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Senator Wilson

Cosponsors: Senators Bacon, Coley, Beagle, Brown, Burke, Eklund, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko, Representatives Anielski, Arndt, Blessing, Craig, Dever, Ginter, Hambley, Holmes, Kick, Lang, Manning, McClain, Merrin, Miller, Patton, Riedel, Schaffer, Scherer, Seitz, Thompson, Speaker Smith

A BILL

To amend sections 145.114, 742.114, 1707.01, 1
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 2
1707.161, 1707.17, 1707.19, 1707.20, 1707.21, 3
1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 4
1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 5
1707.32, 1707.34, 1707.35, 1707.38, 1707.39, 6
1707.391, 1707.40, 1707.431, 1707.44, 1707.99, 7
1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 8
2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 9
3307.152, 3309.157, 4582.06, 4582.31, and 10
5505.068 and to enact sections 1707.05, 11
1707.051, 1707.052, 1707.053, 1707.054, 12
1707.055, 1707.056, 1707.057, 1707.058, and 13
1707.50 of the Revised Code to expand the 14
increased penalties for theft in office based on 15
the amount of property or services stolen, to 16
include as restitution certain audit costs of 17
the entity that suffered the loss involved in 18
the offense, for any other offense, to allow 19
restitution for the cost of accounting or 20

auditing done to determine the extent of 21
economic loss, to permit intrastate equity 22
crowdfunding under certain circumstances, to 23
provide for a hardship exemption from the 24
requirement that financial statements filed 25
under the Securities Law be audited, to replace 26
expungement with sealing of ex parte protection 27
orders and records under certain circumstances, 28
and to clarify the appellate process for the 29
court's refusal to grant certain protection 30
orders. 31

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

Section 1. That sections 145.114, 742.114, 1707.01, 32
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 33
1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 34
1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 35
1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 36
1707.44, 1707.99, 1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 37
2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 3307.152, 3309.157, 38
4582.06, 4582.31, and 5505.068 be amended and sections 1707.05, 39
1707.051, 1707.052, 1707.053, 1707.054, 1707.055, 1707.056, 40
1707.057, 1707.058, and 1707.50 of the Revised Code be enacted 41
to read as follows: 42

Sec. 145.114. (A) As used in this section and in section 43
145.116 of the Revised Code: 44

(1) "Agent" means a dealer, as defined in section 1707.01 45
of the Revised Code, who is licensed under sections 1707.01 to 46

~~1707.45~~1707.50 of the Revised Code or under comparable laws of 47
another state or of the United States. 48

(2) "Minority business enterprise" has the same meaning as 49
in section 122.71 of the Revised Code. 50

(3) "Ohio-qualified agent" means an agent designated as 51
such by the public employees retirement board. 52

(4) "Ohio-qualified investment manager" means an 53
investment manager designated as such by the public employees 54
retirement board. 55

(5) "Principal place of business" means an office in which 56
the agent regularly provides securities or investment advisory 57
services and solicits, meets with, or otherwise communicates 58
with clients. 59

(B) The public employees retirement board shall, for the 60
purposes of this section, designate an agent as an Ohio- 61
qualified agent if the agent meets all of the following 62
requirements: 63

(1) The agent is subject to taxation under Chapter 5725., 64
5726., 5733., 5747., or 5751. of the Revised Code; 65

(2) The agent is authorized to conduct business in this 66
state; 67

(3) The agent maintains a principal place of business in 68
this state and employs at least five residents of this state. 69

(C) The public employees retirement board shall adopt and 70
implement a written policy to establish criteria and procedures 71
used to select agents to execute securities transactions on 72
behalf of the retirement system. The policy shall address each 73
of the following: 74

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	75 76
(2) The execution speed and trade settlement capabilities of the agent;	77 78
(3) The responsiveness, reliability, and integrity of the agent;	79 80
(4) The nature and value of research provided by the agent;	81 82
(5) Any special capabilities of the agent.	83
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	84 85 86 87 88 89 90 91
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	92 93 94
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	95 96 97 98 99 100
Sec. 742.114. (A) As used in this section and in section 742.116 of the Revised Code:	101 102

(1) "Agent" means a dealer, as defined in section 1707.01 103
of the Revised Code, who is licensed under sections 1707.01 to 104
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 105
another state or of the United States. 106

(2) "Minority business enterprise" has the same meaning as 107
in section 122.71 of the Revised Code. 108

(3) "Ohio-qualified agent" means an agent designated as 109
such by the board of trustees of the fund. 110

(4) "Ohio-qualified investment manager" means an 111
investment manager designated as such by the board of trustees 112
of the fund. 113

(5) "Principal place of business" means an office in which 114
the agent regularly provides securities or investment advisory 115
services and solicits, meets with, or otherwise communicates 116
with clients. 117

(B) The board of trustees of the fund shall, for the 118
purposes of this section, designate an agent as an Ohio- 119
qualified agent if the agent meets all of the following 120
requirements: 121

(1) The agent is subject to taxation under Chapter 5725., 122
5726., 5733., 5747., or 5751. of the Revised Code; 123

(2) The agent is authorized to conduct business in this 124
state; 125

(3) The agent maintains a principal place of business in 126
this state and employs at least five residents of this state. 127

(C) The board shall adopt and implement a written policy 128
to establish criteria and procedures used to select agents to 129
execute securities transactions on behalf of the retirement 130

system. The policy shall address each of the following:	131
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	132 133
(2) The execution speed and trade settlement capabilities of the agent;	134 135
(3) The responsiveness, reliability, and integrity of the agent;	136 137
(4) The nature and value of research provided by the agent;	138 139
(5) Any special capabilities of the agent.	140
(D) (1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed-income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	141 142 143 144 145 146 147 148
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	149 150 151
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	152 153 154 155 156 157
Sec. 1707.01. As used in this chapter:	158

(A) Whenever the context requires it, "division" or 159
"division of securities" may be read as "director of commerce" 160
or as "commissioner of securities." 161

(B) "Security" means any certificate or instrument, or any 162
oral, written, or electronic agreement, understanding, or 163
opportunity, that represents title to or interest in, or is 164
secured by any lien or charge upon, the capital, assets, 165
profits, property, or credit of any person or of any public or 166
governmental body, subdivision, or agency. It includes shares of 167
stock, certificates for shares of stock, an uncertificated 168
security, membership interests in limited liability companies, 169
voting-trust certificates, warrants and options to purchase 170
securities, subscription rights, interim receipts, interim 171
certificates, promissory notes, all forms of commercial paper, 172
evidences of indebtedness, bonds, debentures, land trust 173
certificates, fee certificates, leasehold certificates, 174
syndicate certificates, endowment certificates, interests in or 175
under profit-sharing or participation agreements, interests in 176
or under oil, gas, or mining leases, preorganization or 177
reorganization subscriptions, preorganization certificates, 178
reorganization certificates, interests in any trust or pretended 179
trust, any investment contract, any life settlement interest, 180
any instrument evidencing a promise or an agreement to pay 181
money, warehouse receipts for intoxicating liquor, and the 182
currency of any government other than those of the United States 183
and Canada, but sections 1707.01 to ~~1707.45~~1707.50 of the 184
Revised Code do not apply to the sale of real estate. 185

(C) (1) "Sale" has the full meaning of "sale" as applied by 186
or accepted in courts of law or equity, and includes every 187
disposition, or attempt to dispose, of a security or of an 188
interest in a security. "Sale" also includes a contract to sell, 189

an exchange, an attempt to sell, an option of sale, a 190
solicitation of a sale, a solicitation of an offer to buy, a 191
subscription, or an offer to sell, directly or indirectly, by 192
agent, circular, pamphlet, advertisement, or otherwise. 193

(2) "Sell" means any act by which a sale is made. 194

(3) The use of advertisements, circulars, or pamphlets in 195
connection with the sale of securities in this state exclusively 196
to the purchasers specified in division (D) of section 1707.03 197
of the Revised Code is not a sale when the advertisements, 198
circulars, and pamphlets describing and offering those 199
securities bear a readily legible legend in substance as 200
follows: "This offer is made on behalf of dealers licensed under 201
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, and is 202
confined in this state exclusively to institutional investors 203
and licensed dealers." 204

(4) The offering of securities by any person in 205
conjunction with a licensed dealer by use of advertisement, 206
circular, or pamphlet is not a sale if that person does not 207
otherwise attempt to sell securities in this state. 208

(5) Any security given with, or as a bonus on account of, 209
any purchase of securities is conclusively presumed to 210
constitute a part of the subject of that purchase and has been 211
"sold." 212

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 213
person acting in a representative capacity, includes sale on 214
behalf of such party by an agent, including a licensed dealer or 215
salesperson. 216

(D) "Person," except as otherwise provided in this 217
chapter, means a natural person, firm, partnership, limited 218

partnership, partnership association, syndicate, joint-stock 219
company, unincorporated association, trust or trustee except 220
where the trust was created or the trustee designated by law or 221
judicial authority or by a will, and a corporation or limited 222
liability company organized under the laws of any state, any 223
foreign government, or any political subdivision of a state or 224
foreign government. 225

(E) (1) "Dealer," except as otherwise provided in this 226
chapter, means every person, other than a salesperson, who 227
engages or professes to engage, in this state, for either all or 228
part of the person's time, directly or indirectly, either in the 229
business of the sale of securities for the person's own account, 230
or in the business of the purchase or sale of securities for the 231
account of others in the reasonable expectation of receiving a 232
commission, fee, or other remuneration as a result of engaging 233
in the purchase and sale of securities. "Dealer" does not mean 234
any of the following: 235

(a) Any issuer, including any officer, director, employee, 236
or trustee of, or member or manager of, or partner in, or any 237
general partner of, any issuer, that sells, offers for sale, or 238
does any act in furtherance of the sale of a security that 239
represents an economic interest in that issuer, provided no 240
commission, fee, or other similar remuneration is paid to or 241
received by the issuer for the sale; 242

(b) Any licensed attorney, public accountant, or firm of 243
such attorneys or accountants, whose activities are incidental 244
to the practice of the attorney's, accountant's, or firm's 245
profession; 246

(c) Any person that, for the account of others, engages in 247
the purchase or sale of securities that are issued and 248

outstanding before such purchase and sale, if a majority or more 249
of the equity interest of an issuer is sold in that transaction, 250
and if, in the case of a corporation, the securities sold in 251
that transaction represent a majority or more of the voting 252
power of the corporation in the election of directors; 253

(d) Any person that brings an issuer together with a 254
potential investor and whose compensation is not directly or 255
indirectly based on the sale of any securities by the issuer to 256
the investor; 257

(e) Any bank; 258

(f) Any person that the division of securities by rule 259
exempts from the definition of "dealer" under division (E) (1) of 260
this section. 261

(2) "Licensed dealer" means a dealer licensed under this 262
chapter. 263

(F) (1) "Salesman" or "salesperson" means every natural 264
person, other than a dealer, who is employed, authorized, or 265
appointed by a dealer to sell securities within this state. 266

(2) The general partners of a partnership, and the 267
executive officers of a corporation or unincorporated 268
association, licensed as a dealer are not salespersons within 269
the meaning of this definition, nor are clerical or other 270
employees of an issuer or dealer that are employed for work to 271
which the sale of securities is secondary and incidental; but 272
the division of securities may require a license from any such 273
partner, executive officer, or employee if it determines that 274
protection of the public necessitates the licensing. 275

(3) "Licensed salesperson" means a salesperson licensed 276
under this chapter. 277

(G) "Issuer" means every person who has issued, proposes	278
to issue, or issues any security.	279
(H) "Director" means each director or trustee of a	280
corporation, each trustee of a trust, each general partner of a	281
partnership, except a partnership association, each manager of a	282
partnership association, and any person vested with managerial	283
or directory power over an issuer not having a board of	284
directors or trustees.	285
(I) "Incorporator" means any incorporator of a corporation	286
and any organizer of, or any person participating, other than in	287
a representative or professional capacity, in the organization	288
of an unincorporated issuer.	289
(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent	290
practices," or "fraudulent transactions" means anything	291
recognized on or after July 22, 1929, as such in courts of law	292
or equity; any device, scheme, or artifice to defraud or to	293
obtain money or property by means of any false pretense,	294
representation, or promise; any fictitious or pretended purchase	295
or sale of securities; and any act, practice, transaction, or	296
course of business relating to the purchase or sale of	297
securities that is fraudulent or that has operated or would	298
operate as a fraud upon the seller or purchaser.	299
(K) Except as otherwise specifically provided, whenever	300
any classification or computation is based upon "par value," as	301
applied to securities without par value, the average of the	302
aggregate consideration received or to be received by the issuer	303
for each class of those securities shall be used as the basis	304
for that classification or computation.	305
(L) (1) "Intangible property" means patents, copyrights,	306

secret processes, formulas, services, good will, promotion and 307
organization fees and expenses, trademarks, trade brands, trade 308
names, licenses, franchises, any other assets treated as 309
intangible according to generally accepted accounting 310
principles, and securities, accounts receivable, or contract 311
rights having no readily determinable value. 312

(2) "Tangible property" means all property other than 313
intangible property and includes securities, accounts 314
receivable, and contract rights, when the securities, accounts 315
receivable, or contract rights have a readily determinable 316
value. 317

(M) "Public utilities" means those utilities defined in 318
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 319
Code; in the case of a foreign corporation, it means those 320
utilities defined as public utilities by the laws of its 321
domicile; and in the case of any other foreign issuer, it means 322
those utilities defined as public utilities by the laws of the 323
situs of its principal place of business. The term always 324
includes railroads whether or not they are so defined as public 325
utilities. 326

(N) "State" means any state of the United States, any 327
territory or possession of the United States, the District of 328
Columbia, and any province of Canada. 329

(O) "Bank" means any bank, trust company, savings and loan 330
association, savings bank, or credit union that is incorporated 331
or organized under the laws of the United States, any state of 332
the United States, Canada, or any province of Canada and that is 333
subject to regulation or supervision by that country, state, or 334
province. 335

(P) "Include," when used in a definition, does not exclude 336
other things or persons otherwise within the meaning of the term 337
defined. 338

(Q) (1) "Registration by description" means that the 339
requirements of section 1707.08 of the Revised Code have been 340
complied with. 341

(2) "Registration by qualification" means that the 342
requirements of sections 1707.09 and 1707.11 of the Revised Code 343
have been complied with. 344

(3) "Registration by coordination" means that there has 345
been compliance with section 1707.091 of the Revised Code. 346
Reference in this chapter to registration by qualification also 347
includes registration by coordination unless the context 348
otherwise indicates. 349

(R) "Intoxicating liquor" includes all liquids and 350
compounds that contain more than three and two-tenths per cent 351
of alcohol by weight and are fit for use for beverage purposes. 352

(S) "Institutional investor" means any of the following, 353
whether acting for itself or for others in a fiduciary capacity: 354

(1) A bank or international banking institution; 355

(2) An insurance company; 356

(3) A separate account of an insurance company; 357

(4) An investment company as defined in the "Investment 358
Company Act of 1940," 15 U.S.C. 80a-3; 359

(5) A broker-dealer registered under the "Securities 360
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 361
the division of securities as a dealer; 362

(6) An employee pension, profit-sharing, or benefit plan 363
if the plan has total assets in excess of ten million dollars or 364
its investment decisions are made by a named fiduciary, as 365
defined in the "Employee Retirement Income Security Act of 366
1974," 29 U.S.C. 1001, that is one of the following: 367

(a) A broker-dealer registered under the "Securities 368
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 369

(b) An investment adviser registered or exempt from 370
registration under the "Investment Advisers Act of 1940," 15 371
U.S.C. 80b-3; 372

(c) An investment adviser registered under this chapter, a 373
bank, or an insurance company. 374

(7) A plan established and maintained by a state, a 375
political subdivision of a state, or an agency or 376
instrumentality of a state or a political subdivision of a state 377
for the benefit of its employees, if the plan has total assets 378
in excess of ten million dollars or its investment decisions are 379
made by a duly designated public official or by a named 380
fiduciary, as defined in the "Employee Retirement Income 381
Security Act of 1974," 29 U.S.C. 1001, that is one of the 382
following: 383

(a) A broker-dealer registered under the "Securities 384
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 385

(b) An investment adviser registered or exempt from 386
registration under the "Investment Advisers Act of 1940," 15 387
U.S.C. 80b-3; 388

(c) An investment adviser registered under this chapter, a 389
bank, or an insurance company. 390

- (8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S) (6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans; 391
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- (9) An organization described in section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars; 397
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- (10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars; 403
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- (11) A private business development company as defined in section 202(a) (22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a) (22), with total assets in excess of ten million dollars; 407
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- (12) A federal covered investment adviser acting for its own account; 411
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- (13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a) (1), other than 17 C.F.R. 230.144A(a) (1) (H); 413
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- (14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b) (4) (i); 415
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- (15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of 417
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evading this chapter;	420
(16) Any other person specified by rule adopted or order issued under this chapter.	421 422
(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.	423 424 425 426 427 428
(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.	429 430 431
(V) (1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:	432 433 434
(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.	435 436 437 438
(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.	439 440 441 442
(2) For purposes of division (V) (1) of this section, "control bid" does not include any of the following:	443 444
(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;	445 446 447

(b) An offer to acquire any equity security solely in 448
exchange for any other security, or the acquisition of any 449
equity security pursuant to an offer, for the sole account of 450
the offeror, in good faith and not for the purpose of avoiding 451
the provisions of this chapter, and not involving any public 452
offering of the other security within the meaning of Section 4 453
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 454
U.S.C.A. 77d(2), as amended; 455

(c) Any other offer to acquire any equity security, or the 456
acquisition of any equity security pursuant to an offer, for the 457
sole account of the offeror, from not more than fifty persons, 458
in good faith and not for the purpose of avoiding the provisions 459
of this chapter. 460

(W) "Offeror" means a person who makes, or in any way 461
participates or aids in making, a control bid and includes 462
persons acting jointly or in concert, or who intend to exercise 463
jointly or in concert any voting rights attached to the 464
securities for which the control bid is made and also includes 465
any subject company making a control bid for its own securities. 466

(X) (1) "Investment adviser" means any person who, for 467
compensation, engages in the business of advising others, either 468
directly or through publications or writings, as to the value of 469
securities or as to the advisability of investing in, 470
purchasing, or selling securities, or who, for compensation and 471
as a part of regular business, issues or promulgates analyses or 472
reports concerning securities. 473

(2) "Investment adviser" does not mean any of the 474
following: 475

(a) Any attorney, accountant, engineer, or teacher, whose 476

performance of investment advisory services described in 477
division (X)(1) of this section is solely incidental to the 478
practice of the attorney's, accountant's, engineer's, or 479
teacher's profession; 480

(b) A publisher of any bona fide newspaper, news magazine, 481
or business or financial publication of general and regular 482
circulation; 483

(c) A person who acts solely as an investment adviser 484
representative; 485

(d) A bank holding company, as defined in the "Bank 486
Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that 487
is not an investment company; 488

(e) A bank, or any receiver, conservator, or other 489
liquidating agent of a bank; 490

(f) Any licensed dealer or licensed salesperson whose 491
performance of investment advisory services described in 492
division (X)(1) of this section is solely incidental to the 493
conduct of the dealer's or salesperson's business as a licensed 494
dealer or licensed salesperson and who receives no special 495
compensation for the services; 496

(g) Any person, the advice, analyses, or reports of which 497
do not relate to securities other than securities that are 498
direct obligations of, or obligations guaranteed as to principal 499
or interest by, the United States, or securities issued or 500
guaranteed by corporations in which the United States has a 501
direct or indirect interest, and that have been designated by 502
the secretary of the treasury as exempt securities as defined in 503
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 504
78c; 505

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to

establish more specific application of the provisions set forth 535
in division (Y) (1) of this section. Notwithstanding the 536
provisions set forth in division (Y) (1) of this section and any 537
rules adopted under this division, the division, by rule or in 538
an adjudicatory proceeding, may make a determination that an 539
issuer does not constitute a "subject company" under division 540
(Y) (1) of this section if appropriate review of control bids 541
involving the issuer is to be made by any regulatory authority 542
of another jurisdiction. 543

(Z) "Beneficial owner" includes any person who directly or 544
indirectly through any contract, arrangement, understanding, or 545
relationship has or shares, or otherwise has or shares, the 546
power to vote or direct the voting of a security or the power to 547
dispose of, or direct the disposition of, the security. 548
"Beneficial ownership" includes the right, exercisable within 549
sixty days, to acquire any security through the exercise of any 550
option, warrant, or right, the conversion of any convertible 551
security, or otherwise. Any security subject to any such option, 552
warrant, right, or conversion privilege held by any person shall 553
be deemed to be outstanding for the purpose of computing the 554
percentage of outstanding securities of the class owned by that 555
person, but shall not be deemed to be outstanding for the 556
purpose of computing the percentage of the class owned by any 557
other person. A person shall be deemed the beneficial owner of 558
any security beneficially owned by any relative or spouse or 559
relative of the spouse residing in the home of that person, any 560
trust or estate in which that person owns ten per cent or more 561
of the total beneficial interest or serves as trustee or 562
executor, any corporation or entity in which that person owns 563
ten per cent or more of the equity, and any affiliate or 564
associate of that person. 565

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC) (1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons defined in division (EE) of this section. "Investment adviser representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis solicit, meet with, or otherwise communicate with clients of the investment adviser;

(b) A supervised person that provides only investment advisory services described in division (X) (1) of this section by means of written materials or oral statements that do not purport to meet the objectives or needs of specific individuals or accounts;

(c) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of

investors or clients and is consistent with the provisions 595
fairly intended by the policy and provisions of this chapter. 596

(2) For the purpose of the calculation of clients in 597
division (CC) (1) of this section, a natural person and the 598
following persons are deemed a single client: Any minor child of 599
the natural person; any relative, spouse, or relative of the 600
spouse of the natural person who has the same principal 601
residence as the natural person; all accounts of which the 602
natural person or the persons referred to in division (CC) (2) of 603
this section are the only primary beneficiaries; and all trusts 604
of which the natural person or persons referred to in division 605
(CC) (2) of this section are the only primary beneficiaries. 606
Persons who are not residents of the United States need not be 607
included in the calculation of clients under division (CC) (1) of 608
this section. 609

(3) If subsequent to March 18, 1999, amendments are 610
enacted or adopted defining "investment adviser representative" 611
for purposes of the Investment Advisers Act of 1940 or 612
additional rules or regulations are promulgated by the 613
securities and exchange commission regarding the definition of 614
"investment adviser representative" for purposes of the 615
Investment Advisers Act of 1940, the division of securities 616
shall, by rule, adopt the substance of the amendments, rules, or 617
regulations, unless the division finds that the amendments, 618
rules, or regulations are not necessary for the protection of 619
investors or in the public interest. 620

(DD) "Supervised person" means a natural person who is any 621
of the following: 622

(1) A partner, officer, or director of an investment 623
adviser, or other person occupying a similar status or 624

performing similar functions with respect to an investment 625
adviser; 626

(2) An employee of an investment adviser; 627

(3) A person who provides investment advisory services 628
described in division (X)(1) of this section on behalf of the 629
investment adviser and is subject to the supervision and control 630
of the investment adviser. 631

(EE) "Excepted person" means a natural person to whom any 632
of the following applies: 633

(1) Immediately after entering into the investment 634
advisory contract with the investment adviser, the person has at 635
least seven hundred fifty thousand dollars under the management 636
of the investment adviser. 637

(2) The investment adviser reasonably believes either of 638
the following at the time the investment advisory contract is 639
entered into with the person: 640

(a) The person has a net worth, together with assets held 641
jointly with a spouse, of more than one million five hundred 642
thousand dollars. 643

(b) The person is a qualified purchaser as defined in 644
division (FF) of this section. 645

(3) Immediately prior to entering into an investment 646
advisory contract with the investment adviser, the person is 647
either of the following: 648

(a) An executive officer, director, trustee, general 649
partner, or person serving in a similar capacity, of the 650
investment adviser; 651

(b) An employee of the investment adviser, other than an 652
employee performing solely clerical, secretarial, or 653
administrative functions or duties for the investment adviser, 654
which employee, in connection with the employee's regular 655
functions or duties, participates in the investment activities 656
of the investment adviser, provided that, for at least twelve 657
months, the employee has been performing such nonclerical, 658
nonsecretarial, or nonadministrative functions or duties for or 659
on behalf of the investment adviser or performing substantially 660
similar functions or duties for or on behalf of another company. 661

If subsequent to March 18, 1999, amendments are enacted or 662
adopted defining "excepted person" for purposes of the 663
Investment Advisers Act of 1940 or additional rules or 664
regulations are promulgated by the securities and exchange 665
commission regarding the definition of "excepted person" for 666
purposes of the Investment Advisers Act of 1940, the division of 667
securities shall, by rule, adopt the substance of the 668
amendments, rules, or regulations, unless the division finds 669
that the amendments, rules, or regulations are not necessary for 670
the protection of investors or in the public interest. 671

(FF) (1) "Qualified purchaser" means either of the 672
following: 673

(a) A natural person who owns not less than five million 674
dollars in investments as defined by rule by the division of 675
securities; 676

(b) A natural person, acting for the person's own account 677
or accounts of other qualified purchasers, who in the aggregate 678
owns and invests on a discretionary basis, not less than twenty- 679
five million dollars in investments as defined by rule by the 680
division of securities. 681

(2) If subsequent to March 18, 1999, amendments are 682
enacted or adopted defining "qualified purchaser" for purposes 683
of the Investment Advisers Act of 1940 or additional rules or 684
regulations are promulgated by the securities and exchange 685
commission regarding the definition of "qualified purchaser" for 686
purposes of the Investment Advisers Act of 1940, the division of 687
securities shall, by rule, adopt the amendments, rules, or 688
regulations, unless the division finds that the amendments, 689
rules, or regulations are not necessary for the protection of 690
investors or in the public interest. 691

(GG) (1) "Purchase" has the full meaning of "purchase" as 692
applied by or accepted in courts of law or equity and includes 693
every acquisition of, or attempt to acquire, a security or an 694
interest in a security. "Purchase" also includes a contract to 695
purchase, an exchange, an attempt to purchase, an option to 696
purchase, a solicitation of a purchase, a solicitation of an 697
offer to sell, a subscription, or an offer to purchase, directly 698
or indirectly, by agent, circular, pamphlet, advertisement, or 699
otherwise. 700

(2) "Purchase" means any act by which a purchase is made. 701

(3) Any security given with, or as a bonus on account of, 702
any purchase of securities is conclusively presumed to 703
constitute a part of the subject of that purchase. 704

(HH) "Life settlement interest" means the entire interest 705
or any fractional interest in an insurance policy or certificate 706
of insurance, or in an insurance benefit under such a policy or 707
certificate, that is the subject of a life settlement contract. 708

For purposes of this division, "life settlement contract" 709
means an agreement for the purchase, sale, assignment, transfer, 710

devise, or bequest of any portion of the death benefit or 711
ownership of any life insurance policy or contract, in return 712
for consideration or any other thing of value that is less than 713
the expected death benefit of the life insurance policy or 714
contract. "Life settlement contract" includes a viatical 715
settlement contract as defined in section 3916.01 of the Revised 716
Code, but does not include any of the following: 717

(1) A loan by an insurer under the terms of a life 718
insurance policy, including, but not limited to, a loan secured 719
by the cash value of the policy; 720

(2) An agreement with a bank that takes an assignment of a 721
life insurance policy as collateral for a loan; 722

(3) The provision of accelerated benefits as defined in 723
section 3915.21 of the Revised Code; 724

(4) Any agreement between an insurer and a reinsurer; 725

(5) An agreement by an individual to purchase an existing 726
life insurance policy or contract from the original owner of the 727
policy or contract, if the individual does not enter into more 728
than one life settlement contract per calendar year; 729

(6) The initial purchase of an insurance policy or 730
certificate of insurance from its owner by a viatical settlement 731
provider, as defined in section 3916.01 of the Revised Code, 732
that is licensed under Chapter 3916. of the Revised Code. 733

(II) "State retirement system" means the public employees 734
retirement system, Ohio police and fire pension fund, state 735
teachers retirement system, school employees retirement system, 736
and state highway patrol retirement system. 737

(JJ) "State retirement system investment officer" means an 738

individual employed by a state retirement system as a chief 739
investment officer, assistant investment officer, or the person 740
in charge of a class of assets or in a position that is 741
substantially equivalent to chief investment officer, assistant 742
investment officer, or person in charge of a class of assets. 743

(KK) "Bureau of workers' compensation chief investment 744
officer" means an individual employed by the administrator of 745
workers' compensation as a chief investment officer or in a 746
position that is substantially equivalent to a chief investment 747
officer. 748

Sec. 1707.03. (A) As used in this section, "exempt" means 749
that, except in the case of securities the right to buy, sell, 750
or deal in which has been suspended or revoked under an existing 751
order of the division of securities under section 1707.13 of the 752
Revised Code or under a cease and desist order under division 753
(G) of section 1707.23 of the Revised Code, transactions in 754
securities may be carried on and completed without compliance 755
with sections 1707.08 to 1707.11 of the Revised Code. 756

(B) A sale of securities made by or on behalf of a bona 757
fide owner, neither the issuer nor a dealer, is exempt if the 758
sale is made in good faith and not for the purpose of avoiding 759
this chapter and is not made in the course of repeated and 760
successive transactions of a similar character. Any sale of 761
securities over a stock exchange that is lawfully conducted in 762
this state and regularly open for public patronage and that has 763
been established and operated for a period of at least five 764
years prior to the sale at a commission not exceeding the 765
commission regularly charged in such transactions also is 766
exempt. 767

(C) The sale of securities by executors, administrators, 768

receivers, trustees, or anyone acting in a fiduciary capacity is 769
exempt, where such relationship was created by law, by a will, 770
or by judicial authority, and where such sales are subject to 771
approval by, or are made in pursuance to authority granted by, 772
any court of competent jurisdiction or are otherwise authorized 773
and lawfully made by such fiduciary. 774

(D) A sale to the issuer, to a dealer, or to an 775
institutional investor is exempt. 776

(E) A sale in good faith, and not for the purpose of 777
avoiding this chapter, by a pledgee of a security pledged for a 778
bona fide debt is exempt. 779

(F) The sale at public auction by a corporation of shares 780
of its stock because of delinquency in payment for the shares is 781
exempt. 782

(G) (1) The giving of any conversion right with, or on 783
account of the purchase of, any security that is exempt, is the 784
subject matter of an exempt transaction, has been registered by 785
description, by coordination, or by qualification, or is the 786
subject matter of a transaction that has been registered by 787
description is exempt. 788

(2) The giving of any subscription right, warrant, or 789
option to purchase a security or right to receive a security 790
upon exchange, which security is exempt at the time the right, 791
warrant, or option to purchase or right to receive is given, is 792
the subject matter of an exempt transaction, is registered by 793
description, by coordination, or by qualification, or is the 794
subject matter of a transaction that has been registered by 795
description is exempt. 796

(3) The giving of any subscription right or any warrant or 797

option to purchase a security, which right, warrant, or option 798
expressly provides that it shall not be exercisable except for a 799
security that at the time of the exercise is exempt, is the 800
subject matter of an exempt transaction, is registered by 801
description, by coordination, or by qualification, or at such 802
time is the subject matter of a transaction that has been 803
registered by description is exempt. 804

(H) The sale of notes, bonds, or other evidences of 805
indebtedness that are secured by a mortgage lien upon real 806
estate, leasehold estate other than oil, gas, or mining 807
leasehold, or tangible personal property, or which evidence of 808
indebtedness is due under or based upon a conditional-sale 809
contract, if all such notes, bonds, or other evidences of 810
indebtedness are sold to a single purchaser at a single sale, is 811
exempt. 812

(I) The delivery of securities by the issuer on the 813
exercise of conversion rights, the sale of securities by the 814
issuer on exercise of subscription rights or of warrants or 815
options to purchase securities, the delivery of voting-trust 816
certificates for securities deposited under a voting-trust 817
agreement, the delivery of deposited securities on surrender of 818
voting-trust certificates, and the delivery of final 819
certificates on surrender of interim certificates are exempt; 820
but the sale of securities on exercise of subscription rights, 821
warrants, or options is not an exempt transaction unless those 822
rights, warrants, or options when granted were the subject 823
matter of an exempt transaction under division (G) of this 824
section or were registered by description, by coordination, or 825
by qualification. 826

(J) The sale of securities by a bank, savings and loan 827

association, savings bank, or credit union organized under the 828
laws of the United States or of this state is exempt if at a 829
profit to that seller of not more than two per cent of the total 830
sale price of the securities. 831

(K) (1) The distribution by a corporation of its securities 832
to its security holders as a share dividend or other 833
distribution out of earnings or surplus is exempt. 834

(2) The exchange or distribution by the issuer of any of 835
its securities or of the securities of any of the issuer's 836
wholly owned subsidiaries exclusively with or to its existing 837
security holders, if no commission or other remuneration is 838
given directly or indirectly for soliciting the exchange, is 839
exempt. 840

(3) The sale of preorganization subscriptions for shares 841
of stock of a corporation prior to the incorporation of the 842
corporation is exempt, when the sale is evidenced by a written 843
agreement, no remuneration is given, or promised, directly or 844
indirectly, for or in connection with the sale of those 845
securities, and no consideration is received, directly or 846
indirectly, by any person from the purchasers of those 847
securities until registration by qualification, by coordination, 848
or by description of those securities is made under this 849
chapter. 850

(L) The issuance of securities in exchange for one or more 851
bona fide outstanding securities, claims, or property interests, 852
not including securities sold for a consideration payable in 853
whole or in part in cash, under a plan of reorganization, 854
recapitalization, or refinancing approved by a court pursuant to 855
the Bankruptcy Act of the United States or to any other federal 856
act giving any federal court jurisdiction over such plan of 857

reorganization, or under a plan of reorganization approved by a 858
court of competent jurisdiction of any state of the United 859
States is exempt. As used in this division, "reorganization," 860
"recapitalization," and "refinancing" have the same meanings as 861
in section 1707.04 of the Revised Code. 862

(M) A sale by a licensed dealer, acting either as 863
principal or as agent, of securities issued and outstanding 864
before the sale is exempt, unless the sale is of one or more of 865
the following: 866

(1) Securities constituting the whole or a part of an 867
unsold allotment to or subscription by a dealer as an 868
underwriter or other participant in the distribution of those 869
securities by the issuer, whether that distribution is direct or 870
through an underwriter, provided that, if the issuer is such by 871
reason of owning one-fourth or more of those securities, the 872
dealer has knowledge of this fact or reasonable cause to believe 873
this fact; 874

(2) Any class of shares issued by a corporation when the 875
number of beneficial owners of that class is less than twenty- 876
five, with the record owner of securities being deemed the 877
beneficial owner for this purpose, in the absence of actual 878
knowledge to the contrary; 879

(3) Securities that within one year were purchased outside 880
this state or within one year were transported into this state, 881
if the dealer has knowledge or reasonable cause to believe, 882
before the sale of those securities, that within one year they 883
were purchased outside this state or within one year were 884
transported into this state; but such a sale of those securities 885
is exempt if any of the following occurs: 886

(a) A recognized securities manual contains the names of 887
the issuer's officers and directors, a balance sheet of the 888
issuer as of a date within eighteen months, and a profit and 889
loss statement for either the fiscal year preceding that date or 890
the most recent year of operations; 891

(b) Those securities, or securities of the same class, 892
within one year were registered or qualified under section 893
1707.09 or 1707.091 of the Revised Code, and that registration 894
or qualification is in full force and effect; 895

(c) The sale is made by a licensed dealer on behalf of the 896
bona fide owner of those securities in accordance with division 897
(B) of this section; 898

(d) Those securities were transported into Ohio in a 899
transaction of the type described in division (L), (K), or (I) 900
of this section, or in a transaction registered under division 901
(A) of section 1707.06 of the Revised Code. 902

(N) For the purpose of this division and division (M) of 903
this section, "underwriter" means any person who has purchased 904
from an issuer with a view to, or sells for an issuer in 905
connection with, the distribution of any security, or who 906
participates directly or indirectly in any such undertaking or 907
in the underwriting thereof, but "underwriter" does not include 908
a person whose interest is limited to a discount, commission, or 909
profit from the underwriter or from a dealer that is not in 910
excess of the customary distributors' or sellers' discount, 911
commission, or profit; and "issuer" includes any person or any 912
group of persons acting in concert in the sale of such 913
securities, owning beneficially one-fourth or more of the 914
outstanding securities of the class involved in the transactions 915
in question, with the record owner of securities being deemed 916

the beneficial owner for this purpose, in the absence of actual 917
knowledge to the contrary. 918

(O) (1) The sale of any equity security is exempt if all 919
the following conditions are satisfied: 920

(a) The sale is by the issuer of the security. 921

(b) The total number of purchasers in this state of all 922
securities issued or sold by the issuer in reliance upon this 923
exemption during the period of one year ending with the date of 924
the sale does not exceed ten. A sale of securities registered 925
under this chapter or sold pursuant to an exemption under this 926
chapter other than this exemption shall not be integrated with a 927
sale pursuant to this exemption in computing the number of 928
purchasers under this exemption. 929

(c) No advertisement, article, notice, or other 930
communication published in any newspaper, magazine, or similar 931
medium or broadcast over television or radio is used in 932
connection with the sale, but the use of an offering circular or 933
other communication delivered by the issuer to selected 934
individuals does not destroy this exemption. 935

(d) The issuer reasonably believes after reasonable 936
investigation that the purchaser is purchasing for investment. 937

(e) The aggregate commission, discount, and other 938
remuneration, excluding legal, accounting, and printing fees, 939
paid or given directly or indirectly does not exceed ten per 940
cent of the initial offering price. 941

(f) Any such commission, discount, or other remuneration 942
for sales in this state is paid or given only to dealers or 943
salespersons registered pursuant to this chapter. 944

(2) For the purposes of division (O) (1) of this section, 945
each of the following is deemed to be a single purchaser of a 946
security: husband and wife, a child and its parent or guardian 947
when the parent or guardian holds the security for the benefit 948
of the child, a corporation, a limited liability company, a 949
partnership, an association or other unincorporated entity, a 950
joint-stock company, or a trust, but only if the corporation, 951
limited liability company, partnership, association, entity, 952
joint-stock company, or trust was not formed for the purpose of 953
purchasing the security. 954

(3) As used in division (O) (1) of this section, "equity 955
security" means any stock or similar security of a corporation 956
or any membership interest in a limited liability company; or 957
any security convertible, with or without consideration, into 958
such a security, or carrying any warrant or right to subscribe 959
to or purchase such a security; or any such warrant or right; or 960
any other security that the division considers necessary or 961
appropriate, by such rules as it may prescribe in the public 962
interest or for the protection of investors, to treat as an 963
equity security. 964

(P) The sale of securities representing interests in or 965
under profit-sharing or participation agreements relating to oil 966
or gas wells located in this state, or representing interests in 967
or under oil or gas leases of real estate situated in this 968
state, is exempt if the securities are issued by an individual, 969
partnership, limited partnership, partnership association, 970
syndicate, pool, trust or trust fund, or other unincorporated 971
association and if each of the following conditions is complied 972
with: 973

(1) The beneficial owners of the securities do not, and 974

will not after the sale, exceed five natural persons;	975
(2) The securities constitute or represent interests in not more than one oil or gas well;	976 977
(3) A certificate or other instrument in writing is furnished to each purchaser of the securities at or before the consummation of the sale, disclosing the maximum commission, compensation for services, cost of lease, and expenses with respect to the sale of such interests and with respect to the promotion, development, and management of the oil or gas well, and the total of that commission, compensation, costs, and expenses does not exceed twenty-five per cent of the aggregate interests in the oil or gas well, exclusive of any landowner's rental or royalty;	978 979 980 981 982 983 984 985 986 987
(4) The sale is made in good faith and not for the purpose of avoiding this chapter.	988 989
(Q) The sale of any security is exempt if all of the following conditions are satisfied:	990 991
(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act.	992 993 994
(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of the initial offering price.	995 996 997 998
(3) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered under this chapter.	999 1000 1001
(4) The issuer or dealer files with the division of	1002

securities, not later than sixty days after the sale, a report 1003
setting forth the name and address of the issuer, the total 1004
amount of the securities sold under this division, the number of 1005
persons to whom the securities were sold, the price at which the 1006
securities were sold, and the commissions or discounts paid or 1007
given. 1008

(5) The issuer pays a filing fee of one hundred dollars 1009
for the first filing and fifty dollars for every subsequent 1010
filing during each calendar year. 1011

(R) A sale of a money order, travelers' check, or other 1012
instrument for the transmission of money by a person qualified 1013
to engage in such business under Chapter 1315. of the Revised 1014
Code is exempt. 1015

(S) A sale by a licensed dealer of securities that are in 1016
the process of registration under the Securities Act of 1933, 1017
unless exempt under that act, and that are in the process of 1018
registration, if registration is required under this chapter, is 1019
exempt, provided that no sale of that nature shall be 1020
consummated prior to the registration by description or 1021
qualification of the securities. 1022

(T) The execution by a licensed dealer of orders for the 1023
purchase of any security is exempt, provided that the dealer 1024
acts only as agent for the purchaser, has made no solicitation 1025
of the order to purchase the security, has no interest in the 1026
distribution of the security, and delivers to the purchaser 1027
written confirmation of the transaction that clearly itemizes 1028
the dealer's commission. "Solicitation," as used in this 1029
division, means solicitation of the order for the specific 1030
security purchased and does not include general solicitations or 1031
advertisements of any kind. 1032

(U) The sale insofar as the security holders of a person 1033
are concerned, where, pursuant to statutory provisions of the 1034
jurisdiction under which that person is organized or pursuant to 1035
provisions contained in its articles of incorporation, 1036
certificate of incorporation, partnership agreement, declaration 1037
of trust, trust indenture, or similar controlling instrument, 1038
there is submitted to the security holders, for their vote or 1039
consent, (1) a plan or agreement for a reclassification of 1040
securities of that person that involves the substitution of a 1041
security of that person for another security of that person, (2) 1042
a plan or agreement of merger or consolidation or a similar plan 1043
or agreement of acquisition in which the securities of that 1044
person held by the security holders will become or be exchanged 1045
for securities of any other person, or (3) a plan or agreement 1046
for a combination as defined in division (Q) of section 1701.01 1047
of the Revised Code or a similar plan or agreement for the 1048
transfer of assets of that person to another person in 1049
consideration of the issuance of securities of any person, is 1050
exempt if, with respect to any of the foregoing transactions, 1051
either of the following conditions is satisfied: 1052

(a) The securities to be issued to the security holders 1053
are effectively registered under sections 6 to 8 of the 1054
Securities Act of 1933 and offered and sold in compliance with 1055
section 5 of that act; 1056

(b) At least twenty days prior to the date on which a 1057
meeting of the security holders is held or the earliest date on 1058
which corporate action may be taken when no meeting is held, 1059
there is submitted to the security holders, by that person, or 1060
by the person whose securities are to be issued in the 1061
transaction, information substantially equivalent to the 1062
information that would be required to be included in a proxy 1063

statement or information statement prepared by or on behalf of 1064
the management of an issuer subject to section 14(a) or 14(c) of 1065
the Securities Exchange Act of 1934. 1066

(V) The sale of any security is exempt if the division by 1067
rule finds that registration is not necessary or appropriate in 1068
the public interest or for the protection of investors. 1069

(W) Any offer or sale of securities made in reliance on 1070
the exemptions provided by Rule 505 of Regulation D made 1071
pursuant to the Securities Act of 1933 and the conditions and 1072
definitions provided by Rules 501 to 503 thereunder is exempt if 1073
the offer or sale satisfies all of the following conditions: 1074

(1) No commission or other remuneration is given, directly 1075
or indirectly, to any person for soliciting or selling to any 1076
person in this state in reliance on the exemption under this 1077
division, except to dealers licensed in this state. 1078

(2) (a) Unless the cause for disqualification is waived 1079
under division (W) (2) (b) of this section, no exemption under 1080
this section is available for the securities of an issuer unless 1081
the issuer did not know and in the exercise of reasonable care 1082
could not have known that any of the following applies to any of 1083
the persons described in Rule 262(a) to (c) of Regulation A 1084
under the Securities Act of 1933: 1085

(i) The person has filed an application for registration 1086
or qualification that is the subject of an effective order 1087
entered against the issuer, its officers, directors, general 1088
partners, controlling persons or affiliates thereof, pursuant to 1089
the law of any state within five years before the filing of a 1090
notice required under division (W) (3) of this section denying 1091
effectiveness to, or suspending or revoking the effectiveness 1092

of, the registration statement. 1093

(ii) The person has been convicted of any offense in 1094
connection with the offer, sale, or purchase of any security or 1095
franchise, or any felony involving fraud or deceit, including, 1096
but not limited to, forgery, embezzlement, fraud, theft, or 1097
conspiracy to defraud. 1098

(iii) The person is subject to an effective administrative 1099
order or judgment that was entered by a state securities 1100
administrator within five years before the filing of a notice 1101
required under division (W) (3) of this section and that 1102
prohibits, denies, or revokes the use of any exemption from 1103
securities registration, prohibits the transaction of business 1104
by the person as a dealer, or is based on fraud, deceit, an 1105
untrue statement of a material fact, or an omission to state a 1106
material fact. 1107

(iv) The person is subject to any order, judgment, or 1108
decree of any court entered within five years before the filing 1109
of a notice required under division (W) (3) of this section, 1110
temporarily, preliminarily, or permanently restraining or 1111
enjoining the person from engaging in or continuing any conduct 1112
or practice in connection with the offer, sale, or purchase of 1113
any security, or the making of any false filing with any state. 1114

(b) (i) Any disqualification under this division involving 1115
a dealer may be waived if the dealer is or continues to be 1116
licensed in this state as a dealer after notifying the 1117
commissioner of the act or event causing disqualification. 1118

(ii) The commissioner may waive any disqualification under 1119
this paragraph upon a showing of good cause that it is not 1120
necessary under the circumstances that use of the exemption be 1121

denied. 1122

(3) Not later than five business days before the earlier 1123
of the date on which the first use of an offering document or 1124
the first sale is made in this state in reliance on the 1125
exemption under this division, there is filed with the 1126
commissioner a notice comprised of offering material in 1127
compliance with the requirements of Rule 502 of Regulation D 1128
under the Securities Act of 1933 and a fee of one hundred 1129
dollars. Material amendments to the offering document shall be 1130
filed with the commissioner not later than the date of their 1131
first use in this state. 1132

(4) The aggregate commission, discount, and other 1133
remuneration paid or given, directly or indirectly, does not 1134
exceed twelve per cent of the initial offering price, excluding 1135
legal, accounting, and printing fees. 1136

(X) Any offer or sale of securities made in reliance on 1137
the exemption provided in Rule 506 of Regulation D under the 1138
Securities Act of 1933, and in accordance with Rules 501 to 503 1139
of Regulation D under the Securities Act of 1933, is exempt 1140
provided that all of the following apply: 1141

(1) The issuer makes a notice filing with the division on 1142
form D of the securities and exchange commission within fifteen 1143
days of the first sale in this state; 1144

(2) Any commission, discount, or other remuneration for 1145
sales of securities in this state is paid or given only to 1146
dealers or salespersons licensed under this chapter; 1147

(3) The issuer pays a filing fee of one hundred dollars to 1148
the division; however, no filing fee shall be required to file 1149
amendments to the form D of the securities and exchange 1150

commission. 1151

(Y) The offer or sale of securities by an issuer is exempt 1152
provided that all of the following apply: 1153

(1) The sale of securities is made only to persons who 1154
are, or who the issuer reasonably believes are, accredited 1155
investors as defined in Rule 501 of Regulation D under the 1156
Securities Act of 1933. 1157

(2) The issuer reasonably believes that all purchasers are 1158
purchasing for investment and not with a view to or for sale in 1159
connection with a distribution of the security. Any resale of a 1160
security sold in reliance on this exemption within twelve months 1161
of sale shall be presumed to be with a view to distribution and 1162
not for investment, except a resale to which any of the 1163
following applies: 1164

(a) The resale is pursuant to a registration statement 1165
effective under section 1707.09 or 1707.091 of the Revised Code. 1166

(b) The resale is to an accredited investor, as defined in 1167
Rule 501 of Regulation D under the Securities Act of 1933. 1168

(c) The resale is to an institutional investor pursuant to 1169
the exemptions under division (B) or (D) of this section. 1170

(3) The exemption under this division is not available to 1171
an issuer that is in the development stage and that either has 1172
no specific business plan or purpose or has indicated that its 1173
business plan is to engage in a merger or acquisition with an 1174
unidentified company or companies, or other entities or persons. 1175

(4) The exemption under this division is not available to 1176
an issuer, if the issuer, any of the issuer's predecessors, any 1177
affiliated issuer, any of the issuer's directors, officers, 1178

general partners, or beneficial owners of ten per cent or more 1179
of any class of its equity securities, any of the issuer's 1180
promoters presently connected with the issuer in any capacity, 1181
any underwriter of the securities to be offered, or any partner, 1182
director, or officer of such underwriter: 1183

(a) Within the past five years, has filed a registration 1184
statement that is the subject of a currently effective 1185
registration stop order entered by any state securities 1186
administrator or the securities and exchange commission; 1187

(b) Within the past five years, has been convicted of any 1188
criminal offense in connection with the offer, purchase, or sale 1189
of any security, or involving fraud or deceit; 1190

(c) Is currently subject to any state or federal 1191
administrative enforcement order or judgment, entered within the 1192
past five years, finding fraud or deceit in connection with the 1193
purchase or sale of any security; 1194

(d) Is currently subject to any order, judgment, or decree 1195
of any court of competent jurisdiction, entered within the past 1196
five years, that temporarily, preliminarily, or permanently 1197
restrains or enjoins the party from engaging in or continuing to 1198
engage in any conduct or practice involving fraud or deceit in 1199
connection with the purchase or sale of any security. 1200

(5) Division (Y)(4) of this section is inapplicable if any 1201
of the following applies: 1202

(a) The party subject to the disqualification is licensed 1203
or registered to conduct securities business in the state in 1204
which the order, judgment, or decree creating the 1205
disqualification was entered against the party described in 1206
division (Y)(4) of this section. 1207

(b) Before the first offer is made under this exemption, 1208
the state securities administrator, or the court or regulatory 1209
authority that entered the order, judgment, or decree, waives 1210
the disqualification. 1211

(c) The issuer did not know and, in the exercise of 1212
reasonable care based on reasonable investigation, could not 1213
have known that a disqualification from the exemption existed 1214
under division (Y) (4) of this section. 1215

(6) A general announcement of the proposed offering may be 1216
made by any means; however, the general announcement shall 1217
include only the following information, unless additional 1218
information is specifically permitted by the division by rule: 1219

(a) The name, address, and telephone number of the issuer 1220
of the securities; 1221

(b) The name, a brief description, and price of any 1222
security to be issued; 1223

(c) A brief description of the business of the issuer; 1224

(d) The type, number, and aggregate amount of securities 1225
being offered; 1226

(e) The name, address, and telephone number of the person 1227
to contact for additional information; and 1228

(f) A statement indicating all of the following: 1229

(i) Sales will only be made to accredited investors as 1230
defined in Rule 501 of Regulation D under the Securities Act of 1231
1933; 1232

(ii) No money or other consideration is being solicited or 1233
will be accepted by way of this general announcement; 1234

(iii) The securities have not been registered with or 1235
approved by any state securities administrator or the securities 1236
and exchange commission and are being offered and sold pursuant 1237
to an exemption from registration. 1238

(7) The issuer, in connection with an offer, may provide 1239
information in addition to the general announcement described in 1240
division (Y)(6) of this section, provided that either of the 1241
following applies: 1242

(a) The information is delivered through an electronic 1243
database that is restricted to persons that are accredited 1244
investors as defined in Rule 501 of Regulation D under the 1245
Securities Act of 1933. 1246

(b) The information is delivered after the issuer 1247
reasonably believes that the prospective purchaser is an 1248
accredited investor as defined in Rule 501 of Regulation D under 1249
the Securities Act of 1933. 1250

(8) No telephone solicitation shall be done, unless prior 1251
to placing the telephone call, the issuer reasonably believes 1252
that the prospective purchaser to be solicited is an accredited 1253
investor as defined in Rule 501 of Regulation D under the 1254
Securities Act of 1933. 1255

(9) Dissemination of the general announcement described in 1256
division (Y)(6) of this section to persons that are not 1257
accredited investors, as defined in Rule 501 of Regulation D 1258
under the Securities Act of 1933, does not disqualify the issuer 1259
from claiming an exemption under this division. 1260

(10) The issuer shall file with the division notice of the 1261
offering of securities within fifteen days after notice of the 1262
offering is made or a general announcement is made in this 1263

state. The filing shall be on forms adopted by the division and 1264
shall include a copy of the general announcement, if one is made 1265
regarding the proposed offering, and copies of any offering 1266
materials, circulars, or prospectuses. A filing fee of one 1267
hundred dollars also shall be included. 1268

(Z) The offer or sale of securities by an OhioInvests 1269
issuer under sections 1707.05 to 1707.058 of the Revised Code is 1270
exempt. 1271

Sec. 1707.04. (A) The division of securities may consider 1272
and conduct hearings upon any plan of reorganization, 1273
recapitalization, or refinancing of a corporation organized 1274
under the laws of this state, or having its principal place of 1275
business within this state, when such plan is proposed by such 1276
corporation or by any of its shareholders or creditors and 1277
contains a proposal to issue securities in exchange for one or 1278
more bona fide outstanding securities, claims, or property 1279
interests, or partly in such exchange or partly for cash. The 1280
division may also approve the terms of such issuance and 1281
exchange and the fairness of such terms, after a hearing upon 1282
such fairness at which all persons to whom it is proposed to 1283
issue securities in such exchange have the right to appear, if 1284
application for such a hearing is made by such corporation, by 1285
the holders of a majority in amount of its debts, or by the 1286
holders of a majority in amount of any outstanding class of 1287
securities issued by it. Notice in person or by mail of the time 1288
and place of such hearing shall be given to all persons to whom 1289
it is proposed to issue such securities, and evidence 1290
satisfactory to the division that such notice has been given 1291
shall be filed with the division. Securities issued in 1292
accordance with a plan so approved by the division are exempt 1293
from sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code, 1294

relating to registration or qualification of securities or the 1295
registration of transactions therein. 1296

(B) "Reorganization," "recapitalization," and 1297
"refinancing," as used in this section, include the following: 1298

(1) A readjustment by modification of the terms of 1299
securities by agreement; 1300

(2) A readjustment by the exchange of securities by the 1301
issuer for others of its securities; 1302

(3) The exchange of securities by the issuer for 1303
securities of another issuer; 1304

(4) The acquisition of assets of a person, directly or 1305
indirectly, partly or wholly in consideration for securities 1306
distributed or to be distributed as part of the same 1307
transaction, directly or indirectly, to holders of securities 1308
issued by such person or secured by assets of such person; 1309

(5) A merger or consolidation. 1310

(C) Upon filing an application with the division under 1311
this section, the applicant shall pay to the division a filing 1312
fee of one hundred dollars and shall deposit with the division 1313
such sum, not in excess of one thousand dollars, as the division 1314
requires for the purpose of defraying the costs of the hearing 1315
provided for in this section and of any investigation which the 1316
division may make in connection herewith. 1317

Sec. 1707.042. (A) No person who makes or opposes a 1318
control bid to offerees in this state shall knowingly do any of 1319
the following: 1320

(1) Make any untrue statement of a material fact or omit 1321
to state a material fact necessary in order to make the 1322

statements made, in light of the circumstances under which they 1323
were made, not misleading; 1324

(2) Engage in any act, practice, or course of business 1325
which operates or would operate as a fraud or deceit upon any 1326
such offeree; 1327

(3) Engage in any manipulative act or practice. 1328

(B) Any person who makes or opposes a control bid to 1329
offerees in this state, or who realizes any profit which inures 1330
to and is recoverable by a corporation, formed in this state, 1331
pursuant to section 1707.043 of the Revised Code, is 1332
conclusively presumed to have designated the secretary of state 1333
as its agent for the service of process in any action or 1334
proceeding under this chapter. Upon receipt of any such process, 1335
together with an affidavit showing the last known address of the 1336
person who made or opposed the control bid or who realized such 1337
profit, the secretary of state shall forthwith give notice by 1338
telegraph of the fact of the service of process and forward a 1339
copy of such process to such address by certified mail, return 1340
receipt requested. This section does not affect any right to 1341
serve process in any other manner permitted by law. 1342

(C) Any person who makes or opposes a control bid is 1343
subject to the liabilities and penalties applicable to a seller, 1344
and an offeree is entitled to the remedies applicable to a 1345
purchaser, as set forth in sections 1707.41 to ~~1707.45~~ 1707.50 1346
of the Revised Code. 1347

(D) In case any provision or application of any provision 1348
of this section is for any reason held to be illegal or invalid, 1349
such illegality or invalidity shall not affect any legal and 1350
valid provision or application of this section. 1351

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of 1352
the Revised Code: 1353

(A) "OhioInvests issuer" means an entity organized under 1354
the laws of this state, other than a general partnership, that 1355
meets all of the following requirements: 1356

(1) The entity satisfies the requirements of 17 C.F.R. 1357
230.147A. 1358

(2) The entity meets at least one of the following 1359
conditions: 1360

(a) The principal office of the entity is located in this 1361
state. 1362

(b) As of the last day of the most recent semiannual 1363
fiscal period of the entity, at least eighty per cent, as 1364
described under 17 C.F.R. 230.147A, of the entity's assets were 1365
located in this state. 1366

(c) (i) The entity derived at least eighty per cent, or 1367
other threshold permitted under 17 C.F.R. 230.147A, of the 1368
entity's gross revenues from the operation of a business in this 1369
state during the previous fiscal year, if the OhioInvests 1370
offering begins during the first six months of the entity's 1371
fiscal year, or during the twelve months ending on the last day 1372
of the sixth month of the entity's current fiscal year, if the 1373
OhioInvests offering begins following the last day. 1374

(ii) Division (A) (2) (c) (i) of this section does not apply 1375
to any entity whose gross revenue during the most recent period 1376
of twelve months did not exceed five thousand dollars. 1377

(3) As to itself or any other person, the entity does not 1378
attempt to limit any liability under, or avoid any prohibition 1379

in, this chapter. 1380

(4) The entity is not any of the following: 1381

(a) Engaged in the business of investing, reinvesting, 1382
owning, holding, or trading in securities, except that the 1383
entity may hold securities of one class in an entity that is not 1384
itself engaged in the business of investing, reinvesting, 1385
owning, holding, or trading in securities; 1386

(b) Subject to the reporting requirement of 15 U.S.C. 78m 1387
and 78o(d); 1388

(c) Issuing fractional undivided interests in oil or gas 1389
rights, or a similar interest in other mineral rights, or 1390
engaging primarily in petroleum, gas, or hydraulic fracturing 1391
exploration, production, mining, or other extractive industries; 1392

(d) Issuing life settlement interests; 1393

(e) Engaged as a substantial part of its business in the 1394
purchase, sale, or development of commercial paper, notes, or 1395
other indebtedness, financial instruments, securities, or real 1396
property; purchasing, selling, or holding for investment 1397
commercial paper, notes, or other indebtedness, financial 1398
instruments, securities, or real property; or otherwise making 1399
investments; 1400

(f) A commodity pool, equipment leasing program, or a real 1401
estate investment trust. 1402

(B) "OhioInvests offering" means an offer, or an offer and 1403
sale, of securities by an OhioInvests issuer that is exempt from 1404
registration under section 1707.051 of the Revised Code. 1405

(C) "OhioInvests portal" means a web site that is operated 1406
by a portal operator for the offer or sale of securities of an 1407

OhioInvests issuer and meets all of the following requirements: 1408

(1) When conducting an OhioInvests offering, it implements 1409
steps to limit web site access to residents of only this state 1410
in accordance with 17 C.F.R. 230.147A. 1411

(2) It does not allow an OhioInvests offering to be viewed 1412
by a prospective purchaser until both of the following occur: 1413

(a) The portal operator verifies, through its exercise of 1414
reasonable steps, such as using a third-party verification 1415
service or as otherwise approved by the division of securities, 1416
that the prospective purchaser is a resident of this state. 1417

(b) The prospective purchaser makes an affirmative 1418
acknowledgment, electronically through the portal, of the 1419
following: 1420

"I am an Ohio resident. 1421

The securities and investment opportunities listed on this 1422
web site involve high-risk, speculative business ventures. If I 1423
choose to invest in any securities or investment opportunity 1424
listed on this web site, I may lose all of my investment, and I 1425
can afford such a loss. 1426

The securities and investment opportunities listed on this 1427
web site have not been reviewed or approved by any state or 1428
federal securities commission or division or other regulatory 1429
authority, and no such person or authority has confirmed the 1430
accuracy or determined the adequacy of any disclosure made to 1431
prospective investors relating to any offering. 1432

If I choose to invest in any securities or investment 1433
opportunity listed on this web site, I understand that the 1434
securities I will acquire may be difficult to transfer or sell, 1435

that there is no ready market for the sale of such securities, 1436
that it may be difficult or impossible for me to sell or 1437
otherwise dispose of this investment at any price, and that, 1438
accordingly, I may be required to hold this investment 1439
indefinitely." 1440

(3) It does not contain the word "OhioInvests" in its 1441
internet address. 1442

(D) "Portal operator" means an entity, including an 1443
issuer, that is authorized to do business in this state, is 1444
licensed with the division of securities under section 1707.054 1445
of the Revised Code or is a licensed dealer, and satisfies any 1446
other conditions determined by the division. 1447

(E) "Executive management" includes executive officers, 1448
directors, governors, and managers. 1449

Sec. 1707.051. Subject to section 1707.058 of the Revised 1450
Code, the offer, sale, and issuance of securities is exempt from 1451
the requirements of sections 1707.08 to 1707.11 of the Revised 1452
Code if all of the following conditions are met: 1453

(A) The issuer is an OhioInvests issuer on the date that 1454
its securities are first offered for sale in the offering and 1455
continuously through the closing of the offering. 1456

(B) The offering meets the requirements of the federal 1457
exemption for intrastate offerings in 17 C.F.R. 230.147A. 1458

(C) The offering expires not more than twelve months after 1459
the offering commences. 1460

(D) In any twelve-month period, the issuer does not raise 1461
more than five million dollars, either in cash or other 1462
consideration, in connection with one or more OhioInvests 1463

offerings. 1464

(E) The issuer uses at least eighty per cent of the net 1465
proceeds of the offering in connection with the operation of its 1466
business in this state. 1467

(F) No single purchaser purchases more than ten thousand 1468
dollars in the aggregate in a twelve-month period of securities 1469
in connection with OhioInvests offerings unless the purchaser is 1470
an accredited investor, as defined in Rule 501 of Regulation D 1471
under the Securities Act of 1933. An accredited investor may 1472
purchase from all OhioInvests offerings in a twelve-month period 1473
up to ten thousand dollars or such greater amount that does not 1474
exceed ten per cent of the accredited investor's annual income 1475
or net worth, whichever is less. 1476

(G) The sale of the securities is conducted exclusively 1477
through an OhioInvests portal. 1478

(H) (1) Subject to division (H) (2) of this section, an 1479
investor may cancel the investment commitment for any reason for 1480
a period of time specified in the issuer's offering materials, 1481
which period shall be at least five business days after the date 1482
of commitment. 1483

(2) During the forty-eight hours prior to the deadline 1484
identified in the issuer's offering materials, an investment 1485
commitment may not be canceled. 1486

(I) The issuer requires the portal operator to do all of 1487
the following: 1488

(1) Provide or make available to each prospective 1489
purchaser through the OhioInvests portal the following, as 1490
applicable: 1491

(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in existence for that period; 1492
1493
1494

(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the commencement of the offering for the issuer's most recently completed fiscal year, or such shorter portion the issuer was in existence during that period, and the year-to-date period, or inception-to-date period, if shorter, corresponding with the more recent balance sheet. 1495
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(2) Make available to each prospective purchaser through the OhioInvests portal a printable or downloadable disclosure document that meets the requirements of section 1707.052 of the Revised Code; 1504
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(3) Obtain from each prospective purchaser through the OhioInvests portal the certification described in section 1707.053 of the Revised Code, in either written or electronic form. 1508
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(J) All of the following apply: 1512

(1) All payments for the purchase of securities are held in escrow until the aggregate capital deposited into escrow from all purchasers is equal to or greater than the stated minimum offering amount. 1513
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(2) The escrow agent used is a bank, trust company, savings bank, savings association, or credit union authorized to do business in this state. 1517
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(3) Prior to the execution of the escrow agreement between 1520

the issuer and the escrow agent, the escrow agent conducts a 1521
search of the issuer and its executive management, as provided 1522
to the escrow agent by the portal operator, against the 1523
specially designated nationals list maintained by the office of 1524
foreign assets control of the United States department of the 1525
treasury. 1526

(4) The escrow agent is only responsible to act at the 1527
direction of the party establishing the escrow account and does 1528
not have a duty or liability, contractual or otherwise, to an 1529
investor or other person except as set forth in the applicable 1530
escrow agreement or other contract. 1531

(5) If the minimum offering amount is not raised by the 1532
expiration date stipulated in the disclosure document provided 1533
to the purchasers, all purchasers will receive a return of all 1534
their subscription funds. 1535

(K) Not less than ten days before the beginning of an 1536
offering of securities in reliance on the exemption provided 1537
under this section, the issuer provides all of the following to 1538
the division of securities: 1539

(1) A notice of claim of exemption from registration, 1540
specifying that the issuer will be conducting an offering in 1541
reliance on the exemption provided under this section; 1542

(2) A copy of the disclosure document described in section 1543
1707.052 of the Revised Code that will be provided to 1544
prospective purchasers in connection with the offering; 1545

(3) A filing fee of fifty dollars. 1546

(4) Any other information that the division requires from 1547
the issuer or portal for the protection of investors and to 1548
enable the division to determine that the sale of securities is 1549

entitled to an exemption. 1550

(L) The issuer and the portal operator engage in 1551
solicitation and advertising of the OhioInvests offering only if 1552
all of the following apply: 1553

(1) The advertisement contains disclaiming language that 1554
clearly states all of the following: 1555

(a) The advertisement is not the offer and is for 1556
informational purposes only; 1557

(b) The offering is being made in reliance on the 1558
exemption provided under this section; 1559

(c) The offering is directed only to residents of this 1560
state; 1561

(d) All offers and sales are made through an OhioInvests 1562
portal. 1563

(2) In addition to the items listed in division (L)(1) of 1564
this section, the advertisement contains not more than the 1565
following: 1566

(a) The name and contact information of the issuer; 1567

(b) A brief description of the general type of business 1568
conducted by the issuer; 1569

(c) The minimum offering amount the issuer is attempting 1570
to raise through its offering; 1571

(d) A description of how the issuer will use the funds 1572
raised through the offering; 1573

(e) The duration that the offering will remain open; 1574

(f) The issuer's logo; 1575

<u>(g) The OhioInvests portal through which the offering is</u>	1576
<u>being made.</u>	1577
<u>(3) The advertisement complies with all applicable state</u>	1578
<u>and federal laws.</u>	1579
<u>(M) Meets such other requirements as the division may, by</u>	1580
<u>rule, prescribe for the protection of investors and in the</u>	1581
<u>public interest.</u>	1582
<u>Sec. 1707.052.</u> <u>The disclosure document provided to each</u>	1583
<u>prospective purchaser through an OhioInvests portal shall</u>	1584
<u>contain all of the following:</u>	1585
<u>(A) The following information regarding the OhioInvests</u>	1586
<u>issuer:</u>	1587
<u>(1) The type of entity it is;</u>	1588
<u>(2) The address and telephone number of its principal</u>	1589
<u>office;</u>	1590
<u>(3) Its formation history for the previous five years;</u>	1591
<u>(4) The identity of all persons owning more than ten per</u>	1592
<u>cent of any class of equity interest in the issuer;</u>	1593
<u>(5) The identity of its members, executive management, and</u>	1594
<u>any other persons occupying a similar status or performing</u>	1595
<u>similar functions in the name of and on behalf of the issuer,</u>	1596
<u>including their titles and their relevant experience;</u>	1597
<u>(6) The material facts of its business plan and capital</u>	1598
<u>structure;</u>	1599
<u>(7) Any material risks to the issuer and its business</u>	1600
<u>plan;</u>	1601
<u>(8) Its intended use of the offering proceeds, including</u>	1602

any amounts to be paid, as compensation or otherwise, to an 1603
owner, member, person in executive management, or other person 1604
occupying a similar status or performing similar functions on 1605
behalf of the issuer. 1606

(B) The following information regarding the securities 1607
being offered: 1608

(1) The terms and conditions of the securities and a 1609
description of any outstanding securities of the issuer; 1610

(2) The minimum and maximum amount of securities being 1611
offered; 1612

(3) Either of the following: 1613

(a) The percentage economic ownership of the issuer 1614
represented by the offered securities, assuming the minimum and, 1615
if applicable, maximum number of securities being offered is 1616
sold; 1617

(b) The valuation of the issuer implied by the price of 1618
the offered securities. 1619

(4) The price per share, unit, or interest of the 1620
securities; 1621

(5) Any restrictions on transfer of the securities; 1622

(6) A statement that any future issuance of securities 1623
might dilute the value of the securities being offered; 1624

(7) The date on which the offering will expire. 1625

(C) The identity of and consideration payable to a person 1626
who has been or will be retained by the issuer to assist the 1627
issuer in conducting the offering and sale of the securities, 1628
including a portal operator. This requirement does not apply to 1629

persons acting primarily as accountants or attorneys and 1630
employees whose primary job responsibilities involve operating 1631
the business of the issuer rather than assisting the issuer in 1632
raising capital. 1633

(D) A description of any pending material litigation, 1634
legal proceedings, or regulatory action involving the issuer or 1635
any members, persons in executive management, or other persons 1636
occupying a similar status or performing similar functions in 1637
the name of and on behalf of the issuer; 1638

(E) A copy of the escrow agreement between the escrow 1639
agent, the issuer, and, if applicable, the portal operator; 1640

(F) A statement that the securities have not been 1641
registered under federal or state securities law and that the 1642
securities are subject to limitations on resale; 1643

(G) A statement, printed in boldface type of the minimum 1644
size of ten points, as follows: "IN MAKING AN INVESTMENT 1645
DECISION, PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE 1646
ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND 1647
RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY 1648
ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER 1649
REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES 1650
HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF 1651
THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL 1652
OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON 1653
TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD 1654
EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE 1655
STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION 1656
THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED 1657
TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE 1658
PERIOD OF TIME." 1659

(H) All material information necessary in order to make 1660
the statements made, in light of the circumstances under which 1661
they were made, not misleading and such other information as the 1662
division may require. 1663

Sec. 1707.053. The certification obtained by the portal 1664
operator from each prospective purchaser through an OhioInvests 1665
portal shall, at a minimum, state the following: 1666

"I UNDERSTAND AND ACKNOWLEDGE THAT: 1667

If I make an investment in an offering through this 1668
OhioInvests portal, it is very likely that I am investing in a 1669
high-risk, speculative business venture that could result in the 1670
complete loss of my investment, and I need to be able to afford 1671
such a loss. 1672

This offering has not been reviewed or approved by any 1673
state or federal securities commission or division or other 1674
regulatory authority and that no such person or authority has 1675
confirmed the accuracy or determined the adequacy of any 1676
disclosure made to me relating to this offering. 1677

If I make an investment in an offering through this 1678
OhioInvests portal, it is very likely that the investment will 1679
be difficult to transfer or sell and, accordingly, I may be 1680
required to hold the investment indefinitely. 1681

By entering into this transaction with the company, I am 1682
affirmatively representing myself as being an Ohio resident at 1683
the time that this contract is formed, and if this 1684
representation is subsequently shown to be false, the contract 1685
is void." 1686

Sec. 1707.054. (A) No person other than a dealer licensed 1687
under this chapter shall offer or sell securities pursuant to an 1688

OhioInvests offering or otherwise act as a portal operator 1689
unless the person is licensed as a portal operator by the 1690
division of securities or is transacting business through a 1691
portal operator licensed by the division. Application for a 1692
portal operator's license shall be made in accordance with this 1693
section and by filing with the division of securities the 1694
information, materials, and forms specified in rules adopted by 1695
the division, along with all of the following: 1696

(1) An application in the form prescribed by the division 1697
and all applicable schedules and supplemental information; 1698

(2) A copy of the articles of incorporation or other 1699
documents that indicate the entity's form of organization; 1700

(3) The filing fee as prescribed in section 1707.17 of the 1701
Revised Code. 1702

(B) If the division approves the entity as a portal 1703
operator, the division shall issue a license certificate to the 1704
entity. 1705

Sec. 1707.055. No portal operator that is not also a 1706
licensed dealer shall do any of the following: 1707

(A) Offer investment advice or recommendations, or solicit 1708
the purchase or sale of securities. For purposes of this 1709
division, a portal operator shall not be considered to be 1710
offering investment advice or recommendations merely because it 1711
selects, or may perform due diligence with respect to, issuers 1712
or offerings to be listed or merely because it provides general 1713
investor educational materials. 1714

(B) Provide transaction-based compensation for securities 1715
sold under this chapter to employees, agents, or other persons 1716
unless the employees, agents, or other persons are licensed 1717

under this chapter and permitted to receive such compensation. 1718

(C) Charge a fee to the issuer for an offering of 1719
securities on an OhioInvests portal unless the fee is one of the 1720
following: 1721

(1) A fixed amount for each offering; 1722

(2) A variable amount based on the length of time that the 1723
securities are offered on the portal; 1724

(3) A combination of such fixed or variable amounts. 1725

(D) Hold, manage, possess, or otherwise handle purchaser 1726
funds or securities, unless the portal operator is the issuer. 1727

(E) No portal operator shall allow its officers, 1728
directors, or partners, or any person occupying similar status 1729
or performing similar function, to have a financial interest in 1730
an OhioInvests issuer using the services of the portal operator, 1731
or receive a financial interest in the OhioInvests issuer as 1732
compensation for services provided to, or for the benefit of, 1733
the OhioInvests issuer, in connection with the offer and sale of 1734
its securities. 1735

Sec. 1707.056. (A) Each portal operator shall do all of 1736
the following: 1737

(1) Provide the division of securities with read-only 1738
access to the administrative sections of its OhioInvests portal; 1739

(2) Upon the written request of the division, furnish to 1740
the division any of the records required to be maintained and 1741
preserved under section 1707.057 of the Revised Code. 1742

(3) Take reasonable efforts to verify that no purchaser 1743
exceeds the purchase limitations set forth in division (F) of 1744

section 1707.051 of the Revised Code. 1745

(B) (1) A portal operator shall not disclose, except to the 1746
division of securities, personal information without the written 1747
or electronic consent of the prospective purchaser or purchaser. 1748
For purposes of division (B) of this section, "personal 1749
information" means information provided to a portal operator by 1750
a prospective purchaser or purchaser that identifies, or can be 1751
used to identify, the prospective purchaser or purchaser. 1752

(2) Division (B) (1) of this section does not apply with 1753
respect to records required to be furnished to the division 1754
under division (A) (2) of this section, the disclosure of 1755
personal information to an OhioInvests issuer relating to its 1756
OhioInvests offering, or the disclosure of personal information 1757
to the extent required or authorized under other law. 1758

Sec. 1707.057. (A) Each portal operator shall maintain and 1759
preserve, for a period of at least five years from either the 1760
date of the closing or date of the termination of the securities 1761
offering, all of the following: 1762

(1) The name of each issuer whose securities have been 1763
listed on its OhioInvests portal and the full name, residential 1764
address, social security number, date of birth, and copy of a 1765
state-issued identification of all owners with greater than ten 1766
per cent voting equity in the issuer; 1767

(2) Copies of all offering materials that have been 1768
displayed on its OhioInvests portal; 1769

(3) The names and other personal information of each 1770
purchaser who has registered at its OhioInvests portal; 1771

(4) Any agreements and contracts between the portal 1772
operator and an issuer; 1773

(5) Any information used to establish that a prospective purchaser or purchaser of securities through its OhioInvests portal is a resident of this state and that an issuer whose securities are listed on the portal has its principal office in this state; 1774
1775
1776
1777
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(6) Any other records the division requires by rule to be maintained and preserved. 1779
1780

(B)(1) The records described in division (A) of this section shall be maintained and preserved in a manner, including by any electronic storage media, that does all of the following: 1781
1782
1783

(a) Permits the immediate location of any particular document; 1784
1785

(b) Retains the documents exclusively in a nonrewriteable, nonerasable format; 1786
1787

(c) Verifies automatically the quality and accuracy of the storage recording process; 1788
1789

(d) Serializes the originals; 1790

(e) Allows indexes and records preserved to be downloaded to an acceptable medium. 1791
1792

(2) If the records retention system commingles records required to be retained under this section with other records, the division of securities may review all of the commingled records. 1793
1794
1795
1796

(C) Notwithstanding divisions (A) and (B) of this section, the failure of a portal operator that is not the issuer to comply with those divisions does not affect the OhioInvests issuers' exemption from registration under section 1707.051 of the Revised Code. 1797
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1801

Sec. 1707.058. (A) As used in this section, "affiliated 1802
party" means any of the following: 1803

(1) Any predecessor to the issuer; 1804

(2) Any affiliated issuer; 1805

(3) Any director, executive officer, other officer 1806
participating in the offering, general partner, or managing 1807
member of the issuer; 1808

(4) Any beneficial owner of twenty per cent or more of the 1809
issuer's outstanding voting equity securities, calculated on the 1810
basis of voting power; 1811

(5) Any promoter connected with the issuer in any capacity 1812
at the time of the sale; 1813

(6) Any investment manager of an issuer that is a pooled 1814
investment fund; 1815

(7) Any general partner or managing member of any 1816
investment manager participating in the offering; 1817

(8) Any director, executive officer, or other officer 1818
participating in the offering of any investment manager or 1819
general partner or managing member of the investment manager 1820
participating in the offering. 1821

(B) The exemption from registration provided under section 1822
1707.051 of the Revised Code is not available with respect to an 1823
offer, sale, and issuance of securities if the issuer of the 1824
securities or any affiliated party: 1825

(1) Has been convicted, within ten years before the 1826
offering of any felony or misdemeanor: 1827

(a) In connection with the purchase or sale of any 1828

security; 1829

(b) Involving the making of any false filing with the 1830
securities and exchange commission or a state securities 1831
commissioner; or 1832

(c) Arising out of the conduct of the business of an 1833
underwriter, broker, dealer, municipal securities dealer, 1834
investment adviser, or paid solicitor of purchasers of 1835
securities. 1836

(2) Is subject to any order, judgment, or decree of any 1837
court of competent jurisdiction, entered within five years 1838
before the sale, that, at the time of the sale, restrains or 1839
enjoins the person from engaging or continuing to engage in any 1840
conduct or practice: 1841

(a) In connection with the purchase or sale of any 1842
security; 1843

(b) Involving the making of any false filing with the 1844
securities and exchange commission or a state securities 1845
commissioner; or 1846

(c) Arising out of the conduct of the business of an 1847
underwriter, broker, dealer, municipal securities dealer, 1848
investment adviser, or paid solicitor of purchasers of 1849
securities. 1850

(3) Is subject to a final order of the securities and 1851
exchange commission; a state securities commission or an agency 1852
or officer of a state performing like functions; a state 1853
authority that supervises or examines banks, savings 1854
associations, or credit unions; a state insurance commission or 1855
an agency or officer of a state performing like functions; an 1856
appropriate federal banking agency; the United States commodity 1857

futures trading commission; or the national credit union 1858
administration that: 1859

(a) At the time of the offering, bars the person from 1860
associating with an entity regulated by the commission, 1861
authority, agency, or officer; engaging in the business of 1862
securities, insurance, or banking; or engaging in savings 1863
association or credit union activities; or 1864

(b) Constitutes a final order based on a violation of any 1865
law or regulation that prohibits fraudulent, manipulative, or 1866
deceptive conduct entered within ten years before the offering. 1867

(4) Is subject to an order of the securities and exchange 1868
commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c), 80b- 1869
3(e), or 80b-3(f), or an order of a state securities commission 1870
or an agency or officer of a state performing like functions, 1871
that, at the time of the offering, does any of the following: 1872

(a) Suspends or revokes the person's license or 1873
registration as a broker, dealer, municipal securities dealer, 1874
or investment adviser; 1875

(b) Places limitations on the activities, functions, or 1876
operations of the person; 1877

(c) Bars the person from being associated with any entity 1878
or from participating in the offering of any penny stock. 1879

(5) Is subject to any order of the securities exchange 1880
commission, or an order of a state securities commission or an 1881
agency or officer of a state performing like functions, entered 1882
within ten years before the sale, that, at the time of the sale, 1883
orders the person to cease and desist from committing or causing 1884
a violation or future violation of any of the following: 1885

(a) Any scienter-based antifraud provision of the federal securities laws, including, but not limited to, 15 U.S.C. 77q(a)(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R. 240.10b-5 or any other regulation adopted thereunder; 1886
1887
1888
1889

(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of the Revised Code, or any state securities law that requires the registration of securities; 1890
1891
1892

(c) Any state securities law requiring state registration as a broker dealer, investment adviser, agent, salesperson, investment adviser, or OhioInvests portal; 1893
1894
1895

(d) Any state securities law involving fraudulent, manipulative, or deceptive conduct. 1896
1897

(6) Is suspended or expelled from membership in, or suspended or barred from association with a member of, a registered national securities exchange or a registered national or affiliated securities association for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade; 1898
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1900
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(7) Has filed as a registrant or issuer, or was or was named as an underwriter in, any registration statement or Regulation A offering statement filed with the securities and exchange commission or a state securities commissioner that, within five years before the sale, was the subject of a refusal order, stop order, or order suspending the Regulation A exemption; 1904
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(8) Is, at the time of the sale, the subject of an investigation or proceeding to determine whether a stop order or a suspension order of the type described in division (B)(7) of this section should be issued; 1911
1912
1913
1914

(9) Is subject to a United States postal service false representation order entered within five years before the offering; 1915
1916
1917

(10) Is, at the time of the offering, subject to a temporary restraining order or preliminary injunction with respect to conduct alleged by the United States postal service to constitute a scheme or device for obtaining money or property through the mail by means of false representations. 1918
1919
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(C) Division (B) of this section does not apply: 1923

(1) With respect to any conviction, order, judgment, decree, suspension, expulsion, or bar that occurred or was issued before the effective date of this section; 1924
1925
1926

(2) Upon a showing of good cause and without prejudice to any other action by the securities and exchange commission or a state securities commissioner, if the division determines that it is not necessary under the circumstance that an exemption be denied; 1927
1928
1929
1930
1931

(3) If, before the relevant offering, the court of regulatory authority that entered the relevant order, judgment, or decree advises in writing that the disqualification under division (B) of this section should not arise as a consequence of the order, judgment, or decree, whether the advice is contained in the relevant judgment, order, or decree or separately to the securities and exchange commission or a state securities commissioner or their staff; or 1932
1933
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(4) If the issuer establishes to the division that it did not know and, in the exercise of reasonable care, could not have known that a disqualification existed under division (B) of this section. 1940
1941
1942
1943

(D) For purposes of division (B) of this section, events 1944
relating to any affiliated issuer that occurred before the 1945
affiliation arose will not be considered disqualifying if the 1946
affiliated entity is not either of the following: 1947

(1) In control of the issuer; 1948

(2) Under common control with the issuer by a third party 1949
that was in control of the affiliated entity at the time of the 1950
events. 1951

Sec. 1707.10. Any securities required by sections 1707.01 1952
to ~~1707.45~~1707.50, inclusive, of the Revised Code, to be 1953
registered by qualification before being sold in this state may 1954
be offered for sale and sold preliminary to and pending their 1955
full qualification, where the division of securities is 1956
satisfied that the issuer is solvent and of good business repute 1957
and that such preliminary offering will not deceive or tend to 1958
deceive the public; but no such preliminary offering shall be 1959
made until the division consents thereto in writing, and such 1960
consent shall be on condition that within thirty days from the 1961
date thereof, or within such further time as the division 1962
allows, there is filed in the office of the division application 1963
under such sections for the full qualification of said 1964
securities, or for a registration of such securities by 1965
description if, within such time, such securities become 1966
entitled to registration by description; and the entire proceeds 1967
of the sale of such securities, without deduction for 1968
commissions or other charges, shall be segregated or deposited 1969
in escrow in such manner and for such time as the division 1970
directs. 1971

No applicant which is an issuer not a resident of this 1972
state shall be entitled to the benefit of this section unless 1973

there shall also be on file with the division a consent to 1974
service as provided in section 1707.11 of the Revised Code. 1975

At the time of filing the statement prescribed in this 1976
section, the applicant shall pay to the division the filing fee 1977
prescribed by section 1707.09 of the Revised Code; and upon 1978
receipt of notice of the division's favorable action on the 1979
application, the applicant shall pay to the division the 1980
registration fee prescribed by such section for the 1981
qualification of securities. 1982

If the dealer is unable to complete such qualification or 1983
such registration by description, or if the division, acting 1984
upon more complete information furnished or obtained from its 1985
examination, does not finally register such security by 1986
description or qualification, the issuer or dealer who has sold 1987
it or offered it for sale shall withdraw the security from the 1988
market and return or tender to purchasers of the security, 1989
within such time as the division specifies, the amounts paid for 1990
it by them. 1991

Sec. 1707.13. The division of securities may suspend the 1992
registration by description or by qualification of any 1993
securities, or the right of any dealers or of the issuer, or of 1994
both, to buy, sell, or deal in any particular security whether 1995
it is registered, qualified, or exempt or even though 1996
transactions in it are registered or exempt, if the division 1997
finds that the issuer has violated sections 1707.01 to 1998
~~1707.45~~1707.50, inclusive, of the Revised Code, or any lawful 1999
order or requirement of the division, has fraudulently conducted 2000
its business, or has been engaged in or is engaged or about to 2001
engage in deceptive or fraudulent acts, practices, or 2002
transactions; that such security is being disposed of or 2003

purchased on grossly unfair terms, in such manner as to deceive 2004
or defraud or as to tend to deceive or defraud purchasers or 2005
sellers, or in disregard of the lawful rules and regulations of 2006
the division applicable to such security or to transactions 2007
therein; or, in the case of securities being sold under a 2008
registration or qualification, that the issuer is insolvent. 2009
Notice of such suspension shall be mailed by the division to the 2010
issuer and to all licensed dealers concerned. Such notice shall 2011
specify the particular security whose registration is being 2012
suspended and shall set a date, not more than ten days later 2013
than the date of the order of suspension, for a hearing on the 2014
continuation or revocation of such suspension. For good cause 2015
the division may continue such hearing on application of any 2016
interested party. In conducting such hearing the division shall 2017
have all the authority and powers set forth in section 1707.23 2018
of the Revised Code. Following such hearing the division shall 2019
either confirm or revoke such suspension. No such suspension 2020
shall invalidate any sale of securities made prior thereto; and 2021
the rights of persons defrauded by any sale shall in no wise be 2022
impaired. 2023

If the issuer of a security refuses to permit an 2024
examination to be made by the division of its books, records, 2025
and property, or refuses to furnish the division any information 2026
which it may lawfully require under sections 1707.01 to 2027
~~1707.45~~1707.50, inclusive, of the Revised Code, such refusal is 2028
a sufficient ground for the division to suspend the registration 2029
by description or by qualification of such security, or the 2030
right of any dealers or of the issuer, or of both, to buy, sell, 2031
or deal in such security. 2032

If any interested party desires an investigation at a 2033
place other than the office of the division, such person may be 2034

required by the division to advance sufficient funds to pay the 2035
actual expenses of such investigation. 2036

Whenever the division determines, upon hearing, that any 2037
application for qualification was made, or that any securities 2038
or any transaction was registered by description, by a person 2039
who knew that untrue statements were contained in such 2040
application or description, the division may proceed under 2041
sections 1707.19, 1707.23, and 1707.44 of the Revised Code, or 2042
any of them, against the person who filed such application or 2043
such registration by description. 2044

Sec. 1707.161. (A) No person shall act as an investment 2045
adviser representative, unless one of the following applies: 2046

(1) The person is licensed as an investment adviser 2047
representative by the division of securities. 2048

(2) The person is a natural person who is licensed as an 2049
investment adviser by the division, and does not act as an 2050
investment adviser representative for another investment 2051
adviser; however, a natural person who is licensed as an 2052
investment adviser by the division may act as an investment 2053
adviser representative for another investment adviser if the 2054
natural person also is licensed by the division, or is properly 2055
excepted from licensure, as an investment adviser representative 2056
of the other investment adviser. 2057

(3) The person is employed by or associated with an 2058
investment adviser registered under section 203 of the 2059
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 2060
have a place of business in this state. 2061

(4) The person is employed by or associated with an 2062
investment adviser that is excepted from licensure pursuant to 2063

division (A) (3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B) (3) of section 1707.141 of the Revised Code.

(B) (1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment advisers and notice.

(2) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both an investment adviser and an investment adviser representative.

(3) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a salesperson and an investment adviser representative.

(4) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a dealer and an investment adviser representative.

(C) An investment adviser representative's license issued under this section shall not be effective during any period when the investment adviser representative is not employed by or associated with an investment adviser that is licensed by the division or that is in compliance with the notice filing

requirements of division (B) of section 1707.141 of the Revised Code. Notice of the commencement and termination of the employment or association of an investment adviser representative licensed under this section shall be given to the division within thirty days after the commencement or termination by either of the following:

(1) The investment adviser, in the case of an investment adviser representative licensed under this section and employed by or associated with, or formerly employed by or associated with, an investment adviser licensed under section 1707.141 of the Revised Code;

(2) The investment adviser representative, in the case of an investment adviser representative licensed under this section and employed by or associated with, or formerly employed by or associated with, an investment adviser that is subject to the notice filings requirements of division (B) of section 1707.141 of the Revised Code.

(D) (1) Application for an investment adviser representative license shall be made in accordance with this section and by filing with the division the information, materials, and forms specified in rules adopted by the division.

(2) The division shall by rule require an applicant to pass an examination designated by the division or achieve a specified professional designation.

(3) Prior to issuing the investment adviser representative license, the division may require the applicant to reimburse the division for the actual expenses incurred in investigating the applicant. An itemized statement of any such expenses that the applicant is required to pay shall be furnished to the applicant

by the division. 2122

(E) If the division finds that the applicant is of good 2123
business repute, appears to be qualified to act as an investment 2124
adviser representative, and has complied with sections 1707.01 2125
to ~~1707.45~~1707.50 of the Revised Code and the rules adopted 2126
under those sections by the division, the division, upon payment 2127
of the fees prescribed by division (B) of section 1707.17 of the 2128
Revised Code, shall issue to the applicant a license authorizing 2129
the applicant to act as an investment adviser representative for 2130
the investment adviser, or investment advisers that are under 2131
common ownership or control, named in the application. 2132

Sec. 1707.17. (A) (1) The license of every dealer in and 2133
salesperson of securities shall expire on the thirty-first day 2134
of December of each year, and may be renewed upon the filing 2135
with the division of securities of an application for renewal, 2136
and the payment of the fee prescribed in this section. The 2137
division shall give notice, without unreasonable delay, of its 2138
action on any application for renewal of a dealer's or 2139
salesperson's license. 2140

(2) The license of every investment adviser and investment 2141
adviser representative licensed under section 1707.141 or 2142
1707.161 of the Revised Code shall expire on the thirty-first 2143
day of December of each year. The licenses may be renewed upon 2144
the filing with the division of an application for renewal, and 2145
the payment of the fee prescribed in division (B) of this 2146
section. The division shall give notice, without unreasonable 2147
delay, of its action on any application for renewal. 2148

(3) An investment adviser required to make a notice filing 2149
under division (B) of section 1707.141 of the Revised Code 2150
annually shall file with the division the notice filing and the 2151

fee prescribed in division (B) of this section, no later than 2152
the thirty-first day of December of each year. 2153

(4) The license of every state retirement system 2154
investment officer licensed under section 1707.163 of the 2155
Revised Code and the license of a bureau of workers' 2156
compensation chief investment officer issued under section 2157
1707.165 of the Revised Code shall expire on the thirtieth day 2158
of June of each year. The licenses may be renewed on the filing 2159
with the division of an application for renewal, and the payment 2160
of the fee prescribed in division (B) of this section. The 2161
division shall give notice, without unreasonable delay, of its 2162
action on any application for renewal. 2163

(5) The license of every portal operator licensed under 2164
section 1707.054 of the Revised Code shall expire on the thirty- 2165
first day of December of each year. The license may be renewed 2166
upon the filing with the division an application for renewal, 2167
and payment of the fee prescribed in division (B) of this 2168
section. The division shall give notice, without unreasonable 2169
delay, of its action on any application for renewal. 2170

(B) (1) The fee for each dealer's license, and for each 2171
annual renewal thereof, shall be two hundred dollars. 2172

(2) The fee for each salesperson's license, and for each 2173
annual renewal thereof, shall be sixty dollars. 2174

(3) The fee for each investment adviser's license, and for 2175
each annual renewal thereof, shall be one hundred dollars. 2176

(4) The fee for each investment adviser notice filing 2177
required by division (B) of section 1707.141 of the Revised Code 2178
shall be one hundred dollars. 2179

(5) The fee for each investment adviser representative's 2180

license, and for each annual renewal thereof, shall be thirty- 2181
five dollars. 2182

(6) The fee for each state retirement system investment 2183
officer's license, and for each annual renewal thereof, shall be 2184
fifty dollars. 2185

(7) The fee for a bureau of workers' compensation chief 2186
investment officer's license, and for each annual renewal 2187
thereof, shall be fifty dollars. 2188

(8) The fee for a portal operator license, and for each 2189
annual renewal thereof, shall be one hundred dollars. 2190

(C) A dealer's, salesperson's, investment adviser's, 2191
investment adviser representative's, bureau of workers' 2192
compensation chief investment officer's, ~~or~~ state retirement 2193
system investment officer's, or portal operator's license may be 2194
issued at any time for the remainder of the calendar year. In 2195
that event, the annual fee shall not be reduced. 2196

(D) The division may, by rule or order, waive, in whole or 2197
in part, any of the fee requirements of this section for any 2198
person or class of persons if, in the same calendar year, the 2199
person or class of persons is required to pay an additional fee 2200
as a result of changes in federal law and regulations 2201
implemented under Title IV of the "Dodd-Frank Wall Street Reform 2202
and Consumer Protection Act of 2010," 124 Stat. 1576 (2010), 15 2203
U.S.C. 80b-3a(a), under which a person or class of persons 2204
formerly subject to regulation under the United States 2205
securities and exchange commission is subject to state 2206
regulation under Chapter 1707. of the Revised Code. 2207

Sec. 1707.19. (A) An original license, or a renewal 2208
thereof, applied for by a dealer or salesperson of securities, 2209

or by an investment adviser, investment adviser representative, 2210
bureau of workers' compensation chief investment officer, ~~or~~ 2211
state retirement system investment officer, or portal operator 2212
as defined in section 1707.05 of the Revised Code may be 2213
refused, and any such license granted may be suspended and, 2214
after notice and hearing in accordance with Chapter 119. of the 2215
Revised Code, may be revoked, by the division of securities, if 2216
the division determines that the applicant or the licensed 2217
dealer, salesperson, investment adviser, investment adviser 2218
representative, bureau of workers' compensation chief investment 2219
officer, or state retirement system investment officer: 2220

(1) Is not of good business repute; 2221

(2) Is conducting an illegitimate or fraudulent business; 2222

(3) Is, in the case of a dealer ~~or~~, investment adviser, 2223
or portal operator, insolvent; 2224

(4) Has knowingly violated any provision of sections 2225
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or any 2226
regulation or order made thereunder; 2227

(5) Has knowingly made a false statement of a material 2228
fact or an omission of a material fact in an application for a 2229
license, in a description or application that has been filed, or 2230
in any statement made to the division under such sections; 2231

(6) Has refused to comply with any lawful order or 2232
requirement of the division under section 1707.23 of the Revised 2233
Code; 2234

(7) Has been guilty of any fraudulent act in connection 2235
with the sale of any securities or in connection with acting as 2236
an investment adviser, investment adviser representative, bureau 2237
of workers' compensation chief investment officer, ~~or~~ state 2238

retirement system investment officer, or portal operator; 2239

(8) Conducts business in purchasing or selling securities 2240
at such variations from the existing market as in the light of 2241
all the circumstances are unconscionable; 2242

(9) Conducts business in violation of such rules and 2243
regulations as the division prescribes for the protection of 2244
investors, clients, or prospective clients; 2245

(10) (a) Has failed to furnish to the division any 2246
information with respect to the purchases or sales of securities 2247
within this state that may be reasonably requested by the 2248
division as pertinent to the protection of investors in this 2249
state. 2250

(b) Has failed to furnish to the division any information 2251
with respect to acting as an investment adviser, investment 2252
adviser representative, bureau of workers' compensation chief 2253
investment officer, ~~or~~ state retirement system investment 2254
officer, or portal operator within this state that may be 2255
reasonably requested by the division. 2256

(B) For the protection of investors the division may 2257
prescribe reasonable rules defining fraudulent, evasive, 2258
deceptive, or grossly unfair practices or devices in the 2259
purchase or sale of securities. 2260

(C) For the protection of investors, clients, or 2261
prospective clients, the division may prescribe reasonable rules 2262
regarding the acts and practices of an investment adviser or an 2263
investment adviser representative. 2264

(D) For the protection of investors, the division may 2265
prescribe reasonable rules regarding the acts and practices of a 2266
portal operator. 2267

(E) Pending any investigation or hearing provided for in 2268
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 2269
division may order the suspension of any dealer's, 2270
salesperson's, investment adviser's, investment adviser 2271
representative's, bureau of workers' compensation chief 2272
investment officer's, ~~or~~ state retirement system investment 2273
officer's, or portal operator's license by notifying the party 2274
concerned of such suspension and the cause for it. If it is a 2275
salesperson whose license is suspended, the division shall also 2276
notify the dealer employing the salesperson. If it is an 2277
investment adviser representative whose license is suspended, 2278
the division also shall notify the investment adviser with whom 2279
the investment adviser representative is employed or associated. 2280
If it is a state retirement system investment officer whose 2281
license is suspended, the division shall also notify the state 2282
retirement system with whom the state retirement system 2283
investment officer is employed. If it is a bureau of workers' 2284
compensation chief investment officer whose license is 2285
suspended, the division shall also notify the bureau of workers' 2286
compensation. 2287

~~(E)~~ (F) (1) The suspension or revocation of the dealer's 2288
license suspends the licenses of all the dealer's salespersons. 2289

(2) The suspension or revocation of the investment 2290
adviser's license suspends the licenses of all the investment 2291
adviser's investment adviser representatives. The suspension or 2292
revocation of an investment adviser's registration under section 2293
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 2294
suspends the licenses of all the investment adviser's investment 2295
adviser representatives. 2296

~~(F)~~ (G) It is sufficient cause for refusal, revocation, or 2297

suspension of the license in case of a partnership, partnership 2298
association, corporation, or unincorporated association if any 2299
general partner of the partnership, manager of the partnership 2300
association, or executive officer of the corporation or 2301
unincorporated association is not of good business repute or has 2302
been guilty of any act or omission which would be cause for 2303
refusing or revoking the license of an individual dealer, 2304
salesperson, investment adviser, ~~or~~ investment adviser 2305
representative, or portal operator. 2306

Sec. 1707.20. (A) (1) The division of securities may adopt, 2307
amend, and rescind such rules, forms, and orders as are 2308
necessary to carry out sections 1707.01 to ~~1707.45~~ 1707.50 of 2309
the Revised Code, including rules and forms governing 2310
registration statements, applications, and reports, and defining 2311
any terms, whether or not used in sections 1707.01 to ~~1707.45~~ 2312
1707.50 of the Revised Code, insofar as the definitions are not 2313
inconsistent with these sections. For the purpose of rules and 2314
forms, the division may classify securities, persons, and 2315
matters within its jurisdiction, and prescribe different 2316
requirements for different classes. 2317

(2) Notwithstanding sections 121.71 to 121.76 of the 2318
Revised Code, the division may incorporate by reference into its 2319
rules any statute enacted by the United States congress or any 2320
rule, regulation, or form promulgated by the securities and 2321
exchange commission, or by another federal agency, in a manner 2322
that also incorporates all future amendments to the statute, 2323
rule, regulation, or form. 2324

(B) No rule, form, or order may be made, amended, or 2325
rescinded unless the division finds that the action is necessary 2326
or appropriate in the public interest or for the protection of 2327

investors, clients, prospective clients, state retirement 2328
systems, or the workers' compensation system and consistent with 2329
the purposes fairly intended by the policy and provisions of 2330
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. In 2331
prescribing rules and forms and in otherwise administering 2332
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 2333
division may cooperate with the securities administrators of the 2334
other states and the securities and exchange commission with a 2335
view of effectuating the policy of this section to achieve 2336
maximum uniformity in the form and content of registration 2337
statements, applications, reports, and overall securities 2338
regulation wherever practicable. 2339

(C) The division may ~~by rule or order~~ prescribe: 2340

(1) The form and content of financial statements required 2341
under sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code; 2342

(2) The circumstances under which consolidated financial 2343
statements will be filed; 2344

(3) Whether any required financial statements shall be 2345
~~certified~~ audited by independent ~~or~~ certified public 2346
accountants, specifying by rule the criteria necessary to be 2347
granted a hardship exemption from the audit requirement. All 2348
financial statements shall be prepared in accordance with 2349
generally accepted accounting ~~practices~~ principles and comply 2350
with other requirements specified by rule adopted or order 2351
issued under sections 1707.01 to 1707.50 of the Revised Code. 2352

(D) All rules and forms of the division shall be 2353
published; and in addition to fulfilling the requirements of 2354
Chapter 119. of the Revised Code, the division shall prescribe, 2355
and shall publish and make available its rules regarding the 2356

sale of securities, the administration of sections 1707.01 to 2357
~~1707.45-1707.50~~ of the Revised Code, and the procedure and 2358
practice before the division. 2359

(E) (1) No provision of sections 1707.01 to ~~1707.45-1707.50~~ 2360
of the Revised Code imposing any liability applies to any act 2361
done or omitted in good faith in conformity with any rule, form, 2362
or order of the division of securities, notwithstanding that the 2363
rule, form, or order may later be amended or rescinded or be 2364
determined by judicial or other authority to be invalid for any 2365
reason, except that the issuance of an order granting 2366
effectiveness to a registration under section 1707.09 or 2367
1707.091 of the Revised Code for the purposes of this division 2368
shall not be deemed an order other than as the establishment of 2369
the fact of registration. 2370

(2) No provision of sections 1707.01 to ~~1707.45-1707.50~~ of 2371
the Revised Code imposing any liability, penalty, sanction, or 2372
disqualification applies to any act done or omitted in good 2373
faith in conformity with either of the following: 2374

(a) Any provision of sections 1707.01 to ~~1707.45-1707.50~~ 2375
of the Revised Code that incorporates by reference a federal 2376
statute, rule, regulation, or form; 2377

(b) Any rule, form, or order of the division that 2378
incorporates by reference a federal statute, rule, regulation, 2379
or form. 2380

Division (E) (2) of this section applies notwithstanding 2381
that the incorporation by reference, or any application of the 2382
incorporated provision, is later determined by judicial or other 2383
authority to be unconstitutional or invalid for any reason. 2384

Sec. 1707.21. In so far as any information required to be 2385

filed with the division of securities under sections 1707.01 to 2386
~~1707.45~~1707.50, inclusive, of the Revised Code, is contained in 2387
a registration statement filed with the securities and exchange 2388
commission of the United States and such registration statement 2389
is in effect, such required information may, with the consent of 2390
the division, be furnished by filing with the division a copy of 2391
such registration statement together with an affidavit of an 2392
interested party that it is in effect. 2393

Sec. 1707.23. Whenever it appears to the division of 2394
securities, from its files, upon complaint, or otherwise, that 2395
any person has engaged in, is engaged in, or is about to engage 2396
in any practice declared to be illegal or prohibited by this 2397
chapter or rules adopted under this chapter by the division, or 2398
defined as fraudulent in this chapter or rules adopted under 2399
this chapter by the division, or any other deceptive scheme or 2400
practice in connection with the sale of securities, or acting as 2401
a dealer, a salesperson, an investment adviser, investment 2402
adviser representative, bureau of workers' compensation chief 2403
investment officer, ~~or~~ state retirement system investment 2404
officer, or portal operator as defined in section 1707.05 of the 2405
Revised Code or when the division believes it to be in the best 2406
interests of the public and necessary for the protection of 2407
investors, the division may do any of the following: 2408

(A) Require any person to file with it, on such forms as 2409
it prescribes, an original or additional statement or report in 2410
writing, under oath or otherwise, as to any facts or 2411
circumstances concerning the issuance, sale, or offer for sale 2412
of securities within this state by the person, as to the 2413
person's acts or practices as a dealer, a salesperson, an 2414
investment adviser, investment adviser representative, bureau of 2415
workers' compensation chief investment officer, ~~or~~ state 2416

retirement system investment officer, or portal operator within 2417
this state, and as to other information as it deems material or 2418
relevant thereto; 2419

(B) Examine any investment adviser, investment adviser 2420
representative, state retirement system investment officer, 2421
bureau of workers' compensation chief investment officer, or any 2422
seller, dealer, salesperson, or issuer of any securities, or any 2423
portal operator, and any of their agents, employees, partners, 2424
officers, directors, members, or shareholders, wherever located, 2425
under oath; and examine and produce records, books, documents, 2426
accounts, and papers as the division deems material or relevant 2427
to the inquiry; 2428

(C) Require the attendance of witnesses, and the 2429
production of books, records, and papers, as are required either 2430
by the division or by any party to a hearing before the 2431
division, and for that purpose issue a subpoena for any witness, 2432
or a subpoena duces tecum to compel the production of any books, 2433
records, or papers. The subpoena shall be served by personal 2434
service or by certified mail, return receipt requested. If the 2435
subpoena is returned because of inability to deliver, or if no 2436
return is received within thirty days of the date of mailing, 2437
the subpoena may be served by ordinary mail. If no return of 2438
ordinary mail is received within thirty days after the date of 2439
mailing, service shall be deemed to have been made. If the 2440
subpoena is returned because of inability to deliver, the 2441
division may designate a person or persons to effect either 2442
personal or residence service upon the witness. The person 2443
designated to effect personal or residence service under this 2444
division may be the sheriff of the county in which the witness 2445
resides or may be found or any other duly designated person. The 2446
fees and mileage of the person serving the subpoena shall be the 2447

same as those allowed by the courts of common pleas in criminal 2448
cases, and shall be paid from the funds of the division. Fees 2449
and mileage for the witness shall be determined under section 2450
119.094 of the Revised Code, and shall be paid from the funds of 2451
the division upon request of the witness following the hearing. 2452

(D) Initiate criminal proceedings under section 1707.042 2453
or 1707.44 of the Revised Code or rules adopted under those 2454
sections by the division by laying before the prosecuting 2455
attorney of the proper county any evidence of criminality which 2456
comes to its knowledge; and in the event of the neglect or 2457
refusal of the prosecuting attorney to prosecute such 2458
violations, or at the request of the prosecuting attorney, the 2459
division shall submit the evidence to the attorney general, who 2460
may proceed in the prosecution with all the rights, privileges, 2461
and powers conferred by law on prosecuting attorneys, including 2462
the power to appear before grand juries and to interrogate 2463
witnesses before such grand juries. 2464

(E) Require any dealers immediately to furnish to the 2465
division copies of prospectuses, circulars, or advertisements 2466
respecting securities that they publish or generally distribute, 2467
or require any investment advisers immediately to furnish to the 2468
division copies of brochures, advertisements, publications, 2469
analyses, reports, or other writings that they publish or 2470
distribute; 2471

(F) Require any dealers to mail to the division, prior to 2472
sale, notices of intention to sell, in respect to all securities 2473
which are not exempt under section 1707.02 of the Revised Code, 2474
or which are sold in transactions not exempt under section 2475
1707.03 or 1707.04 of the Revised Code; 2476

(G) Issue and cause to be served by certified mail upon 2477

all persons affected an order requiring the person or persons to 2478
cease and desist from the acts or practices appearing to the 2479
division to constitute violations of this chapter or rules 2480
adopted under this chapter by the division. The order shall 2481
state specifically the section or sections of this chapter or 2482
the rule or rules adopted under this chapter by the division 2483
that appear to the division to have been violated and the facts 2484
constituting the violation. If after the issuance of the order 2485
it appears to the division that any person or persons affected 2486
by the order have engaged in any act or practice from which the 2487
person or persons shall have been required, by the order, to 2488
cease and desist, the director of commerce may apply to the 2489
court of common pleas of any county for, and upon proof of the 2490
validity of the order of the division, the delivery of the order 2491
to the person or persons affected, and of the illegality and the 2492
continuation of the acts or practices that are the subject of 2493
the order, the court may grant an injunction implementing the 2494
order of the division. 2495

(H) Issue and initiate contempt proceedings in this state 2496
regarding subpoenas and subpoenas duces tecum at the request of 2497
the securities administrator of another state, if it appears to 2498
the division that the activities for which the information is 2499
sought would violate this chapter if the activities had occurred 2500
in this state. 2501

(I) The remedies provided by this section are cumulative 2502
and concurrent with any other remedy provided in this chapter, 2503
and the exercise of one remedy does not preclude or require the 2504
exercise of any other remedy. 2505

Sec. 1707.24. In case any person fails to file any 2506
statement or report, to obey any subpoena, to give testimony, to 2507

answer questions, or to produce any books, records, or papers as 2508
required by the division of securities under sections 1707.01 to 2509
~~1707.45~~1707.50, inclusive, of the Revised Code, the court of 2510
common pleas of any county in the state, upon application made 2511
to it by the division and upon proof made to it by the division 2512
of such failure, may make an order awarding process of subpoena 2513
or subpoena duces tecum for such person to appear and testify 2514
before the division, and may order any person to give testimony 2515
and answer questions, and to produce books, records, or papers, 2516
as required by the division. Upon the filing of such order in 2517
the office of the clerk of the court of common pleas, said 2518
clerk, under the seal of said court, shall issue process of 2519
subpoena for such person to appear before the division at a time 2520
and place named in such subpoena, and thereafter from day to day 2521
until the examination of such person is completed. Such subpoena 2522
may contain a direction that such witness bring with ~~him~~ the 2523
witness to such examination any books, records, or papers 2524
mentioned in such subpoena. Said clerk shall also issue, under 2525
the seal of said court, such other orders, in reference to such 2526
examination, appearance, and production of books, records, or 2527
papers, as said court directs. If any person so summoned by 2528
subpoena fails to obey such subpoena, to give testimony, to 2529
answer questions as required, to produce any books, records, or 2530
papers so required, or to obey an order of the court, the court, 2531
on motion supported by proof, may order an attachment for 2532
contempt to be issued against the person charged with 2533
disobedience of any order or injunction issued by such court 2534
under sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the 2535
Revised Code. If such person is brought before the court by 2536
virtue of said attachment, and if upon a hearing such 2537
disobedience appears, such court may order such offender to be 2538
committed and kept in close custody. 2539

Sec. 1707.25. In case any person fails to file any 2540
statement or report required by sections 1707.01 to ~~1707.45~~ 2541
1707.50 of the Revised Code, to obey any subpoena the issuance 2542
of which is provided for in those sections, or to produce books, 2543
records, or papers, give testimony, or answer questions, as 2544
required by those sections, the director of commerce may apply 2545
to a court of common pleas of any county for, and upon proof of 2546
such failure the court may grant, an injunction restraining the 2547
acting as an investment adviser, investment adviser 2548
representative, bureau of workers' compensation chief investment 2549
officer, or state retirement system investment officer, or the 2550
issuance, sale, or offer for sale of any securities by the 2551
person or by its agents, employees, partners, officers, 2552
directors, or shareholders, until such failure has been remedied 2553
and other relief as the facts may warrant has been had. Such 2554
injunctive relief is available in addition to the other remedies 2555
provided for in sections 1707.01 to ~~1707.45~~1707.50 of the 2556
Revised Code. 2557

Where the person refusing to comply with such order of 2558
court is an issuer of securities, the court may enjoin the sale 2559
by any dealer of any securities of the issuer, and the division 2560
of securities may revoke the qualification of the securities of 2561
the issuer, or suspend or revoke the sale of any securities of 2562
the issuer which have been registered by description, and such 2563
securities shall not thereafter be sold by any dealer until the 2564
order of the court or of the division is withdrawn. 2565

Sec. 1707.26. Whenever it appears to the division of 2566
securities, upon complaint or otherwise, that any person has 2567
engaged in, is engaging in, or is about to engage in, any 2568
deceptive, fraudulent, or manipulative act, practice, or 2569
transaction, in violation of sections 1707.01 to ~~1707.45~~1707.50 2570

of the Revised Code, the director of commerce may apply to a 2571
court of common pleas of any county in this state for, and upon 2572
proof of any of such offenses such court shall grant an 2573
injunction restraining such person and its agents, employees, 2574
partners, officers, directors, and shareholders from continuing, 2575
engaging in, or doing any acts in furtherance of, such acts, 2576
practices, or transactions, and may order such other equitable 2577
relief as the facts warrant. 2578

Sec. 1707.261. (A) If a court of common pleas grants an 2579
injunction pursuant to section 1707.26 of the Revised Code, 2580
after consultation with the attorney general the director of 2581
commerce may request that court to order the defendant or 2582
defendants that are subject to the injunction to make 2583
restitution or rescission to any purchaser or holder of 2584
securities damaged by the defendant's or defendants' violation 2585
of any provision of sections 1707.01 to ~~1707.45~~1707.50 of the 2586
Revised Code. 2587

(B) If the court of common pleas is satisfied with the 2588
sufficiency of the director's request for restitution or 2589
rescission under division (A) of this section and with the 2590
sufficiency of the proof of a substantial violation of any 2591
provision of sections 1707.01 to ~~1707.45~~1707.50 of the Revised 2592
Code, or of the use of any act, practice, or transaction 2593
declared to be illegal or prohibited or defined as fraudulent by 2594
those sections or rules adopted under those sections by the 2595
division of securities, to the material prejudice of a purchaser 2596
or holder of securities, the court may order the defendant or 2597
defendants subject to the injunction to make restitution or 2598
rescission to any purchaser or holder of securities damaged by 2599
the defendant's or defendants' violation of sections 1707.01 to 2600
~~1707.45~~1707.50 of the Revised Code. 2601

(C) A court order granting restitution or rescission based 2602
upon a request made pursuant to division (A) of this section 2603
shall meet the requirements of division (B) of this section and 2604
may not be based solely upon a final order issued by the 2605
division of securities pursuant to Chapter 119. of the Revised 2606
Code or upon an action to enforce a final order issued by the 2607
division pursuant to that chapter. Notwithstanding the foregoing 2608
provision, a request for restitution or rescission pursuant to 2609
division (A) of this section may concern the same acts, 2610
practices, or transactions that were, or may later be, the 2611
subject of a division of securities action for a violation of 2612
any provision of sections 1707.01 to ~~1707.45~~1707.50 of the 2613
Revised Code. If a request for restitution or rescission 2614
pursuant to division (A) of this section concerns the same acts, 2615
practices, or transactions that were the subject of a final 2616
order issued by the division of securities pursuant to Chapter 2617
119. of the Revised Code, the court shall review the request in 2618
accordance with division (B) of this section, and the standard 2619
of review in section 119.12 of the Revised Code shall not apply 2620
to the request. 2621

(D) No purchaser or holder of securities who is entitled 2622
to restitution or rescission under this section shall recover, 2623
pursuant to this section or any other proceeding, a total amount 2624
in excess of the person's purchase price for the securities sold 2625
in violation of sections 1707.01 to ~~1707.45~~1707.50 of the 2626
Revised Code. 2627

(E) (1) If a court of common pleas grants an injunction 2628
pursuant to section 1707.26 of the Revised Code against any 2629
state retirement system investment officer, after consultation 2630
with the attorney general, the director of commerce may request 2631
that court to order the state retirement system investment 2632

officer or officers that are subject to the injunction to make 2633
restitution to the state retirement system damaged by the state 2634
retirement system investment officer's or officers' violation of 2635
any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the 2636
Revised Code. 2637

(2) If the court of common pleas is satisfied with the 2638
sufficiency of the director's request for restitution under 2639
division (E) (1) of this section and with the sufficiency of the 2640
proof of a substantial violation of any provision of sections 2641
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 2642
any act, practice, or transaction declared to be illegal or 2643
prohibited or defined as fraudulent by those sections or rules 2644
adopted under those sections by the division of securities, to 2645
the material prejudice of a state retirement system, the court 2646
may order the state retirement system investment officer or 2647
officers subject to the injunction to make restitution to the 2648
state retirement system damaged by the state retirement system 2649
investment officer's or officers' violation of sections 1707.01 2650
to ~~1707.45~~ 1707.50 of the Revised Code. A request for 2651
restitution pursuant to division (E) (1) of this section may 2652
concern the same acts, practices, or transactions that were, or 2653
may later be, the subject of a division of securities action for 2654
a violation of any provision of section 1707.01 to ~~1707.45~~ 2655
1707.50 of the Revised Code. 2656

(F) (1) If a court of common pleas grants an injunction 2657
pursuant to section 1707.26 of the Revised Code against a bureau 2658
of workers' compensation chief investment officer, after 2659
consultation with the attorney general, the director of commerce 2660
may request that court to order the bureau of workers' 2661
compensation chief investment officer who is subject to the 2662
injunction to make restitution to the bureau of workers' 2663

compensation damaged by the bureau of workers' compensation 2664
chief investment officer's violation of any provision of 2665
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code. 2666

(2) If the court of common pleas is satisfied with the 2667
sufficiency of the director's request for restitution under 2668
division (F)(1) of this section and with the sufficiency of the 2669
proof of a substantial violation of any provision of sections 2670
1707.01 to ~~1707.45~~1707.50 of the Revised Code, or of the use of 2671
any act, practice, or transaction declared to be illegal or 2672
prohibited or defined as fraudulent by those sections or rules 2673
adopted under those sections by the division of securities, to 2674
the material prejudice of the bureau of workers' compensation, 2675
the court may order the bureau of workers' compensation chief 2676
investment officer subject to the injunction to make restitution 2677
to the bureau of workers' compensation damaged by the bureau of 2678
workers' compensation chief investment officer's violation of 2679
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code. A 2680
request for restitution pursuant to division (F)(1) of this 2681
section may concern the same acts, practices, or transactions 2682
that were, or may later be, the subject of a division of 2683
securities action for a violation of any provision of section 2684
1707.01 to ~~1707.45~~1707.50 of the Revised Code. 2685

Sec. 1707.27. If the court of common pleas is satisfied 2686
with the sufficiency of the application for a receivership, and 2687
of the sufficiency of the proof of substantial violation of 2688
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code, or of 2689
the use of any act, practice, or transaction declared to be 2690
illegal or prohibited, or defined as fraudulent by those 2691
sections or rules adopted under those sections by the division 2692
of securities, to the material prejudice of a purchaser or 2693
holder of securities, or client of an investment adviser or 2694

investment adviser representative, the court may appoint a 2695
receiver, for any person so violating sections 1707.01 to 2696
~~1707.45~~1707.50 of the Revised Code or rules adopted under those 2697
sections by the division, with power to sue for, collect, 2698
receive, and take into the receiver's possession all the books, 2699
records, and papers of the person and all rights, credits, 2700
property, and choses in action acquired by the person by means 2701
of any such act, practice, or transaction, and also all property 2702
with which the property has been mingled, if the property cannot 2703
be identified in kind because of the commingling, and with power 2704
to sell, convey, and assign the property, and to hold and 2705
dispose of the proceeds under the direction of the court of 2706
common pleas. The court shall have jurisdiction of all questions 2707
arising in the proceedings and may make orders and decrees 2708
therein as justice and equity require. 2709

Sec. 1707.28. No prosecution or action by the division of 2710
securities or the director of commerce for a violation of any 2711
provision of sections 1707.01 to ~~1707.45~~1707.50 of the Revised 2712
Code shall bar any prosecution or action by the division of 2713
securities or the director of commerce, or be barred by any 2714
prosecution or other action, for the violation of any other 2715
provision of any of those sections or of any other statute; but 2716
prosecutions and actions by the division of securities or the 2717
director of commerce for a violation of any provision of 2718
sections 1707.01 to ~~1707.45~~1707.50 of the Revised Code must be 2719
commenced within five years after the commission of the alleged 2720
violation. 2721

Sec. 1707.29. In any prosecution brought under sections 2722
1707.01 to ~~1707.45~~1707.50 of the Revised Code, except 2723
prosecutions brought for violation of division (A) of section 2724
1707.042 of the Revised Code, the accused shall be deemed to 2725

have had knowledge of any matter of fact, where in the exercise 2726
of reasonable diligence, ~~he~~ the accused should, prior to the 2727
alleged commission of the offense in question, have secured such 2728
knowledge. 2729

Sec. 1707.30. In any prosecution, action, or proceeding 2730
based upon sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the 2731
Revised Code, a certificate signed by the division of 2732
securities, showing the filing of or the failure to file any 2733
statement, description, or application required by such 2734
sections, shall constitute prima-facie evidence of such filing 2735
or of such failure to file, and shall be admissible in evidence 2736
in any action at law or in equity to enforce sections 1707.01 to 2737
~~1707.45~~1707.50, inclusive, of the Revised Code, or to prosecute 2738
violations of such sections. 2739

Sec. 1707.31. Copies of any statements and documents filed 2740
in the office of the division of securities and of any records 2741
of the division, if such copies are certified to by the 2742
division, shall be admissible in any prosecution, action, or 2743
proceeding based upon sections 1707.01 to ~~1707.45~~1707.50, 2744
inclusive, of the Revised Code, to the same effect as the 2745
originals of such statements, documents, or records would be. 2746

Sec. 1707.32. If an issuer of securities is incorporated 2747
or organized to make any insurance named in Title XXXIX of the 2748
Revised Code, the superintendent of insurance shall, for all the 2749
purposes of sections 1707.01 to ~~1707.45~~1707.50, inclusive, of 2750
the Revised Code, be substituted for the division of securities 2751
and the issuer and the beneficial owners of shares thereof shall 2752
be subject to section 3901.31 of the Revised Code. The 2753
superintendent of insurance shall have over any company 2754
disposing or attempting to dispose of any of its securities 2755

within this state the powers of regulation, supervision, and 2756
examination conferred on ~~him~~ the superintendent by law, with 2757
reference to companies licensed to transact the business of 2758
insurance within this state. 2759

No person shall, for the purpose of organizing or 2760
promoting any insurance company, or of assisting in the sale of 2761
the securities of any insurance company after its organization, 2762
dispose or offer to dispose, within this state, of any such 2763
securities, unless the contract of subscription or disposal is 2764
in writing and contains a provision substantially in the 2765
following language: 2766

No sum shall be used for commission, promotion, and 2767
organization expenses on account of any share of stock in this 2768
company in excess of per cent of the amount 2769
actually paid upon separate subscriptions, and the remainder of 2770
such payment shall be invested as authorized by the law 2771
governing such company and shall be held by the organizers of 2772
such company before organization, and by its directors and 2773
officers after organization, as bailees for the subscriber, to 2774
be used only in the conduct of the business of such company 2775
after the company has been licensed and authorized for such 2776
business by proper authority. 2777

In lieu of "in excess of per cent of the 2778
amount actually paid upon separate subscriptions," the language 2779
of such contract may be, "..... dollars per share 2780
from every fully paid subscription"; and in lieu of "organizers" 2781
it may be "trustees" if such payments are to be held by 2782
trustees. 2783

Funds and securities held by such organizers, trustees, 2784
directors, or officers, as bailees, shall be deposited with a 2785

bank or trust company of this state, or invested as provided in 2786
sections 3925.05 and 3925.08 of the Revised Code, until such 2787
company has been licensed to transact the business of insurance 2788
in this state. 2789

The amount of such commission, promotion, and organization 2790
expenses shall in no case exceed fifteen per cent of the amount 2791
actually received upon the subscriptions; except that in the 2792
case of joint-stock life insurance companies and joint-stock 2793
insurance companies other than life, the amount of such 2794
commission, promotion, and organization expenses shall in no 2795
case exceed ten per cent of the amount actually received upon 2796
the subscriptions. 2797

Sec. 1707.34. (A) Sections 1707.01 to ~~1707.45~~1707.50 of 2798
the Revised Code do not apply to the sale of warehouse receipts 2799
for intoxicating liquor to distillers, to rectifiers, or to any 2800
person engaged in the business of dealing in warehouse receipts. 2801

(B) Warehouse receipts for intoxicating liquor may be sold 2802
in this state in accord with and upon compliance with sections 2803
1707.01 to ~~1707.45~~1707.50 of the Revised Code. 2804

Sec. 1707.35. All securities which were "certificated" by 2805
the division of securities before July 22, 1929, are, if the 2806
"certification" remained unrevoked on such date, qualified for 2807
all purposes under sections 1707.01 to ~~1707.45~~1707.50, 2808
inclusive, of the Revised Code. 2809

All securities authorized to be sold by reason of the 2810
filing of information relative thereto before July 22, 1929, 2811
shall for all purposes be deemed registered by description under 2812
such sections, but the division shall have the same power to 2813
require further information with respect to the further sale of 2814

such securities as with respect to the further sale of 2815
securities registered by description or by qualification under 2816
sections 1707.01 to ~~1707.45~~1707.50, inclusive, of the Revised 2817
Code. 2818

Sec. 1707.38. The issuance or sale of any security in 2819
violation of sections 1707.01 to ~~1707.45~~1707.50, inclusive, of 2820
the Revised Code, does not invalidate such security; but the 2821
rights of persons defrauded by any such issuance or sale shall 2822
not be impaired. 2823

Sec. 1707.39. When any securities have been sold without 2824
compliance with sections 1707.01 to ~~1707.45~~1707.50 of the 2825
Revised Code, or any former law in force at the time of such 2826
sale, any interested person may apply in writing to the division 2827
of securities for the qualification of such securities under 2828
such sections. If it appears to the division that no person has 2829
been defrauded, prejudiced, or damaged by such noncompliance or 2830
sale and that no person will be defrauded, prejudiced, or 2831
damaged by such qualification, the division may permit such 2832
securities to be so qualified upon the payment of a fee of one 2833
hundred dollars plus a fee of one-fifth of one per cent of the 2834
aggregate price at which the securities have been sold in this 2835
state, which fee shall in no case be less than one hundred 2836
dollars nor more than two thousand dollars. In addition, the 2837
division may require the applicant to advance sufficient funds 2838
to pay the actual expenses of an examination or investigation by 2839
the division, whether to be conducted in this state or outside 2840
this state. An itemized statement of such expenses shall be 2841
furnished to the applicant. 2842

Such qualification shall estop the division from 2843
proceeding under division (D) of section 1707.23 of the Revised 2844

Code against anyone who has violated division (C) (1) of section 2845
1707.44 of the Revised Code for acts within the scope of the 2846
application, or from proceeding with administrative action 2847
pursuant to section 1707.13 of the Revised Code. 2848

Sec. 1707.391. When any securities have been sold in 2849
reliance upon division (Q), (W), (X), or (Y) of section 1707.03 2850
of the Revised Code, section 1707.08 of the Revised Code, or any 2851
other section of this chapter that the division of securities 2852
may specify by rule, but such reliance was improper because the 2853
required filings were not timely or properly made due to 2854
excusable neglect, upon the effective date of an application 2855
made to the division and payment of any applicable fee, if 2856
required and not already paid, and upon payment of a penalty fee 2857
equal to the greater of the fee or one hundred dollars, the sale 2858
of the securities shall be deemed exempt, qualified, or 2859
registered, as though timely and properly filed. The application 2860
shall become effective upon the expiration of fourteen days 2861
after the date of the filing in question if prior thereto the 2862
division did not give notice to the applicant that the 2863
application was denied based on a finding of lack of excusable 2864
neglect. The division shall promptly adopt and promulgate rules 2865
establishing provisions defining excusable neglect and otherwise 2866
establishing reasonable standards for determining excusable 2867
neglect. 2868

The effectiveness of an application under this section 2869
does not relieve anyone who has, other than for excusable 2870
neglect, violated sections 1707.01 to ~~1707.45~~1707.50 of the 2871
Revised Code, or any previous law in force at the time of sale, 2872
from prosecution thereunder. 2873

Sec. 1707.40. Except as provided in section 1707.261 of 2874

the Revised Code, sections 1707.01 to ~~1707.45~~1707.50 of the 2875
Revised Code create no new civil liabilities, and do not limit 2876
or restrict common law liabilities for deception or fraud other 2877
than as specified in sections 1707.042, 1707.043, 1707.41, 2878
1707.42, and 1707.43 of the Revised Code, and there is no civil 2879
liability for noncompliance with orders, requirements, rules, or 2880
regulations made by the division of securities under sections 2881
1707.19, 1707.20, 1707.201, and 1707.23 of the Revised Code. 2882

Sec. 1707.431. For purposes of this section, the following 2883
persons shall not be deemed to have effected, participated in, 2884
or aided the seller in any way in making, a sale or contract of 2885
sale in violation of sections 1707.01 to ~~1707.45~~1707.50 of the 2886
Revised Code: 2887

(A) Any attorney, accountant, or engineer whose 2888
performance is incidental to the practice of the person's 2889
profession; 2890

(B) Any person, other than an investment adviser, 2891
investment adviser representative, bureau of workers' 2892
compensation chief investment officer, or state retirement 2893
system investment officer, who brings any issuer together with 2894
any potential investor, without receiving, directly or 2895
indirectly, a commission, fee, or other remuneration based on 2896
the sale of any securities by the issuer to the investor. 2897
Remuneration received by the person solely for the purpose of 2898
offsetting the reasonable out-of-pocket costs incurred by the 2899
person shall not be deemed a commission, fee, or other 2900
remuneration. 2901

Any person claiming exemption under this division for a 2902
publicly advertised meeting shall file a notice with the 2903
division of securities indicating an intent to cause or hold 2904

such a meeting at least twenty-one days prior to the meeting. 2905
The division may, upon receipt of such notice, issue an order 2906
denying the availability of an exemption under this division not 2907
more than fourteen days after receipt of the notice based on a 2908
finding that the applicant is not entitled to the exemption. 2909
Notwithstanding the notice described in this section, a failure 2910
to file the notice does not create a presumption that a person 2911
was participating in or aiding in the making of a sale or 2912
contract of sale in violation of this chapter. 2913

(C) Any person whom the division exempts from this 2914
provision by rule. 2915

Sec. 1707.44. (A) (1) No person shall engage in any act or 2916
practice that violates division (A), (B), or (C) of section 2917
1707.14 of the Revised Code, and no salesperson shall sell 2918
securities in this state without being licensed pursuant to 2919
section 1707.16 of the Revised Code. 2920

(2) No person shall engage in any act or practice that 2921
violates division (A) of section 1707.141 or section 1707.161 of 2922
the Revised Code. 2923

(3) No person shall engage in any act or practice that 2924
violates section 1707.162 of the Revised Code. 2925

(4) No person shall engage in any act or practice that 2926
violates section 1707.164 of the Revised Code. 2927

(5) No person shall knowingly engage in any act or 2928
practice that violates division (A) of section 1707.054 or 2929
section 1707.055 of the Revised Code. 2930

(B) No person shall knowingly make or cause to be made any 2931
false representation concerning a material and relevant fact, in 2932
any oral statement or in any prospectus, circular, description, 2933

application, or written statement, for any of the following	2934
purposes:	2935
(1) Registering securities or transactions, or exempting	2936
securities or transactions from registration, under this	2937
chapter;	2938
(2) Securing the qualification of any securities under	2939
this chapter;	2940
(3) Procuring the licensing of any dealer, salesperson,	2941
investment adviser, investment adviser representative, bureau of	2942
workers' compensation chief investment officer, or state	2943
retirement system investment officer, <u>or portal operator as</u>	2944
<u>defined in section 1707.05 of the Revised Code</u> under this	2945
chapter;	2946
(4) Selling any securities in this state;	2947
(5) Advising for compensation, as to the value of	2948
securities or as to the advisability of investing in,	2949
purchasing, or selling securities;	2950
(6) Submitting a notice filing to the division under	2951
division (X) of section 1707.03 or section 1707.092 or 1707.141	2952
of the Revised Code.	2953
(C) No person shall knowingly sell, cause to be sold,	2954
offer for sale, or cause to be offered for sale, any security	2955
which comes under any of the following descriptions:	2956
(1) Is not exempt under section 1707.02 of the Revised	2957
Code, nor the subject matter of one of the transactions exempted	2958
in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has	2959
not been registered by coordination or qualification, and is not	2960
the subject matter of a transaction that has been registered by	2961

description;	2962
(2) The prescribed fees for registering by description, by coordination, or by qualification have not been paid in respect to such security;	2963 2964 2965
(3) The person has been notified by the division, or has knowledge of the notice, that the right to buy, sell, or deal in such security has been suspended or revoked, or that the registration by description, by coordination, or by qualification under which it may be sold has been suspended or revoked;	2966 2967 2968 2969 2970 2971
(4) The offer or sale is accompanied by a statement that the security offered or sold has been or is to be in any manner indorsed by the division.	2972 2973 2974
(D) No person who is an officer, director, or trustee of, or a dealer, <u>or portal operator</u> for, any issuer, and who knows such issuer to be insolvent in that the liabilities of the issuer exceed its assets, shall sell any securities of or for any such issuer, without disclosing the fact of the insolvency to the purchaser.	2975 2976 2977 2978 2979 2980
(E) No person with intent to aid in the sale of any securities on behalf of the issuer, shall knowingly make any representation not authorized by such issuer or at material variance with statements and documents filed with the division by such issuer.	2981 2982 2983 2984 2985
(F) No person, with intent to deceive, shall sell, cause to be sold, offer for sale, or cause to be offered for sale, any securities of an insolvent issuer, with knowledge that such issuer is insolvent in that the liabilities of the issuer exceed its assets, taken at their fair market value.	2986 2987 2988 2989 2990

(G) No person in purchasing or selling securities shall 2991
knowingly engage in any act or practice that is, in this 2992
chapter, declared illegal, defined as fraudulent, or prohibited. 2993

(H) No licensed dealer shall refuse to buy from, sell to, 2994
or trade with any person because the person appears on a 2995
blacklist issued by, or is being boycotted by, any foreign 2996
corporate or governmental entity, nor sell any securities of or 2997
for any issuer who is known in relation to the issuance or sale 2998
of the securities to have engaged in such practices. 2999

(I) No dealer in securities, knowing that the dealer's 3000
liabilities exceed the reasonable value of the dealer's assets, 3001
shall accept money or securities, except in payment of or as 3002
security for an existing debt, from a customer who is ignorant 3003
of the dealer's insolvency, and thereby cause the customer to 3004
lose any part of the customer's securities or the value of those 3005
securities, by doing either of the following without the 3006
customer's consent: 3007

(1) Pledging, selling, or otherwise disposing of such 3008
securities, when the dealer has no lien on or any special 3009
property in such securities; 3010

(2) Pledging such securities for more than the amount due, 3011
or otherwise disposing of such securities for the dealer's own 3012
benefit, when the dealer has a lien or indebtedness on such 3013
securities. 3014

It is an affirmative defense to a charge under this 3015
division that, at the time the securities involved were pledged, 3016
sold, or disposed of, the dealer had in the dealer's possession 3017
or control, and available for delivery, securities of the same 3018
kinds and in amounts sufficient to satisfy all customers 3019

entitled to the securities, upon demand and tender of any amount 3020
due on the securities. 3021

(J) No person, with purpose to deceive, shall make, issue, 3022
publish, or cause to be made, issued, or published any statement 3023
or advertisement as to the value of securities, or as to alleged 3024
facts affecting the value of securities, or as to the financial 3025
condition of any issuer of securities, when the person knows 3026
that the statement or advertisement is false in any material 3027
respect. 3028

(K) No person, with purpose to deceive, shall make, 3029
record, or publish or cause to be made, recorded, or published, 3030
a report of any transaction in securities which is false in any 3031
material respect. 3032

(L) No dealer shall engage in any act that violates the 3033
provisions of section 15(c) or 15(g) of the "Securities Exchange 3034
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any 3035
rule or regulation promulgated by the securities and exchange 3036
commission thereunder. 3037

(M) (1) No investment adviser or investment adviser 3038
representative shall do any of the following: 3039

(a) Employ any device, scheme, or artifice to defraud any 3040
person; 3041

(b) Engage in any act, practice, or course of business 3042
that operates or would operate as a fraud or deceit upon any 3043
person; 3044

(c) In acting as principal for the investment adviser's or 3045
investment adviser representative's own account, knowingly sell 3046
any security to or purchase any security from a client, or in 3047
acting as salesperson for a person other than such client, 3048

knowingly effect any sale or purchase of any security for the 3049
account of such client, without disclosing to the client in 3050
writing before the completion of the transaction the capacity in 3051
which the investment adviser or investment adviser 3052
representative is acting and obtaining the consent of the client 3053
to the transaction. Division (M) (1) (c) of this section does not 3054
apply to any investment adviser registered with the securities 3055
and exchange commission under section 203 of the "Investment 3056
Advisers Act of 1940," 15 U.S.C. 80b-3, or to any transaction 3057
with a customer of a licensed dealer or salesperson if the 3058
licensed dealer or salesperson is not acting as an investment 3059
adviser or investment adviser representative in relation to the 3060
transaction. 3061

(d) Engage in any act, practice, or course of business 3062
that is fraudulent, deceptive, or manipulative. The division of 3063
securities may adopt rules reasonably designed to prevent acts, 3064
practices, or courses of business that are fraudulent, 3065
deceptive, or manipulative. 3066

(2) No investment adviser or investment adviser 3067
representative licensed or required to be licensed under this 3068
chapter shall take or have custody of any securities or funds of 3069
any person, except as provided in rules adopted by the division. 3070

(3) In the solicitation of clients or prospective clients, 3071
no person shall make any untrue statement of a material fact or 3072
omit to state a material fact necessary in order to make the 3073
statements made not misleading in light of the circumstances 3074
under which the statements were made. 3075

(N) No person knowingly shall influence, coerce, 3076
manipulate, or mislead any person engaged in the preparation, 3077
compilation, review, or audit of financial statements to be used 3078

in the purchase or sale of securities for the purpose of 3079
rendering the financial statements materially misleading. 3080

(O) No state retirement system investment officer shall do 3081
any of the following: 3082

(1) Employ any device, scheme, or artifice to defraud any 3083
state retirement system; 3084

(2) Engage in any act, practice, or course of business 3085
that operates or would operate as a fraud or deceit on any state 3086
retirement system; 3087

(3) Engage in any act, practice, or course of business 3088
that is fraudulent, deceptive, or manipulative. The division of 3089
securities may adopt rules reasonably designed to prevent such 3090
acts, practices, or courses of business as are fraudulent, 3091
deceptive, or manipulative; 3092

(4) Knowingly fail to comply with any policy adopted 3093
regarding the officer established pursuant to section 145.094, 3094
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code. 3095

(P) No bureau of workers' compensation chief investment 3096
officer shall do any of the following: 3097

(1) Employ any device, scheme, or artifice to defraud the 3098
workers' compensation system; 3099

(2) Engage in any act, practice, or course of business 3100
that operates or would operate as a fraud or deceit on the 3101
workers' compensation system; 3102

(3) Engage in any act, practice, or course of business 3103
that is fraudulent, deceptive, or manipulative. The division of 3104
securities may adopt rules reasonably designed to prevent such 3105
acts, practices, or courses of business as are fraudulent, 3106

deceptive, or manipulative; 3107

(4) Knowingly fail to comply with any policy adopted 3108
regarding the officer established pursuant to section 4123.441 3109
of the Revised Code. 3110

(Q) (1) No portal operator shall knowingly do any of the 3111
following: 3112

(a) Employ any device, scheme, or artifice to defraud; 3113

(b) Engage in any act, practice, or course of business 3114
that operates as a fraud or deceit; 3115

(c) Engage in any act, practice, or course of business 3116
that is fraudulent, deceptive, or manipulative. 3117

(2) The division of securities may adopt rules reasonably 3118
designed to prevent such acts, practices, or courses of business 3119
that are fraudulent, deceptive, or manipulative. 3120

Sec. 1707.50. (A) As used in this section, "violation" 3121
means a violation of any provision of this chapter in connection 3122
with the sale of securities under sections 1707.05 to 1707.058 3123
of the Revised Code where the filing is made pursuant to 3124
division (K) of section 1707.051 of the Revised Code and the 3125
securities are sold through an OhioInvests portal. 3126

(B) (1) If the division of securities finds, after notice 3127
and opportunity for a hearing in accordance with Chapter 119. of 3128
the Revised Code, that any person has committed a violation, the 3129
division may, in its discretion and in addition to or in lieu of 3130
any other remedy or sanction provided in this chapter, order the 3131
payment of an administrative penalty of up to one thousand 3132
dollars per violation, provided that the total penalty shall not 3133
exceed the total amount of the OhioInvests offering or offerings 3134

involved in the violation. 3135

(2) All administrative penalties collected by the division 3136
under division (B) (1) of this section shall be deposited into 3137
the state treasury to the credit of the division of securities 3138
investor education and enforcement expense fund created in 3139
section 1707.37 of the Revised Code. 3140

(C) (1) A purchaser may commence an individual or putative 3141
class action to seek recovery of the civil penalty provided for 3142
under division (C) (2) of this section for an alleged violation 3143
if all of the following requirements are met: 3144

(a) The purchaser or the purchaser's representative brings 3145
the action within two years after commission of the alleged 3146
violation or within two years after the purchaser discovered or 3147
should have discovered the ground for the violation, whichever 3148
is later. 3149

(b) Not later than ten days after the commencement of the 3150
action, the purchaser or purchaser's representative mails to the 3151
division, by certified mail, a file-stamped copy of the 3152
complaint that includes the case number assigned by the court. 3153

(c) Not later than ten days from a judgment becoming final 3154
and any subsequent appeals becoming final, the purchaser or 3155
purchaser's representative mails to the division, by certified 3156
mail, a file-stamped copy of the final judgment and appellate 3157
decisions. 3158

(2) The civil penalty provided for under this section 3159
shall be as follows: 3160

(a) One hundred dollars per violation, if at the time of 3161
the violation the total amount of money raised in the 3162
OhioInvests offering is less than twenty-five thousand dollars, 3163

provided that the total penalty shall not exceed the total 3164
amount of the OhioInvests offering or offerings involved in the 3165
violation. 3166

(b) Two hundred fifty dollars per violation, if at the 3167
time of the violation the total amount of money raised in the 3168
OhioInvests offering is twenty-five thousand dollars or more, 3169
provided that the total penalty shall not exceed the total 3170
amount of the OhioInvests offering or offerings involved in the 3171
violation. 3172

(3) In any civil action by a purchaser or purchaser's 3173
representative seeking recovery of a civil penalty under this 3174
section, a court may award a lesser amount than the amount 3175
specified in division (C) (2) of this section if, based on the 3176
facts and circumstances of the particular case, to do otherwise 3177
would result in an award that is unjust, arbitrary and 3178
oppressive, or confiscatory. 3179

(4) Civil penalties recovered by a purchaser or purchasers 3180
in accordance with this section shall be distributed as follows: 3181

(a) Twenty-five per cent to the state to be deposited into 3182
the state treasury to the credit of the general revenue fund and 3183
set aside for payment of debt service on outstanding bonds that 3184
are direct obligations of the state; 3185

(b) Seventy-five per cent to the purchaser, purchasers, or 3186
purchaser class. 3187

(5) Purchasers or purchaser classes that prevail in a 3188
civil action brought under this section shall be entitled to 3189
reasonable attorney's fees and costs in the action as determined 3190
by the court. 3191

(6) Nothing in division (C) of this section shall preclude 3192

a purchaser or purchaser's representative from also proceeding 3193
with a cause of action otherwise available under any other 3194
provision of this chapter or other theory of law. 3195

(D) No person shall knowingly engage in any act, practice, 3196
or course of business that would interfere with a purchaser's 3197
ability to bring an individual or putative class action pursuant 3198
to division (C) of this section. 3199

(E) Nothing in this section shall be construed to alter or 3200
limit the authority of the division under any other provision of 3201
this chapter, including but not limited to the ability of the 3202
division to investigate or prosecute any complaints or 3203
allegations under this chapter. Upon timely application, the 3204
division may intervene as of right on behalf of the state in any 3205
private action or appeal that is pending under this section. 3206

(F) The division may adopt rules in accordance with 3207
Chapter 119. of the Revised Code to implement the provisions of 3208
this section. 3209

Sec. 1707.99. Whoever commits any act described in 3210
division (A) of section 1707.042 or section 1707.44 of the 3211
Revised Code is guilty of a violation of sections 1707.01 to 3212
~~1707.45~~1707.50 of the Revised Code and the following apply to 3213
the offender: 3214

(A) If the value of the funds or securities involved in 3215
the offense or the loss to the victim is less than one thousand 3216
dollars, the offender is guilty of a felony of the fifth degree, 3217
and the court may impose upon the offender an additional fine of 3218
not more than two thousand five hundred dollars. 3219

(B) If the value of the funds or securities involved in 3220
the offense or the loss to the victim is one thousand dollars or 3221

more but less than seven thousand five hundred dollars, the 3222
offender is guilty of a felony of the fourth degree, and the 3223
court may impose upon the offender an additional fine of not 3224
more than five thousand dollars. 3225

(C) If the value of the funds or securities involved in 3226
the offense or the loss to the victim is seven thousand five 3227
hundred dollars or more but less than thirty-seven thousand five 3228
hundred dollars, the offender is guilty of a felony of the third 3229
degree, and the court may impose upon the offender an additional 3230
fine of not more than ten thousand dollars. 3231

(D) If the value of the funds or securities involved in 3232
the offense or the loss to the victim is thirty-seven thousand 3233
five hundred dollars or more but less than one hundred fifty 3234
thousand dollars, the offender is guilty of a felony of the 3235
second degree, and the court may impose upon the offender an 3236
additional fine of not more than fifteen thousand dollars. 3237

(E) If the value of the funds or securities involved in 3238
the offense or the loss to the victim is one hundred fifty 3239
thousand dollars or more, the offender is guilty of a felony of 3240
the first degree, and the court may impose upon the offender an 3241
additional fine of not more than twenty thousand dollars. 3242

Sec. 1724.02. (A) In furtherance of the purposes set forth 3243
in section 1724.01 of the Revised Code, a community improvement 3244
corporation shall have the following powers: 3245

(1) (a) To borrow money for any of the purposes of the 3246
community improvement corporation by means of loans, lines of 3247
credit, or any other financial instruments or securities, 3248
including the issuance of its bonds, debentures, notes, or other 3249
evidences of indebtedness, whether secured or unsecured, and to 3250

secure the same by mortgage, pledge, deed of trust, or other 3251
lien on its property, franchises, rights, and privileges of 3252
every kind and nature or any part thereof or interest therein; 3253
and 3254

(b) If the community improvement corporation is a county 3255
land reutilization corporation, the corporation may request, by 3256
resolution: 3257

(i) That the board of county commissioners of the county 3258
served by the corporation pledge a specifically identified 3259
source or sources of revenue pursuant to division (C) of section 3260
307.78 of the Revised Code as security for such borrowing by the 3261
corporation; and 3262

(ii) (I) If the land subject to reutilization is located 3263
within an unincorporated area of the county, that the board of 3264
county commissioners issue notes under section 307.082 of the 3265
Revised Code for the purpose of constructing public 3266
infrastructure improvements and take other actions as the board 3267
determines are in the interest of the county and are authorized 3268
under sections 5709.78 to 5709.81 of the Revised Code or bonds 3269
or notes under section 5709.81 of the Revised Code for the 3270
refunding purposes set forth in that section; or 3271

(II) If the land subject to reutilization is located 3272
within the corporate boundaries of a municipal corporation, that 3273
the municipal corporation issue bonds for the purpose of 3274
constructing public infrastructure improvements and take such 3275
other actions as the municipal corporation determines are in its 3276
interest and are authorized under sections 5709.40 to 5709.43 of 3277
the Revised Code. 3278

(2) To make loans to any person, firm, partnership, 3279

corporation, joint stock company, association, or trust, and to 3280
establish and regulate the terms and conditions with respect to 3281
any such loans; provided that an economic development 3282
corporation shall not approve any application for a loan unless 3283
and until the person applying for said loan shows that the 3284
person has applied for the loan through ordinary banking or 3285
commercial channels and that the loan has been refused by at 3286
least one bank or other financial institution. Nothing in this 3287
division shall preclude a county land reutilization corporation 3288
from making revolving loans to community development 3289
corporations, private entities, or any person for the purposes 3290
contained in the corporation's plan under section 1724.10 of the 3291
Revised Code. 3292

(3) To purchase, receive, hold, manage, lease, lease- 3293
purchase, or otherwise acquire and to sell, convey, transfer, 3294
lease, sublease, or otherwise dispose of real and personal 3295
property, together with such rights and privileges as may be 3296
incidental and appurtenant thereto and the use thereof, 3297
including but not restricted to, any real or personal property 3298
acquired by the community improvement corporation from time to 3299
time in the satisfaction of debts or enforcement of obligations, 3300
and to enter into contracts with third parties, including the 3301
federal government, the state, any political subdivision, or any 3302
other entity. A county land reutilization corporation shall not 3303
acquire an interest in real property if such acquisition causes 3304
the number of occupied real properties held by the corporation 3305
to exceed the greater of either fifty properties or twenty-five 3306
per cent of all real property held by the corporation for 3307
reutilization, reclamation, or rehabilitation. For the purposes 3308
of this division, "occupied real properties" includes all real 3309
properties that are not unoccupied as that term is defined in 3310

section 323.65 of the Revised Code. 3311

(4) To acquire the good will, business, rights, real and 3312
personal property, and other assets, or any part thereof, or 3313
interest therein, of any persons, firms, partnerships, 3314
corporations, joint stock companies, associations, or trusts, 3315
and to assume, undertake, or pay the obligations, debts, and 3316
liabilities of any such person, firm, partnership, corporation, 3317
joint stock company, association, or trust; to acquire, reclaim, 3318
manage, or contract for the management of improved or unimproved 3319
and underutilized real estate for the purpose of constructing 3320
industrial plants, other business establishments, or housing 3321
thereon, or causing the same to occur, for the purpose of 3322
assembling and enhancing utilization of the real estate, or for 3323
the purpose of disposing of such real estate to others in whole 3324
or in part for the construction of industrial plants, other 3325
business establishments, or housing; and to acquire, reclaim, 3326
manage, contract for the management of, construct or 3327
reconstruct, alter, repair, maintain, operate, sell, convey, 3328
transfer, lease, sublease, or otherwise dispose of industrial 3329
plants, business establishments, or housing. 3330

(5) To acquire, subscribe for, own, hold, sell, assign, 3331
transfer, mortgage, pledge, or otherwise dispose of the stock, 3332
shares, bonds, debentures, notes, or other securities and 3333
evidences of interest in, or indebtedness of, any person, firm, 3334
corporation, joint stock company, association, or trust, and 3335
while the owner or holder thereof, to exercise all the rights, 3336
powers, and privileges of ownership, including the right to vote 3337
therein, provided that no tax revenue, if any, received by a 3338
community improvement corporation shall be used for such 3339
acquisition or subscription. 3340

(6) To mortgage, pledge, or otherwise encumber any 3341
property acquired pursuant to the powers contained in division 3342
(A) (3), (4), or (5) of this section. 3343

(7) Nothing in this section shall limit the right of a 3344
community improvement corporation to become a member of or a 3345
stockholder in a corporation formed under Chapter 1726. of the 3346
Revised Code. 3347

(8) To serve as an agent for grant applications and for 3348
the administration of grants, or to make applications as 3349
principal for grants for county land reutilization corporations. 3350

(9) To exercise the powers enumerated under Chapter 5722. 3351
of the Revised Code on behalf of a county that organizes or 3352
contracts with a county land reutilization corporation. 3353

(10) To engage in code enforcement and nuisance abatement, 3354
including, but not limited to, cutting grass and weeds, boarding 3355
up vacant or abandoned structures, and demolishing condemned 3356
structures on properties that are subject to a delinquent tax or 3357
assessment lien, or property for which a municipal corporation 3358
or township has contracted with a county land reutilization 3359
corporation to provide code enforcement or nuisance abatement 3360
assistance. 3361

(11) To charge fees or exchange in-kind goods or services 3362
for services rendered to political subdivisions and other 3363
persons or entities for whom services are rendered. 3364

(12) To employ and provide compensation for an executive 3365
director who shall manage the operations of a county land 3366
reutilization corporation and employ others for the benefit of 3367
the corporation as approved and funded by the board of 3368
directors. No employee of the corporation is or shall be deemed 3369

to be an employee of the political subdivision for whose benefit 3370
the corporation is organized solely because the employee is 3371
employed by the corporation. 3372

(13) To purchase tax certificates at auction, negotiated 3373
sale, or from a third party who purchased and is a holder of one 3374
or more tax certificates issued pursuant to sections 5721.30 to 3375
5721.43 of the Revised Code. 3376

(14) To be assigned a mortgage on real property from a 3377
mortgagee in lieu of acquiring such real property subject to a 3378
mortgage. 3379

(15) To act as a portal operator for purposes of an 3380
OhioInvests offering under sections 1707.05 to 1707.058 of the 3381
Revised Code. 3382

(16) To do all acts and things necessary or convenient to 3383
carry out the purposes of section 1724.01 of the Revised Code 3384
and the powers especially created for a community improvement 3385
corporation in Chapter 1724. of the Revised Code, including, but 3386
not limited to, contracting with the federal government, the 3387
state or any political subdivision, a board of county 3388
commissioners pursuant to section 307.07 of the Revised Code, a 3389
county auditor pursuant to section 319.10 of the Revised Code, a 3390
county treasurer pursuant to section 321.49 of the Revised Code, 3391
and any other party, whether nonprofit or for-profit. An 3392
employee of a board of county commissioners, county auditor, or 3393
county treasurer who, pursuant to a contract entered into in 3394
accordance with section 307.07, 319.10, or 321.49 of the Revised 3395
Code, provides services to a county land reutilization 3396
corporation shall remain an employee of the county during the 3397
provision of those services. 3398

(B) The powers enumerated in this chapter shall not be 3399
construed to limit the general powers of a community improvement 3400
corporation. The powers granted under this chapter are in 3401
addition to those powers granted by any other chapter of the 3402
Revised Code, but, as to a county land reutilization 3403
corporation, shall be used only for the purposes enumerated 3404
under division (B) (2) of section 1724.01 of the Revised Code. 3405

(C) Ownership of real property by an economic development 3406
corporation does not constitute public ownership unless the 3407
economic development corporation has applied for and been 3408
granted a tax exemption for the property under section 5709.08 3409
of the Revised Code. 3410

Sec. 2151.34. (A) As used in this section: 3411

(1) "Court" means the juvenile division of the court of 3412
common pleas of the county in which the person to be protected 3413
by the protection order resides. 3414

(2) "Victim advocate" means a person who provides support 3415
and assistance for a person who files a petition under this 3416
section. 3417

(3) "Family or household member" has the same meaning as 3418
in section 3113.31 of the Revised Code. 3419

(4) "Protection order issued by a court of another state" 3420
has the same meaning as in section 2919.27 of the Revised Code. 3421

(5) "Petitioner" means a person who files a petition under 3422
this section and includes a person on whose behalf a petition 3423
under this section is filed. 3424

(6) "Respondent" means a person who is under eighteen 3425
years of age and against whom a petition is filed under this 3426

section. 3427

(7) "Sexually oriented offense" has the same meaning as in 3428
section 2950.01 of the Revised Code. 3429

(8) "Electronic monitoring" has the same meaning as in 3430
section 2929.01 of the Revised Code. 3431

(9) "Companion animal" has the same meaning as in section 3432
959.131 of the Revised Code. 3433

~~(10) "Expunge" has the same meaning as in section 2151.355-~~ 3434
~~of the Revised Code.~~ 3435

(B) The court has jurisdiction over all proceedings under 3436
this section. 3437

(C) (1) Any of the following persons may seek relief under 3438
this section by filing a petition with the court: 3439

(a) Any person on behalf of that person; 3440

(b) Any parent or adult family or household member on 3441
behalf of any other family or household member; 3442

(c) Any person who is determined by the court in its 3443
discretion as an appropriate person to seek relief under this 3444
section on behalf of any child. 3445

(2) The petition shall contain or state all of the 3446
following: 3447

(a) An allegation that the respondent engaged in a 3448
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3449
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 3450
sexually oriented offense, or engaged in a violation of any 3451
municipal ordinance that is substantially equivalent to any of 3452
those offenses against the person to be protected by the 3453

protection order, including a description of the nature and 3454
extent of the violation; 3455

(b) If the petitioner seeks relief in the form of 3456
electronic monitoring of the respondent, an allegation that at 3457
any time preceding the filing of the petition the respondent 3458
engaged in conduct that would cause a reasonable person to 3459
believe that the health, welfare, or safety of the person to be 3460
protected was at risk, a description of the nature and extent of 3461
that conduct, and an allegation that the respondent presents a 3462
continuing danger to the person to be protected; 3463

(c) A request for relief under this section. 3464

(3) The court in its discretion may determine whether or 3465
not to give notice that a petition has been filed under division 3466
(C)(1) of this section on behalf of a child to any of the 3467
following: 3468

(a) A parent of the child if the petition was filed by any 3469
person other than a parent of the child; 3470

(b) Any person who is determined by the court to be an 3471
appropriate person to receive notice of the filing of the 3472
petition. 3473

(D)(1) If a person who files a petition pursuant to this 3474
section requests an ex parte order, the court shall hold an ex 3475
parte hearing as soon as possible after the petition is filed, 3476
but not later than the next day after the court is in session 3477
after the petition is filed. The court, for good cause shown at 3478
the ex parte hearing, may enter any temporary orders, with or 3479
without bond, that the court finds necessary for the safety and 3480
protection of the person to be protected by the order. Immediate 3481
and present danger to the person to be protected by the 3482

protection order constitutes good cause for purposes of this 3483
section. Immediate and present danger includes, but is not 3484
limited to, situations in which the respondent has threatened 3485
the person to be protected by the protection order with bodily 3486
harm or in which the respondent previously has been convicted 3487
of, pleaded guilty to, or been adjudicated a delinquent child 3488
for committing a violation of section 2903.11, 2903.12, 2903.13, 3489
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 3490
sexually oriented offense, or a violation of any municipal 3491
ordinance that is substantially equivalent to any of those 3492
offenses against the person to be protected by the protection 3493
order. 3494

(2) (a) If the court, after an ex parte hearing, issues a 3495
protection order described in division (E) of this section, the 3496
court shall schedule a full hearing for a date that is within 3497
ten court days after the ex parte hearing. The court shall give 3498
the respondent notice of, and an opportunity to be heard at, the 3499
full hearing. The court also shall give notice of the full 3500
hearing to the parent, guardian, or legal custodian of the 3501
respondent. The court shall hold the full hearing on the date 3502
scheduled under this division unless the court grants a 3503
continuance of the hearing in accordance with this division. 3504
Under any of the following circumstances or for any of the 3505
following reasons, the court may grant a continuance of the full 3506
hearing to a reasonable time determined by the court: 3507

(i) Prior to the date scheduled for the full hearing under 3508
this division, the respondent has not been served with the 3509
petition filed pursuant to this section and notice of the full 3510
hearing. 3511

(ii) The parties consent to the continuance. 3512

(iii) The continuance is needed to allow a party to obtain 3513
counsel. 3514

(iv) The continuance is needed for other good cause. 3515

(b) An ex parte order issued under this section does not 3516
expire because of a failure to serve notice of the full hearing 3517
upon the respondent before the date set for the full hearing 3518
under division (D) (2) (a) of this section or because the court 3519
grants a continuance under that division. 3520

(3) If a person who files a petition pursuant to this 3521
section does not request an ex parte order, or if a person 3522
requests an ex parte order but the court does not issue an ex 3523
parte order after an ex parte hearing, the court shall proceed 3524
as in a normal civil action and grant a full hearing on the 3525
matter. 3526

(E) (1) (a) After an ex parte or full hearing, the court may 3527
issue any protection order, with or without bond, that contains 3528
terms designed to ensure the safety and protection of the person 3529
to be protected by the protection order. The court may include 3530
within a protection order issued under this section a term 3531
requiring that the respondent not remove, damage, hide, harm, or 3532
dispose of any companion animal owned or possessed by the person 3533
to be protected by the order, and may include within the order a 3534
term authorizing the person to be protected by the order to 3535
remove a companion animal owned by the person to be protected by 3536
the order from the possession of the respondent. 3537

(b) After a full hearing, if the court considering a 3538
petition that includes an allegation of the type described in 3539
division (C) (2) (b) of this section or the court, upon its own 3540
motion, finds upon clear and convincing evidence that the 3541

petitioner reasonably believed that the respondent's conduct at 3542
any time preceding the filing of the petition endangered the 3543
health, welfare, or safety of the person to be protected and 3544
that the respondent presents a continuing danger to the person 3545
to be protected and if division (N) of this section does not 3546
prohibit the issuance of an order that the respondent be 3547
electronically monitored, the court may order that the 3548
respondent be electronically monitored for a period of time and 3549
under the terms and conditions that the court determines are 3550
appropriate. Electronic monitoring shall be in addition to any 3551
other relief granted to the petitioner. 3552

(2) (a) Any protection order issued pursuant to this 3553
section shall be valid until a date certain but not later than 3554
the date the respondent attains nineteen years of age. 3555

(b) Any protection order issued pursuant to this section 3556
may be renewed in the same manner as the original order was 3557
issued. 3558

(3) A court may not issue a protection order that requires 3559
a petitioner to do or to refrain from doing an act that the 3560
court may require a respondent to do or to refrain from doing 3561
under division (E) (1) of this section unless all of the 3562
following apply: 3563

(a) The respondent files a separate petition for a 3564
protection order in accordance with this section. 3565

(b) The petitioner is served with notice of the 3566
respondent's petition at least forty-eight hours before the 3567
court holds a hearing with respect to the respondent's petition, 3568
or the petitioner waives the right to receive this notice. 3569

(c) If the petitioner has requested an ex parte order 3570

pursuant to division (D) of this section, the court does not 3571
delay any hearing required by that division beyond the time 3572
specified in that division in order to consolidate the hearing 3573
with a hearing on the petition filed by the respondent. 3574

(d) After a full hearing at which the respondent presents 3575
evidence in support of the request for a protection order and 3576
the petitioner is afforded an opportunity to defend against that 3577
evidence, the court determines that the petitioner has committed 3578
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3579
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 3580
oriented offense, or a violation of any municipal ordinance that 3581
is substantially equivalent to any of those offenses against the 3582
person to be protected by the protection order issued pursuant 3583
to division (E)(3) of this section, or has violated a protection 3584
order issued pursuant to this section or section 2903.213 of the 3585
Revised Code relative to the person to be protected by the 3586
protection order issued pursuant to division (E)(3) of this 3587
section. 3588

(4) No protection order issued pursuant to this section 3589
shall in any manner affect title to any real property. 3590

(5) (a) A protection order issued under this section shall 3591
clearly state that the person to be protected by the order 3592
cannot waive or nullify by invitation or consent any requirement 3593
in the order. 3594

(b) Division (E)(5)(a) of this section does not limit any 3595
discretion of a court to determine that a respondent alleged to 3596
have violated section 2919.27 of the Revised Code, violated a 3597
municipal ordinance substantially equivalent to that section, or 3598
committed contempt of court, which allegation is based on an 3599
alleged violation of a protection order issued under this 3600

section, did not commit the violation or was not in contempt of 3601
court. 3602

(6) Any protection order issued pursuant to this section 3603
shall include a provision that the court will automatically seal 3604
all of the records of the proceeding in which the order is 3605
issued on the date the respondent attains the age of nineteen 3606
years unless the petitioner provides the court with evidence 3607
that the respondent has not complied with all of the terms of 3608
the protection order. The protection order shall specify the 3609
date when the respondent attains the age of nineteen years. 3610

(F) (1) The court shall cause the delivery of a copy of any 3611
protection order that is issued under this section to the 3612
petitioner, to the respondent, and to all law enforcement 3613
agencies that have jurisdiction to enforce the order. The court 3614
shall direct that a copy of the order be delivered to the 3615
respondent and the parent, guardian, or legal custodian of the 3616
respondent on the same day that the order is entered. 3617

(2) Upon the issuance of a protection order under this 3618
section, the court shall provide the parties to the order with 3619
the following notice orally or by form: 3620

"NOTICE 3621

As a result of this order, it may be unlawful for you to 3622
possess or purchase a firearm, including a rifle, pistol, or 3623
revolver, or ammunition pursuant to federal law under 18 U.S.C. 3624
922(g) (8) for the duration of this order. If you have any 3625
questions whether this law makes it illegal for you to possess 3626
or purchase a firearm or ammunition, you should consult an 3627
attorney." 3628

(3) All law enforcement agencies shall establish and 3629

maintain an index for the protection orders delivered to the 3630
agencies pursuant to division (F)(1) of this section. With 3631
respect to each order delivered, each agency shall note on the 3632
index the date and time that it received the order. 3633

(4) Regardless of whether the petitioner has registered 3634
the protection order in the county in which the officer's agency 3635
has jurisdiction pursuant to division (M) of this section, any 3636
officer of a law enforcement agency shall enforce a protection 3637
order issued pursuant to this section by any court in this state 3638
in accordance with the provisions of the order, including 3639
removing the respondent from the premises, if appropriate. 3640

(G)(1) Any proceeding under this section shall be 3641
conducted in accordance with the Rules of Civil Procedure, 3642
except that a protection order may be obtained under this 3643
section with or without bond. An order issued under this 3644
section, other than an ex parte order, that grants a protection 3645
order, or that refuses to grant a protection order, is a final, 3646
appealable order. The remedies and procedures provided in this 3647
section are in addition to, and not in lieu of, any other 3648
available civil or criminal remedies or any other available 3649
remedies under Chapter 2151. or 2152. of the Revised Code. 3650

(2) If as provided in division (G)(1) of this section an 3651
order issued under this section, other than an ex parte order, 3652
refuses to grant a protection order, the court, on its own 3653
motion, shall order that the ex parte order issued under this 3654
section and all of the records pertaining to that ex parte order 3655
be ~~expunged~~ sealed after either of the following occurs: 3656

(a) ~~The period of the notice of appeal from the order that~~ 3657
~~refuses to grant a protection order has expired~~ No party has 3658
exercised the right to appeal pursuant to Rule 4 of the Rules of 3659

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~~(b) The order that refuses to grant the protection order~~ 3661
~~is appealed and an appellate court to which the last appeal of~~ 3662
~~that order is taken affirms the order.~~ All appellate rights have 3663
been exhausted. 3664

(H) The filing of proceedings under this section does not 3665
excuse a person from filing any report or giving any notice 3666
required by section 2151.421 of the Revised Code or by any other 3667
law. 3668

(I) Any law enforcement agency that investigates an 3669
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3670
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 3671
commission of a sexually oriented offense, or an alleged 3672
violation of a municipal ordinance that is substantially 3673
equivalent to any of those offenses shall provide information to 3674
the victim and the family or household members of the victim 3675
regarding the relief available under this section. 3676

(J) (1) Subject to division (J) (2) of this section and 3677
regardless of whether a protection order is issued or a consent 3678
agreement is approved by a court of another county or by a court 3679
of another state, no court or unit of state or local government 3680
shall charge the petitioner any fee, cost, deposit, or money in 3681
connection with the filing of a petition pursuant to this 3682
section, in connection with the filing, issuance, registration, 3683
modification, enforcement, dismissal, withdrawal, or service of 3684
a protection order, consent agreement, or witness subpoena or 3685
for obtaining a certified copy of a protection order or consent 3686
agreement. 3687

(2) Regardless of whether a protection order is issued or 3688

a consent agreement is approved pursuant to this section, the 3689
court may assess costs against the respondent in connection with 3690
the filing, issuance, registration, modification, enforcement, 3691
dismissal, withdrawal, or service of a protection order, consent 3692
agreement, or witness subpoena or for obtaining a certified copy 3693
of a protection order or consent agreement. 3694

(K) (1) A person who violates a protection order issued 3695
under this section is subject to the following sanctions: 3696

(a) A delinquent child proceeding or a criminal 3697
prosecution for a violation of section 2919.27 of the Revised 3698
Code, if the violation of the protection order constitutes a 3699
violation of that section; 3700

(b) Punishment for contempt of court. 3701

(2) The punishment of a person for contempt of court for 3702
violation of a protection order issued under this section does 3703
not bar criminal prosecution of the person or a delinquent child 3704
proceeding concerning the person for a violation of section 3705
2919.27 of the Revised Code. However, a person punished for 3706
contempt of court is entitled to credit for the punishment 3707
imposed upon conviction of or adjudication as a delinquent child 3708
for a violation of that section, and a person convicted of or 3709
adjudicated a delinquent child for a violation of that section 3710
shall not subsequently be punished for contempt of court arising 3711
out of the same activity. 3712

(L) In all stages of a proceeding under this section, a 3713
petitioner may be accompanied by a victim advocate. 3714

(M) (1) A petitioner who obtains a protection order under 3715
this section may provide notice of the issuance or approval of 3716
the order to the judicial and law enforcement officials in any 3717

county other than the county in which the order is issued by 3718
registering that order in the other county pursuant to division 3719
(M) (2) of this section and filing a copy of the registered order 3720
with a law enforcement agency in the other county in accordance 3721
with that division. A person who obtains a protection order 3722
issued by a court of another state may provide notice of the 3723
issuance of the order to the judicial and law enforcement 3724
officials in any county of this state by registering the order 3725
in that county pursuant to section 2919.272 of the Revised Code 3726
and filing a copy of the registered order with a law enforcement 3727
agency in that county. 3728

(2) A petitioner may register a protection order issued 3729
pursuant to this section in a county other than the county in 3730
which the court that issued the order is located in the 3731
following manner: 3732

(a) The petitioner shall obtain a certified copy of the 3733
order from the clerk of the court that issued the order and 3734
present that certified copy to the clerk of the court of common 3735
pleas or the clerk of a municipal court or county court in the 3736
county in which the order is to be registered. 3737

(b) Upon accepting the certified copy of the order for 3738
registration, the clerk of the court of common pleas, municipal 3739
court, or county court shall place an endorsement of 3740
registration on the order and give the petitioner a copy of the 3741
order that bears that proof of registration. 3742

(3) The clerk of each court of common pleas, municipal 3743
court, or county court shall maintain a registry of certified 3744
copies of protection orders that have been issued by courts in 3745
other counties pursuant to this section and that have been 3746
registered with the clerk. 3747

(N) If the court orders electronic monitoring of the 3748
respondent under this section, the court shall direct the 3749
sheriff's office or any other appropriate law enforcement agency 3750
to install the electronic monitoring device and to monitor the 3751
respondent. Unless the court determines that the respondent is 3752
indigent, the court shall order the respondent to pay the cost 3753
of the installation and monitoring of the electronic monitoring 3754
device. If the court determines that the respondent is indigent 3755
and subject to the maximum amount allowable to be paid in any 3756
year from the fund and the rules promulgated by the attorney 3757
general under section 2903.214 of the Revised Code, the cost of 3758
the installation and monitoring of the electronic monitoring 3759
device may be paid out of funds from the reparations fund 3760
created pursuant to section 2743.191 of the Revised Code. The 3761
total amount paid from the reparations fund created pursuant to 3762
section 2743.191 of the Revised Code for electronic monitoring 3763
under this section and sections 2903.214 and 2919.27 of the 3764
Revised Code shall not exceed three hundred thousand dollars per 3765
year. When the total amount paid from the reparations fund in 3766
any year for electronic monitoring under those sections equals 3767
or exceeds three hundred thousand dollars, the court shall not 3768
order pursuant to this section that an indigent respondent be 3769
electronically monitored. 3770

(O) The court, in its discretion, may determine if the 3771
respondent is entitled to court-appointed counsel in a 3772
proceeding under this section. 3773

Sec. 2903.213. (A) Except when the complaint involves a 3774
person who is a family or household member as defined in section 3775
2919.25 of the Revised Code, upon the filing of a complaint that 3776
alleges a violation of section 2903.11, 2903.12, 2903.13, 3777
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 3778

violation of a municipal ordinance substantially similar to 3779
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 3780
Revised Code, or the commission of a sexually oriented offense, 3781
the complainant, the alleged victim, or a family or household 3782
member of an alleged victim may file a motion that requests the 3783
issuance of a protection order as a pretrial condition of 3784
release of the alleged offender, in addition to any bail set 3785
under Criminal Rule 46. The motion shall be filed with the clerk 3786
of the court that has jurisdiction of the case at any time after 3787
the filing of the complaint. If the complaint involves a person 3788
who is a family or household member, the complainant, the 3789
alleged victim, or the family or household member may file a 3790
motion for a temporary protection order pursuant to section 3791
2919.26 of the Revised Code. 3792

(B) A motion for a protection order under this section 3793
shall be prepared on a form that is provided by the clerk of the 3794
court, and the form shall be substantially as follows: 3795

"Motion for Protection Order 3796
..... 3797
Name and address of court 3798
3799

State of Ohio 3800

v. No. 3801

..... 3802

Name of Defendant 3803

(Name of person), moves the court to issue a protection order 3804
containing terms designed to ensure the safety and protection of 3805
the complainant or the alleged victim in the above-captioned 3806

case, in relation to the named defendant, pursuant to its 3807
authority to issue a protection order under section 2903.213 of 3808
the Revised Code. 3809

A complaint, a copy of which has been attached to this 3810
motion, has been filed in this court charging the named 3811
defendant with a violation of section 2903.11, 2903.12, 2903.13, 3812
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 3813
violation of a municipal ordinance substantially similar to 3814
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 3815
Revised Code, or the commission of a sexually oriented offense. 3816

I understand that I must appear before the court, at a 3817
time set by the court not later than the next day that the court 3818
is in session after the filing of this motion, for a hearing on 3819
the motion, and that any protection order granted pursuant to 3820
this motion is a pretrial condition of release and is effective 3821
only until the disposition of the criminal proceeding arising 3822
out of the attached complaint or until the issuance under 3823
section 2903.214 of the Revised Code of a protection order 3824
arising out of the same activities as those that were the basis 3825
of the attached complaint. 3826

..... 3827

Signature of person 3828

..... 3829

Address of person" 3830

(C) (1) As soon as possible after the filing of a motion 3831
that requests the issuance of a protection order under this 3832
section, but not later than the next day that the court is in 3833
session after the filing of the motion, the court shall conduct 3834
a hearing to determine whether to issue the order. The person 3835

who requested the order shall appear before the court and 3836
provide the court with the information that it requests 3837
concerning the basis of the motion. If the court finds that the 3838
safety and protection of the complainant or the alleged victim 3839
may be impaired by the continued presence of the alleged 3840
offender, the court may issue a protection order under this 3841
section, as a pretrial condition of release, that contains terms 3842
designed to ensure the safety and protection of the complainant 3843
or the alleged victim, including a requirement that the alleged 3844
offender refrain from entering the residence, school, business, 3845
or place of employment of the complainant or the alleged victim. 3846
The court may include within a protection order issued under 3847
this section a term requiring that the alleged offender not 3848
remove, damage, hide, harm, or dispose of any companion animal 3849
owned or possessed by the complainant or the alleged victim, and 3850
may include within the order a term authorizing the complainant 3851
or the alleged victim to remove a companion animal owned by the 3852
complainant or the alleged victim from the possession of the 3853
alleged offender. 3854

(2) (a) If the court issues a protection order under this 3855
section that includes a requirement that the alleged offender 3856
refrain from entering the residence, school, business, or place 3857
of employment of the complainant or the alleged victim, the 3858
order shall clearly state that the order cannot be waived or 3859
nullified by an invitation to the alleged offender from the 3860
complainant, the alleged victim, or a family or household member 3861
to enter the residence, school, business, or place of employment 3862
or by the alleged offender's entry into one of those places 3863
otherwise upon the consent of the complainant, the alleged 3864
victim, or a family or household member. 3865

(b) Division (C) (2) (a) of this section does not limit any 3866

discretion of a court to determine that an alleged offender 3867
charged with a violation of section 2919.27 of the Revised Code, 3868
with a violation of a municipal ordinance substantially 3869
equivalent to that section, or with contempt of court, which 3870
charge is based on an alleged violation of a protection order 3871
issued under this section, did not commit the violation or was 3872
not in contempt of court. 3873

(D) (1) Except when the complaint involves a person who is 3874
a family or household member as defined in section 2919.25 of 3875
the Revised Code, upon the filing of a complaint that alleges a 3876
violation specified in division (A) of this section, the court, 3877
upon its own motion, may issue a protection order under this 3878
section as a pretrial condition of release of the alleged 3879
offender if it finds that the safety and protection of the 3880
complainant or the alleged victim may be impaired by the 3881
continued presence of the alleged offender. 3882

(2) ~~(a)~~ If the court issues a protection order under this 3883
section as an ex parte order, it shall conduct, as soon as 3884
possible after the issuance of the order but not later than the 3885
next day that the court is in session after its issuance, a 3886
hearing to determine whether the order should remain in effect, 3887
be modified, or be revoked. The hearing shall be conducted under 3888
the standards set forth in division (C) of this section. 3889

~~(b) If at a hearing conducted under division (D) (2) (a) of~~ 3890
~~this section the court determines that the ex parte order that~~ 3891
~~the court issued should be revoked, the court, on its own~~ 3892
~~motion, shall order that the ex parte order that is revoked and~~ 3893
~~all of the records pertaining to that ex parte order be~~ 3894
~~expunged.~~ 3895

(3) If a municipal court or a county court issues a 3896

protection order under this section and if, subsequent to the 3897
issuance of the order, the alleged offender who is the subject 3898
of the order is bound over to the court of common pleas for 3899
prosecution of a felony arising out of the same activities as 3900
those that were the basis of the complaint upon which the order 3901
is based, notwithstanding the fact that the order was issued by 3902
a municipal court or county court, the order shall remain in 3903
effect, as though it were an order of the court of common pleas, 3904
while the charges against the alleged offender are pending in 3905
the court of common pleas, for the period of time described in 3906
division (E) (2) of this section, and the court of common pleas 3907
has exclusive jurisdiction to modify the order issued by the 3908
municipal court or county court. This division applies when the 3909
alleged offender is bound over to the court of common pleas as a 3910
result of the person waiving a preliminary hearing on the felony 3911
charge, as a result of the municipal court or county court 3912
having determined at a preliminary hearing that there is 3913
probable cause to believe that the felony has been committed and 3914
that the alleged offender committed it, as a result of the 3915
alleged offender having been indicted for the felony, or in any 3916
other manner. 3917

(E) A protection order that is issued as a pretrial 3918
condition of release under this section: 3919

(1) Is in addition to, but shall not be construed as a 3920
part of, any bail set under Criminal Rule 46; 3921

(2) Is effective only until the disposition, by the court 3922
that issued the order or, in the circumstances described in 3923
division (D) (3) of this section, by the court of common pleas to 3924
which the alleged offender is bound over for prosecution, of the 3925
criminal proceeding arising out of the complaint upon which the 3926

order is based or until the issuance under section 2903.214 of 3927
the Revised Code of a protection order arising out of the same 3928
activities as those that were the basis of the complaint filed 3929
under this section; 3930

(3) Shall not be construed as a finding that the alleged 3931
offender committed the alleged offense and shall not be 3932
introduced as evidence of the commission of the offense at the 3933
trial of the alleged offender on the complaint upon which the 3934
order is based. 3935

(F) A person who meets the criteria for bail under 3936
Criminal Rule 46 and who, if required to do so pursuant to that 3937
rule, executes or posts bond or deposits cash or securities as 3938
bail, shall not be held in custody pending a hearing before the 3939
court on a motion requesting a protection order under this 3940
section. 3941

(G) (1) A copy of a protection order that is issued under 3942
this section shall be issued by the court to the complainant, to 3943
the alleged victim, to the person who requested the order, to 3944
the defendant, and to all law enforcement agencies that have 3945
jurisdiction to enforce the order. The court shall direct that a 3946
copy of the order be delivered to the defendant on the same day 3947
that the order is entered. If a municipal court or a county 3948
court issues a protection order under this section and if, 3949
subsequent to the issuance of the order, the defendant who is 3950
the subject of the order is bound over to the court of common 3951
pleas for prosecution as described in division (D) (3) of this 3952
section, the municipal court or county court shall direct that a 3953
copy of the order be delivered to the court of common pleas to 3954
which the defendant is bound over. 3955

(2) All law enforcement agencies shall establish and 3956

maintain an index for the protection orders delivered to the 3957
agencies pursuant to division (G) (1) of this section. With 3958
respect to each order delivered, each agency shall note on the 3959
index the date and time of the agency's receipt of the order. 3960

(3) Regardless of whether the petitioner has registered 3961
the protection order in the county in which the officer's agency 3962
has jurisdiction, any officer of a law enforcement agency shall 3963
enforce a protection order issued pursuant to this section in 3964
accordance with the provisions of the order. 3965

(H) Upon a violation of a protection order issued pursuant 3966
to this section, the court may issue another protection order 3967
under this section, as a pretrial condition of release, that 3968
modifies the terms of the order that was violated. 3969

(I) (1) Subject to division (I) (2) of this section and 3970
regardless of whether a protection order is issued or a consent 3971
agreement is approved by a court of another county or by a court 3972
of another state, no court or unit of state or local government 3973
shall charge the movant any fee, cost, deposit, or money in 3974
connection with the filing of a motion pursuant to this section, 3975
in connection with the filing, issuance, registration, 3976
modification, enforcement, dismissal, withdrawal, or service of 3977
a protection order, consent agreement, or witness subpoena or 3978
for obtaining certified copies of a protection order or consent 3979
agreement. 3980

(2) Regardless of whether a protection order is issued or 3981
a consent agreement is approved pursuant to this section, if the 3982
defendant is convicted the court may assess costs against the 3983
defendant in connection with the filing, issuance, registration, 3984
modification, enforcement, dismissal, withdrawal, or service of 3985
a protection order, consent agreement, or witness subpoena or 3986

for obtaining a certified copy of a protection order or consent agreement.	3987 3988
(J) As used in this section:	3989
(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	3990 3991
(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	3992 3993
(3) "Expunge" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.	3994 3995 3996 3997
Sec. 2903.214. (A) As used in this section:	3998
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	3999 4000 4001
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	4002 4003 4004
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	4005 4006
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	4007 4008
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	4009 4010
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	4011 4012
(7) "Companion animal" has the same meaning as in section	4013

959.131 of the Revised Code. 4014

~~(8) "Expunge" has the same meaning as in section 2903.213
of the Revised Code.~~ 4015
4016

(B) The court has jurisdiction over all proceedings under 4017
this section. 4018

(C) A person may seek relief under this section for the 4019
person, or any parent or adult household member may seek relief 4020
under this section on behalf of any other family or household 4021
member, by filing a petition with the court. The petition shall 4022
contain or state all of the following: 4023

(1) An allegation that the respondent is eighteen years of 4024
age or older and engaged in a violation of section 2903.211 of 4025
the Revised Code against the person to be protected by the 4026
protection order or committed a sexually oriented offense 4027
against the person to be protected by the protection order, 4028
including a description of the nature and extent of the 4029
violation; 4030

(2) If the petitioner seeks relief in the form of 4031
electronic monitoring of the respondent, an allegation that at 4032
any time preceding the filing of the petition the respondent 4033
engaged in conduct that would cause a reasonable person to 4034
believe that the health, welfare, or safety of the person to be 4035
protected was at risk, a description of the nature and extent of 4036
that conduct, and an allegation that the respondent presents a 4037
continuing danger to the person to be protected; 4038

(3) A request for relief under this section. 4039

(D) (1) If a person who files a petition pursuant to this 4040
section requests an ex parte order, the court shall hold an ex 4041
parte hearing as soon as possible after the petition is filed, 4042

but not later than the next day that the court is in session 4043
after the petition is filed. The court, for good cause shown at 4044
the ex parte hearing, may enter any temporary orders, with or 4045
without bond, that the court finds necessary for the safety and 4046
protection of the person to be protected by the order. Immediate 4047
and present danger to the person to be protected by the 4048
protection order constitutes good cause for purposes of this 4049
section. Immediate and present danger includes, but is not 4050
limited to, situations in which the respondent has threatened 4051
the person to be protected by the protection order with bodily 4052
harm or in which the respondent previously has been convicted of 4053
or pleaded guilty to a violation of section 2903.211 of the 4054
Revised Code or a sexually oriented offense against the person 4055
to be protected by the protection order. 4056

(2) (a) If the court, after an ex parte hearing, issues a 4057
protection order described in division (E) of this section, the 4058
court shall schedule a full hearing for a date that is within 4059
ten court days after the ex parte hearing. The court shall give 4060
the respondent notice of, and an opportunity to be heard at, the 4061
full hearing. The court shall hold the full hearing on the date 4062
scheduled under this division unless the court grants a 4063
continuance of the hearing in accordance with this division. 4064
Under any of the following circumstances or for any of the 4065
following reasons, the court may grant a continuance of the full 4066
hearing to a reasonable time determined by the court: 4067

(i) Prior to the date scheduled for the full hearing under 4068
this division, the respondent has not been served with the 4069
petition filed pursuant to this section and notice of the full 4070
hearing. 4071

(ii) The parties consent to the continuance. 4072

(iii) The continuance is needed to allow a party to obtain 4073
counsel. 4074

(iv) The continuance is needed for other good cause. 4075

(b) An ex parte order issued under this section does not 4076
expire because of a failure to serve notice of the full hearing 4077
upon the respondent before the date set for the full hearing 4078
under division (D) (2) (a) of this section or because the court 4079
grants a continuance under that division. 4080

(3) If a person who files a petition pursuant to this 4081
section does not request an ex parte order, or if a person 4082
requests an ex parte order but the court does not issue an ex 4083
parte order after an ex parte hearing, the court shall proceed 4084
as in a normal civil action and grant a full hearing on the 4085
matter. 4086

(E) (1) (a) After an ex parte or full hearing, the court may 4087
issue any protection order, with or without bond, that contains 4088
terms designed to ensure the safety and protection of the person 4089
to be protected by the protection order, including, but not 4090
limited to, a requirement that the respondent refrain from 4091
entering the residence, school, business, or place of employment 4092
of the petitioner or family or household member. If the court 4093
includes a requirement that the respondent refrain from entering 4094
the residence, school, business, or place of employment of the 4095
petitioner or family or household member in the order, it also 4096
shall include in the order provisions of the type described in 4097
division (E) (5) of this section. The court may include within a 4098
protection order issued under this section a term requiring that 4099
the respondent not remove, damage, hide, harm, or dispose of any 4100
companion animal owned or possessed by the person to be 4101
protected by the order, and may include within the order a term 4102

authorizing the person to be protected by the order to remove a 4103
companion animal owned by the person to be protected by the 4104
order from the possession of the respondent. 4105

(b) After a full hearing, if the court considering a 4106
petition that includes an allegation of the type described in 4107
division (C) (2) of this section, or the court upon its own 4108
motion, finds upon clear and convincing evidence that the 4109
petitioner reasonably believed that the respondent's conduct at 4110
any time preceding the filing of the petition endangered the 4111
health, welfare, or safety of the person to be protected and 4112
that the respondent presents a continuing danger to the person 4113
to be protected, the court may order that the respondent be 4114
electronically monitored for a period of time and under the 4115
terms and conditions that the court determines are appropriate. 4116
Electronic monitoring shall be in addition to any other relief 4117
granted to the petitioner. 4118

(2) (a) Any protection order issued pursuant to this 4119
section shall be valid until a date certain but not later than 4120
five years from the date of its issuance. 4121

(b) Any protection order issued pursuant to this section 4122
may be renewed in the same manner as the original order was 4123
issued. 4124

(3) A court may not issue a protection order that requires 4125
a petitioner to do or to refrain from doing an act that the 4126
court may require a respondent to do or to refrain from doing 4127
under division (E) (1) of this section unless all of the 4128
following apply: 4129

(a) The respondent files a separate petition for a 4130
protection order in accordance with this section. 4131

(b) The petitioner is served with notice of the 4132
respondent's petition at least forty-eight hours before the 4133
court holds a hearing with respect to the respondent's petition, 4134
or the petitioner waives the right to receive this notice. 4135

(c) If the petitioner has requested an ex parte order 4136
pursuant to division (D) of this section, the court does not 4137
delay any hearing required by that division beyond the time 4138
specified in that division in order to consolidate the hearing 4139
with a hearing on the petition filed by the respondent. 4140

(d) After a full hearing at which the respondent presents 4141
evidence in support of the request for a protection order and 4142
the petitioner is afforded an opportunity to defend against that 4143
evidence, the court determines that the petitioner has committed 4144
a violation of section 2903.211 of the Revised Code against the 4145
person to be protected by the protection order issued pursuant 4146
to division (E) (3) of this section, has committed a sexually 4147
oriented offense against the person to be protected by the 4148
protection order issued pursuant to division (E) (3) of this 4149
section, or has violated a protection order issued pursuant to 4150
section 2903.213 of the Revised Code relative to the person to 4151
be protected by the protection order issued pursuant to division 4152
(E) (3) of this section. 4153

(4) No protection order issued pursuant to this section 4154
shall in any manner affect title to any real property. 4155

(5) (a) If the court issues a protection order under this 4156
section that includes a requirement that the alleged offender 4157
refrain from entering the residence, school, business, or place 4158
of employment of the petitioner or a family or household member, 4159
the order shall clearly state that the order cannot be waived or 4160
nullified by an invitation to the alleged offender from the 4161

complainant to enter the residence, school, business, or place 4162
of employment or by the alleged offender's entry into one of 4163
those places otherwise upon the consent of the petitioner or 4164
family or household member. 4165

(b) Division (E) (5) (a) of this section does not limit any 4166
discretion of a court to determine that an alleged offender 4167
charged with a violation of section 2919.27 of the Revised Code, 4168
with a violation of a municipal ordinance substantially 4169
equivalent to that section, or with contempt of court, which 4170
charge is based on an alleged violation of a protection order 4171
issued under this section, did not commit the violation or was 4172
not in contempt of court. 4173

(F) (1) The court shall cause the delivery of a copy of any 4174
protection order that is issued under this section to the 4175
petitioner, to the respondent, and to all law enforcement 4176
agencies that have jurisdiction to enforce the order. The court 4177
shall direct that a copy of the order be delivered to the 4178
respondent on the same day that the order is entered. 4179

(2) Upon the issuance of a protection order under this 4180
section, the court shall provide the parties to the order with 4181
the following notice orally or by form: 4182

"NOTICE 4183

As a result of this order, it may be unlawful for you to 4184
possess or purchase a firearm, including a rifle, pistol, or 4185
revolver, or ammunition pursuant to federal law under 18 U.S.C. 4186
922(g) (8) for the duration of this order. If you have any 4187
questions whether this law makes it illegal for you to possess 4188
or purchase a firearm or ammunition, you should consult an 4189
attorney." 4190

(3) All law enforcement agencies shall establish and 4191
maintain an index for the protection orders delivered to the 4192
agencies pursuant to division (F) (1) of this section. With 4193
respect to each order delivered, each agency shall note on the 4194
index the date and time that it received the order. 4195

(4) Regardless of whether the petitioner has registered 4196
the protection order in the county in which the officer's agency 4197
has jurisdiction pursuant to division (M) of this section, any 4198
officer of a law enforcement agency shall enforce a protection 4199
order issued pursuant to this section by any court in this state 4200
in accordance with the provisions of the order, including 4201
removing the respondent from the premises, if appropriate. 4202

(G) (1) Any proceeding under this section shall be 4203
conducted in accordance with the Rules of Civil Procedure, 4204
except that a protection order may be obtained under this 4205
section with or without bond. An order issued under this 4206
section, other than an ex parte order, that grants a protection 4207
order, or that refuses to grant a protection order, is a final, 4208
appealable order. The remedies and procedures provided in this 4209
section are in addition to, and not in lieu of, any other 4210
available civil or criminal remedies. 4211

(2) If as provided in division (G) (1) of this section an 4212
order issued under this section, other than an ex parte order, 4213
refuses to grant a protection order, the court, on its own 4214
motion, shall order that the ex parte order issued under this 4215
section and all of the records pertaining to that ex parte order 4216
be ~~expunged~~ sealed after either of the following occurs: 4217

(a) ~~The period of the notice of appeal from the order that~~ 4218
~~refuses to grant a protection order has expired~~ No party has 4219
exercised the right to appeal pursuant to Rule 4 of the Rules of 4220

Appellate Procedure. 4221

~~(b) The order that refuses to grant the protection order~~ 4222
~~is appealed and an appellate court to which the last appeal of~~ 4223
~~that order is taken affirms the order.~~ All appellate rights have 4224
been exhausted. 4225

(H) The filing of proceedings under this section does not 4226
excuse a person from filing any report or giving any notice 4227
required by section 2151.421 of the Revised Code or by any other 4228
law. 4229

(I) Any law enforcement agency that investigates an 4230
alleged violation of section 2903.211 of the Revised Code or an 4231
alleged commission of a sexually oriented offense shall provide 4232
information to the victim and the family or household members of 4233
the victim regarding the relief available under this section and 4234
section 2903.213 of the Revised Code. 4235

(J) (1) Subject to division (J) (2) of this section and 4236
regardless of whether a protection order is issued or a consent 4237
agreement is approved by a court of another county or by a court 4238
of another state, no court or unit of state or local government 4239
shall charge the petitioner any fee, cost, deposit, or money in 4240
connection with the filing of a petition pursuant to this 4241
section, in connection with the filing, issuance, registration, 4242
modification, enforcement, dismissal, withdrawal, or service of 4243
a protection order, consent agreement, or witness subpoena or 4244
for obtaining a certified copy of a protection order or consent 4245
agreement. 4246

(2) Regardless of whether a protection order is issued or 4247
a consent agreement is approved pursuant to this section, the 4248
court may assess costs against the respondent in connection with 4249

the filing, issuance, registration, modification, enforcement, 4250
dismissal, withdrawal, or service of a protection order, consent 4251
agreement, or witness subpoena or for obtaining a certified copy 4252
of a protection order or consent agreement. 4253

(K) (1) A person who violates a protection order issued 4254
under this section is subject to the following sanctions: 4255

(a) Criminal prosecution for a violation of section 4256
2919.27 of the Revised Code, if the violation of the protection 4257
order constitutes a violation of that section; 4258

(b) Punishment for contempt of court. 4259

(2) The punishment of a person for contempt of court for 4260
violation of a protection order issued under this section does 4261
not bar criminal prosecution of the person for a violation of 4262
section 2919.27 of the Revised Code. However, a person punished 4263
for contempt of court is entitled to credit for the punishment 4264
imposed upon conviction of a violation of that section, and a 4265
person convicted of a violation of that section shall not 4266
subsequently be punished for contempt of court arising out of 4267
the same activity. 4268

(L) In all stages of a proceeding under this section, a 4269
petitioner may be accompanied by a victim advocate. 4270

(M) (1) A petitioner who obtains a protection order under 4271
this section or a protection order under section 2903.213 of the 4272
Revised Code may provide notice of the issuance or approval of 4273
the order to the judicial and law enforcement officials in any 4274
county other than the county in which the order is issued by 4275
registering that order in the other county pursuant to division 4276
(M) (2) of this section and filing a copy of the registered order 4277
with a law enforcement agency in the other county in accordance 4278

with that division. A person who obtains a protection order 4279
issued by a court of another state may provide notice of the 4280
issuance of the order to the judicial and law enforcement 4281
officials in any county of this state by registering the order 4282
in that county pursuant to section 2919.272 of the Revised Code 4283
and filing a copy of the registered order with a law enforcement 4284
agency in that county. 4285

(2) A petitioner may register a protection order issued 4286
pursuant to this section or section 2903.213 of the Revised Code 4287
in a county other than the county in which the court that issued 4288
the order is located in the following manner: 4289

(a) The petitioner shall obtain a certified copy of the 4290
order from the clerk of the court that issued the order and 4291
present that certified copy to the clerk of the court of common 4292
pleas or the clerk of a municipal court or county court in the 4293
county in which the order is to be registered. 4294

(b) Upon accepting the certified copy of the order for 4295
registration, the clerk of the court of common pleas, municipal 4296
court, or county court shall place an endorsement of 4297
registration on the order and give the petitioner a copy of the 4298
order that bears that proof of registration. 4299

(3) The clerk of each court of common pleas, municipal 4300
court, or county court shall maintain a registry of certified 4301
copies of protection orders that have been issued by courts in 4302
other counties pursuant to this section or section 2903.213 of 4303
the Revised Code and that have been registered with the clerk. 4304

(N) (1) If the court orders electronic monitoring of the 4305
respondent under this section, the court shall direct the 4306
sheriff's office or any other appropriate law enforcement agency 4307

to install the electronic monitoring device and to monitor the 4308
respondent. Unless the court determines that the respondent is 4309
indigent, the court shall order the respondent to pay the cost 4310
of the installation and monitoring of the electronic monitoring 4311
device. If the court determines that the respondent is indigent 4312
and subject to the maximum amount allowable to be paid in any 4313
year from the fund and the rules promulgated by the attorney 4314
general under division (N) (2) of this section, the cost of the 4315
installation and monitoring of the electronic monitoring device 4316
may be paid out of funds from the reparations fund created 4317
pursuant to section 2743.191 of the Revised Code. The total 4318
amount of costs for the installation and monitoring of 4319
electronic monitoring devices paid pursuant to this division and 4320
sections 2151.34 and 2919.27 of the Revised Code from the 4321
reparations fund shall not exceed three hundred thousand dollars 4322
per year. 4323

(2) The attorney general may promulgate rules pursuant to 4324
section 111.15 of the Revised Code to govern payments made from 4325
the reparations fund pursuant to this division and sections 4326
2151.34 and 2919.27 of the Revised Code. The rules may include 4327
reasonable limits on the total cost paid pursuant to this 4328
division and sections 2151.34 and 2919.27 of the Revised Code 4329
per respondent, the amount of the three hundred thousand dollars 4330
allocated to each county, and how invoices may be submitted by a 4331
county, court, or other entity. 4332

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 4333
alleges a violation of section 2909.06, 2909.07, 2911.12, or 4334
2911.211 of the Revised Code if the alleged victim of the 4335
violation was a family or household member at the time of the 4336
violation, a violation of a municipal ordinance that is 4337
substantially similar to any of those sections if the alleged 4338

victim of the violation was a family or household member at the 4339
time of the violation, any offense of violence if the alleged 4340
victim of the offense was a family or household member at the 4341
time of the commission of the offense, or any sexually oriented 4342
offense if the alleged victim of the offense was a family or 4343
household member at the time of the commission of the offense, 4344
the complainant, the alleged victim, or a family or household 4345
member of an alleged victim may file, or, if in an emergency the 4346
alleged victim is unable to file, a person who made an arrest 4347
for the alleged violation or offense under section 2935.03 of 4348
the Revised Code may file on behalf of the alleged victim, a 4349
motion that requests the issuance of a temporary protection 4350
order as a pretrial condition of release of the alleged 4351
offender, in addition to any bail set under Criminal Rule 46. 4352
The motion shall be filed with the clerk of the court that has 4353
jurisdiction of the case at any time after the filing of the 4354
complaint. 4355

(2) For purposes of section 2930.09 of the Revised Code, 4356
all stages of a proceeding arising out of a complaint alleging 4357
the commission of a violation, offense of violence, or sexually 4358
oriented offense described in division (A)(1) of this section, 4359
including all proceedings on a motion for a temporary protection 4360
order, are critical stages of the case, and a victim may be 4361
accompanied by a victim advocate or another person to provide 4362
support to the victim as provided in that section. 4363

(B) The motion shall be prepared on a form that is 4364
provided by the clerk of the court, which form shall be 4365
substantially as follows: 4366

"MOTION FOR TEMPORARY PROTECTION ORDER 4367

..... Court 4368

Name and address of court	4369
State of Ohio	4370
v. No.	4371
.....	4372
Name of Defendant	4373
(name of person), moves the court to issue a temporary	4374
protection order containing terms designed to ensure the safety	4375
and protection of the complainant, alleged victim, and other	4376
family or household members, in relation to the named defendant,	4377
pursuant to its authority to issue such an order under section	4378
2919.26 of the Revised Code.	4379
A complaint, a copy of which has been attached to this	4380
motion, has been filed in this court charging the named	4381
defendant with (name of the specified	4382
violation, the offense of violence, or sexually oriented offense	4383
charged) in circumstances in which the victim was a family or	4384
household member in violation of (section of the Revised Code	4385
designating the specified violation, offense of violence, or	4386
sexually oriented offense charged), or charging the named	4387
defendant with a violation of a municipal ordinance that is	4388
substantially similar to (section of	4389
the Revised Code designating the specified violation, offense of	4390
violence, or sexually oriented offense charged) involving a	4391
family or household member.	4392
I understand that I must appear before the court, at a	4393
time set by the court within twenty-four hours after the filing	4394
of this motion, for a hearing on the motion or that, if I am	4395
unable to appear because of hospitalization or a medical	4396
condition resulting from the offense alleged in the complaint, a	4397

person who can provide information about my need for a temporary 4398
protection order must appear before the court in lieu of my 4399
appearing in court. I understand that any temporary protection 4400
order granted pursuant to this motion is a pretrial condition of 4401
release and is effective only until the disposition of the 4402
criminal proceeding arising out of the attached complaint, or 4403
the issuance of a civil protection order or the approval of a 4404
consent agreement, arising out of the same activities as those 4405
that were the basis of the complaint, under section 3113.31 of 4406
the Revised Code. 4407

..... 4408

Signature of person 4409

(or signature of the arresting officer who filed the motion on 4410
behalf of the alleged victim) 4411

..... 4412

Address of person (or office address of the arresting officer 4413
who filed the motion on behalf of the alleged victim)" 4414

(C) (1) As soon as possible after the filing of a motion 4415
that requests the issuance of a temporary protection order, but 4416
not later than twenty-four hours after the filing of the motion, 4417
the court shall conduct a hearing to determine whether to issue 4418
the order. The person who requested the order shall appear 4419
before the court and provide the court with the information that 4420
it requests concerning the basis of the motion. If the person 4421
who requested the order is unable to appear and if the court 4422
finds that the failure to appear is because of the person's 4423
hospitalization or medical condition resulting from the offense 4424
alleged in the complaint, another person who is able to provide 4425
the court with the information it requests may appear in lieu of 4426

the person who requested the order. If the court finds that the
safety and protection of the complainant, alleged victim, or any
other family or household member of the alleged victim may be
impaired by the continued presence of the alleged offender, the
court may issue a temporary protection order, as a pretrial
condition of release, that contains terms designed to ensure the
safety and protection of the complainant, alleged victim, or the
family or household member, including a requirement that the
alleged offender refrain from entering the residence, school,
business, or place of employment of the complainant, alleged
victim, or the family or household member. The court may include
within a protection order issued under this section a term
requiring that the alleged offender not remove, damage, hide,
harm, or dispose of any companion animal owned or possessed by
the complainant, alleged victim, or any other family or
household member of the alleged victim, and may include within
the order a term authorizing the complainant, alleged victim, or
other family or household member of the alleged victim to remove
a companion animal owned by the complainant, alleged victim, or
other family or household member from the possession of the
alleged offender.

(2) (a) If the court issues a temporary protection order
that includes a requirement that the alleged offender refrain
from entering the residence, school, business, or place of
employment of the complainant, the alleged victim, or the family
or household member, the order shall state clearly that the
order cannot be waived or nullified by an invitation to the
alleged offender from the complainant, alleged victim, or family
or household member to enter the residence, school, business, or
place of employment or by the alleged offender's entry into one
of those places otherwise upon the consent of the complainant,

alleged victim, or family or household member. 4458

(b) Division (C)(2)(a) of this section does not limit any 4459
discretion of a court to determine that an alleged offender 4460
charged with a violation of section 2919.27 of the Revised Code, 4461
with a violation of a municipal ordinance substantially 4462
equivalent to that section, or with contempt of court, which 4463
charge is based on an alleged violation of a temporary 4464
protection order issued under this section, did not commit the 4465
violation or was not in contempt of court. 4466

(D)(1) Upon the filing of a complaint that alleges a 4467
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 4468
the Revised Code if the alleged victim of the violation was a 4469
family or household member at the time of the violation, a 4470
violation of a municipal ordinance that is substantially similar 4471
to any of those sections if the alleged victim of the violation 4472
was a family or household member at the time of the violation, 4473
any offense of violence if the alleged victim of the offense was 4474
a family or household member at the time of the commission of 4475
the offense, or any sexually oriented offense if the alleged 4476
victim of the offense was a family or household member at the 4477
time of the commission of the offense, the court, upon its own 4478
motion, may issue a temporary protection order as a pretrial 4479
condition of release if it finds that the safety and protection 4480
of the complainant, alleged victim, or other family or household 4481
member of the alleged offender may be impaired by the continued 4482
presence of the alleged offender. 4483

(2)~~(a)~~ If the court issues a temporary protection order 4484
under this section as an ex parte order, it shall conduct, as 4485
soon as possible after the issuance of the order, a hearing in 4486
the presence of the alleged offender not later than the next day 4487

on which the court is scheduled to conduct business after the 4488
day on which the alleged offender was arrested or at the time of 4489
the appearance of the alleged offender pursuant to summons to 4490
determine whether the order should remain in effect, be 4491
modified, or be revoked. The hearing shall be conducted under 4492
the standards set forth in division (C) of this section. 4493

~~(b) If at a hearing conducted under division (D) (2) (a) of 4494
this section the court determines that the ex parte order that 4495
the court issued should be revoked, the court, on its own 4496
motion, shall order that the ex parte order that is revoked and 4497
all of the records pertaining to that ex parte order be 4498
expunged. 4499~~

(3) An order issued under this section shall contain only 4500
those terms authorized in orders issued under division (C) of 4501
this section. 4502

(4) If a municipal court or a county court issues a 4503
temporary protection order under this section and if, subsequent 4504
to the issuance of the order, the alleged offender who is the 4505
subject of the order is bound over to the court of common pleas 4506
for prosecution of a felony arising out of the same activities 4507
as those that were the basis of the complaint upon which the 4508
order is based, notwithstanding the fact that the order was 4509
issued by a municipal court or county court, the order shall 4510
remain in effect, as though it were an order of the court of 4511
common pleas, while the charges against the alleged offender are 4512
pending in the court of common pleas, for the period of time 4513
described in division (E) (2) of this section, and the court of 4514
common pleas has exclusive jurisdiction to modify the order 4515
issued by the municipal court or county court. This division 4516
applies when the alleged offender is bound over to the court of 4517

common pleas as a result of the person waiving a preliminary 4518
hearing on the felony charge, as a result of the municipal court 4519
or county court having determined at a preliminary hearing that 4520
there is probable cause to believe that the felony has been 4521
committed and that the alleged offender committed it, as a 4522
result of the alleged offender having been indicted for the 4523
felony, or in any other manner. 4524

(E) A temporary protection order that is issued as a 4525
pretrial condition of release under this section: 4526

(1) Is in addition to, but shall not be construed as a 4527
part of, any bail set under Criminal Rule 46; 4528

(2) Is effective only until the occurrence of either of 4529
the following: 4530

(a) The disposition, by the court that issued the order 4531
or, in the circumstances described in division (D)(4) of this 4532
section, by the court of common pleas to which the alleged 4533
offender is bound over for prosecution, of the criminal 4534
proceeding arising out of the complaint upon which the order is 4535
based; 4536

(b) The issuance of a protection order or the approval of 4537
a consent agreement, arising out of the same activities as those 4538
that were the basis of the complaint upon which the order is 4539
based, under section 3113.31 of the Revised Code. 4540

(3) Shall not be construed as a finding that the alleged 4541
offender committed the alleged offense, and shall not be 4542
introduced as evidence of the commission of the offense at the 4543
trial of the alleged offender on the complaint upon which the 4544
order is based. 4545

(F) A person who meets the criteria for bail under 4546

Criminal Rule 46 and who, if required to do so pursuant to that 4547
rule, executes or posts bond or deposits cash or securities as 4548
bail, shall not be held in custody pending a hearing before the 4549
court on a motion requesting a temporary protection order. 4550

(G) (1) A copy of any temporary protection order that is 4551
issued under this section shall be issued by the court to the 4552
complainant, to the alleged victim, to the person who requested 4553
the order, to the defendant, and to all law enforcement agencies 4554
that have jurisdiction to enforce the order. The court shall 4555
direct that a copy of the order be delivered to the defendant on 4556
the same day that the order is entered. If a municipal court or 4557
a county court issues a temporary protection order under this 4558
section and if, subsequent to the issuance of the order, the 4559
defendant who is the subject of the order is bound over to the 4560
court of common pleas for prosecution as described in division 4561
(D) (4) of this section, the municipal court or county court 4562
shall direct that a copy of the order be delivered to the court 4563
of common pleas to which the defendant is bound over. 4564

(2) Upon the issuance of a protection order under this 4565
section, the court shall provide the parties to the order with 4566
the following notice orally or by form: 4567

"NOTICE 4568

As a result of this protection order, it may be unlawful 4569
for you to possess or purchase a firearm, including a rifle, 4570
pistol, or revolver, or ammunition pursuant to federal law under 4571
18 U.S.C. 922(g) (8) for the duration of this order. If you have 4572
any questions whether this law makes it illegal for you to 4573
possess or purchase a firearm or ammunition, you should consult 4574
an attorney." 4575

(3) All law enforcement agencies shall establish and 4576
maintain an index for the temporary protection orders delivered 4577
to the agencies pursuant to division (G) (1) of this section. 4578
With respect to each order delivered, each agency shall note on 4579
the index, the date and time of the receipt of the order by the 4580
agency. 4581

(4) A complainant, alleged victim, or other person who 4582
obtains a temporary protection order under this section may 4583
provide notice of the issuance of the temporary protection order 4584
to the judicial and law enforcement officials in any county 4585
other than the county in which the order is issued by 4586
registering that order in the other county in accordance with 4587
division (N) of section 3113.31 of the Revised Code and filing a 4588
copy of the registered protection order with a law enforcement 4589
agency in the other county in accordance with that division. 4590

(5) Any officer of a law enforcement agency shall enforce 4591
a temporary protection order issued by any court in this state 4592
in accordance with the provisions of the order, including 4593
removing the defendant from the premises, regardless of whether 4594
the order is registered in the county in which the officer's 4595
agency has jurisdiction as authorized by division (G) (4) of this 4596
section. 4597

(H) Upon a violation of a temporary protection order, the 4598
court may issue another temporary protection order, as a 4599
pretrial condition of release, that modifies the terms of the 4600
order that was violated. 4601

(I) (1) As used in divisions (I) (1) and (2) of this 4602
section, "defendant" means a person who is alleged in a 4603
complaint to have committed a violation, offense of violence, or 4604
sexually oriented offense of the type described in division (A) 4605

of this section. 4606

(2) If a complaint is filed that alleges that a person 4607
committed a violation, offense of violence, or sexually oriented 4608
offense of the type described in division (A) of this section, 4609
the court may not issue a temporary protection order under this 4610
section that requires the complainant, the alleged victim, or 4611
another family or household member of the defendant to do or 4612
refrain from doing an act that the court may require the 4613
defendant to do or refrain from doing under a temporary 4614
protection order unless both of the following apply: 4615

(a) The defendant has filed a separate complaint that 4616
alleges that the complainant, alleged victim, or other family or 4617
household member in question who would be required under the 4618
order to do or refrain from doing the act committed a violation 4619
or offense of violence of the type described in division (A) of 4620
this section. 4621

(b) The court determines that both the complainant, 4622
alleged victim, or other family or household member in question 4623
who would be required under the order to do or refrain from 4624
doing the act and the defendant acted primarily as aggressors, 4625
that neither the complainant, alleged victim, or other family or 4626
household member in question who would be required under the 4627
order to do or refrain from doing the act nor the defendant 4628
acted primarily in self-defense, and, in accordance with the 4629
standards and criteria of this section as applied in relation to 4630
the separate complaint filed by the defendant, that it should 4631
issue the order to require the complainant, alleged victim, or 4632
other family or household member in question to do or refrain 4633
from doing the act. 4634

(J) (1) Subject to division (J) (2) of this section and 4635

regardless of whether a protection order is issued or a consent 4636
agreement is approved by a court of another county or a court of 4637
another state, no court or unit of state or local government 4638
shall charge the movant any fee, cost, deposit, or money in 4639
connection with the filing of a motion pursuant to this section, 4640
in connection with the filing, issuance, registration, 4641
modification, enforcement, dismissal, withdrawal, or service of 4642
a protection order, consent agreement, or witness subpoena or 4643
for obtaining a certified copy of a protection order or consent 4644
agreement. 4645

(2) Regardless of whether a protection order is issued or 4646
a consent agreement is approved pursuant to this section, if the 4647
defendant is convicted the court may assess costs against the 4648
defendant in connection with the filing, issuance, registration, 4649
modification, enforcement, dismissal, withdrawal, or service of 4650
a protection order, consent agreement, or witness subpoena or 4651
for obtaining a certified copy of a protection order or consent 4652
agreement. 4653

(K) As used in this section: 4654

(1) "Companion animal" has the same meaning as in section 4655
959.131 of the Revised Code. 4656

(2) "Sexually oriented offense" has the same meaning as in 4657
section 2950.01 of the Revised Code. 4658

(3) "Victim advocate" means a person who provides support 4659
and assistance for a victim of an offense during court 4660
proceedings. 4661

~~(4) "Expunge" has the same meaning as in section 2903.213-~~ 4662
~~of the Revised Code.~~ 4663

Sec. 2921.41. (A) No public official or party official 4664

shall commit any theft offense, as defined in division (K) of 4665
section 2913.01 of the Revised Code, when either of the 4666
following applies: 4667

(1) The offender uses the offender's office in aid of 4668
committing the offense or permits or assents to its use in aid 4669
of committing the offense; 4670

(2) The property or service involved is owned by this 4671
state, any other state, the United States, a county, a municipal 4672
corporation, a township, or any political subdivision, 4673
department, or agency of any of them, is owned by a political 4674
party, or is part of a political campaign fund. 4675

(B) Whoever violates this section is guilty of theft in 4676
office. Except as otherwise provided in this division, theft in 4677
office is a felony of the fifth degree. If the value of property 4678
or services stolen is one thousand dollars or more and is less 4679
than seven thousand five hundred dollars, theft in office is a 4680
felony of the fourth degree. If the value of property or 4681
services stolen is seven thousand five hundred dollars or more 4682
and is less than one hundred fifty thousand dollars, theft in 4683
office is a felony of the third degree. If the value of property 4684
or services stolen is one hundred fifty thousand dollars or more 4685
and is less than seven hundred fifty thousand dollars, theft in 4686
office is a felony of the second degree. If the value of 4687
property or services stolen is seven hundred fifty thousand 4688
dollars or more, theft in office is a felony of the first 4689
degree. 4690

(C) (1) A public official or party official who pleads 4691
guilty to theft in office and whose plea is accepted by the 4692
court or a public official or party official against whom a 4693
verdict or finding of guilt for committing theft in office is 4694

returned is forever disqualified from holding any public office, 4695
employment, or position of trust in this state. 4696

(2) (a) (i) A court that imposes sentence for a violation of 4697
this section based on conduct described in division (A) (2) of 4698
this section shall require the public official or party official 4699
who is convicted of or pleads guilty to the offense to make 4700
restitution for all of the property or the service that is the 4701
subject of the offense, in addition to the term of imprisonment 4702
and any fine imposed. The total amount of restitution imposed 4703
under this division shall include costs of auditing the public 4704
entities specified in division (A) (2) of this section that own 4705
the property or service involved in the conduct described in 4706
that division that is a violation of this section, but shall not 4707
exceed the amount of the restitution imposed for all of the 4708
property or the service that is the subject of the offense. 4709

(ii) A court that imposes sentence for a violation of this 4710
section based on conduct described in division (A) (1) of this 4711
section and that determines at trial that this state or a 4712
political subdivision of this state if the offender is a public 4713
official, or a political party in the United States or this 4714
state if the offender is a party official, suffered actual loss 4715
as a result of the offense shall require the offender to make 4716
restitution to the state, political subdivision, or political 4717
party for all of the actual loss experienced, in addition to the 4718
term of imprisonment and any fine imposed. The total amount of 4719
restitution imposed under this division shall include costs of 4720
auditing the state, political subdivision, or political party 4721
that suffered the actual loss based on conduct described in that 4722
division that is a violation of this section, but shall not 4723
exceed the amount of the restitution imposed for all of the 4724
actual loss suffered. 4725

(b) (i) In any case in which a sentencing court is required 4726
to order restitution under division (C) (2) (a) of this section 4727
and in which the offender, at the time of the commission of the 4728
offense or at any other time, was a member of the public 4729
employees retirement system, the Ohio police and fire pension 4730
fund, the state teachers retirement system, the school employees 4731
retirement system, or the state highway patrol retirement 4732
system; was an electing employee, as defined in section 3305.01 4733
of the Revised Code, participating in an alternative retirement 4734
plan provided pursuant to Chapter 3305. of the Revised Code; was 4735
a participating employee or continuing member, as defined in 4736
section 148.01 of the Revised Code, in a deferred compensation 4737
program offered by the Ohio public employees deferred 4738
compensation board; was an officer or employee of a municipal 4739
corporation who was a participant in a deferred compensation 4740
program offered by that municipal corporation; was an officer or 4741
employee of a government unit, as defined in section 148.06 of 4742
the Revised Code, who was a participant in a deferred 4743
compensation program offered by that government unit, or was a 4744
participating employee, continuing member, or participant in any 4745
deferred compensation program described in this division and a 4746
member of a retirement system specified in this division or a 4747
retirement system of a municipal corporation, the entity to 4748
which restitution is to be made may file a motion with the 4749
sentencing court specifying any retirement system, any provider 4750
as defined in section 3305.01 of the Revised Code, and any 4751
deferred compensation program of which the offender was a 4752
member, electing employee, participating employee, continuing 4753
member, or participant and requesting the court to issue an 4754
order requiring the specified retirement system, the specified 4755
provider under the alternative retirement plan, or the specified 4756
deferred compensation program, or, if more than one is specified 4757

in the motion, the applicable combination of these, to withhold 4758
the amount required as restitution from any payment that is to 4759
be made under a pension, annuity, or allowance, under an option 4760
in the alternative retirement plan, under a participant account, 4761
as defined in section 148.01 of the Revised Code, or under any 4762
other type of benefit, other than a survivorship benefit, that 4763
has been or is in the future granted to the offender, from any 4764
payment of accumulated employee contributions standing to the 4765
offender's credit with that retirement system, that provider of 4766
the option under the alternative retirement plan, or that 4767
deferred compensation program, or, if more than one is specified 4768
in the motion, the applicable combination of these, and from any 4769
payment of any other amounts to be paid to the offender upon the 4770
offender's withdrawal of the offender's contributions pursuant 4771
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 4772
Revised Code. A motion described in this division may be filed 4773
at any time subsequent to the conviction of the offender or 4774
entry of a guilty plea. Upon the filing of the motion, the clerk 4775
of the court in which the motion is filed shall notify the 4776
offender, the specified retirement system, the specified 4777
provider under the alternative retirement plan, or the specified 4778
deferred compensation program, or, if more than one is specified 4779
in the motion, the applicable combination of these, in writing, 4780
of all of the following: that the motion was filed; that the 4781
offender will be granted a hearing on the issuance of the 4782
requested order if the offender files a written request for a 4783
hearing with the clerk prior to the expiration of thirty days 4784
after the offender receives the notice; that, if a hearing is 4785
requested, the court will schedule a hearing as soon as possible 4786
and notify the offender, any specified retirement system, any 4787
specified provider under an alternative retirement plan, and any 4788
specified deferred compensation program of the date, time, and 4789

place of the hearing; that, if a hearing is conducted, it will 4790
be limited only to a consideration of whether the offender can 4791
show good cause why the requested order should not be issued; 4792
that, if a hearing is conducted, the court will not issue the 4793
requested order if the court determines, based on evidence 4794
presented at the hearing by the offender, that there is good 4795
cause for the requested order not to be issued; that the court 4796
will issue the requested order if a hearing is not requested or 4797
if a hearing is conducted but the court does not determine, 4798
based on evidence presented at the hearing by the offender, that 4799
there is good cause for the requested order not to be issued; 4800
and that, if the requested order is issued, any retirement 4801
system, any provider under an alternative retirement plan, and 4802
any deferred compensation program specified in the motion will 4803
be required to withhold the amount required as restitution from 4804
payments to the offender. 4805

(ii) In any case in which a sentencing court is required 4806
to order restitution under division (C) (2) (a) of this section 4807
and in which a motion requesting the issuance of a withholding 4808
order as described in division (C) (2) (b) (i) of this section is 4809
filed, the offender may receive a hearing on the motion by 4810
delivering a written request for a hearing to the court prior to 4811
the expiration of thirty days after the offender's receipt of 4812
the notice provided pursuant to division (C) (2) (b) (i) of this 4813
section. If a request for a hearing is made by the offender 4814
within the prescribed time, the court shall schedule a hearing 4815
as soon as possible after the request is made and shall notify 4816
the offender, the specified retirement system, the specified 4817
provider under the alternative retirement plan, or the specified 4818
deferred compensation program, or, if more than one is specified 4819
in the motion, the applicable combination of these, of the date, 4820

time, and place of the hearing. A hearing scheduled under this 4821
division shall be limited to a consideration of whether there is 4822
good cause, based on evidence presented by the offender, for the 4823
requested order not to be issued. If the court determines, based 4824
on evidence presented by the offender, that there is good cause 4825
for the order not to be issued, the court shall deny the motion 4826
and shall not issue the requested order. If the offender does 4827
not request a hearing within the prescribed time or if the court 4828
conducts a hearing but does not determine, based on evidence 4829
presented by the offender, that there is good cause for the 4830
order not to be issued, the court shall order the specified 4831
retirement system, the specified provider under the alternative 4832
retirement plan, or the specified deferred compensation program, 4833
or, if more than one is specified in the motion, the applicable 4834
combination of these, to withhold the amount required as 4835
restitution under division (C) (2) (a) of this section from any 4836
payments to be made under a pension, annuity, or allowance, 4837
under a participant account, as defined in section 148.01 of the 4838
Revised Code, under an option in the alternative retirement 4839
plan, or under any other type of benefit, other than a 4840
survivorship benefit, that has been or is in the future granted 4841
to the offender, from any payment of accumulated employee 4842
contributions standing to the offender's credit with that 4843
retirement system, that provider under the alternative 4844
retirement plan, or that deferred compensation program, or, if 4845
more than one is specified in the motion, the applicable 4846
combination of these, and from any payment of any other amounts 4847
to be paid to the offender upon the offender's withdrawal of the 4848
offender's contributions pursuant to Chapter 145., 148., 742., 4849
3307., 3309., or 5505. of the Revised Code, and to continue the 4850
withholding for that purpose, in accordance with the order, out 4851
of each payment to be made on or after the date of issuance of 4852

the order, until further order of the court. Upon receipt of an 4853
order issued under this division, the public employees 4854
retirement system, the Ohio police and fire pension fund, the 4855
state teachers retirement system, the school employees 4856
retirement system, the state highway patrol retirement system, a 4857
municipal corporation retirement system, the provider under the 4858
alternative retirement plan, and the deferred compensation 4859
program offered by the Ohio public employees deferred 4860
compensation board, a municipal corporation, or a government 4861
unit, as defined in section 148.06 of the Revised Code, 4862
whichever are applicable, shall withhold the amount required as 4863
restitution, in accordance with the order, from any such 4864
payments and immediately shall forward the amount withheld to 4865
the clerk of the court in which the order was issued for payment 4866
to the entity to which restitution is to be made. 4867

(iii) Service of a notice required by division (C) (2) (b) 4868
(i) or (ii) of this section shall be effected in the same manner 4869
as provided in the Rules of Civil Procedure for the service of 4870
process. 4871

(D) Upon the filing of charges against a person under this 4872
section, the prosecutor, as defined in section 2935.01 of the 4873
Revised Code, who is assigned the case shall send written notice 4874
that charges have been filed against that person to the public 4875
employees retirement system, the Ohio police and fire pension 4876
fund, the state teachers retirement system, the school employees 4877
retirement system, the state highway patrol retirement system, 4878
the provider under an alternative retirement plan, any municipal 4879
corporation retirement system in this state, and the deferred 4880
compensation program offered by the Ohio public employees 4881
deferred compensation board, a municipal corporation, or a 4882
government unit, as defined in section 148.06 of the Revised 4883

Code. The written notice shall specifically identify the person 4884
charged. 4885

Sec. 2929.01. As used in this chapter: 4886

(A) (1) "Alternative residential facility" means, subject 4887
to division (A) (2) of this section, any facility other than an 4888
offender's home or residence in which an offender is assigned to 4889
live and that satisfies all of the following criteria: 4890

(a) It provides programs through which the offender may 4891
seek or maintain employment or may receive education, training, 4892
treatment, or habilitation. 4893

(b) It has received the appropriate license or certificate 4894
for any specialized education, training, treatment, 4895
habilitation, or other service that it provides from the 4896
government agency that is responsible for licensing or 4897
certifying that type of education, training, treatment, 4898
habilitation, or service. 4899

(2) "Alternative residential facility" does not include a 4900
community-based correctional facility, jail, halfway house, or 4901
prison. 4902

(B) "Basic probation supervision" means a requirement that 4903
the offender maintain contact with a person appointed to 4904
supervise the offender in accordance with sanctions imposed by 4905
the court or imposed by the parole board pursuant to section 4906
2967.28 of the Revised Code. "Basic probation supervision" 4907
includes basic parole supervision and basic post-release control 4908
supervision. 4909

(C) "Cocaine," "fentanyl-related compound," "hashish," 4910
"L.S.D.," and "unit dose" have the same meanings as in section 4911
2925.01 of the Revised Code. 4912

(D) "Community-based correctional facility" means a 4913
community-based correctional facility and program or district 4914
community-based correctional facility and program developed 4915
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4916

(E) "Community control sanction" means a sanction that is 4917
not a prison term and that is described in section 2929.15, 4918
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4919
that is not a jail term and that is described in section 4920
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4921
control sanction" includes probation if the sentence involved 4922
was imposed for a felony that was committed prior to July 1, 4923
1996, or if the sentence involved was imposed for a misdemeanor 4924
that was committed prior to January 1, 2004. 4925

(F) "Controlled substance," "marihuana," "schedule I," and 4926
"schedule II" have the same meanings as in section 3719.01 of 4927
the Revised Code. 4928

(G) "Curfew" means a requirement that an offender during a 4929
specified period of time be at a designated place. 4930

(H) "Day reporting" means a sanction pursuant to which an 4931
offender is required each day to report to and leave a center or 4932
other approved reporting location at specified times in order to 4933
participate in work, education or training, treatment, and other 4934
approved programs at the center or outside the center. 4935

(I) "Deadly weapon" has the same meaning as in section 4936
2923.11 of the Revised Code. 4937

(J) "Drug and alcohol use monitoring" means a program 4938
under which an offender agrees to submit to random chemical 4939
analysis of the offender's blood, breath, or urine to determine 4940
whether the offender has ingested any alcohol or other drugs. 4941

(K) "Drug treatment program" means any program under which 4942
a person undergoes assessment and treatment designed to reduce 4943
or completely eliminate the person's physical or emotional 4944
reliance upon alcohol, another drug, or alcohol and another drug 4945
and under which the person may be required to receive assessment 4946
and treatment on an outpatient basis or may be required to 4947
reside at a facility other than the person's home or residence 4948
while undergoing assessment and treatment. 4949

(L) "Economic loss" means any economic detriment suffered 4950
by a victim as a direct and proximate result of the commission 4951
of an offense and includes any loss of income due to lost time 4952
at work because of any injury caused to the victim, ~~and~~ any 4953
property loss, medical cost, or funeral expense incurred as a 4954
result of the commission of the offense, and the cost of any 4955
accounting or auditing done to determine the extent of loss if 4956
the cost is incurred and payable by the victim. "Economic loss" 4957
does not include non-economic loss or any punitive or exemplary 4958
damages. 4959

(M) "Education or training" includes study at, or in 4960
conjunction with a program offered by, a university, college, or 4961
technical college or vocational study and also includes the 4962
completion of primary school, secondary school, and literacy 4963
curricula or their equivalent. 4964

(N) "Firearm" has the same meaning as in section 2923.11 4965
of the Revised Code. 4966

(O) "Halfway house" means a facility licensed by the 4967
division of parole and community services of the department of 4968
rehabilitation and correction pursuant to section 2967.14 of the 4969
Revised Code as a suitable facility for the care and treatment 4970
of adult offenders. 4971

(P) "House arrest" means a period of confinement of an 4972
offender that is in the offender's home or in other premises 4973
specified by the sentencing court or by the parole board 4974
pursuant to section 2967.28 of the Revised Code and during which 4975
all of the following apply: 4976

(1) The offender is required to remain in the offender's 4977
home or other specified premises for the specified period of 4978
confinement, except for periods of time during which the 4979
offender is at the offender's place of employment or at other 4980
premises as authorized by the sentencing court or by the parole 4981
board. 4982

(2) The offender is required to report periodically to a 4983
person designated by the court or parole board. 4984

(3) The offender is subject to any other restrictions and 4985
requirements that may be imposed by the sentencing court or by 4986
the parole board. 4987

(Q) "Intensive probation supervision" means a requirement 4988
that an offender maintain frequent contact with a person 4989
appointed by the court, or by the parole board pursuant to 4990
section 2967.28 of the Revised Code, to supervise the offender 4991
while the offender is seeking or maintaining necessary 4992
employment and participating in training, education, and 4993
treatment programs as required in the court's or parole board's 4994
order. "Intensive probation supervision" includes intensive 4995
parole supervision and intensive post-release control 4996
supervision. 4997

(R) "Jail" means a jail, workhouse, minimum security jail, 4998
or other residential facility used for the confinement of 4999
alleged or convicted offenders that is operated by a political 5000

subdivision or a combination of political subdivisions of this 5001
state. 5002

(S) "Jail term" means the term in a jail that a sentencing 5003
court imposes or is authorized to impose pursuant to section 5004
2929.24 or 2929.25 of the Revised Code or pursuant to any other 5005
provision of the Revised Code that authorizes a term in a jail 5006
for a misdemeanor conviction. 5007

(T) "Mandatory jail term" means the term in a jail that a 5008
sentencing court is required to impose pursuant to division (G) 5009
of section 1547.99 of the Revised Code, division (E) of section 5010
2903.06 or division (D) of section 2903.08 of the Revised Code, 5011
division (E) or (G) of section 2929.24 of the Revised Code, 5012
division (B) of section 4510.14 of the Revised Code, or division 5013
(G) of section 4511.19 of the Revised Code or pursuant to any 5014
other provision of the Revised Code that requires a term in a 5015
jail for a misdemeanor conviction. 5016

(U) "Delinquent child" has the same meaning as in section 5017
2152.02 of the Revised Code. 5018

(V) "License violation report" means a report that is made 5019
by a sentencing court, or by the parole board pursuant to 5020
section 2967.28 of the Revised Code, to the regulatory or 5021
licensing board or agency that issued an offender a professional 5022
license or a license or permit to do business in this state and 5023
that specifies that the offender has been convicted of or 5024
pleaded guilty to an offense that may violate the conditions 5025
under which the offender's professional license or license or 5026
permit to do business in this state was granted or an offense 5027
for which the offender's professional license or license or 5028
permit to do business in this state may be revoked or suspended. 5029

(W) "Major drug offender" means an offender who is 5030
convicted of or pleads guilty to the possession of, sale of, or 5031
offer to sell any drug, compound, mixture, preparation, or 5032
substance that consists of or contains at least one thousand 5033
grams of hashish; at least one hundred grams of cocaine; at 5034
least one thousand unit doses or one hundred grams of heroin; at 5035
least five thousand unit doses of L.S.D. or five hundred grams 5036
of L.S.D. in a liquid concentrate, liquid extract, or liquid 5037
distillate form; at least fifty grams of a controlled substance 5038
analog; at least one thousand unit doses or one hundred grams of 5039
a fentanyl-related compound; or at least one hundred times the 5040
amount of any other schedule I or II controlled substance other 5041
than marihuana that is necessary to commit a felony of the third 5042
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 5043
of the Revised Code that is based on the possession of, sale of, 5044
or offer to sell the controlled substance. 5045

(X) "Mandatory prison term" means any of the following: 5046

(1) Subject to division (X)(2) of this section, the term 5047
in prison that must be imposed for the offenses or circumstances 5048
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 5049
section 2929.13 and division (B) of section 2929.14 of the 5050
Revised Code. Except as provided in sections 2925.02, 2925.03, 5051
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 5052
maximum or another specific term is required under section 5053
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 5054
described in this division may be any prison term authorized for 5055
the level of offense. 5056

(2) The term of sixty or one hundred twenty days in prison 5057
that a sentencing court is required to impose for a third or 5058
fourth degree felony OVI offense pursuant to division (G)(2) of 5059

section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 5060
of the Revised Code or the term of one, two, three, four, or 5061
five years in prison that a sentencing court is required to 5062
impose pursuant to division (G) (2) of section 2929.13 of the 5063
Revised Code. 5064

(3) The term in prison imposed pursuant to division (A) of 5065
section 2971.03 of the Revised Code for the offenses and in the 5066
circumstances described in division (F) (11) of section 2929.13 5067
of the Revised Code or pursuant to division (B) (1) (a), (b), or 5068
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 5069
section 2971.03 of the Revised Code and that term as modified or 5070
terminated pursuant to section 2971.05 of the Revised Code. 5071

(Y) "Monitored time" means a period of time during which 5072
an offender continues to be under the control of the sentencing 5073
court or parole board, subject to no conditions other than 5074
leading a law-abiding life. 5075

(Z) "Offender" means a person who, in this state, is 5076
convicted of or pleads guilty to a felony or a misdemeanor. 5077

(AA) "Prison" means a residential facility used for the 5078
confinement of convicted felony offenders that is under the 5079
control of the department of rehabilitation and correction but 5080
does not include a violation sanction center operated under 5081
authority of section 2967.141 of the Revised Code. 5082

(BB) "Prison term" includes either of the following 5083
sanctions for an offender: 5084

(1) A stated prison term; 5085

(2) A term in a prison shortened by, or with the approval 5086
of, the sentencing court pursuant to section 2929.143, 2929.20, 5087
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 5088

(CC) "Repeat violent offender" means a person about whom 5089
both of the following apply: 5090

(1) The person is being sentenced for committing or for 5091
complicity in committing any of the following: 5092

(a) Aggravated murder, murder, any felony of the first or 5093
second degree that is an offense of violence, or an attempt to 5094
commit any of these offenses if the attempt is a felony of the 5095
first or second degree; 5096

(b) An offense under an existing or former law of this 5097
state, another state, or the United States that is or was 5098
substantially equivalent to an offense described in division 5099
(CC) (1) (a) of this section. 5100

(2) The person previously was convicted of or pleaded 5101
guilty to an offense described in division (CC) (1) (a) or (b) of 5102
this section. 5103

(DD) "Sanction" means any penalty imposed upon an offender 5104
who is convicted of or pleads guilty to an offense, as 5105
punishment for the offense. "Sanction" includes any sanction 5106
imposed pursuant to any provision of sections 2929.14 to 2929.18 5107
or 2929.24 to 2929.28 of the Revised Code. 5108

(EE) "Sentence" means the sanction or combination of 5109
sanctions imposed by the sentencing court on an offender who is 5110
convicted of or pleads guilty to an offense. 5111

(FF) "Stated prison term" means the prison term, mandatory 5112
prison term, or combination of all prison terms and mandatory 5113
prison terms imposed by the sentencing court pursuant to section 5114
2929.14, 2929.142, or 2971.03 of the Revised Code or under 5115
section 2919.25 of the Revised Code. "Stated prison term" 5116
includes any credit received by the offender for time spent in 5117

jail awaiting trial, sentencing, or transfer to prison for the 5118
offense and any time spent under house arrest or house arrest 5119
with electronic monitoring imposed after earning credits 5120
pursuant to section 2967.193 of the Revised Code. If an offender 5121
is serving a prison term as a risk reduction sentence under 5122
sections 2929.143 and 5120.036 of the Revised Code, "stated 5123
prison term" includes any period of time by which the prison 5124
term imposed upon the offender is shortened by the offender's 5125
successful completion of all assessment and treatment or 5126
programming pursuant to those sections. 5127

(GG) "Victim-offender mediation" means a reconciliation or 5128
mediation program that involves an offender and the victim of 5129
the offense committed by the offender and that includes a 5130
meeting in which the offender and the victim may discuss the 5131
offense, discuss restitution, and consider other sanctions for 5132
the offense. 5133

(HH) "Fourth degree felony OVI offense" means a violation 5134
of division (A) of section 4511.19 of the Revised Code that, 5135
under division (G) of that section, is a felony of the fourth 5136
degree. 5137

(II) "Mandatory term of local incarceration" means the 5138
term of sixty or one hundred twenty days in a jail, a community- 5139
based correctional facility, a halfway house, or an alternative 5140
residential facility that a sentencing court may impose upon a 5141
person who is convicted of or pleads guilty to a fourth degree 5142
felony OVI offense pursuant to division (G) (1) of section 5143
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 5144
section 4511.19 of the Revised Code. 5145

(JJ) "Designated homicide, assault, or kidnapping 5146
offense," "violent sex offense," "sexual motivation 5147

specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.

(SS) "Body armor" has the same meaning as in section 5176
2941.1411 of the Revised Code. 5177

(TT) "Electronic monitoring" means monitoring through the 5178
use of an electronic monitoring device. 5179

(UU) "Electronic monitoring device" means any of the 5180
following: 5181

(1) Any device that can be operated by electrical or 5182
battery power and that conforms with all of the following: 5183

(a) The device has a transmitter that can be attached to a 5184
person, that will transmit a specified signal to a receiver of 5185
the type described in division (UU) (1) (b) of this section if the 5186
transmitter is removed from the person, turned off, or altered 5187
in any manner without prior court approval in relation to 5188
electronic monitoring or without prior approval of the 5189
department of rehabilitation and correction in relation to the 5190
use of an electronic monitoring device for an inmate on 5191
transitional control or otherwise is tampered with, that can 5192
transmit continuously and periodically a signal to that receiver 5193
when the person is within a specified distance from the 5194
receiver, and that can transmit an appropriate signal to that 5195
receiver if the person to whom it is attached travels a 5196
specified distance from that receiver. 5197

(b) The device has a receiver that can receive 5198
continuously the signals transmitted by a transmitter of the 5199
type described in division (UU) (1) (a) of this section, can 5200
transmit continuously those signals by a wireless or landline 5201
telephone connection to a central monitoring computer of the 5202
type described in division (UU) (1) (c) of this section, and can 5203
transmit continuously an appropriate signal to that central 5204

monitoring computer if the device has been turned off or altered 5205
without prior court approval or otherwise tampered with. The 5206
device is designed specifically for use in electronic 5207
monitoring, is not a converted wireless phone or another 5208
tracking device that is clearly not designed for electronic 5209
monitoring, and provides a means of text-based or voice 5210
communication with the person. 5211

(c) The device has a central monitoring computer that can 5212
receive continuously the signals transmitted by a wireless or 5213
landline telephone connection by a receiver of the type 5214
described in division (UU) (1) (b) of this section and can monitor 5215
continuously the person to whom an electronic monitoring device 5216
of the type described in division (UU) (1) (a) of this section is 5217
attached. 5218

(2) Any device that is not a device of the type described 5219
in division (UU) (1) of this section and that conforms with all 5220
of the following: 5221

(a) The device includes a transmitter and receiver that 5222
can monitor and determine the location of a subject person at 5223
any time, or at a designated point in time, through the use of a 5224
central monitoring computer or through other electronic means. 5225

(b) The device includes a transmitter and receiver that 5226
can determine at any time, or at a designated point in time, 5227
through the use of a central monitoring computer or other 5228
electronic means the fact that the transmitter is turned off or 5229
altered in any manner without prior approval of the court in 5230
relation to the electronic monitoring or without prior approval 5231
of the department of rehabilitation and correction in relation 5232
to the use of an electronic monitoring device for an inmate on 5233
transitional control or otherwise is tampered with. 5234

(3) Any type of technology that can adequately track or 5235
determine the location of a subject person at any time and that 5236
is approved by the director of rehabilitation and correction, 5237
including, but not limited to, any satellite technology, voice 5238
tracking system, or retinal scanning system that is so approved. 5239

(VV) "Non-economic loss" means nonpecuniary harm suffered 5240
by a victim of an offense as a result of or related to the 5241
commission of the offense, including, but not limited to, pain 5242
and suffering; loss of society, consortium, companionship, care, 5243
assistance, attention, protection, advice, guidance, counsel, 5244
instruction, training, or education; mental anguish; and any 5245
other intangible loss. 5246

(WW) "Prosecutor" has the same meaning as in section 5247
2935.01 of the Revised Code. 5248

(XX) "Continuous alcohol monitoring" means the ability to 5249
automatically test and periodically transmit alcohol consumption 5250
levels and tamper attempts at least every hour, regardless of 5251
the location of the person who is being monitored. 5252

(YY) A person is "adjudicated a sexually violent predator" 5253
if the person is convicted of or pleads guilty to a violent sex 5254
offense and also is convicted of or pleads guilty to a sexually 5255
violent predator specification that was included in the 5256
indictment, count in the indictment, or information charging 5257
that violent sex offense or if the person is convicted of or 5258
pleads guilty to a designated homicide, assault, or kidnapping 5259
offense and also is convicted of or pleads guilty to both a 5260
sexual motivation specification and a sexually violent predator 5261
specification that were included in the indictment, count in the 5262
indictment, or information charging that designated homicide, 5263
assault, or kidnapping offense. 5264

(ZZ) An offense is "committed in proximity to a school" if 5265
the offender commits the offense in a school safety zone or 5266
within five hundred feet of any school building or the 5267
boundaries of any school premises, regardless of whether the 5268
offender knows the offense is being committed in a school safety 5269
zone or within five hundred feet of any school building or the 5270
boundaries of any school premises. 5271

(AAA) "Human trafficking" means a scheme or plan to which 5272
all of the following apply: 5273

(1) Its object is one or more of the following: 5274

(a) To subject a victim or victims to involuntary 5275
servitude, as defined in section 2905.31 of the Revised Code or 5276
to compel a victim or victims to engage in sexual activity for 5277
hire, to engage in a performance that is obscene, sexually 5278
oriented, or nudity oriented, or to be a model or participant in 5279
the production of material that is obscene, sexually oriented, 5280
or nudity oriented; 5281

(b) To facilitate, encourage, or recruit a victim who is 5282
less than sixteen years of age or is a person with a 5283
developmental disability, or victims who are less than sixteen 5284
years of age or are persons with developmental disabilities, for 5285
any purpose listed in divisions (A)(2)(a) to (c) of section 5286
2905.32 of the Revised Code; 5287

(c) To facilitate, encourage, or recruit a victim who is 5288
sixteen or seventeen years of age, or victims who are sixteen or 5289
seventeen years of age, for any purpose listed in divisions (A) 5290
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 5291
circumstances described in division (A)(5), (6), (7), (8), (9), 5292
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 5293

apply with respect to the person engaging in the conduct and the 5294
victim or victims. 5295

(2) It involves at least two felony offenses, whether or 5296
not there has been a prior conviction for any of the felony 5297
offenses, to which all of the following apply: 5298

(a) Each of the felony offenses is a violation of section 5299
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 5300
division (A) (1) or (2) of section 2907.323, or division (B) (1), 5301
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 5302
is a violation of a law of any state other than this state that 5303
is substantially similar to any of the sections or divisions of 5304
the Revised Code identified in this division. 5305

(b) At least one of the felony offenses was committed in 5306
this state. 5307

(c) The felony offenses are related to the same scheme or 5308
plan and are not isolated instances. 5309

(BBB) "Material," "nudity," "obscene," "performance," and 5310
"sexual activity" have the same meanings as in section 2907.01 5311
of the Revised Code. 5312

(CCC) "Material that is obscene, sexually oriented, or 5313
nudity oriented" means any material that is obscene, that shows 5314
a person participating or engaging in sexual activity, 5315
masturbation, or bestiality, or that shows a person in a state 5316
of nudity. 5317

(DDD) "Performance that is obscene, sexually oriented, or 5318
nudity oriented" means any performance that is obscene, that 5319
shows a person participating or engaging in sexual activity, 5320
masturbation, or bestiality, or that shows a person in a state 5321
of nudity. 5322

(EEE) "Accelerant" means a fuel or oxidizing agent, such 5323
as an ignitable liquid, used to initiate a fire or increase the 5324
rate of growth or spread of a fire. 5325

Sec. 2929.18. (A) Except as otherwise provided in this 5326
division and in addition to imposing court costs pursuant to 5327
section 2947.23 of the Revised Code, the court imposing a 5328
sentence upon an offender for a felony may sentence the offender 5329
to any financial sanction or combination of financial sanctions 5330
authorized under this section or, in the circumstances specified 5331
in section 2929.32 of the Revised Code, may impose upon the 5332
offender a fine in accordance with that section. Financial 5333
sanctions that may be imposed pursuant to this section include, 5334
but are not limited to, the following: 5335

(1) Restitution by the offender to the victim of the 5336
offender's crime or any survivor of the victim, in an amount 5337
based on the victim's economic loss. If the court imposes 5338
restitution, the court shall order that the restitution be made 5339
to the victim in open court, to the adult probation department 5340
that serves the county on behalf of the victim, to the clerk of 5341
courts, or to another agency designated by the court. If the 5342
court imposes restitution, at sentencing, the court shall 5343
determine the amount of restitution to be made by the offender. 5344
If the court imposes restitution, the court may base the amount 5345
of restitution it orders on an amount recommended by the victim, 5346
the offender, a presentence investigation report, estimates or 5347
receipts indicating the cost of repairing or replacing property, 5348
and other information, provided that the amount the court orders 5349
as restitution shall not exceed the amount of the economic loss 5350
suffered by the victim as a direct and proximate result of the 5351
commission of the offense. If the court imposes restitution for 5352
the cost of accounting or auditing done to determine the extent 5353

of economic loss, the court may order restitution for any amount 5354
of the victim's costs of accounting or auditing provided that 5355
the amount of restitution is reasonable and does not exceed the 5356
value of property or services stolen or damaged as a result of 5357
the offense. If the court decides to impose restitution, the 5358
court shall hold a hearing on restitution if the offender, 5359
victim, or survivor disputes the amount. All restitution 5360
payments shall be credited against any recovery of economic loss 5361
in a civil action brought by the victim or any survivor of the 5362
victim against the offender. 5363

If the court imposes restitution, the court may order that 5364
the offender pay a surcharge of not more than five per cent of 5365
the amount of the restitution otherwise ordered to the entity 5366
responsible for collecting and processing restitution payments. 5367

The victim or survivor may request that the prosecutor in 5368
the case file a motion, or the offender may file a motion, for 5369
modification of the payment terms of any restitution ordered. If 5370
the court grants the motion, it may modify the payment terms as 5371
it determines appropriate. 5372

(2) Except as provided in division (B) (1), (3), or (4) of 5373
this section, a fine payable by the offender to the state, to a 5374
political subdivision, or as described in division (B) (2) of 5375
this section to one or more law enforcement agencies, with the 5376
amount of the fine based on a standard percentage of the 5377
offender's daily income over a period of time determined by the 5378
court and based upon the seriousness of the offense. A fine 5379
ordered under this division shall not exceed the maximum 5380
conventional fine amount authorized for the level of the offense 5381
under division (A) (3) of this section. 5382

(3) Except as provided in division (B) (1), (3), or (4) of 5383

this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B) (2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;

(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of

the confinement; 5412

(iii) All or part of the cost of purchasing and using an 5413
immobilizing or disabling device, including a certified ignition 5414
interlock device, or a remote alcohol monitoring device that a 5415
court orders an offender to use under section 4510.13 of the 5416
Revised Code. 5417

(b) If the offender is sentenced to a sanction of 5418
confinement pursuant to section 2929.14 or 2929.16 of the 5419
Revised Code that is to be served in a facility operated by a 5420
board of county commissioners, a legislative authority of a 5421
municipal corporation, or another local governmental entity, if, 5422
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 5423
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 5424
section 2929.37 of the Revised Code, the board, legislative 5425
authority, or other local governmental entity requires prisoners 5426
to reimburse the county, municipal corporation, or other entity 5427
for its expenses incurred by reason of the prisoner's 5428
confinement, and if the court does not impose a financial 5429
sanction under division (A) (5) (a) (ii) of this section, 5430
confinement costs may be assessed pursuant to section 2929.37 of 5431
the Revised Code. In addition, the offender may be required to 5432
pay the fees specified in section 2929.38 of the Revised Code in 5433
accordance with that section. 5434

(c) Reimbursement by the offender for costs pursuant to 5435
section 2929.71 of the Revised Code. 5436

(B) (1) For a first, second, or third degree felony 5437
violation of any provision of Chapter 2925., 3719., or 4729. of 5438
the Revised Code, the sentencing court shall impose upon the 5439
offender a mandatory fine of at least one-half of, but not more 5440
than, the maximum statutory fine amount authorized for the level 5441

of the offense pursuant to division (A) (3) of this section. If 5442
an offender alleges in an affidavit filed with the court prior 5443
to sentencing that the offender is indigent and unable to pay 5444
the mandatory fine and if the court determines the offender is 5445
an indigent person and is unable to pay the mandatory fine 5446
described in this division, the court shall not impose the 5447
mandatory fine upon the offender. 5448

(2) Any mandatory fine imposed upon an offender under 5449
division (B) (1) of this section and any fine imposed upon an 5450
offender under division (A) (2) or (3) of this section for any 5451
fourth or fifth degree felony violation of any provision of 5452
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 5453
to law enforcement agencies pursuant to division (F) of section 5454
2925.03 of the Revised Code. 5455

(3) For a fourth degree felony OVI offense and for a third 5456
degree felony OVI offense, the sentencing court shall impose 5457
upon the offender a mandatory fine in the amount specified in 5458
division (G) (1) (d) or (e) of section 4511.19 of the Revised 5459
Code, whichever is applicable. The mandatory fine so imposed 5460
shall be disbursed as provided in the division pursuant to which 5461
it is imposed. 5462

(4) Notwithstanding any fine otherwise authorized or 5463
required to be imposed under division (A) (2) or (3) or (B) (1) of 5464
this section or section 2929.31 of the Revised Code for a 5465
violation of section 2925.03 of the Revised Code, in addition to 5466
any penalty or sanction imposed for that offense under section 5467
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 5468
in addition to the forfeiture of property in connection with the 5469
offense as prescribed in Chapter 2981. of the Revised Code, the 5470
court that sentences an offender for a violation of section 5471

2925.03 of the Revised Code may impose upon the offender a fine 5472
in addition to any fine imposed under division (A) (2) or (3) of 5473
this section and in addition to any mandatory fine imposed under 5474
division (B) (1) of this section. The fine imposed under division 5475
(B) (4) of this section shall be used as provided in division (H) 5476
of section 2925.03 of the Revised Code. A fine imposed under 5477
division (B) (4) of this section shall not exceed whichever of 5478
the following is applicable: 5479

(a) The total value of any personal or real property in 5480
which the offender has an interest and that was used in the 5481
course of, intended for use in the course of, derived from, or 5482
realized through conduct in violation of section 2925.03 of the 5483
Revised Code, including any property that constitutes proceeds 5484
derived from that offense; 5485

(b) If the offender has no interest in any property of the 5486
type described in division (B) (4) (a) of this section or if it is 5487
not possible to ascertain whether the offender has an interest 5488
in any property of that type in which the offender may have an 5489
interest, the amount of the mandatory fine for the offense 5490
imposed under division (B) (1) of this section or, if no 5491
mandatory fine is imposed under division (B) (1) of this section, 5492
the amount of the fine authorized for the level of the offense 5493
imposed under division (A) (3) of this section. 5494

(5) Prior to imposing a fine under division (B) (4) of this 5495
section, the court shall determine whether the offender has an 5496
interest in any property of the type described in division (B) 5497
(4) (a) of this section. Except as provided in division (B) (6) or 5498
(7) of this section, a fine that is authorized and imposed under 5499
division (B) (4) of this section does not limit or affect the 5500
imposition of the penalties and sanctions for a violation of 5501

section 2925.03 of the Revised Code prescribed under those 5502
sections or sections 2929.11 to 2929.18 of the Revised Code and 5503
does not limit or affect a forfeiture of property in connection 5504
with the offense as prescribed in Chapter 2981. of the Revised 5505
Code. 5506

(6) If the sum total of a mandatory fine amount imposed 5507
for a first, second, or third degree felony violation of section 5508
2925.03 of the Revised Code under division (B)(1) of this 5509
section plus the amount of any fine imposed under division (B) 5510
(4) of this section does not exceed the maximum statutory fine 5511
amount authorized for the level of the offense under division 5512
(A)(3) of this section or section 2929.31 of the Revised Code, 5513
the court may impose a fine for the offense in addition to the 5514
mandatory fine and the fine imposed under division (B)(4) of 5515
this section. The sum total of the amounts of the mandatory 5516
fine, the fine imposed under division (B)(4) of this section, 5517
and the additional fine imposed under division (B)(6) of this 5518
section shall not exceed the maximum statutory fine amount 5519
authorized for the level of the offense under division (A)(3) of 5520
this section or section 2929.31 of the Revised Code. The clerk 5521
of the court shall pay any fine that is imposed under division 5522
(B)(6) of this section to the county, township, municipal 5523
corporation, park district as created pursuant to section 511.18 5524
or 1545.04 of the Revised Code, or state law enforcement 5525
agencies in this state that primarily were responsible for or 5526
involved in making the arrest of, and in prosecuting, the 5527
offender pursuant to division (F) of section 2925.03 of the 5528
Revised Code. 5529

(7) If the sum total of the amount of a mandatory fine 5530
imposed for a first, second, or third degree felony violation of 5531
section 2925.03 of the Revised Code plus the amount of any fine 5532

imposed under division (B) (4) of this section exceeds the 5533
maximum statutory fine amount authorized for the level of the 5534
offense under division (A) (3) of this section or section 2929.31 5535
of the Revised Code, the court shall not impose a fine under 5536
division (B) (6) of this section. 5537

(8) (a) If an offender who is convicted of or pleads guilty 5538
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 5539
2923.32, division (A) (1) or (2) of section 2907.323, or division 5540
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 5541
Code also is convicted of or pleads guilty to a specification of 5542
the type described in section 2941.1422 of the Revised Code that 5543
charges that the offender knowingly committed the offense in 5544
furtherance of human trafficking, the sentencing court shall 5545
sentence the offender to a financial sanction of restitution by 5546
the offender to the victim or any survivor of the victim, with 5547
the restitution including the costs of housing, counseling, and 5548
medical and legal assistance incurred by the victim as a direct 5549
result of the offense and the greater of the following: 5550

(i) The gross income or value to the offender of the 5551
victim's labor or services; 5552

(ii) The value of the victim's labor as guaranteed under 5553
the minimum wage and overtime provisions of the "Federal Fair 5554
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 5555
state labor laws. 5556

(b) If a court imposing sentence upon an offender for a 5557
felony is required to impose upon the offender a financial 5558
sanction of restitution under division (B) (8) (a) of this 5559
section, in addition to that financial sanction of restitution, 5560
the court may sentence the offender to any other financial 5561
sanction or combination of financial sanctions authorized under 5562

this section, including a restitution sanction under division 5563
(A) (1) of this section. 5564

(9) In addition to any other fine that is or may be 5565
imposed under this section, the court imposing sentence upon an 5566
offender for a felony that is a sexually oriented offense or a 5567
child-victim oriented offense, as those terms are defined in 5568
section 2950.01 of the Revised Code, may impose a fine of not 5569
less than fifty nor more than five hundred dollars. 5570

(10) For a felony violation of division (A) of section 5571
2921.321 of the Revised Code that results in the death of the 5572
police dog or horse that is the subject of the violation, the 5573
sentencing court shall impose upon the offender a mandatory fine 5574
from the range of fines provided under division (A) (3) of this 5575
section for a felony of the third degree. A mandatory fine 5576
imposed upon an offender under division (B) (10) of this section 5577
shall be paid to the law enforcement agency that was served by 5578
the police dog or horse that was killed in the felony violation 5579
of division (A) of section 2921.321 of the Revised Code to be 5580
used as provided in division (E) (1) (b) of that section. 5581

(11) In addition to any other fine that is or may be 5582
imposed under this section, the court imposing sentence upon an 5583
offender for any of the following offenses that is a felony may 5584
impose a fine of not less than seventy nor more than five 5585
hundred dollars, which shall be transmitted to the treasurer of 5586
state to be credited to the address confidentiality program fund 5587
created by section 111.48 of the Revised Code: 5588

(a) Domestic violence; 5589

(b) Menacing by stalking; 5590

(c) Rape; 5591

(d) Sexual battery;	5592
(e) Trafficking in persons;	5593
(f) A violation of section 2905.01, 2905.02, 2907.21,	5594
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323,	5595
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of	5596
the Revised Code, if the offender also is convicted of a	5597
specification of the type described in section 2941.1422 of the	5598
Revised Code that charges that the offender knowingly committed	5599
the offense in furtherance of human trafficking.	5600
(C) (1) Except as provided in section 2951.021 of the	5601
Revised Code, the offender shall pay reimbursements imposed upon	5602
the offender pursuant to division (A) (5) (a) of this section to	5603
pay the costs incurred by a county pursuant to any sanction	5604
imposed under this section or section 2929.16 or 2929.17 of the	5605
Revised Code or in operating a facility used to confine	5606
offenders pursuant to a sanction imposed under section 2929.16	5607
of the Revised Code to the county treasurer. The county	5608
treasurer shall deposit the reimbursements in the sanction cost	5609
reimbursement fund that each board of county commissioners shall	5610
create in its county treasury. The county shall use the amounts	5611
deposited in the fund to pay the costs incurred by the county	5612
pursuant to any sanction imposed under this section or section	5613
2929.16 or 2929.17 of the Revised Code or in operating a	5614
facility used to confine offenders pursuant to a sanction	5615
imposed under section 2929.16 of the Revised Code.	5616
(2) Except as provided in section 2951.021 of the Revised	5617
Code, the offender shall pay reimbursements imposed upon the	5618
offender pursuant to division (A) (5) (a) of this section to pay	5619
the costs incurred by a municipal corporation pursuant to any	5620
sanction imposed under this section or section 2929.16 or	5621

2929.17 of the Revised Code or in operating a facility used to 5622
confine offenders pursuant to a sanction imposed under section 5623
2929.16 of the Revised Code to the treasurer of the municipal 5624
corporation. The treasurer shall deposit the reimbursements in a 5625
special fund that shall be established in the treasury of each 5626
municipal corporation. The municipal corporation shall use the 5627
amounts deposited in the fund to pay the costs incurred by the 5628
municipal corporation pursuant to any sanction imposed under 5629
this section or section 2929.16 or 2929.17 of the Revised Code 5630
or in operating a facility used to confine offenders pursuant to 5631
a sanction imposed under section 2929.16 of the Revised Code. 5632

(3) Except as provided in section 2951.021 of the Revised 5633
Code, the offender shall pay reimbursements imposed pursuant to 5634
division (A) (5) (a) of this section for the costs incurred by a 5635
private provider pursuant to a sanction imposed under this 5636
section or section 2929.16 or 2929.17 of the Revised Code to the 5637
provider. 5638

(D) Except as otherwise provided in this division, a 5639
financial sanction imposed pursuant to division (A) or (B) of 5640
this section is a judgment in favor of the state or a political 5641
subdivision in which the court that imposed the financial 5642
sanction is located, and the offender subject to the financial 5643
sanction is the judgment debtor. A financial sanction of 5644
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 5645
section upon an offender who is incarcerated in a state facility 5646
or a municipal jail is a judgment in favor of the state or the 5647
municipal corporation, and the offender subject to the financial 5648
sanction is the judgment debtor. A financial sanction of 5649
reimbursement imposed upon an offender pursuant to this section 5650
for costs incurred by a private provider of sanctions is a 5651
judgment in favor of the private provider, and the offender 5652

subject to the financial sanction is the judgment debtor. A 5653
financial sanction of a mandatory fine imposed under division 5654
(B) (10) of this section that is required under that division to 5655
be paid to a law enforcement agency is a judgment in favor of 5656
the specified law enforcement agency, and the offender subject 5657
to the financial sanction is the judgment debtor. A financial 5658
sanction of restitution imposed pursuant to division (A) (1) or 5659
(B) (8) of this section is an order in favor of the victim of the 5660
offender's criminal act that can be collected through a 5661
certificate of judgment as described in division (D) (1) of this 5662
section, through execution as described in division (D) (2) of 5663
this section, or through an order as described in division (D) 5664
(3) of this section, and the offender shall be considered for 5665
purposes of the collection as the judgment debtor. Imposition of 5666
a financial sanction and execution on the judgment does not 5667
preclude any other power of the court to impose or enforce 5668
sanctions on the offender. Once the financial sanction is 5669
imposed as a judgment or order under this division, the victim, 5670
private provider, state, or political subdivision may do any of 5671
the following: 5672

(1) Obtain from the clerk of the court in which the 5673
judgment was entered a certificate of judgment that shall be in 5674
the same manner and form as a certificate of judgment issued in 5675
a civil action; 5676

(2) Obtain execution of the judgment or order through any 5677
available procedure, including: 5678

(a) An execution against the property of the judgment 5679
debtor under Chapter 2329. of the Revised Code; 5680

(b) An execution against the person of the judgment debtor 5681
under Chapter 2331. of the Revised Code; 5682

(c) A proceeding in aid of execution under Chapter 2333.	5683
of the Revised Code, including:	5684
(i) A proceeding for the examination of the judgment	5685
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	5686
2333.27 of the Revised Code;	5687
(ii) A proceeding for attachment of the person of the	5688
judgment debtor under section 2333.28 of the Revised Code;	5689
(iii) A creditor's suit under section 2333.01 of the	5690
Revised Code.	5691
(d) The attachment of the property of the judgment debtor	5692
under Chapter 2715. of the Revised Code;	5693
(e) The garnishment of the property of the judgment debtor	5694
under Chapter 2716. of the Revised Code.	5695
(3) Obtain an order for the assignment of wages of the	5696
judgment debtor under section 1321.33 of the Revised Code.	5697
(E) A court that imposes a financial sanction upon an	5698
offender may hold a hearing if necessary to determine whether	5699
the offender is able to pay the sanction or is likely in the	5700
future to be able to pay it.	5701
(F) Each court imposing a financial sanction upon an	5702
offender under this section or under section 2929.32 of the	5703
Revised Code may designate the clerk of the court or another	5704
person to collect the financial sanction. The clerk or other	5705
person authorized by law or the court to collect the financial	5706
sanction may enter into contracts with one or more public	5707
agencies or private vendors for the collection of, amounts due	5708
under the financial sanction imposed pursuant to this section or	5709
section 2929.32 of the Revised Code. Before entering into a	5710

contract for the collection of amounts due from an offender 5711
pursuant to any financial sanction imposed pursuant to this 5712
section or section 2929.32 of the Revised Code, a court shall 5713
comply with sections 307.86 to 307.92 of the Revised Code. 5714

(G) If a court that imposes a financial sanction under 5715
division (A) or (B) of this section finds that an offender 5716
satisfactorily has completed all other sanctions imposed upon 5717
the offender and that all restitution that has been ordered has 5718
been paid as ordered, the court may suspend any financial 5719
sanctions imposed pursuant to this section or section 2929.32 of 5720
the Revised Code that have not been paid. 5721

(H) No financial sanction imposed under this section or 5722
section 2929.32 of the Revised Code shall preclude a victim from 5723
bringing a civil action against the offender. 5724

Sec. 2929.28. (A) In addition to imposing court costs 5725
pursuant to section 2947.23 of the Revised Code, the court 5726
imposing a sentence upon an offender for a misdemeanor, 5727
including a minor misdemeanor, may sentence the offender to any 5728
financial sanction or combination of financial sanctions 5729
authorized under this section. If the court in its discretion 5730
imposes one or more financial sanctions, the financial sanctions 5731
that may be imposed pursuant to this section include, but are 5732
not limited to, the following: 5733

(1) Unless the misdemeanor offense is a minor misdemeanor 5734
or could be disposed of by the traffic violations bureau serving 5735
the court under Traffic Rule 13, restitution by the offender to 5736
the victim of the offender's crime or any survivor of the 5737
victim, in an amount based on the victim's economic loss. The 5738
court may not impose restitution as a sanction pursuant to this 5739
division if the offense is a minor misdemeanor or could be 5740

disposed of by the traffic violations bureau serving the court 5741
under Traffic Rule 13. If the court requires restitution, the 5742
court shall order that the restitution be made to the victim in 5743
open court or to the adult probation department that serves the 5744
jurisdiction or the clerk of the court on behalf of the victim. 5745

If the court imposes restitution, the court shall 5746
determine the amount of restitution to be paid by the offender. 5747
If the court imposes restitution, the court may base the amount 5748
of restitution it orders on an amount recommended by the victim, 5749
the offender, a presentence investigation report, estimates or 5750
receipts indicating the cost of repairing or replacing property, 5751
and other information, provided that the amount the court orders 5752
as restitution shall not exceed the amount of the economic loss 5753
suffered by the victim as a direct and proximate result of the 5754
commission of the offense. If the court imposes restitution for 5755
the cost of accounting or auditing done to determine the extent 5756
of economic loss, the court may order restitution for any amount 5757
of the victim's costs of accounting or auditing provided that 5758
the amount of restitution is reasonable and does not exceed the 5759
value of property or services stolen or damaged as a result of 5760
the offense. If the court decides to impose restitution, the 5761
court shall hold an evidentiary hearing on restitution if the 5762
offender, victim, or survivor disputes the amount of 5763
restitution. If the court holds an evidentiary hearing, at the 5764
hearing the victim or survivor has the burden to prove by a 5765
preponderance of the evidence the amount of restitution sought 5766
from the offender. 5767

All restitution payments shall be credited against any 5768
recovery of economic loss in a civil action brought by the 5769
victim or any survivor of the victim against the offender. No 5770
person may introduce evidence of an award of restitution under 5771

this section in a civil action for purposes of imposing 5772
liability against an insurer under section 3937.18 of the 5773
Revised Code. 5774

If the court imposes restitution, the court may order that 5775
the offender pay a surcharge, of not more than five per cent of 5776
the amount of the restitution otherwise ordered, to the entity 5777
responsible for collecting and processing restitution payments. 5778

The victim or survivor may request that the prosecutor in 5779
the case file a motion, or the offender may file a motion, for 5780
modification of the payment terms of any restitution ordered. If 5781
the court grants the motion, it may modify the payment terms as 5782
it determines appropriate. 5783

(2) A fine of the type described in divisions (A) (2) (a) 5784
and (b) of this section payable to the appropriate entity as 5785
required by law: 5786

(a) A fine in the following amount: 5787

(i) For a misdemeanor of the first degree, not more than 5788
one thousand dollars; 5789

(ii) For a misdemeanor of the second degree, not more than 5790
seven hundred fifty dollars; 5791

(iii) For a misdemeanor of the third degree, not more than 5792
five hundred dollars; 5793

(iv) For a misdemeanor of the fourth degree, not more than 5794
two hundred fifty dollars; 5795

(v) For a minor misdemeanor, not more than one hundred 5796
fifty dollars. 5797

(b) A state fine or cost as defined in section 2949.111 of 5798

the Revised Code. 5799

(3) (a) Reimbursement by the offender of any or all of the 5800
costs of sanctions incurred by the government, including, but 5801
not limited to, the following: 5802

(i) All or part of the costs of implementing any community 5803
control sanction, including a supervision fee under section 5804
2951.021 of the Revised Code; 5805

(ii) All or part of the costs of confinement in a jail or 5806
other residential facility, including, but not limited to, a per 5807
diem fee for room and board, the costs of medical and dental 5808
treatment, and the costs of repairing property damaged by the 5809
offender while confined; 5810

(iii) All or part of the cost of purchasing and using an 5811
immobilizing or disabling device, including a certified ignition 5812
interlock device, or a remote alcohol monitoring device that a 5813
court orders an offender to use under section 4510.13 of the 5814
Revised Code. 5815

(b) The amount of reimbursement ordered under division (A) 5816
(3) (a) of this section shall not exceed the total amount of 5817
reimbursement the offender is able to pay and shall not exceed 5818
the actual cost of the sanctions. The court may collect any 5819
amount of reimbursement the offender is required to pay under 5820
that division. If the court does not order reimbursement under 5821
that division, confinement costs may be assessed pursuant to a 5822
repayment policy adopted under section 2929.37 of the Revised 5823
Code. In addition, the offender may be required to pay the fees 5824
specified in section 2929.38 of the Revised Code in accordance 5825
with that section. 5826

(B) If the court determines a hearing is necessary, the 5827

court may hold a hearing to determine whether the offender is 5828
able to pay the financial sanction imposed pursuant to this 5829
section or court costs or is likely in the future to be able to 5830
pay the sanction or costs. 5831

If the court determines that the offender is indigent and 5832
unable to pay the financial sanction or court costs, the court 5833
shall consider imposing and may impose a term of community 5834
service under division (A) of section 2929.27 of the Revised 5835
Code in lieu of imposing a financial sanction or court costs. If 5836
the court does not determine that the offender is indigent, the 5837
court may impose a term of community service under division (A) 5838
of section 2929.27 of the Revised Code in lieu of or in addition 5839
to imposing a financial sanction under this section and in 5840
addition to imposing court costs. The court may order community 5841
service for a minor misdemeanor pursuant to division (D) of 5842
section 2929.27 of the Revised Code in lieu of or in addition to 5843
imposing a financial sanction under this section and in addition 5844
to imposing court costs. If a person fails to pay a financial 5845
sanction or court costs, the court may order community service 5846
in lieu of the financial sanction or court costs. 5847

(C) (1) The offender shall pay reimbursements imposed upon 5848
the offender pursuant to division (A) (3) of this section to pay 5849
the costs incurred by a county pursuant to any sanction imposed 5850
under this section or section 2929.26 or 2929.27 of the Revised 5851
Code or in operating a facility used to confine offenders 5852
pursuant to a sanction imposed under section 2929.26 of the 5853
Revised Code to the county treasurer. The county treasurer shall 5854
deposit the reimbursements in the county's general fund. The 5855
county shall use the amounts deposited in the fund to pay the 5856
costs incurred by the county pursuant to any sanction imposed 5857
under this section or section 2929.26 or 2929.27 of the Revised 5858

Code or in operating a facility used to confine offenders 5859
pursuant to a sanction imposed under section 2929.26 of the 5860
Revised Code. 5861

(2) The offender shall pay reimbursements imposed upon the 5862
offender pursuant to division (A)(3) of this section to pay the 5863
costs incurred by a municipal corporation pursuant to any 5864
sanction imposed under this section or section 2929.26 or 5865
2929.27 of the Revised Code or in operating a facility used to 5866
confine offenders pursuant to a sanction imposed under section 5867
2929.26 of the Revised Code to the treasurer of the municipal 5868
corporation. The treasurer shall deposit the reimbursements in 5869
the municipal corporation's general fund. The municipal 5870
corporation shall use the amounts deposited in the fund to pay 5871
the costs incurred by the municipal corporation pursuant to any 5872
sanction imposed under this section or section 2929.26 or 5873
2929.27 of the Revised Code or in operating a facility used to 5874
confine offenders pursuant to a sanction imposed under section 5875
2929.26 of the Revised Code. 5876

(3) The offender shall pay reimbursements imposed pursuant 5877
to division (A)(3) of this section for the costs incurred by a 5878
private provider pursuant to a sanction imposed under this 5879
section or section 2929.26 or 2929.27 of the Revised Code to the 5880
provider. 5881

(D) In addition to any other fine that is or may be 5882
imposed under this section, the court imposing sentence upon an 5883
offender for misdemeanor domestic violence or menacing by 5884
stalking may impose a fine of not less than seventy nor more 5885
than five hundred dollars, which shall be transmitted to the 5886
treasurer of state to be credited to the address confidentiality 5887
program fund created by section 111.48 of the Revised Code. 5888

(E) Except as otherwise provided in this division, a 5889
financial sanction imposed under division (A) of this section is 5890
a judgment in favor of the state or the political subdivision 5891
that operates the court that imposed the financial sanction, and 5892
the offender subject to the financial sanction is the judgment 5893
debtor. A financial sanction of reimbursement imposed pursuant 5894
to division (A) (3) (a) (i) of this section upon an offender is a 5895
judgment in favor of the entity administering the community 5896
control sanction, and the offender subject to the financial 5897
sanction is the judgment debtor. A financial sanction of 5898
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 5899
section upon an offender confined in a jail or other residential 5900
facility is a judgment in favor of the entity operating the jail 5901
or other residential facility, and the offender subject to the 5902
financial sanction is the judgment debtor. A financial sanction 5903
of restitution imposed pursuant to division (A) (1) of this 5904
section is an order in favor of the victim of the offender's 5905
criminal act that can be collected through a certificate of 5906
judgment as described in division (E) (1) of this section, 5907
through execution as described in division (E) (2) of this 5908
section, or through an order as described in division (E) (3) of 5909
this section, and the offender shall be considered for purposes 5910
of the collection as the judgment debtor. 5911

Once the financial sanction is imposed as a judgment or 5912
order under this division, the victim, private provider, state, 5913
or political subdivision may do any of the following: 5914

(1) Obtain from the clerk of the court in which the 5915
judgment was entered a certificate of judgment that shall be in 5916
the same manner and form as a certificate of judgment issued in 5917
a civil action; 5918

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (E) (1) and (2) of section 2929.18 of the Revised Code.

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county

court or a municipal court operated by a county, the acceptance 5948
of payments by any financial transaction device shall be 5949
governed by the policy adopted by the board of county 5950
commissioners of the county pursuant to section 301.28 of the 5951
Revised Code. If the court is a municipal court not operated by 5952
a county, the clerk may pay any fee associated with processing 5953
an electronic transfer out of public money or may charge the fee 5954
to the offender. 5955

(3) To defray administrative costs, charge a reasonable 5956
fee to an offender who elects a payment plan rather than a lump 5957
sum payment of any financial sanction. 5958

(H) No financial sanction imposed under this section shall 5959
preclude a victim from bringing a civil action against the 5960
offender. 5961

Sec. 3113.31. (A) As used in this section: 5962

(1) "Domestic violence" means any of the following: 5963

(a) The occurrence of one or more of the following acts 5964
against a family or household member: 5965

(i) Attempting to cause or recklessly causing bodily 5966
injury; 5967

(ii) Placing another person by the threat of force in fear 5968
of imminent serious physical harm or committing a violation of 5969
section 2903.211 or 2911.211 of the Revised Code; 5970

(iii) Committing any act with respect to a child that 5971
would result in the child being an abused child, as defined in 5972
section 2151.031 of the Revised Code; 5973

(iv) Committing a sexually oriented offense. 5974

(b) The occurrence of one or more of the acts identified 5975
in divisions (A) (1) (a) (i) to (iv) of this section against a 5976
person with whom the respondent is or was in a dating 5977
relationship. 5978

(2) "Court" means the domestic relations division of the 5979
court of common pleas in counties that have a domestic relations 5980
division and the court of common pleas in counties that do not 5981
have a domestic relations division, or the juvenile division of 5982
the court of common pleas of the county in which the person to 5983
be protected by a protection order issued or a consent agreement 5984
approved under this section resides if the respondent is less 5985
than eighteen years of age. 5986

(3) "Family or household member" means any of the 5987
following: 5988

(a) Any of the following who is residing with or has 5989
resided with the respondent: 5990

(i) A spouse, a person living as a spouse, or a former 5991
spouse of the respondent; 5992

(ii) A parent, a foster parent, or a child of the 5993
respondent, or another person related by consanguinity or 5994
affinity to the respondent; 5995

(iii) A parent or a child of a spouse, person living as a 5996
spouse, or former spouse of the respondent, or another person 5997
related by consanguinity or affinity to a spouse, person living 5998
as a spouse, or former spouse of the respondent. 5999

(b) The natural parent of any child of whom the respondent 6000
is the other natural parent or is the putative other natural 6001
parent. 6002

(4) "Person living as a spouse" means a person who is 6003
living or has lived with the respondent in a common law marital 6004
relationship, who otherwise is cohabiting with the respondent, 6005
or who otherwise has cohabited with the respondent within five 6006
years prior to the date of the alleged occurrence of the act in 6007
question. 6008

(5) "Victim advocate" means a person who provides support 6009
and assistance for a person who files a petition under this 6010
section. 6011

(6) "Sexually oriented offense" has the same meaning as in 6012
section 2950.01 of the Revised Code. 6013

(7) "Companion animal" has the same meaning as in section 6014
959.131 of the Revised Code. 6015

(8) "Dating relationship" means a relationship between 6016
individuals who have, or have had, a relationship of a romantic 6017
or intimate nature. "Dating relationship" does not include a 6018
casual acquaintanceship or ordinary fraternization in a business 6019
or social context. 6020

(9) "Person with whom the respondent is or was in a dating 6021
relationship" means an adult who, at the time of the conduct in 6022
question, is in a dating relationship with the respondent who 6023
also is an adult or who, within the twelve months preceding the 6024
conduct in question, has had a dating relationship with the 6025
respondent who also is an adult. 6026

~~(10) "Expunge" has the same meaning as in section 2903.213~~ 6027
~~of the Revised Code.~~ 6028

(B) The court has jurisdiction over all proceedings under 6029
this section. The petitioner's right to relief under this 6030
section is not affected by the petitioner's leaving the 6031

residence or household to avoid further domestic violence. 6032

(C) A person may seek relief under this section on the 6033
person's own behalf, or any parent or adult household member may 6034
seek relief under this section on behalf of any other family or 6035
household member, by filing a petition with the court. The 6036
petition shall contain or state: 6037

(1) An allegation that the respondent engaged in domestic 6038
violence against a family or household member of the respondent 6039
or against a person with whom the respondent is or was in a 6040
dating relationship, including a description of the nature and 6041
extent of the domestic violence; 6042

(2) The relationship of the respondent to the petitioner, 6043
and to the victim if other than the petitioner; 6044

(3) If the petition is for protection of a person with 6045
whom the respondent is or was in a dating relationship, the 6046
facts upon which the court may conclude that a dating 6047
relationship existed between the person to be protected and the 6048
respondent; 6049

(4) A request for relief under this section. 6050

(D) (1) If a person who files a petition pursuant to this 6051
section requests an ex parte order, the court shall hold an ex 6052
parte hearing on the same day that the petition is filed. The 6053
court, for good cause shown at the ex parte hearing, may enter 6054
any temporary orders, with or without bond, including, but not 6055
limited to, an order described in division (E) (1) (a), (b), or 6056
(c) of this section, that the court finds necessary to protect 6057
the family or household member or the person with whom the 6058
respondent is or was in a dating relationship from domestic 6059
violence. Immediate and present danger of domestic violence to 6060

the family or household member or to the person with whom the 6061
respondent is or was in a dating relationship constitutes good 6062
cause for purposes of this section. Immediate and present danger 6063
includes, but is not limited to, situations in which the 6064
respondent has threatened the family or household member or 6065
person with whom the respondent is or was in a dating 6066
relationship with bodily harm, in which the respondent has 6067
threatened the family or household member or person with whom 6068
the respondent is or was in a dating relationship with a 6069
sexually oriented offense, or in which the respondent previously 6070
has been convicted of, pleaded guilty to, or been adjudicated a 6071
delinquent child for an offense that constitutes domestic 6072
violence against the family or household member or person with 6073
whom the respondent is or was in a dating relationship. 6074

(2) (a) If the court, after an ex parte hearing, issues an 6075
order described in division (E) (1) (b) or (c) of this section, 6076
the court shall schedule a full hearing for a date that is 6077
within seven court days after the ex parte hearing. If any other 6078
type of protection order that is authorized under division (E) 6079
of this section is issued by the court after an ex parte 6080
hearing, the court shall schedule a full hearing for a date that 6081
is within ten court days after the ex parte hearing. The court 6082
shall give the respondent notice of, and an opportunity to be 6083
heard at, the full hearing. The court shall hold the full 6084
hearing on the date scheduled under this division unless the 6085
court grants a continuance of the hearing in accordance with 6086
this division. Under any of the following circumstances or for 6087
any of the following reasons, the court may grant a continuance 6088
of the full hearing to a reasonable time determined by the 6089
court: 6090

(i) Prior to the date scheduled for the full hearing under 6091

this division, the respondent has not been served with the 6092
petition filed pursuant to this section and notice of the full 6093
hearing. 6094

(ii) The parties consent to the continuance. 6095

(iii) The continuance is needed to allow a party to obtain 6096
counsel. 6097

(iv) The continuance is needed for other good cause. 6098

(b) An ex parte order issued under this section does not 6099
expire because of a failure to serve notice of the full hearing 6100
upon the respondent before the date set for the full hearing 6101
under division (D) (2) (a) of this section or because the court 6102
grants a continuance under that division. 6103

(3) If a person who files a petition pursuant to this 6104
section does not request an ex parte order, or if a person 6105
requests an ex parte order but the court does not issue an ex 6106
parte order after an ex parte hearing, the court shall proceed 6107
as in a normal civil action and grant a full hearing on the 6108
matter. 6109

(E) (1) After an ex parte or full hearing, the court may 6110
grant any protection order, with or without bond, or approve any 6111
consent agreement to bring about a cessation of domestic 6112
violence against the family or household members or persons with 6113
whom the respondent is or was in a dating relationship. The 6114
order or agreement may: 6115

(a) Direct the respondent to refrain from abusing or from 6116
committing sexually oriented offenses against the family or 6117
household members or persons with whom the respondent is or was 6118
in a dating relationship; 6119

(b) With respect to a petition involving family or 6120
household members, grant possession of the residence or 6121
household to the petitioner or other family or household member, 6122
to the exclusion of the respondent, by evicting the respondent, 6123
when the residence or household is owned or leased solely by the 6124
petitioner or other family or household member, or by ordering 6125
the respondent to vacate the premises, when the residence or 6126
household is jointly owned or leased by the respondent, and the 6127
petitioner or other family or household member; 6128

(c) With respect to a petition involving family or 6129
household members, when the respondent has a duty to support the 6130
petitioner or other family or household member living in the 6131
residence or household and the respondent is the sole owner or 6132
lessee of the residence or household, grant possession of the 6133
residence or household to the petitioner or other family or 6134
household member, to the exclusion of the respondent, by 6135
ordering the respondent to vacate the premises, or, in the case 6136
of a consent agreement, allow the respondent to provide 6137
suitable, alternative housing; 6138

(d) With respect to a petition involving family or 6139
household members, temporarily allocate parental rights and 6140
responsibilities for the care of, or establish temporary 6141
parenting time rights with regard to, minor children, if no 6142
other court has determined, or is determining, the allocation of 6143
parental rights and responsibilities for the minor children or 6144
parenting time rights; 6145

(e) With respect to a petition involving family or 6146
household members, require the respondent to maintain support, 6147
if the respondent customarily provides for or contributes to the 6148
support of the family or household member, or if the respondent 6149

has a duty to support the petitioner or family or household member; 6150
6151

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; 6152
6153
6154

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member; 6155
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(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property; 6159
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(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 6165
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(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 6168
6169

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 6170
6171

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against 6172
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the respondent returning to the residence or household in the 6179
order, it also shall include in the order provisions of the type 6180
described in division (E) (7) of this section. This division does 6181
not preclude the court from including in a protection order or 6182
consent agreement, in circumstances other than those described 6183
in this division, a requirement that the respondent be evicted 6184
from or vacate the residence or household or refrain from 6185
entering the residence, school, business, or place of employment 6186
of the petitioner or, with respect to a petition involving 6187
family or household members, a family or household member, and, 6188
if the court includes any requirement of that type in an order 6189
or agreement, the court also shall include in the order 6190
provisions of the type described in division (E) (7) of this 6191
section. 6192

(3) (a) Any protection order issued or consent agreement 6193
approved under this section shall be valid until a date certain, 6194
but not later than five years from the date of its issuance or 6195
approval, or not later than the date a respondent who is less 6196
than eighteen years of age attains nineteen years of age, unless 6197
modified or terminated as provided in division (E) (8) of this 6198
section. 6199

(b) With respect to an order involving family or household 6200
members, subject to the limitation on the duration of an order 6201
or agreement set forth in division (E) (3) (a) of this section, 6202
any order under division (E) (1) (d) of this section shall 6203
terminate on the date that a court in an action for divorce, 6204
dissolution of marriage, or legal separation brought by the 6205
petitioner or respondent issues an order allocating parental 6206
rights and responsibilities for the care of children or on the 6207
date that a juvenile court in an action brought by the 6208
petitioner or respondent issues an order awarding legal custody 6209

of minor children. Subject to the limitation on the duration of 6210
an order or agreement set forth in division (E) (3) (a) of this 6211
section, any order under division (E) (1) (e) of this section 6212
shall terminate on the date that a court in an action for 6213
divorce, dissolution of marriage, or legal separation brought by 6214
the petitioner or respondent issues a support order or on the 6215
date that a juvenile court in an action brought by the 6216
petitioner or respondent issues a support order. 6217

(c) Any protection order issued or consent agreement 6218
approved pursuant to this section may be renewed in the same 6219
manner as the original order or agreement was issued or 6220
approved. 6221

(4) A court may not issue a protection order that requires 6222
a petitioner to do or to refrain from doing an act that the 6223
court may require a respondent to do or to refrain from doing 6224
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 6225
this section unless all of the following apply: 6226

(a) The respondent files a separate petition for a 6227
protection order in accordance with this section. 6228

(b) The petitioner is served notice of the respondent's 6229
petition at least forty-eight hours before the court holds a 6230
hearing with respect to the respondent's petition, or the 6231
petitioner waives the right to receive this notice. 6232

(c) If the petitioner has requested an ex parte order 6233
pursuant to division (D) of this section, the court does not 6234
delay any hearing required by that division beyond the time 6235
specified in that division in order to consolidate the hearing 6236
with a hearing on the petition filed by the respondent. 6237

(d) After a full hearing at which the respondent presents 6238

evidence in support of the request for a protection order and 6239
the petitioner is afforded an opportunity to defend against that 6240
evidence, the court determines that the petitioner has committed 6241
an act of domestic violence or has violated a temporary 6242
protection order issued pursuant to section 2919.26 of the 6243
Revised Code, that both the petitioner and the respondent acted 6244
primarily as aggressors, and that neither the petitioner nor the 6245
respondent acted primarily in self-defense. 6246

(5) No protection order issued or consent agreement 6247
approved under this section shall in any manner affect title to 6248
any real property. 6249

(6) (a) With respect to an order involving family or 6250
household members, if a petitioner, or the child of a 6251
petitioner, who obtains a protection order or consent agreement 6252
pursuant to division (E) (1) of this section or a temporary 6253
protection order pursuant to section 2919.26 of the Revised Code 6254
and is the subject of a parenting time order issued pursuant to 6255
section 3109.051 or 3109.12 of the Revised Code or a visitation 6256
or companionship order issued pursuant to section 3109.051, 6257
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 6258
this section granting parenting time rights to the respondent, 6259
the court may require the public children services agency of the 6260
county in which the court is located to provide supervision of 6261
the respondent's exercise of parenting time or visitation or 6262
companionship rights with respect to the child for a period not 6263
to exceed nine months, if the court makes the following findings 6264
of fact: 6265

(i) The child is in danger from the respondent; 6266

(ii) No other person or agency is available to provide the 6267
supervision. 6268

(b) A court that requires an agency to provide supervision 6269
pursuant to division (E) (6) (a) of this section shall order the 6270
respondent to reimburse the agency for the cost of providing the 6271
supervision, if it determines that the respondent has sufficient 6272
income or resources to pay that cost. 6273

(7) (a) If a protection order issued or consent agreement 6274
approved under this section includes a requirement that the 6275
respondent be evicted from or vacate the residence or household 6276
or refrain from entering the residence, school, business, or 6277
place of employment of the petitioner or, with respect to a 6278
petition involving family or household members, a family or 6279
household member, the order or agreement shall state clearly 6280
that the order or agreement cannot be waived or nullified by an 6281
invitation to the respondent from the petitioner or other family 6282
or household member to enter the residence, school, business, or 6283
place of employment or by the respondent's entry into one of 6284
those places otherwise upon the consent of the petitioner or 6285
other family or household member. 6286

(b) Division (E) (7) (a) of this section does not limit any 6287
discretion of a court to determine that a respondent charged 6288
with a violation of section 2919.27 of the Revised Code, with a 6289
violation of a municipal ordinance substantially equivalent to 6290
that section, or with contempt of court, which charge is based 6291
on an alleged violation of a protection order issued or consent 6292
agreement approved under this section, did not commit the 6293
violation or was not in contempt of court. 6294

(8) (a) The court may modify or terminate as provided in 6295
division (E) (8) of this section a protection order or consent 6296
agreement that was issued after a full hearing under this 6297
section. The court that issued the protection order or approved 6298

the consent agreement shall hear a motion for modification or 6299
termination of the protection order or consent agreement 6300
pursuant to division (E)(8) of this section. 6301

(b) Either the petitioner or the respondent of the 6302
original protection order or consent agreement may bring a 6303
motion for modification or termination of a protection order or 6304
consent agreement that was issued or approved after a full 6305
hearing. The court shall require notice of the motion to be made 6306
as provided by the Rules of Civil Procedure. If the petitioner 6307
for the original protection order or consent agreement has 6308
requested that the petitioner's address be kept confidential, 6309
the court shall not disclose the address to the respondent of 6310
the original protection order or consent agreement or any other 6311
person, except as otherwise required by law. The moving party 6312
has the burden of proof to show, by a preponderance of the 6313
evidence, that modification or termination of the protection 6314
order or consent agreement is appropriate because either the 6315
protection order or consent agreement is no longer needed or 6316
because the terms of the original protection order or consent 6317
agreement are no longer appropriate. 6318

(c) In considering whether to modify or terminate a 6319
protection order or consent agreement issued or approved under 6320
this section, the court shall consider all relevant factors, 6321
including, but not limited to, the following: 6322

(i) Whether the petitioner consents to modification or 6323
termination of the protection order or consent agreement; 6324

(ii) Whether the petitioner fears the respondent; 6325

(iii) The current nature of the relationship between the 6326
petitioner and the respondent; 6327

- (iv) The circumstances of the petitioner and respondent, 6328
including the relative proximity of the petitioner's and 6329
respondent's workplaces and residences and whether the 6330
petitioner and respondent have minor children together; 6331
- (v) Whether the respondent has complied with the terms and 6332
conditions of the original protection order or consent 6333
agreement; 6334
- (vi) Whether the respondent has a continuing involvement 6335
with illegal drugs or alcohol; 6336
- (vii) Whether the respondent has been convicted of, 6337
pleaded guilty to, or been adjudicated a delinquent child for an 6338
offense of violence since the issuance of the protection order 6339
or approval of the consent agreement; 6340
- (viii) Whether any other protection orders, consent 6341
agreements, restraining orders, or no contact orders have been 6342
issued against the respondent pursuant to this section, section 6343
2919.26 of the Revised Code, any other provision of state law, 6344
or the law of any other state; 6345
- (ix) Whether the respondent has participated in any 6346
domestic violence treatment, intervention program, or other 6347
counseling addressing domestic violence and whether the 6348
respondent has completed the treatment, program, or counseling; 6349
- (x) The time that has elapsed since the protection order 6350
was issued or since the consent agreement was approved; 6351
- (xi) The age and health of the respondent; 6352
- (xii) When the last incident of abuse, threat of harm, or 6353
commission of a sexually oriented offense occurred or other 6354
relevant information concerning the safety and protection of the 6355

petitioner or other protected parties. 6356

(d) If a protection order or consent agreement is modified 6357
or terminated as provided in division (E)(8) of this section, 6358
the court shall issue copies of the modified or terminated order 6359
or agreement as provided in division (F) of this section. A 6360
petitioner may also provide notice of the modification or 6361
termination to the judicial and law enforcement officials in any 6362
county other than the county in which the order or agreement is 6363
modified or terminated as provided in division (N) of this 6364
section. 6365

(e) If the respondent moves for modification or 6366
termination of a protection order or consent agreement pursuant 6367
to this section and the court denies the motion, the court may 6368
assess costs against the respondent for the filing of the 6369
motion. 6370

(9) Any protection order issued or any consent agreement 6371
approved pursuant to this section shall include a provision that 6372
the court will automatically seal all of the records of the 6373
proceeding in which the order is issued or agreement approved on 6374
the date the respondent attains the age of nineteen years unless 6375
the petitioner provides the court with evidence that the 6376
respondent has not complied with all of the terms of the 6377
protection order or consent agreement. The protection order or 6378
consent agreement shall specify the date when the respondent 6379
attains the age of nineteen years. 6380

(F)(1) A copy of any protection order, or consent 6381
agreement, that is issued, approved, modified, or terminated 6382
under this section shall be issued by the court to the 6383
petitioner, to the respondent, and to all law enforcement 6384
agencies that have jurisdiction to enforce the order or 6385

agreement. The court shall direct that a copy of an order be 6386
delivered to the respondent on the same day that the order is 6387
entered. 6388

(2) Upon the issuance of a protection order or the 6389
approval of a consent agreement under this section, the court 6390
shall provide the parties to the order or agreement with the 6391
following notice orally or by form: 6392

"NOTICE 6393

As a result of this order or consent agreement, it may be 6394
unlawful for you to possess or purchase a firearm, including a 6395
rifle, pistol, or revolver, or ammunition pursuant to federal 6396
law under 18 U.S.C. 922(g) (8) for the duration of this order or 6397
consent agreement. If you have any questions whether this law 6398
makes it illegal for you to possess or purchase a firearm or 6399
ammunition, you should consult an attorney." 6400

(3) All law enforcement agencies shall establish and 6401
maintain an index for the protection orders and the approved 6402
consent agreements delivered to the agencies pursuant to 6403
division (F) (1) of this section. With respect to each order and 6404
consent agreement delivered, each agency shall note on the index 6405
the date and time that it received the order or consent 6406
agreement. 6407

(4) Regardless of whether the petitioner has registered 6408
the order or agreement in the county in which the officer's 6409
agency has jurisdiction pursuant to division (N) of this 6410
section, any officer of a law enforcement agency shall enforce a 6411
protection order issued or consent agreement approved by any 6412
court in this state in accordance with the provisions of the 6413
order or agreement, including removing the respondent from the 6414

premises, if appropriate. 6415

(G) (1) Any proceeding under this section shall be 6416
conducted in accordance with the Rules of Civil Procedure, 6417
except that an order under this section may be obtained with or 6418
without bond. An order issued under this section, other than an 6419
ex parte order, that grants a protection order or approves a 6420
consent agreement, that refuses to grant a protection order or 6421
approve a consent agreement that modifies or terminates a 6422
protection order or consent agreement, or that refuses to modify 6423
or terminate a protection order or consent agreement, is a 6424
final, appealable order. The remedies and procedures provided in 6425
this section are in addition to, and not in lieu of, any other 6426
available civil or criminal remedies. 6427

(2) If as provided in division (G) (1) of this section an 6428
order issued under this section, other than an ex parte order, 6429
refuses to grant a protection order, the court, on its own 6430
motion, shall order that the ex parte order issued under this 6431
section and all of the records pertaining to that ex parte order 6432
be ~~expunged~~ sealed after either of the following occurs: 6433

(a) ~~The period of the notice of appeal from the order~~ 6434
~~that refuses to grant a protection order has expired~~ No party 6435
has exercised the right to appeal pursuant to Rule 4 of the 6436
Rules of Appellate Procedure. 6437

(b) ~~The order that refuses to grant the protection order~~ 6438
~~is appealed and an appellate court to which the last appeal of~~ 6439
~~that order is taken affirms the order~~ All appellate rights have 6440
been exhausted. 6441

(H) The filing of proceedings under this section does not 6442
excuse a person from filing any report or giving any notice 6443

required by section 2151.421 of the Revised Code or by any other 6444
law. When a petition under this section alleges domestic 6445
violence against minor children, the court shall report the 6446
fact, or cause reports to be made, to a county, township, or 6447
municipal peace officer under section 2151.421 of the Revised 6448
Code. 6449

(I) Any law enforcement agency that investigates a 6450
domestic dispute shall provide information to the family or 6451
household members involved, or the persons in the dating 6452
relationship who are involved, whichever is applicable regarding 6453
the relief available under this section and, for family or 6454
household members, section 2919.26 of the Revised Code. 6455

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 6456
section and regardless of whether a protection order is issued 6457
or a consent agreement is approved by a court of another county 6458
or a court of another state, no court or unit of state or local 6459
government shall charge the petitioner any fee, cost, deposit, 6460
or money in connection with the filing of a petition pursuant to 6461
this section or in connection with the filing, issuance, 6462
registration, modification, enforcement, dismissal, withdrawal, 6463
or service of a protection order, consent agreement, or witness 6464
subpoena or for obtaining a certified copy of a protection order 6465
or consent agreement. 6466

(2) Regardless of whether a protection order is issued or 6467
a consent agreement is approved pursuant to this section, the 6468
court may assess costs against the respondent in connection with 6469
the filing, issuance, registration, modification, enforcement, 6470
dismissal, withdrawal, or service of a protection order, consent 6471
agreement, or witness subpoena or for obtaining a certified copy 6472
of a protection order or consent agreement. 6473

(K) (1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L) (1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution or a delinquent child proceeding for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that

section, and a person convicted of or adjudicated a delinquent 6503
child for a violation of that section shall not subsequently be 6504
punished for contempt of court arising out of the same activity. 6505

(M) In all stages of a proceeding under this section, a 6506
petitioner may be accompanied by a victim advocate. 6507

(N) (1) A petitioner who obtains a protection order or 6508
consent agreement under this section or a temporary protection 6509
order under section 2919.26 of the Revised Code may provide 6510
notice of the issuance or approval of the order or agreement to 6511
the judicial and law enforcement officials in any county other 6512
than the county in which the order is issued or the agreement is 6513
approved by registering that order or agreement in the other 6514
county pursuant to division (N) (2) of this section and filing a 6515
copy of the registered order or registered agreement with a law 6516
enforcement agency in the other county in accordance with that 6517
division. A person who obtains a protection order issued by a 6518
court of another state may provide notice of the issuance of the 6519
order to the judicial and law enforcement officials in any 6520
county of this state by registering the order in that county 6521
pursuant to section 2919.272 of the Revised Code and filing a 6522
copy of the registered order with a law enforcement agency in 6523
that county. 6524

(2) A petitioner may register a temporary protection 6525
order, protection order, or consent agreement in a county other 6526
than the county in which the court that issued the order or 6527
approved the agreement is located in the following manner: 6528

(a) The petitioner shall obtain a certified copy of the 6529
order or agreement from the clerk of the court that issued the 6530
order or approved the agreement and present that certified copy 6531
to the clerk of the court of common pleas or the clerk of a 6532

municipal court or county court in the county in which the order 6533
or agreement is to be registered. 6534

(b) Upon accepting the certified copy of the order or 6535
agreement for registration, the clerk of the court of common 6536
pleas, municipal court, or county court shall place an 6537
endorsement of registration on the order or agreement and give 6538
the petitioner a copy of the order or agreement that bears that 6539
proof of registration. 6540

(3) The clerk of each court of common pleas, the clerk of 6541
each municipal court, and the clerk of each county court shall 6542
maintain a registry of certified copies of temporary protection 6543
orders, protection orders, or consent agreements that have been 6544
issued or approved by courts in other counties and that have 6545
been registered with the clerk. 6546

(0) Nothing in this section prohibits the domestic 6547
relations division of a court of common pleas in counties that 6548
have a domestic relations division or a court of common pleas in 6549
counties that do not have a domestic relations division from 6550
designating a minor child as a protected party on a protection 6551
order or consent agreement. 6552

Sec. 3307.152. (A) As used in this section and in section 6553
3307.154 of the Revised Code: 6554

(1) "Agent" means a dealer, as defined in section 1707.01 6555
of the Revised Code, who is licensed under sections 1707.01 to 6556
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 6557
another state or of the United States. 6558

(2) "Minority business enterprise" has the same meaning as 6559
in section 122.71 of the Revised Code. 6560

(3) "Ohio-qualified agent" means an agent designated as 6561

such by the state teachers retirement board. 6562

(4) "Ohio-qualified investment manager" means an 6563
investment manager designated as such by the state teachers 6564
retirement board. 6565

(5) "Principal place of business" means an office in which 6566
the agent regularly provides securities or investment advisory 6567
services and solicits, meets with, or otherwise communicates 6568
with clients. 6569

(B) The state teachers retirement board shall, for the 6570
purposes of this section, designate an agent as an Ohio- 6571
qualified agent if the agent meets all of the following 6572
requirements: 6573

(1) The agent is subject to taxation under Chapter 5725., 6574
5726., 5733., 5747., or 5751. of the Revised Code. 6575

(2) The agent is authorized to conduct business in this 6576
state. 6577

(3) The agent maintains a principal place of business in 6578
this state and employs at least five residents of this state. 6579

(C) The state teachers retirement board shall adopt and 6580
implement a written policy to establish criteria and procedures 6581
used to select agents to execute securities transactions on 6582
behalf of the retirement system. The policy shall address each 6583
of the following: 6584

(1) Commissions charged by the agent, both in the 6585
aggregate and on a per share basis; 6586

(2) The execution speed and trade settlement capabilities 6587
of the agent; 6588

(3) The responsiveness, reliability, and integrity of the agent; 6589
6590

(4) The nature and value of research provided by the agent; 6591
6592

(5) Any special capabilities of the agent. 6593

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section. 6594
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(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board. 6602
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(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final. 6605
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Sec. 3309.157. (A) As used in this section and in section 3309.159 of the Revised Code: 6611
6612

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of another state or of the United States. 6613
6614
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6616

(2) "Minority business enterprise" has the same meaning as
in section 122.71 of the Revised Code. 6617
6618

(3) "Ohio-qualified agent" means an agent designated as
such by the school employees retirement board. 6619
6620

(4) "Ohio-qualified investment manager" means an
investment manager designated as such by the school employees
retirement board. 6621
6622
6623

(5) "Principal place of business" means an office in which
the agent regularly provides securities or investment advisory
services and solicits, meets with, or otherwise communicates
with clients. 6624
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(B) The school employees retirement board shall, for the
purposes of this section, designate an agent as an Ohio-
qualified agent if the agent meets all of the following
requirements: 6628
6629
6630
6631

(1) The agent is subject to taxation under Chapter 5725.,
5726., 5733., 5747., or 5751. of the Revised Code. 6632
6633

(2) The agent is authorized to conduct business in this
state. 6634
6635

(3) The agent maintains a principal place of business in
this state and employs at least five residents of this state. 6636
6637

(C) The school employees retirement board shall adopt and
implement a written policy to establish criteria and procedures
used to select agents to execute securities transactions on
behalf of the retirement system. The policy shall address each
of the following: 6638
6639
6640
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6642

(1) Commissions charged by the agent, both in the
aggregate and on a per share basis; 6643
6644

(2) The execution speed and trade settlement capabilities
of the agent; 6645
6646

(3) The responsiveness, reliability, and integrity of the
agent; 6647
6648

(4) The nature and value of research provided by the
agent; 6649
6650

(5) Any special capabilities of the agent. 6651

(D)(1) The board shall, at least annually, establish a 6652
policy with the goal to increase utilization by the board of 6653
Ohio-qualified agents for the execution of domestic equity and 6654
fixed income trades on behalf of the retirement system, when an 6655
Ohio-qualified agent offers quality, services, and safety 6656
comparable to other agents otherwise available to the board and 6657
meets the criteria established under division (C) of this 6658
section. 6659

(2) The board shall review, at least annually, the 6660
performance of the agents that execute securities transactions 6661
on behalf of the board. 6662

(3) The board shall determine whether an agent is an Ohio- 6663
qualified agent, meets the criteria established by the board 6664
pursuant to division (C) of this section, and offers quality, 6665
services, and safety comparable to other agents otherwise 6666
available to the board. The board's determination shall be 6667
final. 6668

Sec. 4582.06. (A) A port authority created in accordance 6669
with section 4582.02 of the Revised Code may: 6670

(1) Acquire, construct, furnish, equip, maintain, repair, 6671
sell, exchange, lease to or from, lease with an option to 6672

purchase, convey other interests in, or operate real or personal 6673
property, or any combination thereof, related to, useful for, or 6674
in furtherance of any authorized purpose, and make charges for 6675
the use of any port authority facility, which shall be not less 6676
than the charges established for the same services furnished by 6677
a public utility or common carrier in the jurisdiction of the 6678
particular port authority; 6679

(2) Straigten, deepen, and improve any canal, channel, 6680
river, stream, or other water course or way that may be 6681
necessary or proper in the development of the facilities of the 6682
port authority; 6683

(3) Issue bonds or notes for the acquisition, 6684
construction, furnishing, or equipping of any real or personal 6685
property, or any combination thereof, related to, useful for, or 6686
in furtherance of any authorized purpose, in compliance with 6687
Chapter 133. of the Revised Code, except that the bonds or notes 6688
only may be issued pursuant to a vote of the electors residing 6689
within the territory of the port authority. The net indebtedness 6690
incurred by a port authority shall never exceed two per cent of 6691
the total value of all property within the territory comprising 6692
the authority as listed and assessed for taxation. 6693

(4) By resolution of its board of directors, issue revenue 6694
bonds beyond the limit of bonded indebtedness provided by law, 6695
for the acquisition, construction, furnishing, or equipping of 6696
any real or personal property, or any combination thereof, 6697
related to, useful for, or in furtherance of any authorized 6698
purpose, including all costs in connection with or incidental 6699
thereto. 6700

The revenue bonds of the port authority shall be secured 6701
only by a pledge of and a lien on the revenues of the port 6702

authority derived from those loan payments, rentals, fees, 6703
charges, or other revenues that are designated in the 6704
resolution, including, but not limited to, any property to be 6705
acquired, constructed, furnished, or equipped with the proceeds 6706
of the bond issue, after provision only for the reasonable cost 6707
of operating, maintaining, and repairing the property of the 6708
port authority so designated. The bonds may further be secured 6709
by the covenant of the port authority to maintain rates or 6710
charges that will produce revenues sufficient to meet the costs 6711
of operating, maintaining, and repairing such property and to 6712
meet the interest and principal requirements of the bonds and to 6713
establish and maintain reserves for the foregoing purposes. The 6714
board of directors, by resolution, may provide for the issuance 6715
of additional revenue bonds from time to time, to be secured 6716
equally and ratably, without preference, priority, or 6717
distinction, with outstanding revenue bonds, but subject to the 6718
terms and limitations of any trust agreement described in this 6719
section, and of any resolution authorizing bonds then 6720
outstanding. The board of directors, by resolution, may 6721
designate additional property of the port authority, the 6722
revenues of which shall be pledged and be subject to a lien for 6723
the payment of the debt charges on revenue bonds theretofore 6724
authorized by resolution of the board of directors, to the same 6725
extent as the revenues above described. 6726

In the discretion of the board of directors, the revenue 6727
bonds of the port authority may be secured by a trust agreement 6728
between the board of directors on behalf of the port authority 6729
and a corporate trustee, that may be any trust company or bank 6730
having powers of a trust company, within or without the state. 6731

The trust agreement may provide for the pledge or 6732
assignment of the revenues to be received, but shall not pledge 6733

the general credit and taxing power of the port authority. A 6734
trust agreement securing revenue bonds issued to acquire, 6735
construct, furnish, or equip real property, plants, factories, 6736
offices, and other structures and facilities for authorized 6737
purposes consistent with Section 13 or 16 of Article VIII, Ohio 6738
Constitution, may mortgage the real or personal property, or a 6739
combination thereof, to be acquired, constructed, furnished, or 6740
equipped from the proceeds of such revenue bonds, as further 6741
security for the bonds. The trust agreement or the resolution 6742
providing for the issuance of revenue bonds may set forth the 6743
rights and remedies of the bondholders and trustee, and may 6744
contain other provisions for protecting and enforcing their 6745
rights and remedies that are determined in the discretion of the 6746
board of directors to be reasonable and proper. The agreement or 6747
resolution may provide for the custody, investment, and 6748
disbursement of all moneys derived from the sale of such bonds, 6749
or from the revenues of the port authority, other than those 6750
moneys received from taxes levied pursuant to section 4582.14 of 6751
the Revised Code, and may provide for the deposit of such funds 6752
without regard to section 4582.15 of the Revised Code. 6753

All bonds issued under authority of this chapter, 6754
regardless of form or terms and regardless of any other law to 6755
the contrary, shall have all qualities and incidents of 6756
negotiable instruments, subject to provisions for registration, 6757
and may be issued in coupon, fully registered, or other form, or 6758
any combination thereof, as the board of directors determines. 6759
Provision may be made for the registration of any coupon bonds 6760
as to principal alone or as to both principal and interest, and 6761
for the conversion into coupon bonds of any fully registered 6762
bonds or bonds registered as to both principal and interest. 6763

The revenue bonds shall bear interest at such rate or 6764

rates, shall bear such date or dates, and shall mature within 6765
forty-five years following the date of issuance and in such 6766
amount, at such time or times, and in such number of 6767
installments, as may be provided in or pursuant to the 6768
resolution authorizing their issuance. The final maturity of any 6769
original issue of revenue bonds shall not be later than forty- 6770
five years from their date of issue. Such resolution also shall 6771
provide for the execution of the bonds, which may be by 6772
facsimile signatures unless prohibited by the resolution, and 6773
the manner of sale of the bonds. The resolution shall provide 6774
for, or provide for the determination of, any other terms and 6775
conditions relative to the issuance, sale, and retirement of the 6776
bonds that the board of directors in its discretion determines 6777
to be reasonable and proper. 6778

Whenever a port authority considers it expedient, it may 6779
issue renewal notes and refund any bonds, whether the bonds to 6780
be refunded have or have not matured. The final maturity of any 6781
notes, including any renewal notes, shall not be later than five 6782
years from the date of issue of the original issue of notes. The 6783
final maturity of any refunding bonds shall not be later than 6784
the later of forty-five years from the date of issue of the 6785
original issue of bonds. The refunding bonds shall be sold and 6786
the proceeds applied to the purchase, redemption, or payment of 6787
the bonds to be refunded and the costs of issuance of the 6788
refunding bonds. The bonds and notes issued under this chapter, 6789
their transfer, and the income therefrom, shall at all times be 6790
free from taxation within the state. 6791

(5) Do any of the following, in regard to any interests in 6792
any real or personal property, or any combination thereof, 6793
including, without limitation, machinery, equipment, plants, 6794
factories, offices, and other structures and facilities related 6795

to, useful for, or in furtherance of any authorized purpose, for 6796
such consideration and in such manner, consistent with Article 6797
VIII, Ohio Constitution, as the board in its sole discretion may 6798
determine: 6799

(a) Loan moneys to any person or governmental entity for 6800
the acquisition, construction, furnishing, and equipping of the 6801
property; 6802

(b) Acquire, construct, maintain, repair, furnish, and 6803
equip the property; 6804

(c) Sell to, exchange with, lease, convey other interests 6805
in, or lease with an option to purchase the same or any lesser 6806
interest in the property to the same or any other person or 6807
governmental entity; 6808

(d) Guarantee the obligations of any person or 6809
governmental entity. 6810

A port authority may accept and hold as consideration for 6811
the conveyance of property or any interest therein such property 6812
or interests therein as the board in its discretion may 6813
determine, notwithstanding any restrictions that apply to the 6814
investment of funds by a port authority. 6815

(6) Construct, maintain, repair, furnish, equip, sell, 6816
exchange, lease, or lease with an option to purchase, any 6817
property that it is authorized to acquire. A port authority that 6818
is subject to this section also may operate any property in 6819
connection with transportation, recreational, governmental 6820
operations, or cultural activities. 6821

(a) Any purchase, exchange, sale, lease, lease with an 6822
option to purchase, conveyance of other interests in, or other 6823
contract with a person or governmental entity that pertains to 6824

the acquisition, construction, maintenance, repair, furnishing, 6825
equipping, or operation of any real or personal property, or any 6826
combination thereof, related to, useful for, or in furtherance 6827
of an activity contemplated by Section 13 or 16 of Article VIII, 6828
Ohio Constitution, shall be made in such manner and subject to 6829
such terms and conditions as may be determined by the board of 6830
directors in its discretion. 6831

(b) Division (A) (6) (a) of this section applies to all 6832
contracts that are subject to the division, notwithstanding any 6833
other provision of law that might otherwise apply, including, 6834
without limitation, any requirement of notice, any requirement 6835
of competitive bidding or selection, or any requirement for the 6836
provision of security. 6837

(c) Divisions (A) (6) (a) and (b) of this section do not 6838
apply to either of the following: 6839

(i) Any contract secured by or to be paid from moneys 6840
raised by taxation or the proceeds of obligations secured by a 6841
pledge of moneys raised by taxation; 6842

(ii) Any contract secured exclusively by or to be paid 6843
exclusively from the general revenues of the port authority. For 6844
the purposes of this section, any revenues derived by the port 6845
authority under a lease or other agreement that, by its terms, 6846
contemplates the use of amounts payable under the agreement 6847
either to pay the costs of the improvement that is the subject 6848
of the contract or to secure obligations of the port authority 6849
issued to finance costs of such improvement, are excluded from 6850
general revenues. 6851

(7) Apply to the proper authorities of the United States 6852
pursuant to appropriate law for the right to establish, operate, 6853

and maintain foreign trade zones and to establish, operate, and 6854
maintain foreign trade zones; and to acquire land or property 6855
therefor, in a manner consistent with section 4582.17 of the 6856
Revised Code; 6857

(8) Exercise the right of eminent domain to appropriate 6858
any land, rights, rights-of-way, franchises, easements, or other 6859
property, necessary or proper for any authorized purpose, 6860
pursuant to the procedure provided in sections 163.01 to 163.22 6861
of the Revised Code, if funds equal to the appraised value of 6862
the property to be acquired as a result of such proceedings are 6863
available for that purpose, except that nothing contained in 6864
sections 4582.01 to 4582.20 of the Revised Code shall authorize 6865
a port authority to take or disturb property or facilities 6866
belonging to any agency or political subdivision of this state, 6867
public utility, or common carrier, which property or facilities 6868
are necessary and convenient in the operation of the agency or 6869
political subdivision, public utility, or common carrier, unless 6870
provision is made for the restoration, relocation, or 6871
duplication of the property or facilities, or upon the election 6872
of the agency or political subdivision, public utility, or 6873
common carrier, for the payment of compensation, if any, at the 6874
sole cost of the port authority, provided that: 6875

(a) If any restoration or duplication proposed to be made 6876
pursuant to this section involves a relocation of such property 6877
or facilities, the new facilities and location shall be of at 6878
least comparable utilitarian value and effectiveness, and the 6879
relocation shall not impair the ability of the public utility or 6880
common carrier to compete in its original area of operation. 6881

(b) If any restoration or duplication made pursuant to 6882
this section involves a relocation of such property or 6883

facilities, the port authority shall acquire no interest or 6884
right in or to the appropriated property or facilities, except 6885
as provided in division (A) (11) of this section, until the 6886
relocated property or facilities are available for use and until 6887
marketable title thereto has been transferred to the public 6888
utility or common carrier. 6889

(c) Provisions for restoration or duplication shall be 6890
described in detail in the resolution for appropriation passed 6891
by the port authority. 6892

(9) Enjoy and possess the same rights, privileges, and 6893
powers granted municipal corporations under sections 721.04 to 6894
721.11 of the Revised Code; 6895

(10) Maintain such funds as it considers necessary; 6896

(11) Direct its agents or employees, when properly 6897
identified in writing, and after at least five days' written 6898
notice, to enter upon lands within the confines of its 6899
jurisdiction in order to make surveys and examinations 6900
preliminary to location and construction of works for the 6901
purposes of the port authority, without liability of the port 6902
authority or its agents or employees except for actual damage 6903
done; 6904

(12) Sell, lease, or convey other interests in real and 6905
personal property and grant easements or rights-of-way over 6906
property of the port authority. The board of directors shall 6907
specify the consideration and any terms thereof for the sale, 6908
lease, or conveyance of other interests in real and personal 6909
property. Any determinations made by the board of directors 6910
under this division shall be conclusive. The sale, lease, or 6911
conveyance may be made without advertising and the receipt of 6912

bids. 6913

(13) Promote, advertise, and publicize the port authority 6914
facilities and its authorized purposes, provide information to 6915
persons with an interest in transportation and other port 6916
authority activities, and appear before rate-making authorities 6917
to represent and promote the interests of the port authority and 6918
its authorized purposes; 6919

(14) Adopt rules, not in conflict with general law, 6920
governing the use of and the safeguarding of its property, 6921
grounds, buildings, equipment, and facilities, safeguarding 6922
persons and their property located on or in port authority 6923
property, and governing the conduct of its employees and the 6924
public, in order to promote the public safety and convenience in 6925
and about its terminals and grounds, and to maintain order. Any 6926
such regulation shall be posted at no less than five public 6927
places in the port authority, as determined by the board of 6928
directors, for a period of not fewer than fifteen days, and 6929
shall be available for public inspection at the principal office 6930
of the port authority during regular business hours. No person 6931
shall violate any lawful regulation adopted and posted as 6932
provided in this division. 6933

(15) Establish and administer one or more payment card 6934
programs for purposes of paying expenses related to port 6935
authority business. Any obligation incurred as a result of the 6936
use of such a payment card shall be paid from port authority 6937
funds. 6938

(16) Act as a portal operator for purposes of an 6939
OhioInvests offering under sections 1707.05 to 1707.058 of the 6940
Revised Code; 6941

(17) Do all acts necessary or appropriate to carry out its 6942
authorized purposes. The port authority shall have the powers 6943
and rights granted to other subdivisions under section 9.20 of 6944
the Revised Code. 6945

(B) Any instrument by which real property is acquired 6946
pursuant to this section shall identify the agency of the state 6947
that has the use and benefit of the real property as specified 6948
in section 5301.012 of the Revised Code. 6949

(C) Whoever violates division (A) (14) of this section is 6950
guilty of a minor misdemeanor. 6951

Sec. 4582.31. (A) A port authority created in accordance 6952
with section 4582.22 of the Revised Code may: 6953

(1) Adopt bylaws for the regulation of its affairs and the 6954
conduct of its business; 6955

(2) Adopt an official seal; 6956

(3) Maintain a principal office within its jurisdiction, 6957
and maintain such branch offices as it may require; 6958

(4) Acquire, construct, furnish, equip, maintain, repair, 6959
sell, exchange, lease to or from, or lease with an option to 6960
purchase, convey other interests in real or personal property, 6961
or any combination thereof, related to, useful for, or in 6962
furtherance of any authorized purpose and operate any property 6963
in connection with transportation, recreational, governmental 6964
operations, or cultural activities; 6965

(5) Straighten, deepen, and improve any channel, river, 6966
stream, or other water course or way which may be necessary or 6967
proper in the development of the facilities of a port authority; 6968

(6) Make available the use or services of any port 6969

authority facility to one or more persons, one or more 6970
governmental agencies, or any combination thereof; 6971

(7) Issue bonds or notes for the acquisition, 6972
construction, furnishing, or equipping of any port authority 6973
facility or other permanent improvement that a port authority is 6974
authorized to acquire, construct, furnish, or equip, in 6975
compliance with Chapter 133. of the Revised Code, except that 6976
such bonds or notes may only be issued pursuant to a vote of the 6977
electors residing within the area of jurisdiction of the port 6978
authority. The net indebtedness incurred by a port authority 6979
shall never exceed two per cent of the total value of all 6980
property within the territory comprising the port authority as 6981
listed and assessed for taxation. 6982

(8) Issue port authority revenue bonds beyond the limit of 6983
bonded indebtedness provided by law, payable solely from 6984
revenues as provided in section 4582.48 of the Revised Code, for 6985
the purpose of providing funds to pay the costs of any port 6986
authority facility or facilities or parts thereof; 6987

(9) Apply to the proper authorities of the United States 6988
pursuant to appropriate law for the right to establish, operate, 6989
and maintain foreign trade zones and establish, operate, and 6990
maintain foreign trade zones and to acquire, exchange, sell, 6991
lease to or from, lease with an option to purchase, or operate 6992
facilities, land, or property therefor in accordance with the 6993
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 6994
81u; 6995

(10) Enjoy and possess the same rights, privileges, and 6996
powers granted municipal corporations under sections 721.04 to 6997
721.11 of the Revised Code; 6998

- (11) Maintain such funds as it considers necessary; 6999
- (12) Direct its agents or employees, when properly 7000
identified in writing, and after at least five days' written 7001
notice, to enter upon lands within the confines of its 7002
jurisdiction in order to make surveys and examinations 7003
preliminary to location and construction of works for the 7004
purposes of the port authority, without liability of the port 7005
authority or its agents or employees except for actual damage 7006
done; 7007
- (13) Promote, advertise, and publicize the port authority 7008
and its facilities; provide information to shippers and other 7009
commercial interests; and appear before rate-making authorities 7010
to represent and promote the interests of the port authority; 7011
- (14) Adopt rules, not in conflict with general law, it 7012
finds necessary or incidental to the performance of its duties 7013
and the execution of its powers under sections 4582.21 to 7014
4582.54 of the Revised Code. Any such rule shall be posted at no 7015
less than five public places in the port authority, as 7016
determined by the board of directors, for a period of not fewer 7017
than fifteen days, and shall be available for public inspection 7018
at the principal office of the port authority during regular 7019
business hours. No person shall violate any lawful rule adopted 7020
and posted as provided in this division. 7021
- (15) Do any of the following, in regard to any interests 7022
in any real or personal property, or any combination thereof, 7023
including, without limitation, machinery, equipment, plants, 7024
factories, offices, and other structures and facilities related 7025
to, useful for, or in furtherance of any authorized purpose, for 7026
such consideration and in such manner, consistent with Article 7027
VIII of the Ohio Constitution, as the board in its sole 7028

discretion may determine: 7029

(a) Loan moneys to any person or governmental entity for 7030
the acquisition, construction, furnishing, and equipping of the 7031
property; 7032

(b) Acquire, construct, maintain, repair, furnish, and 7033
equip the property; 7034

(c) Sell to, exchange with, lease, convey other interests 7035
in, or lease with an option to purchase the same or any lesser 7036
interest in the property to the same or any other person or 7037
governmental entity; 7038

(d) Guarantee the obligations of any person or 7039
governmental entity. 7040

A port authority may accept and hold as consideration for 7041
the conveyance of property or any interest therein such property 7042
or interests therein as the board in its discretion may 7043
determine, notwithstanding any restrictions that apply to the 7044
investment of funds by a port authority. 7045

(16) Sell, lease, or convey other interests in real and 7046
personal property, and grant easements or rights-of-way over 7047
property of the port authority. The board of directors shall 7048
specify the consideration and any terms for the sale, lease, or 7049
conveyance of other interests in real and personal property. Any 7050
determination made by the board under this division shall be 7051
conclusive. The sale, lease, or conveyance may be made without 7052
advertising and the receipt of bids. 7053

(17) Exercise the right of eminent domain to appropriate 7054
any land, rights, rights-of-way, franchises, easements, or other 7055
property, necessary or proper for any authorized purpose, 7056
pursuant to the procedure provided in sections 163.01 to 163.22 7057

of the Revised Code, if funds equal to the appraised value of 7058
the property to be acquired as a result of such proceedings are 7059
available for that purpose. However, nothing contained in 7060
sections 4582.201 to 4582.59 of the Revised Code shall authorize 7061
a port authority to take or disturb property or facilities 7062
belonging to any agency or political subdivision of this state, 7063
public utility, cable operator, or common carrier, which 7064
property or facilities are necessary and convenient in the 7065
operation of the agency or political subdivision, public 7066
utility, cable operator, or common carrier, unless provision is 7067
made for the restoration, relocation, or duplication of such 7068
property or facilities, or upon the election of the agency or 7069
political subdivision, public utility, cable operator, or common 7070
carrier, for the payment of compensation, if any, at the sole 7071
cost of the port authority, provided that: 7072

(a) If any restoration or duplication proposed to be made 7073
under this section involves a relocation of the property or 7074
facilities, the new facilities and location shall be of at least 7075
comparable utilitarian value and effectiveness and shall not 7076
impair the ability of the public utility, cable operator, or 7077
common carrier to compete in its original area of operation; 7078

(b) If any restoration or duplication made under this 7079
section involves a relocation of the property or facilities, the 7080
port authority shall acquire no interest or right in or to the 7081
appropriated property or facilities, except as provided in 7082
division (A) (15) of this section, until the relocated property 7083
or facilities are available for use and until marketable title 7084
thereto has been transferred to the public utility, cable 7085
operator, or common carrier. 7086

As used in division (A) (17) of this section, "cable 7087

operator" has the same meaning as in the "Cable Communications 7088
Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 7089
U.S.C. 522, as amended by the "Telecommunications Act of 1996," 7090
Pub. L. No. 104-104, 110 Stat. 56. 7091

(18) (a) Make and enter into all contracts and agreements 7092
and execute all instruments necessary or incidental to the 7093
performance of its duties and the execution of its powers under 7094
sections 4582.21 to 4582.59 of the Revised Code. 7095

(b) Except as provided in division (A) (18) (c) of this 7096
section or except when the port authority elects to construct a 7097
building, structure, or other improvement pursuant to a contract 7098
made with a construction manager at risk under sections 9.33 to 7099
9.335 of the Revised Code or with a design-build firm under 7100
section 153.65 to 153.73 of the Revised Code, when the cost of a 7101
contract for the construction of any building, structure, or 7102
other improvement undertaken by a port authority involves an 7103
expenditure exceeding one hundred fifty thousand dollars and the 7104
port authority is the contracting entity, the port authority 7105
shall make a written contract after notice calling for bids for 7106
the award of the contract has been given by publication twice, 7107
with at least seven days between publications, in a newspaper of 7108
general circulation in the area of the port authority or as 7109
provided in section 7.16 of the Revised Code. Each such contract 7110
shall be let to the lowest responsive and responsible bidder in 7111
accordance with section 9.312 of the Revised Code. Every 7112
contract shall be accompanied by or shall refer to plans and 7113
specifications for the work to be done, prepared for and 7114
approved by the port authority, signed by an authorized officer 7115
of the port authority and by the contractor, and shall be 7116
executed in triplicate. 7117

Each bid shall be awarded in accordance with sections 7118
153.54, 153.57, and 153.571 of the Revised Code. The port 7119
authority may reject any and all bids. 7120

(c) The board of directors by rule may provide criteria 7121
for the negotiation and award without competitive bidding of any 7122
contract as to which the port authority is the contracting 7123
entity for the construction of any building or structure or 7124
other improvement under any of the following circumstances: 7125

(i) There exists a real and present emergency that 7126
threatens damage or injury to persons or property of the port 7127
authority or other persons, provided that a statement specifying 7128
the nature of the emergency that is the basis for the 7129
negotiation and award of a contract without competitive bidding 7130
shall be signed by the officer of the port authority that 7131
executes that contract at the time of the contract's execution 7132
and shall be attached to the contract. 7133

(ii) A commonly recognized industry or other standard or 7134
specification does not exist and cannot objectively be 7135
articulated for the improvement. 7136

(iii) The contract is for any energy conservation measure 7137
as defined in section 307.041 of the Revised Code. 7138

(iv) With respect to material to be incorporated into the 7139
improvement, only a single source or supplier exists for the 7140
material. 7141

(v) A single bid is received by the port authority after 7142
complying with the provisions of division (A) (18) (b) of this 7143
section. 7144

(d) (i) If a contract is to be negotiated and awarded 7145
without competitive bidding for the reason set forth in division 7146

(A) (18) (c) (ii) of this section, the port authority shall publish 7147
a notice calling for technical proposals twice, with at least 7148
seven days between publications, in a newspaper of general 7149
circulation in the area of the port authority or as provided in 7150
section 7.16 of the Revised Code. After receipt of the technical 7151
proposals, the port authority may negotiate with and award a 7152
contract for the improvement to the proposer making the proposal 7153
considered to be the most advantageous to the port authority. 7154

(ii) If a contract is to be negotiated and awarded without 7155
competitive bidding for the reason set forth in division (A) (18) 7156
(c) (iv) of this section, any construction activities related to 7157
the incorporation of the material into the improvement also may 7158
be provided without competitive bidding by the source or 7159
supplier of that material. 7160

(e) (i) Any purchase, exchange, sale, lease, lease with an 7161
option to purchase, conveyance of other interests in, or other 7162
contract with a person or governmental entity that pertains to 7163
the acquisition, construction, maintenance, repair, furnishing, 7164
equipping, or operation of any real or personal property, or any 7165
combination thereof, related to, useful for, or in furtherance 7166
of an activity contemplated by Section 13 or 16 of Article VIII, 7167
Ohio Constitution, shall be made in such manner and subject to 7168
such terms and conditions as may be determined by the board of 7169
directors in its discretion. 7170

(ii) Division (A) (18) (e) (i) of this section applies to all 7171
contracts that are subject to the division, notwithstanding any 7172
other provision of law that might otherwise apply, including, 7173
without limitation, any requirement of notice, any requirement 7174
of competitive bidding or selection, or any requirement for the 7175
provision of security. 7176

(iii) Divisions (A) (18) (e) (i) and (ii) of this section do 7177
not apply to either of the following: any contract secured by or 7178
to be paid from moneys raised by taxation or the proceeds of 7179
obligations secured by a pledge of moneys raised by taxation; or 7180
any contract secured exclusively by or to be paid exclusively 7181
from the general revenues of the port authority. For the 7182
purposes of this section, any revenues derived by the port 7183
authority under a lease or other agreement that, by its terms, 7184
contemplates the use of amounts payable under the agreement 7185
either to pay the costs of the improvement that is the subject 7186
of the contract or to secure obligations of the port authority 7187
issued to finance costs of such improvement, are excluded from 7188
general revenues. 7189

(19) Employ managers, superintendents, and other employees 7190
and retain or contract with consulting engineers, financial 7191
consultants, accounting experts, architects, attorneys, and any 7192
other consultants and independent contractors as are necessary 7193
in its judgment to carry out this chapter, and fix the 7194
compensation thereof. All expenses thereof shall be payable from 7195
any available funds of the port authority or from funds 7196
appropriated for that purpose by a political subdivision 7197
creating or participating in the creation of the port authority. 7198

(20) Receive and accept from any state or federal agency 7199
grants and loans for or in aid of the construction of any port 7200
authority facility or for research and development with respect 7201
to port authority facilities, and receive and accept aid or 7202
contributions from any source of money, property, labor, or 7203
other things of value, to be held, used, and applied only for 7204
the purposes for which the grants and contributions are made; 7205

(21) Engage in research and development with respect to 7206

port authority facilities; 7207

(22) Purchase fire and extended coverage and liability 7208
insurance for any port authority facility and for the principal 7209
office and branch offices of the port authority, insurance 7210
protecting the port authority and its officers and employees 7211
against liability for damage to property or injury to or death 7212
of persons arising from its operations, and any other insurance 7213
the port authority may agree to provide under any resolution 7214
authorizing its port authority revenue bonds or in any trust 7215
agreement securing the same; 7216

(23) Charge, alter, and collect rentals and other charges 7217
for the use or services of any port authority facility as 7218
provided in section 4582.43 of the Revised Code; 7219

(24) Provide coverage for its employees under Chapters 7220
145., 4123., and 4141. of the Revised Code; 7221

(25) Establish and administer one or more payment card 7222
programs for purposes of paying expenses related to port 7223
authority business. Any obligation incurred as a result of the 7224
use of such a payment card shall be paid from port authority 7225
funds. 7226

(26) Act as a portal operator for purposes of an 7227
OhioInvests offering under sections 1707.05 to 1707.058 of the 7228
Revised Code; 7229

(27) Do all acts necessary or proper to carry out the 7230
powers expressly granted in sections 4582.21 to 4582.59 of the 7231
Revised Code. 7232

(B) Any instrument by which real property is acquired 7233
pursuant to this section shall identify the agency of the state 7234
that has the use and benefit of the real property as specified 7235

in section 5301.012 of the Revised Code. 7236

(C) Whoever violates division (A) (14) of this section is 7237
guilty of a minor misdemeanor. 7238

Sec. 5505.068. (A) As used in this section and in section 7239
5505.0610 of the Revised Code: 7240

(1) "Agent" means a dealer, as defined in section 1707.01 7241
of the Revised Code, who is licensed under sections 1707.01 to 7242
~~1707.45-1707.50~~ of the Revised Code or under comparable laws of 7243
another state or of the United States. 7244

(2) "Minority business enterprise" has the same meaning as 7245
in section 122.71 of the Revised Code. 7246

(3) "Ohio-qualified agent" means an agent designated as 7247
such by the state highway patrol retirement board. 7248

(4) "Ohio-qualified investment manager" means an 7249
investment manager designated as such by the state highway 7250
patrol retirement board. 7251

(5) "Principal place of business" means an office in which 7252
the agent regularly provides securities or investment advisory 7253
services and solicits, meets with, or otherwise communicates 7254
with clients. 7255

(B) The state highway patrol retirement board shall, for 7256
the purposes of this section, designate an agent as an Ohio- 7257
qualified agent if the agent meets all of the following 7258
requirements: 7259

(1) The agent is subject to taxation under Chapter 5725., 7260
5726., 5733., 5747., or 5751. of the Revised Code. 7261

(2) The agent is authorized to conduct business in this 7262

state; 7263

(3) The agent maintains a principal place of business in 7264
this state and employs at least five residents of this state. 7265

(C) The state highway patrol retirement board shall adopt 7266
and implement a written policy to establish criteria and 7267
procedures used to select agents to execute securities 7268
transactions on behalf of the retirement system. The policy 7269
shall address each of the following: 7270

(1) Commissions charged by the agent, both in the 7271
aggregate and on a per share basis; 7272

(2) The execution speed and trade settlement capabilities 7273
of the agent; 7274

(3) The responsiveness, reliability, and integrity of the 7275
agent; 7276

(4) The nature and value of research provided by the 7277
agent; 7278

(5) Any special capabilities of the agent. 7279

(D)(1) The board shall, at least annually, establish a 7280
policy with the goal to increase utilization by the board of 7281
Ohio-qualified agents for the execution of domestic equity and 7282
fixed income trades on behalf of the retirement system, when an 7283
Ohio-qualified agent offers quality, services, and safety 7284
comparable to other agents otherwise available to the board and 7285
meets the criteria established under division (C) of this 7286
section. 7287

(2) The board shall review, at least annually, the 7288
performance of the agents that execute securities transactions 7289
on behalf of the board. 7290

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

Section 2. That existing sections 145.114, 742.114, 1707.01, 1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 1707.44, 1707.99, 1724.02, 2151.34, 2903.213, 2903.214, 2919.26, 2921.41, 2929.01, 2929.18, 2929.28, 3113.31, 3307.152, 3309.157, 4582.06, 4582.31, and 5505.068 of the Revised Code are hereby repealed.

Section 3. In enacting section 1707.50 of the Revised Code in Section 1 of this act, the General Assembly finds all of the following:

(A) Whereas adequate financing of essential investor protection enforcement is necessary to achieve maximum compliance with state law, to ensure, for businesses that raise money via crowdfunding, an effective disincentive to engage in unlawful, fraudulent, and anticompetitive business practices, and to provide appropriate regulation of an emerging and quickly evolving industry.

(B) Although self-policing efforts by industry watchdog groups may have some success in educating some fundraisers about their obligations under state consumer and investor laws, in other cases the only meaningful deterrent to unlawful conduct is the vigorous assessment and collection of civil penalties.

(C) It is in the public interest to provide that civil 7321
penalties for violations of law may also be assessed and 7322
collected by aggrieved crowdfunding investors acting as private 7323
attorneys general enforcement. 7324

Section 4. The General Assembly, applying the principle 7325
stated in division (B) of section 1.52 of the Revised Code that 7326
amendments are to be harmonized if reasonably capable of 7327
simultaneous operation, finds that the following sections, 7328
presented in this act as composites of the sections as amended 7329
by the acts indicated, are the resulting versions of the 7330
sections in effect prior to the effective date of the sections 7331
as presented in this act: 7332

Section 2151.34 of the Revised Code as amended by both 7333
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 7334

Section 2903.214 of the Revised Code as amended by both 7335
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 7336

Section 2919.26 of the Revised Code as amended by both 7337
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 7338

Section 2929.01 of the Revised Code as amended by both 7339
Sub. H.B. 63 and Am. Sub. S.B. 1 of the 132nd General Assembly. 7340

Section 2929.18 of the Revised Code as amended by both 7341
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly. 7342

Section 3113.31 of the Revised Code as amended by both 7343
Sub. H.B. 1 and Am. Sub. H.B. 49 of the 132nd General Assembly. 7344