

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 513**

**Representative Carruthers**



**A BILL**

To amend sections 307.93, 341.14, 341.19, 341.21, 1  
341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2  
2151.358, 2152.82, 2152.83, 2152.84, 2152.851, 3  
2301.57, 2903.11, 2907.24, 2907.241, 2907.25, 4  
2907.27, 2907.28, 2921.38, 2923.125, 2923.128, 5  
2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 6  
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, , 7  
2953.31, 2953.34, 3701.24, 3701.241, 3701.242, 8  
3701.243, 3701.244, 3701.245, 3701.246, 9  
3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 10  
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 11  
4774.13, 4778.14, 5120.16, and 5120.163; to 12  
enact sections 2927.31, 2927.32, 2927.33, 13  
2950.152, and 2953.41; and to repeal section 14  
2927.13 of the Revised Code to modify 15  
definitions and criminal and professional 16  
disciplinary provisions relating to HIV or AIDS 17  
and to amend the versions of sections 2950.11 18  
and 2950.13 of the Revised Code that are 19  
scheduled to take effect on January 1, 2025, to 20  
continue the change on and after that date. 21

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

**Section 1.** That sections 307.93, 341.14, 341.19, 341.21, 22  
341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2151.358, 23  
2152.82, 2152.83, 2152.84, 2152.851, 2301.57, 2903.11, 2907.24, 24  
2907.241, 2907.25, 2907.27, 2907.28, 2921.38, 2923.125, 25  
2923.128, 2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 26  
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, 2953.31, 2953.34, 27  
3701.24, 3701.241, 3701.242, 3701.243, 3701.244, 3701.245, 28  
3701.246, 3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 29  
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 30  
5120.16, and 5120.163 be amended and sections 2927.31, 2927.32, 31  
2927.33, 2950.152, and 2953.41 of the Revised Code be enacted to 32  
read as follows: 33

**Sec. 307.93.** (A) The boards of county commissioners of two 34  
or more adjacent counties may contract for the joint 35  
establishment of a multicounty correctional center, and the 36  
board of county commissioners of a county or the boards of two 37  
or more counties may contract with any municipal corporation or 38  
municipal corporations located in that county or those counties 39  
for the joint establishment of a municipal-county or 40  
multicounty-municipal correctional center. The center shall 41  
augment county and, where applicable, municipal jail programs 42  
and facilities by providing custody and rehabilitative programs 43  
for those persons under the charge of the sheriff of any of the 44  
contracting counties or of the officer or officers of the 45  
contracting municipal corporation or municipal corporations 46  
having charge of persons incarcerated in the municipal jail, 47  
workhouse, or other correctional facility who, in the opinion of 48  
the sentencing court, need programs of custody and 49  
rehabilitation not available at the county or municipal jail and 50  
by providing custody and rehabilitative programs in accordance 51  
with division (C) of this section, if applicable. The contract 52

may include, but need not be limited to, provisions regarding 53  
the acquisition, construction, maintenance, repair, termination 54  
of operations, and administration of the center. The contract 55  
shall prescribe the manner of funding of, and debt assumption 56  
for, the center and the standards and procedures to be followed 57  
in the operation of the center. Except as provided in division 58  
(G) of this section, the contracting counties and municipal 59  
corporations shall form a corrections commission to oversee the 60  
administration of the center. Members of the commission shall 61  
consist of the sheriff of each participating county, a member of 62  
the board of county commissioners of each participating county, 63  
the chief of police of each participating municipal corporation, 64  
and the mayor or city manager of each participating municipal 65  
corporation. Any of the foregoing officers may appoint a 66  
designee to serve in the officer's place on the corrections 67  
commission. 68

The standards and procedures prescribed under this 69  
division shall be formulated and agreed to by the commission and 70  
may be amended at any time during the life of the contract by 71  
agreement of a majority of the voting members of the commission 72  
or by other means set forth in the contract between the 73  
contracting counties and municipal corporations. The standards 74  
and procedures formulated by the commission and amendments to 75  
them shall include, but need not be limited to, designation of 76  
the person in charge of the center, designation of a fiscal 77  
agent, the categories of employees to be employed at the center, 78  
the appointing authority of the center, and the standards of 79  
treatment and security to be maintained at the center. The 80  
person in charge of, and all persons employed to work at, the 81  
center shall have all the powers of police officers that are 82  
necessary for the proper performance of the duties relating to 83

their positions at the center. 84

(B) (1) Upon the establishment of a corrections commission 85  
under division (A) of this section, the judges specified in this 86  
division shall form a judicial advisory board for the purpose of 87  
making recommendations to the corrections commission on issues 88  
of bed allocation, expansion of the center that the corrections 89  
commission oversees, and other issues concerning the 90  
administration of sentences or any other matter determined to be 91  
appropriate by the board. The judges who shall form the judicial 92  
advisory board for a corrections commission are the 93  
administrative judge of the general division of the court of 94  
common pleas of each county participating in the corrections 95  
center, the presiding judge of the municipal court of each 96  
municipal corporation participating in the corrections center, 97  
and the presiding judge of each county court of each county 98  
participating in the corrections center. If the number of the 99  
foregoing members of the board is even, the county auditor or 100  
the county auditor of the most populous county if the board 101  
serves more than one county shall also be a member of the board. 102  
Any of the foregoing judges may appoint a designee to serve in 103  
the judge's place on the judicial advisory board, provided that 104  
the designee shall be a judge of the same court as the judge who 105  
makes the appointment. The judicial advisory board for a 106  
corrections commission shall meet with the corrections 107  
commission at least once each year. 108

(2) Each board of county commissioners that enters a 109  
contract under division (A) of this section may appoint a 110  
building commission pursuant to section 153.21 of the Revised 111  
Code. If any commissions are appointed, they shall function 112  
jointly in the construction of a multicounty or multicounty- 113  
municipal correctional center with all the powers and duties 114

authorized by law. 115

(C) Prior to the acceptance for custody and rehabilitation 116  
into a center established under this section of any persons who 117  
are designated by the department of rehabilitation and 118  
correction, who plead guilty to or are convicted of a felony of 119  
the fourth or fifth degree, and who satisfy the other 120  
requirements listed in section 5120.161 of the Revised Code, the 121  
corrections commission of a center established under this 122  
section shall enter into an agreement with the department of 123  
rehabilitation and correction under section 5120.161 of the 124  
Revised Code for the custody and rehabilitation in the center of 125  
persons who are designated by the department, who plead guilty 126  
to or are convicted of a felony of the fourth or fifth degree, 127  
and who satisfy the other requirements listed in that section, 128  
in exchange for a per diem fee per person. Persons incarcerated 129  
in the center pursuant to an agreement entered into under this 130  
division shall be subject to supervision and control in the 131  
manner described in section 5120.161 of the Revised Code. This 132  
division does not affect the authority of a court to directly 133  
sentence a person who is convicted of or pleads guilty to a 134  
felony to the center in accordance with section 2929.16 of the 135  
Revised Code. 136

(D) Pursuant to section 2929.37 of the Revised Code, each 137  
board of county commissioners and the legislative authority of 138  
each municipal corporation that enters into a contract under 139  
division (A) of this section may require a person who was 140  
convicted of an offense, who is under the charge of the sheriff 141  
of their county or of the officer or officers of the contracting 142  
municipal corporation or municipal corporations having charge of 143  
persons incarcerated in the municipal jail, workhouse, or other 144  
correctional facility, and who is confined in the multicounty, 145

municipal-county, or multicounty-municipal correctional center 146  
as provided in that division, to reimburse the applicable county 147  
or municipal corporation for its expenses incurred by reason of 148  
the person's confinement in the center. 149

(E) Notwithstanding any contrary provision in this section 150  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 151  
corrections commission of a center may establish a policy that 152  
complies with section 2929.38 of the Revised Code and that 153  
requires any person who is not indigent and who is confined in 154  
the multicounty, municipal-county, or multicounty-municipal 155  
correctional center to pay a reception fee, a fee for medical 156  
treatment or service requested by and provided to that person, 157  
or the fee for a random drug test assessed under division (E) of 158  
section 341.26 of the Revised Code. 159

(F) (1) The corrections commission of a center established 160  
under this section may establish a commissary for the center. 161  
The commissary may be established either in-house or by another 162  
arrangement. If a commissary is established, all persons 163  
incarcerated in the center shall receive commissary privileges. 164  
A person's purchases from the commissary shall be deducted from 165  
the person's account record in the center's business office. The 166  
commissary shall provide for the distribution to indigent 167  
persons incarcerated in the center of necessary hygiene articles 168  
and writing materials. 169

(2) If a commissary is established, the corrections 170  
commission of a center established under this section shall 171  
establish a commissary fund for the center. The management of 172  
funds in the commissary fund shall be strictly controlled in 173  
accordance with procedures adopted by the auditor of state. 174  
Commissary fund revenue over and above operating costs and 175

reserve shall be considered profits. All profits from the 176  
commissary fund shall be used to purchase supplies and equipment 177  
for the benefit of persons incarcerated in the center and to pay 178  
salary and benefits for employees of the center, or for any 179  
other persons, who work in or are employed for the sole purpose 180  
of providing service to the commissary. The corrections 181  
commission shall adopt rules and regulations for the operation 182  
of any commissary fund it establishes. 183

(G) In lieu of forming a corrections commission to 184  
administer a multicounty correctional center or a municipal- 185  
county or multicounty-municipal correctional center, the boards 186  
of county commissioners and the legislative authorities of the 187  
municipal corporations contracting to establish the center may 188  
also agree to contract for the private operation and management 189  
of the center as provided in section 9.06 of the Revised Code, 190  
but only if the center houses only misdemeanor inmates. In 191  
order to enter into a contract under section 9.06 of the Revised 192  
Code, all the boards and legislative authorities establishing 193  
the center shall approve and be parties to the contract. 194

(H) If a person who is convicted of or pleads guilty to an 195  
offense is sentenced to a term in a multicounty correctional 196  
center or a municipal-county or multicounty-municipal 197  
correctional center or is incarcerated in the center in the 198  
manner described in division (C) of this section, or if a person 199  
who is arrested for an offense, and who has been denied bail or 200  
has had bail set and has not been released on bail is confined 201  
in a multicounty correctional center or a municipal-county or 202  
multicounty-municipal correctional center pending trial, at the 203  
time of reception and at other times the officer, officers, or 204  
other person in charge of the operation of the center determines 205  
to be appropriate, the officer, officers, or other person in 206

charge of the operation of the center may cause the convicted or 207  
accused offender to be examined and tested for tuberculosis, HIV 208  
~~infection~~, hepatitis, including but not limited to hepatitis A, 209  
B, and C, and other contagious diseases. The officer, officers, 210  
or other person in charge of the operation of the center may 211  
cause a convicted or accused offender in the center who refuses 212  
to be tested or treated for tuberculosis, HIV~~infection~~, 213  
hepatitis, including but not limited to hepatitis A, B, and C, 214  
or another contagious disease to be tested and treated 215  
involuntarily. 216

(I) As used in this section, "multicounty-municipal" means 217  
more than one county and a municipal corporation, or more than 218  
one municipal corporation and a county, or more than one 219  
municipal corporation and more than one county. 220

**Sec. 341.14.** (A) The sheriff of an adjoining county in 221  
this state shall not receive prisoners as provided by section 222  
341.12 of the Revised Code unless there is deposited weekly with 223  
the sheriff an amount equal to the actual cost of keeping and 224  
feeding each prisoner so committed for the use of the jail of 225  
that county, and the same amount for a period of time less than 226  
one week. If a prisoner is discharged before the expiration of 227  
the term for which the prisoner was committed, the excess of the 228  
amount advanced shall be refunded. 229

(B) Pursuant to section 2929.37 of the Revised Code, the 230  
board of county commissioners of the county of this state that 231  
receives pursuant to section 341.12 of the Revised Code for 232  
confinement in its jail, a prisoner who was convicted of an 233  
offense, may require the prisoner to reimburse the county for 234  
its expenses incurred by reason of the prisoner's confinement. 235

(C) Notwithstanding any contrary provision in this section 236



or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the board of county commissioners in this state may establish a policy that complies with section 2929.38 of the Revised Code and that requires any prisoner who is not indigent and who is confined in the county's jail under this section to pay a reception fee, a fee for medical treatment or service requested by and provided to that prisoner, or the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code.

(D) If a county in this state receives pursuant to section 341.12 of the Revised Code for confinement in its jail a person who has been convicted of or pleaded guilty to an offense and has been sentenced to a term in a jail or a person who has been arrested for an offense, who has been denied bail or has had bail set and has not been released on bail, and who is confined in jail pending trial, at the time of reception and at other times the sheriff or other person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV ~~infection~~, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The sheriff or other person in charge of the operation of the jail may cause a convicted or accused offender in the jail who refuses to be tested or treated for tuberculosis, HIV ~~infection~~, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

**Sec. 341.19.** (A) Pursuant to section 2929.37 of the Revised Code, the board of county commissioners may require a person who was convicted of an offense and who is confined in

the county jail to reimburse the county for its expenses 268  
incurred by reason of the person's confinement. 269

(B) Notwithstanding any contrary provision in this section 270  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 271  
board of county commissioners may establish a policy that 272  
complies with section 2929.38 of the Revised Code and that 273  
requires any prisoner who is not indigent and who is confined in 274  
the county's jail under this section to pay a reception fee, a 275  
fee for any medical treatment or service requested by and 276  
provided to that prisoner, or the fee for a random drug test 277  
assessed under division (E) of section 341.26 of the Revised 278  
Code. 279

(C) If a person who is convicted of or pleads guilty to an 280  
offense is sentenced to a term in a jail, or if a person who has 281  
been arrested for an offense, and who has been denied bail or 282  
has had bail set and has not been released on bail is confined 283  
in jail pending trial, at the time of reception and at other 284  
times the sheriff or other person in charge of the operation of 285  
the jail determines to be appropriate, the sheriff or other 286  
person in charge of the operation of the jail may cause the 287  
convicted or accused offender to be examined and tested for 288  
tuberculosis, HIV~~-infection~~, hepatitis, including but not 289  
limited to hepatitis A, B, and C, and other contagious diseases. 290  
The sheriff or other person in charge of the operation of the 291  
jail may cause a convicted or accused offender in the jail who 292  
refuses to be tested or treated for tuberculosis, HIV~~-infection~~, 293  
hepatitis, including but not limited to hepatitis A, B, and C, 294  
or another contagious disease to be tested and treated 295  
involuntarily. 296

**Sec. 341.21.** (A) The board of county commissioners may 297

direct the sheriff to receive into custody prisoners charged 298  
with or convicted of crime by the United States, and to keep 299  
those prisoners until discharged. 300

The board of the county in which prisoners charged with or 301  
convicted of crime by the United States may be so committed may 302  
negotiate and conclude any contracts with the United States for 303  
the use of the jail as provided by this section and as the board 304  
sees fit. 305

A prisoner so committed shall be supported at the expense 306  
of the United States during the prisoner's confinement in the 307  
county jail. No greater compensation shall be charged by a 308  
sheriff for the subsistence of that type of prisoner than is 309  
provided by section 311.20 of the Revised Code to be charged for 310  
the subsistence of state prisoners. 311

A sheriff or jailer who neglects or refuses to perform the 312  
services and duties directed by the board by reason of this 313  
division, shall be liable to the same penalties, forfeitures, 314  
and actions as if the prisoner had been committed under the 315  
authority of this state. 316

(B) Prior to the acceptance for housing into the county 317  
jail of persons who are designated by the department of 318  
rehabilitation and correction, who plead guilty to or are 319  
convicted of a felony of the fourth or fifth degree, and who 320  
satisfy the other requirements listed in section 5120.161 of the 321  
Revised Code, the board of county commissioners shall enter into 322  
an agreement with the department of rehabilitation and 323  
correction under section 5120.161 of the Revised Code for the 324  
housing in the county jail of persons designated by the 325  
department who plead guilty to or are convicted of a felony of 326  
the fourth or fifth degree and who satisfy the other 327

requirements listed in that section in exchange for a per diem 328  
fee per person. Persons incarcerated in the county jail pursuant 329  
to an agreement entered into under this division shall be 330  
subject to supervision and control in the manner described in 331  
section 5120.161 of the Revised Code. This division does not 332  
affect the authority of a court to directly sentence a person 333  
who is convicted of or pleads guilty to a felony to the county 334  
jail in accordance with section 2929.16 of the Revised Code. 335

(C) Notwithstanding any contrary provision in section 336  
2929.18, 2929.28, or 2929.37 or in any other section of the 337  
Revised Code, the board of county commissioners may establish a 338  
policy that complies with section 2929.38 of the Revised Code 339  
and that requires any person who is not indigent and who is 340  
confined in the jail under division (B) of this section to pay a 341  
reception fee, a fee for any medical treatment or service 342  
requested by and provided to that person, or the fee for a 343  
random drug test assessed under division (E) of section 341.26 344  
of the Revised Code. 345

(D) If a sheriff receives into custody a prisoner 346  
convicted of crime by the United States as described in division 347  
(A) of this section, if a person who has been convicted of or 348  
pleaded guilty to an offense is incarcerated in the jail in the 349  
manner described in division (B) of this section, if a sheriff 350  
receives into custody a prisoner charged with a crime by the 351  
United States and the prisoner has had bail denied or has had 352  
bail set, has not been released on bail, and is confined in jail 353  
pending trial, or if a person who has been arrested for an 354  
offense, and who has been denied bail or has had bail set and 355  
has not been released on bail is confined in jail pending trial, 356  
at the time of reception and at other times the sheriff or other 357  
person in charge of the operation of the jail determines to be 358

appropriate, the sheriff or other person in charge of the 359  
operation of the jail may cause the convicted or accused 360  
offender to be examined and tested for tuberculosis, HIV 361  
~~infection~~, hepatitis, including, but not limited to, hepatitis 362  
A, B, and C, and other contagious diseases. The sheriff or other 363  
person in charge of the operation of the jail may cause a 364  
convicted or accused offender in the jail who refuses to be 365  
tested or treated for tuberculosis, HIV ~~infection~~, hepatitis, 366  
including, but not limited to, hepatitis A, B, and C, or another 367  
contagious disease to be tested and treated involuntarily. 368

**Sec. 341.23.** (A) The board of county commissioners of any 369  
county or the legislative authority of any municipal corporation 370  
in which there is no workhouse may agree with the legislative 371  
authority of any municipal corporation or other authority having 372  
control of the workhouse of any other city, or with the 373  
directors of any district of a joint city and county workhouse 374  
or county workhouse, upon terms on which persons convicted of a 375  
misdemeanor by any court or magistrate of a county or municipal 376  
corporation having no workhouse, may be received into that 377  
workhouse, under sentence of the court or magistrate. The board 378  
or legislative authority may pay the expenses incurred under the 379  
agreement out of the general fund of that county or municipal 380  
corporation, upon the certificate of the proper officer of the 381  
workhouse. 382

(B) The sheriff or other officer transporting any person 383  
to the workhouse described in division (A) of this section shall 384  
receive six cents per mile for the sheriff or officer, going and 385  
returning, five cents per mile for transporting the convict, and 386  
five cents per mile, going and coming, for the service of each 387  
deputy, to be allowed as in cases in which a person is 388  
transported to a state correctional institution. The number of 389

miles shall be computed by the usual routes of travel and, in 390  
state cases, shall be paid out of the general fund of the 391  
county, on the allowance of the board, and for the violation of 392  
the ordinances of any municipal corporation, shall be paid by 393  
that municipal corporation on the order of its legislative 394  
authority. 395

(C) Pursuant to section 2929.37 of the Revised Code, the 396  
board of county commissioners, the directors of the district of 397  
a joint city and county workhouse or county workhouse, or the 398  
legislative authority of the municipal corporation may require a 399  
person who was convicted of an offense and who is confined in a 400  
workhouse as provided in division (A) of this section, to 401  
reimburse the county, district, or municipal corporation, as the 402  
case may be, for its expenses incurred by reason of the person's 403  
confinement. 404

(D) Notwithstanding any contrary provision in this section 405  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 406  
appropriate board of county commissioners and legislative 407  
authorities may include in their agreement entered into under 408  
division (A) of this section a policy that complies with section 409  
2929.38 of the Revised Code and that requires any person who is 410  
not indigent and who is confined in the county, city, district, 411  
or joint city and county workhouse under this section to pay a 412  
reception fee, a fee for any medical treatment or service 413  
requested by and provided to that person, or the fee for a 414  
random drug test assessed under division (E) of section 341.26 415  
of the Revised Code. 416

(E) If a person who has been convicted of or pleaded 417  
guilty to an offense is incarcerated in the workhouse as 418  
provided in division (A) of this section, at the time of 419

reception and at other times the person in charge of the 420  
operation of the workhouse determines to be appropriate, the 421  
person in charge of the operation of the workhouse may cause the 422  
convicted offender to be examined and tested for tuberculosis, 423  
HIV~~-infection~~, hepatitis, including but not limited to hepatitis 424  
A, B, and C, and other contagious diseases. The person in charge 425  
of the operation of the workhouse may cause a convicted offender 426  
in the workhouse who refuses to be tested or treated for 427  
tuberculosis, HIV~~-infection~~, hepatitis, including but not 428  
limited to hepatitis A, B, and C, or another contagious disease 429  
to be tested and treated involuntarily. 430

**Sec. 341.34.** (A) As used in this section, "building or 431  
structure" includes, but is not limited to, a modular unit, 432  
building, or structure and a movable unit, building, or 433  
structure. 434

(B) (1) The board of county commissioners of any county, by 435  
resolution, may dedicate and permit the use, as a minimum 436  
security jail, of any vacant or abandoned public building or 437  
structure owned by the county that has not been dedicated to or 438  
is not then in use for any county or other public purpose, or 439  
any building or structure rented or leased by the county. The 440  
board of county commissioners of any county, by resolution, also 441  
may dedicate and permit the use, as a minimum security jail, of 442  
any building or structure purchased by or constructed by or for 443  
the county. Subject to divisions (B) (3) and (C) of this section, 444  
upon the effective date of such a resolution, the specified 445  
building or structure shall be used, in accordance with this 446  
section, for the confinement of persons who meet one of the 447  
following conditions: 448

(a) The person is sentenced to a term of imprisonment for 449

a traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by



resolution, may affiliate with one or more adjacent counties, or 480  
with one or more municipal corporations located within the 481  
county or within an adjacent county, and dedicate and permit the 482  
use, as a minimum security jail, of any vacant or abandoned 483  
public building or structure owned by any of the affiliating 484  
counties or municipal corporations that has not been dedicated 485  
to or is not then in use for any public purpose, or any building 486  
or structure rented or leased by any of the affiliating counties 487  
or municipal corporations. The board of county commissioners of 488  
any county, by resolution, also may affiliate with one or more 489  
adjacent counties or with one or more municipal corporations 490  
located within the county or within an adjacent county and 491  
dedicate and permit the use, as a minimum security jail, of any 492  
building or structure purchased by or constructed by or for any 493  
of the affiliating counties or municipal corporations. Any 494  
counties and municipal corporations that affiliate for purposes 495  
of this division shall enter into an agreement that establishes 496  
the responsibilities for the operation and for the cost of 497  
operation of the minimum security jail. Subject to divisions (B) 498  
(3) and (C) of this section, upon the effective date of a 499  
resolution adopted under this division, the specified building 500  
or structure shall be used, in accordance with this section, for 501  
the confinement of persons who meet one of the following 502  
conditions: 503

(a) The person is sentenced to a term of imprisonment for 504  
a traffic violation, a misdemeanor, or a violation of an 505  
ordinance of any municipal corporation, or is sentenced to a 506  
residential sanction in the jail for a felony of the fourth or 507  
fifth degree pursuant to sections 2929.11 to 2929.19 of the 508  
Revised Code, and the jail administrator or the jail 509  
administrator's designee has classified the person as a minimal 510

security risk. In determining the person's classification under 511  
this division, the administrator or designee shall consider all 512  
relevant factors, including, but not limited to, the person's 513  
escape risk and propensity for assaultive or violent behavior, 514  
based upon the person's prior and current behavior. 515

(b) The person is charged with a traffic violation, a 516  
misdemeanor, or a felony of the fourth or fifth degree and has 517  
had bail set and has not been released on bail and is confined 518  
in a county jail pending trial, and the jail administrator or 519  
the jail administrator's designee has classified the person as a 520  
minimal security risk. In determining the person's 521  
classification under this division, the administrator or 522  
designee shall consider all relevant factors, including, but not 523  
limited to, the person's escape risk and propensity for 524  
assaultive or violent behavior, based upon the person's prior 525  
and current behavior. Nothing in this division authorizes the 526  
operation or management of a minimum security jail by a private 527  
entity. 528

(c) The person is an inmate transferred by order of a 529  
judge of the sentencing court upon the request of the sheriff, 530  
administrator, jailer, or other person responsible for operating 531  
the jail other than a contractor as defined in section 9.06 of 532  
the Revised Code, who is named in the request as being suitable 533  
for confinement in a minimum security facility. 534

(3) No person shall be confined in a building or structure 535  
dedicated as a minimum security jail under division (B)(1) or 536  
(2) of this section unless the judge who sentenced the person to 537  
the term of imprisonment for the traffic violation or the 538  
misdemeanor specifies that the term of imprisonment is to be 539  
served in that jail, and division (B)(1) or (2) of this section 540

permits the confinement of the person in that jail or unless the 541  
judge who sentenced the person to the residential sanction for 542  
the felony specifies that the residential sanction is to be 543  
served in a jail, and division (B) (1) or (2) of this section 544  
permits the confinement of the person in that jail. If a rented 545  
or leased building or structure is so dedicated, the building or 546  
structure may be used as a minimum security jail only during the 547  
period that it is rented or leased by the county or by an 548  
affiliated county or municipal corporation. If a person 549  
convicted of a misdemeanor is confined to a building or 550  
structure dedicated as a minimum security jail under division 551  
(B) (1) or (2) of this section and the sheriff, administrator, 552  
jailer, or other person responsible for operating the jail other 553  
than a contractor as defined in section 9.06 of the Revised Code 554  
determines that it would be more appropriate for the person so 555  
confined to be confined in another jail or workhouse facility, 556  
the sheriff, administrator, jailer, or other person may transfer 557  
the person so confined to a more appropriate jail or workhouse 558  
facility. 559

(C) All of the following apply to a building or structure 560  
that is dedicated pursuant to division (B) (1) or (2) of this 561  
section for use as a minimum security jail: 562

(1) To the extent that the use of the building or 563  
structure as a minimum security jail requires a variance from 564  
any county, municipal corporation, or township zoning 565  
regulations or ordinances, the variance shall be granted. 566

(2) Except as provided in this section, the building or 567  
structure shall not be used to confine any person unless it is 568  
in substantial compliance with any applicable housing, fire 569  
prevention, sanitation, health, and safety codes, regulations, 570

or standards. 571

(3) Unless such satisfaction or compliance is required 572  
under the standards described in division (C) (4) of this 573  
section, and notwithstanding any other provision of state or 574  
local law to the contrary, the building or structure need not 575  
satisfy or comply with any state or local building standard or 576  
code in order to be used to confine a person for the purposes 577  
specified in division (B) of this section. 578

(4) The building or structure shall not be used to confine 579  
any person unless it is in compliance with all minimum standards 580  
and minimum renovation, modification, and construction criteria 581  
for jails that have been proposed by the department of 582  
rehabilitation and correction, through its bureau of adult 583  
detention, under section 5120.10 of the Revised Code. 584

(5) The building or structure need not be renovated or 585  
modified into a secure detention facility in order to be used 586  
solely to confine a person for the purposes specified in 587  
divisions (B) (1) (a) or (b) and (B) (2) (a) or (b) of this section. 588

(6) The building or structure shall be used, equipped, 589  
furnished, and staffed in the manner necessary to provide 590  
adequate and suitable living, sleeping, food service or 591  
preparation, drinking, bathing and toilet, sanitation, and other 592  
necessary facilities, furnishings, and equipment. 593

(D) Except as provided in this section, a minimum security 594  
jail dedicated and used under this section shall be considered 595  
to be part of the jail, workhouse, or other correctional 596  
facilities of the county or the affiliated counties and 597  
municipal corporations for all purposes under the law. All 598  
persons confined in such a minimum security jail shall be and 599

shall remain, in all respects, under the control of the county 600  
authority that has responsibility for the management and 601  
operation of the jail, workhouse, or other correctional 602  
facilities of the county or, if it is operated by any 603  
affiliation of counties or municipal corporations, under the 604  
control of the specified county or municipal corporation with 605  
that authority, provided that, if the person was convicted of a 606  
felony and is serving a residential sanction in the facility, 607  
all provisions of law that pertain to persons convicted of a 608  
felony that would not by their nature clearly be inapplicable 609  
apply regarding the person. A minimum security jail dedicated 610  
and used under this section shall be managed and maintained in 611  
accordance with policies and procedures adopted by the board of 612  
county commissioners or the affiliated counties and municipal 613  
corporations governing the safe and healthful operation of the 614  
jail, the confinement and supervision of the persons sentenced 615  
to it, and their participation in work release or similar 616  
rehabilitation programs. In addition to other rules of conduct 617  
and discipline, the rights of ingress and egress of persons 618  
confined in a minimum security jail dedicated and used under 619  
this section shall be subject to reasonable restrictions. Every 620  
person confined in a minimum security jail dedicated and used 621  
under this section shall be given verbal and written 622  
notification, at the time of the person's admission to the jail, 623  
that purposely leaving, or purposely failing to return to, the 624  
jail without proper authority or permission constitutes the 625  
felony offense of escape. 626

(E) If a person who has been convicted of or pleaded 627  
guilty to an offense is sentenced to a term of imprisonment or a 628  
residential sanction in a minimum security jail as described in 629  
division (B) (1) (a) or (B) (2) (a) of this section, or if a person 630

is an inmate transferred to a minimum security jail by order of 631  
a judge of the sentencing court as described in division (B) (1) 632  
(c) or (B) (2) (c) of this section, at the time of reception and 633  
at other times the person in charge of the operation of the jail 634  
determines to be appropriate, the sheriff or other person in 635  
charge of the operation of the jail may cause the convicted 636  
offender to be examined and tested for tuberculosis, HIV 637  
~~infection~~, hepatitis, including but not limited to hepatitis A, 638  
B, and C, and other contagious diseases. The person in charge of 639  
the operation of the jail may cause a convicted offender in the 640  
jail who refuses to be tested or treated for tuberculosis, HIV 641  
~~infection~~, hepatitis, including but not limited to hepatitis A, 642  
B, and C, or another contagious disease to be tested and treated 643  
involuntarily. 644

**Sec. 753.02.** (A) The legislative authority of a municipal 645  
corporation shall provide by ordinance for sustaining all 646  
persons sentenced to or confined in a prison or station house at 647  
the expense of the municipal corporation, and in counties where 648  
prisons or station houses are in quarters leased from the board 649  
of county commissioners, may contract with the board for the 650  
care and maintenance of those persons by the sheriff or other 651  
person charged with the care and maintenance of county 652  
prisoners. On the presentation of bills for food, sustenance, 653  
and necessary supplies, to the proper officer, certified by the 654  
person whom the legislative authority designates, the officer 655  
shall audit the bills under the rules prescribed by the 656  
legislative authority, and draw the officer's order on the 657  
treasurer of the municipal corporation in favor of the person 658  
presenting the bill. 659

(B) Pursuant to section 2929.37 of the Revised Code, the 660  
legislative authority of the municipal corporation may require a 661

person who was convicted of an offense and who is confined in a 662  
prison or station house as provided in division (A) of this 663  
section, or a person who was convicted of an offense and who is 664  
confined in the county jail as provided in section 1905.35 of 665  
the Revised Code, to reimburse the municipal corporation for its 666  
expenses incurred by reason of the person's confinement. 667

(C) Notwithstanding any contrary provision in this section 668  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 669  
legislative authority of the municipal corporation may establish 670  
a policy that complies with section 2929.38 of the Revised Code 671  
and that requires any person who is not indigent and who is 672  
confined in a prison or station house to pay a reception fee, a 673  
fee for any medical treatment or service requested by and 674  
provided to that person, or the fee for a random drug test 675  
assessed under division (E) of section 753.33 of the Revised 676  
Code. 677

(D) If a person who has been convicted of or pleaded 678  
guilty to an offense is sentenced to a term of imprisonment in a 679  
prison or station house as described in division (A) of this 680  
section, or if a person who has been arrested for an offense, 681  
and who has been denied bail or has had bail set and has not 682  
been released on bail is confined in a prison or station house 683  
as described in division (A) of this section pending trial, at 684  
the time of reception and at other times the person in charge of 685  
the operation of the prison or station house determines to be 686  
appropriate, the person in charge of the operation of the prison 687  
or station house may cause the convicted or accused offender to 688  
be examined and tested for tuberculosis, HIV~~infection~~, 689  
hepatitis, including, but not limited to, hepatitis A, B, and C, 690  
and other contagious diseases. The person in charge of the 691  
operation of the prison or station house may cause a convicted 692

or accused offender in the prison or station house who refuses 693  
to be tested or treated for tuberculosis, HIV~~infection~~, 694  
hepatitis, including, but not limited to, hepatitis A, B, and C, 695  
or another contagious disease to be tested and treated 696  
involuntarily. 697

**Sec. 753.04.** (A) When a person over sixteen years of age 698  
is convicted of an offense under the law of this state or an 699  
ordinance of a municipal corporation, and the tribunal before 700  
which the conviction is had is authorized by law to commit the 701  
offender to the county jail or municipal corporation prison, the 702  
court, mayor, or judge of the county court, as the case may be, 703  
may sentence the offender to a workhouse. 704

When a commitment is made from a municipal corporation or 705  
township in the county, other than in a municipal corporation 706  
having a workhouse, the legislative authority of the municipal 707  
corporation or the board of township trustees shall transmit 708  
with the mittimus a sum of money equal to not less than seventy 709  
cents per day for the time of the commitment, to be placed in 710  
the hands of the superintendent of a workhouse for the care and 711  
maintenance of the prisoner. 712

(B) Pursuant to section 2929.37 of the Revised Code, the 713  
legislative authority of the municipal corporation or the board 714  
of township trustees may require a person who is convicted of an 715  
offense and who is confined in a workhouse as provided in 716  
division (A) of this section, to reimburse the municipal 717  
corporation or the township, as the case may be, for its 718  
expenses incurred by reason of the person's confinement. 719

(C) Notwithstanding any contrary provision in this section 720  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 721  
legislative authority of the municipal corporation or board of 722



township trustees may establish a policy that complies with 723  
section 2929.38 of the Revised Code and that requires any person 724  
who is not indigent and who is confined in the workhouse under 725  
division (A) of this section to pay a reception fee, a fee for 726  
any medical treatment or service requested by and provided to 727  
that person, or the fee for a random drug test assessed under 728  
division (E) of section 753.33 of the Revised Code. 729

(D) If a person who has been convicted of or pleaded 730  
guilty to an offense is incarcerated in a workhouse or if a 731  
person who has been arrested for an offense, and who has not 732  
been denied bail or has had bail set and has not been released 733  
on bail is confined in a workhouse pending trial, at the time of 734  
reception and at other times the person in charge of the 735  
operation of the workhouse determines to be appropriate, the 736  
person in charge of the operation of the workhouse may cause the 737  
convicted or accused offender to be examined and tested for 738  
tuberculosis, HIV-~~infection~~, hepatitis, including, but not 739  
limited to, hepatitis A, B, and C, and other contagious 740  
diseases. The person in charge of the operation of the workhouse 741  
may cause a convicted or accused offender in the workhouse who 742  
refuses to be tested or treated for tuberculosis, HIV-~~infection~~, 743  
hepatitis, including, but not limited to, hepatitis A, B, and C, 744  
or another contagious disease to be tested and treated 745  
involuntarily. 746

**Sec. 753.16.** (A) Any city or district having a workhouse 747  
may receive as inmates of the workhouse persons sentenced or 748  
committed to it from counties other than the one in which the 749  
workhouse is situated, upon the terms and during the length of 750  
time agreed upon by the boards of county commissioners of those 751  
counties, or by the legislative authority of a municipal 752  
corporation in those counties and the legislative authority of 753

the city, or the board of the district workhouse, or other 754  
authority having the management and control of the workhouse. 755  
Prisoners so received shall in all respects be and remain under 756  
the control of that authority, and shall be subject to the rules 757  
and discipline of the workhouse to which the other prisoners 758  
detained in the workhouse are subject. 759

(B) Prior to the acceptance for housing into a jail or 760  
workhouse of persons who are designated by the department of 761  
rehabilitation and correction, who plead guilty to or are 762  
convicted of a felony of the fourth or fifth degree, and who 763  
satisfy the other requirements listed in section 5120.161 of the 764  
Revised Code, the legislative authority of a municipal 765  
corporation having a jail or workhouse, or the joint board 766  
managing and controlling a workhouse for the joint use of a 767  
municipal corporation and a county shall enter into an agreement 768  
with the department of rehabilitation and correction under 769  
section 5120.161 of the Revised Code for the housing in the jail 770  
or workhouse of persons who are designated by the department, 771  
who plead guilty to or are convicted of a felony of the fourth 772  
or fifth degree, and who satisfy the other requirements listed 773  
in that section, in exchange for a per diem fee per person. 774  
Persons incarcerated in the jail or workhouse pursuant to an 775  
agreement of that nature shall be subject to supervision and 776  
control in the manner described in section 5120.161 of the 777  
Revised Code. This division does not affect the authority of a 778  
court to directly sentence a person who is convicted of or 779  
pleads guilty to a felony to the jail or workhouse in accordance 780  
with section 2929.16 of the Revised Code. 781

(C) Pursuant to section 2929.37 of the Revised Code, the 782  
board of county commissioners, the legislative authority of the 783  
municipal corporation, or the board or other managing authority 784

of the district workhouse may require a person who was convicted 785  
of an offense and who is confined in the workhouse as provided 786  
in division (A) of this section, to reimburse the county, 787  
municipal corporation, or district, as the case may be, for its 788  
expenses incurred by reason of the person's confinement. 789

(D) Notwithstanding any contrary provision in this section 790  
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 791  
board of county commissioners, the legislative authority of a 792  
municipal corporation, or the board or other managing authority 793  
of the district workhouse may establish a policy that complies 794  
with section 2929.38 of the Revised Code and that requires any 795  
person who is not indigent and who is confined in the jail or 796  
workhouse under division (A) or (B) of this section to pay a 797  
reception fee, a fee for any medical treatment or service 798  
requested by and provided to that person, or the fee for a 799  
random drug test assessed under division (E) of section 753.33 800  
of the Revised Code. 801

(E) If a person who has been convicted of or pleaded 802  
guilty to an offense is confined in the workhouse as provided in 803  
division (A) of this section or is incarcerated in the workhouse 804  
in the manner described in division (B) of this section, or if a 805  
person who has been arrested for an offense, and who has been 806  
denied bail or has had bail set and has not been released on 807  
bail is confined in the workhouse pending trial, at the time of 808  
reception and at other times the person in charge of the 809  
operation of the workhouse determines to be appropriate, the 810  
person in charge of the operation of the workhouse may cause the 811  
convicted or accused offender to be examined and tested for 812  
tuberculosis, HIV~~-infection~~, hepatitis, including but not 813  
limited to hepatitis A, B, and C, and other contagious diseases. 814  
The person in charge of the operation of the workhouse may cause 815

a convicted or accused offender in the workhouse who refuses to 816  
be tested or treated for tuberculosis, HIV~~-infection~~, hepatitis, 817  
including but not limited to hepatitis A, B, and C, or another 818  
contagious disease to be tested and treated involuntarily. 819

**Sec. 753.21.** (A) As used in this section, "building or 820  
structure" includes, but is not limited to, a modular unit, 821  
building, or structure and a movable unit, building, or 822  
structure. 823

(B) (1) The legislative authority of a municipal 824  
corporation, by ordinance, may dedicate and permit the use, as a 825  
minimum security jail, of any vacant or abandoned public 826  
building or structure owned by the municipal corporation that 827  
has not been dedicated to or is not then in use for any 828  
municipal or other public purpose, or any building or structure 829  
rented or leased by the municipal corporation. The legislative 830  
authority of a municipal corporation, by ordinance, also may 831  
dedicate and permit the use, as a minimum security jail, of any 832  
building or structure purchased by or constructed by or for the 833  
municipal corporation. Subject to divisions (B) (3) and (C) of 834  
this section, upon the effective date of such an ordinance, the 835  
specified building or structure shall be used, in accordance 836  
with this section, for the confinement of persons who meet one 837  
of the following conditions: 838

(a) The person is sentenced to a term of imprisonment for 839  
a traffic violation, a misdemeanor, or a violation of a 840  
municipal ordinance and is under the jurisdiction of the 841  
municipal corporation or is sentenced to a residential sanction 842  
in the jail for a felony of the fourth or fifth degree pursuant 843  
to sections 2929.11 to 2929.19 of the Revised Code, and the jail 844  
administrator or the jail administrator's designee has 845

classified the person as a minimal security risk. In determining 846  
the person's classification under this division, the 847  
administrator or designee shall consider all relevant factors, 848  
including, but not limited to, the person's escape risk and 849  
propensity for assaultive or violent behavior, based upon the 850  
person's prior and current behavior. 851

(b) The person is an inmate transferred by order of a 852  
judge of the sentencing court upon the request of the sheriff, 853  
administrator, jailer, or other person responsible for operating 854  
the jail other than a contractor as defined in section 9.06 of 855  
the Revised Code, who is named in the request as being suitable 856  
for confinement in a minimum security facility. 857

(2) The legislative authority of a municipal corporation, 858  
by ordinance, may affiliate with the county in which it is 859  
located, with one or more counties adjacent to the county in 860  
which it is located, or with one or more municipal corporations 861  
located within the county in which it is located or within an 862  
adjacent county, and dedicate and permit the use, as a minimum 863  
security jail, of any vacant or abandoned public building or 864  
structure owned by any of the affiliating counties or municipal 865  
corporations that has not been dedicated to or is not then in 866  
use for any public purpose, or any building or structure rented 867  
or leased by any of the affiliating counties or municipal 868  
corporations. The legislative authority of a municipal 869  
corporation, by ordinance, also may affiliate with one or more 870  
counties adjacent to the county in which it is located or with 871  
one or more municipal corporations located within the county in 872  
which it is located or within an adjacent county and dedicate 873  
and permit the use, as a minimum security jail, of any building 874  
or structure purchased by or constructed by or for any of the 875  
affiliating counties or municipal corporations. Any counties and 876

municipal corporations that affiliate for purposes of this 877  
division shall enter into an agreement that establishes the 878  
responsibilities for the operation and for the cost of operation 879  
of the minimum security jail. Subject to divisions (B) (3) and 880  
(C) of this section, upon the effective date of an ordinance 881  
adopted under this division, the specified building or structure 882  
shall be used, in accordance with this section, for the 883  
confinement of persons who meet one of the following conditions: 884

(a) The person is sentenced to a term of imprisonment for 885  
a traffic violation, a misdemeanor, or a violation of an 886  
ordinance of a municipal corporation and is under the 887  
jurisdiction of any of the affiliating counties or municipal 888  
corporations or is sentenced to a residential sanction in the 889  
jail for a felony of the fourth or fifth degree pursuant to 890  
sections 2929.11 to 2929.19 of the Revised Code, and the jail 891  
administrator or the jail administrator's designee has 892  
classified the person as a minimal security risk. In determining 893  
the person's classification under this division, the 894  
administrator or designee shall consider all relevant factors, 895  
including, but not limited to, the person's escape risk and 896  
propensity for assaultive or violent behavior, based upon the 897  
person's prior and current behavior. 898

(b) The person is an inmate transferred by order of a 899  
judge of the sentencing court upon the request of the sheriff, 900  
administrator, jailer, or other person responsible for operating 901  
the jail other than a contractor as defined in section 9.06 of 902  
the Revised Code, who is named in the request as being suitable 903  
for confinement in a minimum security facility. 904

(3) No person shall be confined in a building or structure 905  
dedicated as a minimum security jail under division (B) (1) or 906

(2) of this section unless the judge who sentenced the person to 907  
the term of imprisonment for the traffic violation or the 908  
misdemeanor specifies that the term of imprisonment is to be 909  
served in that jail, and division (B)(1) or (2) of this section 910  
permits the confinement of the person in that jail or unless the 911  
judge who sentenced the person to the residential sanction for 912  
the felony specifies that the residential sanction is to be 913  
served in a jail, and division (B)(1) or (2) of this section 914  
permits the confinement of the person in that jail. If a rented 915  
or leased building or structure is so dedicated, the building or 916  
structure may be used as a minimum security jail only during the 917  
period that it is rented or leased by the municipal corporation 918  
or by an affiliated county or municipal corporation. If a person 919  
convicted of a misdemeanor is confined to a building or 920  
structure dedicated as a minimum security jail under division 921  
(B)(1) or (2) of this section and the sheriff, administrator, 922  
jailer, or other person responsible for operating the jail other 923  
than a contractor as defined in division (H) of section 9.06 of 924  
the Revised Code determines that it would be more appropriate 925  
for the person so confined to be confined in another jail or 926  
workhouse facility, the sheriff, administrator, jailer, or other 927  
person may transfer the person so confined to a more appropriate 928  
jail or workhouse facility. 929

(C) All of the following apply in relation to a building 930  
or structure that is dedicated pursuant to division (B)(1) or 931  
(2) of this section for use as a minimum security jail: 932

(1) To the extent that the use of the building or 933  
structure as a minimum security jail requires a variance from 934  
any municipal corporation, county, or township zoning ordinances 935  
or regulations, the variance shall be granted. 936

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C) (4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B) (1) (a) and (B) (2) (a) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered



to be part of the jail, workhouse, or other correctional 966  
facilities of the municipal corporation or the affiliated 967  
counties and municipal corporations for all purposes under the 968  
law. All persons confined in such a minimum security jail shall 969  
be and shall remain, in all respects, under the control of the 970  
authority of the municipal corporation that has responsibility 971  
for the management and operation of the jail, workhouse, or 972  
other correctional facilities of the municipal corporation or, 973  
if it is operated by any affiliation of counties or municipal 974  
corporations, under the control of the specified county or 975  
municipal corporation with that authority, provided that, if the 976  
person was convicted of a felony and is serving a residential 977  
sanction in the facility, all provisions of law that pertain to 978  
persons convicted of a felony that would not by their nature 979  
clearly be inapplicable apply regarding the person. A minimum 980  
security jail dedicated and used under this section shall be 981  
managed and maintained in accordance with policies and 982  
procedures adopted by the legislative authority of the municipal 983  
corporation or the affiliated counties and municipal 984  
corporations governing the safe and healthful operation of the 985  
jail, the confinement and supervision of the persons sentenced 986  
to it, and their participation in work release or similar 987  
rehabilitation programs. In addition to other rules of conduct 988  
and discipline, the rights of ingress and egress of persons 989  
confined in a minimum security jail dedicated and used under 990  
this section shall be subject to reasonable restrictions. Every 991  
person confined in a minimum security jail dedicated and used 992  
under this section shall be given verbal and written 993  
notification, at the time of the person's admission to the jail, 994  
that purposely leaving, or purposely failing to return to, the 995  
jail without proper authority or permission constitutes the 996  
felony offense of escape. 997

(E) If a person who has been convicted of or pleaded 998  
guilty to an offense is sentenced to a term of imprisonment or a 999  
residential sanction in a minimum security jail as described in 1000  
division (B) (1) (a) or (B) (2) (a) of this section, or if a person 1001  
is an inmate transferred to a minimum security jail by order of 1002  
a judge of the sentencing court as described in division (B) (1) 1003  
(b) or (2) (b) of this section, at the time of reception and at 1004  
other times the person in charge of the operation of the jail 1005  
determines to be appropriate, the person in charge of the 1006  
operation of the jail may cause the convicted offender to be 1007  
examined and tested for tuberculosis, HIV~~-infection~~, hepatitis, 1008  
including but not limited to hepatitis A, B, and C, and other 1009  
contagious diseases. The person in charge of the operation of 1010  
the jail may cause a convicted offender in the jail who refuses 1011  
to be tested or treated for tuberculosis, HIV~~-infection~~, 1012  
hepatitis, including but not limited to hepatitis A, B, and C, 1013  
or another contagious disease to be tested and treated 1014  
involuntarily. 1015

**Sec. 2151.358.** (A) The juvenile court shall expunge all 1016  
records sealed under section 2151.356 of the Revised Code five 1017  
years after the court issues a sealing order or upon the twenty- 1018  
third birthday of the person who is the subject of the sealing 1019  
order, whichever date is earlier. 1020

(B) Notwithstanding division (A) of this section, upon 1021  
application by the person who has had a record sealed under 1022  
section 2151.356 of the Revised Code, the juvenile court may 1023  
expunge a record sealed under section 2151.356 of the Revised 1024  
Code. In making the determination whether to expunge records, 1025  
all of the following apply: 1026

(1) The court may require a person filing an application 1027

for expungement to submit any relevant documentation to support 1028  
the application. 1029

(2) The court may cause an investigation to be made to 1030  
determine if the person who is the subject of the proceedings 1031  
has been rehabilitated to a satisfactory degree. 1032

(3) The court shall promptly, but not less than thirty 1033  
days prior to the hearing, notify the prosecuting attorney of 1034  
any proceedings to expunge records. The prosecutor shall provide 1035  
timely notice to a victim and the victim's representative, if 1036  
applicable, if the victim or victim's representative requested 1037  
notice of the proceedings in the underlying case. 1038

(4) (a) The prosecuting attorney may file a response with 1039  
the court within thirty days of receiving notice of the 1040  
expungement proceedings. 1041

(b) If the prosecuting attorney does not file a response 1042  
with the court or if the prosecuting attorney files a response 1043  
but indicates that the prosecuting attorney does not object to 1044  
the expungement of the records, the court may order the records 1045  
of the person that are under consideration to be expunged 1046  
without conducting a hearing on the application. If the court 1047  
decides in its discretion to conduct a hearing on the 1048  
application, the court shall conduct the hearing within thirty 1049  
days after making that decision and shall give notice, by 1050  
regular mail, of the date, time, and location of the hearing to 1051  
the prosecuting attorney and to the person who is the subject of 1052  
the records under consideration. The victim and the victim's 1053  
representative, if applicable, may be present and heard orally, 1054  
in writing, or both at any hearing under this division. The 1055  
court shall consider the oral and written statement of any 1056  
victim, victim's representative, and victim's attorney, if 1057

applicable. 1058

(c) If the prosecuting attorney files a response with the 1059  
court that indicates that the prosecuting attorney objects to 1060  
the expungement of the records, the court shall conduct a 1061  
hearing on the application within thirty days after the court 1062  
receives the response. The court shall give notice, by regular 1063  
mail, of the date, time, and location of the hearing to the 1064  
prosecuting attorney and to the person who is the subject of the 1065  
records under consideration. The victim and the victim's 1066  
representative, if applicable, may be present and heard orally, 1067  
in writing, or both at any hearing under this section. The court 1068  
shall consider the oral and written statement of any victim, 1069  
victim's representative, and victim's attorney, if applicable. 1070

(5) After conducting a hearing in accordance with division 1071  
(B) (4) of this section or after due consideration when a hearing 1072  
is not conducted, the court may order the records of the person 1073  
that are the subject of the application to be expunged if it 1074  
finds that the person has been rehabilitated to a satisfactory 1075  
degree. In determining whether the person has been rehabilitated 1076  
to a satisfactory degree, the court may consider all of the 1077  
following: 1078

(a) The age of the person; 1079

(b) The nature of the case; 1080

(c) The cessation or continuation of delinquent, unruly, 1081  
or criminal behavior; 1082

(d) The education and employment history of the person; 1083

(e) Any other circumstances that may relate to the 1084  
rehabilitation of the person who is the subject of the records 1085  
under consideration. 1086

(C) If the juvenile court is notified by any party in a 1087  
civil action that a civil action has been filed based on a case 1088  
the records for which are the subject of a sealing order, the 1089  
juvenile court shall not expunge a record sealed under section 1090  
2151.356 of the Revised Code until the civil action has been 1091  
resolved and is not subject to further appellate review, at 1092  
which time the records shall be expunged pursuant to division 1093  
(A) of this section. 1094

(D) (1) A juvenile court that issues a protection order or 1095  
approves a consent agreement under section 2151.34 or 3113.31 of 1096  
the Revised Code shall automatically seal all of the records of 1097  
the proceeding in which the order was issued or agreement 1098  
approved on the date the person against whom the protection 1099  
order was issued or the consent agreement approved attains the 1100  
age of nineteen years if the court determines that the person 1101  
has complied with all of the terms of the protection order or 1102  
consent agreement. 1103

(2) In a proceeding under section 2151.34 of the Revised 1104  
Code, if the juvenile court does not issue any protection order 1105  
under division (E) of that section, the court shall 1106  
automatically seal all of the records in that proceeding. In a 1107  
proceeding under section 3113.31 of the Revised Code, if the 1108  
juvenile court does not issue any protection order or approve 1109  
any consent agreement under division (E) of that section, the 1110  
court shall automatically seal all of the records in that 1111  
proceeding. 1112

(3) (a) If a juvenile court that issues a protection order 1113  
or approves a consent agreement under section 2151.34 or 3113.31 1114  
of the Revised Code determines that the person against whom the 1115  
protection order was issued or the consent agreement approved 1116

has not complied with all of the terms of the protection order 1117  
or consent agreement, the court shall consider sealing all of 1118  
the records of the proceeding in which the order was issued or 1119  
agreement approved upon the court's own motion or upon the 1120  
application of a person. The court may make the motion or the 1121  
person who is the subject of the records under consideration may 1122  
apply for an order sealing the records of the proceeding at any 1123  
time after two years after the expiration of the protection 1124  
order or consent agreement. 1125

(b) In making a determination whether to seal records 1126  
pursuant to division (D) (3) of this section, all of the 1127  
following apply: 1128

(i) The court may require a person filing an application 1129  
under division (D) (3) of this section to submit any relevant 1130  
documentation to support the application. 1131

(ii) The court shall promptly notify the victim or the 1132  
victim's attorney of any proceedings to seal records initiated 1133  
pursuant to division (D) (3) of this section. 1134

(iii) The victim or the victim's attorney may file a 1135  
response with the court within thirty days of receiving notice 1136  
of the sealing proceedings. 1137

If the victim or the victim's attorney does not file a 1138  
response with the court or if the victim or the victim's 1139  
attorney files a response but indicates that the victim or the 1140  
victim's attorney does not object to the sealing of the records, 1141  
the court may order the records of the person that are under 1142  
consideration to be sealed without conducting a hearing on the 1143  
motion or application. If the court decides in its discretion to 1144  
conduct a hearing on the motion or application, the court shall 1145

conduct the hearing within thirty days after making that 1146  
decision and shall give notice, by regular mail, of the date, 1147  
time, and location of the hearing to the victim or the victim's 1148  
attorney and to the person who is the subject of the records 1149  
under consideration. 1150

If the victim or the victim's attorney files a response 1151  
with the court that indicates that the victim or the victim's 1152  
attorney objects to the sealing of the records, the court shall 1153  
conduct a hearing on the motion or application within thirty 1154  
days after the court receives the response. The court shall give 1155  
notice, by regular mail, of the date, time, and location of the 1156  
hearing to the victim or the victim's attorney and to the person 1157  
who is the subject of the records under consideration. 1158

(iv) After conducting a hearing in accordance with 1159  
division (D) (3) (b) (iii) of this section or after due 1160  
consideration when a hearing is not conducted, the court may 1161  
order the records of the person that are the subject of the 1162  
motion or application to be sealed. 1163

(4) Inspection of the records sealed pursuant to division 1164  
(D) (1), (2), or (3) of this section may be made only by the 1165  
following persons or for the following purposes: 1166

(a) By a law enforcement officer or prosecutor, or the 1167  
assistants of either, to determine whether the nature and 1168  
character of the offense with which a person is to be charged 1169  
would be affected by virtue of the person's previously having 1170  
been convicted of a crime; 1171

(b) By the parole or probation officer of the person who 1172  
is the subject of the records, for the exclusive use of the 1173  
officer in supervising the person while on parole or under a 1174

community control sanction or a post-release control sanction, 1175  
and in making inquiries and written reports as requested by the 1176  
court or adult parole authority; 1177

(c) Upon application by the person who is the subject of 1178  
the records, by the persons named in the application; 1179

(d) By a law enforcement officer who was involved in the 1180  
case, for use in the officer's defense of a civil action arising 1181  
out of the officer's involvement in that case; 1182

(e) By a prosecuting attorney or the prosecuting 1183  
attorney's assistants, to determine a defendant's eligibility to 1184  
enter a pre-trial diversion program established pursuant to 1185  
section 2935.36 of the Revised Code; 1186

(f) By any law enforcement agency or any authorized 1187  
employee of a law enforcement agency or by the department of 1188  
rehabilitation and correction as part of a background 1189  
investigation of a person who applies for employment with the 1190  
agency as a law enforcement officer or with the department as a 1191  
corrections officer; 1192

(g) By any law enforcement agency or any authorized 1193  
employee of a law enforcement agency, for the purposes set forth 1194  
in, and in the manner provided in, division (I) of section 1195  
2953.34 of the Revised Code; 1196

(h) By the bureau of criminal identification and 1197  
investigation or any authorized employee of the bureau for the 1198  
purpose of providing information to a board or person pursuant 1199  
to division (F) or (G) of section 109.57 of the Revised Code; 1200

(i) By the bureau of criminal identification and 1201  
investigation or any authorized employee of the bureau for the 1202  
purpose of performing a criminal history records check on a 1203



person to whom a certificate as prescribed in section 109.77 of 1204  
the Revised Code is to be awarded; 1205

(j) By the bureau of criminal identification and 1206  
investigation or any authorized employee of the bureau for the 1207  
purpose of conducting a criminal records check of an individual 1208  
pursuant to division (B) of section 109.572 of the Revised Code 1209  
that was requested pursuant to any of the sections identified in 1210  
division (B) (1) of that section; 1211

(k) By the bureau of criminal identification and 1212  
investigation, an authorized employee of the bureau, a sheriff, 1213  
or an authorized employee of a sheriff in connection with a 1214  
criminal records check described in section 311.41 of the 1215  
Revised Code; 1216

(l) By the attorney general or an authorized employee of 1217  
the attorney general or a court for purposes of determining a 1218  
person's classification pursuant to Chapter 2950. of the Revised 1219  
Code. 1220

When the nature and character of the offense with which a 1221  
person is to be charged would be affected by the information, it 1222  
may be used for the purpose of charging the person with an 1223  
offense. 1224

(E) In addition to the methods of expungement provided for 1225  
in divisions (A) and (B) of this section, a person who has been 1226  
adjudicated a delinquent child for having committed an act that 1227  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1228  
the Revised Code if the child were an adult may apply to the 1229  
adjudicating court for the expungement of the record of 1230  
adjudication if the person's participation in the act was a 1231  
result of the person having been a victim of human trafficking. 1232

The application shall be made in the same manner as an 1233  
application for expungement under section 2953.36 of the Revised 1234  
Code, and all of the provisions of that section shall apply to 1235  
the expungement procedure. 1236

(F) In addition to the methods of expungement provided for 1237  
in divisions (A) and (B) of this section, a person who has been 1238  
adjudicated a delinquent child for having committed an act that 1239  
would be a violation of division (B) of section 2903.11 of the 1240  
Revised Code as it existed prior to the effective date of this 1241  
amendment if the child were an adult may apply to the 1242  
adjudicating court for expungement of the record of 1243  
adjudication. The application shall be made in the same manner 1244  
as an application for expungement under section 2953.41 of the 1245  
Revised Code, and all of the provisions of that section apply to 1246  
the expungement procedure. 1247

(G) After the records have been expunged under this 1248  
section, the person who is the subject of the expunged records 1249  
properly may, and the court shall, reply that no record exists 1250  
with respect to the person upon any inquiry in the matter. 1251

**Sec. 2152.82.** (A) The court that adjudicates a child a 1252  
delinquent child shall issue as part of the dispositional order 1253  
an order that classifies the child a juvenile offender 1254  
registrant and specifies that the child has a duty to comply 1255  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1256  
Revised Code if all of the following apply: 1257

(1) The act for which the child is adjudicated a 1258  
delinquent child is a sexually oriented offense or a child- 1259  
victim oriented offense that the child committed on or after 1260  
January 1, 2002. 1261

(2) The child was fourteen, fifteen, sixteen, or seventeen 1262  
years of age at the time of committing the offense. 1263

(3) The court has determined that the child previously was 1264  
adjudicated a delinquent child for committing any sexually 1265  
oriented offense or child-victim oriented offense, regardless of 1266  
when the prior offense was committed and regardless of the 1267  
child's age at the time of committing the offense. 1268

(4) The court is not required to classify the child as 1269  
both a juvenile offender registrant and a public registry- 1270  
qualified juvenile offender registrant under section 2152.86 of 1271  
the Revised Code. 1272

(B) An order required under division (A) of this section 1273  
shall be issued at the time the judge makes the order of 1274  
disposition for the delinquent child. Prior to issuing the order 1275  
required by division (A) of this section, the judge shall 1276  
conduct a hearing under section 2152.831 of the Revised Code to 1277  
determine whether the child is a tier I sex offender/child- 1278  
victim offender, a tier II sex offender/child-victim offender, 1279  
or a tier III sex offender/child-victim offender. If the court 1280  
determines that the delinquent child to whom the order applies 1281  
is a tier III sex offender/child-victim offender and the child 1282  
is not a public registry-qualified juvenile offender registrant, 1283  
the judge may impose a requirement subjecting the child to the 1284  
victim and community notification provisions of sections 2950.10 1285  
and 2950.11 of the Revised Code. When a judge issues an order 1286  
under division (A) of this section, all of the following apply: 1287

(1) The judge shall include in the order a statement that, 1288  
upon completion of the disposition of the delinquent child that 1289  
was made for the sexually oriented offense or child-victim 1290  
oriented offense upon which the order is based, a hearing will 1291

be conducted, and the order and any determinations included in 1292  
the order are subject to modification or termination pursuant to 1293  
sections 2152.84 ~~and 2152.85~~, and 2950.152 of the Revised Code. 1294

(2) The judge shall provide to the delinquent child and to 1295  
the delinquent child's parent, guardian, or custodian the notice 1296  
required under divisions (A) and (B) of section 2950.03 of the 1297  
Revised Code and shall provide as part of that notice a copy of 1298  
the order. 1299

(3) The judge shall include the order in the delinquent 1300  
child's dispositional order and shall specify in the 1301  
dispositional order that the order issued under division (A) of 1302  
this section was made pursuant to this section. 1303

(4) If the court determines that the delinquent child to 1304  
whom the order applies is a tier III sex offender/child-victim 1305  
offender, if the child is not a public registry-qualified 1306  
juvenile offender registrant, and if the judge imposes a 1307  
requirement subjecting the child to the victim and community 1308  
notification provisions of sections 2950.10 and 2950.11 of the 1309  
Revised Code, the judge shall include the requirement in the 1310  
order. 1311

(5) The court shall include in the order its determination 1312  
made at the hearing held under section 2151.831 of the Revised 1313  
Code as to whether the delinquent child is a tier I sex 1314  
offender/child-victim offender, a tier II sex offender/child- 1315  
victim offender, or a tier III sex offender/child-victim 1316  
offender. 1317

(C) Except as provided in division (D) of this section, an 1318  
order issued under division (A) of this section and any 1319  
determinations included in the order shall remain in effect for 1320

the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 ~~or~~, 2152.85, or 2950.152 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(D) If a court issues an order under division (A) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires

of the child. 1351

**Sec. 2152.83.** (A) (1) The court that adjudicates a child a 1352  
delinquent child shall issue as part of the dispositional order 1353  
or, if the court commits the child for the delinquent act to the 1354  
custody of a secure facility, shall issue at the time of the 1355  
child's release from the secure facility an order that 1356  
classifies the child a juvenile offender registrant and 1357  
specifies that the child has a duty to comply with sections 1358  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if 1359  
all of the following apply: 1360

(a) The act for which the child is or was adjudicated a 1361  
delinquent child is a sexually oriented offense or a child- 1362  
victim oriented offense that the child committed on or after 1363  
January 1, 2002. 1364

(b) The child was sixteen or seventeen years of age at the 1365  
time of committing the offense. 1366

(c) The court was not required to classify the child a 1367  
juvenile offender registrant under section 2152.82 of the 1368  
Revised Code or as both a juvenile offender registrant and a 1369  
public registry-qualified juvenile offender registrant under 1370  
section 2152.86 of the Revised Code. 1371

(2) Prior to issuing the order required by division (A) (2) 1372  
of this section, the judge shall conduct a hearing under section 1373  
2152.831 of the Revised Code, except as otherwise provided in 1374  
that section, to determine whether the child is a tier I sex 1375  
offender/child-victim offender, a tier II sex offender/child- 1376  
victim offender, or a tier III sex offender/child-victim 1377  
offender. When a judge issues an order under division (A) (1) of 1378  
this section, the judge shall include in the order the 1379

determinations identified in division (B) (5) of section 2152.82 1380  
of the Revised Code. 1381

(B) (1) The court that adjudicates a child a delinquent 1382  
child, on the judge's own motion, may conduct at the time of 1383  
disposition of the child or, if the court commits the child for 1384  
the delinquent act to the custody of a secure facility, may 1385  
conduct at the time of the child's release from the secure 1386  
facility a hearing for the purposes described in division (B) (2) 1387  
of this section if all of the following apply: 1388

(a) The act for which the child is adjudicated a 1389  
delinquent child is a sexually oriented offense or a child- 1390  
victim oriented offense that the child committed on or after 1391  
January 1, 2002. 1392

(b) The child was fourteen or fifteen years of age at the 1393  
time of committing the offense. 1394

(c) The court was not required to classify the child a 1395  
juvenile offender registrant under section 2152.82 of the 1396  
Revised Code or as both a juvenile offender registrant and a 1397  
public registry-qualified juvenile offender registrant under 1398  
section 2152.86 of the Revised Code. 1399

(2) A judge shall conduct a hearing under division (B) (1) 1400  
of this section to review the effectiveness of the disposition 1401  
made of the child and of any treatment provided for the child 1402  
placed in a secure setting and to determine whether the child 1403  
should be classified a juvenile offender registrant. The judge 1404  
may conduct the hearing on the judge's own initiative or based 1405  
upon a recommendation of an officer or employee of the 1406  
department of youth services, a probation officer, an employee 1407  
of the court, or a prosecutor or law enforcement officer. If the 1408

judge conducts the hearing, upon completion of the hearing, the 1409  
judge, in the judge's discretion and after consideration of the 1410  
factors listed in division (E) of this section, shall do either 1411  
of the following: 1412

(a) Decline to issue an order that classifies the child a 1413  
juvenile offender registrant and specifies that the child has a 1414  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 1415  
2950.06 of the Revised Code; 1416

(b) Issue an order that classifies the child a juvenile 1417  
offender registrant and specifies that the child has a duty to 1418  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1419  
the Revised Code and that states the determination that the 1420  
judge makes at the hearing held pursuant to section 2152.831 of 1421  
the Revised Code as to whether the child is a tier I sex 1422  
offender/child-victim offender, a tier II sex offender/child- 1423  
victim offender, or a tier III sex offender/child-victim 1424  
offender. 1425

(C) (1) Prior to issuing an order under division (B) (2) (b) 1426  
of this section, the judge shall conduct a hearing under section 1427  
2152.831 of the Revised Code to determine whether the child is a 1428  
tier I sex offender/child-victim offender, a tier II sex 1429  
offender/child-victim offender, or a tier III sex 1430  
offender/child-victim offender. The judge may hold the hearing 1431  
at the same time as the hearing under division (B) of this 1432  
section. 1433

(2) If a judge issues an order under division (A) or (B) 1434  
of this section and the court determines that the delinquent 1435  
child to whom the order applies is a tier III sex 1436  
offender/child-victim offender and the child is not a public 1437  
registry-qualified juvenile offender registrant, the judge may 1438



impose a requirement subjecting the child to the victim and 1439  
community notification provisions of sections 2950.10 and 1440  
2950.11 of the Revised Code. If the judge imposes a requirement 1441  
subjecting the child to the victim and community notification 1442  
provisions of sections 2950.10 and 2950.11 of the Revised Code, 1443  
the judge shall include the requirement in the order. 1444

(3) If a judge issues an order under division (A) or (B) 1445  
of this section, the judge shall provide to the delinquent child 1446  
and to the delinquent child's parent, guardian, or custodian a 1447  
copy of the order and a notice containing the information 1448  
described in divisions (A) and (B) of section 2950.03 of the 1449  
Revised Code. The judge shall provide the notice at the time of 1450  
the issuance of the order and shall comply with divisions (B) 1451  
and (C) of that section regarding that notice and the provision 1452  
of it. 1453

The judge also shall include in the order a statement 1454  
that, upon completion of the disposition of the delinquent child 1455  
that was made for the sexually oriented offense or child-victim 1456  
oriented offense upon which the order is based, a hearing will 1457  
be conducted and the order is subject to modification or 1458  
termination pursuant to ~~section~~sections 2152.84 and 2950.152 of 1459  
the Revised Code. 1460

(D) In making a decision under division (B) of this 1461  
section as to whether a delinquent child should be classified a 1462  
juvenile offender registrant, a judge shall consider all 1463  
relevant factors, including, but not limited to, all of the 1464  
following: 1465

(1) The nature of the sexually oriented offense or the 1466  
child-victim oriented offense committed by the child; 1467

(2) Whether the child has shown any genuine remorse or  
compunction for the offense; 1468  
1469

(3) The public interest and safety; 1470

(4) The factors set forth in division (K) of section  
2950.11 of the Revised Code, provided that references in the  
factors as set forth in that division to "the offender" shall be  
construed for purposes of this division to be references to "the  
delinquent child;" 1471  
1472  
1473  
1474  
1475

(5) The factors set forth in divisions (B) and (C) of  
section 2929.12 of the Revised Code as those factors apply  
regarding the delinquent child, the offense, and the victim; 1476  
1477  
1478

(6) The results of any treatment provided to the child and  
of any follow-up professional assessment of the child. 1479  
1480

(E) An order issued under division (A) or (B) of this  
section and any determinations included in the order shall  
remain in effect for the period of time specified in section  
2950.07 of the Revised Code, subject to a modification or  
termination of the order under section 2152.84 or 2950.152 of  
the Revised Code, and section 2152.851 of the Revised Code  
applies regarding the order and the determinations. The child's  
attainment of eighteen or twenty-one years of age does not  
affect or terminate the order, and the order remains in effect  
for the period of time described in this division. 1481  
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(F) If a court issues an order under division (A) or (B)  
of this section before January 1, 2008, not later than February  
1, 2008, the court shall terminate the order and issue a new  
order that reclassifies the child as both a juvenile offender  
registrant and a public registry-qualified juvenile offender  
registrant pursuant to section 2152.86 of the Revised Code if 1491  
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the court imposed on the child a serious youthful offender 1497  
dispositional sentence under section 2152.13 of the Revised Code 1498  
and if the act that was the basis of the classification of the 1499  
delinquent child as a juvenile offender registrant and is the 1500  
basis of the serious youthful offender dispositional sentence is 1501  
any of the following: 1502

(1) Committing, attempting to commit, conspiring to 1503  
commit, or complicity in committing a violation of section 1504  
2907.02 of the Revised Code, division (B) of section 2907.05 of 1505  
the Revised Code, or section 2907.03 of the Revised Code if the 1506  
victim of the violation was less than twelve years of age; 1507

(2) Committing, attempting to commit, conspiring to 1508  
commit, or complicity in committing a violation of section 1509  
2903.01, 2903.02, or 2905.01 of the Revised Code that was 1510  
committed with a purpose to gratify the sexual needs or desires 1511  
of the child. 1512

(G) As used in this section, "secure facility" has the 1513  
same meaning as in section 2950.01 of the Revised Code. 1514

**Sec. 2152.84.** (A) (1) When a juvenile court judge issues an 1515  
order under section 2152.82 or division (A) or (B) of section 1516  
2152.83 of the Revised Code that classifies a delinquent child a 1517  
juvenile offender registrant and specifies that the child has a 1518  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 1519  
2950.06 of the Revised Code, upon completion of the disposition 1520  
of that child made for the sexually oriented offense or the 1521  
child-victim oriented offense on which the juvenile offender 1522  
registrant order was based, the judge or the judge's successor 1523  
in office shall conduct a hearing to review the effectiveness of 1524  
the disposition and of any treatment provided for the child, to 1525  
determine the risks that the child might re-offend, to determine 1526

whether the prior classification of the child as a juvenile 1527  
offender registrant should be continued or terminated as 1528  
provided under division (A) (2) of this section, and to determine 1529  
whether its prior determination made at the hearing held 1530  
pursuant to section 2152.831 of the Revised Code as to whether 1531  
the child is a tier I sex offender/child-victim offender, a tier 1532  
II sex offender/child-victim offender, or a tier III sex 1533  
offender/child-victim offender should be continued or modified 1534  
as provided under division (A) (2) of this section. 1535

(2) Upon completion of a hearing under division (A) (1) of 1536  
this section, the judge, in the judge's discretion and after 1537  
consideration of all relevant factors, including but not limited 1538  
to, the factors listed in division (D) of section 2152.83 of the 1539  
Revised Code, shall do one of the following as applicable: 1540

(a) Enter an order that continues the classification of 1541  
the delinquent child as a juvenile offender registrant made in 1542  
the prior order issued under section 2152.82 or division (A) or 1543  
(B) of section 2152.83 of the Revised Code and the prior 1544  
determination included in the order that the child is a tier I 1545  
sex offender/child-victim offender, a tier II sex 1546  
offender/child-victim offender, or a tier III sex 1547  
offender/child-victim offender, whichever is applicable; 1548

(b) If the prior order was issued under division (B) of 1549  
section 2152.83 of the Revised Code, enter an order that 1550  
contains a determination that the delinquent child no longer is 1551  
a juvenile offender registrant and no longer has a duty to 1552  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1553  
the Revised Code. An order issued under division (A) (2) (b) of 1554  
this section also terminates all prior determinations that the 1555  
child is a tier I sex offender/child-victim offender, a tier II 1556

sex offender/child-victim offender, or a tier III sex 1557  
offender/child-victim offender, whichever is applicable. 1558  
Division (A) (2) (b) of this section does not apply to a prior 1559  
order issued under section 2152.82 or division (A) of section 1560  
2152.83 of the Revised Code. 1561

(c) If the prior order was issued under section 2152.82 or 1562  
division (A) or (B) of section 2152.83 of the Revised Code, 1563  
enter an order that continues the classification of the 1564  
delinquent child as a juvenile offender registrant made in the 1565  
prior order issued under section 2152.82 or division (A) or (B) 1566  
of section 2152.83 of the Revised Code, and that modifies the 1567  
prior determination made at the hearing held pursuant to section 1568  
2152.831 of the Revised Code that the child is a tier I sex 1569  
offender/child-victim offender, a tier II sex offender/child- 1570  
victim offender, or a tier III sex offender/child-victim 1571  
offender, whichever is applicable. An order issued under 1572  
division (A) (2) (c) of this section shall not include a 1573  
determination that increases to a higher tier the tier 1574  
classification of the delinquent child. An order issued under 1575  
division (A) (2) (c) of this section shall specify the new 1576  
determination made by the court at a hearing held pursuant to 1577  
division (A) (1) of this section as to whether the child is a 1578  
tier I sex offender/child-victim offender, a tier II sex 1579  
offender/child-victim offender, or a tier III sex 1580  
offender/child-victim offender, whichever is applicable. 1581

(B) (1) If a judge issues an order under division (A) (2) (a) 1582  
of this section that continues the prior classification of the 1583  
delinquent child as a juvenile offender registrant and the prior 1584  
determination included in the order that the child is a tier I 1585  
sex offender/child-victim offender, a tier II sex 1586  
offender/child-victim offender, or a tier III sex 1587

offender/child-victim offender, whichever is applicable, the 1588  
prior classification and the prior determination shall remain in 1589  
effect. 1590

(2) A judge may issue an order under division (A) (2) (c) of 1591  
this section that contains a determination that reclassifies a 1592  
child from a tier III sex offender/child-victim offender 1593  
classification to a tier II sex offender/child-victim offender 1594  
classification or to a tier I sex offender/child-victim offender 1595  
classification. 1596

A judge may issue an order under division (A) (2) (c) of 1597  
this section that contains a determination that reclassifies a 1598  
child from a tier II sex offender/child-victim offender 1599  
classification. A judge may not issue an order under that 1600  
division that contains a determination that reclassifies a child 1601  
from a tier II sex offender/child-victim offender classification 1602  
to a tier III sex offender/child-victim offender classification. 1603

A judge may not issue an order under division (A) (2) (c) of 1604  
this section that contains a determination that reclassifies a 1605  
child from a tier I sex offender/child-victim offender 1606  
classification to a tier II sex offender/child-victim offender 1607  
classification or to a tier III sex offender/child-victim 1608  
offender classification. 1609

If a judge issues an order under this division that 1610  
contains a determination that reclassifies a child, the judge 1611  
shall provide a copy of the order to the delinquent child and 1612  
the bureau of criminal identification and investigation, and the 1613  
bureau, upon receipt of the copy of the order, promptly shall 1614  
notify the sheriff with whom the child most recently registered 1615  
under section 2950.04 or 2950.041 of the Revised Code of the 1616  
determination and reclassification. 1617

(3) If a judge issues an order under division (A) (2) (b) of 1618  
this section that declassifies the delinquent child as a 1619  
juvenile offender registrant, the judge shall provide a copy of 1620  
the order to the bureau of criminal identification and 1621  
investigation, and the bureau, upon receipt of the copy of the 1622  
order, promptly shall notify the sheriff with whom the child 1623  
most recently registered under section 2950.04 or 2950.041 of 1624  
the Revised Code of the declassification. 1625

(C) If a judge issues an order under division (A) (2) (a), 1626  
(b), or (c) of this section, the judge shall provide to the 1627  
delinquent child and to the delinquent child's parent, guardian, 1628  
or custodian a copy of the order and, if applicable, a notice 1629  
containing the information described in divisions (A) and (B) of 1630  
section 2950.03 of the Revised Code. The judge shall provide the 1631  
notice at the time of the issuance of the order and shall comply 1632  
with divisions (B) and (C) of that section regarding that notice 1633  
and the provision of it. 1634

(D) An order issued under division (A) (2) (a) or (c) of 1635  
this section and any determinations included in the order shall 1636  
remain in effect for the period of time specified in section 1637  
2950.07 of the Revised Code, subject to a modification or 1638  
termination of the order under section 2152.85 or 2950.152 of 1639  
the Revised Code, and section 2152.851 of the Revised Code 1640  
applies regarding the order and the determinations. If an order 1641  
is issued under division (A) (2) (a) or (c) of this section, the 1642  
child's attainment of eighteen or twenty-one years of age does 1643  
not affect or terminate the order, and the order remains in 1644  
effect for the period of time described in this division. 1645

(E) The provisions of this section do not apply to a 1646  
delinquent child who is classified as both a juvenile offender 1647

registrant and a public registry-qualified juvenile offender 1648  
registrant pursuant to section 2152.86 of the Revised Code. 1649

**Sec. 2152.851.** If, prior to January 1, 2008, a judge 1650  
issues an order under section 2152.82, 2152.83, 2152.84, or 1651  
2152.85 of the Revised Code that classifies a delinquent child a 1652  
juvenile offender registrant based on an adjudication for a 1653  
sexually oriented offense or a child-victim oriented offense as 1654  
those terms were defined in section 2950.01 of the Revised Code 1655  
prior to January 1, 2008, and if, on and after January 1, 2008, 1656  
the offense upon which the order was based is a sexually 1657  
oriented offense or a child-victim oriented offense as those 1658  
terms are defined in section 2950.01 of the Revised Code on and 1659  
after January 1, 2008, notwithstanding the changes to sections 1660  
2152.82, 2152.83, 2152.84, and 2152.85 of the Revised Code made 1661  
on January 1, 2008, on and after that date, the order shall 1662  
remain in effect for the period described in the section under 1663  
which it was issued as that section exists on and after January 1664  
1, 2008, subject to subsequent modification or termination under 1665  
section 2152.84, 2152.85, ~~or~~ 2950.15, or 2950.152 of the Revised 1666  
Code, or, if division (A) (3) of section 2152.86 of the Revised 1667  
Code applies regarding the child, for the period described in 1668  
division (C) of that section subject to modification or 1669  
termination under section 2152.84, 2152.85, or 2950.15 of the 1670  
Revised Code, whichever is applicable, and the duty to comply 1671  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1672  
Revised Code on and after January 1, 2008, shall be considered, 1673  
for purposes of section 2950.07 of the Revised Code and for all 1674  
other purposes, to be a continuation of the duty imposed upon 1675  
the child prior to January 1, 2008, under the order issued under 1676  
section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. 1677  
of the Revised Code. 1678



**Sec. 2301.57.** (A) For each person who is confined in a 1679  
community-based correctional facility or district community- 1680  
based correctional facility as provided in sections 2301.51 to 1681  
2301.58 of the Revised Code, the facility may make a 1682  
determination as to whether the person is covered under a health 1683  
insurance or health care policy, contract, or plan and, if the 1684  
person has such coverage, what terms and conditions are imposed 1685  
by it for the filing and payment of claims. 1686

(B) If, pursuant to division (A) of this section, it is 1687  
determined that the person is covered under a policy, contract, 1688  
or plan and, while that coverage is in force, the correctional 1689  
facility renders or arranges for the rendering of health care 1690  
services to the person in accordance with the terms and 1691  
conditions of the policy, contract, or plan, the person, 1692  
facility, or provider of the health care services, as 1693  
appropriate under the terms and conditions of the policy, 1694  
contract, or plan, shall promptly submit a claim for payment for 1695  
the health care services to the appropriate third-party payer 1696  
and shall designate, or make any other arrangement necessary to 1697  
ensure, that payment of any amount due on the claim be made to 1698  
the facility or provider, as the case may be. 1699

(C) This section also applies to any person who is under 1700  
the custody of a law enforcement officer, as defined in section 1701  
2901.01 of the Revised Code, prior to the person's confinement 1702  
in the correctional facility. 1703

(D) Notwithstanding any contrary provision in this section 1704  
or section 2929.18, 2929.21, 2929.26, or 2929.37 of the Revised 1705  
Code, the facility governing board may establish a policy that 1706  
complies with section 2929.38 of the Revised Code and that 1707  
requires any person who is not indigent and who is confined in 1708

the community-based correctional facility or district community- 1709  
based correctional facility to pay a reception fee. 1710

(E) If a person who has been convicted of or pleaded 1711  
guilty to an offense is confined in a community-based 1712  
correctional facility or district community-based correctional 1713  
facility, the person in charge of the facility's operation may 1714  
cause the offender, at the time of reception and at other times 1715  
the person in charge of the operation of the facility determines 1716  
to be appropriate, to be examined and tested for tuberculosis, 1717  
HIV-infection, hepatitis, including, but not limited to, 1718  
hepatitis A, B, and C, and other contagious diseases. The person 1719  
in charge of the facility's operation may cause an offender in 1720  
the facility who refuses to be tested or treated for 1721  
tuberculosis, HIV-infection, hepatitis, including, but not 1722  
limited to, hepatitis A, B, and C, or another contagious disease 1723  
to be tested and treated involuntarily. 1724

**Sec. 2903.11.** (A) No person shall knowingly do either of 1725  
the following: 1726

(1) Cause serious physical harm to another or to another's 1727  
unborn; 1728

(2) Cause or attempt to cause physical harm to another or 1729  
to another's unborn by means of a deadly weapon or dangerous 1730  
ordnance. 1731

(B) ~~No person, with knowledge that the person has tested-~~ 1732  
~~positive as a carrier of a virus that causes acquired-~~ 1733  
~~immunodeficiency syndrome, shall knowingly do any of the-~~ 1734  
~~following:~~ 1735

~~(1) Engage in sexual conduct with another person without-~~ 1736  
~~disclosing that knowledge to the other person prior to engaging-~~ 1737

~~in the sexual conduct,~~ 1738

~~(2) Engage in sexual conduct with a person whom the  
offender knows or has reasonable cause to believe lacks the  
mental capacity to appreciate the significance of the knowledge  
that the offender has tested positive as a carrier of a virus  
that causes acquired immunodeficiency syndrome,~~ 1739  
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~~(3) Engage in sexual conduct with a person under eighteen-  
years of age who is not the spouse of the offender.~~ 1744  
1745

~~(C)~~The prosecution of a person under this section does 1746  
not preclude prosecution of that person under section 2907.02 of 1747  
the Revised Code. 1748

~~(D) (1) (a)~~ (C) (1) (a) Whoever violates this section is 1749  
guilty of felonious assault. Except as otherwise provided in 1750  
this division or division ~~(D) (1) (b)~~ (C) (1) (b) of this section, 1751  
felonious assault is a felony of the second degree. If the 1752  
victim of a violation of division (A) of this section is a peace 1753  
officer or an investigator of the bureau of criminal 1754  
identification and investigation, felonious assault is a felony 1755  
of the first degree. 1756

(b) Regardless of whether the felonious assault is a 1757  
felony of the first or second degree under division ~~(D) (1) (a)~~ 1758  
(C) (1) (a) of this section, if the offender also is convicted of 1759  
or pleads guilty to a specification as described in section 1760  
2941.1423 of the Revised Code that was included in the 1761  
indictment, count in the indictment, or information charging the 1762  
offense, except as otherwise provided in this division or unless 1763  
a longer prison term is required under any other provision of 1764  
law, the court shall sentence the offender to a mandatory prison 1765  
term as provided in division (B) (8) of section 2929.14 of the 1766

Revised Code. If the victim of the offense is a peace officer or 1767  
an investigator of the bureau of criminal identification and 1768  
investigation, and if the victim suffered serious physical harm 1769  
as a result of the commission of the offense, felonious assault 1770  
is a felony of the first degree, and the court, pursuant to 1771  
division (F) of section 2929.13 of the Revised Code, shall 1772  
impose as a mandatory prison term one of the definite prison 1773  
terms prescribed for a felony of the first degree in division 1774  
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1775  
the violation is committed on or after ~~the effective date of~~ 1776  
~~this amendment~~ March 22, 2019, the court shall impose as the 1777  
minimum prison term for the offense a mandatory prison term that 1778  
is one of the minimum terms prescribed for a felony of the first 1779  
degree in division (A) (1) (a) of section 2929.14 of the Revised 1780  
Code. 1781

(2) In addition to any other sanctions imposed pursuant to 1782  
division ~~(D) (1)~~ (C) (1) of this section for felonious assault 1783  
committed in violation of division (A) (1) or (2) of this 1784  
section, if the offender also is convicted of or pleads guilty 1785  
to a specification of the type described in section 2941.1425 of 1786  
the Revised Code that was included in the indictment, count in 1787  
the indictment, or information charging the offense, the court 1788  
shall sentence the offender to a mandatory prison term under 1789  
division (B) (9) of section 2929.14 of the Revised Code. 1790

(3) If the victim of a felonious assault committed in 1791  
violation of division (A) of this section is a child under ten 1792  
years of age and if the offender also is convicted of or pleads 1793  
guilty to a specification of the type described in section 1794  
2941.1426 of the Revised Code that was included in the 1795  
indictment, count in the indictment, or information charging the 1796  
offense, in addition to any other sanctions imposed pursuant to 1797

division ~~(D)(1)~~(C)(1) of this section, the court shall sentence 1798  
the offender to a mandatory prison term pursuant to division (B) 1799  
(10) of section 2929.14 of the Revised Code. 1800

(4) In addition to any other sanctions imposed pursuant to 1801  
division ~~(D)(1)~~(C)(1) of this section for felonious assault 1802  
committed in violation of division (A)(2) of this section, if 1803  
the deadly weapon used in the commission of the violation is a 1804  
motor vehicle, the court shall impose upon the offender a class 1805  
two suspension of the offender's driver's license, commercial 1806  
driver's license, temporary instruction permit, probationary 1807  
license, or nonresident operating privilege as specified in 1808  
division (A)(2) of section 4510.02 of the Revised Code. 1809

~~(E)~~(D) As used in this section: 1810

(1) "Deadly weapon" and "dangerous ordnance" have the same 1811  
meanings as in section 2923.11 of the Revised Code. 1812

(2) "Motor vehicle" has the same meaning as in section 1813  
4501.01 of the Revised Code. 1814

(3) "Peace officer" has the same meaning as in section 1815  
2935.01 of the Revised Code. 1816

~~(4) "Sexual conduct" has the same meaning as in section 1817  
2907.01 of the Revised Code, except that, as used in this 1818  
section, it does not include the insertion of an instrument, 1819  
apparatus, or other object that is not a part of the body into 1820  
the vaginal or anal opening of another, unless the offender knew 1821  
at the time of the insertion that the instrument, apparatus, or 1822  
other object carried the offender's bodily fluid. 1823~~

~~(5)~~"Investigator of the bureau of criminal identification 1824  
and investigation" means an investigator of the bureau of 1825  
criminal identification and investigation who is commissioned by 1826

the superintendent of the bureau as a special agent for the 1827  
purpose of assisting law enforcement officers or providing 1828  
emergency assistance to peace officers pursuant to authority 1829  
granted under section 109.541 of the Revised Code. 1830

~~(6)~~(5) "Investigator" has the same meaning as in section 1831  
109.541 of the Revised Code. 1832

~~(F)~~(E) The provisions of division ~~(D) (2)~~(C) (2) of this 1833  
section and of division (F) (20) of section 2929.13, divisions 1834  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1835  
the Revised Code shall be known as "Judy's Law." 1836

**Sec. 2907.24.** (A) No person shall knowingly solicit 1837  
another to engage in sexual activity for hire in exchange for 1838  
the person receiving anything of value from the other person. 1839

~~(B) No person, with knowledge that the person has tested-~~ 1840  
~~positive as a carrier of a virus that causes acquired-~~ 1841  
~~immunodeficiency syndrome, shall engage in conduct in violation-~~ 1842  
~~of division (A) of this section.~~ 1843

~~(C) (1) Whoever violates division (A) of this section is~~ 1844  
guilty of soliciting. Soliciting is, a misdemeanor of the third 1845  
degree. 1846

~~(2) Whoever violates division (B) of this section is~~ 1847  
guilty of engaging in solicitation after a positive HIV test. If 1848  
the offender commits the violation prior to July 1, 1996, 1849  
engaging in solicitation after a positive HIV test is a felony 1850  
of the second degree. If the offender commits the violation on 1851  
or after July 1, 1996, engaging in solicitation after a positive 1852  
HIV test is a felony of the third degree. 1853

~~(D)~~(C) As used in this section, "sexual activity for 1854  
hire" means an implicit or explicit agreement to provide sexual 1855

activity in exchange for anything of value paid to the person 1856  
engaging in such sexual activity, to any person trafficking that 1857  
person, or to any person associated with either such person. 1858

**Sec. 2907.241.** (A) No person, with purpose to solicit 1859  
another to engage in sexual activity for hire and while in or 1860  
near a public place, shall do any of the following: 1861

(1) Beckon to, stop, or attempt to stop another; 1862

(2) Engage or attempt to engage another in conversation; 1863

(3) Stop or attempt to stop the operator of a vehicle or 1864  
approach a stationary vehicle; 1865

(4) If the offender is the operator of or a passenger in a 1866  
vehicle, stop, attempt to stop, beckon to, attempt to beckon to, 1867  
or entice another to approach or enter the vehicle of which the 1868  
offender is the operator or in which the offender is the 1869  
passenger; 1870

(5) Interfere with the free passage of another. 1871

~~(B) No person, with knowledge that the person has tested 1872  
positive as a carrier of a virus that causes acquired 1873  
immunodeficiency syndrome, shall engage in conduct in violation 1874  
of division (A) of this section. 1875~~

~~(C) As used in this section: 1876~~

(1) "Vehicle" has the same meaning as in section 4501.01 1877  
of the Revised Code. 1878

(2) "Public place" means any of the following: 1879

(a) A street, road, highway, thoroughfare, bikeway, 1880  
walkway, sidewalk, bridge, alley, alleyway, plaza, park, 1881  
driveway, parking lot, or transportation facility; 1882

(b) A doorway or entrance way to a building that fronts on a place described in division ~~(C) (2) (a)~~ (B) (2) (a) of this section; 1883  
1884  
1885

(c) A place not described in division ~~(C) (2) (a)~~ (B) (2) (a) or (b) of this section that is open to the public. 1886  
1887

~~(D) (1)~~ (C) Whoever violates ~~division (A)~~ of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. 1888  
1889  
1890

~~(2) Whoever violates division (B) of this section is guilty of loitering to engage in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fourth degree. If the offender commits the violation on or after July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fifth degree.~~ 1891  
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**Sec. 2907.25.** (A) No person shall engage in sexual activity for hire. 1899  
1900

~~(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in sexual activity for hire.~~ 1901  
1902  
1903  
1904

~~(C) (1)~~ Whoever violates ~~division (A)~~ of this section is guilty of prostitution, a misdemeanor of the third degree. 1905  
1906

~~(2) Whoever violates division (B) of this section is guilty of engaging in prostitution after a positive HIV test. If the offender commits the violation prior to July 1, 1996, engaging in prostitution after a positive HIV test is a felony of the second degree. If the offender commits the violation on~~ 1907  
1908  
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~~or after July 1, 1996, engaging in prostitution after a positive  
HIV test is a felony of the third degree.~~ 1912  
1913

**Sec. 2907.27.** (A) (1) If a person is charged with a 1914  
violation of section 2907.02, 2907.03, 2907.04, 2907.24, 1915  
2907.241, or 2907.25 of the Revised Code or with a violation of 1916  
a municipal ordinance that is substantially equivalent to any of 1917  
those sections, the arresting authorities or a court, upon the 1918  
request of the prosecutor in the case or upon the request of the 1919  
victim, shall cause the accused to submit to one or more 1920  
appropriate tests to determine if the accused has a venereal 1921  
disease. 1922

(2) If the accused is found to have a venereal disease in 1923  
an infectious stage, the accused shall be required to submit to 1924  
medical treatment for that disease. The cost of the medical 1925  
treatment shall be charged to and paid by the accused who 1926  
undergoes the treatment. If the accused is indigent, the court 1927  
shall order the accused to report to a facility operated by a 1928  
city health district or a general health district for treatment. 1929  
If the accused is convicted of or pleads guilty to the offense 1930  
with which the accused is charged and is placed under a 1931  
community control sanction, a condition of community control 1932  
shall be that the offender submit to and faithfully follow a 1933  
course of medical treatment for the venereal disease. If the 1934  
offender does not seek the required medical treatment, the court 1935  
may revoke the offender's community control and order the 1936  
offender to undergo medical treatment during the period of the 1937  
offender's incarceration and to pay the cost of that treatment. 1938

(B) (1) (a) If a person is charged with a violation ~~of~~ 1939  
~~division (B) of section 2903.11 or of section 2907.02, 2907.03,~~ 1940  
2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the 1941

Revised Code, with a violation of a municipal ordinance that is 1942  
substantially equivalent to that division or any of those 1943  
sections, or with a violation of a statute or municipal 1944  
ordinance in which by force or threat of force the accused 1945  
compelled the victim to engage in sexual activity, the court, 1946  
upon the request of the prosecutor in the case, upon the request 1947  
of the victim, or upon the request of any other person whom the 1948  
court reasonably believes had contact with the accused in 1949  
circumstances related to the violation that could have resulted 1950  
in the transmission to that person of the human immunodeficiency 1951  
virus, shall cause the accused to submit to one or more tests 1952  
designated by the director of health under section 3701.241 of 1953  
the Revised Code to determine if the accused is infected with 1954  
HIV. The court shall cause the accused to submit to the test or 1955  
tests within forty-eight hours after the indictment, 1956  
information, or complaint is presented. The court shall order 1957  
follow-up tests for HIV as may be medically appropriate. 1958

(b) The court, upon the request of the prosecutor in the 1959  
case, upon the request of the victim with the agreement of the 1960  
prosecutor, or upon the request of any other person with the 1961  
agreement of the prosecutor, may cause an accused who is charged 1962  
with a violation of any division or section of the Revised Code 1963  
or any municipal ordinance not described in division (B) (1) (a) 1964  
of this section to submit to one or more tests so designated by 1965  
the director of health if the circumstances of the violation 1966  
indicate probable cause to believe that the accused, if the 1967  
accused is infected with HIV, might have transmitted HIV to any 1968  
of the following persons in committing the violation: 1969

(i) In relation to a request made by the prosecuting 1970  
attorney, to the victim or to any other person; 1971

(ii) In relation to a request made by the victim, to the victim making the request;	1972 1973
(iii) In relation to a request made by any other person, to the person making the request.	1974 1975
(c) The results of a test conducted under division (B) (1) (a) of this section shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of any follow-up test conducted under that division also shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of a test performed under division (B) (1) (b) of this section shall be communicated in confidence to the court, the court shall inform the accused of the result, and the court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. Additionally, for a test under either division (B) (1) (a) or (b) of this section, all of the following apply:	1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988
(i) If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request.	1989 1990 1991 1992 1993
(ii) Regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request.	1994 1995 1996 1997 1998 1999 2000 2001

(iii) If the accused tests positive for HIV, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated.

(iv) If the accused tests positive for HIV and the accused was charged with, and was convicted of or pleaded guilty to, a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to any of those sections, the test results also shall be reported to the law enforcement agency that arrested the accused, and the law enforcement agency may use the test results as the basis for any future charge of a violation of division (B) of any of those sections or a violation of a municipal ordinance that is substantially equivalent to division (B) of any of those sections.

(v) Except as otherwise provided in the first paragraph in division (B)(1)(c) of this section or in division (B)(1)(c)(i), (ii), (iii), or (iv) of this section, no disclosure of the test results or the fact that a test was performed shall be made, other than as evidence in a grand jury proceeding or as evidence in a judicial proceeding in accordance with the Rules of Evidence.

(vi) If the test result is negative, and the charge has not been dismissed or if the accused has been convicted of the charge or a different offense arising out of the same circumstances as the offense charged, the court shall order that the test be repeated not earlier than three months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a test ordered by the court pursuant to division (B) (1) of this section, the court may order that the accused's bond be revoked and that the accused be incarcerated until the test is performed. If an accused who is incarcerated refuses to submit to a test ordered by the court pursuant to division (B) (1) of this section, the court shall order the person in charge of the jail or prison in which the accused is incarcerated to take any action necessary to facilitate the performance of the test, including the forcible restraint of the accused for the purpose of drawing blood to be used in the test.

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B) (2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) Nothing in this section shall be construed to prevent a court in which a person is charged with any offense specified in division (A) (1) or (B) (1) (a) of this section from ordering at any time during which the complaint, information, or indictment is pending, that the accused submit to one or more appropriate tests to determine if the accused has a venereal disease or HIV.

(D) As used in this section:

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

(2) "HIV" means the human immunodeficiency virus.

**Sec. 2907.28.** (A) Any cost incurred by a hospital or 2061  
emergency medical facility in conducting a medical examination 2062  
of a victim of an offense under any provision of sections 2063  
2907.02 to 2907.06 of the Revised Code for the purpose of 2064  
gathering physical evidence for a possible prosecution, 2065  
including the cost of any antibiotics administered as part of 2066  
the examination and the cost of HIV post-exposure prophylaxis 2067  
provided as part of the examination, shall be paid out of the 2068  
reparations fund established pursuant to section 2743.191 of the 2069  
Revised Code, subject to the following conditions: 2070

(1) The hospital or emergency facility shall follow a 2071  
protocol for conducting such medical examinations that is 2072  
identified by the attorney general in ~~rule~~ rules adopted in 2073  
accordance with Chapter 119. of the Revised Code. 2074

(2) The hospital or emergency facility shall submit 2075  
requests for payment to the attorney general on a monthly basis, 2076  
through a procedure determined by the attorney general and on 2077  
forms approved by the attorney general. The requests shall 2078  
identify the number of sexual assault examinations performed and 2079  
the number of sexual assault examinations in which HIV post- 2080  
exposure prophylaxis was provided and shall verify that all 2081  
required protocols were met for each examination form submitted 2082  
for payment in the request. 2083

(3) The attorney general shall review all requests for 2084  
payment that are submitted under division (A) (2) of this section 2085  
and shall submit for payment as described in division (A) (5) of 2086  
this section all requests that meet the requirements of this 2087  
section. 2088

(4) (a) The hospital or emergency facility shall accept a 2089  
flat fee payment for conducting each examination in the amount 2090

determined by the attorney general pursuant to Chapter 119. of 2091  
the Revised Code as payment in full for any cost incurred in 2092  
conducting a medical examination and test of a victim of an 2093  
offense under any provision of sections 2907.02 to 2907.06 of 2094  
the Revised Code for the purpose of gathering physical evidence 2095  
for a possible prosecution of a person, other than the cost of 2096  
providing HIV post-exposure prophylaxis. The attorney general 2097  
shall determine a flat fee payment amount to be paid under this 2098  
division that is reasonable. 2099

(b) The hospital or emergency facility shall accept a flat 2100  
fee payment for providing HIV post-exposure prophylaxis in the 2101  
amount determined by the attorney general pursuant to Chapter 2102  
119. of the Revised Code as payment in full for any cost 2103  
incurred in providing HIV post-exposure prophylaxis while 2104  
conducting a medical examination and test of a victim of an 2105  
offense under any provision of sections 2907.02 to 2907.06 of 2106  
the Revised Code for the purpose of gathering physical evidence 2107  
for a possible prosecution of a person. The attorney general 2108  
shall determine a reasonable flat fee payment amount to be paid 2109  
under this division. 2110

(5) In approving a payment under this section, the 2111  
attorney general shall order the payment against the state. The 2112  
payment shall be accomplished only through the following 2113  
procedure, and the procedure may be enforced through a mandamus 2114  
action and a writ of mandamus directed to the appropriate 2115  
official: 2116

(a) The attorney general shall provide for payment in the 2117  
amount set forth in the order. 2118

(b) The expense of the payment of the amount described in 2119  
this section shall be charged against all available unencumbered 2120

moneys in the reparations fund. 2121

(B) No costs incurred by a hospital or emergency facility 2122  
in conducting a medical examination and test of any victim of an 2123  
offense under any provision of sections 2907.02 to 2907.06 of 2124  
the Revised Code for the purpose of gathering physical evidence 2125  
for a possible prosecution of a person shall be billed or 2126  
charged directly or indirectly to the victim or the victim's 2127  
insurer. 2128

(C) Any cost incurred by a hospital or emergency medical 2129  
facility in conducting a medical examination and test of any 2130  
person who is charged with a violation ~~of division (B) of~~ 2131  
~~section 2903.11 or~~ of section 2907.02, 2907.03, 2907.04, 2132  
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 2133  
Code, with a violation of a municipal ordinance that is 2134  
substantially equivalent to that division or any of those 2135  
sections, or with a violation of a statute or municipal 2136  
ordinance under which by force or threat of force the accused 2137  
compelled the victim to engage in sexual activity, pursuant to 2138  
division (B) of section 2907.27 of the Revised Code, shall be 2139  
charged to and paid by the accused who undergoes the examination 2140  
and test, unless the court determines that the accused is unable 2141  
to pay, in which case the cost shall be charged to and paid by 2142  
the municipal corporation in which the offense allegedly was 2143  
committed, or charged to and paid by the county if the offense 2144  
allegedly was committed within an unincorporated area. If 2145  
separate counts of an alleged offense or alleged separate 2146  
offenses under ~~division (B) of section 2903.11 or~~ section 2147  
2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, 2148  
or 2907.25 of the Revised Code, under a municipal ordinance that 2149  
is substantially equivalent to that division or any of those 2150  
sections, or under a statute or municipal ordinance in violation 2151



of which by force or threat of force the accused compelled the 2152  
victim to engage in sexual activity took place in more than one 2153  
municipal corporation or more than one unincorporated area, or 2154  
both, the local governments shall share the cost of the 2155  
examination and test. If a hospital or other emergency medical 2156  
facility has submitted charges for the cost of a medical 2157  
examination and test to an accused and has been unable to 2158  
collect payment for the charges after making good faith attempts 2159  
to collect for a period of six months or more, the cost shall be 2160  
charged to and paid by the appropriate municipal corporation or 2161  
county as specified in division (C) of this section. 2162

(D) As used in this section: 2163

(1) "AIDS" and "HIV" have the same meanings as in section 2164  
3701.24 of the Revised Code. 2165

(2) "HIV post-exposure prophylaxis" means the 2166  
administration of medicines to prevent AIDS or HIV infection 2167  
following exposure to HIV. 2168

**Sec. 2921.38.** (A) No person who is confined in a detention 2169  
facility, with intent to harass, annoy, threaten, or alarm 2170  
another person, shall cause or attempt to cause the other person 2171  
to come into contact with blood, semen, urine, feces, or another 2172  
bodily substance by throwing the bodily substance at the other 2173  
person, by expelling the bodily substance upon the other person, 2174  
or in any other manner. 2175

(B) No person, with intent to harass, annoy, threaten, or 2176  
alarm a law enforcement officer, shall cause or attempt to cause 2177  
the law enforcement officer to come into contact with blood, 2178  
semen, urine, feces, or another bodily substance by throwing the 2179  
bodily substance at the law enforcement officer, by expelling 2180

the bodily substance upon the law enforcement officer, or in any 2181  
other manner. 2182

(C) No person, with knowledge that the person is ~~a carrier~~ 2183  
~~of the virus that causes acquired immunodeficiency syndrome,~~ is 2184  
a carrier of a hepatitis virus<sup>7</sup>, or is infected with tuberculosis 2185  
and with intent to harass, annoy, threaten, or alarm another 2186  
person, shall cause or attempt to cause the other person to come 2187  
into contact with blood, semen, urine, feces, or another bodily 2188  
substance by throwing the bodily substance at the other person, 2189  
by expelling the bodily substance upon the other person, or in 2190  
any other manner. 2191

(D) Whoever violates this section is guilty of harassment 2192  
with a bodily substance. A violation of division (A) or (B) of 2193  
this section is a felony of the fifth degree. A violation of 2194  
division (C) of this section is a felony of the third degree. 2195

(E) (1) The court, on request of the prosecutor, or the law 2196  
enforcement authority responsible for the investigation of the 2197  
violation, shall cause a person who allegedly has committed a 2198  
violation of this section to submit to one or more appropriate 2199  
tests to determine if the person is ~~a carrier of the virus that~~ 2200  
~~causes acquired immunodeficiency syndrome,~~ is a carrier of a 2201  
hepatitis virus<sup>7</sup>, or is infected with tuberculosis. 2202

(2) The court shall charge the offender with the costs of 2203  
the test or tests ordered under division (E) (1) of this section 2204  
unless the court determines that the accused is unable to pay, 2205  
in which case the costs shall be charged to the entity that 2206  
operates the detention facility in which the alleged offense 2207  
occurred. 2208

(F) This section does not apply to a person who is 2209

hospitalized, institutionalized, or confined in a facility 2210  
operated by the department of mental health and addiction 2211  
services or the department of developmental disabilities. 2212

**Sec. 2923.125.** It is the intent of the general assembly 2213  
that Ohio concealed handgun license law be compliant with the 2214  
national instant criminal background check system, that the 2215  
bureau of alcohol, tobacco, firearms, and explosives is able to 2216  
determine that Ohio law is compliant with the national instant 2217  
criminal background check system, and that no person shall be 2218  
eligible to receive a concealed handgun license permit under 2219  
section 2923.125 or 2923.1213 of the Revised Code unless the 2220  
person is eligible lawfully to receive or possess a firearm in 2221  
the United States. 2222

(A) This section applies with respect to the application 2223  
for and issuance by this state of concealed handgun licenses 2224  
other than concealed handgun licenses on a temporary emergency 2225  
basis that are issued under section 2923.1213 of the Revised 2226  
Code. Upon the request of a person who wishes to obtain a 2227  
concealed handgun license with respect to which this section 2228  
applies or to renew a concealed handgun license with respect to 2229  
which this section applies, a sheriff, as provided in division 2230  
(I) of this section, shall provide to the person free of charge 2231  
an application form and the web site address at which a 2232  
printable version of the application form that can be downloaded 2233  
and the pamphlet described in division (B) of section 109.731 of 2234  
the Revised Code may be found. A sheriff shall accept a 2235  
completed application form and the fee, items, materials, and 2236  
information specified in divisions (B) (1) to (5) of this section 2237  
at the times and in the manners described in division (I) of 2238  
this section. 2239

(B) An applicant for a concealed handgun license who is a resident of this state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (6) of this section to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides. An applicant for a license who resides in another state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (7) of this section to the sheriff of the county in which the applicant is employed or to the sheriff of any county adjacent to the county in which the applicant is employed:

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

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

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

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

(c) A sheriff shall waive the payment of the license fee described in division (B) (1) (a) of this section in connection with an initial or renewal application for a license that is submitted by an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was

honorably discharged from military service in the active or 2269  
reserve armed forces of the United States, a retired peace 2270  
officer, a retired person described in division (B) (1) (b) of 2271  
section 109.77 of the Revised Code, or a retired federal law 2272  
enforcement officer who, prior to retirement, was authorized 2273  
under federal law to carry a firearm in the course of duty, 2274  
unless the retired peace officer, person, or federal law 2275  
enforcement officer retired as the result of a mental 2276  
disability. 2277

(d) The sheriff shall deposit all fees paid by an 2278  
applicant under division (B) (1) (a) of this section into the 2279  
sheriff's concealed handgun license issuance fund established 2280  
pursuant to section 311.42 of the Revised Code. The county shall 2281  
distribute the fees in accordance with section 311.42 of the 2282  
Revised Code. 2283

(2) A color photograph of the applicant that was taken 2284  
within thirty days prior to the date of the application; 2285

(3) One or more of the following competency 2286  
certifications, each of which shall reflect that, regarding a 2287  
certification described in division (B) (3) (a), (b), (c), (e), or 2288  
(f) of this section, within the three years immediately 2289  
preceding the application the applicant has performed that to 2290  
which the competency certification relates and that, regarding a 2291  
certification described in division (B) (3) (d) of this section, 2292  
the applicant currently is an active or reserve member of the 2293  
armed forces of the United States, the applicant has retired 2294  
from or was honorably discharged from military service in the 2295  
active or reserve armed forces of the United States, or within 2296  
the ten years immediately preceding the application the 2297  
retirement of the peace officer, person described in division 2298

(B) (1) (b) of section 109.77 of the Revised Code, or federal law 2299  
enforcement officer to which the competency certification 2300  
relates occurred: 2301

(a) An original or photocopy of a certificate of 2302  
completion of a firearms safety, training, or requalification or 2303  
firearms safety instructor course, class, or program that was 2304  
offered by or under the auspices of a national gun advocacy 2305  
organization and that complies with the requirements set forth 2306  
in division (G) of this section; 2307

(b) An original or photocopy of a certificate of 2308  
completion of a firearms safety, training, or requalification or 2309  
firearms safety instructor course, class, or program that 2310  
satisfies all of the following criteria: 2311

(i) It was open to members of the general public. 2312

(ii) It utilized qualified instructors who were certified 2313  
by a national gun advocacy organization, the executive director 2314  
of the Ohio peace officer training commission pursuant to 2315  
section 109.75 or 109.78 of the Revised Code, or a governmental 2316  
official or entity of another state. 2317

(iii) It was offered by or under the auspices of a law 2318  
enforcement agency of this or another state or the United 2319  
States, a public or private college, university, or other 2320  
similar postsecondary educational institution located in this or 2321  
another state, a firearms training school located in this or 2322  
another state, or another type of public or private entity or 2323  
organization located in this or another state. 2324

(iv) It complies with the requirements set forth in 2325  
division (G) of this section. 2326

(c) An original or photocopy of a certificate of 2327

completion of a state, county, municipal, or department of 2328  
natural resources peace officer training school that is approved 2329  
by the executive director of the Ohio peace officer training 2330  
commission pursuant to section 109.75 of the Revised Code and 2331  
that complies with the requirements set forth in division (G) of 2332  
this section, or the applicant has satisfactorily completed and 2333  
been issued a certificate of completion of a basic firearms 2334  
training program, a firearms requalification training program, 2335  
or another basic training program described in section 109.78 or 2336  
109.801 of the Revised Code that complies with the requirements 2337  
set forth in division (G) of this section; 2338

(d) A document that evidences both of the following: 2339

(i) That the applicant is an active or reserve member of 2340  
the armed forces of the United States, has retired from or was 2341  
honorably discharged from military service in the active or 2342  
reserve armed forces of the United States, is a retired trooper 2343  
of the state highway patrol, or is a retired peace officer or 2344  
federal law enforcement officer described in division (B) (1) of 2345  
this section or a retired person described in division (B) (1) (b) 2346  
of section 109.77 of the Revised Code and division (B) (1) of 2347  
this section; 2348

(ii) That, through participation in the military service 2349  
or through the former employment described in division (B) (3) (d) 2350  
(i) of this section, the applicant acquired experience with 2351  
handling handguns or other firearms, and the experience so 2352  
acquired was equivalent to training that the applicant could 2353  
have acquired in a course, class, or program described in 2354  
division (B) (3) (a), (b), or (c) of this section. 2355

(e) A certificate or another similar document that 2356  
evidences satisfactory completion of a firearms training, 2357

safety, or requalification or firearms safety instructor course, 2358  
class, or program that is not otherwise described in division 2359  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 2360  
by an instructor who was certified by an official or entity of 2361  
the government of this or another state or the United States or 2362  
by a national gun advocacy organization, and that complies with 2363  
the requirements set forth in division (G) of this section; 2364

(f) An affidavit that attests to the applicant's 2365  
satisfactory completion of a course, class, or program described 2366  
in division (B) (3) (a), (b), (c), or (e) of this section and that 2367  
is subscribed by the applicant's instructor or an authorized 2368  
representative of the entity that offered the course, class, or 2369  
program or under whose auspices the course, class, or program 2370  
was offered; 2371

(g) A document that evidences that the applicant has 2372  
successfully completed the Ohio peace officer training program 2373  
described in section 109.79 of the Revised Code. 2374

(4) A certification by the applicant that the applicant 2375  
has read the pamphlet prepared by the Ohio peace officer 2376  
training commission pursuant to section 109.731 of the Revised 2377  
Code that reviews firearms, dispute resolution, and use of 2378  
deadly force matters. 2379

(5) A set of fingerprints of the applicant provided as 2380  
described in section 311.41 of the Revised Code through use of 2381  
an electronic fingerprint reading device or, if the sheriff to 2382  
whom the application is submitted does not possess and does not 2383  
have ready access to the use of such a reading device, on a 2384  
standard impression sheet prescribed pursuant to division (C) (2) 2385  
of section 109.572 of the Revised Code. 2386



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

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

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

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a concealed handgun license that shall expire as described in division (D) (2) (a) of this section if all of the following apply:

(a) The applicant is legally living in the United States. For purposes of division (D) (1) (a) of this section, if a person is absent from the United States in compliance with military or naval orders as an active or reserve member of the armed forces of the United States and if prior to leaving the United States the person was legally living in the United States, the person,

solely by reason of that absence, shall not be considered to 2417  
have lost the person's status as living in the United States. 2418

(b) The applicant is at least twenty-one years of age. 2419

(c) The applicant is not a fugitive from justice. 2420

(d) The applicant is not under indictment for or otherwise 2421  
charged with a felony; an offense under Chapter 2925., 3719., or 2422  
4729. of the Revised Code that involves the illegal possession, 2423  
use, sale, administration, or distribution of or trafficking in 2424  
a drug of abuse; a misdemeanor offense of violence; or a 2425  
violation of section 2903.14 or 2923.1211 of the Revised Code. 2426

(e) Except as otherwise provided in division (D) (4) or (5) 2427  
of this section, the applicant has not been convicted of or 2428  
pleaded guilty to a felony or an offense under Chapter 2925., 2429  
3719., or 4729. of the Revised Code that involves the illegal 2430  
possession, use, sale, administration, or distribution of or 2431  
trafficking in a drug of abuse; has not been adjudicated a 2432  
delinquent child for committing an act that if committed by an 2433  
adult would be a felony or would be an offense under Chapter 2434  
2925., 3719., or 4729. of the Revised Code that involves the 2435  
illegal possession, use, sale, administration, or distribution 2436  
of or trafficking in a drug of abuse; has not been convicted of, 2437  
pleaded guilty to, or adjudicated a delinquent child for 2438  
committing a violation of section 2903.13 of the Revised Code 2439  
when the victim of the violation is a peace officer, regardless 2440  
of whether the applicant was sentenced under division ~~(C) (4)~~ (C) 2441  
(6) of that section; and has not been convicted of, pleaded 2442  
guilty to, or adjudicated a delinquent child for committing any 2443  
other offense that is not previously described in this division 2444  
that is a misdemeanor punishable by imprisonment for a term 2445  
exceeding one year. 2446

(f) Except as otherwise provided in division (D) (4) or (5) 2447  
of this section, the applicant, within three years of the date 2448  
of the application, has not been convicted of or pleaded guilty 2449  
to a misdemeanor offense of violence other than a misdemeanor 2450  
violation of section 2921.33 of the Revised Code or a violation 2451  
of section 2903.13 of the Revised Code when the victim of the 2452  
violation is a peace officer, or a misdemeanor violation of 2453  
section 2923.1211 of the Revised Code; and has not been 2454  
adjudicated a delinquent child for committing an act that if 2455  
committed by an adult would be a misdemeanor offense of violence 2456  
other than a misdemeanor violation of section 2921.33 of the 2457  
Revised Code or a violation of section 2903.13 of the Revised 2458  
Code when the victim of the violation is a peace officer or for 2459  
committing an act that if committed by an adult would be a 2460  
misdemeanor violation of section 2923.1211 of the Revised Code. 2461

(g) Except as otherwise provided in division (D) (1) (e) of 2462  
this section, the applicant, within five years of the date of 2463  
the application, has not been convicted of, pleaded guilty to, 2464  
or adjudicated a delinquent child for committing two or more 2465  
violations of section 2903.13 or 2903.14 of the Revised Code. 2466

(h) Except as otherwise provided in division (D) (4) or (5) 2467  
of this section, the applicant, within ten years of the date of 2468  
the application, has not been convicted of, pleaded guilty to, 2469  
or adjudicated a delinquent child for committing a violation of 2470  
section 2921.33 of the Revised Code. 2471

(i) The applicant has not been committed to any mental 2472  
institution, is not under adjudication of mental incompetence, 2473  
has not been found by a court to be a person with a mental 2474  
illness subject to court order, and is not an involuntary 2475  
patient other than one who is a patient only for purposes of 2476

observation. As used in this division, "person with a mental  
illness subject to court order" and "patient" have the same  
meanings as in section 5122.01 of the Revised Code.

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

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

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

(m) The applicant currently is not subject to a suspension  
imposed under division (A) (2) of section 2923.128 of the Revised  
Code of a concealed handgun license that previously was issued  
to the applicant under this section or section 2923.1213 of the  
Revised Code or a similar suspension imposed by another state  
regarding a concealed handgun license issued by that state.

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

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

(p) If the applicant is not a United States citizen, the  
applicant is an alien and has not been admitted to the United

States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26). 2506  
2507

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions. 2508  
2509

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable. 2510  
2511  
2512

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state. 2513  
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(2) (a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance. 2517  
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If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code. 2520  
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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check 2525  
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results using the appropriate challenge and review procedure 2535  
specified in that section, the time for filing the appeal 2536  
pursuant to section 119.12 of the Revised Code and this division 2537  
is tolled during the pendency of the request or the challenge 2538  
and review. 2539

(c) If the court in an appeal under section 119.12 of the 2540  
Revised Code and division (D) (2) (b) of this section enters a 2541  
judgment sustaining the sheriff's refusal to grant to the 2542  
applicant a concealed handgun license, the applicant may file a 2543  
new application beginning one year after the judgment is 2544  
entered. If the court enters a judgment in favor of the 2545  
applicant, that judgment shall not restrict the authority of a 2546  
sheriff to suspend or revoke the license pursuant to section 2547  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 2548  
the license for any proper cause that may occur after the date 2549  
the judgment is entered. In the appeal, the court shall have 2550  
full power to dispose of all costs. 2551

(3) If the sheriff with whom an application for a 2552  
concealed handgun license was filed under this section becomes 2553  
aware that the applicant has been arrested for or otherwise 2554  
charged with an offense that would disqualify the applicant from 2555  
holding the license, the sheriff shall suspend the processing of 2556  
the application until the disposition of the case arising from 2557  
the arrest or charge. 2558

(4) If an applicant has been convicted of or pleaded 2559  
guilty to an offense identified in division (D) (1) (e), (f), or 2560  
(h) of this section or has been adjudicated a delinquent child 2561  
for committing an act or violation identified in any of those 2562  
divisions, and if a court has ordered the sealing or expungement 2563  
of the records of that conviction, guilty plea, or adjudication 2564

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2565  
~~2953.35~~2953.37, or section ~~2953.39~~2953.41 of the Revised Code 2566  
or the applicant has been relieved under operation of law or 2567  
legal process from the disability imposed pursuant to section 2568  
2923.13 of the Revised Code relative to that conviction, guilty 2569  
plea, or adjudication, the sheriff with whom the application was 2570  
submitted shall not consider the conviction, guilty plea, or 2571  
adjudication in making a determination under division (D) (1) or 2572  
(F) of this section or, in relation to an application for a 2573  
concealed handgun license on a temporary emergency basis 2574  
submitted under section 2923.1213 of the Revised Code, in making 2575  
a determination under division (B) (2) of that section. 2576

(5) If an applicant has been convicted of or pleaded 2577  
guilty to a minor misdemeanor offense or has been adjudicated a 2578  
delinquent child for committing an act or violation that is a 2579  
minor misdemeanor offense, the sheriff with whom the application 2580  
was submitted shall not consider the conviction, guilty plea, or 2581  
adjudication in making a determination under division (D) (1) or 2582  
(F) of this section or, in relation to an application for a 2583  
concealed handgun license on a temporary basis submitted under 2584  
section 2923.1213 of the Revised Code, in making a determination 2585  
under division (B) (2) of that section. 2586

(E) If a concealed handgun license issued under this 2587  
section is lost or is destroyed, the licensee may obtain from 2588  
the sheriff who issued that license a duplicate license upon the 2589  
payment of a fee of fifteen dollars and the submission of an 2590  
affidavit attesting to the loss or destruction of the license. 2591  
The sheriff, in accordance with the procedures prescribed in 2592  
section 109.731 of the Revised Code, shall place on the 2593  
replacement license a combination of identifying numbers 2594  
different from the combination on the license that is being 2595

replaced. 2596

(F) (1) (a) Except as provided in division (F) (1) (b) of this 2597  
section, a licensee who wishes to renew a concealed handgun 2598  
license issued under this section may do so at any time before 2599  
the expiration date of the license or at any time after the 2600  
expiration date of the license by filing with the sheriff of the 2601  
county in which the applicant resides or with the sheriff of an 2602  
adjacent county, or in the case of an applicant who resides in 2603  
another state with the sheriff of the county that issued the 2604  
applicant's previous concealed handgun license an application 2605  
for renewal of the license obtained pursuant to division (D) of 2606  
this section, a certification by the applicant that, subsequent 2607  
to the issuance of the license, the applicant has reread the 2608  
pamphlet prepared by the Ohio peace officer training commission 2609  
pursuant to section 109.731 of the Revised Code that reviews 2610  
firearms, dispute resolution, and use of deadly force matters, 2611  
and a nonrefundable license renewal fee in an amount determined 2612  
pursuant to division (F) (4) of this section unless the fee is 2613  
waived. 2614

(b) A person on active duty in the armed forces of the 2615  
United States or in service with the peace corps, volunteers in 2616  
service to America, or the foreign service of the United States 2617  
is exempt from the license requirements of this section for the 2618  
period of the person's active duty or service and for six months 2619  
thereafter, provided the person was a licensee under this 2620  
section at the time the person commenced the person's active 2621  
duty or service or had obtained a license while on active duty 2622  
or service. The spouse or a dependent of any such person on 2623  
active duty or in service also is exempt from the license 2624  
requirements of this section for the period of the person's 2625  
active duty or service and for six months thereafter, provided 2626



the spouse or dependent was a licensee under this section at the 2627  
time the person commenced the active duty or service or had 2628  
obtained a license while the person was on active duty or 2629  
service, and provided further that the person's active duty or 2630  
service resulted in the spouse or dependent relocating outside 2631  
of this state during the period of the active duty or service. 2632  
This division does not prevent such a person or the person's 2633  
spouse or dependent from making an application for the renewal 2634  
of a concealed handgun license during the period of the person's 2635  
active duty or service. 2636

(2) A sheriff shall accept a completed renewal 2637  
application, the license renewal fee, and the information 2638  
specified in division (F)(1) of this section at the times and in 2639  
the manners described in division (I) of this section. Upon 2640  
receipt of a completed renewal application, of certification 2641  
that the applicant has reread the specified pamphlet prepared by 2642  
the Ohio peace officer training commission, and of a license 2643  
renewal fee unless the fee is waived, a sheriff, in the manner 2644  
specified in section 311.41 of the Revised Code shall conduct or 2645  
cause to be conducted the criminal records check and the 2646  
incompetency records check described in section 311.41 of the 2647  
Revised Code. The sheriff shall renew the license if the sheriff 2648  
determines that the applicant continues to satisfy the 2649  
requirements described in division (D)(1) of this section, 2650  
except that the applicant is not required to meet the 2651  
requirements of division (D)(1)(1) of this section. A renewed 2652  
license shall expire five years after the date of issuance. A 2653  
renewed license is subject to division (E) of this section and 2654  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2655  
shall comply with divisions (D)(2) and (3) of this section when 2656  
the circumstances described in those divisions apply to a 2657

requested license renewal. If a sheriff denies the renewal of a  
concealed handgun license, the applicant may appeal the denial,  
or challenge the criminal record check results that were the  
basis of the denial if applicable, in the same manner as  
specified in division (D)(2)(b) of this section and in section  
2923.127 of the Revised Code, regarding the denial of a license  
under this section.

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

(4) An applicant for a renewal concealed handgun license  
under this section shall submit to the sheriff of the county in  
which the applicant resides or to the sheriff of any county  
adjacent to the county in which the applicant resides, or in the  
case of an applicant who resides in another state to the sheriff  
of the county that issued the applicant's previous concealed  
handgun license, a nonrefundable license fee as described in  
either of the following:

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

(b) For an applicant who has been a resident of this state  
for less than five years or who is not a resident of this state

but who is employed in this state, a fee of fifty dollars plus 2688  
the actual cost of having a background check performed by the 2689  
federal bureau of investigation. 2690

(5) The concealed handgun license of a licensee who is no 2691  
longer a resident of this state or no longer employed in this 2692  
state, as applicable, is valid until the date of expiration on 2693  
the license, and the licensee is prohibited from renewing the 2694  
concealed handgun license. 2695

(G) (1) Each course, class, or program described in 2696  
division (B) (3) (a), (b), (c), or (e) of this section shall 2697  
provide to each person who takes the course, class, or program 2698  
the web site address at which the pamphlet prepared by the Ohio 2699  
peace officer training commission pursuant to section 109.731 of 2700  
the Revised Code that reviews firearms, dispute resolution, and 2701  
use of deadly force matters may be found. Each such course, 2702  
class, or program described in one of those divisions shall 2703  
include at least eight hours of training in the safe handling 2704  
and use of a firearm that shall include training, provided as 2705  
described in division (G) (3) of this section, on all of the 2706  
following: 2707

(a) The ability to name, explain, and demonstrate the 2708  
rules for safe handling of a handgun and proper storage 2709  
practices for handguns and ammunition; 2710

(b) The ability to demonstrate and explain how to handle 2711  
ammunition in a safe manner; 2712

(c) The ability to demonstrate the knowledge, skills, and 2713  
attitude necessary to shoot a handgun in a safe manner; 2714

(d) Gun handling training; 2715

(e) A minimum of two hours of in-person training that 2716

consists of range time and live-fire training. 2717

(2) To satisfactorily complete the course, class, or 2718  
program described in division (B) (3) (a), (b), (c), or (e) of 2719  
this section, the applicant shall pass a competency examination 2720  
that shall include both of the following: 2721

(a) A written section, provided as described in division 2722  
(G) (3) of this section, on the ability to name and explain the 2723  
rules for the safe handling of a handgun and proper storage 2724  
practices for handguns and ammunition; 2725

(b) An in-person physical demonstration of competence in 2726  
the use of a handgun and in the rules for safe handling and 2727  
storage of a handgun and a physical demonstration of the 2728  
attitude necessary to shoot a handgun in a safe manner. 2729

(3) (a) Except as otherwise provided in this division, the 2730  
training specified in division (G) (1) (a) of this section shall 2731  
be provided to the person receiving the training in person by an 2732  
instructor. If the training specified in division (G) (1) (a) of 2733  
this section is provided by a course, class, or program 2734  
described in division (B) (3) (a) of this section, or it is 2735  
provided by a course, class, or program described in division 2736  
(B) (3) (b), (c), or (e) of this section and the instructor is a 2737  
qualified instructor certified by a national gun advocacy 2738  
organization, the training so specified, other than the training 2739  
that requires the person receiving the training to demonstrate 2740  
handling abilities, may be provided online or as a combination 2741  
of in-person and online training, as long as the online training 2742  
includes an interactive component that regularly engages the 2743  
person. 2744

(b) Except as otherwise provided in this division, the 2745

written section of the competency examination specified in 2746  
division (G) (2) (a) of this section shall be administered to the 2747  
person taking the competency examination in person by an 2748  
instructor. If the training specified in division (G) (1) (a) of 2749  
this section is provided to the person receiving the training by 2750  
a course, class, or program described in division (B) (3) (a) of 2751  
this section, or it is provided by a course, class, or program 2752  
described in division (B) (3) (b), (c), or (e) of this section and 2753  
the instructor is a qualified instructor certified by a national 2754  
gun advocacy organization, the written section of the competency 2755  
examination specified in division (G) (2) (a) of this section may 2756  
be administered online, as long as the online training includes 2757  
an interactive component that regularly engages the person. 2758

(4) The competency certification described in division (B) 2759  
(3) (a), (b), (c), or (e) of this section shall be dated and 2760  
shall attest that the course, class, or program the applicant 2761  
successfully completed met the requirements described in 2762  
division (G) (1) of this section and that the applicant passed 2763  
the competency examination described in division (G) (2) of this 2764  
section. 2765

(H) Upon deciding to issue a concealed handgun license, 2766  
deciding to issue a replacement concealed handgun license, or 2767  
deciding to renew a concealed handgun license pursuant to this 2768  
section, and before actually issuing or renewing the license, 2769  
the sheriff shall make available through the law enforcement 2770  
automated data system all information contained on the license. 2771  
If the license subsequently is suspended under division (A) (1) 2772  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2773  
to division (B) (1) of section 2923.128 of the Revised Code, or 2774  
lost or destroyed, the sheriff also shall make available through 2775  
the law enforcement automated data system a notation of that 2776

fact. The superintendent of the state highway patrol shall 2777  
ensure that the law enforcement automated data system is so 2778  
configured as to permit the transmission through the system of 2779  
the information specified in this division. 2780

(I) (1) A sheriff shall accept a completed application form 2781  
or renewal application, and the fee, items, materials, and 2782  
information specified in divisions (B) (1) to (5) or division (F) 2783  
of this section, whichever is applicable, and shall provide an 2784  
application form or renewal application to any person during at 2785  
least fifteen hours a week and shall provide the web site 2786  
address at which a printable version of the application form 2787  
that can be downloaded and the pamphlet described in division 2788  
(B) of section 109.731 of the Revised Code may be found at any 2789  
time, upon request. The sheriff shall post notice of the hours 2790  
during which the sheriff is available to accept or provide the 2791  
information described in this division. 2792

(2) A sheriff shall transmit a notice to the attorney 2793  
general, in a manner determined by the attorney general, every 2794  
time a license is issued that waived payment under division (B) 2795  
(1) (c) of this section for an applicant who is an active or 2796  
reserve member of the armed forces of the United States or has 2797  
retired from or was honorably discharged from military service 2798  
in the active or reserve armed forces of the United States. The 2799  
attorney general shall monitor and inform sheriffs issuing 2800  
licenses under this section when the amount of license fee 2801  
payments waived and transmitted to the attorney general reach 2802  
one million five hundred thousand dollars each year. Once a 2803  
sheriff is informed that the payments waived reached one million 2804  
five hundred thousand dollars in any year, a sheriff shall no 2805  
longer waive payment of a license fee for an applicant who is an 2806  
active or reserve member of the armed forces of the United 2807

States or has retired from or was honorably discharged from 2808  
military service in the active or reserve armed forces of the 2809  
United States for the remainder of that year. 2810

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 2811  
concealed handgun license is arrested for or otherwise charged 2812  
with an offense described in division (D) (1) (d) of section 2813  
2923.125 of the Revised Code or with a violation of section 2814  
2923.15 of the Revised Code or becomes subject to a temporary 2815  
protection order or to a protection order issued by a court of 2816  
another state that is substantially equivalent to a temporary 2817  
protection order, the sheriff who issued the license shall 2818  
suspend it and shall comply with division (A) (3) of this section 2819  
upon becoming aware of the arrest, charge, or protection order. 2820  
Upon suspending the license, the sheriff also shall comply with 2821  
division (H) of section 2923.125 of the Revised Code. 2822

(b) A suspension under division (A) (1) (a) of this section 2823  
shall be considered as beginning on the date that the licensee 2824  
is arrested for or otherwise charged with an offense described 2825  
in that division or on the date the appropriate court issued the 2826  
protection order described in that division, irrespective of 2827  
when the sheriff notifies the licensee under division (A) (3) of 2828  
this section. The suspension shall end on the date on which the 2829  
charges are dismissed or the licensee is found not guilty of the 2830  
offense described in division (A) (1) (a) of this section or, 2831  
subject to division (B) of this section, on the date the 2832  
appropriate court terminates the protection order described in 2833  
that division. If the suspension so ends, the sheriff shall 2834  
return the license or temporary emergency license to the 2835  
licensee. 2836

(2) (a) If a licensee holding a valid concealed handgun 2837

license is convicted of or pleads guilty to a misdemeanor 2838  
violation of division (B) (2) or (4) of section 2923.12 of the 2839  
Revised Code or of division (E) (3) or (5) of section 2923.16 of 2840  
the Revised Code, subject to division (C) of this section, the 2841  
sheriff who issued the license shall suspend it and shall comply 2842  
with division (A) (3) of this section upon becoming aware of the 2843  
conviction or guilty plea. Upon suspending the license, the 2844  
sheriff also shall comply with division (H) of section 2923.125 2845  
of the Revised Code. 2846

(b) A suspension under division (A) (2) (a) of this section 2847  
shall be considered as beginning on the date that the licensee 2848  
is convicted of or pleads guilty to the offense described in 2849  
that division, irrespective of when the sheriff notifies the 2850  
licensee under division (A) (3) of this section. If the 2851  
suspension is imposed for a misdemeanor violation of division 2852  
(B) (2) of section 2923.12 of the Revised Code or of division (E) 2853  
(3) of section 2923.16 of the Revised Code, it shall end on the 2854  
date that is one year after the date that the licensee is 2855  
convicted of or pleads guilty to that violation. If the 2856  
suspension is imposed for a misdemeanor violation of division 2857  
(B) (4) of section 2923.12 of the Revised Code or of division (E) 2858  
(5) of section 2923.16 of the Revised Code, it shall end on the 2859  
date that is two years after the date that the licensee is 2860  
convicted of or pleads guilty to that violation. If the 2861  
licensee's license was issued under section 2923.125 of the 2862  
Revised Code and the license remains valid after the suspension 2863  
ends as described in this division, when the suspension ends, 2864  
the sheriff shall return the license to the licensee. If the 2865  
licensee's license was issued under section 2923.125 of the 2866  
Revised Code and the license expires before the suspension ends 2867  
as described in this division, or if the licensee's license was 2868



issued under section 2923.1213 of the Revised Code, the licensee 2869  
is not eligible to apply for a new license under section 2870  
2923.125 or 2923.1213 of the Revised Code or to renew the 2871  
license under section 2923.125 of the Revised Code until after 2872  
the suspension ends as described in this division. 2873

(3) Upon becoming aware of an arrest, charge, or 2874  
protection order described in division (A)(1)(a) of this section 2875  
with respect to a licensee who was issued a concealed handgun 2876  
license, or a conviction of or plea of guilty to a misdemeanor 2877  
offense described in division (A)(2)(a) of this section with 2878  
respect to a licensee who was issued a concealed handgun 2879  
license, subject to division (C) of this section, the sheriff 2880  
who issued the licensee's license shall notify the licensee, by 2881  
certified mail, return receipt requested, at the licensee's last 2882  
known residence address that the license has been suspended and 2883  
that the licensee is required to surrender the license at the 2884  
sheriff's office within ten days of the date on which the notice 2885  
was mailed. If the suspension is pursuant to division (A)(2) of 2886  
this section, the notice shall identify the date on which the 2887  
suspension ends. 2888

(B)(1) A sheriff who issues a concealed handgun license to 2889  
a licensee shall revoke the license in accordance with division 2890  
(B)(2) of this section upon becoming aware that the licensee 2891  
satisfies any of the following: 2892

(a) The licensee is under twenty-one years of age. 2893

(b) Subject to division (C) of this section, at the time 2894  
of the issuance of the license, the licensee did not satisfy the 2895  
eligibility requirements of division (D)(1)(c), (d), (e), (f), 2896  
(g), or (h) of section 2923.125 of the Revised Code. 2897

(c) Subject to division (C) of this section, on or after 2898  
the date on which the license was issued, the licensee is 2899  
convicted of or pleads guilty to a violation of section 2923.15 2900  
of the Revised Code or an offense described in division (D) (1) 2901  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 2902

(d) On or after the date on which the license was issued, 2903  
the licensee becomes subject to a civil protection order or to a 2904  
protection order issued by a court of another state that is 2905  
substantially equivalent to a civil protection order. 2906

(e) The licensee knowingly carries a concealed handgun 2907  
into a place that the licensee knows is an unauthorized place 2908  
specified in division (B) of section 2923.126 of the Revised 2909  
Code. 2910

(f) On or after the date on which the license was issued, 2911  
the licensee is under adjudication of mental incompetence or is 2912  
committed to a mental institution. 2913

(g) At the time of the issuance of the license, the 2914  
licensee did not meet the residency requirements described in 2915  
division (D) (1) of section 2923.125 of the Revised Code and 2916  
currently does not meet the residency requirements described in 2917  
that division. 2918

(h) Regarding a license issued under section 2923.125 of 2919  
the Revised Code, the competency certificate the licensee 2920  
submitted was forged or otherwise was fraudulent. 2921

(2) Upon becoming aware of any circumstance listed in 2922  
division (B) (1) of this section that applies to a particular 2923  
licensee who was issued a concealed handgun license, subject to 2924  
division (C) of this section, the sheriff who issued the license 2925  
to the licensee shall notify the licensee, by certified mail, 2926

return receipt requested, at the licensee's last known residence 2927  
address that the license is subject to revocation and that the 2928  
licensee may come to the sheriff's office and contest the 2929  
sheriff's proposed revocation within fourteen days of the date 2930  
on which the notice was mailed. After the fourteen-day period 2931  
and after consideration of any information that the licensee 2932  
provides during that period, if the sheriff determines on the 2933  
basis of the information of which the sheriff is aware that the 2934  
licensee is described in division (B) (1) of this section and no 2935  
longer satisfies the requirements described in division (D) (1) 2936  
of section 2923.125 of the Revised Code that are applicable to 2937  
the licensee's type of license, the sheriff shall revoke the 2938  
license, notify the licensee of that fact, and require the 2939  
licensee to surrender the license. Upon revoking the license, 2940  
the sheriff also shall comply with division (H) of section 2941  
2923.125 of the Revised Code. 2942

(C) If a sheriff who issues a concealed handgun license to 2943  
a licensee becomes aware that at the time of the issuance of the 2944  
license the licensee had been convicted of or pleaded guilty to 2945  
an offense identified in division (D) (1) (e), (f), or (h) of 2946  
section 2923.125 of the Revised Code or had been adjudicated a 2947  
delinquent child for committing an act or violation identified 2948  
in any of those divisions or becomes aware that on or after the 2949  
date on which the license was issued the licensee has been 2950  
convicted of or pleaded guilty to an offense identified in 2951  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 2952  
shall not consider that conviction, guilty plea, or adjudication 2953  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 2954  
(1), and (B) (2) of this section if a court has ordered the 2955  
sealing or expungement of the records of that conviction, guilty 2956  
plea, or adjudication pursuant to sections 2151.355 to 2151.358, 2957

sections 2953.31 to ~~2953.35~~2953.37, ~~or section 2953.39, or~~ 2958  
section 2953.41 of the Revised Code or the licensee has been 2959  
relieved under operation of law or legal process from the 2960  
disability imposed pursuant to section 2923.13 of the Revised 2961  
Code relative to that conviction, guilty plea, or adjudication. 2962

(D) As used in this section, "motor carrier enforcement 2963  
unit" has the same meaning as in section 2923.16 of the Revised 2964  
Code. 2965

**Sec. 2923.1213.** (A) As used in this section: 2966

(1) "Evidence of imminent danger" means any of the 2967  
following: 2968

(a) A statement sworn by the person seeking to carry a 2969  
concealed handgun that is made under threat of perjury and that 2970  
states that the person has reasonable cause to fear a criminal 2971  
attack upon the person or a member of the person's family, such 2972  
as would justify a prudent person in going armed; 2973

(b) A written document prepared by a governmental entity 2974  
or public official describing the facts that give the person 2975  
seeking to carry a concealed handgun reasonable cause to fear a 2976  
criminal attack upon the person or a member of the person's 2977  
family, such as would justify a prudent person in going armed. 2978  
Written documents of this nature include, but are not limited 2979  
to, any temporary protection order, civil protection order, 2980  
protection order issued by another state, or other court order, 2981  
any court report, and any report filed with or made by a law 2982  
enforcement agency or prosecutor. 2983

(2) "Prosecutor" has the same meaning as in section 2984  
2935.01 of the Revised Code. 2985

(B) (1) A person seeking a concealed handgun license on a 2986

temporary emergency basis shall submit to the sheriff of the 2987  
county in which the person resides or, if the person usually 2988  
resides in another state, to the sheriff of the county in which 2989  
the person is temporarily staying, all of the following: 2990

(a) Evidence of imminent danger to the person or a member 2991  
of the person's family; 2992

(b) A sworn affidavit that contains all of the information 2993  
required to be on the license and attesting that the person is 2994  
legally living in the United States; is at least twenty-one 2995  
years of age; is not a fugitive from justice; is not under 2996  
indictment for or otherwise charged with an offense identified 2997  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 2998  
has not been convicted of or pleaded guilty to an offense, and 2999  
has not been adjudicated a delinquent child for committing an 3000  
act, identified in division (D) (1) (e) of that section and to 3001  
which division (B) (3) of this section does not apply; within 3002  
three years of the date of the submission, has not been 3003  
convicted of or pleaded guilty to an offense, and has not been 3004  
adjudicated a delinquent child for committing an act, identified 3005  
in division (D) (1) (f) of that section and to which division (B) 3006  
(3) of this section does not apply; within five years of the 3007  
date of the submission, has not been convicted of, pleaded 3008  
guilty, or adjudicated a delinquent child for committing two or 3009  
more violations identified in division (D) (1) (g) of that 3010  
section; within ten years of the date of the submission, has not 3011  
been convicted of, pleaded guilty, or adjudicated a delinquent 3012  
child for committing a violation identified in division (D) (1) 3013  
(h) of that section and to which division (B) (3) of this section 3014  
does not apply; has not been committed to any mental 3015  
institution, is not under adjudication of mental incompetence, 3016  
has not been found by a court to be a person with a mental 3017

illness subject to court order, and is not an involuntary 3018  
patient other than one who is a patient only for purposes of 3019  
observation, as described in division (D)(1)(i) of that section; 3020  
is not currently subject to a civil protection order, a 3021  
temporary protection order, or a protection order issued by a 3022  
court of another state, as described in division (D)(1)(j) of 3023  
that section; is not currently subject to a suspension imposed 3024  
under division (A)(2) of section 2923.128 of the Revised Code of 3025  
a concealed handgun license that previously was issued to the 3026  
person or a similar suspension imposed by another state 3027  
regarding a concealed handgun license issued by that state; is 3028  
not an unlawful user of or addicted to any controlled substance 3029  
as defined in 21 U.S.C. 802; if applicable, is an alien and has 3030  
not been admitted to the United States under a nonimmigrant 3031  
visa, as defined in the "Immigration and Nationality Act," 8 3032  
U.S.C. 1101(a)(26); has not been discharged from the armed 3033  
forces of the United States under dishonorable conditions; if 3034  
applicable, has not renounced the applicant's United States 3035  
citizenship; and has not been convicted of, pleaded guilty to, 3036  
or been adjudicated a delinquent child for committing a 3037  
violation identified in division (D)(1)(s) of section 2923.125 3038  
of the Revised Code; 3039

(c) A nonrefundable temporary emergency license fee as 3040  
described in either of the following: 3041

(i) For an applicant who has been a resident of this state 3042  
for five or more years, a fee of fifteen dollars plus the actual 3043  
cost of having a background check performed by the bureau of 3044  
criminal identification and investigation pursuant to section 3045  
311.41 of the Revised Code; 3046

(ii) For an applicant who has been a resident of this 3047

state for less than five years or who is not a resident of this 3048  
state, but is temporarily staying in this state, a fee of 3049  
fifteen dollars plus the actual cost of having background checks 3050  
performed by the federal bureau of investigation and the bureau 3051  
of criminal identification and investigation pursuant to section 3052  
311.41 of the Revised Code. 3053

(d) A set of fingerprints of the applicant provided as 3054  
described in section 311.41 of the Revised Code through use of 3055  
an electronic fingerprint reading device or, if the sheriff to 3056  
whom the application is submitted does not possess and does not 3057  
have ready access to the use of an electronic fingerprint 3058  
reading device, on a standard impression sheet prescribed 3059  
pursuant to division (C) (2) of section 109.572 of the Revised 3060  
Code. If the fingerprints are provided on a standard impression 3061  
sheet, the person also shall provide the person's social 3062  
security number to the sheriff. 3063

(2) A sheriff shall accept the evidence of imminent 3064  
danger, the sworn affidavit, the fee, and the set of 3065  
fingerprints required under division (B) (1) of this section at 3066  
the times and in the manners described in division (I) of this 3067  
section. Upon receipt of the evidence of imminent danger, the 3068  
sworn affidavit, the fee, and the set of fingerprints required 3069  
under division (B) (1) of this section, the sheriff, in the 3070  
manner specified in section 311.41 of the Revised Code, 3071  
immediately shall conduct or cause to be conducted the criminal 3072  
records check and the incompetency records check described in 3073  
section 311.41 of the Revised Code. Immediately upon receipt of 3074  
the results of the records checks, the sheriff shall review the 3075  
information and shall determine whether the criteria set forth 3076  
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 3077  
of the Revised Code apply regarding the person. If the sheriff 3078

determines that all of the criteria set forth in divisions (D) 3079  
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 3080  
Code apply regarding the person, the sheriff shall immediately 3081  
make available through the law enforcement automated data system 3082  
all information that will be contained on the temporary 3083  
emergency license for the person if one is issued, and the 3084  
superintendent of the state highway patrol shall ensure that the 3085  
system is so configured as to permit the transmission through 3086  
the system of that information. Upon making that information 3087  
available through the law enforcement automated data system, the 3088  
sheriff shall immediately issue to the person a concealed 3089  
handgun license on a temporary emergency basis. 3090

If the sheriff denies the issuance of a license on a 3091  
temporary emergency basis to the person, the sheriff shall 3092  
specify the grounds for the denial in a written notice to the 3093  
person. The person may appeal the denial, or challenge criminal 3094  
records check results that were the basis of the denial if 3095  
applicable, in the same manners specified in division (D) (2) of 3096  
section 2923.125 and in section 2923.127 of the Revised Code, 3097  
regarding the denial of an application for a concealed handgun 3098  
license under that section. 3099

The license on a temporary emergency basis issued under 3100  
this division shall be in the form, and shall include all of the 3101  
information, described in divisions (A) (2) (a) and (d) of section 3102  
109.731 of the Revised Code, and also shall include a unique 3103  
combination of identifying letters and numbers in accordance 3104  
with division (A) (2) (c) of that section. 3105

The license on a temporary emergency basis issued under 3106  
this division is valid for ninety days and may not be renewed. A 3107  
person who has been issued a license on a temporary emergency 3108



basis under this division shall not be issued another license on 3109  
a temporary emergency basis unless at least four years has 3110  
expired since the issuance of the prior license on a temporary 3111  
emergency basis. 3112

(3) If a person seeking a concealed handgun license on a 3113  
temporary emergency basis has been convicted of or pleaded 3114  
guilty to an offense identified in division (D) (1) (e), (f), or 3115  
(h) of section 2923.125 of the Revised Code or has been 3116  
adjudicated a delinquent child for committing an act or 3117  
violation identified in any of those divisions, and if a court 3118  
has ordered the sealing or expungement of the records of that 3119  
conviction, guilty plea, or adjudication pursuant to sections 3120  
2151.355 to 2151.358, sections 2953.31 to ~~2953.35~~2953.37, ~~or~~ 3121  
section 2953.39, or section 2953.41 of the Revised Code or the 3122  
applicant has been relieved under operation of law or legal 3123  
process from the disability imposed pursuant to section 2923.13 3124  
of the Revised Code relative to that conviction, guilty plea, or 3125  
adjudication, the conviction, guilty plea, or adjudication shall 3126  
not be relevant for purposes of the sworn affidavit described in 3127  
division (B) (1) (b) of this section, and the person may complete, 3128  
and swear to the truth of, the affidavit as if the conviction, 3129  
guilty plea, or adjudication never had occurred. 3130

(4) The sheriff shall waive the payment pursuant to 3131  
division (B) (1) (c) of this section of the license fee in 3132  
connection with an application that is submitted by an applicant 3133  
who is a retired peace officer, a retired person described in 3134  
division (B) (1) (b) of section 109.77 of the Revised Code, or a 3135  
retired federal law enforcement officer who, prior to 3136  
retirement, was authorized under federal law to carry a firearm 3137  
in the course of duty, unless the retired peace officer, person, 3138  
or federal law enforcement officer retired as the result of a 3139

mental disability. 3140

The sheriff shall deposit all fees paid by an applicant 3141  
under division (B) (1) (c) of this section into the sheriff's 3142  
concealed handgun license issuance fund established pursuant to 3143  
section 311.42 of the Revised Code. 3144

(C) A person who holds a concealed handgun license on a 3145  
temporary emergency basis has the same right to carry a 3146  
concealed handgun as a person who was issued a concealed handgun 3147  
license under section 2923.125 of the Revised Code, and any 3148  
exceptions to the prohibitions contained in section 1547.69 and 3149  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 3150  
under section 2923.125 of the Revised Code apply to a licensee 3151  
under this section. The person is subject to the same 3152  
restrictions, and to all other procedures, duties, and 3153  
sanctions, that apply to a person who carries a license issued 3154  
under section 2923.125 of the Revised Code, other than the 3155  
license renewal procedures set forth in that section. 3156

(D) A sheriff who issues a concealed handgun license on a 3157  
temporary emergency basis under this section shall not require a 3158  
person seeking to carry a concealed handgun in accordance with 3159  
this section to submit a competency certificate as a 3160  
prerequisite for issuing the license and shall comply with 3161  
division (H) of section 2923.125 of the Revised Code in regards 3162  
to the license. The sheriff shall suspend or revoke the license 3163  
in accordance with section 2923.128 of the Revised Code. In 3164  
addition to the suspension or revocation procedures set forth in 3165  
section 2923.128 of the Revised Code, the sheriff may revoke the 3166  
license upon receiving information, verifiable by public 3167  
documents, that the person is not eligible to possess a firearm 3168  
under either the laws of this state or of the United States or 3169

that the person committed perjury in obtaining the license; if 3170  
the sheriff revokes a license under this additional authority, 3171  
the sheriff shall notify the person, by certified mail, return 3172  
receipt requested, at the person's last known residence address 3173  
that the license has been revoked and that the person is 3174  
required to surrender the license at the sheriff's office within 3175  
ten days of the date on which the notice was mailed. Division 3176  
(H) of section 2923.125 of the Revised Code applies regarding 3177  
any suspension or revocation of a concealed handgun license on a 3178  
temporary emergency basis. 3179

(E) A sheriff who issues a concealed handgun license on a 3180  
temporary emergency basis under this section shall retain, for 3181  
the entire period during which the license is in effect, the 3182  
evidence of imminent danger that the person submitted to the 3183  
sheriff and that was the basis for the license, or a copy of 3184  
that evidence, as appropriate. 3185

(F) If a concealed handgun license on a temporary 3186  
emergency basis issued under this section is lost or is 3187  
destroyed, the licensee may obtain from the sheriff who issued 3188  
that license a duplicate license upon the payment of a fee of 3189  
fifteen dollars and the submission of an affidavit attesting to 3190  
the loss or destruction of the license. The sheriff, in 3191  
accordance with the procedures prescribed in section 109.731 of 3192  
the Revised Code, shall place on the replacement license a 3193  
combination of identifying numbers different from the 3194  
combination on the license that is being replaced. 3195

(G) The attorney general shall prescribe, and shall make 3196  
available to sheriffs, a standard form to be used under division 3197  
(B) of this section by a person who applies for a concealed 3198  
handgun license on a temporary emergency basis on the basis of 3199

imminent danger of a type described in division (A) (1) (a) of 3200  
this section. The attorney general shall design the form to 3201  
enable applicants to provide the information that is required by 3202  
law to be collected, and shall update the form as necessary. 3203  
Burdens or restrictions to obtaining a concealed handgun license 3204  
that are not expressly prescribed in law shall not be 3205  
incorporated into the form. The attorney general shall post a 3206  
printable version of the form on the web site of the attorney 3207  
general and shall provide the address of the web site to any 3208  
person who requests the form. 3209

(H) A sheriff who receives any fees paid by a person under 3210  
this section shall deposit all fees so paid into the sheriff's 3211  
concealed handgun license issuance expense fund established 3212  
under section 311.42 of the Revised Code. 3213

(I) A sheriff shall accept evidence of imminent danger, a 3214  
sworn affidavit, the fee, and the set of fingerprints specified 3215  
in division (B) (1) of this section at any time during normal 3216  
business hours. In no case shall a sheriff require an 3217  
appointment, or designate a specific period of time, for the 3218  
submission or acceptance of evidence of imminent danger, a sworn 3219  
affidavit, the fee, and the set of fingerprints specified in 3220  
division (B) (1) of this section, or for the provision to any 3221  
person of a standard form to be used for a person to apply for a 3222  
concealed handgun license on a temporary emergency basis. 3223

**Sec. 2927.31.** (A) As used in this section: 3224

(1) "Conduct that poses a substantial risk of the 3225  
transmission of HIV" means vaginal intercourse, anal 3226  
intercourse, or sharing a hypodermic needle or syringe in a 3227  
manner that poses a substantial risk of the transmission of HIV. 3228  
"Conduct that poses a substantial risk of the transmission of 3229

HIV" does not mean vaginal intercourse, anal intercourse, or 3230  
sharing a hypodermic needle or syringe in a manner that poses a 3231  
low or negligible risk of the transmission of HIV. 3232

(2) "HIV" has the same meaning as in section 3701.24 of 3233  
the Revised Code. 3234

(3) "Means to prevent the transmission of HIV" means the 3235  
use of a method, device, behavior, or activity that is 3236  
scientifically proven to measurably limit, reduce, or eliminate 3237  
the risk of the transmission of HIV. 3238

(B) No person, with knowledge that the person has HIV, 3239  
shall transmit HIV to another by purposely doing all of the 3240  
following: 3241

(1) Failing to disclose that the person has HIV to the 3242  
other person prior to the transmission of HIV. 3243

(2) Engaging in conduct that poses a substantial risk of 3244  
the transmission of HIV; 3245

(3) Failing to take or attempt to take means to prevent 3246  
the transmission of HIV; 3247

(4) Transmitting HIV to the other person. 3248

(C) In determining whether a person acted purposely 3249  
pursuant to division (B) of this section, the failure to take or 3250  
attempt to take means to prevent the transmission of HIV is not 3251  
sufficient to prove that the person acted purposely. 3252

(D) This section does not apply to the following: 3253

(1) A person who has HIV, becomes pregnant, and transmits 3254  
HIV perinatally. 3255

(2) A person who acquires HIV while pregnant and transmits 3256

<u>HIV perinatally.</u>	3257
<u>(3) A person who declines treatment for HIV while pregnant or giving birth and transmits HIV perinatally.</u>	3258
<u>(4) A person who has HIV, donates or attempts to donate organs, blood, sperm, or any other body tissue, and transmits HIV.</u>	3260
<u>(E) Whoever violates this section is guilty of intentional transmission of HIV, a misdemeanor of the first degree.</u>	3263
<u>(F) This section does not affect a person's right to bring any defense available to the person under the common law of this state.</u>	3265
<u>(G) Notwithstanding any provision of the Revised Code or Rules of Evidence to the contrary, in a case involving an alleged violation of this section, a court may take judicial notice of adjudicative facts only upon the motion or stipulation of the parties.</u>	3268
<u>(H) Notwithstanding any provision of the Revised Code, Rules of Evidence, or Rules of Criminal Procedure to the contrary, in a case involving an alleged violation of this section, the following are inadmissible as evidence:</u>	3273
<u>(1) Any medical records, including medication or prescription records, or medical devices of the defendant;</u>	3277
<u>(2) Any surveillance records or reports maintained by state or local health officials.</u>	3278
<b>Sec. 2927.32.</b> (A) As used in this section:	3279
<u>(1) "Case document" means a document and information in a document submitted to a court or filed with the clerk of court</u>	3280
	3281
	3282
	3283

in a case involving an alleged violation of section 2927.31 of 3284  
the Revised Code, including exhibits, pleadings, motions, 3285  
orders, and judgments, and any other documentation prepared by 3286  
the court or clerk in the case involving an alleged violation of 3287  
section 2927.31 of the Revised Code, including journals, 3288  
dockets, and indices. "Case document" does not include forms 3289  
containing identifying characteristics submitted or filed 3290  
pursuant to division (B)(2) of this section. 3291

(2) "Identifying characteristics" means the defendant's or 3292  
victim's name, except for the defendant's or victim's initials, 3293  
address, age, marital status, relationship to defendant or 3294  
victim, race, ethnicity, employer, and employer's address. 3295

(B) Notwithstanding any provision in the Revised Code, 3296  
Rules of Superintendence, Rules of Evidence, or Rules of 3297  
Criminal Procedure to the contrary, in a case involving an 3298  
alleged violation of section 2927.31 of the Revised Code, all of 3299  
the following apply: 3300

(1) When submitting a case document to a court or filing a 3301  
case document with a clerk of court, a party shall redact or 3302  
omit identifying characteristics from the case document. 3303

(2) When identifying characteristics are redacted or 3304  
omitted from a case document submitted to a court or filed with 3305  
the clerk of court pursuant to division (B)(1) of this section, 3306  
the party shall submit or file that information on a separate 3307  
form. The form shall only be provided to the judge, clerk, 3308  
parties, and parties' attorneys. The form shall be kept 3309  
confidential, shall not be released, and is not a public record 3310  
as defined in section 149.43 of the Revised Code. 3311

(3) The responsibility for redacting or omitting 3312

identifying characteristics from a case document submitted to a 3313  
court or filed with a clerk of court pursuant to division (B) (1) 3314  
of this section shall rest solely with the party. The court or 3315  
clerk is not required to review the case document to confirm 3316  
that the party has redacted or omitted identifying 3317  
characteristics, and shall not refuse to accept or file the 3318  
document on that basis. 3319

**Sec. 2927.33.** (A) As used in this section, "identifying 3320  
characteristics" has the same meaning as in section 2927.32 of 3321  
the Revised Code. 3322

(B) (1) Upon the filing of a case involving an alleged 3323  
violation of section 2927.31 of the Revised Code, the court 3324  
shall issue an order stating that, during the pendency of the 3325  
case, the following persons shall not disclose the identifying 3326  
characteristics of any defendant or victim in the case: 3327

(a) An officer or employee of a law enforcement agency; 3328

(b) An officer or employee of the court; 3329

(c) The clerk or any employee of the clerk of any court; 3330

(d) An attorney, party, victim, or witness in the case. 3331

(2) An order issued pursuant to division (B) (1) of this 3332  
section does not prohibit a defendant or victim in the case from 3333  
disclosing the defendant's or victim's own identifying 3334  
characteristics. 3335

(C) If any defendant or victim in the case requests that 3336  
the order issued pursuant to division (B) (1) of this section be 3337  
terminated, the court shall terminate the order as it pertains 3338  
to that defendant or victim. 3339

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 3340



or (G) of this section and unless a specific sanction is 3341  
required to be imposed or is precluded from being imposed 3342  
pursuant to law, a court that imposes a sentence upon an 3343  
offender for a felony may impose any sanction or combination of 3344  
sanctions on the offender that are provided in sections 2929.14 3345  
to 2929.18 of the Revised Code. 3346

If the offender is eligible to be sentenced to community 3347  
control sanctions, the court shall consider the appropriateness 3348  
of imposing a financial sanction pursuant to section 2929.18 of 3349  
the Revised Code or a sanction of community service pursuant to 3350  
section 2929.17 of the Revised Code as the sole sanction for the 3351  
offense. Except as otherwise provided in this division, if the 3352  
court is required to impose a mandatory prison term for the 3353  
offense for which sentence is being imposed, the court also 3354  
shall impose any financial sanction pursuant to section 2929.18 3355  
of the Revised Code that is required for the offense and may 3356  
impose any other financial sanction pursuant to that section but 3357  
may not impose any additional sanction or combination of 3358  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3359

If the offender is being sentenced for a fourth degree 3360  
felony OVI offense or for a third degree felony OVI offense, in 3361  
addition to the mandatory term of local incarceration or the 3362  
mandatory prison term required for the offense by division (G) 3363  
(1) or (2) of this section, the court shall impose upon the 3364  
offender a mandatory fine in accordance with division (B) (3) of 3365  
section 2929.18 of the Revised Code and may impose whichever of 3366  
the following is applicable: 3367

(1) For a fourth degree felony OVI offense for which 3368  
sentence is imposed under division (G) (1) of this section, an 3369  
additional community control sanction or combination of 3370

community control sanctions under section 2929.16 or 2929.17 of 3371  
the Revised Code. If the court imposes upon the offender a 3372  
community control sanction and the offender violates any 3373  
condition of the community control sanction, the court may take 3374  
any action prescribed in division (B) of section 2929.15 of the 3375  
Revised Code relative to the offender, including imposing a 3376  
prison term on the offender pursuant to that division. 3377

(2) For a third or fourth degree felony OVI offense for 3378  
which sentence is imposed under division (G) (2) of this section, 3379  
an additional prison term as described in division (B) (4) of 3380  
section 2929.14 of the Revised Code or a community control 3381  
sanction as described in division (G) (2) of this section. 3382

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3383  
section, if an offender is convicted of or pleads guilty to a 3384  
felony of the fourth or fifth degree that is not an offense of 3385  
violence or that is a qualifying assault offense, the court 3386  
shall sentence the offender to a community control sanction or 3387  
combination of community control sanctions if all of the 3388  
following apply: 3389

(i) The offender previously has not been convicted of or 3390  
pleaded guilty to a felony offense. 3391

(ii) The most serious charge against the offender at the 3392  
time of sentencing is a felony of the fourth or fifth degree. 3393

(iii) The offender previously has not been convicted of or 3394  
pleaded guilty to a misdemeanor offense of violence that the 3395  
offender committed within two years prior to the offense for 3396  
which sentence is being imposed. 3397

(b) The court has discretion to impose a prison term upon 3398  
an offender who is convicted of or pleads guilty to a felony of 3399

the fourth or fifth degree that is not an offense of violence or 3400  
that is a qualifying assault offense if any of the following 3401  
apply: 3402

(i) The offender committed the offense while having a 3403  
firearm on or about the offender's person or under the 3404  
offender's control. 3405

(ii) If the offense is a qualifying assault offense, the 3406  
offender caused serious physical harm to another person while 3407  
committing the offense, and, if the offense is not a qualifying 3408  
assault offense, the offender caused physical harm to another 3409  
person while committing the offense. 3410

(iii) The offender violated a term of the conditions of 3411  
bond as set by the court. 3412

(iv) The offense is a sex offense that is a fourth or 3413  
fifth degree felony violation of any provision of Chapter 2907. 3414  
of the Revised Code. 3415

(v) In committing the offense, the offender attempted to 3416  
cause or made an actual threat of physical harm to a person with 3417  
a deadly weapon. 3418

(vi) In committing the offense, the offender attempted to 3419  
cause or made an actual threat of physical harm to a person, and 3420  
the offender previously was convicted of an offense that caused 3421  
physical harm to a person. 3422

(vii) The offender held a public office or position of 3423  
trust, and the offense related to that office or position; the 3424  
offender's position obliged the offender to prevent the offense 3425  
or to bring those committing it to justice; or the offender's 3426  
professional reputation or position facilitated the offense or 3427  
was likely to influence the future conduct of others. 3428

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 3429  
3430

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 3431  
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(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 3433  
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(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer. 3436  
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(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code. 3443  
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(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of 3450  
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the Revised Code. 3458

(D) (1) Except as provided in division (E) or (F) of this 3459  
section, for a felony of the first or second degree, for a 3460  
felony drug offense that is a violation of any provision of 3461  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3462  
presumption in favor of a prison term is specified as being 3463  
applicable, and for a violation of division (A) (4) or (B) of 3464  
section 2907.05 of the Revised Code for which a presumption in 3465  
favor of a prison term is specified as being applicable, it is 3466  
presumed that a prison term is necessary in order to comply with 3467  
the purposes and principles of sentencing under section 2929.11 3468  
of the Revised Code. Division (D) (2) of this section does not 3469  
apply to a presumption established under this division for a 3470  
violation of division (A) (4) of section 2907.05 of the Revised 3471  
Code. 3472

(2) Notwithstanding the presumption established under 3473  
division (D) (1) of this section for the offenses listed in that 3474  
division other than a violation of division (A) (4) or (B) of 3475  
section 2907.05 of the Revised Code, the sentencing court may 3476  
impose a community control sanction or a combination of 3477  
community control sanctions instead of a prison term on an 3478  
offender for a felony of the first or second degree or for a 3479  
felony drug offense that is a violation of any provision of 3480  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3481  
presumption in favor of a prison term is specified as being 3482  
applicable if it makes both of the following findings: 3483

(a) A community control sanction or a combination of 3484  
community control sanctions would adequately punish the offender 3485  
and protect the public from future crime, because the applicable 3486  
factors under section 2929.12 of the Revised Code indicating a 3487

lesser likelihood of recidivism outweigh the applicable factors 3488  
under that section indicating a greater likelihood of 3489  
recidivism. 3490

(b) A community control sanction or a combination of 3491  
community control sanctions would not demean the seriousness of 3492  
the offense, because one or more factors under section 2929.12 3493  
of the Revised Code that indicate that the offender's conduct 3494  
was less serious than conduct normally constituting the offense 3495  
are applicable, and they outweigh the applicable factors under 3496  
that section that indicate that the offender's conduct was more 3497  
serious than conduct normally constituting the offense. 3498

(E) (1) Except as provided in division (F) of this section, 3499  
for any drug offense that is a violation of any provision of 3500  
Chapter 2925. of the Revised Code and that is a felony of the 3501  
third, fourth, or fifth degree, the applicability of a 3502  
presumption under division (D) of this section in favor of a 3503  
prison term or of division (B) or (C) of this section in 3504  
determining whether to impose a prison term for the offense 3505  
shall be determined as specified in section 2925.02, 2925.03, 3506  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3507  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3508  
regarding the violation. 3509

(2) If an offender who was convicted of or pleaded guilty 3510  
to a felony violates the conditions of a community control 3511  
sanction imposed for the offense solely by reason of producing 3512  
positive results on a drug test, the court, as punishment for 3513  
the violation of the sanction, shall not order that the offender 3514  
be imprisoned unless the court determines on the record either 3515  
of the following: 3516

(a) The offender had been ordered as a sanction for the 3517

felony to participate in a drug treatment program, in a drug 3518  
education program, or in narcotics anonymous or a similar 3519  
program, and the offender continued to use illegal drugs after a 3520  
reasonable period of participation in the program. 3521

(b) The imprisonment of the offender for the violation is 3522  
consistent with the purposes and principles of sentencing set 3523  
forth in section 2929.11 of the Revised Code. 3524

(3) A court that sentences an offender for a drug abuse 3525  
offense that is a felony of the third, fourth, or fifth degree 3526  
may require that the offender be assessed by a properly 3527  
credentialed professional within a specified period of time. The 3528  
court shall require the professional to file a written 3529  
assessment of the offender with the court. If the offender is 3530  
eligible for a community control sanction and after considering 3531  
the written assessment, the court may impose a community control 3532  
sanction that includes addiction services and recovery supports 3533  
included in a community-based continuum of care established 3534  
under section 340.032 of the Revised Code. If the court imposes 3535  
addiction services and recovery supports as a community control 3536  
sanction, the court shall direct the level and type of addiction 3537  
services and recovery supports after considering the assessment 3538  
and recommendation of community addiction services providers. 3539

(F) Notwithstanding divisions (A) to (E) of this section, 3540  
the court shall impose a prison term or terms under sections 3541  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3542  
section 2971.03 of the Revised Code and except as specifically 3543  
provided in section 2929.20, or section 2967.191 of the Revised 3544  
Code or when parole is authorized for the offense under section 3545  
2967.13 of the Revised Code shall not reduce the term or terms 3546  
pursuant to section 2929.20, division (A) (2) or (3) of section 3547

2967.193 or 2967.194, or any other provision of Chapter 2967. or	3548
Chapter 5120. of the Revised Code for any of the following	3549
offenses:	3550
(1) Aggravated murder when death is not imposed or murder;	3551
(2) Any rape, regardless of whether force was involved and	3552
regardless of the age of the victim, or an attempt to commit	3553
rape if, had the offender completed the rape that was attempted,	3554
the offender would have been guilty of a violation of division	3555
(A) (1) (b) of section 2907.02 of the Revised Code and would be	3556
sentenced under section 2971.03 of the Revised Code;	3557
(3) Gross sexual imposition or sexual battery, if the	3558
victim is less than thirteen years of age and if any of the	3559
following applies:	3560
(a) Regarding gross sexual imposition, the offender	3561
previously was convicted of or pleaded guilty to rape, the	3562
former offense of felonious sexual penetration, gross sexual	3563
imposition, or sexual battery, and the victim of the previous	3564
offense was less than thirteen years of age;	3565
(b) Regarding gross sexual imposition, the offense was	3566
committed on or after August 3, 2006, and evidence other than	3567
the testimony of the victim was admitted in the case	3568
corroborating the violation.	3569
(c) Regarding sexual battery, either of the following	3570
applies:	3571
(i) The offense was committed prior to August 3, 2006, the	3572
offender previously was convicted of or pleaded guilty to rape,	3573
the former offense of felonious sexual penetration, or sexual	3574
battery, and the victim of the previous offense was less than	3575
thirteen years of age.	3576



(ii) The offense was committed on or after August 3, 2006.	3577
(4) A felony violation of section 2903.04, 2903.06,	3578
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321,	3579
or 2923.132 of the Revised Code if the section requires the	3580
imposition of a prison term;	3581
(5) A first, second, or third degree felony drug offense	3582
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	3583
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	3584
or 4729.99 of the Revised Code, whichever is applicable	3585
regarding the violation, requires the imposition of a mandatory	3586
prison term;	3587
(6) Any offense that is a first or second degree felony	3588
and that is not set forth in division (F) (1), (2), (3), or (4)	3589
of this section, if the offender previously was convicted of or	3590
pleaded guilty to aggravated murder, murder, any first or second	3591
degree felony, or an offense under an existing or former law of	3592
this state, another state, or the United States that is or was	3593
substantially equivalent to one of those offenses;	3594
(7) Any offense that is a third degree felony and either	3595
is a violation of section 2903.04 of the Revised Code or an	3596
attempt to commit a felony of the second degree that is an	3597
offense of violence and involved an attempt to cause serious	3598
physical harm to a person or that resulted in serious physical	3599
harm to a person if the offender previously was convicted of or	3600
pleaded guilty to any of the following offenses:	3601
(a) Aggravated murder, murder, involuntary manslaughter,	3602
rape, felonious sexual penetration as it existed under section	3603
2907.12 of the Revised Code prior to September 3, 1996, a felony	3604
of the first or second degree that resulted in the death of a	3605

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 3635

(13) A violation of division (A) (1) or (2) of section 3636  
2903.06 of the Revised Code if the victim of the offense is a 3637  
peace officer, as defined in section 2935.01 of the Revised 3638  
Code, or an investigator of the bureau of criminal 3639  
identification and investigation, as defined in section 2903.11 3640  
of the Revised Code, with respect to the portion of the sentence 3641  
imposed pursuant to division (B) (5) of section 2929.14 of the 3642  
Revised Code; 3643

(14) A violation of division (A) (1) or (2) of section 3644  
2903.06 of the Revised Code if the offender has been convicted 3645  
of or pleaded guilty to three or more violations of division (A) 3646  
of section 4511.19 of the Revised Code or an equivalent offense, 3647  
as defined in section 2941.1415 of the Revised Code, or three or 3648  
more violations of any combination of those offenses, with 3649  
respect to the portion of the sentence imposed pursuant to 3650  
division (B) (6) of section 2929.14 of the Revised Code; 3651

(15) Kidnapping, in the circumstances specified in section 3652  
2971.03 of the Revised Code and when no other provision of 3653  
division (F) of this section applies; 3654

(16) Kidnapping, abduction, compelling prostitution, 3655  
promoting prostitution, engaging in a pattern of corrupt 3656  
activity, a violation of division (A) (1) or (2) of section 3657  
2907.323 of the Revised Code that involves a minor, or 3658  
endangering children in violation of division (B) (1), (2), (3), 3659  
(4), or (5) of section 2919.22 of the Revised Code, if the 3660  
offender is convicted of or pleads guilty to a specification as 3661  
described in section 2941.1422 of the Revised Code that was 3662  
included in the indictment, count in the indictment, or 3663  
information charging the offense; 3664

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious

disfigurement or permanent, substantial incapacity, with respect 3695  
to a portion of the sentence imposed pursuant to division (B) (9) 3696  
of section 2929.14 of the Revised Code. The provisions of this 3697  
division and of division ~~(D) (2)~~ (C) (2) of section 2903.11, 3698  
divisions (B) (9) and (C) (6) of section 2929.14, and section 3699  
2941.1425 of the Revised Code shall be known as "Judy's Law." 3700

(21) Any violation of division (A) of section 2903.11 of 3701  
the Revised Code if the victim of the offense suffered permanent 3702  
disabling harm as a result of the offense and the victim was 3703  
under ten years of age at the time of the offense, with respect 3704  
to a portion of the sentence imposed pursuant to division (B) 3705  
(10) of section 2929.14 of the Revised Code. 3706

(22) A felony violation of section 2925.03, 2925.05, or 3707  
2925.11 of the Revised Code, if the drug involved in the 3708  
violation is a fentanyl-related compound or a compound, mixture, 3709  
preparation, or substance containing a fentanyl-related compound 3710  
and the offender is convicted of or pleads guilty to a 3711  
specification of the type described in division (B) of section 3712  
2941.1410 of the Revised Code that was included in the 3713  
indictment, count in the indictment, or information charging the 3714  
offense, with respect to the portion of the sentence imposed 3715  
under division (B) (11) of section 2929.14 of the Revised Code. 3716

(G) Notwithstanding divisions (A) to (E) of this section, 3717  
if an offender is being sentenced for a fourth degree felony OVI 3718  
offense or for a third degree felony OVI offense, the court 3719  
shall impose upon the offender a mandatory term of local 3720  
incarceration or a mandatory prison term in accordance with the 3721  
following: 3722

(1) If the offender is being sentenced for a fourth degree 3723  
felony OVI offense and if the offender has not been convicted of 3724

and has not pleaded guilty to a specification of the type 3725  
described in section 2941.1413 of the Revised Code, the court 3726  
may impose upon the offender a mandatory term of local 3727  
incarceration of sixty days or one hundred twenty days as 3728  
specified in division (G) (1) (d) of section 4511.19 of the 3729  
Revised Code. The court shall not reduce the term pursuant to 3730  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 3731  
2967.194, or any other provision of the Revised Code. The court 3732  
that imposes a mandatory term of local incarceration under this 3733  
division shall specify whether the term is to be served in a 3734  
jail, a community-based correctional facility, a halfway house, 3735  
or an alternative residential facility, and the offender shall 3736  
serve the term in the type of facility specified by the court. A 3737  
mandatory term of local incarceration imposed under division (G) 3738  
(1) of this section is not subject to any other Revised Code 3739  
provision that pertains to a prison term except as provided in 3740  
division (A) (1) of this section. 3741

(2) If the offender is being sentenced for a third degree 3742  
felony OVI offense, or if the offender is being sentenced for a 3743  
fourth degree felony OVI offense and the court does not impose a 3744  
mandatory term of local incarceration under division (G) (1) of 3745  
this section, the court shall impose upon the offender a 3746  
mandatory prison term of one, two, three, four, or five years if 3747  
the offender also is convicted of or also pleads guilty to a 3748  
specification of the type described in section 2941.1413 of the 3749  
Revised Code or shall impose upon the offender a mandatory 3750  
prison term of sixty days or one hundred twenty days as 3751  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3752  
Revised Code if the offender has not been convicted of and has 3753  
not pleaded guilty to a specification of that type. The court 3754  
shall not reduce the term pursuant to section 2929.20, division 3755

(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3756  
provision of the Revised Code. The offender shall serve the 3757  
one-, two-, three-, four-, or five-year mandatory prison term 3758  
consecutively to and prior to the prison term imposed for the 3759  
underlying offense and consecutively to any other mandatory 3760  
prison term imposed in relation to the offense. In no case shall 3761  
an offender who once has been sentenced to a mandatory term of 3762  
local incarceration pursuant to division (G) (1) of this section 3763  
for a fourth degree felony OVI offense be sentenced to another 3764  
mandatory term of local incarceration under that division for 3765  
any violation of division (A) of section 4511.19 of the Revised 3766  
Code. In addition to the mandatory prison term described in 3767  
division (G) (2) of this section, the court may sentence the 3768  
offender to a community control sanction under section 2929.16 3769  
or 2929.17 of the Revised Code, but the offender shall serve the 3770  
prison term prior to serving the community control sanction. The 3771  
department of rehabilitation and correction may place an 3772  
offender sentenced to a mandatory prison term under this 3773  
division in an intensive program prison established pursuant to 3774  
section 5120.033 of the Revised Code if the department gave the 3775  
sentencing judge prior notice of its intent to place the 3776  
offender in an intensive program prison established under that 3777  
section and if the judge did not notify the department that the 3778  
judge disapproved the placement. Upon the establishment of the 3779  
initial intensive program prison pursuant to section 5120.033 of 3780  
the Revised Code that is privately operated and managed by a 3781  
contractor pursuant to a contract entered into under section 3782  
9.06 of the Revised Code, both of the following apply: 3783

(a) The department of rehabilitation and correction shall 3784  
make a reasonable effort to ensure that a sufficient number of 3785  
offenders sentenced to a mandatory prison term under this 3786

division are placed in the privately operated and managed prison 3787  
so that the privately operated and managed prison has full 3788  
occupancy. 3789

(b) Unless the privately operated and managed prison has 3790  
full occupancy, the department of rehabilitation and correction 3791  
shall not place any offender sentenced to a mandatory prison 3792  
term under this division in any intensive program prison 3793  
established pursuant to section 5120.033 of the Revised Code 3794  
other than the privately operated and managed prison. 3795

(H) If an offender is being sentenced for a sexually 3796  
oriented offense or child-victim oriented offense that is a 3797  
felony committed on or after January 1, 1997, the judge shall 3798  
require the offender to submit to a DNA specimen collection 3799  
procedure pursuant to section 2901.07 of the Revised Code. 3800

(I) If an offender is being sentenced for a sexually 3801  
oriented offense or a child-victim oriented offense committed on 3802  
or after January 1, 1997, the judge shall include in the 3803  
sentence a summary of the offender's duties imposed under 3804  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3805  
Code and the duration of the duties. The judge shall inform the 3806  
offender, at the time of sentencing, of those duties and of 3807  
their duration. If required under division (A) (2) of section 3808  
2950.03 of the Revised Code, the judge shall perform the duties 3809  
specified in that section, or, if required under division (A) (6) 3810  
of section 2950.03 of the Revised Code, the judge shall perform 3811  
the duties specified in that division. 3812

(J) (1) Except as provided in division (J) (2) of this 3813  
section, when considering sentencing factors under this section 3814  
in relation to an offender who is convicted of or pleads guilty 3815  
to an attempt to commit an offense in violation of section 3816



2923.02 of the Revised Code, the sentencing court shall consider 3817  
the factors applicable to the felony category of the violation 3818  
of section 2923.02 of the Revised Code instead of the factors 3819  
applicable to the felony category of the offense attempted. 3820

(2) When considering sentencing factors under this section 3821  
in relation to an offender who is convicted of or pleads guilty 3822  
to an attempt to commit a drug abuse offense for which the 3823  
penalty is determined by the amount or number of unit doses of 3824  
the controlled substance involved in the drug abuse offense, the 3825  
sentencing court shall consider the factors applicable to the 3826  
felony category that the drug abuse offense attempted would be 3827  
if that drug abuse offense had been committed and had involved 3828  
an amount or number of unit doses of the controlled substance 3829  
that is within the next lower range of controlled substance 3830  
amounts than was involved in the attempt. 3831

(K) As used in this section: 3832

(1) "Community addiction services provider" has the same 3833  
meaning as in section 5119.01 of the Revised Code. 3834

(2) "Drug abuse offense" has the same meaning as in 3835  
section 2925.01 of the Revised Code. 3836

(3) "Minor drug possession offense" has the same meaning 3837  
as in section 2925.11 of the Revised Code. 3838

(4) "Qualifying assault offense" means a violation of 3839  
section 2903.13 of the Revised Code for which the penalty 3840  
provision in division (C) (8) (b) or (C) (9) (b) of that section 3841  
applies. 3842

(L) At the time of sentencing an offender for any sexually 3843  
oriented offense, if the offender is a tier III sex 3844  
offender/child-victim offender relative to that offense and the 3845

offender does not serve a prison term or jail term, the court 3846  
may require that the offender be monitored by means of a global 3847  
positioning device. If the court requires such monitoring, the 3848  
cost of monitoring shall be borne by the offender. If the 3849  
offender is indigent, the cost of compliance shall be paid by 3850  
the crime victims reparations fund. 3851

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 3852  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 3853  
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 3854  
in division (D)(6) of section 2919.25 of the Revised Code and 3855  
except in relation to an offense for which a sentence of death 3856  
or life imprisonment is to be imposed, if the court imposing a 3857  
sentence upon an offender for a felony elects or is required to 3858  
impose a prison term on the offender pursuant to this chapter, 3859  
the court shall impose a prison term that shall be one of the 3860  
following: 3861

(1)(a) For a felony of the first degree committed on or 3862  
after March 22, 2019, the prison term shall be an indefinite 3863  
prison term with a stated minimum term selected by the court of 3864  
three, four, five, six, seven, eight, nine, ten, or eleven years 3865  
and a maximum term that is determined pursuant to section 3866  
2929.144 of the Revised Code, except that if the section that 3867  
criminalizes the conduct constituting the felony specifies a 3868  
different minimum term or penalty for the offense, the specific 3869  
language of that section shall control in determining the 3870  
minimum term or otherwise sentencing the offender but the 3871  
minimum term or sentence imposed under that specific language 3872  
shall be considered for purposes of the Revised Code as if it 3873  
had been imposed under this division. 3874

(b) For a felony of the first degree committed prior to 3875

March 22, 2019, the prison term shall be a definite prison term 3876  
of three, four, five, six, seven, eight, nine, ten, or eleven 3877  
years. 3878

(2) (a) For a felony of the second degree committed on or 3879  
after March 22, 2019, the prison term shall be an indefinite 3880  
prison term with a stated minimum term selected by the court of 3881  
two, three, four, five, six, seven, or eight years and a maximum 3882  
term that is determined pursuant to section 2929.144 of the 3883  
Revised Code, except that if the section that criminalizes the 3884  
conduct constituting the felony specifies a different minimum 3885  
term or penalty for the offense, the specific language of that 3886  
section shall control in determining the minimum term or 3887  
otherwise sentencing the offender but the minimum term or 3888  
sentence imposed under that specific language shall be 3889  
considered for purposes of the Revised Code as if it had been 3890  
imposed under this division. 3891

(b) For a felony of the second degree committed prior to 3892  
March 22, 2019, the prison term shall be a definite term of two, 3893  
three, four, five, six, seven, or eight years. 3894

(3) (a) For a felony of the third degree that is a 3895  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3896  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3897  
Code, that is a violation of division (A) of section 4511.19 of 3898  
the Revised Code if the offender previously has been convicted 3899  
of or pleaded guilty to a violation of division (A) of that 3900  
section that was a felony, or that is a violation of section 3901  
2911.02 or 2911.12 of the Revised Code if the offender 3902  
previously has been convicted of or pleaded guilty in two or 3903  
more separate proceedings to two or more violations of section 3904  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3905

prison term shall be a definite term of twelve, eighteen, 3906  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3907  
four, or sixty months. 3908

(b) For a felony of the third degree that is not an 3909  
offense for which division (A) (3) (a) of this section applies, 3910  
the prison term shall be a definite term of nine, twelve, 3911  
eighteen, twenty-four, thirty, or thirty-six months. 3912

(4) For a felony of the fourth degree, the prison term 3913  
shall be a definite term of six, seven, eight, nine, ten, 3914  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3915  
or eighteen months. 3916

(5) For a felony of the fifth degree, the prison term 3917  
shall be a definite term of six, seven, eight, nine, ten, 3918  
eleven, or twelve months. 3919

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3920  
section, if an offender who is convicted of or pleads guilty to 3921  
a felony also is convicted of or pleads guilty to a 3922  
specification of the type described in section 2941.141, 3923  
2941.144, or 2941.145 of the Revised Code, the court shall 3924  
impose on the offender one of the following prison terms: 3925

(i) A prison term of six years if the specification is of 3926  
the type described in division (A) of section 2941.144 of the 3927  
Revised Code that charges the offender with having a firearm 3928  
that is an automatic firearm or that was equipped with a firearm 3929  
muffler or suppressor on or about the offender's person or under 3930  
the offender's control while committing the offense; 3931

(ii) A prison term of three years if the specification is 3932  
of the type described in division (A) of section 2941.145 of the 3933  
Revised Code that charges the offender with having a firearm on 3934

or about the offender's person or under the offender's control 3935  
while committing the offense and displaying the firearm, 3936  
brandishing the firearm, indicating that the offender possessed 3937  
the firearm, or using it to facilitate the offense; 3938

(iii) A prison term of one year if the specification is of 3939  
the type described in division (A) of section 2941.141 of the 3940  
Revised Code that charges the offender with having a firearm on 3941  
or about the offender's person or under the offender's control 3942  
while committing the offense; 3943

(iv) A prison term of nine years if the specification is 3944  
of the type described in division (D) of section 2941.144 of the 3945  
Revised Code that charges the offender with having a firearm 3946  
that is an automatic firearm or that was equipped with a firearm 3947  
muffler or suppressor on or about the offender's person or under 3948  
the offender's control while committing the offense and 3949  
specifies that the offender previously has been convicted of or 3950  
pleaded guilty to a specification of the type described in 3951  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3952  
the Revised Code; 3953

(v) A prison term of fifty-four months if the 3954  
specification is of the type described in division (D) of 3955  
section 2941.145 of the Revised Code that charges the offender 3956  
with having a firearm on or about the offender's person or under 3957  
the offender's control while committing the offense and 3958  
displaying the firearm, brandishing the firearm, indicating that 3959  
the offender possessed the firearm, or using the firearm to 3960  
facilitate the offense and that the offender previously has been 3961  
convicted of or pleaded guilty to a specification of the type 3962  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3963  
2941.1412 of the Revised Code; 3964

(vi) A prison term of eighteen months if the specification 3965  
is of the type described in division (D) of section 2941.141 of 3966  
the Revised Code that charges the offender with having a firearm 3967  
on or about the offender's person or under the offender's 3968  
control while committing the offense and that the offender 3969  
previously has been convicted of or pleaded guilty to a 3970  
specification of the type described in section 2941.141, 3971  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3972

(b) If a court imposes a prison term on an offender under 3973  
division (B) (1) (a) of this section, the prison term shall not be 3974  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3975  
section 2967.193 or 2967.194, or any other provision of Chapter 3976  
2967. or Chapter 5120. of the Revised Code. Except as provided 3977  
in division (B) (1) (g) of this section, a court shall not impose 3978  
more than one prison term on an offender under division (B) (1) 3979  
(a) of this section for felonies committed as part of the same 3980  
act or transaction. 3981

(c) (i) Except as provided in division (B) (1) (e) of this 3982  
section, if an offender who is convicted of or pleads guilty to 3983  
a violation of section 2923.161 of the Revised Code or to a 3984  
felony that includes, as an essential element, purposely or 3985  
knowingly causing or attempting to cause the death of or 3986  
physical harm to another, also is convicted of or pleads guilty 3987  
to a specification of the type described in division (A) of 3988  
section 2941.146 of the Revised Code that charges the offender 3989  
with committing the offense by discharging a firearm from a 3990  
motor vehicle other than a manufactured home, the court, after 3991  
imposing a prison term on the offender for the violation of 3992  
section 2923.161 of the Revised Code or for the other felony 3993  
offense under division (A), (B) (2), or (B) (3) of this section, 3994  
shall impose an additional prison term of five years upon the 3995

offender that shall not be reduced pursuant to section 2929.20, 3996  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3997  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3998  
Code. 3999

(ii) Except as provided in division (B) (1) (e) of this 4000  
section, if an offender who is convicted of or pleads guilty to 4001  
a violation of section 2923.161 of the Revised Code or to a 4002  
felony that includes, as an essential element, purposely or 4003  
knowingly causing or attempting to cause the death of or 4004  
physical harm to another, also is convicted of or pleads guilty 4005  
to a specification of the type described in division (C) of 4006  
section 2941.146 of the Revised Code that charges the offender 4007  
with committing the offense by discharging a firearm from a 4008  
motor vehicle other than a manufactured home and that the 4009  
offender previously has been convicted of or pleaded guilty to a 4010  
specification of the type described in section 2941.141, 4011  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4012  
the court, after imposing a prison term on the offender for the 4013  
violation of section 2923.161 of the Revised Code or for the 4014  
other felony offense under division (A), (B) (2), or (3) of this 4015  
section, shall impose an additional prison term of ninety months 4016  
upon the offender that shall not be reduced pursuant to section 4017  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4018  
or any other provision of Chapter 2967. or Chapter 5120. of the 4019  
Revised Code. 4020

(iii) A court shall not impose more than one additional 4021  
prison term on an offender under division (B) (1) (c) of this 4022  
section for felonies committed as part of the same act or 4023  
transaction. If a court imposes an additional prison term on an 4024  
offender under division (B) (1) (c) of this section relative to an 4025  
offense, the court also shall impose a prison term under 4026

division (B) (1) (a) of this section relative to the same offense, 4027  
provided the criteria specified in that division for imposing an 4028  
additional prison term are satisfied relative to the offender 4029  
and the offense. 4030

(d) If an offender who is convicted of or pleads guilty to 4031  
an offense of violence that is a felony also is convicted of or 4032  
pleads guilty to a specification of the type described in 4033  
section 2941.1411 of the Revised Code that charges the offender 4034  
with wearing or carrying body armor while committing the felony 4035  
offense of violence, the court shall impose on the offender an 4036  
additional prison term of two years. The prison term so imposed 4037  
shall not be reduced pursuant to section 2929.20, division (A) 4038  
(2) or (3) of section 2967.193 or 2967.194, or any other 4039  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4040  
A court shall not impose more than one prison term on an 4041  
offender under division (B) (1) (d) of this section for felonies 4042  
committed as part of the same act or transaction. If a court 4043  
imposes an additional prison term under division (B) (1) (a) or 4044  
(c) of this section, the court is not precluded from imposing an 4045  
additional prison term under division (B) (1) (d) of this section. 4046

(e) The court shall not impose any of the prison terms 4047  
described in division (B) (1) (a) of this section or any of the 4048  
additional prison terms described in division (B) (1) (c) of this 4049  
section upon an offender for a violation of section 2923.12 or 4050  
2923.123 of the Revised Code. The court shall not impose any of 4051  
the prison terms described in division (B) (1) (a) or (b) of this 4052  
section upon an offender for a violation of section 2923.122 4053  
that involves a deadly weapon that is a firearm other than a 4054  
dangerous ordnance, section 2923.16, or section 2923.121 of the 4055  
Revised Code. The court shall not impose any of the prison terms 4056  
described in division (B) (1) (a) of this section or any of the 4057



additional prison terms described in division (B) (1) (c) of this 4058  
section upon an offender for a violation of section 2923.13 of 4059  
the Revised Code unless all of the following apply: 4060

(i) The offender previously has been convicted of 4061  
aggravated murder, murder, or any felony of the first or second 4062  
degree. 4063

(ii) Less than five years have passed since the offender 4064  
was released from prison or post-release control, whichever is 4065  
later, for the prior offense. 4066

(f) (i) If an offender is convicted of or pleads guilty to 4067  
a felony that includes, as an essential element, causing or 4068  
attempting to cause the death of or physical harm to another and 4069  
also is convicted of or pleads guilty to a specification of the 4070  
type described in division (A) of section 2941.1412 of the 4071  
Revised Code that charges the offender with committing the 4072  
offense by discharging a firearm at a peace officer as defined 4073  
in section 2935.01 of the Revised Code or a corrections officer, 4074  
as defined in section 2941.1412 of the Revised Code, the court, 4075  
after imposing a prison term on the offender for the felony 4076  
offense under division (A), (B) (2), or (B) (3) of this section, 4077  
shall impose an additional prison term of seven years upon the 4078  
offender that shall not be reduced pursuant to section 2929.20, 4079  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4080  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4081  
Code. 4082

(ii) If an offender is convicted of or pleads guilty to a 4083  
felony that includes, as an essential element, causing or 4084  
attempting to cause the death of or physical harm to another and 4085  
also is convicted of or pleads guilty to a specification of the 4086  
type described in division (B) of section 2941.1412 of the 4087

Revised Code that charges the offender with committing the 4088  
offense by discharging a firearm at a peace officer, as defined 4089  
in section 2935.01 of the Revised Code, or a corrections 4090  
officer, as defined in section 2941.1412 of the Revised Code, 4091  
and that the offender previously has been convicted of or 4092  
pleaded guilty to a specification of the type described in 4093  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4094  
the Revised Code, the court, after imposing a prison term on the 4095  
offender for the felony offense under division (A), (B) (2), or 4096  
(3) of this section, shall impose an additional prison term of 4097  
one hundred twenty-six months upon the offender that shall not 4098  
be reduced pursuant to section 2929.20, division (A) (2) or (3) 4099  
of section 2967.193 or 2967.194, or any other provision of 4100  
Chapter 2967. or 5120. of the Revised Code. 4101

(iii) If an offender is convicted of or pleads guilty to 4102  
two or more felonies that include, as an essential element, 4103  
causing or attempting to cause the death or physical harm to 4104  
another and also is convicted of or pleads guilty to a 4105  
specification of the type described under division (B) (1) (f) of 4106  
this section in connection with two or more of the felonies of 4107  
which the offender is convicted or to which the offender pleads 4108  
guilty, the sentencing court shall impose on the offender the 4109  
prison term specified under division (B) (1) (f) of this section 4110  
for each of two of the specifications of which the offender is 4111  
convicted or to which the offender pleads guilty and, in its 4112  
discretion, also may impose on the offender the prison term 4113  
specified under that division for any or all of the remaining 4114  
specifications. If a court imposes an additional prison term on 4115  
an offender under division (B) (1) (f) of this section relative to 4116  
an offense, the court shall not impose a prison term under 4117  
division (B) (1) (a) or (c) of this section relative to the same 4118

offense. 4119

(g) If an offender is convicted of or pleads guilty to two 4120  
or more felonies, if one or more of those felonies are 4121  
aggravated murder, murder, attempted aggravated murder, 4122  
attempted murder, aggravated robbery, felonious assault, or 4123  
rape, and if the offender is convicted of or pleads guilty to a 4124  
specification of the type described under division (B)(1)(a) of 4125  
this section in connection with two or more of the felonies, the 4126  
sentencing court shall impose on the offender the prison term 4127  
specified under division (B)(1)(a) of this section for each of 4128  
the two most serious specifications of which the offender is 4129  
convicted or to which the offender pleads guilty and, in its 4130  
discretion, also may impose on the offender the prison term 4131  
specified under that division for any or all of the remaining 4132  
specifications. 4133

(2)(a) If division (B)(2)(b) of this section does not 4134  
apply, the court may impose on an offender, in addition to the 4135  
longest prison term authorized or required for the offense or, 4136  
for offenses for which division (A)(1)(a) or (2)(a) of this 4137  
section applies, in addition to the longest minimum prison term 4138  
authorized or required for the offense, an additional definite 4139  
prison term of one, two, three, four, five, six, seven, eight, 4140  
nine, or ten years if all of the following criteria are met: 4141

(i) The offender is convicted of or pleads guilty to a 4142  
specification of the type described in section 2941.149 of the 4143  
Revised Code that the offender is a repeat violent offender. 4144

(ii) The offense of which the offender currently is 4145  
convicted or to which the offender currently pleads guilty is 4146  
aggravated murder and the court does not impose a sentence of 4147  
death or life imprisonment without parole, murder, terrorism and 4148

the court does not impose a sentence of life imprisonment 4149  
without parole, any felony of the first degree that is an 4150  
offense of violence and the court does not impose a sentence of 4151  
life imprisonment without parole, or any felony of the second 4152  
degree that is an offense of violence and the trier of fact 4153  
finds that the offense involved an attempt to cause or a threat 4154  
to cause serious physical harm to a person or resulted in 4155  
serious physical harm to a person. 4156

(iii) The court imposes the longest prison term for the 4157  
offense or the longest minimum prison term for the offense, 4158  
whichever is applicable, that is not life imprisonment without 4159  
parole. 4160

(iv) The court finds that the prison terms imposed 4161  
pursuant to division (B) (2) (a) (iii) of this section and, if 4162  
applicable, division (B) (1) or (3) of this section are 4163  
inadequate to punish the offender and protect the public from 4164  
future crime, because the applicable factors under section 4165  
2929.12 of the Revised Code indicating a greater likelihood of 4166  
recidivism outweigh the applicable factors under that section 4167  
indicating a lesser likelihood of recidivism. 4168

(v) The court finds that the prison terms imposed pursuant 4169  
to division (B) (2) (a) (iii) of this section and, if applicable, 4170  
division (B) (1) or (3) of this section are demeaning to the 4171  
seriousness of the offense, because one or more of the factors 4172  
under section 2929.12 of the Revised Code indicating that the 4173  
offender's conduct is more serious than conduct normally 4174  
constituting the offense are present, and they outweigh the 4175  
applicable factors under that section indicating that the 4176  
offender's conduct is less serious than conduct normally 4177  
constituting the offense. 4178

(b) The court shall impose on an offender the longest 4179  
prison term authorized or required for the offense or, for 4180  
offenses for which division (A) (1) (a) or (2) (a) of this section 4181  
applies, the longest minimum prison term authorized or required 4182  
for the offense, and shall impose on the offender an additional 4183  
definite prison term of one, two, three, four, five, six, seven, 4184  
eight, nine, or ten years if all of the following criteria are 4185  
met: 4186

(i) The offender is convicted of or pleads guilty to a 4187  
specification of the type described in section 2941.149 of the 4188  
Revised Code that the offender is a repeat violent offender. 4189

(ii) The offender within the preceding twenty years has 4190  
been convicted of or pleaded guilty to three or more offenses 4191  
described in division (CC) (1) of section 2929.01 of the Revised 4192  
Code, including all offenses described in that division of which 4193  
the offender is convicted or to which the offender pleads guilty 4194  
in the current prosecution and all offenses described in that 4195  
division of which the offender previously has been convicted or 4196  
to which the offender previously pleaded guilty, whether 4197  
prosecuted together or separately. 4198

(iii) The offense or offenses of which the offender 4199  
currently is convicted or to which the offender currently pleads 4200  
guilty is aggravated murder and the court does not impose a 4201  
sentence of death or life imprisonment without parole, murder, 4202  
terrorism and the court does not impose a sentence of life 4203  
imprisonment without parole, any felony of the first degree that 4204  
is an offense of violence and the court does not impose a 4205  
sentence of life imprisonment without parole, or any felony of 4206  
the second degree that is an offense of violence and the trier 4207  
of fact finds that the offense involved an attempt to cause or a 4208

threat to cause serious physical harm to a person or resulted in 4209  
serious physical harm to a person. 4210

(c) For purposes of division (B) (2) (b) of this section, 4211  
two or more offenses committed at the same time or as part of 4212  
the same act or event shall be considered one offense, and that 4213  
one offense shall be the offense with the greatest penalty. 4214

(d) A sentence imposed under division (B) (2) (a) or (b) of 4215  
this section shall not be reduced pursuant to section 2929.20, 4216  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4217  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4218  
Code. The offender shall serve an additional prison term imposed 4219  
under division (B) (2) (a) or (b) of this section consecutively to 4220  
and prior to the prison term imposed for the underlying offense. 4221

(e) When imposing a sentence pursuant to division (B) (2) 4222  
(a) or (b) of this section, the court shall state its findings 4223  
explaining the imposed sentence. 4224

(3) Except when an offender commits a violation of section 4225  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4226  
for the violation is life imprisonment or commits a violation of 4227  
section 2903.02 of the Revised Code, if the offender commits a 4228  
violation of section 2925.03 or 2925.11 of the Revised Code and 4229  
that section classifies the offender as a major drug offender, 4230  
if the offender commits a violation of section 2925.05 of the 4231  
Revised Code and division (E) (1) of that section classifies the 4232  
offender as a major drug offender, if the offender commits a 4233  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4234  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4235  
division (C) or (D) of section 3719.172, division (E) of section 4236  
4729.51, or division (J) of section 4729.54 of the Revised Code 4237  
that includes the sale, offer to sell, or possession of a 4238

schedule I or II controlled substance, with the exception of 4239  
marihuana, and the court imposing sentence upon the offender 4240  
finds that the offender is guilty of a specification of the type 4241  
described in division (A) of section 2941.1410 of the Revised 4242  
Code charging that the offender is a major drug offender, if the 4243  
court imposing sentence upon an offender for a felony finds that 4244  
the offender is guilty of corrupt activity with the most serious 4245  
offense in the pattern of corrupt activity being a felony of the 4246  
first degree, or if the offender is guilty of an attempted 4247  
violation of section 2907.02 of the Revised Code and, had the 4248  
offender completed the violation of section 2907.02 of the 4249  
Revised Code that was attempted, the offender would have been 4250  
subject to a sentence of life imprisonment or life imprisonment 4251  
without parole for the violation of section 2907.02 of the 4252  
Revised Code, the court shall impose upon the offender for the 4253  
felony violation a mandatory prison term determined as described 4254  
in this division that cannot be reduced pursuant to section 4255  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4256  
or any other provision of Chapter 2967. or 5120. of the Revised 4257  
Code. The mandatory prison term shall be the maximum definite 4258  
prison term prescribed in division (A) (1) (b) of this section for 4259  
a felony of the first degree, except that for offenses for which 4260  
division (A) (1) (a) of this section applies, the mandatory prison 4261  
term shall be the longest minimum prison term prescribed in that 4262  
division for the offense. 4263

(4) If the offender is being sentenced for a third or 4264  
fourth degree felony OVI offense under division (G) (2) of 4265  
section 2929.13 of the Revised Code, the sentencing court shall 4266  
impose upon the offender a mandatory prison term in accordance 4267  
with that division. In addition to the mandatory prison term, if 4268  
the offender is being sentenced for a fourth degree felony OVI 4269

offense, the court, notwithstanding division (A) (4) of this 4270  
section, may sentence the offender to a definite prison term of 4271  
not less than six months and not more than thirty months, and if 4272  
the offender is being sentenced for a third degree felony OVI 4273  
offense, the sentencing court may sentence the offender to an 4274  
additional prison term of any duration specified in division (A) 4275  
(3) of this section. In either case, the additional prison term 4276  
imposed shall be reduced by the sixty or one hundred twenty days 4277  
imposed upon the offender as the mandatory prison term. The 4278  
total of the additional prison term imposed under division (B) 4279  
(4) of this section plus the sixty or one hundred twenty days 4280  
imposed as the mandatory prison term shall equal a definite term 4281  
in the range of six months to thirty months for a fourth degree 4282  
felony OVI offense and shall equal one of the authorized prison 4283  
terms specified in division (A) (3) of this section for a third 4284  
degree felony OVI offense. If the court imposes an additional 4285  
prison term under division (B) (4) of this section, the offender 4286  
shall serve the additional prison term after the offender has 4287  
served the mandatory prison term required for the offense. In 4288  
addition to the mandatory prison term or mandatory and 4289  
additional prison term imposed as described in division (B) (4) 4290  
of this section, the court also may sentence the offender to a 4291  
community control sanction under section 2929.16 or 2929.17 of 4292  
the Revised Code, but the offender shall serve all of the prison 4293  
terms so imposed prior to serving the community control 4294  
sanction. 4295

If the offender is being sentenced for a fourth degree 4296  
felony OVI offense under division (G) (1) of section 2929.13 of 4297  
the Revised Code and the court imposes a mandatory term of local 4298  
incarceration, the court may impose a prison term as described 4299  
in division (A) (1) of that section. 4300



(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 4123.026 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)

(2) or (3) of section 2967.193 or 2967.194, or any other 4332  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4333  
A court shall not impose more than one prison term on an 4334  
offender under division (B) (6) of this section for felonies 4335  
committed as part of the same act. 4336

(7) (a) If an offender is convicted of or pleads guilty to 4337  
a felony violation of section 2905.01, 2905.02, 2907.21, 4338  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4339  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4340  
section 2919.22 of the Revised Code and also is convicted of or 4341  
pleads guilty to a specification of the type described in 4342  
section 2941.1422 of the Revised Code that charges that the 4343  
offender knowingly committed the offense in furtherance of human 4344  
trafficking, the court shall impose on the offender a mandatory 4345  
prison term that is one of the following: 4346

(i) If the offense is a felony of the first degree, a 4347  
definite prison term of not less than five years and not greater 4348  
than eleven years, except that if the offense is a felony of the 4349  
first degree committed on or after March 22, 2019, the court 4350  
shall impose as the minimum prison term a mandatory term of not 4351  
less than five years and not greater than eleven years; 4352

(ii) If the offense is a felony of the second or third 4353  
degree, a definite prison term of not less than three years and 4354  
not greater than the maximum prison term allowed for the offense 4355  
by division (A) (2) (b) or (3) of this section, except that if the 4356  
offense is a felony of the second degree committed on or after 4357  
March 22, 2019, the court shall impose as the minimum prison 4358  
term a mandatory term of not less than three years and not 4359  
greater than eight years; 4360

(iii) If the offense is a felony of the fourth or fifth 4361

degree, a definite prison term that is the maximum prison term 4362  
allowed for the offense by division (A) of section 2929.14 of 4363  
the Revised Code. 4364

(b) The prison term imposed under division (B) (7) (a) of 4365  
this section shall not be reduced pursuant to section 2929.20, 4366  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4367  
other provision of Chapter 2967. of the Revised Code. A court 4368  
shall not impose more than one prison term on an offender under 4369  
division (B) (7) (a) of this section for felonies committed as 4370  
part of the same act, scheme, or plan. 4371

(8) If an offender is convicted of or pleads guilty to a 4372  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4373  
Revised Code and also is convicted of or pleads guilty to a 4374  
specification of the type described in section 2941.1423 of the 4375  
Revised Code that charges that the victim of the violation was a 4376  
woman whom the offender knew was pregnant at the time of the 4377  
violation, notwithstanding the range prescribed in division (A) 4378  
of this section as the definite prison term or minimum prison 4379  
term for felonies of the same degree as the violation, the court 4380  
shall impose on the offender a mandatory prison term that is 4381  
either a definite prison term of six months or one of the prison 4382  
terms prescribed in division (A) of this section for felonies of 4383  
the same degree as the violation, except that if the violation 4384  
is a felony of the first or second degree committed on or after 4385  
arch 22, 2019, the court shall impose as the minimum prison term 4386  
under division (A) (1) (a) or (2) (a) of this section a mandatory 4387  
term that is one of the terms prescribed in that division, 4388  
whichever is applicable, for the offense. 4389

(9) (a) If an offender is convicted of or pleads guilty to 4390  
a violation of division (A) (1) or (2) of section 2903.11 of the 4391

Revised Code and also is convicted of or pleads guilty to a 4392  
specification of the type described in section 2941.1425 of the 4393  
Revised Code, the court shall impose on the offender a mandatory 4394  
prison term of six years if either of the following applies: 4395

(i) The violation is a violation of division (A) (1) of 4396  
section 2903.11 of the Revised Code and the specification 4397  
charges that the offender used an accelerant in committing the 4398  
violation and the serious physical harm to another or to 4399  
another's unborn caused by the violation resulted in a 4400  
permanent, serious disfigurement or permanent, substantial 4401  
incapacity; 4402

(ii) The violation is a violation of division (A) (2) of 4403  
section 2903.11 of the Revised Code and the specification 4404  
charges that the offender used an accelerant in committing the 4405  
violation, that the violation caused physical harm to another or 4406  
to another's unborn, and that the physical harm resulted in a 4407  
permanent, serious disfigurement or permanent, substantial 4408  
incapacity. 4409

(b) If a court imposes a prison term on an offender under 4410  
division (B) (9) (a) of this section, the prison term shall not be 4411  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4412  
section 2967.193 or 2967.194, or any other provision of Chapter 4413  
2967. or Chapter 5120. of the Revised Code. A court shall not 4414  
impose more than one prison term on an offender under division 4415  
(B) (9) of this section for felonies committed as part of the 4416  
same act. 4417

(c) The provisions of divisions (B) (9) and (C) (6) of this 4418  
section and of division ~~(D) (2)~~ (C) (2) of section 2903.11, 4419  
division (F) (20) of section 2929.13, and section 2941.1425 of 4420  
the Revised Code shall be known as "Judy's Law." 4421

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the

offender a mandatory prison term of three, four, five, six, 4453  
seven, or eight years. If a court imposes a prison term on an 4454  
offender under division (B) (11) of this section, the prison term 4455  
shall not be reduced pursuant to section 2929.20, division (A) 4456  
(2) or (3) of section 2967.193 or 2967.194, or any other 4457  
provision of Chapter 2967. or 5120. of the Revised Code. A court 4458  
shall not impose more than one prison term on an offender under 4459  
division (B) (11) of this section for felonies committed as part 4460  
of the same act. 4461

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4462  
if a mandatory prison term is imposed upon an offender pursuant 4463  
to division (B) (1) (a) of this section for having a firearm on or 4464  
about the offender's person or under the offender's control 4465  
while committing a felony, if a mandatory prison term is imposed 4466  
upon an offender pursuant to division (B) (1) (c) of this section 4467  
for committing a felony specified in that division by 4468  
discharging a firearm from a motor vehicle, or if both types of 4469  
mandatory prison terms are imposed, the offender shall serve any 4470  
mandatory prison term imposed under either division 4471  
consecutively to any other mandatory prison term imposed under 4472  
either division or under division (B) (1) (d) of this section, 4473  
consecutively to and prior to any prison term imposed for the 4474  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4475  
this section or any other section of the Revised Code, and 4476  
consecutively to any other prison term or mandatory prison term 4477  
previously or subsequently imposed upon the offender. 4478

(b) If a mandatory prison term is imposed upon an offender 4479  
pursuant to division (B) (1) (d) of this section for wearing or 4480  
carrying body armor while committing an offense of violence that 4481  
is a felony, the offender shall serve the mandatory term so 4482  
imposed consecutively to any other mandatory prison term imposed 4483

under that division or under division (B) (1) (a) or (c) of this 4484  
section, consecutively to and prior to any prison term imposed 4485  
for the underlying felony under division (A), (B) (2), or (B) (3) 4486  
of this section or any other section of the Revised Code, and 4487  
consecutively to any other prison term or mandatory prison term 4488  
previously or subsequently imposed upon the offender. 4489

(c) If a mandatory prison term is imposed upon an offender 4490  
pursuant to division (B) (1) (f) of this section, the offender 4491  
shall serve the mandatory prison term so imposed consecutively 4492  
to and prior to any prison term imposed for the underlying 4493  
felony under division (A), (B) (2), or (B) (3) of this section or 4494  
any other section of the Revised Code, and consecutively to any 4495  
other prison term or mandatory prison term previously or 4496  
subsequently imposed upon the offender. 4497

(d) If a mandatory prison term is imposed upon an offender 4498  
pursuant to division (B) (7) or (8) of this section, the offender 4499  
shall serve the mandatory prison term so imposed consecutively 4500  
to any other mandatory prison term imposed under that division 4501  
or under any other provision of law and consecutively to any 4502  
other prison term or mandatory prison term previously or 4503  
subsequently imposed upon the offender. 4504

(e) If a mandatory prison term is imposed upon an offender 4505  
pursuant to division (B) (11) of this section, the offender shall 4506  
serve the mandatory prison term consecutively to any other 4507  
mandatory prison term imposed under that division, consecutively 4508  
to and prior to any prison term imposed for the underlying 4509  
felony, and consecutively to any other prison term or mandatory 4510  
prison term previously or subsequently imposed upon the 4511  
offender. 4512

(2) If an offender who is an inmate in a jail, prison, or 4513

other residential detention facility violates section 2917.02, 4514  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4515  
(2) of section 2921.34 of the Revised Code, if an offender who 4516  
is under detention at a detention facility commits a felony 4517  
violation of section 2923.131 of the Revised Code, or if an 4518  
offender who is an inmate in a jail, prison, or other 4519  
residential detention facility or is under detention at a 4520  
detention facility commits another felony while the offender is 4521  
an escapee in violation of division (A) (1) or (2) of section 4522  
2921.34 of the Revised Code, any prison term imposed upon the 4523  
offender for one of those violations shall be served by the 4524  
offender consecutively to the prison term or term of 4525  
imprisonment the offender was serving when the offender 4526  
committed that offense and to any other prison term previously 4527  
or subsequently imposed upon the offender. 4528

(3) If a prison term is imposed for a violation of 4529  
division (B) of section 2911.01 of the Revised Code, a violation 4530  
of division (A) of section 2913.02 of the Revised Code in which 4531  
the stolen property is a firearm or dangerous ordnance, or a 4532  
felony violation of division (B) of section 2921.331 of the 4533  
Revised Code, the offender shall serve that prison term 4534  
consecutively to any other prison term or mandatory prison term 4535  
previously or subsequently imposed upon the offender. 4536

(4) If multiple prison terms are imposed on an offender 4537  
for convictions of multiple offenses, the court may require the 4538  
offender to serve the prison terms consecutively if the court 4539  
finds that the consecutive service is necessary to protect the 4540  
public from future crime or to punish the offender and that 4541  
consecutive sentences are not disproportionate to the 4542  
seriousness of the offender's conduct and to the danger the 4543  
offender poses to the public, and if the court also finds any of 4544



the following: 4545

(a) The offender committed one or more of the multiple 4546  
offenses while the offender was awaiting trial or sentencing, 4547  
was under a sanction imposed pursuant to section 2929.16, 4548  
2929.17, or 2929.18 of the Revised Code, or was under post- 4549  
release control for a prior offense. 4550

(b) At least two of the multiple offenses were committed 4551  
as part of one or more courses of conduct, and the harm caused 4552  
by two or more of the multiple offenses so committed was so 4553  
great or unusual that no single prison term for any of the 4554  
offenses committed as part of any of the courses of conduct 4555  
adequately reflects the seriousness of the offender's conduct. 4556

(c) The offender's history of criminal conduct 4557  
demonstrates that consecutive sentences are necessary to protect 4558  
the public from future crime by the offender. 4559

(5) If a mandatory prison term is imposed upon an offender 4560  
pursuant to division (B) (5) or (6) of this section, the offender 4561  
shall serve the mandatory prison term consecutively to and prior 4562  
to any prison term imposed for the underlying violation of 4563  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4564  
pursuant to division (A) of this section or section 2929.142 of 4565  
the Revised Code. If a mandatory prison term is imposed upon an 4566  
offender pursuant to division (B) (5) of this section, and if a 4567  
mandatory prison term also is imposed upon the offender pursuant 4568  
to division (B) (6) of this section in relation to the same 4569  
violation, the offender shall serve the mandatory prison term 4570  
imposed pursuant to division (B) (5) of this section 4571  
consecutively to and prior to the mandatory prison term imposed 4572  
pursuant to division (B) (6) of this section and consecutively to 4573  
and prior to any prison term imposed for the underlying 4574

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B) (9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender pursuant to division (B) (10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking.

(9) When consecutive prison terms are imposed pursuant to division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or division (H) (1) or (2) of this section, subject to division (C)

(10) of this section, the term to be served is the aggregate of 4605  
all of the terms so imposed. 4606

(10) When a court sentences an offender to a non-life 4607  
felony indefinite prison term, any definite prison term or 4608  
mandatory definite prison term previously or subsequently 4609  
imposed on the offender in addition to that indefinite sentence 4610  
that is required to be served consecutively to that indefinite 4611  
sentence shall be served prior to the indefinite sentence. 4612

(11) If a court is sentencing an offender for a felony of 4613  
the first or second degree, if division (A) (1) (a) or (2) (a) of 4614  
this section applies with respect to the sentencing for the 4615  
offense, and if the court is required under the Revised Code 4616  
section that sets forth the offense or any other Revised Code 4617  
provision to impose a mandatory prison term for the offense, the 4618  
court shall impose the required mandatory prison term as the 4619  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4620  
section, whichever is applicable. 4621

(D) (1) If a court imposes a prison term, other than a term 4622  
of life imprisonment, for a felony of the first degree, for a 4623  
felony of the second degree, for a felony sex offense, or for a 4624  
felony of the third degree that is an offense of violence and 4625  
that is not a felony sex offense, it shall include in the 4626  
sentence a requirement that the offender be subject to a period 4627  
of post-release control after the offender's release from 4628  
imprisonment, in accordance with section 2967.28 of the Revised 4629  
Code. If a court imposes a sentence including a prison term of a 4630  
type described in this division on or after July 11, 2006, the 4631  
failure of a court to include a post-release control requirement 4632  
in the sentence pursuant to this division does not negate, 4633  
limit, or otherwise affect the mandatory period of post-release 4634

control that is required for the offender under division (B) of 4635  
section 2967.28 of the Revised Code. Section 2929.191 of the 4636  
Revised Code applies if, prior to July 11, 2006, a court imposed 4637  
a sentence including a prison term of a type described in this 4638  
division and failed to include in the sentence pursuant to this 4639  
division a statement regarding post-release control. 4640

(2) If a court imposes a prison term for a felony of the 4641  
third, fourth, or fifth degree that is not subject to division 4642  
(D) (1) of this section, it shall include in the sentence a 4643  
requirement that the offender be subject to a period of post- 4644  
release control after the offender's release from imprisonment, 4645  
in accordance with that division, if the parole board determines 4646  
that a period of post-release control is necessary. Section 4647  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4648  
a court imposed a sentence including a prison term of a type 4649  
described in this division and failed to include in the sentence 4650  
pursuant to this division a statement regarding post-release 4651  
control. 4652

(E) The court shall impose sentence upon the offender in 4653  
accordance with section 2971.03 of the Revised Code, and Chapter 4654  
2971. of the Revised Code applies regarding the prison term or 4655  
term of life imprisonment without parole imposed upon the 4656  
offender and the service of that term of imprisonment if any of 4657  
the following apply: 4658

(1) A person is convicted of or pleads guilty to a violent 4659  
sex offense or a designated homicide, assault, or kidnapping 4660  
offense, and, in relation to that offense, the offender is 4661  
adjudicated a sexually violent predator. 4662

(2) A person is convicted of or pleads guilty to a 4663  
violation of division (A) (1) (b) of section 2907.02 of the 4664

Revised Code committed on or after January 2, 2007, and either 4665  
the court does not impose a sentence of life without parole when 4666  
authorized pursuant to division (B) of section 2907.02 of the 4667  
Revised Code, or division (B) of section 2907.02 of the Revised 4668  
Code provides that the court shall not sentence the offender 4669  
pursuant to section 2971.03 of the Revised Code. 4670

(3) A person is convicted of or pleads guilty to attempted 4671  
rape committed on or after January 2, 2007, and a specification 4672  
of the type described in section 2941.1418, 2941.1419, or 4673  
2941.1420 of the Revised Code. 4674

(4) A person is convicted of or pleads guilty to a 4675  
violation of section 2905.01 of the Revised Code committed on or 4676  
after January 1, 2008, and that section requires the court to 4677  
sentence the offender pursuant to section 2971.03 of the Revised 4678  
Code. 4679

(5) A person is convicted of or pleads guilty to 4680  
aggravated murder committed on or after January 1, 2008, and 4681  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4682  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4683  
(a) (iv) of section 2929.03, or division (A) or (B) of section 4684  
2929.06 of the Revised Code requires the court to sentence the 4685  
offender pursuant to division (B) (3) of section 2971.03 of the 4686  
Revised Code. 4687

(6) A person is convicted of or pleads guilty to murder 4688  
committed on or after January 1, 2008, and division (B) (2) of 4689  
section 2929.02 of the Revised Code requires the court to 4690  
sentence the offender pursuant to section 2971.03 of the Revised 4691  
Code. 4692

(F) If a person who has been convicted of or pleaded 4693

guilty to a felony is sentenced to a prison term or term of 4694  
imprisonment under this section, sections 2929.02 to 2929.06 of 4695  
the Revised Code, section 2929.142 of the Revised Code, section 4696  
2971.03 of the Revised Code, or any other provision of law, 4697  
section 5120.163 of the Revised Code applies regarding the 4698  
person while the person is confined in a state correctional 4699  
institution. 4700

(G) If an offender who is convicted of or pleads guilty to 4701  
a felony that is an offense of violence also is convicted of or 4702  
pleads guilty to a specification of the type described in 4703  
section 2941.142 of the Revised Code that charges the offender 4704  
with having committed the felony while participating in a 4705  
criminal gang, the court shall impose upon the offender an 4706  
additional prison term of one, two, or three years. 4707

(H) (1) If an offender who is convicted of or pleads guilty 4708  
to aggravated murder, murder, or a felony of the first, second, 4709  
or third degree that is an offense of violence also is convicted 4710  
of or pleads guilty to a specification of the type described in 4711  
section 2941.143 of the Revised Code that charges the offender 4712  
with having committed the offense in a school safety zone or 4713  
towards a person in a school safety zone, the court shall impose 4714  
upon the offender an additional prison term of two years. The 4715  
offender shall serve the additional two years consecutively to 4716  
and prior to the prison term imposed for the underlying offense. 4717

(2) (a) If an offender is convicted of or pleads guilty to 4718  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4719  
2907.25 of the Revised Code and to a specification of the type 4720  
described in section 2941.1421 of the Revised Code and if the 4721  
court imposes a prison term on the offender for the felony 4722  
violation, the court may impose upon the offender an additional 4723

prison term as follows: 4724

(i) Subject to division (H) (2) (a) (ii) of this section, an 4725  
additional prison term of one, two, three, four, five, or six 4726  
months; 4727

(ii) If the offender previously has been convicted of or 4728  
pleaded guilty to one or more felony or misdemeanor violations 4729  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4730  
the Revised Code and also was convicted of or pleaded guilty to 4731  
a specification of the type described in section 2941.1421 of 4732  
the Revised Code regarding one or more of those violations, an 4733  
additional prison term of one, two, three, four, five, six, 4734  
seven, eight, nine, ten, eleven, or twelve months. 4735

(b) In lieu of imposing an additional prison term under 4736  
division (H) (2) (a) of this section, the court may directly 4737  
impose on the offender a sanction that requires the offender to 4738  
wear a real-time processing, continual tracking electronic 4739  
monitoring device during the period of time specified by the 4740  
court. The period of time specified by the court shall equal the 4741  
duration of an additional prison term that the court could have 4742  
imposed upon the offender under division (H) (2) (a) of this 4743  
section. A sanction imposed under this division shall commence 4744  
on the date specified by the court, provided that the sanction 4745  
shall not commence until after the offender has served the 4746  
prison term imposed for the felony violation of section 2907.22, 4747  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4748  
residential sanction imposed for the violation under section 4749  
2929.16 of the Revised Code. A sanction imposed under this 4750  
division shall be considered to be a community control sanction 4751  
for purposes of section 2929.15 of the Revised Code, and all 4752  
provisions of the Revised Code that pertain to community control 4753

sanctions shall apply to a sanction imposed under this division, 4754  
except to the extent that they would by their nature be clearly 4755  
inapplicable. The offender shall pay all costs associated with a 4756  
sanction imposed under this division, including the cost of the 4757  
use of the monitoring device. 4758

(I) At the time of sentencing, the court may recommend the 4759  
offender for placement in a program of shock incarceration under 4760  
section 5120.031 of the Revised Code or for placement in an 4761  
intensive program prison under section 5120.032 of the Revised 4762  
Code, disapprove placement of the offender in a program of shock 4763  
incarceration or an intensive program prison of that nature, or 4764  
make no recommendation on placement of the offender. In no case 4765  
shall the department of rehabilitation and correction place the 4766  
offender in a program or prison of that nature unless the 4767  
department determines as specified in section 5120.031 or 4768  
5120.032 of the Revised Code, whichever is applicable, that the 4769  
offender is eligible for the placement. 4770

If the court disapproves placement of the offender in a 4771  
program or prison of that nature, the department of 4772  
rehabilitation and correction shall not place the offender in 4773  
any program of shock incarceration or intensive program prison. 4774

If the court recommends placement of the offender in a 4775  
program of shock incarceration or in an intensive program 4776  
prison, and if the offender is subsequently placed in the 4777  
recommended program or prison, the department shall notify the 4778  
court of the placement and shall include with the notice a brief 4779  
description of the placement. 4780

If the court recommends placement of the offender in a 4781  
program of shock incarceration or in an intensive program prison 4782  
and the department does not subsequently place the offender in 4783



the recommended program or prison, the department shall send a 4784  
notice to the court indicating why the offender was not placed 4785  
in the recommended program or prison. 4786

If the court does not make a recommendation under this 4787  
division with respect to an offender and if the department 4788  
determines as specified in section 5120.031 or 5120.032 of the 4789  
Revised Code, whichever is applicable, that the offender is 4790  
eligible for placement in a program or prison of that nature, 4791  
the department shall screen the offender and determine if there 4792  
is an available program of shock incarceration or an intensive 4793  
program prison for which the offender is suited. If there is an 4794  
available program of shock incarceration or an intensive program 4795  
prison for which the offender is suited, the department shall 4796  
notify the court of the proposed placement of the offender as 4797  
specified in section 5120.031 or 5120.032 of the Revised Code 4798  
and shall include with the notice a brief description of the 4799  
placement. The court shall have ten days from receipt of the 4800  
notice to disapprove the placement. 4801

(J) If a person is convicted of or pleads guilty to 4802  
aggravated vehicular homicide in violation of division (A) (1) of 4803  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4804  
that section applies, the person shall be sentenced pursuant to 4805  
section 2929.142 of the Revised Code. 4806

(K) (1) The court shall impose an additional mandatory 4807  
prison term of two, three, four, five, six, seven, eight, nine, 4808  
ten, or eleven years on an offender who is convicted of or 4809  
pleads guilty to a violent felony offense if the offender also 4810  
is convicted of or pleads guilty to a specification of the type 4811  
described in section 2941.1424 of the Revised Code that charges 4812  
that the offender is a violent career criminal and had a firearm 4813

on or about the offender's person or under the offender's 4814  
control while committing the presently charged violent felony 4815  
offense and displayed or brandished the firearm, indicated that 4816  
the offender possessed a firearm, or used the firearm to 4817  
facilitate the offense. The offender shall serve the prison term 4818  
imposed under this division consecutively to and prior to the 4819  
prison term imposed for the underlying offense. The prison term 4820  
shall not be reduced pursuant to section 2929.20, division (A) 4821  
(2) or (3) of section 2967.193 or 2967.194, or any other 4822  
provision of Chapter 2967. or 5120. of the Revised Code. A court 4823  
may not impose more than one sentence under division (B) (2) (a) 4824  
of this section and this division for acts committed as part of 4825  
the same act or transaction. 4826

(2) As used in division (K) (1) of this section, "violent 4827  
career criminal" and "violent felony offense" have the same 4828  
meanings as in section 2923.132 of the Revised Code. 4829

(L) If an offender receives or received a sentence of life 4830  
imprisonment without parole, a sentence of life imprisonment, a 4831  
definite sentence, or a sentence to an indefinite prison term 4832  
under this chapter for a felony offense that was committed when 4833  
the offender was under eighteen years of age, the offender's 4834  
parole eligibility shall be determined under section 2967.132 of 4835  
the Revised Code. 4836

**Sec. 2941.1425.** (A) Imposition of a mandatory prison term 4837  
under division (B) (9) of section 2929.14 of the Revised Code is 4838  
precluded unless the offender is convicted of or pleads guilty 4839  
to a violation of division (A) (1) or (2) of section 2903.11 of 4840  
the Revised Code and unless the indictment, count in the 4841  
indictment, or information charging the offense specifies one of 4842  
the following: 4843

(1) Regarding a violation of division (A) (1) of section 2903.11 of the Revised Code, that the offender used an accelerant in committing the violation and that the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(2) Regarding a violation of division (A) (2) of section 2903.11 of the Revised Code, that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(B) The specification described in division (A) of this section shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender used an accelerant in committing the violation and that the serious physical harm to another or to another's unborn caused by the violation of division (A) (1) of section 2903.11 of the Revised Code resulted in a permanent, serious disfigurement or permanent, substantial incapacity, or that the offender used an accelerant in committing the violation, that the violation of division (A) (2) of section 2903.11 of the Revised Code caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, whichever is applicable)."

(C) As used in this section, "accelerant" has the same 4874  
meaning as in section 2929.01 of the Revised Code. 4875

(D) The provisions of this section and of division ~~(D)(2)~~ 4876  
(C)(2) of section 2903.11, division (F)(20) of section 2929.13, 4877  
and divisions (B)(9) and (C)(6) of section 2929.14 of the 4878  
Revised Code shall be known as "Judy's Law." 4879

**Sec. 2950.04.** (A)(1)(a) Immediately after a sentencing 4880  
hearing is held on or after January 1, 2008, for an offender who 4881  
is convicted of or pleads guilty to a sexually oriented offense 4882  
and is sentenced to a prison term, a term of imprisonment, or 4883  
any other type of confinement and before the offender is 4884  
transferred to the custody of the department of rehabilitation 4885  
and correction or to the official in charge of the jail, 4886  
workhouse, state correctional institution, or other institution 4887  
where the offender will be confined, the offender shall register 4888  
personally with the sheriff, or the sheriff's designee, of the 4889  
county in which the offender was convicted of or pleaded guilty 4890  
to the sexually oriented offense. 4891

(b) Immediately after a dispositional hearing is held on 4892  
or after January 1, 2008, for a child who is adjudicated a 4893  
delinquent child for committing a sexually oriented offense, is 4894  
classified a juvenile offender registrant based on that 4895  
adjudication, and is committed to the custody of the department 4896  
of youth services or to a secure facility that is not operated 4897  
by the department and before the child is transferred to the 4898  
custody of the department of youth services or the secure 4899  
facility to which the delinquent child is committed, the 4900  
delinquent child shall register personally with the sheriff, or 4901  
the sheriff's designee, of the county in which the delinquent 4902  
child was classified a juvenile offender registrant based on 4903

that sexually oriented offense. 4904

(c) A law enforcement officer shall be present at the 4905  
sentencing hearing or dispositional hearing described in 4906  
division (A)(1)(a) or (b) of this section to immediately 4907  
transport the offender or delinquent child who is the subject of 4908  
the hearing to the sheriff, or the sheriff's designee, of the 4909  
county in which the offender or delinquent child is convicted, 4910  
pleads guilty, or is adjudicated a delinquent child. 4911

(d) After an offender who has registered pursuant to 4912  
division (A)(1)(a) of this section is released from a prison 4913  
term, a term of imprisonment, or any other type of confinement, 4914  
the offender shall register as provided in division (A)(2) of 4915  
this section. After a delinquent child who has registered 4916  
pursuant to division (A)(1)(b) of this section is released from 4917  
the custody of the department of youth services or from a secure 4918  
facility that is not operated by the department, the delinquent 4919  
child shall register as provided in division (A)(3) of this 4920  
section. 4921

(2) Regardless of when the sexually oriented offense was 4922  
committed, each offender who is convicted of, pleads guilty to, 4923  
has been convicted of, or has pleaded guilty to a sexually 4924  
oriented offense shall comply with the following registration 4925  
requirements described in divisions (A)(2)(a), (b), (c), (d), 4926  
and (e) of this section: 4927

(a) The offender shall register personally with the 4928  
sheriff, or the sheriff's designee, of the county within three 4929  
days of the offender's coming into a county in which the 4930  
offender resides or temporarily is domiciled for more than three 4931  
days. 4932

(b) The offender shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender resides or has a temporary domicile in this state or another state.

(c) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(d) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state more than three days or for an aggregate period of fourteen or more days in that calendar year.

(e) The offender shall register with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.

(3) (a) Each child who is adjudicated a delinquent child

for committing a sexually oriented offense and who is classified 4963  
a juvenile offender registrant based on that adjudication shall 4964  
register personally with the sheriff, or the sheriff's designee, 4965  
of the county within three days of the delinquent child's coming 4966  
into a county in which the delinquent child resides or 4967  
temporarily is domiciled for more than three days. 4968

(b) In addition to the registration duty imposed under 4969  
division (A) (3) (a) of this section, each public registry- 4970  
qualified juvenile offender registrant shall comply with the 4971  
following additional registration requirements: 4972

(i) The public registry-qualified juvenile offender 4973  
registrant shall register personally with the sheriff, or the 4974  
sheriff's designee, of the county immediately upon coming into a 4975  
county in which the registrant attends a school or institution 4976  
of higher education on a full-time or part-time basis regardless 4977  
of whether the registrant resides or has a temporary domicile in 4978  
this state or another state. 4979

(ii) The public registry-qualified juvenile offender 4980  
registrant shall register personally with the sheriff, or the 4981  
sheriff's designee, of the county in which the registrant is 4982  
employed if the registrant resides or has a temporary domicile 4983  
in this state and has been employed in that county for more than 4984  
three days or for an aggregate period of fourteen or more days 4985  
in that calendar year. 4986

(iii) The public registry-qualified juvenile offender 4987  
registrant shall register personally with the sheriff, or the 4988  
sheriff's designee, of the county in which the registrant then 4989  
is employed if the registrant does not reside or have a 4990  
temporary domicile in this state and has been employed at any 4991  
location or locations in this state more than three days or for 4992

an aggregate period of fourteen or more days in that calendar 4993  
year. 4994

(iv) The public registry-qualified juvenile offender 4995  
registrant shall register with the sheriff, or the sheriff's 4996  
designee, or other appropriate person of the other state 4997  
immediately upon entering into any state other than this state 4998  
in which the registrant attends a school or institution of 4999  
higher education on a full-time or part-time basis or upon being 5000  
employed in any state other than this state for more than three 5001  
days or for an aggregate period of fourteen or more days in that 5002  
calendar year regardless of whether the registrant resides or 5003  
has a temporary domicile in this state, the other state, or a 5004  
different state. 5005

(c) If the delinquent child is committed for the sexually 5006  
oriented offense to the department of youth services or to a 5007  
secure facility that is not operated by the department, this 5008  
duty begins when the delinquent child is discharged or released 5009  
in any manner from custody in a department of youth services 5010  
secure facility or from the secure facility that is not operated 5011  
by the department if pursuant to the discharge or release the 5012  
delinquent child is not committed to any other secure facility 5013  
of the department or any other secure facility. 5014

(4) Regardless of when the sexually oriented offense was 5015  
committed, each person who is convicted, pleads guilty, or is 5016  
adjudicated a delinquent child in a court in another state, in a 5017  
federal court, military court, or Indian tribal court, or in a 5018  
court in any nation other than the United States for committing 5019  
a sexually oriented offense shall comply with the following 5020  
registration requirements if, at the time the offender or 5021  
delinquent child moves to and resides in this state or 5022



temporarily is domiciled in this state for more than three days, 5023  
the offender or public registry-qualified juvenile offender 5024  
registrant enters this state to attend a school or institution 5025  
of higher education, or the offender or public registry- 5026  
qualified juvenile offender registrant is employed in this state 5027  
for more than the specified period of time, the offender or 5028  
delinquent child has a duty to register as a sex offender or 5029  
child-victim offender under the law of that other jurisdiction 5030  
as a result of the conviction, guilty plea, or adjudication: 5031

(a) Each offender and delinquent child shall register 5032  
personally with the sheriff, or the sheriff's designee, of the 5033  
county within three days of the offender's or delinquent child's 5034  
coming into the county in which the offender or delinquent child 5035  
resides or temporarily is domiciled for more than three days. 5036

(b) Each offender or public registry-qualified juvenile 5037  
offender registrant shall register personally with the sheriff, 5038  
or the sheriff's designee, of the county immediately upon coming 5039  
into a county in which the offender or public registry-qualified 5040  
juvenile offender registrant attends a school or institution of 5041  
higher education on a full-time or part-time basis regardless of 5042  
whether the offender or public registry-qualified juvenile 5043  
offender registrant resides or has a temporary domicile in this 5044  
state or another state. 5045

(c) Each offender or public registry-qualified juvenile 5046  
offender registrant shall register personally with the sheriff, 5047  
or the sheriff's designee, of the county in which the offender 5048  
or public registry-qualified juvenile offender registrant is 5049  
employed if the offender resides or has a temporary domicile in 5050  
this state and has been employed in that county for more than 5051  
three days or for an aggregate period of fourteen days or more 5052

in that calendar year. 5053

(d) Each offender or public registry-qualified juvenile 5054  
offender registrant shall register personally with the sheriff, 5055  
or the sheriff's designee, of the county in which the offender 5056  
or public registry-qualified juvenile offender registrant then 5057  
is employed if the offender or public registry-qualified 5058  
juvenile offender registrant does not reside or have a temporary 5059  
domicile in this state and has been employed at any location or 5060  
locations in this state for more than three days or for an 5061  
aggregate period of fourteen or more days in that calendar year. 5062

(5) An offender or a delinquent child who is a public 5063  
registry-qualified juvenile offender registrant is not required 5064  
to register under division (A) (2), (3), or (4) of this section 5065  
if a court issues an order terminating the offender's or 5066  
delinquent child's duty to comply with sections 2950.04, 5067  
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 5068  
section 2950.15 of the Revised Code. An offender is not required 5069  
to register under any of those divisions if a court issues an 5070  
order terminating the offender's duty to comply with sections 5071  
2950.04, 2950.05, and 2950.06 of the Revised Code pursuant to 5072  
section 2950.152 of the Revised Code. A delinquent child who is 5073  
a juvenile offender registrant but is not a public registry- 5074  
qualified juvenile offender registrant is not required to 5075  
register under any of those divisions if a juvenile court issues 5076  
an order declassifying the delinquent child as a juvenile 5077  
offender registrant pursuant to section 2152.84 ~~or~~, 2152.85, or 5078  
2950.152 of the Revised Code. 5079

(B) An offender or delinquent child who is required by 5080  
division (A) of this section to register in this state 5081  
personally shall obtain from the sheriff or from a designee of 5082

the sheriff a registration form that conforms to division (C) of 5083  
this section, shall complete and sign the form, and shall return 5084  
the completed form together with the offender's or delinquent 5085  
child's photograph, copies of travel and immigration documents, 5086  
and any other required material to the sheriff or the designee. 5087  
The sheriff or designee shall sign the form and indicate on the 5088  
form the date on which it is so returned. The registration 5089  
required under this division is complete when the offender or 5090  
delinquent child returns the form, containing the requisite 5091  
information, photograph, other required material, signatures, 5092  
and date, to the sheriff or designee. 5093

(C) The registration form to be used under divisions (A) 5094  
and (B) of this section shall include or contain all of the 5095  
following for the offender or delinquent child who is 5096  
registering: 5097

(1) The offender's or delinquent child's name and any 5098  
aliases used by the offender or delinquent child; 5099

(2) The offender's or delinquent child's social security 5100  
number and date of birth, including any alternate social 5101  
security numbers or dates of birth that the offender or 5102  
delinquent child has used or uses; 5103

(3) Regarding an offender or delinquent child who is 5104  
registering under a duty imposed under division (A) (1) of this 5105  
section, a statement that the offender is serving a prison term, 5106  
term of imprisonment, or any other type of confinement or a 5107  
statement that the delinquent child is in the custody of the 5108  
department of youth services or is confined in a secure facility 5109  
that is not operated by the department; 5110

(4) Regarding an offender or delinquent child who is 5111

registering under a duty imposed under division (A) (2), (3), or 5112  
(4) of this section as a result of the offender or delinquent 5113  
child residing in this state or temporarily being domiciled in 5114  
this state for more than three days, the current residence 5115  
address of the offender or delinquent child who is registering, 5116  
the name and address of the offender's or delinquent child's 5117  
employer if the offender or delinquent child is employed at the 5118  
time of registration or if the offender or delinquent child 5119  
knows at the time of registration that the offender or 5120  
delinquent child will be commencing employment with that 5121  
employer subsequent to registration, any other employment 5122  
information, such as the general area where the offender or 5123  
delinquent child is employed, if the offender or delinquent 5124  
child is employed in many locations, and the name and address of 5125  
the offender's or public registry-qualified juvenile offender 5126  
registrant's school or institution of higher education if the 5127  
offender or public registry-qualified juvenile offender 5128  
registrant attends one at the time of registration or if the 5129  
offender or public registry-qualified juvenile offender 5130  
registrant knows at the time of registration that the offender 5131  
or public registry-qualified juvenile offender registrant will 5132  
be commencing attendance at that school or institution 5133  
subsequent to registration; 5134

(5) Regarding an offender or public registry-qualified 5135  
juvenile offender registrant who is registering under a duty 5136  
imposed under division (A) (2), (3), or (4) of this section as a 5137  
result of the offender or public registry-qualified juvenile 5138  
offender registrant attending a school or institution of higher 5139  
education in this state on a full-time or part-time basis or 5140  
being employed in this state or in a particular county in this 5141  
state, whichever is applicable, for more than three days or for 5142

an aggregate of fourteen or more days in any calendar year, the 5143  
name and current address of the school, institution of higher 5144  
education, or place of employment of the offender or public 5145  
registry-qualified juvenile offender registrant who is 5146  
registering, including any other employment information, such as 5147  
the general area where the offender or public registry-qualified 5148  
juvenile offender registrant is employed, if the offender or 5149  
public registry-qualified juvenile offender registrant is 5150  
employed in many locations; 5151

(6) The identification license plate number of each 5152  
vehicle the offender or delinquent child owns, of each vehicle 5153  
registered in the offender's or delinquent child's name, of each 5154  
vehicle the offender or delinquent child operates as a part of 5155  
employment, and of each other vehicle that is regularly 5156  
available to be operated by the offender or delinquent child; a 5157  
description of where each vehicle is habitually parked, stored, 5158  
docked, or otherwise kept; and, if required by the bureau of 5159  
criminal identification and investigation, a photograph of each 5160  
of those vehicles; 5161

(7) If the offender or delinquent child has a driver's or 5162  
commercial driver's license or permit issued by this state or 5163  
any other state or a state identification card issued under 5164  
section 4507.50 or 4507.51 of the Revised Code or a comparable 5165  
identification card issued by another state, the driver's 5166  
license number, commercial driver's license number, or state 5167  
identification card number; 5168

(8) If the offender or delinquent child was convicted of, 5169  
pleaded guilty to, or was adjudicated a delinquent child for 5170  
committing the sexually oriented offense resulting in the 5171  
registration duty in a court in another state, in a federal 5172

court, military court, or Indian tribal court, or in a court in 5173  
any nation other than the United States, a DNA specimen, as 5174  
defined in section 109.573 of the Revised Code, from the 5175  
offender or delinquent child, a citation for, and the name of, 5176  
the sexually oriented offense resulting in the registration 5177  
duty, and a certified copy of a document that describes the text 5178  
of that sexually oriented offense; 5179

(9) A description of each professional and occupational 5180  
license, permit, or registration, including those licenses, 5181  
permits, and registrations issued under Title XLVII of the 5182  
Revised Code, held by the offender or delinquent child; 5183

(10) Any email addresses, internet identifiers, or 5184  
telephone numbers registered to or used by the offender or 5185  
delinquent child; 5186

(11) Any other information required by the bureau of 5187  
criminal identification and investigation. 5188

(D) After an offender or delinquent child registers with a 5189  
sheriff, or the sheriff's designee, pursuant to this section, 5190  
the sheriff, or the sheriff's designee, shall forward the 5191  
signed, written registration form, photograph, and other 5192  
material to the bureau of criminal identification and 5193  
investigation in accordance with the forwarding procedures 5194  
adopted pursuant to section 2950.13 of the Revised Code. If an 5195  
offender registers a school, institution of higher education, or 5196  
place of employment address, or provides a school or institution 5197  
of higher education address under division (C)(4) of this 5198  
section, the sheriff also shall provide notice to the law 5199  
enforcement agency with jurisdiction over the premises of the 5200  
school, institution of higher education, or place of employment 5201  
of the offender's name and that the offender has registered that 5202

address as a place at which the offender attends school or an 5203  
institution of higher education or at which the offender is 5204  
employed. The bureau shall include the information and materials 5205  
forwarded to it under this division in the state registry of sex 5206  
offenders and child\_victim offenders established and maintained 5207  
under section 2950.13 of the Revised Code. 5208

(E) No person who is required to register pursuant to 5209  
divisions (A) and (B) of this section, and no person who is 5210  
required to send a notice of intent to reside pursuant to 5211  
division (G) of this section, shall fail to register or send the 5212  
notice of intent as required in accordance with those divisions 5213  
or that division. 5214

(F) An offender or delinquent child who is required to 5215  
register pursuant to divisions (A) and (B) of this section shall 5216  
register pursuant to this section for the period of time 5217  
specified in section 2950.07 of the Revised Code, with the duty 5218  
commencing on the date specified in division ~~(A)~~ (B) of that 5219  
section. 5220

(G) If an offender or delinquent child who is required by 5221  
division (A) of this section to register is a tier III sex 5222  
offender/child-victim offender, the offender or delinquent child 5223  
also shall send the sheriff, or the sheriff's designee, of the 5224  
county in which the offender or delinquent child intends to 5225  
reside written notice of the offender's or delinquent child's 5226  
intent to reside in the county. The offender or delinquent child 5227  
shall send the notice of intent to reside at least twenty days 5228  
prior to the date the offender or delinquent child begins to 5229  
reside in the county. The notice of intent to reside shall 5230  
contain the following information: 5231

(1) The offender's or delinquent child's name; 5232

(2) The address or addresses at which the offender or delinquent child intends to reside; 5233  
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(3) The sexually oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child. 5235  
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(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.041 of the Revised Code to register and if, on or after January 1, 2008, that offense is a sexually oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.041 of the Revised Code. 5238  
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**Sec. 2950.041.** (A) (1) (a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a child-victim oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of rehabilitation and correction or to the official in charge of the jail, workhouse, state correctional institution, or other institution where the offender will be confined, the offender 5254  
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shall register personally with the sheriff, or the sheriff's 5263  
designee, of the county in which the offender was convicted of 5264  
or pleaded guilty to the child-victim offense. 5265

(b) Immediately after a dispositional hearing is held on 5266  
or after January 1, 2008, for a child who is adjudicated a 5267  
delinquent child for committing a child-victim oriented offense, 5268  
is classified a juvenile offender registrant based on that 5269  
adjudication, and is committed to the custody of the department 5270  
of youth services or to a secure facility that is not operated 5271  
by the department and before the child is transferred to the 5272  
custody of the department of youth services or the secure 5273  
facility to which the delinquent child is committed, the 5274  
delinquent child shall register personally with the sheriff, or 5275  
the sheriff's designee, of the county in which the delinquent 5276  
child was classified a juvenile offender registrant based on 5277  
that child-victim oriented offense. 5278

(c) A law enforcement officer shall be present at the 5279  
sentencing hearing or dispositional hearing described in 5280  
division (A)(1)(a) or (b) of this section to immediately 5281  
transport the offender or delinquent child who is the subject of 5282  
the hearing to the sheriff, or the sheriff's designee, of the 5283  
county in which the offender or delinquent child is convicted, 5284  
pleads guilty, or is adjudicated a delinquent child. 5285

(d) After an offender who has registered pursuant to 5286  
division (A)(1)(a) of this section is released from a prison 5287  
term, a term of imprisonment, or any other type of confinement, 5288  
the offender shall register as provided in division (A)(2) of 5289  
this section. After a delinquent child who has registered 5290  
pursuant to division (A)(1)(b) of this section is released from 5291  
the custody of the department of youth services or from a secure 5292

facility that is not operated by the department, the delinquent 5293  
child shall register as provided in division (A) (3) of this 5294  
section. 5295

(2) Regardless of when the child-victim oriented offense 5296  
was committed, each offender who is convicted of, pleads guilty 5297  
to, has been convicted of, or has pleaded guilty to a child- 5298  
victim oriented offense shall comply with all of the following 5299  
registration requirements: 5300

(a) The offender shall register personally with the 5301  
sheriff, or the sheriff's designee, of the county within three 5302  
days of the offender's coming into a county in which the 5303  
offender resides or temporarily is domiciled for more than three 5304  
days. 5305

(b) The offender shall register personally with the 5306  
sheriff, or the sheriff's designee, of the county immediately 5307  
upon coming into a county in which the offender attends a school 5308  
or institution of higher education on a full-time or part-time 5309  
basis regardless of whether the offender resides or has a 5310  
temporary domicile in this state or another state. 5311

(c) The offender shall register personally with the 5312  
sheriff, or the sheriff's designee, of the county in which the 5313  
offender is employed if the offender resides or has a temporary 5314  
domicile in this state and has been employed in that county for 5315  
more than three days or for an aggregate period of fourteen or 5316  
more days in that calendar year. 5317

(d) The offender shall register personally with the 5318  
sheriff, or the sheriff's designee, of the county in which the 5319  
offender then is employed if the offender does not reside or 5320  
have a temporary domicile in this state and has been employed at 5321

any location or locations in this state for more than three days 5322  
or for an aggregate period of fourteen or more days in that 5323  
calendar year. 5324

(e) The offender shall register personally with the 5325  
sheriff, or the sheriff's designee, or other appropriate person 5326  
of the other state immediately upon entering into any state 5327  
other than this state in which the offender attends a school or 5328  
institution of higher education on a full-time or part-time 5329  
basis or upon being employed in any state other than this state 5330  
for more than three days or for an aggregate period of fourteen 5331  
or more days in that calendar year regardless of whether the 5332  
offender resides or has a temporary domicile in this state, the 5333  
other state, or a different state. 5334

(3) Regardless of when the child-victim oriented offense 5335  
was committed, each child who on or after July 31, 2003, is 5336  
adjudicated a delinquent child for committing a child-victim 5337  
oriented offense and who is classified a juvenile offender 5338  
registrant based on that adjudication shall register personally 5339  
with the sheriff, or the sheriff's designee, of the county 5340  
within three days of the delinquent child's coming into a county 5341  
in which the delinquent child resides or temporarily is 5342  
domiciled for more than three days. If the delinquent child is 5343  
committed for the child-victim oriented offense to the 5344  
department of youth services or to a secure facility that is not 5345  
operated by the department, this duty begins when the delinquent 5346  
child is discharged or released in any manner from custody in a 5347  
department of youth services secure facility or from the secure 5348  
facility that is not operated by the department if pursuant to 5349  
the discharge or release the delinquent child is not committed 5350  
to any other secure facility of the department or any other 5351  
secure facility. 5352

(4) Regardless of when the child-victim oriented offense 5353  
was committed, each person who is convicted, pleads guilty, or 5354  
is adjudicated a delinquent child in a court in another state, 5355  
in a federal court, military court, or Indian tribal court, or 5356  
in a court in any nation other than the United States for 5357  
committing a child-victim oriented offense shall comply with all 5358  
of the following registration requirements if, at the time the 5359  
offender or delinquent child moves to and resides in this state 5360  
or temporarily is domiciled in this state for more than three 5361  
days, the offender enters this state to attend the school or 5362  
institution of higher education, or the offender is employed in 5363  
this state for more than the specified period of time, the 5364  
offender or delinquent child has a duty to register as a child- 5365  
victim offender or sex offender under the law of that other 5366  
jurisdiction as a result of the conviction, guilty plea, or 5367  
adjudication: 5368

(a) Each offender and delinquent child shall register 5369  
personally with the sheriff, or the sheriff's designee, of the 5370  
county within three days of the offender's or delinquent child's 5371  
coming into the county in which the offender or delinquent child 5372  
resides or temporarily is domiciled for more than three days. 5373

(b) Each offender shall register personally with the 5374  
sheriff, or the sheriff's designee, of the county immediately 5375  
upon coming into a county in which the offender attends a school 5376  
or institution of higher education on a full-time or part-time 5377  
basis regardless of whether the offender resides or has a 5378  
temporary domicile in this state or another state. 5379

(c) Each offender shall register personally with the 5380  
sheriff, or the sheriff's designee, of the county in which the 5381  
offender is employed if the offender resides or has a temporary 5382

domicile in this state and has been employed in that county for 5383  
more than three days or for an aggregate period of fourteen days 5384  
or more in that calendar year. 5385

(d) Each offender shall register personally with the 5386  
sheriff, or the sheriff's designee, of the county in which the 5387  
offender then is employed if the offender does not reside or 5388  
have a temporary domicile in this state and has not been 5389  
employed at any location or locations in this state for more 5390  
than three days or for an aggregate period of fourteen or more 5391  
days in that calendar year. 5392

(5) An offender is not required to register under division 5393  
(A) (2), (3), or (4) of this section if a court issues an order 5394  
terminating the offender's duty to comply with sections 2950.04, 5395  
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 5396  
section 2950.15 of the Revised Code. A delinquent child who is a 5397  
juvenile offender registrant but is not a public registry- 5398  
qualified juvenile offender registrant is not required to 5399  
register under any of those divisions if a juvenile court issues 5400  
an order declassifying the delinquent child as a juvenile 5401  
offender registrant pursuant to section 2152.84 or 2152.85 of 5402  
the Revised Code. 5403

(B) An offender or delinquent child who is required by 5404  
division (A) of this section to register in this state 5405  
personally shall do so in the manner described in division (B) 5406  
of section 2950.04 of the Revised Code, and the registration is 5407  
complete as described in that division. 5408

(C) The registration form to be used under divisions (A) 5409  
and (B) of this section shall include or contain all of the 5410  
following for the offender or delinquent child who is 5411  
registering: 5412

(1) The offender's or delinquent child's name, any aliases 5413  
used by the offender or delinquent child, and a photograph of 5414  
the offender or delinquent child; 5415

(2) The offender's or delinquent child's social security 5416  
number and date of birth, including any alternate social 5417  
security numbers or dates of birth that the offender or 5418  
delinquent child has used or uses; 5419

(3) Regarding an offender or delinquent child who is 5420  
registering under a duty imposed under division (A)(1) of this 5421  
section, a statement that the offender is serving a prison term, 5422  
term of imprisonment, or any other type of confinement or a 5423  
statement that the delinquent child is in the custody of the 5424  
department of youth services or is confined in a secure facility 5425  
that is not operated by the department; 5426

(4) Regarding an offender or delinquent child who is 5427  
registering under a duty imposed under division (A)(2), (3), or 5428  
(4) of this section as a result of the offender or delinquent 5429  
child residing in this state or temporarily being domiciled in 5430  
this state for more than three days, all of the information 5431  
described in division (C)(4) of section 2950.04 of the Revised 5432  
Code; 5433

(5) Regarding an offender who is registering under a duty 5434  
imposed under division (A)(2) or (4) of this section as a result 5435  
of the offender attending a school or institution of higher 5436  
education on a full-time or part-time basis or being employed in 5437  
this state or in a particular county in this state, whichever is 5438  
applicable, for more than three days or for an aggregate of 5439  
fourteen or more days in any calendar year, all of the 5440  
information described in division (C)(5) of section 2950.04 of 5441  
the Revised Code; 5442

(6) The identification license plate number issued by this state or any other state of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the bureau of criminal identification and investigation, a photograph of each of those vehicles;

(7) If the offender or delinquent child has a driver's or commercial driver's license or permit issued by this state or any other state or a state identification card issued under section 4507.50 or 4507.51 of the Revised Code or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;

(8) If the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the child-victim oriented offense resulting in the registration duty in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, a DNA specimen, as defined in section 109.573 of the Revised Code, from the offender or delinquent child, a citation for, and the name of, the child-victim oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that child-victim oriented offense;

(9) Copies of travel and immigration documents;

(10) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII of the Revised Code, held by the offender or delinquent child;

(11) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender or delinquent child;

(12) Any other information required by the bureau of criminal identification and investigation.

(D) Division (D) of section 2950.04 of the Revised Code applies when an offender or delinquent child registers with a sheriff pursuant to this section.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division ~~(A)~~ (B) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is a tier III sex offender/child-victim offender, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to



reside written notice of the offender's or delinquent child's 5502  
intent to reside in the county. The offender or delinquent child 5503  
shall send the notice of intent to reside at least twenty days 5504  
prior to the date the offender or delinquent child begins to 5505  
reside in the county. The notice of intent to reside shall 5506  
contain all of the following information: 5507

(1) The information specified in divisions (G) (1) and (2) 5508  
of section 2950.04 of the Revised Code; 5509

(2) The child-victim oriented offense of which the 5510  
offender was convicted, to which the offender pleaded guilty, or 5511  
for which the child was adjudicated a delinquent child. 5512

(H) If, immediately prior to January 1, 2008, an offender 5513  
or delinquent child who was convicted of, pleaded guilty to, or 5514  
was adjudicated a delinquent child for committing a child-victim 5515  
oriented offense or a sexually oriented offense as those terms 5516  
were defined in section 2950.01 of the Revised Code prior to 5517  
January 1, 2008, was required by division (A) of this section or 5518  
section 2950.04 of the Revised Code to register and if, on or 5519  
after January 1, 2008, that offense is a child-victim oriented 5520  
offense as that term is defined in section 2950.01 of the 5521  
Revised Code on and after January 1, 2008, the duty to register 5522  
that is imposed pursuant to this section on and after January 1, 5523  
2008, shall be considered, for purposes of section 2950.07 of 5524  
the Revised Code and for all other purposes, to be a 5525  
continuation of the duty imposed upon the offender or delinquent 5526  
child prior to January 1, 2008, under this section or section 5527  
2950.04 of the Revised Code. 5528

**Sec. 2950.07.** (A) As used in this section, "qualifying 5529  
sexually oriented offense" means a violation of division (B) of 5530  
section 2903.11 of the Revised Code as it existed prior to the 5531

effective date of this amendment. 5532

(B) The duty of an offender who is convicted of, pleads 5533  
guilty to, has been convicted of, or has pleaded guilty to a 5534  
sexually oriented offense or a child-victim oriented offense and 5535  
the duty of a delinquent child who is or has been adjudicated a 5536  
delinquent child for committing a sexually oriented offense or a 5537  
child-victim oriented offense and is classified a juvenile 5538  
offender registrant or who is an out-of-state juvenile offender 5539  
registrant to comply with sections 2950.04, 2950.041, 2950.05, 5540  
and 2950.06 of the Revised Code commences on whichever of the 5541  
following dates is applicable: 5542

(1) If the offender's duty to register is imposed pursuant 5543  
to division (A) (1) (a) of section 2950.04 or division (A) (1) (a) 5544  
of section 2950.041 of the Revised Code, the offender's duty to 5545  
comply with those sections commences immediately after the entry 5546  
of the judgment of conviction. 5547

(2) If the delinquent child's duty to register is imposed 5548  
pursuant to division (A) (1) (b) of section 2950.04 or division 5549  
(A) (1) (b) of section 2950.041 of the Revised Code, the 5550  
delinquent child's duty to comply with those sections commences 5551  
immediately after the order of disposition. 5552

(3) If the offender's duty to register is imposed pursuant 5553  
to division (A) (2) of section 2950.04 or division (A) (2) of 5554  
section 2950.041 of the Revised Code, subject to division ~~(A) (7)~~ 5555  
(B) (7) of this section, the offender's duty to comply with those 5556  
sections commences on the date of the offender's release from a 5557  
prison term, a term of imprisonment, or any other type of 5558  
confinement, or if the offender is not sentenced to a prison 5559  
term, a term of imprisonment, or any other type of confinement, 5560  
on the date of the entry of the judgment of conviction of the 5561

sexually oriented offense or child-victim oriented offense. 5562

(4) If the offender's or delinquent child's duty to 5563  
register is imposed pursuant to division (A) (4) of section 5564  
2950.04 or division (A) (4) of section 2950.041 of the Revised 5565  
Code, the offender's duty to comply with those sections 5566  
commences regarding residence addresses on the date that the 5567  
offender begins to reside or becomes temporarily domiciled in 5568  
this state, the offender's duty regarding addresses of schools, 5569  
institutions of higher education, and places of employment 5570  
commences on the date the offender begins attending any school 5571  
or institution of higher education in this state on a full-time 5572  
or part-time basis or becomes employed in this state, and the 5573  
delinquent child's duty commences on the date the delinquent 5574  
child begins to reside or becomes temporarily domiciled in this 5575  
state. 5576

(5) If the delinquent child's duty to register is imposed 5577  
pursuant to division (A) (3) of section 2950.04 or division (A) 5578  
(3) of section 2950.041 of the Revised Code, if the delinquent 5579  
child's classification as a juvenile offender registrant is made 5580  
at the time of the child's disposition for that sexually 5581  
oriented offense or child-victim oriented offense, whichever is 5582  
applicable, and if the delinquent child is committed for the 5583  
sexually oriented offense or child-victim oriented offense to 5584  
the department of youth services or to a secure facility that is 5585  
not operated by the department, the delinquent child's duty to 5586  
comply with those sections commences on the date of the 5587  
delinquent child's discharge or release from custody in the 5588  
department of youth services secure facility or from the secure 5589  
facility not operated by the department as described in that 5590  
division. 5591

(6) If the delinquent child's duty to register is imposed 5592  
pursuant to division (A) (3) of section 2950.04 or division (A) 5593  
(3) of section 2950.041 of the Revised Code and if either the 5594  
delinquent child's classification as a juvenile offender 5595  
registrant is made at the time of the child's disposition for 5596  
that sexually oriented offense or child-victim oriented offense, 5597  
whichever is applicable, and the delinquent child is not 5598  
committed for the sexually oriented offense or child-victim 5599  
oriented offense to the department of youth services or to a 5600  
secure facility that is not operated by the department or the 5601  
child's classification as a juvenile offender registrant is made 5602  
pursuant to section 2152.83 or division (A) (2) of section 5603  
2152.86 of the Revised Code, subject to ~~divisions (A) (7)~~ 5604  
division (B) (7) of this section, the delinquent child's duty to 5605  
comply with those sections commences on the date of entry of the 5606  
court's order that classifies the delinquent child a juvenile 5607  
offender registrant. 5608

(7) If the offender's or delinquent child's duty to 5609  
register is imposed pursuant to division (A) (2), (3), or (4) of 5610  
section 2950.04 or section 2950.041 of the Revised Code and if 5611  
the offender or delinquent child prior to January 1, 2008, has 5612  
registered a residence, school, institution of higher education, 5613  
or place of employment address pursuant to section 2950.04, 5614  
2950.041, or 2950.05 of the Revised Code as they existed prior 5615  
to that date, the offender or delinquent child initially shall 5616  
register in accordance with section 2950.04 or 2950.041 of the 5617  
Revised Code, whichever is applicable, as it exists on and after 5618  
January 1, 2008, not later than the earlier of the dates 5619  
specified in divisions ~~(A) (7) (a)~~ (B) (7) (a) and (b) of this 5620  
section. The offender's or delinquent child's duty to comply 5621  
thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 5622

of the Revised Code as they exist on and after January 1, 2008, 5623  
commences on the date of that initial registration. The offender 5624  
or delinquent child initially shall register under section 5625  
2950.04 or 2950.041 of the Revised Code as it exists on and 5626  
after January 1, 2008, not later than the earlier of the 5627  
following: 5628

(a) The date that is six months after the date on which 5629  
the offender or delinquent child received a registered letter 5630  
from the attorney general under division (A) (2) or (B) of 5631  
section 2950.031 of the Revised Code; 5632

(b) The earlier of the date on which the offender or 5633  
delinquent child would be required to verify a previously 5634  
registered address under section 2950.06 of the Revised Code as 5635  
it exists on and after January 1, 2008, or, if the offender or 5636  
delinquent child has changed a previously registered address, 5637  
the date on which the offender or delinquent child would be 5638  
required to register a new residence, school, institution of 5639  
higher education, or place of employment address under section 5640  
2950.05 of the Revised Code as it exists on and after January 1, 5641  
2008. 5642

(8) If the offender's or delinquent child's duty to 5643  
register was imposed pursuant to section 2950.04 or 2950.041 of 5644  
the Revised Code as they existed prior to January 1, 2008, the 5645  
offender's or delinquent child's duty to comply with sections 5646  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as 5647  
they exist on and after January 1, 2008, is a continuation of 5648  
the offender's or delinquent child's former duty to register 5649  
imposed prior to January 1, 2008, under section 2950.04 or 5650  
2950.041 of the Revised Code and shall be considered for all 5651  
purposes as having commenced on the date that the offender's 5652

duty under that section commenced. 5653

~~(B)~~ (C) The duty of an offender who is convicted of, 5654  
pleads guilty to, has been convicted of, or has pleaded guilty 5655  
to a sexually oriented offense or a child-victim oriented 5656  
offense and the duty of a delinquent child who is or has been 5657  
adjudicated a delinquent child for committing a sexually 5658  
oriented offense or a child-victim oriented offense and is 5659  
classified a juvenile offender registrant or who is an out-of- 5660  
state juvenile offender registrant to comply with sections 5661  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 5662  
continues, after the date of commencement, for whichever of the 5663  
following periods is applicable: 5664

(1) Except as otherwise provided in this division, if the 5665  
person is an offender who is a tier III sex offender/child- 5666  
victim offender relative to the sexually oriented offense or 5667  
child-victim oriented offense, if the person is a delinquent 5668  
child who is a tier III sex offender/child-victim offender 5669  
relative to the sexually oriented offense or child-victim 5670  
oriented offense, or if the person is a delinquent child who is 5671  
a public registry-qualified juvenile offender registrant 5672  
relative to the sexually oriented offense, the offender's or 5673  
delinquent child's duty to comply with those sections continues 5674  
until the offender's or delinquent child's death. Regarding a 5675  
delinquent child who is a tier III sex offender/child-victim 5676  
offender relative to the offense but is not a public registry- 5677  
qualified juvenile offender registrant relative to the offense, 5678  
if the judge who made the disposition for the delinquent child 5679  
or that judge's successor in office subsequently enters a 5680  
determination pursuant to section 2152.84 or 2152.85 of the 5681  
Revised Code that the delinquent child no longer is a tier III 5682  
sex offender/child-victim offender, the delinquent child's duty 5683

to comply with those sections continues for the period of time 5684  
that is applicable to the delinquent child under division ~~(B) (2)~~ 5685  
(C) (2) or (3) of this section, based on the reclassification of 5686  
the child pursuant to section 2152.84 or ~~21562.85~~ 2152.85 of the 5687  
Revised Code as a tier I sex offender/child-victim offender or a 5688  
tier II sex offender/child-victim offender. ~~In no case shall the~~ 5689  
~~lifetime duty to comply that~~ If a court subsequently enters a 5690  
determination pursuant to section 2950.152 of the Revised Code 5691  
that a delinquent child who is a juvenile offender registrant 5692  
and a tier III sex offender relative to a qualifying sexually 5693  
oriented offense but is not a public registry-qualified juvenile 5694  
offender registrant relative to a qualifying sexually oriented 5695  
offense is no longer to be classified a juvenile offender 5696  
registrant, the delinquent child's duty to comply with sections 5697  
2950.04, 2950.05, and 2950.06 of the Revised Code terminates 5698  
upon the court's entry of the determination. A person who is 5699  
~~imposed under this division on~~ an offender who is a tier III sex 5700  
~~offender/child-victim offender be removed or terminated~~ may have 5701  
the lifetime duty to register terminated only pursuant to 5702  
section 2950.152 of the Revised Code. A delinquent child who is 5703  
a public registry-qualified juvenile offender registrant may 5704  
have the lifetime duty to register terminated only pursuant to 5705  
section 2950.15 of the Revised Code. 5706

(2) If the person is an offender who is a tier II sex 5707  
offender/child-victim offender relative to the sexually oriented 5708  
offense or child-victim oriented offense, the offender's duty to 5709  
comply with those sections continues for twenty-five years. 5710  
Except as otherwise provided in this division, if the person is 5711  
a delinquent child who is a tier II sex offender/child-victim 5712  
offender relative to the sexually oriented offense or child- 5713  
victim oriented offense, the delinquent child's duty to comply 5714

with those sections continues for twenty years. Regarding a 5715  
delinquent child who is a tier II sex offender/child-victim 5716  
offender relative to the offense but is not a public registry- 5717  
qualified juvenile offender registrant relative to the offense, 5718  
if the judge who made the disposition for the delinquent child 5719  
or that judge's successor in office subsequently enters a 5720  
determination pursuant to section 2152.84 or 2152.85 of the 5721  
Revised Code that the delinquent child no longer is a tier II 5722  
sex offender/child-victim offender but remains a juvenile 5723  
offender registrant, the delinquent child's duty to comply with 5724  
those sections continues for the period of time that is 5725  
applicable to the delinquent child under division ~~(B)(3)~~ (C)(3) 5726  
of this section, based on the reclassification of the child 5727  
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 5728  
tier I sex offender/child-victim offender. If a court 5729  
subsequently enters a determination pursuant to section 2950.152 5730  
of the Revised Code that a delinquent child who is a juvenile 5731  
offender registrant and a tier II sex offender relative to a 5732  
qualifying sexually oriented offense but is not a public 5733  
registry-qualified juvenile offender registrant relative to a 5734  
qualifying sexually oriented offense is no longer to be 5735  
classified a juvenile offender registrant, the delinquent 5736  
child's duty to comply with sections 2950.04, 2950.05, and 5737  
2950.06 of the Revised Code terminates upon the court's entry of 5738  
the determination. 5739

(3) Except as otherwise provided in this division, if the 5740  
person is an offender who is a tier I sex offender/child-victim 5741  
offender relative to the sexually oriented offense or child- 5742  
victim oriented offense, the offender's duty to comply with 5743  
those sections continues for fifteen years. Except as otherwise 5744  
provided in this division, if the person is a delinquent child 5745



who is a tier I sex offender/child-victim offender relative to 5746  
the sexually oriented offense or child-victim oriented offense, 5747  
the delinquent child's duty to comply with those sections 5748  
continues for ten years. Regarding a delinquent child who is a 5749  
juvenile offender registrant and a tier I sex offender/child- 5750  
victim offender relative to the offense but is not a public 5751  
registry-qualified juvenile offender registrant relative to the 5752  
offense, if the judge who made the disposition for the 5753  
delinquent child or that judge's successor in office 5754  
subsequently enters a determination pursuant to section 2152.84 5755  
or 2152.85 of the Revised Code that the delinquent child no 5756  
longer is to be classified a juvenile offender registrant, the 5757  
delinquent child's duty to comply with those sections terminates 5758  
upon the court's entry of the determination. If a court 5759  
subsequently enters a determination pursuant to section 2950.152 5760  
of the Revised Code that a delinquent child who is a juvenile 5761  
offender registrant and a tier I sex offender relative to a 5762  
qualifying sexually oriented offense but is not a public 5763  
registry-qualified juvenile offender registrant relative to a 5764  
qualifying sexually oriented offense is no longer to be 5765  
classified a juvenile offender registrant, the delinquent 5766  
child's duty to comply with sections 2950.04, 2950.05, and 5767  
2950.06 of the Revised Code terminates upon the court's entry of 5768  
the determination. A person who is an offender who is a tier I 5769  
sex offender/child-victim offender may have the fifteen-year 5770  
duty to register terminated only pursuant to section 2950.15 of 5771  
the Revised Code. 5772

~~(C)(1)~~ (D)(1) If an offender has been convicted of or 5773  
pleaded guilty to a sexually oriented offense and the offender 5774  
subsequently is convicted of or pleads guilty to another 5775  
sexually oriented offense or a child-victim oriented offense, if 5776

an offender has been convicted of or pleaded guilty to a child- 5777  
victim oriented offense and the offender subsequently is 5778  
convicted of or pleads guilty to another child-victim oriented 5779  
offense or a sexually oriented offense, if a delinquent child 5780  
has been adjudicated a delinquent child for committing a 5781  
sexually oriented offense and is classified a juvenile offender 5782  
registrant or is an out-of-state juvenile offender registrant 5783  
and the child subsequently is adjudicated a delinquent child for 5784  
committing another sexually oriented offense or a child-victim 5785  
oriented offense and is classified a juvenile offender 5786  
registrant relative to that offense or subsequently is convicted 5787  
of or pleads guilty to another sexually oriented offense or a 5788  
child-victim oriented offense, or if a delinquent child has been 5789  
adjudicated a delinquent child for committing a child-victim 5790  
oriented offense and is classified a juvenile offender 5791  
registrant or is an out-of-state juvenile offender registrant 5792  
and the child subsequently is adjudicated a delinquent child for 5793  
committing another child-victim oriented offense or a sexually 5794  
oriented offense and is classified a juvenile offender 5795  
registrant relative to that offense or subsequently is convicted 5796  
of or pleads guilty to another child-victim oriented offense or 5797  
a sexually oriented offense, the period of time for which the 5798  
offender or delinquent child must comply with the sections 5799  
specified in division ~~(A)~~(B) of this section shall be 5800  
separately calculated pursuant to divisions ~~(A)(1)~~(B)(1) to (8) 5801  
and ~~(B)(1)~~(C)(1) to (3) of this section for each of the 5802  
sexually oriented offenses and child-victim oriented offenses, 5803  
and the offender or delinquent child shall comply with each 5804  
separately calculated period of time independently. 5805

If a delinquent child has been adjudicated a delinquent 5806  
child for committing a sexually oriented offense or a child- 5807

victim oriented offense, is classified a juvenile offender 5808  
registrant or is an out-of-state juvenile offender registrant 5809  
relative to that offense, and, after attaining eighteen years of 5810  
age, subsequently is convicted of or pleads guilty to another 5811  
sexually oriented offense or child-victim oriented offense, the 5812  
subsequent conviction or guilty plea does not limit, affect, or 5813  
supersede the duties imposed upon the delinquent child under 5814  
this chapter relative to the delinquent child's classification 5815  
as a juvenile offender registrant or as an out-of-state juvenile 5816  
offender registrant, and the delinquent child shall comply with 5817  
both those duties and the duties imposed under this chapter 5818  
relative to the subsequent conviction or guilty plea. 5819

(2) If a delinquent child has been adjudicated a 5820  
delinquent child for committing a sexually oriented offense or a 5821  
child-victim oriented offense and is classified a juvenile 5822  
offender registrant relative to the offense and if the juvenile 5823  
judge or the judge's successor in office subsequently 5824  
reclassifies the offense tier in which the child is classified 5825  
pursuant to section 2152.84 or 2152.85 of the Revised Code, the 5826  
judge's subsequent determination to reclassify the child does 5827  
not affect the date of commencement of the delinquent child's 5828  
duty to comply with sections 2950.04, 2950.041, 2950.05, and 5829  
2950.06 of the Revised Code as determined under division ~~(A)~~(B) 5830  
of this section. The child's duty to comply with those sections 5831  
after the reclassification is a continuation of the child's duty 5832  
to comply with the sections that was in effect prior to the 5833  
reclassification, and the duty shall continue for the period of 5834  
time specified in division ~~(B)(1)~~ (C)(1), (2), or (3) of this 5835  
section, whichever is applicable. 5836

If, prior to January 1, 2008, an offender had a duty to 5837  
comply with the sections specified in division ~~(A)~~(B) of this 5838

section as a result of a conviction of or plea of guilty to a 5839  
sexually oriented offense or child-victim oriented offense as 5840  
those terms were defined in section 2950.01 of the Revised Code 5841  
prior to January 1, 2008, or a delinquent child had a duty to 5842  
comply with those sections as a result of an adjudication as a 5843  
delinquent child for committing one of those offenses as they 5844  
were defined prior to January 1, 2008, the period of time 5845  
specified in division ~~(B)(1)~~ (C)(1), (2), or (3) of this section 5846  
on and after January 1, 2008, for which a person must comply 5847  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 5848  
Revised Code applies to the person, automatically replaces the 5849  
period of time for which the person had to comply with those 5850  
sections prior to January 1, 2008, and is a continuation of the 5851  
person's duty to comply with the sections that was in effect 5852  
prior to the reclassification. If, prior to January 1, 2008, an 5853  
offender or a delinquent child had a duty to comply with the 5854  
sections specified in division ~~(A)-(B)~~ of this section, the 5855  
offender's or delinquent child's classification as a tier I sex 5856  
offender/child-victim offender, a tier II sex offender/child- 5857  
victim offender, or a tier III sex offender/child-victim 5858  
offender for purposes of that period of time shall be determined 5859  
as specified in section 2950.031 or 2950.032 of the Revised 5860  
Code, as applicable. 5861

~~(D)-(E)~~ (E) The duty of an offender or delinquent child to 5862  
register under this chapter is tolled for any period during 5863  
which the offender or delinquent child is returned to 5864  
confinement in a secure facility for any reason or imprisoned 5865  
for an offense when the confinement in a secure facility or 5866  
imprisonment occurs subsequent to the date determined pursuant 5867  
to division ~~(A)-(B)~~ of this section. The offender's or 5868  
delinquent child's duty to register under this chapter resumes 5869

upon the offender's or delinquent child's release from 5870  
confinement in a secure facility or imprisonment. 5871

~~(E)~~ (F) An offender or delinquent child who has been or is 5872  
convicted, has pleaded or pleads guilty, or has been or is 5873  
adjudicated a delinquent child, in a court in another state, in 5874  
a federal court, military court, or Indian tribal court, or in a 5875  
court of any nation other than the United States for committing 5876  
a sexually oriented offense or a child-victim oriented offense 5877  
may apply to the sheriff of the county in which the offender or 5878  
delinquent child resides or temporarily is domiciled, or in 5879  
which the offender attends a school or institution of higher 5880  
education or is employed, for credit against the duty to 5881  
register for the time that the offender or delinquent child has 5882  
complied with the sex offender or child-victim offender 5883  
registration requirements of another jurisdiction. The sheriff 5884  
shall grant the offender or delinquent child credit against the 5885  
duty to register for time for which the offender or delinquent 5886  
child provides adequate proof that the offender or delinquent 5887  
child has complied with the sex offender or child-victim 5888  
offender registration requirements of another jurisdiction. If 5889  
the offender or delinquent child disagrees with the 5890  
determination of the sheriff, the offender or delinquent child 5891  
may appeal the determination to the court of common pleas of the 5892  
county in which the offender or delinquent child resides or is 5893  
temporarily domiciled, or in which the offender attends a school 5894  
or institution of higher education or is employed. 5895

**Sec. 2950.10.** (A) (1) Regardless of when the sexually 5896  
oriented offense or child-victim oriented offense was committed, 5897  
if a person is convicted of, pleads guilty to, has been 5898  
convicted of, or has pleaded guilty to a sexually oriented 5899  
offense or a child-victim oriented offense or a person is or has 5900

been adjudicated a delinquent child for committing a sexually 5901  
oriented offense or a child-victim oriented offense and is 5902  
classified a juvenile offender registrant or is an out-of-state 5903  
juvenile offender registrant based on that adjudication, if the 5904  
offender or delinquent child is in any category specified in 5905  
division (B) (1) (a), (b), or (c) of this section, if the offender 5906  
or delinquent child registers with a sheriff pursuant to section 5907  
2950.04, 2950.041, or 2950.05 of the Revised Code, and if the 5908  
victim of the sexually oriented offense or child-victim oriented 5909  
offense has made a request in accordance with rules adopted by 5910  
the attorney general that specifies that the victim would like 5911  
to be provided the notices described in this section, the 5912  
sheriff shall notify the victim of the sexually oriented offense 5913  
or child-victim oriented offense, in writing, that the offender 5914  
or delinquent child has registered and shall include in the 5915  
notice the offender's name and photograph, and the address or 5916  
addresses of the offender's residence, school, institution of 5917  
higher education, or place of employment, as applicable, or the 5918  
delinquent child's name, photograph, and residence address or 5919  
addresses. The sheriff shall provide the notice required by this 5920  
division to the victim at the most recent residence address 5921  
available for that victim and not later than five days after the 5922  
offender or delinquent child registers with the sheriff. 5923

(2) Regardless of when the sexually oriented offense or 5924  
child-victim oriented offense was committed, if a person is 5925  
convicted of, pleads guilty to, has been convicted of, or has 5926  
pleaded guilty to a sexually oriented offense or a child-victim 5927  
oriented offense or a person is or has been adjudicated a 5928  
delinquent child for committing a sexually oriented offense or a 5929  
child-victim oriented offense and is classified a juvenile 5930  
offender registrant or is an out-of-state juvenile offender 5931

registrant based on that adjudication, if the offender or 5932  
delinquent child is in any category specified in division (B) (1) 5933  
(a), (b), or (c) of this section, if the offender or delinquent 5934  
child registers with a sheriff pursuant to section 2950.04, 5935  
2950.041, or 2950.05 of the Revised Code, if the victim of the 5936  
sexually oriented offense or child-victim oriented offense has 5937  
made a request in accordance with rules adopted by the attorney 5938  
general that specifies that the victim would like to be provided 5939  
the notices described in this section, and if the offender 5940  
notifies the sheriff of a change of residence, school, 5941  
institution of higher education, or place of employment address 5942  
or the delinquent child notifies the sheriff of a change of 5943  
residence address pursuant to section 2950.05 of the Revised 5944  
Code, the sheriff shall notify the victim of the sexually 5945  
oriented offense or child-victim oriented offense, in writing, 5946  
that the offender's or delinquent child's address has changed 5947  
and shall include in the notice the offender's name and 5948  
photograph, and the new address or addresses of the offender's 5949  
residence, school, institution of higher education, or place of 5950  
employment, as applicable, or the delinquent child's name, 5951  
photograph, and new residence address or addresses. The sheriff 5952  
shall provide the notice required by this division to the victim 5953  
at the most recent residence address available for that victim 5954  
and no later than five days after the offender or delinquent 5955  
child notifies the sheriff of the change in the offender's or 5956  
delinquent child's residence, school, institution of higher 5957  
education, or place of employment address. 5958

(3) Regardless of when the sexually oriented offense or 5959  
child-victim oriented offense was committed, if a person is 5960  
convicted of, pleads guilty to, has been convicted of, or has 5961  
pleaded guilty to a sexually oriented offense or a child-victim 5962

oriented offense or a person is or has been adjudicated a 5963  
delinquent child for committing a sexually oriented offense or a 5964  
child-victim oriented offense and is classified a juvenile 5965  
offender registrant or is an out-of-state juvenile offender 5966  
registrant based on that adjudication, and if the offender or 5967  
delinquent child is in any category specified in division (B) (1) 5968  
(a), (b), or (c) of this section, the victim of the offense may 5969  
make a request in accordance with rules adopted by the attorney 5970  
general pursuant to section 2950.13 of the Revised Code that 5971  
specifies that the victim would like to be provided the notices 5972  
described in divisions (A) (1) and (2) of this section. If the 5973  
victim makes a request in accordance with those rules, the 5974  
sheriff described in divisions (A) (1) and (2) of this section 5975  
shall provide the victim with the notices described in those 5976  
divisions. 5977

(4) If a victim makes a request as described in division 5978  
(A) (3) of this section that specifies that the victim would like 5979  
to be provided the notices described in divisions (A) (1) and (2) 5980  
of this section, all information a sheriff obtains regarding the 5981  
victim from or as a result of the request is confidential, and 5982  
the information is not a public record open for inspection under 5983  
section 149.43 of the Revised Code. 5984

(5) The notices described in divisions (A) (1) and (2) of 5985  
this section are in addition to any notices regarding the 5986  
offender or delinquent child that the victim is entitled to 5987  
receive under Chapter 2930. of the Revised Code. 5988

(B) (1) The duties to provide the notices described in 5989  
divisions (A) (1) and (2) of this section apply regarding any 5990  
offender or delinquent child who is in any of the following 5991  
categories: 5992



(a) The offender is a tier III sex offender/child-victim offender relative to the offense described in division (A) of this section for which a victim requested to be provided notice under that division, and a court has not removed pursuant to section 2950.152 of the Revised Code the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a ~~public registry-qualified~~ public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this amendment as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or a juvenile court has not removed pursuant to section 2950.152 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after ~~the effective date of this amendment~~ January 1, 2008, the court has imposed a

requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or a juvenile court has not removed pursuant to section 2950.152 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(2) A victim of a sexually oriented offense or of a child-victim oriented offense is not entitled to be provided any notice described in division (A)(1) or (2) of this section unless the offender or delinquent child is in a category specified in division (B)(1)(a), (b), or (c) of this section. A victim of a sexually oriented offense or of a child-victim oriented offense is not entitled to any notice described in division (A)(1) or (2) of this section unless the victim makes a request in accordance with rules adopted by the attorney general pursuant to section 2950.13 of the Revised Code that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of this section. This division does not affect any rights of a victim of a sexually oriented offense or child-victim oriented offense to be provided notice regarding an offender or delinquent child that are described in Chapter 2930. of the Revised Code.

**Sec. 2950.11.** (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a

child-victim oriented offense and is classified a juvenile 6055  
offender registrant or is an out-of-state juvenile offender 6056  
registrant based on that adjudication, and if the offender or 6057  
delinquent child is in any category specified in division (F) (1) 6058  
(a), (b), or (c) of this section, the sheriff with whom the 6059  
offender or delinquent child has most recently registered under 6060  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 6061  
the sheriff to whom the offender or delinquent child most 6062  
recently sent a notice of intent to reside under section 2950.04 6063  
or 2950.041 of the Revised Code, within the period of time 6064  
specified in division (C) of this section, shall provide a 6065  
written notice containing the information set forth in division 6066  
(B) of this section to all of the persons described in divisions 6067  
(A) (1) to (10) of this section. If the sheriff has sent a notice 6068  
to the persons described in those divisions as a result of 6069  
receiving a notice of intent to reside and if the offender or 6070  
delinquent child registers a residence address that is the same 6071  
residence address described in the notice of intent to reside, 6072  
the sheriff is not required to send an additional notice when 6073  
the offender or delinquent child registers. The sheriff shall 6074  
provide the notice to all of the following persons: 6075

(1) (a) Any occupant of each residential unit that is 6076  
located within one thousand feet of the offender's or delinquent 6077  
child's residential premises, that is located within the county 6078  
served by the sheriff, and that is not located in a multi-unit 6079  
building. Division (D) (3) of this section applies regarding 6080  
notices required under this division. 6081

(b) If the offender or delinquent child resides in a 6082  
multi-unit building, any occupant of each residential unit that 6083  
is located in that multi-unit building and that shares a common 6084  
hallway with the offender or delinquent child. For purposes of 6085

this division, an occupant's unit shares a common hallway with 6086  
the offender or delinquent child if the entrance door into the 6087  
occupant's unit is located on the same floor and opens into the 6088  
same hallway as the entrance door to the unit the offender or 6089  
delinquent child occupies. Division (D) (3) of this section 6090  
applies regarding notices required under this division. 6091

(c) The building manager, or the person the building owner 6092  
or condominium unit owners association authorizes to exercise 6093  
management and control, of each multi-unit building that is 6094  
located within one thousand feet of the offender's or delinquent 6095  
child's residential premises, including a multi-unit building in 6096  
which the offender or delinquent child resides, and that is 6097  
located within the county served by the sheriff. In addition to 6098  
notifying the building manager or the person authorized to 6099  
exercise management and control in the multi-unit building under 6100  
this division, the sheriff shall post a copy of the notice 6101  
prominently in each common entryway in the building and any 6102  
other location in the building the sheriff determines 6103  
appropriate. The manager or person exercising management and 6104  
control of the building shall permit the sheriff to post copies 6105  
of the notice under this division as the sheriff determines 6106  
appropriate. In lieu of posting copies of the notice as 6107  
described in this division, a sheriff may provide notice to all 6108  
occupants of the multi-unit building by mail or personal 6109  
contact; if the sheriff so notifies all the occupants, the 6110  
sheriff is not required to post copies of the notice in the 6111  
common entryways to the building. Division (D) (3) of this 6112  
section applies regarding notices required under this division. 6113

(d) All additional persons who are within any category of 6114  
neighbors of the offender or delinquent child that the attorney 6115  
general by rule adopted under section 2950.13 of the Revised 6116

Code requires to be provided the notice and who reside within 6117  
the county served by the sheriff; 6118

(2) The executive director of the public children services 6119  
agency that has jurisdiction within the specified geographical 6120  
notification area and that is located within the county served 6121  
by the sheriff; 6122

(3) (a) The superintendent of each board of education of a 6123  
school district that has schools within the specified 6124  
geographical notification area and that is located within the 6125  
county served by the sheriff; 6126

(b) The principal of the school within the specified 6127  
geographical notification area and within the county served by 6128  
the sheriff that the delinquent child attends; 6129

(c) If the delinquent child attends a school outside of 6130  
the specified geographical notification area or outside of the 6131  
school district where the delinquent child resides, the 6132  
superintendent of the board of education of a school district 6133  
that governs the school that the delinquent child attends and 6134  
the principal of the school that the delinquent child attends. 6135

(4) (a) The appointing or hiring officer of each chartered 6136  
nonpublic school located within the specified geographical 6137  
notification area and within the county served by the sheriff or 6138  
of each other school located within the specified geographical 6139  
notification area and within the county served by the sheriff 6140  
and that is not operated by a board of education described in 6141  
division (A) (3) of this section; 6142

(b) Regardless of the location of the school, the 6143  
appointing or hiring officer of a chartered nonpublic school 6144  
that the delinquent child attends. 6145

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child care center or type A family child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child care center," "type A family child care home," and "type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area,

the constable or chief of the police department or police 6176  
district police force of the township in which the offender or 6177  
delinquent child resides; 6178

(10) Volunteer organizations in which contact with minors 6179  
or other vulnerable individuals might occur or any organization, 6180  
company, or individual who requests notification as provided in 6181  
division (J) of this section. 6182

(B) The notice required under division (A) of this section 6183  
shall include all of the following information regarding the 6184  
subject offender or delinquent child: 6185

(1) The offender's or delinquent child's name; 6186

(2) The address or addresses of the offender's or public 6187  
registry-qualified juvenile offender registrant's residence, 6188  
school, institution of higher education, or place of employment, 6189  
as applicable, or the residence address or addresses of a 6190  
delinquent child who is not a public registry-qualified juvenile 6191  
offender registrant; 6192

(3) The sexually oriented offense or child-victim oriented 6193  
offense of which the offender was convicted, to which the 6194  
offender pleaded guilty, or for which the child was adjudicated 6195  
a delinquent child; 6196

(4) A statement that identifies the category specified in 6197  
division (F)(1)(a), (b), or (c) of this section that includes 6198  
the offender or delinquent child and that subjects the offender 6199  
or delinquent child to this section; 6200

(5) The offender's or delinquent child's photograph. 6201

(C) If a sheriff with whom an offender or delinquent child 6202  
registers under section 2950.04, 2950.041, or 2950.05 of the 6203

Revised Code or to whom the offender or delinquent child most 6204  
recently sent a notice of intent to reside under section 2950.04 6205  
or 2950.041 of the Revised Code is required by division (A) of 6206  
this section to provide notices regarding an offender or 6207  
delinquent child and if, pursuant to that requirement, the 6208  
sheriff provides a notice to a sheriff of one or more other 6209  
counties in accordance with division (A) (8) of this section, the 6210  
sheriff of each of the other counties who is provided notice 6211  
under division (A) (8) of this section shall provide the notices 6212  
described in divisions (A) (1) to (7) and (A) (9) and (10) of this 6213  
section to each person or entity identified within those 6214  
divisions that is located within the specified geographical 6215  
notification area and within the county served by the sheriff in 6216  
question. 6217

(D) (1) A sheriff required by division (A) or (C) of this 6218  
section to provide notices regarding an offender or delinquent 6219  
child shall provide the notice to the neighbors that are 6220  
described in division (A) (1) of this section and the notices to 6221  
law enforcement personnel that are described in divisions (A) (8) 6222  
and (9) of this section as soon as practicable, but no later 6223  
than five days after the offender sends the notice of intent to 6224  
reside to the sheriff and again no later than five days after 6225  
the offender or delinquent child registers with the sheriff or, 6226  
if the sheriff is required by division (C) of this section to 6227  
provide the notices, no later than five days after the sheriff 6228  
is provided the notice described in division (A) (8) of this 6229  
section. 6230

A sheriff required by division (A) or (C) of this section 6231  
to provide notices regarding an offender or delinquent child 6232  
shall provide the notices to all other specified persons that 6233  
are described in divisions (A) (2) to (7) and (A) (10) of this 6234



section as soon as practicable, but not later than seven days 6235  
after the offender or delinquent child registers with the 6236  
sheriff or, if the sheriff is required by division (C) of this 6237  
section to provide the notices, no later than five days after 6238  
the sheriff is provided the notice described in division (A) (8) 6239  
of this section. 6240

(2) If an offender or delinquent child in relation to whom 6241  
division (A) of this section applies verifies the offender's or 6242  
delinquent child's current residence, school, institution of 6243  
higher education, or place of employment address, as applicable, 6244  
with a sheriff pursuant to section 2950.06 of the Revised Code, 6245  
the sheriff may provide a written notice containing the 6246  
information set forth in division (B) of this section to the 6247  
persons identified in divisions (A) (1) to (10) of this section. 6248  
If a sheriff provides a notice pursuant to this division to the 6249  
sheriff of one or more other counties in accordance with 6250  
division (A) (8) of this section, the sheriff of each of the 6251  
other counties who is provided the notice under division (A) (8) 6252  
of this section may provide, but is not required to provide, a 6253  
written notice containing the information set forth in division 6254  
(B) of this section to the persons identified in divisions (A) 6255  
(1) to (7) and (A) (9) and (10) of this section. 6256

(3) A sheriff may provide notice under division (A) (1) (a) 6257  
or (b) of this section, and may provide notice under division 6258  
(A) (1) (c) of this section to a building manager or person 6259  
authorized to exercise management and control of a building, by 6260  
mail, by personal contact, or by leaving the notice at or under 6261  
the entry door to a residential unit. For purposes of divisions 6262  
(A) (1) (a) and (b) of this section, and the portion of division 6263  
(A) (1) (c) of this section relating to the provision of notice to 6264  
occupants of a multi-unit building by mail or personal contact, 6265

the provision of one written notice per unit is deemed as 6266  
providing notice to all occupants of that unit. 6267

(E) All information that a sheriff possesses regarding an 6268  
offender or delinquent child who is in a category specified in 6269  
division (F) (1) (a), (b), or (c) of this section that is 6270  
described in division (B) of this section and that must be 6271  
provided in a notice required under division (A) or (C) of this 6272  
section or that may be provided in a notice authorized under 6273  
division (D) (2) of this section is a public record that is open 6274  
to inspection under section 149.43 of the Revised Code. 6275

The sheriff shall not cause to be publicly disseminated by 6276  
means of the internet any of the information described in this 6277  
division that is provided by a delinquent child unless that 6278  
child is in a category specified in division (F) (1) (a), (b), or 6279  
(c) of this section. 6280

(F) (1) Except as provided in division (F) (2) of this 6281  
section, the duties to provide the notices described in 6282  
divisions (A) and (C) of this section apply regarding any 6283  
offender or delinquent child who is in any of the following 6284  
categories: 6285

(a) The offender is a tier III sex offender/child-victim 6286  
offender, and a court has not removed pursuant to section 6287  
2950.152 of the Revised Code the offender's duty to comply with 6288  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or 6289  
the delinquent child is a public registry-qualified juvenile 6290  
offender registrant, and a juvenile court has not removed 6291  
pursuant to section 2950.15 of the Revised Code the delinquent 6292  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 6293  
and 2950.06 of the Revised Code. 6294

(b) The delinquent child is a tier III sex offender/child- 6295  
victim offender who is not a public registry-qualified juvenile 6296  
offender registrant, the delinquent child was subjected to this 6297  
section prior to January 1, 2008, as a sexual predator, habitual 6298  
sex offender, child-victim predator, or habitual child-victim 6299  
offender, as those terms were defined in section 2950.01 of the 6300  
Revised Code as it existed prior to January 1, 2008, and a 6301  
juvenile court has not removed pursuant to section 2152.84 or 6302  
2152.85 of the Revised Code the delinquent child's duty to 6303  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 6304  
the Revised Code or a juvenile court has not removed pursuant to 6305  
section 2950.152 of the Revised Code the delinquent child's duty 6306  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 6307  
Revised Code. 6308

(c) The delinquent child is a tier III sex offender/child- 6309  
victim offender who is not a public registry-qualified juvenile 6310  
offender registrant, the delinquent child was classified a 6311  
juvenile offender registrant on or after January 1, 2008, the 6312  
court has imposed a requirement under section 2152.82, 2152.83, 6313  
or 2152.84 of the Revised Code subjecting the delinquent child 6314  
to this section, and a juvenile court has not removed pursuant 6315  
to section 2152.84 or 2152.85 of the Revised Code the delinquent 6316  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 6317  
and 2950.06 of the Revised Code or a juvenile court has not 6318  
removed pursuant to section 2950.152 of the Revised Code the 6319  
delinquent child's duty to comply with sections 2950.04, 6320  
2950.05, and 2950.06 of the Revised Code. 6321

(2) The notification provisions of this section do not 6322  
apply to a person described in division (F) (1) (a), (b), or (c) 6323  
of this section if a court finds at a hearing after considering 6324  
the factors described in this division that the person would not 6325

be subject to the notification provisions of this section that 6326  
were in the version of this section that existed immediately 6327  
prior to January 1, 2008. In making the determination of whether 6328  
a person would have been subject to the notification provisions 6329  
under prior law as described in this division, the court shall 6330  
consider the following factors: 6331

(a) The offender's or delinquent child's age; 6332

(b) The offender's or delinquent child's prior criminal or 6333  
delinquency record regarding all offenses, including, but not 6334  
limited to, all sexual offenses; 6335

(c) The age of the victim of the sexually oriented offense 6336  
for which sentence is to be imposed or the order of disposition 6337  
is to be made; 6338

(d) Whether the sexually oriented offense for which 6339  
sentence is to be imposed or the order of disposition is to be 6340  
made involved multiple victims; 6341

(e) Whether the offender or delinquent child used drugs or 6342  
alcohol to impair the victim of the sexually oriented offense or 6343  
to prevent the victim from resisting; 6344

(f) If the offender or delinquent child previously has 6345  
been convicted of or pleaded guilty to, or been adjudicated a 6346  
delinquent child for committing an act that if committed by an 6347  
adult would be, a criminal offense, whether the offender or 6348  
delinquent child completed any sentence or dispositional order 6349  
imposed for the prior offense or act and, if the prior offense 6350  
or act was a sex offense or a sexually oriented offense, whether 6351  
the offender or delinquent child participated in available 6352  
programs for sexual offenders; 6353

(g) Any mental illness or mental disability of the 6354

offender or delinquent child; 6355

(h) The nature of the offender's or delinquent child's 6356  
sexual conduct, sexual contact, or interaction in a sexual 6357  
context with the victim of the sexually oriented offense and 6358  
whether the sexual conduct, sexual contact, or interaction in a 6359  
sexual context was part of a demonstrated pattern of abuse; 6360

(i) Whether the offender or delinquent child, during the 6361  
commission of the sexually oriented offense for which sentence 6362  
is to be imposed or the order of disposition is to be made, 6363  
displayed cruelty or made one or more threats of cruelty; 6364

(j) Whether the offender or delinquent child would have 6365  
been a habitual sex offender or a habitual child victim offender 6366  
under the definitions of those terms set forth in section 6367  
2950.01 of the Revised Code as that section existed prior to 6368  
January 1, 2008; 6369

(k) Any additional behavioral characteristics that 6370  
contribute to the offender's or delinquent child's conduct. 6371

(G) (1) The department of job and family services shall 6372  
compile, maintain, and update in January and July of each year, 6373  
a list of all agencies, centers, or homes of a type described in 6374  
division (A) (2) or (6) of this section that contains the name of 6375  
each agency, center, or home of that type, the county in which 6376  
it is located, its address and telephone number, and the name of 6377  
an administrative officer or employee of the agency, center, or 6378  
home. 6379

(2) The department of education and workforce shall 6380  
compile, maintain, and update in January and July of each year, 6381  
a list of all boards of education, schools, or programs of a 6382  
type described in division (A) (3), (4), or (5) of this section 6383

that contains the name of each board of education, school, or 6384  
program of that type, the county in which it is located, its 6385  
address and telephone number, the name of the superintendent of 6386  
the board or of an administrative officer or employee of the 6387  
school or program, and, in relation to a board of education, the 6388  
county or counties in which each of its schools is located and 6389  
the address of each such school. 6390

(3) The department ~~chancellor~~ of higher education shall 6391  
compile, maintain, and update in January and July of each year, 6392  
a list of all institutions of a type described in division (A) 6393  
(7) of this section that contains the name of each such 6394  
institution, the county in which it is located, its address and 6395  
telephone number, and the name of its president or other chief 6396  
administrative officer. 6397

(4) A sheriff required by division (A) or (C) of this 6398  
section, or authorized by division (D) (2) of this section, to 6399  
provide notices regarding an offender or delinquent child, or a 6400  
designee of a sheriff of that type, may request the department 6401  
of job and family services, department of education and 6402  
workforce, or department ~~chancellor~~of higher education by 6403  
telephone, in person, or by mail, to provide the sheriff or 6404  
designee with the names, addresses, and telephone numbers of the 6405  
appropriate persons and entities to whom the notices described 6406  
in divisions (A) (2) to (7) of this section are to be provided. 6407  
Upon receipt of a request, the department shall provide the 6408  
requesting sheriff or designee with the names, addresses, and 6409  
telephone numbers of the appropriate persons and entities to 6410  
whom those notices are to be provided. 6411

(H) (1) Upon the motion of the offender or the prosecuting 6412  
attorney of the county in which the offender was convicted of or 6413

pleaded guilty to the sexually oriented offense or child-victim 6414  
oriented offense for which the offender is subject to community 6415  
notification under this section, or upon the motion of the 6416  
sentencing judge or that judge's successor in office, the judge 6417  
may schedule a hearing to determine whether the interests of 6418  
justice would be served by suspending the community notification 6419  
requirement under this section in relation to the offender. The 6420  
judge may dismiss the motion without a hearing but may not issue 6421  
an order suspending the community notification requirement 6422  
without a hearing. At the hearing, all parties are entitled to 6423  
be heard, and the judge shall consider all of the factors set 6424  
forth in division (K) of this section. If, at the conclusion of 6425  
the hearing, the judge finds that the offender has proven by 6426  
clear and convincing evidence that the offender is unlikely to 6427  
commit in the future a sexually oriented offense or a child- 6428  
victim oriented offense and if the judge finds that suspending 6429  
the community notification requirement is in the interests of 6430  
justice, the judge may suspend the application of this section 6431  
in relation to the offender. The order shall contain both of 6432  
these findings. 6433

The judge promptly shall serve a copy of the order upon 6434  
the sheriff with whom the offender most recently registered 6435  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 6436  
and upon the bureau of criminal identification and 6437  
investigation. 6438

An order suspending the community notification requirement 6439  
does not suspend or otherwise alter an offender's duties to 6440  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 6441  
the Revised Code and does not suspend the victim notification 6442  
requirement under section 2950.10 of the Revised Code. 6443

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02



of the Revised Code; 6474

(c) A person who is convicted of or pleads guilty to a 6475  
sexually oriented offense that is attempted rape committed on or 6476  
after January 2, 2007, and who also is convicted of or pleads 6477  
guilty to a specification of the type described in section 6478  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 6479

(d) A person who is convicted of or pleads guilty to an 6480  
offense described in division (B) (3) (a), (b), (c), or (d) of 6481  
section 2971.03 of the Revised Code and who is sentenced for 6482  
that offense pursuant to that division; 6483

(e) An offender who is in a category specified in division 6484  
(F) (1) (a), (b), or (c) of this section and who, subsequent to 6485  
being subjected to community notification, has pleaded guilty to 6486  
or been convicted of a sexually oriented offense or child-victim 6487  
oriented offense. 6488

(I) If a person is convicted of, pleads guilty to, has 6489  
been convicted of, or has pleaded guilty to a sexually oriented 6490  
offense or a child-victim oriented offense or a person is or has 6491  
been adjudicated a delinquent child for committing a sexually 6492  
oriented offense or a child-victim oriented offense and is 6493  
classified a juvenile offender registrant or is an out-of-state 6494  
juvenile offender registrant based on that adjudication, and if 6495  
the offender or delinquent child is not in any category 6496  
specified in division (F) (1) (a), (b), or (c) of this section, 6497  
the sheriff with whom the offender or delinquent child has most 6498  
recently registered under section 2950.04, 2950.041, or 2950.05 6499  
of the Revised Code and the sheriff to whom the offender or 6500  
delinquent child most recently sent a notice of intent to reside 6501  
under section 2950.04 or 2950.041 of the Revised Code, within 6502  
the period of time specified in division (D) of this section, 6503

shall provide a written notice containing the information set 6504  
forth in division (B) of this section to the executive director 6505  
of the public children services agency that has jurisdiction 6506  
within the specified geographical notification area and that is 6507  
located within the county served by the sheriff. 6508

(J) Each sheriff shall allow a volunteer organization or 6509  
other organization, company, or individual who wishes to receive 6510  
the notice described in division (A) (10) of this section 6511  
regarding a specific offender or delinquent child or notice 6512  
regarding all offenders and delinquent children who are located 6513  
in the specified geographical notification area to notify the 6514  
sheriff by electronic mail or through the sheriff's web site of 6515  
this election. The sheriff shall promptly inform the bureau of 6516  
criminal identification and investigation of these requests in 6517  
accordance with the forwarding procedures adopted by the 6518  
attorney general pursuant to section 2950.13 of the Revised 6519  
Code. 6520

(K) In making a determination under division (H) (1) of 6521  
this section as to whether to suspend the community notification 6522  
requirement under this section for an offender, the judge shall 6523  
consider all relevant factors, including, but not limited to, 6524  
all of the following: 6525

(1) The offender's age; 6526

(2) The offender's prior criminal or delinquency record 6527  
regarding all offenses, including, but not limited to, all 6528  
sexually oriented offenses or child-victim oriented offenses; 6529

(3) The age of the victim of the sexually oriented offense 6530  
or child-victim oriented offense the offender committed; 6531

(4) Whether the sexually oriented offense or child-victim 6532

oriented offense the offender committed involved multiple 6533  
victims; 6534

(5) Whether the offender used drugs or alcohol to impair 6535  
the victim of the sexually oriented offense or child-victim 6536  
oriented offense the offender committed or to prevent the victim 6537  
from resisting; 6538

(6) If the offender previously has been convicted of, 6539  
pleaded guilty to, or been adjudicated a delinquent child for 6540  
committing an act that if committed by an adult would be a 6541  
criminal offense, whether the offender completed any sentence or 6542  
dispositional order imposed for the prior offense or act and, if 6543  
the prior offense or act was a sexually oriented offense or a 6544  
child-victim oriented offense, whether the offender or 6545  
delinquent child participated in available programs for sex 6546  
offenders or child-victim offenders; 6547

(7) Any mental illness or mental disability of the 6548  
offender; 6549

(8) The nature of the offender's sexual conduct, sexual 6550  
contact, or interaction in a sexual context with the victim of 6551  
the sexually oriented offense the offender committed or the 6552  
nature of the offender's interaction in a sexual context with 6553  
the victim of the child-victim oriented offense the offender 6554  
committed, whichever is applicable, and whether the sexual 6555  
conduct, sexual contact, or interaction in a sexual context was 6556  
part of a demonstrated pattern of abuse; 6557

(9) Whether the offender, during the commission of the 6558  
sexually oriented offense or child-victim oriented offense the 6559  
offender committed, displayed cruelty or made one or more 6560  
threats of cruelty; 6561

(10) Any additional behavioral characteristics that 6562  
contribute to the offender's conduct. 6563

(L) As used in this section, "specified geographical 6564  
notification area" means the geographic area or areas within 6565  
which the attorney general, by rule adopted under section 6566  
2950.13 of the Revised Code, requires the notice described in 6567  
division (B) of this section to be given to the persons 6568  
identified in divisions (A)(2) to (8) of this section. 6569

**Sec. 2950.13.** (A) The attorney general shall do all of the 6570  
following: 6571

(1) No later than July 1, 1997, establish and maintain a 6572  
state registry of sex offenders and child-victim offenders that 6573  
is housed at the bureau of criminal identification and 6574  
investigation and that contains all of the registration, change 6575  
of residence, school, institution of higher education, or place 6576  
of employment address, and verification information the bureau 6577  
receives pursuant to sections 2950.04, 2950.041, 2950.05, and 6578  
2950.06 of the Revised Code regarding each person who is 6579  
convicted of, pleads guilty to, has been convicted of, or has 6580  
pleaded guilty to a sexually oriented offense or a child-victim 6581  
oriented offense and each person who is or has been adjudicated 6582  
a delinquent child for committing a sexually oriented offense or 6583  
a child-victim oriented offense and is classified a juvenile 6584  
offender registrant or is an out-of-state juvenile offender 6585  
registrant based on that adjudication, all of the information 6586  
the bureau receives pursuant to section 2950.14 of the Revised 6587  
Code, ~~and~~ any notice of an order terminating or modifying an 6588  
offender's or delinquent child's duty to comply with sections 6589  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the 6590  
bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 6591

of the Revised Code, and any notice of an order terminating an 6592  
offender's or delinquent child's duty to comply with sections 6593  
2950.04, 2950.05, and 2950.06 of the Revised Code the bureau 6594  
receives pursuant to section 2950.152 of the Revised Code. For a 6595  
person who was convicted of or pleaded guilty to the sexually 6596  
oriented offense or child-victim related offense, the registry 6597  
also shall indicate whether the person was convicted of or 6598  
pleaded guilty to the offense in a criminal prosecution or in a 6599  
serious youthful offender case. The registry shall not be open 6600  
to inspection by the public or by any person other than a person 6601  
identified in division (A) of section 2950.08 of the Revised 6602  
Code. In addition to the information and material previously 6603  
identified in this division, the registry shall include all of 6604  
the following regarding each person who is listed in the 6605  
registry: 6606

(a) A citation for, and the name of, all sexually oriented 6607  
offenses or child-victim oriented offenses of which the person 6608  
was convicted, to which the person pleaded guilty, or for which 6609  
the person was adjudicated a delinquent child and that resulted 6610  
in a registration duty, and the date on which those offenses 6611  
were committed; 6612

(b) The text of the sexually oriented offenses or child- 6613  
victim oriented offenses identified in division (A) (1) (a) of 6614  
this section as those offenses existed at the time the person 6615  
was convicted of, pleaded guilty to, or was adjudicated a 6616  
delinquent child for committing those offenses, or a link to a 6617  
database that sets forth the text of those offenses; 6618

(c) A statement as to whether the person is a tier I sex 6619  
offender/child-victim offender, a tier II sex offender/child- 6620  
victim offender, or a tier III sex offender/child-victim 6621

offender for the sexually oriented offenses or child-victim  
oriented offenses identified in division (A) (1) (a) of this  
section;

(d) The community supervision status of the person,  
including, but not limited to, whether the person is serving a  
community control sanction and the nature of any such sanction,  
whether the person is under supervised release and the nature of  
the release, or regarding a juvenile, whether the juvenile is  
under any type of release authorized under Chapter 2152. or  
5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as  
determined from information gathered or provided under sections  
109.57 and 2950.14 of the Revised Code;

(f) The bureau of criminal identification and  
investigation tracking number assigned to the person if one has  
been so assigned, the federal bureau of investigation number  
assigned to the person if one has been assigned and the bureau  
of criminal identification and investigation is aware of the  
number, and any other state identification number assigned to  
the person of which the bureau is aware;

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in section 109.573 of the  
Revised Code, from the person;

(i) Whether the person has any outstanding arrest  
warrants;

(j) Whether the person is in compliance with the person's  
duties under this chapter.

(2) In consultation with local law enforcement

representatives and no later than July 1, 1997, adopt rules that 6650  
contain guidelines necessary for the implementation of this 6651  
chapter; 6652

(3) In consultation with local law enforcement 6653  
representatives, adopt rules for the implementation and 6654  
administration of the provisions contained in section 2950.11 of 6655  
the Revised Code that pertain to the notification of neighbors 6656  
of an offender or a delinquent child who has committed a 6657  
sexually oriented offense or a child-victim oriented offense and 6658  
is in a category specified in division (F)(1) of that section 6659  
and rules that prescribe a manner in which victims of a sexually 6660  
oriented offense or a child-victim oriented offense committed by 6661  
an offender or a delinquent child who is in a category specified 6662  
in division (B)(1) of section 2950.10 of the Revised Code may 6663  
make a request that specifies that the victim would like to be 6664  
provided the notices described in divisions (A)(1) and (2) of 6665  
section 2950.10 of the Revised Code; 6666

(4) In consultation with local law enforcement 6667  
representatives and through the bureau of criminal 6668  
identification and investigation, prescribe the forms to be used 6669  
by judges and officials pursuant to section 2950.03 or 2950.032 6670  
of the Revised Code to advise offenders and delinquent children 6671  
of their duties of filing a notice of intent to reside, 6672  
registration, notification of a change of residence, school, 6673  
institution of higher education, or place of employment address 6674  
and registration of the new school, institution of higher 6675  
education, or place of employment address, as applicable, and 6676  
address verification under sections 2950.04, 2950.041, 2950.05, 6677  
and 2950.06 of the Revised Code, and prescribe the forms to be 6678  
used by sheriffs relative to those duties of filing a notice of 6679  
intent to reside, registration, change of residence, school, 6680

institution of higher education, or place of employment address 6681  
notification, and address verification; 6682

(5) Make copies of the forms prescribed under division (A) 6683  
(4) of this section available to judges, officials, and 6684  
sheriffs; 6685

(6) Through the bureau of criminal identification and 6686  
investigation, provide the notifications, the information and 6687  
materials, and the documents that the bureau is required to 6688  
provide to appropriate law enforcement officials and to the 6689  
federal bureau of investigation pursuant to sections 2950.04, 6690  
2950.041, 2950.05, and 2950.06 of the Revised Code; 6691

(7) Through the bureau of criminal identification and 6692  
investigation, maintain the verification forms returned under 6693  
the address verification mechanism set forth in section 2950.06 6694  
of the Revised Code; 6695

(8) In consultation with representatives of the officials, 6696  
judges, and sheriffs, adopt procedures for officials, judges, 6697  
and sheriffs to use to forward information, photographs, and 6698  
fingerprints to the bureau of criminal identification and 6699  
investigation pursuant to the requirements of sections 2950.03, 6700  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 6701  
Code; 6702

(9) In consultation with the director of education, the 6703  
director of job and family services, and the director of 6704  
rehabilitation and correction, adopt rules that contain 6705  
guidelines to be followed by boards of education of a school 6706  
district, chartered nonpublic schools or other schools not 6707  
operated by a board of education, preschool programs, child care 6708  
centers, type A family child care homes, licensed type B family 6709



child care homes, and institutions of higher education regarding 6710  
the proper use and administration of information received 6711  
pursuant to section 2950.11 of the Revised Code relative to an 6712  
offender or delinquent child who has committed a sexually 6713  
oriented offense or a child-victim oriented offense and is in a 6714  
category specified in division (F)(1) of that section; 6715

(10) In consultation with local law enforcement 6716  
representatives and no later than July 1, 1997, adopt rules that 6717  
designate a geographic area or areas within which the notice 6718  
described in division (B) of section 2950.11 of the Revised Code 6719  
must be given to the persons identified in divisions (A)(2) to 6720  
(8) and (A)(10) of that section; 6721

(11) Through the bureau of criminal identification and 6722  
investigation, not later than January 1, 2004, establish and 6723  
operate on the internet a sex offender and child-victim offender 6724  
database that contains information for every offender who has 6725  
committed a sexually oriented offense or a child-victim oriented 6726  
offense and registers in any county in this state pursuant to 6727  
section 2950.04 or 2950.041 of the Revised Code and for every 6728  
delinquent child who has committed a sexually oriented offense, 6729  
is a public registry-qualified juvenile offender registrant, and 6730  
registers in any county in this state pursuant to either such 6731  
section. The bureau shall not include on the database the 6732  
identity of any offender's or public registry-qualified juvenile 6733  
offender registrant's victim, any offender's or public registry- 6734  
qualified juvenile offender registrant's social security number, 6735  
the name of any school or institution of higher education 6736  
attended by any offender or public registry-qualified juvenile 6737  
offender registrant, the name of the place of employment of any 6738  
offender or public registry-qualified juvenile offender 6739  
registrant, any tracking or identification number described in 6740

division (A) (1) (f) of this section, or any information described 6741  
in division (C) (7) of section 2950.04 or 2950.041 of the Revised 6742  
Code. The bureau shall provide on the database, for each 6743  
offender and each public registry-qualified juvenile offender 6744  
registrant, at least the information specified in divisions (A) 6745  
(11) (a) to (h) of this section. Otherwise, the bureau shall 6746  
determine the information to be provided on the database for 6747  
each offender and public registry-qualified juvenile offender 6748  
registrant and shall obtain that information from the 6749  
information contained in the state registry of sex offenders and 6750  
child-victim offenders described in division (A) (1) of this 6751  
section, which information, while in the possession of the 6752  
sheriff who provided it, is a public record open for inspection 6753  
as described in section 2950.081 of the Revised Code. The 6754  
database is a public record open for inspection under section 6755  
149.43 of the Revised Code, and it shall be searchable by 6756  
offender or public registry-qualified juvenile offender 6757  
registrant name, by county, by zip code, and by school district. 6758  
The database shall provide a link to the web site of each 6759  
sheriff who has established and operates on the internet a sex 6760  
offender and child-victim offender database that contains 6761  
information for offenders and public registry-qualified juvenile 6762  
offender registrants who register in that county pursuant to 6763  
section 2950.04 or 2950.041 of the Revised Code, with the link 6764  
being a direct link to the sex offender and child-victim 6765  
offender database for the sheriff. The bureau shall provide on 6766  
the database, for each offender and public registry-qualified 6767  
juvenile offender registrant, at least the following 6768  
information: 6769

(a) The information described in divisions (A) (1) (a), (b), 6770  
(c), and (d) of this section relative to the offender or public 6771

registry-qualified juvenile offender registrant; 6772

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form; 6773  
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(c) The information described in division (C) (6) of section 2950.04 or 2950.041 of the Revised Code; 6777  
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(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender; 6779  
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(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant; 6784  
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(f) The information set forth in division (B) of section 2950.11 of the Revised Code; 6788  
6789

(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant; 6790  
6791

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter. 6792  
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6794

(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records 6795  
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under that division, that are not prohibited from inclusion by 6800  
division (B) of that section, and that pertain to offenders and 6801  
public registry-qualified juvenile offender registrants who 6802  
register in the sheriff's county pursuant to section 2950.04 or 6803  
2950.041 of the Revised Code and for the public dissemination of 6804  
information the sheriff receives pursuant to section 2950.14 of 6805  
the Revised Code and, upon the request of any sheriff, provide 6806  
technical guidance to the requesting sheriff in establishing on 6807  
the internet such a database; 6808

(13) Through the bureau of criminal identification and 6809  
investigation, not later than January 1, 2004, establish and 6810  
operate on the internet a database that enables local law 6811  
enforcement representatives to remotely search by electronic 6812  
means the state registry of sex offenders and child-victim 6813  
offenders described in division (A)(1) of this section and any 6814  
information and materials the bureau receives pursuant to 6815  
sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the 6816  
Revised Code. The database shall enable local law enforcement 6817  
representatives to obtain detailed information regarding each 6818  
offender and delinquent child who is included in the registry, 6819  
including, but not limited to the offender's or delinquent 6820  
child's name, aliases, residence address, name and address of 6821  
any place of employment, school, institution of higher 6822  
education, if applicable, license plate number of each vehicle 6823  
identified in division (C)(5) of section 2950.04 or 2950.041 of 6824  
the Revised Code to the extent applicable, victim preference if 6825  
available, date of most recent release from confinement if 6826  
applicable, fingerprints, and palmprints, all of the information 6827  
and material described in divisions (A)(1)(a) to (h) of this 6828  
section regarding the offender or delinquent child, and other 6829  
identification parameters the bureau considers appropriate. The 6830

database is not a public record open for inspection under 6831  
section 149.43 of the Revised Code and shall be available only 6832  
to law enforcement representatives as described in this 6833  
division. Information obtained by local law enforcement 6834  
representatives through use of this database is not open to 6835  
inspection by the public or by any person other than a person 6836  
identified in division (A) of section 2950.08 of the Revised 6837  
Code. 6838

(14) Through the bureau of criminal identification and 6839  
investigation, maintain a list of requests for notice about a 6840  
specified offender or delinquent child or specified geographical 6841  
notification area made pursuant to division (J) of section 6842  
2950.11 of the Revised Code and, when an offender or delinquent 6843  
child changes residence to another county, forward any requests 6844  
for information about that specific offender or delinquent child 6845  
to the appropriate sheriff; 6846

(15) Through the bureau of criminal identification and 6847  
investigation, establish and operate a system for the immediate 6848  
notification by electronic means of the appropriate officials in 6849  
other states specified in this division each time an offender or 6850  
delinquent child registers a residence, school, institution of 6851  
higher education, or place of employment address under section 6852  
2950.04 or 2950.041 of the Revised Code or provides a notice of 6853  
a change of address or registers a new address under division 6854  
(A) or (B) of section 2950.05 of the Revised Code. The immediate 6855  
notification by electronic means shall be provided to the 6856  
appropriate officials in each state in which the offender or 6857  
delinquent child is required to register a residence, school, 6858  
institution of higher education, or place of employment address. 6859  
The notification shall contain the offender's or delinquent 6860  
child's name and all of the information the bureau receives from 6861

the sheriff with whom the offender or delinquent child 6862  
registered the address or provided the notice of change of 6863  
address or registered the new address. 6864

(B) The attorney general in consultation with local law 6865  
enforcement representatives, may adopt rules that establish one 6866  
or more categories of neighbors of an offender or delinquent 6867  
child who, in addition to the occupants of residential premises 6868  
and other persons specified in division (A) (1) of section 6869  
2950.11 of the Revised Code, must be given the notice described 6870  
in division (B) of that section. 6871

(C) No person, other than a local law enforcement 6872  
representative, shall knowingly do any of the following: 6873

(1) Gain or attempt to gain access to the database 6874  
established and operated by the attorney general, through the 6875  
bureau of criminal identification and investigation, pursuant to 6876  
division (A) (13) of this section. 6877

(2) Permit any person to inspect any information obtained 6878  
through use of the database described in division (C) (1) of this 6879  
section, other than as permitted under that division. 6880

(D) As used in this section, "local law enforcement 6881  
representatives" means representatives of the sheriffs of this 6882  
state, representatives of the municipal chiefs of police and 6883  
marshals of this state, and representatives of the township 6884  
constables and chiefs of police of the township police 6885  
departments or police district police forces of this state. 6886

Sec. 2950.152. (A) As used in this section: 6887

(1) "Eligible offender" means either of the following: 6888

(a) A person who is convicted of, pleads guilty to, was 6889

convicted of, or pleaded guilty to a qualifying sexually 6890  
oriented offense, regardless of when the offense was committed, 6891  
and is a tier III sex offender; 6892

(b) A child who is or was adjudicated a delinquent child 6893  
for committing a qualifying sexually oriented offense, 6894  
regardless of when the offense was committed, and is a juvenile 6895  
offender registrant but is not a public registry-qualified 6896  
juvenile offender registrant. 6897

(2) "Qualifying sexually oriented offense" means a 6898  
violation of division (B) of section 2903.11 of the Revised Code 6899  
as it existed prior to the effective date of this section. 6900

(B) (1) An eligible offender may make a motion to one of 6901  
the following courts: 6902

(a) The court of common pleas of the county in which the 6903  
eligible offender resides; 6904

(b) If the eligible offender is a delinquent child, the 6905  
juvenile court of the county in which the eligible offender 6906  
resides; 6907

(c) If the eligible offender is not a resident of this 6908  
state, the court of common pleas of the county in which the 6909  
eligible offender has registered pursuant to section 2950.04 of 6910  
the Revised Code, but if the eligible offender has registered 6911  
addresses of that nature in more than one county, the court of 6912  
only one of those counties. 6913

(2) An eligible offender who makes a motion under division 6914  
(B) of this section may request either of the following in the 6915  
motion: 6916

(a) That the court terminate the eligible offender's duty 6917

to comply with sections 2950.04, 2950.05, and 2950.06 of the 6918  
Revised Code in relation to the qualifying offense. 6919

(b) If the eligible offender is a delinquent child, that 6920  
the court determine the child is no longer a juvenile offender 6921  
registrant, terminate the child's duty to comply with sections 6922  
2950.04, 2950.05, and 2950.06 of the Revised Code, and terminate 6923  
all prior determinations that the child is a tier I sex 6924  
offender, a tier II sex offender, or a tier III sex offender, 6925  
whichever is applicable, in relation to the qualifying offense. 6926

(C) An eligible offender who makes a motion under division 6927  
(B) of this section shall include a certified copy of the 6928  
judgment entry and any other documentation of the sentence or 6929  
disposition given for the qualifying sexually oriented offense 6930  
for which the offender was convicted, pleaded guilty to, or was 6931  
adjudicated a delinquent child with the motion. 6932

(D) Upon the filing of a motion pursuant to division (B) 6933  
of this section, the eligible offender shall serve a copy of the 6934  
motion and supporting documents on the prosecutor who handled 6935  
the case in which the eligible offender was convicted of, 6936  
pleaded guilty to, or was adjudicated a delinquent child for 6937  
committing the qualifying sexually oriented offense. Upon the 6938  
filing of the motion, the court shall set a tentative date for a 6939  
hearing on the motion that is not more than one hundred eighty 6940  
days from the date the motion is filed unless good cause exists 6941  
to hold the hearing at a later date and shall notify the 6942  
eligible offender and the prosecutor of the date, time, and 6943  
place of the hearing. 6944

(E) At least seven days prior to the hearing date, the 6945  
prosecutor may file an objection to the motion with the court 6946  
and serve a copy of the objection to the motion on the eligible 6947



offender or eligible offender's attorney. 6948

(F) (1) The court shall hold a hearing to determine whether 6949  
to grant or deny the motion. At the hearing, the Rules of Civil 6950  
Procedure or, if the hearing is in a juvenile court, the Rules 6951  
of Juvenile Procedure apply, except to the extent that those 6952  
rules would by their nature be clearly inapplicable. At the 6953  
hearing, the eligible offender has the burden of going forward 6954  
with the evidence and the burden of proof by a preponderance of 6955  
the evidence. If the court finds that the eligible offender was 6956  
convicted of, pleaded guilty to, or was adjudicated a delinquent 6957  
child for committing a qualifying sexually oriented offense, the 6958  
court shall issue an order granting the relief requested in 6959  
division (B) (2) (a) or (b) of this section. If the court finds 6960  
that the eligible offender was not convicted of, did not plead 6961  
guilty to, or was not adjudicated a delinquent child for 6962  
committing a qualifying sexually oriented offense, the court 6963  
shall issue an order denying the motion. 6964

(2) (a) The court shall provide prompt notice of its order 6965  
to the eligible offender or the eligible offender's attorney. If 6966  
the eligible offender is a delinquent child, the court also 6967  
shall provide prompt notice of its order to the delinquent 6968  
child's parent, guardian, or custodian. 6969

(b) If the court issues an order granting the relief 6970  
requested in division (B) (2) (a) or (b) of this section, the 6971  
court shall promptly forward a copy of the order to the bureau 6972  
of criminal identification and investigation. Upon receipt of 6973  
the order, the bureau shall update all records pertaining to the 6974  
eligible offender to reflect the termination order. The bureau 6975  
also shall notify every sheriff with whom the eligible offender 6976  
has most recently registered under section 2950.04, 2950.05, or 6977

2950.06 of the Revised Code of the termination order. 6978

(c) If the court issues an order granting the relief 6979  
requested in division (B) (2) (a) or (b) of this section, the 6980  
court shall promptly forward a copy of the order to any court 6981  
that sentenced the offender or adjudicated the child a 6982  
delinquent child for a qualifying sexually oriented offense that 6983  
is the basis of the termination order. The court that receives 6984  
the notice shall retain a copy of the order in the eligible 6985  
offender's case file. 6986

**Sec. 2953.31.** (A) As used in sections 2953.31 to 2953.521 6987  
of the Revised Code: 6988

(1) "Prosecutor" means the county prosecuting attorney, 6989  
city director of law, village solicitor, or similar chief legal 6990  
officer, who has the authority to prosecute a criminal case in 6991  
the court in which the case is filed. 6992

(2) "Bail forfeiture" means the forfeiture of bail by a 6993  
defendant who is arrested for the commission of a misdemeanor, 6994  
other than a defendant in a traffic case as defined in Traffic 6995  
Rule 2, if the forfeiture is pursuant to an agreement with the 6996  
court and prosecutor in the case. 6997

(3) "Official records" means all records that are 6998  
possessed by any public office or agency that relate to a 6999  
criminal case, including, but not limited to: the notation to 7000  
the case in the criminal docket; all subpoenas issued in the 7001  
case; all papers and documents filed by the defendant or the 7002  
prosecutor in the case; all records of all testimony and 7003  
evidence presented in all proceedings in the case; all court 7004  
files, papers, documents, folders, entries, affidavits, or writs 7005  
that pertain to the case; all computer, microfilm, microfiche, 7006

or microdot records, indices, or references to the case; all 7007  
index references to the case; all fingerprints and photographs; 7008  
all DNA specimens, DNA records, and DNA profiles; all records 7009  
and investigative reports pertaining to the case that are 7010  
possessed by any law enforcement officer or agency, except that 7011  
any records or reports that are the specific investigatory work 7012  
product of a law enforcement officer or agency are not and shall 7013  
not be considered to be official records when they are in the 7014  
possession of that officer or agency; all investigative records 7015  
and reports other than those possessed by a law enforcement 7016  
officer or agency pertaining to the case; and all records that 7017  
are possessed by any public office or agency that relate to an 7018  
application for, or the issuance or denial of, a certificate of 7019  
qualification for employment under section 2953.25 of the 7020  
Revised Code. 7021

"Official records" does not include any of the following: 7022

(a) Records or reports maintained pursuant to section 7023  
2151.421 of the Revised Code by a public children services 7024  
agency or the department of job and family services; 7025

(b) Any report of an investigation maintained by the 7026  
inspector general pursuant to section 121.42 of the Revised 7027  
Code, to the extent that the report contains information that 7028  
pertains to an individual who was convicted of or pleaded guilty 7029  
to an offense discovered in or related to the investigation and 7030  
whose conviction or guilty plea was not overturned on appeal; 7031

(c) Records, reports, or audits maintained by the auditor 7032  
of state pursuant to Chapter 117. of the Revised Code. 7033

(4) "Official proceeding" has the same meaning as in 7034  
section 2921.01 of the Revised Code. 7035

- (5) "Community control sanction" has the same meaning as  
in section 2929.01 of the Revised Code. 7036  
7037
- (6) "Post-release control" and "post-release control  
sanction" have the same meanings as in section 2967.01 of the  
Revised Code. 7038  
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7040
- (7) "DNA database," "DNA record," and "law enforcement  
agency" have the same meanings as in section 109.573 of the  
Revised Code. 7041  
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- (8) "Fingerprints filed for record" means any fingerprints  
obtained by the superintendent of the bureau of criminal  
identification and investigation pursuant to sections 109.57 and  
109.571 of the Revised Code. 7044  
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- (9) "Investigatory work product" means any records or  
reports of a law enforcement officer or agency that are excepted  
from the definition of "official records" and that pertain to a  
conviction or bail forfeiture, the records of which have been  
ordered sealed or expunged pursuant to division (D) (2) of  
section 2953.32 or division (F) (1) of section 2953.39 of the  
Revised Code, or that pertain to a conviction or delinquent  
child adjudication, the records of which have been ordered  
expunged pursuant to division (E) or (F) of section 2151.358,  
division (C) (2) of section 2953.35, ~~or~~ division (F) of section  
2953.36, or division (D) (2) of section 2953.41 of the Revised  
Code. 7048  
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- (10) "Law enforcement or justice system matter" means an  
arrest, complaint, indictment, trial, hearing, adjudication,  
conviction, or correctional supervision. 7060  
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- (11) "Record of conviction" means the record related to a  
conviction of or plea of guilty to an offense. 7063  
7064

(12) "Victim of human trafficking" means a person who is 7065  
or was a victim of a violation of section 2905.32 of the Revised 7066  
Code, regardless of whether anyone has been convicted of a 7067  
violation of that section or of any other section for 7068  
victimizing the person. 7069

(13) "No bill" means a report by the foreperson or deputy 7070  
foreperson of a grand jury that an indictment is not found by 7071  
the grand jury against a person who has been held to answer 7072  
before the grand jury for the commission of an offense. 7073

(14) "Court" means the court in which a case is pending at 7074  
the time a finding of not guilty in the case or a dismissal of 7075  
the complaint, indictment, or information in the case is entered 7076  
on the minutes or journal of the court, or the court to which 7077  
the foreperson or deputy foreperson of a grand jury reports, 7078  
pursuant to section 2939.23 of the Revised Code, that the grand 7079  
jury has returned a no bill. 7080

(B) (1) As used in section 2953.32 of the Revised Code, 7081  
"expunge" means the expungement process described in section 7082  
2953.32 of the Revised Code, including the authority described 7083  
in division (D) (5) of that section. 7084

(2) As used in sections 2953.33 to 2953.521 of the Revised 7085  
Code, "expunge" means both of the following: 7086

(a) The expungement process described in sections 2953.35, 7087  
2953.36, 2953.39, and 2953.521 of the Revised Code; 7088

(b) To destroy, delete, and erase a record as appropriate 7089  
for the record's physical or electronic form or characteristic 7090  
so that the record is permanently irretrievable. 7091

**Sec. 2953.34.** (A) Inspection of the sealed records 7092  
included in a sealing order may be made only by the following 7093

persons or for the following purposes: 7094

(1) By a law enforcement officer or prosecutor, or the 7095  
assistants of either, to determine whether the nature and 7096  
character of the offense with which a person is to be charged 7097  
would be affected by virtue of the person's previously having 7098  
been convicted of a crime; 7099

(2) By the parole or probation officer of the person who 7100  
is the subject of the records, for the exclusive use of the 7101  
officer in supervising the person while on parole or under a 7102  
community control sanction or a post-release control sanction, 7103  
and in making inquiries and written reports as requested by the 7104  
court or adult parole authority; 7105

(3) Upon application by the person who is the subject of 7106  
the records or a legal representative of that person, by the 7107  
persons named in the application; 7108

(4) By a law enforcement officer who was involved in the 7109  
case, for use in the officer's defense of a civil action arising 7110  
out of the officer's involvement in that case; 7111

(5) By a prosecuting attorney or the prosecuting 7112  
attorney's assistants, to determine a defendant's eligibility to 7113  
enter a pre-trial diversion program established pursuant to 7114  
section 2935.36 of the Revised Code; 7115

(6) By any law enforcement agency or any authorized 7116  
employee of a law enforcement agency or by the department of 7117  
rehabilitation and correction or department of youth services as 7118  
part of a background investigation of a person who applies for 7119  
employment with the agency or with the department; 7120

(7) By any law enforcement agency or any authorized 7121  
employee of a law enforcement agency, for the purposes set forth 7122

in, and in the manner provided in, division (I) of section 7123  
2953.34 of the Revised Code; 7124

(8) By the bureau of criminal identification and 7125  
investigation or any authorized employee of the bureau for the 7126  
purpose of providing information to a board or person pursuant 7127  
to division (F) or (G) of section 109.57 of the Revised Code; 7128

(9) By the bureau of criminal identification and 7129  
investigation or any authorized employee of the bureau for the 7130  
purpose of performing a criminal history records check on a 7131  
person to whom a certificate as prescribed in section 109.77 of 7132  
the Revised Code is to be awarded; 7133

(10) By the bureau of criminal identification and 7134  
investigation or any authorized employee of the bureau for the 7135  
purpose of conducting a criminal records check of an individual 7136  
pursuant to division (B) of section 109.572 of the Revised Code 7137  
that was requested pursuant to any of the sections identified in 7138  
division (B)(1) of that section; 7139

(11) By the bureau of criminal identification and 7140  
investigation, an authorized employee of the bureau, a sheriff, 7141  
or an authorized employee of a sheriff in connection with a 7142  
criminal records check described in section 311.41 of the 7143  
Revised Code; 7144

(12) By the attorney general or an authorized employee of 7145  
the attorney general or a court for purposes of determining a 7146  
person's classification pursuant to Chapter 2950. of the Revised 7147  
Code; 7148

(13) By a court, the registrar of motor vehicles, a 7149  
prosecuting attorney or the prosecuting attorney's assistants, 7150  
or a law enforcement officer for the purpose of assessing points 7151

against a person under section 4510.036 of the Revised Code or 7152  
for taking action with regard to points assessed. 7153

When the nature and character of the offense with which a 7154  
person is to be charged would be affected by the information, it 7155  
may be used for the purpose of charging the person with an 7156  
offense. 7157

(B) In any criminal proceeding, proof of any otherwise 7158  
admissible prior conviction may be introduced and proved, 7159  
notwithstanding the fact that for any such prior conviction an 7160  
order of sealing or expungement previously was issued pursuant 7161  
to sections 2953.31 to 2953.34 of the Revised Code. 7162

(C) The person or governmental agency, office, or 7163  
department that maintains sealed records pertaining to 7164  
convictions or bail forfeitures that have been sealed pursuant 7165  
to section 2953.32 of the Revised Code may maintain a manual or 7166  
computerized index to the sealed records. The index shall 7167  
contain only the name of, and alphanumeric identifiers that 7168  
relate to, the persons who are the subject of the sealed 7169  
records, the word "sealed," and the name of the person, agency, 7170  
office, or department that has custody of the sealed records, 7171  
and shall not contain the name of the crime committed. The index 7172  
shall be made available by the person who has custody of the 7173  
sealed records only for the purposes set forth in divisions (A), 7174  
(B), and (D) of this section. 7175

(D) Notwithstanding any provision of this section or 7176  
section 2953.32 of the Revised Code that requires otherwise, a 7177  
board of education of a city, local, exempted village, or joint 7178  
vocational school district that maintains records of an 7179  
individual who has been permanently excluded under sections 7180  
3301.121 and 3313.662 of the Revised Code is permitted to 7181



maintain records regarding a conviction that was used as the 7182  
basis for the individual's permanent exclusion, regardless of a 7183  
court order to seal or expunge the record. An order issued under 7184  
section 2953.32 of the Revised Code to seal or expunge the 7185  
record of a conviction does not revoke the adjudication order of 7186  
the director of education and workforce to permanently exclude 7187  
the individual who is the subject of the sealing or expungement 7188  
order. An order issued under section 2953.32 of the Revised Code 7189  
to seal or expunge the record of a conviction of an individual 7190  
may be presented to a district superintendent as evidence to 7191  
support the contention that the superintendent should recommend 7192  
that the permanent exclusion of the individual who is the 7193  
subject of the sealing or expungement order be revoked. Except 7194  
as otherwise authorized by this division and sections 3301.121 7195  
and 3313.662 of the Revised Code, any school employee in 7196  
possession of or having access to the sealed or expunged 7197  
conviction records of an individual that were the basis of a 7198  
permanent exclusion of the individual is subject to division (J) 7199  
of this section. 7200

(E) Notwithstanding any provision of this section or 7201  
section 2953.32 of the Revised Code that requires otherwise, if 7202  
the auditor of state or a prosecutor maintains records, reports, 7203  
or audits of an individual who has been forever disqualified 7204  
from holding public office, employment, or a position of trust 7205  
in this state under sections 2921.41 and 2921.43 of the Revised 7206  
Code, or has otherwise been convicted of an offense based upon 7207  
the records, reports, or audits of the auditor of state, the 7208  
auditor of state or prosecutor is permitted to maintain those 7209  
records to the extent they were used as the basis for the 7210  
individual's disqualification or conviction, and shall not be 7211  
compelled by court order to seal or expunge those records. 7212

(F) For purposes of sections 2953.31 and 2953.34 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed or expunged unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

(G) (1) The court shall send notice of any order to seal or expunge official records issued pursuant to section 2953.32 of the Revised Code to the bureau of criminal identification and investigation and to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) The sealing of a record under section 2953.32 of the Revised Code does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

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

(2) A person whose official records have been sealed or

expunged pursuant to an order issued pursuant to section 2953.33 7243  
of the Revised Code may present a copy of that order and a 7244  
written request to comply with it, to a public office or agency 7245  
that has a record of the case that is the subject of the order. 7246

(3) An order to seal or expunge official records issued 7247  
pursuant to section 2953.33 of the Revised Code applies to every 7248  
public office or agency that has a record of the case that is 7249  
the subject of the order, regardless of whether it receives 7250  
notice of the hearing on the application for the order to seal 7251  
or expunge the official records or receives a copy of the order 7252  
to seal the official records pursuant to division (H) (1) or (2) 7253  
of this section. 7254

(4) Upon receiving a copy of an order to seal or expunge 7255  
official records pursuant to division (H) (1) or (2) of this 7256  
section or upon otherwise becoming aware of an applicable order 7257  
to seal or expunge official records issued pursuant to section 7258  
2953.33 of the Revised Code, a public office or agency shall 7259  
comply with the order and, if applicable, with division (K) of 7260  
this section, except that if the order is a sealing order, the 7261  
office or agency may maintain a record of the case that is the 7262  
subject of the order if the record is maintained for the purpose 7263  
of compiling statistical data only and does not contain any 7264  
reference to the person who is the subject of the case and the 7265  
order. 7266

(5) A public office or agency to which division (H) (4) of 7267  
this section applies also may maintain an index of sealed 7268  
official records that are the subject of a sealing order, in a 7269  
form similar to that for sealed records of conviction as set 7270  
forth in division (C) of this section, access to which may not 7271  
be afforded to any person other than the person who has custody 7272

of the sealed official records. The sealed official records to 7273  
which such an index pertains shall not be available to any 7274  
person, except that the official records of a case that have 7275  
been sealed may be made available to the following persons for 7276  
the following purposes: 7277

(a) To the person who is the subject of the records upon 7278  
written application, and to any other person named in the 7279  
application, for any purpose; 7280

(b) To a law enforcement officer who was involved in the 7281  
case, for use in the officer's defense of a civil action arising 7282  
out of the officer's involvement in that case; 7283

(c) To a prosecuting attorney or the prosecuting 7284  
attorney's assistants to determine a defendant's eligibility to 7285  
enter a pre-trial diversion program established pursuant to 7286  
section 2935.36 of the Revised Code; 7287

(d) To a prosecuting attorney or the prosecuting 7288  
attorney's assistants to determine a defendant's eligibility to 7289  
enter a pre-trial diversion program under division (E) (2) (b) of 7290  
section 4301.69 of the Revised Code. 7291

(I) (1) Upon the issuance of an order by a court pursuant 7292  
to division (D) (2) of section 2953.32 of the Revised Code 7293  
directing that all official records of a case pertaining to a 7294  
conviction or bail forfeiture be sealed or expunged or an order 7295  
by a court pursuant to division (E) or (F) of section 2151.358, 7296  
division (C) (2) of section 2953.35, ~~or~~ division (E) of section 7297  
2953.36, or division (D) (2) of section 2953.41 of the Revised 7298  
Code directing that all official records of a case pertaining to 7299  
a conviction or delinquent child adjudication be expunged: 7300

(a) Every law enforcement officer who possesses 7301

investigatory work product immediately shall deliver that work 7302  
product to the law enforcement officer's employing law 7303  
enforcement agency. 7304

(b) Except as provided in divisions (I)(1)(c) and (d) of 7305  
this section, every law enforcement agency that possesses 7306  
investigatory work product shall close that work product to all 7307  
persons who are not directly employed by the law enforcement 7308  
agency and shall treat that work product, in relation to all 7309  
persons other than those who are directly employed by the law 7310  
enforcement agency, as if it did not exist and never had 7311  
existed. 7312

(c) A law enforcement agency that possesses investigatory 7313  
work product may permit another law enforcement agency to use 7314  
that work product in the investigation of another offense if the 7315  
facts incident to the offense being investigated by the other 7316  
law enforcement agency and the facts incident to an offense that 7317  
is the subject of the case are reasonably similar. The agency 7318  
that permits the use of investigatory work product may provide 7319  
the other agency with the name of the person who is the subject 7320  
of the case if it believes that the name of the person is 7321  
necessary to the conduct of the investigation by the other 7322  
agency. 7323

(d) The auditor of state may provide to or discuss with 7324  
other parties investigatory work product maintained pursuant to 7325  
Chapter 117. of the Revised Code by the auditor of state. 7326

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 7327  
of this section, no law enforcement officer or other person 7328  
employed by a law enforcement agency shall knowingly release, 7329  
disseminate, or otherwise make the investigatory work product or 7330  
any information contained in that work product available to, or 7331

discuss any information contained in it with, any person not 7332  
employed by the employing law enforcement agency. 7333

(b) No law enforcement agency, or person employed by a law 7334  
enforcement agency, that receives investigatory work product 7335  
pursuant to divisions (I) (1) (c) and (d) of this section shall 7336  
use that work product for any purpose other than the 7337  
investigation of the offense for which it was obtained from the 7338  
other law enforcement agency, or disclose the name of the person 7339  
who is the subject of the work product except when necessary for 7340  
the conduct of the investigation of the offense, or the 7341  
prosecution of the person for committing the offense, for which 7342  
it was obtained from the other law enforcement agency. 7343

(3) Whoever violates division (I) (2) (a) or (b) of this 7344  
section is guilty of divulging confidential investigatory work 7345  
product, a misdemeanor of the fourth degree. 7346

(J) (1) Except as authorized by divisions (A) to (C) of 7347  
this section or by Chapter 2950. of the Revised Code and subject 7348  
to ~~division~~ divisions (J) (2) and (3) of this section, any 7349  
officer or employee of the state, or a political subdivision of 7350  
the state, who releases or otherwise disseminates or makes 7351  
available for any purpose involving employment, bonding, or 7352  
licensing in connection with any business, trade, or profession 7353  
to any person, or to any department, agency, or other 7354  
instrumentality of the state, or any political subdivision of 7355  
the state, any information or other data concerning any law 7356  
enforcement or justice system matter the records with respect to 7357  
which the officer or employee had knowledge of were sealed by an 7358  
existing order issued pursuant to section 2953.32 of the Revised 7359  
Code, division (E) or (F) of section 2151.358, section 2953.35, 7360  
~~or~~ section 2953.36, or section 2953.41 of the Revised Code, or 7361

were expunged by an order issued pursuant to section 2953.42 of 7362  
the Revised Code as it existed prior to June 29, 1988, is guilty 7363  
of divulging confidential information, a misdemeanor of the 7364  
fourth degree. 7365

(2) Division (J)(1) of this section does not apply to an 7366  
officer or employee of the state, or a political subdivision of 7367  
the state, who releases or otherwise disseminates or makes 7368  
available for any purpose specified in that division any 7369  
information or other data concerning a law enforcement or 7370  
justice system matter the records of which the officer had 7371  
knowledge were sealed or expunged by an order of a type 7372  
described in that division, if all of the following apply: 7373

(a) The officer or employee released, disseminated, or 7374  
made available the information or data from the sealed or 7375  
expunged records together with information or data concerning 7376  
another law enforcement or justice system matter. 7377

(b) The records of the other law enforcement or justice 7378  
system matter were not sealed or expunged by any order of a type 7379  
described in division (J)(1) of this section. 7380

(c) The law enforcement or justice system matter covered 7381  
by the information or data from the sealed or expunged records 7382  
and the other law enforcement or justice system matter covered 7383  
by the information or data from the records that were not sealed 7384  
or expunged resulted from or were connected to the same act. 7385

(d) The officer or employee made a good faith effort to 7386  
not release, disseminate, or make available any information or 7387  
other data concerning any law enforcement or justice system 7388  
matter from the sealed or expunged records, and the officer or 7389  
employee did not release, disseminate, or make available the 7390

information or other data from the sealed or expunged records 7391  
with malicious purpose, in bad faith, or in a wanton or reckless 7392  
manner. 7393

(3) Division (J) (1) of this section does not apply to an 7394  
officer or employee of the state, or a political subdivision of 7395  
the state, who releases or otherwise disseminates or makes 7396  
available for any purpose specified in that division any 7397  
information or other data concerning a law enforcement or 7398  
justice system matter the records of which the officer had 7399  
knowledge were sealed or expunged by an order of a type 7400  
described in that division, if the records are released or 7401  
disseminated or access is provided pursuant to an application by 7402  
the person who is the subject of the information or data or by a 7403  
legal representative of that person. 7404

(4) Any person who, in violation of this section, uses, 7405  
disseminates, or otherwise makes available any index prepared 7406  
pursuant to division (C) of this section is guilty of a 7407  
misdemeanor of the fourth degree. 7408

(K) (1) Except as otherwise provided in Chapter 2950. of 7409  
the Revised Code, upon the issuance of an order by a court under 7410  
division (B) of section 2953.33 of the Revised Code directing 7411  
that all official records pertaining to a case be sealed or 7412  
expunged and that the proceedings in the case be deemed not to 7413  
have occurred: 7414

(a) Every law enforcement officer possessing records or 7415  
reports pertaining to the case that are the officer's specific 7416  
investigatory work product and that are excepted from the 7417  
definition of official records shall immediately deliver the 7418  
records and reports to the officer's employing law enforcement 7419  
agency. Except as provided in division (K) (1) (c) or (d) of this 7420



section, no such officer shall knowingly release, disseminate, 7421  
or otherwise make the records and reports or any information 7422  
contained in them available to, or discuss any information 7423  
contained in them with, any person not employed by the officer's 7424  
employing law enforcement agency. 7425

(b) Every law enforcement agency that possesses records or 7426  
reports pertaining to the case that are its specific 7427  
investigatory work product and that are excepted from the 7428  
definition of official records, or that are the specific 7429  
investigatory work product of a law enforcement officer it 7430  
employs and that were delivered to it under division (K) (1) (a) 7431  
of this section shall, except as provided in division (K) (1) (c) 7432  
or (d) of this section, close the records and reports to all 7433  
persons who are not directly employed by the law enforcement 7434  
agency and shall, except as provided in division (K) (1) (c) or 7435  
(d) of this section, treat the records and reports, in relation 7436  
to all persons other than those who are directly employed by the 7437  
law enforcement agency, as if they did not exist and had never 7438  
existed. Except as provided in division (K) (1) (c) or (d) of this 7439  
section, no person who is employed by the law enforcement agency 7440  
shall knowingly release, disseminate, or otherwise make the 7441  
records and reports in the possession of the employing law 7442  
enforcement agency or any information contained in them 7443  
available to, or discuss any information contained in them with, 7444  
any person not employed by the employing law enforcement agency. 7445

(c) A law enforcement agency that possesses records or 7446  
reports pertaining to the case that are its specific 7447  
investigatory work product and that are excepted from the 7448  
definition of official records, or that are the specific 7449  
investigatory work product of a law enforcement officer it 7450  
employs and that were delivered to it under division (K) (1) (a) 7451

of this section may permit another law enforcement agency to use 7452  
the records or reports in the investigation of another offense, 7453  
if the facts incident to the offense being investigated by the 7454  
other law enforcement agency and the facts incident to an 7455  
offense that is the subject of the case are reasonably similar. 7456  
The agency that provides the records and reports may provide the 7457  
other agency with the name of the person who is the subject of 7458  
the case, if it believes that the name of the person is 7459  
necessary to the conduct of the investigation by the other 7460  
agency. 7461

No law enforcement agency, or person employed by a law 7462  
enforcement agency, that receives from another law enforcement 7463  
agency records or reports pertaining to a case the records of 7464  
which have been ordered sealed or expunged pursuant to division 7465  
(B) of section 2953.33 of the Revised Code shall use the records 7466  
and reports for any purpose other than the investigation of the 7467  
offense for which they were obtained from the other law 7468  
enforcement agency, or disclose the name of the person who is 7469  
the subject of the records or reports except when necessary for 7470  
the conduct of the investigation of the offense, or the 7471  
prosecution of the person for committing the offense, for which 7472  
they were obtained from the other law enforcement agency. 7473

(d) The auditor of state may provide to or discuss with 7474  
other parties records, reports, or audits maintained by the 7475  
auditor of state pursuant to Chapter 117. of the Revised Code 7476  
pertaining to the case that are the auditor of state's specific 7477  
investigatory work product and that are excepted from the 7478  
definition of "official records" contained in division (C) of 7479  
section 2953.31 of the Revised Code, or that are the specific 7480  
investigatory work product of a law enforcement officer the 7481  
auditor of state employs and that were delivered to the auditor 7482

of state under division (K) (1) (a) of this section. 7483

(2) Whoever violates division (K) (1) of this section is 7484  
guilty of divulging confidential information, a misdemeanor of 7485  
the fourth degree. 7486

(L) (1) In any application for employment, license, or any 7487  
other right or privilege, any appearance as a witness, or any 7488  
other inquiry, a person may not be questioned with respect to 7489  
any record that has been sealed or expunged pursuant to section 7490  
2953.33 of the Revised Code. If an inquiry is made in violation 7491  
of this division, the person whose official record was sealed 7492  
may respond as if the arrest underlying the case to which the 7493  
sealed official records pertain and all other proceedings in 7494  
that case did not occur, and the person whose official record 7495  
was sealed shall not be subject to any adverse action because of 7496  
the arrest, the proceedings, or the person's response. 7497

(2) (a) Except as provided in division (L) (2) (b) of this 7498  
section, an officer or employee of the state or any of its 7499  
political subdivisions who knowingly releases, disseminates, or 7500  
makes available for any purpose involving employment, bonding, 7501  
licensing, or education to any person or to any department, 7502  
agency, or other instrumentality of the state, or of any of its 7503  
political subdivisions, any information or other data concerning 7504  
any arrest, complaint, indictment, information, trial, 7505  
adjudication, or correctional supervision, knowing the records 7506  
of which have been sealed or expunged pursuant to section 7507  
2953.33 of the Revised Code, is guilty of divulging confidential 7508  
information, a misdemeanor of the fourth degree. 7509

(b) Division (L) (2) (a) of this section does not apply to 7510  
any release, dissemination, or access to information or data if 7511  
the records are released or disseminated or access is provided 7512

pursuant to an application by the person who is the subject of 7513  
the information or data or by a legal representative of that 7514  
person. 7515

(M) It is not a violation of division (I), (J), (K), or 7516  
(L) of this section for the bureau of criminal identification 7517  
and investigation or any authorized employee of the bureau 7518  
participating in the investigation of criminal activity to 7519  
release, disseminate, or otherwise make available to, or discuss 7520  
with, a person directly employed by a law enforcement agency DNA 7521  
records collected in the DNA database or fingerprints filed for 7522  
record by the superintendent of the bureau of criminal 7523  
identification and investigation. 7524

(N) (1) An order issued under section 2953.35 of the 7525  
Revised Code to expunge the record of a person's conviction or, 7526  
except as provided in division (D) of this section, an order 7527  
issued under that section to seal the record of a person's 7528  
conviction restores the person who is the subject of the order 7529  
to all rights and privileges not otherwise restored by 7530  
termination of the sentence or community control sanction or by 7531  
final release on parole or post-release control. 7532

(2) (a) In any application for employment, license, or 7533  
other right or privilege, any appearance as a witness, or any 7534  
other inquiry, except as provided in division (B) of this 7535  
section and in section 3319.292 of the Revised Code and subject 7536  
to division (N) (2) (c) of this section, a person may be 7537  
questioned only with respect to convictions not sealed, bail 7538  
forfeitures not expunged under section 2953.42 of the Revised 7539  
Code as it existed prior to June 29, 1988, and bail forfeitures 7540  
not sealed, unless the question bears a direct and substantial 7541  
relationship to the position for which the person is being 7542

considered. 7543

(b) In any application for a certificate of qualification 7544  
for employment under section 2953.25 of the Revised Code, a 7545  
person may be questioned only with respect to convictions not 7546  
sealed and bail forfeitures not sealed. 7547

(c) A person may not be questioned in any application, 7548  
appearance, or inquiry of a type described in division (N) (2) (a) 7549  
of this section with respect to any conviction expunged under 7550  
section 2953.35 of the Revised Code. 7551

(O) Nothing in section 2953.32 or 2953.34 of the Revised 7552  
Code precludes an offender from taking an appeal or seeking any 7553  
relief from the offender's conviction or from relying on it in 7554  
lieu of any subsequent prosecution for the same offense. 7555

**Sec. 2953.41.** (A) As used in this section: 7556

(1) "Expunge" means to destroy, delete, or erase a record 7557  
as appropriate for the record's physical or electronic form or 7558  
characteristic so that the record is permanently irretrievable. 7559

(2) "Prosecutor" has the same meaning as in section 7560  
2953.31 of the Revised Code. 7561

(3) "Record of conviction" means any record related to a 7562  
conviction of or plea of guilty to an offense. 7563

(B) Any person who is convicted of, was convicted of, 7564  
pleads guilty to, or has pleaded guilty to a violation of 7565  
division (B) of section 2903.11 of the Revised Code as it 7566  
existed prior to the effective date of this section may apply to 7567  
the sentencing court for the expungement of the record of 7568  
conviction. The person may file an application at any time on or 7569  
after the effective date of this section. The application shall 7570

do all of the following: 7571

(1) Identify the applicant, the offense for which the 7572  
expungement is sought, the date of the conviction of or plea of 7573  
guilty to that offense, and the court in which the conviction 7574  
record occurred or the plea of guilty was entered; 7575

(2) Include evidence that the offense was a violation of 7576  
division (B) of section 2903.11 of the Revised Code as it 7577  
existed prior to the effective date of this section; 7578

(3) Include a request for expungement of the record of 7579  
conviction of that offense under this section. 7580

(C) Upon the filing of an application under division (B) 7581  
of this section and the payment of the fee described in division 7582  
(D)(3) of this section if applicable, the court shall set a date 7583  
for a hearing and shall notify the prosecutor for the case of 7584  
the hearing on the application. The prosecutor may object to the 7585  
granting of the application by filing an objection with the 7586  
court prior to the date set for the hearing. The prosecutor 7587  
shall specify in the objection the reasons for believing a 7588  
denial of the application is justified. The court shall hold the 7589  
hearing scheduled under this division. 7590

(D)(1) At the hearing held under division (C) of this 7591  
section, the court shall do each of the following: 7592

(a) Determine whether the applicant has been convicted of 7593  
or pleaded guilty to a violation of division (B) of section 7594  
2903.11 of the Revised Code as it existed prior to the effective 7595  
date of this section; 7596

(b) If the prosecutor has filed an objection in accordance 7597  
with division (C) of this section, consider the reasons against 7598  
granting the application specified by the prosecutor in the 7599

objection.

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(2) (a) If the court determines at the hearing held under  
division (D) (1) of this section that the applicant has been  
convicted of or pleaded guilty to a violation of division (B) of  
section 2903.11 of the Revised Code as it existed prior to the  
effective date of this section, the court shall order the  
expungement of all official records pertaining to the case and  
the deletion of all index references to the case and, if it does  
order the expungement, shall send notice of the order to each  
public office or agency that the court has reason to believe may  
have an official record pertaining to the case.

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

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

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**Sec. 3701.24.** (A) As used in this section and sections  
3701.241 to 3701.249 of the Revised Code:

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(1) "AIDS" or "acquired immunodeficiency syndrome" means 7629  
the ~~illness designated as acquired immunodeficiency~~ 7630  
~~syndrome~~ condition caused by advanced HIV infection that is 7631  
diagnosed when an individual has an AIDS-defining condition or 7632  
the individual's number of CD4 T lymphocytes is below two 7633  
hundred cells per cubic millimeter of blood (200 cells/mm<sup>3</sup>) as 7634  
determined by a CD4 count. 7635

(2) "HIV" means the human immunodeficiency virus 7636  
~~identified as the causative agent of AIDS.~~ 7637

(3) "~~AIDS-related AIDS-defining condition~~" means ~~symptoms~~ 7638  
~~of illness related to HIV infection, including AIDS-related~~ 7639  
~~complex, that are confirmed by a positive HIV test~~ any HIV- 7640  
related illness that the United States centers for disease 7641  
control and prevention includes on its list of diagnostic 7642  
criteria for AIDS, including opportunistic infections and 7643  
cancers that are life-threatening to an individual living with 7644  
HIV. 7645

(4) "HIV test" means any test for the antibody or antigen 7646  
to HIV that has been approved by the director of health under 7647  
division (B) of section 3701.241 of the Revised Code. 7648

(5) "Health care facility" has the same meaning as in 7649  
section 1751.01 of the Revised Code. 7650

(6) "Director" means the director of health or any 7651  
employee of the department of health acting on the director's 7652  
behalf. 7653

(7) "Physician" means a person authorized under Chapter 7654  
4731. of the Revised Code to practice medicine and surgery or 7655  
osteopathic medicine and surgery. 7656

(8) "Nurse" means a registered nurse or licensed practical 7657



nurse who holds a license issued under Chapter 4723. of the Revised Code.

(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.

(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.

(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the director may adopt rules further defining the scope of the term "health care provider."

(12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual.

(13) "Emergency medical services worker" means all of the following:

- (a) A peace officer;
- (b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;
- (c) A firefighter employed by a political subdivision;
- (d) A volunteer firefighter, emergency operator, or rescue

operator; 7686

(e) An employee of a private organization that renders 7687  
rescue services, emergency medical services, or emergency 7688  
medical transportation to accident victims and persons suffering 7689  
serious illness or injury. 7690

(14) "Peace officer" has the same meaning as in division 7691  
(A) of section 109.71 of the Revised Code, except that it also 7692  
includes a sheriff and the superintendent and troopers of the 7693  
state highway patrol. 7694

(15) "CD 4 count" means the laboratory test that measures 7695  
the number of CD4 T lymphocytes (CD4 cells) in a sample of human 7696  
blood. 7697

(B) Persons designated by rule adopted by the director 7698  
under section 3701.241 of the Revised Code shall report promptly 7699  
every ~~ease of diagnosis of AIDS, every AIDS-related AIDS-~~ 7700  
defining condition, and every confirmed positive HIV test to the 7701  
department of health on forms and in a manner prescribed by the 7702  
director. In each county the director shall designate the health 7703  
commissioner of a health district in the county to receive the 7704  
reports. 7705

(C) No person shall fail to comply with the reporting 7706  
requirements established under division (B) of this section. 7707

(D) Information reported under this section that 7708  
identifies an individual is confidential and may be released 7709  
only with the written consent of the individual except as the 7710  
director determines necessary to ensure the accuracy of the 7711  
information, as necessary to provide treatment to the 7712  
individual, as ordered by a court pursuant to section 3701.243 7713  
or 3701.247 of the Revised Code, or pursuant to a search warrant 7714

or a subpoena issued by or at the request of a grand jury, 7715  
prosecuting attorney, city director of law or similar chief 7716  
legal officer of a municipal corporation, or village solicitor, 7717  
in connection with a criminal investigation or prosecution. 7718  
Information that does not identify an individual may be released 7719  
in summary, statistical, or aggregate form. 7720

**Sec. 3701.241.** (A) The director of health shall develop 7721  
and administer the following: 7722

(1) A surveillance system to determine the number of ~~cases~~ 7723  
diagnoses of AIDS and the HIV ~~infection~~ incidence rate in 7724  
various population groups; 7725

(2) Counseling and testing programs for groups determined 7726  
by the director to be at risk ~~of~~ for acquiring HIV infection, 7727  
including procedures for both confidential and anonymous tests, 7728  
counseling training programs for health care providers, and 7729  
development of counseling guidelines; 7730

(3) A confidential partner notification system to, at the 7731  
request of the individual living with HIV, alert and counsel 7732  
sexual contacts of ~~individuals with HIV infection~~ that 7733  
individual; 7734

(4) Risk reduction and education programs for groups 7735  
determined by the director to be at risk ~~of~~ for acquiring HIV 7736  
~~infection~~, and, in consultation with a wide range of community 7737  
leaders, education programs for the public; 7738

(5) Pilot programs for the long-term care of individuals 7739  
~~with living with HIV or AIDS or AIDS-related condition~~, 7740  
including care in nursing homes and in alternative settings; 7741

(6) Programs to expand regional outpatient treatment of 7742  
individuals ~~with living with HIV or AIDS or AIDS-related~~ 7743

~~condition;~~ 7744

(7) A program to assist communities, including communities 7745  
of less than one hundred thousand population, in establishing 7746  
AIDS task forces and support groups for individuals ~~with-living~~ 7747  
~~with HIV or AIDS, AIDS-related condition, and HIV infection.~~ The 7748  
program may include the award of grants if they are matched by 7749  
local funds. 7750

Information obtained or maintained under the partner 7751  
notification system is not a public record under section 149.43 7752  
of the Revised Code and may be released only in accordance with 7753  
division (C) of section 3701.243 of the Revised Code. 7754

(B) The director shall: 7755

(1) Approve a test or tests to be used to determine 7756  
whether an individual has ~~HIV-infection~~, define a confirmed 7757  
positive test result, and develop guidelines for interpreting 7758  
test results; 7759

(2) Establish sites for confidential and anonymous HIV 7760  
tests, and prepare a list of sites where an individual may 7761  
obtain an anonymous test; 7762

(3) Prepare a list of counseling services; 7763

(4) Make available a copy of the list of anonymous testing 7764  
sites or a copy of the list of counseling services to anyone who 7765  
requests it. 7766

(C) The director of health shall require the director or 7767  
administrator of each site where anonymous or confidential HIV 7768  
tests are given to submit a report every three months evaluating 7769  
from an epidemiologic perspective the effectiveness of the HIV 7770  
testing program at that site. Not later than January 31, 1991, 7771

and each year thereafter, the director of health shall make a 7772  
report evaluating the anonymous and confidential testing 7773  
programs throughout the state with regard to their effectiveness 7774  
as epidemiologic programs. The report shall be submitted to the 7775  
speaker of the house of representatives and the president of the 7776  
senate and shall be made available to the public. 7777

The director of health shall adopt rules pursuant to 7778  
Chapter 119. of the Revised Code for the implementation of the 7779  
requirements of division (B)(1) of this section and division (D) 7780  
of section 3701.24 of the Revised Code. 7781

(D) The director of health shall administer funds received 7782  
under Title XXVI of the "Public Health Services Act," 104 Stat. 7783  
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to 7784  
improve the quality and availability of care for individuals 7785  
living with HIV or AIDS, AIDS-related condition, and HIV- 7786  
infection. In administering these funds, the director may enter 7787  
into contracts with any person or entity for the purpose of 7788  
administering the programs, including contracts with the 7789  
department of job and family services for establishment of a 7790  
program of reimbursement of drugs used for treatment and care of 7791  
such individuals. The director of health may adopt rules in 7792  
accordance with Chapter 119. of the Revised Code and issue 7793  
orders as necessary for administration of the funds. If the 7794  
department of job and family services enters into a contract 7795  
under this division, the director of job and family services may 7796  
adopt rules in accordance with Chapter 119. of the Revised Code 7797  
as necessary for carrying out the department's duties under the 7798  
contract. 7799

**Sec. 3701.242.** (A) A voluntary HIV test may be performed 7800  
on an individual by or on the order of a health care provider if 7801

the individual or the individual's parent or guardian has given 7802  
general consent to the provider for medical or other health care 7803  
treatment and if the health care provider or an authorized 7804  
representative of the health care provider has notified the 7805  
individual that the HIV test is planned and that the individual 7806  
has a right to decline the test. If an individual declines the 7807  
test, it shall be noted in the individual's medical record. The 7808  
notification may be verbal or written, in person or electronic, 7809  
or any combination thereof. 7810

(B) A minor may consent to be given an HIV test. The 7811  
consent is not subject to disaffirmance because of minority. The 7812  
parents or guardian of a minor giving consent under this 7813  
division are not liable for payment and shall not be charged for 7814  
an HIV test given to the minor without the consent of a parent 7815  
or the guardian. 7816

(C) The health care provider ordering an HIV test shall 7817  
provide post-test counseling for an individual who receives an 7818  
HIV-positive test result. The director of health may adopt rules 7819  
in accordance with Chapter 119. of the Revised Code specifying 7820  
the information to be provided in post-test counseling. 7821

(D) An individual shall have the right to an anonymous 7822  
test. A health care facility or health care provider that does 7823  
not provide anonymous testing shall refer an individual 7824  
requesting an anonymous test to a site where it is available. 7825

(E) Divisions (A) to (D) of this section do not apply to 7826  
the performance of an HIV test in any of the following 7827  
circumstances: 7828

(1) When the test is performed in a medical emergency by a 7829  
nurse or physician and the test results are medically necessary 7830

to avoid or minimize an immediate danger to the health or safety 7831  
of the individual to be tested or another individual, except 7832  
that post-test counseling shall be given to the individual if 7833  
the individual receives an HIV-positive test result; 7834

(2) When the test is performed for the purpose of research 7835  
if the researcher does not know and cannot determine the 7836  
identity of the individual tested; 7837

(3) When the test is performed by a person who procures, 7838  
processes, distributes, or uses a human body part from a 7839  
deceased person donated for a purpose specified in Chapter 2108. 7840  
of the Revised Code, if the test is medically necessary to 7841  
ensure that the body part is acceptable for its intended 7842  
purpose; 7843

(4) When the test is performed on a person incarcerated in 7844  
a correctional institution under the control of the department 7845  
of rehabilitation and correction if the head of the institution 7846  
has determined, based on good cause, that a test is necessary; 7847

(5) When the test is performed in accordance with section 7848  
2907.27 of the Revised Code; 7849

(6) When the test is performed on an individual after the 7850  
infection control committee of a health care facility, or other 7851  
body of a health care facility performing a similar function 7852  
determines that a health care provider, emergency medical 7853  
services worker, or peace officer, while rendering health or 7854  
emergency care to an individual, has sustained a significant 7855  
exposure to the body fluids of that individual, and the 7856  
individual has refused to give consent for testing. 7857

**Sec. 3701.243.** (A) Except as provided in this section or 7858  
section 3701.248 of the Revised Code, no person or agency of 7859

state or local government that acquires the information while 7860  
providing any health care service or while in the employ of a 7861  
health care facility or health care provider shall disclose or 7862  
compel another to disclose any of the following: 7863

(1) The identity of any individual on whom an HIV test is 7864  
performed; 7865

(2) The results of an HIV test in a form that identifies 7866  
the individual tested; 7867

(3) The identity of any individual ~~diagnosed as having~~ 7868  
~~AIDS or an AIDS-related condition~~living with HIV. 7869

(B) (1) Except as provided in divisions (B) (2), (C), (D), 7870  
and (F) of this section, the results of an HIV test or the 7871  
identity of an individual on whom an HIV test is performed or 7872  
who is ~~diagnosed as having AIDS or an AIDS-related condition~~ 7873  
with HIV may be disclosed only to the following: 7874

(a) The individual who was tested or the individual's 7875  
legal guardian, and, with the consent of the individual tested, 7876  
the individual's spouse or any sexual partner; 7877

(b) A person to whom disclosure is authorized by a written 7878  
release, executed by the individual tested or by the 7879  
individual's legal guardian and specifying to whom disclosure of 7880  
the test results or diagnosis is authorized and the time period 7881  
during which the release is to be effective; 7882

(c) Any physician who treats the individual; 7883

(d) The department of health or a health commissioner to 7884  
which reports are made under section 3701.24 of the Revised 7885  
Code; 7886

(e) A health care facility or provider that procures, 7887



processes, distributes, or uses a human body part from a 7888  
deceased individual, donated for a purpose specified in Chapter 7889  
2108. of the Revised Code, and that needs medical information 7890  
about the deceased individual to ensure that the body part is 7891  
medically acceptable for its intended purpose; 7892

(f) Health care facility staff committees or accreditation 7893  
or oversight review organizations conducting program monitoring, 7894  
program evaluation, or service reviews; 7895

(g) A health care provider, emergency medical services 7896  
worker, or peace officer who sustained a significant exposure to 7897  
the body fluids of another individual, if that individual was 7898  
tested pursuant to division (E) (6) of section 3701.242 of the 7899  
Revised Code, except that the identity of the individual tested 7900  
shall not be revealed; 7901

~~(h) To law enforcement authorities pursuant to a search 7902  
warrant or a subpoena issued by or at the request of a grand 7903  
jury, a prosecuting attorney, a city director of law or similar 7904  
chief legal officer of a municipal corporation, or a village 7905  
solicitor, in connection with a criminal investigation or 7906  
prosecution. 7907~~

(2) The results of an HIV test ~~or a diagnosis of AIDS or 7908  
an AIDS-related condition~~ may be disclosed to a health care 7909  
provider, or an authorized agent or employee of a health care 7910  
facility or a health care provider, if the provider, agent, or 7911  
employee has a medical need to know the information and is 7912  
participating in the diagnosis, care, or treatment of the 7913  
individual on whom the test was performed ~~or who has been 7914  
diagnosed as having AIDS or an AIDS-related condition. 7915~~

This division does not impose a standard of disclosure 7916

different from the standard for disclosure of all other specific 7917  
information about a patient to health care providers and 7918  
facilities. Disclosure may not be requested or made solely for 7919  
the purpose of identifying an individual who has a ~~positive HIV-~~ 7920  
~~test result or has been diagnosed as having AIDS or an AIDS-~~ 7921  
~~related condition tested positive for HIV~~ in order to refuse to 7922  
treat the individual. ~~Referral of an individual to another~~ 7923  
~~health care provider or facility based on reasonable~~ 7924  
~~professional judgment does not constitute refusal to treat the~~ 7925  
~~individual.~~ 7926

(3) Not later than ninety days after November 1, 1989, 7927  
each health care facility in this state shall establish a 7928  
protocol to be followed by employees and individuals affiliated 7929  
with the facility in making disclosures authorized by division 7930  
(B) (2) of this section. A person employed by or affiliated with 7931  
a health care facility who determines in accordance with the 7932  
protocol established by the facility that a disclosure is 7933  
authorized by division (B) (2) of this section is immune from 7934  
liability to any person in a civil action for damages for 7935  
injury, death, or loss to person or property resulting from the 7936  
disclosure. 7937

(C) (1) Any person or government agency may seek access to 7938  
or authority to disclose the HIV test records of an individual 7939  
in accordance with the following provisions: 7940

(a) The person or government agency shall bring an action 7941  
in a court of common pleas requesting disclosure of or authority 7942  
to disclose the results of an HIV test of a specific individual, 7943  
who shall be identified in the complaint by a pseudonym but 7944  
whose name shall be communicated to the court confidentially, 7945  
pursuant to a court order restricting the use of the name. The 7946

court shall provide the individual with notice and an 7947  
opportunity to participate in the proceedings if the individual 7948  
is not named as a party. Proceedings shall be conducted in 7949  
chambers unless the individual agrees to a hearing in open 7950  
court. 7951

(b) The court may issue an order granting the plaintiff 7952  
access to or authority to disclose the test results only if the 7953  
court finds by clear and convincing evidence that the plaintiff 7954  
has demonstrated a compelling need for disclosure of the 7955  
information that cannot be accommodated by other means. In 7956  
assessing compelling need, the court shall weigh the need for 7957  
disclosure against the privacy right of the individual tested 7958  
and against any disservice to the public interest that might 7959  
result from the disclosure, such as discrimination against the 7960  
individual or the deterrence of others from being tested. 7961

(c) If the court issues an order, it shall guard against 7962  
unauthorized disclosure by specifying the persons who may have 7963  
access to the information, the purposes for which the 7964  
information shall be used, and prohibitions against future 7965  
disclosure. 7966

(2) A person or government agency that considers it 7967  
necessary to disclose the results of an HIV test of a specific 7968  
individual in an action in which it is a party may seek 7969  
authority for the disclosure by filing an in camera motion with 7970  
the court in which the action is being heard. In hearing the 7971  
motion, the court shall employ procedures for confidentiality 7972  
similar to those specified in division (C)(1) of this section. 7973  
The court shall grant the motion only if it finds by clear and 7974  
convincing evidence that a compelling need for the disclosure 7975  
has been demonstrated. 7976

(3) Except for an order issued in a criminal prosecution 7977  
or an order under division (C) (1) or (2) of this section 7978  
granting disclosure of the result of an HIV test of a specific 7979  
individual, a court shall not compel a blood bank, hospital 7980  
blood center, or blood collection facility to disclose the 7981  
result of HIV tests performed on the blood of voluntary donors 7982  
in a way that reveals the identity of any donor. 7983

(4) In a civil action in which the plaintiff seeks to 7984  
recover damages from an individual defendant based on an 7985  
allegation that the plaintiff contracted ~~the HIV virus~~ as a 7986  
result of actions of the defendant, the prohibitions against 7987  
disclosure in this section do not bar discovery of the results 7988  
of any HIV test given to the defendant ~~or any diagnosis that the~~ 7989  
~~defendant has AIDS or an AIDS-related condition.~~ 7990

(D) The results of an HIV test or the identity of an 7991  
individual on whom an HIV test is performed ~~or who is diagnosed~~ 7992  
~~as having AIDS or an AIDS-related condition~~ may be disclosed to 7993  
a federal, state, or local government agency, or the official 7994  
representative of such an agency, for purposes of the medicaid 7995  
program, the medicare program, or any other public assistance 7996  
program. 7997

(E) Any disclosure pursuant to this section shall be in 7998  
writing and accompanied by a written statement that includes the 7999  
following or substantially similar language: "This information 8000  
has been disclosed to you from confidential records protected 8001  
from disclosure by state law. You shall make no further 8002  
disclosure of this information without the specific, written, 8003  
and informed release of the individual to whom it pertains, or 8004  
as otherwise permitted by state law. A general authorization for 8005  
the release of medical or other information is not sufficient 8006

for the purpose of the release of HIV test results or 8007  
diagnoses." 8008

~~(F) An individual who knows that the individual has 8009  
received a positive result on an HIV test or has been diagnosed 8010  
as having AIDS or an AIDS-related condition shall disclose this 8011  
information to any other person with whom the individual intends 8012  
to make common use of a hypodermic needle or engage in sexual 8013  
conduct as defined in section 2907.01 of the Revised Code. An 8014  
individual's compliance with this division does not prohibit a 8015  
prosecution of the individual for a violation of division (B) of 8016  
section 2903.11 of the Revised Code. 8017~~

~~(G) Nothing in this section prohibits the introduction of 8018  
evidence concerning an HIV test of a specific individual in a 8019  
criminal proceeding. 8020~~

**Sec. 3701.244.** (A) As used in this section, "violation" 8021  
means an occasion of noncompliance involving a single injured 8022  
individual. 8023

(B) A person or an agency of state or local government 8024  
that knowingly violates division (A) of section 3701.242, 8025  
division (A) of section 3701.243, or division (E) of section 8026  
3701.248 of the Revised Code may be found liable in a civil 8027  
action; the action may be brought by any individual injured by 8028  
the violation. Except as otherwise provided in division (C) or 8029  
(D) of this section, the court may award compensatory damages 8030  
and any equitable relief, including injunctive relief, it finds 8031  
appropriate. If an award is made in favor of the plaintiff, the 8032  
judge may award reasonable attorney's fees to the plaintiff 8033  
after a hearing to determine the amount of the fees. 8034

(C) No person shall be held liable for damages or 8035

attorney's fees in an action based on a violation of section 8036  
3701.243 of the Revised Code by his employee or agent unless the 8037  
person knew or should have known of the violation. 8038

(D) A person who acts in good faith in accordance with 8039  
section 3701.242, 3701.243, or 3701.248 of the Revised Code is 8040  
not liable for damages in a civil action brought pursuant to 8041  
this section. 8042

(E) A civil action under this section is barred unless the 8043  
action is commenced within one year after the cause of action 8044  
accrued. A cause of action does not survive the death of the 8045  
individual injured by the violation unless a civil action based 8046  
on the cause of action is commenced prior to the death of that 8047  
individual. 8048

(F) The remedies in this section are the exclusive civil 8049  
remedies for an individual injured by noncompliance with section 8050  
3701.242, 3701.243, or division (E) of section 3701.248 of the 8051  
Revised Code. 8052

(G) Nothing in this section shall be construed to impose 8053  
civil liability on a person for the disclosure of an HIV test 8054  
result, a diagnosed case of AIDS, or a diagnosed ~~AIDS-related~~ 8055  
AIDS-defining condition in accordance with a reporting 8056  
requirement of the department of health or any federal agency. 8057

(H) No person with knowledge that an individual other than 8058  
~~himself the individual's self has or may have AIDS, and AIDS-~~ 8059  
~~related condition, or a positive HIV test~~ shall be held liable 8060  
for failing to disclose that information to any person unless 8061  
disclosure is expressly required by law. 8062

**Sec. 3701.245.** ~~(A)~~ No state agency as defined in section 8063  
1.60 of the Revised Code, political subdivision, agency of local 8064

government, or private nonprofit corporation receiving state or 8065  
local government funds shall refuse to admit as a patient, or to 8066  
provide services to, any individual solely because ~~he~~ the 8067  
individual refuses to consent to an HIV test or to disclose HIV 8068  
test results. 8069

~~(B) The prohibition contained in division (A) of this 8070  
section does not prevent a physician or a person licensed to 8071  
practice dentistry under Chapter 4715. of the Revised Code from 8072  
referring an individual he has reason to believe may have AIDS- 8073  
or an AIDS-related condition to an appropriate health care- 8074  
provider or facility, if the referral is based on reasonable 8075  
professional judgment and not solely on grounds of the refusal- 8076  
of the individual to consent to an HIV test or to disclose the 8077  
result of an HIV test. 8078~~

**Sec. 3701.246.** Any human body part donated for 8079  
transplantation, including an organ, tissue, eye, bone, artery, 8080  
or other part, and any body fluid donated for transfusion or 8081  
injection into another person, including blood, plasma, a blood 8082  
product, semen, or other fluid, shall be ~~given an~~ tested for the 8083  
presence of HIV test before being transplanted, transfused, or 8084  
injected to determine that the part or fluid is not infected 8085  
with ~~the HIV virus~~ unless, in an emergency, the recipient of the 8086  
donation or ~~his~~ the physician's guardian, after consultation 8087  
with the recipient's physician, consents to a waiver of this 8088  
requirement. 8089

**Sec. 3701.247.** (A) (1) Any of the following persons may 8090  
bring an action in a probate court for an order compelling 8091  
another person to undergo HIV testing: 8092

(a) A person who believes the person may have been exposed 8093  
to HIV ~~infection~~ while rendering health or emergency care to the 8094

other person; 8095

(b) A peace officer who believes the peace officer may 8096  
have been exposed to HIV ~~infection~~ while dealing with the other 8097  
person in the performance of official duties. 8098

(2) The complaint in the action shall be accompanied by an 8099  
affidavit in which the plaintiff attests to all of the 8100  
following: 8101

(a) While rendering health or emergency care to the 8102  
defendant, or while dealing with the defendant in the 8103  
performance of the plaintiff's duties, the plaintiff sustained a 8104  
significant exposure to body fluids of the defendant that are 8105  
known to transmit HIV; 8106

(b) The plaintiff has reason to believe the defendant may 8107  
have ~~an HIV infection~~; 8108

(c) The plaintiff made a reasonable attempt to have the 8109  
defendant submit to HIV testing in accordance with section 8110  
3701.242 of the Revised Code, and notified the defendant that 8111  
the plaintiff would bring an action under this section on the 8112  
defendant's refusal or failure to be tested, but the defendant 8113  
has not been tested; 8114

(d) Within seven days after the exposure, the plaintiff 8115  
took an HIV test. 8116

In the complaint, the defendant shall be identified by a 8117  
pseudonym and the defendant's name communicated to the court 8118  
confidentially pursuant to a court order restricting the use of 8119  
the name. Proceedings shall be conducted in chambers unless the 8120  
defendant agrees to a hearing in open court. 8121

(B) The court shall hold a hearing on the complaint at the 8122



earliest possible time but not later than the third business day 8123  
after the day the defendant is served with the complaint and 8124  
notice of the hearing. The court shall enter judgment on the 8125  
complaint on the day the hearing is concluded. 8126

(C) Notwithstanding division (A) of section 3701.242 of 8127  
the Revised Code, the court may order the defendant to undergo 8128  
HIV testing if it finds by clear and convincing evidence that 8129  
the plaintiff has proved the matters attested to in the 8130  
plaintiff's affidavit and has demonstrated that the plaintiff 8131  
has a compelling need for the results of the test and no other 8132  
means exist to accommodate the need. If granted, the order shall 8133  
guard against unauthorized disclosure of the test results by 8134  
specifying the persons and governmental entities that may have 8135  
access to the results and by limiting further disclosure. The 8136  
court shall require that the defendant be given test results 8137  
and, if the defendant's test results are HIV-positive, that 8138  
post-test counseling be provided the defendant in accordance 8139  
with division (C) of section 3701.242 of the Revised Code. The 8140  
court may order the plaintiff to pay the cost of the defendant's 8141  
testing and counseling. 8142

**Sec. 3701.249.** (A) As used in this section, "employer" and 8143  
"employee" have the same meanings as in section 4112.01 of the 8144  
Revised Code. 8145

(B) The employer of a person ~~with~~ living with HIV 8146  
~~infection~~ is immune from liability to any person in a civil 8147  
action for damages for injury, death, or loss to person or 8148  
property on a claim arising out of transmission of the human 8149  
immunodeficiency virus from the infected employee to another 8150  
employee or to any other person, unless the transmission occurs 8151  
as a result of the reckless conduct of the employer. 8152

(C) An employer is immune from liability to an employee on 8153  
a claim asserted under any provision of the Revised Code or in a 8154  
civil action for damages for injury, death, or loss to person or 8155  
property if the claim arises from an illness or injury to the 8156  
employee that is stress-related and results from the employee 8157  
being required to work with an individual who has ~~received a~~ 8158  
~~positive result on an HIV test or has been diagnosed as having~~ 8159  
~~AIDS or an AIDS-related condition.~~ 8160

**Sec. 3901.45.** (A) As used in sections 3901.45 and 3901.46 8161  
of the Revised Code: 8162

(1) "AIDS," "HIV," "~~AIDS-related~~ AIDS-defining condition," 8163  
and "HIV test" have the same meanings as in section 3701.24 of 8164  
the Revised Code. 8165

(2) "Insurer" means any person authorized to engage in the 8166  
business of life or sickness and accident insurance under Title 8167  
XXXIX of the Revised Code or any person or governmental entity 8168  
providing health services coverage for individuals on a self- 8169  
insurance basis. 8170

(3) "Group policy" means, with respect to life insurance, 8171  
a policy covering more than twenty-five individuals and issued 8172  
pursuant to section 3917.01 of the Revised Code, and with 8173  
respect to sickness and accident insurance, a policy covering 8174  
more than twenty-five individuals and issued pursuant to section 8175  
3923.11, 3923.12, or 3923.13 of the Revised Code. "Group policy" 8176  
includes a certificate of life or sickness and accident 8177  
insurance covering more than twenty-five individuals under a 8178  
group policy issued to a multiple employer trust. 8179

(4) "Individual policy" means, with respect to life 8180  
insurance and sickness and accident insurance, a policy other 8181

than a group policy, except that "individual policy" also 8182  
includes all of the following: 8183

(a) The coverage under a group policy of an individual who 8184  
seeks to become a member of an insured group after having 8185  
declined a previous offer of coverage under the group policy; 8186

(b) An individual who seeks life insurance coverage under 8187  
a group policy in excess of the maximum coverage available under 8188  
the policy without evidence of insurability; 8189

(c) A certificate of life or sickness and accident 8190  
insurance covering no more than twenty-five individuals under a 8191  
group policy issued to a multiple employer trust. 8192

(B) In processing an application for an individual policy 8193  
of life or sickness and accident insurance or in determining 8194  
insurability of an applicant, no insurer shall: 8195

(1) Take into consideration an applicant's sexual 8196  
orientation; 8197

(2) Make any inquiry toward determining an applicant's 8198  
sexual orientation or direct any person who provides services to 8199  
the insurer to investigate an applicant's sexual orientation; 8200

(3) Make a decision adverse to the applicant based on 8201  
entries in medical records or other reports that show that the 8202  
applicant has sought an HIV test, consultation regarding the 8203  
possibility of developing AIDS or an ~~AIDS-related~~ AIDS-defining 8204  
condition, or counseling for concerns related to AIDS from 8205  
health care professionals unless there has been a diagnosis, 8206  
confirmed by a positive HIV test, of AIDS or an ~~AIDS-related~~ 8207  
AIDS-defining condition or the applicant has been treated for 8208  
either. 8209

(C) (1) In developing and asking questions regarding 8210  
medical histories and lifestyles of applicants for life or 8211  
sickness and accident insurance and in assessing the answers, an 8212  
insurer shall not ask questions designed to ascertain the sexual 8213  
orientation of the applicant nor use factors such as marital 8214  
status, living arrangements, occupation, gender, medical 8215  
history, beneficiary designation, or zip code or other 8216  
geographic designation to aid in ascertaining the applicant's 8217  
sexual orientation. 8218

(2) An insurer may ask the applicant if the applicant has 8219  
ever been diagnosed as having AIDS or an ~~AIDS-related~~AIDS- 8220  
defining condition. 8221

(3) An insurer may ask the applicant specifically whether 8222  
the applicant has ever had a positive result on an HIV test. 8223  
"Positive result" means a result interpreted as positive in 8224  
accordance with guidelines developed by the director of health 8225  
under division (B) (1) of section 3701.241 of the Revised Code, 8226  
even though the applicant may have been tested in another state. 8227  
"Positive result" does not mean an initial positive result that 8228  
further testing showed to be false. 8229

(4) The insurer shall not ask the applicant whether the 8230  
applicant has ever taken an HIV test. 8231

(D) (1) Except as provided in division (D) (2) of this 8232  
section, no insurer shall cancel a policy of life or sickness 8233  
and accident insurance, or refuse to renew a policy of life or 8234  
sickness and accident insurance other than a policy that is 8235  
renewable at the option of the insurer, based solely on the fact 8236  
that, after the effective date of the policy, the policyholder 8237  
is diagnosed as having AIDS, an ~~AIDS-related~~AIDS-defining 8238  
condition, or ~~an HIV-infection~~. 8239

(2) If a policy of life or sickness and accident insurance provides for a contestability period, an insurer may cancel the policy during the contestability period if the applicant made a false statement in the application with regard to the question of whether the applicant has been diagnosed as having AIDS, an ~~AIDS-related~~ AIDS-defining condition, or ~~an HIV-infection~~.

(E) No insurer shall deliver, issue for delivery, or renew a policy of life or sickness and accident insurance that limits benefits or coverage in the event that, after the effective date of the policy, the insured develops AIDS or an ~~AIDS-related~~ AIDS-defining condition or receives a positive result on an HIV test.

(F) An insurer is not required to offer coverage under a policy of life or sickness and accident insurance to an individual or group member, or a dependent of an individual or group member, who has AIDS or an ~~AIDS-related~~ AIDS-defining condition, or who has had a positive result on an HIV test.

(G) An insurer is not required to continue to provide coverage under a policy of life or sickness and accident insurance to an individual or group member, or a dependent of an individual or group member, if the insurer determines the individual or group member or dependent of the individual or group member knew on the effective date of the policy that the individual or group member or dependent of the individual or group member had AIDS, an ~~AIDS-related~~ AIDS-defining condition, or a positive result ~~of~~ on an HIV test.

(H) A violation of this section is an unfair insurance practice under sections 3901.19 to 3901.26 of the Revised Code.

**Sec. 3901.46.** As used in this section, "membership

organization" means a fraternal or other association or group of individuals involved in the same occupation, activity, or interest that is organized and maintained in good faith for purposes other than to obtain insurance and is not organized or maintained for the purpose of engaging in activities for gain or profit.

(A) In underwriting an individual policy of life or sickness and accident insurance or a group policy of life or sickness and accident insurance providing coverage for members of a membership organization, an insurer may require an applicant for coverage under the policy to submit to an HIV test only in conjunction with tests for other health conditions. No applicant shall be required to submit to an HIV test on the basis of the applicant's sexual orientation or factors described in division (C) (1) of section 3901.45 of the Revised Code that are used to ascertain the applicant's sexual orientation.

(B) (1) An insurer that requests an applicant to take an HIV test shall obtain the applicant's written consent for the test and shall inform the applicant of the purpose of the test. The consent form shall include information about the tests to be performed, the confidentiality of the results, procedures for notifying the applicant of the results, and a general interpretation of test results.

(2) The superintendent of insurance shall adopt rules under Chapter 119. of the Revised Code establishing the form and content of the consent required under division (B) (1) of this section.

(C) An insurer may disclose the results of a positive HIV test only to the following persons:

(1) The applicant;	8298
(2) The applicant's or insured's physician or other health care provider if the applicant or insured provides the insurer with prior written consent for disclosure;	8299 8300 8301
(3) Another person that the applicant or insured specifically designates in writing;	8302 8303
(4) A medical information exchange for insurers operated under procedures intended to ensure confidentiality, including the use of general codes for results of tests for a number of diseases and conditions as well as for AIDS or an <del>AIDS-related</del> <u>AIDS-defining</u> condition.	8304 8305 8306 8307 8308
(D) The HIV test or tests to be given the applicant shall be a test or tests approved by the director of health pursuant to division (B) of section 3701.241 of the Revised Code. Test results shall be interpreted strictly in accordance with guidelines for the use of the tests adopted by the director.	8309 8310 8311 8312 8313
(E) The requirements of division (B) of section 3701.24 and sections 3701.242 and 3701.243 of the Revised Code do not apply to insurers in the underwriting of an individual policy of life or sickness and accident insurance or of a group policy of life or sickness and accident insurance providing coverage for members of a membership organization, except that an insurer may make use of the procedures in division (C) of section 3701.243 of the Revised Code.	8314 8315 8316 8317 8318 8319 8320 8321
(F) In underwriting a group policy of life or sickness and accident insurance, no insurer shall require an individual seeking coverage, other than an individual seeking coverage under the policy of a membership organization, to submit to an HIV test.	8322 8323 8324 8325 8326

(G) A violation of this section is an unfair insurance practice under sections 3901.19 to 3901.26 of the Revised Code.

**Sec. 4730.25.** (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a physician assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and



prevailing standards of care by reason of mental illness or 8356  
physical illness, including physical deterioration that 8357  
adversely affects cognitive, motor, or perceptive skills; 8358

(5) Impairment of ability to practice according to 8359  
acceptable and prevailing standards of care because of substance 8360  
use disorder or excessive use or abuse of drugs, alcohol, or 8361  
other substances that may impair ability to practice; 8362

(6) Administering drugs for purposes other than those 8363  
authorized under this chapter; 8364

(7) Willfully betraying a professional confidence; 8365

(8) Making a false, fraudulent, deceptive, or misleading 8366  
statement in soliciting or advertising for employment as a 8367  
physician assistant; in connection with any solicitation or 8368  
advertisement for patients; in relation to the practice of 8369  
medicine as it pertains to physician assistants; or in securing 8370  
or attempting to secure a license to practice as a physician 8371  
assistant. 8372

As used in this division, "false, fraudulent, deceptive, 8373  
or misleading statement" means a statement that includes a 8374  
misrepresentation of fact, is likely to mislead or deceive 8375  
because of a failure to disclose material facts, is intended or 8376  
is likely to create false or unjustified expectations of 8377  
favorable results, or includes representations or implications 8378  
that in reasonable probability will cause an ordinarily prudent 8379  
person to misunderstand or be deceived. 8380

(9) Representing, with the purpose of obtaining 8381  
compensation or other advantage personally or for any other 8382  
person, that an incurable disease or injury, or other incurable 8383  
condition, can be permanently cured; 8384

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 8385  
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 8388  
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 8391  
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 8394  
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 8398  
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 8401  
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 8404  
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 8407  
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- (18) Any of the following actions taken by the state 8412

agency responsible for regulating the practice of physician 8413  
assistants in another state, for any reason other than the 8414  
nonpayment of fees: the limitation, revocation, or suspension of 8415  
an individual's license to practice; acceptance of an 8416  
individual's license surrender; denial of a license; refusal to 8417  
renew or reinstate a license; imposition of probation; or 8418  
issuance of an order of censure or other reprimand; 8419

(19) A departure from, or failure to conform to, minimal 8420  
standards of care of similar physician assistants under the same 8421  
or similar circumstances, regardless of whether actual injury to 8422  
a patient is established; 8423

(20) Violation of the conditions placed by the board on a 8424  
license to practice as a physician assistant; 8425

(21) Failure to use universal blood and body fluid 8426  
precautions established by rules adopted under section 4731.051 8427  
of the Revised Code; 8428

(22) Failure to cooperate in an investigation conducted by 8429  
the board under section 4730.26 of the Revised Code, including 8430  
failure to comply with a subpoena or order issued by the board 8431  
or failure to answer truthfully a question presented by the 8432  
board at a deposition or in written interrogatories, except that 8433  
failure to cooperate with an investigation shall not constitute 8434  
grounds for discipline under this section if a court of 8435  
competent jurisdiction has issued an order that either quashes a 8436  
subpoena or permits the individual to withhold the testimony or 8437  
evidence in issue; 8438

(23) Assisting suicide, as defined in section 3795.01 of 8439  
the Revised Code; 8440

(24) Prescribing any drug or device to perform or induce 8441

an abortion, or otherwise performing or inducing an abortion; 8442

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 8443  
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 8446  
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 8450  
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 8453  
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code. 8459  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with 8462  
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respect to the matter addressed in the agreement. If the board 8471  
refuses to ratify a consent agreement, the admissions and 8472  
findings contained in the consent agreement shall be of no force 8473  
or effect. 8474

(D) For purposes of divisions (B) (12), (15), and (16) of 8475  
this section, the commission of the act may be established by a 8476  
finding by the board, pursuant to an adjudication under Chapter 8477  
119. of the Revised Code, that the applicant or license holder 8478  
committed the act in question. The board shall have no 8479  
jurisdiction under these divisions in cases where the trial 8480  
court renders a final judgment in the license holder's favor and 8481  
that judgment is based upon an adjudication on the merits. The 8482  
board shall have jurisdiction under these divisions in cases 8483  
where the trial court issues an order of dismissal upon 8484  
technical or procedural grounds. 8485

(E) The sealing or expungement of conviction records by 8486  
any court shall have no effect upon a prior board order entered 8487  
under the provisions of this section or upon the board's 8488  
jurisdiction to take action under the provisions of this section 8489  
if, based upon a plea of guilty, a judicial finding of guilt, or 8490  
a judicial finding of eligibility for intervention in lieu of 8491  
conviction, the board issued a notice of opportunity for a 8492  
hearing prior to the court's order to seal or expunge the 8493  
records. The board shall not be required to seal, destroy, 8494  
redact, or otherwise modify its records to reflect the court's 8495  
sealing or expungement of conviction records. 8496

(F) For purposes of this division, any individual who 8497  
holds a license issued under this chapter, or applies for a 8498  
license issued under this chapter, shall be deemed to have given 8499  
consent to submit to a mental or physical examination when 8500

directed to do so in writing by the board and to have waived all 8501  
objections to the admissibility of testimony or examination 8502  
reports that constitute a privileged communication. 8503

(1) In enforcing division (B)(4) of this section, the 8504  
board, upon a showing of a possible violation, shall refer any 8505  
individual who holds, or has applied for, a license issued under 8506  
this chapter to the monitoring organization that conducts the 8507  
confidential monitoring program established under section 8508  
4731.25 of the Revised Code. The board also may compel the 8509  
individual to submit to a mental examination, physical 8510  
examination, ~~including an HIV test,~~ or both a mental and 8511  
physical examination. The expense of the examination is the 8512  
responsibility of the individual compelled to be examined. 8513  
Failure to submit to a mental or physical examination ~~or consent~~ 8514  
~~to an HIV test~~ ordered by the board constitutes an admission of 8515  
the allegations against the individual unless the failure is due 8516  
to circumstances beyond the individual's control, and a default 8517  
and final order may be entered without the taking of testimony 8518  
or presentation of evidence. If the board finds a physician 8519  
assistant unable to practice because of the reasons set forth in 8520  
division (B)(4) of this section, the board shall require the 8521  
physician assistant to submit to care, counseling, or treatment 8522  
by physicians approved or designated by the board, as a 8523  
condition for an initial, continued, reinstated, or renewed 8524  
license. An individual affected under this division shall be 8525  
afforded an opportunity to demonstrate to the board the ability 8526  
to resume practicing in compliance with acceptable and 8527  
prevailing standards of care. 8528

(2) For purposes of division (B)(5) of this section, if 8529  
the board has reason to believe that any individual who holds a 8530  
license issued under this chapter or any applicant for a license 8531

suffers such impairment, the board shall refer the individual to 8532  
the monitoring organization that conducts the confidential 8533  
monitoring program established under section 4731.25 of the 8534  
Revised Code. The board also may compel the individual to submit 8535  
to a mental or physical examination, or both. The expense of the 8536  
examination is the responsibility of the individual compelled to 8537  
be examined. Any mental or physical examination required under 8538  
this division shall be undertaken by a treatment provider or 8539  
physician qualified to conduct such examination and approved 8540  
under section 4731.251 of the Revised Code. 8541

Failure to submit to a mental or physical examination 8542  
ordered by the board constitutes an admission of the allegations 8543  
against the individual unless the failure is due to 8544  
circumstances beyond the individual's control, and a default and 8545  
final order may be entered without the taking of testimony or 8546  
presentation of evidence. If the board determines that the 8547  
individual's ability to practice is impaired, the board shall 8548  
suspend the individual's license or deny the individual's 8549  
application and shall require the individual, as a condition for 8550  
initial, continued, reinstated, or renewed licensure, to submit 8551  
to treatment. 8552

Before being eligible to apply for reinstatement of a 8553  
license suspended under this division, the physician assistant 8554  
shall demonstrate to the board the ability to resume practice or 8555  
prescribing in compliance with acceptable and prevailing 8556  
standards of care. The demonstration shall include the 8557  
following: 8558

(a) Certification from a treatment provider approved under 8559  
section 4731.251 of the Revised Code that the individual has 8560  
successfully completed any required inpatient treatment; 8561

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.



The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the physician assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the physician assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. Failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along

with appropriate court documents. Upon receipt of a petition and 8621  
supporting court documents, the board shall reinstate the 8622  
individual's license. The board may then hold an adjudication 8623  
under Chapter 119. of the Revised Code to determine whether the 8624  
individual committed the act in question. Notice of opportunity 8625  
for hearing shall be given in accordance with Chapter 119. of 8626  
the Revised Code. If the board finds, pursuant to an 8627  
adjudication held under this division, that the individual 8628  
committed the act, or if no hearing is requested, it may order 8629  
any of the sanctions identified under division (B) of this 8630  
section. 8631

(I) The license to practice issued to a physician 8632  
assistant and the physician assistant's practice in this state 8633  
are automatically suspended as of the date the physician 8634  
assistant pleads guilty to, is found by a judge or jury to be 8635  
guilty of, or is subject to a judicial finding of eligibility 8636  
for intervention in lieu of conviction in this state or 8637  
treatment or intervention in lieu of conviction in another state 8638  
for any of the following criminal offenses in this state or a 8639  
substantially equivalent criminal offense in another 8640  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 8641  
felonious assault, kidnapping, rape, sexual battery, gross 8642  
sexual imposition, aggravated arson, aggravated robbery, or 8643  
aggravated burglary. Continued practice after the suspension 8644  
shall be considered practicing without a license. 8645

The board shall notify the individual subject to the 8646  
suspension in accordance with sections 119.05 and 119.07 of the 8647  
Revised Code. If an individual whose license is suspended under 8648  
this division fails to make a timely request for an adjudication 8649  
under Chapter 119. of the Revised Code, the board shall enter a 8650  
final order permanently revoking the individual's license to 8651

practice. 8652

(J) In any instance in which the board is required by 8653  
Chapter 119. of the Revised Code to give notice of opportunity 8654  
for hearing and the individual subject to the notice does not 8655  
timely request a hearing in accordance with section 119.07 of 8656  
the Revised Code, the board is not required to hold a hearing, 8657  
but may adopt, by an affirmative vote of not fewer than six of 8658  
its members, a final order that contains the board's findings. 8659  
In that final order, the board may order any of the sanctions 8660  
identified under division (A) or (B) of this section. 8661

(K) Any action taken by the board under division (B) of 8662  
this section resulting in a suspension shall be accompanied by a 8663  
written statement of the conditions under which the physician 8664  
assistant's license may be reinstated. The board shall adopt 8665  
rules in accordance with Chapter 119. of the Revised Code 8666  
governing conditions to be imposed for reinstatement. 8667  
Reinstatement of a license suspended pursuant to division (B) of 8668  
this section requires an affirmative vote of not fewer than six 8669  
members of the board. 8670

(L) When the board refuses to grant or issue to an 8671  
applicant a license to practice as a physician assistant, 8672  
revokes an individual's license, refuses to renew an 8673  
individual's license, or refuses to reinstate an individual's 8674  
license, the board may specify that its action is permanent. An 8675  
individual subject to a permanent action taken by the board is 8676  
forever thereafter ineligible to hold the license and the board 8677  
shall not accept an application for reinstatement of the license 8678  
or for issuance of a new license. 8679

(M) Notwithstanding any other provision of the Revised 8680  
Code, all of the following apply: 8681

(1) The surrender of a license issued under this chapter 8682  
is not effective unless or until accepted by the board. 8683  
Reinstatement of a license surrendered to the board requires an 8684  
affirmative vote of not fewer than six members of the board. 8685

(2) An application made under this chapter for a license 8686  
may not be withdrawn without approval of the board. 8687

(3) Failure by an individual to renew a license in 8688  
accordance with section 4730.14 of the Revised Code does not 8689  
remove or limit the board's jurisdiction to take disciplinary 8690  
action under this section against the individual. 8691

(4) The placement of an individual's license on retired 8692  
status, as described in section 4730.141 of the Revised Code, 8693  
does not remove or limit the board's jurisdiction to take any 8694  
disciplinary action against the individual with regard to the 8695  
license as it existed before being placed on retired status. 8696

(N) The board shall not refuse to issue a license to an 8697  
applicant because of a conviction, plea of guilty, judicial 8698  
finding of guilt, judicial finding of eligibility for 8699  
intervention in lieu of conviction, or the commission of an act 8700  
that constitutes a criminal offense, unless the refusal is in 8701  
accordance with section 9.79 of the Revised Code. 8702

**Sec. 4731.22.** (A) The state medical board, by an 8703  
affirmative vote of not fewer than six of its members, may 8704  
limit, revoke, or suspend a license or certificate to practice 8705  
or certificate to recommend, refuse to grant a license or 8706  
certificate, refuse to renew a license or certificate, refuse to 8707  
reinstate a license or certificate, or reprimand or place on 8708  
probation the holder of a license or certificate if the 8709  
individual applying for or holding the license or certificate is 8710

found by the board to have committed fraud during the 8711  
administration of the examination for a license or certificate 8712  
to practice or to have committed fraud, misrepresentation, or 8713  
deception in applying for, renewing, or securing any license or 8714  
certificate to practice or certificate to recommend issued by 8715  
the board. 8716

(B) Except as provided in division (P) of this section, 8717  
the board, by an affirmative vote of not fewer than six members, 8718  
shall, to the extent permitted by law, limit, revoke, or suspend 8719  
a license or certificate to practice or certificate to 8720  
recommend, refuse to issue a license or certificate, refuse to 8721  
renew a license or certificate, refuse to reinstate a license or 8722  
certificate, or reprimand or place on probation the holder of a 8723  
license or certificate for one or more of the following reasons: 8724

(1) Permitting one's name or one's license or certificate 8725  
to practice to be used by a person, group, or corporation when 8726  
the individual concerned is not actually directing the treatment 8727  
given; 8728

(2) Failure to maintain minimal standards applicable to 8729  
the selection or administration of drugs, or failure to employ 8730  
acceptable scientific methods in the selection of drugs or other 8731  
modalities for treatment of disease; 8732

(3) Except as provided in section 4731.97 of the Revised 8733  
Code, selling, giving away, personally furnishing, prescribing, 8734  
or administering drugs for other than legal and legitimate 8735  
therapeutic purposes or a plea of guilty to, a judicial finding 8736  
of guilt of, or a judicial finding of eligibility for 8737  
intervention in lieu of conviction of, a violation of any 8738  
federal or state law regulating the possession, distribution, or 8739  
use of any drug; 8740

(4) Willfully betraying a professional confidence. 8741

For purposes of this division, "willfully betraying a 8742  
professional confidence" does not include providing any 8743  
information, documents, or reports under sections 307.621 to 8744  
307.629 of the Revised Code to a child fatality review board; 8745  
does not include providing any information, documents, or 8746  
reports under sections 307.631 to 307.6410 of the Revised Code 8747  
to a drug overdose fatality review committee, a suicide fatality 8748  
review committee, or hybrid drug overdose fatality and suicide 8749  
fatality review committee; does not include providing any 8750  
information, documents, or reports under sections 307.651 to 8751  
307.659 of the Revised Code to a domestic violence fatality 8752  
review board; does not include providing any information, 8753  
documents, or reports to the director of health pursuant to 8754  
guidelines established under section 3701.70 of the Revised 8755  
Code; does not include written notice to a mental health 8756  
professional under section 4731.62 of the Revised Code; and does 8757  
not include the making of a report of an employee's use of a 8758  
drug of abuse, or a report of a condition of an employee other 8759  
than one involving the use of a drug of abuse, to the employer 8760  
of the employee as described in division (B) of section 2305.33 8761  
of the Revised Code. Nothing in this division affects the 8762  
immunity from civil liability conferred by section 2305.33 or 8763  
4731.62 of the Revised Code upon a physician who makes a report 8764  
in accordance with section 2305.33 or notifies a mental health 8765  
professional in accordance with section 4731.62 of the Revised 8766  
Code. As used in this division, "employee," "employer," and 8767  
"physician" have the same meanings as in section 2305.33 of the 8768  
Revised Code. 8769

(5) Making a false, fraudulent, deceptive, or misleading 8770  
statement in the solicitation of or advertising for patients; in 8771

relation to the practice of medicine and surgery, osteopathic 8772  
medicine and surgery, podiatric medicine and surgery, or a 8773  
limited branch of medicine; or in securing or attempting to 8774  
secure any license or certificate to practice issued by the 8775  
board. 8776

As used in this division, "false, fraudulent, deceptive, 8777  
or misleading statement" means a statement that includes a 8778  
misrepresentation of fact, is likely to mislead or deceive 8779  
because of a failure to disclose material facts, is intended or 8780  
is likely to create false or unjustified expectations of 8781  
favorable results, or includes representations or implications 8782  
that in reasonable probability will cause an ordinarily prudent 8783  
person to misunderstand or be deceived. 8784

(6) A departure from, or the failure to conform to, 8785  
minimal standards of care of similar practitioners under the 8786  
same or similar circumstances, whether or not actual injury to a 8787  
patient is established; 8788

(7) Representing, with the purpose of obtaining 8789  
compensation or other advantage as personal gain or for any 8790  
other person, that an incurable disease or injury, or other 8791  
incurable condition, can be permanently cured; 8792

(8) The obtaining of, or attempting to obtain, money or 8793  
anything of value by fraudulent misrepresentations in the course 8794  
of practice; 8795

(9) A plea of guilty to, a judicial finding of guilt of, 8796  
or a judicial finding of eligibility for intervention in lieu of 8797  
conviction for, a felony; 8798

(10) Commission of an act that constitutes a felony in 8799  
this state, regardless of the jurisdiction in which the act was 8800

committed; 8801

(11) A plea of guilty to, a judicial finding of guilt of, 8802  
or a judicial finding of eligibility for intervention in lieu of 8803  
conviction for, a misdemeanor committed in the course of 8804  
practice; 8805

(12) Commission of an act in the course of practice that 8806  
constitutes a misdemeanor in this state, regardless of the 8807  
jurisdiction in which the act was committed; 8808

(13) A plea of guilty to, a judicial finding of guilt of, 8809  
or a judicial finding of eligibility for intervention in lieu of 8810  
conviction for, a misdemeanor involving moral turpitude; 8811

(14) Commission of an act involving moral turpitude that 8812  
constitutes a misdemeanor in this state, regardless of the 8813  
jurisdiction in which the act was committed; 8814

(15) Violation of the conditions of limitation placed by 8815  
the board upon a license or certificate to practice; 8816

(16) Failure to pay license renewal fees specified in this 8817  
chapter; 8818

(17) Except as authorized in section 4731.31 of the 8819  
Revised Code, engaging in the division of fees for referral of 8820  
patients, or the receiving of a thing of value in return for a 8821  
specific referral of a patient to utilize a particular service 8822  
or business; 8823

(18) Subject to section 4731.226 of the Revised Code, 8824  
violation of any provision of a code of ethics of the American 8825  
medical association, the American osteopathic association, the 8826  
American podiatric medical association, or any other national 8827  
professional organizations that the board specifies by rule. The 8828



state medical board shall obtain and keep on file current copies 8829  
of the codes of ethics of the various national professional 8830  
organizations. The individual whose license or certificate is 8831  
being suspended or revoked shall not be found to have violated 8832  
any provision of a code of ethics of an organization not 8833  
appropriate to the individual's profession. 8834

For purposes of this division, a "provision of a code of 8835  
ethics of a national professional organization" does not include 8836  
any provision that would preclude the making of a report by a 8837  
physician of an employee's use of a drug of abuse, or of a 8838  
condition of an employee other than one involving the use of a 8839  
drug of abuse, to the employer of the employee as described in 8840  
division (B) of section 2305.33 of the Revised Code. Nothing in 8841  
this division affects the immunity from civil liability 8842  
conferred by that section upon a physician who makes either type 8843  
of report in accordance with division (B) of that section. As 8844  
used in this division, "employee," "employer," and "physician" 8845  
have the same meanings as in section 2305.33 of the Revised 8846  
Code. 8847

(19) Inability to practice according to acceptable and 8848  
prevailing standards of care by reason of mental illness or 8849  
physical illness, including, but not limited to, physical 8850  
deterioration that adversely affects cognitive, motor, or 8851  
perceptive skills. 8852

In enforcing this division, the board, upon a showing of a 8853  
possible violation, shall refer any individual who is authorized 8854  
to practice by this chapter or who has submitted an application 8855  
pursuant to this chapter to the monitoring organization that 8856  
conducts the confidential monitoring program established under 8857  
section 4731.25 of the Revised Code. The board also may compel 8858

the individual to submit to a mental examination, physical 8859  
examination, ~~including an HIV test,~~ or both a mental and a 8860  
physical examination. The expense of the examination is the 8861  
responsibility of the individual compelled to be examined. 8862  
Failure to submit to a mental or physical examination ~~or consent~~ 8863  
~~to an HIV test~~ ordered by the board constitutes an admission of 8864  
the allegations against the individual unless the failure is due 8865  
to circumstances beyond the individual's control, and a default 8866  
and final order may be entered without the taking of testimony 8867  
or presentation of evidence. If the board finds an individual 8868  
unable to practice because of the reasons set forth in this 8869  
division, the board shall require the individual to submit to 8870  
care, counseling, or treatment by physicians approved or 8871  
designated by the board, as a condition for initial, continued, 8872  
reinstated, or renewed authority to practice. An individual 8873  
affected under this division shall be afforded an opportunity to 8874  
demonstrate to the board the ability to resume practice in 8875  
compliance with acceptable and prevailing standards under the 8876  
provisions of the individual's license or certificate. For the 8877  
purpose of this division, any individual who applies for or 8878  
receives a license or certificate to practice under this chapter 8879  
accepts the privilege of practicing in this state and, by so 8880  
doing, shall be deemed to have given consent to submit to a 8881  
mental or physical examination when directed to do so in writing 8882  
by the board, and to have waived all objections to the 8883  
admissibility of testimony or examination reports that 8884  
constitute a privileged communication. 8885

(20) Except as provided in division (F) (1) (b) of section 8886  
4731.282 of the Revised Code or when civil penalties are imposed 8887  
under section 4731.225 of the Revised Code, and subject to 8888  
section 4731.226 of the Revised Code, violating or attempting to 8889

violate, directly or indirectly, or assisting in or abetting the 8890  
violation of, or conspiring to violate, any provisions of this 8891  
chapter or any rule promulgated by the board. 8892

This division does not apply to a violation or attempted 8893  
violation of, assisting in or abetting the violation of, or a 8894  
conspiracy to violate, any provision of this chapter or any rule 8895  
adopted by the board that would preclude the making of a report 8896  
by a physician of an employee's use of a drug of abuse, or of a 8897  
condition of an employee other than one involving the use of a 8898  
drug of abuse, to the employer of the employee as described in 8899  
division (B) of section 2305.33 of the Revised Code. Nothing in 8900  
this division affects the immunity from civil liability 8901  
conferred by that section upon a physician who makes either type 8902  
of report in accordance with division (B) of that section. As 8903  
used in this division, "employee," "employer," and "physician" 8904  
have the same meanings as in section 2305.33 of the Revised 8905  
Code. 8906

(21) The violation of section 3701.79 of the Revised Code 8907  
or of any abortion rule adopted by the director of health 8908  
pursuant to section 3701.341 of the Revised Code; 8909

(22) Any of the following actions taken by an agency 8910  
responsible for authorizing, certifying, or regulating an 8911  
individual to practice a health care occupation or provide 8912  
health care services in this state or another jurisdiction, for 8913  
any reason other than the nonpayment of fees: the limitation, 8914  
revocation, or suspension of an individual's license to 8915  
practice; acceptance of an individual's license surrender; 8916  
denial of a license; refusal to renew or reinstate a license; 8917  
imposition of probation; or issuance of an order of censure or 8918  
other reprimand; 8919

(23) The violation of section 2919.12 of the Revised Code 8920  
or the performance or inducement of an abortion upon a pregnant 8921  
woman with actual knowledge that the conditions specified in 8922  
division (B) of section 2317.56 of the Revised Code have not 8923  
been satisfied or with a heedless indifference as to whether 8924  
those conditions have been satisfied, unless an affirmative 8925  
defense as specified in division (H) (2) of that section would 8926  
apply in a civil action authorized by division (H) (1) of that 8927  
section; 8928

(24) The revocation, suspension, restriction, reduction, 8929  
or termination of clinical privileges by the United States 8930  
department of defense or department of veterans affairs or the 8931  
termination or suspension of a certificate of registration to 8932  
prescribe drugs by the drug enforcement administration of the 8933  
United States department of justice; 8934

(25) Termination or suspension from participation in the 8935  
medicare or medicaid programs by the department of health and 8936  
human services or other responsible agency; 8937

(26) Impairment of ability to practice according to 8938  
acceptable and prevailing standards of care because of substance 8939  
use disorder or excessive use or abuse of drugs, alcohol, or 8940  
other substances that may impair ability to practice. 8941

For the purposes of this division, any individual 8942  
authorized to practice by this chapter accepts the privilege of 8943  
practicing in this state subject to supervision by the board. By 8944  
filing an application for or holding a license or certificate to 8945  
practice under this chapter, an individual shall be deemed to 8946  
have given consent to submit to a mental or physical examination 8947  
when ordered to do so by the board in writing, and to have 8948  
waived all objections to the admissibility of testimony or 8949

examination reports that constitute privileged communications. 8950

If it has reason to believe that any individual authorized 8951  
to practice by this chapter or any applicant for licensure or 8952  
certification to practice suffers such impairment, the board 8953  
shall refer the individual to the monitoring organization that 8954  
conducts the confidential monitoring program established under 8955  
section 4731.25 of the Revised Code. The board also may compel 8956  
the individual to submit to a mental or physical examination, or 8957  
both. The expense of the examination is the responsibility of 8958  
the individual compelled to be examined. Any mental or physical 8959  
examination required under this division shall be undertaken by 8960  
a treatment provider or physician who is qualified to conduct 8961  
the examination and who is approved under section 4731.251 of 8962  
the Revised Code. 8963

Failure to submit to a mental or physical examination 8964  
ordered by the board constitutes an admission of the allegations 8965  
against the individual unless the failure is due to 8966  
circumstances beyond the individual's control, and a default and 8967  
final order may be entered without the taking of testimony or 8968  
presentation of evidence. If the board determines that the 8969  
individual's ability to practice is impaired, the board shall 8970  
suspend the individual's license or certificate or deny the 8971  
individual's application and shall require the individual, as a 8972  
condition for initial, continued, reinstated, or renewed 8973  
licensure or certification to practice, to submit to treatment. 8974

Before being eligible to apply for reinstatement of a 8975  
license or certificate suspended under this division, the 8976  
impaired practitioner shall demonstrate to the board the ability 8977  
to resume practice in compliance with acceptable and prevailing 8978  
standards of care under the provisions of the practitioner's 8979

license or certificate. The demonstration shall include, but 8980  
shall not be limited to, the following: 8981

(a) Certification from a treatment provider approved under 8982  
section 4731.251 of the Revised Code that the individual has 8983  
successfully completed any required inpatient treatment; 8984

(b) Evidence of continuing full compliance with an 8985  
aftercare contract or consent agreement; 8986

(c) Two written reports indicating that the individual's 8987  
ability to practice has been assessed and that the individual 8988  
has been found capable of practicing according to acceptable and 8989  
prevailing standards of care. The reports shall be made by 8990  
individuals or providers approved by the board for making the 8991  
assessments and shall describe the basis for their 8992  
determination. 8993

The board may reinstate a license or certificate suspended 8994  
under this division after that demonstration and after the 8995  
individual has entered into a written consent agreement. 8996

When the impaired practitioner resumes practice, the board 8997  
shall require continued monitoring of the individual. The 8998  
monitoring shall include, but not be limited to, compliance with 8999  
the written consent agreement entered into before reinstatement 9000  
or with conditions imposed by board order after a hearing, and, 9001  
upon termination of the consent agreement, submission to the 9002  
board for at least two years of annual written progress reports 9003  
made under penalty of perjury stating whether the individual has 9004  
maintained sobriety. 9005

(27) A second or subsequent violation of section 4731.66 9006  
or 4731.69 of the Revised Code; 9007

(28) Except as provided in division (N) of this section: 9008

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard

care arrangement;	9038
(33) Failure to comply with the terms of a consult	9039
agreement entered into with a pharmacist pursuant to section	9040
4729.39 of the Revised Code;	9041
(34) Failure to cooperate in an investigation conducted by	9042
the board under division (F) of this section, including failure	9043
to comply with a subpoena or order issued by the board or	9044
failure to answer truthfully a question presented by the board	9045
in an investigative interview, an investigative office	9046
conference, at a deposition, or in written interrogatories,	9047
except that failure to cooperate with an investigation shall not	9048
constitute grounds for discipline under this section if a court	9049
of competent jurisdiction has issued an order that either	9050
quashes a subpoena or permits the individual to withhold the	9051
testimony or evidence in issue;	9052
(35) Failure to supervise an anesthesiologist assistant in	9053
accordance with Chapter 4760. of the Revised Code and the	9054
board's rules for supervision of an anesthesiologist assistant;	9055
(36) Assisting suicide, as defined in section 3795.01 of	9056
the Revised Code;	9057
(37) Failure to comply with the requirements of section	9058
2317.561 of the Revised Code;	9059
(38) Failure to supervise a radiologist assistant in	9060
accordance with Chapter 4774. of the Revised Code and the	9061
board's rules for supervision of radiologist assistants;	9062
(39) Performing or inducing an abortion at an office or	9063
facility with knowledge that the office or facility fails to	9064
post the notice required under section 3701.791 of the Revised	9065
Code;	9066



(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	9067 9068 9069 9070
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	9071 9072 9073 9074
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	9075 9076 9077 9078
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	9079 9080 9081 9082 9083
(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	9084 9085 9086 9087 9088
(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	9089 9090 9091 9092
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of	9093 9094 9095

section 2919.193, division (B) of section 2919.195, or division 9096  
(A) of section 2919.196 of the Revised Code; 9097

(47) Failure to comply with the requirements in section 9098  
3719.061 of the Revised Code before issuing for a minor a 9099  
prescription for an opioid analgesic, as defined in section 9100  
3719.01 of the Revised Code; 9101

(48) Failure to comply with the requirements of section 9102  
4731.30 of the Revised Code or rules adopted under section 9103  
4731.301 of the Revised Code when recommending treatment with 9104  
medical marijuana; 9105

(49) A pattern of continuous or repeated violations of 9106  
division (E) (2) or (3) of section 3963.02 of the Revised Code; 9107

(50) Failure to fulfill the responsibilities of a 9108  
collaboration agreement entered into with an athletic trainer as 9109  
described in section 4755.621 of the Revised Code; 9110

(51) Failure to take the steps specified in section 9111  
4731.911 of the Revised Code following an abortion or attempted 9112  
abortion in an ambulatory surgical facility or other location 9113  
that is not a hospital when a child is born alive. 9114

(C) Disciplinary actions taken by the board under 9115  
divisions (A) and (B) of this section shall be taken pursuant to 9116  
an adjudication under Chapter 119. of the Revised Code, except 9117  
that in lieu of an adjudication, the board may enter into a 9118  
consent agreement with an individual to resolve an allegation of 9119  
a violation of this chapter or any rule adopted under it. A 9120  
consent agreement, when ratified by an affirmative vote of not 9121  
fewer than six members of the board, shall constitute the 9122  
findings and order of the board with respect to the matter 9123  
addressed in the agreement. If the board refuses to ratify a 9124

consent agreement, the admissions and findings contained in the 9125  
consent agreement shall be of no force or effect. 9126

A telephone conference call may be utilized for 9127  
ratification of a consent agreement that revokes or suspends an 9128  
individual's license or certificate to practice or certificate 9129  
to recommend. The telephone conference call shall be considered 9130  
a special meeting under division (F) of section 121.22 of the 9131  
Revised Code. 9132

If the board takes disciplinary action against an 9133  
individual under division (B) of this section for a second or 9134  
subsequent plea of guilty to, or judicial finding of guilt of, a 9135  
violation of section 2919.123 or 2919.124 of the Revised Code, 9136  
the disciplinary action shall consist of a suspension of the 9137  
individual's license or certificate to practice for a period of 9138  
at least one year or, if determined appropriate by the board, a 9139  
more serious sanction involving the individual's license or 9140  
certificate to practice. Any consent agreement entered into 9141  
under this division with an individual that pertains to a second 9142  
or subsequent plea of guilty to, or judicial finding of guilt 9143  
of, a violation of that section shall provide for a suspension 9144  
of the individual's license or certificate to practice for a 9145  
period of at least one year or, if determined appropriate by the 9146  
board, a more serious sanction involving the individual's 9147  
license or certificate to practice. 9148

(D) For purposes of divisions (B) (10), (12), and (14) of 9149  
this section, the commission of the act may be established by a 9150  
finding by the board, pursuant to an adjudication under Chapter 9151  
119. of the Revised Code, that the individual committed the act. 9152  
The board does not have jurisdiction under those divisions if 9153  
the trial court renders a final judgment in the individual's 9154

favor and that judgment is based upon an adjudication on the 9155  
merits. The board has jurisdiction under those divisions if the 9156  
trial court issues an order of dismissal upon technical or 9157  
procedural grounds. 9158

(E) The sealing or expungement of conviction records by 9159  
any court shall have no effect upon a prior board order entered 9160  
under this section or upon the board's jurisdiction to take 9161  
action under this section if, based upon a plea of guilty, a 9162  
judicial finding of guilt, or a judicial finding of eligibility 9163  
for intervention in lieu of conviction, the board issued a 9164  
notice of opportunity for a hearing prior to the court's order 9165  
to seal or expunge the records. The board shall not be required 9166  
to seal, expunge, destroy, redact, or otherwise modify its 9167  
records to reflect the court's sealing of conviction records. 9168

(F) (1) The board shall investigate evidence that appears 9169  
to show that a person has violated any provision of this chapter 9170  
or any rule adopted under it. Any person may report to the board 9171  
in a signed writing any information that the person may have 9172  
that appears to show a violation of any provision of this 9173  
chapter or any rule adopted under it. In the absence of bad 9174  
faith, any person who reports information of that nature or who 9175  
testifies before the board in any adjudication conducted under 9176  
Chapter 119. of the Revised Code shall not be liable in damages 9177  
in a civil action as a result of the report or testimony. Each 9178  
complaint or allegation of a violation received by the board 9179  
shall be assigned a case number and shall be recorded by the 9180  
board. 9181

(2) Investigations of alleged violations of this chapter 9182  
or any rule adopted under it shall be supervised by the 9183  
supervising member elected by the board in accordance with 9184

section 4731.02 of the Revised Code and by the secretary as 9185  
provided in section 4731.39 of the Revised Code. The president 9186  
may designate another member of the board to supervise the 9187  
investigation in place of the supervising member. No member of 9188  
the board who supervises the investigation of a case shall 9189  
participate in further adjudication of the case. 9190

(3) In investigating a possible violation of this chapter 9191  
or any rule adopted under this chapter, or in conducting an 9192  
inspection under division (E) of section 4731.054 of the Revised 9193  
Code, the board may question witnesses, conduct interviews, 9194  
administer oaths, order the taking of depositions, inspect and 9195  
copy any books, accounts, papers, records, or documents, issue 9196  
subpoenas, and compel the attendance of witnesses and production 9197  
of books, accounts, papers, records, documents, and testimony, 9198  
except that a subpoena for patient record information shall not 9199  
be issued without consultation with the attorney general's 9200  
office and approval of the secretary of the board. 9201

(a) Before issuance of a subpoena for patient record 9202  
information, the secretary shall determine whether there is 9203  
probable cause to believe that the complaint filed alleges a 9204  
violation of this chapter or any rule adopted under it and that 9205  
the records sought are relevant to the alleged violation and 9206  
material to the investigation. The subpoena may apply only to 9207  
records that cover a reasonable period of time surrounding the 9208  
alleged violation. 9209

(b) On failure to comply with any subpoena issued by the 9210  
board and after reasonable notice to the person being 9211  
subpoenaed, the board may move for an order compelling the 9212  
production of persons or records pursuant to the Rules of Civil 9213  
Procedure. 9214

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 9245  
information about patients or complainants unless proper consent 9246  
is given or, in the case of a patient, a waiver of the patient 9247  
privilege exists under division (B) of section 2317.02 of the 9248  
Revised Code, except that consent or a waiver of that nature is 9249  
not required if the board possesses reliable and substantial 9250  
evidence that no bona fide physician-patient relationship 9251  
exists. 9252

The board may share any information it receives pursuant 9253  
to an investigation or inspection, including patient records and 9254  
patient record information, with law enforcement agencies, other 9255  
licensing boards, and other governmental agencies that are 9256  
prosecuting, adjudicating, or investigating alleged violations 9257  
of statutes or administrative rules. An agency or board that 9258  
receives the information shall comply with the same requirements 9259  
regarding confidentiality as those with which the state medical 9260  
board must comply, notwithstanding any conflicting provision of 9261  
the Revised Code or procedure of the agency or board that 9262  
applies when it is dealing with other information in its 9263  
possession. In a judicial proceeding, the information may be 9264  
admitted into evidence only in accordance with the Rules of 9265  
Evidence, but the court shall require that appropriate measures 9266  
are taken to ensure that confidentiality is maintained with 9267  
respect to any part of the information that contains names or 9268  
other identifying information about patients or complainants 9269  
whose confidentiality was protected by the state medical board 9270  
when the information was in the board's possession. Measures to 9271  
ensure confidentiality that may be taken by the court include 9272  
sealing its records or deleting specific information from its 9273  
records. 9274

(6) On a quarterly basis, the board shall prepare a report 9275

that documents the disposition of all cases during the preceding 9276  
three months. The report shall contain the following information 9277  
for each case with which the board has completed its activities: 9278

(a) The case number assigned to the complaint or alleged 9279  
violation; 9280

(b) The type of license or certificate to practice, if 9281  
any, held by the individual against whom the complaint is 9282  
directed; 9283

(c) A description of the allegations contained in the 9284  
complaint; 9285

(d) The disposition of the case. 9286

The report shall state how many cases are still pending 9287  
and shall be prepared in a manner that protects the identity of 9288  
each person involved in each case. The report shall be a public 9289  
record under section 149.43 of the Revised Code. 9290

(G) If the secretary and supervising member determine both 9291  
of the following, they may recommend that the board suspend an 9292  
individual's license or certificate to practice or certificate 9293  
to recommend without a prior hearing: 9294

(1) That there is clear and convincing evidence that an 9295  
individual has violated division (B) of this section; 9296

(2) That the individual's continued practice presents a 9297  
danger of immediate and serious harm to the public. 9298

Written allegations shall be prepared for consideration by 9299  
the board. The board, upon review of those allegations and by an 9300  
affirmative vote of not fewer than six of its members, excluding 9301  
the secretary and supervising member, may suspend a license or 9302  
certificate without a prior hearing. A telephone conference call 9303



may be utilized for reviewing the allegations and taking the 9304  
vote on the summary suspension. 9305

The board shall serve a written order of suspension in 9306  
accordance with sections 119.05 and 119.07 of the Revised Code. 9307  
The order shall not be subject to suspension by the court during 9308  
pendency of any appeal filed under section 119.12 of the Revised 9309  
Code. If the individual subject to the summary suspension 9310  
requests an adjudicatory hearing by the board, the date set for 9311  
the hearing shall be within fifteen days, but not earlier than 9312  
seven days, after the individual requests the hearing, unless 9313  
otherwise agreed to by both the board and the individual. 9314

Any summary suspension imposed under this division shall 9315  
remain in effect, unless reversed on appeal, until a final 9316  
adjudicative order issued by the board pursuant to this section 9317  
and Chapter 119. of the Revised Code becomes effective. The 9318  
board shall issue its final adjudicative order within seventy- 9319  
five days after completion of its hearing. A failure to issue 9320  
the order within seventy-five days shall result in dissolution 9321  
of the summary suspension order but shall not invalidate any 9322  
subsequent, final adjudicative order. 9323

(H) If the board takes action under division (B) (9), (11), 9324  
or (13) of this section and the judicial finding of guilt, 9325  
guilty plea, or judicial finding of eligibility for intervention 9326  
in lieu of conviction is overturned on appeal, upon exhaustion 9327  
of the criminal appeal, a petition for reconsideration of the 9328  
order may be filed with the board along with appropriate court 9329  
documents. Upon receipt of a petition of that nature and 9330  
supporting court documents, the board shall reinstate the 9331  
individual's license or certificate to practice. The board may 9332  
then hold an adjudication under Chapter 119. of the Revised Code 9333

to determine whether the individual committed the act in 9334  
question. Notice of an opportunity for a hearing shall be given 9335  
in accordance with Chapter 119. of the Revised Code. If the 9336  
board finds, pursuant to an adjudication held under this 9337  
division, that the individual committed the act or if no hearing 9338  
is requested, the board may order any of the sanctions 9339  
identified under division (B) of this section. 9340

(I) The license or certificate to practice issued to an 9341  
individual under this chapter and the individual's practice in 9342  
this state are automatically suspended as of the date of the 9343  
individual's second or subsequent plea of guilty to, or judicial 9344  
finding of guilt of, a violation of section 2919.123 or 2919.124 9345  
of the Revised Code. In addition, the license or certificate to 9346  
practice or certificate to recommend issued to an individual 9347  
under this chapter and the individual's practice in this state 9348  
are automatically suspended as of the date the individual pleads 9349  
guilty to, is found by a judge or jury to be guilty of, or is 9350  
subject to a judicial finding of eligibility for intervention in 9351  
lieu of conviction in this state or treatment or intervention in 9352  
lieu of conviction in another jurisdiction for any of the 9353  
following criminal offenses in this state or a substantially 9354  
equivalent criminal offense in another jurisdiction: aggravated 9355  
murder, murder, voluntary manslaughter, felonious assault, 9356  
kidnapping, rape, sexual battery, gross sexual imposition, 9357  
aggravated arson, aggravated robbery, or aggravated burglary. 9358  
Continued practice after suspension shall be considered 9359  
practicing without a license or certificate. 9360

The board shall notify the individual subject to the 9361  
suspension in accordance with sections 119.05 and 119.07 of the 9362  
Revised Code. If an individual whose license or certificate is 9363  
automatically suspended under this division fails to make a 9364

timely request for an adjudication under Chapter 119. of the 9365  
Revised Code, the board shall do whichever of the following is 9366  
applicable: 9367

(1) If the automatic suspension under this division is for 9368  
a second or subsequent plea of guilty to, or judicial finding of 9369  
guilt of, a violation of section 2919.123 or 2919.124 of the 9370  
Revised Code, the board shall enter an order suspending the 9371  
individual's license or certificate to practice for a period of 9372  
at least one year or, if determined appropriate by the board, 9373  
imposing a more serious sanction involving the individual's 9374  
license or certificate to practice. 9375

(2) In all circumstances in which division (I)(1) of this 9376  
section does not apply, enter a final order permanently revoking 9377  
the individual's license or certificate to practice. 9378

(J) If the board is required by Chapter 119. of the 9379  
Revised Code to give notice of an opportunity for a hearing and 9380  
if the individual subject to the notice does not timely request 9381  
a hearing in accordance with section 119.07 of the Revised Code, 9382  
the board is not required to hold a hearing, but may adopt, by 9383  
an affirmative vote of not fewer than six of its members, a 9384  
final order that contains the board's findings. In that final 9385  
order, the board may order any of the sanctions identified under 9386  
division (A) or (B) of this section. 9387

(K) Any action taken by the board under division (B) of 9388  
this section resulting in a suspension from practice shall be 9389  
accompanied by a written statement of the conditions under which 9390  
the individual's license or certificate to practice may be 9391  
reinstated. The board shall adopt rules governing conditions to 9392  
be imposed for reinstatement. Reinstatement of a license or 9393  
certificate suspended pursuant to division (B) of this section 9394

requires an affirmative vote of not fewer than six members of 9395  
the board. 9396

(L) When the board refuses to grant or issue a license or 9397  
certificate to practice to an applicant, revokes an individual's 9398  
license or certificate to practice, refuses to renew an 9399  
individual's license or certificate to practice, or refuses to 9400  
reinstate an individual's license or certificate to practice, 9401  
the board may specify that its action is permanent. An 9402  
individual subject to a permanent action taken by the board is 9403  
forever thereafter ineligible to hold a license or certificate 9404  
to practice and the board shall not accept an application for 9405  
reinstatement of the license or certificate or for issuance of a 9406  
new license or certificate. 9407

(M) Notwithstanding any other provision of the Revised 9408  
Code, all of the following apply: 9409

(1) The surrender of a license or certificate issued under 9410  
this chapter shall not be effective unless or until accepted by 9411  
the board. A telephone conference call may be utilized for 9412  
acceptance of the surrender of an individual's license or 9413  
certificate to practice. The telephone conference call shall be 9414  
considered a special meeting under division (F) of section 9415  
121.22 of the Revised Code. Reinstatement of a license or 9416  
certificate surrendered to the board requires an affirmative 9417  
vote of not fewer than six members of the board. 9418

(2) An application for a license or certificate made under 9419  
the provisions of this chapter may not be withdrawn without 9420  
approval of the board. 9421

(3) Failure by an individual to renew a license or 9422  
certificate to practice in accordance with this chapter or a 9423

certificate to recommend in accordance with rules adopted under 9424  
section 4731.301 of the Revised Code does not remove or limit 9425  
the board's jurisdiction to take any disciplinary action under 9426  
this section against the individual. 9427

(4) The placement of an individual's license on retired 9428  
status, as described in section 4731.283 of the Revised Code, 9429  
does not remove or limit the board's jurisdiction to take any 9430  
disciplinary action against the individual with regard to the 9431  
license as it existed before being placed on retired status. 9432

(5) At the request of the board, a license or certificate 9433  
holder shall immediately surrender to the board a license or 9434  
certificate that the board has suspended, revoked, or 9435  
permanently revoked. 9436

(N) Sanctions shall not be imposed under division (B) (28) 9437  
of this section against any person who waives deductibles and 9438  
copayments as follows: 9439

(1) In compliance with the health benefit plan that 9440  
expressly allows such a practice. Waiver of the deductibles or 9441  
copayments shall be made only with the full knowledge and 9442  
consent of the plan purchaser, payer, and third-party 9443  
administrator. Documentation of the consent shall be made 9444  
available to the board upon request. 9445

(2) For professional services rendered to any other person 9446  
authorized to practice pursuant to this chapter, to the extent 9447  
allowed by this chapter and rules adopted by the board. 9448

(O) Under the board's investigative duties described in 9449  
this section and subject to division (F) of this section, the 9450  
board shall develop and implement a quality intervention program 9451  
designed to improve through remedial education the clinical and 9452

communication skills of individuals authorized under this 9453  
chapter to practice medicine and surgery, osteopathic medicine 9454  
and surgery, and podiatric medicine and surgery. In developing 9455  
and implementing the quality intervention program, the board may 9456  
do all of the following: 9457

(1) Offer in appropriate cases as determined by the board 9458  
an educational and assessment program pursuant to an 9459  
investigation the board conducts under this section; 9460

(2) Select providers of educational and assessment 9461  
services, including a quality intervention program panel of case 9462  
reviewers; 9463

(3) Make referrals to educational and assessment service 9464  
providers and approve individual educational programs 9465  
recommended by those providers. The board shall monitor the 9466  
progress of each individual undertaking a recommended individual 9467  
educational program. 9468

(4) Determine what constitutes successful completion of an 9469  
individual educational program and require further monitoring of 9470  
the individual who completed the program or other action that 9471  
the board determines to be appropriate; 9472

(5) Adopt rules in accordance with Chapter 119. of the 9473  
Revised Code to further implement the quality intervention 9474  
program. 9475

An individual who participates in an individual 9476  
educational program pursuant to this division shall pay the 9477  
financial obligations arising from that educational program. 9478

(P) The board shall not refuse to issue a license to an 9479  
applicant because of a conviction, plea of guilty, judicial 9480  
finding of guilt, judicial finding of eligibility for 9481

intervention in lieu of conviction, or the commission of an act 9482  
that constitutes a criminal offense, unless the refusal is in 9483  
accordance with section 9.79 of the Revised Code. 9484

**Sec. 4759.07.** (A) The state medical board, by an 9485  
affirmative vote of not fewer than six members, shall, except as 9486  
provided in division (B) of this section, and to the extent 9487  
permitted by law, limit, revoke, or suspend an individual's 9488  
license or limited permit, refuse to issue a license or limited 9489  
permit to an individual, refuse to renew a license or limited 9490  
permit, refuse to reinstate a license or limited permit, or 9491  
reprimand or place on probation the holder of a license or 9492  
limited permit for one or more of the following reasons: 9493

(1) Except when civil penalties are imposed under section 9494  
4759.071 of the Revised Code, violating or attempting to 9495  
violate, directly or indirectly, or assisting in or abetting the 9496  
violation of, or conspiring to violate, any provision of this 9497  
chapter or the rules adopted by the board; 9498

(2) Making a false, fraudulent, deceptive, or misleading 9499  
statement in the solicitation of or advertising for patients; in 9500  
relation to the practice of dietetics; or in securing or 9501  
attempting to secure any license or permit issued by the board 9502  
under this chapter. 9503

As used in division (A) (2) of this section, "false, 9504  
fraudulent, deceptive, or misleading statement" means a 9505  
statement that includes a misrepresentation of fact, is likely 9506  
to mislead or deceive because of a failure to disclose material 9507  
facts, is intended or is likely to create false or unjustified 9508  
expectations of favorable results, or includes representations 9509  
or implications that in reasonable probability will cause an 9510  
ordinarily prudent person to misunderstand or be deceived. 9511

- (3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;
- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient



is established; 9540

(12) The obtaining of, or attempting to obtain, money or 9541  
anything of value by fraudulent misrepresentations in the course 9542  
of practice; 9543

(13) Violation of the conditions of limitation placed by 9544  
the board on a license or permit; 9545

(14) Inability to practice according to acceptable and 9546  
prevailing standards of care by reason of mental illness or 9547  
physical illness, including, physical deterioration that 9548  
adversely affects cognitive, motor, or perceptive skills; 9549

(15) Any of the following actions taken by an agency 9550  
responsible for authorizing, certifying, or regulating an 9551  
individual to practice a health care occupation or provide 9552  
health care services in this state or another jurisdiction, for 9553  
any reason other than the nonpayment of fees: the limitation, 9554  
revocation, or suspension of an individual's license; acceptance 9555  
of an individual's license surrender; denial of a license; 9556  
refusal to renew or reinstate a license; imposition of 9557  
probation; or issuance of an order of censure or other 9558  
reprimand; 9559

(16) The revocation, suspension, restriction, reduction, 9560  
or termination of practice privileges by the United States 9561  
department of defense or department of veterans affairs; 9562

(17) Termination or suspension from participation in the 9563  
medicare or medicaid programs by the department of health and 9564  
human services or other responsible agency for any act or acts 9565  
that also would constitute a violation of division (A) (11), 9566  
(12), or (14) of this section; 9567

(18) Impairment of ability to practice according to 9568

acceptable and prevailing standards of care because of substance 9569  
use disorder or excessive use or abuse of drugs, alcohol, or 9570  
other substances that may impair ability to practice; 9571

(19) Failure to cooperate in an investigation conducted by 9572  
the board under division (B) of section 4759.05 of the Revised 9573  
Code, including failure to comply with a subpoena or order 9574  
issued by the board or failure to answer truthfully a question 9575  
presented by the board in an investigative interview, an 9576  
investigative office conference, at a deposition, or in written 9577  
interrogatories, except that failure to cooperate with an 9578  
investigation shall not constitute grounds for discipline under 9579  
this section if a court of competent jurisdiction has issued an 9580  
order that either quashes a subpoena or permits the individual 9581  
to withhold the testimony or evidence in issue; 9582

(20) Representing with the purpose of obtaining 9583  
compensation or other advantage as personal gain or for any 9584  
other person, that an incurable disease or injury, or other 9585  
incurable condition, can be permanently cured. 9586

(B) The board shall not refuse to issue a license or 9587  
limited permit to an applicant because of a plea of guilty to, a 9588  
judicial finding of guilt of, or a judicial finding of 9589  
eligibility for intervention in lieu of conviction for an 9590  
offense unless the refusal is in accordance with section 9.79 of 9591  
the Revised Code. 9592

(C) Any action taken by the board under division (A) of 9593  
this section resulting in a suspension from practice shall be 9594  
accompanied by a written statement of the conditions under which 9595  
the individual's license or permit may be reinstated. The board 9596  
shall adopt rules governing conditions to be imposed for 9597  
reinstatement. Reinstatement of a license or permit suspended 9598

pursuant to division (A) of this section requires an affirmative 9599  
vote of not fewer than six members of the board. 9600

(D) When the board refuses to grant or issue a license or 9601  
permit to an applicant, revokes an individual's license or 9602  
permit, refuses to renew an individual's license or permit, or 9603  
refuses to reinstate an individual's license or permit, the 9604  
board may specify that its action is permanent. An individual 9605  
subject to a permanent action taken by the board is forever 9606  
thereafter ineligible to hold a license or permit and the board 9607  
shall not accept an application for reinstatement of the license 9608  
or permit or for issuance of a new license or permit. 9609

(E) Disciplinary actions taken by the board under division 9610  
(A) of this section shall be taken pursuant to an adjudication 9611  
under Chapter 119. of the Revised Code, except that in lieu of 9612  
an adjudication, the board may enter into a consent agreement 9613  
with an individual to resolve an allegation of a violation of 9614  
this chapter or any rule adopted under it. A consent agreement, 9615  
when ratified by an affirmative vote of not fewer than six 9616  
members of the board, shall constitute the findings and order of 9617  
the board with respect to the matter addressed in the agreement. 9618  
If the board refuses to ratify a consent agreement, the 9619  
admissions and findings contained in the consent agreement shall 9620  
be of no force or effect. 9621

A telephone conference call may be utilized for 9622  
ratification of a consent agreement that revokes or suspends an 9623  
individual's license or permit. The telephone conference call 9624  
shall be considered a special meeting under division (F) of 9625  
section 121.22 of the Revised Code. 9626

(F) In enforcing division (A)(14) of this section, the 9627  
board, upon a showing of a possible violation, shall refer any 9628

individual authorized to practice by this chapter or who has 9629  
submitted an application pursuant to this chapter to the 9630  
monitoring organization that conducts the confidential 9631  
monitoring program established under section 4731.25 of the 9632  
Revised Code. The board also may compel the individual to submit 9633  
to a mental examination, physical examination, ~~including an HIV-~~ 9634  
~~test,~~ or both a mental and a physical examination. The expense 9635  
of the examination is the responsibility of the individual 9636  
compelled to be examined. Failure to submit to a mental or 9637  
physical examination ~~or consent to an HIV test~~ ordered by the 9638  
board constitutes an admission of the allegations against the 9639  
individual unless the failure is due to circumstances beyond the 9640  
individual's control, and a default and final order may be 9641  
entered without the taking of testimony or presentation of 9642  
evidence. If the board finds an individual unable to practice 9643  
because of the reasons set forth in division (A) (14) of this 9644  
section, the board shall require the individual to submit to 9645  
care, counseling, or treatment by physicians approved or 9646  
designated by the board, as a condition for initial, continued, 9647  
reinstated, or renewed authority to practice. An individual 9648  
affected under this division shall be afforded an opportunity to 9649  
demonstrate to the board the ability to resume practice in 9650  
compliance with acceptable and prevailing standards under the 9651  
provisions of the individual's license or permit. For the 9652  
purpose of division (A) (14) of this section, any individual who 9653  
applies for or receives a license or permit under this chapter 9654  
accepts the privilege of practicing in this state and, by so 9655  
doing, shall be deemed to have given consent to submit to a 9656  
mental or physical examination when directed to do so in writing 9657  
by the board, and to have waived all objections to the 9658  
admissibility of testimony or examination reports that 9659  
constitute a privileged communication. 9660

(G) For the purposes of division (A) (18) of this section, 9661  
any individual authorized to practice by this chapter accepts 9662  
the privilege of practicing in this state subject to supervision 9663  
by the board. By filing an application for or holding a license 9664  
or permit under this chapter, an individual shall be deemed to 9665  
have given consent to submit to a mental or physical examination 9666  
when ordered to do so by the board in writing, and to have 9667  
waived all objections to the admissibility of testimony or 9668  
examination reports that constitute privileged communications. 9669

If it has reason to believe that any individual authorized 9670  
to practice by this chapter or any applicant for a license or 9671  
permit suffers such impairment, the board shall refer the 9672  
individual to the monitoring organization that conducts the 9673  
confidential monitoring program established under section 9674  
4731.25 of the Revised Code. The board also may compel the 9675  
individual to submit to a mental or physical examination, or 9676  
both. The expense of the examination is the responsibility of 9677  
the individual compelled to be examined. Any mental or physical 9678  
examination required under this division shall be undertaken by 9679  
a treatment provider or physician who is qualified to conduct 9680  
the examination and who is approved under section 4731.251 of 9681  
the Revised Code. 9682

Failure to submit to a mental or physical examination 9683  
ordered by the board constitutes an admission of the allegations 9684  
against the individual unless the failure is due to 9685  
circumstances beyond the individual's control, and a default and 9686  
final order may be entered without the taking of testimony or 9687  
presentation of evidence. If the board determines that the 9688  
individual's ability to practice is impaired, the board shall 9689  
suspend the individual's license or permit or deny the 9690  
individual's application and shall require the individual, as a 9691

condition for an initial, continued, reinstated, or renewed 9692  
license or permit, to submit to treatment. 9693

Before being eligible to apply for reinstatement of a 9694  
license or permit suspended under this division, the impaired 9695  
practitioner shall demonstrate to the board the ability to 9696  
resume practice in compliance with acceptable and prevailing 9697  
standards of care under the provisions of the practitioner's 9698  
license or permit. The demonstration shall include, but shall 9699  
not be limited to, the following: 9700

(1) Certification from a treatment provider approved under 9701  
section 4731.251 of the Revised Code that the individual has 9702  
successfully completed any required inpatient treatment; 9703

(2) Evidence of continuing full compliance with an 9704  
aftercare contract or consent agreement; 9705

(3) Two written reports indicating that the individual's 9706  
ability to practice has been assessed and that the individual 9707  
has been found capable of practicing according to acceptable and 9708  
prevailing standards of care. The reports shall be made by 9709  
individuals or providers approved by the board for making the 9710  
assessments and shall describe the basis for their 9711  
determination. 9712

The board may reinstate a license or permit suspended 9713  
under this division after that demonstration and after the 9714  
individual has entered into a written consent agreement. 9715

When the impaired practitioner resumes practice, the board 9716  
shall require continued monitoring of the individual. The 9717  
monitoring shall include, but not be limited to, compliance with 9718  
the written consent agreement entered into before reinstatement 9719  
or with conditions imposed by board order after a hearing, and, 9720

upon termination of the consent agreement, submission to the 9721  
board for at least two years of annual written progress reports 9722  
made under penalty of perjury stating whether the individual has 9723  
maintained sobriety. 9724

(H) If the secretary and supervising member determine both 9725  
of the following, they may recommend that the board suspend an 9726  
individual's license or permit without a prior hearing: 9727

(1) That there is clear and convincing evidence that an 9728  
individual has violated division (A) of this section; 9729

(2) That the individual's continued practice presents a 9730  
danger of immediate and serious harm to the public. 9731

Written allegations shall be prepared for consideration by 9732  
the board. The board, upon review of those allegations and by an 9733  
affirmative vote of not fewer than six of its members, excluding 9734  
the secretary and supervising member, may suspend a license or 9735  
permit without a prior hearing. A telephone conference call may 9736  
be utilized for reviewing the allegations and taking the vote on 9737  
the summary suspension. 9738

The board shall serve a written order of suspension in 9739  
accordance with sections 119.05 and 119.07 of the Revised Code. 9740  
The order shall not be subject to suspension by the court during 9741  
pendency of any appeal filed under section 119.12 of the Revised 9742  
Code. If the individual subject to the summary suspension 9743  
requests an adjudicatory hearing by the board, the date set for 9744  
the hearing shall be within fifteen days, but not earlier than 9745  
seven days, after the individual requests the hearing, unless 9746  
otherwise agreed to by both the board and the individual. 9747

Any summary suspension imposed under this division shall 9748  
remain in effect, unless reversed on appeal, until a final 9749

adjudicative order issued by the board pursuant to this section 9750  
and Chapter 119. of the Revised Code becomes effective. The 9751  
board shall issue its final adjudicative order within seventy- 9752  
five days after completion of its hearing. A failure to issue 9753  
the order within seventy-five days shall result in dissolution 9754  
of the summary suspension order but shall not invalidate any 9755  
subsequent, final adjudicative order. 9756

(I) If the board is required by Chapter 119. of the 9757  
Revised Code to give notice of an opportunity for a hearing and 9758  
if the individual subject to the notice does not timely request 9759  
a hearing in accordance with section 119.07 of the Revised Code, 9760  
the board is not required to hold a hearing, but may adopt, by 9761  
an affirmative vote of not fewer than six of its members, a 9762  
final order that contains the board's findings. In the final 9763  
order, the board may order any of the sanctions identified under 9764  
division (A) of this section. 9765

(J) For purposes of divisions (A) (5), (7), and (9) of this 9766  
section, the commission of the act may be established by a 9767  
finding by the board, pursuant to an adjudication under Chapter 9768  
119. of the Revised Code, that the individual committed the act. 9769  
The board does not have jurisdiction under those divisions if 9770  
the trial court renders a final judgment in the individual's 9771  
favor and that judgment is based upon an adjudication on the 9772  
merits. The board has jurisdiction under those divisions if the 9773  
trial court issues an order of dismissal upon technical or 9774  
procedural grounds. 9775

(K) The sealing or expungement of conviction records by 9776  
any court shall have no effect upon a prior board order entered 9777  
under this section or upon the board's jurisdiction to take 9778  
action under this section if, based upon a plea of guilty, a 9779



judicial finding of guilt, or a judicial finding of eligibility 9780  
for intervention in lieu of conviction, the board issued a 9781  
notice of opportunity for a hearing prior to the court's order 9782  
to seal or expunge the records. The board shall not be required 9783  
to seal, destroy, redact, or otherwise modify its records to 9784  
reflect the court's sealing or expungement of conviction 9785  
records. 9786

(L) If the board takes action under division (A) (4), (6), 9787  
or (8) of this section, and the judicial finding of guilt, 9788  
guilty plea, or judicial finding of eligibility for intervention 9789  
in lieu of conviction is overturned on appeal, upon exhaustion 9790  
of the criminal appeal, a petition for reconsideration of the 9791  
order may be filed with the board along with appropriate court 9792  
documents. Upon receipt of a petition for reconsideration and 9793  
supporting court documents, the board shall reinstate the 9794  
individual's license or permit. The board may then hold an 9795  
adjudication under Chapter 119. of the Revised Code to determine 9796  
whether the individual committed the act in question. Notice of 9797  
an opportunity for a hearing shall be given in accordance with 9798  
Chapter 119. of the Revised Code. If the board finds, pursuant 9799  
to an adjudication held under this division, that the individual 9800  
committed the act or if no hearing is requested, the board may 9801  
order any of the sanctions identified under division (A) of this 9802  
section. 9803

(M) The license or permit issued to an individual under 9804  
this chapter and the individual's practice in this state are 9805  
automatically suspended as of the date the individual pleads 9806  
guilty to, is found by a judge or jury to be guilty of, or is 9807  
subject to a judicial finding of eligibility for intervention in 9808  
lieu of conviction in this state or treatment or intervention in 9809  
lieu of conviction in another jurisdiction for any of the 9810

following criminal offenses in this state or a substantially 9811  
equivalent criminal offense in another jurisdiction: aggravated 9812  
murder, murder, voluntary manslaughter, felonious assault, 9813  
kidnapping, rape, sexual battery, gross sexual imposition, 9814  
aggravated arson, aggravated robbery, or aggravated burglary. 9815  
Continued practice after suspension shall be considered 9816  
practicing without a license or permit. 9817

The board shall serve the individual subject to the 9818  
suspension in accordance with sections 119.05 and 119.07 of the 9819  
Revised Code. If an individual whose license or permit is 9820  
automatically suspended under this division fails to make a 9821  
timely request for an adjudication under Chapter 119. of the 9822  
Revised Code, the board shall enter a final order permanently 9823  
revoking the individual's license or permit. 9824

(N) Notwithstanding any other provision of the Revised 9825  
Code, all of the following apply: 9826

(1) The surrender of a license or permit issued under this 9827  
chapter shall not be effective unless or until accepted by the 9828  
board. A telephone conference call may be utilized for 9829  
acceptance of the surrender of an individual's license or 9830  
permit. The telephone conference call shall be considered a 9831  
special meeting under division (F) of section 121.22 of the 9832  
Revised Code. Reinstatement of a license or permit surrendered 9833  
to the board requires an affirmative vote of not fewer than six 9834  
members of the board. 9835

(2) An application for a license or permit made under the 9836  
provisions of this chapter may not be withdrawn without approval 9837  
of the board. 9838

(3) Failure by an individual to renew a license or permit 9839

in accordance with this chapter does not remove or limit the 9840  
board's jurisdiction to take any disciplinary action under this 9841  
section against the individual. 9842

(4) The placement of an individual's license on retired 9843  
status, as described in section 4759.064 of the Revised Code, 9844  
does not remove or limit the board's jurisdiction to take any 9845  
disciplinary action against the individual with regard to the 9846  
license as it existed before being placed on retired status. 9847

(5) At the request of the board, a license or permit 9848  
holder shall immediately surrender to the board a license or 9849  
permit that the board has suspended, revoked, or permanently 9850  
revoked. 9851

**Sec. 4760.13.** (A) The state medical board, by an 9852  
affirmative vote of not fewer than six members, may refuse to 9853  
grant a license to practice as an anesthesiologist assistant to, 9854  
or may revoke the license held by, an individual found by the 9855  
board to have committed fraud, misrepresentation, or deception 9856  
in applying for or securing the license. 9857

(B) The board, by an affirmative vote of not fewer than 9858  
six members, shall, except as provided in division (C) of this 9859  
section, and to the extent permitted by law, limit, revoke, or 9860  
suspend an individual's license to practice as an 9861  
anesthesiologist assistant, refuse to issue a license to an 9862  
applicant, refuse to renew a license, refuse to reinstate a 9863  
license, or reprimand or place on probation the holder of a 9864  
license for any of the following reasons: 9865

(1) Permitting the holder's name or license to be used by 9866  
another person; 9867

(2) Failure to comply with the requirements of this 9868

chapter, Chapter 4731. of the Revised Code, or any rules adopted 9869  
by the board; 9870

(3) Violating or attempting to violate, directly or 9871  
indirectly, or assisting in or abetting the violation of, or 9872  
conspiring to violate, any provision of this chapter, Chapter 9873  
4731. of the Revised Code, or the rules adopted by the board; 9874

(4) A departure from, or failure to conform to, minimal 9875  
standards of care of similar practitioners under the same or 9876  
similar circumstances whether or not actual injury to the 9877  
patient is established; 9878

(5) Inability to practice according to acceptable and 9879  
prevailing standards of care by reason of mental illness or 9880  
physical illness, including physical deterioration that 9881  
adversely affects cognitive, motor, or perceptive skills; 9882

(6) Impairment of ability to practice according to 9883  
acceptable and prevailing standards of care because of substance 9884  
use disorder or excessive use or abuse of drugs, alcohol, or 9885  
other substances that may impair ability to practice; 9886

(7) Willfully betraying a professional confidence; 9887

(8) Making a false, fraudulent, deceptive, or misleading 9888  
statement in securing or attempting to secure a license to 9889  
practice as an anesthesiologist assistant. 9890

As used in this division, "false, fraudulent, deceptive, 9891  
or misleading statement" means a statement that includes a 9892  
misrepresentation of fact, is likely to mislead or deceive 9893  
because of a failure to disclose material facts, is intended or 9894  
is likely to create false or unjustified expectations of 9895  
favorable results, or includes representations or implications 9896  
that in reasonable probability will cause an ordinarily prudent 9897

person to misunderstand or be deceived. 9898

(9) The obtaining of, or attempting to obtain, money or a 9899  
thing of value by fraudulent misrepresentations in the course of 9900  
practice; 9901

(10) A plea of guilty to, a judicial finding of guilt of, 9902  
or a judicial finding of eligibility for intervention in lieu of 9903  
conviction for, a felony; 9904

(11) Commission of an act that constitutes a felony in 9905  
this state, regardless of the jurisdiction in which the act was 9906  
committed; 9907

(12) A plea of guilty to, a judicial finding of guilt of, 9908  
or a judicial finding of eligibility for intervention in lieu of 9909  
conviction for, a misdemeanor committed in the course of 9910  
practice; 9911

(13) A plea of guilty to, a judicial finding of guilt of, 9912  
or a judicial finding of eligibility for intervention in lieu of 9913  
conviction for, a misdemeanor involving moral turpitude; 9914

(14) Commission of an act in the course of practice that 9915  
constitutes a misdemeanor in this state, regardless of the 9916  
jurisdiction in which the act was committed; 9917

(15) Commission of an act involving moral turpitude that 9918  
constitutes a misdemeanor in this state, regardless of the 9919  
jurisdiction in which the act was committed; 9920

(16) A plea of guilty to, a judicial finding of guilt of, 9921  
or a judicial finding of eligibility for intervention in lieu of 9922  
conviction for violating any state or federal law regulating the 9923  
possession, distribution, or use of any drug, including 9924  
trafficking in drugs; 9925

(17) Any of the following actions taken by the state 9926  
agency responsible for regulating the practice of 9927  
anesthesiologist assistants in another jurisdiction, for any 9928  
reason other than the nonpayment of fees: the limitation, 9929  
revocation, or suspension of an individual's license to 9930  
practice; acceptance of an individual's license surrender; 9931  
denial of a license; refusal to renew or reinstate a license; 9932  
imposition of probation; or issuance of an order of censure or 9933  
other reprimand; 9934

(18) Violation of the conditions placed by the board on a 9935  
license to practice; 9936

(19) Failure to use universal blood and body fluid 9937  
precautions established by rules adopted under section 4731.051 9938  
of the Revised Code; 9939

(20) Failure to cooperate in an investigation conducted by 9940  
the board under section 4760.14 of the Revised Code, including 9941  
failure to comply with a subpoena or order issued by the board 9942  
or failure to answer truthfully a question presented by the 9943  
board at a deposition or in written interrogatories, except that 9944  
failure to cooperate with an investigation shall not constitute 9945  
grounds for discipline under this section if a court of 9946  
competent jurisdiction has issued an order that either quashes a 9947  
subpoena or permits the individual to withhold the testimony or 9948  
evidence in issue; 9949

(21) Failure to comply with any code of ethics established 9950  
by the national commission for the certification of 9951  
anesthesiologist assistants; 9952

(22) Failure to notify the state medical board of the 9953  
revocation or failure to maintain certification from the 9954

national commission for certification of anesthesiologist 9955  
assistants. 9956

(C) The board shall not refuse to issue a certificate to 9957  
an applicant because of a plea of guilty to, a judicial finding 9958  
of guilt of, or a judicial finding of eligibility for 9959  
intervention in lieu of conviction for an offense unless the 9960  
refusal is in accordance with section 9.79 of the Revised Code. 9961

(D) Disciplinary actions taken by the board under 9962  
divisions (A) and (B) of this section shall be taken pursuant to 9963  
an adjudication under Chapter 119. of the Revised Code, except 9964  
that in lieu of an adjudication, the board may enter into a 9965  
consent agreement with an anesthesiologist assistant or 9966  
applicant to resolve an allegation of a violation of this 9967  
chapter or any rule adopted under it. A consent agreement, when 9968  
ratified by an affirmative vote of not fewer than six members of 9969  
the board, shall constitute the findings and order of the board 9970  
with respect to the matter addressed in the agreement. If the 9971  
board refuses to ratify a consent agreement, the admissions and 9972  
findings contained in the consent agreement shall be of no force 9973  
or effect. 9974

(E) For purposes of divisions (B) (11), (14), and (15) of 9975  
this section, the commission of the act may be established by a 9976  
finding by the board, pursuant to an adjudication under Chapter 9977  
119. of the Revised Code, that the applicant or license holder 9978  
committed the act in question. The board shall have no 9979  
jurisdiction under these divisions in cases where the trial 9980  
court renders a final judgment in the license holder's favor and 9981  
that judgment is based upon an adjudication on the merits. The 9982  
board shall have jurisdiction under these divisions in cases 9983  
where the trial court issues an order of dismissal on technical 9984

or procedural grounds. 9985

(F) The sealing or expungement of conviction records by 9986  
any court shall have no effect on a prior board order entered 9987  
under the provisions of this section or on the board's 9988  
jurisdiction to take action under the provisions of this section 9989  
if, based upon a plea of guilty, a judicial finding of guilt, or 9990  
a judicial finding of eligibility for intervention in lieu of 9991  
conviction, the board issued a notice of opportunity for a 9992  
hearing prior to the court's order to seal or expunge the 9993  
records. The board shall not be required to seal, destroy, 9994  
redact, or otherwise modify its records to reflect the court's 9995  
sealing or expungement of conviction records. 9996

(G) For purposes of this division, any individual who 9997  
holds a license to practice issued under this chapter, or 9998  
applies for a license to practice, shall be deemed to have given 9999  
consent to submit to a mental or physical examination when 10000  
directed to do so in writing by the board and to have waived all 10001  
objections to the admissibility of testimony or examination 10002  
reports that constitute a privileged communication. 10003

(1) In enforcing division (B) (5) of this section, the 10004  
board, on a showing of a possible violation, shall refer any 10005  
individual who holds, or has applied for, a license issued under 10006  
this chapter to the monitoring organization that conducts the 10007  
confidential monitoring program established under section 10008  
4731.25 of the Revised Code. The board also may compel the 10009  
individual to this chapter to submit to a mental or physical 10010  
examination, or both. ~~A physical examination may include an HIV-~~ 10011  
~~test.~~ The expense of the examination is the responsibility of 10012  
the individual compelled to be examined. Failure to submit to a 10013  
mental or physical examination ~~or consent to an HIV test~~ ordered 10014



by the board constitutes an admission of the allegations against 10015  
the individual unless the failure is due to circumstances beyond 10016  
the individual's control, and a default and final order may be 10017  
entered without the taking of testimony or presentation of 10018  
evidence. If the board finds an anesthesiologist assistant 10019  
unable to practice because of the reasons set forth in division 10020  
(B) (5) of this section, the board shall require the 10021  
anesthesiologist assistant to submit to care, counseling, or 10022  
treatment by physicians approved or designated by the board, as 10023  
a condition for an initial, continued, reinstated, or renewed 10024  
license to practice. An individual affected by this division 10025  
shall be afforded an opportunity to demonstrate to the board the 10026  
ability to resume practicing in compliance with acceptable and 10027  
prevailing standards of care. 10028

(2) For purposes of division (B) (6) of this section, if 10029  
the board has reason to believe that any individual who holds a 10030  
license to practice issued under this chapter or any applicant 10031  
for a license to practice suffers such impairment, the board 10032  
shall report the individual to the monitoring organization that 10033  
conducts the confidential monitoring program established under 10034  
section 4731.25 of the Revised Code. The board also may compel 10035  
the individual to submit to a mental or physical examination, or 10036  
both. The expense of the examination is the responsibility of 10037  
the individual compelled to be examined. Any mental or physical 10038  
examination required under this division shall be undertaken by 10039  
a treatment provider or physician qualified to conduct such 10040  
examination and approved under section 4731.251 of the Revised 10041  
Code. 10042

Failure to submit to a mental or physical examination 10043  
ordered by the board constitutes an admission of the allegations 10044  
against the individual unless the failure is due to 10045

circumstances beyond the individual's control, and a default and 10046  
final order may be entered without the taking of testimony or 10047  
presentation of evidence. If the board determines that the 10048  
individual's ability to practice is impaired, the board shall 10049  
suspend the individual's license or deny the individual's 10050  
application and shall require the individual, as a condition for 10051  
an initial, continued, reinstated, or renewed license to 10052  
practice, to submit to treatment. 10053

Before being eligible to apply for reinstatement of a 10054  
license suspended under this division, the anesthesiologist 10055  
assistant shall demonstrate to the board the ability to resume 10056  
practice in compliance with acceptable and prevailing standards 10057  
of care. The demonstration shall include the following: 10058

(a) Certification from a treatment provider approved under 10059  
section 4731.251 of the Revised Code that the individual has 10060  
successfully completed any required inpatient treatment; 10061

(b) Evidence of continuing full compliance with an 10062  
aftercare contract or consent agreement; 10063

(c) Two written reports indicating that the individual's 10064  
ability to practice has been assessed and that the individual 10065  
has been found capable of practicing according to acceptable and 10066  
prevailing standards of care. The reports shall be made by 10067  
individuals or providers approved by the board for making such 10068  
assessments and shall describe the basis for their 10069  
determination. 10070

The board may reinstate a license suspended under this 10071  
division after such demonstration and after the individual has 10072  
entered into a written consent agreement. 10073

When the impaired anesthesiologist assistant resumes 10074

practice, the board shall require continued monitoring of the 10075  
anesthesiologist assistant. The monitoring shall include 10076  
monitoring of compliance with the written consent agreement 10077  
entered into before reinstatement or with conditions imposed by 10078  
board order after a hearing, and, on termination of the consent 10079  
agreement, submission to the board for at least two years of 10080  
annual written progress reports made under penalty of 10081  
falsification stating whether the anesthesiologist assistant has 10082  
maintained sobriety. 10083

(H) If the secretary and supervising member determine that 10084  
there is clear and convincing evidence that an anesthesiologist 10085  
assistant has violated division (B) of this section and that the 10086  
individual's continued practice presents a danger of immediate 10087  
and serious harm to the public, they may recommend that the 10088  
board suspend the individual's license without a prior hearing. 10089  
Written allegations shall be prepared for consideration by the 10090  
board. 10091

The board, on review of the allegations and by an 10092  
affirmative vote of not fewer than six of its members, excluding 10093  
the secretary and supervising member, may suspend a license 10094  
without a prior hearing. A telephone conference call may be 10095  
utilized for reviewing the allegations and taking the vote on 10096  
the summary suspension. 10097

The board shall serve a written order of suspension in 10098  
accordance with sections 119.05 and 119.07 of the Revised Code. 10099  
The order shall not be subject to suspension by the court during 10100  
pendency of any appeal filed under section 119.12 of the Revised 10101  
Code. If the anesthesiologist assistant requests an adjudicatory 10102  
hearing by the board, the date set for the hearing shall be 10103  
within fifteen days, but not earlier than seven days, after the 10104

anesthesiologist assistant requests the hearing, unless 10105  
otherwise agreed to by both the board and the license holder. 10106

A summary suspension imposed under this division shall 10107  
remain in effect, unless reversed on appeal, until a final 10108  
adjudicative order issued by the board pursuant to this section 10109  
and Chapter 119. of the Revised Code becomes effective. The 10110  
board shall issue its final adjudicative order within sixty days 10111  
after completion of its hearing. Failure to issue the order 10112  
within sixty days shall result in dissolution of the summary 10113  
suspension order, but shall not invalidate any subsequent, final 10114  
adjudicative order. 10115

(I) If the board takes action under division (B) (11), 10116  
(13), or (14) of this section, and the judicial finding of 10117  
guilt, guilty plea, or judicial finding of eligibility for 10118  
intervention in lieu of conviction is overturned on appeal, on 10119  
exhaustion of the criminal appeal, a petition for 10120  
reconsideration of the order may be filed with the board along 10121  
with appropriate court documents. On receipt of a petition and 10122  
supporting court documents, the board shall reinstate the 10123  
license to practice. The board may then hold an adjudication 10124  
under Chapter 119. of the Revised Code to determine whether the 10125  
individual committed the act in question. Notice of opportunity 10126  
for hearing shall be given in accordance with Chapter 119. of 10127  
the Revised Code. If the board finds, pursuant to an 10128  
adjudication held under this division, that the individual 10129  
committed the act, or if no hearing is requested, it may order 10130  
any of the sanctions specified in division (B) of this section. 10131

(J) The license to practice of an anesthesiologist 10132  
assistant and the assistant's practice in this state are 10133  
automatically suspended as of the date the anesthesiologist 10134

assistant pleads guilty to, is found by a judge or jury to be 10135  
guilty of, or is subject to a judicial finding of eligibility 10136  
for intervention in lieu of conviction in this state or 10137  
treatment ~~of~~ or intervention in lieu of conviction in another 10138  
jurisdiction for any of the following criminal offenses in this 10139  
state or a substantially equivalent criminal offense in another 10140  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 10141  
felonious assault, kidnapping, rape, sexual battery, gross 10142  
sexual imposition, aggravated arson, aggravated robbery, or 10143  
aggravated burglary. Continued practice after the suspension 10144  
shall be considered practicing without a license. 10145

The board shall serve the individual subject to the 10146  
suspension in accordance with sections 119.05 and 119.07 of the 10147  
Revised Code. If an individual whose license is suspended under 10148  
this division fails to make a timely request for an adjudication 10149  
under Chapter 119. of the Revised Code, the board shall enter a 10150  
final order permanently revoking the individual's license to 10151  
practice. 10152

(K) In any instance in which the board is required by 10153  
Chapter 119. of the Revised Code to give notice of opportunity 10154  
for hearing and the individual subject to the notice does not 10155  
timely request a hearing in accordance with section 119.07 of 10156  
the Revised Code, the board is not required to hold a hearing, 10157  
but may adopt, by an affirmative vote of not fewer than six of 10158  
its members, a final order that contains the board's findings. 10159  
In the final order, the board may order any of the sanctions 10160  
identified under division (A) or (B) of this section. 10161

(L) Any action taken by the board under division (B) of 10162  
this section resulting in a suspension shall be accompanied by a 10163  
written statement of the conditions under which the 10164

anesthesiologist assistant's license may be reinstated. The 10165  
board shall adopt rules in accordance with Chapter 119. of the 10166  
Revised Code governing conditions to be imposed for 10167  
reinstatement. Reinstatement of a license suspended pursuant to 10168  
division (B) of this section requires an affirmative vote of not 10169  
fewer than six members of the board. 10170

(M) When the board refuses to grant or issue a license to 10171  
practice as an anesthesiologist assistant to an applicant, 10172  
revokes an individual's license, refuses to renew an 10173  
individual's license, or refuses to reinstate an individual's 10174  
license, the board may specify that its action is permanent. An 10175  
individual subject to a permanent action taken by the board is 10176  
forever thereafter ineligible to hold a license to practice as 10177  
an anesthesiologist assistant and the board shall not accept an 10178  
application for reinstatement of the license or for issuance of 10179  
a new license. 10180

(N) Notwithstanding any other provision of the Revised 10181  
Code, all of the following apply: 10182

(1) The surrender of a license to practice issued under 10183  
this chapter is not effective unless or until accepted by the 10184  
board. Reinstatement of a license surrendered to the board 10185  
requires an affirmative vote of not fewer than six members of 10186  
the board. 10187

(2) An application made under this chapter for a license 10188  
to practice may not be withdrawn without approval of the board. 10189

(3) Failure by an individual to renew a license to 10190  
practice in accordance with section 4760.06 of the Revised Code 10191  
does not remove or limit the board's jurisdiction to take 10192  
disciplinary action under this section against the individual. 10193

(4) The placement of an individual's license on retired status, as described in section 4760.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

**Sec. 4761.09.** (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor involving moral turpitude;	10223
(6) Commission of an act involving moral turpitude that	10224
constitutes a misdemeanor in this state, regardless of the	10225
jurisdiction in which the act was committed;	10226
(7) Except when civil penalties are imposed under section	10227
4761.091 of the Revised Code, violating or attempting to	10228
violate, directly or indirectly, or assisting in or abetting the	10229
violation of, or conspiring to violate, any provision of this	10230
chapter or the rules adopted by the board;	10231
(8) Making a false, fraudulent, deceptive, or misleading	10232
statement in the solicitation of or advertising for patients; in	10233
relation to the practice of respiratory care; or in securing or	10234
attempting to secure any license or permit issued by the board	10235
under this chapter.	10236
As used in division (A) (8) of this section, "false,	10237
fraudulent, deceptive, or misleading statement" means a	10238
statement that includes a misrepresentation of fact, is likely	10239
to mislead or deceive because of a failure to disclose material	10240
facts, is intended or is likely to create false or unjustified	10241
expectations of favorable results, or includes representations	10242
or implications that in reasonable probability will cause an	10243
ordinarily prudent person to misunderstand or be deceived.	10244
(9) Committing fraud during the administration of the	10245
examination for a license to practice or committing fraud,	10246
misrepresentation, or deception in applying for, renewing, or	10247
securing any license or permit issued by the board;	10248
(10) A departure from, or failure to conform to, minimal	10249
standards of care of similar practitioners under the same or	10250
similar circumstances, whether or not actual injury to a patient	10251



is established;	10252
(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	10253 10254
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	10255 10256 10257
(13) Violation of the conditions of limitation placed by the board upon a license or permit;	10258 10259
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	10260 10261 10262 10263
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	10264 10265 10266 10267 10268 10269 10270 10271 10272 10273
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	10274 10275 10276
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (10),	10277 10278 10279 10280

(12), or (14) of this section;	10281
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	10282 10283 10284 10285
(19) Failure to cooperate in an investigation conducted by the board under division (E) of section 4761.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	10286 10287 10288 10289 10290 10291 10292 10293 10294 10295 10296
(20) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	10297 10298 10299 10300
(21) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	10301 10302 10303
(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	10304 10305 10306
(23) Assisting suicide as defined in section 3795.01 of the Revised Code;	10307 10308
(24) Representing, with the purpose of obtaining	10309

compensation or other advantage as personal gain or for any 10310  
other person, that an incurable disease or injury, or other 10311  
incurable condition, can be permanently cured. 10312

Disciplinary actions taken by the board under division (A) 10313  
of this section shall be taken pursuant to an adjudication under 10314  
Chapter 119. of the Revised Code, except that in lieu of an 10315  
adjudication, the board may enter into a consent agreement with 10316  
an individual to resolve an allegation of a violation of this 10317  
chapter or any rule adopted under it. A consent agreement, when 10318  
ratified by an affirmative vote of not fewer than six members of 10319  
the board, shall constitute the findings and order of the board 10320  
with respect to the matter addressed in the agreement. If the 10321  
board refuses to ratify a consent agreement, the admissions and 10322  
findings contained in the consent agreement shall be of no 10323  
effect. 10324

A telephone conference call may be utilized for 10325  
ratification of a consent agreement that revokes or suspends an 10326  
individual's license or permit. The telephone conference call 10327  
shall be considered a special meeting under division (F) of 10328  
section 121.22 of the Revised Code. 10329

(B) The board shall not refuse to issue a license or 10330  
limited permit to an applicant because of a plea of guilty to, a 10331  
judicial finding of guilt of, or a judicial finding of 10332  
eligibility for intervention in lieu of conviction for an 10333  
offense unless the refusal is in accordance with section 9.79 of 10334  
the Revised Code. 10335

(C) Any action taken by the board under division (A) of 10336  
this section resulting in a suspension from practice shall be 10337  
accompanied by a written statement of the conditions under which 10338  
the individual's license or permit may be reinstated. The board 10339

shall adopt rules governing conditions to be imposed for 10340  
reinstatement. Reinstatement of a license or permit suspended 10341  
pursuant to division (A) of this section requires an affirmative 10342  
vote of not fewer than six members of the board. 10343

(D) When the board refuses to grant or issue a license or 10344  
permit to an applicant, revokes an individual's license or 10345  
permit, refuses to renew an individual's license or permit, or 10346  
refuses to reinstate an individual's license or permit, the 10347  
board may specify that its action is permanent. An individual 10348  
subject to a permanent action taken by the board is forever 10349  
thereafter ineligible to hold a license or permit and the board 10350  
shall not accept an application for reinstatement of the license 10351  
or permit or for issuance of a new license or permit. 10352

(E) If the board is required by Chapter 119. of the 10353  
Revised Code to give notice of an opportunity for a hearing and 10354  
if the individual subject to the notice does not timely request 10355  
a hearing in accordance with section 119.07 of the Revised Code, 10356  
the board is not required to hold a hearing, but may adopt, by 10357  
an affirmative vote of not fewer than six of its members, a 10358  
final order that contains the board's findings. In the final 10359  
order, the board may order any of the sanctions identified under 10360  
division (A) of this section. 10361

(F) In enforcing division (A)(14) of this section, the 10362  
board, upon a showing of a possible violation, shall refer any 10363  
individual authorized to practice by this chapter or who has 10364  
submitted an application pursuant to this chapter to the 10365  
monitoring organization that conducts the confidential 10366  
monitoring program established under section 4731.25 of the 10367  
Revised Code. The board also may compel the individual to submit 10368  
to a mental examination, physical examination, ~~including an HIV-~~ 10369

~~test,~~ or both a mental and a physical examination. The expense 10370  
of the examination is the responsibility of the individual 10371  
compelled to be examined. Failure to submit to a mental or 10372  
physical examination ~~or consent to an HIV test~~ ordered by the 10373  
board constitutes an admission of the allegations against the 10374  
individual unless the failure is due to circumstances beyond the 10375  
individual's control, and a default and final order may be 10376  
entered without the taking of testimony or presentation of 10377  
evidence. If the board finds an individual unable to practice 10378  
because of the reasons set forth in division (A) (14) of this 10379  
section, the board shall require the individual to submit to 10380  
care, counseling, or treatment by physicians approved or 10381  
designated by the board, as a condition for initial, continued, 10382  
reinstated, or renewed authority to practice. An individual 10383  
affected under this division shall be afforded an opportunity to 10384  
demonstrate to the board the ability to resume practice in 10385  
compliance with acceptable and prevailing standards under the 10386  
provisions of the individual's license or permit. For the 10387  
purpose of division (A) (14) of this section, any individual who 10388  
applies for or receives a license or permit to practice under 10389  
this chapter accepts the privilege of practicing in this state 10390  
and, by so doing, shall be deemed to have given consent to 10391  
submit to a mental or physical examination when directed to do 10392  
so in writing by the board, and to have waived all objections to 10393  
the admissibility of testimony or examination reports that 10394  
constitute a privileged communication. 10395

(G) For the purposes of division (A) (18) of this section, 10396  
any individual authorized to practice by this chapter accepts 10397  
the privilege of practicing in this state subject to supervision 10398  
by the board. By filing an application for or holding a license 10399  
or permit under this chapter, an individual shall be deemed to 10400

have given consent to submit to a mental or physical examination 10401  
when ordered to do so by the board in writing, and to have 10402  
waived all objections to the admissibility of testimony or 10403  
examination reports that constitute privileged communications. 10404

If it has reason to believe that any individual authorized 10405  
to practice by this chapter or any applicant for a license or 10406  
permit suffers such impairment, the board shall refer the 10407  
individual to the monitoring organization that conducts the 10408  
confidential monitoring program established under section 10409  
4731.25 of the Revised Code. The board also may compel the 10410  
individual to submit to a mental or physical examination, or 10411  
both. The expense of the examination is the responsibility of 10412  
the individual compelled to be examined. Any mental or physical 10413  
examination required under this division shall be undertaken by 10414  
a treatment provider or physician who is qualified to conduct 10415  
the examination and who is approved under section 4731.251 of 10416  
the Revised Code. 10417

Failure to submit to a mental or physical examination 10418  
ordered by the board constitutes an admission of the allegations 10419  
against the individual unless the failure is due to 10420  
circumstances beyond the individual's control, and a default and 10421  
final order may be entered without the taking of testimony or 10422  
presentation of evidence. If the board determines that the 10423  
individual's ability to practice is impaired, the board shall 10424  
suspend the individual's license or permit or deny the 10425  
individual's application and shall require the individual, as a 10426  
condition for an initial, continued, reinstated, or renewed 10427  
license or permit, to submit to treatment. 10428

Before being eligible to apply for reinstatement of a 10429  
license or permit suspended under this division, the impaired 10430

practitioner shall demonstrate to the board the ability to 10431  
resume practice in compliance with acceptable and prevailing 10432  
standards of care under the provisions of the practitioner's 10433  
license or permit. The demonstration shall include, but shall 10434  
not be limited to, the following: 10435

(1) Certification from a treatment provider approved under 10436  
section 4731.251 of the Revised Code that the individual has 10437  
successfully completed any required inpatient treatment; 10438

(2) Evidence of continuing full compliance with an 10439  
aftercare contract or consent agreement; 10440

(3) Two written reports indicating that the individual's 10441  
ability to practice has been assessed and that the individual 10442  
has been found capable of practicing according to acceptable and 10443  
prevailing standards of care. The reports shall be made by 10444  
individuals or providers approved by the board for making the 10445  
assessments and shall describe the basis for their 10446  
determination. 10447

The board may reinstate a license or permit suspended 10448  
under this division after that demonstration and after the 10449  
individual has entered into a written consent agreement. 10450

When the impaired practitioner resumes practice, the board 10451  
shall require continued monitoring of the individual. The 10452  
monitoring shall include, but not be limited to, compliance with 10453  
the written consent agreement entered into before reinstatement 10454  
or with conditions imposed by board order after a hearing, and, 10455  
upon termination of the consent agreement, submission to the 10456  
board for at least two years of annual written progress reports 10457  
made under penalty of perjury stating whether the individual has 10458  
maintained sobriety. 10459

(H) If the secretary and supervising member determine both 10460  
of the following, they may recommend that the board suspend an 10461  
individual's license or permit without a prior hearing: 10462

(1) That there is clear and convincing evidence that an 10463  
individual has violated division (A) of this section; 10464

(2) That the individual's continued practice presents a 10465  
danger of immediate and serious harm to the public. 10466

Written allegations shall be prepared for consideration by 10467  
the board. The board, upon review of those allegations and by an 10468  
affirmative vote of not fewer than six of its members, excluding 10469  
the secretary and supervising member, may suspend a license or 10470  
permit without a prior hearing. A telephone conference call may 10471  
be utilized for reviewing the allegations and taking the vote on 10472  
the summary suspension. 10473

The board shall serve a written order of suspension in 10474  
accordance with sections 119.05 and 119.07 of the Revised Code. 10475  
The order shall not be subject to suspension by the court during 10476  
pendency of any appeal filed under section 119.12 of the Revised 10477  
Code. If the individual subject to the summary suspension 10478  
requests an adjudicatory hearing by the board, the date set for 10479  
the hearing shall be within fifteen days, but not earlier than 10480  
seven days, after the individual requests the hearing, unless 10481  
otherwise agreed to by both the board and the individual. 10482

Any summary suspension imposed under this division shall 10483  
remain in effect, unless reversed on appeal, until a final 10484  
adjudicative order issued by the board pursuant to this section 10485  
and Chapter 119. of the Revised Code becomes effective. The 10486  
board shall issue its final adjudicative order within seventy- 10487  
five days after completion of its hearing. A failure to issue 10488



the order within seventy-five days shall result in dissolution 10489  
of the summary suspension order but shall not invalidate any 10490  
subsequent, final adjudicative order. 10491

(I) For purposes of divisions (A) (2), (4), and (6) of this 10492  
section, the commission of the act may be established by a 10493  
finding by the board, pursuant to an adjudication under Chapter 10494  
119. of the Revised Code, that the individual committed the act. 10495  
The board does not have jurisdiction under those divisions if 10496  
the trial court renders a final judgment in the individual's 10497  
favor and that judgment is based upon an adjudication on the 10498  
merits. The board has jurisdiction under those divisions if the 10499  
trial court issues an order of dismissal upon technical or 10500  
procedural grounds. 10501

(J) The sealing or expungement of conviction records by 10502  
any court shall have no effect upon a prior board order entered 10503  
under this section or upon the board's jurisdiction to take 10504  
action under this section if, based upon a plea of guilty, a 10505  
judicial finding of guilt, or a judicial finding of eligibility 10506  
for intervention in lieu of conviction, the board issued a 10507  
notice of opportunity for a hearing prior to the court's order 10508  
to seal or expunge the records. The board shall not be required 10509  
to seal, destroy, redact, or otherwise modify its records to 10510  
reflect the court's sealing or expungement of conviction 10511  
records. 10512

(K) If the board takes action under division (A) (1), (3), 10513  
or (5) of this section, and the judicial finding of guilt, 10514  
guilty plea, or judicial finding of eligibility for intervention 10515  
in lieu of conviction is overturned on appeal, upon exhaustion 10516  
of the criminal appeal, a petition for reconsideration of the 10517  
order may be filed with the board along with appropriate court 10518

documents. Upon receipt of a petition for reconsideration and 10519  
supporting court documents, the board shall reinstate the 10520  
individual's license or permit. The board may then hold an 10521  
adjudication under Chapter 119. of the Revised Code to determine 10522  
whether the individual committed the act in question. Notice of 10523  
an opportunity for a hearing shall be given in accordance with 10524  
Chapter 119. of the Revised Code. If the board finds, pursuant 10525  
to an adjudication held under this division, that the individual 10526  
committed the act or if no hearing is requested, the board may 10527  
order any of the sanctions identified under division (A) of this 10528  
section. 10529

(L) The license or permit issued to an individual under 10530  
this chapter and the individual's practice in this state are 10531  
automatically suspended as of the date the individual pleads 10532  
guilty to, is found by a judge or jury to be guilty of, or is 10533  
subject to a judicial finding of eligibility for intervention in 10534  
lieu of conviction in this state or treatment or intervention in 10535  
lieu of conviction in another jurisdiction for any of the 10536  
following criminal offenses in this state or a substantially 10537  
equivalent criminal offense in another jurisdiction: aggravated 10538  
murder, murder, voluntary manslaughter, felonious assault, 10539  
kidnapping, rape, sexual battery, gross sexual imposition, 10540  
aggravated arson, aggravated robbery, or aggravated burglary. 10541  
Continued practice after suspension shall be considered 10542  
practicing without a license or permit. 10543

The board shall serve the individual subject to the 10544  
suspension in accordance with sections 119.05 and 119.07 of the 10545  
Revised Code. If an individual whose license or permit is 10546  
automatically suspended under this division fails to make a 10547  
timely request for an adjudication under Chapter 119. of the 10548  
Revised Code, the board shall enter a final order permanently 10549

revoking the individual's license or permit. 10550

(M) Notwithstanding any other provision of the Revised 10551  
Code, all of the following apply: 10552

(1) The surrender of a license or permit issued under this 10553  
chapter shall not be effective unless or until accepted by the 10554  
board. A telephone conference call may be utilized for 10555  
acceptance of the surrender of an individual's license or 10556  
permit. The telephone conference call shall be considered a 10557  
special meeting under division (F) of section 121.22 of the 10558  
Revised Code. Reinstatement of a license or permit surrendered 10559  
to the board requires an affirmative vote of not fewer than six 10560  
members of the board. 10561

(2) An application for a license or permit made under the 10562  
provisions of this chapter may not be withdrawn without approval 10563  
of the board. 10564

(3) Failure by an individual to renew a license or permit 10565  
in accordance with this chapter does not remove or limit the 10566  
board's jurisdiction to take any disciplinary action under this 10567  
section against the individual. 10568

(4) The placement of an individual's license on retired 10569  
status, as described in section 4761.062 of the Revised Code, 10570  
does not remove or limit the board's jurisdiction to take any 10571  
disciplinary action against the individual with regard to the 10572  
license as it existed before being placed on retired status. 10573

(5) At the request of the board, a license or permit 10574  
holder shall immediately surrender to the board a license or 10575  
permit that the board has suspended, revoked, or permanently 10576  
revoked. 10577

**Sec. 4762.13.** (A) The state medical board, by an 10578

affirmative vote of not fewer than six members, may refuse to 10579  
grant a license to practice as an oriental medicine practitioner 10580  
or license to practice as an acupuncturist to, or may revoke the 10581  
license held by, an individual found by the board to have 10582  
committed fraud, misrepresentation, or deception in applying for 10583  
or securing the license. 10584

(B) The board, by an affirmative vote of not fewer than 10585  
six members, shall, except as provided in division (C) of this 10586  
section, and to the extent permitted by law, limit, revoke, or 10587  
suspend an individual's license to practice, refuse to issue a 10588  
license to an applicant, refuse to renew a license, refuse to 10589  
reinstate a license, or reprimand or place on probation the 10590  
holder of a license for any of the following reasons: 10591

(1) Permitting the holder's name or license to be used by 10592  
another person; 10593

(2) Failure to comply with the requirements of this 10594  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 10595  
by the board; 10596

(3) Violating or attempting to violate, directly or 10597  
indirectly, or assisting in or abetting the violation of, or 10598  
conspiring to violate, any provision of this chapter, Chapter 10599  
4731. of the Revised Code, or the rules adopted by the board; 10600

(4) A departure from, or failure to conform to, minimal 10601  
standards of care of similar practitioners under the same or 10602  
similar circumstances whether or not actual injury to the 10603  
patient is established; 10604

(5) Inability to practice according to acceptable and 10605  
prevailing standards of care by reason of mental illness or 10606  
physical illness, including physical deterioration that 10607

adversely affects cognitive, motor, or perceptive skills;	10608
(6) Impairment of ability to practice according to	10609
acceptable and prevailing standards of care because of substance	10610
use disorder or excessive use or abuse of drugs, alcohol, or	10611
other substances that may impair ability to practice;	10612
(7) Willfully betraying a professional confidence;	10613
(8) Making a false, fraudulent, deceptive, or misleading	10614
statement in soliciting or advertising for patients or in	10615
securing or attempting to secure a license to practice as an	10616
oriental medicine practitioner or license to practice as an	10617
acupuncturist.	10618
As used in this division, "false, fraudulent, deceptive,	10619
or misleading statement" means a statement that includes a	10620
misrepresentation of fact, is likely to mislead or deceive	10621
because of a failure to disclose material facts, is intended or	10622
is likely to create false or unjustified expectations of	10623
favorable results, or includes representations or implications	10624
that in reasonable probability will cause an ordinarily prudent	10625
person to misunderstand or be deceived.	10626
(9) Representing, with the purpose of obtaining	10627
compensation or other advantage personally or for any other	10628
person, that an incurable disease or injury, or other incurable	10629
condition, can be permanently cured;	10630
(10) The obtaining of, or attempting to obtain, money or a	10631
thing of value by fraudulent misrepresentations in the course of	10632
practice;	10633
(11) A plea of guilty to, a judicial finding of guilt of,	10634
or a judicial finding of eligibility for intervention in lieu of	10635
conviction for, a felony;	10636

(12) Commission of an act that constitutes a felony in 10637  
this state, regardless of the jurisdiction in which the act was 10638  
committed; 10639

(13) A plea of guilty to, a judicial finding of guilt of, 10640  
or a judicial finding of eligibility for intervention in lieu of 10641  
conviction for, a misdemeanor committed in the course of 10642  
practice; 10643

(14) A plea of guilty to, a judicial finding of guilt of, 10644  
or a judicial finding of eligibility for intervention in lieu of 10645  
conviction for, a misdemeanor involving moral turpitude; 10646

(15) Commission of an act in the course of practice that 10647  
constitutes a misdemeanor in this state, regardless of the 10648  
jurisdiction in which the act was committed; 10649

(16) Commission of an act involving moral turpitude that 10650  
constitutes a misdemeanor in this state, regardless of the 10651  
jurisdiction in which the act was committed; 10652

(17) A plea of guilty to, a judicial finding of guilt of, 10653  
or a judicial finding of eligibility for intervention in lieu of 10654  
conviction for violating any state or federal law regulating the 10655  
possession, distribution, or use of any drug, including 10656  
trafficking in drugs; 10657

(18) Any of the following actions taken by the state 10658  
agency responsible for regulating the practice of oriental 10659  
medicine or acupuncture in another jurisdiction, for any reason 10660  
other than the nonpayment of fees: the limitation, revocation, 10661  
or suspension of an individual's license to practice; acceptance 10662  
of an individual's license surrender; denial of a license; 10663  
refusal to renew or reinstate a license; imposition of 10664  
probation; or issuance of an order of censure or other 10665

reprimand;	10666
(19) Violation of the conditions placed by the board on a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist;	10667 10668 10669
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	10670 10671 10672
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	10673 10674 10675 10676 10677 10678 10679 10680 10681 10682
(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;	10683 10684 10685 10686
(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;	10687 10688 10689
(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the	10690 10691 10692 10693 10694

commission of the individual's designation, failure by the 10695  
individual to meet the commission's requirements for 10696  
redesignation, or failure to notify the board that the 10697  
appropriate designation has not been maintained. 10698

(C) The board shall not refuse to issue a certificate to 10699  
an applicant because of a plea of guilty to, a judicial finding 10700  
of guilt of, or a judicial finding of eligibility for 10701  
intervention in lieu of conviction for an offense unless the 10702  
refusal is in accordance with section 9.79 of the Revised Code. 10703

(D) Disciplinary actions taken by the board under 10704  
divisions (A) and (B) of this section shall be taken pursuant to 10705  
an adjudication under Chapter 119. of the Revised Code, except 10706  
that in lieu of an adjudication, the board may enter into a 10707  
consent agreement with an oriental medicine practitioner or 10708  
acupuncturist or applicant to resolve an allegation of a 10709  
violation of this chapter or any rule adopted under it. A 10710  
consent agreement, when ratified by an affirmative vote of not 10711  
fewer than six members of the board, shall constitute the 10712  
findings and order of the board with respect to the matter 10713  
addressed in the agreement. If the board refuses to ratify a 10714  
consent agreement, the admissions and findings contained in the 10715  
consent agreement shall be of no force or effect. 10716

(E) For purposes of divisions (B) (12), (15), and (16) of 10717  
this section, the commission of the act may be established by a 10718  
finding by the board, pursuant to an adjudication under Chapter 10719  
119. of the Revised Code, that the applicant or license holder 10720  
committed the act in question. The board shall have no 10721  
jurisdiction under these divisions in cases where the trial 10722  
court renders a final judgment in the license holder's favor and 10723  
that judgment is based upon an adjudication on the merits. The 10724



board shall have jurisdiction under these divisions in cases 10725  
where the trial court issues an order of dismissal upon 10726  
technical or procedural grounds. 10727

(F) The sealing or expungement of conviction records by 10728  
any court shall have no effect upon a prior board order entered 10729  
under the provisions of this section or upon the board's 10730  
jurisdiction to take action under the provisions of this section 10731  
if, based upon a plea of guilty, a judicial finding of guilt, or 10732  
a judicial finding of eligibility for intervention in lieu of 10733  
conviction, the board issued a notice of opportunity for a 10734  
hearing or entered into a consent agreement prior to the court's 10735  
order to seal or expunge the records. The board shall not be 10736  
required to seal, destroy, redact, or otherwise modify its 10737  
records to reflect the court's sealing or expungement of 10738  
conviction records. 10739

(G) For purposes of this division, any individual who 10740  
holds a license to practice issued under this chapter, or 10741  
applies for a license to practice, shall be deemed to have given 10742  
consent to submit to a mental or physical examination when 10743  
directed to do so in writing by the board and to have waived all 10744  
objections to the admissibility of testimony or examination 10745  
reports that constitute a privileged communication. 10746

(1) In enforcing division (B) (5) of this section, the 10747  
board, upon a showing of a possible violation, shall refer any 10748  
individual who holds, or has applied for, a license under this 10749  
chapter to the monitoring organization that conducts the 10750  
confidential monitoring program established under section 10751  
4731.25 of the Revised Code. The board also may compel the 10752  
individual to submit to a mental examination, physical 10753  
examination, ~~including an HIV test,~~ or both a mental and 10754

physical examination. The expense of the examination is the 10755  
responsibility of the individual compelled to be examined. 10756  
Failure to submit to a mental or physical examination ~~or consent~~ 10757  
~~to an HIV test~~ ordered by the board constitutes an admission of 10758  
the allegations against the individual unless the failure is due 10759  
to circumstances beyond the individual's control, and a default 10760  
and final order may be entered without the taking of testimony 10761  
or presentation of evidence. If the board finds an oriental 10762  
medicine practitioner or acupuncturist unable to practice 10763  
because of the reasons set forth in division (B) (5) of this 10764  
section, the board shall require the individual to submit to 10765  
care, counseling, or treatment by physicians approved or 10766  
designated by the board, as a condition for an initial, 10767  
continued, reinstated, or renewed license to practice. An 10768  
individual affected by this division shall be afforded an 10769  
opportunity to demonstrate to the board the ability to resume 10770  
practicing in compliance with acceptable and prevailing 10771  
standards of care. 10772

(2) For purposes of division (B) (6) of this section, if 10773  
the board has reason to believe that any individual who holds a 10774  
license to practice issued under this chapter or any applicant 10775  
for a license suffers such impairment, the board shall refer the 10776  
individual to the monitoring organization that conducts the 10777  
confidential monitoring program established under section 10778  
4731.25 of the Revised Code. The board also may compel the 10779  
individual to submit to a mental or physical examination, or 10780  
both. The expense of the examination is the responsibility of 10781  
the individual compelled to be examined. Any mental or physical 10782  
examination required under this division shall be undertaken by 10783  
a treatment provider or physician qualified to conduct such 10784  
examination and approved under section 4731.251 of the Revised 10785

Code. 10786

Failure to submit to a mental or physical examination 10787  
ordered by the board constitutes an admission of the allegations 10788  
against the individual unless the failure is due to 10789  
circumstances beyond the individual's control, and a default and 10790  
final order may be entered without the taking of testimony or 10791  
presentation of evidence. If the board determines that the 10792  
individual's ability to practice is impaired, the board shall 10793  
suspend the individual's license or deny the individual's 10794  
application and shall require the individual, as a condition for 10795  
an initial, continued, reinstated, or renewed license, to submit 10796  
to treatment. 10797

Before being eligible to apply for reinstatement of a 10798  
license suspended under this division, the oriental medicine 10799  
practitioner or acupuncturist shall demonstrate to the board the 10800  
ability to resume practice in compliance with acceptable and 10801  
prevailing standards of care. The demonstration shall include 10802  
the following: 10803

(a) Certification from a treatment provider approved under 10804  
section 4731.251 of the Revised Code that the individual has 10805  
successfully completed any required inpatient treatment; 10806

(b) Evidence of continuing full compliance with an 10807  
aftercare contract or consent agreement; 10808

(c) Two written reports indicating that the individual's 10809  
ability to practice has been assessed and that the individual 10810  
has been found capable of practicing according to acceptable and 10811  
prevailing standards of care. The reports shall be made by 10812  
individuals or providers approved by the board for making such 10813  
assessments and shall describe the basis for their 10814

determination. 10815

The board may reinstate a license suspended under this 10816  
division after such demonstration and after the individual has 10817  
entered into a written consent agreement. 10818

When the impaired individual resumes practice, the board 10819  
shall require continued monitoring of the individual. The 10820  
monitoring shall include monitoring of compliance with the 10821  
written consent agreement entered into before reinstatement or 10822  
with conditions imposed by board order after a hearing, and, 10823  
upon termination of the consent agreement, submission to the 10824  
board for at least two years of annual written progress reports 10825  
made under penalty of falsification stating whether the 10826  
individual has maintained sobriety. 10827

(H) If the secretary and supervising member determine both 10828  
of the following, they may recommend that the board suspend an 10829  
individual's license to practice without a prior hearing: 10830

(1) That there is clear and convincing evidence that an 10831  
oriental medicine practitioner or acupuncturist has violated 10832  
division (B) of this section; 10833

(2) That the individual's continued practice presents a 10834  
danger of immediate and serious harm to the public. 10835

Written allegations shall be prepared for consideration by 10836  
the board. The board, upon review of the allegations and by an 10837  
affirmative vote of not fewer than six of its members, excluding 10838  
the secretary and supervising member, may suspend a license 10839  
without a prior hearing. A telephone conference call may be 10840  
utilized for reviewing the allegations and taking the vote on 10841  
the summary suspension. 10842

The board shall serve a written order of suspension in 10843

accordance with sections 119.05 and 119.07 of the Revised Code. 10844  
The order shall not be subject to suspension by the court during 10845  
pendency of any appeal filed under section 119.12 of the Revised 10846  
Code. If the oriental medicine practitioner or acupuncturist 10847  
requests an adjudicatory hearing by the board, the date set for 10848  
the hearing shall be within fifteen days, but not earlier than 10849  
seven days, after the hearing is requested, unless otherwise 10850  
agreed to by both the board and the license holder. 10851

A summary suspension imposed under this division shall 10852  
remain in effect, unless reversed on appeal, until a final 10853  
adjudicative order issued by the board pursuant to this section 10854  
and Chapter 119. of the Revised Code becomes effective. The 10855  
board shall issue its final adjudicative order within sixty days 10856  
after completion of its hearing. Failure to issue the order 10857  
within sixty days shall result in dissolution of the summary 10858  
suspension order, but shall not invalidate any subsequent, final 10859  
adjudicative order. 10860

(I) If the board takes action under division (B) (11), 10861  
(13), or (14) of this section, and the judicial finding of 10862  
guilt, guilty plea, or judicial finding of eligibility for 10863  
intervention in lieu of conviction is overturned on appeal, upon 10864  
exhaustion of the criminal appeal, a petition for 10865  
reconsideration of the order may be filed with the board along 10866  
with appropriate court documents. Upon receipt of a petition and 10867  
supporting court documents, the board shall reinstate the 10868  
license. The board may then hold an adjudication under Chapter 10869  
119. of the Revised Code to determine whether the individual 10870  
committed the act in question. Notice of opportunity for hearing 10871  
shall be given in accordance with Chapter 119. of the Revised 10872  
Code. If the board finds, pursuant to an adjudication held under 10873  
this division, that the individual committed the act, or if no 10874

hearing is requested, it may order any of the sanctions 10875  
specified in division (B) of this section. 10876

(J) The license to practice of an oriental medicine 10877  
practitioner or acupuncturist and the practitioner's or 10878  
acupuncturist's practice in this state are automatically 10879  
suspended as of the date the practitioner or acupuncturist 10880  
pleads guilty to, is found by a judge or jury to be guilty of, 10881  
or is subject to a judicial finding of eligibility for 10882  
intervention in lieu of conviction in this state or treatment or 10883  
intervention in lieu of conviction in another jurisdiction for 10884  
any of the following criminal offenses in this state or a 10885  
substantially equivalent criminal offense in another 10886  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 10887  
felonious assault, kidnapping, rape, sexual battery, gross 10888  
sexual imposition, aggravated arson, aggravated robbery, or 10889  
aggravated burglary. Continued practice after the suspension 10890  
shall be considered practicing without a license. 10891

The board shall serve the individual subject to the 10892  
suspension in accordance with sections 119.05 and 119.07 of the 10893  
Revised Code. If an individual whose license is suspended under 10894  
this division fails to make a timely request for an adjudication 10895  
under Chapter 119. of the Revised Code, the board shall enter a 10896  
final order permanently revoking the individual's license. 10897

(K) In any instance in which the board is required by 10898  
Chapter 119. of the Revised Code to give notice of opportunity 10899  
for hearing and the individual subject to the notice does not 10900  
timely request a hearing in accordance with section 119.07 of 10901  
the Revised Code, the board is not required to hold a hearing, 10902  
but may adopt, by an affirmative vote of not fewer than six of 10903  
its members, a final order that contains the board's findings. 10904

In the final order, the board may order any of the sanctions 10905  
identified under division (A) or (B) of this section. 10906

(L) Any action taken by the board under division (B) of 10907  
this section resulting in a suspension shall be accompanied by a 10908  
written statement of the conditions under which the license may 10909  
be reinstated. The board shall adopt rules in accordance with 10910  
Chapter 119. of the Revised Code governing conditions to be 10911  
imposed for reinstatement. Reinstatement of a license suspended 10912  
pursuant to division (B) of this section requires an affirmative 10913  
vote of not fewer than six members of the board. 10914

(M) When the board refuses to grant or issue a license to 10915  
an applicant, revokes an individual's license, refuses to renew 10916  
an individual's license, or refuses to reinstate an individual's 10917  
license, the board may specify that its action is permanent. An 10918  
individual subject to a permanent action taken by the board is 10919  
forever thereafter ineligible to hold a license to practice as 10920  
an oriental medicine practitioner or license to practice as an 10921  
acupuncturist and the board shall not accept an application for 10922  
reinstatement of the license or for issuance of a new license. 10923

(N) Notwithstanding any other provision of the Revised 10924  
Code, all of the following apply: 10925

(1) The surrender of a license to practice as an oriental 10926  
medicine practitioner or license to practice as an acupuncturist 10927  
issued under this chapter is not effective unless or until 10928  
accepted by the board. Reinstatement of a license surrendered to 10929  
the board requires an affirmative vote of not fewer than six 10930  
members of the board. 10931

(2) An application made under this chapter for a license 10932  
may not be withdrawn without approval of the board. 10933

(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4762.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

**Sec. 4774.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a radiologist assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or



indirectly, or assisting in or abetting the violation of, or 10963  
conspiring to violate, any provision of this chapter, Chapter 10964  
4731. of the Revised Code, or the rules adopted by the board; 10965

(4) A departure from, or failure to conform to, minimal 10966  
standards of care of similar practitioners under the same or 10967  
similar circumstances whether or not actual injury to the 10968  
patient is established; 10969

(5) Inability to practice according to acceptable and 10970  
prevailing standards of care by reason of mental illness or 10971  
physical illness, including physical deterioration that 10972  
adversely affects cognitive, motor, or perceptive skills; 10973

(6) Impairment of ability to practice according to 10974  
acceptable and prevailing standards of care because of substance 10975  
use disorder or excessive use or abuse of drugs, alcohol, or 10976  
other substances that may impair ability to practice; 10977

(7) Willfully betraying a professional confidence; 10978

(8) Making a false, fraudulent, deceptive, or misleading 10979  
statement in securing or attempting to secure a license to 10980  
practice as a radiologist assistant. 10981

As used in this division, "false, fraudulent, deceptive, 10982  
or misleading statement" means a statement that includes a 10983  
misrepresentation of fact, is likely to mislead or deceive 10984  
because of a failure to disclose material facts, is intended or 10985  
is likely to create false or unjustified expectations of 10986  
favorable results, or includes representations or implications 10987  
that in reasonable probability will cause an ordinarily prudent 10988  
person to misunderstand or be deceived. 10989

(9) The obtaining of, or attempting to obtain, money or a 10990  
thing of value by fraudulent misrepresentations in the course of 10991

practice;	10992
(10) A plea of guilty to, a judicial finding of guilt of,	10993
or a judicial finding of eligibility for intervention in lieu of	10994
conviction for, a felony;	10995
(11) Commission of an act that constitutes a felony in	10996
this state, regardless of the jurisdiction in which the act was	10997
committed;	10998
(12) A plea of guilty to, a judicial finding of guilt of,	10999
or a judicial finding of eligibility for intervention in lieu of	11000
conviction for, a misdemeanor committed in the course of	11001
practice;	11002
(13) A plea of guilty to, a judicial finding of guilt of,	11003
or a judicial finding of eligibility for intervention in lieu of	11004
conviction for, a misdemeanor involving moral turpitude;	11005
(14) Commission of an act in the course of practice that	11006
constitutes a misdemeanor in this state, regardless of the	11007
jurisdiction in which the act was committed;	11008
(15) Commission of an act involving moral turpitude that	11009
constitutes a misdemeanor in this state, regardless of the	11010
jurisdiction in which the act was committed;	11011
(16) A plea of guilty to, a judicial finding of guilt of,	11012
or a judicial finding of eligibility for intervention in lieu of	11013
conviction for violating any state or federal law regulating the	11014
possession, distribution, or use of any drug, including	11015
trafficking in drugs;	11016
(17) Any of the following actions taken by the state	11017
agency responsible for regulating the practice of radiologist	11018
assistants in another jurisdiction, for any reason other than	11019

the nonpayment of fees: the limitation, revocation, or 11020  
suspension of an individual's license to practice; acceptance of 11021  
an individual's license surrender; denial of a license; refusal 11022  
to renew or reinstate a license; imposition of probation; or 11023  
issuance of an order of censure or other reprimand; 11024

(18) Violation of the conditions placed by the board on a 11025  
license to practice as a radiologist assistant; 11026

(19) Failure to use universal blood and body fluid 11027  
precautions established by rules adopted under section 4731.051 11028  
of the Revised Code; 11029

(20) Failure to cooperate in an investigation conducted by 11030  
the board under section 4774.14 of the Revised Code, including 11031  
failure to comply with a subpoena or order issued by the board 11032  
or failure to answer truthfully a question presented by the 11033  
board at a deposition or in written interrogatories, except that 11034  
failure to cooperate with an investigation shall not constitute 11035  
grounds for discipline under this section if a court of 11036  
competent jurisdiction has issued an order that either quashes a 11037  
subpoena or permits the individual to withhold the testimony or 11038  
evidence in issue; 11039

(21) Failure to maintain a license as a radiographer under 11040  
Chapter 4773. of the Revised Code; 11041

(22) Failure to maintain certification as a registered 11042  
radiologist assistant from the American registry of radiologic 11043  
technologists, including revocation by the registry of the 11044  
assistant's certification or failure by the assistant to meet 11045  
the registry's requirements for annual registration, or failure 11046  
to notify the board that the certification as a registered 11047  
radiologist assistant has not been maintained; 11048

(23) Failure to comply with any of the rules of ethics 11049  
included in the standards of ethics established by the American 11050  
registry of radiologic technologists, as those rules apply to an 11051  
individual who holds the registry's certification as a 11052  
registered radiologist assistant. 11053

(C) The board shall not refuse to issue a license to an 11054  
applicant because of a plea of guilty to, a judicial finding of 11055  
guilt of, or a judicial finding of eligibility for intervention 11056  
in lieu of conviction for an offense unless the refusal is in 11057  
accordance with section 9.79 of the Revised Code. 11058

(D) Disciplinary actions taken by the board under 11059  
divisions (A) and (B) of this section shall be taken pursuant to 11060  
an adjudication under Chapter 119. of the Revised Code, except 11061  
that in lieu of an adjudication, the board may enter into a 11062  
consent agreement with a radiologist assistant or applicant to 11063  
resolve an allegation of a violation of this chapter or any rule 11064  
adopted under it. A consent agreement, when ratified by an 11065  
affirmative vote of not fewer than six members of the board, 11066  
shall constitute the findings and order of the board with 11067  
respect to the matter addressed in the agreement. If the board 11068  
refuses to ratify a consent agreement, the admissions and 11069  
findings contained in the consent agreement shall be of no force 11070  
or effect. 11071

(E) For purposes of divisions (B) (11), (14), and (15) of 11072  
this section, the commission of the act may be established by a 11073  
finding by the board, pursuant to an adjudication under Chapter 11074  
119. of the Revised Code, that the applicant or license holder 11075  
committed the act in question. The board shall have no 11076  
jurisdiction under these divisions in cases where the trial 11077  
court renders a final judgment in the license holder's favor and 11078

that judgment is based upon an adjudication on the merits. The 11079  
board shall have jurisdiction under these divisions in cases 11080  
where the trial court issues an order of dismissal on technical 11081  
or procedural grounds. 11082

(F) The sealing or expungement of conviction records by 11083  
any court shall have no effect on a prior board order entered 11084  
under the provisions of this section or on the board's 11085  
jurisdiction to take action under the provisions of this section 11086  
if, based upon a plea of guilty, a judicial finding of guilt, or 11087  
a judicial finding of eligibility for intervention in lieu of 11088  
conviction, the board issued a notice of opportunity for a 11089  
hearing prior to the court's order to seal or expunge the 11090  
records. The board shall not be required to seal, destroy, 11091  
redact, or otherwise modify its records to reflect the court's 11092  
sealing or expungement of conviction records. 11093

(G) For purposes of this division, any individual who 11094  
holds a license to practice as a radiologist assistant issued 11095  
under this chapter, or applies for a license, shall be deemed to 11096  
have given consent to submit to a mental or physical examination 11097  
when directed to do so in writing by the board and to have 11098  
waived all objections to the admissibility of testimony or 11099  
examination reports that constitute a privileged communication. 11100

(1) In enforcing division (B)(5) of this section, the 11101  
board, on a showing of a possible violation, shall refer any 11102  
individual who holds, or has applied for, a license to practice 11103  
as a radiologist assistant issued under this chapter to the 11104  
monitoring organization that conducts the confidential 11105  
monitoring program established under section 4731.25 of the 11106  
Revised Code. The board also may compel the individual to submit 11107  
to a mental or physical examination, or both. ~~A physical~~ 11108

~~examination may include an HIV test.~~ The expense of the 11109  
examination is the responsibility of the individual compelled to 11110  
be examined. Failure to submit to a mental or physical 11111  
examination ~~or consent to an HIV test~~ ordered by the board 11112  
constitutes an admission of the allegations against the 11113  
individual unless the failure is due to circumstances beyond the 11114  
individual's control, and a default and final order may be 11115  
entered without the taking of testimony or presentation of 11116  
evidence. If the board finds a radiologist assistant unable to 11117  
practice because of the reasons set forth in division (B) (5) of 11118  
this section, the board shall require the radiologist assistant 11119  
to submit to care, counseling, or treatment by physicians 11120  
approved or designated by the board, as a condition for an 11121  
initial, continued, reinstated, or renewed license. An 11122  
individual affected by this division shall be afforded an 11123  
opportunity to demonstrate to the board the ability to resume 11124  
practicing in compliance with acceptable and prevailing 11125  
standards of care. 11126

(2) For purposes of division (B) (6) of this section, if 11127  
the board has reason to believe that any individual who holds a 11128  
license to practice as a radiologist assistant issued under this 11129  
chapter or any applicant for a license suffers such impairment, 11130  
the board shall refer the individual to the monitoring 11131  
organization that conducts the confidential monitoring program 11132  
established under section 4731.25 of the Revised Code. The board 11133  
also may compel the individual to submit to a mental or physical 11134  
examination, or both. The expense of the examination is the 11135  
responsibility of the individual compelled to be examined. Any 11136  
mental or physical examination required under this division 11137  
shall be undertaken by a treatment provider or physician 11138  
qualified to conduct such examination and approved under section 11139

4731.251 of the Revised Code. 11140

Failure to submit to a mental or physical examination 11141  
ordered by the board constitutes an admission of the allegations 11142  
against the individual unless the failure is due to 11143  
circumstances beyond the individual's control, and a default and 11144  
final order may be entered without the taking of testimony or 11145  
presentation of evidence. If the board determines that the 11146  
individual's ability to practice is impaired, the board shall 11147  
suspend the individual's license or deny the individual's 11148  
application and shall require the individual, as a condition for 11149  
an initial, continued, reinstated, or renewed license to 11150  
practice, to submit to treatment. 11151

Before being eligible to apply for reinstatement of a 11152  
license suspended under this division, the radiologist assistant 11153  
shall demonstrate to the board the ability to resume practice in 11154  
compliance with acceptable and prevailing standards of care. The 11155  
demonstration shall include the following: 11156

(a) Certification from a treatment provider approved under 11157  
section 4731.251 of the Revised Code that the individual has 11158  
successfully completed any required inpatient treatment; 11159

(b) Evidence of continuing full compliance with an 11160  
aftercare contract or consent agreement; 11161

(c) Two written reports indicating that the individual's 11162  
ability to practice has been assessed and that the individual 11163  
has been found capable of practicing according to acceptable and 11164  
prevailing standards of care. The reports shall be made by 11165  
individuals or providers approved by the board for making such 11166  
assessments and shall describe the basis for their 11167  
determination. 11168

The board may reinstate a license suspended under this 11169  
division after such demonstration and after the individual has 11170  
entered into a written consent agreement. 11171

When the impaired radiologist assistant resumes practice, 11172  
the board shall require continued monitoring of the radiologist 11173  
assistant. The monitoring shall include monitoring of compliance 11174  
with the written consent agreement entered into before 11175  
reinstatement or with conditions imposed by board order after a 11176  
hearing, and, on termination of the consent agreement, 11177  
submission to the board for at least two years of annual written 11178  
progress reports made under penalty of falsification stating 11179  
whether the radiologist assistant has maintained sobriety. 11180

(H) If the secretary and supervising member determine that 11181  
there is clear and convincing evidence that a radiologist 11182  
assistant has violated division (B) of this section and that the 11183  
individual's continued practice presents a danger of immediate 11184  
and serious harm to the public, they may recommend that the 11185  
board suspend the individual's license to practice without a 11186  
prior hearing. Written allegations shall be prepared for 11187  
consideration by the board. 11188

The board, on review of the allegations and by an 11189  
affirmative vote of not fewer than six of its members, excluding 11190  
the secretary and supervising member, may suspend a license 11191  
without a prior hearing. A telephone conference call may be 11192  
utilized for reviewing the allegations and taking the vote on 11193  
the summary suspension. 11194

The board shall serve a written order of suspension in 11195  
accordance with sections 119.05 and 119.07 of the Revised Code. 11196  
The order shall not be subject to suspension by the court during 11197  
pendency of any appeal filed under section 119.12 of the Revised 11198



Code. If the radiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the radiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a radiologist assistant. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of a radiologist assistant and 11230  
the assistant's practice in this state are automatically 11231  
suspended as of the date the radiologist assistant pleads guilty 11232  
to, is found by a judge or jury to be guilty of, or is subject 11233  
to a judicial finding of eligibility for intervention in lieu of 11234  
conviction in this state or treatment ~~of or~~ intervention in lieu 11235  
of conviction in another jurisdiction for any of the following 11236  
criminal offenses in this state or a substantially equivalent 11237  
criminal offense in another jurisdiction: aggravated murder, 11238  
murder, voluntary manslaughter, felonious assault, kidnapping, 11239  
rape, sexual battery, gross sexual imposition, aggravated arson, 11240  
aggravated robbery, or aggravated burglary. Continued practice 11241  
after the suspension shall be considered practicing without a 11242  
license. 11243

The board shall serve the individual subject to the 11244  
suspension in accordance with sections 119.05 and 119.07 of the 11245  
Revised Code. If an individual whose license is suspended under 11246  
this division fails to make a timely request for an adjudication 11247  
under Chapter 119. of the Revised Code, the board shall enter a 11248  
final order permanently revoking the individual's license. 11249

(K) In any instance in which the board is required by 11250  
Chapter 119. of the Revised Code to give notice of opportunity 11251  
for hearing and the individual subject to the notice does not 11252  
timely request a hearing in accordance with section 119.07 of 11253  
the Revised Code, the board is not required to hold a hearing, 11254  
but may adopt, by an affirmative vote of not fewer than six of 11255  
its members, a final order that contains the board's findings. 11256  
In the final order, the board may order any of the sanctions 11257  
identified under division (A) or (B) of this section. 11258

(L) Any action taken by the board under division (B) of 11259

this section resulting in a suspension shall be accompanied by a 11260  
written statement of the conditions under which the radiologist 11261  
assistant's license may be reinstated. The board shall adopt 11262  
rules in accordance with Chapter 119. of the Revised Code 11263  
governing conditions to be imposed for reinstatement. 11264  
Reinstatement of a license suspended pursuant to division (B) of 11265  
this section requires an affirmative vote of not fewer than six 11266  
members of the board. 11267

(M) When the board refuses to grant or issue a license to 11268  
practice as a radiologist assistant to an applicant, revokes an 11269  
individual's license, refuses to renew an individual's license, 11270  
or refuses to reinstate an individual's license, the board may 11271  
specify that its action is permanent. An individual subject to a 11272  
permanent action taken by the board is forever thereafter 11273  
ineligible to hold a license to practice as a radiologist 11274  
assistant and the board shall not accept an application for 11275  
reinstatement of the license or for issuance of a new license. 11276

(N) Notwithstanding any other provision of the Revised 11277  
Code, all of the following apply: 11278

(1) The surrender of a license to practice as a 11279  
radiologist assistant issued under this chapter is not effective 11280  
unless or until accepted by the board. Reinstatement of a 11281  
license surrendered to the board requires an affirmative vote of 11282  
not fewer than six members of the board. 11283

(2) An application made under this chapter for a license 11284  
to practice may not be withdrawn without approval of the board. 11285

(3) Failure by an individual to renew a license to 11286  
practice in accordance with section 4774.06 of the Revised Code 11287  
does not remove or limit the board's jurisdiction to take 11288

disciplinary action under this section against the individual. 11289

(4) The placement of an individual's license on retired 11290  
status, as described in section 4774.062 of the Revised Code, 11291  
does not remove or limit the board's jurisdiction to take any 11292  
disciplinary action against the individual with regard to the 11293  
license as it existed before being placed on retired status. 11294

**Sec. 4778.14.** (A) The state medical board, by an 11295  
affirmative vote of not fewer than six members, may refuse to 11296  
grant a license to practice as a genetic counselor to, or may 11297  
revoke the license held by, an individual found by the board to 11298  
have committed fraud, misrepresentation, or deception in 11299  
applying for or securing the license. 11300

(B) The board, by an affirmative vote of not fewer than 11301  
six members, shall, except as provided in division (C) of this 11302  
section, and to the extent permitted by law, limit, revoke, or 11303  
suspend an individual's license to practice as a genetic 11304  
counselor, refuse to issue a license to an applicant, refuse to 11305  
renew a license, refuse to reinstate a license, or reprimand or 11306  
place on probation the holder of a license for any of the 11307  
following reasons: 11308

(1) Permitting the holder's name or license to be used by 11309  
another person; 11310

(2) Failure to comply with the requirements of this 11311  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 11312  
by the board; 11313

(3) Violating or attempting to violate, directly or 11314  
indirectly, or assisting in or abetting the violation of, or 11315  
conspiring to violate, any provision of this chapter, Chapter 11316  
4731. of the Revised Code, or the rules adopted by the board; 11317

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a felony; 11347

(11) Commission of an act that constitutes a felony in 11348  
this state, regardless of the jurisdiction in which the act was 11349  
committed; 11350

(12) A plea of guilty to, a judicial finding of guilt of, 11351  
or a judicial finding of eligibility for intervention in lieu of 11352  
conviction for, a misdemeanor committed in the course of 11353  
practice; 11354

(13) A plea of guilty to, a judicial finding of guilt of, 11355  
or a judicial finding of eligibility for intervention in lieu of 11356  
conviction for, a misdemeanor involving moral turpitude; 11357

(14) Commission of an act in the course of practice that 11358  
constitutes a misdemeanor in this state, regardless of the 11359  
jurisdiction in which the act was committed; 11360

(15) Commission of an act involving moral turpitude that 11361  
constitutes a misdemeanor in this state, regardless of the 11362  
jurisdiction in which the act was committed; 11363

(16) A plea of guilty to, a judicial finding of guilt of, 11364  
or a judicial finding of eligibility for intervention in lieu of 11365  
conviction for violating any state or federal law regulating the 11366  
possession, distribution, or use of any drug, including 11367  
trafficking in drugs; 11368

(17) Any of the following actions taken by an agency 11369  
responsible for authorizing, certifying, or regulating an 11370  
individual to practice a health care occupation or provide 11371  
health care services in this state or in another jurisdiction, 11372  
for any reason other than the nonpayment of fees: the 11373  
limitation, revocation, or suspension of an individual's license 11374  
to practice; acceptance of an individual's license surrender; 11375

denial of a license; refusal to renew or reinstate a license; 11376  
imposition of probation; or issuance of an order of censure or 11377  
other reprimand; 11378

(18) Violation of the conditions placed by the board on a 11379  
license to practice as a genetic counselor; 11380

(19) Failure to cooperate in an investigation conducted by 11381  
the board under section 4778.18 of the Revised Code, including 11382  
failure to comply with a subpoena or order issued by the board 11383  
or failure to answer truthfully a question presented by the 11384  
board at a deposition or in written interrogatories, except that 11385  
failure to cooperate with an investigation shall not constitute 11386  
grounds for discipline under this section if a court of 11387  
competent jurisdiction has issued an order that either quashes a 11388  
subpoena or permits the individual to withhold the testimony or 11389  
evidence in issue; 11390

(20) Failure to maintain the individual's status as a 11391  
certified genetic counselor; 11392

(21) Failure to comply with the code of ethics established 11393  
by the national society of genetic counselors. 11394

(C) The board shall not refuse to issue a license to an 11395  
applicant because of a plea of guilty to, a judicial finding of 11396  
guilt of, or a judicial finding of eligibility for intervention 11397  
in lieu of conviction for an offense unless the refusal is in 11398  
accordance with section 9.79 of the Revised Code. 11399

(D) Disciplinary actions taken by the board under 11400  
divisions (A) and (B) of this section shall be taken pursuant to 11401  
an adjudication under Chapter 119. of the Revised Code, except 11402  
that in lieu of an adjudication, the board may enter into a 11403  
consent agreement with a genetic counselor or applicant to 11404

resolve an allegation of a violation of this chapter or any rule 11405  
adopted under it. A consent agreement, when ratified by an 11406  
affirmative vote of not fewer than six members of the board, 11407  
shall constitute the findings and order of the board with 11408  
respect to the matter addressed in the agreement. If the board 11409  
refuses to ratify a consent agreement, the admissions and 11410  
findings contained in the consent agreement shall be of no force 11411  
or effect. 11412

A telephone conference call may be utilized for 11413  
ratification of a consent agreement that revokes or suspends an 11414  
individual's license. The telephone conference call shall be 11415  
considered a special meeting under division (F) of section 11416  
121.22 of the Revised Code. 11417

(E) For purposes of divisions (B) (11), (14), and (15) of 11418  
this section, the commission of the act may be established by a 11419  
finding by the board, pursuant to an adjudication under Chapter 11420  
119. of the Revised Code, that the applicant or license holder 11421  
committed the act in question. The board shall have no 11422  
jurisdiction under these divisions in cases where the trial 11423  
court renders a final judgment in the license holder's favor and 11424  
that judgment is based upon an adjudication on the merits. The 11425  
board shall have jurisdiction under these divisions in cases 11426  
where the trial court issues an order of dismissal on technical 11427  
or procedural grounds. 11428

(F) The sealing or expungement of conviction records by 11429  
any court shall have no effect on a prior board order entered 11430  
under the provisions of this section or on the board's 11431  
jurisdiction to take action under the provisions of this section 11432  
if, based upon a plea of guilty, a judicial finding of guilt, or 11433  
a judicial finding of eligibility for intervention in lieu of 11434



conviction, the board issued a notice of opportunity for a 11435  
hearing or took other formal action under Chapter 119. of the 11436  
Revised Code prior to the court's order to seal or expunge the 11437  
records. The board shall not be required to seal, destroy, 11438  
redact, or otherwise modify its records to reflect the court's 11439  
sealing or expungement of conviction records. 11440

(G) For purposes of this division, any individual who 11441  
holds a license to practice as a genetic counselor, or applies 11442  
for a license, shall be deemed to have given consent to submit 11443  
to a mental or physical examination when directed to do so in 11444  
writing by the board and to have waived all objections to the 11445  
admissibility of testimony or examination reports that 11446  
constitute a privileged communication. 11447

(1) In enforcing division (B)(5) of this section, the 11448  
board, on a showing of a possible violation, shall refer any 11449  
individual who holds, or has applied for, a license to practice 11450  
as a genetic counselor to the monitoring organization that 11451  
conducts the confidential monitoring program established under 11452  
section 4731.25 of the Revised Code. The board also may compel 11453  
the individual to submit to a mental or physical examination, or 11454  
both. ~~A physical examination may include an HIV test.~~ The 11455  
expense of the examination is the responsibility of the 11456  
individual compelled to be examined. Failure to submit to a 11457  
mental or physical examination ~~or consent to an HIV test~~ ordered 11458  
by the board constitutes an admission of the allegations against 11459  
the individual unless the failure is due to circumstances beyond 11460  
the individual's control, and a default and final order may be 11461  
entered without the taking of testimony or presentation of 11462  
evidence. If the board finds a genetic counselor unable to 11463  
practice because of the reasons set forth in division (B)(5) of 11464  
this section, the board shall require the genetic counselor to 11465

submit to care, counseling, or treatment by physicians approved 11466  
or designated by the board, as a condition for an initial, 11467  
continued, reinstated, or renewed license to practice. An 11468  
individual affected by this division shall be afforded an 11469  
opportunity to demonstrate to the board the ability to resume 11470  
practicing in compliance with acceptable and prevailing 11471  
standards of care. 11472

(2) For purposes of division (B)(6) of this section, if 11473  
the board has reason to believe that any individual who holds a 11474  
license to practice as a genetic counselor or any applicant for 11475  
a license suffers such impairment, the board shall refer the 11476  
individual to the monitoring organization that conducts the 11477  
confidential monitoring program established under section 11478  
4731.25 of the Revised Code. The board also may compel the 11479  
individual to submit to a mental or physical examination, or 11480  
both. The expense of the examination is the responsibility of 11481  
the individual compelled to be examined. Any mental or physical 11482  
examination required under this division shall be undertaken by 11483  
a treatment provider or physician qualified to conduct such 11484  
examination and approved under section 4731.251 of the Revised 11485  
Code. 11486

Failure to submit to a mental or physical examination 11487  
ordered by the board constitutes an admission of the allegations 11488  
against the individual unless the failure is due to 11489  
circumstances beyond the individual's control, and a default and 11490  
final order may be entered without the taking of testimony or 11491  
presentation of evidence. If the board determines that the 11492  
individual's ability to practice is impaired, the board shall 11493  
suspend the individual's license or deny the individual's 11494  
application and shall require the individual, as a condition for 11495  
an initial, continued, reinstated, or renewed license, to submit 11496

to treatment. 11497

Before being eligible to apply for reinstatement of a 11498  
license suspended under this division, the genetic counselor 11499  
shall demonstrate to the board the ability to resume practice in 11500  
compliance with acceptable and prevailing standards of care. The 11501  
demonstration shall include the following: 11502

(a) Certification from a treatment provider approved under 11503  
section 4731.251 of the Revised Code that the individual has 11504  
successfully completed any required inpatient treatment; 11505

(b) Evidence of continuing full compliance with an 11506  
aftercare contract or consent agreement; 11507

(c) Two written reports indicating that the individual's 11508  
ability to practice has been assessed and that the individual 11509  
has been found capable of practicing according to acceptable and 11510  
prevailing standards of care. The reports shall be made by 11511  
individuals or providers approved by the board for making such 11512  
assessments and shall describe the basis for their 11513  
determination. 11514

The board may reinstate a license suspended under this 11515  
division after such demonstration and after the individual has 11516  
entered into a written consent agreement. 11517

When the impaired genetic counselor resumes practice, the 11518  
board shall require continued monitoring of the genetic 11519  
counselor. The monitoring shall include monitoring of compliance 11520  
with the written consent agreement entered into before 11521  
reinstatement or with conditions imposed by board order after a 11522  
hearing, and, on termination of the consent agreement, 11523  
submission to the board for at least two years of annual written 11524  
progress reports made under penalty of falsification stating 11525

whether the genetic counselor has maintained sobriety. 11526

(H) If the secretary and supervising member determine both 11527  
of the following, they may recommend that the board suspend an 11528  
individual's license to practice without a prior hearing: 11529

(1) That there is clear and convincing evidence that a 11530  
genetic counselor has violated division (B) of this section; 11531

(2) That the individual's continued practice presents a 11532  
danger of immediate and serious harm to the public. 11533

Written allegations shall be prepared for consideration by 11534  
the board. The board, on review of the allegations and by an 11535  
affirmative vote of not fewer than six of its members, excluding 11536  
the secretary and supervising member, may suspend a license 11537  
without a prior hearing. A telephone conference call may be 11538  
utilized for reviewing the allegations and taking the vote on 11539  
the summary suspension. 11540

The board shall serve a written order of suspension in 11541  
accordance with sections 119.05 and 119.07 of the Revised Code. 11542  
The order shall not be subject to suspension by the court during 11543  
pendency of any appeal filed under section 119.12 of the Revised 11544  
Code. If the genetic counselor requests an adjudicatory hearing 11545  
by the board, the date set for the hearing shall be within 11546  
fifteen days, but not earlier than seven days, after the genetic 11547  
counselor requests the hearing, unless otherwise agreed to by 11548  
both the board and the genetic counselor. 11549

A summary suspension imposed under this division shall 11550  
remain in effect, unless reversed on appeal, until a final 11551  
adjudicative order issued by the board pursuant to this section 11552  
and Chapter 119. of the Revised Code becomes effective. The 11553  
board shall issue its final adjudicative order within sixty days 11554

after completion of its hearing. Failure to issue the order 11555  
within sixty days shall result in dissolution of the summary 11556  
suspension order, but shall not invalidate any subsequent, final 11557  
adjudicative order. 11558

(I) If the board takes action under division (B) (10), 11559  
(12), or (13) of this section, and the judicial finding of 11560  
guilt, guilty plea, or judicial finding of eligibility for 11561  
intervention in lieu of conviction is overturned on appeal, on 11562  
exhaustion of the criminal appeal, a petition for 11563  
reconsideration of the order may be filed with the board along 11564  
with appropriate court documents. On receipt of a petition and 11565  
supporting court documents, the board shall reinstate the 11566  
license to practice as a genetic counselor. The board may then 11567  
hold an adjudication under Chapter 119. of the Revised Code to 11568  
determine whether the individual committed the act in question. 11569  
Notice of opportunity for hearing shall be given in accordance 11570  
with Chapter 119. of the Revised Code. If the board finds, 11571  
pursuant to an adjudication held under this division, that the 11572  
individual committed the act, or if no hearing is requested, it 11573  
may order any of the sanctions specified in division (B) of this 11574  
section. 11575

(J) The license to practice as a genetic counselor and the 11576  
counselor's practice in this state are automatically suspended 11577  
as of the date the genetic counselor pleads guilty to, is found 11578  
by a judge or jury to be guilty of, or is subject to a judicial 11579  
finding of eligibility for intervention in lieu of conviction in 11580  
this state or treatment ~~of~~ or intervention in lieu of conviction 11581  
in another jurisdiction for any of the following criminal 11582  
offenses in this state or a substantially equivalent criminal 11583  
offense in another jurisdiction: aggravated murder, murder, 11584  
voluntary manslaughter, felonious assault, kidnapping, rape, 11585

sexual battery, gross sexual imposition, aggravated arson, 11586  
aggravated robbery, or aggravated burglary. Continued practice 11587  
after the suspension shall be considered practicing without a 11588  
license. 11589

The board shall serve the individual subject to the 11590  
suspension in accordance with sections 119.05 and 119.07 of the 11591  
Revised Code. If an individual whose license is suspended under 11592  
this division fails to make a timely request for an adjudication 11593  
under Chapter 119. of the Revised Code, the board shall enter a 11594  
final order permanently revoking the individual's license to 11595  
practice. 11596

(K) In any instance in which the board is required by 11597  
Chapter 119. of the Revised Code to give notice of opportunity 11598  
for hearing and the individual subject to the notice does not 11599  
timely request a hearing in accordance with section 119.07 of 11600  
the Revised Code, the board is not required to hold a hearing, 11601  
but may adopt, by an affirmative vote of not fewer than six of 11602  
its members, a final order that contains the board's findings. 11603  
In the final order, the board may order any of the sanctions 11604  
identified under division (A) or (B) of this section. 11605

(L) Any action taken by the board under division (B) of 11606  
this section resulting in a suspension shall be accompanied by a 11607  
written statement of the conditions under which the license of 11608  
the genetic counselor may be reinstated. The board shall adopt 11609  
rules in accordance with Chapter 119. of the Revised Code 11610  
governing conditions to be imposed for reinstatement. 11611  
Reinstatement of a license suspended pursuant to division (B) of 11612  
this section requires an affirmative vote of not fewer than six 11613  
members of the board. 11614

(M) When the board refuses to grant or issue a license to 11615

practice as a genetic counselor to an applicant, revokes an 11616  
individual's license, refuses to renew an individual's license, 11617  
or refuses to reinstate an individual's license, the board may 11618  
specify that its action is permanent. An individual subject to a 11619  
permanent action taken by the board is forever thereafter 11620  
ineligible to hold a license to practice as a genetic counselor 11621  
and the board shall not accept an application for reinstatement 11622  
of the license or for issuance of a new license. 11623

(N) Notwithstanding any other provision of the Revised 11624  
Code, all of the following apply: 11625

(1) The surrender of a license to practice as a genetic 11626  
counselor is not effective unless or until accepted by the 11627  
board. A telephone conference call may be utilized for 11628  
acceptance of the surrender of an individual's license. The 11629  
telephone conference call shall be considered a special meeting 11630  
under division (F) of section 121.22 of the Revised Code. 11631  
Reinstatement of a license surrendered to the board requires an 11632  
affirmative vote of not fewer than six members of the board. 11633

(2) An application made under this chapter for a license 11634  
to practice may not be withdrawn without approval of the board. 11635

(3) Failure by an individual to renew a license in 11636  
accordance with section 4778.06 of the Revised Code does not 11637  
remove or limit the board's jurisdiction to take disciplinary 11638  
action under this section against the individual. 11639

(4) The placement of an individual's license on retired 11640  
status, as described in section 4778.072 of the Revised Code, 11641  
does not remove or limit the board's jurisdiction to take any 11642  
disciplinary action against the individual with regard to the 11643  
license as it existed before being placed on retired status. 11644

**Sec. 5120.16.** (A) Persons sentenced to any institution, 11645  
division, or place under the control of the department of 11646  
rehabilitation and correction are committed to the control, 11647  
care, and custody of the department. Subject to division (B) of 11648  
this section, the director of rehabilitation and correction or 11649  
the director's designee may direct that persons sentenced to the 11650  
department, or to any institution or place within the 11651  
department, shall be conveyed initially to an appropriate 11652  
facility established and maintained by the department for 11653  
reception, examination, observation, and classification of the 11654  
persons so sentenced. If a presentence investigation report was 11655  
not prepared pursuant to section 2947.06 or 2951.03 of the 11656  
Revised Code or Criminal Rule 32.2 regarding any person 11657  
sentenced to the department or to any institution or place 11658  
within the department, the director or the director's designee 11659  
may order the department's field staff to conduct an offender 11660  
background investigation and prepare an offender background 11661  
investigation report regarding the person. The investigation and 11662  
report shall be conducted in accordance with division (A) of 11663  
section 2951.03 of the Revised Code and the report shall contain 11664  
the same information as a presentence investigation report 11665  
prepared pursuant to that section. 11666

When the examination, observation, and classification of 11667  
the person have been completed by the facility and a written 11668  
report of the examination, observation, and classification is 11669  
filed with the commitment papers, the director or the director's 11670  
designee, subject to division (B) of this section, shall assign 11671  
the person to a suitable state institution or place maintained 11672  
by the state within the director's department or shall designate 11673  
that the person is to be housed in a county, multicounty, 11674  
municipal, municipal-county, or multicounty-municipal jail or 11675



workhouse, if authorized by section 5120.161 of the Revised Code, there to be confined, cared for, treated, trained, and rehabilitated until paroled, released in accordance with section 2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or otherwise released under the order of the court that imposed the person's sentence. No person committed by a probate court, a trial court pursuant to section 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity, or a juvenile court shall be assigned to a state correctional institution.

If a person is sentenced, committed, or assigned for the commission of a felony to any one of the institutions or places maintained by the department or to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, the department, by order duly recorded and subject to division (B) of this section, may transfer the person to any other institution, or, if authorized by section 5120.161 of the Revised Code, to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(B) If the case of a child who is alleged to be a delinquent child is transferred for criminal prosecution to the appropriate court having jurisdiction of the offense pursuant to section 2152.12 of the Revised Code, if the child is convicted of or pleads guilty to a felony in that case, if the child is sentenced to a prison term, as defined in section 2901.01 of the Revised Code, and if the child is under eighteen years of age when delivered to the custody of the department of rehabilitation and correction, all of the following apply regarding the housing of the child:

(1) Until the child attains eighteen years of age, subject

to divisions (B)(2), (3), and (4) of this section, the 11706  
department shall house the child in a housing unit in a state 11707  
correctional institution separate from inmates who are eighteen 11708  
years of age or older. 11709

(2) The department is not required to house the child in 11710  
the manner described in division (B)(1) of this section if the 11711  
child does not observe the rules and regulations of the 11712  
institution or the child otherwise creates a security risk by 11713  
being housed separately. 11714

(3) If the department receives too few inmates who are 11715  
under eighteen years of age to fill a housing unit in a state 11716  
correctional institution separate from inmates who are eighteen 11717  
years of age or older, as described in division (B)(1) of this 11718  
section, the department may house the child in a housing unit in 11719  
a state correctional institution that includes both inmates who 11720  
are under eighteen years of age and inmates who are eighteen 11721  
years of age or older and under twenty-one years of age. 11722

(4) Upon the child's attainment of eighteen years of age, 11723  
the department may house the child with the adult population of 11724  
the state correctional institution. 11725

(C) The director or the director's designee shall develop 11726  
a policy for dealing with problems related to infection with the 11727  
human immunodeficiency virus. The policy shall include methods 11728  
of identifying individuals committed to the custody of the 11729  
department who are at high risk of infection with the virus and 11730  
counseling those individuals. 11731

Arrangements for housing individuals diagnosed as having 11732  
AIDS or an ~~AIDS-related~~ AIDS-defining condition shall be made by 11733  
the department based on security and medical considerations and 11734

in accordance with division (B) of this section, if applicable. 11735

**Sec. 5120.163.** At the time of reception and at other times 11736  
the director determines to be appropriate, the department of 11737  
rehabilitation and correction may examine and test a prisoner 11738  
for tuberculosis, HIV~~-infection~~, hepatitis, including but not 11739  
limited to hepatitis A, B, and C, and other contagious diseases. 11740  
The department may test and treat involuntarily a prisoner in a 11741  
state correctional institution who refuses to be tested or 11742  
treated for tuberculosis, HIV~~-infection~~, hepatitis, including 11743  
but not limited to hepatitis A, B, and C, or another contagious 11744  
disease. 11745

**Section 2.** That existing sections 307.93, 341.14, 341.19, 11746  
341.21, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 11747  
2151.358, 2152.82, 2152.83, 2152.84, 2152.851, 2301.57, 2903.11, 11748  
2907.24, 2907.241, 2907.25, 2907.27, 2907.28, 2921.38, 2923.125, 11749  
2923.128, 2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 11750  
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, 2953.31, 2953.34, 11751  
3701.24, 3701.241, 3701.242, 3701.243, 3701.244, 3701.245, 11752  
3701.246, 3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 11753  
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 11754  
5120.16, and 5120.163 of the Revised Code are hereby repealed. 11755

**Section 3.** That section 2927.13 of the Revised Code is 11756  
hereby repealed. 11757

**Section 4.** That the versions of sections 2950.11 and 11758  
2950.13 of the Revised Code that are scheduled to take effect 11759  
January 1, 2025, be amended to read as follows: 11760

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 11761  
offense or child-victim oriented offense was committed, if a 11762  
person is convicted of, pleads guilty to, has been convicted of, 11763

or has pleaded guilty to a sexually oriented offense or a child- 11764  
victim oriented offense or a person is or has been adjudicated a 11765  
delinquent child for committing a sexually oriented offense or a 11766  
child-victim oriented offense and is classified a juvenile 11767  
offender registrant or is an out-of-state juvenile offender 11768  
registrant based on that adjudication, and if the offender or 11769  
delinquent child is in any category specified in division (F) (1) 11770  
(a), (b), or (c) of this section, the sheriff with whom the 11771  
offender or delinquent child has most recently registered under 11772  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 11773  
the sheriff to whom the offender or delinquent child most 11774  
recently sent a notice of intent to reside under section 2950.04 11775  
or 2950.041 of the Revised Code, within the period of time 11776  
specified in division (C) of this section, shall provide a 11777  
written notice containing the information set forth in division 11778  
(B) of this section to all of the persons described in divisions 11779  
(A) (1) to (10) of this section. If the sheriff has sent a notice 11780  
to the persons described in those divisions as a result of 11781  
receiving a notice of intent to reside and if the offender or 11782  
delinquent child registers a residence address that is the same 11783  
residence address described in the notice of intent to reside, 11784  
the sheriff is not required to send an additional notice when 11785  
the offender or delinquent child registers. The sheriff shall 11786  
provide the notice to all of the following persons: 11787

(1) (a) Any occupant of each residential unit that is 11788  
located within one thousand feet of the offender's or delinquent 11789  
child's residential premises, that is located within the county 11790  
served by the sheriff, and that is not located in a multi-unit 11791  
building. Division (D) (3) of this section applies regarding 11792  
notices required under this division. 11793

(b) If the offender or delinquent child resides in a 11794

multi-unit building, any occupant of each residential unit that 11795  
is located in that multi-unit building and that shares a common 11796  
hallway with the offender or delinquent child. For purposes of 11797  
this division, an occupant's unit shares a common hallway with 11798  
the offender or delinquent child if the entrance door into the 11799  
occupant's unit is located on the same floor and opens into the 11800  
same hallway as the entrance door to the unit the offender or 11801  
delinquent child occupies. Division (D)(3) of this section 11802  
applies regarding notices required under this division. 11803

(c) The building manager, or the person the building owner 11804  
or condominium unit owners association authorizes to exercise 11805  
management and control, of each multi-unit building that is 11806  
located within one thousand feet of the offender's or delinquent 11807  
child's residential premises, including a multi-unit building in 11808  
which the offender or delinquent child resides, and that is 11809  
located within the county served by the sheriff. In addition to 11810  
notifying the building manager or the person authorized to 11811  
exercise management and control in the multi-unit building under 11812  
this division, the sheriff shall post a copy of the notice 11813  
prominently in each common entryway in the building and any 11814  
other location in the building the sheriff determines 11815  
appropriate. The manager or person exercising management and 11816  
control of the building shall permit the sheriff to post copies 11817  
of the notice under this division as the sheriff determines 11818  
appropriate. In lieu of posting copies of the notice as 11819  
described in this division, a sheriff may provide notice to all 11820  
occupants of the multi-unit building by mail or personal 11821  
contact; if the sheriff so notifies all the occupants, the 11822  
sheriff is not required to post copies of the notice in the 11823  
common entryways to the building. Division (D)(3) of this 11824  
section applies regarding notices required under this division. 11825

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) (a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4) (a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(b) Regardless of the location of the school, the 11855  
appointing or hiring officer of a chartered nonpublic school 11856  
that the delinquent child attends. 11857

(5) The director, head teacher, elementary principal, or 11858  
site administrator of each preschool program governed by Chapter 11859  
3301. of the Revised Code that is located within the specified 11860  
geographical notification area and within the county served by 11861  
the sheriff; 11862

(6) The administrator of each child care center or type A 11863  
family child care home that is located within the specified 11864  
geographical notification area and within the county served by 11865  
the sheriff, and each holder of a license to operate a type B 11866  
family child care home that is located within the specified 11867  
geographical notification area and within the county served by 11868  
the sheriff. As used in this division, "child care center," 11869  
"type A family child care home," and "type B family child care 11870  
home" have the same meanings as in section 5104.01 of the 11871  
Revised Code. 11872

(7) The president or other chief administrative officer of 11873  
each institution of higher education, as defined in section 11874  
2907.03 of the Revised Code, that is located within the 11875  
specified geographical notification area and within the county 11876  
served by the sheriff, and the chief law enforcement officer of 11877  
the state university law enforcement agency or campus police 11878  
department established under section 3345.04 or 1713.50 of the 11879  
Revised Code, if any, that serves that institution; 11880

(8) The sheriff of each county that includes any portion 11881  
of the specified geographical notification area; 11882

(9) If the offender or delinquent child resides within the 11883

county served by the sheriff, the chief of police, marshal, or 11884  
other chief law enforcement officer of the municipal corporation 11885  
in which the offender or delinquent child resides or, if the 11886  
offender or delinquent child resides in an unincorporated area, 11887  
the constable or chief of the police department or police 11888  
district police force of the township in which the offender or 11889  
delinquent child resides; 11890

(10) Volunteer organizations in which contact with minors 11891  
or other vulnerable individuals might occur or any organization, 11892  
company, or individual who requests notification as provided in 11893  
division (J) of this section. 11894

(B) The notice required under division (A) of this section 11895  
shall include all of the following information regarding the 11896  
subject offender or delinquent child: 11897

(1) The offender's or delinquent child's name; 11898

(2) The address or addresses of the offender's or public 11899  
registry-qualified juvenile offender registrant's residence, 11900  
school, institution of higher education, or place of employment, 11901  
as applicable, or the residence address or addresses of a 11902  
delinquent child who is not a public registry-qualified juvenile 11903  
offender registrant; 11904

(3) The sexually oriented offense or child-victim oriented 11905  
offense of which the offender was convicted, to which the 11906  
offender pleaded guilty, or for which the child was adjudicated 11907  
a delinquent child; 11908

(4) A statement that identifies the category specified in 11909  
division (F)(1)(a), (b), or (c) of this section that includes 11910  
the offender or delinquent child and that subjects the offender 11911  
or delinquent child to this section; 11912



(5) The offender's or delinquent child's photograph. 11913

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A) (8) of this section, the sheriff of each of the other counties who is provided notice under division (A) (8) of this section shall provide the notices described in divisions (A) (1) to (7) and (A) (9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question. 11914  
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(D) (1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A) (1) of this section and the notices to law enforcement personnel that are described in divisions (A) (8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A) (8) of this section. 11930  
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A sheriff required by division (A) or (C) of this section 11943  
to provide notices regarding an offender or delinquent child 11944  
shall provide the notices to all other specified persons that 11945  
are described in divisions (A) (2) to (7) and (A) (10) of this 11946  
section as soon as practicable, but not later than seven days 11947  
after the offender or delinquent child registers with the 11948  
sheriff or, if the sheriff is required by division (C) of this 11949  
section to provide the notices, no later than five days after 11950  
the sheriff is provided the notice described in division (A) (8) 11951  
of this section. 11952

(2) If an offender or delinquent child in relation to whom 11953  
division (A) of this section applies verifies the offender's or 11954  
delinquent child's current residence, school, institution of 11955  
higher education, or place of employment address, as applicable, 11956  
with a sheriff pursuant to section 2950.06 of the Revised Code, 11957  
the sheriff may provide a written notice containing the 11958  
information set forth in division (B) of this section to the 11959  
persons identified in divisions (A) (1) to (10) of this section. 11960  
If a sheriff provides a notice pursuant to this division to the 11961  
sheriff of one or more other counties in accordance with 11962  
division (A) (8) of this section, the sheriff of each of the 11963  
other counties who is provided the notice under division (A) (8) 11964  
of this section may provide, but is not required to provide, a 11965  
written notice containing the information set forth in division 11966  
(B) of this section to the persons identified in divisions (A) 11967  
(1) to (7) and (A) (9) and (10) of this section. 11968

(3) A sheriff may provide notice under division (A) (1) (a) 11969  
or (b) of this section, and may provide notice under division 11970  
(A) (1) (c) of this section to a building manager or person 11971  
authorized to exercise management and control of a building, by 11972  
mail, by personal contact, or by leaving the notice at or under 11973

the entry door to a residential unit. For purposes of divisions 11974  
(A) (1) (a) and (b) of this section, and the portion of division 11975  
(A) (1) (c) of this section relating to the provision of notice to 11976  
occupants of a multi-unit building by mail or personal contact, 11977  
the provision of one written notice per unit is deemed as 11978  
providing notice to all occupants of that unit. 11979

(E) All information that a sheriff possesses regarding an 11980  
offender or delinquent child who is in a category specified in 11981  
division (F) (1) (a), (b), or (c) of this section that is 11982  
described in division (B) of this section and that must be 11983  
provided in a notice required under division (A) or (C) of this 11984  
section or that may be provided in a notice authorized under 11985  
division (D) (2) of this section is a public record that is open 11986  
to inspection under section 149.43 of the Revised Code. 11987

The sheriff shall not cause to be publicly disseminated by 11988  
means of the internet any of the information described in this 11989  
division that is provided by a delinquent child unless that 11990  
child is in a category specified in division (F) (1) (a), (b), or 11991  
(c) of this section. 11992

(F) (1) Except as provided in division (F) (2) of this 11993  
section, the duties to provide the notices described in 11994  
divisions (A) and (C) of this section apply regarding any 11995  
offender or delinquent child who is in any of the following 11996  
categories: 11997

(a) The offender is a tier III sex offender/child-victim 11998  
offender, and a court has not removed pursuant to section 11999  
2950.152 of the Revised Code the offender's duty to comply with 12000  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or 12001  
the delinquent child is a public registry-qualified juvenile 12002  
offender registrant, and a juvenile court has not removed 12003

pursuant to section 2950.15 of the Revised Code the delinquent 12004  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12005  
and 2950.06 of the Revised Code. 12006

(b) The delinquent child is a tier III sex offender/child- 12007  
victim offender who is not a public registry-qualified juvenile 12008  
offender registrant, the delinquent child was subjected to this 12009  
section prior to January 1, 2008, as a sexual predator, habitual 12010  
sex offender, child-victim predator, or habitual child-victim 12011  
offender, as those terms were defined in section 2950.01 of the 12012  
Revised Code as it existed prior to January 1, 2008, and a 12013  
juvenile court has not removed pursuant to section 2152.84 or 12014  
2152.85 of the Revised Code the delinquent child's duty to 12015  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12016  
the Revised Code or a juvenile court has not removed pursuant to 12017  
section 2950.152 of the Revised Code the delinquent child's duty 12018  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 12019  
Revised Code. 12020

(c) The delinquent child is a tier III sex offender/child- 12021  
victim offender who is not a public registry-qualified juvenile 12022  
offender registrant, the delinquent child was classified a 12023  
juvenile offender registrant on or after January 1, 2008, the 12024  
court has imposed a requirement under section 2152.82, 2152.83, 12025  
or 2152.84 of the Revised Code subjecting the delinquent child 12026  
to this section, and a juvenile court has not removed pursuant 12027  
to section 2152.84 or 2152.85 of the Revised Code the delinquent 12028  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12029  
and 2950.06 of the Revised Code or a juvenile court has not 12030  
removed pursuant to section 2950.152 of the Revised Code the 12031  
delinquent child's duty to comply with sections 2950.04, 12032  
2950.05, and 2950.06 of the Revised Code. 12033

(2) The notification provisions of this section do not 12034  
apply to a person described in division (F) (1) (a), (b), or (c) 12035  
of this section if a court finds at a hearing after considering 12036  
the factors described in this division that the person would not 12037  
be subject to the notification provisions of this section that 12038  
were in the version of this section that existed immediately 12039  
prior to January 1, 2008. In making the determination of whether 12040  
a person would have been subject to the notification provisions 12041  
under prior law as described in this division, the court shall 12042  
consider the following factors: 12043

(a) The offender's or delinquent child's age; 12044

(b) The offender's or delinquent child's prior criminal or 12045  
delinquency record regarding all offenses, including, but not 12046  
limited to, all sexual offenses; 12047

(c) The age of the victim of the sexually oriented offense 12048  
for which sentence is to be imposed or the order of disposition 12049  
is to be made; 12050

(d) Whether the sexually oriented offense for which 12051  
sentence is to be imposed or the order of disposition is to be 12052  
made involved multiple victims; 12053

(e) Whether the offender or delinquent child used drugs or 12054  
alcohol to impair the victim of the sexually oriented offense or 12055  
to prevent the victim from resisting; 12056

(f) If the offender or delinquent child previously has 12057  
been convicted of or pleaded guilty to, or been adjudicated a 12058  
delinquent child for committing an act that if committed by an 12059  
adult would be, a criminal offense, whether the offender or 12060  
delinquent child completed any sentence or dispositional order 12061  
imposed for the prior offense or act and, if the prior offense 12062

or act was a sex offense or a sexually oriented offense, whether 12063  
the offender or delinquent child participated in available 12064  
programs for sexual offenders; 12065

(g) Any mental illness or mental disability of the 12066  
offender or delinquent child; 12067

(h) The nature of the offender's or delinquent child's 12068  
sexual conduct, sexual contact, or interaction in a sexual 12069  
context with the victim of the sexually oriented offense and 12070  
whether the sexual conduct, sexual contact, or interaction in a 12071  
sexual context was part of a demonstrated pattern of abuse; 12072

(i) Whether the offender or delinquent child, during the 12073  
commission of the sexually oriented offense for which sentence 12074  
is to be imposed or the order of disposition is to be made, 12075  
displayed cruelty or made one or more threats of cruelty; 12076

(j) Whether the offender or delinquent child would have 12077  
been a habitual sex offender or a habitual child victim offender 12078  
under the definitions of those terms set forth in section 12079  
2950.01 of the Revised Code as that section existed prior to 12080  
January 1, 2008; 12081

(k) Any additional behavioral characteristics that 12082  
contribute to the offender's or delinquent child's conduct. 12083

(G) (1) The department of children and youth shall compile, 12084  
maintain, and update in January and July of each year, a list of 12085  
all agencies, centers, or homes of a type described in division 12086  
(A) (2) or (6) of this section that contains the name of each 12087  
agency, center, or home of that type, the county in which it is 12088  
located, its address and telephone number, and the name of an 12089  
administrative officer or employee of the agency, center, or 12090  
home. 12091

(2) The department of education and workforce shall 12092  
compile, maintain, and update in January and July of each year, 12093  
a list of all boards of education, schools, or programs of a 12094  
type described in division (A) (3), (4), or (5) of this section 12095  
that contains the name of each board of education, school, or 12096  
program of that type, the county in which it is located, its 12097  
address and telephone number, the name of the superintendent of 12098  
the board or of an administrative officer or employee of the 12099  
school or program, and, in relation to a board of education, the 12100  
county or counties in which each of its schools is located and 12101  
the address of each such school. 12102

(3) The department ~~chancellor~~ of higher education shall 12103  
compile, maintain, and update in January and July of each year, 12104  
a list of all institutions of a type described in division (A) 12105  
(7) of this section that contains the name of each such 12106  
institution, the county in which it is located, its address and 12107  
telephone number, and the name of its president or other chief 12108  
administrative officer. 12109

(4) A sheriff required by division (A) or (C) of this 12110  
section, or authorized by division (D) (2) of this section, to 12111  
provide notices regarding an offender or delinquent child, or a 12112  
designee of a sheriff of that type, may request the department 12113  
of children and youth, department of education and workforce, or 12114  
department ~~chancellor~~ of higher education, by telephone, in 12115  
person, or by mail, to provide the sheriff or designee with the 12116  
names, addresses, and telephone numbers of the appropriate 12117  
persons and entities to whom the notices described in divisions 12118  
(A) (2) to (7) of this section are to be provided. Upon receipt 12119  
of a request, the department shall provide the requesting 12120  
sheriff or designee with the names, addresses, and telephone 12121  
numbers of the appropriate persons and entities to whom those 12122

notices are to be provided. 12123

(H) (1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings. 12124  
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The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation. 12146  
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An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to 12151  
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comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12153  
the Revised Code and does not suspend the victim notification 12154  
requirement under section 2950.10 of the Revised Code. 12155

(2) A prosecuting attorney, a sentencing judge or that 12156  
judge's successor in office, and an offender who is subject to 12157  
the community notification requirement under this section may 12158  
initially make a motion under division (H) (1) of this section 12159  
upon the expiration of twenty years after the offender's duty to 12160  
comply with division (A) (2), (3), or (4) of section 2950.04, 12161  
division (A) (2), (3), or (4) of section 2950.041 and sections 12162  
2950.05 and 2950.06 of the Revised Code begins in relation to 12163  
the offense for which the offender is subject to community 12164  
notification. After the initial making of a motion under 12165  
division (H) (1) of this section, thereafter, the prosecutor, 12166  
judge, and offender may make a subsequent motion under that 12167  
division upon the expiration of five years after the judge has 12168  
entered an order denying the initial motion or the most recent 12169  
motion made under that division. 12170

(3) The offender and the prosecuting attorney have the 12171  
right to appeal an order approving or denying a motion made 12172  
under division (H) (1) of this section. 12173

(4) Divisions (H) (1) to (3) of this section do not apply 12174  
to any of the following types of offender: 12175

(a) A person who is convicted of or pleads guilty to a 12176  
violent sex offense or designated homicide, assault, or 12177  
kidnapping offense and who, in relation to that offense, is 12178  
adjudicated a sexually violent predator; 12179

(b) A person who is convicted of or pleads guilty to a 12180  
sexually oriented offense that is a violation of division (A) (1) 12181

(b) of section 2907.02 of the Revised Code committed on or after 12182  
January 2, 2007, and either who is sentenced under section 12183  
2971.03 of the Revised Code or upon whom a sentence of life 12184  
without parole is imposed under division (B) of section 2907.02 12185  
of the Revised Code; 12186

(c) A person who is convicted of or pleads guilty to a 12187  
sexually oriented offense that is attempted rape committed on or 12188  
after January 2, 2007, and who also is convicted of or pleads 12189  
guilty to a specification of the type described in section 12190  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 12191

(d) A person who is convicted of or pleads guilty to an 12192  
offense described in division (B) (3) (a), (b), (c), or (d) of 12193  
section 2971.03 of the Revised Code and who is sentenced for 12194  
that offense pursuant to that division; 12195

(e) An offender who is in a category specified in division 12196  
(F) (1) (a), (b), or (c) of this section and who, subsequent to 12197  
being subjected to community notification, has pleaded guilty to 12198  
or been convicted of a sexually oriented offense or child-victim 12199  
oriented offense. 12200

(I) If a person is convicted of, pleads guilty to, has 12201  
been convicted of, or has pleaded guilty to a sexually oriented 12202  
offense or a child-victim oriented offense or a person is or has 12203  
been adjudicated a delinquent child for committing a sexually 12204  
oriented offense or a child-victim oriented offense and is 12205  
classified a juvenile offender registrant or is an out-of-state 12206  
juvenile offender registrant based on that adjudication, and if 12207  
the offender or delinquent child is not in any category 12208  
specified in division (F) (1) (a), (b), or (c) of this section, 12209  
the sheriff with whom the offender or delinquent child has most 12210  
recently registered under section 2950.04, 2950.041, or 2950.05 12211

of the Revised Code and the sheriff to whom the offender or 12212  
delinquent child most recently sent a notice of intent to reside 12213  
under section 2950.04 or 2950.041 of the Revised Code, within 12214  
the period of time specified in division (D) of this section, 12215  
shall provide a written notice containing the information set 12216  
forth in division (B) of this section to the executive director 12217  
of the public children services agency that has jurisdiction 12218  
within the specified geographical notification area and that is 12219  
located within the county served by the sheriff. 12220

(J) Each sheriff shall allow a volunteer organization or 12221  
other organization, company, or individual who wishes to receive 12222  
the notice described in division (A)(10) of this section 12223  
regarding a specific offender or delinquent child or notice 12224  
regarding all offenders and delinquent children who are located 12225  
in the specified geographical notification area to notify the 12226  
sheriff by electronic mail or through the sheriff's web site of 12227  
this election. The sheriff shall promptly inform the bureau of 12228  
criminal identification and investigation of these requests in 12229  
accordance with the forwarding procedures adopted by the 12230  
attorney general pursuant to section 2950.13 of the Revised 12231  
Code. 12232

(K) In making a determination under division (H)(1) of 12233  
this section as to whether to suspend the community notification 12234  
requirement under this section for an offender, the judge shall 12235  
consider all relevant factors, including, but not limited to, 12236  
all of the following: 12237

(1) The offender's age; 12238

(2) The offender's prior criminal or delinquency record 12239  
regarding all offenses, including, but not limited to, all 12240  
sexually oriented offenses or child-victim oriented offenses; 12241

- (3) The age of the victim of the sexually oriented offense 12242  
or child-victim oriented offense the offender committed; 12243
- (4) Whether the sexually oriented offense or child-victim 12244  
oriented offense the offender committed involved multiple 12245  
victims; 12246
- (5) Whether the offender used drugs or alcohol to impair 12247  
the victim of the sexually oriented offense or child-victim 12248  
oriented offense the offender committed or to prevent the victim 12249  
from resisting; 12250
- (6) If the offender previously has been convicted of, 12251  
pleaded guilty to, or been adjudicated a delinquent child for 12252  
committing an act that if committed by an adult would be a 12253  
criminal offense, whether the offender completed any sentence or 12254  
dispositional order imposed for the prior offense or act and, if 12255  
the prior offense or act was a sexually oriented offense or a 12256  
child-victim oriented offense, whether the offender or 12257  
delinquent child participated in available programs for sex 12258  
offenders or child-victim offenders; 12259
- (7) Any mental illness or mental disability of the 12260  
offender; 12261
- (8) The nature of the offender's sexual conduct, sexual 12262  
contact, or interaction in a sexual context with the victim of 12263  
the sexually oriented offense the offender committed or the 12264  
nature of the offender's interaction in a sexual context with 12265  
the victim of the child-victim oriented offense the offender 12266  
committed, whichever is applicable, and whether the sexual 12267  
conduct, sexual contact, or interaction in a sexual context was 12268  
part of a demonstrated pattern of abuse; 12269
- (9) Whether the offender, during the commission of the 12270

sexually oriented offense or child-victim oriented offense the 12271  
offender committed, displayed cruelty or made one or more 12272  
threats of cruelty; 12273

(10) Any additional behavioral characteristics that 12274  
contribute to the offender's conduct. 12275

(L) As used in this section, "specified geographical 12276  
notification area" means the geographic area or areas within 12277  
which the attorney general, by rule adopted under section 12278  
2950.13 of the Revised Code, requires the notice described in 12279  
division (B) of this section to be given to the persons 12280  
identified in divisions (A)(2) to (8) of this section. 12281

**Sec. 2950.13.** (A) The attorney general shall do all of the 12282  
following: 12283

(1) No later than July 1, 1997, establish and maintain a 12284  
state registry of sex offenders and child-victim offenders that 12285  
is housed at the bureau of criminal identification and 12286  
investigation and that contains all of the registration, change 12287  
of residence, school, institution of higher education, or place 12288  
of employment address, and verification information the bureau 12289  
receives pursuant to sections 2950.04, 2950.041, 2950.05, and 12290  
2950.06 of the Revised Code regarding each person who is 12291  
convicted of, pleads guilty to, has been convicted of, or has 12292  
pleaded guilty to a sexually oriented offense or a child-victim 12293  
oriented offense and each person who is or has been adjudicated 12294  
a delinquent child for committing a sexually oriented offense or 12295  
a child-victim oriented offense and is classified a juvenile 12296  
offender registrant or is an out-of-state juvenile offender 12297  
registrant based on that adjudication, all of the information 12298  
the bureau receives pursuant to section 2950.14 of the Revised 12299  
Code, ~~and~~ any notice of an order terminating or modifying an 12300

offender's or delinquent child's duty to comply with sections 12301  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the 12302  
bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 12303  
of the Revised Code, and any notice of an order terminating an 12304  
offender's or delinquent child's duty to comply with sections 12305  
2950.04, 2950.05, and 2950.06 of the Revised Code the bureau 12306  
receives pursuant to section 2950.152 of the Revised Code. For a 12307  
person who was convicted of or pleaded guilty to the sexually 12308  
oriented offense or child-victim related offense, the registry 12309  
also shall indicate whether the person was convicted of or 12310  
pleaded guilty to the offense in a criminal prosecution or in a 12311  
serious youthful offender case. The registry shall not be open 12312  
to inspection by the public or by any person other than a person 12313  
identified in division (A) of section 2950.08 of the Revised 12314  
Code. In addition to the information and material previously 12315  
identified in this division, the registry shall include all of 12316  
the following regarding each person who is listed in the 12317  
registry: 12318

(a) A citation for, and the name of, all sexually oriented 12319  
offenses or child-victim oriented offenses of which the person 12320  
was convicted, to which the person pleaded guilty, or for which 12321  
the person was adjudicated a delinquent child and that resulted 12322  
in a registration duty, and the date on which those offenses 12323  
were committed; 12324

(b) The text of the sexually oriented offenses or child- 12325  
victim oriented offenses identified in division (A) (1) (a) of 12326  
this section as those offenses existed at the time the person 12327  
was convicted of, pleaded guilty to, or was adjudicated a 12328  
delinquent child for committing those offenses, or a link to a 12329  
database that sets forth the text of those offenses; 12330

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section; 12331  
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(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release; 12337  
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(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code; 12344  
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(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware; 12347  
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(g) Fingerprints and palmprints of the person; 12354

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person; 12355  
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(i) Whether the person has any outstanding arrest warrants; 12357  
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(j) Whether the person is in compliance with the person's 12359

duties under this chapter. 12360

(2) In consultation with local law enforcement 12361  
representatives and no later than July 1, 1997, adopt rules that 12362  
contain guidelines necessary for the implementation of this 12363  
chapter; 12364

(3) In consultation with local law enforcement 12365  
representatives, adopt rules for the implementation and 12366  
administration of the provisions contained in section 2950.11 of 12367  
the Revised Code that pertain to the notification of neighbors 12368  
of an offender or a delinquent child who has committed a 12369  
sexually oriented offense or a child-victim oriented offense and 12370  
is in a category specified in division (F)(1) of that section 12371  
and rules that prescribe a manner in which victims of a sexually 12372  
oriented offense or a child-victim oriented offense committed by 12373  
an offender or a delinquent child who is in a category specified 12374  
in division (B)(1) of section 2950.10 of the Revised Code may 12375  
make a request that specifies that the victim would like to be 12376  
provided the notices described in divisions (A)(1) and (2) of 12377  
section 2950.10 of the Revised Code; 12378

(4) In consultation with local law enforcement 12379  
representatives and through the bureau of criminal 12380  
identification and investigation, prescribe the forms to be used 12381  
by judges and officials pursuant to section 2950.03 or 2950.032 12382  
of the Revised Code to advise offenders and delinquent children 12383  
of their duties of filing a notice of intent to reside, 12384  
registration, notification of a change of residence, school, 12385  
institution of higher education, or place of employment address 12386  
and registration of the new school, institution of higher 12387  
education, or place of employment address, as applicable, and 12388  
address verification under sections 2950.04, 2950.041, 2950.05, 12389



and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of filing a notice of intent to reside, registration, change of residence, school, institution of higher education, or place of employment address notification, and address verification; 12390  
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(5) Make copies of the forms prescribed under division (A) 12395  
(4) of this section available to judges, officials, and 12396  
sheriffs; 12397

(6) Through the bureau of criminal identification and 12398  
investigation, provide the notifications, the information and 12399  
materials, and the documents that the bureau is required to 12400  
provide to appropriate law enforcement officials and to the 12401  
federal bureau of investigation pursuant to sections 2950.04, 12402  
2950.041, 2950.05, and 2950.06 of the Revised Code; 12403

(7) Through the bureau of criminal identification and 12404  
investigation, maintain the verification forms returned under 12405  
the address verification mechanism set forth in section 2950.06 12406  
of the Revised Code; 12407

(8) In consultation with representatives of the officials, 12408  
judges, and sheriffs, adopt procedures for officials, judges, 12409  
and sheriffs to use to forward information, photographs, and 12410  
fingerprints to the bureau of criminal identification and 12411  
investigation pursuant to the requirements of sections 2950.03, 12412  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 12413  
Code; 12414

(9) In consultation with the director of education, the 12415  
director of children and youth, and the director of 12416  
rehabilitation and correction, adopt rules that contain 12417  
guidelines to be followed by boards of education of a school 12418

district, chartered nonpublic schools or other schools not 12419  
operated by a board of education, preschool programs, child care 12420  
centers, type A family child care homes, licensed type B family 12421  
child care homes, and institutions of higher education regarding 12422  
the proper use and administration of information received 12423  
pursuant to section 2950.11 of the Revised Code relative to an 12424  
offender or delinquent child who has committed a sexually 12425  
oriented offense or a child-victim oriented offense and is in a 12426  
category specified in division (F)(1) of that section; 12427

(10) In consultation with local law enforcement 12428  
representatives and no later than July 1, 1997, adopt rules that 12429  
designate a geographic area or areas within which the notice 12430  
described in division (B) of section 2950.11 of the Revised Code 12431  
must be given to the persons identified in divisions (A)(2) to 12432  
(8) and (A)(10) of that section; 12433

(11) Through the bureau of criminal identification and 12434  
investigation, not later than January 1, 2004, establish and 12435  
operate on the internet a sex offender and child-victim offender 12436  
database that contains information for every offender who has 12437  
committed a sexually oriented offense or a child-victim oriented 12438  
offense and registers in any county in this state pursuant to 12439  
section 2950.04 or 2950.041 of the Revised Code and for every 12440  
delinquent child who has committed a sexually oriented offense, 12441  
is a public registry-qualified juvenile offender registrant, and 12442  
registers in any county in this state pursuant to either such 12443  
section. The bureau shall not include on the database the 12444  
identity of any offender's or public registry-qualified juvenile 12445  
offender registrant's victim, any offender's or public registry- 12446  
qualified juvenile offender registrant's social security number, 12447  
the name of any school or institution of higher education 12448  
attended by any offender or public registry-qualified juvenile 12449

offender registrant, the name of the place of employment of any 12450  
offender or public registry-qualified juvenile offender 12451  
registrant, any tracking or identification number described in 12452  
division (A) (1) (f) of this section, or any information described 12453  
in division (C) (7) of section 2950.04 or 2950.041 of the Revised 12454  
Code. The bureau shall provide on the database, for each 12455  
offender and each public registry-qualified juvenile offender 12456  
registrant, at least the information specified in divisions (A) 12457  
(11) (a) to (h) of this section. Otherwise, the bureau shall 12458  
determine the information to be provided on the database for 12459  
each offender and public registry-qualified juvenile offender 12460  
registrant and shall obtain that information from the 12461  
information contained in the state registry of sex offenders and 12462  
child-victim offenders described in division (A) (1) of this 12463  
section, which information, while in the possession of the 12464  
sheriff who provided it, is a public record open for inspection 12465  
as described in section 2950.081 of the Revised Code. The 12466  
database is a public record open for inspection under section 12467  
149.43 of the Revised Code, and it shall be searchable by 12468  
offender or public registry-qualified juvenile offender 12469  
registrant name, by county, by zip code, and by school district. 12470  
The database shall provide a link to the web site of each 12471  
sheriff who has established and operates on the internet a sex 12472  
offender and child-victim offender database that contains 12473  
information for offenders and public registry-qualified juvenile 12474  
offender registrants who register in that county pursuant to 12475  
section 2950.04 or 2950.041 of the Revised Code, with the link 12476  
being a direct link to the sex offender and child-victim 12477  
offender database for the sheriff. The bureau shall provide on 12478  
the database, for each offender and public registry-qualified 12479  
juvenile offender registrant, at least the following 12480  
information: 12481

(a) The information described in divisions (A) (1) (a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;	12482 12483 12484
(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;	12485 12486 12487 12488
(c) The information described in division (C) (6) of section 2950.04 or 2950.041 of the Revised Code;	12489 12490
(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;	12491 12492 12493 12494 12495
(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;	12496 12497 12498 12499
(f) The information set forth in division (B) of section 2950.11 of the Revised Code;	12500 12501
(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;	12502 12503
(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.	12504 12505 12506
(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of	12507 12508 12509

the information and materials described in division (A) of 12510  
section 2950.081 of the Revised Code that are public records 12511  
under that division, that are not prohibited from inclusion by 12512  
division (B) of that section, and that pertain to offenders and 12513  
public registry-qualified juvenile offender registrants who 12514  
register in the sheriff's county pursuant to section 2950.04 or 12515  
2950.041 of the Revised Code and for the public dissemination of 12516  
information the sheriff receives pursuant to section 2950.14 of 12517  
the Revised Code and, upon the request of any sheriff, provide 12518  
technical guidance to the requesting sheriff in establishing on 12519  
the internet such a database; 12520

(13) Through the bureau of criminal identification and 12521  
investigation, not later than January 1, 2004, establish and 12522  
operate on the internet a database that enables local law 12523  
enforcement representatives to remotely search by electronic 12524  
means the state registry of sex offenders and child-victim 12525  
offenders described in division (A) (1) of this section and any 12526  
information and materials the bureau receives pursuant to 12527  
sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the 12528  
Revised Code. The database shall enable local law enforcement 12529  
representatives to obtain detailed information regarding each 12530  
offender and delinquent child who is included in the registry, 12531  
including, but not limited to the offender's or delinquent 12532  
child's name, aliases, residence address, name and address of 12533  
any place of employment, school, institution of higher 12534  
education, if applicable, license plate number of each vehicle 12535  
identified in division (C) (5) of section 2950.04 or 2950.041 of 12536  
the Revised Code to the extent applicable, victim preference if 12537  
available, date of most recent release from confinement if 12538  
applicable, fingerprints, and palmprints, all of the information 12539  
and material described in divisions (A) (1) (a) to (h) of this 12540

section regarding the offender or delinquent child, and other 12541  
identification parameters the bureau considers appropriate. The 12542  
database is not a public record open for inspection under 12543  
section 149.43 of the Revised Code and shall be available only 12544  
to law enforcement representatives as described in this 12545  
division. Information obtained by local law enforcement 12546  
representatives through use of this database is not open to 12547  
inspection by the public or by any person other than a person 12548  
identified in division (A) of section 2950.08 of the Revised 12549  
Code. 12550

(14) Through the bureau of criminal identification and 12551  
investigation, maintain a list of requests for notice about a 12552  
specified offender or delinquent child or specified geographical 12553  
notification area made pursuant to division (J) of section 12554  
2950.11 of the Revised Code and, when an offender or delinquent 12555  
child changes residence to another county, forward any requests 12556  
for information about that specific offender or delinquent child 12557  
to the appropriate sheriff; 12558

(15) Through the bureau of criminal identification and 12559  
investigation, establish and operate a system for the immediate 12560  
notification by electronic means of the appropriate officials in 12561  
other states specified in this division each time an offender or 12562  
delinquent child registers a residence, school, institution of 12563  
higher education, or place of employment address under section 12564  
2950.04 or 2950.041 of the Revised Code or provides a notice of 12565  
a change of address or registers a new address under division 12566  
(A) or (B) of section 2950.05 of the Revised Code. The immediate 12567  
notification by electronic means shall be provided to the 12568  
appropriate officials in each state in which the offender or 12569  
delinquent child is required to register a residence, school, 12570  
institution of higher education, or place of employment address. 12571

The notification shall contain the offender's or delinquent 12572  
child's name and all of the information the bureau receives from 12573  
the sheriff with whom the offender or delinquent child 12574  
registered the address or provided the notice of change of 12575  
address or registered the new address. 12576

(B) The attorney general in consultation with local law 12577  
enforcement representatives, may adopt rules that establish one 12578  
or more categories of neighbors of an offender or delinquent 12579  
child who, in addition to the occupants of residential premises 12580  
and other persons specified in division (A) (1) of section 12581  
2950.11 of the Revised Code, must be given the notice described 12582  
in division (B) of that section. 12583

(C) No person, other than a local law enforcement 12584  
representative, shall knowingly do any of the following: 12585

(1) Gain or attempt to gain access to the database 12586  
established and operated by the attorney general, through the 12587  
bureau of criminal identification and investigation, pursuant to 12588  
division (A) (13) of this section. 12589

(2) Permit any person to inspect any information obtained 12590  
through use of the database described in division (C) (1) of this 12591  
section, other than as permitted under that division. 12592

(D) As used in this section, "local law enforcement 12593  
representatives" means representatives of the sheriffs of this 12594  
state, representatives of the municipal chiefs of police and 12595  
marshals of this state, and representatives of the township 12596  
constables and chiefs of police of the township police 12597  
departments or police district police forces of this state. 12598

**Section 5.** That the existing versions of sections 2950.11 12599  
and 2950.13 of the Revised Code that are scheduled to take 12600

effect January 1, 2025, are hereby repealed.	12601
<b>Section 6.</b> Sections 4 and 5 of this act take effect	12602
January 1, 2025.	12603
<b>Section 7.</b> The General Assembly, applying the principle	12604
stated in division (B) of section 1.52 of the Revised Code that	12605
amendments are to be harmonized if reasonably capable of	12606
simultaneous operation, finds that the following sections,	12607
presented in this act as composites of the sections as amended	12608
by the acts indicated, are the resulting versions of the	12609
sections in effect prior to the effective date of the sections	12610
as presented in this act:	12611
Section 307.93 of the Revised Code as amended by both S.B.	12612
16 and S.B. 288 of the 134th General Assembly.	12613
Section 2151.358 of the Revised Code as amended by both	12614
H.B. 343 and S.B. 288 of the 134th General Assembly.	12615
Section 2903.11 of the Revised Code as amended by both	12616
S.B. 20 and S.B. 201 of the 132nd General Assembly.	12617
Section 2907.28 of the Revised Code as amended by both	12618
H.B. 483 and S.B. 143 of the 130th General Assembly.	12619
Section 2923.125 of the Revised Code as amended by both	12620
H.B. 281 and S.B. 288 of the 134th General Assembly.	12621
Section 2923.128 of the Revised Code as amended by H.B.	12622
281, S.B. 215, and S.B. 288, all of the 134th General Assembly.	12623
Section 2923.1213 of the Revised Code as amended by both	12624
H.B. 281 and S.B. 288 of the 134th General Assembly.	12625