

As Reported by the House Criminal Justice Committee

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Senator Eklund

Cosponsors: Senators Huffman, Terhar, Yuko, Williams, Skindell, Hoagland, Hite, Bacon, Coley, Thomas, O'Brien, Burke, Hackett, Lehner, Manning, Obhof, Oelslager, Schiavoni, Tavares, Uecker, Wilson Representatives Manning, Rezabek, Galonski, Kent, Lang, McColley, Rogers, Seitz

A BILL

To amend sections 2913.04, 2923.129, 2935.081, and 2951.041 and to enact section 5503.101 of the Revised Code to allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case; to authorize a court to continue on intervention in lieu of conviction an offender who is on it and violates any of its terms or conditions; and to allow certain state highway patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties.

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

Section 1. That sections 2913.04, 2923.129, 2935.081, and 2951.041 be amended and section 5503.101 of the Revised Code be enacted to read as follows:

Sec. 2913.04. (A) No person shall knowingly use or operate 18
the property of another without the consent of the owner or 19
person authorized to give consent. 20

(B) No person, in any manner and by any means, including, 21
but not limited to, computer hacking, shall knowingly gain 22
access to, attempt to gain access to, or cause access to be 23
gained to any computer, computer system, computer network, cable 24
service, cable system, telecommunications device, 25
telecommunications service, or information service without the 26
consent of, or beyond the scope of the express or implied 27
consent of, the owner of the computer, computer system, computer 28
network, cable service, cable system, telecommunications device, 29
telecommunications service, or information service or other 30
person authorized to give consent. 31

(C) ~~No~~ Except as permitted under section 5503.101 of the 32
Revised Code, no person shall knowingly gain access to, attempt 33
to gain access to, cause access to be granted to, or disseminate 34
information gained from access to the law enforcement automated 35
database system created pursuant to section 5503.10 of the 36
Revised Code without the consent of, or beyond the scope of the 37
express or implied consent of, the chair of the law enforcement 38
automated data system steering committee. 39

(D) No person shall knowingly gain access to, attempt to 40
gain access to, cause access to be granted to, or disseminate 41
information gained from access to the Ohio law enforcement 42
gateway established and operated pursuant to division (C)(1) of 43
section 109.57 of the Revised Code without the consent of, or 44
beyond the scope of the express or implied consent of, the 45
superintendent of the bureau of criminal identification and 46
investigation. 47

(E) The affirmative defenses contained in division (C) of section 2913.03 of the Revised Code are affirmative defenses to a charge under this section. 48
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(F) (1) Whoever violates division (A) of this section is guilty of unauthorized use of property. 51
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(2) Except as otherwise provided in division (F) (3) or (4) of this section, unauthorized use of property is a misdemeanor of the fourth degree. 53
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(3) Except as otherwise provided in division (F) (4) of this section, if unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable: 56
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(a) Except as otherwise provided in division (F) (3) (b), (c), or (d) of this section, a misdemeanor of the first degree. 61
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(b) If the value of the property or services or the loss to the victim is one thousand dollars or more and is less than seven thousand five hundred dollars, a felony of the fifth degree. 63
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(c) If the value of the property or services or the loss to the victim is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a felony of the fourth degree. 67
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(d) If the value of the property or services or the loss to the victim is one hundred fifty thousand dollars or more, a felony of the third degree. 71
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(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the 74
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following is applicable:	76
(a) Except as otherwise provided in division (F) (4) (b),	77
(c), or (d) of this section, a felony of the fifth degree;	78
(b) If the value of the property or services or loss to	79
the victim is one thousand dollars or more and is less than	80
seven thousand five hundred dollars, a felony of the fourth	81
degree;	82
(c) If the value of the property or services or loss to	83
the victim is seven thousand five hundred dollars or more and is	84
less than thirty-seven thousand five hundred dollars, a felony	85
of the third degree;	86
(d) If the value of the property or services or loss to	87
the victim is thirty-seven thousand five hundred dollars or	88
more, a felony of the second degree.	89
(G) (1) Whoever violates division (B) of this section is	90
guilty of unauthorized use of computer, cable, or	91
telecommunication property, and shall be punished as provided in	92
division (G) (2), (3), or (4) of this section.	93
(2) Except as otherwise provided in division (G) (3) or (4)	94
of this section, unauthorized use of computer, cable, or	95
telecommunication property is a felony of the fifth degree.	96
(3) Except as otherwise provided in division (G) (4) of	97
this section, if unauthorized use of computer, cable, or	98
telecommunication property is committed for the purpose of	99
devising or executing a scheme to defraud or to obtain property	100
or services, for obtaining money, property, or services by false	101
or fraudulent pretenses, or for committing any other criminal	102
offense, unauthorized use of computer, cable, or	103
telecommunication property is whichever of the following is	104

applicable:	105
(a) Except as otherwise provided in division (G) (3) (b) of this section, if the value of the property or services involved or the loss to the victim is seven thousand five hundred dollars or more and less than one hundred fifty thousand dollars, a felony of the fourth degree;	106 107 108 109 110
(b) If the value of the property or services involved or the loss to the victim is one hundred fifty thousand dollars or more, a felony of the third degree.	111 112 113
(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of computer, cable, or telecommunication property is whichever of the following is applicable:	114 115 116 117
(a) Except as otherwise provided in division (G) (4) (b), (c), or (d) of this section, a felony of the fifth degree;	118 119
(b) If the value of the property or services or loss to the victim is one thousand dollars or more and is less than seven thousand five hundred dollars, a felony of the fourth degree;	120 121 122 123
(c) If the value of the property or services or loss to the victim is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, a felony of the third degree;	124 125 126 127
(d) If the value of the property or services or loss to the victim is thirty-seven thousand five hundred dollars or more, a felony of the second degree.	128 129 130
(H) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated	131 132

database system, a felony of the fifth degree.	133
(I) Whoever violates division (D) of this section is	134
guilty of unauthorized use of the Ohio law enforcement gateway,	135
a felony of the fifth degree.	136
(J) As used in this section:	137
(1) "Cable operator" means any person or group of persons	138
that does either of the following:	139
(a) Provides cable service over a cable system and	140
directly or through one or more affiliates owns a significant	141
interest in that cable system;	142
(b) Otherwise controls or is responsible for, through any	143
arrangement, the management and operation of a cable system.	144
(2) "Cable service" means any of the following:	145
(a) The one-way transmission to subscribers of video	146
programming or of information that a cable operator makes	147
available to all subscribers generally;	148
(b) Subscriber interaction, if any, that is required for	149
the selection or use of video programming or of information that	150
a cable operator makes available to all subscribers generally,	151
both as described in division (J) (2) (a) of this section;	152
(c) Any cable television service.	153
(3) "Cable system" means any facility, consisting of a set	154
of closed transmission paths and associated signal generation,	155
reception, and control equipment that is designed to provide	156
cable service that includes video programming and that is	157
provided to multiple subscribers within a community. "Cable	158
system" does not include any of the following:	159

(a) Any facility that serves only to retransmit the	160
television signals of one or more television broadcast stations;	161
(b) Any facility that serves subscribers without using any	162
public right-of-way;	163
(c) Any facility of a common carrier that, under 47	164
U.S.C.A. 522(7) (c), is excluded from the term "cable system" as	165
defined in 47 U.S.C.A. 522(7);	166
(d) Any open video system that complies with 47 U.S.C.A.	167
573;	168
(e) Any facility of any electric utility used solely for	169
operating its electric utility system.	170
Sec. 2923.129. (A) (1) If a sheriff, the superintendent of	171
the bureau of criminal identification and investigation, the	172
employees of the bureau, the Ohio peace officer training	173
commission, or the employees of the commission make a good faith	174
effort in performing the duties imposed upon the sheriff, the	175
superintendent, the bureau's employees, the commission, or the	176
commission's employees by sections 109.731, 311.41, and 2923.124	177
to 2923.1213 of the Revised Code, in addition to the personal	178
immunity provided by section 9.86 of the Revised Code or	179
division (A) (6) of section 2744.03 of the Revised Code and the	180
governmental immunity of sections 2744.02 and 2744.03 of the	181
Revised Code and in addition to any other immunity possessed by	182
the bureau, the commission, and their employees, the sheriff,	183
the sheriff's office, the county in which the sheriff has	184
jurisdiction, the bureau, the superintendent of the bureau, the	185
bureau's employees, the commission, and the commission's	186
employees are immune from liability in a civil action for	187
injury, death, or loss to person or property that allegedly was	188

caused by or related to any of the following:	189
(a) The issuance, renewal, suspension, or revocation of a concealed handgun license;	190 191
(b) The failure to issue, renew, suspend, or revoke a concealed handgun license;	192 193
(c) Any action or misconduct with a handgun committed by a licensee.	194 195
(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a concealed handgun license shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.	196 197 198 199
(3) An entity that or instructor who provides a competency certification of a type described in division (B) (3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply:	200 201 202 203 204 205 206
(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate.	207 208 209
(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G) (2) of section 2923.125 of the Revised Code.	210 211 212 213 214 215
(c) The entity or instructor did not issue the competency	216

certificate with malicious purpose, in bad faith, or in a wanton 217
or reckless manner. 218

(4) An entity that or instructor who, prior to March 27, 219
2013, provides a renewed competency certification of a type 220
described in division (G) (4) of section 2923.125 of the Revised 221
Code as it existed prior to March 27, 2013, is immune from civil 222
liability that might otherwise be incurred or imposed for any 223
death or any injury or loss to person or property that is caused 224
by or related to a person to whom the entity or instructor has 225
issued the renewed competency certificate if all of the 226
following apply: 227

(a) The entity or instructor makes a good faith effort in 228
assessing the person in the physical demonstrations or the 229
competency examination conducted pursuant to division (G) (4) of 230
section 2923.125 of the Revised Code as it existed prior to 231
March 27, 2013. 232

(b) The entity or instructor did not issue the renewed 233
competency certificate with malicious purpose, in bad faith, or 234
in a wanton or reckless manner. 235

(5) A law enforcement agency that employs a peace officer 236
is immune from liability in a civil action to recover damages 237
for injury, death, or loss to person or property allegedly 238
caused by any act of that peace officer if the act occurred 239
while the peace officer carried a concealed handgun and was off 240
duty and if the act allegedly involved the peace officer's use 241
of the concealed handgun. Sections 9.86 and 9.87, and Chapter 242
2744., of the Revised Code apply to any civil action involving a 243
peace officer's use of a concealed handgun in the performance of 244
the peace officer's official duties while the peace officer is 245
off duty. 246

(B) Notwithstanding section 149.43 of the Revised Code, 247
the records that a sheriff keeps relative to the issuance, 248
renewal, suspension, or revocation of a concealed handgun 249
license, including, but not limited to, completed applications 250
for the issuance or renewal of a license, completed affidavits 251
submitted regarding an application for a license on a temporary 252
emergency basis, reports of criminal records checks and 253
incompetency records checks under section 311.41 of the Revised 254
Code, and applicants' social security numbers and fingerprints 255
that are obtained under division (A) of section 311.41 of the 256
Revised Code, are confidential and are not public records. No 257
person shall release or otherwise disseminate records that are 258
confidential under this division unless required to do so 259
pursuant to a court order. 260

(C) Each sheriff shall report to the Ohio peace officer 261
training commission the number of concealed handgun licenses 262
that the sheriff issued, renewed, suspended, revoked, or denied 263
under section 2923.125 of the Revised Code during the previous 264
quarter of the calendar year, the number of applications for 265
those licenses for which processing was suspended in accordance 266
with division (D) (3) of section 2923.125 of the Revised Code 267
during the previous quarter of the calendar year, and the number 268
of concealed handgun licenses on a temporary emergency basis 269
that the sheriff issued, suspended, revoked, or denied under 270
section 2923.1213 of the Revised Code during the previous 271
quarter of the calendar year. The sheriff shall not include in 272
the report the name or any other identifying information of an 273
applicant or licensee. The sheriff shall report that information 274
in a manner that permits the commission to maintain the 275
statistics described in division (C) of section 109.731 of the 276
Revised Code and to timely prepare the statistical report 277

described in that division. The information that is received by 278
the commission under this division is a public record kept by 279
the commission for the purposes of section 149.43 of the Revised 280
Code. 281

(D) Law enforcement agencies may use the information a 282
sheriff makes available through the use of the law enforcement 283
automated data system pursuant to division (H) of section 284
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 285
Revised Code for law enforcement purposes only. The information 286
is confidential and is not a public record. A-Except as provided 287
in section 5503.101 of the Revised Code, a person who releases 288
or otherwise disseminates this information obtained through the 289
law enforcement automated data system in a manner not described 290
in this division is guilty of a violation of section 2913.04 of 291
the Revised Code. 292

(E) Whoever violates division (B) of this section is 293
guilty of illegal release of confidential concealed handgun 294
license records, a felony of the fifth degree. In addition to 295
any penalties imposed under Chapter 2929. of the Revised Code 296
for a violation of division (B) of this section or a violation 297
of section 2913.04 of the Revised Code described in division (D) 298
of this section, if the offender is a sheriff, an employee of a 299
sheriff, or any other public officer or employee, and if the 300
violation was willful and deliberate, the offender shall be 301
subject to a civil fine of one thousand dollars. Any person who 302
is harmed by a violation of division (B) or (C) of this section 303
or a violation of section 2913.04 of the Revised Code described 304
in division (D) of this section has a private cause of action 305
against the offender for any injury, death, or loss to person or 306
property that is a proximate result of the violation and may 307
recover court costs and attorney's fees related to the action. 308

Sec. 2935.081. (A) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code, except that "peace officer" does not include, for any purpose, the superintendent or any trooper of the state highway patrol.

(B) A peace officer who has completed a course of in-service training that includes training in the administration of oaths and the acknowledgment of documents and that is approved by the chief legal officer of the political subdivision in which the peace officer is elected or of the political subdivision or other entity in which or by which the peace officer is appointed or employed may administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to the peace officer's official duties.

(C) A trooper of the state highway patrol who has completed a course of in-service training that includes training in the administration of oaths and the acknowledgment of documents and that is approved by the director of public safety may administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to the trooper's official duties.

(D) Except as authorized by division (B) or (C) of this section, no peace officer or trooper who has completed a course of in-service training of a type described in division (B) or (C) of this section shall knowingly perform any act that is specifically required of a notary public unless the peace officer or trooper has complied with Chapter 147. of the Revised Code.

Sec. 2951.041. (A) (1) If an offender is charged with a

criminal offense, including but not limited to a violation of 339
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 340
of the Revised Code, and the court has reason to believe that 341
drug or alcohol usage by the offender was a factor leading to 342
the criminal offense with which the offender is charged or that, 343
at the time of committing that offense, the offender had a 344
mental illness, was a person with an intellectual disability, or 345
was a victim of a violation of section 2905.32 of the Revised 346
Code and that the mental illness, status as a person with an 347
intellectual disability, or fact that the offender was a victim 348
of a violation of section 2905.32 of the Revised Code was a 349
factor leading to the offender's criminal behavior, the court 350
may accept, prior to the entry of a guilty plea, the offender's 351
request for intervention in lieu of conviction. The request 352
shall include a statement from the offender as to whether the 353
offender is alleging that drug or alcohol usage by the offender 354
was a factor leading to the criminal offense with which the 355
offender is charged or is alleging that, at the time of 356
committing that offense, the offender had a mental illness, was 357
a person with an intellectual disability, or was a victim of a 358
violation of section 2905.32 of the Revised Code and that the 359
mental illness, status as a person with an intellectual 360
disability, or fact that the offender was a victim of a 361
violation of section 2905.32 of the Revised Code was a factor 362
leading to the criminal offense with which the offender is 363
charged. The request also shall include a waiver of the 364
defendant's right to a speedy trial, the preliminary hearing, 365
the time period within which the grand jury may consider an 366
indictment against the offender, and arraignment, unless the 367
hearing, indictment, or arraignment has already occurred. The 368
court may reject an offender's request without a hearing. If the 369
court elects to consider an offender's request, the court shall 370

conduct a hearing to determine whether the offender is eligible 371
under this section for intervention in lieu of conviction and 372
shall stay all criminal proceedings pending the outcome of the 373
hearing. If the court schedules a hearing, the court shall order 374
an assessment of the offender for the purpose of determining the 375
offender's eligibility for intervention in lieu of conviction 376
and recommending an appropriate intervention plan. 377

If the offender alleges that drug or alcohol usage by the 378
offender was a factor leading to the criminal offense with which 379
the offender is charged, the court may order that the offender 380
be assessed by a community addiction services provider or a 381
properly credentialed professional for the purpose of 382
determining the offender's eligibility for intervention in lieu 383
of conviction and recommending an appropriate intervention plan. 384
The community addiction services provider or the properly 385
credentialed professional shall provide a written assessment of 386
the offender to the court. 387

(2) The victim notification provisions of division (C) of 388
section 2930.06 of the Revised Code apply in relation to any 389
hearing held under division (A) (1) of this section. 390

(B) An offender is eligible for intervention in lieu of 391
conviction if the court finds all of the following: 392

(1) The offender previously has not been convicted of or 393
pleaded guilty to a felony offense of violence or previously has 394
been convicted of or pleaded guilty to any felony that is not an 395
offense of violence and the prosecuting attorney recommends that 396
the offender be found eligible for participation in intervention 397
in lieu of treatment under this section, previously has not been 398
through intervention in lieu of conviction under this section or 399
any similar regimen, and is charged with a felony for which the 400

court, upon conviction, would impose a community control 401
sanction on the offender under division (B) (2) of section 402
2929.13 of the Revised Code or with a misdemeanor. 403

(2) The offense is not a felony of the first, second, or 404
third degree, is not an offense of violence, is not a violation 405
of division (A) (1) or (2) of section 2903.06 of the Revised 406
Code, is not a violation of division (A) (1) of section 2903.08 407
of the Revised Code, is not a violation of division (A) of 408
section 4511.19 of the Revised Code or a municipal ordinance 409
that is substantially similar to that division, and is not an 410
offense for which a sentencing court is required to impose a 411
mandatory prison term, a mandatory term of local incarceration, 412
or a mandatory term of imprisonment in a jail. 413

(3) The offender is not charged with a violation of 414
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 415
charged with a violation of section 2925.03 of the Revised Code 416
that is a felony of the first, second, third, or fourth degree, 417
and is not charged with a violation of section 2925.11 of the 418
Revised Code that is a felony of the first, second, or third 419
degree. 420

(4) If an offender alleges that drug or alcohol usage by 421
the offender was a factor leading to the criminal offense with 422
which the offender is charged, the court has ordered that the 423
offender be assessed by a community addiction services provider 424
or a properly credentialed professional for the purpose of 425
determining the offender's eligibility for intervention in lieu 426
of conviction and recommending an appropriate intervention plan, 427
the offender has been assessed by a community addiction services 428
provider of that nature or a properly credentialed professional 429
in accordance with the court's order, and the community 430

addiction services provider or properly credentialed 431
professional has filed the written assessment of the offender 432
with the court. 433

(5) If an offender alleges that, at the time of committing 434
the criminal offense with which the offender is charged, the 435
offender had a mental illness, was a person with an intellectual 436
disability, or was a victim of a violation of section 2905.32 of 437
the Revised Code and that the mental illness, status as a person 438
with an intellectual disability, or fact that the offender was a 439
victim of a violation of section 2905.32 of the Revised Code was 440
a factor leading to that offense, the offender has been assessed 441
by a psychiatrist, psychologist, independent social worker, 442
licensed professional clinical counselor, or independent 443
marriage and family therapist for the purpose of determining the 444
offender's eligibility for intervention in lieu of conviction 445
and recommending an appropriate intervention plan. 446

(6) The offender's drug usage, alcohol usage, mental 447
illness, or intellectual disability, or the fact that the 448
offender was a victim of a violation of section 2905.32 of the 449
Revised Code, whichever is applicable, was a factor leading to 450
the criminal offense with which the offender is charged, 451
intervention in lieu of conviction would not demean the 452
seriousness of the offense, and intervention would substantially 453
reduce the likelihood of any future criminal activity. 454

(7) The alleged victim of the offense was not sixty-five 455
years of age or older, permanently and totally disabled, under 456
thirteen years of age, or a peace officer engaged in the 457
officer's official duties at the time of the alleged offense. 458

(8) If the offender is charged with a violation of section 459
2925.24 of the Revised Code, the alleged violation did not 460

result in physical harm to any person, and the offender 461
previously has not been treated for drug abuse. 462

(9) The offender is willing to comply with all terms and 463
conditions imposed by the court pursuant to division (D) of this 464
section. 465

(10) The offender is not charged with an offense that 466
would result in the offender being disqualified under Chapter 467
4506. of the Revised Code from operating a commercial motor 468
vehicle or would subject the offender to any other sanction 469
under that chapter. 470

(C) At the conclusion of a hearing held pursuant to 471
division (A) of this section, the court shall enter its 472
determination as to whether the offender is eligible for 473
intervention in lieu of conviction and as to whether to grant 474
the offender's request. If the court finds under division (B) of 475
this section that the offender is eligible for intervention in 476
lieu of conviction and grants the offender's request, the court 477
shall accept the offender's plea of guilty and waiver of the 478
defendant's right to a speedy trial, the preliminary hearing, 479
the time period within which the grand jury may consider an 480
indictment against the offender, and arraignment, unless the 481
hearing, indictment, or arraignment has already occurred. In 482
addition, the court then may stay all criminal proceedings and 483
order the offender to comply with all terms and conditions 484
imposed by the court pursuant to division (D) of this section. 485
If the court finds that the offender is not eligible or does not 486
grant the offender's request, the criminal proceedings against 487
the offender shall proceed as if the offender's request for 488
intervention in lieu of conviction had not been made. 489

(D) If the court grants an offender's request for 490

intervention in lieu of conviction, the court shall place the 491
offender under the general control and supervision of the county 492
probation department, the adult parole authority, or another 493
appropriate local probation or court services agency, if one 494
exists, as if the offender was subject to a community control 495
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 496
the Revised Code. The court shall establish an intervention plan 497
for the offender. The terms and conditions of the intervention 498
plan shall require the offender, for at least one year from the 499
date on which the court grants the order of intervention in lieu 500
of conviction, to abstain from the use of illegal drugs and 501
alcohol, to participate in treatment and recovery support 502
services, and to submit to regular random testing for drug and 503
alcohol use and may include any other treatment terms and 504
conditions, or terms and conditions similar to community control 505
sanctions, which may include community service or restitution, 506
that are ordered by the court. 507

(E) If the court grants an offender's request for 508
intervention in lieu of conviction and the court finds that the 509
offender has successfully completed the intervention plan for 510
the offender, including the requirement that the offender 511
abstain from using illegal drugs and alcohol for a period of at 512
least one year from the date on which the court granted the 513
order of intervention in lieu of conviction, the requirement 514
that the offender participate in treatment and recovery support 515
services, and all other terms and conditions ordered by the 516
court, the court shall dismiss the proceedings against the 517
offender. Successful completion of the intervention plan and 518
period of abstinence under this section shall be without 519
adjudication of guilt and is not a criminal conviction for 520
purposes of any disqualification or disability imposed by law 521

and upon conviction of a crime, and the court may order the 522
sealing of records related to the offense in question in the 523
manner provided in sections 2953.31 to 2953.36 of the Revised 524
Code. 525

(F) If the court grants an offender's request for 526
intervention in lieu of conviction and the offender fails to 527
comply with any term or condition imposed as part of the 528
intervention plan for the offender, the supervising authority 529
for the offender promptly shall advise the court of this 530
failure, and the court shall hold a hearing to determine whether 531
the offender failed to comply with any term or condition imposed 532
as part of the plan. If the court determines that the offender 533
has failed to comply with any of those terms and conditions, it 534
~~shall~~ may continue the offender on intervention in lieu of 535
conviction, continue the offender on intervention in lieu of 536
conviction with additional terms, conditions, and sanctions, or 537
enter a finding of guilty and ~~shall~~ impose an appropriate 538
sanction under Chapter 2929. of the Revised Code. If the court 539
sentences the offender to a prison term, the court, after 540
consulting with the department of rehabilitation and correction 541
regarding the availability of services, may order continued 542
court-supervised activity and treatment of the offender during 543
the prison term and, upon consideration of reports received from 544
the department concerning the offender's progress in the program 545
of activity and treatment, may consider judicial release under 546
section 2929.20 of the Revised Code. 547

(G) As used in this section: 548

(1) "Community addiction services provider" has the same 549
meaning as in section 5119.01 of the Revised Code. 550

(2) "Community control sanction" has the same meaning as 551

in section 2929.01 of the Revised Code.	552
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	553 554
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	555 556
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	557 558
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	559 560
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	561 562
<u>Sec. 5503.101. (A) Notwithstanding any section of the Revised Code or rule of procedure to the contrary, a defendant's traffic or criminal record contained in the law enforcement automated data system, also known as LEADS, may be disclosed to the defendant and the defendant's counsel when formally requested pursuant to the rules of discovery in a traffic or criminal case.</u>	563 564 565 566 567 568 569
<u>(B) Copies of information obtained from the law enforcement automated data system pursuant to division (A) of this section may be provided to the defendant and the defendant's counsel when formally requested pursuant to the rules of discovery in a traffic or criminal case.</u>	570 571 572 573 574
<u>(C) Upon a motion made by a prosecutor, the court hearing a traffic or criminal case may order the redaction from information to be disclosed or provided pursuant to division (A) or (B) of this section pursuant to the rules of discovery in the case of the residential address, date of birth, social security</u>	575 576 577 578 579

number, and photograph of any witness, law enforcement officer, 580
or prosecutor. 581

(D) Notwithstanding section 2913.04 or 2923.129 of the 582
Revised Code, no prosecutor or person assisting a prosecutor in 583
providing discovery shall be held civilly or criminally liable 584
for disclosing information from the law enforcement automated 585
data system in the manner authorized by this section. 586

(E) The superintendent of the state highway patrol or any 587
person employed by the superintendent to carry out the purposes 588
of section 5503.10 of the Revised Code shall not sanction or 589
deny access to the law enforcement automated data system to any 590
person or entity because that person or entity provided 591
discovery information in the manner authorized by this section. 592

(F) The defendant's counsel may disclose, copy, and 593
provide to the defendant any information about the defendant's 594
own traffic or criminal record obtained by discovery from the 595
law enforcement automated data system. 596

(G) The fact that information sought in discovery is 597
contained in the law enforcement automated data system shall not 598
be cited or accepted as a reason for denying discovery to the 599
defendant of the defendant's own traffic or criminal record. 600

Section 2. That existing sections 2913.04, 2923.129, 601
2935.081, and 2951.041 of the Revised Code are hereby repealed. 602