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Senator Eklund

Cosponsors: Senators Huffman, Terhar, Yuko, Williams, Skindell, Hoagland, Hite, Bacon, Coley, Thomas, O'Brien, Burke, Hackett, Lehner, Manning, Obhof, Oelslager, Schiavoni, Tavares, Uecker, Wilson Representatives Manning, Rezabek, Galonski, Kent, Lang, McColley, Rogers, Seitz, Ashford, Barnes, Blessing, Boyd, Brenner, Brown, Craig, Duffey, Gavarone, Ginter, Green, Hambley, Landis, Leland, O'Brien, Perales, Ramos, Scherer, Schuring, Stein, Sweeney, Sykes, West, Wiggam, Young

A BILL

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

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

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

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

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

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

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

beyond the scope of the express or implied consent of, the 45
superintendent of the bureau of criminal identification and 46
investigation. 47

(E) The affirmative defenses contained in division (C) of 48
section 2913.03 of the Revised Code are affirmative defenses to 49
a charge under this section. 50

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

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

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

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

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

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

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

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

or services, for obtaining money, property, or services by false 101
or fraudulent pretenses, or for committing any other criminal 102
offense, unauthorized use of computer, cable, or 103
telecommunication property is whichever of the following is 104
applicable: 105

(a) Except as otherwise provided in division (G) (3) (b) of 106
this section, if the value of the property or services involved 107
or the loss to the victim is seven thousand five hundred dollars 108
or more and less than one hundred fifty thousand dollars, a 109
felony of the fourth degree; 110

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

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

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

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

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

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

more, a felony of the second degree.	130
(H) Whoever violates division (C) of this section is	131
guilty of unauthorized use of the law enforcement automated	132
database system, a felony of the fifth degree.	133
(I) Whoever violates division (D) of this section is	134
guilty of unauthorized use of the Ohio law enforcement gateway,	135
a felony of the fifth degree.	136
(J) As used in this section:	137
(1) "Cable operator" means any person or group of persons	138
that does either of the following:	139
(a) Provides cable service over a cable system and	140
directly or through one or more affiliates owns a significant	141
interest in that cable system;	142
(b) Otherwise controls or is responsible for, through any	143
arrangement, the management and operation of a cable system.	144
(2) "Cable service" means any of the following:	145
(a) The one-way transmission to subscribers of video	146
programming or of information that a cable operator makes	147
available to all subscribers generally;	148
(b) Subscriber interaction, if any, that is required for	149
the selection or use of video programming or of information that	150
a cable operator makes available to all subscribers generally,	151
both as described in division (J) (2) (a) of this section;	152
(c) Any cable television service.	153
(3) "Cable system" means any facility, consisting of a set	154
of closed transmission paths and associated signal generation,	155
reception, and control equipment that is designed to provide	156

cable service that includes video programming and that is 157
provided to multiple subscribers within a community. "Cable 158
system" does not include any of the following: 159

(a) Any facility that serves only to retransmit the 160
television signals of one or more television broadcast stations; 161

(b) Any facility that serves subscribers without using any 162
public right-of-way; 163

(c) Any facility of a common carrier that, under 47 164
U.S.C.A. 522(7)(c), is excluded from the term "cable system" as 165
defined in 47 U.S.C.A. 522(7); 166

(d) Any open video system that complies with 47 U.S.C.A. 167
573; 168

(e) Any facility of any electric utility used solely for 169
operating its electric utility system. 170

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of 171
the bureau of criminal identification and investigation, the 172
employees of the bureau, the Ohio peace officer training 173
commission, or the employees of the commission make a good faith 174
effort in performing the duties imposed upon the sheriff, the 175
superintendent, the bureau's employees, the commission, or the 176
commission's employees by sections 109.731, 311.41, and 2923.124 177
to 2923.1213 of the Revised Code, in addition to the personal 178
immunity provided by section 9.86 of the Revised Code or 179
division (A)(6) of section 2744.03 of the Revised Code and the 180
governmental immunity of sections 2744.02 and 2744.03 of the 181
Revised Code and in addition to any other immunity possessed by 182
the bureau, the commission, and their employees, the sheriff, 183
the sheriff's office, the county in which the sheriff has 184
jurisdiction, the bureau, the superintendent of the bureau, the 185

bureau's employees, the commission, and the commission's 186
employees are immune from liability in a civil action for 187
injury, death, or loss to person or property that allegedly was 188
caused by or related to any of the following: 189

(a) The issuance, renewal, suspension, or revocation of a 190
concealed handgun license; 191

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

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

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

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

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

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

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

peace officer's use of a concealed handgun in the performance of 244
the peace officer's official duties while the peace officer is 245
off duty. 246

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

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

in a manner that permits the commission to maintain the 275
statistics described in division (C) of section 109.731 of the 276
Revised Code and to timely prepare the statistical report 277
described in that division. The information that is received by 278
the commission under this division is a public record kept by 279
the commission for the purposes of section 149.43 of the Revised 280
Code. 281

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

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

against the offender for any injury, death, or loss to person or 306
property that is a proximate result of the violation and may 307
recover court costs and attorney's fees related to the action. 308

Sec. 2935.081. (A) As used in this section, "peace 309
officer" has the same meaning as in section 2935.01 of the 310
Revised Code, except that "peace officer" does not include, for 311
any purpose, the superintendent or any trooper of the state 312
highway patrol. 313

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

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

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

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

Sec. 2951.041. (A) (1) If an offender is charged with a 338
criminal offense, including but not limited to a violation of 339
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 340
of the Revised Code, and the court has reason to believe that 341
drug or alcohol usage by the offender was a factor leading to 342
the criminal offense with which the offender is charged or that, 343
at the time of committing that offense, the offender had a 344
mental illness, was a person with an intellectual disability, or 345
was a victim of a violation of section 2905.32 of the Revised 346
Code and that the mental illness, status as a person with an 347
intellectual disability, or fact that the offender was a victim 348
of a violation of section 2905.32 of the Revised Code was a 349
factor leading to the offender's criminal behavior, the court 350
may accept, prior to the entry of a guilty plea, the offender's 351
request for intervention in lieu of conviction. The request 352
shall include a statement from the offender as to whether the 353
offender is alleging that drug or alcohol usage by the offender 354
was a factor leading to the criminal offense with which the 355
offender is charged or is alleging that, at the time of 356
committing that offense, the offender had a mental illness, was 357
a person with an intellectual disability, or was a victim of a 358
violation of section 2905.32 of the Revised Code and that the 359
mental illness, status as a person with an intellectual 360
disability, or fact that the offender was a victim of a 361
violation of section 2905.32 of the Revised Code was a factor 362
leading to the criminal offense with which the offender is 363
charged. The request also shall include a waiver of the 364
defendant's right to a speedy trial, the preliminary hearing, 365
the time period within which the grand jury may consider an 366

indictment against the offender, and arraignment, unless the 367
hearing, indictment, or arraignment has already occurred. The 368
court may reject an offender's request without a hearing. If the 369
court elects to consider an offender's request, the court shall 370
conduct a hearing to determine whether the offender is eligible 371
under this section for intervention in lieu of conviction and 372
shall stay all criminal proceedings pending the outcome of the 373
hearing. If the court schedules a hearing, the court shall order 374
an assessment of the offender for the purpose of determining the 375
offender's eligibility for intervention in lieu of conviction 376
and recommending an appropriate intervention plan. 377

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

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

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

(1) The offender previously has not been convicted of or 393
pleaded guilty to a felony offense of violence or previously has 394
been convicted of or pleaded guilty to any felony that is not an 395
offense of violence and the prosecuting attorney recommends that 396

the offender be found eligible for participation in intervention 397
in lieu of treatment under this section, previously has not been 398
through intervention in lieu of conviction under this section or 399
any similar regimen, and is charged with a felony for which the 400
court, upon conviction, would impose a community control 401
sanction on the offender under division (B) (2) of section 402
2929.13 of the Revised Code or with a misdemeanor. 403

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

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

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

of conviction and recommending an appropriate intervention plan, 427
the offender has been assessed by a community addiction services 428
provider of that nature or a properly credentialed professional 429
in accordance with the court's order, and the community 430
addiction services provider or properly credentialed 431
professional has filed the written assessment of the offender 432
with the court. 433

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

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

(7) The alleged victim of the offense was not sixty-five 455
years of age or older, permanently and totally disabled, under 456

thirteen years of age, or a peace officer engaged in the 457
officer's official duties at the time of the alleged offense. 458

(8) If the offender is charged with a violation of section 459
2925.24 of the Revised Code, the alleged violation did not 460
result in physical harm to any person, and the offender 461
previously has not been treated for drug abuse. 462

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

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

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

grant the offender's request, the criminal proceedings against 487
the offender shall proceed as if the offender's request for 488
intervention in lieu of conviction had not been made. 489

(D) If the court grants an offender's request for 490
intervention in lieu of conviction, the court shall place the 491
offender under the general control and supervision of the county 492
probation department, the adult parole authority, or another 493
appropriate local probation or court services agency, if one 494
exists, as if the offender was subject to a community control 495
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 496
the Revised Code. The court shall establish an intervention plan 497
for the offender. The terms and conditions of the intervention 498
plan shall require the offender, for at least one year from the 499
date on which the court grants the order of intervention in lieu 500
of conviction, to abstain from the use of illegal drugs and 501
alcohol, to participate in treatment and recovery support 502
services, and to submit to regular random testing for drug and 503
alcohol use and may include any other treatment terms and 504
conditions, or terms and conditions similar to community control 505
sanctions, which may include community service or restitution, 506
that are ordered by the court. 507

(E) If the court grants an offender's request for 508
intervention in lieu of conviction and the court finds that the 509
offender has successfully completed the intervention plan for 510
the offender, including the requirement that the offender 511
abstain from using illegal drugs and alcohol for a period of at 512
least one year from the date on which the court granted the 513
order of intervention in lieu of conviction, the requirement 514
that the offender participate in treatment and recovery support 515
services, and all other terms and conditions ordered by the 516
court, the court shall dismiss the proceedings against the 517

offender. Successful completion of the intervention plan and 518
period of abstinence under this section shall be without 519
adjudication of guilt and is not a criminal conviction for 520
purposes of any disqualification or disability imposed by law 521
and upon conviction of a crime, and the court may order the 522
sealing of records related to the offense in question in the 523
manner provided in sections 2953.31 to 2953.36 of the Revised 524
Code. 525

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

(G) As used in this section: 548

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	549 550
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	551 552
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	553 554
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	555 556
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	557 558
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	559 560
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	561 562
<u>Sec. 5503.101. (A) Notwithstanding any section of the Revised Code or rule of procedure to the contrary, a defendant's traffic or criminal record contained in the law enforcement automated data system, also known as LEADS, may be disclosed to the defendant and the defendant's counsel when formally requested pursuant to the rules of discovery in a traffic or criminal case.</u>	563 564 565 566 567 568 569
<u>(B) Copies of information obtained from the law enforcement automated data system pursuant to division (A) of this section may be provided to the defendant and the defendant's counsel when formally requested pursuant to the rules of discovery in a traffic or criminal case.</u>	570 571 572 573 574
<u>(C) Upon a motion made by a prosecutor, the court hearing a traffic or criminal case may order the redaction from</u>	575 576

information to be disclosed or provided pursuant to division (A) 577
or (B) of this section pursuant to the rules of discovery in the 578
case of the residential address, date of birth, social security 579
number, and photograph of any witness, law enforcement officer, 580
or prosecutor. 581

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

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

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

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

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