

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 604**

**Representative Rogers**

**Cosponsors: Representatives Becker, Blair, Howse, Lepore-Hagan, Miranda,  
O'Brien, Patterson, Seitz, West**

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**A BILL**

To amend sections 2151.358, 2923.125, 2923.128, 1  
2923.1213, 2923.16, 2951.041, 2953.31, 2953.32, 2  
2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 3  
2953.56, 2953.57, 2953.58, 2953.59, 4301.69, 4  
4723.28, 4729.16, 4729.56, 4729.57, 4729.96, and 5  
4752.09; to amend, for the purpose of adopting 6  
new section numbers as indicated in parentheses, 7  
sections 2953.37 (2953.35), 2953.38 (2953.36), 8  
2953.52 (2953.33), and 2953.56 (2953.37); and to 9  
repeal sections 2953.321, 2953.33, 2953.35, 10  
2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 11  
2953.61 of the Revised Code regarding the 12  
Criminal Records Sealing Law. 13

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

**Section 1.** That sections 2151.358, 2923.125, 2923.128, 14  
2923.1213, 2923.16, 2951.041, 2953.31, 2953.32, 2953.34, 15  
2953.37, 2953.38, 2953.52, 2953.521, 2953.56, 2953.57, 2953.58, 16  
2953.59, 4301.69, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96, 17  
and 4752.09 be amended and sections 2953.37 (2953.35), 2953.38 18

(2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) of the Revised Code be amended for the purpose of adopting new section numbers as indicated in parentheses to read as follows:

**Sec. 2151.358.** (A) The juvenile court shall expunge all records sealed under section 2151.356 of the Revised Code five years after the court issues a sealing order or upon the twenty-third birthday of the person who is the subject of the sealing order, whichever date is earlier.

(B) Notwithstanding division (A) of this section, upon application by the person who has had a record sealed under section 2151.356 of the Revised Code, the juvenile court may expunge a record sealed under section 2151.356 of the Revised Code. In making the determination whether to expunge records, all of the following apply:

(1) The court may require a person filing an application for expungement to submit any relevant documentation to support the application.

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

(3) The court shall promptly notify the prosecuting attorney of any proceedings to expunge records.

(4) (a) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the expungement proceedings.

(b) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the expungement of the records, the court may order the records

of the person that are under consideration to be expunged 48  
without conducting a hearing on the application. If the court 49  
decides in its discretion to conduct a hearing on the 50  
application, the court shall conduct the hearing within thirty 51  
days after making that decision and shall give notice, by 52  
regular mail, of the date, time, and location of the hearing to 53  
the prosecuting attorney and to the person who is the subject of 54  
the records under consideration. 55

(c) If the prosecuting attorney files a response with the 56  
court that indicates that the prosecuting attorney objects to 57  
the expungement of the records, the court shall conduct a 58  
hearing on the application within thirty days after the court 59  
receives the response. The court shall give notice, by regular 60  
mail, of the date, time, and location of the hearing to the 61  
prosecuting attorney and to the person who is the subject of the 62  
records under consideration. 63

(5) After conducting a hearing in accordance with division 64  
(B) (4) of this section or after due consideration when a hearing 65  
is not conducted, the court may order the records of the person 66  
that are the subject of the application to be expunged if it 67  
finds that the person has been rehabilitated to a satisfactory 68  
degree. In determining whether the person has been rehabilitated 69  
to a satisfactory degree, the court may consider all of the 70  
following: 71

(a) The age of the person; 72

(b) The nature of the case; 73

(c) The cessation or continuation of delinquent, unruly, 74  
or criminal behavior; 75

(d) The education and employment history of the person; 76

(e) Any other circumstances that may relate to the 77  
rehabilitation of the person who is the subject of the records 78  
under consideration. 79

(C) If the juvenile court is notified by any party in a 80  
civil action that a civil action has been filed based on a case 81  
the records for which are the subject of a sealing order, the 82  
juvenile court shall not expunge a record sealed under section 83  
2151.356 of the Revised Code until the civil action has been 84  
resolved and is not subject to further appellate review, at 85  
which time the records shall be expunged pursuant to division 86  
(A) of this section. 87

(D) (1) A juvenile court that issues a protection order or 88  
approves a consent agreement under section 2151.34 or 3113.31 of 89  
the Revised Code shall automatically seal all of the records of 90  
the proceeding in which the order was issued or agreement 91  
approved on the date the person against whom the protection 92  
order was issued or the consent agreement approved attains the 93  
age of nineteen years if the court determines that the person 94  
has complied with all of the terms of the protection order or 95  
consent agreement. 96

(2) In a proceeding under section 2151.34 of the Revised 97  
Code, if the juvenile court does not issue any protection order 98  
under division (E) of that section, the court shall 99  
automatically seal all of the records in that proceeding. In a 100  
proceeding under section 3113.31 of the Revised Code, if the 101  
juvenile court does not issue any protection order or approve 102  
any consent agreement under division (E) of that section, the 103  
court shall automatically seal all of the records in that 104  
proceeding. 105

(3) (a) If a juvenile court that issues a protection order 106

or approves a consent agreement under section 2151.34 or 3113.31 107  
of the Revised Code determines that the person against whom the 108  
protection order was issued or the consent agreement approved 109  
has not complied with all of the terms of the protection order 110  
or consent agreement, the court shall consider sealing all of 111  
the records of the proceeding in which the order was issued or 112  
agreement approved upon the court's own motion or upon the 113  
application of a person. The court may make the motion or the 114  
person who is the subject of the records under consideration may 115  
apply for an order sealing the records of the proceeding at any 116  
time after two years after the expiration of the protection 117  
order or consent agreement. 118

(b) In making a determination whether to seal records 119  
pursuant to division (D) (3) of this section, all of the 120  
following apply: 121

(i) The court may require a person filing an application 122  
under division (D) (3) of this section to submit any relevant 123  
documentation to support the application. 124

(ii) The court shall promptly notify the victim or the 125  
victim's attorney of any proceedings to seal records initiated 126  
pursuant to division (D) (3) of this section. 127

(iii) The victim or the victim's attorney may file a 128  
response with the court within thirty days of receiving notice 129  
of the sealing proceedings. 130

If the victim or the victim's attorney does not file a 131  
response with the court or if the victim or the victim's 132  
attorney files a response but indicates that the victim or the 133  
victim's attorney does not object to the sealing of the records, 134  
the court may order the records of the person that are under 135

consideration to be sealed without conducting a hearing on the 136  
motion or application. If the court decides in its discretion to 137  
conduct a hearing on the motion or application, the court shall 138  
conduct the hearing within thirty days after making that 139  
decision and shall give notice, by regular mail, of the date, 140  
time, and location of the hearing to the victim or the victim's 141  
attorney and to the person who is the subject of the records 142  
under consideration. 143

If the victim or the victim's attorney files a response 144  
with the court that indicates that the victim or the victim's 145  
attorney objects to the sealing of the records, the court shall 146  
conduct a hearing on the motion or application within thirty 147  
days after the court receives the response. The court shall give 148  
notice, by regular mail, of the date, time, and location of the 149  
hearing to the victim or the victim's attorney and to the person 150  
who is the subject of the records under consideration. 151

(iv) After conducting a hearing in accordance with 152  
division (D) (3) (b) (iii) of this section or after due 153  
consideration when a hearing is not conducted, the court may 154  
order the records of the person that are the subject of the 155  
motion or application to be sealed. 156

(4) Inspection of the records sealed pursuant to division 157  
(D) (1), (2), or (3) of this section may be made only by the 158  
following persons or for the following purposes: 159

(a) By a law enforcement officer or prosecutor, or the 160  
assistants of either, to determine whether the nature and 161  
character of the offense with which a person is to be charged 162  
would be affected by virtue of the person's previously having 163  
been convicted of a crime; 164

(b) By the parole or probation officer of the person who 165  
is the subject of the records, for the exclusive use of the 166  
officer in supervising the person while on parole or under a 167  
community control sanction or a post-release control sanction, 168  
and in making inquiries and written reports as requested by the 169  
court or adult parole authority; 170

(c) Upon application by the person who is the subject of 171  
the records, by the persons named in the application; 172

(d) By a law enforcement officer who was involved in the 173  
case, for use in the officer's defense of a civil action arising 174  
out of the officer's involvement in that case; 175

(e) By a prosecuting attorney or the prosecuting 176  
attorney's assistants, to determine a defendant's eligibility to 177  
enter a pre-trial diversion program established pursuant to 178  
section 2935.36 of the Revised Code; 179

(f) By any law enforcement agency or any authorized 180  
employee of a law enforcement agency or by the department of 181  
rehabilitation and correction as part of a background 182  
investigation of a person who applies for employment with the 183  
agency as a law enforcement officer or with the department as a 184  
corrections officer; 185

(g) By any law enforcement agency or any authorized 186  
employee of a law enforcement agency, for the purposes set forth 187  
in, and in the manner provided in, division (H) of section 188  
2953.321-2953.34 of the Revised Code; 189

(h) By the bureau of criminal identification and 190  
investigation or any authorized employee of the bureau for the 191  
purpose of providing information to a board or person pursuant 192  
to division (F) or (G) of section 109.57 of the Revised Code; 193

(i) By the bureau of criminal identification and 194  
investigation or any authorized employee of the bureau for the 195  
purpose of performing a criminal history records check on a 196  
person to whom a certificate as prescribed in section 109.77 of 197  
the Revised Code is to be awarded; 198

(j) By the bureau of criminal identification and 199  
investigation or any authorized employee of the bureau for the 200  
purpose of conducting a criminal records check of an individual 201  
pursuant to division (B) of section 109.572 of the Revised Code 202  
that was requested pursuant to any of the sections identified in 203  
division (B) (1) of that section; 204

(k) By the bureau of criminal identification and 205  
investigation, an authorized employee of the bureau, a sheriff, 206  
or an authorized employee of a sheriff in connection with a 207  
criminal records check described in section 311.41 of the 208  
Revised Code; 209

(l) By the attorney general or an authorized employee of 210  
the attorney general or a court for purposes of determining a 211  
person's classification pursuant to Chapter 2950. of the Revised 212  
Code. 213

When the nature and character of the offense with which a 214  
person is to be charged would be affected by the information, it 215  
may be used for the purpose of charging the person with an 216  
offense. 217

(E) In addition to the methods of expungement provided for 218  
in divisions (A) and (B) of this section, a person who has been 219  
adjudicated a delinquent child for having committed an act that 220  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 221  
the Revised Code if the child were an adult may apply to the 222



adjudicating court for the expungement of the record of 223  
adjudication if the person's participation in the act was a 224  
result of the person having been a victim of human trafficking. 225  
The application shall be made in the same manner as an 226  
application for expungement under section ~~2953.38~~2953.36 of the 227  
Revised Code, and all of the provisions of that section shall 228  
apply to the expungement procedure. 229

(F) After the records have been expunged under this 230  
section, the person who is the subject of the expunged records 231  
properly may, and the court shall, reply that no record exists 232  
with respect to the person upon any inquiry in the matter. 233

**Sec. 2923.125.** It is the intent of the general assembly 234  
that Ohio concealed handgun license law be compliant with the 235  
national instant criminal background check system, that the 236  
bureau of alcohol, tobacco, firearms, and explosives is able to 237  
determine that Ohio law is compliant with the national instant 238  
criminal background check system, and that no person shall be 239  
eligible to receive a concealed handgun license permit under 240  
section 2923.125 or 2923.1213 of the Revised Code unless the 241  
person is eligible lawfully to receive or possess a firearm in 242  
the United States. 243

(A) This section applies with respect to the application 244  
for and issuance by this state of concealed handgun licenses 245  
other than concealed handgun licenses on a temporary emergency 246  
basis that are issued under section 2923.1213 of the Revised 247  
Code. Upon the request of a person who wishes to obtain a 248  
concealed handgun license with respect to which this section 249  
applies or to renew a concealed handgun license with respect to 250  
which this section applies, a sheriff, as provided in division 251  
(I) of this section, shall provide to the person free of charge 252

an application form and the web site address at which a 253  
printable version of the application form that can be downloaded 254  
and the pamphlet described in division (B) of section 109.731 of 255  
the Revised Code may be found. A sheriff shall accept a 256  
completed application form and the fee, items, materials, and 257  
information specified in divisions (B)(1) to (5) of this section 258  
at the times and in the manners described in division (I) of 259  
this section. 260

(B) An applicant for a concealed handgun license who is a 261  
resident of this state shall submit a completed application form 262  
and all of the material and information described in divisions 263  
(B)(1) to (6) of this section to the sheriff of the county in 264  
which the applicant resides or to the sheriff of any county 265  
adjacent to the county in which the applicant resides. An 266  
applicant for a license who resides in another state shall 267  
submit a completed application form and all of the material and 268  
information described in divisions (B)(1) to (7) of this section 269  
to the sheriff of the county in which the applicant is employed 270  
or to the sheriff of any county adjacent to the county in which 271  
the applicant is employed: 272

(1) (a) A nonrefundable license fee as described in either 273  
of the following: 274

(i) For an applicant who has been a resident of this state 275  
for five or more years, a fee of sixty-seven dollars; 276

(ii) For an applicant who has been a resident of this 277  
state for less than five years or who is not a resident of this 278  
state, but who is employed in this state, a fee of sixty-seven 279  
dollars plus the actual cost of having a background check 280  
performed by the federal bureau of investigation. 281

(b) No sheriff shall require an applicant to pay for the cost of a background check performed by the bureau of criminal identification and investigation.

(c) A sheriff shall waive the payment of the license fee described in division (B) (1) (a) of this section in connection with an initial or renewal application for a license that is submitted by an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, a retired peace officer, a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

(d) The sheriff shall deposit all fees paid by an applicant under division (B) (1) (a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B) (3) (a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to

which the competency certification relates and that, regarding a 312  
certification described in division (B) (3) (d) of this section, 313  
the applicant currently is an active or reserve member of the 314  
armed forces of the United States, the applicant has retired 315  
from or was honorably discharged from military service in the 316  
active or reserve armed forces of the United States, or within 317  
the ten years immediately preceding the application the 318  
retirement of the peace officer, person described in division 319  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 320  
enforcement officer to which the competency certification 321  
relates occurred: 322

(a) An original or photocopy of a certificate of 323  
completion of a firearms safety, training, or requalification or 324  
firearms safety instructor course, class, or program that was 325  
offered by or under the auspices of a national gun advocacy 326  
organization and that complies with the requirements set forth 327  
in division (G) of this section; 328

(b) An original or photocopy of a certificate of 329  
completion of a firearms safety, training, or requalification or 330  
firearms safety instructor course, class, or program that 331  
satisfies all of the following criteria: 332

(i) It was open to members of the general public. 333

(ii) It utilized qualified instructors who were certified 334  
by a national gun advocacy organization, the executive director 335  
of the Ohio peace officer training commission pursuant to 336  
section 109.75 or 109.78 of the Revised Code, or a governmental 337  
official or entity of another state. 338

(iii) It was offered by or under the auspices of a law 339  
enforcement agency of this or another state or the United 340

States, a public or private college, university, or other 341  
similar postsecondary educational institution located in this or 342  
another state, a firearms training school located in this or 343  
another state, or another type of public or private entity or 344  
organization located in this or another state. 345

(iv) It complies with the requirements set forth in 346  
division (G) of this section. 347

(c) An original or photocopy of a certificate of 348  
completion of a state, county, municipal, or department of 349  
natural resources peace officer training school that is approved 350  
by the executive director of the Ohio peace officer training 351  
commission pursuant to section 109.75 of the Revised Code and 352  
that complies with the requirements set forth in division (G) of 353  
this section, or the applicant has satisfactorily completed and 354  
been issued a certificate of completion of a basic firearms 355  
training program, a firearms requalification training program, 356  
or another basic training program described in section 109.78 or 357  
109.801 of the Revised Code that complies with the requirements 358  
set forth in division (G) of this section; 359

(d) A document that evidences both of the following: 360

(i) That the applicant is an active or reserve member of 361  
the armed forces of the United States, has retired from or was 362  
honorably discharged from military service in the active or 363  
reserve armed forces of the United States, is a retired trooper 364  
of the state highway patrol, or is a retired peace officer or 365  
federal law enforcement officer described in division (B) (1) of 366  
this section or a retired person described in division (B) (1) (b) 367  
of section 109.77 of the Revised Code and division (B) (1) of 368  
this section; 369

(ii) That, through participation in the military service 370  
or through the former employment described in division (B) (3) (d) 371  
(i) of this section, the applicant acquired experience with 372  
handling handguns or other firearms, and the experience so 373  
acquired was equivalent to training that the applicant could 374  
have acquired in a course, class, or program described in 375  
division (B) (3) (a), (b), or (c) of this section. 376

(e) A certificate or another similar document that 377  
evidences satisfactory completion of a firearms training, 378  
safety, or requalification or firearms safety instructor course, 379  
class, or program that is not otherwise described in division 380  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 381  
by an instructor who was certified by an official or entity of 382  
the government of this or another state or the United States or 383  
by a national gun advocacy organization, and that complies with 384  
the requirements set forth in division (G) of this section; 385

(f) An affidavit that attests to the applicant's 386  
satisfactory completion of a course, class, or program described 387  
in division (B) (3) (a), (b), (c), or (e) of this section and that 388  
is subscribed by the applicant's instructor or an authorized 389  
representative of the entity that offered the course, class, or 390  
program or under whose auspices the course, class, or program 391  
was offered; 392

(g) A document that evidences that the applicant has 393  
successfully completed the Ohio peace officer training program 394  
described in section 109.79 of the Revised Code. 395

(4) A certification by the applicant that the applicant 396  
has read the pamphlet prepared by the Ohio peace officer 397  
training commission pursuant to section 109.731 of the Revised 398  
Code that reviews firearms, dispute resolution, and use of 399

deadly force matters. 400

(5) A set of fingerprints of the applicant provided as 401  
described in section 311.41 of the Revised Code through use of 402  
an electronic fingerprint reading device or, if the sheriff to 403  
whom the application is submitted does not possess and does not 404  
have ready access to the use of such a reading device, on a 405  
standard impression sheet prescribed pursuant to division (C) (2) 406  
of section 109.572 of the Revised Code. 407

(6) If the applicant is not a citizen or national of the 408  
United States, the name of the applicant's country of 409  
citizenship and the applicant's alien registration number issued 410  
by the United States citizenship and immigration services 411  
agency. 412

(7) If the applicant resides in another state, adequate 413  
proof of employment in Ohio. 414

(C) Upon receipt of the completed application form, 415  
supporting documentation, and, if not waived, license fee of an 416  
applicant under this section, a sheriff, in the manner specified 417  
in section 311.41 of the Revised Code, shall conduct or cause to 418  
be conducted the criminal records check and the incompetency 419  
records check described in section 311.41 of the Revised Code. 420

(D) (1) Except as provided in division (D) (3) of this 421  
section, within forty-five days after a sheriff's receipt of an 422  
applicant's completed application form for a concealed handgun 423  
license under this section, the supporting documentation, and, 424  
if not waived, the license fee, the sheriff shall make available 425  
through the law enforcement automated data system in accordance 426  
with division (H) of this section the information described in 427  
that division and, upon making the information available through 428

the system, shall issue to the applicant a concealed handgun 429  
license that shall expire as described in division (D) (2) (a) of 430  
this section if all of the following apply: 431

(a) The applicant is legally living in the United States. 432  
For purposes of division (D) (1) (a) of this section, if a person 433  
is absent from the United States in compliance with military or 434  
naval orders as an active or reserve member of the armed forces 435  
of the United States and if prior to leaving the United States 436  
the person was legally living in the United States, the person, 437  
solely by reason of that absence, shall not be considered to 438  
have lost the person's status as living in the United States. 439

(b) The applicant is at least twenty-one years of age. 440

(c) The applicant is not a fugitive from justice. 441

(d) The applicant is not under indictment for or otherwise 442  
charged with a felony; an offense under Chapter 2925., 3719., or 443  
4729. of the Revised Code that involves the illegal possession, 444  
use, sale, administration, or distribution of or trafficking in 445  
a drug of abuse; a misdemeanor offense of violence; or a 446  
violation of section 2903.14 or 2923.1211 of the Revised Code. 447

(e) Except as otherwise provided in division (D) (4) or (5) 448  
of this section, the applicant has not been convicted of or 449  
pleaded guilty to a felony or an offense under Chapter 2925., 450  
3719., or 4729. of the Revised Code that involves the illegal 451  
possession, use, sale, administration, or distribution of or 452  
trafficking in a drug of abuse; has not been adjudicated a 453  
delinquent child for committing an act that if committed by an 454  
adult would be a felony or would be an offense under Chapter 455  
2925., 3719., or 4729. of the Revised Code that involves the 456  
illegal possession, use, sale, administration, or distribution 457



of or trafficking in a drug of abuse; has not been convicted of, 458  
pleaded guilty to, or adjudicated a delinquent child for 459  
committing a violation of section 2903.13 of the Revised Code 460  
when the victim of the violation is a peace officer, regardless 461  
of whether the applicant was sentenced under division (C) (4) of 462  
that section; and has not been convicted of, pleaded guilty to, 463  
or adjudicated a delinquent child for committing any other 464  
offense that is not previously described in this division that 465  
is a misdemeanor punishable by imprisonment for a term exceeding 466  
one year. 467

(f) Except as otherwise provided in division (D) (4) or (5) 468  
of this section, the applicant, within three years of the date 469  
of the application, has not been convicted of or pleaded guilty 470  
to a misdemeanor offense of violence other than a misdemeanor 471  
violation of section 2921.33 of the Revised Code or a violation 472  
of section 2903.13 of the Revised Code when the victim of the 473  
violation is a peace officer, or a misdemeanor violation of 474  
section 2923.1211 of the Revised Code; and has not been 475  
adjudicated a delinquent child for committing an act that if 476  
committed by an adult would be a misdemeanor offense of violence 477  
other than a misdemeanor violation of section 2921.33 of the 478  
Revised Code or a violation of section 2903.13 of the Revised 479  
Code when the victim of the violation is a peace officer or for 480  
committing an act that if committed by an adult would be a 481  
misdemeanor violation of section 2923.1211 of the Revised Code. 482

(g) Except as otherwise provided in division (D) (1) (e) of 483  
this section, the applicant, within five years of the date of 484  
the application, has not been convicted of, pleaded guilty to, 485  
or adjudicated a delinquent child for committing two or more 486  
violations of section 2903.13 or 2903.14 of the Revised Code. 487

(h) Except as otherwise provided in division (D) (4) or (5) 488  
of this section, the applicant, within ten years of the date of 489  
the application, has not been convicted of, pleaded guilty to, 490  
or adjudicated a delinquent child for committing a violation of 491  
section 2921.33 of the Revised Code. 492

(i) The applicant has not been adjudicated as a mental 493  
defective, has not been committed to any mental institution, is 494  
not under adjudication of mental incompetence, has not been 495  
found by a court to be a mentally ill person subject to court 496  
order, and is not an involuntary patient other than one who is a 497  
patient only for purposes of observation. As used in this 498  
division, "mentally ill person subject to court order" and 499  
"patient" have the same meanings as in section 5122.01 of the 500  
Revised Code. 501

(j) The applicant is not currently subject to a civil 502  
protection order, a temporary protection order, or a protection 503  
order issued by a court of another state. 504

(k) The applicant certifies that the applicant desires a 505  
legal means to carry a concealed handgun for defense of the 506  
applicant or a member of the applicant's family while engaged in 507  
lawful activity. 508

(l) The applicant submits a competency certification of 509  
the type described in division (B) (3) of this section and 510  
submits a certification of the type described in division (B) (4) 511  
of this section regarding the applicant's reading of the 512  
pamphlet prepared by the Ohio peace officer training commission 513  
pursuant to section 109.731 of the Revised Code. 514

(m) The applicant currently is not subject to a suspension 515  
imposed under division (A) (2) of section 2923.128 of the Revised 516

Code of a concealed handgun license that previously was issued 517  
to the applicant under this section or section 2923.1213 of the 518  
Revised Code or a similar suspension imposed by another state 519  
regarding a concealed handgun license issued by that state. 520

(n) If the applicant resides in another state, the 521  
applicant is employed in this state. 522

(o) The applicant certifies that the applicant is not an 523  
unlawful user of or addicted to any controlled substance as 524  
defined in 21 U.S.C. 802. 525

(p) If the applicant is not a United States citizen, the 526  
applicant is an alien and has not been admitted to the United 527  
States under a nonimmigrant visa, as defined in the "Immigration 528  
and Nationality Act," 8 U.S.C. 1101(a) (26). 529

(q) The applicant has not been discharged from the armed 530  
forces of the United States under dishonorable conditions. 531

(r) The applicant certifies that the applicant has not 532  
renounced the applicant's United States citizenship, if 533  
applicable. 534

(s) The applicant has not been convicted of, pleaded 535  
guilty to, or adjudicated a delinquent child for committing a 536  
violation of section 2919.25 of the Revised Code or a similar 537  
violation in another state. 538

(2) (a) A concealed handgun license that a sheriff issues 539  
under division (D)(1) of this section shall expire five years 540  
after the date of issuance. 541

If a sheriff issues a license under this section, the 542  
sheriff shall place on the license a unique combination of 543  
letters and numbers identifying the license in accordance with 544

the procedure prescribed by the Ohio peace officer training 545  
commission pursuant to section 109.731 of the Revised Code. 546

(b) If a sheriff denies an application under this section 547  
because the applicant does not satisfy the criteria described in 548  
division (D)(1) of this section, the sheriff shall specify the 549  
grounds for the denial in a written notice to the applicant. The 550  
applicant may appeal the denial pursuant to section 119.12 of 551  
the Revised Code in the county served by the sheriff who denied 552  
the application. If the denial was as a result of the criminal 553  
records check conducted pursuant to section 311.41 of the 554  
Revised Code and if, pursuant to section 2923.127 of the Revised 555  
Code, the applicant challenges the criminal records check 556  
results using the appropriate challenge and review procedure 557  
specified in that section, the time for filing the appeal 558  
pursuant to section 119.12 of the Revised Code and this division 559  
is tolled during the pendency of the request or the challenge 560  
and review. 561

(c) If the court in an appeal under section 119.12 of the 562  
Revised Code and division (D)(2)(b) of this section enters a 563  
judgment sustaining the sheriff's refusal to grant to the 564  
applicant a concealed handgun license, the applicant may file a 565  
new application beginning one year after the judgment is 566  
entered. If the court enters a judgment in favor of the 567  
applicant, that judgment shall not restrict the authority of a 568  
sheriff to suspend or revoke the license pursuant to section 569  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 570  
the license for any proper cause that may occur after the date 571  
the judgment is entered. In the appeal, the court shall have 572  
full power to dispose of all costs. 573

(3) If the sheriff with whom an application for a 574

concealed handgun license was filed under this section becomes 575  
aware that the applicant has been arrested for or otherwise 576  
charged with an offense that would disqualify the applicant from 577  
holding the license, the sheriff shall suspend the processing of 578  
the application until the disposition of the case arising from 579  
the arrest or charge. 580

(4) If an applicant has been convicted of or pleaded 581  
guilty to an offense identified in division (D)(1)(e), (f), or 582  
(h) of this section or has been adjudicated a delinquent child 583  
for committing an act or violation identified in any of those 584  
divisions, and if a court has ordered the sealing or expungement 585  
of the records of that conviction, guilty plea, or adjudication 586  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 587  
~~2953.36, or section 2953.37~~ 2953.35 of the Revised Code or the 588  
applicant has been relieved under operation of law or legal 589  
process from the disability imposed pursuant to section 2923.13 590  
of the Revised Code relative to that conviction, guilty plea, or 591  
adjudication, the sheriff with whom the application was 592  
submitted shall not consider the conviction, guilty plea, or 593  
adjudication in making a determination under division (D)(1) or 594  
(F) of this section or, in relation to an application for a 595  
concealed handgun license on a temporary emergency basis 596  
submitted under section 2923.1213 of the Revised Code, in making 597  
a determination under division (B)(2) of that section. 598

(5) If an applicant has been convicted of or pleaded 599  
guilty to a minor misdemeanor offense or has been adjudicated a 600  
delinquent child for committing an act or violation that is a 601  
minor misdemeanor offense, the sheriff with whom the application 602  
was submitted shall not consider the conviction, guilty plea, or 603  
adjudication in making a determination under division (D)(1) or 604  
(F) of this section or, in relation to an application for a 605

concealed handgun license on a temporary basis submitted under 606  
section 2923.1213 of the Revised Code, in making a determination 607  
under division (B) (2) of that section. 608

(E) If a concealed handgun license issued under this 609  
section is lost or is destroyed, the licensee may obtain from 610  
the sheriff who issued that license a duplicate license upon the 611  
payment of a fee of fifteen dollars and the submission of an 612  
affidavit attesting to the loss or destruction of the license. 613  
The sheriff, in accordance with the procedures prescribed in 614  
section 109.731 of the Revised Code, shall place on the 615  
replacement license a combination of identifying numbers 616  
different from the combination on the license that is being 617  
replaced. 618

(F) (1) (a) Except as provided in division (F) (1) (b) of this 619  
section, a licensee who wishes to renew a concealed handgun 620  
license issued under this section may do so at any time before 621  
the expiration date of the license or at any time after the 622  
expiration date of the license by filing with the sheriff of the 623  
county in which the applicant resides or with the sheriff of an 624  
adjacent county, or in the case of an applicant who resides in 625  
another state with the sheriff of the county that issued the 626  
applicant's previous concealed handgun license an application 627  
for renewal of the license obtained pursuant to division (D) of 628  
this section, a certification by the applicant that, subsequent 629  
to the issuance of the license, the applicant has reread the 630  
pamphlet prepared by the Ohio peace officer training commission 631  
pursuant to section 109.731 of the Revised Code that reviews 632  
firearms, dispute resolution, and use of deadly force matters, 633  
and a nonrefundable license renewal fee in an amount determined 634  
pursuant to division (F) (4) of this section unless the fee is 635  
waived. 636

(b) A person on active duty in the armed forces of the 637  
United States or in service with the peace corps, volunteers in 638  
service to America, or the foreign service of the United States 639  
is exempt from the license requirements of this section for the 640  
period of the person's active duty or service and for six months 641  
thereafter, provided the person was a licensee under this 642  
section at the time the person commenced the person's active 643  
duty or service or had obtained a license while on active duty 644  
or service. The spouse or a dependent of any such person on 645  
active duty or in service also is exempt from the license 646  
requirements of this section for the period of the person's 647  
active duty or service and for six months thereafter, provided 648  
the spouse or dependent was a licensee under this section at the 649  
time the person commenced the active duty or service or had 650  
obtained a license while the person was on active duty or 651  
service, and provided further that the person's active duty or 652  
service resulted in the spouse or dependent relocating outside 653  
of this state during the period of the active duty or service. 654  
This division does not prevent such a person or the person's 655  
spouse or dependent from making an application for the renewal 656  
of a concealed handgun license during the period of the person's 657  
active duty or service. 658

(2) A sheriff shall accept a completed renewal 659  
application, the license renewal fee, and the information 660  
specified in division (F)(1) of this section at the times and in 661  
the manners described in division (I) of this section. Upon 662  
receipt of a completed renewal application, of certification 663  
that the applicant has reread the specified pamphlet prepared by 664  
the Ohio peace officer training commission, and of a license 665  
renewal fee unless the fee is waived, a sheriff, in the manner 666  
specified in section 311.41 of the Revised Code shall conduct or 667

cause to be conducted the criminal records check and the 668  
incompetency records check described in section 311.41 of the 669  
Revised Code. The sheriff shall renew the license if the sheriff 670  
determines that the applicant continues to satisfy the 671  
requirements described in division (D) (1) of this section, 672  
except that the applicant is not required to meet the 673  
requirements of division (D) (1) (1) of this section. A renewed 674  
license shall expire five years after the date of issuance. A 675  
renewed license is subject to division (E) of this section and 676  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 677  
shall comply with divisions (D) (2) and (3) of this section when 678  
the circumstances described in those divisions apply to a 679  
requested license renewal. If a sheriff denies the renewal of a 680  
concealed handgun license, the applicant may appeal the denial, 681  
or challenge the criminal record check results that were the 682  
basis of the denial if applicable, in the same manner as 683  
specified in division (D) (2) (b) of this section and in section 684  
2923.127 of the Revised Code, regarding the denial of a license 685  
under this section. 686

(3) A renewal application submitted pursuant to division 687  
(F) of this section shall only require the licensee to list on 688  
the application form information and matters occurring since the 689  
date of the licensee's last application for a license pursuant 690  
to division (B) or (F) of this section. A sheriff conducting the 691  
criminal records check and the incompetency records check 692  
described in section 311.41 of the Revised Code shall conduct 693  
the check only from the date of the licensee's last application 694  
for a license pursuant to division (B) or (F) of this section 695  
through the date of the renewal application submitted pursuant 696  
to division (F) of this section. 697

(4) An applicant for a renewal concealed handgun license 698



under this section shall submit to the sheriff of the county in 699  
which the applicant resides or to the sheriff of any county 700  
adjacent to the county in which the applicant resides, or in the 701  
case of an applicant who resides in another state to the sheriff 702  
of the county that issued the applicant's previous concealed 703  
handgun license, a nonrefundable license fee as described in 704  
either of the following: 705

(a) For an applicant who has been a resident of this state 706  
for five or more years, a fee of fifty dollars; 707

(b) For an applicant who has been a resident of this state 708  
for less than five years or who is not a resident of this state 709  
but who is employed in this state, a fee of fifty dollars plus 710  
the actual cost of having a background check performed by the 711  
federal bureau of investigation. 712

(5) The concealed handgun license of a licensee who is no 713  
longer a resident of this state or no longer employed in this 714  
state, as applicable, is valid until the date of expiration on 715  
the license, and the licensee is prohibited from renewing the 716  
concealed handgun license. 717

(G) (1) Each course, class, or program described in 718  
division (B) (3) (a), (b), (c), or (e) of this section shall 719  
provide to each person who takes the course, class, or program 720  
the web site address at which the pamphlet prepared by the Ohio 721  
peace officer training commission pursuant to section 109.731 of 722  
the Revised Code that reviews firearms, dispute resolution, and 723  
use of deadly force matters may be found. Each such course, 724  
class, or program described in one of those divisions shall 725  
include at least eight hours of training in the safe handling 726  
and use of a firearm that shall include training, provided as 727  
described in division (G) (3) of this section, on all of the 728

|   |                                 |
|---|---------------------------------|
| following:  | 729                             |
| (a) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;  | 730<br>731<br>732               |
| (b) The ability to demonstrate and explain how to handle ammunition in a safe manner;   | 733<br>734                      |
| (c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;   | 735<br>736                      |
| (d) Gun handling training;  | 737                             |
| (e) A minimum of two hours of in-person training that consists of range time and live-fire training.  | 738<br>739                      |
| (2) To satisfactorily complete the course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:   | 740<br>741<br>742<br>743        |
| (a) A written section, provided as described in division (G) (3) of this section, on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;   | 744<br>745<br>746<br>747        |
| (b) An in-person physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.   | 748<br>749<br>750<br>751        |
| (3) (a) Except as otherwise provided in this division, the training specified in division (G) (1) (a) of this section shall be provided to the person receiving the training in person by an instructor. If the training specified in division (G) (1) (a) of this section is provided by a course, class, or program | 752<br>753<br>754<br>755<br>756 |

described in division (B) (3) (a) of this section, or it is 757  
provided by a course, class, or program described in division 758  
(B) (3) (b), (c), or (e) of this section and the instructor is a 759  
qualified instructor certified by a national gun advocacy 760  
organization, the training so specified, other than the training 761  
that requires the person receiving the training to demonstrate 762  
handling abilities, may be provided online or as a combination 763  
of in-person and online training, as long as the online training 764  
includes an interactive component that regularly engages the 765  
person. 766

(b) Except as otherwise provided in this division, the 767  
written section of the competency examination specified in 768  
division (G) (2) (a) of this section shall be administered to the 769  
person taking the competency examination in person by an 770  
instructor. If the training specified in division (G) (1) (a) of 771  
this section is provided to the person receiving the training by 772  
a course, class, or program described in division (B) (3) (a) of 773  
this section, or it is provided by a course, class, or program 774  
described in division (B) (3) (b), (c), or (e) of this section and 775  
the instructor is a qualified instructor certified by a national 776  
gun advocacy organization, the written section of the competency 777  
examination specified in division (G) (2) (a) of this section may 778  
be administered online, as long as the online training includes 779  
an interactive component that regularly engages the person. 780

(4) The competency certification described in division (B) 781  
(3) (a), (b), (c), or (e) of this section shall be dated and 782  
shall attest that the course, class, or program the applicant 783  
successfully completed met the requirements described in 784  
division (G) (1) of this section and that the applicant passed 785  
the competency examination described in division (G) (2) of this 786  
section. 787

(H) Upon deciding to issue a concealed handgun license, 788  
deciding to issue a replacement concealed handgun license, or 789  
deciding to renew a concealed handgun license pursuant to this 790  
section, and before actually issuing or renewing the license, 791  
the sheriff shall make available through the law enforcement 792  
automated data system all information contained on the license. 793  
If the license subsequently is suspended under division (A) (1) 794  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 795  
to division (B) (1) of section 2923.128 of the Revised Code, or 796  
lost or destroyed, the sheriff also shall make available through 797  
the law enforcement automated data system a notation of that 798  
fact. The superintendent of the state highway patrol shall 799  
ensure that the law enforcement automated data system is so 800  
configured as to permit the transmission through the system of 801  
the information specified in this division. 802

(I) (1) A sheriff shall accept a completed application form 803  
or renewal application, and the fee, items, materials, and 804  
information specified in divisions (B) (1) to (5) or division (F) 805  
of this section, whichever is applicable, and shall provide an 806  
application form or renewal application to any person during at 807  
least fifteen hours a week and shall provide the web site 808  
address at which a printable version of the application form 809  
that can be downloaded and the pamphlet described in division 810  
(B) of section 109.731 of the Revised Code may be found at any 811  
time, upon request. The sheriff shall post notice of the hours 812  
during which the sheriff is available to accept or provide the 813  
information described in this division. 814

(2) A sheriff shall transmit a notice to the attorney 815  
general, in a manner determined by the attorney general, every 816  
time a license is issued that waived payment under division (B) 817  
(1) (c) of this section for an applicant who is an active or 818

reserve member of the armed forces of the United States or has 819  
retired from or was honorably discharged from military service 820  
in the active or reserve armed forces of the United States. The 821  
attorney general shall monitor and inform sheriffs issuing 822  
licenses under this section when the amount of license fee 823  
payments waived and transmitted to the attorney general reach 824  
one million five hundred thousand dollars each year. Once a 825  
sheriff is informed that the payments waived reached one million 826  
five hundred thousand dollars in any year, a sheriff shall no 827  
longer waive payment of a license fee for an applicant who is an 828  
active or reserve member of the armed forces of the United 829  
States or has retired from or was honorably discharged from 830  
military service in the active or reserve armed forces of the 831  
United States for the remainder of that year. 832

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 833  
concealed handgun license is arrested for or otherwise charged 834  
with an offense described in division (D) (1) (d) of section 835  
2923.125 of the Revised Code or with a violation of section 836  
2923.15 of the Revised Code or becomes subject to a temporary 837  
protection order or to a protection order issued by a court of 838  
another state that is substantially equivalent to a temporary 839  
protection order, the sheriff who issued the license shall 840  
suspend it and shall comply with division (A) (3) of this section 841  
upon becoming aware of the arrest, charge, or protection order. 842  
Upon suspending the license, the sheriff also shall comply with 843  
division (H) of section 2923.125 of the Revised Code. 844

(b) A suspension under division (A) (1) (a) of this section 845  
shall be considered as beginning on the date that the licensee 846  
is arrested for or otherwise charged with an offense described 847  
in that division or on the date the appropriate court issued the 848  
protection order described in that division, irrespective of 849

when the sheriff notifies the licensee under division (A) (3) of 850  
this section. The suspension shall end on the date on which the 851  
charges are dismissed or the licensee is found not guilty of the 852  
offense described in division (A) (1) (a) of this section or, 853  
subject to division (B) of this section, on the date the 854  
appropriate court terminates the protection order described in 855  
that division. If the suspension so ends, the sheriff shall 856  
return the license or temporary emergency license to the 857  
licensee. 858

(2) (a) If a licensee holding a valid concealed handgun 859  
license is convicted of or pleads guilty to a misdemeanor 860  
violation of division (B) (1), (2), or (4) of section 2923.12 of 861  
the Revised Code or of division (E) (1), (2), (3), or (5) of 862  
section 2923.16 of the Revised Code, except as provided in 863  
division (A) (2) (c) of this section and subject to division (C) 864  
of this section, the sheriff who issued the license shall 865  
suspend it and shall comply with division (A) (3) of this section 866  
upon becoming aware of the conviction or guilty plea. Upon 867  
suspending the license, the sheriff also shall comply with 868  
division (H) of section 2923.125 of the Revised Code. 869

(b) A suspension under division (A) (2) (a) of this section 870  
shall be considered as beginning on the date that the licensee 871  
is convicted of or pleads guilty to the offense described in 872  
that division, irrespective of when the sheriff notifies the 873  
licensee under division (A) (3) of this section. If the 874  
suspension is imposed for a misdemeanor violation of division 875  
(B) (1) or (2) of section 2923.12 of the Revised Code or of 876  
division (E) (1), (2), or (3) of section 2923.16 of the Revised 877  
Code, it shall end on the date that is one year after the date 878  
that the licensee is convicted of or pleads guilty to that 879  
violation. If the suspension is imposed for a misdemeanor 880

violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

(c) The license of a licensee who is convicted of or pleads guilty to a violation of division (B) (1) of section 2923.12 or division (E) (1) or (2) of section 2923.16 of the Revised Code shall not be suspended pursuant to division (A) (2) (a) of this section if, at the time of the stop of the licensee for a law enforcement purpose, for a traffic stop, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation, any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the licensee's status as a licensee.

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun

license, or a conviction of or plea of guilty to a misdemeanor 912  
offense described in division (A) (2) (a) of this section with 913  
respect to a licensee who was issued a concealed handgun license 914  
and with respect to which division (A) (2) (c) of this section 915  
does not apply, subject to division (C) of this section, the 916  
sheriff who issued the licensee's license shall notify the 917  
licensee, by certified mail, return receipt requested, at the 918  
licensee's last known residence address that the license has 919  
been suspended and that the licensee is required to surrender 920  
the license at the sheriff's office within ten days of the date 921  
on which the notice was mailed. If the suspension is pursuant to 922  
division (A) (2) of this section, the notice shall identify the 923  
date on which the suspension ends. 924

(B) (1) A sheriff who issues a concealed handgun license to 925  
a licensee shall revoke the license in accordance with division 926  
(B) (2) of this section upon becoming aware that the licensee 927  
satisfies any of the following: 928

(a) The licensee is under twenty-one years of age. 929

(b) Subject to division (C) of this section, at the time 930  
of the issuance of the license, the licensee did not satisfy the 931  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 932  
(g), or (h) of section 2923.125 of the Revised Code. 933

(c) Subject to division (C) of this section, on or after 934  
the date on which the license was issued, the licensee is 935  
convicted of or pleads guilty to a violation of section 2923.15 936  
of the Revised Code or an offense described in division (D) (1) 937  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 938

(d) On or after the date on which the license was issued, 939  
the licensee becomes subject to a civil protection order or to a 940



protection order issued by a court of another state that is 941  
substantially equivalent to a civil protection order. 942

(e) The licensee knowingly carries a concealed handgun 943  
into a place that the licensee knows is an unauthorized place 944  
specified in division (B) of section 2923.126 of the Revised 945  
Code. 946

(f) On or after the date on which the license was issued, 947  
the licensee is adjudicated as a mental defective or is 948  
committed to a mental institution. 949

(g) At the time of the issuance of the license, the 950  
licensee did not meet the residency requirements described in 951  
division (D)(1) of section 2923.125 of the Revised Code and 952  
currently does not meet the residency requirements described in 953  
that division. 954

(h) Regarding a license issued under section 2923.125 of 955  
the Revised Code, the competency certificate the licensee 956  
submitted was forged or otherwise was fraudulent. 957

(2) Upon becoming aware of any circumstance listed in 958  
division (B)(1) of this section that applies to a particular 959  
licensee who was issued a concealed handgun license, subject to 960  
division (C) of this section, the sheriff who issued the license 961  
to the licensee shall notify the licensee, by certified mail, 962  
return receipt requested, at the licensee's last known residence 963  
address that the license is subject to revocation and that the 964  
licensee may come to the sheriff's office and contest the 965  
sheriff's proposed revocation within fourteen days of the date 966  
on which the notice was mailed. After the fourteen-day period 967  
and after consideration of any information that the licensee 968  
provides during that period, if the sheriff determines on the 969

basis of the information of which the sheriff is aware that the 970  
licensee is described in division (B) (1) of this section and no 971  
longer satisfies the requirements described in division (D) (1) 972  
of section 2923.125 of the Revised Code that are applicable to 973  
the licensee's type of license, the sheriff shall revoke the 974  
license, notify the licensee of that fact, and require the 975  
licensee to surrender the license. Upon revoking the license, 976  
the sheriff also shall comply with division (H) of section 977  
2923.125 of the Revised Code. 978

(C) If a sheriff who issues a concealed handgun license to 979  
a licensee becomes aware that at the time of the issuance of the 980  
license the licensee had been convicted of or pleaded guilty to 981  
an offense identified in division (D) (1) (e), (f), or (h) of 982  
section 2923.125 of the Revised Code or had been adjudicated a 983  
delinquent child for committing an act or violation identified 984  
in any of those divisions or becomes aware that on or after the 985  
date on which the license was issued the licensee has been 986  
convicted of or pleaded guilty to an offense identified in 987  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 988  
shall not consider that conviction, guilty plea, or adjudication 989  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 990  
(1), and (B) (2) of this section if a court has ordered the 991  
sealing or expungement of the records of that conviction, guilty 992  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 993  
or sections 2953.31 to ~~2953.36~~2953.34 of the Revised Code or 994  
the licensee has been relieved under operation of law or legal 995  
process from the disability imposed pursuant to section 2923.13 996  
of the Revised Code relative to that conviction, guilty plea, or 997  
adjudication. 998

(D) As used in this section, "motor carrier enforcement 999  
unit" has the same meaning as in section 2923.16 of the Revised 1000

|   |      |
|---|------|
| Code.   | 1001 |
| <b>Sec. 2923.1213.</b> (A) As used in this section:             | 1002 |
| (1) "Evidence of imminent danger" means any of the              | 1003 |
| following:  | 1004 |
| (a) A statement sworn by the person seeking to carry a          | 1005 |
| concealed handgun that is made under threat of perjury and that | 1006 |
| states that the person has reasonable cause to fear a criminal  | 1007 |
| attack upon the person or a member of the person's family, such | 1008 |
| as would justify a prudent person in going armed;               | 1009 |
| (b) A written document prepared by a governmental entity        | 1010 |
| or public official describing the facts that give the person    | 1011 |
| seeking to carry a concealed handgun reasonable cause to fear a | 1012 |
| criminal attack upon the person or a member of the person's     | 1013 |
| family, such as would justify a prudent person in going armed.  | 1014 |
| Written documents of this nature include, but are not limited   | 1015 |
| to, any temporary protection order, civil protection order,     | 1016 |
| protection order issued by another state, or other court order, | 1017 |
| any court report, and any report filed with or made by a law    | 1018 |
| enforcement agency or prosecutor.                               | 1019 |
| (2) "Prosecutor" has the same meaning as in section             | 1020 |
| 2935.01 of the Revised Code.                                    | 1021 |
| (B) (1) A person seeking a concealed handgun license on a       | 1022 |
| temporary emergency basis shall submit to the sheriff of the    | 1023 |
| county in which the person resides or, if the person usually    | 1024 |
| resides in another state, to the sheriff of the county in which | 1025 |
| the person is temporarily staying, all of the following:        | 1026 |
| (a) Evidence of imminent danger to the person or a member       | 1027 |
| of the person's family;   | 1028 |

(b) A sworn affidavit that contains all of the information 1029  
required to be on the license and attesting that the person is 1030  
legally living in the United States; is at least twenty-one 1031  
years of age; is not a fugitive from justice; is not under 1032  
indictment for or otherwise charged with an offense identified 1033  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1034  
has not been convicted of or pleaded guilty to an offense, and 1035  
has not been adjudicated a delinquent child for committing an 1036  
act, identified in division (D) (1) (e) of that section and to 1037  
which division (B) (3) of this section does not apply; within 1038  
three years of the date of the submission, has not been 1039  
convicted of or pleaded guilty to an offense, and has not been 1040  
adjudicated a delinquent child for committing an act, identified 1041  
in division (D) (1) (f) of that section and to which division (B) 1042  
(3) of this section does not apply; within five years of the 1043  
date of the submission, has not been convicted of, pleaded 1044  
guilty, or adjudicated a delinquent child for committing two or 1045  
more violations identified in division (D) (1) (g) of that 1046  
section; within ten years of the date of the submission, has not 1047  
been convicted of, pleaded guilty, or adjudicated a delinquent 1048  
child for committing a violation identified in division (D) (1) 1049  
(h) of that section and to which division (B) (3) of this section 1050  
does not apply; has not been adjudicated as a mental defective, 1051  
has not been committed to any mental institution, is not under 1052  
adjudication of mental incompetence, has not been found by a 1053  
court to be a mentally ill person subject to court order, and is 1054  
not an involuntary patient other than one who is a patient only 1055  
for purposes of observation, as described in division (D) (1) (i) 1056  
of that section; is not currently subject to a civil protection 1057  
order, a temporary protection order, or a protection order 1058  
issued by a court of another state, as described in division (D) 1059  
(1) (j) of that section; is not currently subject to a suspension 1060

imposed under division (A) (2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the person or a similar suspension imposed by another state regarding a concealed handgun license issued by that state; is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802; if applicable, is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not been discharged from the armed forces of the United States under dishonorable conditions; if applicable, has not renounced the applicant's United States citizenship; and has not been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation identified in division (D) (1) (s) of section 2923.125 of the Revised Code;

(c) A nonrefundable temporary emergency license fee as described in either of the following:

(i) For an applicant who has been a resident of this state for five or more years, a fee of fifteen dollars plus the actual cost of having a background check performed by the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code;

(ii) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state, but is temporarily staying in this state, a fee of fifteen dollars plus the actual cost of having background checks performed by the federal bureau of investigation and the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code.

(d) A set of fingerprints of the applicant provided as

described in section 311.41 of the Revised Code through use of 1091  
an electronic fingerprint reading device or, if the sheriff to 1092  
whom the application is submitted does not possess and does not 1093  
have ready access to the use of an electronic fingerprint 1094  
reading device, on a standard impression sheet prescribed 1095  
pursuant to division (C)(2) of section 109.572 of the Revised 1096  
Code. If the fingerprints are provided on a standard impression 1097  
sheet, the person also shall provide the person's social 1098  
security number to the sheriff. 1099

(2) A sheriff shall accept the evidence of imminent 1100  
danger, the sworn affidavit, the fee, and the set of 1101  
fingerprints required under division (B)(1) of this section at 1102  
the times and in the manners described in division (I) of this 1103  
section. Upon receipt of the evidence of imminent danger, the 1104  
sworn affidavit, the fee, and the set of fingerprints required 1105  
under division (B)(1) of this section, the sheriff, in the 1106  
manner specified in section 311.41 of the Revised Code, 1107  
immediately shall conduct or cause to be conducted the criminal 1108  
records check and the incompetency records check described in 1109  
section 311.41 of the Revised Code. Immediately upon receipt of 1110  
the results of the records checks, the sheriff shall review the 1111  
information and shall determine whether the criteria set forth 1112  
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 1113  
of the Revised Code apply regarding the person. If the sheriff 1114  
determines that all of the criteria set forth in divisions (D) 1115  
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 1116  
Code apply regarding the person, the sheriff shall immediately 1117  
make available through the law enforcement automated data system 1118  
all information that will be contained on the temporary 1119  
emergency license for the person if one is issued, and the 1120  
superintendent of the state highway patrol shall ensure that the 1121

system is so configured as to permit the transmission through 1122  
the system of that information. Upon making that information 1123  
available through the law enforcement automated data system, the 1124  
sheriff shall immediately issue to the person a concealed 1125  
handgun license on a temporary emergency basis. 1126

If the sheriff denies the issuance of a license on a 1127  
temporary emergency basis to the person, the sheriff shall 1128  
specify the grounds for the denial in a written notice to the 1129  
person. The person may appeal the denial, or challenge criminal 1130  
records check results that were the basis of the denial if 1131  
applicable, in the same manners specified in division (D) (2) of 1132  
section 2923.125 and in section 2923.127 of the Revised Code, 1133  
regarding the denial of an application for a concealed handgun 1134  
license under that section. 1135

The license on a temporary emergency basis issued under 1136  
this division shall be in the form, and shall include all of the 1137  
information, described in divisions (A) (2) (a) and (d) of section 1138  
109.731 of the Revised Code, and also shall include a unique 1139  
combination of identifying letters and numbers in accordance 1140  
with division (A) (2) (c) of that section. 1141

The license on a temporary emergency basis issued under 1142  
this division is valid for ninety days and may not be renewed. A 1143  
person who has been issued a license on a temporary emergency 1144  
basis under this division shall not be issued another license on 1145  
a temporary emergency basis unless at least four years has 1146  
expired since the issuance of the prior license on a temporary 1147  
emergency basis. 1148

(3) If a person seeking a concealed handgun license on a 1149  
temporary emergency basis has been convicted of or pleaded 1150  
guilty to an offense identified in division (D) (1) (e), (f), or 1151

(h) of section 2923.125 of the Revised Code or has been 1152  
adjudicated a delinquent child for committing an act or 1153  
violation identified in any of those divisions, and if a court 1154  
has ordered the sealing or expungement of the records of that 1155  
conviction, guilty plea, or adjudication pursuant to sections 1156  
2151.355 to 2151.358 or sections 2953.31 to ~~2953.36~~2953.34 of 1157  
the Revised Code or the applicant has been relieved under 1158  
operation of law or legal process from the disability imposed 1159  
pursuant to section 2923.13 of the Revised Code relative to that 1160  
conviction, guilty plea, or adjudication, the conviction, guilty 1161  
plea, or adjudication shall not be relevant for purposes of the 1162  
sworn affidavit described in division (B)(1)(b) of this section, 1163  
and the person may complete, and swear to the truth of, the 1164  
affidavit as if the conviction, guilty plea, or adjudication 1165  
never had occurred. 1166

(4) The sheriff shall waive the payment pursuant to 1167  
division (B)(1)(c) of this section of the license fee in 1168  
connection with an application that is submitted by an applicant 1169  
who is a retired peace officer, a retired person described in 1170  
division (B)(1)(b) of section 109.77 of the Revised Code, or a 1171  
retired federal law enforcement officer who, prior to 1172  
retirement, was authorized under federal law to carry a firearm 1173  
in the course of duty, unless the retired peace officer, person, 1174  
or federal law enforcement officer retired as the result of a 1175  
mental disability. 1176

The sheriff shall deposit all fees paid by an applicant 1177  
under division (B)(1)(c) of this section into the sheriff's 1178  
concealed handgun license issuance fund established pursuant to 1179  
section 311.42 of the Revised Code. 1180

(C) A person who holds a concealed handgun license on a 1181



temporary emergency basis has the same right to carry a 1182  
concealed handgun as a person who was issued a concealed handgun 1183  
license under section 2923.125 of the Revised Code, and any 1184  
exceptions to the prohibitions contained in section 1547.69 and 1185  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1186  
under section 2923.125 of the Revised Code apply to a licensee 1187  
under this section. The person is subject to the same 1188  
restrictions, and to all other procedures, duties, and 1189  
sanctions, that apply to a person who carries a license issued 1190  
under section 2923.125 of the Revised Code, other than the 1191  
license renewal procedures set forth in that section. 1192

(D) A sheriff who issues a concealed handgun license on a 1193  
temporary emergency basis under this section shall not require a 1194  
person seeking to carry a concealed handgun in accordance with 1195  
this section to submit a competency certificate as a 1196  
prerequisite for issuing the license and shall comply with 1197  
division (H) of section 2923.125 of the Revised Code in regards 1198  
to the license. The sheriff shall suspend or revoke the license 1199  
in accordance with section 2923.128 of the Revised Code. In 1200  
addition to the suspension or revocation procedures set forth in 1201  
section 2923.128 of the Revised Code, the sheriff may revoke the 1202  
license upon receiving information, verifiable by public 1203  
documents, that the person is not eligible to possess a firearm 1204  
under either the laws of this state or of the United States or 1205  
that the person committed perjury in obtaining the license; if 1206  
the sheriff revokes a license under this additional authority, 1207  
the sheriff shall notify the person, by certified mail, return 1208  
receipt requested, at the person's last known residence address 1209  
that the license has been revoked and that the person is 1210  
required to surrender the license at the sheriff's office within 1211  
ten days of the date on which the notice was mailed. Division 1212

(H) of section 2923.125 of the Revised Code applies regarding 1213  
any suspension or revocation of a concealed handgun license on a 1214  
temporary emergency basis. 1215

(E) A sheriff who issues a concealed handgun license on a 1216  
temporary emergency basis under this section shall retain, for 1217  
the entire period during which the license is in effect, the 1218  
evidence of imminent danger that the person submitted to the 1219  
sheriff and that was the basis for the license, or a copy of 1220  
that evidence, as appropriate. 1221

(F) If a concealed handgun license on a temporary 1222  
emergency basis issued under this section is lost or is 1223  
destroyed, the licensee may obtain from the sheriff who issued 1224  
that license a duplicate license upon the payment of a fee of 1225  
fifteen dollars and the submission of an affidavit attesting to 1226  
the loss or destruction of the license. The sheriff, in 1227  
accordance with the procedures prescribed in section 109.731 of 1228  
the Revised Code, shall place on the replacement license a 1229  
combination of identifying numbers different from the 1230  
combination on the license that is being replaced. 1231

(G) The attorney general shall prescribe, and shall make 1232  
available to sheriffs, a standard form to be used under division 1233  
(B) of this section by a person who applies for a concealed 1234  
handgun license on a temporary emergency basis on the basis of 1235  
imminent danger of a type described in division (A) (1) (a) of 1236  
this section. The attorney general shall design the form to 1237  
enable applicants to provide the information that is required by 1238  
law to be collected, and shall update the form as necessary. 1239  
Burdens or restrictions to obtaining a concealed handgun license 1240  
that are not expressly prescribed in law shall not be 1241  
incorporated into the form. The attorney general shall post a 1242

printable version of the form on the web site of the attorney 1243  
general and shall provide the address of the web site to any 1244  
person who requests the form. 1245

(H) A sheriff who receives any fees paid by a person under 1246  
this section shall deposit all fees so paid into the sheriff's 1247  
concealed handgun license issuance expense fund established 1248  
under section 311.42 of the Revised Code. 1249

(I) A sheriff shall accept evidence of imminent danger, a 1250  
sworn affidavit, the fee, and the set of fingerprints specified 1251  
in division (B)(1) of this section at any time during normal 1252  
business hours. In no case shall a sheriff require an 1253  
appointment, or designate a specific period of time, for the 1254  
submission or acceptance of evidence of imminent danger, a sworn 1255  
affidavit, the fee, and the set of fingerprints specified in 1256  
division (B)(1) of this section, or for the provision to any 1257  
person of a standard form to be used for a person to apply for a 1258  
concealed handgun license on a temporary emergency basis. 1259

**Sec. 2923.16.** (A) No person shall knowingly discharge a 1260  
firearm while in or on a motor vehicle. 1261

(B) No person shall knowingly transport or have a loaded 1262  
firearm in a motor vehicle in such a manner that the firearm is 1263  
accessible to the operator or any passenger without leaving the 1264  
vehicle. 1265

(C) No person shall knowingly transport or have a firearm 1266  
in a motor vehicle, unless the person may lawfully possess that 1267  
firearm under applicable law of this state or the United States, 1268  
the firearm is unloaded, and the firearm is carried in one of 1269  
the following ways: 1270

(1) In a closed package, box, or case; 1271

(2) In a compartment that can be reached only by leaving 1272  
the vehicle; 1273

(3) In plain sight and secured in a rack or holder made 1274  
for the purpose; 1275

(4) If the firearm is at least twenty-four inches in 1276  
overall length as measured from the muzzle to the part of the 1277  
stock furthest from the muzzle and if the barrel is at least 1278  
eighteen inches in length, either in plain sight with the action 1279  
open or the weapon stripped, or, if the firearm is of a type on 1280  
which the action will not stay open or which cannot easily be 1281  
stripped, in plain sight. 1282

(D) No person shall knowingly transport or have a loaded 1283  
handgun in a motor vehicle if, at the time of that 1284  
transportation or possession, any of the following applies: 1285

(1) The person is under the influence of alcohol, a drug 1286  
of abuse, or a combination of them. 1287

(2) The person's whole blood, blood serum or plasma, 1288  
breath, or urine contains a concentration of alcohol, a listed 1289  
controlled substance, or a listed metabolite of a controlled 1290  
substance prohibited for persons operating a vehicle, as 1291  
specified in division (A) of section 4511.19 of the Revised 1292  
Code, regardless of whether the person at the time of the 1293  
transportation or possession as described in this division is 1294  
the operator of or a passenger in the motor vehicle. 1295

(E) No person who has been issued a concealed handgun 1296  
license or who is an active duty member of the armed forces of 1297  
the United States and is carrying a valid military 1298  
identification card and documentation of successful completion 1299  
of firearms training that meets or exceeds the training 1300

requirements described in division (G) (1) of section 2923.125 of 1301  
the Revised Code, who is the driver or an occupant of a motor 1302  
vehicle that is stopped as a result of a traffic stop or a stop 1303  
for another law enforcement purpose or is the driver or an 1304  
occupant of a commercial motor vehicle that is stopped by an 1305  
employee of the motor carrier enforcement unit for the purposes 1306  
defined in section 5503.34 of the Revised Code, and who is 1307  
transporting or has a loaded handgun in the motor vehicle or 1308  
commercial motor vehicle in any manner, shall do any of the 1309  
following: 1310

(1) Fail to promptly inform any law enforcement officer 1311  
who approaches the vehicle while stopped that the person has 1312  
been issued a concealed handgun license or is authorized to 1313  
carry a concealed handgun as an active duty member of the armed 1314  
forces of the United States and that the person then possesses 1315  
or has a loaded handgun in the motor vehicle; 1316

(2) Fail to promptly inform the employee of the unit who 1317  
approaches the vehicle while stopped that the person has been 1318  
issued a concealed handgun license or is authorized to carry a 1319  
concealed handgun as an active duty member of the armed forces 1320  
of the United States and that the person then possesses or has a 1321  
loaded handgun in the commercial motor vehicle; 1322

(3) Knowingly fail to remain in the motor vehicle while 1323  
stopped or knowingly fail to keep the person's hands in plain 1324  
sight at any time after any law enforcement officer begins 1325  
approaching the person while stopped and before the law 1326  
enforcement officer leaves, unless the failure is pursuant to 1327  
and in accordance with directions given by a law enforcement 1328  
officer; 1329

(4) Knowingly have contact with the loaded handgun by 1330

touching it with the person's hands or fingers in the motor 1331  
vehicle at any time after the law enforcement officer begins 1332  
approaching and before the law enforcement officer leaves, 1333  
unless the person has contact with the loaded handgun pursuant 1334  
to and in accordance with directions given by the law 1335  
enforcement officer; 1336

(5) Knowingly disregard or fail to comply with any lawful 1337  
order of any law enforcement officer given while the motor 1338  
vehicle is stopped, including, but not limited to, a specific 1339  
order to the person to keep the person's hands in plain sight. 1340

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1341  
not apply to any of the following: 1342

(a) An officer, agent, or employee of this or any other 1343  
state or the United States, or a law enforcement officer, when 1344  
authorized to carry or have loaded or accessible firearms in 1345  
motor vehicles and acting within the scope of the officer's, 1346  
agent's, or employee's duties; 1347

(b) Any person who is employed in this state, who is 1348  
authorized to carry or have loaded or accessible firearms in 1349  
motor vehicles, and who is subject to and in compliance with the 1350  
requirements of section 109.801 of the Revised Code, unless the 1351  
appointing authority of the person has expressly specified that 1352  
the exemption provided in division (F) (1) (b) of this section 1353  
does not apply to the person. 1354

(2) Division (A) of this section does not apply to a 1355  
person if all of the following circumstances apply: 1356

(a) The person discharges a firearm from a motor vehicle 1357  
at a coyote or groundhog, the discharge is not during the deer 1358  
gun hunting season as set by the chief of the division of 1359

wildlife of the department of natural resources, and the 1360  
discharge at the coyote or groundhog, but for the operation of 1361  
this section, is lawful. 1362

(b) The motor vehicle from which the person discharges the 1363  
firearm is on real property that is located in an unincorporated 1364  
area of a township and that either is zoned for agriculture or 1365  
is used for agriculture. 1366

(c) The person owns the real property described in 1367  
division (F) (2) (b) of this section, is the spouse or a child of 1368  
another person who owns that real property, is a tenant of 1369  
another person who owns that real property, or is the spouse or 1370  
a child of a tenant of another person who owns that real 1371  
property. 1372

(d) The person does not discharge the firearm in any of 1373  
the following manners: 1374

(i) While under the influence of alcohol, a drug of abuse, 1375  
or alcohol and a drug of abuse; 1376

(ii) In the direction of a street, highway, or other 1377  
public or private property used by the public for vehicular 1378  
traffic or parking; 1379

(iii) At or into an occupied structure that is a permanent 1380  
or temporary habitation; 1381

(iv) In the commission of any violation of law, including, 1382  
but not limited to, a felony that includes, as an essential 1383  
element, purposely or knowingly causing or attempting to cause 1384  
the death of or physical harm to another and that was committed 1385  
by discharging a firearm from a motor vehicle. 1386

(3) Division (A) of this section does not apply to a 1387

person if all of the following apply: 1388

(a) The person possesses a valid all-purpose vehicle 1389  
permit issued under section 1533.103 of the Revised Code by the 1390  
chief of the division of wildlife. 1391

(b) The person discharges a firearm at a wild quadruped or 1392  
game bird as defined in section 1531.01 of the Revised Code 1393  
during the open hunting season for the applicable wild quadruped 1394  
or game bird. 1395

(c) The person discharges a firearm from a stationary all- 1396  
purpose vehicle as defined in section 1531.01 of the Revised 1397  
Code from private or publicly owned lands or from a motor 1398  
vehicle that is parked on a road that is owned or administered 1399  
by the division of wildlife. 1400

(d) The person does not discharge the firearm in any of 1401  
the following manners: 1402

(i) While under the influence of alcohol, a drug of abuse, 1403  
or alcohol and a drug of abuse; 1404

(ii) In the direction of a street, a highway, or other 1405  
public or private property that is used by the public for 1406  
vehicular traffic or parking; 1407

(iii) At or into an occupied structure that is a permanent 1408  
or temporary habitation; 1409

(iv) In the commission of any violation of law, including, 1410  
but not limited to, a felony that includes, as an essential 1411  
element, purposely or knowingly causing or attempting to cause 1412  
the death of or physical harm to another and that was committed 1413  
by discharging a firearm from a motor vehicle. 1414

(4) Divisions (B) and (C) of this section do not apply to 1415



a person if all of the following circumstances apply: 1416

(a) At the time of the alleged violation of either of 1417  
those divisions, the person is the operator of or a passenger in 1418  
a motor vehicle. 1419

(b) The motor vehicle is on real property that is located 1420  
in an unincorporated area of a township and that either is zoned 1421  
for agriculture or is used for agriculture. 1422

(c) The person owns the real property described in 1423  
division (D) (4) (b) of this section, is the spouse or a child of 1424  
another person who owns that real property, is a tenant of 1425  
another person who owns that real property, or is the spouse or 1426  
a child of a tenant of another person who owns that real 1427  
property. 1428

(d) The person, prior to arriving at the real property 1429  
described in division (D) (4) (b) of this section, did not 1430  
transport or possess a firearm in the motor vehicle in a manner 1431  
prohibited by division (B) or (C) of this section while the 1432  
motor vehicle was being operated on a street, highway, or other 1433  
public or private property used by the public for vehicular 1434  
traffic or parking. 1435

(5) Divisions (B) and (C) of this section do not apply to 1436  
a person who transports or possesses a handgun in a motor 1437  
vehicle if, at the time of that transportation or possession, 1438  
both of the following apply: 1439

(a) The person transporting or possessing the handgun is 1440  
either carrying a valid concealed handgun license or is an 1441  
active duty member of the armed forces of the United States and 1442  
is carrying a valid military identification card and 1443  
documentation of successful completion of firearms training that 1444

meets or exceeds the training requirements described in division 1445  
(G) (1) of section 2923.125 of the Revised Code. 1446

(b) The person transporting or possessing the handgun is 1447  
not knowingly in a place described in division (B) of section 1448  
2923.126 of the Revised Code. 1449

(6) Divisions (B) and (C) of this section do not apply to 1450  
a person if all of the following apply: 1451

(a) The person possesses a valid all-purpose vehicle 1452  
permit issued under section 1533.103 of the Revised Code by the 1453  
chief of the division of wildlife. 1454

(b) The person is on or in an all-purpose vehicle as 1455  
defined in section 1531.01 of the Revised Code or a motor 1456  
vehicle during the open hunting season for a wild quadruped or 1457  
game bird. 1458

(c) The person is on or in an all-purpose vehicle as 1459  
defined in section 1531.01 of the Revised Code on private or 1460  
publicly owned lands or on or in a motor vehicle that is parked 1461  
on a road that is owned or administered by the division of 1462  
wildlife. 1463

(7) Nothing in this section prohibits or restricts a 1464  
person from possessing, storing, or leaving a firearm in a 1465  
locked motor vehicle that is parked in the state underground 1466  
parking garage at the state capitol building or in the parking 1467  
garage at the Riffe center for government and the arts in 1468  
Columbus, if the person's transportation and possession of the 1469  
firearm in the motor vehicle while traveling to the premises or 1470  
facility was not in violation of division (A), (B), (C), (D), or 1471  
(E) of this section or any other provision of the Revised Code. 1472

(G) (1) The affirmative defenses authorized in divisions 1473

(D) (1) and (2) of section 2923.12 of the Revised Code are 1474  
affirmative defenses to a charge under division (B) or (C) of 1475  
this section that involves a firearm other than a handgun. 1476

(2) It is an affirmative defense to a charge under 1477  
division (B) or (C) of this section of improperly handling 1478  
firearms in a motor vehicle that the actor transported or had 1479  
the firearm in the motor vehicle for any lawful purpose and 1480  
while the motor vehicle was on the actor's own property, 1481  
provided that this affirmative defense is not available unless 1482  
the person, immediately prior to arriving at the actor's own 1483  
property, did not transport or possess the firearm in a motor 1484  
vehicle in a manner prohibited by division (B) or (C) of this 1485  
section while the motor vehicle was being operated on a street, 1486  
highway, or other public or private property used by the public 1487  
for vehicular traffic. 1488

(H) (1) No person who is charged with a violation of 1489  
division (B), (C), or (D) of this section shall be required to 1490  
obtain a concealed handgun license as a condition for the 1491  
dismissal of the charge. 1492

(2) (a) If a person is convicted of, was convicted of, 1493  
pleads guilty to, or has pleaded guilty to a violation of 1494  
division (E) of this section as it existed prior to September 1495  
30, 2011, and if the conduct that was the basis of the violation 1496  
no longer would be a violation of division (E) of this section 1497  
on or after September 30, 2011, the person may file an 1498  
application under section ~~2953.37~~2953.35 of the Revised Code 1499  
requesting the expungement of the record of conviction. 1500

If a person is convicted of, was convicted of, pleads 1501  
guilty to, or has pleaded guilty to a violation of division (B) 1502  
or (C) of this section as the division existed prior to 1503

September 30, 2011, and if the conduct that was the basis of the 1504  
violation no longer would be a violation of division (B) or (C) 1505  
of this section on or after September 30, 2011, due to the 1506  
application of division (F) (5) of this section as it exists on 1507  
and after September 30, 2011, the person may file an application 1508  
under section ~~2953.37~~2953.35 of the Revised Code requesting the 1509  
expungement of the record of conviction. 1510

(b) The attorney general shall develop a public media 1511  
advisory that summarizes the expungement procedure established 1512  
under section ~~2953.37~~2953.35 of the Revised Code and the 1513  
offenders identified in division (H) (2) (a) of this section who 1514  
are authorized to apply for the expungement. Within thirty days 1515  
after September 30, 2011, the attorney general shall provide a 1516  
copy of the advisory to each daily newspaper published in this 1517  
state and each television station that broadcasts in this state. 1518  
The attorney general may provide the advisory in a tangible 1519  
form, an electronic form, or in both tangible and electronic 1520  
forms. 1521

(I) Whoever violates this section is guilty of improperly 1522  
handling firearms in a motor vehicle. Violation of division (A) 1523  
of this section is a felony of the fourth degree. Violation of 1524  
division (C) of this section is a misdemeanor of the fourth 1525  
degree. A violation of division (D) of this section is a felony 1526  
of the fifth degree or, if the loaded handgun is concealed on 1527  
the person's person, a felony of the fourth degree. Except as 1528  
otherwise provided in this division, a violation of division (E) 1529  
(1) or (2) of this section is a misdemeanor of the first degree, 1530  
and, in addition to any other penalty or sanction imposed for 1531  
the violation, the offender's concealed handgun license shall be 1532  
suspended pursuant to division (A) (2) of section 2923.128 of the 1533  
Revised Code. If at the time of the stop of the offender for a 1534

traffic stop, for another law enforcement purpose, or for a 1535  
purpose defined in section 5503.34 of the Revised Code that was 1536  
the basis of the violation any law enforcement officer involved 1537  
with the stop or the employee of the motor carrier enforcement 1538  
unit who made the stop had actual knowledge of the offender's 1539  
status as a licensee, a violation of division (E)(1) or (2) of 1540  
this section is a minor misdemeanor, and the offender's 1541  
concealed handgun license shall not be suspended pursuant to 1542  
division (A)(2) of section 2923.128 of the Revised Code. A 1543  
violation of division (E)(4) of this section is a felony of the 1544  
fifth degree. A violation of division (E)(3) or (5) of this 1545  
section is a misdemeanor of the first degree or, if the offender 1546  
previously has been convicted of or pleaded guilty to a 1547  
violation of division (E)(3) or (5) of this section, a felony of 1548  
the fifth degree. In addition to any other penalty or sanction 1549  
imposed for a misdemeanor violation of division (E)(3) or (5) of 1550  
this section, the offender's concealed handgun license shall be 1551  
suspended pursuant to division (A)(2) of section 2923.128 of the 1552  
Revised Code. A violation of division (B) of this section is a 1553  
felony of the fourth degree. 1554

(J) If a law enforcement officer stops a motor vehicle for 1555  
a traffic stop or any other purpose, if any person in the motor 1556  
vehicle surrenders a firearm to the officer, either voluntarily 1557  
or pursuant to a request or demand of the officer, and if the 1558  
officer does not charge the person with a violation of this 1559  
section or arrest the person for any offense, the person is not 1560  
otherwise prohibited by law from possessing the firearm, and the 1561  
firearm is not contraband, the officer shall return the firearm 1562  
to the person at the termination of the stop. If a court orders 1563  
a law enforcement officer to return a firearm to a person 1564  
pursuant to the requirement set forth in this division, division 1565

|   |                                      |
|---|--------------------------------------|
| (B) of section 2923.163 of the Revised Code applies.  | 1566                                 |
| (K) As used in this section:  | 1567                                 |
| (1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.  | 1568<br>1569                         |
| (2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.  | 1570<br>1571                         |
| (3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.  | 1572<br>1573                         |
| (4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.  | 1574<br>1575                         |
| (5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies: | 1576<br>1577<br>1578<br>1579<br>1580 |
| (i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.  | 1581<br>1582<br>1583                 |
| (ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.   | 1584<br>1585<br>1586<br>1587<br>1588 |
| (b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:   | 1589<br>1590<br>1591<br>1592         |

(i) A package, box, or case with multiple compartments, as 1593  
long as the loaded magazine or speed loader and the firearm in 1594  
question either are in separate compartments within the package, 1595  
box, or case, or, if they are in the same compartment, the 1596  
magazine or speed loader is contained within a separate 1597  
enclosure in that compartment that does not contain the firearm 1598  
and that closes using a snap, button, buckle, zipper, hook and 1599  
loop closing mechanism, or other fastener that must be opened to 1600  
access the contents or the firearm is contained within a 1601  
separate enclosure of that nature in that compartment that does 1602  
not contain the magazine or speed loader; 1603

(ii) A pocket or other enclosure on the person of the 1604  
person in question that closes using a snap, button, buckle, 1605  
zipper, hook and loop closing mechanism, or other fastener that 1606  
must be opened to access the contents. 1607

(c) For the purposes of divisions (K) (5) (a) and (b) of 1608  
this section, ammunition held in stripper-clips or in en-bloc 1609  
clips is not considered ammunition that is loaded into a 1610  
magazine or speed loader. 1611

(6) "Unloaded" means, with respect to a firearm employing 1612  
a percussion cap, flintlock, or other obsolete ignition system, 1613  
when the weapon is uncapped or when the priming charge is 1614  
removed from the pan. 1615

(7) "Commercial motor vehicle" has the same meaning as in 1616  
division (A) of section 4506.25 of the Revised Code. 1617

(8) "Motor carrier enforcement unit" means the motor 1618  
carrier enforcement unit in the department of public safety, 1619  
division of state highway patrol, that is created by section 1620  
5503.34 of the Revised Code. 1621

(L) Divisions (K) (5) (a) and (b) of this section do not 1622  
affect the authority of a person who is carrying a valid 1623  
concealed handgun license to have one or more magazines or speed 1624  
loaders containing ammunition anywhere in a vehicle, without 1625  
being transported as described in those divisions, as long as no 1626  
ammunition is in a firearm, other than a handgun, in the vehicle 1627  
other than as permitted under any other provision of this 1628  
chapter. A person who is carrying a valid concealed handgun 1629  
license may have one or more magazines or speed loaders 1630  
containing ammunition anywhere in a vehicle without further 1631  
restriction, as long as no ammunition is in a firearm, other 1632  
than a handgun, in the vehicle other than as permitted under any 1633  
provision of this chapter. 1634

**Sec. 2951.041.** (A) (1) If an offender is charged with a 1635  
criminal offense, including but not limited to a violation of 1636  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1637  
of the Revised Code, and the court has reason to believe that 1638  
drug or alcohol usage by the offender was a factor leading to 1639  
the criminal offense with which the offender is charged or that, 1640  
at the time of committing that offense, the offender had a 1641  
mental illness, was a person with an intellectual disability, or 1642  
was a victim of a violation of section 2905.32 or 2907.21 of the 1643  
Revised Code and that the mental illness, status as a person 1644  
with an intellectual disability, or fact that the offender was a 1645  
victim of a violation of section 2905.32 or 2907.21 of the 1646  
Revised Code was a factor leading to the offender's criminal 1647  
behavior, the court may accept, prior to the entry of a guilty 1648  
plea, the offender's request for intervention in lieu of 1649  
conviction. The request shall include a statement from the 1650  
offender as to whether the offender is alleging that drug or 1651  
alcohol usage by the offender was a factor leading to the 1652



criminal offense with which the offender is charged or is 1653  
alleging that, at the time of committing that offense, the 1654  
offender had a mental illness, was a person with an intellectual 1655  
disability, or was a victim of a violation of section 2905.32 or 1656  
2907.21 of the Revised Code and that the mental illness, status 1657  
as a person with an intellectual disability, or fact that the 1658  
offender was a victim of a violation of section 2905.32 or 1659  
2907.21 of the Revised Code was a factor leading to the criminal 1660  
offense with which the offender is charged. The request also 1661  
shall include a waiver of the defendant's right to a speedy 1662  
trial, the preliminary hearing, the time period within which the 1663  
grand jury may consider an indictment against the offender, and 1664  
arraignment, unless the hearing, indictment, or arraignment has 1665  
already occurred. The court may reject an offender's request 1666  
without a hearing. If the court elects to consider an offender's 1667  
request, the court shall conduct a hearing to determine whether 1668  
the offender is eligible under this section for intervention in 1669  
lieu of conviction and shall stay all criminal proceedings 1670  
pending the outcome of the hearing. If the court schedules a 1671  
hearing, the court shall order an assessment of the offender for 1672  
the purpose of determining the offender's program eligibility 1673  
for intervention in lieu of conviction and recommending an 1674  
appropriate intervention plan. 1675

If the offender alleges that drug or alcohol usage by the 1676  
offender was a factor leading to the criminal offense with which 1677  
the offender is charged, the court may order that the offender 1678  
be assessed by a community addiction services provider or a 1679  
properly credentialed professional for the purpose of 1680  
determining the offender's program eligibility for intervention 1681  
in lieu of conviction and recommending an appropriate 1682  
intervention plan. The community addiction services provider or 1683

the properly credentialed professional shall provide a written 1684  
assessment of the offender to the court. 1685

(2) The victim notification provisions of division (C) of 1686  
section 2930.06 of the Revised Code apply in relation to any 1687  
hearing held under division (A) (1) of this section. 1688

(B) An offender is eligible for intervention in lieu of 1689  
conviction if the court finds all of the following: 1690

(1) The offender previously has not been convicted of or 1691  
pleaded guilty to any felony offense of violence. 1692

(2) The offense is not a felony of the first, second, or 1693  
third degree, is not an offense of violence, is not a violation 1694  
of division (A) (1) or (2) of section 2903.06 of the Revised 1695  
Code, is not a violation of division (A) (1) of section 2903.08 1696  
of the Revised Code, is not a violation of division (A) of 1697  
section 4511.19 of the Revised Code or a municipal ordinance 1698  
that is substantially similar to that division, and is not an 1699  
offense for which a sentencing court is required to impose a 1700  
mandatory prison term. 1701

(3) The offender is not charged with a violation of 1702  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 1703  
charged with a violation of section 2925.03 of the Revised Code 1704  
that is a felony of the first, second, third, or fourth degree, 1705  
and is not charged with a violation of section 2925.11 of the 1706  
Revised Code that is a felony of the first or second degree. 1707

(4) If an offender alleges that drug or alcohol usage by 1708  
the offender was a factor leading to the criminal offense with 1709  
which the offender is charged, the court has ordered that the 1710  
offender be assessed by a community addiction services provider 1711  
or a properly credentialed professional for the purpose of 1712

determining the offender's program eligibility for intervention 1713  
in lieu of conviction and recommending an appropriate 1714  
intervention plan, the offender has been assessed by a community 1715  
addiction services provider of that nature or a properly 1716  
credentialed professional in accordance with the court's order, 1717  
and the community addiction services provider or properly 1718  
credentialed professional has filed the written assessment of 1719  
the offender with the court. 1720

(5) If an offender alleges that, at the time of committing 1721  
the criminal offense with which the offender is charged, the 1722  
offender had a mental illness, was a person with an intellectual 1723  
disability, or was a victim of a violation of section 2905.32 or 1724  
2907.21 of the Revised Code and that the mental illness, status 1725  
as a person with an intellectual disability, or fact that the 1726  
offender was a victim of a violation of section 2905.32 or 1727  
2907.21 of the Revised Code was a factor leading to that 1728  
offense, the offender has been assessed by a psychiatrist, 1729  
psychologist, independent social worker, licensed professional 1730  
clinical counselor, or independent marriage and family therapist 1731  
for the purpose of determining the offender's program 1732  
eligibility for intervention in lieu of conviction and 1733  
recommending an appropriate intervention plan. 1734

(6) The offender's drug usage, alcohol usage, mental 1735  
illness, or intellectual disability, or the fact that the 1736  
offender was a victim of a violation of section 2905.32 or 1737  
2907.21 of the Revised Code, whichever is applicable, was a 1738  
factor leading to the criminal offense with which the offender 1739  
is charged, intervention in lieu of conviction would not demean 1740  
the seriousness of the offense, and intervention would 1741  
substantially reduce the likelihood of any future criminal 1742  
activity. 1743

(7) The alleged victim of the offense was not sixty-five 1744  
years of age or older, permanently and totally disabled, under 1745  
thirteen years of age, or a peace officer engaged in the 1746  
officer's official duties at the time of the alleged offense. 1747

(8) If the offender is charged with a violation of section 1748  
2925.24 of the Revised Code, the alleged violation did not 1749  
result in physical harm to any person. 1750

(9) The offender is willing to comply with all terms and 1751  
conditions imposed by the court pursuant to division (D) of this 1752  
section. 1753

(10) The offender is not charged with an offense that 1754  
would result in the offender being disqualified under Chapter 1755  
4506. of the Revised Code from operating a commercial motor 1756  
vehicle or would subject the offender to any other sanction 1757  
under that chapter. 1758

(C) At the conclusion of a hearing held pursuant to 1759  
division (A) of this section, the court shall enter its 1760  
determination as to whether the offender will be granted 1761  
intervention in lieu of conviction. If the court finds under 1762  
this division and division (B) of this section that the offender 1763  
is eligible for intervention in lieu of conviction and grants 1764  
the offender's request, the court shall accept the offender's 1765  
plea of guilty and waiver of the defendant's right to a speedy 1766  
trial, the preliminary hearing, the time period within which the 1767  
grand jury may consider an indictment against the offender, and 1768  
arraignment, unless the hearing, indictment, or arraignment has 1769  
already occurred. In addition, the court then may stay all 1770  
criminal proceedings and order the offender to comply with all 1771  
terms and conditions imposed by the court pursuant to division 1772  
(D) of this section. If the court finds that the offender is not 1773

eligible or does not grant the offender's request, the criminal 1774  
proceedings against the offender shall proceed as if the 1775  
offender's request for intervention in lieu of conviction had 1776  
not been made. 1777

(D) If the court grants an offender's request for 1778  
intervention in lieu of conviction, the court shall place the 1779  
offender under the general control and supervision of the county 1780  
probation department, the adult parole authority, or another 1781  
appropriate local probation or court services agency, if one 1782  
exists, as if the offender was subject to a community control 1783  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 1784  
the Revised Code. The court shall establish an intervention plan 1785  
for the offender. The terms and conditions of the intervention 1786  
plan shall require the offender, for at least one year from the 1787  
date on which the court grants the order of intervention in lieu 1788  
of conviction, to abstain from the use of illegal drugs and 1789  
alcohol, to participate in treatment and recovery support 1790  
services, and to submit to regular random testing for drug and 1791  
alcohol use and may include any other treatment terms and 1792  
conditions, or terms and conditions similar to community control 1793  
sanctions, which may include community service or restitution, 1794  
that are ordered by the court. 1795

(E) If the court grants an offender's request for 1796  
intervention in lieu of conviction and the court finds that the 1797  
offender has successfully completed the intervention plan for 1798  
the offender, including the requirement that the offender 1799  
abstain from using illegal drugs and alcohol for a period of at 1800  
least one year from the date on which the court granted the 1801  
order of intervention in lieu of conviction, the requirement 1802  
that the offender participate in treatment and recovery support 1803  
services, and all other terms and conditions ordered by the 1804

court, the court shall dismiss the proceedings against the 1805  
offender. Successful completion of the intervention plan and 1806  
period of abstinence under this section shall be without 1807  
adjudication of guilt and is not a criminal conviction for 1808  
purposes of any disqualification or disability imposed by law 1809  
and upon conviction of a crime, and the court may order the 1810  
sealing of records related to the offense in question in the 1811  
manner provided in sections 2953.31 to ~~2953.36~~2953.34 of the 1812  
Revised Code. 1813

(F) If the court grants an offender's request for 1814  
intervention in lieu of conviction and the offender fails to 1815  
comply with any term or condition imposed as part of the 1816  
intervention plan for the offender, the supervising authority 1817  
for the offender promptly shall advise the court of this 1818  
failure, and the court shall hold a hearing to determine whether 1819  
the offender failed to comply with any term or condition imposed 1820  
as part of the plan. If the court determines that the offender 1821  
has failed to comply with any of those terms and conditions, it 1822  
may continue the offender on intervention in lieu of conviction, 1823  
continue the offender on intervention in lieu of conviction with 1824  
additional terms, conditions, and sanctions, or enter a finding 1825  
of guilty and impose an appropriate sanction under Chapter 2929. 1826  
of the Revised Code. If the court sentences the offender to a 1827  
prison term, the court, after consulting with the department of 1828  
rehabilitation and correction regarding the availability of 1829  
services, may order continued court-supervised activity and 1830  
treatment of the offender during the prison term and, upon 1831  
consideration of reports received from the department concerning 1832  
the offender's progress in the program of activity and 1833  
treatment, may consider judicial release under section 2929.20 1834  
of the Revised Code. 1835

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| (G) As used in this section:   | 1836   |
| (1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.  | 1837<br>1838   |
| (2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.   | 1839<br>1840   |
| (3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.  | 1841<br>1842   |
| (4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.  | 1843<br>1844   |
| (5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.  | 1845<br>1846   |
| (6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.  | 1847<br>1848   |
| (7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.   | 1849<br>1850   |
| <b>Sec. 2953.31.</b> As used in sections 2953.31 to <del>2953.36</del><br><u>2953.521</u> of the Revised Code:   | 1851<br>1852   |
| (A) <del>(1) "Eligible offender" means either of the following:</del>  | 1853   |
| <del>(a) Anyone who has been convicted of one or more offenses, but not more than five felonies, in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense;</del> | 1854<br>1855<br>1856<br>1857<br>1858<br>1859<br>1860<br>1861<br>1862 |

~~(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A) (1) (a) of this section does not apply, and who has not more than one felony conviction, not more than two misdemeanor convictions, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C) (1) (a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.~~

~~(2) For purposes of, and except as otherwise provided in, division (A) (1) (b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, for a violation of a substantially equivalent municipal~~



~~ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.~~ 1894  
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~~(B)~~—"Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed. 1898  
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~~(C)~~ (B) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case. 1902  
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~~(D)~~ (C) "Official records" ~~has the same meaning as in division (D) of section 2953.51 of the Revised Code~~ means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement 1907  
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officer or agency are not and shall not be considered to be 1924  
official records when they are in the possession of that officer 1925  
or agency; and all investigative records and reports other than 1926  
those possessed by a law enforcement officer or agency 1927  
pertaining to the case. "Official records" does not include any 1928  
of the following: 1929

(1) Records or reports maintained pursuant to section 1930  
2151.421 of the Revised Code by a public children services 1931  
agency or the department of job and family services; 1932

(2) Any report of an investigation maintained by the 1933  
inspector general pursuant to section 121.42 of the Revised 1934  
Code, to the extent that the report contains information that 1935  
pertains to an individual who was convicted of or pleaded guilty 1936  
to an offense discovered in or related to the investigation and 1937  
whose conviction or guilty plea was not overturned on appeal. 1938

~~(E)~~(D) "Official proceeding" has the same meaning as in 1939  
section 2921.01 of the Revised Code. 1940

~~(F)~~(E) "Community control sanction" has the same meaning 1941  
as in section 2929.01 of the Revised Code. 1942

~~(G)~~(F) "Post-release control" and "post-release control 1943  
sanction" have the same meanings as in section 2967.01 of the 1944  
Revised Code. 1945

~~(H)~~(G) "DNA database," "DNA record," and "law enforcement 1946  
agency" have the same meanings as in section 109.573 of the 1947  
Revised Code. 1948

~~(I)~~(H) "Fingerprints filed for record" means any 1949  
fingerprints obtained by the superintendent of the bureau of 1950  
criminal identification and investigation pursuant to sections 1951  
109.57 and 109.571 of the Revised Code. 1952

(I) "Investigatory work product" means any records or reports of a law enforcement officer or agency that are excepted from the definition of "official records" and that pertain to a conviction or bail forfeiture, the records of which have been ordered sealed pursuant to division (E) (2) of section 2953.32 of the Revised Code, or that pertain to a conviction or delinquent child adjudication, the records of which have been ordered expunged pursuant to division (E) of section 2151.358, division (C) (2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code. 1953  
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(J) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision. 1963  
1964  
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(K) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. 1966  
1967  
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(L) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 1969  
1970

(M) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person. 1971  
1972  
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(N) "No bill" means a report by the foreperson or deputy foreperson of a grand jury that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense. 1976  
1977  
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(O) "Court" means the court in which a case is pending at the time a finding of not guilty in the case or a dismissal of 1980  
1981

the complaint, indictment, or information in the case is entered 1982  
on the minutes or journal of the court, or the court to which 1983  
the foreperson or deputy foreperson of a grand jury reports, 1984  
pursuant to section 2939.23 of the Revised Code, that the grand 1985  
jury has returned a no bill. 1986

**Sec. 2953.32.** (A) ~~(1) Except as provided in section 2953.61~~ 1987  
~~of the Revised Code, an eligible~~ Sections 2953.32 to 2953.34 of 1988  
the Revised Code do not apply to any of the following: 1989

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 1990  
or 4549. of the Revised Code, or a conviction for a violation of 1991  
a municipal ordinance that is substantially similar to any 1992  
section contained in any of those chapters; 1993

(2) Convictions of a felony offense of violence that is 1994  
not a sexually oriented offense; 1995

(3) Convictions of a sexually oriented offense and the 1996  
offender is subject to the requirements of Chapter 2950. of the 1997  
Revised Code or Chapter 2950. of the Revised Code as it existed 1998  
prior to January 1, 2008; 1999

(4) Convictions of an offense in circumstances in which 2000  
the victim of the offense was less than thirteen years of age, 2001  
except for convictions under section 2919.21 of the Revised 2002  
Code; 2003

(5) Convictions of a felony of the first or second degree. 2004

(B) (1) An offender may apply to the sentencing court if 2005  
convicted in this state, or to a court of common pleas if 2006  
convicted in another state or in a federal court, for the 2007  
sealing of the record of the case that pertains to the 2008  
conviction. Application may be made at one of the following 2009  
times: 2010

(a) At the expiration of three years after the offender's  
final discharge if convicted of one ~~felony~~or more felonies of  
the third degree;

(b) ~~When division (A)(1)(a) of section 2953.31 of the~~  
~~Revised Code applies to the offender, at the expiration of four~~  
~~years after the offender's final discharge if convicted of two~~  
~~felonies, or at~~At the expiration of five years after final  
discharge if convicted of ~~three, four, or five felonies~~one or  
more misdemeanors that are offenses of violence;

(c) At the expiration of one year after the offender's  
final discharge if convicted of ~~a misdemeanor~~one or more  
felonies of the fourth or fifth degree or one or more  
misdemeanors that are not offenses of violence;

(d) If the offender was subject to the requirements of  
Chapter 2950. of the Revised Code or Chapter 2950. of the  
Revised Code as it existed prior to January 1, 2008, at the  
expiration of five years after the requirements have ended under  
section 2950.07 of the Revised Code or section 2950.07 of the  
Revised Code as it existed prior to January 1, 2008, or are  
terminated under section 2950.15 of the Revised Code;

(e) At the expiration of six months after the offender's  
final discharge if convicted of a minor misdemeanor.

(2) Any person who has been arrested for any misdemeanor  
offense and who has effected a bail forfeiture for the offense  
charged may apply to the court in which the misdemeanor criminal  
case was pending when bail was forfeited for the sealing of the  
record of the case that pertains to the charge. ~~Except as~~  
~~provided in section 2953.61 of the Revised Code, the~~The  
application may be filed at any time after ~~the expiration of one~~

~~year from~~ the date on which the bail forfeiture was entered upon 2040  
the minutes of the court or the journal, whichever entry occurs 2041  
first. 2042

~~(B)~~ (C) Upon the filing of an application under this 2043  
section, the court shall set a date for a hearing and shall 2044  
notify the prosecutor for the case of the hearing on the 2045  
application. The court shall hold the hearing not less than 2046  
forty-five days and not more than ninety days from the date of 2047  
the filing of the application. The prosecutor may object to the 2048  
granting of the application by filing ~~an~~ a written objection 2049  
with the court not later than thirty days prior to the date set 2050  
for the hearing. The prosecutor shall specify in the objection 2051  
the reasons for believing a denial of the application is 2052  
justified. The prosecutor shall provide notice of the 2053  
application and the date and time of the hearing to the victim 2054  
of the offense in the case pursuant to the Ohio Constitution. 2055  
The court shall direct its regular probation officer, a state 2056  
probation officer, or the department of probation of the county 2057  
in which the applicant resides to make inquiries and written 2058  
reports as the court requires concerning the applicant. The 2059  
probation officer or county department of probation that the 2060  
court directs to make inquiries and written reports as the court 2061  
requires concerning the applicant shall determine whether or not 2062  
the applicant was fingerprinted at the time of arrest or under 2063  
section 109.60 of the Revised Code. If the applicant was so 2064  
fingerprinted, the probation officer or county department of 2065  
probation shall include with the written report a record of the 2066  
applicant's fingerprints. If the applicant was convicted of or 2067  
pleaded guilty to a violation of division (A) (2) or (B) of 2068  
section 2919.21 of the Revised Code, the probation officer or 2069  
county department of probation that the court directed to make 2070

inquiries concerning the applicant shall contact the child 2071  
support enforcement agency enforcing the applicant's obligations 2072  
under the child support order to inquire about the offender's 2073  
compliance with the child support order. 2074

~~(C) (1)~~ (D) (1) The court shall do each of the following: 2075

(a) Determine whether the applicant is ~~an eligible~~ 2076  
~~offender pursuing sealing a conviction of an offense that is~~ 2077  
~~prohibited under division (A) of this section~~ or whether the 2078  
forfeiture of bail was agreed to by the applicant and the 2079  
prosecutor in the case. ~~If the applicant applies as an eligible~~ 2080  
~~offender pursuant to division (A) (1) of this section and has two~~ 2081  
~~or three convictions that result from the same indictment,~~ 2082  
~~information, or complaint, from the same plea of guilty, or from~~ 2083  
~~the same official proceeding, and result from related criminal~~ 2084  
~~acts that were committed within a three-month period but do not~~ 2085  
~~result from the same act or from offenses committed at the same~~ 2086  
~~time, in making its determination under this division, the court~~ 2087  
~~initially shall determine whether it is not in the public~~ 2088  
~~interest for the two or three convictions to be counted as one~~ 2089  
~~conviction. If the court determines that it is not in the public~~ 2090  
~~interest for the two or three convictions to be counted as one~~ 2091  
~~conviction, the court shall determine that the applicant is not~~ 2092  
~~an eligible offender; if the court does not make that~~ 2093  
~~determination, the court shall determine that the offender is an~~ 2094  
~~eligible offender.~~ 2095

(b) Determine whether criminal proceedings are pending 2096  
against the applicant; 2097

(c) ~~If the applicant is an eligible offender who applies~~ 2098  
~~pursuant to division (A) (1) of this section, determine~~ Determine 2099  
whether the applicant has been rehabilitated to the satisfaction 2100

of the court; 2101

(d) If the prosecutor has filed an objection in accordance 2102  
with division ~~(D)~~(C) of this section, consider the reasons 2103  
against granting the application specified by the prosecutor in 2104  
the objection; 2105

(e) If the victim objected, pursuant to the Ohio 2106  
Constitution, consider the reasons against granting the 2107  
application specified by the victim in the objection; 2108

(f) Weigh the interests of the applicant in having the 2109  
records pertaining to the applicant's conviction or bail 2110  
forfeiture sealed against the legitimate needs, if any, of the 2111  
government to maintain those records. 2112

(2) If the court determines, after complying with division 2113  
~~(C)(1)~~(D)(1) of this section, ~~that the applicant is an eligible~~ 2114  
~~offender or the subject of a bail forfeiture,~~ that no criminal 2115  
proceeding is pending against the applicant, that the interests 2116  
of the applicant in having the records pertaining to the 2117  
applicant's conviction or bail forfeiture sealed are not 2118  
outweighed by any legitimate governmental needs to maintain 2119  
those records, and that the rehabilitation of ~~an~~the applicant 2120  
~~who is an eligible offender applying pursuant to division (A)(1)~~ 2121  
~~of this section~~ has been attained to the satisfaction of the 2122  
court, the court, except as provided in division ~~(C)(4), (G),~~ 2123  
~~(H), or (I)~~(D)(4) of this section or division (D), (E), or (F) 2124  
of section 2953.34 of the Revised Code, shall order all official 2125  
records of the case that pertain to the conviction or bail 2126  
forfeiture sealed and, except as provided in division ~~(F)~~(C) of 2127  
~~this section~~ 2953.34 of the Revised Code, all index references 2128  
to the case that pertain to the conviction or bail forfeiture 2129  
deleted and, in the case of bail forfeitures, shall dismiss the 2130



charges in the case. The proceedings in the case that pertain to 2131  
the conviction or bail forfeiture shall be considered not to 2132  
have occurred and the conviction or bail forfeiture of the 2133  
person who is the subject of the proceedings shall be sealed, 2134  
except that upon conviction of a subsequent offense, the sealed 2135  
record of prior conviction or bail forfeiture may be considered 2136  
by the court in determining the sentence or other appropriate 2137  
disposition, including the relief provided for in sections 2138  
2953.31 to 2953.33, 2953.32, and 2953.34 of the Revised Code. 2139

(3) An applicant may request the sealing of the records of 2140  
more than one case in a single application under this section. 2141  
Upon the filing of an application under this section, the 2142  
applicant, unless indigent, shall pay a fee of fifty dollars, 2143  
regardless of the number of records the application requests to 2144  
have sealed. The court shall pay thirty dollars of the fee into 2145  
the state treasury. It shall pay twenty dollars of the fee into 2146  
the county general revenue fund if the sealed conviction or bail 2147  
forfeiture was pursuant to a state statute, or into the general 2148  
revenue fund of the municipal corporation involved if the sealed 2149  
conviction or bail forfeiture was pursuant to a municipal 2150  
ordinance. 2151

(4) If the court orders the official records pertaining to 2152  
the case sealed, the court shall do one of the following: 2153

(a) If the applicant was fingerprinted at the time of 2154  
arrest or under section 109.60 of the Revised Code and the 2155  
record of the applicant's fingerprints was provided to the court 2156  
under division ~~(B)~~(C) of this section, forward a copy of the 2157  
sealing order and the record of the applicant's fingerprints to 2158  
the bureau of criminal identification and investigation. 2159

(b) If the applicant was not fingerprinted at the time of 2160

arrest or under section 109.60 of the Revised Code, or the 2161  
record of the applicant's fingerprints was not provided to the 2162  
court under division ~~(B)~~ (C) of this section, but fingerprinting 2163  
was required for the offense, order the applicant to appear 2164  
before a sheriff to have the applicant's fingerprints taken 2165  
according to the fingerprint system of identification on the 2166  
forms furnished by the superintendent of the bureau of criminal 2167  
identification and investigation. The sheriff shall forward the 2168  
applicant's fingerprints to the court. The court shall forward 2169  
the applicant's fingerprints and a copy of the sealing order to 2170  
the bureau of criminal identification and investigation. 2171

Failure of the court to order fingerprints at the time of 2172  
sealing does not constitute a reversible error. 2173

~~(D) Inspection of the sealed records included in the order~~ 2174  
~~may be made only by the following persons or for the following~~ 2175  
~~purposes:~~ 2176

~~(1) By a law enforcement officer or prosecutor, or the~~ 2177  
~~assistants of either, to determine whether the nature and~~ 2178  
~~character of the offense with which a person is to be charged~~ 2179  
~~would be affected by virtue of the person's previously having~~ 2180  
~~been convicted of a crime;~~ 2181

~~(2) By the parole or probation officer of the person who~~ 2182  
~~is the subject of the records, for the exclusive use of the~~ 2183  
~~officer in supervising the person while on parole or under a~~ 2184  
~~community control sanction or a post release control sanction,~~ 2185  
~~and in making inquiries and written reports as requested by the~~ 2186  
~~court or adult parole authority;~~ 2187

~~(3) Upon application by the person who is the subject of~~ 2188  
~~the records, by the persons named in the application;~~ 2189

~~(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;~~ 2190  
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~~(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre trial diversion program established pursuant to section 2935.36 of the Revised Code;~~ 2193  
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~~(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;~~ 2197  
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~~(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;~~ 2202  
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~~(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;~~ 2206  
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~~(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;~~ 2210  
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~~(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code~~ 2215  
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~~that was requested pursuant to any of the sections identified in  
division (E) (1) of that section;~~ 2219  
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~~(11) By the bureau of criminal identification and  
investigation, an authorized employee of the bureau, a sheriff,  
or an authorized employee of a sheriff in connection with a  
criminal records check described in section 311.41 of the  
Revised Code;~~ 2221  
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~~(12) By the attorney general or an authorized employee of  
the attorney general or a court for purposes of determining a  
person's classification pursuant to Chapter 2950. of the Revised  
Code;~~ 2226  
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~~(13) By a court, the registrar of motor vehicles, a  
prosecuting attorney or the prosecuting attorney's assistants,  
or a law enforcement officer for the purpose of assessing points  
against a person under section 4510.036 of the Revised Code or  
for taking action with regard to points assessed.~~ 2230  
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~~When the nature and character of the offense with which a  
person is to be charged would be affected by the information, it  
may be used for the purpose of charging the person with an  
offense.~~ 2235  
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~~(E) In any criminal proceeding, proof of any otherwise  
admissible prior conviction may be introduced and proved,  
notwithstanding the fact that for any such prior conviction an  
order of sealing previously was issued pursuant to sections  
2953.31 to 2953.36 of the Revised Code.~~ 2239  
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~~(F) The person or governmental agency, office, or  
department that maintains sealed records pertaining to  
convictions or bail forfeitures that have been sealed pursuant  
to this section may maintain a manual or computerized index to~~ 2244  
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~~the sealed records. The index shall contain only the name of, 2248  
and alphanumeric identifiers that relate to, the persons who are 2249  
the subject of the sealed records, the word "sealed," and the 2250  
name of the person, agency, office, or department that has 2251  
custody of the sealed records, and shall not contain the name of 2252  
the crime committed. The index shall be made available by the 2253  
person who has custody of the sealed records only for the 2254  
purposes set forth in divisions (C), (D), and (E) of this 2255  
section. 2256~~

~~(G) Notwithstanding any provision of this section or 2257  
section 2953.33 of the Revised Code that requires otherwise, a 2258  
board of education of a city, local, exempted village, or joint 2259  
vocational school district that maintains records of an 2260  
individual who has been permanently excluded under sections 2261  
3301.121 and 3313.662 of the Revised Code is permitted to 2262  
maintain records regarding a conviction that was used as the 2263  
basis for the individual's permanent exclusion, regardless of a 2264  
court order to seal the record. An order issued under this 2265  
section to seal the record of a conviction does not revoke the 2266  
adjudication order of the superintendent of public instruction 2267  
to permanently exclude the individual who is the subject of the 2268  
sealing order. An order issued under this section to seal the 2269  
record of a conviction of an individual may be presented to a 2270  
district superintendent as evidence to support the contention 2271  
that the superintendent should recommend that the permanent 2272  
exclusion of the individual who is the subject of the sealing 2273  
order be revoked. Except as otherwise authorized by this 2274  
division and sections 3301.121 and 3313.662 of the Revised Code, 2275  
any school employee in possession of or having access to the 2276  
sealed conviction records of an individual that were the basis 2277  
of a permanent exclusion of the individual is subject to section 2278~~

~~2953.35 of the Revised Code.~~ 2279

~~(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.~~ 2280  
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~~(I) The sealing of a record under this section does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record~~ 2289  
When a person is convicted of or 2290  
pleaded guilty to two or more offenses as a result of or in 2291  
connection with the same act and any of those offenses are 2292  
ineligible for sealing under division (A) of this section, the 2293  
court may order the sealing of any other offenses that are 2294  
eligible for sealing under division (B) of this section if the 2295  
person otherwise satisfies the requirements of division (D) (1) 2296  
of this section. 2297  
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2299

**Sec. 2953.52 2953.33.** (A) (1) Any person, who is found not 2300  
guilty of an offense by a jury or a court or who is the 2301  
defendant named in a dismissed complaint, indictment, or 2302  
information, may apply to the court for an order to seal the 2303  
person's official records in the case. ~~Except as provided in~~ 2304  
~~section 2953.61 of the Revised Code, the~~ The application may be 2305  
filed at any time after the finding of not guilty or the 2306  
dismissal of the complaint, indictment, or information is 2307  
entered upon the minutes of the court or the journal, whichever 2308

entry occurs first. 2309

(2) Any person, against whom a no bill is entered by a 2310  
grand jury, may apply to the court for an order to seal his 2311  
official records in the case. ~~Except as provided in section~~ 2312  
~~2953.61 of the Revised Code, the~~ The application may be filed at 2313  
any time after the expiration of two years after the date on 2314  
which the foreperson or deputy foreperson of the grand jury 2315  
reports to the court that the grand jury has reported a no bill. 2316

(3) Any person who is granted by the governor under 2317  
division (B) of section 2967.02 of the Revised Code an absolute 2318  
and entire pardon, a partial pardon, or a pardon upon conditions 2319  
precedent or subsequent may apply to the court for an order to 2320  
seal the person's official records in the case in which the 2321  
person was convicted of the offense for which any of those types 2322  
of pardons are granted. The application may be filed at any time 2323  
after an absolute and entire pardon or a partial pardon is 2324  
granted or at any time after all of the conditions precedent or 2325  
subsequent to the pardon are met. 2326

(B) (1) Upon the filing of an application pursuant to 2327  
division (A) of this section, the court shall set a date for a 2328  
hearing and shall notify the prosecutor in the case of the 2329  
hearing on the application. The court shall hold the hearing not 2330  
less than forty-five days and not more than ninety days from the 2331  
date of the filing of the application. The prosecutor may object 2332  
to the granting of the application by ~~filing an~~ a written 2333  
objection with the court not later than thirty days prior to the 2334  
date set for the hearing. The prosecutor shall specify in the 2335  
objection the reasons the prosecutor believes justify a denial 2336  
of the application. 2337

(2) The court shall do each of the following, except as 2338

provided in division (B) (3) of this section: 2339

(a) (i) Determine whether the person was found not guilty 2340  
in the case, or the complaint, indictment, or information in the 2341  
case was dismissed, or a no bill was returned in the case and a 2342  
period of two years ~~or a longer period as required by section~~ 2343  
~~2953.61 of the Revised Code~~ has expired from the date of the 2344  
report to the court of that no bill by the foreperson or deputy 2345  
foreperson of the grand jury; 2346

(ii) If the complaint, indictment, or information in the 2347  
case was dismissed, determine whether it was dismissed with 2348  
prejudice or without prejudice and, if it was dismissed without 2349  
prejudice, determine whether the relevant statute of limitations 2350  
has expired; 2351

(b) Determine whether criminal proceedings are pending 2352  
against the person; 2353

(c) If the prosecutor has filed an objection in accordance 2354  
with division (B) (1) of this section, consider the reasons 2355  
against granting the application specified by the prosecutor in 2356  
the objection; 2357

(d) If the person was granted a pardon upon conditions 2358  
precedent or subsequent for the offense for which the person was 2359  
convicted, determine whether all of those conditions have been 2360  
met; 2361

(e) Weigh the interests of the person in having the 2362  
official records pertaining to the case sealed against the 2363  
legitimate needs, if any, of the government to maintain those 2364  
records. 2365

(3) If the court determines after complying with division 2366  
(B) (2) (a) of this section that the person was found not guilty 2367



in the case, that the complaint, indictment, or information in 2368  
the case was dismissed with prejudice, ~~or~~ that the complaint, 2369  
indictment, or information in the case was dismissed without 2370  
prejudice and that the relevant statute of limitations has 2371  
expired, or the individual was granted by the governor an 2372  
absolute and entire pardon, a partial pardon, or a pardon upon 2373  
conditions precedent or subsequent that have been met, the court 2374  
shall issue an order to the superintendent of the bureau of 2375  
criminal identification and investigation directing that the 2376  
superintendent seal or cause to be sealed the official records 2377  
in the case consisting of DNA specimens that are in the 2378  
possession of the bureau and all DNA records and DNA profiles. 2379  
The determinations and considerations described in divisions (B) 2380  
(2) (b), (c), and (d) of this section do not apply with respect 2381  
to a determination of the court described in this division. 2382

(4) The determinations described in this division are 2383  
separate from the determination described in division (B) (3) of 2384  
this section. If the court determines, after complying with 2385  
division (B) (2) of this section, that the person was found not 2386  
guilty in the case, that the complaint, indictment, or 2387  
information in the case was dismissed, the individual was 2388  
granted by the governor an absolute and entire pardon, a partial 2389  
pardon, or a pardon upon conditions precedent or subsequent that 2390  
have been met, or that a no bill was returned in the case and 2391  
that the appropriate period of time has expired from the date of 2392  
the report to the court of the no bill by the foreperson or 2393  
deputy foreperson of the grand jury; that no criminal 2394  
proceedings are pending against the person; and the interests of 2395  
the person in having the records pertaining to the case sealed 2396  
are not outweighed by any legitimate governmental needs to 2397  
maintain such records, or if division (E) (2) (b) of section 2398

4301.69 of the Revised Code applies, in addition to the order 2399  
required under division (B) (3) of this section, the court shall 2400  
issue an order directing that all official records pertaining to 2401  
the case be sealed and that, except as provided in section 2402  
~~2953.53~~2953.34 of the Revised Code, the proceedings in the case 2403  
be deemed not to have occurred. 2404

(5) Any DNA specimens, DNA records, and DNA profiles 2405  
ordered to be sealed under this section shall not be sealed if 2406  
the person with respect to whom the order applies is otherwise 2407  
eligible to have DNA records or a DNA profile in the national 2408  
DNA index system. 2409

**Sec. 2953.34.** (A) Inspection of the sealed records 2410  
included in the order may be made only by the following persons 2411  
or for the following purposes: 2412

(1) By a law enforcement officer or prosecutor, or the 2413  
assistants of either, to determine whether the nature and 2414  
character of the offense with which a person is to be charged 2415  
would be affected by virtue of the person's previously having 2416  
been convicted of a crime; 2417

(2) By the parole or probation officer of the person who 2418  
is the subject of the records, for the exclusive use of the 2419  
officer in supervising the person while on parole or under a 2420  
community control sanction or a post-release control sanction, 2421  
and in making inquiries and written reports as requested by the 2422  
court or adult parole authority; 2423

(3) Upon application by the person who is the subject of 2424  
the records, by the persons named in the application; 2425

(4) By a law enforcement officer who was involved in the 2426  
case, for use in the officer's defense of a civil action arising 2427

out of the officer's involvement in that case; 2428

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 2429  
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(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department; 2433  
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(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, division (H) of section 2953.34 of the Revised Code; 2438  
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 2442  
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(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; 2446  
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(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section; 2451  
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(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code; 2457  
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 2462  
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed. 2466  
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When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense. 2471  
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(B) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.33 of the Revised Code. 2475  
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(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are 2480  
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the subject of the sealed records, the word "sealed," and the 2486  
name of the person, agency, office, or department that has 2487  
custody of the sealed records, and shall not contain the name of 2488  
the crime committed. The index shall be made available by the 2489  
person who has custody of the sealed records only for the 2490  
purposes set forth in divisions (A), (B), and (D) of this 2491  
section. 2492

(D) Notwithstanding any provision of this section that 2493  
requires otherwise, a board of education of a city, local, 2494  
exempted village, or joint vocational school district that 2495  
maintains records of an individual who has been permanently 2496  
excluded under sections 3301.121 and 3313.662 of the Revised 2497  
Code is permitted to maintain records regarding a conviction 2498  
that was used as the basis for the individual's permanent 2499  
exclusion, regardless of a court order to seal the record. An 2500  
order issued under this section to seal the record of a 2501  
conviction does not revoke the adjudication order of the 2502  
superintendent of public instruction to permanently exclude the 2503  
individual who is the subject of the sealing order. An order 2504  
issued under this section to seal the record of a conviction of 2505  
an individual may be presented to a district superintendent as 2506  
evidence to support the contention that the superintendent 2507  
should recommend that the permanent exclusion of the individual 2508  
who is the subject of the sealing order be revoked. Except as 2509  
otherwise authorized by this division and sections 3301.121 and 2510  
3313.662 of the Revised Code, any school employee in possession 2511  
of or having access to the sealed conviction records of an 2512  
individual that were the basis of a permanent exclusion of the 2513  
individual is subject to section 2953.35 of the Revised Code. 2514

(E) For purposes of sections 2953.32 and 2953.33 of the 2515  
Revised Code, DNA records collected in the DNA database and 2516

fingerprints filed for record by the superintendent of the 2517  
bureau of criminal identification and investigation shall not be 2518  
sealed unless the superintendent receives a certified copy of a 2519  
final court order establishing that the offender's conviction 2520  
has been overturned. For purposes of this section, a court order 2521  
is not "final" if time remains for an appeal or application for 2522  
discretionary review with respect to the order. 2523

(F) The sealing of a record under this section does not 2524  
affect the assessment of points under section 4510.036 of the 2525  
Revised Code and does not erase points assessed against a person 2526  
as a result of the sealed record. 2527

(G) (1) The court shall send notice of any order to seal 2528  
official records issued pursuant to division (B) (3) of section 2529  
2953.33 of the Revised Code to the bureau of criminal 2530  
identification and investigation and shall send notice of any 2531  
order issued pursuant to division (B) (4) of that section to any 2532  
public office or agency that the court knows or has reason to 2533  
believe may have any record of the case, whether or not it is an 2534  
official record, that is the subject of the order. 2535

(2) A person whose official records have been sealed 2536  
pursuant to an order issued pursuant to section 2953.33 of the 2537  
Revised Code may present a copy of that order and a written 2538  
request to comply with it, to a public office or agency that has 2539  
a record of the case that is the subject of the order. 2540

(3) An order to seal official records issued pursuant to 2541  
section 2953.33 of the Revised Code applies to every public 2542  
office or agency that has a record of the case that is the 2543  
subject of the order, regardless of whether it receives notice 2544  
of the hearing on the application for the order to seal the 2545  
official records or receives a copy of the order to seal the 2546

official records pursuant to division (G) (1) or (2) of this 2547  
section. 2548

(4) Upon receiving a copy of an order to seal official 2549  
records pursuant to division (G) (1) or (2) of this section or 2550  
upon otherwise becoming aware of an applicable order to seal 2551  
official records issued pursuant to section 2953.33 of the 2552  
Revised Code, a public office or agency shall comply with the 2553  
order and, if applicable, with division (J) of this section, 2554  
except that it may maintain a record of the case that is the 2555  
subject of the order if the record is maintained for the purpose 2556  
of compiling statistical data only and does not contain any 2557  
reference to the person who is the subject of the case and the 2558  
order. 2559

(5) A public office or agency also may maintain an index 2560  
of sealed official records, in a form similar to that for sealed 2561  
records of conviction as set forth in division (C) of this 2562  
section, access to which may not be afforded to any person other 2563  
than the person who has custody of the sealed official records. 2564  
The sealed official records to which such an index pertains 2565  
shall not be available to any person, except that the official 2566  
records of a case that have been sealed may be made available to 2567  
the following persons for the following purposes: 2568

(a) To the person who is the subject of the records upon 2569  
written application, and to any other person named in the 2570  
application, for any purpose; 2571

(b) To a law enforcement officer who was involved in the 2572  
case, for use in the officer's defense of a civil action arising 2573  
out of the officer's involvement in that case; 2574

(c) To a prosecuting attorney or the prosecuting 2575

attorney's assistants to determine a defendant's eligibility to 2576  
enter a pre-trial diversion program established pursuant to 2577  
section 2935.36 of the Revised Code; 2578

(d) To a prosecuting attorney or the prosecuting 2579  
attorney's assistants to determine a defendant's eligibility to 2580  
enter a pre-trial diversion program under division (E) (2) (b) of 2581  
section 4301.69 of the Revised Code. 2582

(H) (1) Upon the issuance of an order by a court pursuant 2583  
to division (D) (2) of section 2953.32 of the Revised Code 2584  
directing that all official records of a case pertaining to a 2585  
conviction or bail forfeiture be sealed or an order by a court 2586  
pursuant to division (E) of section 2151.358, division (C) (2) of 2587  
section 2953.35, or division (F) of section 2953.36 of the 2588  
Revised Code directing that all official records of a case 2589  
pertaining to a conviction or delinquent child adjudication be 2590  
expunged: 2591

(a) Every law enforcement officer who possesses 2592  
investigatory work product immediately shall deliver that work 2593  
product to the law enforcement officer's employing law 2594  
enforcement agency. 2595

(b) Except as provided in division (H) (1) (c) of this 2596  
section, every law enforcement agency that possesses 2597  
investigatory work product shall close that work product to all 2598  
persons who are not directly employed by the law enforcement 2599  
agency and shall treat that work product, in relation to all 2600  
persons other than those who are directly employed by the law 2601  
enforcement agency, as if it did not exist and never had 2602  
existed. 2603

(c) A law enforcement agency that possesses investigatory 2604



work product may permit another law enforcement agency to use 2605  
that work product in the investigation of another offense if the 2606  
facts incident to the offense being investigated by the other 2607  
law enforcement agency and the facts incident to an offense that 2608  
is the subject of the case are reasonably similar. The agency 2609  
that permits the use of investigatory work product may provide 2610  
the other agency with the name of the person who is the subject 2611  
of the case if it believes that the name of the person is 2612  
necessary to the conduct of the investigation by the other 2613  
agency. 2614

(2) (a) Except as provided in division (H) (1) (c) of this 2615  
section, no law enforcement officer or other person employed by 2616  
a law enforcement agency shall knowingly release, disseminate, 2617  
or otherwise make the investigatory work product or any 2618  
information contained in that work product available to, or 2619  
discuss any information contained in it with, any person not 2620  
employed by the employing law enforcement agency. 2621

(b) No law enforcement agency, or person employed by a law 2622  
enforcement agency, that receives investigatory work product 2623  
pursuant to division (H) (1) (c) of this section shall use that 2624  
work product for any purpose other than the investigation of the 2625  
offense for which it was obtained from the other law enforcement 2626  
agency, or disclose the name of the person who is the subject of 2627  
the work product except when necessary for the conduct of the 2628  
investigation of the offense, or the prosecution of the person 2629  
for committing the offense, for which it was obtained from the 2630  
other law enforcement agency. 2631

(3) Whoever violates division (H) (2) (a) or (b) of this 2632  
section is guilty of divulging confidential investigatory work 2633  
product, a misdemeanor of the fourth degree. 2634

(I) (1) Except as authorized by divisions (A) to (C) of 2635  
this section or by Chapter 2950. of the Revised Code and subject 2636  
to division (I) (2) of this section, any officer or employee of 2637  
the state, or a political subdivision of the state, who releases 2638  
or otherwise disseminates or makes available for any purpose 2639  
involving employment, bonding, or licensing in connection with 2640  
any business, trade, or profession to any person, or to any 2641  
department, agency, or other instrumentality of the state, or 2642  
any political subdivision of the state, any information or other 2643  
data concerning any law enforcement or justice system matter the 2644  
records with respect to which the officer or employee had 2645  
knowledge of were sealed by an existing order issued pursuant to 2646  
section 2953.32 of the Revised Code, division (E) of section 2647  
2151.358, section 2953.35, or section 2953.36 of the Revised 2648  
Code, or were expunged by an order issued pursuant to section 2649  
2953.42 of the Revised Code as it existed prior to June 29, 2650  
1988, is guilty of divulging confidential information, a 2651  
misdemeanor of the fourth degree. 2652

(2) Division (I) (1) of this section does not apply to an 2653  
officer or employee of the state, or a political subdivision of 2654  
the state, who releases or otherwise disseminates or makes 2655  
available for any purpose specified in that division any 2656  
information or other data concerning a law enforcement or 2657  
justice system matter the records of which the officer had 2658  
knowledge were sealed or expunged by an order of a type 2659  
described in that division, if all of the following apply: 2660

(a) The officer or employee released, disseminated, or 2661  
made available the information or data from the sealed or 2662  
expunged records together with information or data concerning 2663  
another law enforcement or justice system matter. 2664

(b) The records of the other law enforcement or justice system matter were not sealed or expunged by any order of a type described in division (I)(1) of this section. 2665  
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(c) The law enforcement or justice system matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice system matter covered by the information or data from the records that were not sealed or expunged resulted from or were connected to the same act. 2668  
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(d) The officer or employee made a good faith effort to not release, disseminate, or make available any information or other data concerning any law enforcement or justice system matter from the sealed or expunged records, and the officer or employee did not release, disseminate, or make available the information or other data from the sealed or expunged records with malicious purpose, in bad faith, or in a wanton or reckless manner. 2673  
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(3) Any person who, in violation of this section, uses, disseminates, or otherwise makes available any index prepared pursuant to division (C) of this section is guilty of a misdemeanor of the fourth degree. 2681  
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(J)(1) Except as otherwise provided in Chapter 2950. of the Revised Code, upon the issuance of an order by a court under division (B) of section 2953.33 of the Revised Code directing that all official records pertaining to a case be sealed and that the proceedings in the case be deemed not to have occurred: 2685  
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(a) Every law enforcement officer possessing records or reports pertaining to the case that are the officer's specific investigatory work product and that are excepted from the definition of official records shall immediately deliver the 2690  
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records and reports to the officer's employing law enforcement 2694  
agency. Except as provided in division (J)(1)(c) of this 2695  
section, no such officer shall knowingly release, disseminate, 2696  
or otherwise make the records and reports or any information 2697  
contained in them available to, or discuss any information 2698  
contained in them with, any person not employed by the officer's 2699  
employing law enforcement agency. 2700

(b) Every law enforcement agency that possesses records or 2701  
reports pertaining to the case that are its specific 2702  
investigatory work product and that are excepted from the 2703  
definition of official records, or that are the specific 2704  
investigatory work product of a law enforcement officer it 2705  
employs and that were delivered to it under division (J)(1)(a) 2706  
of this section shall, except as provided in division (J)(1)(c) 2707  
of this section, close the records and reports to all persons 2708  
who are not directly employed by the law enforcement agency and 2709  
shall, except as provided in division (J)(1)(c) of this section, 2710  
treat the records and reports, in relation to all persons other 2711  
than those who are directly employed by the law enforcement 2712  
agency, as if they did not exist and had never existed. Except 2713  
as provided in division (J)(1)(c) of this section, no person who 2714  
is employed by the law enforcement agency shall knowingly 2715  
release, disseminate, or otherwise make the records and reports 2716  
in the possession of the employing law enforcement agency or any 2717  
information contained in them available to, or discuss any 2718  
information contained in them with, any person not employed by 2719  
the employing law enforcement agency. 2720

(c) A law enforcement agency that possesses records or 2721  
reports pertaining to the case that are its specific 2722  
investigatory work product and that are excepted from the 2723  
definition of official records, or that are the specific 2724

investigatory work product of a law enforcement officer it 2725  
employs and that were delivered to it under division (J) (1) (a) 2726  
of this section may permit another law enforcement agency to use 2727  
the records or reports in the investigation of another offense, 2728  
if the facts incident to the offense being investigated by the 2729  
other law enforcement agency and the facts incident to an 2730  
offense that is the subject of the case are reasonably similar. 2731  
The agency that provides the records and reports may provide the 2732  
other agency with the name of the person who is the subject of 2733  
the case, if it believes that the name of the person is 2734  
necessary to the conduct of the investigation by the other 2735  
agency. 2736

No law enforcement agency, or person employed by a law 2737  
enforcement agency, that receives from another law enforcement 2738  
agency records or reports pertaining to a case the records of 2739  
which have been ordered sealed pursuant to division (B) of 2740  
section 2953.33 of the Revised Code shall use the records and 2741  
reports for any purpose other than the investigation of the 2742  
offense for which they were obtained from the other law 2743  
enforcement agency, or disclose the name of the person who is 2744  
the subject of the records or reports except when necessary for 2745  
the conduct of the investigation of the offense, or the 2746  
prosecution of the person for committing the offense, for which 2747  
they were obtained from the other law enforcement agency. 2748

(2) Whoever violates division (J) (1) of this section is 2749  
guilty of divulging confidential information, a misdemeanor of 2750  
the fourth degree. 2751

(K) (1) In any application for employment, license, or any 2752  
other right or privilege, any appearance as a witness, or any 2753  
other inquiry, a person may not be questioned with respect to 2754

any record that has been sealed pursuant to section 2953.33 of 2755  
the Revised Code. If an inquiry is made in violation of this 2756  
division, the person whose official record was sealed may 2757  
respond as if the arrest underlying the case to which the sealed 2758  
official records pertain and all other proceedings in that case 2759  
did not occur, and the person whose official record was sealed 2760  
shall not be subject to any adverse action because of the 2761  
arrest, the proceedings, or the person's response. 2762

(2) An officer or employee of the state or any of its 2763  
political subdivisions who knowingly releases, disseminates, or 2764  
makes available for any purpose involving employment, bonding, 2765  
licensing, or education to any person or to any department, 2766  
agency, or other instrumentality of the state, or of any of its 2767  
political subdivisions, any information or other data concerning 2768  
any arrest, complaint, indictment, information, trial, 2769  
adjudication, or correctional supervision, the records of which 2770  
have been sealed pursuant to section 2953.33 of the Revised 2771  
Code, is guilty of divulging confidential information, a 2772  
misdemeanor of the fourth degree. 2773

(L) It is not a violation of division (H), (I), (J), or 2774  
(K) of this section for the bureau of criminal identification 2775  
and investigation or any authorized employee of the bureau 2776  
participating in the investigation of criminal activity to 2777  
release, disseminate, or otherwise make available to, or discuss 2778  
with, a person directly employed by a law enforcement agency DNA 2779  
records collected in the DNA database or fingerprints filed for 2780  
record by the superintendent of the bureau of criminal 2781  
identification and investigation. 2782

(M) (1) An order issued under section 2953.35 of the 2783  
Revised Code to expunge the record of a person's conviction or, 2784

except as provided in division (D) of this section, an order 2785  
issued under that section to seal the record of a person's 2786  
conviction restores the person who is the subject of the order 2787  
to all rights and privileges not otherwise restored by 2788  
termination of the sentence or community control sanction or by 2789  
final release on parole or post-release control. 2790

(2) (a) In any application for employment, license, or 2791  
other right or privilege, any appearance as a witness, or any 2792  
other inquiry, except as provided in division (B) of this 2793  
section and in section 3319.292 of the Revised Code and subject 2794  
to division (M) (2) (b) of this section, a person may be 2795  
questioned only with respect to convictions not sealed, bail 2796  
forfeitures not expunged under section 2953.42 of the Revised 2797  
Code as it existed prior to June 29, 1988, and bail forfeitures 2798  
not sealed, unless the question bears a direct and substantial 2799  
relationship to the position for which the person is being 2800  
considered. 2801

(b) A person may not be questioned in any application, 2802  
appearance, or inquiry of a type described in division (M) (2) (a) 2803  
of this section with respect to any conviction expunged under 2804  
section 2953.35 of the Revised Code. 2805

(N) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 2806  
or 2953.34 of the Revised Code precludes an ~~eligible~~ offender 2807  
from taking an appeal or seeking any relief from the ~~eligible~~ 2808  
offender's conviction or from relying on it in lieu of any 2809  
subsequent prosecution for the same offense. 2810

**~~Sec. 2953.37~~ 2953.35.** (A) ~~As used in this section:~~ 2811

~~(1) "Expunge" means to destroy, delete, and erase a record~~ 2812  
~~as appropriate for the record's physical or electronic form or~~ 2813

~~characteristic so that the record is permanently irretrievable.~~ 2814

~~(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.~~ 2815  
2816

~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 2817  
2818

~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 2819  
2820

~~(B)~~ Any person who is convicted of, was convicted of, 2821  
pleads guilty to, or has pleaded guilty to a violation of 2822  
division (B), (C), or (E) of section 2923.16 of the Revised Code 2823  
as the division existed prior to September 30, 2011, and who is 2824  
authorized by division (H) (2) (a) of that section to file an 2825  
application under this section for the expungement of the 2826  
conviction record may apply to the sentencing court for the 2827  
expungement of the record of conviction. The person may file the 2828  
application at any time on or after September 30, 2011. The 2829  
application shall do all of the following: 2830

(1) Identify the applicant, the offense for which the 2831  
expungement is sought, the date of the conviction of or plea of 2832  
guilty to that offense, and the court in which the conviction 2833  
occurred or the plea of guilty was entered; 2834

(2) Include evidence that the offense was a violation of 2835  
division (B), (C), or (E) of section 2923.16 of the Revised Code 2836  
as the division existed prior to September 30, 2011, and that 2837  
the applicant is authorized by division (H) (2) (a) of that 2838  
section to file an application under this section; 2839

(3) Include a request for expungement of the record of 2840  
conviction of that offense under this section. 2841



~~(C)~~(B) Upon the filing of an application under division 2842  
~~(B)~~(A) of this section and the payment of the fee described in 2843  
division ~~(D)~~~~(3)~~(C) (3) of this section if applicable, the court 2844  
shall set a date for a hearing and shall notify the prosecutor 2845  
for the case of the hearing on the application. The prosecutor 2846  
may object to the granting of the application by filing an 2847  
objection with the court prior to the date set for the hearing. 2848  
The prosecutor shall specify in the objection the reasons for 2849  
believing a denial of the application is justified. The court 2850  
shall direct its regular probation officer, a state probation 2851  
officer, or the department of probation of the county in which 2852  
the applicant resides to make inquiries and written reports as 2853  
the court requires concerning the applicant. The court shall 2854  
hold the hearing scheduled under this division. 2855

~~(D)~~~~(1)~~(C) (1) At the hearing held under division ~~(C)~~(B) 2856  
of this section, the court shall do each of the following: 2857

(a) Determine whether the applicant has been convicted of 2858  
or pleaded guilty to a violation of division (E) of section 2859  
2923.16 of the Revised Code as the division existed prior to 2860  
September 30, 2011, and whether the conduct that was the basis 2861  
of the violation no longer would be a violation of that division 2862  
on or after September 30, 2011; 2863

(b) Determine whether the applicant has been convicted of 2864  
or pleaded guilty to a violation of division (B) or (C) of 2865  
section 2923.16 of the Revised Code as the division existed 2866  
prior to September 30, 2011, and whether the conduct that was 2867  
the basis of the violation no longer would be a violation of 2868  
that division on or after September 30, 2011, due to the 2869  
application of division (F) (5) of that section as it exists on 2870  
and after September 30, 2011; 2871

(c) If the prosecutor has filed an objection in accordance 2872  
with division ~~(C)~~(B) of this section, consider the reasons 2873  
against granting the application specified by the prosecutor in 2874  
the objection; 2875

(d) Weigh the interests of the applicant in having the 2876  
records pertaining to the applicant's conviction or guilty plea 2877  
expunged against the legitimate needs, if any, of the government 2878  
to maintain those records. 2879

(2) (a) The court may order the expungement of all official 2880  
records pertaining to the case and the deletion of all index 2881  
references to the case and, if it does order the expungement, 2882  
shall send notice of the order to each public office or agency 2883  
that the court has reason to believe may have an official record 2884  
pertaining to the case if the court, after complying with 2885  
division ~~(D) (1)~~(C) (1) of this section, determines both of the 2886  
following: 2887

(i) That the applicant has been convicted of or pleaded 2888  
guilty to a violation of division (E) of section 2923.16 of the 2889  
Revised Code as it existed prior to September 30, 2011, and the 2890  
conduct that was the basis of the violation no longer would be a 2891  
violation of that division on or after September 30, 2011, or 2892  
that the applicant has been convicted of or pleaded guilty to a 2893  
violation of division (B) or (C) of section 2923.16 of the 2894  
Revised Code as the division existed prior to September 30, 2895  
2011, and the conduct that was the basis of the violation no 2896  
longer would be a violation of that division on or after 2897  
September 30, 2011, due to the application of division (F) (5) of 2898  
that section as it exists on and after September 30, 2011; 2899

(ii) That the interests of the applicant in having the 2900  
records pertaining to the applicant's conviction or guilty plea 2901

expunged are not outweighed by any legitimate needs of the 2902  
government to maintain those records. 2903

(b) The proceedings in the case that is the subject of an 2904  
order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section 2905  
shall be considered not to have occurred and the conviction or 2906  
guilty plea of the person who is the subject of the proceedings 2907  
shall be expunged. The record of the conviction shall not be 2908  
used for any purpose, including, but not limited to, a criminal 2909  
records check under section 109.572 of the Revised Code or a 2910  
determination under section 2923.125 or 2923.1213 of the Revised 2911  
Code of eligibility for a concealed handgun license. The 2912  
applicant may, and the court shall, reply that no record exists 2913  
with respect to the applicant upon any inquiry into the matter. 2914

(3) Upon the filing of an application under this section, 2915  
the applicant, unless indigent, shall pay a fee of fifty 2916  
dollars. The court shall pay thirty dollars of the fee into the 2917  
state treasury and shall pay twenty dollars of the fee into the 2918  
county general revenue fund. 2919

**Sec. ~~2953.38~~ 2953.36.** (A) ~~As used in this section:~~ 2920

~~(1) "Expunge" means to destroy, delete, or erase a record~~ 2921  
~~as appropriate for the record's physical or electronic form or~~ 2922  
~~characteristic so that the record is permanently irretrievable.~~ 2923

~~(2) "Prosecutor" has the same meaning as in section~~ 2924  
~~2953.31 of the Revised Code.~~ 2925

~~(3) "Record of conviction" means any record related to a~~ 2926  
~~conviction of or plea of guilty to an offense.~~ 2927

~~(4) "Victim of human trafficking" means a person who is or~~ 2928  
~~was a victim of a violation of section 2905.32 of the Revised~~ 2929  
~~Code, regardless of whether anyone has been convicted of a~~ 2930

~~violation of that section or of any other section for~~ 2931  
~~victimizing the person.~~ 2932

~~(B)~~ Any person who is or was convicted of a violation of 2933  
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 2934  
apply to the sentencing court for the expungement of the record 2935  
of conviction of any offense, other than a record of conviction 2936  
of a violation of section 2903.01, 2903.02, or 2907.02 of the 2937  
Revised Code, the person's participation in which was a result 2938  
of the person having been a victim of human trafficking. The 2939  
person may file the application at any time. The application may 2940  
request an order to expunge the record of conviction for more 2941  
than one offense, but if it does, the court shall consider the 2942  
request for each offense separately as if a separate application 2943  
had been made for each offense and all references in divisions 2944  
~~(B)~~(A) to ~~(H)~~(G) of this section to "the offense" or "that 2945  
offense" mean each of those offenses that are the subject of the 2946  
application. The application shall do all of the following: 2947

(1) Identify the applicant, the offense for which the 2948  
expungement is sought, the date of the conviction of that 2949  
offense, and the court in which the conviction occurred; 2950

(2) Describe the evidence and provide copies of any 2951  
documentation showing that the person is entitled to relief 2952  
under this section; 2953

(3) Include a request for expungement of the record of 2954  
conviction of that offense under this section. 2955

~~(C)~~(B) The court may deny an application made under 2956  
division ~~(B)~~(A) of this section if it finds that the 2957  
application fails to assert grounds on which relief may be 2958  
granted. 2959

~~(D)~~ (C) If the court does not deny an application under 2960  
division ~~(C)~~ (B) of this section, it shall set a date for a 2961  
hearing and shall notify the prosecutor for the case from which 2962  
the record of conviction resulted of the hearing on the 2963  
application. The prosecutor may object to the granting of the 2964  
application by filing an objection with the court prior to the 2965  
date set for the hearing. The prosecutor shall specify in the 2966  
objection the reasons for believing a denial of the application 2967  
is justified. The court may direct its regular probation 2968  
officer, a state probation officer, or the department of 2969  
probation of the county in which the applicant resides to make 2970  
inquiries and written reports as the court requires concerning 2971  
the applicant. 2972

~~(E)~~ ~~(1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) 2973  
of this section, the court shall do both of the following: 2974

(a) If the prosecutor has filed an objection, consider the 2975  
reasons against granting the application specified by the 2976  
prosecutor in the objection; 2977

(b) Determine whether the applicant has demonstrated by a 2978  
preponderance of the evidence that the applicant's participation 2979  
in the offense that is the subject of the application was a 2980  
result of the applicant having been a victim of human 2981  
trafficking. 2982

(2) If the court at the hearing held under division ~~(D)~~ 2983  
(C) of this section determines that the applicant's 2984  
participation in the offense that is the subject of the 2985  
application was a result of the applicant having been a victim 2986  
of human trafficking and if that subject offense is a felony of 2987  
the first or second degree, the court at the hearing also shall 2988  
consider all of the following factors and, upon consideration of 2989

the factors, shall determine whether the interests of the 2990  
applicant in having the record of the conviction of that offense 2991  
expunged are outweighed by any legitimate needs of the 2992  
government to maintain that record of conviction: 2993

(a) The degree of duress under which the applicant acted 2994  
in committing the subject offense, including, but not limited 2995  
to, the history of the use of force or threatened use of force 2996  
against the applicant or another person, whether the applicant's 2997  
judgment or control was impaired by the administration to the 2998  
applicant of any intoxicant, drug, or controlled substance, and 2999  
the threat of withholding from the applicant food, water, or any 3000  
drug; 3001

(b) The seriousness of the subject offense; 3002

(c) The relative degree of physical harm done to any 3003  
person in the commission of the subject offense; 3004

(d) The length of time that has expired since the 3005  
commission of the subject offense; 3006

(e) Whether the prosecutor represents to the court that 3007  
criminal proceedings are likely to still be initiated against 3008  
the applicant for a felony offense for which the period of 3009  
limitations has not expired; 3010

(f) Whether the applicant at the time of the hearing is 3011  
subject to supervision as a result of the subject offense. 3012

~~(F)~~ (E) If after a hearing held under division ~~(D)~~ (C) of 3013  
this section the court finds that the applicant has demonstrated 3014  
by a preponderance of the evidence that the applicant's 3015  
participation in the offense that is the subject of the 3016  
application was the result of the applicant having been a victim 3017  
of human trafficking, and, if the offense that is the subject of 3018

the application is a felony of the first or second degree, after 3019  
consideration of the factors required under division ~~(E)~~~~(2)~~~~(D)~~ 3020  
(2) of this section, it finds that the interests of the 3021  
applicant in having the record of the conviction of that offense 3022  
expunged are not outweighed by any legitimate needs of the 3023  
government to maintain that record of conviction, the court 3024  
shall grant the application and order that the record of 3025  
conviction be expunged. 3026

~~(G)~~~~(1)~~~~(F)~~(1) The court shall send notice of the order of 3027  
expungement issued under division ~~(F)~~~~(E)~~ of this section to 3028  
each public office or agency that the court has reason to 3029  
believe may have an official record pertaining to the case if 3030  
the court, after complying with division ~~(E)~~~~(D)~~ of this 3031  
section, determines both of the following: 3032

(a) That the applicant has been convicted of a violation 3033  
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 3034

(b) That the interests of the applicant in having the 3035  
records pertaining to the applicant's conviction expunged are 3036  
not outweighed by any legitimate needs of the government to 3037  
maintain those records. 3038

(2) The proceedings in the case that is the subject of an 3039  
order of expungement issued under division ~~(F)~~~~(E)~~ of this 3040  
section shall be considered not to have occurred and the 3041  
conviction of the person who is the subject of the proceedings 3042  
shall be expunged. The record of the conviction shall not be 3043  
used for any purpose, including, but not limited to, a criminal 3044  
records check under section 109.572 of the Revised Code. The 3045  
applicant may, and the court shall, reply that no record exists 3046  
with respect to the applicant upon any inquiry into the matter. 3047

~~(H)~~-(G) Upon the filing of an application under this 3048  
section, the applicant, unless indigent, shall pay a fee of 3049  
fifty dollars. The court shall pay thirty dollars of the fee 3050  
into the state treasury and shall pay twenty dollars of the fee 3051  
into the county general revenue fund. 3052

**Sec. ~~2953.56~~ 2953.37.** Violations of sections 2953.31 to 3053  
~~2953.61-2953.60~~ of the Revised Code shall not provide the basis 3054  
to exclude or suppress any of the following evidence that is 3055  
otherwise admissible in a criminal proceeding, delinquent child 3056  
proceeding, or other legal proceeding: 3057

(A) DNA records collected in the DNA database; 3058

(B) Fingerprints filed for record by the superintendent of 3059  
the bureau of criminal identification and investigation; 3060

(C) Other evidence that was obtained or discovered as the 3061  
direct or indirect result of divulging or otherwise using the 3062  
records described in divisions (A) and (B) of this section. 3063

**Sec. 2953.521.** (A) ~~As used in this section, "expunge" has~~ 3064  
~~the same meaning as in section 2953.38 of the Revised Code.~~ 3065

~~(B)~~ Any person who is found not guilty of an offense by a 3066  
jury or a court or who is the defendant named in a dismissed 3067  
complaint, indictment, or information may apply to the court for 3068  
an order to expunge the person's official records in the case if 3069  
the complaint, indictment, information, or finding of not guilty 3070  
that is the subject of the application was the result of the 3071  
applicant having been a victim of human trafficking. The 3072  
application may be filed at any time after the finding of not 3073  
guilty or the dismissal of the complaint, indictment, or 3074  
information is entered upon the minutes of the court or the 3075  
journal, whichever entry occurs first. The application may 3076



request an order to expunge official records for more than one 3077  
offense, but if it does, the court shall consider the request 3078  
for each offense separately as if a separate application had 3079  
been made for each offense and all references in divisions ~~(B)~~ 3080  
(A) to ~~(H)~~(G) of this section to "the offense" or "that 3081  
offense" mean each of those offenses that are the subject of the 3082  
application. 3083

~~(C)~~(B) The court may deny an application made under 3084  
division ~~(B)~~(A) of this section if it finds that the 3085  
application fails to assert grounds on which relief may be 3086  
granted. 3087

~~(D)~~(C) If the court does not deny an application under 3088  
division ~~(C)~~(B) of this section, the court shall set a date for 3089  
a hearing and shall notify the prosecutor for the case of the 3090  
hearing on the application. The prosecutor may object to the 3091  
granting of the application by filing an objection with the 3092  
court prior to the date set for the hearing. The prosecutor 3093  
shall specify in the objection the reasons for believing a 3094  
denial of the application is justified. 3095

~~(E)~~(D) At the hearing held under division ~~(D)~~(C) of this 3096  
section, the court shall do all of the following: 3097

(1) If the prosecutor has filed an objection, consider the 3098  
reasons against granting the application specified by the 3099  
prosecutor in the objection; 3100

(2) Determine whether the applicant has demonstrated by a 3101  
preponderance of the evidence that the complaint, indictment, 3102  
information, or finding of not guilty that is the subject of the 3103  
application was the result of the applicant having been a victim 3104  
of human trafficking; 3105

(3) If the application pertains to a dismissed complaint, 3106  
indictment, or information, determine whether the dismissal was 3107  
with prejudice or without prejudice and, if the dismissal was 3108  
without prejudice, whether the period of limitations applicable 3109  
to the offense that was the subject of that complaint, 3110  
indictment, or information has expired; 3111

(4) Determine whether any criminal proceedings are pending 3112  
against the applicant. 3113

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this 3114  
section, if the court finds that the applicant has demonstrated 3115  
by a preponderance of the evidence that the complaint, 3116  
indictment, information, or finding of not guilty that is the 3117  
subject of the application was the result of the applicant 3118  
having been a victim of human trafficking, the court shall grant 3119  
the application and order that the official records be expunged. 3120

(2) The court shall not grant the application and order 3121  
that the official records be expunged unless the court 3122  
determines that the interests of the applicant in having the 3123  
official records pertaining to the complaint, indictment, or 3124  
information or finding of not guilty that is the subject of the 3125  
application expunged are not outweighed by any legitimate needs 3126  
of the government to maintain those records. 3127

~~(G)~~ (F) If an expungement is ordered under division ~~(F)~~ 3128  
(E) of this section, the court shall send notice of the order of 3129  
expungement to each public office or agency that the court has 3130  
reason to believe may have an official record pertaining to the 3131  
case. 3132

~~(H)~~ (G) The proceedings in the case that is the subject of 3133  
an order issued under division ~~(F)~~ (E) of this section shall be 3134

considered not to have occurred and the official records shall 3135  
be expunged. The official records shall not be used for any 3136  
purpose, including a criminal records check under section 3137  
109.572 of the Revised Code. The applicant may, and the court 3138  
shall, reply that no record exists with respect to the applicant 3139  
upon any inquiry into the matter. 3140

**Sec. 2953.57.** (A) A court that enters a judgment that 3141  
vacates and sets aside the conviction of a person because of DNA 3142  
testing that was performed under sections 2953.71 to 2953.81 of 3143  
the Revised Code or under section 2953.82 of the Revised Code 3144  
shall issue ninety days after the court vacates and sets aside 3145  
the conviction an order directing that all official records 3146  
pertaining to the case involving the vacated conviction be 3147  
sealed and that the proceedings in the case shall be deemed not 3148  
to have occurred. 3149

(B) As used in sections 2953.57 to 2953.60 of the Revised 3150  
Code, "official records" has the same meaning as in section 3151  
~~2953.51~~2953.31 of the Revised Code. 3152

**Sec. 2953.58.** (A) The court shall send notice of an order 3153  
to seal official records issued pursuant to section 2953.57 of 3154  
the Revised Code to any public office or agency that the court 3155  
knows or has reason to believe may have any record of the case, 3156  
whether or not it is an official record, that is the subject of 3157  
the order. The notice shall be sent by certified mail, return 3158  
receipt requested. 3159

(B) A person whose official records have been sealed 3160  
pursuant to an order issued pursuant to section 2953.57 of the 3161  
Revised Code may present a copy of that order and a written 3162  
request to comply with it, to a public office or agency that has 3163  
a record of the case that is the subject of the order. 3164

(C) An order to seal official records issued pursuant to 3165  
section 2953.57 of the Revised Code applies to every public 3166  
office or agency that has a record of the case that is the 3167  
subject of the order, regardless of whether it receives a copy 3168  
of the order to seal the official records pursuant to division 3169  
(A) or (B) of this section. 3170

(D) Upon receiving a copy of an order to seal official 3171  
records pursuant to division (A) or (B) of this section or upon 3172  
otherwise becoming aware of an applicable order to seal official 3173  
records issued pursuant to section 2953.57 of the Revised Code, 3174  
a public office or agency shall comply with the order and, if 3175  
applicable, with the provisions of section 2953.59 of the 3176  
Revised Code, except that it may maintain a record of the case 3177  
that is the subject of the order if the record is maintained for 3178  
the purpose of compiling statistical data only and does not 3179  
contain any reference to the person who is the subject of the 3180  
case and the order. 3181

A public office or agency also may maintain an index of 3182  
sealed official records, in a form similar to that for sealed 3183  
records of conviction as set forth in division ~~(F)~~ (C) of 3184  
section ~~2953.32-2953.34~~ of the Revised Code, access to which may 3185  
not be afforded to any person other than the person who has 3186  
custody of the sealed official records. The sealed official 3187  
records to which such an index pertains shall not be available 3188  
to any person, except that the official records of a case that 3189  
have been sealed may be made available to the following persons 3190  
for the following purposes: 3191

(1) To the person who is the subject of the records upon 3192  
written application, and to any other person named in the 3193  
application, for any purpose; 3194

(2) To a law enforcement officer who was involved in the 3195  
case, for use in the officer's defense of a civil action arising 3196  
out of the officer's involvement in that case. 3197

**Sec. 2953.59.** (A) Except as otherwise provided in Chapter 3198  
2950. of the Revised Code, upon the issuance of an order by a 3199  
court under section 2953.57 of the Revised Code directing that 3200  
all official records pertaining to a case be sealed and that the 3201  
proceedings in the case be deemed not to have occurred: 3202

(1) Every law enforcement officer possessing records or 3203  
reports pertaining to the case that are the officer's specific 3204  
investigatory work product and that are excepted from the 3205  
definition of "official records" contained in section ~~2953.51~~ 3206  
2953.31 of the Revised Code shall immediately deliver the 3207  
records and reports to the officer's employing law enforcement 3208  
agency. Except as provided in division (A)(3) of this section, 3209  
no such officer shall knowingly release, disseminate, or 3210  
otherwise make the records and reports or any information 3211  
contained in them available to, or discuss any information 3212  
contained in them with, any person not employed by the officer's 3213  
employing law enforcement agency. 3214

(2) Every law enforcement agency that possesses records or 3215  
reports pertaining to the case that are its specific 3216  
investigatory work product and that are excepted from the 3217  
definition of "official records" contained in section ~~2953.51~~ 3218  
2953.31 of the Revised Code, or that are the specific 3219  
investigatory work product of a law enforcement officer it 3220  
employs and that were delivered to it under division (A)(1) of 3221  
this section shall, except as provided in division (A)(3) of 3222  
this section, close the records and reports to all persons who 3223  
are not directly employed by the law enforcement agency and 3224

shall, except as provided in division (A) (3) of this section, 3225  
treat the records and reports, in relation to all persons other 3226  
than those who are directly employed by the law enforcement 3227  
agency, as if they did not exist and had never existed. Except 3228  
as provided in division (A) (3) of this section, no person who is 3229  
employed by the law enforcement agency shall knowingly release, 3230  
disseminate, or otherwise make the records and reports in the 3231  
possession of the employing law enforcement agency or any 3232  
information contained in them available to, or discuss any 3233  
information contained in them with, any person not employed by 3234  
the employing law enforcement agency. 3235

(3) A law enforcement agency that possesses records or 3236  
reports pertaining to the case that are its specific 3237  
investigatory work product and that are excepted from the 3238  
definition of "official records" contained in division (D) of 3239  
section ~~2953.51~~2953.31 of the Revised Code, or that are the 3240  
specific investigatory work product of a law enforcement officer 3241  
it employs and that were delivered to it under division (A) (1) 3242  
of this section may permit another law enforcement agency to use 3243  
the records or reports in the investigation of another offense, 3244  
if the facts incident to the offense being investigated by the 3245  
other law enforcement agency and the facts incident to an 3246  
offense that is the subject of the case are reasonably similar 3247  
and if all references to the name or identifying information of 3248  
the person whose records were sealed are redacted from the 3249  
records or reports. The agency that provides the records and 3250  
reports may not provide the other agency with the name of the 3251  
person who is the subject of the case the records of which were 3252  
sealed. 3253

(B) Whoever violates division (A) (1), (2), or (3) of this 3254  
section is guilty of divulging confidential information, a 3255

misdemeanor of the fourth degree. 3256

**Sec. 4301.69.** (A) Except as otherwise provided in this 3257  
chapter, no person shall sell beer or intoxicating liquor to an 3258  
underage person, shall buy beer or intoxicating liquor for an 3259  
underage person, or shall furnish it to an underage person, 3260  
unless given by a physician in the regular line of the 3261  
physician's practice or given for established religious purposes 3262  
or unless the underage person is supervised by a parent, spouse 3263  
who is not an underage person, or legal guardian. 3264

In proceedings before the liquor control commission, no 3265  
permit holder, or no employee or agent of a permit holder, 3266  
charged with a violation of this division shall be charged, for 3267  
the same offense, with a violation of division (A) (1) of section 3268  
4301.22 of the Revised Code. 3269

(B) No person who is the owner or occupant of any public 3270  
or private place shall knowingly allow any underage person to 3271  
remain in or on the place while possessing or consuming beer or 3272  
intoxicating liquor, unless the intoxicating liquor or beer is 3273  
given to the person possessing or consuming it by that person's 3274  
parent, spouse who is not an underage person, or legal guardian 3275  
and the parent, spouse who is not an underage person, or legal 3276  
guardian is present at the time of the person's possession or 3277  
consumption of the beer or intoxicating liquor. 3278

An owner of a public or private place is not liable for 3279  
acts or omissions in violation of this division that are 3280  
committed by a lessee of that place, unless the owner authorizes 3281  
or acquiesces in the lessee's acts or omissions. 3282

(C) No person shall engage or use accommodations at a 3283  
hotel, inn, cabin, campground, or restaurant when the person 3284

knows or has reason to know either of the following: 3285

(1) That beer or intoxicating liquor will be consumed by 3286  
an underage person on the premises of the accommodations that 3287  
the person engages or uses, unless the person engaging or using 3288  
the accommodations is the spouse of the underage person and is 3289  
not an underage person, or is the parent or legal guardian of 3290  
all of the underage persons, who consume beer or intoxicating 3291  
liquor on the premises and that person is on the premises at all 3292  
times when beer or intoxicating liquor is being consumed by an 3293  
underage person; 3294

(2) That a drug of abuse will be consumed on the premises 3295  
of the accommodations by any person, except a person who 3296  
obtained the drug of abuse pursuant to a prescription issued by 3297  
a licensed health professional authorized to prescribe drugs and 3298  
has the drug of abuse in the original container in which it was 3299  
dispensed to the person. 3300

(D) (1) No person is required to permit the engagement of 3301  
accommodations at any hotel, inn, cabin, or campground by an 3302  
underage person or for an underage person, if the person 3303  
engaging the accommodations knows or has reason to know that the 3304  
underage person is intoxicated, or that the underage person 3305  
possesses any beer or intoxicating liquor and is not supervised 3306  
by a parent, spouse who is not an underage person, or legal 3307  
guardian who is or will be present at all times when the beer or 3308  
intoxicating liquor is being consumed by the underage person. 3309

(2) No underage person shall knowingly engage or attempt 3310  
to engage accommodations at any hotel, inn, cabin, or campground 3311  
by presenting identification that falsely indicates that the 3312  
underage person is twenty-one years of age or older for the 3313  
purpose of violating this section. 3314



(E) (1) No underage person shall knowingly order, pay for, 3315  
share the cost of, attempt to purchase, possess, or consume any 3316  
beer or intoxicating liquor in any public or private place. No 3317  
underage person shall knowingly be under the influence of any 3318  
beer or intoxicating liquor in any public place. The 3319  
prohibitions set forth in division (E) (1) of this section 3320  
against an underage person knowingly possessing, consuming, or 3321  
being under the influence of any beer or intoxicating liquor 3322  
shall not apply if the underage person is supervised by a 3323  
parent, spouse who is not an underage person, or legal guardian, 3324  
or the beer or intoxicating liquor is given by a physician in 3325  
the regular line of the physician's practice or given for 3326  
established religious purposes. 3327

(2) (a) If a person is charged with violating division (E) 3328  
(1) of this section in a complaint filed under section 2151.27 3329  
of the Revised Code, the court may order the child into a 3330  
diversion program specified by the court and hold the complaint 3331  
in abeyance pending successful completion of the diversion 3332  
program. A child is ineligible to enter into a diversion program 3333  
under division (E) (2) (a) of this section if the child previously 3334  
has been diverted pursuant to division (E) (2) (a) of this 3335  
section. If the child completes the diversion program to the 3336  
satisfaction of the court, the court shall dismiss the complaint 3337  
and order the child's record in the case sealed under sections 3338  
2151.356 to 2151.358 of the Revised Code. If the child fails to 3339  
satisfactorily complete the diversion program, the court shall 3340  
proceed with the complaint. 3341

(b) If a person is charged in a criminal complaint with 3342  
violating division (E) (1) of this section, section 2935.36 of 3343  
the Revised Code shall apply to the offense, except that a 3344  
person is ineligible for diversion under that section if the 3345

person previously has been diverted pursuant to division (E) (2) 3346  
(a) or (b) of this section. If the person completes the 3347  
diversion program to the satisfaction of the court, the court 3348  
shall dismiss the complaint and order the record in the case 3349  
sealed under section ~~2953.52~~2953.33 of the Revised Code. If the 3350  
person fails to satisfactorily complete the diversion program, 3351  
the court shall proceed with the complaint. 3352

(F) No parent, spouse who is not an underage person, or 3353  
legal guardian of a minor shall knowingly permit the minor to 3354  
violate this section or section 4301.63, 4301.633, or 4301.634 3355  
of the Revised Code. 3356

(G) The operator of any hotel, inn, cabin, or campground 3357  
shall make the provisions of this section available in writing 3358  
to any person engaging or using accommodations at the hotel, 3359  
inn, cabin, or campground. 3360

(H) As used in this section: 3361

(1) "Drug of abuse" has the same meaning as in section 3362  
3719.011 of the Revised Code. 3363

(2) "Hotel" has the same meaning as in section 3731.01 of 3364  
the Revised Code. 3365

(3) "Licensed health professional authorized to prescribe 3366  
drugs" and "prescription" have the same meanings as in section 3367  
4729.01 of the Revised Code. 3368

(4) "Minor" means a person under the age of eighteen 3369  
years. 3370

(5) "Underage person" means a person under the age of 3371  
twenty-one years. 3372

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 3373

quorum, may impose one or more of the following sanctions if it 3374  
finds that a person committed fraud in passing an examination 3375  
required to obtain a license or dialysis technician certificate 3376  
issued by the board or to have committed fraud, 3377  
misrepresentation, or deception in applying for or securing any 3378  
nursing license or dialysis technician certificate issued by the 3379  
board: deny, revoke, suspend, or place restrictions on any 3380  
nursing license or dialysis technician certificate issued by the 3381  
board; reprimand or otherwise discipline a holder of a nursing 3382  
license or dialysis technician certificate; or impose a fine of 3383  
not more than five hundred dollars per violation. 3384

(B) The board of nursing, by a vote of a quorum, may 3385  
impose one or more of the following sanctions: deny, revoke, 3386  
suspend, or place restrictions on any nursing license or 3387  
dialysis technician certificate issued by the board; reprimand 3388  
or otherwise discipline a holder of a nursing license or 3389  
dialysis technician certificate; or impose a fine of not more 3390  
than five hundred dollars per violation. The sanctions may be 3391  
imposed for any of the following: 3392

(1) Denial, revocation, suspension, or restriction of 3393  
authority to engage in a licensed profession or practice a 3394  
health care occupation, including nursing or practice as a 3395  
dialysis technician, for any reason other than a failure to 3396  
renew, in Ohio or another state or jurisdiction; 3397

(2) Engaging in the practice of nursing or engaging in 3398  
practice as a dialysis technician, having failed to renew a 3399  
nursing license or dialysis technician certificate issued under 3400  
this chapter, or while a nursing license or dialysis technician 3401  
certificate is under suspension; 3402

(3) Conviction of, a plea of guilty to, a judicial finding 3403

of guilt of, a judicial finding of guilt resulting from a plea 3404  
of no contest to, or a judicial finding of eligibility for a 3405  
pretrial diversion or similar program or for intervention in 3406  
lieu of conviction for, a misdemeanor committed in the course of 3407  
practice; 3408

(4) Conviction of, a plea of guilty to, a judicial finding 3409  
of guilt of, a judicial finding of guilt resulting from a plea 3410  
of no contest to, or a judicial finding of eligibility for a 3411  
pretrial diversion or similar program or for intervention in 3412  
lieu of conviction for, any felony or of any crime involving 3413  
gross immorality or moral turpitude; 3414

(5) Selling, giving away, or administering drugs or 3415  
therapeutic devices for other than legal and legitimate 3416  
therapeutic purposes; or conviction of, a plea of guilty to, a 3417  
judicial finding of guilt of, a judicial finding of guilt 3418  
resulting from a plea of no contest to, or a judicial finding of 3419  
eligibility for a pretrial diversion or similar program or for 3420  
intervention in lieu of conviction for, violating any municipal, 3421  
state, county, or federal drug law; 3422

(6) Conviction of, a plea of guilty to, a judicial finding 3423  
of guilt of, a judicial finding of guilt resulting from a plea 3424  
of no contest to, or a judicial finding of eligibility for a 3425  
pretrial diversion or similar program or for intervention in 3426  
lieu of conviction for, an act in another jurisdiction that 3427  
would constitute a felony or a crime of moral turpitude in Ohio; 3428

(7) Conviction of, a plea of guilty to, a judicial finding 3429  
of guilt of, a judicial finding of guilt resulting from a plea 3430  
of no contest to, or a judicial finding of eligibility for a 3431  
pretrial diversion or similar program or for intervention in 3432  
lieu of conviction for, an act in the course of practice in 3433

another jurisdiction that would constitute a misdemeanor in 3434  
Ohio; 3435

(8) Self-administering or otherwise taking into the body 3436  
any dangerous drug, as defined in section 4729.01 of the Revised 3437  
Code, in any way that is not in accordance with a legal, valid 3438  
prescription issued for that individual, or self-administering 3439  
or otherwise taking into the body any drug that is a schedule I 3440  
controlled substance; 3441

(9) Habitual or excessive use of controlled substances, 3442  
other habit-forming drugs, or alcohol or other chemical 3443  
substances to an extent that impairs the individual's ability to 3444  
provide safe nursing care or safe dialysis care; 3445

(10) Impairment of the ability to practice according to 3446  
acceptable and prevailing standards of safe nursing care or safe 3447  
dialysis care because of the use of drugs, alcohol, or other 3448  
chemical substances; 3449

(11) Impairment of the ability to practice according to 3450  
acceptable and prevailing standards of safe nursing care or safe 3451  
dialysis care because of a physical or mental disability; 3452

(12) Assaulting or causing harm to a patient or depriving 3453  
a patient of the means to summon assistance; 3454

(13) Misappropriation or attempted misappropriation of 3455  
money or anything of value in the course of practice; 3456

(14) Adjudication by a probate court of being mentally ill 3457  
or mentally incompetent. The board may reinstate the person's 3458  
nursing license or dialysis technician certificate upon 3459  
adjudication by a probate court of the person's restoration to 3460  
competency or upon submission to the board of other proof of 3461  
competency. 3462

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| (15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter; | 3463<br>3464<br>3465 |
| (16) Violation of this chapter or any rules adopted under it;  | 3466<br>3467         |
| (17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;  | 3468<br>3469         |
| (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;   | 3470<br>3471<br>3472 |
| (19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;  | 3473<br>3474         |
| (20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;  | 3475<br>3476<br>3477 |
| (21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;  | 3478<br>3479<br>3480 |
| (22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;   | 3481<br>3482<br>3483 |
| (23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;         | 3484<br>3485<br>3486 |
| (24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:  | 3487<br>3488<br>3489 |

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| (a) Waiving the payment of all or any part of a deductible       | 3490 |
| or copayment that a patient, pursuant to a health insurance or   | 3491 |
| health care policy, contract, or plan that covers such nursing   | 3492 |
| services, would otherwise be required to pay if the waiver is    | 3493 |
| used as an enticement to a patient or group of patients to       | 3494 |
| receive health care services from that provider;                 | 3495 |
| (b) Advertising that the nurse will waive the payment of         | 3496 |
| all or any part of a deductible or copayment that a patient,     | 3497 |
| pursuant to a health insurance or health care policy, contract,  | 3498 |
| or plan that covers such nursing services, would otherwise be    | 3499 |
| required to pay.   | 3500 |
| (25) Failure to comply with the terms and conditions of          | 3501 |
| participation in the substance use disorder monitoring program   | 3502 |
| established under section 4723.35 of the Revised Code;           | 3503 |
| (26) Failure to comply with the terms and conditions             | 3504 |
| required under the practice intervention and improvement program | 3505 |
| established under section 4723.282 of the Revised Code;          | 3506 |
| (27) In the case of an advanced practice registered nurse:       | 3507 |
| (a) Engaging in activities that exceed those permitted for       | 3508 |
| the nurse's nursing specialty under section 4723.43 of the       | 3509 |
| Revised Code;  | 3510 |
| (b) Failure to meet the quality assurance standards              | 3511 |
| established under section 4723.07 of the Revised Code.           | 3512 |
| (28) In the case of an advanced practice registered nurse        | 3513 |
| other than a certified registered nurse anesthetist, failure to  | 3514 |
| maintain a standard care arrangement in accordance with section  | 3515 |
| 4723.431 of the Revised Code or to practice in accordance with   | 3516 |
| the standard care arrangement;                                   | 3517 |

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| (29) In the case of an advanced practice registered nurse       | 3518 |
| who is designated as a clinical nurse specialist, certified     | 3519 |
| nurse-midwife, or certified nurse practitioner, failure to      | 3520 |
| prescribe drugs and therapeutic devices in accordance with      | 3521 |
| section 4723.481 of the Revised Code;                           | 3522 |
| (30) Prescribing any drug or device to perform or induce        | 3523 |
| an abortion, or otherwise performing or inducing an abortion;   | 3524 |
| (31) Failure to establish and maintain professional             | 3525 |
| boundaries with a patient, as specified in rules adopted under  | 3526 |
| section 4723.07 of the Revised Code;                            | 3527 |
| (32) Regardless of whether the contact or verbal behavior       | 3528 |
| is consensual, engaging with a patient other than the spouse of | 3529 |
| the registered nurse, licensed practical nurse, or dialysis     | 3530 |
| technician in any of the following:                             | 3531 |
| (a) Sexual contact, as defined in section 2907.01 of the        | 3532 |
| Revised Code;   | 3533 |
| (b) Verbal behavior that is sexually demeaning to the           | 3534 |
| patient or may be reasonably interpreted by the patient as      | 3535 |
| sexually demeaning.   | 3536 |
| (33) Assisting suicide, as defined in section 3795.01 of        | 3537 |
| the Revised Code;   | 3538 |
| (34) Failure to comply with the requirements in section         | 3539 |
| 3719.061 of the Revised Code before issuing for a minor a       | 3540 |
| prescription for an opioid analgesic, as defined in section     | 3541 |
| 3719.01 of the Revised Code;                                    | 3542 |
| (35) Failure to comply with section 4723.487 of the             | 3543 |
| Revised Code, unless the state board of pharmacy no longer      | 3544 |
| maintains a drug database pursuant to section 4729.75 of the    | 3545 |



Revised Code; 3546

(36) The revocation, suspension, restriction, reduction, 3547  
or termination of clinical privileges by the United States 3548  
department of defense or department of veterans affairs or the 3549  
termination or suspension of a certificate of registration to 3550  
prescribe drugs by the drug enforcement administration of the 3551  
United States department of justice. 3552

(C) Disciplinary actions taken by the board under 3553  
divisions (A) and (B) of this section shall be taken pursuant to 3554  
an adjudication conducted under Chapter 119. of the Revised 3555  
Code, except that in lieu of a hearing, the board may enter into 3556  
a consent agreement with an individual to resolve an allegation 3557  
of a violation of this chapter or any rule adopted under it. A 3558  
consent agreement, when ratified by a vote of a quorum, shall 3559  
constitute the findings and order of the board with respect to 3560  
the matter addressed in the agreement. If the board refuses to 3561  
ratify a consent agreement, the admissions and findings 3562  
contained in the agreement shall be of no effect. 3563

(D) The hearings of the board shall be conducted in 3564  
accordance with Chapter 119. of the Revised Code, the board may 3565  
appoint a hearing examiner, as provided in section 119.09 of the 3566  
Revised Code, to conduct any hearing the board is authorized to 3567  
hold under Chapter 119. of the Revised Code. 3568

In any instance in which the board is required under 3569  
Chapter 119. of the Revised Code to give notice of an 3570  
opportunity for a hearing and the applicant, licensee, or 3571  
certificate holder does not make a timely request for a hearing 3572  
in accordance with section 119.07 of the Revised Code, the board 3573  
is not required to hold a hearing, but may adopt, by a vote of a 3574  
quorum, a final order that contains the board's findings. In the 3575

final order, the board may order any of the sanctions listed in 3576  
division (A) or (B) of this section. 3577

(E) If a criminal action is brought against a registered 3578  
nurse, licensed practical nurse, or dialysis technician for an 3579  
act or crime described in divisions (B)(3) to (7) of this 3580  
section and the action is dismissed by the trial court other 3581  
than on the merits, the board shall conduct an adjudication to 3582  
determine whether the registered nurse, licensed practical 3583  
nurse, or dialysis technician committed the act on which the 3584  
action was based. If the board determines on the basis of the 3585  
adjudication that the registered nurse, licensed practical 3586  
nurse, or dialysis technician committed the act, or if the 3587  
registered nurse, licensed practical nurse, or dialysis 3588  
technician fails to participate in the adjudication, the board 3589  
may take action as though the registered nurse, licensed 3590  
practical nurse, or dialysis technician had been convicted of 3591  
the act. 3592

If the board takes action on the basis of a conviction, 3593  
plea, or a judicial finding as described in divisions (B)(3) to 3594  
(7) of this section that is overturned on appeal, the registered 3595  
nurse, licensed practical nurse, or dialysis technician may, on 3596  
exhaustion of the appeal process, petition the board for 3597  
reconsideration of its action. On receipt of the petition and 3598  
supporting court documents, the board shall temporarily rescind 3599  
its action. If the board determines that the decision on appeal 3600  
was a decision on the merits, it shall permanently rescind its 3601  
action. If the board determines that the decision on appeal was 3602  
not a decision on the merits, it shall conduct an adjudication 3603  
to determine whether the registered nurse, licensed practical 3604  
nurse, or dialysis technician committed the act on which the 3605  
original conviction, plea, or judicial finding was based. If the 3606

board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.

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) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse,

licensed practical nurse, or dialysis technician or applicant 3637  
under this chapter to submit to a mental or physical 3638  
examination, or both, as required by the board and at the 3639  
expense of the individual, if the board finds reason to believe 3640  
that the individual under investigation may have a physical or 3641  
mental impairment that may affect the individual's ability to 3642  
provide safe nursing care. Failure of any individual to submit 3643  
to a mental or physical examination when directed constitutes an 3644  
admission of the allegations, unless the failure is due to 3645  
circumstances beyond the individual's control, and a default and 3646  
final order may be entered without the taking of testimony or 3647  
presentation of evidence. 3648

If the board finds that an individual is impaired, the 3649  
board shall require the individual to submit to care, 3650  
counseling, or treatment approved or designated by the board, as 3651  
a condition for initial, continued, reinstated, or renewed 3652  
authority to practice. The individual shall be afforded an 3653  
opportunity to demonstrate to the board that the individual can 3654  
begin or resume the individual's occupation in compliance with 3655  
acceptable and prevailing standards of care under the provisions 3656  
of the individual's authority to practice. 3657

For purposes of this division, any registered nurse, 3658  
licensed practical nurse, or dialysis technician or applicant 3659  
under this chapter shall be deemed to have given consent to 3660  
submit to a mental or physical examination when directed to do 3661  
so in writing by the board, and to have waived all objections to 3662  
the admissibility of testimony or examination reports that 3663  
constitute a privileged communication. 3664

(H) The board shall investigate evidence that appears to 3665  
show that any person has violated any provision of this chapter 3666

or any rule of the board. Any person may report to the board any 3667  
information the person may have that appears to show a violation 3668  
of any provision of this chapter or rule of the board. In the 3669  
absence of bad faith, any person who reports such information or 3670  
who testifies before the board in any adjudication conducted 3671  
under Chapter 119. of the Revised Code shall not be liable for 3672  
civil damages as a result of the report or testimony. 3673

(I) All of the following apply under this chapter with 3674  
respect to the confidentiality of information: 3675

(1) Information received by the board pursuant to a 3676  
complaint or an investigation is confidential and not subject to 3677  
discovery in any civil action, except that the board may 3678  
disclose information to law enforcement officers and government 3679  
entities for purposes of an investigation of either a licensed 3680  
health care professional, including a registered nurse, licensed 3681  
practical nurse, or dialysis technician, or a person who may 3682  
have engaged in the unauthorized practice of nursing or dialysis 3683  
care. No law enforcement officer or government entity with 3684  
knowledge of any information disclosed by the board pursuant to 3685  
this division shall divulge the information to any other person 3686  
or government entity except for the purpose of a government 3687  
investigation, a prosecution, or an adjudication by a court or 3688  
government entity. 3689

(2) If an investigation requires a review of patient 3690  
records, the investigation and proceeding shall be conducted in 3691  
such a manner as to protect patient confidentiality. 3692

(3) All adjudications and investigations of the board 3693  
shall be considered civil actions for the purposes of section 3694  
2305.252 of the Revised Code. 3695

(4) Any board activity that involves continued monitoring 3696  
of an individual as part of or following any disciplinary action 3697  
taken under this section shall be conducted in a manner that 3698  
maintains the individual's confidentiality. Information received 3699  
or maintained by the board with respect to the board's 3700  
monitoring activities is not subject to discovery in any civil 3701  
action and is confidential, except that the board may disclose 3702  
information to law enforcement officers and government entities 3703  
for purposes of an investigation of a licensee or certificate 3704  
holder. 3705

(J) Any action taken by the board under this section 3706  
resulting in a suspension from practice shall be accompanied by 3707  
a written statement of the conditions under which the person may 3708  
be reinstated to practice. 3709

(K) When the board refuses to grant a license or 3710  
certificate to an applicant, revokes a license or certificate, 3711  
or refuses to reinstate a license or certificate, the board may 3712  
specify that its action is permanent. An individual subject to 3713  
permanent action taken by the board is forever ineligible to 3714  
hold a license or certificate of the type that was refused or 3715  
revoked and the board shall not accept from the individual an 3716  
application for reinstatement of the license or certificate or 3717  
for a new license or certificate. 3718

(L) No unilateral surrender of a nursing license or 3719  
dialysis technician certificate issued under this chapter shall 3720  
be effective unless accepted by majority vote of the board. No 3721  
application for a nursing license or dialysis technician 3722  
certificate issued under this chapter may be withdrawn without a 3723  
majority vote of the board. The board's jurisdiction to take 3724  
disciplinary action under this section is not removed or limited 3725

when an individual has a license or certificate classified as 3726  
inactive or fails to renew a license or certificate. 3727

(M) Sanctions shall not be imposed under division (B) (24) 3728  
of this section against any licensee who waives deductibles and 3729  
copayments as follows: 3730

(1) In compliance with the health benefit plan that 3731  
expressly allows such a practice. Waiver of the deductibles or 3732  
copayments shall be made only with the full knowledge and 3733  
consent of the plan purchaser, payer, and third-party 3734  
administrator. Documentation of the consent shall be made 3735  
available to the board upon request. 3736

(2) For professional services rendered to any other person 3737  
licensed pursuant to this chapter to the extent allowed by this 3738  
chapter and the rules of the board. 3739

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 3740  
notice and hearing in accordance with Chapter 119. of the 3741  
Revised Code, may impose any one or more of the following 3742  
sanctions on a pharmacist or pharmacy intern if the board finds 3743  
the individual engaged in any of the conduct set forth in 3744  
division (A) (2) of this section: 3745

(a) Revoke, suspend, restrict, limit, or refuse to grant 3746  
or renew a license; 3747

(b) Reprimand or place the license holder on probation; 3748

(c) Impose a monetary penalty or forfeiture not to exceed 3749  
in severity any fine designated under the Revised Code for a 3750  
similar offense, or in the case of a violation of a section of 3751  
the Revised Code that does not bear a penalty, a monetary 3752  
penalty or forfeiture of not more than five hundred dollars. 3753

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|---|------|
| (2) The board may impose the sanctions listed in division       | 3754 |
| (A) (1) of this section if the board finds a pharmacist or      | 3755 |
| pharmacy intern:  | 3756 |
| (a) Has been convicted of a felony, or a crime of moral         | 3757 |
| turpitude, as defined in section 4776.10 of the Revised Code;   | 3758 |
| (b) Engaged in dishonesty or unprofessional conduct in the      | 3759 |
| practice of pharmacy;   | 3760 |
| (c) Is addicted to or abusing alcohol or drugs or is            | 3761 |
| impaired physically or mentally to such a degree as to render   | 3762 |
| the pharmacist or pharmacy intern unfit to practice pharmacy;   | 3763 |
| (d) Has been convicted of a misdemeanor related to, or          | 3764 |
| committed in, the practice of pharmacy;                         | 3765 |
| (e) Violated, conspired to violate, attempted to violate,       | 3766 |
| or aided and abetted the violation of any of the provisions of  | 3767 |
| this chapter, sections 3715.52 to 3715.72 of the Revised Code,  | 3768 |
| Chapter 2925. or 3719. of the Revised Code, or any rule adopted | 3769 |
| by the board under those provisions;                            | 3770 |
| (f) Permitted someone other than a pharmacist or pharmacy       | 3771 |
| intern to practice pharmacy;                                    | 3772 |
| (g) Knowingly lent the pharmacist's or pharmacy intern's        | 3773 |
| name to an illegal practitioner of pharmacy or had a            | 3774 |
| professional connection with an illegal practitioner of         | 3775 |
| pharmacy;   | 3776 |
| (h) Divided or agreed to divide remuneration made in the        | 3777 |
| practice of pharmacy with any other individual, including, but  | 3778 |
| not limited to, any licensed health professional authorized to  | 3779 |
| prescribe drugs or any owner, manager, or employee of a health  | 3780 |
| care facility, residential care facility, or nursing home;      | 3781 |



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|--|------------------------------|
| (i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;  | 3782<br>3783                 |
| (j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;                             | 3784<br>3785<br>3786<br>3787 |
| (k) Failed to comply with an order of the board or a settlement agreement;   | 3788<br>3789                 |
| (l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.  | 3790<br>3791<br>3792         |
| (B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.                 | 3793<br>3794<br>3795<br>3796 |
| (C) As used in this section:   | 3797                         |
| "Unprofessional conduct in the practice of pharmacy" includes any of the following:  | 3798<br>3799                 |
| (1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;  | 3800<br>3801                 |
| (2) Except as provided in section 4729.281, 4729.44, or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug; | 3802<br>3803<br>3804<br>3805 |
| (3) Knowingly dispensing medication pursuant to false or forged prescriptions;   | 3806<br>3807                 |
| (4) Knowingly failing to maintain complete and accurate  | 3808                         |

records of all dangerous drugs received or dispensed in 3809  
compliance with federal laws and regulations and state laws and 3810  
rules; 3811

(5) Obtaining any remuneration by fraud, 3812  
misrepresentation, or deception; 3813

(6) Failing to conform to prevailing standards of care of 3814  
similar pharmacists or pharmacy interns under the same or 3815  
similar circumstances, whether or not actual injury to a patient 3816  
is established; 3817

(7) Engaging in any other conduct that the board specifies 3818  
as unprofessional conduct in the practice of pharmacy in rules 3819  
adopted under section 4729.26 of the Revised Code. 3820

(D) The board may suspend a license under division (B) of 3821  
section 3719.121 of the Revised Code by utilizing a telephone 3822  
conference call to review the allegations and take a vote. 3823

(E) For purposes of this division, an individual 3824  
authorized to practice as a pharmacist or pharmacy intern 3825  
accepts the privilege of practicing in this state subject to 3826  
supervision by the board. By filing an application for or 3827  
holding a license to practice as a pharmacist or pharmacy 3828  
intern, an individual gives consent to submit to a mental or 3829  
physical examination when ordered to do so by the board in 3830  
writing and waives all objections to the admissibility of 3831  
testimony or examination reports that constitute privileged 3832  
communications. 3833

If the board has reasonable cause to believe that an 3834  
individual who is a pharmacist or pharmacy intern is physically 3835  
or mentally impaired, the board may require the individual to 3836  
submit to a physical or mental examination, or both. The expense 3837

of the examination is the responsibility of the individual 3838  
required to be examined. 3839

Failure of an individual who is a pharmacist or pharmacy 3840  
intern to submit to a physical or mental examination ordered by 3841  
the board, unless the failure is due to circumstances beyond the 3842  
individual's control, constitutes an admission of the 3843  
allegations and a suspension order shall be entered without the 3844  
taking of testimony or presentation of evidence. Any subsequent 3845  
adjudication hearing under Chapter 119. of the Revised Code 3846  
concerning failure to submit to an examination is limited to 3847  
consideration of whether the failure was beyond the individual's 3848  
control. 3849

If, based on the results of an examination ordered under 3850  
this division, the board determines that the individual's 3851  
ability to practice is impaired, the board shall suspend the 3852  
individual's license or deny the individual's application and 3853  
shall require the individual, as a condition for an initial, 3854  
continued, reinstated, or renewed license to practice, to submit 3855  
to a physical or mental examination and treatment. 3856

An order of suspension issued under this division shall 3857  
not be subject to suspension by a court during pendency of any 3858  
appeal filed under section 119.12 of the Revised Code. 3859

(F) If the board is required under Chapter 119. of the 3860  
Revised Code to give notice of an opportunity for a hearing and 3861  
the applicant or licensee does not make a timely request for a 3862  
hearing in accordance with section 119.07 of the Revised Code, 3863  
the board is not required to hold a hearing, but may adopt a 3864  
final order that contains the board's findings. In the final 3865  
order, the board may impose any of the sanctions listed in 3866  
division (A) of this section. 3867

(G) Notwithstanding the provision of division ~~(C) (2)~~ (D) 3868  
(2) of section 2953.32 of the Revised Code specifying that if 3869  
records pertaining to a criminal case are sealed under that 3870  
section the proceedings in the case must be deemed not to have 3871  
occurred, sealing of the following records on which the board 3872  
has based an action under this section shall have no effect on 3873  
the board's action or any sanction imposed by the board under 3874  
this section: records of any conviction, guilty plea, judicial 3875  
finding of guilt resulting from a plea of no contest, or a 3876  
judicial finding of eligibility for a pretrial diversion program 3877  
or intervention in lieu of conviction. The board shall not be 3878  
required to seal, destroy, redact, or otherwise modify its 3879  
records to reflect the court's sealing of conviction records. 3880

(H) No pharmacist or pharmacy intern shall knowingly 3881  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 3882  
(e) to (l) of this section. 3883

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 3884  
accordance with Chapter 119. of the Revised Code, may impose any 3885  
one or more of the following sanctions on a person licensed 3886  
under division (B) (1) (a) of section 4729.52 of the Revised Code 3887  
for any of the causes set forth in division (A) (2) of this 3888  
section: 3889

(a) Suspend, revoke, restrict, limit, or refuse to grant 3890  
or renew a license; 3891

(b) Reprimand or place the license holder on probation; 3892

(c) Impose a monetary penalty or forfeiture not to exceed 3893  
in severity any fine designated under the Revised Code for a 3894  
similar offense or two thousand five hundred dollars if the acts 3895  
committed are not classified as an offense by the Revised Code; 3896

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| (2) The board may impose the sanctions set forth in              | 3897 |
| division (A)(1) of this section for any of the following:        | 3898 |
| (a) Making any false material statements in an application       | 3899 |
| for licensure under section 4729.52 of the Revised Code;         | 3900 |
| (b) Violating any federal, state, or local drug law; any         | 3901 |
| provision of this chapter or Chapter 2925., 3715., or 3719. of   | 3902 |
| the Revised Code; or any rule of the board;                      | 3903 |
| (c) A conviction of a felony;                                    | 3904 |
| (d) Failing to satisfy the qualifications for licensure          | 3905 |
| under section 4729.53 of the Revised Code or the rules of the    | 3906 |
| board or ceasing to satisfy the qualifications after the         | 3907 |
| registration is granted or renewed;                              | 3908 |
| (e) Falsely or fraudulently promoting to the public a drug       | 3909 |
| that is a controlled substance included in schedule I, II, III,  | 3910 |
| IV, or V, except that nothing in this division prohibits a       | 3911 |
| manufacturer, outsourcing facility, third-party logistics        | 3912 |
| provider, repackager, or wholesale distributor of dangerous      | 3913 |
| drugs from furnishing information concerning a controlled        | 3914 |
| substance to a health care provider or licensed terminal         | 3915 |
| distributor;   | 3916 |
| (f) Violating any provision of the "Federal Food, Drug,          | 3917 |
| and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or       | 3918 |
| Chapter 3715. of the Revised Code;                               | 3919 |
| (g) Any other cause for which the board may impose               | 3920 |
| sanctions as set forth in rules adopted under section 4729.26 of | 3921 |
| the Revised Code.  | 3922 |
| (B) Upon the suspension or revocation of any license             | 3923 |
| identified in division (B)(1)(a) of section 4729.52 of the       | 3924 |

Revised Code, the licensee shall immediately surrender the 3925  
license to the board. 3926

(C) If the board suspends, revokes, or refuses to renew 3927  
any license identified in division (B)(1)(a) of section 4729.52 3928  
of the Revised Code and determines that there is clear and 3929  
convincing evidence of a danger of immediate and serious harm to 3930  
any person, the board may place under seal all dangerous drugs 3931  
owned by or in the possession, custody, or control of the 3932  
affected licensee. Except as provided in this division, the 3933  
board shall not dispose of the dangerous drugs sealed under this 3934  
division until the licensee exhausts all of the licensee's 3935  
appeal rights under Chapter 119. of the Revised Code. The court 3936  
involved in such an appeal may order the board, during the 3937  
pendency of the appeal, to sell sealed dangerous drugs that are 3938  
perishable. The board shall deposit the proceeds of the sale 3939  
with the court. 3940

(D) If the board is required under Chapter 119. of the 3941  
Revised Code to give notice of an opportunity for a hearing and 3942  
the license holder does not make a timely request for a hearing 3943  
in accordance with section 119.07 of the Revised Code, the board 3944  
is not required to hold a hearing, but may adopt a final order 3945  
that contains the board's findings. In the final order, the 3946  
board may impose any of the sanctions listed in division (A) of 3947  
this section. 3948

(E) Notwithstanding division ~~(C)(2)~~ (D)(2) of section 3949  
2953.32 of the Revised Code specifying that if records 3950  
pertaining to a criminal case are sealed under that section the 3951  
proceedings in the case must be deemed not to have occurred, 3952  
sealing of the following records on which the board has based an 3953  
action under this section shall have no effect on the board's 3954

action or any sanction imposed by the board under this section: 3955  
records of any conviction, guilty plea, judicial finding of 3956  
guilt resulting from a plea of no contest, or a judicial finding 3957  
of eligibility for a pretrial diversion program or intervention 3958  
in lieu of conviction. The board is not required to seal, 3959  
destroy, redact, or otherwise modify its records to reflect the 3960  
court's sealing of conviction records. 3961

**Sec. 4729.57.** (A) The state board of pharmacy may after 3962  
notice and a hearing in accordance with Chapter 119. of the 3963  
Revised Code, impose any one or more of the following sanctions 3964  
on a terminal distributor of dangerous drugs for any of the 3965  
causes set forth in division (B) of this section: 3966

(1) Suspend, revoke, restrict, limit, or refuse to grant 3967  
or renew any license; 3968

(2) Reprimand or place the license holder on probation; 3969

(3) Impose a monetary penalty or forfeiture not to exceed 3970  
in severity any fine designated under the Revised Code for a 3971  
similar offense or one thousand dollars if the acts committed 3972  
have not been classified as an offense by the Revised Code. 3973

(B) The board may impose the sanctions listed in division 3974  
(A) of this section for any of the following: 3975

(1) Making any false material statements in an application 3976  
for a license as a terminal distributor of dangerous drugs; 3977

(2) Violating any rule of the board; 3978

(3) Violating any provision of this chapter; 3979

(4) Except as provided in section 4729.89 of the Revised 3980  
Code, violating any provision of the "Federal Food, Drug, and 3981  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3982

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|---|--|
| 3715. of the Revised Code;  | 3983   |
| (5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;   | 3984<br>3985   |
| (6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor;  | 3986<br>3987<br>3988<br>3989<br>3990                         |
| (7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;  | 3991<br>3992<br>3993   |
| (8) Except as provided in division (C) of this section:   | 3994   |
| (a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor; | 3995<br>3996<br>3997<br>3998<br>3999<br>4000<br>4001<br>4002 |
| (b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services.  | 4003<br>4004<br>4005<br>4006<br>4007                         |
| (9) Conviction of a felony;   | 4008   |
| (10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26  | 4009<br>4010   |



of the Revised Code. 4011

(C) Sanctions shall not be imposed under division (B) (8) 4012  
of this section against any terminal distributor of dangerous 4013  
drugs that waives deductibles and copayments as follows: 4014

(1) In compliance with a health benefit plan that 4015  
expressly allows such a practice. Waiver of the deductibles or 4016  
copayments shall be made only with the full knowledge and 4017  
consent of the plan purchaser, payer, and third-party 4018  
administrator. Documentation of the consent shall be made 4019  
available to the board on request. 4020

(2) For professional services rendered to any other person 4021  
licensed pursuant to this chapter to the extent allowed by this 4022  
chapter and the rules of the board. 4023

(D) (1) Upon the suspension or revocation of a license 4024  
issued to a terminal distributor of dangerous drugs or the 4025  
refusal by the board to renew such a license, the distributor 4026  
shall immediately surrender the license to the board. 4027

(2) (a) The board may place under seal all dangerous drugs 4028  
that are owned by or in the possession, custody, or control of a 4029  
terminal distributor at the time the license is suspended or 4030  
revoked or at the time the board refuses to renew the license. 4031  
Except as provided in division (D) (2) (b) of this section, 4032  
dangerous drugs so sealed shall not be disposed of until appeal 4033  
rights under Chapter 119. of the Revised Code have expired or an 4034  
appeal filed pursuant to that chapter has been determined. 4035

(b) The court involved in an appeal filed pursuant to 4036  
Chapter 119. of the Revised Code may order the board, during the 4037  
pendency of the appeal, to sell sealed dangerous drugs that are 4038  
perishable. The proceeds of such a sale shall be deposited with 4039

that court. 4040

(E) If the board is required under Chapter 119. of the 4041  
Revised Code to give notice of an opportunity for a hearing and 4042  
the license holder does not make a timely request for a hearing 4043  
in accordance with section 119.07 of the Revised Code, the board 4044  
is not required to hold a hearing, but may adopt a final order 4045  
that contains the board's findings. In the final order, the 4046  
board may impose any of the sanctions listed in division (A) of 4047  
this section. 4048

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 4049  
2953.32 of the Revised Code specifying that if records 4050  
pertaining to a criminal case are sealed under that section the 4051  
proceedings in the case must be deemed not to have occurred, 4052  
sealing of the following records on which the board has based an 4053  
action under this section shall have no effect on the board's 4054  
action or any sanction imposed by the board under this section: 4055  
records of any conviction, guilty plea, judicial finding of 4056  
guilt resulting from a plea of no contest, or a judicial finding 4057  
of eligibility for a pretrial diversion program or intervention 4058  
in lieu of conviction. The board is not required to seal, 4059  
destroy, redact, or otherwise modify its records to reflect the 4060  
court's sealing of conviction records. 4061

**Sec. 4729.96.** (A) (1) The state board of pharmacy, after 4062  
notice and hearing in accordance with Chapter 119. of the 4063  
Revised Code, may impose one or more of the following sanctions 4064  
on a pharmacy technician trainee, registered pharmacy 4065  
technician, or certified pharmacy technician if the board finds 4066  
the individual engaged in any of the conduct set forth in 4067  
division (A) (2) of this section: 4068

(a) Revoke, suspend, restrict, limit, or refuse to grant 4069

or renew a registration; 4070

(b) Reprimand or place the holder of the registration on probation; 4071  
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(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars. 4073  
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(2) The board may impose the sanctions listed in division (A) (1) of this section if the board finds a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician: 4078  
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(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code; 4082  
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(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code; 4084  
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(c) Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties; 4087  
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(d) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions; 4090  
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(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter; 4095  
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(f) Failed to comply with an order of the board or a settlement agreement; 4098  
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(g) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code. 4100  
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(B) The board may suspend a registration under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote. 4103  
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(C) For purposes of this division, an individual authorized to practice as a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a registration under this chapter, the individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications. 4107  
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If the board has reasonable cause to believe that an individual who is a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined. 4117  
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Failure of an individual who is a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician to submit to a physical or mental examination ordered 4124  
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by the board, unless the failure is due to circumstances beyond 4127  
the individual's control, constitutes an admission of the 4128  
allegations and a suspension order shall be entered without the 4129  
taking of testimony or presentation of evidence. Any subsequent 4130  
adjudication hearing under Chapter 119. of the Revised Code 4131  
concerning failure to submit to an examination is limited to 4132  
consideration of whether the failure was beyond the individual's 4133  
control. 4134

If, based on the results of an examination ordered under 4135  
this division, the board determines that the individual's 4136  
ability to practice is impaired, the board shall suspend the 4137  
individual's registration or deny the individual's application 4138  
and shall require the individual, as a condition for an initial, 4139  
continued, reinstated, or renewed registration to practice, to 4140  
submit to a physical or mental examination and treatment. 4141

An order of suspension issued under this division shall 4142  
not be subject to suspension by a court during pendency of any 4143  
appeal filed under section 119.12 of the Revised Code. 4144

(D) If the board is required under Chapter 119. of the 4145  
Revised Code to give notice of an opportunity for a hearing and 4146  
the applicant or registrant does not make a timely request for a 4147  
hearing in accordance with section 119.07 of the Revised Code, 4148  
the board is not required to hold a hearing, but may adopt a 4149  
final order that contains the board's findings. In the final 4150  
order, the board may impose any of the sanctions listed in 4151  
division (A) of this section. 4152

(E) Notwithstanding the provision of division ~~(C)(2)~~ (D) 4153  
(2) of section 2953.32 of the Revised Code specifying that if 4154  
records pertaining to a criminal case are sealed under that 4155  
section the proceedings in the case must be deemed not to have 4156

occurred, sealing of the following records on which the board 4157  
has based an action under this section shall have no effect on 4158  
the board's action or any sanction imposed by the board under 4159  
this section: records of any conviction, guilty plea, judicial 4160  
finding of guilt resulting from a plea of no contest, or a 4161  
judicial finding of eligibility for a pretrial diversion program 4162  
or intervention in lieu of conviction. The board shall not be 4163  
required to seal, destroy, redact, or otherwise modify its 4164  
records to reflect the court's sealing of conviction records. 4165

(F) No pharmacy technician trainee, registered pharmacy 4166  
technician, or certified pharmacy technician shall knowingly 4167  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 4168  
(d) to (g) of this section. 4169

**Sec. 4752.09.** (A) The state board of pharmacy may, in 4170  
accordance with Chapter 119. of the Revised Code, impose any one 4171  
or more of the following sanctions on an applicant for a license 4172  
or certificate of registration issued under this chapter or a 4173  
license or certificate holder for any of the causes set forth in 4174  
division (B) of this section: 4175

(1) Suspend, revoke, restrict, limit, or refuse to grant 4176  
or renew a license or certificate of registration; 4177

(2) Reprimand or place the license or certificate holder 4178  
on probation; 4179

(3) Impose a monetary penalty or forfeiture not to exceed 4180  
in severity any fine designated under the Revised Code for a 4181  
similar offense or not more than five thousand dollars if the 4182  
acts committed are not classified as an offense by the Revised 4183  
Code. 4184

(B) The board may impose the sanctions listed in division 4185

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| (A) of this section for any of the following:  | 4186                         |
| (1) Violation of any provision of this chapter or an order<br>or rule of the board, as those provisions, orders, or rules are<br>applicable to persons licensed under this chapter;  | 4187<br>4188<br>4189         |
| (2) A plea of guilty to or a judicial finding of guilt of<br>a felony or a misdemeanor that involves dishonesty or is<br>directly related to the provision of home medical equipment<br>services;  | 4190<br>4191<br>4192<br>4193 |
| (3) Making a material misstatement in furnishing<br>information to the board;  | 4194<br>4195                 |
| (4) Professional incompetence;   | 4196                         |
| (5) Being guilty of negligence or gross misconduct in<br>providing home medical equipment services;  | 4197<br>4198                 |
| (6) Aiding, assisting, or willfully permitting another<br>person to violate any provision of this chapter or an order or<br>rule of the board, as those provisions, orders, or rules are<br>applicable to persons licensed under this chapter; | 4199<br>4200<br>4201<br>4202 |
| (7) Failing to provide information in response to a<br>written request by the board;   | 4203<br>4204                 |
| (8) Engaging in conduct likely to deceive, defraud, or<br>harm the public;   | 4205<br>4206                 |
| (9) Denial, revocation, suspension, or restriction of a<br>license to provide home medical equipment services, for any<br>reason other than failure to renew, in another state or<br>jurisdiction;   | 4207<br>4208<br>4209<br>4210 |
| (10) Directly or indirectly giving to or receiving from<br>any person a fee, commission, rebate, or other form of  | 4211<br>4212                 |

compensation for services not rendered; 4213

(11) Knowingly making or filing false records, reports, or 4214  
billings in the course of providing home medical equipment 4215  
services, including false records, reports, or billings prepared 4216  
for or submitted to state and federal agencies or departments; 4217

(12) Failing to comply with federal rules issued pursuant 4218  
to the medicare program established under Title XVIII of the 4219  
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 4220  
amended, relating to operations, financial transactions, and 4221  
general business practices of home medical services providers; 4222

(13) Any other cause for which the board may impose 4223  
sanctions as set forth in rules adopted under section 4752.17 of 4224  
the Revised Code. 4225

(C) The state board of pharmacy immediately may suspend a 4226  
license without a hearing if it determines that there is 4227  
evidence that the license holder is subject to actions under 4228  
this section and that there is clear and convincing evidence 4229  
that continued operation by the license holder presents an 4230  
immediate and serious harm to the public. The board shall follow 4231  
the procedure for suspension without a prior hearing in section 4232  
119.07 of the Revised Code. The board may vote on the suspension 4233  
by way of a telephone conference call. 4234

A suspension under this division shall remain in effect, 4235  
unless reversed by the board, until a final adjudication order 4236  
issued by the board pursuant to this section and Chapter 119. of 4237  
the Revised Code becomes effective. The board shall issue its 4238  
final adjudication order not later than ninety days after 4239  
completion of the hearing. The board's failure to issue the 4240  
order by that day shall cause the summary suspension to end, but 4241



shall not affect the validity of any subsequent final 4242  
adjudication order. 4243

(D) If the board is required under Chapter 119. of the 4244  
Revised Code to give notice of an opportunity for a hearing and 4245  
the applicant or license or certificate holder does not make a 4246  
timely request for a hearing in accordance with section 119.07 4247  
of the Revised Code, the board is not required to hold a 4248  
hearing, but may adopt a final order that contains the board's 4249  
findings. In the final order, the board may impose any of the 4250  
sanctions listed in division (A) of this section. 4251

(E) Notwithstanding the provision of division ~~(C)(2)~~ (D) 4252  
(2) of section 2953.32 of the Revised Code specifying that if 4253  
records pertaining to a criminal case are sealed under that 4254  
section the proceedings in the case must be deemed not to have 4255  
occurred, sealing of the following records on which the board 4256  
has based an action under this section shall have no effect on 4257  
the board's action or any sanction imposed by the board under 4258  
this section: records of any conviction, guilty plea, judicial 4259  
finding of guilt resulting from a plea of no contest, or a 4260  
judicial finding of eligibility for a pretrial diversion program 4261  
or intervention in lieu of conviction. The board shall not be 4262  
required to seal, destroy, redact, or otherwise modify its 4263  
records to reflect the court's sealing of conviction records. 4264

**Section 2.** That existing sections 2151.358, 2923.125, 4265  
2923.128, 2923.1213, 2923.16, 2951.041, 2953.31, 2953.32, 4266  
2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 2953.56, 2953.57, 4267  
2953.58, 2953.59, 4301.69, 4723.28, 4729.16, 4729.56, 4729.57, 4268  
4729.96, 4752.09 of the Revised Code are hereby repealed. 4269

**Section 3.** That sections 2953.321, 2953.33, 2953.35, 4270  
2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 2953.61 of the 4271

|  |      |
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| Revised Code are hereby repealed.                                | 4272 |
| <b>Section 4.</b> The General Assembly, applying the principle   | 4273 |
| stated in division (B) of section 1.52 of the Revised Code that  | 4274 |
| amendments are to be harmonized if reasonably capable of         | 4275 |
| simultaneous operation, finds that the composites of the         | 4276 |
| following sections are presented in this act as the resulting    | 4277 |
| versions of those sections in effect prior to the effective date | 4278 |
| of those sections as presented in this act:                      | 4279 |
| Section 2923.1213 of the Revised Code as amended by both         | 4280 |
| H.B. 234 and S.B. 43 of the 130th General Assembly.              | 4281 |
| Section 2951.041 of the Revised Code as amended by S.B. 4,       | 4282 |
| S.B. 33, and S.B. 66, all of the 132nd General Assembly.         | 4283 |
| Section 2953.37 of the Revised Code as amended by both           | 4284 |
| H.B. 228 and H.B. 425 of the 132nd General Assembly.             | 4285 |
| Section 4301.69 of the Revised Code as amended by both           | 4286 |
| H.B. 137 and S.B. 131 of the 126th General Assembly.             | 4287 |