

**As Passed by the House**

**132nd General Assembly**

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**Sub. S. B. No. 33**

**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, Ashford, Barnes, Blessing, Boyd, Brenner, Brown, Craig, Duffey, Gavarone, Ginter, Green, Hambley, Landis, Leland, O'Brien, Perales, Ramos, Scherer, Schuring, Stein, Sweeney, Sykes, West, Wiggam, Young**

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**A BILL**

To amend sections 2913.04, 2923.129, 2935.081, and 1  
2951.041 and to enact section 5503.101 of the 2  
Revised Code to allow disclosure of information 3  
from the law enforcement automated data system 4  
(LEADS) to a defendant in a traffic or criminal 5  
case; to authorize a court to continue on 6  
intervention in lieu of conviction an offender 7  
who is on it and violates any of its terms or 8  
conditions; and to allow certain state highway 9  
patrol troopers to administer oaths and 10  
acknowledge criminal and juvenile court 11  
complaints, summonses, affidavits, and returns 12  
of court orders in matters related to their 13  
official duties. 14

**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 the property of another without the consent of the owner or person authorized to give consent.

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

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

(D) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the Ohio law enforcement gateway established and operated pursuant to division (C)(1) of section 109.57 of the Revised Code without the consent of, or

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 48  
section 2913.03 of the Revised Code are affirmative defenses to 49  
a charge under this section. 50

(F) (1) Whoever violates division (A) of this section is 51  
guilty of unauthorized use of property. 52

(2) Except as otherwise provided in division (F) (3) or (4) 53  
of this section, unauthorized use of property is a misdemeanor 54  
of the fourth degree. 55

(3) Except as otherwise provided in division (F) (4) of 56  
this section, if unauthorized use of property is committed for 57  
the purpose of devising or executing a scheme to defraud or to 58  
obtain property or services, unauthorized use of property is 59  
whichever of the following is applicable: 60

(a) Except as otherwise provided in division (F) (3) (b), 61  
(c), or (d) of this section, a misdemeanor of the first degree. 62

(b) If the value of the property or services or the loss 63  
to the victim is one thousand dollars or more and is less than 64  
seven thousand five hundred dollars, a felony of the fifth 65  
degree. 66

(c) If the value of the property or services or the loss 67  
to the victim is seven thousand five hundred dollars or more and 68  
is less than one hundred fifty thousand dollars, a felony of the 69  
fourth degree. 70

(d) If the value of the property or services or the loss 71  
to the victim is one hundred fifty thousand dollars or more, a 72

felony of the third degree.	73
(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:	74 75 76
(a) Except as otherwise provided in division (F) (4) (b), (c), or (d) of this section, a felony of the fifth degree;	77 78
(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;	79 80 81 82
(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;	83 84 85 86
(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.	87 88 89
(G) (1) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, and shall be punished as provided in division (G) (2), (3), or (4) of this section.	90 91 92 93
(2) Except as otherwise provided in division (G) (3) or (4) of this section, unauthorized use of computer, cable, or telecommunication property is a felony of the fifth degree.	94 95 96
(3) Except as otherwise provided in division (G) (4) of this section, if unauthorized use of computer, cable, or telecommunication property is committed for the purpose of devising or executing a scheme to defraud or to obtain property	97 98 99 100

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 106  
this section, if the value of the property or services involved 107  
or the loss to the victim is seven thousand five hundred dollars 108  
or more and less than one hundred fifty thousand dollars, a 109  
felony of the fourth degree; 110

(b) If the value of the property or services involved or 111  
the loss to the victim is one hundred fifty thousand dollars or 112  
more, a felony of the third degree. 113

(4) If the victim of the offense is an elderly person or 114  
disabled adult, unauthorized use of computer, cable, or 115  
telecommunication property is whichever of the following is 116  
applicable: 117

(a) Except as otherwise provided in division (G) (4) (b), 118  
(c), or (d) of this section, a felony of the fifth degree; 119

(b) If the value of the property or services or loss to 120  
the victim is one thousand dollars or more and is less than 121  
seven thousand five hundred dollars, a felony of the fourth 122  
degree; 123

(c) If the value of the property or services or loss to 124  
the victim is seven thousand five hundred dollars or more and is 125  
less than thirty-seven thousand five hundred dollars, a felony 126  
of the third degree; 127

(d) If the value of the property or services or loss to 128  
the victim is thirty-seven thousand five hundred dollars or 129

more, a felony of the second degree.	130
(H) Whoever violates division (C) of this section is	131
guilty of unauthorized use of the law enforcement automated	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 190  
concealed handgun license; 191

(b) The failure to issue, renew, suspend, or revoke a 192  
concealed handgun license; 193

(c) Any action or misconduct with a handgun committed by a 194  
licensee. 195

(2) Any action of a sheriff relating to the issuance, 196  
renewal, suspension, or revocation of a concealed handgun 197  
license shall be considered to be a governmental function for 198  
purposes of Chapter 2744. of the Revised Code. 199

(3) An entity that or instructor who provides a competency 200  
certification of a type described in division (B)(3) of section 201  
2923.125 of the Revised Code is immune from civil liability that 202  
might otherwise be incurred or imposed for any death or any 203  
injury or loss to person or property that is caused by or 204  
related to a person to whom the entity or instructor has issued 205  
the competency certificate if all of the following apply: 206

(a) The alleged liability of the entity or instructor 207  
relates to the training provided in the course, class, or 208  
program covered by the competency certificate. 209

(b) The entity or instructor makes a good faith effort in 210  
determining whether the person has satisfactorily completed the 211  
course, class, or program and makes a good faith effort in 212  
assessing the person in the competency examination conducted 213  
pursuant to division (G)(2) of section 2923.125 of the Revised 214



Code.	215
(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.	216 217 218
(4) An entity that or instructor who, prior to March 27, 2013, provides a renewed competency certification of a type described in division (G) (4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013, 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 renewed competency certificate if all of the following apply:	219 220 221 222 223 224 225 226 227
(a) The entity or instructor makes a good faith effort in assessing the person in the physical demonstrations or the competency examination conducted pursuant to division (G) (4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013.	228 229 230 231 232
(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.	233 234 235
(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a	236 237 238 239 240 241 242 243

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 309  
officer" has the same meaning as in section 2935.01 of the 310  
Revised Code, except that "peace officer" does not include, for 311  
any purpose, the superintendent or any trooper of the state 312  
highway patrol. 313

(B) A peace officer who has completed a course of in- 314  
service training that includes training in the administration of 315  
oaths and the acknowledgment of documents and that is approved 316  
by the chief legal officer of the political subdivision in which 317  
the peace officer is elected or of the political subdivision or 318  
other entity in which or by which the peace officer is appointed 319  
or employed may administer oaths and acknowledge criminal and 320  
juvenile court complaints, summonses, affidavits, and returns of 321  
court orders in matters related to the peace officer's official 322  
duties. 323

(C) A trooper of the state highway patrol who has 324  
completed a course of in-service training that includes training 325  
in the administration of oaths and the acknowledgment of 326  
documents and that is approved by the director of public safety 327  
may administer oaths and acknowledge criminal and juvenile court 328  
complaints, summonses, affidavits, and returns of court orders 329  
in matters related to the trooper's official duties. 330

(D) Except as authorized by division (B) or (C) of this 331  
section, no peace officer or trooper who has completed a course 332  
of in-service training of a type described in division (B) or 333  
(C) of this section shall knowingly perform any act that is 334  
specifically required of a notary public unless the peace 335

officer or trooper has complied with Chapter 147. of the Revised 336  
Code. 337

**Sec. 2951.041.** (A) (1) If an offender is charged with a 338  
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- 553  
supervised activity that complies with this section. 554

(4) "Intellectual disability" has the same meaning as in 555  
section 5123.01 of the Revised Code. 556

(5) "Peace officer" has the same meaning as in section 557  
2935.01 of the Revised Code. 558

(6) "Mental illness" and "psychiatrist" have the same 559  
meanings as in section 5122.01 of the Revised Code. 560

(7) "Psychologist" has the same meaning as in section 561  
4732.01 of the Revised Code. 562

Sec. 5503.101. (A) Notwithstanding any section of the 563  
Revised Code or rule of procedure to the contrary, a defendant's 564  
traffic or criminal record contained in the law enforcement 565  
automated data system, also known as LEADS, may be disclosed to 566  
the defendant and the defendant's counsel when formally 567  
requested pursuant to the rules of discovery in a traffic or 568  
criminal case. 569

(B) Copies of information obtained from the law 570  
enforcement automated data system pursuant to division (A) of 571  
this section may be provided to the defendant and the 572  
defendant's counsel when formally requested pursuant to the 573  
rules of discovery in a traffic or criminal case. 574

(C) Upon a motion made by a prosecutor, the court hearing 575  
a traffic or criminal case may order the redaction from 576

information to be disclosed or provided pursuant to division (A) 577  
or (B) of this section pursuant to the rules of discovery in the 578  
case of the residential address, date of birth, social security 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