

H. B. No. 5

As Introduced

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "109.11,"	1
In line 2 of the title, after "2151.357" insert ", 2746.02"	2
In line 3 of the title, after "2929.14" insert ", 2930.171"	3
In line 4 of the title, after "2941.146" insert ", 2951.041"; after	4
"2953.26" insert ", 2953.31"	5
In line 5 of the title, after "2953.34" insert ", 2953.39"	6
In line 6 of the title, delete the first "and"; after "4752.09"	7
insert ", and 5120.035"	8
In line 7 of the title, delete "and" and insert "2953.311,"	9
In line 8 of the title, after "2953.321" insert ", 2953.322, and	10
2953.323"	11
Delete line 15 of the title	12
In line 16 of the title, delete "and fifth degree felonies" and	13
insert "Sealing and Expungement Law"	14
In line 17, after "sections" insert "109.11,"	15



In line 18, after "2151.357" insert ", 2746.02"	16
In line 19, after "2929.14" insert ", 2930.171"; after "2941.146"	17
insert ", 2951.041"	18
In line 20, after "2953.26" insert ", 2953.31"; after "2953.34"	19
insert ", 2953.39"	20
In line 21, delete the first "and"; after "4752.09" insert ", and	21
5120.035"	22
In line 22, delete "and" and insert "2953.311,"; after "2953.321"	23
insert ", 2953.322, and 2953.323"	24
After line 23, insert:	25
 "Sec. 109.11. (A) There is hereby created in the state	26
treasury the attorney general reimbursement fund that shall be	27
used for the expenses of the office of the attorney general in	28
providing legal services and other services on behalf of the	29
state or any agency or officer thereof.	30
 (B) (1) All amounts received as reimbursement for legal	31
services and other services that have been rendered by the	32
office of the attorney general to the state or any agency or	33
officer thereof shall be paid into the state treasury to the	34
credit of the attorney general reimbursement fund.	35
 (2) All amounts awarded to the office of the attorney	36
general by order or judgment of a court or as part of a	37
settlement or other compromise of claims for attorney's fees,	38
investigation costs, document management costs, expert witness	39
fees, fines, and all other costs and fees associated with	40
representation provided by the office shall be paid into the	41
state treasury to the credit of the attorney general	42

reimbursement fund. 43

(3) All amounts paid into the state treasury under 44
division ~~(D) (3)~~ (C) (3) of section 2953.32, division (C) (3) of 45
section 2953.322, or division (B) (3) of section 2953.39 of the 46
Revised Code and that are required under that division to be 47
credited to the attorney general reimbursement fund shall be 48
credited to the fund, and the amounts so credited shall be used 49
by the bureau of criminal identification and investigation for 50
expenses related to the sealing or expungement of records. 51

(C) When seeking an order or judgment of a court or 52
entering a settlement agreement or other compromise of claims on 53
behalf of the state or any agency or officer thereof, the office 54
of the attorney general shall seek to secure payment of all 55
costs, expenses, and contractual obligations related to the 56
legal services and other services provided, including attorney 57
fees owed to special counsel; costs associated with an 58
investigation, preparation, and presentation of claims asserted, 59
document management, and depositions; and any fees or expenses 60
owed to any expert or consulting expert witness. This division 61
does not apply to matters in which the costs, expenses, and 62
obligations are to be paid from funds within an available 63
appropriation of the office or of the agency or officer." 64

Delete lines 24 through 502 65

After line 502, insert: 66

"Sec. 109.57. (A) (1) The superintendent of the bureau of 67
criminal identification and investigation shall procure from 68
wherever procurable and file for record photographs, pictures, 69
descriptions, fingerprints, measurements, and other information 70
that may be pertinent of all persons who have been convicted of 71

committing within this state a felony, any crime constituting a
 misdemeanor on the first offense and a felony on subsequent
 offenses, or any misdemeanor described in division (A) (1) (a),
 (A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code,
 of all children under eighteen years of age who have been
 adjudicated delinquent children for committing within this state
 an act that would be a felony or an offense of violence if
 committed by an adult or who have been convicted of or pleaded
 guilty to committing within this state a felony or an offense of
 violence, and of all well-known and habitual criminals. The
 person in charge of any county, multicounty, municipal,
 municipal-county, or multicounty-municipal jail or workhouse,
 community-based correctional facility, halfway house,
 alternative residential facility, or state correctional
 institution and the person in charge of any state institution
 having custody of a person suspected of having committed a
 felony, any crime constituting a misdemeanor on the first
 offense and a felony on subsequent offenses, or any misdemeanor
 described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of
 section 109.572 of the Revised Code or having custody of a child
 under eighteen years of age with respect to whom there is
 probable cause to believe that the child may have committed an
 act that would be a felony or an offense of violence if
 committed by an adult shall furnish such material to the
 superintendent of the bureau. Fingerprints, photographs, or
 other descriptive information of a child who is under eighteen
 years of age, has not been arrested or otherwise taken into
 custody for committing an act that would be a felony or an
 offense of violence who is not in any other category of child
 specified in this division, if committed by an adult, has not
 been adjudicated a delinquent child for committing an act that

would be a felony or an offense of violence if committed by an 103
adult, has not been convicted of or pleaded guilty to committing 104
a felony or an offense of violence, and is not a child with 105
respect to whom there is probable cause to believe that the 106
child may have committed an act that would be a felony or an 107
offense of violence if committed by an adult shall not be 108
procured by the superintendent or furnished by any person in 109
charge of any county, multicounty, municipal, municipal-county, 110
or multicounty-municipal jail or workhouse, community-based 111
correctional facility, halfway house, alternative residential 112
facility, or state correctional institution, except as 113
authorized in section 2151.313 of the Revised Code. 114

(2) Every clerk of a court of record in this state, other 115
than the supreme court or a court of appeals, shall send to the 116
superintendent of the bureau a weekly report containing a 117
summary of each case involving a felony, involving any crime 118
constituting a misdemeanor on the first offense and a felony on 119
subsequent offenses, involving a misdemeanor described in 120
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 121
of the Revised Code, or involving an adjudication in a case in 122
which a child under eighteen years of age was alleged to be a 123
delinquent child for committing an act that would be a felony or 124
an offense of violence if committed by an adult. The clerk of 125
the court of common pleas shall include in the report and 126
summary the clerk sends under this division all information 127
described in divisions (A) (2) (a) to (f) of this section 128
regarding a case before the court of appeals that is served by 129
that clerk. The summary shall be written on the standard forms 130
furnished by the superintendent pursuant to division (B) of this 131
section and shall include the following information: 132

(a) The incident tracking number contained on the standard 133

forms furnished by the superintendent pursuant to division (B) 134
of this section; 135

(b) The style and number of the case; 136

(c) The date of arrest, offense, summons, or arraignment; 137

(d) The date that the person was convicted of or pleaded 138
guilty to the offense, adjudicated a delinquent child for 139
committing the act that would be a felony or an offense of 140
violence if committed by an adult, found not guilty of the 141
offense, or found not to be a delinquent child for committing an 142
act that would be a felony or an offense of violence if 143
committed by an adult, the date of an entry dismissing the 144
charge, an entry declaring a mistrial of the offense in which 145
the person is discharged, an entry finding that the person or 146
child is not competent to stand trial, or an entry of a nolle 147
prosequi, or the date of any other determination that 148
constitutes final resolution of the case; 149

(e) A statement of the original charge with the section of 150
the Revised Code that was alleged to be violated; 151

(f) If the person or child was convicted, pleaded guilty, 152
or was adjudicated a delinquent child, the sentence or terms of 153
probation imposed or any other disposition of the offender or 154
the delinquent child. 155

If the offense involved the disarming of a law enforcement 156
officer or an attempt to disarm a law enforcement officer, the 157
clerk shall clearly state that fact in the summary, and the 158
superintendent shall ensure that a clear statement of that fact 159
is placed in the bureau's records. 160

(3) The superintendent shall cooperate with and assist 161

sheriffs, chiefs of police, and other law enforcement officers 162
in the establishment of a complete system of criminal 163
identification and in obtaining fingerprints and other means of 164
identification of all persons arrested on a charge of a felony, 165
any crime constituting a misdemeanor on the first offense and a 166
felony on subsequent offenses, or a misdemeanor described in 167
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 168
of the Revised Code and of all children under eighteen years of 169
age arrested or otherwise taken into custody for committing an 170
act that would be a felony or an offense of violence if 171
committed by an adult. The superintendent also shall file for 172
record the fingerprint impressions of all persons confined in a 173
county, multicounty, municipal, municipal-county, or 174
multicounty-municipal jail or workhouse, community-based 175
correctional facility, halfway house, alternative residential 176
facility, or state correctional institution for the violation of 177
state laws and of all children under eighteen years of age who 178
are confined in a county, multicounty, municipal, municipal- 179
county, or multicounty-municipal jail or workhouse, community- 180
based correctional facility, halfway house, alternative 181
residential facility, or state correctional institution or in 182
any facility for delinquent children for committing an act that 183
would be a felony or an offense of violence if committed by an 184
adult, and any other information that the superintendent may 185
receive from law enforcement officials of the state and its 186
political subdivisions. 187

(4) The superintendent shall carry out Chapter 2950. of 188
the Revised Code with respect to the registration of persons who 189
are convicted of or plead guilty to a sexually oriented offense 190
or a child-victim oriented offense and with respect to all other 191
duties imposed on the bureau under that chapter. 192

(5) The bureau shall perform centralized recordkeeping 193
functions for criminal history records and services in this 194
state for purposes of the national crime prevention and privacy 195
compact set forth in section 109.571 of the Revised Code and is 196
the criminal history record repository as defined in that 197
section for purposes of that compact. The superintendent or the 198
superintendent's designee is the compact officer for purposes of 199
that compact and shall carry out the responsibilities of the 200
compact officer specified in that compact. 201

(6) The superintendent shall, upon request, assist a 202
county coroner in the identification of a deceased person 203
through the use of fingerprint impressions obtained pursuant to 204
division (A) (1) of this section or collected pursuant to section 205
109.572 or 311.41 of the Revised Code. 206

(B) The superintendent shall prepare and furnish to every 207
county, multicounty, municipal, municipal-county, or 208
multicounty-municipal jail or workhouse, community-based 209
correctional facility, halfway house, alternative residential 210
facility, or state correctional institution and to every clerk 211
of a court in this state specified in division (A) (2) of this 212
section standard forms for reporting the information required 213
under division (A) of this section. The standard forms that the 214
superintendent prepares pursuant to this division may be in a 215
tangible format, in an electronic format, or in both tangible 216
formats and electronic formats. 217

(C) (1) The superintendent may operate a center for 218
electronic, automated, or other data processing for the storage 219
and retrieval of information, data, and statistics pertaining to 220
criminals and to children under eighteen years of age who are 221
adjudicated delinquent children for committing an act that would 222

be a felony or an offense of violence if committed by an adult, 223
criminal activity, crime prevention, law enforcement, and 224
criminal justice, and may establish and operate a statewide 225
communications network to be known as the Ohio law enforcement 226
gateway to gather and disseminate information, data, and 227
statistics for the use of law enforcement agencies and for other 228
uses specified in this division. The superintendent may gather, 229
store, retrieve, and disseminate information, data, and 230
statistics that pertain to children who are under eighteen years 231
of age and that are gathered pursuant to sections 109.57 to 232
109.61 of the Revised Code together with information, data, and 233
statistics that pertain to adults and that are gathered pursuant 234
to those sections. 235

(2) The superintendent or the superintendent's designee 236
shall gather information of the nature described in division (C) 237
(1) of this section that pertains to the offense and delinquency 238
history of a person who has been convicted of, pleaded guilty 239
to, or been adjudicated a delinquent child for committing a 240
sexually oriented offense or a child-victim oriented offense for 241
inclusion in the state registry of sex offenders and child- 242
victim offenders maintained pursuant to division (A)(1) of 243
section 2950.13 of the Revised Code and in the internet database 244
operated pursuant to division (A)(13) of that section and for 245
possible inclusion in the internet database operated pursuant to 246
division (A)(11) of that section. 247

(3) In addition to any other authorized use of 248
information, data, and statistics of the nature described in 249
division (C)(1) of this section, the superintendent or the 250
superintendent's designee may provide and exchange the 251
information, data, and statistics pursuant to the national crime 252
prevention and privacy compact as described in division (A)(5) 253

of this section. 254

(4) The Ohio law enforcement gateway shall contain the 255
name, confidential address, and telephone number of program 256
participants in the address confidentiality program established 257
under sections 111.41 to 111.47 of the Revised Code. 258

(5) The attorney general may adopt rules under Chapter 259
119. of the Revised Code establishing guidelines for the 260
operation of and participation in the Ohio law enforcement 261
gateway. The rules may include criteria for granting and 262
restricting access to information gathered and disseminated 263
through the Ohio law enforcement gateway. The attorney general 264
shall adopt rules under Chapter 119. of the Revised Code that 265
grant access to information in the gateway regarding an address 266
confidentiality program participant under sections 111.41 to 267
111.47 of the Revised Code to only chiefs of police, village 268
marshals, county sheriffs, county prosecuting attorneys, and a 269
designee of each of these individuals. The attorney general 270
shall permit an office of a county coroner, the state medical 271
board, and board of nursing to access and view, but not alter, 272
information gathered and disseminated through the Ohio law 273
enforcement gateway. 274

The attorney general may appoint a steering committee to 275
advise the attorney general in the operation of the Ohio law 276
enforcement gateway that is comprised of persons who are 277
representatives of the criminal justice agencies in this state 278
that use the Ohio law enforcement gateway and is chaired by the 279
superintendent or the superintendent's designee. 280

(D) (1) The following are not public records under section 281
149.43 of the Revised Code: 282

(a) Information and materials furnished to the	283
superintendent pursuant to division (A) of this section;	284
(b) Information, data, and statistics gathered or	285
disseminated through the Ohio law enforcement gateway pursuant	286
to division (C) (1) of this section;	287
(c) Information and materials furnished to any board or	288
person under division (F) or (G) of this section.	289
(2) The superintendent or the superintendent's designee	290
shall gather and retain information so furnished under division	291
(A) of this section that pertains to the offense and delinquency	292
history of a person who has been convicted of, pleaded guilty	293
to, or been adjudicated a delinquent child for committing a	294
sexually oriented offense or a child-victim oriented offense for	295
the purposes described in division (C) (2) of this section.	296
(E) (1) The attorney general shall adopt rules, in	297
accordance with Chapter 119. of the Revised Code and subject to	298
division (E) (2) of this section, setting forth the procedure by	299
which a person may receive or release information gathered by	300
the superintendent pursuant to division (A) of this section. A	301
reasonable fee may be charged for this service. If a temporary	302
employment service submits a request for a determination of	303
whether a person the service plans to refer to an employment	304
position has been convicted of or pleaded guilty to an offense	305
listed or described in division (A) (1), (2), or (3) of section	306
109.572 of the Revised Code, the request shall be treated as a	307
single request and only one fee shall be charged.	308
(2) Except as otherwise provided in this division or	309
division (E) (3) or (4) of this section, a rule adopted under	310
division (E) (1) of this section may provide only for the release	311

of information gathered pursuant to division (A) of this section 312
that relates to the conviction of a person, or a person's plea 313
of guilty to, a criminal offense or to the arrest of a person as 314
provided in division (E)(3) of this section. The superintendent 315
shall not release, and the attorney general shall not adopt any 316
rule under division (E)(1) of this section that permits the 317
release of, any information gathered pursuant to division (A) of 318
this section that relates to an adjudication of a child as a 319
delinquent child, or that relates to a criminal conviction of a 320
person under eighteen years of age if the person's case was 321
transferred back to a juvenile court under division (B)(2) or 322
(3) of section 2152.121 of the Revised Code and the juvenile 323
court imposed a disposition or serious youthful offender 324
disposition upon the person under either division, unless either 325
of the following applies with respect to the adjudication or 326
conviction: 327

(a) The adjudication or conviction was for a violation of 328
section 2903.01 or 2903.02 of the Revised Code. 329

(b) The adjudication or conviction was for a sexually 330
oriented offense, the juvenile court was required to classify 331
the child a juvenile offender registrant for that offense under 332
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 333
classification has not been removed, and the records of the 334
adjudication or conviction have not been sealed or expunged 335
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 336
pursuant to section 2953.32, 2953.321, 2953.322, or 2953.323 of 337
the Revised Code. 338

(3) A rule adopted under division (E)(1) of this section 339
may provide for the release of information gathered pursuant to 340
division (A) of this section that relates to the arrest of a 341

person who is eighteen years of age or older when the person has 342
not been convicted as a result of that arrest if any of the 343
following applies: 344

(a) The arrest was made outside of this state. 345

(b) A criminal action resulting from the arrest is 346
pending, and the superintendent confirms that the criminal 347
action has not been resolved at the time the criminal records 348
check is performed. 349

(c) The bureau cannot reasonably determine whether a 350
criminal action resulting from the arrest is pending, and not 351
more than one year has elapsed since the date of the arrest. 352

(4) A rule adopted under division (E) (1) of this section 353
may provide for the release of information gathered pursuant to 354
division (A) of this section that relates to an adjudication of 355
a child as a delinquent child if not more than five years have 356
elapsed since the date of the adjudication, the adjudication was 357
for an act that would have been a felony if committed by an 358
adult, the records of the adjudication have not been sealed or 359
expunged pursuant to sections 2151.355 to 2151.358 of the 360
Revised Code, and the request for information is made under 361
division (F) of this section or under section 109.572 of the 362
Revised Code. In the case of an adjudication for a violation of 363
the terms of community control or supervised release, the five- 364
year period shall be calculated from the date of the 365
adjudication to which the community control or supervised 366
release pertains. 367

(F) (1) As used in division (F) (2) of this section, "head 368
start agency" means an entity in this state that has been 369
approved to be an agency for purposes of subchapter II of the 370

"Community Economic Development Act," 95 Stat. 489 (1981), 42 371
U.S.C.A. 9831, as amended. 372

(2) (a) In addition to or in conjunction with any request 373
that is required to be made under section 109.572, 2151.86, 374
3301.32, 3301.541, division (C) of section 3310.58, or section 375
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 376
5123.081, or 5153.111 of the Revised Code or that is made under 377
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 378
Code, the board of education of any school district; the 379
director of developmental disabilities; any county board of 380
developmental disabilities; any provider or subcontractor as 381
defined in section 5123.081 of the Revised Code; the chief 382
administrator of any chartered nonpublic school; the chief 383
administrator of a registered private provider that is not also 384
a chartered nonpublic school; the chief administrator of any 385
home health agency; the chief administrator of or person 386
operating any child care center, type A family child care home, 387
or type B family child care home licensed under Chapter 5104. of 388
the Revised Code; the chief administrator of or person operating 389
any authorized private before and after school care program; the 390
chief administrator of any head start agency; the executive 391
director of a public children services agency; the operator of a 392
residential facility, as defined in section 2151.46 of the 393
Revised Code; a private company described in section 3314.41, 394
3319.392, 3326.25, or 3328.20 of the Revised Code; or an 395
employer described in division (J) (2) of section 3327.10 of the 396
Revised Code may request that the superintendent of the bureau 397
investigate and determine, with respect to any individual who 398
has applied for employment in any position after October 2, 399
1989, or any individual wishing to apply for employment with a 400
board of education may request, with regard to the individual, 401

whether the bureau has any information gathered under division 402
(A) of this section that pertains to that individual. On receipt 403
of the request, subject to division (E)(2) of this section, the 404
superintendent shall determine whether that information exists 405
and, upon request of the person, board, or entity requesting 406
information, also shall request from the federal bureau of 407
investigation any criminal records it has pertaining to that 408
individual. The superintendent or the superintendent's designee 409
also may request criminal history records from other states or 410
the federal government pursuant to the national crime prevention 411
and privacy compact set forth in section 109.571 of the Revised 412
Code. Within thirty days of the date that the superintendent 413
receives a request, subject to division (E)(2) of this section, 414
the superintendent shall send to the board, entity, or person a 415
report of any information that the superintendent determines 416
exists, including information contained in records that have 417
been sealed under section 2953.32 or 2953.321 of the Revised 418
Code, and, within thirty days of its receipt, subject to 419
division (E)(2) of this section, shall send the board, entity, 420
or person a report of any information received from the federal 421
bureau of investigation, other than information the 422
dissemination of which is prohibited by federal law. 423

(b) When a board of education or a registered private 424
provider is required to receive information under this section 425
as a prerequisite to employment of an individual pursuant to 426
division (C) of section 3310.58 or section 3319.39 of the 427
Revised Code, it may accept a certified copy of records that 428
were issued by the bureau of criminal identification and 429
investigation and that are presented by an individual applying 430
for employment with the district in lieu of requesting that 431
information itself. In such a case, the board shall accept the 432

certified copy issued by the bureau in order to make a photocopy 433
of it for that individual's employment application documents and 434
shall return the certified copy to the individual. In a case of 435
that nature, a district or provider only shall accept a 436
certified copy of records of that nature within one year after 437
the date of their issuance by the bureau. 438

(c) Notwithstanding division (F) (2) (a) of this section, in 439
the case of a request under section 3319.39, 3319.391, or 440
3327.10 of the Revised Code only for criminal records maintained 441
by the federal bureau of investigation, the superintendent shall 442
not determine whether any information gathered under division 443
(A) of this section exists on the person for whom the request is 444
made. 445

(3) The state board of education or the department of 446
education and workforce may request, with respect to any 447
individual who has applied for employment after October 2, 1989, 448
in any position with the state board or the department of 449
education and workforce, any information that a school district 450
board of education is authorized to request under division (F) 451
(2) of this section, and the superintendent of the bureau shall 452
proceed as if the request has been received from a school 453
district board of education under division (F) (2) of this 454
section. 455

(4) When the superintendent of the bureau receives a 456
request for information under section 3319.291 of the Revised 457
Code, the superintendent shall proceed as if the request has 458
been received from a school district board of education and 459
shall comply with divisions (F) (2) (a) and (c) of this section. 460

(G) In addition to or in conjunction with any request that 461
is required to be made under section 3712.09, 3721.121, or 462

3740.11 of the Revised Code with respect to an individual who 463
has applied for employment in a position that involves providing 464
direct care to an older adult or adult resident, the chief 465
administrator of a home health agency, hospice care program, 466
home licensed under Chapter 3721. of the Revised Code, or adult 467
day-care program operated pursuant to rules adopted under 468
section 3721.04 of the Revised Code may request that the 469
superintendent of the bureau investigate and determine, with 470
respect to any individual who has applied after January 27, 471
1997, for employment in a position that does not involve 472
providing direct care to an older adult or adult resident, 473
whether the bureau has any information gathered under division 474
(A) of this section that pertains to that individual. 475

In addition to or in conjunction with any request that is 476
required to be made under section 173.27 of the Revised Code 477
with respect to an individual who has applied for employment in 478
a position that involves providing ombudsman services to 479
residents of long-term care facilities or recipients of 480
community-based long-term care services, the state long-term 481
care ombudsman, the director of aging, a regional long-term care 482
ombudsman program, or the designee of the ombudsman, director, 483
or program may request that the superintendent investigate and 484
determine, with respect to any individual who has applied for 485
employment in a position that does not involve providing such 486
ombudsman services, whether the bureau has any information 487
gathered under division (A) of this section that pertains to 488
that applicant. 489

In addition to or in conjunction with any request that is 490
required to be made under section 173.38 of the Revised Code 491
with respect to an individual who has applied for employment in 492
a direct-care position, the chief administrator of a provider, 493

as defined in section 173.39 of the Revised Code, may request 494
that the superintendent investigate and determine, with respect 495
to any individual who has applied for employment in a position 496
that is not a direct-care position, whether the bureau has any 497
information gathered under division (A) of this section that 498
pertains to that applicant. 499

In addition to or in conjunction with any request that is 500
required to be made under section 3712.09 of the Revised Code 501
with respect to an individual who has applied for employment in 502
a position that involves providing direct care to a pediatric 503
respite care patient, the chief administrator of a pediatric 504
respite care program may request that the superintendent of the 505
bureau investigate and determine, with respect to any individual 506
who has applied for employment in a position that does not 507
involve providing direct care to a pediatric respite care 508
patient, whether the bureau has any information gathered under 509
division (A) of this section that pertains to that individual. 510

On receipt of a request under this division, the 511
superintendent shall determine whether that information exists 512
and, on request of the individual requesting information, shall 513
also request from the federal bureau of investigation any 514
criminal records it has pertaining to the applicant. The 515
superintendent or the superintendent's designee also may request 516
criminal history records from other states or the federal 517
government pursuant to the national crime prevention and privacy 518
compact set forth in section 109.571 of the Revised Code. Within 519
thirty days of the date a request is received, subject to 520
division (E)(2) of this section, the superintendent shall send 521
to the requester a report of any information determined to 522
exist, including information contained in records that have been 523
sealed under section 2953.32 or 2953.321 of the Revised Code, 524

and, within thirty days of its receipt, shall send the requester 525
a report of any information received from the federal bureau of 526
investigation, other than information the dissemination of which 527
is prohibited by federal law. 528

(H) Information obtained by a government entity or person 529
under this section is confidential and shall not be released or 530
disseminated. 531

(I) The superintendent may charge a reasonable fee for 532
providing information or criminal records under division (F) (2) 533
or (G) of this section. 534

(J) As used in this section: 535

(1) "Pediatric respite care program" and "pediatric care 536
patient" have the same meanings as in section 3712.01 of the 537
Revised Code. 538

(2) "Sexually oriented offense" and "child-victim oriented 539
offense" have the same meanings as in section 2950.01 of the 540
Revised Code. 541

(3) "Registered private provider" means a nonpublic school 542
or entity registered with the department of education and 543
workforce under section 3310.41 of the Revised Code to 544
participate in the autism scholarship program or section 3310.58 545
of the Revised Code to participate in the Jon Peterson special 546
needs scholarship program." 547

Delete lines 503 through 1085 548

After line 1085, insert: 549

"Sec. 109.572. (A) (1) Upon receipt of a request pursuant 550
to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 551
Code, a completed form prescribed pursuant to division (C) (1) of 552

this section, and a set of fingerprint impressions obtained in 553
the manner described in division (C)(2) of this section, the 554
superintendent of the bureau of criminal identification and 555
investigation shall conduct a criminal records check in the 556
manner described in division (B) of this section to determine 557
whether any information exists that indicates that the person 558
who is the subject of the request previously has been convicted 559
of or pleaded guilty to any of the following: 560

(a) A violation of section 2903.01, 2903.02, 2903.03, 561
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 562
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 563
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 564
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 565
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 566
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 567
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 568
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 569
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 570
of the Revised Code, felonious sexual penetration in violation 571
of former section 2907.12 of the Revised Code, a violation of 572
section 2905.04 of the Revised Code as it existed prior to July 573
1, 1996, a violation of section 2919.23 of the Revised Code that 574
would have been a violation of section 2905.04 of the Revised 575
Code as it existed prior to July 1, 1996, had the violation been 576
committed prior to that date, or a violation of section 2925.11 577
of the Revised Code that is not a minor drug possession offense; 578

(b) A violation of an existing or former law of this 579
state, any other state, or the United States that is 580
substantially equivalent to any of the offenses listed in 581
division (A)(1)(a) of this section; 582

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

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

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

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

section.

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(3) On receipt of a request pursuant to section 173.27,
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342,
5123.081, or 5123.169 of the Revised Code, a completed form
prescribed pursuant to division (C)(1) of this section, and a
set of fingerprint impressions obtained in the manner described
in division (C)(2) of this section, the superintendent of the
bureau of criminal identification and investigation shall
conduct a criminal records check of the person for whom the
request is made. The superintendent shall conduct the criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of, has pleaded guilty to, or
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found
eligible for intervention in lieu of conviction for any of the
following, regardless of the date of the conviction, the date of
entry of the guilty plea, or (except in the case of a request
pursuant to section 5164.34, 5164.341, or 5164.342 of the
Revised Code) the date the person was found eligible for
intervention in lieu of conviction:

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(a) A violation of section 959.13, 959.131, 2903.01,
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,

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2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 644
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 645
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 646
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 647
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 648
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 649
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 650
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 651
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 652
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 653
Revised Code; 654

(b) Felonious sexual penetration in violation of former 655
section 2907.12 of the Revised Code; 656

(c) A violation of section 2905.04 of the Revised Code as 657
it existed prior to July 1, 1996; 658

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 659
the Revised Code when the underlying offense that is the object 660
of the conspiracy, attempt, or complicity is one of the offenses 661
listed in divisions (A) (3) (a) to (c) of this section; 662

(e) A violation of an existing or former municipal 663
ordinance or law of this state, any other state, or the United 664
States that is substantially equivalent to any of the offenses 665
listed in divisions (A) (3) (a) to (d) of this section. 666

(4) On receipt of a request pursuant to section 2151.86, 667
2151.904, or 5103.053 of the Revised Code, a completed form 668
prescribed pursuant to division (C) (1) of this section, and a 669
set of fingerprint impressions obtained in the manner described 670
in division (C) (2) of this section, the superintendent of the 671
bureau of criminal identification and investigation shall 672

conduct a criminal records check in the manner described in 673
division (B) of this section to determine whether any 674
information exists that indicates that the person who is the 675
subject of the request previously has been convicted of or 676
pleaded guilty to any of the following: 677

(a) A violation of section 959.13, 2151.421, 2903.01, 678
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 679
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 680
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 681
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 682
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 683
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 684
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 685
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 686
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 687
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 688
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 689
Revised Code, a violation of section 2905.04 of the Revised Code 690
as it existed prior to July 1, 1996, a violation of section 691
2919.23 of the Revised Code that would have been a violation of 692
section 2905.04 of the Revised Code as it existed prior to July 693
1, 1996, had the violation been committed prior to that date, a 694
violation of section 2925.11 of the Revised Code that is not a 695
minor drug possession offense, two or more OVI or OVUAC 696
violations committed within the three years immediately 697
preceding the submission of the application or petition that is 698
the basis of the request, or felonious sexual penetration in 699
violation of former section 2907.12 of the Revised Code, or a 700
violation of Chapter 2919. of the Revised Code that is a felony; 701

(b) A violation of an existing or former law of this 702
state, any other state, or the United States that is 703

substantially equivalent to any of the offenses listed in 704
division (A) (4) (a) of this section. 705

(5) Upon receipt of a request pursuant to section 5104.013 706
of the Revised Code, a completed form prescribed pursuant to 707
division (C) (1) of this section, and a set of fingerprint 708
impressions obtained in the manner described in division (C) (2) 709
of this section, the superintendent of the bureau of criminal 710
identification and investigation shall conduct a criminal 711
records check in the manner described in division (B) of this 712
section to determine whether any information exists that 713
indicates that the person who is the subject of the request has 714
been convicted of or pleaded guilty to any of the following: 715

(a) A violation of section 2151.421, 2903.01, 2903.02, 716
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 717
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 718
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 719
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 720
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 721
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 722
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 723
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 724
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 725
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 726
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 727
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 728
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 729
3716.11 of the Revised Code, felonious sexual penetration in 730
violation of former section 2907.12 of the Revised Code, a 731
violation of section 2905.04 of the Revised Code as it existed 732
prior to July 1, 1996, a violation of section 2919.23 of the 733
Revised Code that would have been a violation of section 2905.04 734

of the Revised Code as it existed prior to July 1, 1996, had the
violation been committed prior to that date, a violation of
section 2925.11 of the Revised Code that is not a minor drug
possession offense, a violation of section 2923.02 or 2923.03 of
the Revised Code that relates to a crime specified in this
division, or a second violation of section 4511.19 of the
Revised Code within five years of the date of application for
licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,

2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 765
Code, felonious sexual penetration in violation of former 766
section 2907.12 of the Revised Code, a violation of section 767
2905.04 of the Revised Code as it existed prior to July 1, 1996, 768
a violation of section 2919.23 of the Revised Code that would 769
have been a violation of section 2905.04 of the Revised Code as 770
it existed prior to July 1, 1996, had the violation been 771
committed prior to that date, or a violation of section 2925.11 772
of the Revised Code that is not a minor drug possession offense; 773

(b) A violation of an existing or former law of this 774
state, any other state, or the United States that is 775
substantially equivalent to any of the offenses listed in 776
division (A) (6) (a) of this section. 777

(7) On receipt of a request for a criminal records check 778
from an individual pursuant to section 4749.03 or 4749.06 of the 779
Revised Code, accompanied by a completed copy of the form 780
prescribed in division (C) (1) of this section and a set of 781
fingerprint impressions obtained in a manner described in 782
division (C) (2) of this section, the superintendent of the 783
bureau of criminal identification and investigation shall 784
conduct a criminal records check in the manner described in 785
division (B) of this section to determine whether any 786
information exists indicating that the person who is the subject 787
of the request has been convicted of or pleaded guilty to any 788
criminal offense in this state or in any other state. If the 789
individual indicates that a firearm will be carried in the 790
course of business, the superintendent shall require information 791
from the federal bureau of investigation as described in 792
division (B) (2) of this section. Subject to division (F) of this 793
section, the superintendent shall report the findings of the 794
criminal records check and any information the federal bureau of 795

investigation provides to the director of public safety. 796

(8) On receipt of a request pursuant to section 1321.37, 797
1321.53, or 4763.05 of the Revised Code, a completed form 798
prescribed pursuant to division (C)(1) of this section, and a 799
set of fingerprint impressions obtained in the manner described 800
in division (C)(2) of this section, the superintendent of the 801
bureau of criminal identification and investigation shall 802
conduct a criminal records check with respect to any person who 803
has applied for a license, permit, or certification from the 804
department of commerce or a division in the department. The 805
superintendent shall conduct the criminal records check in the 806
manner described in division (B) of this section to determine 807
whether any information exists that indicates that the person 808
who is the subject of the request previously has been convicted 809
of or pleaded guilty to any criminal offense in this state, any 810
other state, or the United States. 811

(9) On receipt of a request for a criminal records check 812
from the treasurer of state under section 113.041 of the Revised 813
Code or from an individual under section 928.03, 4701.08, 814
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 815
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 816
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 817
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 818
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 819
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 820
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 821
accompanied by a completed form prescribed under division (C)(1) 822
of this section and a set of fingerprint impressions obtained in 823
the manner described in division (C)(2) of this section, the 824
superintendent of the bureau of criminal identification and 825
investigation shall conduct a criminal records check in the 826

manner described in division (B) of this section to determine 827
whether any information exists that indicates that the person 828
who is the subject of the request has been convicted of or 829
pleaded guilty to any criminal offense in this state or any 830
other state. Subject to division (F) of this section, the 831
superintendent shall send the results of a check requested under 832
section 113.041 of the Revised Code to the treasurer of state 833
and shall send the results of a check requested under any of the 834
other listed sections to the licensing board specified by the 835
individual in the request. 836

(10) On receipt of a request pursuant to section 124.74, 837
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 838
Code, a completed form prescribed pursuant to division (C)(1) of 839
this section, and a set of fingerprint impressions obtained in 840
the manner described in division (C)(2) of this section, the 841
superintendent of the bureau of criminal identification and 842
investigation shall conduct a criminal records check in the 843
manner described in division (B) of this section to determine 844
whether any information exists that indicates that the person 845
who is the subject of the request previously has been convicted 846
of or pleaded guilty to any criminal offense under any existing 847
or former law of this state, any other state, or the United 848
States. 849

(11) On receipt of a request for a criminal records check 850
from an appointing or licensing authority under section 3772.07 851
of the Revised Code, a completed form prescribed under division 852
(C)(1) of this section, and a set of fingerprint impressions 853
obtained in the manner prescribed in division (C)(2) of this 854
section, the superintendent of the bureau of criminal 855
identification and investigation shall conduct a criminal 856
records check in the manner described in division (B) of this 857

section to determine whether any information exists that 858
indicates that the person who is the subject of the request 859
previously has been convicted of or pleaded guilty or no contest 860
to any offense under any existing or former law of this state, 861
any other state, or the United States that makes the person 862
ineligible for appointment or retention under section 3772.07 of 863
the Revised Code or that is a disqualifying offense as defined 864
in that section or substantially equivalent to a disqualifying 865
offense, as applicable. 866

(12) On receipt of a request pursuant to section 2151.33 867
or 2151.412 of the Revised Code, a completed form prescribed 868
pursuant to division (C)(1) of this section, and a set of 869
fingerprint impressions obtained in the manner described in 870
division (C)(2) of this section, the superintendent of the 871
bureau of criminal identification and investigation shall 872
conduct a criminal records check with respect to any person for 873
whom a criminal records check is required under that section. 874
The superintendent shall conduct the criminal records check in 875
the manner described in division (B) of this section to 876
determine whether any information exists that indicates that the 877
person who is the subject of the request previously has been 878
convicted of or pleaded guilty to any of the following: 879

(a) A violation of section 2903.01, 2903.02, 2903.03, 880
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 881
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 882
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 883
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 884
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 885
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 886
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 887
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 888

(b) An existing or former law of this state, any other 889
state, or the United States that is substantially equivalent to 890
any of the offenses listed in division (A)(12)(a) of this 891
section. 892

(13) On receipt of a request pursuant to section 3796.12 893
of the Revised Code, a completed form prescribed pursuant to 894
division (C)(1) of this section, and a set of fingerprint 895
impressions obtained in a manner described in division (C)(2) of 896
this section, the superintendent of the bureau of criminal 897
identification and investigation shall conduct a criminal 898
records check in the manner described in division (B) of this 899
section to determine whether any information exists that 900
indicates that the person who is the subject of the request 901
previously has been convicted of or pleaded guilty to a 902
disqualifying offense as specified in rules adopted under 903
section 9.79 and division (B)(2)(b) of section 3796.03 of the 904
Revised Code if the person who is the subject of the request is 905
an administrator or other person responsible for the daily 906
operation of, or an owner or prospective owner, officer or 907
prospective officer, or board member or prospective board member 908
of, an entity seeking a license from the department of commerce 909
under Chapter 3796. of the Revised Code. 910

(14) On receipt of a request required by section 3796.13 911
of the Revised Code, a completed form prescribed pursuant to 912
division (C)(1) of this section, and a set of fingerprint 913
impressions obtained in a manner described in division (C)(2) of 914
this section, the superintendent of the bureau of criminal 915
identification and investigation shall conduct a criminal 916
records check in the manner described in division (B) of this 917
section to determine whether any information exists that 918
indicates that the person who is the subject of the request 919

previously has been convicted of or pleaded guilty to a 920
disqualifying offense as specified in rules adopted under 921
division (B)(14)(a) of section 3796.03 of the Revised Code if 922
the person who is the subject of the request is seeking 923
employment with an entity licensed by the department of commerce 924
under Chapter 3796. of the Revised Code. 925

(15) On receipt of a request pursuant to section 4768.06 926
of the Revised Code, a completed form prescribed under division 927
(C)(1) of this section, and a set of fingerprint impressions 928
obtained in the manner described in division (C)(2) of this 929
section, the superintendent of the bureau of criminal 930
identification and investigation shall conduct a criminal 931
records check in the manner described in division (B) of this 932
section to determine whether any information exists indicating 933
that the person who is the subject of the request has been 934
convicted of or pleaded guilty to any criminal offense in this 935
state or in any other state. 936

(16) On receipt of a request pursuant to division (B) of 937
section 4764.07 or division (A) of section 4735.143 of the 938
Revised Code, a completed form prescribed under division (C)(1) 939
of this section, and a set of fingerprint impressions obtained 940
in the manner described in division (C)(2) of this section, the 941
superintendent of the bureau of criminal identification and 942
investigation shall conduct a criminal records check in the 943
manner described in division (B) of this section to determine 944
whether any information exists indicating that the person who is 945
the subject of the request has been convicted of or pleaded 946
guilty to any criminal offense in any state or the United 947
States. 948

(17) On receipt of a request for a criminal records check 949

under section 147.022 of the Revised Code, a completed form 950
prescribed under division (C)(1) of this section, and a set of 951
fingerprint impressions obtained in the manner prescribed in 952
division (C)(2) of this section, the superintendent of the 953
bureau of criminal identification and investigation shall 954
conduct a criminal records check in the manner described in 955
division (B) of this section to determine whether any 956
information exists that indicates that the person who is the 957
subject of the request previously has been convicted of or 958
pleaded guilty or no contest to any criminal offense under any 959
existing or former law of this state, any other state, or the 960
United States. 961

(18) Upon receipt of a request pursuant to division (F) of 962
section 2915.081 or division (E) of section 2915.082 of the 963
Revised Code, a completed form prescribed under division (C)(1) 964
of this section, and a set of fingerprint impressions obtained 965
in the manner described in division (C)(2) of this section, the 966
superintendent of the bureau of criminal identification and 967
investigation shall conduct a criminal records check in the 968
manner described in division (B) of this section to determine 969
whether any information exists indicating that the person who is 970
the subject of the request has been convicted of or pleaded 971
guilty or no contest to any offense that is a violation of 972
Chapter 2915. of the Revised Code or to any offense under any 973
existing or former law of this state, any other state, or the 974
United States that is substantially equivalent to such an 975
offense. 976

(19) On receipt of a request pursuant to section 3775.03 977
of the Revised Code, a completed form prescribed under division 978
(C)(1) of this section, and a set of fingerprint impressions 979
obtained in the manner described in division (C)(2) of this 980

section, the superintendent of the bureau of criminal 981
identification and investigation shall conduct a criminal 982
records check in the manner described in division (B) of this 983
section and shall request information from the federal bureau of 984
investigation to determine whether any information exists 985
indicating that the person who is the subject of the request has 986
been convicted of any offense under any existing or former law 987
of this state, any other state, or the United States that is a 988
disqualifying offense as defined in section 3772.07 of the 989
Revised Code. 990

(B) Subject to division (F) of this section, the 991
superintendent shall conduct any criminal records check to be 992
conducted under this section as follows: 993

(1) The superintendent shall review or cause to be 994
reviewed any relevant information gathered and compiled by the 995
bureau under division (A) of section 109.57 of the Revised Code 996
that relates to the person who is the subject of the criminal 997
records check, including, if the criminal records check was 998
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 999
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1000
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1001
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1002
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1003
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 1004
5123.081, 5123.169, or 5153.111 of the Revised Code, any 1005
relevant information contained in records that have been sealed 1006
under section 2953.32 or 2953.321 of the Revised Code; 1007

(2) If the request received by the superintendent asks for 1008
information from the federal bureau of investigation, the 1009
superintendent shall request from the federal bureau of 1010

investigation any information it has with respect to the person 1011
who is the subject of the criminal records check, including 1012
fingerprint-based checks of national crime information databases 1013
as described in 42 U.S.C. 671 if the request is made pursuant to 1014
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 1015
any other Revised Code section requires fingerprint-based checks 1016
of that nature, and shall review or cause to be reviewed any 1017
information the superintendent receives from that bureau. If a 1018
request under section 3319.39 of the Revised Code asks only for 1019
information from the federal bureau of investigation, the 1020
superintendent shall not conduct the review prescribed by 1021
division (B)(1) of this section. 1022

(3) The superintendent or the superintendent's designee 1023
may request criminal history records from other states or the 1024
federal government pursuant to the national crime prevention and 1025
privacy compact set forth in section 109.571 of the Revised 1026
Code. 1027

(4) The superintendent shall include in the results of the 1028
criminal records check a list or description of the offenses 1029
listed or described in the relevant provision of division (A) of 1030
this section. The superintendent shall exclude from the results 1031
any information the dissemination of which is prohibited by 1032
federal law. 1033

(5) The superintendent shall send the results of the 1034
criminal records check to the person to whom it is to be sent 1035
not later than the following number of days after the date the 1036
superintendent receives the request for the criminal records 1037
check, the completed form prescribed under division (C)(1) of 1038
this section, and the set of fingerprint impressions obtained in 1039
the manner described in division (C)(2) of this section: 1040

(a) If the superintendent is required by division (A) of
this section (other than division (A) (3) of this section) to
conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A) (3)
of this section to conduct the criminal records check, sixty.

(C) (1) The superintendent shall prescribe a form to obtain
the information necessary to conduct a criminal records check
from any person for whom a criminal records check is to be
conducted under this section. The form that the superintendent
prescribes pursuant to this division may be in a tangible
format, in an electronic format, or in both tangible and
electronic formats.

(2) The superintendent shall prescribe standard impression
sheets to obtain the fingerprint impressions of any person for
whom a criminal records check is to be conducted under this
section. Any person for whom a records check is to be conducted
under this section shall obtain the fingerprint impressions at a
county sheriff's office, municipal police department, or any
other entity with the ability to make fingerprint impressions on
the standard impression sheets prescribed by the superintendent.
The office, department, or entity may charge the person a
reasonable fee for making the impressions. The standard
impression sheets the superintendent prescribes pursuant to this
division may be in a tangible format, in an electronic format,
or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the
superintendent shall prescribe and charge a reasonable fee for
providing a criminal records check under this section. The
person requesting the criminal records check shall pay the fee
prescribed pursuant to this division. In the case of a request

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1071
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1072
fee shall be paid in the manner specified in that section. 1073

(4) The superintendent of the bureau of criminal 1074
identification and investigation may prescribe methods of 1075
forwarding fingerprint impressions and information necessary to 1076
conduct a criminal records check, which methods shall include, 1077
but not be limited to, an electronic method. 1078

(D) The results of a criminal records check conducted 1079
under this section, other than a criminal records check 1080
specified in division (A) (7) of this section, are valid for the 1081
person who is the subject of the criminal records check for a 1082
period of one year from the date upon which the superintendent 1083
completes the criminal records check. If during that period the 1084
superintendent receives another request for a criminal records 1085
check to be conducted under this section for that person, the 1086
superintendent shall provide the results from the previous 1087
criminal records check of the person at a lower fee than the fee 1088
prescribed for the initial criminal records check. 1089

(E) When the superintendent receives a request for 1090
information from a registered private provider, the 1091
superintendent shall proceed as if the request was received from 1092
a school district board of education under section 3319.39 of 1093
the Revised Code. The superintendent shall apply division (A) (1) 1094
(c) of this section to any such request for an applicant who is 1095
a teacher. 1096

(F) (1) Subject to division (F) (2) of this section, all 1097
information regarding the results of a criminal records check 1098
conducted under this section that the superintendent reports or 1099
sends under division (A) (7) or (9) of this section to the 1100

director of public safety, the treasurer of state, or the 1101
person, board, or entity that made the request for the criminal 1102
records check shall relate to the conviction of the subject 1103
person, or the subject person's plea of guilty to, a criminal 1104
offense. 1105

(2) Division (F) (1) of this section does not limit, 1106
restrict, or preclude the superintendent's release of 1107
information that relates to the arrest of a person who is 1108
eighteen years of age or older, to an adjudication of a child as 1109
a delinquent child, or to a criminal conviction of a person 1110
under eighteen years of age in circumstances in which a release 1111
of that nature is authorized under division (E) (2), (3), or (4) 1112
of section 109.57 of the Revised Code pursuant to a rule adopted 1113
under division (E) (1) of that section. 1114

(G) As used in this section: 1115

(1) "Criminal records check" means any criminal records 1116
check conducted by the superintendent of the bureau of criminal 1117
identification and investigation in accordance with division (B) 1118
of this section. 1119

(2) "Minor drug possession offense" has the same meaning 1120
as in section 2925.01 of the Revised Code. 1121

(3) "OVI or OVUAC violation" means a violation of section 1122
4511.19 of the Revised Code or a violation of an existing or 1123
former law of this state, any other state, or the United States 1124
that is substantially equivalent to section 4511.19 of the 1125
Revised Code. 1126

(4) "Registered private provider" means a nonpublic school 1127
or entity registered with the department of education and 1128
workforce under section 3310.41 of the Revised Code to 1129

participate in the autism scholarship program or section 3310.58 1130
of the Revised Code to participate in the Jon Peterson special 1131
needs scholarship program." 1132

After line 1428, insert: 1133

"Sec. 2746.02. A court of record of this state shall tax 1134
as costs or otherwise require the payment of fees for the 1135
following services rendered, as compensation for the following 1136
persons, or as part of the sentence imposed by the court, or any 1137
other of the following fees that are applicable in a particular 1138
case: 1139

(A) In a felony case, financial sanctions, as provided in 1140
section 2929.18 of the Revised Code; 1141

(B) In any criminal case, the costs of prosecution, as 1142
provided in section 2947.23 of the Revised Code; 1143

(C) In a misdemeanor case in which the offender is 1144
sentenced to a jail term, the local detention facility is 1145
covered by a policy adopted by the facility's governing 1146
authority requiring reimbursement for the costs of confinement, 1147
and the offender is presented with an itemized bill pursuant to 1148
section 2929.37 of the Revised Code for such costs, the costs of 1149
confinement, as provided in section 2929.24 of the Revised Code; 1150

(D) In a case in which an offender is sentenced for 1151
endangering children in violation of section 2919.22 of the 1152
Revised Code, the costs of the offender's supervised community 1153
service work, as provided in section 2919.22 of the Revised 1154
Code; 1155

(E) In a case in which a defendant is charged with any of 1156
certain sexual assault or prostitution-related offenses and is 1157

found to have a venereal disease in an infectious stage, the 1158
cost of medical treatment, as provided in section 2907.27 of the 1159
Revised Code; 1160

(F) In a case in which a defendant is charged with 1161
harassment with a bodily substance, the cost of medical testing, 1162
as provided in section 2921.38 of the Revised Code; 1163

(G) In a case in which a defendant is charged with 1164
violating a protection order in violation of section 2919.27 of 1165
the Revised Code or of a municipal ordinance that is 1166
substantially similar to that section, the costs of any 1167
evaluation and preceding examination of the defendant, as 1168
provided in section 2919.271 of the Revised Code; 1169

(H) Presentence psychological or psychiatric reports, as 1170
provided in section 2947.06 of the Revised Code; 1171

(I) In a criminal proceeding, the taking of a deposition 1172
of a person who is imprisoned in a detention facility or state 1173
correctional institution within this state or who is in the 1174
custody of the department of youth services, as provided in 1175
section 2945.47 of the Revised Code; 1176

(J) In a case in which a person is convicted of or pleads 1177
guilty to any offense other than a parking violation or in which 1178
a child is found to be a delinquent child or a juvenile traffic 1179
offender for an act that, if committed by an adult, would be an 1180
offense other than a parking violation, additional costs and 1181
bail, if applicable, as provided in sections 2743.70 and 1182
2949.091 of the Revised Code, but subject to waiver as provided 1183
in section 2949.092 of the Revised Code; 1184

(K) In a case in which a person is convicted of or pleads 1185
guilty to a moving violation or in which a child is found to be 1186

a juvenile traffic offender for an act which, if committed by an adult, would be a moving violation, additional costs and bail, if applicable, as provided in sections 2949.093 and 2949.094 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(L) In a case in which a defendant is convicted of abandoning a junk vessel or outboard motor without notifying the appropriate law enforcement officer, the cost incurred by the state or a political subdivision in disposing of the vessel or motor, as provided in section 1547.99 of the Revised Code;

(M) The costs of electronic monitoring in the following cases:

(1) In a misdemeanor case in which the offender is convicted of any of certain prostitution-related offenses and a specification under section 2941.1421 of the Revised Code, as provided in section 2929.24 of the Revised Code;

(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or trespass offenses, a sexually oriented offense, or an offense under a municipal ordinance that is substantially equivalent to any of those offenses, as provided in section 2151.34 of the Revised Code;

(3) In a case in which the court issues a protection order against an adult upon a petition alleging that the respondent committed menacing by stalking or a sexually oriented offense, as provided in section 2903.214 of the Revised Code;

(4) In a case in which an offender is convicted of violating a protection order, as provided in section 2919.27 of

the Revised Code; 1216

(5) In a case in which the offender is convicted of any 1217
sexually oriented offense and is a tier III sex offender/child- 1218
victim offender relative to that offense, as provided in section 1219
2929.13 of the Revised Code. 1220

(N) In a proceeding for post-conviction relief, a 1221
transcript, as provided in section 2953.21 of the Revised Code; 1222

(O) In a proceeding for the sealing or expungement of a 1223
conviction record, the fees provided for in section 2953.32, 1224
2953.322, or 2953.39 of the Revised Code. " 1225

After line 4227, insert: 1226

"Sec. 2930.171. (A) In determining whether to grant an 1227
application to seal or expunge a juvenile record pursuant to 1228
section 2151.356 or 2151.358 of the Revised Code, the court 1229
shall notify the prosecutor regarding the hearing of the matter 1230
not less than thirty days before the hearing. In determining 1231
whether to grant an application to seal or expunge a record of 1232
conviction or bail forfeiture pursuant to section 2953.32, 1233
2953.321, 2953.322, 2953.323, or 2953.39 of the Revised Code, 1234
the court shall notify the prosecutor not less than sixty days 1235
before the hearing, unless a shorter notice period is agreed to 1236
by the prosecutor and the court. The prosecutor shall provide 1237
timely notice to a victim of the criminal offense or delinquent 1238
act for which the offender or juvenile was incarcerated or 1239
committed and the victim's representative, if applicable, if the 1240
victim or victim's representative has requested notice and 1241
maintains current contact information with the prosecutor. The 1242
court shall permit a victim, the victim's representative, and 1243
the victim's attorney, if applicable, to make a statement, in 1244

addition to any other statement made under this chapter, 1245
concerning the effects of the criminal offense or delinquent act 1246
on the victim, the circumstances surrounding the criminal 1247
offense or delinquent act, the manner in which the criminal 1248
offense or delinquent act was perpetrated, and the victim's, 1249
victim's representative's, or victim's attorney's, if 1250
applicable, opinion whether the record should be sealed or 1251
expunged. The victim, victim's representative, or victim's 1252
attorney, if applicable, may be heard in writing, orally, or 1253
both at the victim's, victim's representative's, or victim's 1254
attorney's, if applicable, discretion. The court shall give the 1255
offender or juvenile an opportunity to review a copy of any 1256
written impact statement made by the victim, victim's 1257
representative, and victim's attorney, if applicable, under this 1258
division. The court shall give to either the adult parole 1259
authority or the department of youth services, whichever is 1260
applicable, a copy of any written impact statement made by the 1261
victim, victim's representative, and victim's attorney, if 1262
applicable, under this division. 1263

(B) In deciding whether to seal or expunge a record under 1264
any section listed in division (A) of this section, the court 1265
shall consider a statement made by the victim, victim's 1266
representative, and victim's attorney, if applicable, under 1267
division (A) of this section or section 2930.14 or 2947.051 of 1268
the Revised Code. 1269

(C) Upon making a determination whether to grant an 1270
application to seal or expunge a record of conviction or bail 1271
forfeiture pursuant to section 2953.32, 2953.321, 2953.322, 1272
2953.323, or 2953.39 of the Revised Code or an application to 1273
seal or expunge a juvenile record pursuant to section 2151.356 1274
or 2151.358 of the Revised Code, the court promptly shall notify 1275

the prosecutor of the determination. The prosecutor shall 1276
promptly notify the victim and the victim's representative, if 1277
applicable, after receiving the notice from the court. " 1278

After line 4546, insert: 1279

"Sec. 2951.041. (A) (1) If an offender is charged with a 1280
criminal offense, including but not limited to a violation of 1281
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1282
of the Revised Code, and the court has reason to believe that 1283
drug or alcohol usage by the offender was a factor leading to 1284
the criminal offense with which the offender is charged or that, 1285
at the time of committing that offense, the offender had a 1286
mental illness, was a person with an intellectual disability, or 1287
was a victim of a violation of section 2905.32 or 2907.21 of the 1288
Revised Code and that the mental illness, status as a person 1289
with an intellectual disability, or fact that the offender was a 1290
victim of a violation of section 2905.32 or 2907.21 of the 1291
Revised Code was a factor leading to the offender's criminal 1292
behavior, the court may accept, prior to the entry of a guilty 1293
plea, the offender's request for intervention in lieu of 1294
conviction. The request shall include a statement from the 1295
offender as to whether the offender is alleging that drug or 1296
alcohol usage by the offender was a factor leading to the 1297
criminal offense with which the offender is charged or is 1298
alleging that, at the time of committing that offense, the 1299
offender had a mental illness, was a person with an intellectual 1300
disability, or was a victim of a violation of section 2905.32 or 1301
2907.21 of the Revised Code and that the mental illness, status 1302
as a person with an intellectual disability, or fact that the 1303
offender was a victim of a violation of section 2905.32 or 1304
2907.21 of the Revised Code was a factor leading to the criminal 1305
offense with which the offender is charged. The request also 1306

shall include a waiver of the defendant's right to a speedy 1307
trial, the preliminary hearing, the time period within which the 1308
grand jury may consider an indictment against the offender, and 1309
arraignment, unless the hearing, indictment, or arraignment has 1310
already occurred. Unless an offender alleges that drug or 1311
alcohol usage by the offender was a factor leading to the 1312
criminal offense with which the offender is charged, the court 1313
may reject an offender's request without a hearing. If the court 1314
elects to consider an offender's request or the offender alleges 1315
that drug or alcohol usage by the offender was a factor leading 1316
to the criminal offense with which the offender is charged, the 1317
court shall conduct a hearing to determine whether the offender 1318
is eligible under this section for intervention in lieu of 1319
conviction and shall stay all criminal proceedings pending the 1320
outcome of the hearing. If the court schedules a hearing, the 1321
court shall order an assessment of the offender for the purpose 1322
of determining the offender's program eligibility for 1323
intervention in lieu of conviction and recommending an 1324
appropriate intervention plan. 1325

If the offender alleges that drug or alcohol usage by the 1326
offender was a factor leading to the criminal offense with which 1327
the offender is charged, the court may order that the offender 1328
be assessed by a community addiction services provider or a 1329
properly credentialed professional for the purpose of 1330
determining the offender's program eligibility for intervention 1331
in lieu of conviction and recommending an appropriate 1332
intervention plan. The community addiction services provider or 1333
the properly credentialed professional shall provide a written 1334
assessment of the offender to the court. 1335

(2) The victim notification provisions of division (E) of 1336
section 2930.06 of the Revised Code apply in relation to any 1337

hearing held under division (A) (1) of this section. 1338

(B) An offender is eligible for intervention in lieu of 1339
conviction if the court finds all of the following: 1340

(1) The offender previously has not been convicted of or 1341
pleaded guilty to any felony offense of violence. 1342

(2) The offense is not a felony of the first, second, or 1343
third degree, is not an offense of violence, is not a felony sex 1344
offense, is not a violation of division (A) (1) or (2) of section 1345
2903.06 of the Revised Code, is not a violation of division (A) 1346
(1) of section 2903.08 of the Revised Code, is not a violation 1347
of division (A) of section 4511.19 of the Revised Code or a 1348
municipal ordinance that is substantially similar to that 1349
division, and is not an offense for which a sentencing court is 1350
required to impose a mandatory prison term. 1351

(3) The offender is not charged with a violation of 1352
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 1353
charged with a violation of section 2925.03 of the Revised Code 1354
that is a felony of the first, second, third, or fourth degree, 1355
and is not charged with a violation of section 2925.11 of the 1356
Revised Code that is a felony of the first or second degree. 1357

(4) If an offender alleges that drug or alcohol usage by 1358
the offender was a factor leading to the criminal offense with 1359
which the offender is charged, the court has ordered that the 1360
offender be assessed by a community addiction services provider 1361
or a properly credentialed professional for the purpose of 1362
determining the offender's program eligibility for intervention 1363
in lieu of conviction and recommending an appropriate 1364
intervention plan, the offender has been assessed by a community 1365
addiction services provider of that nature or a properly 1366

credentialed professional in accordance with the court's order, 1367
and the community addiction services provider or properly 1368
credentialed professional has filed the written assessment of 1369
the offender with the court. 1370

(5) If an offender alleges that, at the time of committing 1371
the criminal offense with which the offender is charged, the 1372
offender had a mental illness, was a person with an intellectual 1373
disability, or was a victim of a violation of section 2905.32 or 1374
2907.21 of the Revised Code and that the mental illness, status 1375
as a person with an intellectual disability, or fact that the 1376
offender was a victim of a violation of section 2905.32 or 1377
2907.21 of the Revised Code was a factor leading to that 1378
offense, the offender has been assessed by a psychiatrist, 1379
psychologist, independent social worker, licensed professional 1380
clinical counselor, or independent marriage and family therapist 1381
for the purpose of determining the offender's program 1382
eligibility for intervention in lieu of conviction and 1383
recommending an appropriate intervention plan. 1384

(6) The offender's drug usage, alcohol usage, mental 1385
illness, or intellectual disability, or the fact that the 1386
offender was a victim of a violation of section 2905.32 or 1387
2907.21 of the Revised Code, whichever is applicable, was a 1388
factor leading to the criminal offense with which the offender 1389
is charged, intervention in lieu of conviction would not demean 1390
the seriousness of the offense, and intervention would 1391
substantially reduce the likelihood of any future criminal 1392
activity. 1393

(7) The alleged victim of the offense was not sixty-five 1394
years of age or older, permanently and totally disabled, under 1395
thirteen years of age, or a peace officer engaged in the 1396

officer's official duties at the time of the alleged offense. 1397

(8) If the offender is charged with a violation of section 1398
2925.24 of the Revised Code, the alleged violation did not 1399
result in physical harm to any person. 1400

(9) The offender is willing to comply with all terms and 1401
conditions imposed by the court pursuant to division (D) of this 1402
section. 1403

(10) The offender is not charged with an offense that 1404
would result in the offender being disqualified under Chapter 1405
4506. of the Revised Code from operating a commercial motor 1406
vehicle or would subject the offender to any other sanction 1407
under that chapter. 1408

(C) At the conclusion of a hearing held pursuant to 1409
division (A) of this section, the court shall determine whether 1410
the offender will be granted intervention in lieu of conviction. 1411
In making this determination, the court shall presume that 1412
intervention in lieu of conviction is appropriate. If the court 1413
finds under this division and division (B) of this section that 1414
the offender is eligible for intervention in lieu of conviction, 1415
the court shall grant the offender's request unless the court 1416
finds specific reasons to believe that the candidate's 1417
participation in intervention in lieu of conviction would be 1418
inappropriate. 1419

If the court denies an eligible offender's request for 1420
intervention in lieu of conviction, the court shall state the 1421
reasons for the denial, with particularity, in a written entry. 1422

If the court grants the offender's request, the court 1423
shall accept the offender's plea of guilty and waiver of the 1424
defendant's right to a speedy trial, the preliminary hearing, 1425

the time period within which the grand jury may consider an 1426
indictment against the offender, and arraignment, unless the 1427
hearing, indictment, or arraignment has already occurred. In 1428
addition, the court then may stay all criminal proceedings and 1429
order the offender to comply with all terms and conditions 1430
imposed by the court pursuant to division (D) of this section. 1431
If the court finds that the offender is not eligible or does not 1432
grant the offender's request, the criminal proceedings against 1433
the offender shall proceed as if the offender's request for 1434
intervention in lieu of conviction had not been made. 1435

(D) If the court grants an offender's request for 1436
intervention in lieu of conviction, all of the following apply: 1437

(1) The court shall place the offender under the general 1438
control and supervision of one of the following, as if the 1439
offender was subject to a community control sanction imposed 1440
under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 1441

(a) The county probation department, the adult parole 1442
authority, or another appropriate local probation or court 1443
services agency, if one exists; 1444

(b) If the court grants the request for intervention in 1445
lieu of conviction during the period commencing on April 4, 1446
2023, and ending on October 15, 2025, a community-based 1447
correctional facility. 1448

(2) The court shall establish an intervention plan for the 1449
offender. 1450

(3) The terms and conditions of the intervention plan 1451
required under division (D) (2) of this section shall require the 1452
offender, for at least one year, but not more than five years, 1453
from the date on which the court grants the order of 1454

intervention in lieu of conviction, to abstain from the use of 1455
illegal drugs and alcohol, to participate in treatment and 1456
recovery support services, and to submit to regular random 1457
testing for drug and alcohol use and may include any other 1458
treatment terms and conditions, or terms and conditions similar 1459
to community control sanctions, which may include community 1460
service or restitution, that are ordered by the court. 1461

(E) If the court grants an offender's request for 1462
intervention in lieu of conviction and the court finds that the 1463
offender has successfully completed the intervention plan for 1464
the offender, including the requirement that the offender 1465
abstain from using illegal drugs and alcohol for a period of at 1466
least one year, but not more than five years, from the date on 1467
which the court granted the order of intervention in lieu of 1468
conviction, the requirement that the offender participate in 1469
treatment and recovery support services, and all other terms and 1470
conditions ordered by the court, the court shall dismiss the 1471
proceedings against the offender. Successful completion of the 1472
intervention plan and period of abstinence under this section 1473
shall be without adjudication of guilt and is not a criminal 1474
conviction for purposes of any disqualification or disability 1475
imposed by law and upon conviction of a crime, and the court may 1476
order the sealing or expungement of records related to the 1477
offense in question, as a dismissal of the charges, in the 1478
manner provided in sections 2953.31, 2953.321, 2953.323, 1479
2953.33, 2953.37, and 2953.521 of the Revised Code and divisions 1480
(H), (K), and (L) of section 2953.34 of the Revised Code. 1481

(F) If the court grants an offender's request for 1482
intervention in lieu of conviction and the offender fails to 1483
comply with any term or condition imposed as part of the 1484
intervention plan for the offender, the supervising authority 1485

for the offender promptly shall advise the court of this 1486
failure, and the court shall hold a hearing to determine whether 1487
the offender failed to comply with any term or condition imposed 1488
as part of the plan. If the court determines that the offender 1489
has failed to comply with any of those terms and conditions, it 1490
may continue the offender on intervention in lieu of conviction, 1491
continue the offender on intervention in lieu of conviction with 1492
additional terms, conditions, and sanctions, or enter a finding 1493
of guilty and impose an appropriate sanction under Chapter 2929. 1494
of the Revised Code. If the court sentences the offender to a 1495
prison term, the court, after consulting with the department of 1496
rehabilitation and correction regarding the availability of 1497
services, may order continued court-supervised activity and 1498
treatment of the offender during the prison term and, upon 1499
consideration of reports received from the department concerning 1500
the offender's progress in the program of activity and 1501
treatment, may consider judicial release under section 2929.20 1502
of the Revised Code. 1503

(G) As used in this section: 1504

(1) "Community addiction services provider" has the same 1505
meaning as in section 5119.01 of the Revised Code. 1506

(2) "Community control sanction" has the same meaning as 1507
in section 2929.01 of the Revised Code. 1508

(3) "Intervention in lieu of conviction" means any court- 1509
supervised activity that complies with this section. 1510

(4) "Intellectual disability" has the same meaning as in 1511
section 5123.01 of the Revised Code. 1512

(5) "Peace officer" has the same meaning as in section 1513
2935.01 of the Revised Code. 1514

(6) "Mental illness" and "psychiatrist" have the same 1515
meanings as in section 5122.01 of the Revised Code. 1516

(7) "Psychologist" has the same meaning as in section 1517
4732.01 of the Revised Code. 1518

(8) "Felony sex offense" means a violation of a section 1519
contained in Chapter 2907. of the Revised Code that is a 1520
felony." 1521

In line 4896, after "2953.321," insert "2953.322, 2953.323," 1522

After line 5277, insert: 1523

"Sec. 2953.31. ~~(A)~~—As used in sections 2953.31 to 1524
2953.521 of the Revised Code: 1525

~~(1)~~ (A) "Prosecutor" means the county prosecuting 1526
attorney, city director of law, village solicitor, or similar 1527
chief legal officer, who has the authority to prosecute a 1528
criminal case in the court in which the case is filed. 1529

~~(2)~~ (B) "Bail forfeiture" means the forfeiture of bail by a 1530
defendant who is arrested for the commission of a misdemeanor, 1531
other than a defendant in a traffic case as defined in Traffic 1532
Rule 2, if the forfeiture is pursuant to an agreement with the 1533
court and prosecutor in the case. 1534

~~(3)~~ (C) "Official records" means all records that are 1535
possessed by any public office or agency that relate to a 1536
criminal case, including, but not limited to: the notation to 1537
the case in the criminal docket; all subpoenas issued in the 1538
case; all papers and documents filed by the defendant or the 1539
prosecutor in the case; all records of all testimony and 1540
evidence presented in all proceedings in the case; all court 1541
files, papers, documents, folders, entries, affidavits, or writs 1542

that pertain to the case; all computer, microfilm, microfiche, 1543
or microdot records, indices, or references to the case; all 1544
index references to the case; all fingerprints and photographs; 1545
all DNA specimens, DNA records, and DNA profiles; all records 1546
and investigative reports pertaining to the case that are 1547
possessed by any law enforcement officer or agency, except that 1548
any records or reports that are the specific investigatory work 1549
product of a law enforcement officer or agency are not and shall 1550
not be considered to be official records when they are in the 1551
possession of that officer or agency; all investigative records 1552
and reports other than those possessed by a law enforcement 1553
officer or agency pertaining to the case; and all records that 1554
are possessed by any public office or agency that relate to an 1555
application for, or the issuance or denial of, a certificate of 1556
qualification for employment under section 2953.25 of the 1557
Revised Code. 1558

"Official records" does not include any of the following: 1559

~~(a)~~ (1) Records or reports maintained pursuant to section 1560
2151.421 of the Revised Code by a public children services 1561
agency or the department of job and family services; 1562

~~(b)~~ (2) Any report of an investigation maintained by the 1563
inspector general pursuant to section 121.42 of the Revised 1564
Code, to the extent that the report contains information that 1565
pertains to an individual who was convicted of or pleaded guilty 1566
to an offense discovered in or related to the investigation and 1567
whose conviction or guilty plea was not overturned on appeal; 1568

~~(c)~~ (3) Records, reports, or audits maintained by the 1569
auditor of state pursuant to Chapter 117. of the Revised Code. 1570

~~(4)~~ (D) "Official proceeding" has the same meaning as in 1571

section 2921.01 of the Revised Code. 1572

~~(5)~~(E) "Community control sanction" has the same meaning 1573
as in section 2929.01 of the Revised Code. 1574

~~(6)~~(F) "Post-release control" and "post-release control 1575
sanction" have the same meanings as in section 2967.01 of the 1576
Revised Code. 1577

~~(7)~~(G) "DNA database," "DNA record," and "law enforcement 1578
agency" have the same meanings as in section 109.573 of the 1579
Revised Code. 1580

~~(8)~~(H) "Fingerprints filed for record" means any 1581
fingerprints obtained by the superintendent of the bureau of 1582
criminal identification and investigation pursuant to sections 1583
109.57 and 109.571 of the Revised Code. 1584

~~(9)~~(I) "Investigatory work product" means any records or 1585
reports of a law enforcement officer or agency that are excepted 1586
from the definition of "official records" and that pertain to a 1587
conviction or bail forfeiture, the records of which have been 1588
ordered sealed or expunged pursuant to division ~~(D)~~ ~~(2)~~ (C) (2) of 1589
section 2953.32, division (D) of section 2953.321, division (C) 1590
(2) of section 2953.322, division (D) of section 2953.323, or 1591
division (F) (1) of section 2953.39 of the Revised Code, or that 1592
pertain to a conviction or delinquent child adjudication, the 1593
records of which have been ordered expunged pursuant to division 1594
(E) of section 2151.358, division (C) (2) of section 2953.35, or 1595
division (F) of section 2953.36 of the Revised Code. 1596

~~(10)~~(J) "Law enforcement or justice system matter" means 1597
an arrest, complaint, indictment, trial, hearing, adjudication, 1598
conviction, or correctional supervision. 1599

~~(11)~~ (K) "Record of conviction" means the record related to
a conviction of or plea of guilty to an offense.

~~(12)~~ (L) "Victim of human trafficking" means a person who
is or was a victim of a violation of section 2905.32 of the
Revised Code, regardless of whether anyone has been convicted of
a violation of that section or of any other section for
victimizing the person.

~~(13)~~ (M) "No bill" means a report by the foreperson or
deputy foreperson of a grand jury that an indictment is not
found by the grand jury against a person who has been held to
answer before the grand jury for the commission of an offense.

~~(14)~~ (N) "Court" means the court in which a case is pending
at the time a finding of not guilty in the case or a dismissal
of the complaint, indictment, or information in the case is
entered on the minutes or journal of the court, or the court to
which the foreperson or deputy foreperson of a grand jury
reports, pursuant to section 2939.23 of the Revised Code, that
the grand jury has returned a no bill.

~~(B) (1) As used in section 2953.32 of the Revised Code,~~
~~"expunge" (O) "Expunge" means the expungement process described~~
~~in section 2953.32 of the Revised Code, including the authority~~
~~described in division (D) (5) of that section.~~

~~(2) As used in sections 2953.33 to 2953.521 of the Revised~~
~~Code, "expunge" means both of the following:~~

~~(a) The expungement process described in sections 2953.35,~~
~~2953.36, 2953.39, and 2953.521 of the Revised Code;~~

~~(b) To to destroy, delete, and erase a record as~~
appropriate for the record's physical or electronic form or

characteristic so that the record is permanently irretrievable. 1628

Sec. 2953.311. (A) Sections 2953.32 to 2953.323 and 1629
section 2953.34 of the Revised Code do not apply to any of the 1630
following: 1631

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 1632
or 4549. of the Revised Code, or a conviction for a violation of 1633
a municipal ordinance that is substantially similar to any 1634
section contained in any of those chapters; 1635

(2) Convictions of a felony offense of violence that is 1636
not a sexually oriented offense; 1637

(3) Convictions of a sexually oriented offense when the 1638
offender is subject to the requirements of Chapter 2950. of the 1639
Revised Code or Chapter 2950. of the Revised Code as it existed 1640
prior to January 1, 2008; 1641

(4) Convictions of an offense in circumstances in which 1642
the victim of the offense was less than thirteen years of age, 1643
except for convictions under section 2919.21 of the Revised 1644
Code; 1645

(5) Convictions for a violation of section 2921.41 of the 1646
Revised Code; 1647

(6) Convictions of a felony of the first or second degree; 1648

(7) Convictions for a violation of section 2919.25 of the 1649
Revised Code that is a misdemeanor of the first or second degree 1650
or convictions for a violation of a municipal ordinance that is 1651
substantially similar to that section; 1652

(8) Convictions of a felony of the third degree if the 1653
offender has more than one other conviction of any felony or, if 1654
the person has exactly two convictions of a felony of the third 1655

degree, has more convictions in total than those two third 1656
degree felony convictions and two misdemeanor convictions. 1657

(B) Sections 2953.32 to 2953.323 and section 2953.34 of 1658
the Revised Code apply to the following for purposes of sealing, 1659
but not for purposes of expungement of the record of the case: 1660

(1) Convictions for a violation of section 2919.25 of the 1661
Revised Code that is a misdemeanor of the third or fourth degree 1662
or convictions for a violation of a municipal ordinance that is 1663
substantially similar to that section; 1664

(2) Convictions for a violation of section 2919.27 of the 1665
Revised Code or convictions for a violation of a municipal 1666
ordinance that is substantially similar to that section; 1667

(3) For purposes of division (A) (8) of this section, both 1668
of the following apply: 1669

(a) When two or more convictions result from or are 1670
connected with the same act or result from offenses committed at 1671
the same time, they shall be counted as one conviction. 1672

(b) When two or three convictions result from the same 1673
indictment, information, or complaint, from the same plea of 1674
guilty, or from the same official proceeding, and result from 1675
related criminal acts that were committed within a three-month 1676
period but do not result from the same act or from offenses 1677
committed at the same time, they shall be counted as one 1678
conviction, provided that a court may decide as provided in 1679
division (C) (1) (i) of section 2953.32 of the Revised Code that 1680
it is not in the public interest for the two or three 1681
convictions to be counted as one conviction." 1682

Delete lines 5278 through 5557 1683

After line 5557, insert:

1684

"Sec. 2953.32. (A) (1) ~~Sections 2953.32 to 2953.34 of the~~
~~Revised Code do not apply to any of the following:~~

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1686

~~(a) Convictions under Chapter 4506., 4507., 4510., 4511.,~~
~~or 4549. of the Revised Code, or a conviction for a violation of~~
~~a municipal ordinance that is substantially similar to any~~
~~section contained in any of those chapters;~~

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~~(b) Convictions of a felony offense of violence that is~~
~~not a sexually oriented offense;~~

1691

1692

~~(c) Convictions of a sexually oriented offense when the~~
~~offender is subject to the requirements of Chapter 2950. of the~~
~~Revised Code or Chapter 2950. of the Revised Code as it existed~~
~~prior to January 1, 2008;~~

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~~(d) Convictions of an offense in circumstances in which~~
~~the victim of the offense was less than thirteen years of age,~~
~~except for convictions under section 2919.21 of the Revised~~
~~Code;~~

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~~(e) Convictions for a violation of section 2921.41 of the~~
~~Revised Code;~~

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~~(f) Convictions of a felony of the first or second degree;~~

1703

~~(g) Convictions for a violation of section 2919.25 of the~~
~~Revised Code that is a misdemeanor of the first or second degree~~
~~or convictions for a violation of a municipal ordinance that is~~
~~substantially similar to that section;~~

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~~(h) Convictions of a felony of the third degree if the~~
~~offender has more than one other conviction of any felony or, if~~
~~the person has exactly two convictions of a felony of the third~~

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1709

1710

~~degree, has more convictions in total than those two third-~~ 1711
~~degree felony convictions and two misdemeanor convictions.~~ 1712

~~(2) Sections 2953.32 to 2953.34 of the Revised Code apply-~~ 1713
~~to the following for purposes of sealing, but not for purposes-~~ 1714
~~of expungement of the record of the case:~~ 1715

~~(a) Convictions for a violation of section 2919.25 of the~~ 1716
~~Revised Code that is a misdemeanor of the third or fourth degree~~ 1717
~~or convictions for a violation of a municipal ordinance that is-~~ 1718
~~substantially similar to that section;~~ 1719

~~(b) Convictions for a violation of section 2919.27 of the~~ 1720
~~Revised Code or convictions for a violation of a municipal-~~ 1721
~~ordinance that is substantially similar to that section.~~ 1722

~~(3) For purposes of division (A) (1) (h) of this section,~~ 1723
~~both of the following apply:~~ 1724

~~(a) When two or more convictions result from or are~~ 1725
~~connected with the same act or result from offenses committed at~~ 1726
~~the same time, they shall be counted as one conviction.~~ 1727

~~(b) When two or three convictions result from the same~~ 1728
~~indictment, information, or complaint, from the same plea of~~ 1729
~~guilty, or from the same official proceeding, and result from~~ 1730
~~related criminal acts that were committed within a three-month~~ 1731
~~period but do not result from the same act or from offenses~~ 1732
~~committed at the same time, they shall be counted as one~~ 1733
~~conviction, provided that a court may decide as provided in~~ 1734
~~division (D) (1) (i) of this section that it is not in the public-~~ 1735
~~interest for the two or three convictions to be counted as one~~ 1736
~~conviction.~~ 1737

~~(B) (1) Except as provided in section 2953.61 of the~~ 1738

Revised Code or as otherwise provided in division ~~(B) (1) (a) (iii)~~ 1739
(A) (1) (c) of this section, an eligible offender may apply to the 1740
sentencing court if convicted in this state, or to a court of 1741
common pleas if convicted in another state or in a federal 1742
court, for the sealing ~~or expungement~~ of the record of the case 1743
that pertains to the conviction, except for convictions listed 1744
in ~~division (A) (1) of this section~~ 2953.311 of the Revised Code. 1745
~~Application may be made at whichever of the following times is~~ 1746
~~applicable regarding the offense:~~ 1747

~~(a)~~ An application for sealing under this section may be 1748
made at whichever of the following times is applicable regarding 1749
the offense: 1750

~~(i)~~ (a) Except as otherwise provided in division ~~(B) (1) (a)~~ 1751
~~(iv)~~ (A) (1) (d) of this section, at the expiration of three years 1752
after the offender's final discharge if convicted of one or two 1753
felonies of the third degree, so long as none of the offenses is 1754
a violation of section 2921.43 of the Revised Code; 1755

~~(ii)~~ (b) Except as otherwise provided in division ~~(B) (1) (a)~~ 1756
~~(iv)~~ (A) (1) (d) of this section, at the expiration of one year 1757
after the offender's final discharge if convicted of one or more 1758
felonies of the fourth or fifth degree or one or more 1759
misdemeanors, so long as none of the offenses is a violation of 1760
section 2921.43 of the Revised Code or a felony offense of 1761
violence; 1762

~~(iii)~~ (c) At the expiration of seven years after the 1763
offender's final discharge if the record includes one or more 1764
convictions of soliciting improper compensation in violation of 1765
section 2921.43 of the Revised Code; 1766

~~(iv)~~ (d) If the offender was subject to the requirements of 1767

Chapter 2950. of the Revised Code or Chapter 2950. of the
Revised Code as it existed prior to January 1, 2008, at the
expiration of five years after the requirements have ended under
section 2950.07 of the Revised Code or section 2950.07 of the
Revised Code as it existed prior to January 1, 2008, or are
terminated under section 2950.15 or 2950.151 of the Revised
Code;

~~(v)~~(e) At the expiration of six months after the
offender's final discharge if convicted of a minor misdemeanor.

~~(b) An application for expungement under this section may
be made at whichever of the following times is applicable
regarding the offense:—~~

~~(i) Except as otherwise provided in division (B) (1) (b) (ii)
of this section, if the offense is a misdemeanor, at the
expiration of one year after the offender's final discharge;—~~

~~(ii) If the offense is a minor misdemeanor, at the
expiration of six months after the offender's final discharge;—~~

~~(iii) If the offense is a felony, at the expiration of ten
years after the time specified in division (B) (1) (a) of this
section at which the person may file an application for sealing
with respect to that felony offense.—~~

(2) Any person who has been arrested for any misdemeanor
offense and who has effected a bail forfeiture for the offense
charged may apply to the court in which the misdemeanor criminal
case was pending when bail was forfeited for the sealing ~~or~~
~~expungement~~ of the record of the case that pertains to the
charge. Except as provided in section 2953.61 of the Revised
Code, ~~the application may be filed at whichever of the following
times is applicable regarding the offense:—~~

~~(a) An an~~ application for sealing under this section may 1797
be made at any time after the date on which the bail forfeiture 1798
was entered upon the minutes of the court or the journal, 1799
whichever entry occurs first. 1800

~~(b) An application for expungement under this section may~~ 1801
~~be made at whichever of the following times is applicable~~ 1802
~~regarding the offense:—~~ 1803

~~(i) Except as provided in division (B) (2) (b) (ii) of this~~ 1804
~~section, at any time after the expiration of one year from the~~ 1805
~~date on which the bail forfeiture was entered upon the minutes~~ 1806
~~of the court or the journal, whichever entry occurs first;—~~ 1807

~~(ii) If the offense is a minor misdemeanor, at any time~~ 1808
~~after the expiration of six months from the date on which the~~ 1809
~~bail forfeiture was entered upon the minutes of the court or the~~ 1810
~~journal, whichever entry occurs first.—~~ 1811

~~(C)~~ (B) Upon the filing of an application under this 1812
section, the court shall set a date for a hearing and shall 1813
notify the prosecutor for the case of the hearing on the 1814
application not less than sixty days prior to the hearing. 1815
Pursuant to the Ohio Constitution, the prosecutor shall provide 1816
timely notice of the application and the date and time of the 1817
hearing to a victim and victim's representative, if applicable, 1818
if the victim or victim's representative requested notice of the 1819
proceedings in the underlying case. The court shall hold the 1820
hearing not less than forty-five days and not more than ninety 1821
days from the date of the filing of the application. The 1822
prosecutor may object to the granting of the application by 1823
filing a written objection with the court not later than thirty 1824
days prior to the date set for the hearing. The prosecutor shall 1825
specify in the objection the reasons for believing a denial of 1826

the application is justified. The victim, victim's
representative, and victim's attorney, if applicable, may be
present and heard orally, in writing, or both at any hearing
under this section. The court shall direct its regular probation
officer, a state probation officer, or the department of
probation of the county in which the applicant resides to make
inquiries and written reports as the court requires concerning
the applicant. The probation officer or county department of
probation that the court directs to make inquiries and written
reports as the court requires concerning the applicant shall
determine whether or not the applicant was fingerprinted at the
time of arrest or under section 109.60 of the Revised Code. If
the applicant was so fingerprinted, the probation officer or
county department of probation shall include with the written
report a record of the applicant's fingerprints. If the
applicant was convicted of or pleaded guilty to a violation of
division (A) (2) or (B) of section 2919.21 of the Revised Code,
the probation officer or county department of probation that the
court directed to make inquiries concerning the applicant shall
contact the child support enforcement agency enforcing the
applicant's obligations under the child support order to inquire
about the offender's compliance with the child support order.

~~(D) (1)~~ (C) (1) At the hearing held under division ~~(C) (B)~~ of
this section, the court shall do each of the following:

(a) Determine whether the applicant is pursuing sealing ~~or~~
~~expunging~~ a conviction of an offense that is prohibited under
~~division (A) of this section 2953.311 of the Revised Code~~ or
whether the forfeiture of bail was agreed to by the applicant
and the prosecutor in the case, and determine whether the
application was made at the time specified in division ~~(B) (1) (a)~~
~~or (b)~~ (A) (1) or ~~division (B) (2) (a) or (b)~~ (2) of this section

that is applicable with respect to the application and the 1858
subject offense; 1859

(b) Determine whether criminal proceedings are pending 1860
against the applicant; 1861

(c) Determine whether the applicant has been rehabilitated 1862
to the satisfaction of the court; 1863

(d) If the prosecutor has filed an objection in accordance 1864
with division ~~(C)~~(B) of this section, consider the reasons 1865
against granting the application specified by the prosecutor in 1866
the objection; 1867

(e) If the victim objected, pursuant to the Ohio 1868
Constitution, consider the reasons against granting the 1869
application specified by the victim in the objection; 1870

(f) Weigh the interests of the applicant in having the 1871
records pertaining to the applicant's conviction or bail 1872
forfeiture sealed ~~or expunged~~ against the legitimate needs, if 1873
any, of the government to maintain those records; 1874

(g) Consider the oral or written statement of any victim, 1875
victim's representative, and victim's attorney, if applicable; 1876

(h) If the applicant was an eligible offender of the type 1877
described in division (A) (3) of section 2953.36 of the Revised 1878
Code as it existed prior to April 4, 2023, determine whether the 1879
offender has been rehabilitated to a satisfactory degree. In 1880
making the determination, the court may consider all of the 1881
following: 1882

(i) The age of the offender; 1883

(ii) The facts and circumstances of the offense; 1884

(iii) The cessation or continuation of criminal behavior; 1885

(iv) The education and employment of the offender; 1886

(v) Any other circumstances that may relate to the 1887
offender's rehabilitation. 1888

(i) If the court is required to determine whether an 1889
applicant for sealing ~~or expungement~~ has two or three 1890
convictions that result from the same indictment, information, 1891
or complaint, from the same plea of guilty, or from the same 1892
official proceeding, and result from related criminal acts that 1893
were committed within a three-month period but do not result 1894
from the same act or from offenses committed at the same time, 1895
in making its determination, the court initially shall determine 1896
whether it is not in the public interest for the two or three 1897
convictions to be counted as one conviction. If the court 1898
determines that it is not in the public interest for the two or 1899
three convictions to be counted as one conviction, the court 1900
shall determine whether, when counting the convictions 1901
individually, the applicant is pursuing sealing ~~or expunging~~ a 1902
conviction that is prohibited under ~~division (A) of this section~~ 1903
2953.311 of the Revised Code. 1904

(2) If the court determines, after complying with division 1905
~~(D) (1) (C) (1)~~ of this section, that the offender is not pursuing 1906
sealing ~~or expunging~~ a conviction of an offense that is 1907
prohibited under ~~division (A) of this section~~ 2953.311 of the 1908
Revised Code or that the forfeiture of bail was agreed to by the 1909
applicant and the prosecutor in the case, that the application 1910
was made at the time specified in division ~~(B) (1) (a) or (b) (A)~~ 1911
(1) or division ~~(B) (2) (a) or (b) (A) (2)~~ of this section that is 1912
applicable with respect to the application and the subject 1913
offense, that no criminal proceeding is pending against the 1914

applicant, that the interests of the applicant in having the
records pertaining to the applicant's conviction or bail
forfeiture sealed ~~or expunged~~ are not outweighed by any
legitimate governmental needs to maintain those records, and
that the rehabilitation of the applicant has been attained to
the satisfaction of the court, both of the following apply:

(a) The court, except as provided in division ~~(D) (4) or~~
~~(5) (C) (4)~~ of this section or division (D), (F), or (G) of
section 2953.34 of the Revised Code, shall order all official
records of the case that pertain to the conviction or bail
forfeiture sealed ~~if the application was for sealing or expunged~~
~~if the application was for expungement~~ and, except as provided
in division (C) of section 2953.34 of the Revised Code, all
index references to the case that pertain to the conviction or
bail forfeiture deleted and, in the case of bail forfeitures,
shall dismiss the charges in the case.

(b) The proceedings in the case that pertain to the
conviction or bail forfeiture shall be considered not to have
occurred and the conviction or bail forfeiture of the person who
is the subject of the proceedings shall be sealed ~~if the~~
~~application was for sealing or expunged if the application was~~
~~for expungement~~, except that upon conviction of a subsequent
offense, a sealed record of prior conviction or bail forfeiture
may be considered by the court in determining the sentence or
other appropriate disposition, including the relief provided for
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code.

(3) An applicant may request the sealing ~~or expungement~~ of
the records of more than one case in a single application under
this section. Upon the filing of an application under this
section, the applicant, unless the applicant presents a poverty

affidavit showing that the applicant is indigent, shall pay an 1945
application fee of fifty dollars and may pay a local court fee 1946
of not more than fifty dollars, regardless of the number of 1947
records the application requests to have sealed ~~or expunged~~. If 1948
the applicant pays a fee, the court shall pay three-fifths of 1949
the fee collected into the state treasury, with half of that 1950
amount credited to the attorney general reimbursement fund 1951
created by section 109.11 of the Revised Code. If the applicant 1952
pays a fee, the court shall pay two-fifths of the fee collected 1953
into the county general revenue fund if the sealed ~~or expunged~~ 1954
conviction or bail forfeiture was pursuant to a state statute, 1955
or into the general revenue fund of the municipal corporation 1956
involved if the sealed ~~or expunged~~ conviction or bail forfeiture 1957
was pursuant to a municipal ordinance. 1958

(4) If the court orders the official records pertaining to 1959
the case sealed ~~or expunged~~, the court shall do one of the 1960
following: 1961

(a) If the applicant was fingerprinted at the time of 1962
arrest or under section 109.60 of the Revised Code and the 1963
record of the applicant's fingerprints was provided to the court 1964
under division ~~(C)~~ (B) of this section, forward a copy of the 1965
sealing ~~or expungement~~ order and the record of the applicant's 1966
fingerprints to the bureau of criminal identification and 1967
investigation. 1968

(b) If the applicant was not fingerprinted at the time of 1969
arrest or under section 109.60 of the Revised Code, or the 1970
record of the applicant's fingerprints was not provided to the 1971
court under division ~~(C)~~ (B) of this section, but fingerprinting 1972
was required for the offense, order the applicant to appear 1973
before a sheriff to have the applicant's fingerprints taken 1974

according to the fingerprint system of identification on the 1975
forms furnished by the superintendent of the bureau of criminal 1976
identification and investigation. The sheriff shall forward the 1977
applicant's fingerprints to the court. The court shall forward 1978
the applicant's fingerprints and a copy of the sealing ~~or~~ 1979
~~expungement~~ order to the bureau of criminal identification and 1980
investigation. 1981

(c) Failure of the court to order fingerprints at the time 1982
of sealing ~~or expungement~~ does not constitute a reversible 1983
error. 1984

~~(5) Notwithstanding any other provision of the Revised 1985
Code to the contrary, when the bureau of criminal identification 1986
and investigation receives notice from a court that the record 1987
of a conviction or bail forfeiture has been expunged under this 1988
section, the bureau of criminal identification and investigation 1989
shall maintain a record of the expunged conviction record for 1990
the limited purpose of determining an individual's qualification 1991
or disqualification for employment in law enforcement. The 1992
bureau of criminal identification and investigation shall not be 1993
compelled by the court to destroy, delete, or erase those 1994
records so that the records are permanently irretrievable. These 1995
records may only be disclosed or provided to law enforcement for 1996
the limited purpose of determining an individual's qualification 1997
or disqualification for employment in law enforcement. 1998~~

~~When any other entity other than the bureau of criminal 1999
identification and investigation receives notice from a court 2000
that the record of a conviction or bail forfeiture has been 2001
expunged under this section, the entity shall destroy, delete, 2002
and erase the record as appropriate for the record's physical or 2003
electronic form or characteristic so that the record is 2004~~

permanently irretrievable."	2005
Delete lines 5558 through 5680	2006
After line 5680, insert:	2007
"Sec. 2953.321. (A) (1) At the expiration of five years	2008
<u>after the time specified in division (A) (1) of section 2953.32</u>	2009
<u>of the Revised Code at which the person may file an application</u>	2010
<u>for sealing a record of conviction or at the expiration of five</u>	2011
<u>years after a person's complaint, indictment, or information has</u>	2012
<u>been dismissed, the court shall order its regular probation</u>	2013
<u>officer, a state probation officer, or the department of</u>	2014
<u>probation of the county in which a person resides to determine</u>	2015
<u>whether a person is eligible for sealing a record of conviction</u>	2016
<u>or a dismissed complaint, indictment, or information.</u>	2017
(2) <u>Except as provided in section 2953.61 of the Revised</u>	2018
<u>Code, a person's record of conviction is eligible for sealing</u>	2019
<u>under this section unless it is a conviction listed under</u>	2020
<u>section 2953.311 of the Revised Code. A person's dismissed</u>	2021
<u>complaint, indictment, or information is eligible for sealing</u>	2022
<u>under this section.</u>	2023
(3) <u>If the court's regular probation officer, a state</u>	2024
<u>probation officer, or the department of probation of the county</u>	2025
<u>in which the person resides determines that a person's record of</u>	2026
<u>conviction or dismissed complaint, indictment, or information is</u>	2027
<u>eligible for sealing, the court on its own motion shall order a</u>	2028
<u>hearing on the sealing of the record of conviction or the</u>	2029
<u>dismissed complaint, indictment, or information.</u>	2030
(B) (1) <u>The court shall set a date and time for a hearing</u>	2031
<u>and shall notify the prosecutor for the case and the subject of</u>	2032
<u>the proceedings of the hearing of the motion on the sealing of</u>	2033

the record of conviction or the dismissed complaint, indictment, 2034
or information not less than sixty days before the hearing. 2035
Pursuant to the Ohio Constitution, the prosecutor shall provide 2036
timely notice of the motion on the sealing of the record of 2037
conviction or the dismissed complaint, indictment, or 2038
information and the date and time of the hearing to a victim and 2039
victim's representative, if applicable, if the victim or 2040
victim's representative requested notice of the proceedings in 2041
the underlying case, not less than sixty days before the 2042
hearing. 2043

(2) The court shall hold the hearing not less than forty- 2044
five days and not more than ninety days from the date that the 2045
the court's regular probation officer, a state probation 2046
officer, or the department of probation of the county in which 2047
the person resides determines that a person's record of 2048
conviction or dismissed complaint, indictment, or information is 2049
eligible for sealing. 2050

(3) The prosecutor or victim or victim's representative, 2051
if applicable, may object to the granting of the order to seal 2052
the record of conviction or dismissed complaint, indictment, or 2053
information by filing a written objection with the court not 2054
later than thirty days prior to the hearing. The prosecutor or 2055
victim or victim's representative, if applicable, shall specify 2056
in the objection the reasons for believing a denial of the 2057
sealing of the person's record of conviction or dismissed 2058
complaint, indictment, or information is justified. 2059

(C) At the hearing held under division (B) of this 2060
section, the court shall do each of the following: 2061

(1) Determine whether either of following applies: 2062

(a) The person's record of conviction is eligible for 2063
sealing under section 2953.311 of the Revised Code, and the 2064
motion was made at the time specified in division (A) (1) of this 2065
section that is applicable with respect to the motion of the 2066
subject offense. 2067

(b) The person's dismissed complaint, indictment, or 2068
information is eligible for sealing under division (C) (1) of 2069
section 2953.33 of the Revised Code, and if the complaint, 2070
indictment, or information in the case was dismissed, determine 2071
whether it was dismissed with prejudice or without prejudice 2072
and, if it was dismissed without prejudice, determine whether 2073
the relevant statute of limitations has expired and determine 2074
whether the motion was made at the time specified in division 2075
(A) (1) of this section that is applicable with respect to the 2076
motion of the subject offense. 2077

(2) Determine whether criminal charges are pending against 2078
the person; 2079

(3) If the prosecutor has filed an objection in accordance 2080
with division (B) (3) of this section, consider the reasons 2081
against granting the sealing order specified by the prosecutor 2082
in the objection; 2083

(4) If the victim or victim's representative has filed an 2084
objection in accordance with division (B) (3) of this section, 2085
consider the reasons against granting the sealing order 2086
specified by the victim or victim's representative in the 2087
objection; 2088

(5) Weigh the interests of the person in having the record 2089
of conviction or dismissed complaint, indictment, or information 2090
sealed against the legitimate needs, if any, of the government 2091

to maintain those records.

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(D) If the court, after complying with division (C) of
this section, finds that the person is not pursuing sealing a
record of conviction that is prohibited under section 2953.311
of the Revised Code or the person is not pursuing sealing a
dismissed complaint, indictment, or information that is
prohibited under division (C) (1) of section 2953.33 of the
Revised Code; that the motion was made at the time specified in
division (A) (1) of this section; that no criminal proceeding is
pending against the offender; that the interests of the person
in having the record of conviction or dismissed complaint,
indictment, or information sealed are not substantially
outweighed by any legitimate governmental needs to maintain
those records; and if the sealing relates to a dismissed
complaint, indictment, or information, that the complaint,
indictment, or information in the case was dismissed with
prejudice or that the complaint, indictment, or information in
the case was dismissed without prejudice and that the relevant
statute of limitations has expired, both of the following apply:

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(1) The court, except as provided in division (D), (F), or
(G) of section 2953.34 of the Revised Code, shall order all
official records of the case that pertain to the record of
conviction or dismissed complaint, indictment, or information
sealed, except as provided in division (C) of section 2953.34 of
the Revised Code, and all index references to the case that
pertain to the conviction deleted.

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(2) The proceedings in the case that pertain to the record
of conviction or dismissed complaint, indictment, or information
shall be considered not to have occurred, and the record of
conviction or dismissed complaint, indictment, or information of

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the person who is the subject of the proceedings shall be 2122
sealed, except that upon conviction of a subsequent offense, a 2123
sealed record of prior conviction or bail forfeiture may be 2124
considered by the court in determining the sentence or other 2125
appropriate disposition, including the relief provided for in 2126
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 2127

Sec. 2953.322. (A) (1) Except as provided in section 2128
2953.61 of the Revised Code, an offender may apply to the 2129
sentencing court if convicted in this state, or to a court of 2130
common pleas if convicted in another state or in a federal 2131
court, for the expungement of the record of the case that 2132
pertains to the conviction, except for convictions listed in 2133
section 2953.311 of the Revised Code. An application for 2134
expungement under this section may be made at the expiration of 2135
seven years after the offender's final discharge. 2136

(2) Any person who has been arrested for any misdemeanor 2137
offense and who has effected a bail forfeiture for the offense 2138
charged may apply to the court in which the misdemeanor criminal 2139
case was pending when bail was forfeited for the expungement of 2140
the record of the case that pertains to the charge. Except as 2141
provided in section 2953.61 of the Revised Code, an application 2142
for expungement under this section may be made at the expiration 2143
of seven years after the offender's final discharge. 2144

(B) Upon the filing of an application under this section, 2145
the court shall set a date for a hearing and shall notify the 2146
prosecutor for the case of the hearing on the application not 2147
less than sixty days prior to the hearing. Pursuant to the Ohio 2148
Constitution, the prosecutor shall provide timely notice of the 2149
application and the date and time of the hearing to a victim and 2150
victim's representative, if applicable, if the victim or 2151

victim's representative requested notice of the proceedings in 2152
the underlying case. The court shall hold the hearing not less 2153
than forty-five days and not more than ninety days from the date 2154
of the filing of the application. The prosecutor may object to 2155
the granting of the application by filing a written objection 2156
with the court not later than thirty days prior to the date set 2157
for the hearing. The prosecutor shall specify in the objection 2158
the reasons for believing a denial of the application is 2159
justified. The victim, victim's representative, and victim's 2160
attorney, if applicable, may be present and heard orally, in 2161
writing, or both at any hearing under this section. The court 2162
shall direct its regular probation officer, a state probation 2163
officer, or the department of probation of the county in which 2164
the applicant resides to make inquiries and written reports as 2165
the court requires concerning the applicant. The probation 2166
officer or county department of probation that the court directs 2167
to make inquiries and written reports as the court requires 2168
concerning the applicant shall determine whether or not the 2169
applicant was fingerprinted at the time of arrest or under 2170
section 109.60 of the Revised Code. If the applicant was so 2171
fingerprinted, the probation officer or county department of 2172
probation shall include with the written report a record of the 2173
applicant's fingerprints. If the applicant was convicted of or 2174
pleaded guilty to a violation of division (A) (2) or (B) of 2175
section 2919.21 of the Revised Code, the probation officer or 2176
county department of probation that the court directed to make 2177
inquiries concerning the applicant shall contact the child 2178
support enforcement agency enforcing the applicant's obligations 2179
under the child support order to inquire about the offender's 2180
compliance with the child support order. 2181

(C) (1) At the hearing held under division (B) of this 2182

<u>section, the court shall do each of the following:</u>	2183
<u>(a) Determine whether the applicant is pursuing expunging</u>	2184
<u>a conviction of an offense that is prohibited under section</u>	2185
<u>2953.311 of the Revised Code or whether the forfeiture of bail</u>	2186
<u>was agreed to by the applicant and the prosecutor in the case,</u>	2187
<u>and determine whether the application was made at the time</u>	2188
<u>specified in division (A) (1) or (2) of this section that is</u>	2189
<u>applicable with respect to the application and the subject</u>	2190
<u>offense;</u>	2191
<u>(b) Determine whether criminal proceedings are pending</u>	2192
<u>against the applicant;</u>	2193
<u>(c) Determine whether the applicant has been rehabilitated</u>	2194
<u>to the satisfaction of the court;</u>	2195
<u>(d) If the prosecutor has filed an objection in accordance</u>	2196
<u>with division (B) of this section, consider the reasons against</u>	2197
<u>granting the application specified by the prosecutor in the</u>	2198
<u>objection;</u>	2199
<u>(e) If the victim objected, pursuant to the Ohio</u>	2200
<u>Constitution, consider the reasons against granting the</u>	2201
<u>application specified by the victim in the objection;</u>	2202
<u>(f) Weigh the interests of the applicant in having the</u>	2203
<u>records pertaining to the applicant's conviction or bail</u>	2204
<u>forfeiture expunged against the legitimate needs, if any, of the</u>	2205
<u>government to maintain those records;</u>	2206
<u>(g) Consider the oral or written statement of any victim,</u>	2207
<u>victim's representative, and victim's attorney, if applicable;</u>	2208
<u>(h) If the applicant was an eligible offender of the type</u>	2209
<u>described in division (A) (3) of section 2953.36 of the Revised</u>	2210

Code as it existed prior to April 4, 2023, determine whether the 2211
offender has been rehabilitated to a satisfactory degree. In 2212
making the determination, the court may consider all of the 2213
following: 2214

(i) The age of the offender; 2215
(ii) The facts and circumstances of the offense; 2216
(iii) The cessation or continuation of criminal behavior; 2217
(iv) The education and employment of the offender; 2218
(v) Any other circumstances that may relate to the 2219
offender's rehabilitation. 2220

(i) If the court is required to determine whether an 2221
applicant for expungement has two or three convictions that 2222
result from the same indictment, information, or complaint, from 2223
the same plea of guilty, or from the same official proceeding, 2224
and result from related criminal acts that were committed within 2225
a three-month period but do not result from the same act or from 2226
offenses committed at the same time, in making its 2227
determination, the court initially shall determine whether it is 2228
not in the public interest for the two or three convictions to 2229
be counted as one conviction. If the court determines that it is 2230
not in the public interest for the two or three convictions to 2231
be counted as one conviction, the court shall determine whether, 2232
when counting the convictions individually, the applicant is 2233
pursuing expunging a conviction that is prohibited under section 2234
2953.311 of the Revised Code. 2235

(2) If the court determines, after complying with division 2236
(C) (1) of this section, that the offender is not pursuing 2237
expunging a conviction of an offense that is prohibited under 2238

section 2953.311 of the Revised Code or that the forfeiture of 2239
bail was agreed to by the applicant and the prosecutor in the 2240
case, that the application was made at the time specified in 2241
division (A) (1) or (2) of this section that is applicable with 2242
respect to the application and the subject offense, that no 2243
criminal proceeding is pending against the applicant, that the 2244
interests of the applicant in having the records pertaining to 2245
the applicant's conviction or bail forfeiture expunged are not 2246
outweighed by any legitimate governmental needs to maintain 2247
those records, and that the rehabilitation of the applicant has 2248
been attained to the satisfaction of the court, both of the 2249
following apply: 2250

(a) The court, except as provided in division (C) (4) of 2251
this section or division (D), (F), or (G) of section 2953.34 of 2252
the Revised Code, shall order all official records of the case 2253
that pertain to the conviction or bail forfeiture expunged and, 2254
except as provided in division (C) of section 2953.34 of the 2255
Revised Code, all index references to the case that pertain to 2256
the conviction or bail forfeiture deleted and, in the case of 2257
bail forfeitures, shall dismiss the charges in the case. 2258

(b) The proceedings in the case that pertain to the 2259
conviction or bail forfeiture shall be considered not to have 2260
occurred, and the conviction or bail forfeiture of the person 2261
who is the subject of the proceedings shall be expunged. 2262

(3) An applicant may request the expungement of the 2263
records of more than one case in a single application under this 2264
section. Upon the filing of an application under this section, 2265
the applicant, unless the applicant presents a poverty affidavit 2266
showing that the applicant is indigent, shall pay an application 2267
fee of fifty dollars and may pay a local court fee of not more 2268

than fifty dollars, regardless of the number of records the
application requests to have expunged. If the applicant pays a
fee, the court shall pay three-fifths of the fee collected into
the state treasury, with half of that amount credited to the
attorney general reimbursement fund created by section 109.11 of
the Revised Code. If the applicant pays a fee, the court shall
pay two-fifths of the fee collected into the county general
revenue fund if the expunged conviction or bail forfeiture was
pursuant to a state statute, or into the general revenue fund of
the municipal corporation involved if the expunged conviction or
bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to
the case expunged, the court shall do one of the following:

(a) If the applicant was fingerprinted at the time of
arrest or under section 109.60 of the Revised Code and the
record of the applicant's fingerprints was provided to the court
under division (B) of this section, forward a copy of the
expungement order and the record of the applicant's fingerprints
to the bureau of criminal identification and investigation.

(b) If the applicant was not fingerprinted at the time of
arrest or under section 109.60 of the Revised Code, or the
record of the applicant's fingerprints was not provided to the
court under division (B) of this section, but fingerprinting was
required for the offense, order the applicant to appear before a
sheriff to have the applicant's fingerprints taken according to
the fingerprint system of identification on the forms furnished
by the superintendent of the bureau of criminal identification
and investigation. The sheriff shall forward the applicant's
fingerprints to the court. The court shall forward the
applicant's fingerprints and a copy of the expungement order to

the bureau of criminal identification and investigation. 2299

(c) Failure of the court to order fingerprints at the time 2300
of expungement does not constitute a reversible error. 2301

Sec. 2953.323. (A) Except as provided in section 2953.61 2302
of the Revised Code, at the expiration of ten years after the 2303
time specified in division (A) (1) of section 2953.322 of the 2304
Revised Code at which the person may file an application for 2305
expunging a record of conviction or at the expiration of ten 2306
years after a person's complaint, indictment, or information has 2307
been dismissed, a person may apply to the sentencing court if 2308
convicted in this state, or to a court of common pleas if 2309
convicted in another state or in a federal court, for the 2310
expungement of a record of conviction, except for a conviction 2311
listed in section 2953.311 of the Revised Code or for the 2312
expungement of a dismissed complaint, indictment, or 2313
information, except for an offense listed in division (C) (1) of 2314
section 2953.33 of the Revised Code. 2315

(B) (1) Upon the filing of an application under this 2316
section, the court shall set a date and time for a hearing and 2317
shall notify the prosecutor for the case and the subject of the 2318
proceedings of the hearing of the application on the expungement 2319
of the record of conviction or the dismissed complaint, 2320
indictment, or information not less than sixty days before the 2321
hearing. Pursuant to the Ohio Constitution, the prosecutor shall 2322
provide timely notice of the application on the expungement of 2323
the record of conviction or the dismissed complaint, indictment, 2324
or information and the date and time of the hearing to a victim 2325
and victim's representative, if applicable, if the victim or 2326
victim's representative requested notice of the proceedings in 2327
the underlying case, not less than sixty days before the 2328

<u>hearing.</u>	2329
<u>(2) The court shall hold the hearing not less than forty-</u>	2330
<u>five days and not more than ninety days from the date of the</u>	2331
<u>filing of the application.</u>	2332
<u>(3) The prosecutor or victim or victim's representative,</u>	2333
<u>if applicable, may object to the granting of the application to</u>	2334
<u>expunge the record of conviction or dismissed complaint,</u>	2335
<u>indictment, or information by filing a written objection with</u>	2336
<u>the court not later than thirty days prior to the hearing. The</u>	2337
<u>prosecutor or victim or victim's representative, if applicable,</u>	2338
<u>shall specify in the objection the reasons for believing a</u>	2339
<u>denial of the application for expunging the record of conviction</u>	2340
<u>or dismissed complaint, indictment, or information is justified.</u>	2341
<u>(C) At the hearing held under division (B) of this</u>	2342
<u>section, the court shall do each of the following:</u>	2343
<u>(1) Determine whether either of following applies:</u>	2344
<u>(a) The applicant's record of conviction is eligible for</u>	2345
<u>expungement under section 2953.311 of the Revised Code and</u>	2346
<u>whether the application was made at the time specified in</u>	2347
<u>division (A) of this section that is applicable with respect to</u>	2348
<u>the application of the subject offense;</u>	2349
<u>(b) The applicant's dismissed complaint, indictment, or</u>	2350
<u>information is eligible for sealing under division (C)(1) of</u>	2351
<u>section 2953.33 of the Revised Code, and if the complaint,</u>	2352
<u>indictment, or information in the case was dismissed, determine</u>	2353
<u>whether it was dismissed with prejudice or without prejudice</u>	2354
<u>and, if it was dismissed without prejudice, determine whether</u>	2355
<u>the relevant statute of limitations has expired and determine</u>	2356
<u>whether the application was made at the time specified in</u>	2357

division (A) of this section that is applicable with respect to 2358
the application of the subject offense. 2359

(2) Determine whether criminal charges are pending against 2360
the applicant; 2361

(3) If the prosecutor has filed an objection in accordance 2362
with division (B) (3) of this section, consider the reasons 2363
against granting the expungement order specified by the 2364
prosecutor in the objection; 2365

(4) If the victim or victim's representative has filed an 2366
objection in accordance with division (B) (3) of this section, 2367
consider the reasons against granting the expungement order 2368
specified by the victim or victim's representative in the 2369
objection; 2370

(5) Weigh the interests of the applicant in having the 2371
record of conviction or dismissed complaint, indictment, or 2372
information expunged against the legitimate needs, if any, of 2373
the government to maintain those records. 2374

(D) If the court, after complying with division (C) of 2375
this section, finds that the applicant is not pursuing expunging 2376
a record of conviction that is prohibited under section 2953.311 2377
of the Revised Code or the applicant is not pursuing expunging a 2378
dismissed complaint, indictment, or information that is 2379
prohibited under division (C) (1) of section 2953.33 of the 2380
Revised Code; that the application was made at the time 2381
specified in division (A) of this section; that no criminal 2382
proceeding is pending against the offender; that the interests 2383
of the applicant in having the record of conviction or dismissed 2384
complaint, indictment, or information expunged are not 2385
substantially outweighed by any legitimate governmental needs to 2386

maintain those records; and if the expungement relates to a 2387
dismissed complaint, indictment, or information, that the 2388
complaint, indictment, or information in the case was dismissed 2389
with prejudice or that the complaint, indictment, or information 2390
in the case was dismissed without prejudice and that the 2391
relevant statute of limitations has expired, both of the 2392
following apply: 2393

(1) The court, except as provided in division (D), (F), or 2394
(G) of section 2953.34 of the Revised Code, shall order all 2395
official records of the case that pertain to the record of 2396
conviction or dismissed complaint, indictment, or information 2397
expunged, except as provided in division (C) of section 2953.34 2398
of the Revised Code, and all index references to the case that 2399
pertain to the conviction deleted. 2400

(2) The proceedings in the case that pertain to the record 2401
of conviction or dismissed complaint, indictment, or information 2402
shall be considered not to have occurred and the record of 2403
conviction or dismissed complaint, indictment, or information of 2404
the person who is the subject of the proceedings shall be 2405
expunged." 2406

In line 5766, delete "or" and insert ","; after "2953.321" insert ", 2407
2953.322, or 2953.323" 2408

In line 5774, delete "or" and insert ","; after "2953.321" insert ", 2409
2953.322, or 2953.323" 2410

In line 5779, delete "or" and insert ","; after "2953.321" insert ", 2411
2953.322, or 2953.323" 2412

In line 5791, delete "or" and insert ","; after "2953.321" insert ", 2413
2953.322, or 2953.323" 2414

In line 5814, delete "or" and insert "," 2415

In line 5815, after " <u>2953.321</u> " insert " <u>, 2953.322, or 2953.323</u> "	2416
In line 5827, after "Code" insert " <u>or any order to seal or expunge</u> <u>official records of a dismissed complaint, indictment, or information</u> <u>pursuant to division (D) of section 2953.321 or division (D) of section</u> <u>2953.323 of the Revised Code</u> "	2417 2418 2419 2420
In line 5829, strike through "that"; after "section" insert " <u>2953.33</u> <u>of the Revised Code or any order issued pursuant to division (D) of</u> <u>section 2953.321 or division (D) of section 2953.323 of the Revised Code</u> "	2421 2422 2423
In line 5835, after "Code" insert " <u>or a person whose official</u> <u>records of a dismissed complaint, indictment, or information have been</u> <u>sealed or expunged pursuant to an order issued pursuant to division (D) of</u> <u>section 2953.321 or division (D) of section 2953.323 of the Revised Code</u> "	2424 2425 2426 2427
In line 5839, after "Code" insert " <u>or an order to seal or expunge</u> <u>official records of a dismissed complaint, indictment, or information</u> <u>issued pursuant to division (D) of section 2953.321 or division (D) of</u> <u>section 2953.323 of the Revised Code</u> "	2428 2429 2430 2431
In line 5850, after "Code" insert " <u>or an applicable order to seal or</u> <u>expunge official records of a dismissed complaint, indictment, or</u> <u>information issued pursuant to division (D) of section 2953.321 or</u> <u>division (D) of section 2953.323 of the Revised Code</u> "	2432 2433 2434 2435
In line 5884, strike through "(D) (2)" and insert " <u>(C) (2)</u> "; delete "or" and insert " <u>,</u> "; delete " <u>(B) (1)</u> " and insert " <u>(D)</u> "	2436 2437
In line 5885, after " <u>2953.321</u> " insert " <u>, division (C) (2) of section</u> <u>2953.322, or division (D) of section 2953.323</u> "	2438 2439
In line 6002, after "Code" insert " <u>or upon issuance of an order to</u> <u>seal or expunge official records of a dismissed complaint, indictment, or</u> <u>information by a court under division (D) of section 2953.321 or division</u>	2440 2441 2442

(D) of section 2953.323 of the Revised Code" 2443

In line 6057, after "Code" insert "or records of a dismissed 2444
complaint, indictment, or information of which have been ordered sealed or 2445
expunged pursuant to division (D) of section 2953.321 or division (D) of 2446
section 2953.323 of the Revised Code" 2447

In line 6082, after "Code" insert "or any record of a dismissed 2448
complaint, indictment, or information that has been sealed or expunged 2449
pursuant to division (D) of section 2953.321 or division (D) of section 2450
2953.323 of the Revised Code" 2451

In line 6099, after "Code" insert "or the records of a dismissed 2452
complaint, indictment, or information of which have been sealed or 2453
expunged pursuant to division (D) of section 2953.321 or division (D) of 2454
section 2953.323 of the Revised Code" 2455

In line 6143, after "2953.321," insert "2953.322, 2953.323," 2456

After line 6147, insert: 2457

"Sec. 2953.39. (A) As used in this section: 2458

(1) "Applicant prosecutor" means the prosecutor who 2459
applies under division (B) (1) of this section for the sealing or 2460
expungement of the record of a case that pertains to a 2461
conviction of a person of a low-level controlled substance 2462
offense. 2463

(2) "Low-level controlled substance offense" means a 2464
violation of any provision of Chapter 2925. of the Revised Code 2465
that is a misdemeanor of the fourth degree or a minor 2466
misdemeanor or a violation of an ordinance of a municipal 2467
corporation that is substantially equivalent to a violation of 2468
any provision of Chapter 2925. of the Revised Code and that, if 2469

the violation were to be charged under the provision of Chapter 2470
2925. of the Revised Code, would be a misdemeanor of the fourth 2471
degree or a minor misdemeanor. 2472

(3) "Subject offender" means, regarding an application 2473
filed under division (B)(1) of this section requesting the 2474
sealing or expungement of the record of a case that pertains to 2475
a conviction of a low-level controlled substance offense, the 2476
person who was convicted of the low-level controlled substance 2477
offense for which the application requests the sealing or 2478
expungement. 2479

(B)(1) If a person is or was convicted of a low-level 2480
controlled substance offense, the prosecutor in the case may 2481
apply to the sentencing court for the sealing or expungement of 2482
the record of the case that pertains to the conviction. The 2483
prosecutor may file the application with respect to the offense 2484
that is the subject of the application at any time after the 2485
expiration, with respect to that offense and the subject 2486
offender, of the corresponding period of time specified in 2487
division ~~(B)(1)~~ (A)(1) of section 2953.32 of the Revised Code for 2488
sealing applications or division (A)(1) of section 2953.322 of 2489
the Revised Code for expungement applications filed by an 2490
offender under that section ~~those sections~~. 2491

(2) An application under division (B)(1) of this section 2492
may request an order to seal or expunge the record of conviction 2493
for more than one low-level controlled substance offense, but if 2494
it does, the court shall consider the request for each offense 2495
separately as if a separate application had been made for each 2496
offense and all references in divisions (B) to (F) of this 2497
section to "the offense" or "that offense" mean each of those 2498
offenses that are the subject of the application. 2499

(3) Upon the filing of an application under division (B) 2500
(1) of this section, except as otherwise provided in this 2501
division, the applicant prosecutor shall pay a fee of not more 2502
than fifty dollars, including court fees, regardless of the 2503
number of records the application requests to have sealed or 2504
expunged. The court may direct the clerk of the court to waive 2505
some or all of the fee that otherwise would be charged. If the 2506
applicant pays a fee, the court shall pay three-fifths of the 2507
fee collected into the state treasury, with half of that amount 2508
credited to the attorney general reimbursement fund created 2509
under section 109.11 of the Revised Code. If the applicant pays 2510
a fee, the court shall pay two-fifths of the fee collected into 2511
the county general revenue fund if the sealed or expunged 2512
conviction was pursuant to a state statute, or into the general 2513
revenue fund of the municipal corporation involved if the sealed 2514
or expunged conviction was pursuant to a municipal ordinance. 2515

(C) An application filed under division (B) (1) of this 2516
section shall do all of the following: 2517

(1) Identify the subject offender and the applicant 2518
prosecutor, the offense for which the sealing or expungement is 2519
sought, the date of the conviction of that offense, and the 2520
court in which the conviction occurred; 2521

(2) Describe the evidence and provide copies of any 2522
documentation showing that the subject offender is entitled to 2523
relief under this section; 2524

(3) Include a request for sealing or expungement under 2525
this section of the record of the case that pertains to the 2526
conviction of that offense. 2527

(D) (1) Upon the filing of an application under division 2528

(B) (1) of this section, the court shall set a date for a hearing 2529
and shall notify the applicant prosecutor of the date, time, and 2530
location of the hearing not later than sixty days prior to the 2531
hearing. Upon receipt of the notice, the prosecutor shall do 2532
both of the following: 2533

(a) Notify the subject offender of the application, the 2534
date, time, and location of the hearing on the application, and 2535
the offender's right to object to the granting of the 2536
application. The notice shall be provided at the offender's last 2537
known address or through another means of contact. 2538

(b) Provide timely notice to the victim of the offense, if 2539
such a victim exists, or the victim's representative, of the 2540
application, the date, time, and location of the hearing on the 2541
application, and the victim's or representative's right to 2542
object to the granting of the application. The victim, victim's 2543
representative, and victim's attorney, if applicable, may be 2544
present and heard orally, in writing, or both at any hearing 2545
under this section. The notice shall be provided by any 2546
reasonable means reasonably calculated to provide prompt actual 2547
notice, including regular mail, telephone, and electronic mail. 2548
If the prosecutor attempts to provide notice to a victim under 2549
this division but the attempt is unsuccessful because the 2550
prosecutor is unable to locate the victim, is unable to provide 2551
the notice by the chosen method because the mailing address, 2552
telephone number, or electronic mail address at which to provide 2553
the notice cannot be determined, or the notice is sent by mail 2554
and it is returned, the prosecutor shall make another attempt to 2555
provide the notice to the victim. If the second attempt is 2556
unsuccessful, the prosecutor shall make at least one more 2557
attempt to provide the notice. 2558

(2) The court shall hold the hearing set under division 2559
(D) (1) of this section not less than forty-five days and not 2560
more than ninety days from the date of the filing of the 2561
application. 2562

The subject offender may object to the granting of the 2563
application by filing an objection with the court prior to the 2564
date set for the hearing. The victim of the offense may object 2565
to the granting of the application by filing an objection with 2566
the court prior to the date set for the hearing. The subject 2567
offender or victim shall specify in the objection the reasons 2568
for believing that the application should be denied. 2569

(E) (1) At the hearing held under division (D) of this 2570
section, the court shall determine whether the offense that is 2571
the subject of the application is a low-level controlled 2572
substance offense and whether the amount of time specified in 2573
division (B) (1) of this section for the filing of the 2574
application has expired. 2575

(2) If the court at the hearing held under division (D) of 2576
this section determines that the offense that is the subject of 2577
the application is a low-level controlled substance offense and 2578
that the amount of time specified in division (B) (1) of this 2579
section for the filing of the application has expired, the court 2580
at the hearing also shall do all of the following: 2581

(a) Determine whether criminal proceedings are pending 2582
against the subject offender; 2583

(b) Determine whether the subject offender has been 2584
rehabilitated to the satisfaction of the court; 2585

(c) If the subject offender objected, consider the reasons 2586
against granting the application specified by the offender in 2587

the objection; 2588

(d) If the victim objected, pursuant to the Ohio 2589
 Constitution, consider the reasons against granting the 2590
 application specified by the victim in the objection; 2591

(e) Weigh the interests of the subject offender in having 2592
 the records pertaining to the offender's conviction sealed or 2593
 expunged against the legitimate needs, if any, of the government 2594
 to maintain those records; 2595

(f) Consider the oral or written statement of the victim, 2596
 victim's representative, and victim's attorney, if applicable. 2597

(F) (1) If the court determines, after complying with 2598
 divisions (E) (1) and (2) of this section, that no criminal 2599
 proceeding is pending against the subject offender, that the 2600
 interests of the offender in having the records pertaining to 2601
 the offender's conviction sealed or expunged are not outweighed 2602
 by any legitimate governmental needs to maintain those records, 2603
 and that the rehabilitation of the offender has been attained to 2604
 the satisfaction of the court, all of the following apply: 2605

(a) The court shall issue orders of the type specified in 2606
 division ~~(D) (2)~~ (C) (2) of section 2953.32 or division (C) (2) of 2607
section 2953.322 of the Revised Code, subject to the exceptions 2608
 specified in that division. 2609

(b) The proceedings in the case that pertain to the 2610
 conviction shall be considered not to have occurred and the 2611
 conviction of the subject offender shall be sealed or expunged, 2612
 subject to the exceptions specified in division ~~(D) (2)~~ (C) (2) of 2613
 section 2953.32 or division (C) (2) of section 2953.322 of the 2614
 Revised Code. 2615

(c) The court shall notify the subject offender, at the offender's last known address or through another means of contact, that the court has issued the order requiring the sealing or expungement of the official records pertaining to the case and shall specifically identify the offense and case with respect to which the order applies.

(2) If the court orders the official records pertaining to the case sealed or expunged under division (F)(1) of this section, the court shall comply with division ~~(D)(4)(a)~~ (C)(4)(a) or (b) of section 2953.32 of the Revised Code, whichever is applicable.

(3) All provisions of section 2953.34 of the Revised Code that apply with respect to an order to seal or expunge official records that is issued under section 2953.32 or 2953.322 of the Revised Code, or that apply with respect to the official records to be sealed or expunged under such an order, apply with respect to an order to seal or expunge official records that is issued under division (F)(1) of this section and to the official records to be sealed or expunged under such an order.

(G) A record that is expunged pursuant to an order issued under division (F)(1) of this section shall be destroyed, deleted, and erased, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

(H) The provisions of this section are separate from, and independent of, the provisions of sections 2953.35 and 2953.36 and, except as otherwise specified in this section, the provisions of sections 2953.32, 2953.322, and 2953.34 of the Revised Code."

In line 6148, after "(A)" insert "As used in this section, "eligible"

for sealing or expungement" means a person is eligible for sealing or 2646
expungement of the following records: 2647

(1) Records under section 2953.33, 2953.39, or 2953.521 of 2648
the Revised Code; 2649

(2) Records of a dismissed complaint, indictment, or 2650
information under division (D) of section 2953.321 or division 2651
(D) of section 2953.323 of the Revised Code. 2652

(B)"; strike through "(B) (1)" and insert "(C) (1)" 2653
 In line 6151, delete "2953.321," and insert "2953.322, 2953.323," 2654

In line 6153, after "charges" insert ", if a person is charged with 2655
two or more offenses as a result of or in connection with the same act a 2656
court may not seal a person's record in relation to any of those charges 2657
pursuant to section 2953.321 of the Revised Code" 2658

In line 6163, after "2953.321," insert "2953.322, 2953.323," 2659

In line 6165, strike through "(B) (1)" and insert "(C) (1)" 2660

In line 6174, strike through "under section 2953.33, 2953.39, or" 2661

In line 6175, strike through "2953.521 of the Revised Code" 2662

In line 6180, strike through "(B) (1)" and insert "(C) (1)" 2663

Delete lines 6184 through 6563 2664

After line 6563, insert: 2665

"Sec. 4723.28. (A) The board of nursing, by a vote of a 2666
 quorum, may impose one or more of the following sanctions if it 2667
 finds that a person committed fraud in passing an examination 2668
 required to obtain a license or dialysis technician certificate 2669
 issued by the board or to have committed fraud, 2670

misrepresentation, or deception in applying for or securing any 2671
nursing license or dialysis technician certificate issued by the 2672
board: deny, revoke, suspend, or place restrictions on any 2673
nursing license or dialysis technician certificate issued by the 2674
board; reprimand or otherwise discipline a holder of a nursing 2675
license or dialysis technician certificate; or impose a fine of 2676
not more than five hundred dollars per violation. 2677

(B) Except as provided in section 4723.092 of the Revised 2678
Code, the board of nursing, by a vote of a quorum, may impose 2679
one or more of the following sanctions: deny, revoke, suspend, 2680
or place restrictions on any nursing license or dialysis 2681
technician certificate issued by the board; reprimand or 2682
otherwise discipline a holder of a nursing license or dialysis 2683
technician certificate; or impose a fine of not more than five 2684
hundred dollars per violation. The sanctions may be imposed for 2685
any of the following: 2686

(1) Denial, revocation, suspension, or restriction of 2687
authority to engage in a licensed profession or practice a 2688
health care occupation, including nursing or practice as a 2689
dialysis technician, for any reason other than a failure to 2690
renew, in Ohio or another state or jurisdiction; 2691

(2) Engaging in the practice of nursing or engaging in 2692
practice as a dialysis technician, having failed to renew a 2693
nursing license or dialysis technician certificate issued under 2694
this chapter, or while a nursing license or dialysis technician 2695
certificate is under suspension; 2696

(3) Conviction of, a plea of guilty to, a judicial finding 2697
of guilt of, a judicial finding of guilt resulting from a plea 2698
of no contest to, or a judicial finding of eligibility for a 2699
pretrial diversion or similar program or for intervention in 2700

lieu of conviction for, a misdemeanor committed in the course of 2701
practice; 2702

(4) Conviction of, a plea of guilty to, a judicial finding 2703
of guilt of, a judicial finding of guilt resulting from a plea 2704
of no contest to, or a judicial finding of eligibility for a 2705
pretrial diversion or similar program or for intervention in 2706
lieu of conviction for, any felony or of any crime involving 2707
gross immorality or moral turpitude; 2708

(5) Selling, giving away, or administering drugs or 2709
therapeutic devices for other than legal and legitimate 2710
therapeutic purposes; or conviction of, a plea of guilty to, a 2711
judicial finding of guilt of, a judicial finding of guilt 2712
resulting from a plea of no contest to, or a judicial finding of 2713
eligibility for a pretrial diversion or similar program or for 2714
intervention in lieu of conviction for, violating any municipal, 2715
state, county, or federal drug law; 2716

(6) Conviction of, a plea of guilty to, a judicial finding 2717
of guilt of, a judicial finding of guilt resulting from a plea 2718
of no contest to, or a judicial finding of eligibility for a 2719
pretrial diversion or similar program or for intervention in 2720
lieu of conviction for, an act in another jurisdiction that 2721
would constitute a felony or a crime of moral turpitude in Ohio; 2722

(7) Conviction of, a plea of guilty to, a judicial finding 2723
of guilt of, a judicial finding of guilt resulting from a plea 2724
of no contest to, or a judicial finding of eligibility for a 2725
pretrial diversion or similar program or for intervention in 2726
lieu of conviction for, an act in the course of practice in 2727
another jurisdiction that would constitute a misdemeanor in 2728
Ohio; 2729

(8) Self-administering or otherwise taking into the body	2730
any dangerous drug, as defined in section 4729.01 of the Revised	2731
Code, in any way that is not in accordance with a legal, valid	2732
prescription issued for that individual, or self-administering	2733
or otherwise taking into the body any drug that is a schedule I	2734
controlled substance;	2735
(9) Habitual or excessive use of controlled substances,	2736
other habit-forming drugs, or alcohol or other chemical	2737
substances to an extent that impairs the individual's ability to	2738
provide safe nursing care or safe dialysis care;	2739
(10) Impairment of the ability to practice according to	2740
acceptable and prevailing standards of safe nursing care or safe	2741
dialysis care because of the use of drugs, alcohol, or other	2742
chemical substances;	2743
(11) Impairment of the ability to practice according to	2744
acceptable and prevailing standards of safe nursing care or safe	2745
dialysis care because of a physical or mental disability;	2746
(12) Assaulting or causing harm to a patient or depriving	2747
a patient of the means to summon assistance;	2748
(13) Misappropriation or attempted misappropriation of	2749
money or anything of value in the course of practice;	2750
(14) Adjudication by a probate court of being mentally ill	2751
or mentally incompetent. The board may reinstate the person's	2752
nursing license or dialysis technician certificate upon	2753
adjudication by a probate court of the person's restoration to	2754
competency or upon submission to the board of other proof of	2755
competency.	2756
(15) The suspension or termination of employment by the	2757

United States department of defense or department of veterans	2758
affairs for any act that violates or would violate this chapter;	2759
(16) Violation of this chapter or any rules adopted under	2760
it;	2761
(17) Violation of any restrictions placed by the board on	2762
a nursing license or dialysis technician certificate;	2763
(18) Failure to use universal and standard precautions	2764
established by rules adopted under section 4723.07 of the	2765
Revised Code;	2766
(19) Failure to practice in accordance with acceptable and	2767
prevailing standards of safe nursing care or safe dialysis care;	2768
(20) In the case of a registered nurse, engaging in	2769
activities that exceed the practice of nursing as a registered	2770
nurse;	2771
(21) In the case of a licensed practical nurse, engaging	2772
in activities that exceed the practice of nursing as a licensed	2773
practical nurse;	2774
(22) In the case of a dialysis technician, engaging in	2775
activities that exceed those permitted under section 4723.72 of	2776
the Revised Code;	2777
(23) Aiding and abetting a person in that person's	2778
practice of nursing without a license or practice as a dialysis	2779
technician without a certificate issued under this chapter;	2780
(24) In the case of an advanced practice registered nurse,	2781
except as provided in division (M) of this section, either of	2782
the following:	2783
(a) Waiving the payment of all or any part of a deductible	2784

or copayment that a patient, pursuant to a health insurance or 2785
health care policy, contract, or plan that covers such nursing 2786
services, would otherwise be required to pay if the waiver is 2787
used as an enticement to a patient or group of patients to 2788
receive health care services from that provider; 2789

(b) Advertising that the nurse will waive the payment of 2790
all or any part of a deductible or copayment that a patient, 2791
pursuant to a health insurance or health care policy, contract, 2792
or plan that covers such nursing services, would otherwise be 2793
required to pay. 2794

(25) Failure to comply with the terms and conditions of 2795
participation in the safe haven program conducted under sections 2796
4723.35 and 4723.351 of the Revised Code; 2797

(26) Failure to comply with the terms and conditions 2798
required under the practice intervention and improvement program 2799
established under section 4723.282 of the Revised Code; 2800

(27) In the case of an advanced practice registered nurse: 2801

(a) Engaging in activities that exceed those permitted for 2802
the nurse's nursing specialty under section 4723.43 of the 2803
Revised Code; 2804

(b) Failure to meet the quality assurance standards 2805
established under section 4723.07 of the Revised Code. 2806

(28) In the case of an advanced practice registered nurse 2807
other than a certified registered nurse anesthetist, failure to 2808
maintain a standard care arrangement in accordance with section 2809
4723.431 of the Revised Code or to practice in accordance with 2810
the standard care arrangement; 2811

(29) In the case of an advanced practice registered nurse 2812

who is designated as a clinical nurse specialist, certified	2813
nurse-midwife, or certified nurse practitioner, failure to	2814
prescribe drugs and therapeutic devices in accordance with	2815
section 4723.481 of the Revised Code;	2816
(30) Prescribing any drug or device to perform or induce	2817
an abortion, or otherwise performing or inducing an abortion;	2818
(31) Failure to establish and maintain professional	2819
boundaries with a patient, as specified in rules adopted under	2820
section 4723.07 of the Revised Code;	2821
(32) Regardless of whether the contact or verbal behavior	2822
is consensual, engaging with a patient other than the spouse of	2823
the registered nurse, licensed practical nurse, or dialysis	2824
technician in any of the following:	2825
(a) Sexual contact, as defined in section 2907.01 of the	2826
Revised Code;	2827
(b) Verbal behavior that is sexually demeaning to the	2828
patient or may be reasonably interpreted by the patient as	2829
sexually demeaning.	2830
(33) Assisting suicide, as defined in section 3795.01 of	2831
the Revised Code;	2832
(34) Failure to comply with the requirements in section	2833
3719.061 of the Revised Code before issuing for a minor a	2834
prescription for an opioid analgesic, as defined in section	2835
3719.01 of the Revised Code;	2836
(35) Failure to comply with section 4723.487 of the	2837
Revised Code, unless the state board of pharmacy no longer	2838
maintains a drug database pursuant to section 4729.75 of the	2839
Revised Code;	2840

(36) The revocation, suspension, restriction, reduction, 2841
or termination of clinical privileges by the United States 2842
department of defense or department of veterans affairs or the 2843
termination or suspension of a certificate of registration to 2844
prescribe drugs by the drug enforcement administration of the 2845
United States department of justice; 2846

(37) In the case of an advanced practice registered nurse 2847
who is designated as a clinical nurse specialist, certified 2848
nurse-midwife, or certified nurse practitioner, failure to 2849
comply with the terms of a consult agreement entered into with a 2850
pharmacist pursuant to section 4729.39 of the Revised Code; 2851

(38) Violation of section 4723.93 of the Revised Code. 2852

(C) Disciplinary actions taken by the board under 2853
divisions (A) and (B) of this section shall be taken pursuant to 2854
an adjudication conducted under Chapter 119. of the Revised 2855
Code, except that in lieu of a hearing, the board may enter into 2856
a consent agreement with an individual to resolve an allegation 2857
of a violation of this chapter or any rule adopted under it. A 2858
consent agreement, when ratified by a vote of a quorum, shall 2859
constitute the findings and order of the board with respect to 2860
the matter addressed in the agreement. If the board refuses to 2861
ratify a consent agreement, the admissions and findings 2862
contained in the agreement shall be of no effect. 2863

(D) The hearings of the board shall be conducted in 2864
accordance with Chapter 119. of the Revised Code, the board may 2865
appoint a hearing examiner, as provided in section 119.09 of the 2866
Revised Code, to conduct any hearing the board is authorized to 2867
hold under Chapter 119. of the Revised Code. 2868

In any instance in which the board is required under 2869

Chapter 119. of the Revised Code to give notice of an 2870
opportunity for a hearing and the applicant, licensee, or 2871
certificate holder does not make a timely request for a hearing 2872
in accordance with section 119.07 of the Revised Code, the board 2873
is not required to hold a hearing, but may adopt, by a vote of a 2874
quorum, a final order that contains the board's findings. In the 2875
final order, the board may order any of the sanctions listed in 2876
division (A) or (B) of this section. 2877

(E) If a criminal action is brought against a registered 2878
nurse, licensed practical nurse, or dialysis technician for an 2879
act or crime described in divisions (B)(3) to (7) of this 2880
section and the action is dismissed by the trial court other 2881
than on the merits, the board shall conduct an adjudication to 2882
determine whether the registered nurse, licensed practical 2883
nurse, or dialysis technician committed the act on which the 2884
action was based. If the board determines on the basis of the 2885
adjudication that the registered nurse, licensed practical 2886
nurse, or dialysis technician committed the act, or if the 2887
registered nurse, licensed practical nurse, or dialysis 2888
technician fails to participate in the adjudication, the board 2889
may take action as though the registered nurse, licensed 2890
practical nurse, or dialysis technician had been convicted of 2891
the act. 2892

If the board takes action on the basis of a conviction, 2893
plea, or a judicial finding as described in divisions (B)(3) to 2894
(7) of this section that is overturned on appeal, the registered 2895
nurse, licensed practical nurse, or dialysis technician may, on 2896
exhaustion of the appeal process, petition the board for 2897
reconsideration of its action. On receipt of the petition and 2898
supporting court documents, the board shall temporarily rescind 2899
its action. If the board determines that the decision on appeal 2900

was a decision on the merits, it shall permanently rescind its 2901
action. If the board determines that the decision on appeal was 2902
not a decision on the merits, it shall conduct an adjudication 2903
to determine whether the registered nurse, licensed practical 2904
nurse, or dialysis technician committed the act on which the 2905
original conviction, plea, or judicial finding was based. If the 2906
board determines on the basis of the adjudication that the 2907
registered nurse, licensed practical nurse, or dialysis 2908
technician committed such act, or if the registered nurse, 2909
licensed practical nurse, or dialysis technician does not 2910
request an adjudication, the board shall reinstate its action; 2911
otherwise, the board shall permanently rescind its action. 2912

Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) of 2913
section 2953.32, division (D) of section 2953.321, division (C) 2914
(2) of section 2953.322, division (D) of section 2953.323, or 2915
division (F) (1) of section 2953.39 of the Revised Code 2916
specifying that if records pertaining to a criminal case are 2917
sealed or expunged under that section the proceedings in the 2918
case shall be deemed not to have occurred, sealing or 2919
expungement of the following records on which the board has 2920
based an action under this section shall have no effect on the 2921
board's action or any sanction imposed by the board under this 2922
section: records of any conviction, guilty plea, judicial 2923
finding of guilt resulting from a plea of no contest, or a 2924
judicial finding of eligibility for a pretrial diversion program 2925
or intervention in lieu of conviction. 2926

The board shall not be required to seal, destroy, redact, 2927
or otherwise modify its records to reflect the court's sealing 2928
or expungement of conviction records. 2929

(F) The board may investigate an individual's criminal 2930

background in performing its duties under this section. As part 2931
of such investigation, the board may order the individual to 2932
submit, at the individual's expense, a request to the bureau of 2933
criminal identification and investigation for a criminal records 2934
check and check of federal bureau of investigation records in 2935
accordance with the procedure described in section 4723.091 of 2936
the Revised Code. 2937

(G) During the course of an investigation conducted under 2938
this section, the board may compel any registered nurse, 2939
licensed practical nurse, or dialysis technician or applicant 2940
under this chapter to submit to a mental or physical 2941
examination, or both, as required by the board and at the 2942
expense of the individual, if the board finds reason to believe 2943
that the individual under investigation may have a physical or 2944
mental impairment that may affect the individual's ability to 2945
provide safe nursing care. 2946

The board shall not compel an individual who has been 2947
referred to the safe haven program as described in sections 2948
4723.35 and 4723.351 of the Revised Code to submit to a mental 2949
or physical examination. 2950

Failure of any individual to submit to a mental or 2951
physical examination when directed constitutes an admission of 2952
the allegations, unless the failure is due to circumstances 2953
beyond the individual's control, and a default and final order 2954
may be entered without the taking of testimony or presentation 2955
of evidence. 2956

If the board finds that an individual is impaired, the 2957
board shall require the individual to submit to care, 2958
counseling, or treatment approved or designated by the board, as 2959
a condition for initial, continued, reinstated, or renewed 2960

authority to practice. The individual shall be afforded an 2961
opportunity to demonstrate to the board that the individual can 2962
begin or resume the individual's occupation in compliance with 2963
acceptable and prevailing standards of care under the provisions 2964
of the individual's authority to practice. 2965

For purposes of this division, any registered nurse, 2966
licensed practical nurse, or dialysis technician or applicant 2967
under this chapter shall be deemed to have given consent to 2968
submit to a mental or physical examination when directed to do 2969
so in writing by the board, and to have waived all objections to 2970
the admissibility of testimony or examination reports that 2971
constitute a privileged communication. 2972

(H) The board shall investigate evidence that appears to 2973
show that any person has violated any provision of this chapter 2974
or any rule of the board. Any person may report to the board any 2975
information the person may have that appears to show a violation 2976
of any provision of this chapter or rule of the board. In the 2977
absence of bad faith, any person who reports such information or 2978
who testifies before the board in any adjudication conducted 2979
under Chapter 119. of the Revised Code shall not be liable for 2980
civil damages as a result of the report or testimony. 2981

(I) All of the following apply under this chapter with 2982
respect to the confidentiality of information: 2983

(1) Information received by the board pursuant to a 2984
complaint or an investigation is confidential and not subject to 2985
discovery in any civil action, except that the board may 2986
disclose information to law enforcement officers and government 2987
entities for purposes of an investigation of either a licensed 2988
health care professional, including a registered nurse, licensed 2989
practical nurse, or dialysis technician, or a person who may 2990

have engaged in the unauthorized practice of nursing or dialysis 2991
care. No law enforcement officer or government entity with 2992
knowledge of any information disclosed by the board pursuant to 2993
this division shall divulge the information to any other person 2994
or government entity except for the purpose of a government 2995
investigation, a prosecution, or an adjudication by a court or 2996
government entity. 2997

(2) If an investigation requires a review of patient 2998
records, the investigation and proceeding shall be conducted in 2999
such a manner as to protect patient confidentiality. 3000

(3) All adjudications and investigations of the board 3001
shall be considered civil actions for the purposes of section 3002
2305.252 of the Revised Code. 3003

(4) Any board activity that involves continued monitoring 3004
of an individual as part of or following any disciplinary action 3005
taken under this section shall be conducted in a manner that 3006
maintains the individual's confidentiality. Information received 3007
or maintained by the board with respect to the board's 3008
monitoring activities is not subject to discovery in any civil 3009
action and is confidential, except that the board may disclose 3010
information to law enforcement officers and government entities 3011
for purposes of an investigation of a licensee or certificate 3012
holder. 3013

(J) Any action taken by the board under this section 3014
resulting in a suspension from practice shall be accompanied by 3015
a written statement of the conditions under which the person may 3016
be reinstated to practice. 3017

(K) When the board refuses to grant a license or 3018
certificate to an applicant, revokes a license or certificate, 3019

or refuses to reinstate a license or certificate, the board may 3020
specify that its action is permanent. An individual subject to 3021
permanent action taken by the board is forever ineligible to 3022
hold a license or certificate of the type that was refused or 3023
revoked and the board shall not accept from the individual an 3024
application for reinstatement of the license or certificate or 3025
for a new license or certificate. 3026

(L) No unilateral surrender of a nursing license or 3027
dialysis technician certificate issued under this chapter shall 3028
be effective unless accepted by majority vote of the board. No 3029
application for a nursing license or dialysis technician 3030
certificate issued under this chapter may be withdrawn without a 3031
majority vote of the board. The board's jurisdiction to take 3032
disciplinary action under this section is not removed or limited 3033
when an individual has a license or certificate classified as 3034
inactive or fails to renew a license or certificate. 3035

(M) Sanctions shall not be imposed under division (B) (24) 3036
of this section against any licensee who waives deductibles and 3037
copayments as follows: 3038

(1) In compliance with the health benefit plan that 3039
expressly allows such a practice. Waiver of the deductibles or 3040
copayments shall be made only with the full knowledge and 3041
consent of the plan purchaser, payer, and third-party 3042
administrator. Documentation of the consent shall be made 3043
available to the board upon request. 3044

(2) For professional services rendered to any other person 3045
licensed pursuant to this chapter to the extent allowed by this 3046
chapter and the rules of the board." 3047

In line 6692, strike through "(D) (2)" and insert "(C) (2)" 3048

In line 6693, delete "(B) (1)" and insert "(D)"; after "2953.321," 3049
insert "division (C) (2) of section 2953.322, division (D) of section 3050
2953.323," 3051

In line 6778, strike through "(D) (2)" and insert "(C) (2)" 3052

In line 6779, delete "(B) (1)" and insert "(D)"; after "2953.321," 3053
insert "division (C) (2) of section 2953.322, division (D) of section 3054
2953.323," 3055

In line 6880, strike through "(D) (2)" and insert "(C) (2)" 3056

In line 6881, delete "(B) (1)" and insert "(D)"; after "2953.321," 3057
insert "division (C) (2) of section 2953.322, division (D) of section 3058
2953.323," 3059

In line 6987, strike through "(D) (2)" and insert "(C) (2)" 3060

In line 6988, delete "(B) (1)" and insert "(D)"; after "2953.321," 3061
insert "division (C) (2) of section 2953.322, division (D) of section 3062
2953.323," 3063

In line 7097, strike through "(D) (2)" and insert "(C) (2)" 3064

In line 7098, delete "(B) (1)" and insert "(D)"; after "2953.321," 3065
insert "division (C) (2) of section 2953.322, division (D) of section 3066
2953.323," 3067

After line 7111, insert: 3068

"Sec. 5120.035. (A) As used in this section: 3069

(1) "Community treatment provider" means a program that 3070
provides substance use disorder assessment and treatment for 3071
persons and that satisfies all of the following: 3072

(a) It is located outside of a state correctional 3073

institution.	3074
(b) It shall provide the assessment and treatment for	3075
qualified prisoners referred and transferred to it under this	3076
section in a suitable facility that is licensed pursuant to	3077
division (C) of section 2967.14 of the Revised Code.	3078
(c) All qualified prisoners referred and transferred to it	3079
under this section shall reside initially in the suitable	3080
facility specified in division (A) (1) (b) of this section while	3081
undergoing the assessment and treatment.	3082
(2) "Electronic monitoring device" has the same meaning as	3083
in section 2929.01 of the Revised Code.	3084
(3) "State correctional institution" has the same meaning	3085
as in section 2967.01 of the Revised Code.	3086
(4) "Qualified prisoner" means a person who satisfies all	3087
of the following:	3088
(a) The person is confined in a state correctional	3089
institution under a prison term imposed for a felony of the	3090
third, fourth, or fifth degree that is not an offense of	3091
violence.	3092
(b) The department of rehabilitation and correction	3093
determines, using a standardized assessment tool, that the	3094
person has a substance use disorder.	3095
(c) The person has not more than twelve months remaining	3096
to be served under the prison term described in division (A) (4)	3097
(a) of this section.	3098
(d) The person is not serving any prison term other than	3099
the term described in division (A) (4) (a) of this section.	3100

(e) The person is eighteen years of age or older.	3101
(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification.	3102 3103
(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section.	3104 3105 3106 3107 3108
(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety.	3109 3110 3111 3112 3113 3114 3115 3116
(C) (1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C) (3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department	3117 3118 3119 3120 3121 3122 3123 3124 3125 3126 3127 3128 3129 3130

places a prisoner in the program, the prisoner shall receive 3131
credit against the prisoner's prison term for all time served in 3132
the provider's approved and licensed facility and may earn days 3133
of credit under section 2967.193 or 2967.194 of the Revised 3134
Code, but otherwise neither the placement nor the prisoner's 3135
participation in or completion of the program shall result in 3136
any reduction of the prisoner's prison term. 3137

(2) If the department places a prisoner in the substance 3138
use disorder treatment program, the prisoner does not 3139
satisfactorily participate in the program, and the prisoner has 3140
not served the prisoner's entire prison term, the department may 3141
remove the prisoner from the program and return the prisoner to 3142
a state correctional institution. 3143

(3) If the department places a prisoner in the substance 3144
use disorder treatment program and the prisoner is 3145
satisfactorily participating in the program, the department may 3146
permit the prisoner to reside at a residence approved by the 3147
department if the department determines, with input from the 3148
community treatment provider, that residing at the approved 3149
residence will help the prisoner prepare for reentry into the 3150
community and will help reduce substance use relapses and 3151
recidivism for the prisoner. If a prisoner is permitted under 3152
this division to reside at a residence approved by the 3153
department, the prisoner shall be monitored during the period of 3154
that residence by an electronic monitoring device. 3155

(D) (1) When a prisoner has been placed in the substance 3156
use disorder treatment program established under division (B) of 3157
this section, before the prisoner is released from custody of 3158
the department upon completion of the prisoner's prison term, 3159
the department shall conduct and prepare an evaluation of the 3160

prisoner, the prisoner's participation in the program, and the 3161
prisoner's needs regarding substance use disorder treatment upon 3162
release. Before the prisoner is released from custody of the 3163
department upon completion of the prisoner's prison term, the 3164
parole board or the court acting pursuant to an agreement under 3165
section 2967.29 of the Revised Code shall consider the 3166
evaluation, in addition to all other information and materials 3167
considered, as follows: 3168

(a) If the prisoner is a prisoner for whom post-release 3169
control is mandatory under section 2967.28 of the Revised Code, 3170
the board or court shall consider it in determining which post- 3171
release control sanction or sanctions to impose upon the 3172
prisoner under that section. 3173

(b) If the prisoner is a prisoner for whom post-release 3174
control is not mandatory under section 2967.28 of the Revised 3175
Code, the board or court shall consider it in determining 3176
whether a post-release control sanction is necessary and, if so, 3177
which post-release control sanction or sanctions to impose upon 3178
the prisoner under that section. 3179

(2) If the department determines that a prisoner it placed 3180
in the substance use disorder treatment program successfully 3181
completed the program and successfully completed a term of post- 3182
release control, if applicable, and if the prisoner submits an 3183
application under section 2953.32, 2953.322, or 2953.323 of the 3184
Revised Code or the prosecutor in the case submits an 3185
application under section 2953.39 of the Revised Code for 3186
sealing or expungement of the record of the conviction, the 3187
director may issue a letter to the court in support of the 3188
application. 3189

(E) (1) The department shall accept applications from 3190

community treatment providers that satisfy the requirement 3191
specified in division (E) (2) of this section and that wish to 3192
participate in the substance use disorder treatment program 3193
established under division (B) of this section, and shall 3194
approve for participation in the program at least four and not 3195
more than eight of the providers that apply. To the extent 3196
feasible, the department shall approve one or more providers 3197
from each geographical quadrant of the state. 3198

(2) Each community treatment provider that applies under 3199
division (E) (1) of this section to participate in the program 3200
shall have the provider's alcohol and drug addiction services 3201
that provide substance use disorder treatment certified by the 3202
department of mental health and addiction services under section 3203
5119.36 of the Revised Code. A community treatment provider is 3204
not required to have the provider's halfway house or residential 3205
treatment certified by the department of mental health and 3206
addiction services. 3207

(F) The department of rehabilitation and correction shall 3208
adopt rules for the operation of the substance use disorder 3209
treatment program it establishes under division (B) of this 3210
section and shall operate the program in accordance with this 3211
section and those rules. The rules shall establish, at a 3212
minimum, all of the following: 3213

(1) Criteria that establish which qualified prisoners are 3214
eligible for the program; 3215

(2) Criteria that must be satisfied to transfer a 3216
qualified prisoner to a residence pursuant to division (C) (3) of 3217
this section; 3218

(3) Criteria for the removal of a prisoner from the 3219

program pursuant to division (C) (2) of this section;	3220
(4) Criteria for determining when an offender has	3221
successfully completed the program for purposes of division (D)	3222
(2) of this section;	3223
(5) Criteria for community treatment providers to provide	3224
assessment and treatment, including minimum standards for	3225
treatment."	3226
In line 7112, after "sections" insert "109.11,"	3227
In line 7113, after "2151.357" insert ", 2746.02"	3228
In line 7114, after "2929.14" insert ", 2930.171"	3229
In line 7115, after "2941.146" insert ", 2951.041"; after "2953.26"	3230
insert ", 2953.31"; after "2953.34" insert ", 2953.39"	3231
In line 7116, delete "and"; after "4752.09" insert ", and 5120.035"	3232
After line 7127, insert:	3233
"Section 2746.02 of the Revised Code as a composite of the	3234
section as amended by both H.B. 281 and S.B. 288 of the 134th	3235
General Assembly."	3236
After line 7133, insert:	3237
"Section 2930.171 of the Revised Code as a composite of	3238
the section as amended by both H.B. 33 and S.B. 16 of the 135th	3239
General Assembly."	3240

The motion was _____ agreed to.

SYNOPSIS

3241

General Sealing Law	3242
R.C. 2953.32 and 2953.311; conforming changes in R.C.	3243
109.11, 109.57, 2953.31, 2953.34, 2953.39, 4723.28, 4729.16,	3244
4729.56, 4729.57, 4729.96, and 4752.09	3245
Retains the general Sealing Law provisions in R.C. 2953.32	3246
and moves certain conviction provisions to R.C. 2953.311.	3247
Sealing Law - new mechanism	3248
R.C. 2953.321; conforming changes in 109.572, 2930.171,	3249
2951.041, 2953.25, 2953.31, 2953.34, 2953.61, 4723.28, 4729.16,	3250
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035	3251
Creates a new sealing mechanism for a record of conviction	3252
or a dismissed complaint, indictment, or information.	3253
At the expiration of five years after a person is eligible	3254
to seal a conviction record under the general Sealing Law or	3255
five years after a person's complaint is dismissed, requires the	3256
court to order a probation officer to determine whether a person	3257
is eligible for sealing a record of conviction or a dismissed	3258
complaint.	3259
If the person is eligible for sealing, requires the court	3260
on its own motion to order a hearing for sealing a record of	3261
conviction or a dismissed complaint.	3262
Requires notice to be given to the prosecutor, the subject	3263
of the proceedings, the victim, and the victim's representative,	3264
if applicable.	3265
Allows the prosecutor, victim, and victim's representative	3266
to object to the sealing of a record of conviction or a	3267
dismissed complaint.	3268

If the court determines, among other factors, that the
interests of the person in having the record of conviction or
dismissed complaint sealed are not substantially outweighed by
any legitimate governmental need to maintain those records,
requires the court to seal the official records of that case
that pertain to the record of conviction or dismissed complaint.

General Expungement Law

R.C. 2953.322 and 2953.311; conforming changes in R.C.
109.11, 109.57, 2746.02, 2930.171, 2953.25, 2953.31, 2953.34,
2953.39, 2953.61, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96,
4752.09, and 5120.035

Moves the general Expungement Law provisions to R.C.
2953.311 and certain conviction provisions to R.C. 2953.322.

Modifies the time at which a person may file an
application for expungement to seven years after the offender's
final discharge.

Eliminates the provision that allows the Bureau of
Criminal Identification and Investigation to maintain expunged
conviction records for the limited purpose of determining an
individual's qualifications or disqualifications for employment
in law enforcement.

Expungement Law - new mechanism

R.C. 2953.323; conforming changes in 109.57, 2930.171,
2951.041, 2953.25, 2953.31, 2953.34, 2953.61, 4723.28, 4729.16,
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035

Creates a new expungement mechanism for a record of
conviction or a dismissed complaint, indictment, or information.

At the expiration of ten years after a person is eligible

to expunge a conviction record under the general Sealing Law or	3297
ten years after a person's complaint is dismissed, allows a	3298
person to apply to a court for the expungement of a record or	3299
conviction or a dismissed complaint.	3300
Upon the filing of an application, requires the court to	3301
set a date and time for a hearing.	3302
Requires notice to be given to the prosecutor, the subject	3303
of the proceedings, the victim, and the victim's representative,	3304
if applicable.	3305
Allows the prosecutor, victim, and victim's representative	3306
to object to the expungement of a record of conviction or a	3307
dismissed complaint.	3308
If the court determines, among other factors, that the	3309
interests of the person in having the record of conviction or	3310
dismissed complaint sealed are not substantially outweighed by	3311
any legitimate governmental need to maintain those records,	3312
requires the court to expunge the official records of that case	3313
that pertain to the record of conviction or dismissed complaint.	3314