

**As Reported by the Senate Criminal Justice Committee**

**131st General Assembly**

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**Sub. H. B. No. 172**

**Representative Barnes**

**Cosponsors: Representatives Amstutz, Anielski, Antonio, Bocchieri, Brown, Buchy, Dever, Fedor, Green, Hall, Hambley, Lepore-Hagan, Manning, Ramos, Reineke, Rezabek, Roegner, Rogers, Sheehy, Sprague, Sweeney, Terhar, Young**

**Senators Eklund, Hackett**

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**A BILL**

To amend sections 2951.041, 2953.38, and 3772.99 1  
and to enact sections 2927.21 and 2953.521 of 2  
the Revised Code to prohibit a person engaged in 3  
publishing or disseminating criminal record 4  
information from soliciting or accepting a fee 5  
to remove, correct, modify, or refrain from 6  
publishing or otherwise disseminating the 7  
information; to provide criminal and civil 8  
remedies for a violation of that prohibition; to 9  
provide that a person found not guilty of an 10  
offense or named in a dismissed complaint, 11  
indictment, or information may apply to the 12  
court for an order to expunge the person's 13  
official records in the case if the charge or 14  
finding was the result of the applicant having 15  
been a victim of human trafficking; to generally 16  
permit a person convicted of certain 17  
prostitution-related offenses to apply for the 18  
expungement of any record of conviction of an 19  
offense if the person's participation was a 20  
result of having been a victim of human 21

trafficking; to authorize intervention in lieu 22  
of conviction for persons charged with 23  
committing an offense while a victim of 24  
compelling prostitution; and to specify that the 25  
criminal penalty related to casino operators and 26  
employees participating in casino gaming applies 27  
at their casino facility or an affiliated casino 28  
facility. 29

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

**Section 1.** That sections 2951.041, 2953.38, and 3772.99 be 30  
amended and sections 2927.21 and 2953.521 of the Revised Code be 31  
enacted to read as follows: 32

**Sec. 2927.21.** (A) As used in this section: 33

(1) "Booking photograph" means a photograph of a subject 34  
individual that was taken in this state by an arresting law 35  
enforcement agency. 36

(2) "Criminal record information" means a booking 37  
photograph or the name, address, charges filed, or description 38  
of a subject individual who is asserted or implied to have 39  
engaged in illegal conduct. 40

(3) "Law enforcement agency" has the same meaning as in 41  
section 109.573 of the Revised Code. 42

(4) "Subject individual" means an individual who was 43  
arrested and had the subject individual's photograph taken by a 44  
law enforcement agency during the processing of the arrest. 45

(B) No person engaged in publishing or otherwise 46

disseminating criminal record information through a print or 47  
electronic medium shall negligently solicit or accept from a 48  
subject individual the payment of a fee or other consideration 49  
to remove, correct, modify, or refrain from publishing or 50  
otherwise disseminating criminal record information. 51

(C) A violation of division (B) of this section is misuse 52  
of criminal record information, a misdemeanor of the first 53  
degree. 54

(D) Each payment solicited or accepted in violation of 55  
this section constitutes a separate violation. 56

(E) In a civil action brought pursuant to section 2307.60 57  
of the Revised Code for a violation of this section, a subject 58  
individual who suffers a loss or harm as a result of the 59  
violation may be awarded an amount equal to ten thousand dollars 60  
or actual and punitive damages, whichever is greater, and in 61  
addition may be awarded reasonable attorney's fees, court costs, 62  
and any other remedies provided by law. Humiliation or 63  
embarrassment shall be adequate to show that the plaintiff has 64  
incurred damages. No physical manifestation of either 65  
humiliation or embarrassment is necessary for damages to be 66  
shown. 67

**Sec. 2951.041.** (A) (1) If an offender is charged with a 68  
criminal offense, including but not limited to a violation of 69  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 70  
of the Revised Code, and the court has reason to believe that 71  
drug or alcohol usage by the offender was a factor leading to 72  
the criminal offense with which the offender is charged or that, 73  
at the time of committing that offense, the offender had a 74  
mental illness, was a person with an intellectual disability, or 75  
was a victim of a violation of section 2905.32 or 2907.21 of the 76

Revised Code and that the mental illness, status as a person 77  
with an intellectual disability, or fact that the offender was a 78  
victim of a violation of section 2905.32 or 2907.21 of the 79  
Revised Code was a factor leading to the offender's criminal 80  
behavior, the court may accept, prior to the entry of a guilty 81  
plea, the offender's request for intervention in lieu of 82  
conviction. The request shall include a statement from the 83  
offender as to whether the offender is alleging that drug or 84  
alcohol usage by the offender was a factor leading to the 85  
criminal offense with which the offender is charged or is 86  
alleging that, at the time of committing that offense, the 87  
offender had a mental illness, was a person with an intellectual 88  
disability, or was a victim of a violation of section 2905.32 or 89  
2907.21 of the Revised Code and that the mental illness, status 90  
as a person with an intellectual disability, or fact that the 91  
offender was a victim of a violation of section 2905.32 or 92  
2907.21 of the Revised Code was a factor leading to the criminal 93  
offense with which the offender is charged. The request also 94  
shall include a waiver of the defendant's right to a speedy 95  
trial, the preliminary hearing, the time period within which the 96  
grand jury may consider an indictment against the offender, and 97  
arraignment, unless the hearing, indictment, or arraignment has 98  
already occurred. The court may reject an offender's request 99  
without a hearing. If the court elects to consider an offender's 100  
request, the court shall conduct a hearing to determine whether 101  
the offender is eligible under this section for intervention in 102  
lieu of conviction and shall stay all criminal proceedings 103  
pending the outcome of the hearing. If the court schedules a 104  
hearing, the court shall order an assessment of the offender for 105  
the purpose of determining the offender's eligibility for 106  
intervention in lieu of conviction and recommending an 107  
appropriate intervention plan. 108

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

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

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

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B) (2) of section 2929.13 of the Revised Code or with a misdemeanor.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A) (1) of section 2903.08

of the Revised Code, is not a violation of division (A) of 139  
section 4511.19 of the Revised Code or a municipal ordinance 140  
that is substantially similar to that division, and is not an 141  
offense for which a sentencing court is required to impose a 142  
mandatory prison term, a mandatory term of local incarceration, 143  
or a mandatory term of imprisonment in a jail. 144

(3) The offender is not charged with a violation of 145  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 146  
charged with a violation of section 2925.03 of the Revised Code 147  
that is a felony of the first, second, third, or fourth degree, 148  
and is not charged with a violation of section 2925.11 of the 149  
Revised Code that is a felony of the first, second, or third 150  
degree. 151

(4) If an offender alleges that drug or alcohol usage by 152  
the offender was a factor leading to the criminal offense with 153  
which the offender is charged, the court has ordered that the 154  
offender be assessed by a community addiction services provider 155  
or a properly credentialed professional for the purpose of 156  
determining the offender's eligibility for intervention in lieu 157  
of conviction and recommending an appropriate intervention plan, 158  
the offender has been assessed by a community addiction services 159  
provider of that nature or a properly credentialed professional 160  
in accordance with the court's order, and the community 161  
addiction services provider or properly credentialed 162  
professional has filed the written assessment of the offender 163  
with the court. 164

(5) If an offender alleges that, at the time of committing 165  
the criminal offense with which the offender is charged, the 166  
offender had a mental illness, was a person with an intellectual 167  
disability, or was a victim of a violation of section 2905.32 or 168

2907.21 of the Revised Code and that the mental illness, status 169  
as a person with an intellectual disability, or fact that the 170  
offender was a victim of a violation of section 2905.32 or 171  
2907.21 of the Revised Code was a factor leading to that 172  
offense, the offender has been assessed by a psychiatrist, 173  
psychologist, independent social worker, licensed professional 174  
clinical counselor, or independent marriage and family therapist 175  
for the purpose of determining the offender's eligibility for 176  
intervention in lieu of conviction and recommending an 177  
appropriate intervention plan. 178

(6) The offender's drug usage, alcohol usage, mental 179  
illness, or intellectual disability, or the fact that the 180  
offender was a victim of a violation of section 2905.32 or 181  
2907.21 of the Revised Code, whichever is applicable, was a 182  
factor leading to the criminal offense with which the offender 183  
is charged, intervention in lieu of conviction would not demean 184  
the seriousness of the offense, and intervention would 185  
substantially reduce the likelihood of any future criminal 186  
activity. 187

(7) The alleged victim of the offense was not sixty-five 188  
years of age or older, permanently and totally disabled, under 189  
thirteen years of age, or a peace officer engaged in the 190  
officer's official duties at the time of the alleged offense. 191

(8) If the offender is charged with a violation of section 192  
2925.24 of the Revised Code, the alleged violation did not 193  
result in physical harm to any person, and the offender 194  
previously has not been treated for drug abuse. 195

(9) The offender is willing to comply with all terms and 196  
conditions imposed by the court pursuant to division (D) of this 197  
section. 198

(10) The offender is not charged with an offense that 199  
would result in the offender being disqualified under Chapter 200  
4506. of the Revised Code from operating a commercial motor 201  
vehicle or would subject the offender to any other sanction 202  
under that chapter. 203

(C) At the conclusion of a hearing held pursuant to 204  
division (A) of this section, the court shall enter its 205  
determination as to whether the offender is eligible for 206  
intervention in lieu of conviction and as to whether to grant 207  
the offender's request. If the court finds under division (B) of 208  
this section that the offender is eligible for intervention in 209  
lieu of conviction and grants the offender's request, the court 210  
shall accept the offender's plea of guilty and waiver of the 211  
defendant's right to a speedy trial, the preliminary hearing, 212  
the time period within which the grand jury may consider an 213  
indictment against the offender, and arraignment, unless the 214  
hearing, indictment, or arraignment has already occurred. In 215  
addition, the court then may stay all criminal proceedings and 216  
order the offender to comply with all terms and conditions 217  
imposed by the court pursuant to division (D) of this section. 218  
If the court finds that the offender is not eligible or does not 219  
grant the offender's request, the criminal proceedings against 220  
the offender shall proceed as if the offender's request for 221  
intervention in lieu of conviction had not been made. 222

(D) If the court grants an offender's request for 223  
intervention in lieu of conviction, the court shall place the 224  
offender under the general control and supervision of the county 225  
probation department, the adult parole authority, or another 226  
appropriate local probation or court services agency, if one 227  
exists, as if the offender was subject to a community control 228  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 229

the Revised Code. The court shall establish an intervention plan 230  
for the offender. The terms and conditions of the intervention 231  
plan shall require the offender, for at least one year from the 232  
date on which the court grants the order of intervention in lieu 233  
of conviction, to abstain from the use of illegal drugs and 234  
alcohol, to participate in treatment and recovery support 235  
services, and to submit to regular random testing for drug and 236  
alcohol use and may include any other treatment terms and 237  
conditions, or terms and conditions similar to community control 238  
sanctions, which may include community service or restitution, 239  
that are ordered by the court. 240

(E) If the court grants an offender's request for 241  
intervention in lieu of conviction and the court finds that the 242  
offender has successfully completed the intervention plan for 243  
the offender, including the requirement that the offender 244  
abstain from using illegal drugs and alcohol for a period of at 245  
least one year from the date on which the court granted the 246  
order of intervention in lieu of conviction, the requirement 247  
that the offender participate in treatment and recovery support 248  
services, and all other terms and conditions ordered by the 249  
court, the court shall dismiss the proceedings against the 250  
offender. Successful completion of the intervention plan and 251  
period of abstinence under this section shall be without 252  
adjudication of guilt and is not a criminal conviction for 253  
purposes of any disqualification or disability imposed by law 254  
and upon conviction of a crime, and the court may order the 255  
sealing of records related to the offense in question in the 256  
manner provided in sections 2953.31 to 2953.36 of the Revised 257  
Code. 258

(F) If the court grants an offender's request for 259  
intervention in lieu of conviction and the offender fails to 260

comply with any term or condition imposed as part of the 261  
intervention plan for the offender, the supervising authority 262  
for the offender promptly shall advise the court of this 263  
failure, and the court shall hold a hearing to determine whether 264  
the offender failed to comply with any term or condition imposed 265  
as part of the plan. If the court determines that the offender 266  
has failed to comply with any of those terms and conditions, it 267  
shall enter a finding of guilty and shall impose an appropriate 268  
sanction under Chapter 2929. of the Revised Code. If the court 269  
sentences the offender to a prison term, the court, after 270  
consulting with the department of rehabilitation and correction 271  
regarding the availability of services, may order continued 272  
court-supervised activity and treatment of the offender during 273  
the prison term and, upon consideration of reports received from 274  
the department concerning the offender's progress in the program 275  
of activity and treatment, may consider judicial release under 276  
section 2929.20 of the Revised Code. 277

(G) As used in this section: 278

(1) "Community addiction services provider" has the same 279  
meaning as in section 5119.01 of the Revised Code. 280

(2) "Community control sanction" has the same meaning as 281  
in section 2929.01 of the Revised Code. 282

(3) "Intervention in lieu of conviction" means any court- 283  
supervised activity that complies with this section. 284

(4) "Intellectual disability" has the same meaning as in 285  
section 5123.01 of the Revised Code. 286

(5) "Peace officer" has the same meaning as in section 287  
2935.01 of the Revised Code. 288

(6) "Mental illness" and "psychiatrist" have the same 289

meanings as in section 5122.01 of the Revised Code.	290
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	291 292
<b>Sec. 2953.38.</b> (A) As used in this section:	293
(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.	294 295 296
(2) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.	297 298
(3) "Record of conviction" means <del>the any</del> record related to a conviction of or plea of guilty to an offense.	299 300
(4) "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.	301 302 303 304 305
(B) Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction <del>if of any offense, other than a record of conviction of a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code,</del> the person's participation in <del>the offense which</del> was a result of the person having been a victim of human trafficking. The person may file the application at any time. <u>The application may request an order to expunge the record of conviction for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each offense and all references in divisions (B) to (H) of this section to "the</u>	306 307 308 309 310 311 312 313 314 315 316 317 318

offense" or "that offense" mean each of those offenses that are 319  
the subject of the application. The application shall do all of 320  
the following: 321

(1) Identify the applicant, the offense for which the 322  
expungement is sought, the date of the conviction of that 323  
offense, and the court in which the conviction occurred; 324

(2) Describe the evidence and provide copies of any 325  
documentation showing that the person is entitled to relief 326  
under this section; 327

(3) Include a request for expungement of the record of 328  
conviction of that offense under this section. 329

(C) The court may deny an application made under division 330  
(B) of this section if it finds that the application fails to 331  
assert grounds on which relief may be granted. 332

(D) If the court does not deny an application under 333  
division (C) of this section, it shall set a date for a hearing 334  
and shall notify the prosecutor for the case from which the 335  
record of conviction resulted of the hearing on the application. 336  
The prosecutor may object to the granting of the application by 337  
filing an objection with the court prior to the date set for the 338  
hearing. The prosecutor shall specify in the objection the 339  
reasons for believing a denial of the application is justified. 340  
The court may direct its regular probation officer, a state 341  
probation officer, or the department of probation of the county 342  
in which the applicant resides to make inquiries and written 343  
reports as the court requires concerning the applicant. 344

(E) At the hearing held under division (D) of this 345  
section, the court shall do both of the following: 346

(1) If the prosecutor has filed an objection, consider the 347

reasons against granting the application specified by the 348  
prosecutor in the objection; 349

(2) Determine whether the applicant has demonstrated by a 350  
preponderance of the evidence that the applicant's participation 351  
in the offense that is the subject of the application was a 352  
result of the applicant having been a victim of human 353  
trafficking. 354

(F) If after a hearing the court finds that the applicant 355  
has demonstrated by a preponderance of the evidence that the 356  
applicant's participation in the offense that is the subject of 357  
the application was the result of the applicant having been a 358  
victim of human trafficking, the court shall grant the 359  
application and order that the record of conviction be expunged. 360

(G) (1) The court shall send notice of the order of 361  
expungement to each public office or agency that the court has 362  
reason to believe may have an official record pertaining to the 363  
case if the court, after complying with division (E) of this 364  
section, determines both of the following: 365

(a) That the applicant has been convicted of a violation 366  
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 367

(b) That the interests of the applicant in having the 368  
records pertaining to the applicant's conviction expunged are 369  
not outweighed by any legitimate needs of the government to 370  
maintain those records. 371

(2) The proceedings in the case that is the subject of an 372  
order issued under division (F) of this section shall be 373  
considered not to have occurred and the conviction of the person 374  
who is the subject of the proceedings shall be expunged. The 375  
record of the conviction shall not be used for any purpose, 376

including, but not limited to, a criminal records check under 377  
section 109.572 of the Revised Code. The applicant may, and the 378  
court shall, reply that no record exists with respect to the 379  
applicant upon any inquiry into the matter. 380

(H) Upon the filing of an application under this section, 381  
the applicant, unless indigent, shall pay a fee of fifty 382  
dollars. The court shall pay thirty dollars of the fee into the 383  
state treasury and shall pay twenty dollars of the fee into the 384  
county general revenue fund. 385

Sec. 2953.521. (A) As used in this section, "expunge" has 386  
the same meaning as in section 2953.38 of the Revised Code. 387

(B) Any person who is found not guilty of an offense by a 388  
jury or a court or who is the defendant named in a dismissed 389  
complaint, indictment, or information may apply to the court for 390  
an order to expunge the person's official records in the case if 391  
the complaint, indictment, information, or finding of not guilty 392  
that is the subject of the application was the result of the 393  
applicant having been a victim of human trafficking. The 394  
application may be filed at any time after the finding of not 395  
guilty or the dismissal of the complaint, indictment, or 396  
information is entered upon the minutes of the court or the 397  
journal, whichever entry occurs first. The application may 398  
request an order to expunge official records for more than one 399  
offense, but if it does, the court shall consider the request 400  
for each offense separately as if a separate application had 401  
been made for each offense and all references in divisions (B) 402  
to (H) of this section to "the offense" or "that offense" mean 403  
each of those offenses that are the subject of the application. 404

(C) The court may deny an application made under division 405  
(B) of this section if it finds that the application fails to 406

assert grounds on which relief may be granted. 407

(D) If the court does not deny an application under 408  
division (C) of this section, the court shall set a date for a 409  
hearing and shall notify the prosecutor for the case of the 410  
hearing on the application. The prosecutor may object to the 411  
granting of the application by filing an objection with the 412  
court prior to the date set for the hearing. The prosecutor 413  
shall specify in the objection the reasons for believing a 414  
denial of the application is justified. 415

(E) At the hearing held under division (D) of this 416  
section, the court shall do all of the following: 417

(1) If the prosecutor has filed an objection, consider the 418  
reasons against granting the application specified by the 419  
prosecutor in the objection; 420

(2) Determine whether the applicant has demonstrated by a 421  
preponderance of the evidence that the complaint, indictment, 422  
information, or finding of not guilty that is the subject of the 423  
application was the result of the applicant having been a victim 424  
of human trafficking; 425

(3) If the application pertains to a dismissed complaint 426  
indictment, or information, determine whether the dismissal was 427  
with prejudice or without prejudice and, if the dismissal was 428  
without prejudice, whether the period of limitations applicable 429  
to the offense that was the subject of that complaint, 430  
indictment, or information has expired; 431

(4) Determine whether any criminal proceedings are pending 432  
against the applicant. 433

(F) (1) Subject to division (F) (2) of this section, if the 434  
court finds that the applicant has demonstrated by a 435

preponderance of the evidence that the complaint, indictment, 436  
information, or finding of not guilty that is the subject of the 437  
application was the result of the applicant having been a victim 438  
of human trafficking, the court shall grant the application and 439  
order that the official records be expunged. 440

(2) The court shall not grant the application and order 441  
that the official records be expunged unless the court 442  
determines that the interests of the applicant in having the 443  
official records pertaining to the complaint, indictment, or 444  
information or finding of not guilty that is the subject of the 445  
application expunged are not outweighed by any legitimate needs 446  
of the government to maintain those records. 447

(G) If an expungement is ordered under division (F) of 448  
this section, the court shall send notice of the order of 449  
expungement to each public office or agency that the court has 450  
reason to believe may have an official record pertaining to the 451  
case. 452

(H) The proceedings in the case that is the subject of an 453  
order issued under division (F) of this section shall be 454  
considered not to have occurred and the official records shall 455  
be expunged. The official records shall not be used for any 456  
purpose, including a criminal records check under section 457  
109.572 of the Revised Code. The applicant may, and the court 458  
shall, reply that no record exists with respect to the applicant 459  
upon any inquiry into the matter. 460

**Sec. 3772.99.** (A) The commission shall levy and collect 461  
penalties for noncriminal violations of this chapter. 462  
Noncriminal violations include using the term "casino" in any 463  
advertisement in regard to a facility operating video lottery 464  
terminals, as defined in section 3770.21 of the Revised Code, in 465

this state. Moneys collected from such penalty levies shall be 466  
credited to the general revenue fund. 467

(B) If a licensed casino operator, management company, 468  
holding company, gaming-related vendor, or key employee violates 469  
this chapter or engages in a fraudulent act, the commission may 470  
suspend or revoke the license and may do either or both of the 471  
following: 472

(1) Suspend, revoke, or restrict the casino gaming 473  
operations of a casino operator; 474

(2) Require the removal of a management company, key 475  
employee, or discontinuance of services from a gaming-related 476  
vendor. 477

(C) The commission shall impose civil penalties against a 478  
person who violates this chapter under the penalties adopted by 479  
commission rule and reviewed by the joint committee on gaming 480  
and wagering. 481

(D) A person who purposely or knowingly does any of the 482  
following commits a misdemeanor of the first degree on the first 483  
offense and a felony of the fifth degree for a subsequent 484  
offense: 485

(1) Makes a false statement on an application submitted 486  
under this chapter; 487

(2) Permits a person less than twenty-one years of age to 488  
make a wager at a casino facility; 489

(3) Aids, induces, or causes a person less than twenty-one 490  
years of age who is not an employee of the casino gaming 491  
operation to enter or attempt to enter a casino facility; 492

(4) Enters or attempts to enter a casino facility while 493

under twenty-one years of age, unless the person enters a 494  
designated area as described in section 3772.24 of the Revised 495  
Code; 496

(5) Is a casino operator or employee and participates in 497  
casino gaming at the casino facility at which the casino 498  
operator or employee has an interest or is employed or at an 499  
affiliated casino facility in this state other than as part of 500  
operation or employment. 501

(E) A person who purposely or knowingly does any of the 502  
following commits a felony of the fifth degree on a first 503  
offense and a felony of the fourth degree for a subsequent 504  
offense. If the person is a licensee under this chapter, the 505  
commission shall revoke the person's license after the first 506  
offense. 507

(1) Uses or possesses with the intent to use a device to 508  
assist in projecting the outcome of the casino game, keeping 509  
track of the cards played, analyzing the probability of the 510  
occurrence of an event relating to the casino game, or analyzing 511  
the strategy for playing or betting to be used in the casino 512  
game, except as permitted by the commission; 513

(2) Cheats at a casino game; 514

(3) Manufactures, sells, or distributes any cards, chips, 515  
dice, game, or device that is intended to be used to violate 516  
this chapter; 517

(4) Alters or misrepresents the outcome of a casino game 518  
on which wagers have been made after the outcome is made sure 519  
but before the outcome is revealed to the players; 520

(5) Places, increases, or decreases a wager on the outcome 521  
of a casino game after acquiring knowledge that is not available 522

to all players and concerns the outcome of the casino game that	523
is the subject of the wager;	524
(6) Aids a person in acquiring the knowledge described in	525
division (E) (5) of this section for the purpose of placing,	526
increasing, or decreasing a wager contingent on the outcome of a	527
casino game;	528
(7) Claims, collects, takes, or attempts to claim,	529
collect, or take money or anything of value in or from a casino	530
game with the intent to defraud or without having made a wager	531
contingent on winning a casino game;	532
(8) Claims, collects, or takes an amount of money or thing	533
of value of greater value than the amount won in a casino game;	534
(9) Uses or possesses counterfeit chips, tokens, or	535
cashless wagering instruments in or for use in a casino game;	536
(10) Possesses a key or device designed for opening,	537
entering, or affecting the operation of a casino game, drop box,	538
or an electronic or a mechanical device connected with the	539
casino game or removing coins, tokens, chips, or other contents	540
of a casino game. This division does not apply to a casino	541
operator, management company, or gaming-related vendor or their	542
agents and employees in the course of agency or employment.	543
(11) Possesses materials used to manufacture a device	544
intended to be used in a manner that violates this chapter;	545
(12) Operates a casino gaming operation in which wagering	546
is conducted or is to be conducted in a manner other than the	547
manner required under this chapter or a skill-based amusement	548
machine operation in a manner other than the manner required	549
under Chapter 2915. of the Revised Code.	550

(F) The possession of more than one of the devices 551  
described in division (E) (9), (10), or (11) of this section 552  
creates a rebuttable presumption that the possessor intended to 553  
use the devices for cheating. 554

(G) A person who purposely or knowingly does any of the 555  
following commits a felony of the third degree. If the person is 556  
a licensee under this chapter, the commission shall revoke the 557  
person's license after the first offense. A public servant or 558  
party official who is convicted under this division is forever 559  
disqualified from holding any public office, employment, or 560  
position of trust in this state. 561

(1) Offers, promises, or gives anything of value or 562  
benefit to a person who is connected with the casino operator, 563  
management company, holding company, or gaming-related vendor, 564  
including their officers and employees, under an agreement to 565  
influence or with the intent to influence the actions of the 566  
person to whom the offer, promise, or gift was made in order to 567  
affect or attempt to affect the outcome of a casino game or an 568  
official action of a commission member, agent, or employee; 569

(2) Solicits, accepts, or receives a promise of anything 570  
of value or benefit while the person is connected with a casino, 571  
including an officer or employee of a casino operator, 572  
management company, or gaming-related vendor, under an agreement 573  
to influence or with the intent to influence the actions of the 574  
person to affect or attempt to affect the outcome of a casino 575  
game or an official action of a commission member, agent, or 576  
employee; 577

(H) A person who knowingly or intentionally does any of 578  
the following while participating in casino gaming or otherwise 579  
transacting with a casino facility as permitted by Chapter 3772. 580

of the Revised Code commits a felony of the fifth degree on a 581  
first offense and a felony of the fourth degree for a subsequent 582  
offense: 583

(1) Causes or attempts to cause a casino facility to fail 584  
to file a report required under 31 U.S.C. 5313(a) or 5325 or any 585  
regulation prescribed thereunder or section 1315.53 of the 586  
Revised Code, or to fail to file a report or maintain a record 587  
required by an order issued under section 21 of the "Federal 588  
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508; 589

(2) Causes or attempts to cause a casino facility to file 590  
a report required under 31 U.S.C. 5313(a) or 5325 or any 591  
regulation prescribed thereunder or section 1315.53 of the 592  
Revised Code, to file a report or to maintain a record required 593  
by any order issued under 31 U.S.C. 5326, or to maintain a 594  
record required under any regulation prescribed under section 21 595  
of the "Federal Deposit Insurance Act" or section 123 of Pub. L. 596  
No. 91-508 that contains a material omission or misstatement of 597  
fact; 598

(3) With one or more casino facilities, structures a 599  
transaction, is complicit in structuring a transaction, attempts 600  
to structure a transaction, or is complicit in an attempt to 601  
structure a transaction. 602

(I) A person who is convicted of a felony described in 603  
this chapter may be barred for life from entering a casino 604  
facility by the commission. 605

(J) As used in division (H) of this section: 606

(1) To be "complicit" means to engage in any conduct of a 607  
type described in divisions (A) (1) to (4) of section 2923.03 of 608  
the Revised Code. 609

(2) "Structure a transaction" has the same meaning as in 610  
section 1315.51 of the Revised Code. 611

(K) Premises used or occupied in violation of division (E) 612  
(12) of this section constitute a nuisance subject to abatement 613  
under Chapter 3767. of the Revised Code. 614

**Section 2.** That existing sections 2951.041, 2953.38, and 615  
3772.99 of the Revised Code are hereby repealed. 616

**Section 3.** If any provisions of a section as amended or 617  
enacted by this act, or the application thereof to any person or 618  
circumstance is held invalid, the invalidity does not affect 619  
other provisions or applications of the section or related 620  
sections which can be given effect without the invalid provision 621  
or application, and to this end the provisions are severable. 622