

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 448

Representative Cupp

Cosponsors: Representatives Grossman, O'Brien, S., Duffey, Amstutz, Brown, Koehler, Zeltwanger, Sprague, Schaffer, Slaby, Burkley, Green, Ginter, Becker, Terhar, Fedor, Romanchuk

A BILL

To amend sections 109.57, 109.572, 109.60, and 2717.01 of the Revised Code to prohibit a person who has been convicted of an unsealable offense from changing the person's name and to require a court that is considering a name change application to obtain a criminal records check to determine whether the person is ineligible for the change.

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

Section 1. That sections 109.57, 109.572, 109.60, and 2717.01 of the Revised Code be amended to read as follows:

Sec. 109.57. (A) (1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent

offenses, or any misdemeanor described in division (A) (1) (a), 18
(A) (5) (a), ~~or (A) (7) (a)~~, or (A) (13) of section 109.572 of the 19
Revised Code, of all children under eighteen years of age who 20
have been adjudicated delinquent children for committing within 21
this state an act that would be a felony or an offense of 22
violence if committed by an adult or who have been convicted of 23
or pleaded guilty to committing within this state a felony or an 24
offense of violence, and of all well-known and habitual 25
criminals. The person in charge of any county, multicounty, 26
municipal, municipal-county, or multicounty-municipal jail or 27
workhouse, community-based correctional facility, halfway house, 28
alternative residential facility, or state correctional 29
institution and the person in charge of any state institution 30
having custody of a person suspected of having committed a 31
felony, any crime constituting a misdemeanor on the first 32
offense and a felony on subsequent offenses, or any misdemeanor 33
described in division (A) (1) (a), (A) (5) (a), ~~or (A) (7) (a)~~, or (A) 34
(13) of section 109.572 of the Revised Code or having custody of 35
a child under eighteen years of age with respect to whom there 36
is probable cause to believe that the child may have committed 37
an act that would be a felony or an offense of violence if 38
committed by an adult shall furnish such material to the 39
superintendent of the bureau. Fingerprints, photographs, or 40
other descriptive information of a child who is under eighteen 41
years of age, has not been arrested or otherwise taken into 42
custody for committing an act that would be a felony or an 43
offense of violence who is not in any other category of child 44
specified in this division, if committed by an adult, has not 45
been adjudicated a delinquent child for committing an act that 46
would be a felony or an offense of violence if committed by an 47
adult, has not been convicted of or pleaded guilty to committing 48
a felony or an offense of violence, and is not a child with 49

respect to whom there is probable cause to believe that the 50
child may have committed an act that would be a felony or an 51
offense of violence if committed by an adult shall not be 52
procured by the superintendent or furnished by any person in 53
charge of any county, multicounty, municipal, municipal-county, 54
or multicounty-municipal jail or workhouse, community-based 55
correctional facility, halfway house, alternative residential 56
facility, or state correctional institution, except as 57
authorized in section 2151.313 of the Revised Code. 58

(2) Every clerk of a court of record in this state, other 59
than the supreme court or a court of appeals, shall send to the 60
superintendent of the bureau a weekly report containing a 61
summary of each case involving a felony, involving any crime 62
constituting a misdemeanor on the first offense and a felony on 63
subsequent offenses, involving a misdemeanor described in 64
division (A) (1) (a), (A) (5) (a), ~~or~~ (A) (7) (a), or (A) (13) of 65
section 109.572 of the Revised Code, or involving an 66
adjudication in a case in which a child under eighteen years of 67
age was alleged to be a delinquent child for committing an act 68
that would be a felony or an offense of violence if committed by 69
an adult. The clerk of the court of common pleas shall include 70
in the report and summary the clerk sends under this division 71
all information described in divisions (A) (2) (a) to (f) of this 72
section regarding a case before the court of appeals that is 73
served by that clerk. The summary shall be written on the 74
standard forms furnished by the superintendent pursuant to 75
division (B) of this section and shall include the following 76
information: 77

(a) The incident tracking number contained on the standard 78
forms furnished by the superintendent pursuant to division (B) 79
of this section; 80

(b) The style and number of the case;	81
(c) The date of arrest, offense, summons, or arraignment;	82
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	83 84 85 86 87 88 89 90 91 92 93 94
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	95 96
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	97 98 99 100
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	101 102 103 104 105
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	106 107 108 109

identification of all persons arrested on a charge of a felony, 110
any crime constituting a misdemeanor on the first offense and a 111
felony on subsequent offenses, or a misdemeanor described in 112
division (A) (1) (a), (A) (5) (a), ~~or~~ (A) (7) (a), or (A) (13) of 113
section 109.572 of the Revised Code and of all children under 114
eighteen years of age arrested or otherwise taken into custody 115
for committing an act that would be a felony or an offense of 116
violence if committed by an adult. The superintendent also shall 117
file for record the fingerprint impressions of all persons 118
confined in a county, multicounty, municipal, municipal-county, 119
or multicounty-municipal jail or workhouse, community-based 120
correctional facility, halfway house, alternative residential 121
facility, or state correctional institution for the violation of 122
state laws and of all children under eighteen years of age who 123
are confined in a county, multicounty, municipal, municipal- 124
county, or multicounty-municipal jail or workhouse, community- 125
based correctional facility, halfway house, alternative 126
residential facility, or state correctional institution or in 127
any facility for delinquent children for committing an act that 128
would be a felony or an offense of violence if committed by an 129
adult, and any other information that the superintendent may 130
receive from law enforcement officials of the state and its 131
political subdivisions. 132

(4) The superintendent shall carry out Chapter 2950. of 133
the Revised Code with respect to the registration of persons who 134
are convicted of or plead guilty to a sexually oriented offense 135
or a child-victim oriented offense and with respect to all other 136
duties imposed on the bureau under that chapter. 137

(5) The bureau shall perform centralized recordkeeping 138
functions for criminal history records and services in this 139
state for purposes of the national crime prevention and privacy 140

compact set forth in section 109.571 of the Revised Code and is 141
the criminal history record repository as defined in that 142
section for purposes of that compact. The superintendent or the 143
superintendent's designee is the compact officer for purposes of 144
that compact and shall carry out the responsibilities of the 145
compact officer specified in that compact. 146

(B) The superintendent shall prepare and furnish to every 147
county, multicounty, municipal, municipal-county, or 148
multicounty-municipal jail or workhouse, community-based 149
correctional facility, halfway house, alternative residential 150
facility, or state correctional institution and to every clerk 151
of a court in this state specified in division (A)(2) of this 152
section standard forms for reporting the information required 153
under division (A) of this section. The standard forms that the 154
superintendent prepares pursuant to this division may be in a 155
tangible format, in an electronic format, or in both tangible 156
formats and electronic formats. 157

(C)(1) The superintendent may operate a center for 158
electronic, automated, or other data processing for the storage 159
and retrieval of information, data, and statistics pertaining to 160
criminals and to children under eighteen years of age who are 161
adjudicated delinquent children for committing an act that would 162
be a felony or an offense of violence if committed by an adult, 163
criminal activity, crime prevention, law enforcement, and 164
criminal justice, and may establish and operate a statewide 165
communications network to be known as the Ohio law enforcement 166
gateway to gather and disseminate information, data, and 167
statistics for the use of law enforcement agencies and for other 168
uses specified in this division. The superintendent may gather, 169
store, retrieve, and disseminate information, data, and 170
statistics that pertain to children who are under eighteen years 171

of age and that are gathered pursuant to sections 109.57 to 172
109.61 of the Revised Code together with information, data, and 173
statistics that pertain to adults and that are gathered pursuant 174
to those sections. 175

(2) The superintendent or the superintendent's designee 176
shall gather information of the nature described in division (C) 177
(1) of this section that pertains to the offense and delinquency 178
history of a person who has been convicted of, pleaded guilty 179
to, or been adjudicated a delinquent child for committing a 180
sexually oriented offense or a child-victim oriented offense for 181
inclusion in the state registry of sex offenders and child- 182
victim offenders maintained pursuant to division (A) (1) of 183
section 2950.13 of the Revised Code and in the internet database 184
operated pursuant to division (A) (13) of that section and for 185
possible inclusion in the internet database operated pursuant to 186
division (A) (11) of that section. 187

(3) In addition to any other authorized use of 188
information, data, and statistics of the nature described in 189
division (C) (1) of this section, the superintendent or the 190
superintendent's designee may provide and exchange the 191
information, data, and statistics pursuant to the national crime 192
prevention and privacy compact as described in division (A) (5) 193
of this section. 194

(4) The attorney general may adopt rules under Chapter 195
119. of the Revised Code establishing guidelines for the 196
operation of and participation in the Ohio law enforcement 197
gateway. The rules may include criteria for granting and 198
restricting access to information gathered and disseminated 199
through the Ohio law enforcement gateway. The attorney general 200
shall permit the state medical board and board of nursing to 201

access and view, but not alter, information gathered and 202
disseminated through the Ohio law enforcement gateway. 203

The attorney general may appoint a steering committee to 204
advise the attorney general in the operation of the Ohio law 205
enforcement gateway that is comprised of persons who are 206
representatives of the criminal justice agencies in this state 207
that use the Ohio law enforcement gateway and is chaired by the 208
superintendent or the superintendent's designee. 209

(D) (1) The following are not public records under section 210
149.43 of the Revised Code: 211

(a) Information and materials furnished to the 212
superintendent pursuant to division (A) of this section; 213

(b) Information, data, and statistics gathered or 214
disseminated through the Ohio law enforcement gateway pursuant 215
to division (C) (1) of this section; 216

(c) Information and materials furnished to any board or 217
person under division (F) or (G) of this section. 218

(2) The superintendent or the superintendent's designee 219
shall gather and retain information so furnished under division 220
(A) of this section that pertains to the offense and delinquency 221
history of a person who has been convicted of, pleaded guilty 222
to, or been adjudicated a delinquent child for committing a 223
sexually oriented offense or a child-victim oriented offense for 224
the purposes described in division (C) (2) of this section. 225

(E) (1) The attorney general shall adopt rules, in 226
accordance with Chapter 119. of the Revised Code and subject to 227
division (E) (2) of this section, setting forth the procedure by 228
which a person may receive or release information gathered by 229
the superintendent pursuant to division (A) of this section. A 230

reasonable fee may be charged for this service. If a temporary 231
employment service submits a request for a determination of 232
whether a person the service plans to refer to an employment 233
position has been convicted of or pleaded guilty to an offense 234
listed or described in division (A) (1), (2), or (3) of section 235
109.572 of the Revised Code, the request shall be treated as a 236
single request and only one fee shall be charged. 237

(2) Except as otherwise provided in this division or 238
division (E) (3) or (4) of this section, a rule adopted under 239
division (E) (1) of this section may provide only for the release 240
of information gathered pursuant to division (A) of this section 241
that relates to the conviction of a person, or a person's plea 242
of guilty to, a criminal offense or to the arrest of a person as 243
provided in division (E) (3) of this section. The superintendent 244
shall not release, and the attorney general shall not adopt any 245
rule under division (E) (1) of this section that permits the 246
release of, any information gathered pursuant to division (A) of 247
this section that relates to an adjudication of a child as a 248
delinquent child, or that relates to a criminal conviction of a 249
person under eighteen years of age if the person's case was 250
transferred back to a juvenile court under division (B) (2) or 251
(3) of section 2152.121 of the Revised Code and the juvenile 252
court imposed a disposition or serious youthful offender 253
disposition upon the person under either division, unless either 254
of the following applies with respect to the adjudication or 255
conviction: 256

(a) The adjudication or conviction was for a violation of 257
section 2903.01 or 2903.02 of the Revised Code. 258

(b) The adjudication or conviction was for a sexually 259
oriented offense, the juvenile court was required to classify 260

the child a juvenile offender registrant for that offense under 261
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 262
classification has not been removed, and the records of the 263
adjudication or conviction have not been sealed or expunged 264
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 265
section 2952.32 of the Revised Code. 266

(3) A rule adopted under division (E)(1) of this section 267
may provide for the release of information gathered pursuant to 268
division (A) of this section that relates to the arrest of a 269
person who is eighteen years of age or older when the person has 270
not been convicted as a result of that arrest if any of the 271
following applies: 272

(a) The arrest was made outside of this state. 273

(b) A criminal action resulting from the arrest is 274
pending, and the superintendent confirms that the criminal 275
action has not been resolved at the time the criminal records 276
check is performed. 277

(c) The bureau cannot reasonably determine whether a 278
criminal action resulting from the arrest is pending, and not 279
more than one year has elapsed since the date of the arrest. 280

(4) A rule adopted under division (E)(1) of this section 281
may provide for the release of information gathered pursuant to 282
division (A) of this section that relates to an adjudication of 283
a child as a delinquent child if not more than five years have 284
elapsed since the date of the adjudication, the adjudication was 285
for an act that would have been a felony if committed by an 286
adult, the records of the adjudication have not been sealed or 287
expunged pursuant to sections 2151.355 to 2151.358 of the 288
Revised Code, and the request for information is made under 289

division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

(F) (1) As used in division (F) (2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J) (2) of

section 3327.10 of the Revised Code may request that the 321
superintendent of the bureau investigate and determine, with 322
respect to any individual who has applied for employment in any 323
position after October 2, 1989, or any individual wishing to 324
apply for employment with a board of education may request, with 325
regard to the individual, whether the bureau has any information 326
gathered under division (A) of this section that pertains to 327
that individual. On receipt of the request, subject to division 328
(E) (2) of this section, the superintendent shall determine 329
whether that information exists and, upon request of the person, 330
board, or entity requesting information, also shall request from 331
the federal bureau of investigation any criminal records it has 332
pertaining to that individual. The superintendent or the 333
superintendent's designee also may request criminal history 334
records from other states or the federal government pursuant to 335
the national crime prevention and privacy compact set forth in 336
section 109.571 of the Revised Code. Within thirty days of the 337
date that the superintendent receives a request, subject to 338
division (E) (2) of this section, the superintendent shall send 339
to the board, entity, or person a report of any information that 340
the superintendent determines exists, including information 341
contained in records that have been sealed under section 2953.32 342
of the Revised Code, and, within thirty days of its receipt, 343
subject to division (E) (2) of this section, shall send the 344
board, entity, or person a report of any information received 345
from the federal bureau of investigation, other than information 346
the dissemination of which is prohibited by federal law. 347

(b) When a board of education or a registered private 348
provider is required to receive information under this section 349
as a prerequisite to employment of an individual pursuant to 350
division (C) of section 3310.58 or section 3319.39 of the 351

Revised Code, it may accept a certified copy of records that 352
were issued by the bureau of criminal identification and 353
investigation and that are presented by an individual applying 354
for employment with the district in lieu of requesting that 355
information itself. In such a case, the board shall accept the 356
certified copy issued by the bureau in order to make a photocopy 357
of it for that individual's employment application documents and 358
shall return the certified copy to the individual. In a case of 359
that nature, a district or provider only shall accept a 360
certified copy of records of that nature within one year after 361
the date of their issuance by the bureau. 362

(c) Notwithstanding division (F) (2) (a) of this section, in 363
the case of a request under section 3319.39, 3319.391, or 364
3327.10 of the Revised Code only for criminal records maintained 365
by the federal bureau of investigation, the superintendent shall 366
not determine whether any information gathered under division 367
(A) of this section exists on the person for whom the request is 368
made. 369

(3) The state board of education may request, with respect 370
to any individual who has applied for employment after October 371
2, 1989, in any position with the state board or the department 372
of education, any information that a school district board of 373
education is authorized to request under division (F) (2) of this 374
section, and the superintendent of the bureau shall proceed as 375
if the request has been received from a school district board of 376
education under division (F) (2) of this section. 377

(4) When the superintendent of the bureau receives a 378
request for information under section 3319.291 of the Revised 379
Code, the superintendent shall proceed as if the request has 380
been received from a school district board of education and 381

shall comply with divisions (F) (2) (a) and (c) of this section. 382

(5) When a recipient of a classroom reading improvement 383
grant paid under section 3301.86 of the Revised Code requests, 384
with respect to any individual who applies to participate in 385
providing any program or service funded in whole or in part by 386
the grant, the information that a school district board of 387
education is authorized to request under division (F) (2) (a) of 388
this section, the superintendent of the bureau shall proceed as 389
if the request has been received from a school district board of 390
education under division (F) (2) (a) of this section. 391

(G) In addition to or in conjunction with any request that 392
is required to be made under section 3701.881, 3712.09, or 393
3721.121 of the Revised Code with respect to an individual who 394
has applied for employment in a position that involves providing 395
direct care to an older adult or adult resident, the chief 396
administrator of a home health agency, hospice care program, 397
home licensed under Chapter 3721. of the Revised Code, or adult 398
day-care program operated pursuant to rules adopted under 399
section 3721.04 of the Revised Code may request that the 400
superintendent of the bureau investigate and determine, with 401
respect to any individual who has applied after January 27, 402
1997, for employment in a position that does not involve 403
providing direct care to an older adult or adult resident, 404
whether the bureau has any information gathered under division 405
(A) of this section that pertains to that individual. 406

In addition to or in conjunction with any request that is 407
required to be made under section 173.27 of the Revised Code 408
with respect to an individual who has applied for employment in 409
a position that involves providing ombudsman services to 410
residents of long-term care facilities or recipients of 411

community-based long-term care services, the state long-term 412
care ombudsman, the director of aging, a regional long-term care 413
ombudsman program, or the designee of the ombudsman, director, 414
or program may request that the superintendent investigate and 415
determine, with respect to any individual who has applied for 416
employment in a position that does not involve providing such 417
ombudsman services, whether the bureau has any information 418
gathered under division (A) of this section that pertains to 419
that applicant. 420

In addition to or in conjunction with any request that is 421
required to be made under section 173.38 of the Revised Code 422
with respect to an individual who has applied for employment in 423
a direct-care position, the chief administrator of a provider, 424
as defined in section 173.39 of the Revised Code, may request 425
that the superintendent investigate and determine, with respect 426
to any individual who has applied for employment in a position 427
that is not a direct-care position, whether the bureau has any 428
information gathered under division (A) of this section that 429
pertains to that applicant. 430

In addition to or in conjunction with any request that is 431
required to be made under section 3712.09 of the Revised Code 432
with respect to an individual who has applied for employment in 433
a position that involves providing direct care to a pediatric 434
respite care patient, the chief administrator of a pediatric 435
respite care program may request that the superintendent of the 436
bureau investigate and determine, with respect to any individual 437
who has applied for employment in a position that does not 438
involve providing direct care to a pediatric respite care 439
patient, whether the bureau has any information gathered under 440
division (A) of this section that pertains to that individual. 441

On receipt of a request under this division, the 442
superintendent shall determine whether that information exists 443
and, on request of the individual requesting information, shall 444
also request from the federal bureau of investigation any 445
criminal records it has pertaining to the applicant. The 446
superintendent or the superintendent's designee also may request 447
criminal history records from other states or the federal 448
government pursuant to the national crime prevention and privacy 449
compact set forth in section 109.571 of the Revised Code. Within 450
thirty days of the date a request is received, subject to 451
division (E) (2) of this section, the superintendent shall send 452
to the requester a report of any information determined to 453
exist, including information contained in records that have been 454
sealed under section 2953.32 of the Revised Code, and, within 455
thirty days of its receipt, shall send the requester a report of 456
any information received from the federal bureau of 457
investigation, other than information the dissemination of which 458
is prohibited by federal law. 459

(H) Information obtained by a government entity or person 460
under this section is confidential and shall not be released or 461
disseminated. 462

(I) The superintendent may charge a reasonable fee for 463
providing information or criminal records under division (F) (2) 464
or (G) of this section. 465

(J) As used in this section: 466

(1) "Pediatric respite care program" and "pediatric care 467
patient" have the same meanings as in section 3712.01 of the 468
Revised Code. 469

(2) "Sexually oriented offense" and "child-victim oriented 470

offense" have the same meanings as in section 2950.01 of the Revised Code.

(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section

2919.23 of the Revised Code that would have been a violation of 501
section 2905.04 of the Revised Code as it existed prior to July 502
1, 1996, had the violation been committed prior to that date, or 503
a violation of section 2925.11 of the Revised Code that is not a 504
minor drug possession offense; 505

(b) A violation of an existing or former law of this 506
state, any other state, or the United States that is 507
substantially equivalent to any of the offenses listed in 508
division (A) (1) (a) of this section; 509

(c) If the request is made pursuant to section 3319.39 of 510
the Revised Code for an applicant who is a teacher, any offense 511
specified in section 3319.31 of the Revised Code. 512

(2) On receipt of a request pursuant to section 3712.09 or 513
3721.121 of the Revised Code, a completed form prescribed 514
pursuant to division (C) (1) of this section, and a set of 515
fingerprint impressions obtained in the manner described in 516
division (C) (2) of this section, the superintendent of the 517
bureau of criminal identification and investigation shall 518
conduct a criminal records check with respect to any person who 519
has applied for employment in a position for which a criminal 520
records check is required by those sections. The superintendent 521
shall conduct the criminal records check in the manner described 522
in division (B) of this section to determine whether any 523
information exists that indicates that the person who is the 524
subject of the request previously has been convicted of or 525
pleaded guilty to any of the following: 526

(a) A violation of section 2903.01, 2903.02, 2903.03, 527
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 528
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 529
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 530

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 531
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 532
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 533
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 534
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 535

(b) An existing or former law of this state, any other 536
state, or the United States that is substantially equivalent to 537
any of the offenses listed in division (A) (2) (a) of this 538
section. 539

(3) On receipt of a request pursuant to section 173.27, 540
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 541
5123.081, or 5123.169 of the Revised Code, a completed form 542
prescribed pursuant to division (C) (1) of this section, and a 543
set of fingerprint impressions obtained in the manner described 544
in division (C) (2) of this section, the superintendent of the 545
bureau of criminal identification and investigation shall 546
conduct a criminal records check of the person for whom the 547
request is made. The superintendent shall conduct the criminal 548
records check in the manner described in division (B) of this 549
section to determine whether any information exists that 550
indicates that the person who is the subject of the request 551
previously has been convicted of, has pleaded guilty to, or 552
(except in the case of a request pursuant to section 5164.34, 553
5164.341, or 5164.342 of the Revised Code) has been found 554
eligible for intervention in lieu of conviction for any of the 555
following, regardless of the date of the conviction, the date of 556
entry of the guilty plea, or (except in the case of a request 557
pursuant to section 5164.34, 5164.341, or 5164.342 of the 558
Revised Code) the date the person was found eligible for 559
intervention in lieu of conviction: 560

(a) A violation of section 959.13, 959.131, 2903.01,	561
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	562
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	563
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	564
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	565
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	566
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	567
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	568
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	569
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	570
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	571
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	572
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	573
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	574
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	575
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	576
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	577
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	578
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	579
(b) Felonious sexual penetration in violation of former	580
section 2907.12 of the Revised Code;	581
(c) A violation of section 2905.04 of the Revised Code as	582
it existed prior to July 1, 1996;	583
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	584
the Revised Code when the underlying offense that is the object	585
of the conspiracy, attempt, or complicity is one of the offenses	586
listed in divisions (A) (3) (a) to (c) of this section;	587
(e) A violation of an existing or former municipal	588
ordinance or law of this state, any other state, or the United	589
States that is substantially equivalent to any of the offenses	590

listed in divisions (A) (3) (a) to (d) of this section. 591

(4) On receipt of a request pursuant to section 2151.86 of 592
the Revised Code, a completed form prescribed pursuant to 593
division (C) (1) of this section, and a set of fingerprint 594
impressions obtained in the manner described in division (C) (2) 595
of this section, the superintendent of the bureau of criminal 596
identification and investigation shall conduct a criminal 597
records check in the manner described in division (B) of this 598
section to determine whether any information exists that 599
indicates that the person who is the subject of the request 600
previously has been convicted of or pleaded guilty to any of the 601
following: 602

(a) A violation of section 959.13, 2903.01, 2903.02, 603
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 604
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 605
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 606
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 607
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 608
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 609
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 610
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 611
2927.12, or 3716.11 of the Revised Code, a violation of section 612
2905.04 of the Revised Code as it existed prior to July 1, 1996, 613
a violation of section 2919.23 of the Revised Code that would 614
have been a violation of section 2905.04 of the Revised Code as 615
it existed prior to July 1, 1996, had the violation been 616
committed prior to that date, a violation of section 2925.11 of 617
the Revised Code that is not a minor drug possession offense, 618
two or more OVI or OVUAC violations committed within the three 619
years immediately preceding the submission of the application or 620
petition that is the basis of the request, or felonious sexual 621

penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (4) (a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or

3716.11 of the Revised Code, felonious sexual penetration in 652
violation of former section 2907.12 of the Revised Code, a 653
violation of section 2905.04 of the Revised Code as it existed 654
prior to July 1, 1996, a violation of section 2919.23 of the 655
Revised Code that would have been a violation of section 2905.04 656
of the Revised Code as it existed prior to July 1, 1996, had the 657
violation been committed prior to that date, a violation of 658
section 2925.11 of the Revised Code that is not a minor drug 659
possession offense, a violation of section 2923.02 or 2923.03 of 660
the Revised Code that relates to a crime specified in this 661
division, or a second violation of section 4511.19 of the 662
Revised Code within five years of the date of application for 663
licensure or certification. 664

(b) A violation of an existing or former law of this 665
state, any other state, or the United States that is 666
substantially equivalent to any of the offenses or violations 667
described in division (A) (5) (a) of this section. 668

(6) Upon receipt of a request pursuant to section 5153.111 669
of the Revised Code, a completed form prescribed pursuant to 670
division (C) (1) of this section, and a set of fingerprint 671
impressions obtained in the manner described in division (C) (2) 672
of this section, the superintendent of the bureau of criminal 673
identification and investigation shall conduct a criminal 674
records check in the manner described in division (B) of this 675
section to determine whether any information exists that 676
indicates that the person who is the subject of the request 677
previously has been convicted of or pleaded guilty to any of the 678
following: 679

(a) A violation of section 2903.01, 2903.02, 2903.03, 680
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 681

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 682
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 683
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 684
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 685
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 686
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 687
Code, felonious sexual penetration in violation of former 688
section 2907.12 of the Revised Code, a violation of section 689
2905.04 of the Revised Code as it existed prior to July 1, 1996, 690
a violation of section 2919.23 of the Revised Code that would 691
have been a violation of section 2905.04 of the Revised Code as 692
it existed prior to July 1, 1996, had the violation been 693
committed prior to that date, or a violation of section 2925.11 694
of the Revised Code that is not a minor drug possession offense; 695

(b) A violation of an existing or former law of this 696
state, any other state, or the United States that is 697
substantially equivalent to any of the offenses listed in 698
division (A) (6) (a) of this section. 699

(7) On receipt of a request for a criminal records check 700
from an individual pursuant to section 4749.03 or 4749.06 of the 701
Revised Code, accompanied by a completed copy of the form 702
prescribed in division (C) (1) of this section and a set of 703
fingerprint impressions obtained in a manner described in 704
division (C) (2) of this section, the superintendent of the 705
bureau of criminal identification and investigation shall 706
conduct a criminal records check in the manner described in 707
division (B) of this section to determine whether any 708
information exists indicating that the person who is the subject 709
of the request has been convicted of or pleaded guilty to a 710
felony in this state or in any other state. If the individual 711
indicates that a firearm will be carried in the course of 712

business, the superintendent shall require information from the 713
federal bureau of investigation as described in division (B) (2) 714
of this section. Subject to division (F) of this section, the 715
superintendent shall report the findings of the criminal records 716
check and any information the federal bureau of investigation 717
provides to the director of public safety. 718

(8) On receipt of a request pursuant to section 1321.37, 719
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 720
Code, a completed form prescribed pursuant to division (C) (1) of 721
this section, and a set of fingerprint impressions obtained in 722
the manner described in division (C) (2) of this section, the 723
superintendent of the bureau of criminal identification and 724
investigation shall conduct a criminal records check with 725
respect to any person who has applied for a license, permit, or 726
certification from the department of commerce or a division in 727
the department. The superintendent shall conduct the criminal 728
records check in the manner described in division (B) of this 729
section to determine whether any information exists that 730
indicates that the person who is the subject of the request 731
previously has been convicted of or pleaded guilty to any of the 732
following: a violation of section 2913.02, 2913.11, 2913.31, 733
2913.51, or 2925.03 of the Revised Code; any other criminal 734
offense involving theft, receiving stolen property, 735
embezzlement, forgery, fraud, passing bad checks, money 736
laundering, or drug trafficking, or any criminal offense 737
involving money or securities, as set forth in Chapters 2909., 738
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 739
Code; or any existing or former law of this state, any other 740
state, or the United States that is substantially equivalent to 741
those offenses. 742

(9) On receipt of a request for a criminal records check 743

from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.46, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C) (1) of this section and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person

who is the subject of the request previously has been convicted 775
of or pleaded guilty to any criminal offense under any existing 776
or former law of this state, any other state, or the United 777
States. 778

(11) On receipt of a request for a criminal records check 779
from an appointing or licensing authority under section 3772.07 780
of the Revised Code, a completed form prescribed under division 781
(C) (1) of this section, and a set of fingerprint impressions 782
obtained in the manner prescribed in division (C) (2) of this 783
section, the superintendent of the bureau of criminal 784
identification and investigation shall conduct a criminal 785
records check in the manner described in division (B) of this 786
section to determine whether any information exists that 787
indicates that the person who is the subject of the request 788
previously has been convicted of or pleaded guilty or no contest 789
to any offense under any existing or former law of this state, 790
any other state, or the United States that is a disqualifying 791
offense as defined in section 3772.07 of the Revised Code or 792
substantially equivalent to such an offense. 793

(12) On receipt of a request pursuant to section 2151.33 794
or 2151.412 of the Revised Code, a completed form prescribed 795
pursuant to division (C) (1) of this section, and a set of 796
fingerprint impressions obtained in the manner described in 797
division (C) (2) of this section, the superintendent of the 798
bureau of criminal identification and investigation shall 799
conduct a criminal records check with respect to any person for 800
whom a criminal records check is required by that section. The 801
superintendent shall conduct the criminal records check in the 802
manner described in division (B) of this section to determine 803
whether any information exists that indicates that the person 804
who is the subject of the request previously has been convicted 805

of or pleaded guilty to any of the following: 806

(a) A violation of section 2903.01, 2903.02, 2903.03, 807
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 808
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 809
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 810
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 811
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 812
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 813
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 814
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 815

(b) An existing or former law of this state, any other 816
state, or the United States that is substantially equivalent to 817
any of the offenses listed in division (A)(12)(a) of this 818
section. 819

(13) On receipt of a request for a criminal records check 820
from a probate court under section 2717.01 of the Revised Code, 821
a completed form prescribed under division (C)(1) of this 822
section, and a set of fingerprint impressions obtained in the 823
manner prescribed in division (C)(2) of this section, the 824
superintendent of the bureau of criminal identification and 825
investigation shall conduct a criminal records check in the 826
manner described in division (B) of this section to determine 827
whether any information exists that indicates that the person 828
who is the subject of the request previously has been convicted 829
of or pleaded guilty to any offense or violation listed in 830
division (D)(1), (2), (3), or (4) of section 2717.01 of the 831
Revised Code. 832

(B) Subject to division (F) of this section, the 833
superintendent shall conduct any criminal records check to be 834
conducted under this section as follows: 835

(1) The superintendent shall review or cause to be 836
reviewed any relevant information gathered and compiled by the 837
bureau under division (A) of section 109.57 of the Revised Code 838
that relates to the person who is the subject of the criminal 839
records check, including, if the criminal records check was 840
requested under section 113.041, 121.08, 173.27, 173.38, 841
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 842
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 2717.01, 843
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 844
3772.07, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 845
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 846
any relevant information contained in records that have been 847
sealed under section 2953.32 of the Revised Code; 848

(2) If the request received by the superintendent asks for 849
information from the federal bureau of investigation, the 850
superintendent shall request from the federal bureau of 851
investigation any information it has with respect to the person 852
who is the subject of the criminal records check, including 853
fingerprint-based checks of national crime information databases 854
as described in 42 U.S.C. 671 if the request is made pursuant to 855
section 2151.86 or 5104.013 of the Revised Code or if any other 856
Revised Code section requires fingerprint-based checks of that 857
nature, and shall review or cause to be reviewed any information 858
the superintendent receives from that bureau. If a request under 859
section 3319.39 of the Revised Code asks only for information 860
from the federal bureau of investigation, the superintendent 861
shall not conduct the review prescribed by division (B) (1) of 862
this section. 863

(3) The superintendent or the superintendent's designee 864
may request criminal history records from other states or the 865
federal government pursuant to the national crime prevention and 866

privacy compact set forth in section 109.571 of the Revised Code. 867
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or (12)~~, or (13) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 869
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 877
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 884
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 887
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 889
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a

period of one year from the date upon which the superintendent 926
completes the criminal records check. If during that period the 927
superintendent receives another request for a criminal records 928
check to be conducted under this section for that person, the 929
superintendent shall provide the results from the previous 930
criminal records check of the person at a lower fee than the fee 931
prescribed for the initial criminal records check. 932

(E) When the superintendent receives a request for 933
information from a registered private provider, the 934
superintendent shall proceed as if the request was received from 935
a school district board of education under section 3319.39 of 936
the Revised Code. The superintendent shall apply division (A)(1) 937
(c) of this section to any such request for an applicant who is 938
a teacher. 939

(F)(1) All information regarding the results of a criminal 940
records check conducted under this section that the 941
superintendent reports or sends under division (A)(7) or (9) of 942
this section to the director of public safety, the treasurer of 943
state, or the person, board, or entity that made the request for 944
the criminal records check shall relate to the conviction of the 945
subject person, or the subject person's plea of guilty to, a 946
criminal offense. 947

(2) Division (F)(1) of this section does not limit, 948
restrict, or preclude the superintendent's release of 949
information that relates to the arrest of a person who is 950
eighteen years of age or older, to an adjudication of a child as 951
a delinquent child, or to a criminal conviction of a person 952
under eighteen years of age in circumstances in which a release 953
of that nature is authorized under division (E)(2), (3), or (4) 954
of section 109.57 of the Revised Code pursuant to a rule adopted 955

under division (E) (1) of that section.	956
(G) As used in this section:	957
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	958 959 960 961
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	962 963
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	964 965 966 967 968
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	969 970 971 972 973 974
Sec. 109.60. (A) (1) The sheriffs of the several counties and the chiefs of police of cities, immediately upon the arrest of any person for any felony, on suspicion of any felony, for a crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or for any misdemeanor described in division (A) (1) (a), (A) (8) (a), or (A) (10) (a), <u>or (A) (13)</u> of section 109.572 of the Revised Code, and immediately upon the arrest or taking into custody of any child under eighteen years of age for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable	975 976 977 978 979 980 981 982 983 984

cause to believe that a child of that age may have committed an 985
act that would be a felony or an offense of violence if 986
committed by an adult, shall take the person's or child's 987
fingerprints, or cause the same to be taken, according to the 988
fingerprint system of identification on the forms furnished by 989
the superintendent of the bureau of criminal identification and 990
investigation, and immediately shall forward copies of the 991
completed forms, any other description that may be required, and 992
the history of the offense committed to the bureau to be 993
classified and filed and to the clerk of the court having 994
jurisdiction over the prosecution of the offense or over the 995
adjudication relative to the act. 996

(2) Except as provided in division (B) of this section, if 997
a person or child has not been arrested and first appears before 998
a court or magistrate in response to a summons, or if a sheriff 999
or chief of police has not taken, or caused to be taken, a 1000
person's or child's fingerprints in accordance with division (A) 1001
(1) of this section by the time of the arraignment or first 1002
appearance of the person or child, the court shall order the 1003
person or child to appear before the sheriff or chief of police 1004
within twenty-four hours to have the person's or child's 1005
fingerprints taken. The sheriff or chief of police shall take 1006
the person's or child's fingerprints, or cause the fingerprints 1007
to be taken, according to the fingerprint system of 1008
identification on the forms furnished by the superintendent of 1009
the bureau of criminal identification and investigation and, 1010
immediately after the person's or child's arraignment or first 1011
appearance, forward copies of the completed forms, any other 1012
description that may be required, and the history of the offense 1013
committed to the bureau to be classified and filed and to the 1014
clerk of the court. 1015

(3) Every court with jurisdiction over a case involving a person or child with respect to whom division (A) (1) or (2) of this section requires a sheriff or chief of police to take the person's or child's fingerprints shall inquire at the time of the person's or child's sentencing or adjudication whether or not the person or child has been fingerprinted pursuant to division (A) (1) or (2) of this section for the original arrest or court appearance upon which the sentence or adjudication is based. If the person or child was not fingerprinted for the original arrest or court appearance upon which the sentence or adjudication is based, the court shall order the person or child to appear before the sheriff or chief of police within twenty-four hours to have the person's or child's fingerprints taken. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation and immediately forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court.

(4) If a person or child is in the custody of a law enforcement agency or a detention facility, as defined in section 2921.01 of the Revised Code, and the chief law enforcement officer or chief administrative officer of the detention facility discovers that a warrant has been issued or a bill of information has been filed alleging the person or child to have committed an offense or act other than the offense or act for which the person or child is in custody, and the other alleged offense or act is one for which fingerprints are to be taken pursuant to division (A) (1) of this section, the law

enforcement agency or detention facility shall take the 1047
fingerprints of the person or child, or cause the fingerprints 1048
to be taken, according to the fingerprint system of 1049
identification on the forms furnished by the superintendent of 1050
the bureau of criminal identification and investigation and 1051
immediately forward copies of the completed forms, any other 1052
description that may be required, and the history of the offense 1053
committed to the bureau to be classified and filed and to the 1054
clerk of the court that issued the warrant or with which the 1055
bill of information was filed. 1056

(5) If an accused is found not guilty of the offense 1057
charged or a nolle prosequi is entered in any case, or if any 1058
accused child under eighteen years of age is found not to be a 1059
delinquent child for committing an act that would be a felony or 1060
an offense of violence if committed by an adult or not guilty of 1061
the felony or offense of violence charged or a nolle prosequi is 1062
entered in that case, the fingerprints and description shall be 1063
given to the accused upon the accused's request. 1064

(6) The superintendent shall compare the description 1065
received with those already on file in the bureau, and, if the 1066
superintendent finds that the person arrested or taken into 1067
custody has a criminal record or a record as a delinquent child 1068
for having committed an act that would be a felony or an offense 1069
of violence if committed by an adult or is a fugitive from 1070
justice or wanted by any jurisdiction in this or another state, 1071
the United States, or a foreign country for any offense, the 1072
superintendent at once shall inform the arresting officer, the 1073
officer taking the person into custody, or the chief 1074
administrative officer of the county, multicounty, municipal, 1075
municipal-county, or multicounty-municipal jail or workhouse, 1076
community-based correctional facility, halfway house, 1077

alternative residential facility, or state correctional 1078
institution in which the person or child is in custody of that 1079
fact and give appropriate notice to the proper authorities in 1080
the jurisdiction in which the person is wanted, or, if that 1081
jurisdiction is a foreign country, give appropriate notice to 1082
federal authorities for transmission to the foreign country. The 1083
names, under which each person whose identification is filed is 1084
known, shall be alphabetically indexed by the superintendent. 1085

(B) Division (A) of this section does not apply to a 1086
violin of a city ordinance unless the officers have reason to 1087
believe that the violator is a past offender or the crime is one 1088
constituting a misdemeanor on the first offense and a felony on 1089
subsequent offenses, or unless it is advisable for the purpose 1090
of subsequent identification. This section does not apply to any 1091
child under eighteen years of age who was not arrested or 1092
otherwise taken into custody for committing an act that would be 1093
a felony or an offense of violence if committed by an adult or 1094
upon probable cause to believe that a child of that age may have 1095
committed an act that would be a felony or an offense of 1096
violence if committed by an adult, except as provided in section 1097
2151.313 of the Revised Code. 1098

(C) (1) For purposes of division (C) of this section, a law 1099
enforcement agency shall be considered to have arrested a person 1100
if any law enforcement officer who is employed by, appointed by, 1101
or serves that agency arrests the person. As used in division 1102
(C) of this section: 1103

(a) "Illegal methamphetamine manufacturing laboratory" has 1104
the same meaning as in section 3745.13 of the Revised Code. 1105

(b) "Methamphetamine or a methamphetamine product" means 1106
methamphetamine, any salt, isomer, or salt of an isomer of 1107

methamphetamine, or any compound, mixture, preparation, or 1108
substance containing methamphetamine or any salt, isomer, or 1109
salt of an isomer of methamphetamine. 1110

(2) Each law enforcement agency that, in any calendar 1111
year, arrests any person for a violation of section 2925.04 of 1112
the Revised Code that is based on the manufacture of 1113
methamphetamine or a methamphetamine product, a violation of 1114
section 2925.041 of the Revised Code that is based on the 1115
possession of chemicals sufficient to produce methamphetamine or 1116
a methamphetamine product, or a violation of any other provision 1117
of Chapter 2925. or 3719. of the Revised Code that is based on 1118
the possession of chemicals sufficient to produce 1119
methamphetamine or a methamphetamine product shall prepare an 1120
annual report covering the calendar year that contains the 1121
information specified in division (C)(3) of this section 1122
relative to all arrests for violations of those sections 1123
committed under those circumstances during that calendar year 1124
and relative to illegal methamphetamine manufacturing 1125
laboratories, dump sites, and chemical caches as specified in 1126
that division and shall send the annual report, not later than 1127
the first day of March in the calendar year following the 1128
calendar year covered by the report, to the bureau of criminal 1129
identification and investigation. 1130

The law enforcement agency shall write any annual report 1131
prepared and filed under this division on the standard forms 1132
furnished by the superintendent of the bureau of criminal 1133
identification and investigation pursuant to division (C)(4) of 1134
this section. The annual report shall be a statistical report, 1135
and nothing in the report or in the information it contains 1136
shall identify, or enable the identification of, any person who 1137
was arrested and whose arrest is included in the information 1138

contained in the report. The annual report in the possession of 1139
the bureau and the information it contains are public records 1140
for the purpose of section 149.43 of the Revised Code. 1141

(3) The annual report prepared and filed by a law 1142
enforcement agency under division (C)(2) of this section shall 1143
contain all of the following information for the calendar year 1144
covered by the report: 1145

(a) The total number of arrests made by the agency in that 1146
calendar year for a violation of section 2925.04 of the Revised 1147
Code that is based on the manufacture of methamphetamine or a 1148
methamphetamine product, a violation of section 2925.041 of the 1149
Revised Code that is based on the possession of chemicals 1150
sufficient to produce methamphetamine or a methamphetamine 1151
product, or a violation of any other provision of Chapter 2925. 1152
or 3719. of the Revised Code that is based on the possession of 1153
chemicals sufficient to produce methamphetamine or a 1154
methamphetamine product; 1155

(b) The total number of illegal methamphetamine 1156
manufacturing laboratories at which one or more of the arrests 1157
reported under division (C)(3)(a) of this section occurred, or 1158
that were discovered in that calendar year within the territory 1159
served by the agency but at which none of the arrests reported 1160
under division (C)(3)(a) of this section occurred; 1161

(c) The total number of dump sites and chemical caches 1162
that are, or that are reasonably believed to be, related to 1163
illegal methamphetamine manufacturing and that were discovered 1164
in that calendar year within the territory served by the agency. 1165

(4) The superintendent of the bureau of criminal 1166
identification and investigation shall prepare and furnish to 1167

each law enforcement agency in this state standard forms for 1168
making the annual reports required by division (C) (2) of this 1169
section. The standard forms that the superintendent prepares 1170
pursuant to this division may be in a tangible format, in an 1171
electronic format, or in both a tangible format and an 1172
electronic format. 1173

(5) The annual report required by division (C) (2) of this 1174
section is separate from, and in addition to, any report, 1175
materials, or information required under division (A) of this 1176
section or under any other provision of sections 109.57 to 1177
109.62 of the Revised Code. 1178

Sec. 2717.01. (A) (1) A person desiring a change of name 1179
may file an application in the probate court of the county in 1180
which the person resides. The application shall set forth that 1181
the applicant has been a bona fide resident of that county for 1182
at least one year prior to the filing of the application, the 1183
cause for which the change of name is sought, and the requested 1184
new name. The application shall require the applicant to state 1185
whether any of the following apply with respect to the 1186
applicant: 1187

(a) The applicant has been convicted of, pleaded guilty 1188
to, or been adjudicated a delinquent child for identity fraud 1189
~~of.~~ 1190

(b) The applicant has a duty to comply with section 1191
2950.04 or 2950.041 of the Revised Code because the applicant 1192
was convicted of, pleaded guilty to, or was adjudicated a 1193
delinquent child for having committed a sexually oriented 1194
offense or a child-victim oriented offense. 1195

(c) The applicant has been convicted of or pleaded guilty 1196

to a violation of any existing or former law or ordinance of 1197
this state that is or was a felony and section 2953.36 of the 1198
Revised Code specifies that sections 2953.31 to 2953.35 of the 1199
Revised Code do not apply to a conviction of that offense. 1200

(d) The applicant has been convicted of or pleaded guilty 1201
to a violation of any existing or former law or ordinance of a 1202
state other than this state or of the United States that is or 1203
was substantially equivalent to an offense that, if committed in 1204
this state, would subject the applicant to division (A) (1) (c) of 1205
this section. 1206

(2) Except as provided in division (A) (4) of this section, 1207
notice of the application shall be given once by publication in 1208
a newspaper of general circulation in the county at least thirty 1209
days before the hearing on the application. The notice shall set 1210
forth the court in which the application was filed, the case 1211
number, and the date and time of the hearing. 1212

(3) Except as provided by division ~~(C)~~ (D) of this 1213
section, upon proof that proper notice was given or that notice 1214
was waived under division (A) (4) of this section and proof that 1215
the facts set forth in the application show reasonable and 1216
proper cause for changing the name of the applicant, the court 1217
may order the change of name. 1218

(4) If an applicant for a change of name submits to the 1219
court, along with the application described in division (A) (1) 1220
of this section, satisfactory proof that the publication of the 1221
notice under division (A) (2) of this section would jeopardize 1222
the applicant's personal safety, both of the following apply: 1223

(a) The court shall waive the notice requirement. 1224

(b) If the court orders the change of name under division 1225

(A) (3) of this section, the court shall order the records of the 1226
change of name proceeding to be sealed and to be opened only by 1227
order of the court for good cause shown or at the request of the 1228
applicant for any reason. 1229

(B) An application for change of name may be made on 1230
behalf of a minor by either of the minor's parents, a legal 1231
guardian, or a guardian ad litem. When application is made on 1232
behalf of a minor, in addition to the notice and proof required 1233
pursuant to division (A) of this section, the consent of both 1234
living, legal parents of the minor shall be filed, or notice of 1235
the hearing shall be given to the parent or parents not 1236
consenting by certified mail, return receipt requested. If there 1237
is no known father of the minor, the notice shall be given to 1238
the person who the mother of the minor alleges to be the father. 1239
If no father is so alleged, or if either parent or the address 1240
of either parent is unknown, notice pursuant to division (A) of 1241
this section shall be sufficient as to the father or parent. 1242

Any additional notice required by this division may be 1243
waived in writing by any person entitled to the notice. 1244

(C) ~~(1)~~ Upon receipt of an application for change of name, 1245
a probate court shall request the superintendent of the bureau 1246
of criminal identification and investigation to conduct a 1247
criminal records check of the applicant or the person on whose 1248
behalf the application is made. If the applicant does not 1249
present proof that the applicant or the person on whose behalf 1250
the application is made has been a resident of this state for 1251
the five-year period immediately prior to the date on which the 1252
criminal records check is requested, the court shall request 1253
that the superintendent obtain information from the federal 1254
bureau of investigation as a part of the criminal records check 1255

for the applicant or the person on whose behalf the application 1256
is made. If the applicant presents proof that the applicant or 1257
the person on whose behalf the application is made has been a 1258
resident of this state for that five-year period, the court may 1259
request that the superintendent include information from the 1260
federal bureau of investigation in the criminal records check. 1261

The court shall provide to each person subject to a 1262
criminal records check under this division a copy of the form 1263
prescribed pursuant to division (C)(1) of section 109.572 of the 1264
Revised Code and a standard impression sheet to obtain 1265
fingerprints to obtain fingerprint impressions prescribed in 1266
division (C)(2) of that section, obtain the completed form and 1267
impression sheet from the person, and forward the completed form 1268
and impression sheet to the superintendent of the bureau of 1269
criminal identification and investigation at the time the 1270
criminal records check is requested. The court shall not conduct 1271
a hearing on the application, or act on the application, until 1272
it has received a report regarding the criminal records check 1273
from the bureau. 1274

Any person subject to a criminal records check under this 1275
division who receives a copy of the form and a copy of the 1276
impression sheet described in this division and who is requested 1277
to complete the form and provide a set of fingerprint 1278
impressions shall complete the form or provide all the 1279
information necessary to complete the form and shall provide the 1280
impression sheet with the impressions of the person's 1281
fingerprints. If the person, upon request, fails to provide the 1282
information necessary to complete the form or fails to provide 1283
impressions of the person's fingerprints, the court shall deny 1284
the person's application for a change of name. 1285

The court shall pay to the bureau of criminal 1286
identification and investigation the fee prescribed pursuant to 1287
division (C) (3) of section 109.572 of the Revised Code for each 1288
criminal records check conducted in accordance with that section 1289
upon a request pursuant to this division. The court may charge 1290
the applicant subject to the criminal records check a fee for 1291
the costs the court incurs in obtaining the criminal records 1292
check. A fee charged under this division shall not exceed the 1293
amount of fees the court pays for the criminal records check. If 1294
a fee is charged under this division, the court shall notify the 1295
applicant at the time of the applicant's initial application for 1296
a change of name of the amount of the fee and that, unless the 1297
fee is paid, the court will not grant the application. 1298

The report of any criminal records check conducted by the 1299
bureau of criminal identification and investigation in 1300
accordance with section 109.572 of the Revised Code and pursuant 1301
to a request made under this division is not a public record for 1302
the purposes of section 149.43 of the Revised Code and shall not 1303
be made available to any person other than the person who is the 1304
subject of the criminal records check or the person's 1305
representative and the probate court and employees of the court 1306
in performing duties related to the application. 1307

(D) The court shall not order a change of name under 1308
division (A) of this section if any of the following apply with 1309
respect to the person applying for a change of name or for whom 1310
the application for a change of name is made: 1311

(1) The applicant or the person on whose behalf the 1312
application for a change of name is made has a duty to comply 1313
with section 2950.04 or 2950.041 of the Revised Code because the 1314
applicant or ~~the person on whose behalf the application for a~~ 1315

~~change of name is made~~ was convicted of, pleaded guilty to, or 1316
was adjudicated a delinquent child for having committed a 1317
sexually oriented offense or a child-victim oriented offense. 1318

~~(2) The court shall not order a change of name under~~ 1319
~~division (A) of this section if applicant or the person applying~~ 1320
~~on whose behalf the application for a change of name or for whom~~ 1321
~~the application for a change of name is made~~ has pleaded guilty 1322
to, been convicted of, or been adjudicated a delinquent child 1323
for committing a violation of section 2913.49 of the Revised 1324
Code unless the guilty plea, conviction, or adjudication has 1325
been reversed on appeal. 1326

(3) The applicant or the person on whose behalf the 1327
application for a change of name is made has been convicted of 1328
or pleaded guilty to a violation of any existing or former law 1329
or ordinance of this state that is or was a felony and section 1330
2953.36 of the Revised Code specifies that sections 2953.31 to 1331
2953.35 of the Revised Code do not apply to a conviction of that 1332
offense. 1333

(4) The applicant or the person on whose behalf the 1334
application for a change of name is made has been convicted of 1335
or pleaded guilty to a violation of any existing or former law 1336
or ordinance of a state other than this state or of the United 1337
States that is or was substantially equivalent to any offense 1338
that, if committed in this state, would subject the applicant to 1339
division (C) (3) of this section. 1340

~~(3)~~ (E) As used in this ~~division~~ section, "sexually 1341
oriented offense" and "child-victim oriented offense" have the 1342
same meanings as in section 2950.01 of the Revised Code. 1343

Section 2. That existing sections 109.57, 109.572, 109.60, 1344

and 2717.01 of the Revised Code are hereby repealed.

1345