committed; 19647

(16) A plea of guilty to, a judicial finding of guilt of, 19648  
or a judicial finding of eligibility for intervention in lieu of 19649  
conviction for violating any state or federal law regulating the 19650  
possession, distribution, or use of any drug, including 19651  
trafficking in drugs; 19652

(17) Any of the following actions taken by the state 19653  
agency responsible for regulating the practice of radiologist 19654  
assistants in another jurisdiction, for any reason other than 19655  
the nonpayment of fees: the limitation, revocation, or 19656  
suspension of an individual's license to practice; acceptance of 19657  
an individual's license surrender; denial of a license; refusal 19658  
to renew or reinstate a license; imposition of probation; or 19659  
issuance of an order of censure or other reprimand; 19660

(18) Violation of the conditions placed by the board on a 19661  
certificate to practice as a radiologist assistant; 19662

(19) Failure to use universal blood and body fluid 19663  
precautions established by rules adopted under section 4731.051 19664  
of the Revised Code; 19665

(20) Failure to cooperate in an investigation conducted by 19666  
the board under section 4774.14 of the Revised Code, including 19667  
failure to comply with a subpoena or order issued by the board 19668  
or failure to answer truthfully a question presented by the 19669  
board at a deposition or in written interrogatories, except that 19670  
failure to cooperate with an investigation shall not constitute 19671  
grounds for discipline under this section if a court of 19672  
competent jurisdiction has issued an order that either quashes a 19673

subpoena or permits the individual to withhold the testimony or  
evidence in issue; 19674  
19675

(21) Failure to maintain a license as a radiographer under  
Chapter 4773. of the Revised Code; 19676  
19677

(22) Failure to maintain certification as a registered  
radiologist assistant from the American registry of radiologic  
technologists, including revocation by the registry of the  
assistant's certification or failure by the assistant to meet  
the registry's requirements for annual registration, or failure  
to notify the board that the certification as a registered  
radiologist assistant has not been maintained; 19678  
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(23) Failure to comply with any of the rules of ethics  
included in the standards of ethics established by the American  
registry of radiologic technologists, as those rules apply to an  
individual who holds the registry's certification as a  
registered radiologist assistant. 19685  
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(C) Disciplinary actions taken by the board under  
divisions (A) and (B) of this section shall be taken pursuant to  
an adjudication under Chapter 119. of the Revised Code, except  
that in lieu of an adjudication, the board may enter into a  
consent agreement with a radiologist assistant or applicant to  
resolve an allegation of a violation of this chapter or any rule  
adopted under it. A consent agreement, when ratified by an  
affirmative vote of not fewer than six members of the board,  
shall constitute the findings and order of the board with  
respect to the matter addressed in the agreement. If the board  
refuses to ratify a consent agreement, the admissions and  
findings contained in the consent agreement shall be of no force  
or effect. 19690  
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(D) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate to practice as a radiologist assistant issued under this chapter, or applies for a certificate to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B) (5) of this section, the

board, on a showing of a possible violation, may compel any 19733  
individual who holds a certificate to practice as a radiologist 19734  
assistant issued under this chapter or who has applied for a 19735  
certificate to practice to submit to a mental or physical 19736  
examination, or both. A physical examination may include an HIV 19737  
test. The expense of the examination is the responsibility of 19738  
the individual compelled to be examined. Failure to submit to a 19739  
mental or physical examination or consent to an HIV test ordered 19740  
by the board constitutes an admission of the allegations against 19741  
the individual unless the failure is due to circumstances beyond 19742  
the individual's control, and a default and final order may be 19743  
entered without the taking of testimony or presentation of 19744  
evidence. If the board finds a radiologist assistant unable to 19745  
practice because of the reasons set forth in division (B) (5) of 19746  
this section, the board shall require the radiologist assistant 19747  
to submit to care, counseling, or treatment by physicians 19748  
approved or designated by the board, as a condition for an 19749  
initial, continued, reinstated, or renewed certificate to 19750  
practice. An individual affected by this division shall be 19751  
afforded an opportunity to demonstrate to the board the ability 19752  
to resume practicing in compliance with acceptable and 19753  
prevailing standards of care. 19754

(2) For purposes of division (B) (6) of this section, if 19755  
the board has reason to believe that any individual who holds a 19756  
certificate to practice as a radiologist assistant issued under 19757  
this chapter or any applicant for a certificate to practice 19758  
suffers such impairment, the board may compel the individual to 19759  
submit to a mental or physical examination, or both. The expense 19760  
of the examination is the responsibility of the individual 19761  
compelled to be examined. Any mental or physical examination 19762  
required under this division shall be undertaken by a treatment 19763

provider or physician qualified to conduct such examination and 19764  
chosen by the board. 19765

Failure to submit to a mental or physical examination 19766  
ordered by the board constitutes an admission of the allegations 19767  
against the individual unless the failure is due to 19768  
circumstances beyond the individual's control, and a default and 19769  
final order may be entered without the taking of testimony or 19770  
presentation of evidence. If the board determines that the 19771  
individual's ability to practice is impaired, the board shall 19772  
suspend the individual's certificate or deny the individual's 19773  
application and shall require the individual, as a condition for 19774  
an initial, continued, reinstated, or renewed certificate to 19775  
practice, to submit to treatment. 19776

Before being eligible to apply for reinstatement of a 19777  
certificate suspended under this division, the radiologist 19778  
assistant shall demonstrate to the board the ability to resume 19779  
practice in compliance with acceptable and prevailing standards 19780  
of care. The demonstration shall include the following: 19781

(a) Certification from a treatment provider approved under 19782  
section 4731.25 of the Revised Code that the individual has 19783  
successfully completed any required inpatient treatment; 19784

(b) Evidence of continuing full compliance with an 19785  
aftercare contract or consent agreement; 19786

(c) Two written reports indicating that the individual's 19787  
ability to practice has been assessed and that the individual 19788  
has been found capable of practicing according to acceptable and 19789  
prevailing standards of care. The reports shall be made by 19790  
individuals or providers approved by the board for making such 19791  
assessments and shall describe the basis for their 19792

determination. 19793

The board may reinstate a certificate suspended under this 19794  
division after such demonstration and after the individual has 19795  
entered into a written consent agreement. 19796

When the impaired radiologist assistant resumes practice, 19797  
the board shall require continued monitoring of the radiologist 19798  
assistant. The monitoring shall include monitoring of compliance 19799  
with the written consent agreement entered into before 19800  
reinstatement or with conditions imposed by board order after a 19801  
hearing, and, on termination of the consent agreement, 19802  
submission to the board for at least two years of annual written 19803  
progress reports made under penalty of falsification stating 19804  
whether the radiologist assistant has maintained sobriety. 19805

(G) If the secretary and supervising member determine that 19806  
there is clear and convincing evidence that a radiologist 19807  
assistant has violated division (B) of this section and that the 19808  
individual's continued practice presents a danger of immediate 19809  
and serious harm to the public, they may recommend that the 19810  
board suspend the individual's certificate to practice without a 19811  
prior hearing. Written allegations shall be prepared for 19812  
consideration by the board. 19813

The board, on review of the allegations and by an 19814  
affirmative vote of not fewer than six of its members, excluding 19815  
the secretary and supervising member, may suspend a certificate 19816  
without a prior hearing. A telephone conference call may be 19817  
utilized for reviewing the allegations and taking the vote on 19818  
the summary suspension. 19819

The board shall issue a written order of suspension by 19820  
certified mail or in person in accordance with section 119.07 of 19821

the Revised Code. The order shall not be subject to suspension 19822  
by the court during pendency of any appeal filed under section 19823  
119.12 of the Revised Code. If the radiologist assistant 19824  
requests an adjudicatory hearing by the board, the date set for 19825  
the hearing shall be within fifteen days, but not earlier than 19826  
seven days, after the radiologist assistant requests the 19827  
hearing, unless otherwise agreed to by both the board and the 19828  
certificate holder. 19829

A summary suspension imposed under this division shall 19830  
remain in effect, unless reversed on appeal, until a final 19831  
adjudicative order issued by the board pursuant to this section 19832  
and Chapter 119. of the Revised Code becomes effective. The 19833  
board shall issue its final adjudicative order within sixty days 19834  
after completion of its hearing. Failure to issue the order 19835  
within sixty days shall result in dissolution of the summary 19836  
suspension order, but shall not invalidate any subsequent, final 19837  
adjudicative order. 19838

(H) If the board takes action under division (B) (10), 19839  
(12), or (13) of this section, and the judicial finding of 19840  
guilt, guilty plea, or judicial finding of eligibility for 19841  
intervention in lieu of conviction is overturned on appeal, on 19842  
exhaustion of the criminal appeal, a petition for 19843  
reconsideration of the order may be filed with the board along 19844  
with appropriate court documents. On receipt of a petition and 19845  
supporting court documents, the board shall reinstate the 19846  
certificate to practice as a radiologist assistant. The board 19847  
may then hold an adjudication under Chapter 119. of the Revised 19848  
Code to determine whether the individual committed the act in 19849  
question. Notice of opportunity for hearing shall be given in 19850  
accordance with Chapter 119. of the Revised Code. If the board 19851  
finds, pursuant to an adjudication held under this division, 19852



that the individual committed the act, or if no hearing is 19853  
requested, it may order any of the sanctions specified in 19854  
division (B) of this section. 19855

(I) The certificate to practice of a radiologist assistant 19856  
and the assistant's practice in this state are automatically 19857  
suspended as of the date the radiologist assistant pleads guilty 19858  
to, is found by a judge or jury to be guilty of, or is subject 19859  
to a judicial finding of eligibility for intervention in lieu of 19860  
conviction in this state or treatment of intervention in lieu of 19861  
conviction in another jurisdiction for any of the following 19862  
criminal offenses in this state or a substantially equivalent 19863  
criminal offense in another jurisdiction: aggravated murder, 19864  
murder, aggravated abortion murder, abortion murder, voluntary 19865  
manslaughter, felonious assault, kidnapping, rape, sexual 19866  
battery, gross sexual imposition, aggravated arson, aggravated 19867  
robbery, or aggravated burglary. Continued practice after the 19868  
suspension shall be considered practicing without a certificate. 19869

The board shall notify the individual subject to the 19870  
suspension by certified mail or in person in accordance with 19871  
section 119.07 of the Revised Code. If an individual whose 19872  
certificate is suspended under this division fails to make a 19873  
timely request for an adjudication under Chapter 119. of the 19874  
Revised Code, the board shall enter a final order permanently 19875  
revoking the individual's certificate to practice. 19876

(J) In any instance in which the board is required by 19877  
Chapter 119. of the Revised Code to give notice of opportunity 19878  
for hearing and the individual subject to the notice does not 19879  
timely request a hearing in accordance with section 119.07 of 19880  
the Revised Code, the board is not required to hold a hearing, 19881  
but may adopt, by an affirmative vote of not fewer than six of 19882

its members, a final order that contains the board's findings. 19883  
In the final order, the board may order any of the sanctions 19884  
identified under division (A) or (B) of this section. 19885

(K) Any action taken by the board under division (B) of 19886  
this section resulting in a suspension shall be accompanied by a 19887  
written statement of the conditions under which the radiologist 19888  
assistant's certificate may be reinstated. The board shall adopt 19889  
rules in accordance with Chapter 119. of the Revised Code 19890  
governing conditions to be imposed for reinstatement. 19891  
Reinstatement of a certificate suspended pursuant to division 19892  
(B) of this section requires an affirmative vote of not fewer 19893  
than six members of the board. 19894

(L) When the board refuses to grant or issue a certificate 19895  
to practice as a radiologist assistant to an applicant, revokes 19896  
an individual's certificate, refuses to renew an individual's 19897  
certificate, or refuses to reinstate an individual's 19898  
certificate, the board may specify that its action is permanent. 19899  
An individual subject to a permanent action taken by the board 19900  
is forever thereafter ineligible to hold a certificate to 19901  
practice as a radiologist assistant and the board shall not 19902  
accept an application for reinstatement of the certificate or 19903  
for issuance of a new certificate. 19904

(M) Notwithstanding any other provision of the Revised 19905  
Code, all of the following apply: 19906

(1) The surrender of a certificate to practice as a 19907  
radiologist assistant issued under this chapter is not effective 19908  
unless or until accepted by the board. Reinstatement of a 19909  
certificate surrendered to the board requires an affirmative 19910  
vote of not fewer than six members of the board. 19911

(2) An application made under this chapter for a certificate to practice may not be withdrawn without approval of the board. 19912  
19913  
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(3) Failure by an individual to renew a certificate to practice in accordance with section 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 19915  
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**Sec. 4776.10.** As used in Chapters 4713., 4738., 4740., 4747., 4749., and 4764., and sections 4725.40 to 4725.59 of the Revised Code: 19919  
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19921

(A) "Crime of moral turpitude" or "moral turpitude" means all of the following: 19922  
19923

(1) A violation of section 2903.01 ~~or~~ 2903.02, 2904.03, or 2904.04 of the Revised Code; 19924  
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(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code; 19926  
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(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree; 19928  
19929  
19930

(4) Complicity in committing an offense described in division (A)(1) of this section; 19931  
19932

(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree; 19933  
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(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation 19937  
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19939

other than the United States that is or was substantially 19940  
equivalent to any offense listed in division (A) (1), (2), (3), 19941  
(4), or (5) of this section. 19942

(B) "Direct nexus" means that the nature of the offense 19943  
for which the individual was convicted or to which the 19944  
individual pleaded guilty has a direct bearing on the fitness or 19945  
ability of the individual to perform one or more of the duties 19946  
or responsibilities necessarily related to a particular 19947  
occupation, profession, or trade. 19948

(C) "Disqualifying offense" means an offense that is a 19949  
felony and that has a direct nexus to an individual's proposed 19950  
or current field of licensure, certification, or employment. 19951

**Sec. 4778.14.** (A) The state medical board, by an 19952  
affirmative vote of not fewer than six members, may revoke or 19953  
may refuse to grant a license to practice as a genetic counselor 19954  
to an individual found by the board to have committed fraud, 19955  
misrepresentation, or deception in applying for or securing the 19956  
license. 19957

(B) The board, by an affirmative vote of not fewer than 19958  
six members, shall, to the extent permitted by law, limit, 19959  
revoke, or suspend an individual's license to practice as a 19960  
genetic counselor, refuse to issue a license to an applicant, 19961  
refuse to renew a license, refuse to reinstate a license, or 19962  
reprimand or place on probation the holder of a license for any 19963  
of the following reasons: 19964

(1) Permitting the holder's name or license to be used by 19965  
another person; 19966

(2) Failure to comply with the requirements of this 19967  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 19968

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|--|--|
| by the board;  | 19969  |
| (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;   | 19970<br>19971<br>19972<br>19973                                     |
| (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;   | 19974<br>19975<br>19976<br>19977                                     |
| (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;  | 19978<br>19979<br>19980<br>19981                                     |
| (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;   | 19982<br>19983<br>19984<br>19985                                     |
| (7) Willfully betraying a professional confidence;   | 19986  |
| (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.   | 19987<br>19988<br>19989  |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. | 19990<br>19991<br>19992<br>19993<br>19994<br>19995<br>19996<br>19997 |

|   |   |
|---|---|
| (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;  | 19998<br>19999<br>20000                   |
| (10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;  | 20001<br>20002<br>20003                   |
| (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;   | 20004<br>20005<br>20006                   |
| (12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;   | 20007<br>20008<br>20009<br>20010          |
| (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;   | 20011<br>20012<br>20013                   |
| (14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;  | 20014<br>20015<br>20016                   |
| (15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;  | 20017<br>20018<br>20019                   |
| (16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; | 20020<br>20021<br>20022<br>20023<br>20024 |
| (17) Any of the following actions taken by an agency  | 20025                                     |

responsible for authorizing, certifying, or regulating an 20026  
individual to practice a health care occupation or provide 20027  
health care services in this state or in another jurisdiction, 20028  
for any reason other than the nonpayment of fees: the 20029  
limitation, revocation, or suspension of an individual's license 20030  
to practice; acceptance of an individual's license surrender; 20031  
denial of a license; refusal to renew or reinstate a license; 20032  
imposition of probation; or issuance of an order of censure or 20033  
other reprimand; 20034

(18) Violation of the conditions placed by the board on a 20035  
license to practice as a genetic counselor; 20036

(19) Failure to cooperate in an investigation conducted by 20037  
the board under section 4778.18 of the Revised Code, including 20038  
failure to comply with a subpoena or order issued by the board 20039  
or failure to answer truthfully a question presented by the 20040  
board at a deposition or in written interrogatories, except that 20041  
failure to cooperate with an investigation shall not constitute 20042  
grounds for discipline under this section if a court of 20043  
competent jurisdiction has issued an order that either quashes a 20044  
subpoena or permits the individual to withhold the testimony or 20045  
evidence in issue; 20046

(20) Failure to maintain the individual's status as a 20047  
certified genetic counselor; 20048

(21) Failure to comply with the code of ethics established 20049  
by the national society of genetic counselors. 20050

(C) Disciplinary actions taken by the board under 20051  
divisions (A) and (B) of this section shall be taken pursuant to 20052  
an adjudication under Chapter 119. of the Revised Code, except 20053  
that in lieu of an adjudication, the board may enter into a 20054

consent agreement with a genetic counselor or applicant to 20055  
resolve an allegation of a violation of this chapter or any rule 20056  
adopted under it. A consent agreement, when ratified by an 20057  
affirmative vote of not fewer than six members of the board, 20058  
shall constitute the findings and order of the board with 20059  
respect to the matter addressed in the agreement. If the board 20060  
refuses to ratify a consent agreement, the admissions and 20061  
findings contained in the consent agreement shall be of no force 20062  
or effect. 20063

A telephone conference call may be utilized for 20064  
ratification of a consent agreement that revokes or suspends an 20065  
individual's license. The telephone conference call shall be 20066  
considered a special meeting under division (F) of section 20067  
121.22 of the Revised Code. 20068

(D) For purposes of divisions (B) (11), (14), and (15) of 20069  
this section, the commission of the act may be established by a 20070  
finding by the board, pursuant to an adjudication under Chapter 20071  
119. of the Revised Code, that the applicant or license holder 20072  
committed the act in question. The board shall have no 20073  
jurisdiction under these divisions in cases where the trial 20074  
court renders a final judgment in the license holder's favor and 20075  
that judgment is based upon an adjudication on the merits. The 20076  
board shall have jurisdiction under these divisions in cases 20077  
where the trial court issues an order of dismissal on technical 20078  
or procedural grounds. 20079

(E) The sealing of conviction records by any court shall 20080  
have no effect on a prior board order entered under the 20081  
provisions of this section or on the board's jurisdiction to 20082  
take action under the provisions of this section if, based upon 20083  
a plea of guilty, a judicial finding of guilt, or a judicial 20084



finding of eligibility for intervention in lieu of conviction, 20085  
the board issued a notice of opportunity for a hearing or took 20086  
other formal action under Chapter 119. of the Revised Code prior 20087  
to the court's order to seal the records. The board shall not be 20088  
required to seal, destroy, redact, or otherwise modify its 20089  
records to reflect the court's sealing of conviction records. 20090

(F) For purposes of this division, any individual who 20091  
holds a license to practice as a genetic counselor, or applies 20092  
for a license, shall be deemed to have given consent to submit 20093  
to a mental or physical examination when directed to do so in 20094  
writing by the board and to have waived all objections to the 20095  
admissibility of testimony or examination reports that 20096  
constitute a privileged communication. 20097

(1) In enforcing division (B)(5) of this section, the 20098  
board, on a showing of a possible violation, may compel any 20099  
individual who holds a license to practice as a genetic 20100  
counselor or who has applied for a license to practice as a 20101  
genetic counselor to submit to a mental or physical examination, 20102  
or both. A physical examination may include an HIV test. The 20103  
expense of the examination is the responsibility of the 20104  
individual compelled to be examined. Failure to submit to a 20105  
mental or physical examination or consent to an HIV test ordered 20106  
by the board constitutes an admission of the allegations against 20107  
the individual unless the failure is due to circumstances beyond 20108  
the individual's control, and a default and final order may be 20109  
entered without the taking of testimony or presentation of 20110  
evidence. If the board finds a genetic counselor unable to 20111  
practice because of the reasons set forth in division (B)(5) of 20112  
this section, the board shall require the genetic counselor to 20113  
submit to care, counseling, or treatment by physicians approved 20114  
or designated by the board, as a condition for an initial, 20115

continued, reinstated, or renewed license to practice. An 20116  
individual affected by this division shall be afforded an 20117  
opportunity to demonstrate to the board the ability to resume 20118  
practicing in compliance with acceptable and prevailing 20119  
standards of care. 20120

(2) For purposes of division (B)(6) of this section, if 20121  
the board has reason to believe that any individual who holds a 20122  
license to practice as a genetic counselor or any applicant for 20123  
a license suffers such impairment, the board may compel the 20124  
individual to submit to a mental or physical examination, or 20125  
both. The expense of the examination is the responsibility of 20126  
the individual compelled to be examined. Any mental or physical 20127  
examination required under this division shall be undertaken by 20128  
a treatment provider or physician qualified to conduct such 20129  
examination and chosen by the board. 20130

Failure to submit to a mental or physical examination 20131  
ordered by the board constitutes an admission of the allegations 20132  
against the individual unless the failure is due to 20133  
circumstances beyond the individual's control, and a default and 20134  
final order may be entered without the taking of testimony or 20135  
presentation of evidence. If the board determines that the 20136  
individual's ability to practice is impaired, the board shall 20137  
suspend the individual's license or deny the individual's 20138  
application and shall require the individual, as a condition for 20139  
an initial, continued, reinstated, or renewed license, to submit 20140  
to treatment. 20141

Before being eligible to apply for reinstatement of a 20142  
license suspended under this division, the genetic counselor 20143  
shall demonstrate to the board the ability to resume practice in 20144  
compliance with acceptable and prevailing standards of care. The 20145

demonstration shall include the following: 20146

(a) Certification from a treatment provider approved under 20147  
section 4731.25 of the Revised Code that the individual has 20148  
successfully completed any required inpatient treatment; 20149

(b) Evidence of continuing full compliance with an 20150  
aftercare contract or consent agreement; 20151

(c) Two written reports indicating that the individual's 20152  
ability to practice has been assessed and that the individual 20153  
has been found capable of practicing according to acceptable and 20154  
prevailing standards of care. The reports shall be made by 20155  
individuals or providers approved by the board for making such 20156  
assessments and shall describe the basis for their 20157  
determination. 20158

The board may reinstate a license suspended under this 20159  
division after such demonstration and after the individual has 20160  
entered into a written consent agreement. 20161

When the impaired genetic counselor resumes practice, the 20162  
board shall require continued monitoring of the genetic 20163  
counselor. The monitoring shall include monitoring of compliance 20164  
with the written consent agreement entered into before 20165  
reinstatement or with conditions imposed by board order after a 20166  
hearing, and, on termination of the consent agreement, 20167  
submission to the board for at least two years of annual written 20168  
progress reports made under penalty of falsification stating 20169  
whether the genetic counselor has maintained sobriety. 20170

(G) If the secretary and supervising member determine both 20171  
of the following, they may recommend that the board suspend an 20172  
individual's license to practice without a prior hearing: 20173

(1) That there is clear and convincing evidence that a 20174

genetic counselor has violated division (B) of this section; 20175

(2) That the individual's continued practice presents a 20176  
danger of immediate and serious harm to the public. 20177

Written allegations shall be prepared for consideration by 20178  
the board. The board, on review of the allegations and by an 20179  
affirmative vote of not fewer than six of its members, excluding 20180  
the secretary and supervising member, may suspend a license 20181  
without a prior hearing. A telephone conference call may be 20182  
utilized for reviewing the allegations and taking the vote on 20183  
the summary suspension. 20184

The board shall issue a written order of suspension by 20185  
certified mail or in person in accordance with section 119.07 of 20186  
the Revised Code. The order shall not be subject to suspension 20187  
by the court during pendency of any appeal filed under section 20188  
119.12 of the Revised Code. If the genetic counselor requests an 20189  
adjudicatory hearing by the board, the date set for the hearing 20190  
shall be within fifteen days, but not earlier than seven days, 20191  
after the genetic counselor requests the hearing, unless 20192  
otherwise agreed to by both the board and the genetic counselor. 20193

A summary suspension imposed under this division shall 20194  
remain in effect, unless reversed on appeal, until a final 20195  
adjudicative order issued by the board pursuant to this section 20196  
and Chapter 119. of the Revised Code becomes effective. The 20197  
board shall issue its final adjudicative order within sixty days 20198  
after completion of its hearing. Failure to issue the order 20199  
within sixty days shall result in dissolution of the summary 20200  
suspension order, but shall not invalidate any subsequent, final 20201  
adjudicative order. 20202

(H) If the board takes action under division (B) (10), 20203

(12), or (13) of this section, and the judicial finding of 20204  
guilt, guilty plea, or judicial finding of eligibility for 20205  
intervention in lieu of conviction is overturned on appeal, on 20206  
exhaustion of the criminal appeal, a petition for 20207  
reconsideration of the order may be filed with the board along 20208  
with appropriate court documents. On receipt of a petition and 20209  
supporting court documents, the board shall reinstate the 20210  
license to practice as a genetic counselor. The board may then 20211  
hold an adjudication under Chapter 119. of the Revised Code to 20212  
determine whether the individual committed the act in question. 20213  
Notice of opportunity for hearing shall be given in accordance 20214  
with Chapter 119. of the Revised Code. If the board finds, 20215  
pursuant to an adjudication held under this division, that the 20216  
individual committed the act, or if no hearing is requested, it 20217  
may order any of the sanctions specified in division (B) of this 20218  
section. 20219

(I) The license to practice as a genetic counselor and the 20220  
counselor's practice in this state are automatically suspended 20221  
as of the date the genetic counselor pleads guilty to, is found 20222  
by a judge or jury to be guilty of, or is subject to a judicial 20223  
finding of eligibility for intervention in lieu of conviction in 20224  
this state or treatment of intervention in lieu of conviction in 20225  
another jurisdiction for any of the following criminal offenses 20226  
in this state or a substantially equivalent criminal offense in 20227  
another jurisdiction: aggravated murder, murder, aggravated 20228  
abortion murder, abortion murder, voluntary manslaughter, 20229  
felonious assault, kidnapping, rape, sexual battery, gross 20230  
sexual imposition, aggravated arson, aggravated robbery, or 20231  
aggravated burglary. Continued practice after the suspension 20232  
shall be considered practicing without a license. 20233

The board shall notify the individual subject to the 20234

suspension by certified mail or in person in accordance with 20235  
section 119.07 of the Revised Code. If an individual whose 20236  
license is suspended under this division fails to make a timely 20237  
request for an adjudication under Chapter 119. of the Revised 20238  
Code, the board shall enter a final order permanently revoking 20239  
the individual's license to practice. 20240

(J) In any instance in which the board is required by 20241  
Chapter 119. of the Revised Code to give notice of opportunity 20242  
for hearing and the individual subject to the notice does not 20243  
timely request a hearing in accordance with section 119.07 of 20244  
the Revised Code, the board is not required to hold a hearing, 20245  
but may adopt, by an affirmative vote of not fewer than six of 20246  
its members, a final order that contains the board's findings. 20247  
In the final order, the board may order any of the sanctions 20248  
identified under division (A) or (B) of this section. 20249

(K) Any action taken by the board under division (B) of 20250  
this section resulting in a suspension shall be accompanied by a 20251  
written statement of the conditions under which the license of 20252  
the genetic counselor may be reinstated. The board shall adopt 20253  
rules in accordance with Chapter 119. of the Revised Code 20254  
governing conditions to be imposed for reinstatement. 20255  
Reinstatement of a license suspended pursuant to division (B) of 20256  
this section requires an affirmative vote of not fewer than six 20257  
members of the board. 20258

(L) When the board refuses to grant or issue a license to 20259  
practice as a genetic counselor to an applicant, revokes an 20260  
individual's license, refuses to renew an individual's license, 20261  
or refuses to reinstate an individual's license, the board may 20262  
specify that its action is permanent. An individual subject to a 20263  
permanent action taken by the board is forever thereafter 20264

ineligible to hold a license to practice as a genetic counselor 20265  
and the board shall not accept an application for reinstatement 20266  
of the license or for issuance of a new license. 20267

(M) Notwithstanding any other provision of the Revised 20268  
Code, all of the following apply: 20269

(1) The surrender of a license to practice as a genetic 20270  
counselor is not effective unless or until accepted by the 20271  
board. A telephone conference call may be utilized for 20272  
acceptance of the surrender of an individual's license. The 20273  
telephone conference call shall be considered a special meeting 20274  
under division (F) of section 121.22 of the Revised Code. 20275  
Reinstatement of a license surrendered to the board requires an 20276  
affirmative vote of not fewer than six members of the board. 20277

(2) An application made under this chapter for a license 20278  
to practice may not be withdrawn without approval of the board. 20279

(3) Failure by an individual to renew a license in 20280  
accordance with section 4778.06 of the Revised Code shall not 20281  
remove or limit the board's jurisdiction to take disciplinary 20282  
action under this section against the individual. 20283

**Sec. 5103.0319.** (A) No foster caregiver or prospective 20284  
foster caregiver shall fail to notify the recommending agency 20285  
that recommended or is recommending the foster caregiver or 20286  
prospective foster caregiver for certification in writing if a 20287  
person at least twelve years of age but less than eighteen years 20288  
of age residing with the foster caregiver or prospective foster 20289  
caregiver has been convicted of or pleaded guilty to any of the 20290  
following or has been adjudicated to be a delinquent child for 20291  
committing an act that if committed by an adult would have 20292  
constituted such a violation: 20293

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder or aggravated abortion murder or abortion murder, an OVI or OVUAC violation if the person previously was convicted of or pleaded guilty to one or more OVI or OVUAC violations within the three years immediately preceding the current violation, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(2) An offense that would be a felony if committed by an adult and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm, as defined in section 2923.11 of the Revised Code, during the commission of the act for which the child was adjudicated a delinquent child;



(3) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses described in division (A) (1) or (2) of this section.

(B) If a recommending agency learns that a foster caregiver has failed to comply with division (A) of this section, it shall notify the department of job and family services and the department shall revoke the foster caregiver's foster home certificate.

(C) As used in this section, "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

**Sec. 5120.032.** (A) No later than January 1, 1998, the department of rehabilitation and correction may develop and implement intensive program prisons for male and female prisoners other than prisoners described in division (B) (2) of this section. The intensive program prisons, if developed and implemented, shall include institutions at which imprisonment of the type described in division (B) (2) (a) of section 5120.031 of the Revised Code is provided and prisons that focus on educational achievement, vocational training, alcohol and other drug abuse treatment, community service and conservation work, and other intensive regimens or combinations of intensive regimens.

(B) (1) (a) Except as provided in division (B) (2) of this section, if one or more intensive program prisons are established under this section, if an offender is sentenced to a term of imprisonment under the custody of the department, if the

sentencing court either recommends the prisoner for placement in 20355  
an intensive program prison under this section or makes no 20356  
recommendation on placement of the prisoner, and if the 20357  
department determines that the prisoner is eligible for 20358  
placement in an intensive program prison under this section, the 20359  
department may place the prisoner in an intensive program prison 20360  
established pursuant to division (A) of this section. If the 20361  
sentencing court disapproves placement of the prisoner in an 20362  
intensive program prison, the department shall not place the 20363  
prisoner in any intensive program prison. 20364

If the sentencing court recommends a prisoner for 20365  
placement in an intensive program prison and if the department 20366  
subsequently places the prisoner in the recommended prison, the 20367  
department shall notify the court of the prisoner's placement in 20368  
the recommended intensive program prison and shall include with 20369  
the notice a brief description of the placement. 20370

If the sentencing court recommends placement of a prisoner 20371  
in an intensive program prison and the department for any reason 20372  
does not subsequently place the prisoner in the recommended 20373  
prison, the department shall send a notice to the court 20374  
indicating why the prisoner was not placed in the recommended 20375  
prison. 20376

If the sentencing court does not make a recommendation on 20377  
the placement of a prisoner in an intensive program prison and 20378  
if the department determines that the prisoner is eligible for 20379  
placement in a prison of that nature, the department shall 20380  
screen the prisoner and determine if the prisoner is suited for 20381  
the prison. If the prisoner is suited for an intensive program 20382  
prison, at least three weeks prior to placing the prisoner in 20383  
the prison, the department shall notify the sentencing court of 20384

the proposed placement of the prisoner in the intensive program 20385  
prison and shall include with the notice a brief description of 20386  
the placement. The court shall have ten days from receipt of the 20387  
notice to disapprove the placement. If the sentencing court 20388  
disapproves the placement, the department shall not proceed with 20389  
it. If the sentencing court does not timely disapprove of the 20390  
placement, the department may proceed with plans for it. 20391

If the department determines that a prisoner is not 20392  
eligible for placement in an intensive program prison, the 20393  
department shall not place the prisoner in any intensive program 20394  
prison. 20395

(b) The department may reduce the stated prison term of a 20396  
prisoner upon the prisoner's successful completion of a ninety- 20397  
day period in an intensive program prison. A prisoner whose term 20398  
has been so reduced shall be required to serve an intermediate, 20399  
transitional type of detention followed by a release under post- 20400  
release control sanctions or, in the alternative, shall be 20401  
placed under post-release control sanctions, as described in 20402  
division (B) (2) (b) (ii) of section 5120.031 of the Revised Code. 20403  
In either case, the placement under post-release control 20404  
sanctions shall be under terms set by the parole board in 20405  
accordance with section 2967.28 of the Revised Code and shall be 20406  
subject to the provisions of that section and section 2929.141 20407  
of the Revised Code with respect to a violation of any post- 20408  
release control sanction. 20409

(2) A prisoner who is in any of the following categories 20410  
is not eligible to participate in an intensive program prison 20411  
established pursuant to division (A) of this section: 20412

(a) The prisoner is serving a prison term for aggravated 20413  
murder, murder, aggravated abortion murder, abortion murder, or 20414

a felony of the first or second degree or a comparable offense 20415  
under the law in effect prior to July 1, 1996, or the prisoner 20416  
previously has been imprisoned for aggravated murder, murder, 20417  
aggravated abortion murder, abortion murder, or a felony of the 20418  
first or second degree or a comparable offense under the law in 20419  
effect prior to July 1, 1996. 20420

(b) The prisoner is serving a mandatory prison term, as 20421  
defined in section 2929.01 of the Revised Code. 20422

(c) The prisoner is serving a prison term for a felony of 20423  
the third, fourth, or fifth degree that either is a sex offense, 20424  
an offense betraying public trust, or an offense in which the 20425  
prisoner caused or attempted to cause actual physical harm to a 20426  
person, the prisoner is serving a prison term for a comparable 20427  
offense under the law in effect prior to July 1, 1996, or the 20428  
prisoner previously has been imprisoned for an offense of that 20429  
type or a comparable offense under the law in effect prior to 20430  
July 1, 1996. 20431

(d) The prisoner is serving a mandatory prison term in 20432  
prison for a third or fourth degree felony OVI offense, as 20433  
defined in section 2929.01 of the Revised Code, that was imposed 20434  
pursuant to division (G) (2) of section 2929.13 of the Revised 20435  
Code. 20436

(C) Upon the implementation of intensive program prisons 20437  
pursuant to division (A) of this section, the department at all 20438  
times shall maintain intensive program prisons sufficient in 20439  
number to reduce the prison terms of at least three hundred 20440  
fifty prisoners who are eligible for reduction of their stated 20441  
prison terms as a result of their completion of a regimen in an 20442  
intensive program prison under this section. 20443

**Sec. 5120.53.** (A) If a treaty between the United States 20444  
and a foreign country provides for the transfer or exchange, 20445  
from one of the signatory countries to the other signatory 20446  
country, of convicted offenders who are citizens or nationals of 20447  
the other signatory country, the governor, subject to and in 20448  
accordance with the terms of the treaty, may authorize the 20449  
director of rehabilitation and correction to allow the transfer 20450  
or exchange of convicted offenders and to take any action 20451  
necessary to initiate participation in the treaty. If the 20452  
governor grants the director the authority described in this 20453  
division, the director may take the necessary action to initiate 20454  
participation in the treaty and, subject to and in accordance 20455  
with division (B) of this section and the terms of the treaty, 20456  
may allow the transfer or exchange to a foreign country that has 20457  
signed the treaty of any convicted offender who is a citizen or 20458  
national of that signatory country. 20459

(B) (1) No convicted offender who is serving a term of 20460  
imprisonment in this state for aggravated murder, murder, 20461  
aggravated abortion murder, abortion murder, or a felony of the 20462  
first or second degree, who is serving a mandatory prison term 20463  
imposed under section 2925.03 or 2925.11 of the Revised Code in 20464  
circumstances in which the court was required to impose as the 20465  
mandatory prison term the maximum definite prison term or 20466  
longest minimum prison term authorized for the degree of offense 20467  
committed, who is serving a term of imprisonment in this state 20468  
imposed for an offense committed prior to July 1, 1996, that was 20469  
an aggravated felony of the first or second degree or that was 20470  
aggravated trafficking in violation of division (A) (9) or (10) 20471  
of section 2925.03 of the Revised Code, or who has been 20472  
sentenced to death in this state shall be transferred or 20473  
exchanged to another country pursuant to a treaty of the type 20474

described in division (A) of this section. 20475

(2) If a convicted offender is serving a term of 20476  
imprisonment in this state and the offender is a citizen or 20477  
national of a foreign country that has signed a treaty of the 20478  
type described in division (A) of this section, if the governor 20479  
has granted the director of rehabilitation and correction the 20480  
authority described in that division, and if the transfer or 20481  
exchange of the offender is not barred by division (B) (1) of 20482  
this section, the director or the director's designee may 20483  
approve the offender for transfer or exchange pursuant to the 20484  
treaty if the director or the designee, after consideration of 20485  
the factors set forth in the rules adopted by the department 20486  
under division (D) of this section and all other relevant 20487  
factors, determines that the transfer or exchange of the 20488  
offender is appropriate. 20489

(C) Notwithstanding any provision of the Revised Code 20490  
regarding the parole eligibility of, or the duration or 20491  
calculation of a sentence of imprisonment imposed upon, an 20492  
offender, if a convicted offender is serving a term of 20493  
imprisonment in this state and the offender is a citizen or 20494  
national of a foreign country that has signed a treaty of the 20495  
type described in division (A) of this section, if the offender 20496  
is serving an indefinite term of imprisonment, if the offender 20497  
is barred from being transferred or exchanged pursuant to the 20498  
treaty due to the indefinite nature of the offender's term of 20499  
imprisonment, and if in accordance with division (B) (2) of this 20500  
section the director of rehabilitation and correction or the 20501  
director's designee approves the offender for transfer or 20502  
exchange pursuant to the treaty, the parole board, pursuant to 20503  
rules adopted by the director, shall set a date certain for the 20504  
release of the offender. To the extent possible, the date 20505

certain that is set shall be reasonably proportionate to the 20506  
indefinite term of imprisonment that the offender is serving. 20507  
The date certain that is set for the release of the offender 20508  
shall be considered only for purposes of facilitating the 20509  
international transfer or exchange of the offender, shall not be 20510  
viable or actionable for any other purpose, and shall not create 20511  
any expectation or guarantee of release. If an offender for whom 20512  
a date certain for release is set under this division is not 20513  
transferred to or exchanged with the foreign country pursuant to 20514  
the treaty, the date certain is null and void, and the 20515  
offender's release shall be determined pursuant to the laws and 20516  
rules of this state pertaining to parole eligibility and the 20517  
duration and calculation of an indefinite sentence of 20518  
imprisonment. 20519

(D) If the governor, pursuant to division (A) of this 20520  
section, authorizes the director of rehabilitation and 20521  
correction to allow any transfer or exchange of convicted 20522  
offenders as described in that division, the director shall 20523  
adopt rules under Chapter 119. of the Revised Code to implement 20524  
the provisions of this section. The rules shall include a rule 20525  
that requires the director or the director's designee, in 20526  
determining whether to approve a convicted offender who is 20527  
serving a term of imprisonment in this state for transfer or 20528  
exchange pursuant to a treaty of the type described in division 20529  
(A) of this section, to consider all of the following factors: 20530

(1) The nature of the offense for which the offender is 20531  
serving the term of imprisonment in this state; 20532

(2) The likelihood that, if the offender is transferred or 20533  
exchanged to a foreign country pursuant to the treaty, the 20534  
offender will serve a shorter period of time in imprisonment in 20535

the foreign country than the offender would serve if the 20536  
offender is not transferred or exchanged to the foreign country 20537  
pursuant to the treaty; 20538

(3) The likelihood that, if the offender is transferred or 20539  
exchanged to a foreign country pursuant to the treaty, the 20540  
offender will return or attempt to return to this state after 20541  
the offender has been released from imprisonment in the foreign 20542  
country; 20543

(4) The degree of any shock to the conscience of justice 20544  
and society that will be experienced in this state if the 20545  
offender is transferred or exchanged to a foreign country 20546  
pursuant to the treaty; 20547

(5) All other factors that the department determines are 20548  
relevant to the determination. 20549

**Sec. 5120.61.** (A) (1) Not later than ninety days after 20550  
January 1, 1997, the department of rehabilitation and correction 20551  
shall adopt standards that it will use under this section to 20552  
assess the following criminal offenders and may periodically 20553  
revise the standards: 20554

(a) A criminal offender who is convicted of or pleads 20555  
guilty to a violent sex offense or designated homicide, assault, 20556  
or kidnapping offense and is adjudicated a sexually violent 20557  
predator in relation to that offense; 20558

(b) A criminal offender who is convicted of or pleads 20559  
guilty to a violation of division (A) (1) (b) of section 2907.02 20560  
of the Revised Code committed on or after January 2, 2007, and 20561  
either who is sentenced under section 2971.03 of the Revised 20562  
Code or upon whom a sentence of life without parole is imposed 20563  
under division (B) of section 2907.02 of the Revised Code; 20564



(c) A criminal offender who is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A criminal offender who is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who is sentenced pursuant to section 2971.03 of the Revised Code;

(e) A criminal offender who is convicted of or pleads guilty to either aggravated murder or aggravated abortion murder, and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who pursuant to division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code is sentenced pursuant to division (B) (3) of section 2971.03 of the Revised Code;

(f) A criminal offender who is convicted of or pleads guilty to either murder or abortion murder, and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who pursuant to division (B) (2) of section 2929.02 of the Revised Code is sentenced pursuant to section 2971.03 of the Revised Code.

(2) When the department is requested by the parole board or the court to provide a risk assessment report of the offender

under section 2971.04 or 2971.05 of the Revised Code, it shall 20595  
assess the offender and complete the assessment as soon as 20596  
possible after the offender has commenced serving the prison 20597  
term or term of life imprisonment without parole imposed under 20598  
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 20599  
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 20600  
Code. Thereafter, the department shall update a risk assessment 20601  
report pertaining to an offender as follows: 20602

(a) Periodically, in the discretion of the department, 20603  
provided that each report shall be updated no later than two 20604  
years after its initial preparation or most recent update; 20605

(b) Upon the request of the parole board for use in 20606  
determining pursuant to section 2971.04 of the Revised Code 20607  
whether it should terminate its control over an offender's 20608  
service of a prison term imposed upon the offender under 20609  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 20610  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 20611  
Code; 20612

(c) Upon the request of the court. 20613

(3) After the department of rehabilitation and correction 20614  
assesses an offender pursuant to division (A) (2) of this 20615  
section, it shall prepare a report that contains its risk 20616  
assessment for the offender or, if a risk assessment report 20617  
previously has been prepared, it shall update the risk 20618  
assessment report. 20619

(4) The department of rehabilitation and correction shall 20620  
provide each risk assessment report that it prepares or updates 20621  
pursuant to this section regarding an offender to all of the 20622  
following: 20623

(a) The parole board for its use in determining pursuant 20624  
to section 2971.04 of the Revised Code whether it should 20625  
terminate its control over an offender's service of a prison 20626  
term imposed upon the offender under division (A) (3), (B) (1) (a), 20627  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 20628  
(d) of section 2971.03 of the Revised Code, if the parole board 20629  
has not terminated its control over the offender; 20630

(b) The court for use in determining, pursuant to section 20631  
2971.05 of the Revised Code, whether to modify the requirement 20632  
that the offender serve the entire prison term imposed upon the 20633  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 20634  
(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 20635  
2971.03 of the Revised Code in a state correctional institution, 20636  
whether to revise any modification previously made, or whether 20637  
to terminate the prison term; 20638

(c) The prosecuting attorney who prosecuted the case, or 20639  
the successor in office to that prosecuting attorney; 20640

(d) The offender. 20641

(B) When the department of rehabilitation and correction 20642  
provides a risk assessment report regarding an offender to the 20643  
parole board or court pursuant to division (A) (4) (a) or (b) of 20644  
this section, the department, prior to the parole board's or 20645  
court's hearing, also shall provide to the offender or to the 20646  
offender's attorney of record a copy of the report and a copy of 20647  
any other relevant documents the department possesses regarding 20648  
the offender that the department does not consider to be 20649  
confidential. 20650

(C) As used in this section: 20651

(1) "Adjudicated a sexually violent predator" has the same 20652

meaning as in section 2929.01 of the Revised Code, and a person 20653  
is "adjudicated a sexually violent predator" in the same manner 20654  
and the same circumstances as are described in that section. 20655

(2) "Designated homicide, assault, or kidnapping offense" 20656  
and "violent sex offense" have the same meanings as in section 20657  
2971.01 of the Revised Code. 20658

**Sec. 5139.05.** (A) The juvenile court may commit any child 20659  
to the department of youth services as authorized in Chapter 20660  
2152. of the Revised Code, provided that any child so committed 20661  
shall be at least ten years of age at the time of the child's 20662  
delinquent act, and, if the child is ten or eleven years of age, 20663  
the delinquent act is a violation of section 2909.03 of the 20664  
Revised Code or would be aggravated murder, murder, aggravated 20665  
abortion murder, abortion murder, or a first or second degree 20666  
felony offense of violence if committed by an adult. Any order 20667  
to commit a child to an institution under the control and 20668  
management of the department shall have the effect of ordering 20669  
that the child be committed to the department and assigned to an 20670  
institution or placed in a community corrections facility in 20671  
accordance with division (E) of section 5139.36 of the Revised 20672  
Code as follows: 20673

(1) For an indefinite term consisting of the prescribed 20674  
minimum period specified by the court under division (A) (1) of 20675  
section 2152.16 of the Revised Code and a maximum period not to 20676  
exceed the child's attainment of twenty-one years of age, if the 20677  
child was committed pursuant to section 2152.16 of the Revised 20678  
Code; 20679

(2) Until the child's attainment of twenty-one years of 20680  
age, if the child was committed for aggravated murder ~~or,~~ 20681  
murder, aggravated abortion murder, or abortion murder pursuant 20682

to section 2152.16 of the Revised Code; 20683

(3) For a period of commitment that shall be in addition 20684  
to, and shall be served consecutively with and prior to, a 20685  
period of commitment described in division (A)(1) or (2) of this 20686  
section, if the child was committed pursuant to section 2152.17 20687  
of the Revised Code; 20688

(4) If the child is ten or eleven years of age, to an 20689  
institution, a residential care facility, a residential 20690  
facility, or a facility licensed by the department of job and 20691  
family services that the department of youth services considers 20692  
best designated for the training and rehabilitation of the child 20693  
and protection of the public. The child shall be housed 20694  
separately from children who are twelve years of age or older 20695  
until the child is released or discharged or until the child 20696  
attains twelve years of age, whichever occurs first. Upon the 20697  
child's attainment of twelve years of age, if the child has not 20698  
been released or discharged, the department is not required to 20699  
house the child separately. 20700

(B)(1) Except as otherwise provided in section 5139.54 of 20701  
the Revised Code, the release authority of the department of 20702  
youth services, in accordance with section 5139.51 of the 20703  
Revised Code and at any time after the end of the minimum period 20704  
specified under division (A)(1) of section 2152.16 of the 20705  
Revised Code, may grant the release from custody of any child 20706  
committed to the department. 20707

The order committing a child to the department of youth 20708  
services shall state that the child has been adjudicated a 20709  
delinquent child and state the minimum period. The jurisdiction 20710  
of the court terminates at the end of the minimum period except 20711  
as follows: 20712

- (a) In relation to judicial release procedures, 20713  
supervision, and violations; 20714
- (b) With respect to functions of the court related to the 20715  
revocation of supervised release that are specified in sections 20716  
5139.51 and 5139.52 of the Revised Code; 20717
- (c) In relation to its duties relating to serious youthful 20718  
offender dispositional sentences under sections 2152.13 and 20719  
2152.14 of the Revised Code. 20720
- (2) When a child has been committed to the department 20721  
under section 2152.16 of the Revised Code, the department shall 20722  
retain legal custody of the child until one of the following: 20723
- (a) The department discharges the child to the exclusive 20724  
management, control, and custody of the child's parent or the 20725  
guardian of the child's person or, if the child is eighteen 20726  
years of age or older, discharges the child. 20727
- (b) The committing court, upon its own motion, upon 20728  
petition of the parent, guardian of the person, or next friend 20729  
of a child, or upon petition of the department, terminates the 20730  
department's legal custody of the child. 20731
- (c) The committing court grants the child a judicial 20732  
release to court supervision under section 2152.22 of the 20733  
Revised Code. 20734
- (d) The department's legal custody of the child is 20735  
terminated automatically by the child attaining twenty-one years 20736  
of age. 20737
- (e) If the child is subject to a serious youthful offender 20738  
dispositional sentence, the adult portion of that dispositional 20739  
sentence is imposed under section 2152.14 of the Revised Code. 20740

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public authorities shall make available to the department all pertinent data in their possession with respect to the case.

(D) Records maintained by the department of youth services pertaining to the children in its custody shall be accessible only to department employees, except by consent of the department, upon the order of the judge of a court of record, or as provided in divisions (D)(1) and (2) of this section. These records shall not be considered "public records," as defined in section 149.43 of the Revised Code.

(1) Except as otherwise provided by a law of this state or the United States, the department of youth services may release records that are maintained by the department of youth services and that pertain to children in its custody to the department of rehabilitation and correction regarding persons who are under the jurisdiction of the department of rehabilitation and correction and who have previously been committed to the department of youth services. The department of rehabilitation and correction may use those records for the limited purpose of carrying out the duties of the department of rehabilitation and

correction. Records released by the department of youth services 20772  
to the department of rehabilitation and correction shall remain 20773  
confidential and shall not be considered public records as 20774  
defined in section 149.43 of the Revised Code. 20775

(2) The department of youth services shall provide to the 20776  
superintendent of the school district in which a child 20777  
discharged or released from the custody of the department is 20778  
entitled to attend school under section 3313.64 or 3313.65 of 20779  
the Revised Code the records described in divisions (D) (4) (a) to 20780  
(d) of section 2152.18 of the Revised Code. Subject to the 20781  
provisions of section 3319.321 of the Revised Code and the 20782  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 20783  
amended, the records released to the superintendent shall remain 20784  
confidential and shall not be considered public records as 20785  
defined in section 149.43 of the Revised Code. 20786

(E) (1) When a child is committed to the department of 20787  
youth services, the department, orally or in writing, shall 20788  
notify the parent, guardian, or custodian of a child that the 20789  
parent, guardian, or custodian may request at any time from the 20790  
superintendent of the institution in which the child is located 20791  
any of the information described in divisions (E) (1) (a), (b), 20792  
(c), and (d) of this section. The parent, guardian, or custodian 20793  
may provide the department with the name, address, and telephone 20794  
number of the parent, guardian, or custodian, and, until the 20795  
department is notified of a change of name, address, or 20796  
telephone number, the department shall use the name, address, 20797  
and telephone number provided by the parent, guardian, or 20798  
custodian to provide notices or answer inquiries concerning the 20799  
following information: 20800

(a) When the department of youth services makes a 20801



permanent assignment of the child to a facility, the department, 20802  
orally or in writing and on or before the third business day 20803  
after the day the permanent assignment is made, shall notify the 20804  
parent, guardian, or custodian of the child of the name of the 20805  
facility to which the child has been permanently assigned. 20806

If a parent, guardian, or custodian of a child who is 20807  
committed to the department of youth services requests, orally 20808  
or in writing, the department to provide the parent, guardian, 20809  
or custodian with the name of the facility in which the child is 20810  
currently located, the department, orally or in writing and on 20811  
or before the next business day after the day on which the 20812  
request is made, shall provide the name of that facility to the 20813  
parent, guardian, or custodian. 20814

(b) If a parent, guardian, or custodian of a child who is 20815  
committed to the department of youth services, orally or in 20816  
writing, asks the superintendent of the institution in which the 20817  
child is located whether the child is being disciplined by the 20818  
personnel of the institution, what disciplinary measure the 20819  
personnel of the institution are using for the child, or why the 20820  
child is being disciplined, the superintendent or the 20821  
superintendent's designee, on or before the next business day 20822  
after the day on which the request is made, shall provide the 20823  
parent, guardian, or custodian with written or oral responses to 20824  
the questions. 20825

(c) If a parent, guardian, or custodian of a child who is 20826  
committed to the department of youth services, orally or in 20827  
writing, asks the superintendent of the institution in which the 20828  
child is held whether the child is receiving any medication from 20829  
personnel of the institution, what type of medication the child 20830  
is receiving, or what condition of the child the medication is 20831

intended to treat, the superintendent or the superintendent's 20832  
designee, on or before the next business day after the day on 20833  
which the request is made, shall provide the parent, guardian, 20834  
or custodian with oral or written responses to the questions. 20835

(d) When a major incident occurs with respect to a child 20836  
who is committed to the department of youth services, the 20837  
department, as soon as reasonably possible after the major 20838  
incident occurs, shall notify the parent, guardian, or custodian 20839  
of the child that a major incident has occurred with respect to 20840  
the child and of all the details of that incident that the 20841  
department has ascertained. 20842

(2) The failure of the department of youth services to 20843  
provide any notification required by or answer any requests made 20844  
pursuant to division (E) of this section does not create a cause 20845  
of action against the state. 20846

(F) The department of youth services, as a means of 20847  
punishment while the child is in its custody, shall not prohibit 20848  
a child who is committed to the department from seeing that 20849  
child's parent, guardian, or custodian during standard 20850  
visitation periods allowed by the department of youth services 20851  
unless the superintendent of the institution in which the child 20852  
is held determines that permitting that child to visit with the 20853  
child's parent, guardian, or custodian would create a safety 20854  
risk to that child, that child's parents, guardian, or 20855  
custodian, the personnel of the institution, or other children 20856  
held in that institution. 20857

(G) As used in this section: 20858

(1) "Permanent assignment" means the assignment or 20859  
transfer for an extended period of time of a child who is 20860

committed to the department of youth services to a facility in 20861  
which the child will receive training or participate in 20862  
activities that are directed toward the child's successful 20863  
rehabilitation. "Permanent assignment" does not include the 20864  
transfer of a child to a facility for judicial release hearings 20865  
pursuant to section 2152.22 of the Revised Code or for any other 20866  
temporary assignment or transfer to a facility. 20867

(2) "Major incident" means the escape or attempted escape 20868  
of a child who has been committed to the department of youth 20869  
services from the facility to which the child is assigned; the 20870  
return to the custody of the department of a child who has 20871  
escaped or otherwise fled the custody and control of the 20872  
department without authorization; the allegation of any sexual 20873  
activity with a child committed to the department; physical 20874  
injury to a child committed to the department as a result of 20875  
alleged abuse by department staff; an accident resulting in 20876  
injury to a child committed to the department that requires 20877  
medical care or treatment outside the institution in which the 20878  
child is located; the discovery of a controlled substance upon 20879  
the person or in the property of a child committed to the 20880  
department; a suicide attempt by a child committed to the 20881  
department; a suicide attempt by a child committed to the 20882  
department that results in injury to the child requiring 20883  
emergency medical services outside the institution in which the 20884  
child is located; the death of a child committed to the 20885  
department; an injury to a visitor at an institution under the 20886  
control of the department that is caused by a child committed to 20887  
the department; and the commission or suspected commission of an 20888  
act by a child committed to the department that would be an 20889  
offense if committed by an adult. 20890

(3) "Sexual activity" has the same meaning as in section 20891

2907.01 of the Revised Code. 20892

(4) "Controlled substance" has the same meaning as in 20893  
section 3719.01 of the Revised Code. 20894

(5) "Residential care facility" and "residential facility" 20895  
have the same meanings as in section 2151.011 of the Revised 20896  
Code. 20897

**Sec. 5139.20.** (A) Notwithstanding any other provision of 20898  
the Revised Code that sets forth the minimum periods or period 20899  
for which a child committed to the department of youth services 20900  
is to be institutionalized or institutionalized in a secure 20901  
facility or the procedures for the judicial release to court 20902  
supervision or judicial release to department of youth services 20903  
supervision, the department may grant emergency releases to 20904  
children confined in state juvenile institutions if the 20905  
governor, upon request of the director of the department 20906  
authorizes the director, in writing, to issue a declaration that 20907  
an emergency overcrowding condition exists in all of the 20908  
institutions in which males are confined, or in all of the 20909  
institutions in which females are confined, that are under the 20910  
control of the department. If the governor authorizes the 20911  
issuance of a declaration, the director may issue the 20912  
declaration. If the director issues the declaration, the 20913  
director shall file a copy of it with the secretary of state, 20914  
which copy shall be a public record. Upon the filing of the 20915  
copy, the department is authorized to grant emergency releases 20916  
to children within its custody subject to division (B) of this 20917  
section. The authority to grant the emergency releases shall 20918  
continue until the expiration of thirty days from the day on 20919  
which the declaration was filed. The director shall not issue a 20920  
declaration that an emergency overcrowding condition exists 20921

unless the director determines that no other method of 20922  
alleviating the overcrowding condition is available. 20923

(B) (1) If the department is authorized under division (A) 20924  
of this section to grant emergency releases to children within 20925  
its custody, the department shall determine which, if any, 20926  
children to release under that authority only in accordance with 20927  
this division and divisions (C), (D), and (E) of this section. 20928  
The department, in determining which, if any, children to 20929  
release, initially shall classify each child within its custody 20930  
according to the degree of offense that the act for which the 20931  
child is serving the period of institutionalization would have 20932  
been if committed by an adult. The department then shall 20933  
scrutinize individual children for emergency release, based upon 20934  
their degree of offense, in accordance with the categories and 20935  
the order of consideration set forth in division (B) (2) of this 20936  
section. After scrutiny of all children within the particular 20937  
category under consideration, the department shall designate 20938  
individual children within that category to whom it wishes to 20939  
grant an emergency release. 20940

(2) The categories of children in the custody of the 20941  
department that may be considered for emergency release under 20942  
this section, and the order in which the categories shall be 20943  
considered, are as follows: 20944

(a) Initially, only children who are not serving a period 20945  
of institutionalization for an act that would have been 20946  
aggravated murder, murder, aggravated abortion murder, abortion 20947  
murder, or a felony of the first, second, third, or fourth 20948  
degree if committed by an adult or for an act that was committed 20949  
before July 1, 1996, and that would have been an aggravated 20950  
felony of the first, second, or third degree if committed by an 20951

adult may be considered. 20952

(b) When all children in the category described in 20953  
division (B) (2) (a) of this section have been scrutinized and all 20954  
children in that category who have been designated for emergency 20955  
release under division (B) (1) of this section have been so 20956  
released, then all children who are not serving a period of 20957  
institutionalization for an act that would have been aggravated 20958  
murder, murder, aggravated abortion murder, abortion murder, or 20959  
a felony of the first or second degree if committed by an adult 20960  
or for an act that was committed before July 1, 1996, and that 20961  
would have been an aggravated felony of the first or second 20962  
degree if committed by an adult may be considered. 20963

(c) When all children in the categories described in 20964  
divisions (B) (2) (a) and (b) of this section have been 20965  
scrutinized and all children in those categories who have been 20966  
designated for emergency release under division (B) (1) of this 20967  
section have been released, then all children who are not 20968  
serving a term of institutionalization for an act that would 20969  
have been aggravated murder, murder, aggravated abortion murder, 20970  
abortion murder, or a felony of the first degree if committed by 20971  
an adult or for an act that was committed before July 1, 1996, 20972  
and that would have been an aggravated felony of the first or 20973  
second degree if committed by an adult may be considered. 20974

(d) In no case shall the department consider for emergency 20975  
release any child who is serving a term of institutionalization 20976  
for an act that would have been aggravated murder, murder, 20977  
aggravated abortion murder, abortion murder, or a felony of the 20978  
first degree if committed by an adult or for an act that was 20979  
committed before July 1, 1996, and that would have been an 20980  
aggravated felony of the first degree if committed by an adult, 20981

and in no case shall the department grant an emergency release 20982  
to any such child pursuant to this section. 20983

(C) An emergency release granted pursuant to this section 20984  
shall consist of one of the following: 20985

(1) A supervised release under terms and conditions that 20986  
the department believes conducive to law-abiding conduct; 20987

(2) A discharge of the child from the custody and control 20988  
of the department if the department is satisfied that the 20989  
discharge is consistent with the welfare of the individual and 20990  
protection of the public; 20991

(3) An assignment to a family home, a group care facility, 20992  
or other place maintained under public or private auspices, 20993  
within or without this state, for necessary treatment or 20994  
rehabilitation, the costs of which may be paid by the 20995  
department. 20996

(D) If a child is granted an emergency release pursuant to 20997  
this section, the child thereafter shall be considered to have 20998  
been institutionalized or institutionalized in a secure facility 20999  
for the prescribed minimum period of time under division (A) (1) 21000  
(b), (c), (d), or (e) of section 2152.16 of the Revised Code, or 21001  
all definite periods of commitment imposed under division (A), 21002  
(B), (C), or (D) of section 2152.17 of the Revised Code plus the 21003  
prescribed minimum period of time imposed under division (A) (1) 21004  
(b), (c), (d), or (e) of section 2152.16 of the Revised Code, 21005  
whichever is applicable. The department shall retain legal 21006  
custody of a child so released until it discharges the child or 21007  
until its custody is terminated as otherwise provided by law. 21008

(E) (1) If a child is granted an emergency release so that 21009  
the child is released on supervised release or assigned to a 21010

family home, group care facility, or other place for treatment 21011  
or rehabilitation, the department shall prepare a written 21012  
treatment and rehabilitation plan for the child in accordance 21013  
with division (F) of section 2152.22 of the Revised Code, which 21014  
shall include the conditions of the child's release or 21015  
assignment, and shall send the committing court and the juvenile 21016  
court of the county in which the child is placed a copy of the 21017  
plan and the conditions that it fixed. The court of the county 21018  
in which the child is placed may adopt the conditions as an 21019  
order of the court and may add any additional consistent 21020  
conditions it considers appropriate. If a child is released on 21021  
supervised release or is assigned subject to specified 21022  
conditions and the court of the county in which the child is 21023  
placed has reason to believe that the child's department is not 21024  
in accordance with any post-release conditions established by 21025  
the court in its journal entry, the court of the county in which 21026  
the child is placed, in its discretion, may schedule a time for 21027  
a hearing on whether the child violated any of the post-release 21028  
conditions. If that court conducts a hearing and determines at 21029  
the hearing that the child violated any of the post-release 21030  
conditions established in its journal entry, the court, if it 21031  
determines that the violation of the conditions was a serious 21032  
violation, may order the child to be returned to the department 21033  
of youth services for institutionalization or, in any case, may 21034  
make any other disposition of the child authorized by law that 21035  
the court considers proper. If the court of the county in which 21036  
the child is placed orders the child to be returned to a 21037  
department of youth services institution, the child shall remain 21038  
institutionalized for a minimum period of three months. 21039

(2) The department also shall file a written progress 21040  
report with the committing court regarding each child granted an 21041



emergency release pursuant to this section at least once every 21042  
thirty days unless specifically directed otherwise by the court. 21043  
The report shall include the information required of reports 21044  
described in division (G) of section 2152.22 of the Revised 21045  
Code. 21046

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 21047  
member, or the office of victims' services may petition the 21048  
board for a full board hearing that relates to the proposed 21049  
parole or re-parole of a prisoner. At a meeting of the board at 21050  
which a majority of board members are present, the majority of 21051  
those present shall determine whether a full board hearing shall 21052  
be held. 21053

(2) A victim of a violation of section 2903.01 ~~or,~~  21054  
2903.02, 2904.03, or 2904.04 of the Revised Code, an offense of 21055  
violence that is a felony of the first, second, or third degree, 21056  
or an offense punished by a sentence of life imprisonment, the 21057  
victim's representative, or any person described in division (B) 21058  
(5) of this section may request the board to hold a full board 21059  
hearing that relates to the proposed parole or re-parole of the 21060  
person that committed the violation. If a victim, victim's 21061  
representative, or other person requests a full board hearing 21062  
pursuant to this division, the board shall hold a full board 21063  
hearing. 21064

At least thirty days before the full hearing, except as 21065  
otherwise provided in this division, the board shall give notice 21066  
of the date, time, and place of the hearing to the victim 21067  
regardless of whether the victim has requested the notification. 21068  
The notice of the date, time, and place of the hearing shall not 21069  
be given under this division to a victim if the victim has 21070  
requested pursuant to division (B) (2) of section 2930.03 of the 21071

Revised Code that the notice not be provided to the victim. At 21072  
least thirty days before the full board hearing and regardless 21073  
of whether the victim has requested that the notice be provided 21074  
or not be provided under this division to the victim, the board 21075  
shall give similar notice to the prosecuting attorney in the 21076  
case, the law enforcement agency that arrested the prisoner if 21077  
any officer of that agency was a victim of the offense, and, if 21078  
different than the victim, the person who requested the full 21079  
hearing. If the prosecuting attorney has not previously been 21080  
sent an institutional summary report with respect to the 21081  
prisoner, upon the request of the prosecuting attorney, the 21082  
board shall include with the notice sent to the prosecuting 21083  
attorney an institutional summary report that covers the 21084  
offender's participation while confined in a state correctional 21085  
institution in training, work, and other rehabilitative 21086  
activities and any disciplinary action taken against the 21087  
offender while so confined. Upon the request of a law 21088  
enforcement agency that has not previously been sent an 21089  
institutional summary report with respect to the prisoner, the 21090  
board also shall send a copy of the institutional summary report 21091  
to the law enforcement agency. If notice is to be provided as 21092  
described in this division, the board may give the notice by any 21093  
reasonable means, including regular mail, telephone, and 21094  
electronic mail, in accordance with division (D)(1) of section 21095  
2930.16 of the Revised Code. If the notice is based on an 21096  
offense committed prior to ~~the effective date of this amendment~~ 21097  
March 22, 2013, the notice also shall include the opt-out 21098  
information described in division (D)(1) of section 2930.16 of 21099  
the Revised Code. The board, in accordance with division (D)(2) 21100  
of section 2930.16 of the Revised Code, shall keep a record of 21101  
all attempts to provide the notice, and of all notices provided, 21102  
under this division. 21103

The preceding paragraph, and the notice-related provisions 21104  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 21105  
of section 2930.16, division (H) of section 2967.12, division 21106  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 21107  
2967.26, and division (D) (1) of section 2967.28 of the Revised 21108  
Code enacted in the act in which this paragraph was enacted, 21109  
shall be known as "Roberta's Law." 21110

(B) At a full board hearing that relates to the proposed 21111  
parole or re-parole of a prisoner and that has been petitioned 21112  
for or requested in accordance with division (A) of this 21113  
section, the parole board shall permit the following persons to 21114  
appear and to give testimony or to submit written statements: 21115

(1) The prosecuting attorney of the county in which the 21116  
original indictment against the prisoner was found and members 21117  
of any law enforcement agency that assisted in the prosecution 21118  
of the original offense; 21119

(2) The judge of the court of common pleas who imposed the 21120  
original sentence of incarceration upon the prisoner, or the 21121  
judge's successor; 21122

(3) The victim of the original offense for which the 21123  
prisoner is serving the sentence or the victim's representative 21124  
designated pursuant to section 2930.02 of the Revised Code; 21125

(4) The victim of any behavior that resulted in parole 21126  
being revoked; 21127

(5) With respect to a full board hearing held pursuant to 21128  
division (A) (2) of this section, all of the following: 21129

(a) The spouse of the victim of the original offense; 21130

(b) The parent or parents of the victim of the original 21131

offense; 21132

(c) The sibling of the victim of the original offense; 21133

(d) The child or children of the victim of the original offense. 21134  
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(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section. 21136  
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(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 21139  
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At the request of a person described in division (B) (3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner. 21146  
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 21153  
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(D) If the victim of the original offense died as a result 21160

of the offense and the offense was aggravated murder, murder, 21161  
aggravated abortion murder, abortion murder, an offense of 21162  
violence that is a felony of the first, second, or third degree, 21163  
or an offense punished by a sentence of life imprisonment, the 21164  
family of the victim may show at a full board hearing a video 21165  
recording not exceeding five minutes in length memorializing the 21166  
victim. 21167

(E) The adult parole authority shall adopt rules for the 21168  
implementation of this section. The rules shall specify 21169  
reasonable restrictions on the number of media representatives 21170  
that may attend a hearing, based on considerations of space, and 21171  
other procedures designed to accomplish an effective, orderly 21172  
process for full board hearings. 21173

**Sec. 5153.111.** (A) (1) The executive director of a public 21174  
children services agency shall request the superintendent of the 21175  
bureau of criminal identification and investigation to conduct a 21176  
criminal records check with respect to any applicant who has 21177  
applied to the agency for employment as a person responsible for 21178  
the care, custody, or control of a child. If the applicant does 21179  
not present proof that the applicant has been a resident of this 21180  
state for the five-year period immediately prior to the date 21181  
upon which the criminal records check is requested or does not 21182  
provide evidence that within that five-year period the 21183  
superintendent has requested information about the applicant 21184  
from the federal bureau of investigation in a criminal records 21185  
check, the executive director shall request that the 21186  
superintendent obtain information from the federal bureau of 21187  
investigation as a part of the criminal records check for the 21188  
applicant. If the applicant presents proof that the applicant 21189  
has been a resident of this state for that five-year period, the 21190  
executive director may request that the superintendent include 21191

information from the federal bureau of investigation in the 21192  
criminal records check. 21193

(2) Any person required by division (A)(1) of this section 21194  
to request a criminal records check shall provide to each 21195  
applicant a copy of the form prescribed pursuant to division (C) 21196  
(1) of section 109.572 of the Revised Code, provide to each 21197  
applicant a standard impression sheet to obtain fingerprint 21198  
impressions prescribed pursuant to division (C)(2) of section 21199  
109.572 of the Revised Code, obtain the completed form and 21200  
impression sheet from each applicant, and forward the completed 21201  
form and impression sheet to the superintendent of the bureau of 21202  
criminal identification and investigation at the time the person 21203  
requests a criminal records check pursuant to division (A)(1) of 21204  
this section. 21205

(3) Any applicant who receives pursuant to division (A)(2) 21206  
of this section a copy of the form prescribed pursuant to 21207  
division (C)(1) of section 109.572 of the Revised Code and a 21208  
copy of an impression sheet prescribed pursuant to division (C) 21209  
(2) of that section and who is requested to complete the form 21210  
and provide a set of fingerprint impressions shall complete the 21211  
form or provide all the information necessary to complete the 21212  
form and shall provide the impression sheet with the impressions 21213  
of the applicant's fingerprints. If an applicant, upon request, 21214  
fails to provide the information necessary to complete the form 21215  
or fails to provide impressions of the applicant's fingerprints, 21216  
that agency shall not employ that applicant for any position for 21217  
which a criminal records check is required by division (A)(1) of 21218  
this section. 21219

(B)(1) Except as provided in rules adopted by the director 21220  
of job and family services in accordance with division (E) of 21221

this section, no public children services agency shall employ a 21222  
person as a person responsible for the care, custody, or control 21223  
of a child if the person previously has been convicted of or 21224  
pleaded guilty to any of the following: 21225

(a) A violation of section 2903.01, 2903.02, 2903.03, 21226  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21227  
2904.03, 2904.04, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 21228  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 21229  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 21230  
2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 21231  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 21232  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 21233  
Revised Code, a violation of section 2905.04 of the Revised Code 21234  
as it existed prior to July 1, 1996, a violation of section 21235  
2919.23 of the Revised Code that would have been a violation of 21236  
section 2905.04 of the Revised Code as it existed prior to July 21237  
1, 1996, had the violation occurred prior to that date, a 21238  
violation of section 2925.11 of the Revised Code that is not a 21239  
minor drug possession offense, or felonious sexual penetration 21240  
in violation of former section 2907.12 of the Revised Code; 21241

(b) A violation of an existing or former law of this 21242  
state, any other state, or the United States that is 21243  
substantially equivalent to any of the offenses or violations 21244  
described in division (B)(1)(a) of this section. 21245

(2) A public children services agency may employ an 21246  
applicant conditionally until the criminal records check 21247  
required by this section is completed and the agency receives 21248  
the results of the criminal records check. If the results of the 21249  
criminal records check indicate that, pursuant to division (B) 21250  
(1) of this section, the applicant does not qualify for 21251

employment, the agency shall release the applicant from 21252  
employment. 21253

(C) (1) Each public children services agency shall pay to 21254  
the bureau of criminal identification and investigation the fee 21255  
prescribed pursuant to division (C) (3) of section 109.572 of the 21256  
Revised Code for each criminal records check conducted in 21257  
accordance with that section upon the request pursuant to 21258  
division (A) (1) of this section of the executive director of the 21259  
agency. 21260

(2) A public children services agency may charge an 21261  
applicant a fee for the costs it incurs in obtaining a criminal 21262  
records check under this section. A fee charged under this 21263  
division shall not exceed the amount of fees the agency pays 21264  
under division (C) (1) of this section. If a fee is charged under 21265  
this division, the agency shall notify the applicant at the time 21266  
of the applicant's initial application for employment of the 21267  
amount of the fee and that, unless the fee is paid, the agency 21268  
will not consider the applicant for employment. 21269

(D) The report of any criminal records check conducted by 21270  
the bureau of criminal identification and investigation in 21271  
accordance with section 109.572 of the Revised Code and pursuant 21272  
to a request under division (A) (1) of this section is not a 21273  
public record for the purposes of section 149.43 of the Revised 21274  
Code and shall not be made available to any person other than 21275  
the applicant who is the subject of the criminal records check 21276  
or the applicant's representative, the public children services 21277  
agency requesting the criminal records check or its 21278  
representative, and any court, hearing officer, or other 21279  
necessary individual involved in a case dealing with the denial 21280  
of employment to the applicant. 21281



(E) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a public children services agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person 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 if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with the agency as a person responsible for the care, custody, or control of a child.

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

(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

**Section 2.** That existing sections 109.57, 109.572, 109.97, 177.01, 313.131, 2105.19, 2108.77, 2151.356, 2151.414, 2151.419, 2152.02, 2152.021, 2152.11, 2152.12, 2152.16, 2152.17, 2152.20, 2152.59, 2152.72, 2152.74, 2152.86, 2317.02, 2901.01, 2901.02,

2901.07, 2901.13, 2903.41, 2909.24, 2921.32, 2921.34, 2923.01, 21311  
2923.02, 2923.131, 2923.132, 2923.31, 2923.32, 2927.21, 2929.01, 21312  
2929.02, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 21313  
2929.04, 2929.05, 2929.06, 2929.13, 2929.14, 2929.143, 2929.31, 21314  
2929.32, 2929.34, 2930.16, 2933.51, 2933.81, 2933.82, 2937.222, 21315  
2941.14, 2941.143, 2941.147, 2941.148, 2945.06, 2945.11, 21316  
2945.38, 2945.57, 2945.74, 2949.02, 2950.01, 2950.99, 2953.08, 21317  
2953.09, 2953.11, 2953.21, 2953.25, 2967.01, 2967.05, 2967.12, 21318  
2967.121, 2967.13, 2967.18, 2967.19, 2967.193, 2967.26, 2971.01, 21319  
2971.03, 2971.07, 3301.32, 3301.541, 3313.662, 3319.31, 3319.39, 21320  
3712.09, 3721.121, 3734.44, 4715.30, 4717.05, 4717.051, 4717.14, 21321  
4723.092, 4723.281, 4730.25, 4731.22, 4734.36, 4741.22, 21322  
4757.361, 4759.07, 4760.13, 4761.09, 4762.13, 4765.114, 4774.13, 21323  
4776.10, 4778.14, 5103.0319, 5120.032, 5120.53, 5120.61, 21324  
5139.05, 5139.20, 5149.101, and 5153.111 of the Revised Code are 21325  
hereby repealed. 21326

**Section 3.** The General Assembly, applying the principle 21327  
stated in division (B) of section 1.52 of the Revised Code that 21328  
amendments are to be harmonized if reasonably capable of 21329  
simultaneous operation, finds that the following sections, 21330  
presented in this act as composites of the sections as amended 21331  
by the acts indicated, are the resulting versions of the 21332  
sections in effect prior to the effective date of the sections 21333  
as presented in this act: 21334

Section 109.572 of the Revised Code is presented in this 21335  
act as a composite of the section as amended by Am. Sub. H.B. 21336  
49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 21337  
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 21338  
General Assembly. 21339

Section 2923.31 of the Revised Code as amended by both 21340

|   |       |
|---|-------|
| Sub. H.B. 199 and Am. H.B. 405 of the 132nd General Assembly.   | 21341 |
| Section 2929.01 of the Revised Code as amended by Sub.          | 21342 |
| H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am.  | 21343 |
| Sub. S.B. 201, all of the 132nd General Assembly.               | 21344 |
| Section 2929.13 of the Revised Code as amended by Sub.          | 21345 |
| H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and   | 21346 |
| Am. Sub. S.B. 201, all of the 132nd General Assembly.           | 21347 |
| Section 2929.14 of the Revised Code as amended by Sub.          | 21348 |
| H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,  | 21349 |
| all of the 132nd General Assembly.                              | 21350 |
| Section 2967.18 of the Revised Code as amended by both Am.      | 21351 |
| Sub. H.B. 180 and Am. Sub. H.B. 445 of the 121st General        | 21352 |
| Assembly.   | 21353 |
| Section 2967.193 of the Revised Code as amended by both         | 21354 |
| Sub. S.B. 145 and Am. Sub. S.B. 201 of the 132nd General        | 21355 |
| Assembly.   | 21356 |
| Section 4730.25 of the Revised Code as amended by Am. Sub.      | 21357 |
| H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. | 21358 |
| Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General        | 21359 |
| Assembly.   | 21360 |
| Section 4731.22 of the Revised Code as amended by both Am.      | 21361 |
| Sub. H.B. 111 and Sub. H.B. 156 of the 132nd General Assembly.  | 21362 |