

**As Reported by the House Judiciary Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 5**

**Representatives Williams, Willis**

**Cosponsors: Representatives Bird, Click, Creech, Fischer, Fowler Arthur, Gross,  
Johnson, Klopfenstein, Miller, K., Miller, M., Mullins, Newman, Ray, Stewart**

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To amend sections 109.11, 109.57, 109.572, 109.578, 1  
109.579, 2151.357, 2746.02, 2901.08, 2923.125, 2  
2923.13, 2923.14, 2929.01, 2929.13, 2929.14, 3  
2929.34, 2930.171, 2941.141, 2941.144, 2941.145, 4  
2941.146, 2951.041, 2953.25, 2953.26, 2953.31, 5  
2953.32, 2953.34, 2953.39, 2953.61, 4723.28, 6  
4729.16, 4729.56, 4729.57, 4729.96, 4752.09, and 7  
5120.035 and to enact sections 2941.1427, 8  
2941.1428, 2941.1429, 2953.311, 2953.321, 9  
2953.322, and 2953.323 of the Revised Code to 10  
enact the Repeat Offender Act to create a repeat 11  
offender classification, to create and modify 12  
certain firearm specifications, to increase the 13  
penalties for certain firearm offenses and 14  
specifications, to broaden the scope of relief 15  
from firearms disability, and to modify the 16  
Sealing and Expungement Law. 17

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

**Section 1.** That sections 109.11, 109.57, 109.572, 109.578, 18  
109.579, 2151.357, 2746.02, 2901.08, 2923.125, 2923.13, 2923.14, 19

2929.01, 2929.13, 2929.14, 2929.34, 2930.171, 2941.141, 20  
2941.144, 2941.145, 2941.146, 2951.041, 2953.25, 2953.26, 21  
2953.31, 2953.32, 2953.34, 2953.39, 2953.61, 4723.28, 4729.16, 22  
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035 be amended and 23  
sections 2941.1427, 2941.1428, 2941.1429, 2953.311, 2953.321, 24  
2953.322, and 2953.323 of the Revised Code be enacted to read as 25  
follows: 26

**Sec. 109.11.** (A) There is hereby created in the state 27  
treasury the attorney general reimbursement fund that shall be 28  
used for the expenses of the office of the attorney general in 29  
providing legal services and other services on behalf of the 30  
state or any agency or officer thereof. 31

(B) (1) All amounts received as reimbursement for legal 32  
services and other services that have been rendered by the 33  
office of the attorney general to the state or any agency or 34  
officer thereof shall be paid into the state treasury to the 35  
credit of the attorney general reimbursement fund. 36

(2) All amounts awarded to the office of the attorney 37  
general by order or judgment of a court or as part of a 38  
settlement or other compromise of claims for attorney's fees, 39  
investigation costs, document management costs, expert witness 40  
fees, fines, and all other costs and fees associated with 41  
representation provided by the office shall be paid into the 42  
state treasury to the credit of the attorney general 43  
reimbursement fund. 44

(3) All amounts paid into the state treasury under 45  
division ~~(D) (3)~~ (C) (3) of section 2953.32, division (C) (3) of 46  
section 2953.322, or division (B) (3) of section 2953.39 of the 47  
Revised Code and that are required under that division to be 48  
credited to the attorney general reimbursement fund shall be 49

credited to the fund, and the amounts so credited shall be used 50  
by the bureau of criminal identification and investigation for 51  
expenses related to the sealing or expungement of records. 52

(C) When seeking an order or judgment of a court or 53  
entering a settlement agreement or other compromise of claims on 54  
behalf of the state or any agency or officer thereof, the office 55  
of the attorney general shall seek to secure payment of all 56  
costs, expenses, and contractual obligations related to the 57  
legal services and other services provided, including attorney 58  
fees owed to special counsel; costs associated with an 59  
investigation, preparation, and presentation of claims asserted, 60  
document management, and depositions; and any fees or expenses 61  
owed to any expert or consulting expert witness. This division 62  
does not apply to matters in which the costs, expenses, and 63  
obligations are to be paid from funds within an available 64  
appropriation of the office or of the agency or officer. 65

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 66  
criminal identification and investigation shall procure from 67  
wherever procurable and file for record photographs, pictures, 68  
descriptions, fingerprints, measurements, and other information 69  
that may be pertinent of all persons who have been convicted of 70  
committing within this state a felony, any crime constituting a 71  
misdemeanor on the first offense and a felony on subsequent 72  
offenses, or any misdemeanor described in division (A) (1) (a), 73  
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 74  
of all children under eighteen years of age who have been 75  
adjudicated delinquent children for committing within this state 76  
an act that would be a felony or an offense of violence if 77  
committed by an adult or who have been convicted of or pleaded 78  
guilty to committing within this state a felony or an offense of 79  
violence, and of all well-known and habitual criminals. The 80

person in charge of any county, multicounty, municipal, 81  
municipal-county, or multicounty-municipal jail or workhouse, 82  
community-based correctional facility, halfway house, 83  
alternative residential facility, or state correctional 84  
institution and the person in charge of any state institution 85  
having custody of a person suspected of having committed a 86  
felony, any crime constituting a misdemeanor on the first 87  
offense and a felony on subsequent offenses, or any misdemeanor 88  
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 89  
section 109.572 of the Revised Code or having custody of a child 90  
under eighteen years of age with respect to whom there is 91  
probable cause to believe that the child may have committed an 92  
act that would be a felony or an offense of violence if 93  
committed by an adult shall furnish such material to the 94  
superintendent of the bureau. Fingerprints, photographs, or 95  
other descriptive information of a child who is under eighteen 96  
years of age, has not been arrested or otherwise taken into 97  
custody for committing an act that would be a felony or an 98  
offense of violence who is not in any other category of child 99  
specified in this division, if committed by an adult, has not 100  
been adjudicated a delinquent child for committing an act that 101  
would be a felony or an offense of violence if committed by an 102  
adult, has not been convicted of or pleaded guilty to committing 103  
a felony or an offense of violence, and is not a child with 104  
respect to whom there is probable cause to believe that the 105  
child may have committed an act that would be a felony or an 106  
offense of violence if committed by an adult shall not be 107  
procured by the superintendent or furnished by any person in 108  
charge of any county, multicounty, municipal, municipal-county, 109  
or multicounty-municipal jail or workhouse, community-based 110  
correctional facility, halfway house, alternative residential 111  
facility, or state correctional institution, except as 112

authorized in section 2151.313 of the Revised Code. 113

(2) Every clerk of a court of record in this state, other 114  
than the supreme court or a court of appeals, shall send to the 115  
superintendent of the bureau a weekly report containing a 116  
summary of each case involving a felony, involving any crime 117  
constituting a misdemeanor on the first offense and a felony on 118  
subsequent offenses, involving a misdemeanor described in 119  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 120  
of the Revised Code, or involving an adjudication in a case in 121  
which a child under eighteen years of age was alleged to be a 122  
delinquent child for committing an act that would be a felony or 123  
an offense of violence if committed by an adult. The clerk of 124  
the court of common pleas shall include in the report and 125  
summary the clerk sends under this division all information 126  
described in divisions (A) (2) (a) to (f) of this section 127  
regarding a case before the court of appeals that is served by 128  
that clerk. The summary shall be written on the standard forms 129  
furnished by the superintendent pursuant to division (B) of this 130  
section and shall include the following information: 131

(a) The incident tracking number contained on the standard 132  
forms furnished by the superintendent pursuant to division (B) 133  
of this section; 134

(b) The style and number of the case; 135

(c) The date of arrest, offense, summons, or arraignment; 136

(d) The date that the person was convicted of or pleaded 137  
guilty to the offense, adjudicated a delinquent child for 138  
committing the act that would be a felony or an offense of 139  
violence if committed by an adult, found not guilty of the 140  
offense, or found not to be a delinquent child for committing an 141

act that would be a felony or an offense of violence if 142  
committed by an adult, the date of an entry dismissing the 143  
charge, an entry declaring a mistrial of the offense in which 144  
the person is discharged, an entry finding that the person or 145  
child is not competent to stand trial, or an entry of a nolle 146  
prosequi, or the date of any other determination that 147  
constitutes final resolution of the case; 148

(e) A statement of the original charge with the section of 149  
the Revised Code that was alleged to be violated; 150

(f) If the person or child was convicted, pleaded guilty, 151  
or was adjudicated a delinquent child, the sentence or terms of 152  
probation imposed or any other disposition of the offender or 153  
the delinquent child. 154

If the offense involved the disarming of a law enforcement 155  
officer or an attempt to disarm a law enforcement officer, the 156  
clerk shall clearly state that fact in the summary, and the 157  
superintendent shall ensure that a clear statement of that fact 158  
is placed in the bureau's records. 159

(3) The superintendent shall cooperate with and assist 160  
sheriffs, chiefs of police, and other law enforcement officers 161  
in the establishment of a complete system of criminal 162  
identification and in obtaining fingerprints and other means of 163  
identification of all persons arrested on a charge of a felony, 164  
any crime constituting a misdemeanor on the first offense and a 165  
felony on subsequent offenses, or a misdemeanor described in 166  
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 167  
of the Revised Code and of all children under eighteen years of 168  
age arrested or otherwise taken into custody for committing an 169  
act that would be a felony or an offense of violence if 170  
committed by an adult. The superintendent also shall file for 171

record the fingerprint impressions of all persons confined in a 172  
county, multicounty, municipal, municipal-county, or 173  
multicounty-municipal jail or workhouse, community-based 174  
correctional facility, halfway house, alternative residential 175  
facility, or state correctional institution for the violation of 176  
state laws and of all children under eighteen years of age who 177  
are confined in a county, multicounty, municipal, municipal- 178  
county, or multicounty-municipal jail or workhouse, community- 179  
based correctional facility, halfway house, alternative 180  
residential facility, or state correctional institution or in 181  
any facility for delinquent children for committing an act that 182  
would be a felony or an offense of violence if committed by an 183  
adult, and any other information that the superintendent may 184  
receive from law enforcement officials of the state and its 185  
political subdivisions. 186

(4) The superintendent shall carry out Chapter 2950. of 187  
the Revised Code with respect to the registration of persons who 188  
are convicted of or plead guilty to a sexually oriented offense 189  
or a child-victim oriented offense and with respect to all other 190  
duties imposed on the bureau under that chapter. 191

(5) The bureau shall perform centralized recordkeeping 192  
functions for criminal history records and services in this 193  
state for purposes of the national crime prevention and privacy 194  
compact set forth in section 109.571 of the Revised Code and is 195  
the criminal history record repository as defined in that 196  
section for purposes of that compact. The superintendent or the 197  
superintendent's designee is the compact officer for purposes of 198  
that compact and shall carry out the responsibilities of the 199  
compact officer specified in that compact. 200

(6) The superintendent shall, upon request, assist a 201

county coroner in the identification of a deceased person 202  
through the use of fingerprint impressions obtained pursuant to 203  
division (A) (1) of this section or collected pursuant to section 204  
109.572 or 311.41 of the Revised Code. 205

(B) The superintendent shall prepare and furnish to every 206  
county, multicounty, municipal, municipal-county, or 207  
multicounty-municipal jail or workhouse, community-based 208  
correctional facility, halfway house, alternative residential 209  
facility, or state correctional institution and to every clerk 210  
of a court in this state specified in division (A) (2) of this 211  
section standard forms for reporting the information required 212  
under division (A) of this section. The standard forms that the 213  
superintendent prepares pursuant to this division may be in a 214  
tangible format, in an electronic format, or in both tangible 215  
formats and electronic formats. 216

(C) (1) The superintendent may operate a center for 217  
electronic, automated, or other data processing for the storage 218  
and retrieval of information, data, and statistics pertaining to 219  
criminals and to children under eighteen years of age who are 220  
adjudicated delinquent children for committing an act that would 221  
be a felony or an offense of violence if committed by an adult, 222  
criminal activity, crime prevention, law enforcement, and 223  
criminal justice, and may establish and operate a statewide 224  
communications network to be known as the Ohio law enforcement 225  
gateway to gather and disseminate information, data, and 226  
statistics for the use of law enforcement agencies and for other 227  
uses specified in this division. The superintendent may gather, 228  
store, retrieve, and disseminate information, data, and 229  
statistics that pertain to children who are under eighteen years 230  
of age and that are gathered pursuant to sections 109.57 to 231  
109.61 of the Revised Code together with information, data, and 232



statistics that pertain to adults and that are gathered pursuant 233  
to those sections. 234

(2) The superintendent or the superintendent's designee 235  
shall gather information of the nature described in division (C) 236  
(1) of this section that pertains to the offense and delinquency 237  
history of a person who has been convicted of, pleaded guilty 238  
to, or been adjudicated a delinquent child for committing a 239  
sexually oriented offense or a child-victim oriented offense for 240  
inclusion in the state registry of sex offenders and child- 241  
victim offenders maintained pursuant to division (A) (1) of 242  
section 2950.13 of the Revised Code and in the internet database 243  
operated pursuant to division (A) (13) of that section and for 244  
possible inclusion in the internet database operated pursuant to 245  
division (A) (11) of that section. 246

(3) In addition to any other authorized use of 247  
information, data, and statistics of the nature described in 248  
division (C) (1) of this section, the superintendent or the 249  
superintendent's designee may provide and exchange the 250  
information, data, and statistics pursuant to the national crime 251  
prevention and privacy compact as described in division (A) (5) 252  
of this section. 253

(4) The Ohio law enforcement gateway shall contain the 254  
name, confidential address, and telephone number of program 255  
participants in the address confidentiality program established 256  
under sections 111.41 to 111.47 of the Revised Code. 257

(5) The attorney general may adopt rules under Chapter 258  
119. of the Revised Code establishing guidelines for the 259  
operation of and participation in the Ohio law enforcement 260  
gateway. The rules may include criteria for granting and 261  
restricting access to information gathered and disseminated 262

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

The attorney general may appoint a steering committee to 274  
advise the attorney general in the operation of the Ohio law 275  
enforcement gateway that is comprised of persons who are 276  
representatives of the criminal justice agencies in this state 277  
that use the Ohio law enforcement gateway and is chaired by the 278  
superintendent or the superintendent's designee. 279

(D) (1) The following are not public records under section 280  
149.43 of the Revised Code: 281

(a) Information and materials furnished to the 282  
superintendent pursuant to division (A) of this section; 283

(b) Information, data, and statistics gathered or 284  
disseminated through the Ohio law enforcement gateway pursuant 285  
to division (C) (1) of this section; 286

(c) Information and materials furnished to any board or 287  
person under division (F) or (G) of this section. 288

(2) The superintendent or the superintendent's designee 289  
shall gather and retain information so furnished under division 290  
(A) of this section that pertains to the offense and delinquency 291

history of a person who has been convicted of, pleaded guilty 292  
to, or been adjudicated a delinquent child for committing a 293  
sexually oriented offense or a child-victim oriented offense for 294  
the purposes described in division (C) (2) of this section. 295

(E) (1) The attorney general shall adopt rules, in 296  
accordance with Chapter 119. of the Revised Code and subject to 297  
division (E) (2) of this section, setting forth the procedure by 298  
which a person may receive or release information gathered by 299  
the superintendent pursuant to division (A) of this section. A 300  
reasonable fee may be charged for this service. If a temporary 301  
employment service submits a request for a determination of 302  
whether a person the service plans to refer to an employment 303  
position has been convicted of or pleaded guilty to an offense 304  
listed or described in division (A) (1), (2), or (3) of section 305  
109.572 of the Revised Code, the request shall be treated as a 306  
single request and only one fee shall be charged. 307

(2) Except as otherwise provided in this division or 308  
division (E) (3) or (4) of this section, a rule adopted under 309  
division (E) (1) of this section may provide only for the release 310  
of information gathered pursuant to division (A) of this section 311  
that relates to the conviction of a person, or a person's plea 312  
of guilty to, a criminal offense or to the arrest of a person as 313  
provided in division (E) (3) of this section. The superintendent 314  
shall not release, and the attorney general shall not adopt any 315  
rule under division (E) (1) of this section that permits the 316  
release of, any information gathered pursuant to division (A) of 317  
this section that relates to an adjudication of a child as a 318  
delinquent child, or that relates to a criminal conviction of a 319  
person under eighteen years of age if the person's case was 320  
transferred back to a juvenile court under division (B) (2) or 321  
(3) of section 2152.121 of the Revised Code and the juvenile 322

court imposed a disposition or serious youthful offender 323  
disposition upon the person under either division, unless either 324  
of the following applies with respect to the adjudication or 325  
conviction: 326

(a) The adjudication or conviction was for a violation of 327  
section 2903.01 or 2903.02 of the Revised Code. 328

(b) The adjudication or conviction was for a sexually 329  
oriented offense, the juvenile court was required to classify 330  
the child a juvenile offender registrant for that offense under 331  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 332  
classification has not been removed, and the records of the 333  
adjudication or conviction have not been sealed or expunged 334  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 335  
pursuant to section 2953.32, 2953.321, 2953.322, or 2953.323 of 336  
the Revised Code. 337

(3) A rule adopted under division (E)(1) of this section 338  
may provide for the release of information gathered pursuant to 339  
division (A) of this section that relates to the arrest of a 340  
person who is eighteen years of age or older when the person has 341  
not been convicted as a result of that arrest if any of the 342  
following applies: 343

(a) The arrest was made outside of this state. 344

(b) A criminal action resulting from the arrest is 345  
pending, and the superintendent confirms that the criminal 346  
action has not been resolved at the time the criminal records 347  
check is performed. 348

(c) The bureau cannot reasonably determine whether a 349  
criminal action resulting from the arrest is pending, and not 350  
more than one year has elapsed since the date of the arrest. 351

(4) A rule adopted under division (E) (1) of this section 352  
may provide for the release of information gathered pursuant to 353  
division (A) of this section that relates to an adjudication of 354  
a child as a delinquent child if not more than five years have 355  
elapsed since the date of the adjudication, the adjudication was 356  
for an act that would have been a felony if committed by an 357  
adult, the records of the adjudication have not been sealed or 358  
expunged pursuant to sections 2151.355 to 2151.358 of the 359  
Revised Code, and the request for information is made under 360  
division (F) of this section or under section 109.572 of the 361  
Revised Code. In the case of an adjudication for a violation of 362  
the terms of community control or supervised release, the five- 363  
year period shall be calculated from the date of the 364  
adjudication to which the community control or supervised 365  
release pertains. 366

(F) (1) As used in division (F) (2) of this section, "head 367  
start agency" means an entity in this state that has been 368  
approved to be an agency for purposes of subchapter II of the 369  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 370  
U.S.C.A. 9831, as amended. 371

(2) (a) In addition to or in conjunction with any request 372  
that is required to be made under section 109.572, 2151.86, 373  
3301.32, 3301.541, division (C) of section 3310.58, or section 374  
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 375  
5123.081, or 5153.111 of the Revised Code or that is made under 376  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 377  
Code, the board of education of any school district; the 378  
director of developmental disabilities; any county board of 379  
developmental disabilities; any provider or subcontractor as 380  
defined in section 5123.081 of the Revised Code; the chief 381  
administrator of any chartered nonpublic school; the chief 382

administrator of a registered private provider that is not also 383  
a chartered nonpublic school; the chief administrator of any 384  
home health agency; the chief administrator of or person 385  
operating any child care center, type A family child care home, 386  
or type B family child care home licensed under Chapter 5104. of 387  
the Revised Code; the chief administrator of or person operating 388  
any authorized private before and after school care program; the 389  
chief administrator of any head start agency; the executive 390  
director of a public children services agency; the operator of a 391  
residential facility, as defined in section 2151.46 of the 392  
Revised Code; a private company described in section 3314.41, 393  
3319.392, 3326.25, or 3328.20 of the Revised Code; or an 394  
employer described in division (J) (2) of section 3327.10 of the 395  
Revised Code may request that the superintendent of the bureau 396  
investigate and determine, with respect to any individual who 397  
has applied for employment in any position after October 2, 398  
1989, or any individual wishing to apply for employment with a 399  
board of education may request, with regard to the individual, 400  
whether the bureau has any information gathered under division 401  
(A) of this section that pertains to that individual. On receipt 402  
of the request, subject to division (E) (2) of this section, the 403  
superintendent shall determine whether that information exists 404  
and, upon request of the person, board, or entity requesting 405  
information, also shall request from the federal bureau of 406  
investigation any criminal records it has pertaining to that 407  
individual. The superintendent or the superintendent's designee 408  
also may request criminal history records from other states or 409  
the federal government pursuant to the national crime prevention 410  
and privacy compact set forth in section 109.571 of the Revised 411  
Code. Within thirty days of the date that the superintendent 412  
receives a request, subject to division (E) (2) of this section, 413  
the superintendent shall send to the board, entity, or person a 414

report of any information that the superintendent determines 415  
exists, including information contained in records that have 416  
been sealed under section 2953.32 or 2953.321 of the Revised 417  
Code, and, within thirty days of its receipt, subject to 418  
division (E) (2) of this section, shall send the board, entity, 419  
or person a report of any information received from the federal 420  
bureau of investigation, other than information the 421  
dissemination of which is prohibited by federal law. 422

(b) When a board of education or a registered private 423  
provider is required to receive information under this section 424  
as a prerequisite to employment of an individual pursuant to 425  
division (C) of section 3310.58 or section 3319.39 of the 426  
Revised Code, it may accept a certified copy of records that 427  
were issued by the bureau of criminal identification and 428  
investigation and that are presented by an individual applying 429  
for employment with the district in lieu of requesting that 430  
information itself. In such a case, the board shall accept the 431  
certified copy issued by the bureau in order to make a photocopy 432  
of it for that individual's employment application documents and 433  
shall return the certified copy to the individual. In a case of 434  
that nature, a district or provider only shall accept a 435  
certified copy of records of that nature within one year after 436  
the date of their issuance by the bureau. 437

(c) Notwithstanding division (F) (2) (a) of this section, in 438  
the case of a request under section 3319.39, 3319.391, or 439  
3327.10 of the Revised Code only for criminal records maintained 440  
by the federal bureau of investigation, the superintendent shall 441  
not determine whether any information gathered under division 442  
(A) of this section exists on the person for whom the request is 443  
made. 444

(3) The state board of education or the department of 445  
education and workforce may request, with respect to any 446  
individual who has applied for employment after October 2, 1989, 447  
in any position with the state board or the department of 448  
education and workforce, any information that a school district 449  
board of education is authorized to request under division (F) 450  
(2) of this section, and the superintendent of the bureau shall 451  
proceed as if the request has been received from a school 452  
district board of education under division (F) (2) of this 453  
section. 454

(4) When the superintendent of the bureau receives a 455  
request for information under section 3319.291 of the Revised 456  
Code, the superintendent shall proceed as if the request has 457  
been received from a school district board of education and 458  
shall comply with divisions (F) (2) (a) and (c) of this section. 459

(G) In addition to or in conjunction with any request that 460  
is required to be made under section 3712.09, 3721.121, or 461  
3740.11 of the Revised Code with respect to an individual who 462  
has applied for employment in a position that involves providing 463  
direct care to an older adult or adult resident, the chief 464  
administrator of a home health agency, hospice care program, 465  
home licensed under Chapter 3721. of the Revised Code, or adult 466  
day-care program operated pursuant to rules adopted under 467  
section 3721.04 of the Revised Code may request that the 468  
superintendent of the bureau investigate and determine, with 469  
respect to any individual who has applied after January 27, 470  
1997, for employment in a position that does not involve 471  
providing direct care to an older adult or adult resident, 472  
whether the bureau has any information gathered under division 473  
(A) of this section that pertains to that individual. 474



In addition to or in conjunction with any request that is 475  
required to be made under section 173.27 of the Revised Code 476  
with respect to an individual who has applied for employment in 477  
a position that involves providing ombudsman services to 478  
residents of long-term care facilities or recipients of 479  
community-based long-term care services, the state long-term 480  
care ombudsman, the director of aging, a regional long-term care 481  
ombudsman program, or the designee of the ombudsman, director, 482  
or program may request that the superintendent investigate and 483  
determine, with respect to any individual who has applied for 484  
employment in a position that does not involve providing such 485  
ombudsman services, whether the bureau has any information 486  
gathered under division (A) of this section that pertains to 487  
that applicant. 488

In addition to or in conjunction with any request that is 489  
required to be made under section 173.38 of the Revised Code 490  
with respect to an individual who has applied for employment in 491  
a direct-care position, the chief administrator of a provider, 492  
as defined in section 173.39 of the Revised Code, may request 493  
that the superintendent investigate and determine, with respect 494  
to any individual who has applied for employment in a position 495  
that is not a direct-care position, whether the bureau has any 496  
information gathered under division (A) of this section that 497  
pertains to that applicant. 498

In addition to or in conjunction with any request that is 499  
required to be made under section 3712.09 of the Revised Code 500  
with respect to an individual who has applied for employment in 501  
a position that involves providing direct care to a pediatric 502  
respite care patient, the chief administrator of a pediatric 503  
respite care program may request that the superintendent of the 504  
bureau investigate and determine, with respect to any individual 505

who has applied for employment in a position that does not 506  
involve providing direct care to a pediatric respite care 507  
patient, whether the bureau has any information gathered under 508  
division (A) of this section that pertains to that individual. 509

On receipt of a request under this division, the 510  
superintendent shall determine whether that information exists 511  
and, on request of the individual requesting information, shall 512  
also request from the federal bureau of investigation any 513  
criminal records it has pertaining to the applicant. The 514  
superintendent or the superintendent's designee also may request 515  
criminal history records from other states or the federal 516  
government pursuant to the national crime prevention and privacy 517  
compact set forth in section 109.571 of the Revised Code. Within 518  
thirty days of the date a request is received, subject to 519  
division (E) (2) of this section, the superintendent shall send 520  
to the requester a report of any information determined to 521  
exist, including information contained in records that have been 522  
sealed under section 2953.32 or 2953.321 of the Revised Code, 523  
and, within thirty days of its receipt, shall send the requester 524  
a report of any information received from the federal bureau of 525  
investigation, other than information the dissemination of which 526  
is prohibited by federal law. 527

(H) Information obtained by a government entity or person 528  
under this section is confidential and shall not be released or 529  
disseminated. 530

(I) The superintendent may charge a reasonable fee for 531  
providing information or criminal records under division (F) (2) 532  
or (G) of this section. 533

(J) As used in this section: 534

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,

2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 565  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 566  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 567  
of the Revised Code, felonious sexual penetration in violation 568  
of former section 2907.12 of the Revised Code, a violation of 569  
section 2905.04 of the Revised Code as it existed prior to July 570  
1, 1996, a violation of section 2919.23 of the Revised Code that 571  
would have been a violation of section 2905.04 of the Revised 572  
Code as it existed prior to July 1, 1996, had the violation been 573  
committed prior to that date, or a violation of section 2925.11 574  
of the Revised Code that is not a minor drug possession offense; 575

(b) A violation of an existing or former law of this 576  
state, any other state, or the United States that is 577  
substantially equivalent to any of the offenses listed in 578  
division (A) (1) (a) of this section; 579

(c) If the request is made pursuant to section 3319.39 of 580  
the Revised Code for an applicant who is a teacher, any offense 581  
specified under section 9.79 of the Revised Code or in section 582  
3319.31 of the Revised Code. 583

(2) On receipt of a request pursuant to section 3712.09 or 584  
3721.121 of the Revised Code, a completed form prescribed 585  
pursuant to division (C) (1) of this section, and a set of 586  
fingerprint impressions obtained in the manner described in 587  
division (C) (2) of this section, the superintendent of the 588  
bureau of criminal identification and investigation shall 589  
conduct a criminal records check with respect to any person who 590  
has applied for employment in a position for which a criminal 591  
records check is required by those sections. The superintendent 592  
shall conduct the criminal records check in the manner described 593  
in division (B) of this section to determine whether any 594

information exists that indicates that the person who is the 595  
subject of the request previously has been convicted of or 596  
pleaded guilty to any of the following: 597

(a) A violation of section 2903.01, 2903.02, 2903.03, 598  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 599  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 600  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 601  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 602  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 603  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 604  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 605  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 606

(b) An existing or former law of this state, any other 607  
state, or the United States that is substantially equivalent to 608  
any of the offenses listed in division (A) (2) (a) of this 609  
section. 610

(3) On receipt of a request pursuant to section 173.27, 611  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 612  
5123.081, or 5123.169 of the Revised Code, a completed form 613  
prescribed pursuant to division (C) (1) of this section, and a 614  
set of fingerprint impressions obtained in the manner described 615  
in division (C) (2) of this section, the superintendent of the 616  
bureau of criminal identification and investigation shall 617  
conduct a criminal records check of the person for whom the 618  
request is made. The superintendent shall conduct the criminal 619  
records check in the manner described in division (B) of this 620  
section to determine whether any information exists that 621  
indicates that the person who is the subject of the request 622  
previously has been convicted of, has pleaded guilty to, or 623  
(except in the case of a request pursuant to section 5164.34, 624

5164.341, or 5164.342 of the Revised Code) has been found 625  
eligible for intervention in lieu of conviction for any of the 626  
following, regardless of the date of the conviction, the date of 627  
entry of the guilty plea, or (except in the case of a request 628  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 629  
Revised Code) the date the person was found eligible for 630  
intervention in lieu of conviction: 631

(a) A violation of section 959.13, 959.131, 2903.01, 632  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 633  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 634  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 635  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 636  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 637  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 638  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 639  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 640  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 641  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 642  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 643  
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 644  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 645  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 646  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 647  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 648  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 649  
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 650  
Revised Code; 651

(b) Felonious sexual penetration in violation of former 652  
section 2907.12 of the Revised Code; 653

(c) A violation of section 2905.04 of the Revised Code as 654

it existed prior to July 1, 1996; 655

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 656  
the Revised Code when the underlying offense that is the object 657  
of the conspiracy, attempt, or complicity is one of the offenses 658  
listed in divisions (A)(3)(a) to (c) of this section; 659

(e) A violation of an existing or former municipal 660  
ordinance or law of this state, any other state, or the United 661  
States that is substantially equivalent to any of the offenses 662  
listed in divisions (A)(3)(a) to (d) of this section. 663

(4) On receipt of a request pursuant to section 2151.86, 664  
2151.904, or 5103.053 of the Revised Code, a completed form 665  
prescribed pursuant to division (C)(1) of this section, and a 666  
set of fingerprint impressions obtained in the manner described 667  
in division (C)(2) of this section, the superintendent of the 668  
bureau of criminal identification and investigation shall 669  
conduct a criminal records check in the manner described in 670  
division (B) of this section to determine whether any 671  
information exists that indicates that the person who is the 672  
subject of the request previously has been convicted of or 673  
pleaded guilty to any of the following: 674

(a) A violation of section 959.13, 2151.421, 2903.01, 675  
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 676  
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 677  
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 678  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 679  
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 680  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 681  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 682  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 683  
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 684

2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 685  
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 686  
Revised Code, a violation of section 2905.04 of the Revised Code 687  
as it existed prior to July 1, 1996, a violation of section 688  
2919.23 of the Revised Code that would have been a violation of 689  
section 2905.04 of the Revised Code as it existed prior to July 690  
1, 1996, had the violation been committed prior to that date, a 691  
violation of section 2925.11 of the Revised Code that is not a 692  
minor drug possession offense, two or more OVI or OVUAC 693  
violations committed within the three years immediately 694  
preceding the submission of the application or petition that is 695  
the basis of the request, or felonious sexual penetration in 696  
violation of former section 2907.12 of the Revised Code, or a 697  
violation of Chapter 2919. of the Revised Code that is a felony; 698

(b) A violation of an existing or former law of this 699  
state, any other state, or the United States that is 700  
substantially equivalent to any of the offenses listed in 701  
division (A)(4)(a) of this section. 702

(5) Upon receipt of a request pursuant to section 5104.013 703  
of the Revised Code, a completed form prescribed pursuant to 704  
division (C)(1) of this section, and a set of fingerprint 705  
impressions obtained in the manner described in division (C)(2) 706  
of this section, the superintendent of the bureau of criminal 707  
identification and investigation shall conduct a criminal 708  
records check in the manner described in division (B) of this 709  
section to determine whether any information exists that 710  
indicates that the person who is the subject of the request has 711  
been convicted of or pleaded guilty to any of the following: 712

(a) A violation of section 2151.421, 2903.01, 2903.02, 713  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 714



2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 715  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 716  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 717  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 718  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 719  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 720  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 721  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 722  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 723  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 724  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 725  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 726  
3716.11 of the Revised Code, felonious sexual penetration in 727  
violation of former section 2907.12 of the Revised Code, a 728  
violation of section 2905.04 of the Revised Code as it existed 729  
prior to July 1, 1996, a violation of section 2919.23 of the 730  
Revised Code that would have been a violation of section 2905.04 731  
of the Revised Code as it existed prior to July 1, 1996, had the 732  
violation been committed prior to that date, a violation of 733  
section 2925.11 of the Revised Code that is not a minor drug 734  
possession offense, a violation of section 2923.02 or 2923.03 of 735  
the Revised Code that relates to a crime specified in this 736  
division, or a second violation of section 4511.19 of the 737  
Revised Code within five years of the date of application for 738  
licensure or certification. 739

(b) A violation of an existing or former law of this 740  
state, any other state, or the United States that is 741  
substantially equivalent to any of the offenses or violations 742  
described in division (A) (5) (a) of this section. 743

(6) Upon receipt of a request pursuant to section 5153.111 744  
of the Revised Code, a completed form prescribed pursuant to 745

division (C) (1) of this section, and a set of fingerprint 746  
impressions obtained in the manner described in division (C) (2) 747  
of this section, the superintendent of the bureau of criminal 748  
identification and investigation shall conduct a criminal 749  
records check in the manner described in division (B) of this 750  
section to determine whether any information exists that 751  
indicates that the person who is the subject of the request 752  
previously has been convicted of or pleaded guilty to any of the 753  
following: 754

(a) A violation of section 2903.01, 2903.02, 2903.03, 755  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 756  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 757  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 758  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 759  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 760  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 761  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 762  
Code, felonious sexual penetration in violation of former 763  
section 2907.12 of the Revised Code, a violation of section 764  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 765  
a violation of section 2919.23 of the Revised Code that would 766  
have been a violation of section 2905.04 of the Revised Code as 767  
it existed prior to July 1, 1996, had the violation been 768  
committed prior to that date, or a violation of section 2925.11 769  
of the Revised Code that is not a minor drug possession offense; 770

(b) A violation of an existing or former law of this 771  
state, any other state, or the United States that is 772  
substantially equivalent to any of the offenses listed in 773  
division (A) (6) (a) of this section. 774

(7) On receipt of a request for a criminal records check 775

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 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 a license, permit, or certification from the department of commerce or a division in the department. 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 criminal offense in this state, any 807  
other state, or the United States. 808

(9) On receipt of a request for a criminal records check 809  
from the treasurer of state under section 113.041 of the Revised 810  
Code or from an individual under section 928.03, 4701.08, 811  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 812  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 813  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 814  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 815  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 816  
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 817  
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 818  
accompanied by a completed form prescribed under division (C)(1) 819  
of this section and a set of fingerprint impressions obtained in 820  
the manner described in division (C)(2) of this section, the 821  
superintendent of the bureau of criminal identification and 822  
investigation shall conduct a criminal records check in the 823  
manner described in division (B) of this section to determine 824  
whether any information exists that indicates that the person 825  
who is the subject of the request has been convicted of or 826  
pleaded guilty to any criminal offense in this state or any 827  
other state. Subject to division (F) of this section, the 828  
superintendent shall send the results of a check requested under 829  
section 113.041 of the Revised Code to the treasurer of state 830  
and shall send the results of a check requested under any of the 831  
other listed sections to the licensing board specified by the 832  
individual in the request. 833

(10) On receipt of a request pursuant to section 124.74, 834  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 835  
Code, a completed form prescribed pursuant to division (C)(1) of 836  
this section, and a set of fingerprint impressions obtained in 837

the manner described in division (C) (2) of this section, the 838  
superintendent of the bureau of criminal identification and 839  
investigation shall conduct a criminal records check in the 840  
manner described in division (B) of this section to determine 841  
whether any information exists that indicates that the person 842  
who is the subject of the request previously has been convicted 843  
of or pleaded guilty to any criminal offense under any existing 844  
or former law of this state, any other state, or the United 845  
States. 846

(11) On receipt of a request for a criminal records check 847  
from an appointing or licensing authority under section 3772.07 848  
of the Revised Code, a completed form prescribed under division 849  
(C) (1) of this section, and a set of fingerprint impressions 850  
obtained in the manner prescribed in division (C) (2) of this 851  
section, the superintendent of the bureau of criminal 852  
identification and investigation shall conduct a criminal 853  
records check in the manner described in division (B) of this 854  
section to determine whether any information exists that 855  
indicates that the person who is the subject of the request 856  
previously has been convicted of or pleaded guilty or no contest 857  
to any offense under any existing or former law of this state, 858  
any other state, or the United States that makes the person 859  
ineligible for appointment or retention under section 3772.07 of 860  
the Revised Code or that is a disqualifying offense as defined 861  
in that section or substantially equivalent to a disqualifying 862  
offense, as applicable. 863

(12) On receipt of a request pursuant to section 2151.33 864  
or 2151.412 of the Revised Code, a completed form prescribed 865  
pursuant to division (C) (1) of this section, and a set of 866  
fingerprint impressions obtained in the manner described in 867  
division (C) (2) of this section, the superintendent of the 868

bureau of criminal identification and investigation shall 869  
conduct a criminal records check with respect to any person for 870  
whom a criminal records check is required under that section. 871  
The superintendent shall conduct the criminal records check in 872  
the manner described in division (B) of this section to 873  
determine whether any information exists that indicates that the 874  
person who is the subject of the request previously has been 875  
convicted of or pleaded guilty to any of the following: 876

(a) A violation of section 2903.01, 2903.02, 2903.03, 877  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 878  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 879  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 880  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 881  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 882  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 883  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 884  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 885

(b) An existing or former law of this state, any other 886  
state, or the United States that is substantially equivalent to 887  
any of the offenses listed in division (A)(12)(a) of this 888  
section. 889

(13) On receipt of a request pursuant to section 3796.12 890  
of the Revised Code, a completed form prescribed pursuant to 891  
division (C)(1) of this section, and a set of fingerprint 892  
impressions obtained in a manner described in division (C)(2) of 893  
this section, the superintendent of the bureau of criminal 894  
identification and investigation shall conduct a criminal 895  
records check in the manner described in division (B) of this 896  
section to determine whether any information exists that 897  
indicates that the person who is the subject of the request 898

previously has been convicted of or pleaded guilty to a 899  
disqualifying offense as specified in rules adopted under 900  
section 9.79 and division (B) (2) (b) of section 3796.03 of the 901  
Revised Code if the person who is the subject of the request is 902  
an administrator or other person responsible for the daily 903  
operation of, or an owner or prospective owner, officer or 904  
prospective officer, or board member or prospective board member 905  
of, an entity seeking a license from the department of commerce 906  
under Chapter 3796. of the Revised Code. 907

(14) On receipt of a request required by section 3796.13 908  
of the Revised Code, a completed form prescribed pursuant to 909  
division (C) (1) of this section, and a set of fingerprint 910  
impressions obtained in a manner described in division (C) (2) of 911  
this section, the superintendent of the bureau of criminal 912  
identification and investigation shall conduct a criminal 913  
records check in the manner described in division (B) of this 914  
section to determine whether any information exists that 915  
indicates that the person who is the subject of the request 916  
previously has been convicted of or pleaded guilty to a 917  
disqualifying offense as specified in rules adopted under 918  
division (B) (14) (a) of section 3796.03 of the Revised Code if 919  
the person who is the subject of the request is seeking 920  
employment with an entity licensed by the department of commerce 921  
under Chapter 3796. of the Revised Code. 922

(15) On receipt of a request pursuant to section 4768.06 923  
of the Revised Code, a completed form prescribed under division 924  
(C) (1) of this section, and a set of fingerprint impressions 925  
obtained in the manner described in division (C) (2) of this 926  
section, the superintendent of the bureau of criminal 927  
identification and investigation shall conduct a criminal 928  
records check in the manner described in division (B) of this 929

section to determine whether any information exists indicating 930  
that the person who is the subject of the request has been 931  
convicted of or pleaded guilty to any criminal offense in this 932  
state or in any other state. 933

(16) On receipt of a request pursuant to division (B) of 934  
section 4764.07 or division (A) of section 4735.143 of the 935  
Revised Code, a completed form prescribed under division (C) (1) 936  
of this section, and a set of fingerprint impressions obtained 937  
in the manner described in division (C) (2) of this section, the 938  
superintendent of the bureau of criminal identification and 939  
investigation shall conduct a criminal records check in the 940  
manner described in division (B) of this section to determine 941  
whether any information exists indicating that the person who is 942  
the subject of the request has been convicted of or pleaded 943  
guilty to any criminal offense in any state or the United 944  
States. 945

(17) On receipt of a request for a criminal records check 946  
under section 147.022 of the Revised Code, a completed form 947  
prescribed under division (C) (1) of this section, and a set of 948  
fingerprint impressions obtained in the manner prescribed in 949  
division (C) (2) of this section, the superintendent of the 950  
bureau of criminal identification and investigation shall 951  
conduct a criminal records check in the manner described in 952  
division (B) of this section to determine whether any 953  
information exists that indicates that the person who is the 954  
subject of the request previously has been convicted of or 955  
pleaded guilty or no contest to any criminal offense under any 956  
existing or former law of this state, any other state, or the 957  
United States. 958

(18) Upon receipt of a request pursuant to division (F) of 959



section 2915.081 or division (E) of section 2915.082 of the 960  
Revised Code, a completed form prescribed under division (C) (1) 961  
of this section, and a set of fingerprint impressions obtained 962  
in the manner described in division (C) (2) of this section, the 963  
superintendent of the bureau of criminal identification and 964  
investigation shall conduct a criminal records check in the 965  
manner described in division (B) of this section to determine 966  
whether any information exists indicating that the person who is 967  
the subject of the request has been convicted of or pleaded 968  
guilty or no contest to any offense that is a violation of 969  
Chapter 2915. of the Revised Code or to any offense under any 970  
existing or former law of this state, any other state, or the 971  
United States that is substantially equivalent to such an 972  
offense. 973

(19) On receipt of a request pursuant to section 3775.03 974  
of the Revised Code, a completed form prescribed under division 975  
(C) (1) of this section, and a set of fingerprint impressions 976  
obtained in the manner described in division (C) (2) of this 977  
section, the superintendent of the bureau of criminal 978  
identification and investigation shall conduct a criminal 979  
records check in the manner described in division (B) of this 980  
section and shall request information from the federal bureau of 981  
investigation to determine whether any information exists 982  
indicating that the person who is the subject of the request has 983  
been convicted of any offense under any existing or former law 984  
of this state, any other state, or the United States that is a 985  
disqualifying offense as defined in section 3772.07 of the 986  
Revised Code. 987

(B) Subject to division (F) of this section, the 988  
superintendent shall conduct any criminal records check to be 989  
conducted under this section as follows: 990

(1) The superintendent shall review or cause to be 991  
reviewed any relevant information gathered and compiled by the 992  
bureau under division (A) of section 109.57 of the Revised Code 993  
that relates to the person who is the subject of the criminal 994  
records check, including, if the criminal records check was 995  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 996  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 997  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 998  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 999  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1000  
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 1001  
5123.081, 5123.169, or 5153.111 of the Revised Code, any 1002  
relevant information contained in records that have been sealed 1003  
under section 2953.32 or 2953.321 of the Revised Code; 1004

(2) If the request received by the superintendent asks for 1005  
information from the federal bureau of investigation, the 1006  
superintendent shall request from the federal bureau of 1007  
investigation any information it has with respect to the person 1008  
who is the subject of the criminal records check, including 1009  
fingerprint-based checks of national crime information databases 1010  
as described in 42 U.S.C. 671 if the request is made pursuant to 1011  
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 1012  
any other Revised Code section requires fingerprint-based checks 1013  
of that nature, and shall review or cause to be reviewed any 1014  
information the superintendent receives from that bureau. If a 1015  
request under section 3319.39 of the Revised Code asks only for 1016  
information from the federal bureau of investigation, the 1017  
superintendent shall not conduct the review prescribed by 1018  
division (B)(1) of this section. 1019

(3) The superintendent or the superintendent's designee 1020  
may request criminal history records from other states or the 1021

federal government pursuant to the national crime prevention and 1022  
privacy compact set forth in section 109.571 of the Revised 1023  
Code. 1024

(4) The superintendent shall include in the results of the 1025  
criminal records check a list or description of the offenses 1026  
listed or described in the relevant provision of division (A) of 1027  
this section. The superintendent shall exclude from the results 1028  
any information the dissemination of which is prohibited by 1029  
federal law. 1030

(5) The superintendent shall send the results of the 1031  
criminal records check to the person to whom it is to be sent 1032  
not later than the following number of days after the date the 1033  
superintendent receives the request for the criminal records 1034  
check, the completed form prescribed under division (C) (1) of 1035  
this section, and the set of fingerprint impressions obtained in 1036  
the manner described in division (C) (2) of this section: 1037

(a) If the superintendent is required by division (A) of 1038  
this section (other than division (A) (3) of this section) to 1039  
conduct the criminal records check, thirty; 1040

(b) If the superintendent is required by division (A) (3) 1041  
of this section to conduct the criminal records check, sixty. 1042

(C) (1) The superintendent shall prescribe a form to obtain 1043  
the information necessary to conduct a criminal records check 1044  
from any person for whom a criminal records check is to be 1045  
conducted under this section. The form that the superintendent 1046  
prescribes pursuant to this division may be in a tangible 1047  
format, in an electronic format, or in both tangible and 1048  
electronic formats. 1049

(2) The superintendent shall prescribe standard impression 1050

1051 sheets to obtain the fingerprint impressions of any person for  
1052 whom a criminal records check is to be conducted under this  
1053 section. Any person for whom a records check is to be conducted  
1054 under this section shall obtain the fingerprint impressions at a  
1055 county sheriff's office, municipal police department, or any  
1056 other entity with the ability to make fingerprint impressions on  
1057 the standard impression sheets prescribed by the superintendent.  
1058 The office, department, or entity may charge the person a  
1059 reasonable fee for making the impressions. The standard  
1060 impression sheets the superintendent prescribes pursuant to this  
1061 division may be in a tangible format, in an electronic format,  
1062 or in both tangible and electronic formats.

1063 (3) Subject to division (D) of this section, the  
1064 superintendent shall prescribe and charge a reasonable fee for  
1065 providing a criminal records check under this section. The  
1066 person requesting the criminal records check shall pay the fee  
1067 prescribed pursuant to this division. In the case of a request  
1068 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,  
1069 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the  
1070 fee shall be paid in the manner specified in that section.

1071 (4) The superintendent of the bureau of criminal  
1072 identification and investigation may prescribe methods of  
1073 forwarding fingerprint impressions and information necessary to  
1074 conduct a criminal records check, which methods shall include,  
1075 but not be limited to, an electronic method.

1076 (D) The results of a criminal records check conducted  
1077 under this section, other than a criminal records check  
1078 specified in division (A) (7) of this section, are valid for the  
1079 person who is the subject of the criminal records check for a  
1080 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 1081  
superintendent receives another request for a criminal records 1082  
check to be conducted under this section for that person, the 1083  
superintendent shall provide the results from the previous 1084  
criminal records check of the person at a lower fee than the fee 1085  
prescribed for the initial criminal records check. 1086

(E) When the superintendent receives a request for 1087  
information from a registered private provider, the 1088  
superintendent shall proceed as if the request was received from 1089  
a school district board of education under section 3319.39 of 1090  
the Revised Code. The superintendent shall apply division (A)(1) 1091  
(c) of this section to any such request for an applicant who is 1092  
a teacher. 1093

(F)(1) Subject to division (F)(2) of this section, all 1094  
information regarding the results of a criminal records check 1095  
conducted under this section that the superintendent reports or 1096  
sends under division (A)(7) or (9) of this section to the 1097  
director of public safety, the treasurer of state, or the 1098  
person, board, or entity that made the request for the criminal 1099  
records check shall relate to the conviction of the subject 1100  
person, or the subject person's plea of guilty to, a criminal 1101  
offense. 1102

(2) Division (F)(1) of this section does not limit, 1103  
restrict, or preclude the superintendent's release of 1104  
information that relates to the arrest of a person who is 1105  
eighteen years of age or older, to an adjudication of a child as 1106  
a delinquent child, or to a criminal conviction of a person 1107  
under eighteen years of age in circumstances in which a release 1108  
of that nature is authorized under division (E)(2), (3), or (4) 1109  
of section 109.57 of the Revised Code pursuant to a rule adopted 1110

under division (E) (1) of that section. 1111

(G) As used in this section: 1112

(1) "Criminal records check" means any criminal records 1113  
check conducted by the superintendent of the bureau of criminal 1114  
identification and investigation in accordance with division (B) 1115  
of this section. 1116

(2) "Minor drug possession offense" has the same meaning 1117  
as in section 2925.01 of the Revised Code. 1118

(3) "OVI or OVUAC violation" means a violation of section 1119  
4511.19 of the Revised Code or a violation of an existing or 1120  
former law of this state, any other state, or the United States 1121  
that is substantially equivalent to section 4511.19 of the 1122  
Revised Code. 1123

(4) "Registered private provider" means a nonpublic school 1124  
or entity registered with the department of education and 1125  
workforce under section 3310.41 of the Revised Code to 1126  
participate in the autism scholarship program or section 3310.58 1127  
of the Revised Code to participate in the Jon Peterson special 1128  
needs scholarship program. 1129

**Sec. 109.578.** (A) On receipt of a request pursuant to 1130  
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1131  
Code, a completed form prescribed pursuant to division (C) (1) of 1132  
this section, and a set of fingerprint impressions obtained in 1133  
the manner described in division (C) (2) of this section, the 1134  
superintendent of the bureau of criminal identification and 1135  
investigation shall conduct a criminal records check in the 1136  
manner described in division (B) of this section to determine 1137  
whether any information exists that indicates that the person 1138  
who is the subject of the request previously has been convicted 1139

of or pleaded guilty to any of the following: 1140

(1) A felony; 1141

(2) A violation of section 2909.03 of the Revised Code; 1142

(3) A violation of an existing or former law of this 1143  
state, any other state, or the United States that is 1144  
substantially equivalent to any of the offenses listed in 1145  
division (A)(1) or (2) of this section. 1146

(B) Subject to division (E) of this section, the 1147  
superintendent shall conduct any criminal records check pursuant 1148  
to division (A) of this section as follows: 1149

(1) The superintendent shall review or cause to be 1150  
reviewed any relevant information gathered and compiled by the 1151  
bureau under division (A) of section 109.57 of the Revised Code 1152  
that relates to the person who is the subject of the request, 1153  
including any relevant information contained in records that 1154  
have been sealed under section 2953.32 or 2953.321 of the 1155  
Revised Code. 1156

(2) If the request received by the superintendent asks for 1157  
information from the federal bureau of investigation, the 1158  
superintendent shall request from the federal bureau of 1159  
investigation any information it has with respect to the person 1160  
who is the subject of the request and shall review or cause to 1161  
be reviewed any information the superintendent receives from 1162  
that bureau. 1163

(C)(1) The superintendent shall prescribe a form to obtain 1164  
the information necessary to conduct a criminal records check 1165  
from any person for whom a criminal records check is requested 1166  
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1167  
the Revised Code. The form that the superintendent prescribes 1168

pursuant to this division may be in a tangible format, in an 1169  
electronic format, or in both tangible and electronic formats. 1170

(2) The superintendent shall prescribe standard impression 1171  
sheets to obtain the fingerprint impressions of any person for 1172  
whom a criminal records check is requested pursuant to section 1173  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1174  
person for whom a records check is requested pursuant to any of 1175  
those sections shall obtain the fingerprint impressions at a 1176  
county sheriff's office, a municipal police department, or any 1177  
other entity with the ability to make fingerprint impressions on 1178  
the standard impression sheets prescribed by the superintendent. 1179  
The office, department, or entity may charge the person a 1180  
reasonable fee for making the impressions. The standard 1181  
impression sheets the superintendent prescribes pursuant to this 1182  
division may be in a tangible format, in an electronic format, 1183  
or in both tangible and electronic formats. 1184

(3) Subject to division (D) of this section, the 1185  
superintendent shall prescribe and charge a reasonable fee for 1186  
providing a criminal records check requested under section 1187  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1188  
person making the criminal records request shall pay the fee 1189  
prescribed pursuant to this division. 1190

(4) The superintendent may prescribe methods of forwarding 1191  
fingerprint impressions and information necessary to conduct a 1192  
criminal records check. The methods shall include, but are not 1193  
limited to, an electronic method. 1194

(D) A determination whether any information exists that 1195  
indicates that a person previously has been convicted of or 1196  
pleaded guilty to any offense listed or described in division 1197  
(A) of this section and that the superintendent made with 1198



respect to information considered in a criminal records check in 1199  
accordance with this section is valid for the person who is the 1200  
subject of the criminal records check for a period of one year 1201  
from the date upon which the superintendent makes the 1202  
determination. During the period in which the determination in 1203  
regard to a person is valid, if another request under this 1204  
section is made for a criminal records check for that person, 1205  
the superintendent shall provide the information that is the 1206  
basis for the superintendent's initial determination at a lower 1207  
fee than the fee prescribed for the initial criminal records 1208  
check. 1209

(E) (1) Subject to division (E) (2) of this section, all 1210  
information regarding the results of a criminal records check 1211  
conducted under this section that the superintendent reports or 1212  
sends under this section to the person, board, or entity that 1213  
made the request for the criminal records check shall relate to 1214  
the conviction of the subject person, or the subject person's 1215  
plea of guilty to, a criminal offense. 1216

(2) Division (E) (1) of this section does not limit, 1217  
restrict, or preclude the superintendent's release of 1218  
information that relates to the arrest of a person who is 1219  
eighteen years of age or older, to an adjudication of a child as 1220  
a delinquent child, or to a criminal conviction of a person 1221  
under eighteen years of age in circumstances in which a release 1222  
of that nature is authorized under division (E) (2), (3), or (4) 1223  
of section 109.57 of the Revised Code pursuant to a rule adopted 1224  
under division (E) (1) of that section. 1225

(F) As used in this section, "criminal records check" 1226  
means any criminal records check conducted by the superintendent 1227  
of the bureau of criminal identification and investigation in 1228

accordance with division (B) of this section. 1229

**Sec. 109.579.** (A) On receipt of a request pursuant to 1230  
division (B) of section 4123.444 of the Revised Code, a 1231  
completed form prescribed pursuant to division (C)(1) of this 1232  
section, and a set of fingerprint impressions obtained in the 1233  
manner described in division (C)(2) of this section, the 1234  
superintendent of the bureau of criminal identification and 1235  
investigation shall conduct a criminal records check in the 1236  
manner described in division (B) of this section to determine 1237  
whether any information exists that indicates that the person 1238  
who is the subject of the request previously has been convicted 1239  
of or pleaded guilty to any criminal offense involving theft, 1240  
receiving stolen property, embezzlement, forgery, fraud, passing 1241  
bad checks, money laundering, drug trafficking, or any criminal 1242  
offense involving money or securities, as set forth in Chapters 1243  
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 1244  
Revised Code or other law of this state, or the laws of any 1245  
other state or of the United States that are substantially 1246  
equivalent to those offenses. 1247

(B) The superintendent shall conduct a criminal records 1248  
check pursuant to division (A) of this section as follows: 1249

(1) The superintendent shall review or cause to be 1250  
reviewed any relevant information gathered and compiled by the 1251  
bureau under division (A) of section 109.57 of the Revised Code 1252  
that relates to the person who is the subject of the request, 1253  
including any relevant information contained in records that 1254  
have been sealed under section 2953.32 or 2953.321 of the 1255  
Revised Code. 1256

(2) If the request received by the superintendent asks for 1257  
information from the federal bureau of investigation, the 1258

superintendent shall request from the federal bureau of 1259  
investigation any information it has with respect to the person 1260  
who is the subject of the request. The superintendent shall 1261  
review or cause to be reviewed any information that the 1262  
superintendent receives from the federal bureau of 1263  
investigation. 1264

(3) The superintendent shall forward the results of a 1265  
criminal records check conducted pursuant to this division to 1266  
the administrator of workers' compensation. 1267

(C) (1) The superintendent shall prescribe a form to obtain 1268  
the information necessary to conduct a criminal records check 1269  
from any person for whom a criminal records check is requested 1270  
pursuant to division (B) of section 4123.444 of the Revised 1271  
Code. The form that the superintendent prescribes pursuant to 1272  
this division may be in a tangible format, in an electronic 1273  
format, or in both tangible and electronic formats. 1274

(2) The superintendent shall prescribe standard impression 1275  
sheets to obtain the fingerprint impressions of any person for 1276  
whom a criminal records check is requested pursuant to section 1277  
4123.444 of the Revised Code. Any person for whom the 1278  
administrator requests the superintendent to conduct a criminal 1279  
records check pursuant to that section shall have the person's 1280  
fingerprint impressions made at a county sheriff's office, a 1281  
municipal police department, or any other entity with the 1282  
ability to make fingerprint impressions on the standard 1283  
impression sheets prescribed by the superintendent. The office, 1284  
department, or entity may charge the person a reasonable fee for 1285  
making the impressions. The standard impression sheets the 1286  
superintendent prescribes pursuant to this division may be in a 1287  
tangible format, in an electronic format, or in both tangible 1288

and electronic formats. 1289

(3) The superintendent may prescribe methods of forwarding 1290  
fingerprint impressions and information necessary to conduct a 1291  
criminal records check. The methods shall include, but are not 1292  
limited to, electronic methods. 1293

(D) A determination whether any information exists that 1294  
indicates that a person previously has been convicted of or 1295  
pleaded guilty to any offense listed or described in division 1296  
(A) of this section that the superintendent makes pursuant to 1297  
information considered in a criminal records check under this 1298  
section is valid for the person who is the subject of that 1299  
criminal records check for a period of one year after the date 1300  
the superintendent makes that determination. 1301

(E) The superintendent shall prescribe and charge a 1302  
reasonable fee for providing a criminal records check requested 1303  
under section 4123.444 of the Revised Code. If another request 1304  
for a criminal records check is made under this section for a 1305  
person for whom a valid determination under division (D) of this 1306  
section is available, the superintendent shall provide the 1307  
determination for a reduced fee. 1308

**Sec. 2151.357.** (A) If the court orders the records of a 1309  
person sealed pursuant to section 2151.356 of the Revised Code, 1310  
the person who is subject of the order properly may, and the 1311  
court shall, reply that no record exists with respect to the 1312  
person upon any inquiry in the matter, and the court, except as 1313  
provided in division (D) of this section, shall do all of the 1314  
following: 1315

(1) Order that the proceedings in a case described in 1316  
divisions (B) and (C) of section 2151.356 of the Revised Code be 1317

deemed never to have occurred; 1318

(2) Except as provided in division (C) of this section, 1319  
delete all index references to the case and the person so that 1320  
the references are permanently irretrievable; 1321

(3) Order that all original records of the case maintained 1322  
by any public office or agency, except fingerprints held by a 1323  
law enforcement agency, DNA specimens collected pursuant to 1324  
section 2152.74 of the Revised Code, and DNA records derived 1325  
from DNA specimens pursuant to section 109.573 of the Revised 1326  
Code, be delivered to the court; 1327

(4) Order each public office or agency, upon the 1328  
delivering of records to the court under division (A) (3) of this 1329  
section, to expunge remaining records of the case that are the 1330  
subject of the sealing order that are maintained by that public 1331  
office or agency, except fingerprints, DNA specimens, and DNA 1332  
records described under division (A) (3) of this section; 1333

(5) Send notice of the order to seal to any public office 1334  
or agency that the court has reason to believe may have a record 1335  
of the sealed record including, but not limited to, the bureau 1336  
of criminal identification and investigation; 1337

(6) Seal all of the records delivered to the court under 1338  
division (A) (3) of this section, in a separate file in which 1339  
only sealed records are maintained. 1340

(B) Except as provided in division (D) of this section, an 1341  
order to seal under section 2151.356 of the Revised Code applies 1342  
to every public office or agency that has a record relating to 1343  
the case, regardless of whether it receives notice of the 1344  
hearing on the sealing of the record or a copy of the order. 1345  
Except as provided in division (D) of this section, upon the 1346

written request of a person whose record has been sealed and the 1347  
presentation of a copy of the order and compliance with division 1348  
(A) (3) of this section, a public office or agency shall expunge 1349  
its record relating to the case, except a record of the 1350  
adjudication or arrest or taking into custody that is maintained 1351  
for compiling statistical data and that does not contain any 1352  
reference to the person who is the subject of the order. 1353

(C) The court that maintains sealed records pursuant to 1354  
this section may maintain a manual or computerized index of the 1355  
sealed records and shall make the index available only for the 1356  
purposes set forth in division (E) of this section. 1357

(1) Each entry regarding a sealed record in the index of 1358  
sealed records shall contain all of the following: 1359

(a) The name of the person who is the subject of the 1360  
sealed record; 1361

(b) An alphanumeric identifier relating to the person who 1362  
is the subject of the sealed record; 1363

(c) The word "sealed"; 1364

(d) The name of the court that has custody of the sealed 1365  
record. 1366

(2) Any entry regarding a sealed record in the index of 1367  
sealed records shall not contain either of the following: 1368

(a) The social security number of the person who is 1369  
subject of the sealed record; 1370

(b) The name or a description of the act committed. 1371

(D) Notwithstanding any provision of this section that 1372  
requires otherwise, a board of education of a city, local, 1373

exempted village, or joint vocational school district that 1374  
maintains records of an individual who has been permanently 1375  
excluded under sections 3301.121 and 3313.662 of the Revised 1376  
Code is permitted to maintain records regarding an adjudication 1377  
that the individual is a delinquent child that was used as the 1378  
basis for the individual's permanent exclusion, regardless of a 1379  
court order to seal the record. An order issued under section 1380  
2151.356 of the Revised Code to seal the record of an 1381  
adjudication that an individual is a delinquent child does not 1382  
revoke the adjudication order of the director of education and 1383  
workforce to permanently exclude the individual who is the 1384  
subject of the sealing order. An order to seal the record of an 1385  
adjudication that an individual is a delinquent child may be 1386  
presented to a district superintendent as evidence to support 1387  
the contention that the superintendent should recommend that the 1388  
permanent exclusion of the individual who is the subject of the 1389  
sealing order be revoked. Except as otherwise authorized by this 1390  
division and sections 3301.121 and 3313.662 of the Revised Code, 1391  
any school employee in possession of or having access to the 1392  
sealed adjudication records of an individual that were the basis 1393  
of a permanent exclusion of the individual is subject to 1394  
division (F) of this section. 1395

(E) Inspection of records that have been ordered sealed 1396  
under section 2151.356 of the Revised Code may be made only by 1397  
the following persons or for the following purposes: 1398

(1) By the court; 1399

(2) If the records in question pertain to an act that 1400  
would be an offense of violence that would be a felony if 1401  
committed by an adult, by any law enforcement officer or any 1402  
prosecutor, or the assistants of a law enforcement officer or 1403

prosecutor, for any valid law enforcement or prosecutorial 1404  
purpose; 1405

(3) Upon application by the person who is the subject of 1406  
the sealed records, by the person that is named in that 1407  
application; 1408

(4) If the records in question pertain to an alleged 1409  
violation of division (E) (1) of section 4301.69 of the Revised 1410  
Code, by any law enforcement officer or any prosecutor, or the 1411  
assistants of a law enforcement officer or prosecutor, for the 1412  
purpose of determining whether the person is eligible for 1413  
diversion under division (E) (2) of section 4301.69 of the 1414  
Revised Code; 1415

(5) At the request of a party in a civil action that is 1416  
based on a case the records for which are the subject of a 1417  
sealing order issued under section 2151.356 of the Revised Code, 1418  
as needed for the civil action. The party also may copy the 1419  
records as needed for the civil action. The sealed records shall 1420  
be used solely in the civil action and are otherwise 1421  
confidential and subject to the provisions of this section; 1422

(6) By the attorney general or an authorized employee of 1423  
the attorney general or the court for purposes of determining 1424  
whether a child is a public registry-qualified juvenile offender 1425  
registrant, as defined in section 2950.01 of the Revised Code, 1426  
for purposes of Chapter 2950. of the Revised Code. 1427

(F) No officer or employee of the state or any of its 1428  
political subdivisions shall knowingly release, disseminate, or 1429  
make available for any purpose involving employment, bonding, 1430  
licensing, or education to any person or to any department, 1431  
agency, or other instrumentality of the state or of any of its 1432



political subdivisions any information or other data concerning 1433  
any arrest, taking into custody, complaint, indictment, 1434  
information, trial, hearing, adjudication, or correctional 1435  
supervision, the records of which have been sealed pursuant to 1436  
section 2151.356 of the Revised Code and the release, 1437  
dissemination, or making available of which is not expressly 1438  
permitted by this section. Whoever violates this division is 1439  
guilty of divulging confidential information, a misdemeanor of 1440  
the fourth degree. 1441

(G) In any application for employment, license, or other 1442  
right or privilege, any appearance as a witness, or any other 1443  
inquiry, a person may not be questioned with respect to any 1444  
arrest or taking into custody for which the records were sealed. 1445  
If an inquiry is made in violation of this division, the person 1446  
may respond as if the sealed arrest or taking into custody did 1447  
not occur, and the person shall not be subject to any adverse 1448  
action because of the arrest or taking into custody or the 1449  
response. 1450

(H) The judgment rendered by the court under this chapter 1451  
shall not impose any of the civil disabilities ordinarily 1452  
imposed by conviction of a crime in that the child is not a 1453  
criminal by reason of the adjudication, and no child shall be 1454  
charged with or convicted of a crime in any court except as 1455  
provided by this chapter. The disposition of a child under the 1456  
judgment rendered or any evidence given in court shall not 1457  
operate to disqualify a child in any future civil service 1458  
examination, appointment, or application. Evidence of a judgment 1459  
rendered and the disposition of a child under the judgment is 1460  
not admissible to impeach the credibility of the child in any 1461  
action or proceeding. Otherwise, the disposition of a child 1462  
under the judgment rendered or any evidence given in court is 1463

admissible as evidence for or against the child in any action or 1464  
proceeding in any court in accordance with the Rules of Evidence 1465  
and also may be considered by any court as to the matter of 1466  
sentence or to the granting of probation, and a court may 1467  
consider the judgment rendered and the disposition of a child 1468  
under that judgment for purposes of determining whether the 1469  
child, for a future criminal conviction or guilty plea, is a 1470  
repeat violent offender or a repeat offender, as defined in 1471  
section 2929.01 of the Revised Code. 1472

**Sec. 2746.02.** A court of record of this state shall tax as 1473  
costs or otherwise require the payment of fees for the following 1474  
services rendered, as compensation for the following persons, or 1475  
as part of the sentence imposed by the court, or any other of 1476  
the following fees that are applicable in a particular case: 1477

(A) In a felony case, financial sanctions, as provided in 1478  
section 2929.18 of the Revised Code; 1479

(B) In any criminal case, the costs of prosecution, as 1480  
provided in section 2947.23 of the Revised Code; 1481

(C) In a misdemeanor case in which the offender is 1482  
sentenced to a jail term, the local detention facility is 1483  
covered by a policy adopted by the facility's governing 1484  
authority requiring reimbursement for the costs of confinement, 1485  
and the offender is presented with an itemized bill pursuant to 1486  
section 2929.37 of the Revised Code for such costs, the costs of 1487  
confinement, as provided in section 2929.24 of the Revised Code; 1488

(D) In a case in which an offender is sentenced for 1489  
endangering children in violation of section 2919.22 of the 1490  
Revised Code, the costs of the offender's supervised community 1491  
service work, as provided in section 2919.22 of the Revised 1492

Code; 1493

(E) In a case in which a defendant is charged with any of 1494  
certain sexual assault or prostitution-related offenses and is 1495  
found to have a venereal disease in an infectious stage, the 1496  
cost of medical treatment, as provided in section 2907.27 of the 1497  
Revised Code; 1498

(F) In a case in which a defendant is charged with 1499  
harassment with a bodily substance, the cost of medical testing, 1500  
as provided in section 2921.38 of the Revised Code; 1501

(G) In a case in which a defendant is charged with 1502  
violating a protection order in violation of section 2919.27 of 1503  
the Revised Code or of a municipal ordinance that is 1504  
substantially similar to that section, the costs of any 1505  
evaluation and preceding examination of the defendant, as 1506  
provided in section 2919.271 of the Revised Code; 1507

(H) Presentence psychological or psychiatric reports, as 1508  
provided in section 2947.06 of the Revised Code; 1509

(I) In a criminal proceeding, the taking of a deposition 1510  
of a person who is imprisoned in a detention facility or state 1511  
correctional institution within this state or who is in the 1512  
custody of the department of youth services, as provided in 1513  
section 2945.47 of the Revised Code; 1514

(J) In a case in which a person is convicted of or pleads 1515  
guilty to any offense other than a parking violation or in which 1516  
a child is found to be a delinquent child or a juvenile traffic 1517  
offender for an act that, if committed by an adult, would be an 1518  
offense other than a parking violation, additional costs and 1519  
bail, if applicable, as provided in sections 2743.70 and 1520  
2949.091 of the Revised Code, but subject to waiver as provided 1521

in section 2949.092 of the Revised Code; 1522

(K) In a case in which a person is convicted of or pleads 1523  
guilty to a moving violation or in which a child is found to be 1524  
a juvenile traffic offender for an act which, if committed by an 1525  
adult, would be a moving violation, additional costs and bail, 1526  
if applicable, as provided in sections 2949.093 and 2949.094 of 1527  
the Revised Code, but subject to waiver as provided in section 1528  
2949.092 of the Revised Code; 1529

(L) In a case in which a defendant is convicted of 1530  
abandoning a junk vessel or outboard motor without notifying the 1531  
appropriate law enforcement officer, the cost incurred by the 1532  
state or a political subdivision in disposing of the vessel or 1533  
motor, as provided in section 1547.99 of the Revised Code; 1534

(M) The costs of electronic monitoring in the following 1535  
cases: 1536

(1) In a misdemeanor case in which the offender is 1537  
convicted of any of certain prostitution-related offenses and a 1538  
specification under section 2941.1421 of the Revised Code, as 1539  
provided in section 2929.24 of the Revised Code; 1540

(2) In a case in which the court issues a criminal 1541  
protection order against a minor upon a petition alleging that 1542  
the respondent committed any of certain assault, menacing, or 1543  
trespass offenses, a sexually oriented offense, or an offense 1544  
under a municipal ordinance that is substantially equivalent to 1545  
any of those offenses, as provided in section 2151.34 of the 1546  
Revised Code; 1547

(3) In a case in which the court issues a protection order 1548  
against an adult upon a petition alleging that the respondent 1549  
committed menacing by stalking or a sexually oriented offense, 1550

as provided in section 2903.214 of the Revised Code; 1551

(4) In a case in which an offender is convicted of 1552  
violating a protection order, as provided in section 2919.27 of 1553  
the Revised Code; 1554

(5) In a case in which the offender is convicted of any 1555  
sexually oriented offense and is a tier III sex offender/child- 1556  
victim offender relative to that offense, as provided in section 1557  
2929.13 of the Revised Code. 1558

(N) In a proceeding for post-conviction relief, a 1559  
transcript, as provided in section 2953.21 of the Revised Code; 1560

(O) In a proceeding for the sealing or expungement of a 1561  
conviction record, the fees provided for in section 2953.32, 1562  
2953.322, or 2953.39 of the Revised Code. 1563

**Sec. 2901.08.** (A) If a person is alleged to have committed 1564  
an offense and if the person previously has been adjudicated a 1565  
delinquent child or juvenile traffic offender for a violation of 1566  
a law or ordinance, except as provided in division (B) of this 1567  
section, the adjudication as a delinquent child or as a juvenile 1568  
traffic offender is a conviction for a violation of the law or 1569  
ordinance for purposes of determining the offense with which the 1570  
person should be charged and, if the person is convicted of or 1571  
pleads guilty to an offense, the sentence to be imposed upon the 1572  
person relative to the conviction or guilty plea. 1573

(B) A previous adjudication of a person as a delinquent 1574  
child or juvenile traffic offender for a violation of a law or 1575  
ordinance is not a conviction for a violation of the law or 1576  
ordinance for purposes of determining any of the following: 1577

(1) Whether the person is a repeat violent offender, as 1578  
defined in section 2929.01 of the Revised Code, or whether the 1579

person should be sentenced as a repeat violent offender under 1580  
division (B) (2) of section 2929.14 and section 2941.149 of the 1581  
Revised Code; 1582

(2) Whether the person is a violent career criminal as 1583  
defined in section 2923.132 of the Revised Code, whether the 1584  
person has committed unlawful use of a weapon by a violent 1585  
career criminal in violation of section 2923.132 of the Revised 1586  
Code or should be sentenced for that offense under that section, 1587  
or whether the person should be sentenced under division (K) of 1588  
section 2929.14 of the Revised Code as a violent career criminal 1589  
who had a firearm on or about the person's person or under the 1590  
person's control while committing a violent felony offense and 1591  
displayed or brandished the firearm, indicated that the offender 1592  
possessed a firearm, or used the firearm to facilitate the 1593  
offense; 1594

(3) Whether the person is a repeat offender, as defined in 1595  
section 2929.01 of the Revised Code, or whether the person 1596  
should be sentenced as a repeat offender under division (B) (12) 1597  
of section 2929.14 and section 2941.1427 of the Revised Code. 1598

**Sec. 2923.125.** It is the intent of the general assembly 1599  
that Ohio concealed handgun license law be compliant with the 1600  
national instant criminal background check system, that the 1601  
bureau of alcohol, tobacco, firearms, and explosives is able to 1602  
determine that Ohio law is compliant with the national instant 1603  
criminal background check system, and that no person shall be 1604  
eligible to receive a concealed handgun license permit under 1605  
section 2923.125 or 2923.1213 of the Revised Code unless the 1606  
person is eligible lawfully to receive or possess a firearm in 1607  
the United States. 1608

(A) This section applies with respect to the application 1609

for and issuance by this state of concealed handgun licenses 1610  
other than concealed handgun licenses on a temporary emergency 1611  
basis that are issued under section 2923.1213 of the Revised 1612  
Code. Upon the request of a person who wishes to obtain a 1613  
concealed handgun license with respect to which this section 1614  
applies or to renew a concealed handgun license with respect to 1615  
which this section applies, a sheriff, as provided in division 1616  
(I) of this section, shall provide to the person free of charge 1617  
an application form and the web site address at which a 1618  
printable version of the application form that can be downloaded 1619  
and the pamphlet described in division (B) of section 109.731 of 1620  
the Revised Code may be found. A sheriff shall accept a 1621  
completed application form and the fee, items, materials, and 1622  
information specified in divisions (B)(1) to (5) of this section 1623  
at the times and in the manners described in division (I) of 1624  
this section. 1625

(B) An applicant for a concealed handgun license who is a 1626  
resident of this state shall submit a completed application form 1627  
and all of the material and information described in divisions 1628  
(B)(1) to (6) of this section to the sheriff of the county in 1629  
which the applicant resides or to the sheriff of any county 1630  
adjacent to the county in which the applicant resides. An 1631  
applicant for a license who resides in another state shall 1632  
submit a completed application form and all of the material and 1633  
information described in divisions (B)(1) to (7) of this section 1634  
to the sheriff of the county in which the applicant is employed 1635  
or to the sheriff of any county adjacent to the county in which 1636  
the applicant is employed: 1637

(1)(a) A nonrefundable license fee as described in either 1638  
of the following: 1639

(i) For an applicant who has been a resident of this state 1640  
for five or more years, a fee of sixty-seven dollars; 1641

(ii) For an applicant who has been a resident of this 1642  
state for less than five years or who is not a resident of this 1643  
state, but who is employed in this state, a fee of sixty-seven 1644  
dollars plus the actual cost of having a background check 1645  
performed by the federal bureau of investigation. 1646

(b) No sheriff shall require an applicant to pay for the 1647  
cost of a background check performed by the bureau of criminal 1648  
identification and investigation. 1649

(c) A sheriff shall waive the payment of the license fee 1650  
described in division (B) (1) (a) of this section in connection 1651  
with an initial or renewal application for a license that is 1652  
submitted by an applicant who is an active or reserve member of 1653  
the armed forces of the United States or has retired from or was 1654  
honorably discharged from military service in the active or 1655  
reserve armed forces of the United States, a retired peace 1656  
officer, a retired person described in division (B) (1) (b) of 1657  
section 109.77 of the Revised Code, or a retired federal law 1658  
enforcement officer who, prior to retirement, was authorized 1659  
under federal law to carry a firearm in the course of duty, 1660  
unless the retired peace officer, person, or federal law 1661  
enforcement officer retired as the result of a mental 1662  
disability. 1663

(d) The sheriff shall deposit all fees paid by an 1664  
applicant under division (B) (1) (a) of this section into the 1665  
sheriff's concealed handgun license issuance fund established 1666  
pursuant to section 311.42 of the Revised Code. The county shall 1667  
distribute the fees in accordance with section 311.42 of the 1668  
Revised Code. 1669



(2) A color photograph of the applicant that was taken 1670  
within thirty days prior to the date of the application; 1671

(3) One or more of the following competency 1672  
certifications, each of which shall reflect that, regarding a 1673  
certification described in division (B) (3) (a), (b), (c), (e), or 1674  
(f) of this section, within the three years immediately 1675  
preceding the application the applicant has performed that to 1676  
which the competency certification relates and that, regarding a 1677  
certification described in division (B) (3) (d) of this section, 1678  
the applicant currently is an active or reserve member of the 1679  
armed forces of the United States, the applicant has retired 1680  
from or was honorably discharged from military service in the 1681  
active or reserve armed forces of the United States, or within 1682  
the ten years immediately preceding the application the 1683  
retirement of the peace officer, person described in division 1684  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1685  
enforcement officer to which the competency certification 1686  
relates occurred: 1687

(a) An original or photocopy of a certificate of 1688  
completion of a firearms safety, training, or requalification or 1689  
firearms safety instructor course, class, or program that was 1690  
offered by or under the auspices of a national gun advocacy 1691  
organization and that complies with the requirements set forth 1692  
in division (G) of this section; 1693

(b) An original or photocopy of a certificate of 1694  
completion of a firearms safety, training, or requalification or 1695  
firearms safety instructor course, class, or program that 1696  
satisfies all of the following criteria: 1697

(i) It was open to members of the general public. 1698

(ii) It utilized qualified instructors who were certified 1699  
by a national gun advocacy organization, the executive director 1700  
of the Ohio peace officer training commission pursuant to 1701  
section 109.75 or 109.78 of the Revised Code, or a governmental 1702  
official or entity of another state. 1703

(iii) It was offered by or under the auspices of a law 1704  
enforcement agency of this or another state or the United 1705  
States, a public or private college, university, or other 1706  
similar postsecondary educational institution located in this or 1707  
another state, a firearms training school located in this or 1708  
another state, or another type of public or private entity or 1709  
organization located in this or another state. 1710

(iv) It complies with the requirements set forth in 1711  
division (G) of this section. 1712

(c) An original or photocopy of a certificate of 1713  
completion of a state, county, municipal, or department of 1714  
natural resources peace officer training school that is approved 1715  
by the executive director of the Ohio peace officer training 1716  
commission pursuant to section 109.75 of the Revised Code and 1717  
that complies with the requirements set forth in division (G) of 1718  
this section, or the applicant has satisfactorily completed and 1719  
been issued a certificate of completion of a basic firearms 1720  
training program, a firearms requalification training program, 1721  
or another basic training program described in section 109.78 or 1722  
109.801 of the Revised Code that complies with the requirements 1723  
set forth in division (G) of this section; 1724

(d) A document that evidences both of the following: 1725

(i) That the applicant is an active or reserve member of 1726  
the armed forces of the United States, has retired from or was 1727

honorably discharged from military service in the active or 1728  
reserve armed forces of the United States, is a retired trooper 1729  
of the state highway patrol, or is a retired peace officer or 1730  
federal law enforcement officer described in division (B) (1) of 1731  
this section or a retired person described in division (B) (1) (b) 1732  
of section 109.77 of the Revised Code and division (B) (1) of 1733  
this section; 1734

(ii) That, through participation in the military service 1735  
or through the former employment described in division (B) (3) (d) 1736  
(i) of this section, the applicant acquired experience with 1737  
handling handguns or other firearms, and the experience so 1738  
acquired was equivalent to training that the applicant could 1739  
have acquired in a course, class, or program described in 1740  
division (B) (3) (a), (b), or (c) of this section. 1741

(e) A certificate or another similar document that 1742  
evidences satisfactory completion of a firearms training, 1743  
safety, or requalification or firearms safety instructor course, 1744  
class, or program that is not otherwise described in division 1745  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1746  
by an instructor who was certified by an official or entity of 1747  
the government of this or another state or the United States or 1748  
by a national gun advocacy organization, and that complies with 1749  
the requirements set forth in division (G) of this section; 1750

(f) An affidavit that attests to the applicant's 1751  
satisfactory completion of a course, class, or program described 1752  
in division (B) (3) (a), (b), (c), or (e) of this section and that 1753  
is subscribed by the applicant's instructor or an authorized 1754  
representative of the entity that offered the course, class, or 1755  
program or under whose auspices the course, class, or program 1756  
was offered; 1757

(g) A document that evidences that the applicant has 1758  
successfully completed the Ohio peace officer training program 1759  
described in section 109.79 of the Revised Code. 1760

(4) A certification by the applicant that the applicant 1761  
has read the pamphlet prepared by the Ohio peace officer 1762  
training commission pursuant to section 109.731 of the Revised 1763  
Code that reviews firearms, dispute resolution, and use of 1764  
deadly force matters. 1765

(5) A set of fingerprints of the applicant provided as 1766  
described in section 311.41 of the Revised Code through use of 1767  
an electronic fingerprint reading device or, if the sheriff to 1768  
whom the application is submitted does not possess and does not 1769  
have ready access to the use of such a reading device, on a 1770  
standard impression sheet prescribed pursuant to division (C) (2) 1771  
of section 109.572 of the Revised Code. 1772

(6) If the applicant is not a citizen or national of the 1773  
United States, the name of the applicant's country of 1774  
citizenship and the applicant's alien registration number issued 1775  
by the United States citizenship and immigration services 1776  
agency. 1777

(7) If the applicant resides in another state, adequate 1778  
proof of employment in Ohio. 1779

(C) Upon receipt of the completed application form, 1780  
supporting documentation, and, if not waived, license fee of an 1781  
applicant under this section, a sheriff, in the manner specified 1782  
in section 311.41 of the Revised Code, shall conduct or cause to 1783  
be conducted the criminal records check and the incompetency 1784  
records check described in section 311.41 of the Revised Code. 1785

(D) (1) Except as provided in division (D) (3) of this 1786

section, within forty-five days after a sheriff's receipt of an 1787  
applicant's completed application form for a concealed handgun 1788  
license under this section, the supporting documentation, and, 1789  
if not waived, the license fee, the sheriff shall make available 1790  
through the law enforcement automated data system in accordance 1791  
with division (H) of this section the information described in 1792  
that division and, upon making the information available through 1793  
the system, shall issue to the applicant a concealed handgun 1794  
license that shall expire as described in division (D) (2) (a) of 1795  
this section if all of the following apply: 1796

(a) The applicant is legally living in the United States. 1797  
For purposes of division (D) (1) (a) of this section, if a person 1798  
is absent from the United States in compliance with military or 1799  
naval orders as an active or reserve member of the armed forces 1800  
of the United States and if prior to leaving the United States 1801  
the person was legally living in the United States, the person, 1802  
solely by reason of that absence, shall not be considered to 1803  
have lost the person's status as living in the United States. 1804

(b) The applicant is at least twenty-one years of age. 1805

(c) The applicant is not a fugitive from justice. 1806

(d) The applicant is not under indictment for or otherwise 1807  
charged with a felony; an offense under Chapter 2925., 3719., or 1808  
4729. of the Revised Code that involves the illegal possession, 1809  
use, sale, administration, or distribution of or trafficking in 1810  
a drug of abuse; a misdemeanor offense of violence; or a 1811  
violation of section 2903.14 or 2923.1211 of the Revised Code. 1812

(e) Except as otherwise provided in division (D) (4) or (5) 1813  
of this section, the applicant has not been convicted of or 1814  
pleaded guilty to a felony or an offense under Chapter 2925., 1815

3719., or 4729. of the Revised Code that involves the illegal 1816  
possession, use, sale, administration, or distribution of or 1817  
trafficking in a drug of abuse; has not been adjudicated a 1818  
delinquent child for committing an act that if committed by an 1819  
adult would be a felony or would be an offense under Chapter 1820  
2925., 3719., or 4729. of the Revised Code that involves the 1821  
illegal possession, use, sale, administration, or distribution 1822  
of or trafficking in a drug of abuse; has not been convicted of, 1823  
pleaded guilty to, or adjudicated a delinquent child for 1824  
committing a violation of section 2903.13 of the Revised Code 1825  
when the victim of the violation is a peace officer, regardless 1826  
of whether the applicant was sentenced under division (C) (4) of 1827  
that section; and has not been convicted of, pleaded guilty to, 1828  
or adjudicated a delinquent child for committing any other 1829  
offense that is not previously described in this division that 1830  
is a misdemeanor punishable by imprisonment for a term exceeding 1831  
one year. 1832

(f) Except as otherwise provided in division (D) (4) or (5) 1833  
of this section, the applicant, within three years of the date 1834  
of the application, has not been convicted of or pleaded guilty 1835  
to a misdemeanor offense of violence other than a misdemeanor 1836  
violation of section 2921.33 of the Revised Code or a violation 1837  
of section 2903.13 of the Revised Code when the victim of the 1838  
violation is a peace officer, or a misdemeanor violation of 1839  
section 2923.1211 of the Revised Code; and has not been 1840  
adjudicated a delinquent child for committing an act that if 1841  
committed by an adult would be a misdemeanor offense of violence 1842  
other than a misdemeanor violation of section 2921.33 of the 1843  
Revised Code or a violation of section 2903.13 of the Revised 1844  
Code when the victim of the violation is a peace officer or for 1845  
committing an act that if committed by an adult would be a 1846

misdemeanor violation of section 2923.1211 of the Revised Code. 1847

(g) Except as otherwise provided in division (D) (1) (e) of 1848  
this section, the applicant, within five years of the date of 1849  
the application, has not been convicted of, pleaded guilty to, 1850  
or adjudicated a delinquent child for committing two or more 1851  
violations of section 2903.13 or 2903.14 of the Revised Code. 1852

(h) Except as otherwise provided in division (D) (4) or (5) 1853  
of this section, the applicant, within ten years of the date of 1854  
the application, has not been convicted of, pleaded guilty to, 1855  
or adjudicated a delinquent child for committing a violation of 1856  
section 2921.33 of the Revised Code. 1857

(i) The applicant has not been committed to any mental 1858  
institution, is not under adjudication of mental incompetence, 1859  
has not been found by a court to be a person with a mental 1860  
illness subject to court order, and is not an involuntary 1861  
patient other than one who is a patient only for purposes of 1862  
observation. As used in this division, "person with a mental 1863  
illness subject to court order" and "patient" have the same 1864  
meanings as in section 5122.01 of the Revised Code. 1865

(j) The applicant is not currently subject to a civil 1866  
protection order, a temporary protection order, or a protection 1867  
order issued by a court of another state. 1868

(k) The applicant certifies that the applicant desires a 1869  
legal means to carry a concealed handgun for defense of the 1870  
applicant or a member of the applicant's family while engaged in 1871  
lawful activity. 1872

(l) The applicant submits a competency certification of 1873  
the type described in division (B) (3) of this section and 1874  
submits a certification of the type described in division (B) (4) 1875

of this section regarding the applicant's reading of the 1876  
pamphlet prepared by the Ohio peace officer training commission 1877  
pursuant to section 109.731 of the Revised Code. 1878

(m) The applicant currently is not subject to a suspension 1879  
imposed under division (A) (2) of section 2923.128 of the Revised 1880  
Code of a concealed handgun license that previously was issued 1881  
to the applicant under this section or section 2923.1213 of the 1882  
Revised Code or a similar suspension imposed by another state 1883  
regarding a concealed handgun license issued by that state. 1884

(n) If the applicant resides in another state, the 1885  
applicant is employed in this state. 1886

(o) The applicant certifies that the applicant is not an 1887  
unlawful user of or addicted to any controlled substance as 1888  
defined in 21 U.S.C. 802. 1889

(p) If the applicant is not a United States citizen, the 1890  
applicant is an alien and has not been admitted to the United 1891  
States under a nonimmigrant visa, as defined in the "Immigration 1892  
and Nationality Act," 8 U.S.C. 1101(a) (26). 1893

(q) The applicant has not been discharged from the armed 1894  
forces of the United States under dishonorable conditions. 1895

(r) The applicant certifies that the applicant has not 1896  
renounced the applicant's United States citizenship, if 1897  
applicable. 1898

(s) The applicant has not been convicted of, pleaded 1899  
guilty to, or adjudicated a delinquent child for committing a 1900  
violation of section 2919.25 of the Revised Code or a similar 1901  
violation in another state. 1902

(2) (a) A concealed handgun license that a sheriff issues 1903



under division (D)(1) of this section shall expire five years 1904  
after the date of issuance. 1905

If a sheriff issues a license under this section, the 1906  
sheriff shall place on the license a unique combination of 1907  
letters and numbers identifying the license in accordance with 1908  
the procedure prescribed by the Ohio peace officer training 1909  
commission pursuant to section 109.731 of the Revised Code. 1910

(b) If a sheriff denies an application under this section 1911  
because the applicant does not satisfy the criteria described in 1912  
division (D)(1) of this section, the sheriff shall specify the 1913  
grounds for the denial in a written notice to the applicant. The 1914  
applicant may appeal the denial pursuant to section 119.12 of 1915  
the Revised Code in the county served by the sheriff who denied 1916  
the application. If the denial was as a result of the criminal 1917  
records check conducted pursuant to section 311.41 of the 1918  
Revised Code and if, pursuant to section 2923.127 of the Revised 1919  
Code, the applicant challenges the criminal records check 1920  
results using the appropriate challenge and review procedure 1921  
specified in that section, the time for filing the appeal 1922  
pursuant to section 119.12 of the Revised Code and this division 1923  
is tolled during the pendency of the request or the challenge 1924  
and review. 1925

(c) If the court in an appeal under section 119.12 of the 1926  
Revised Code and division (D)(2)(b) of this section enters a 1927  
judgment sustaining the sheriff's refusal to grant to the 1928  
applicant a concealed handgun license, the applicant may file a 1929  
new application beginning one year after the judgment is 1930  
entered. If the court enters a judgment in favor of the 1931  
applicant, that judgment shall not restrict the authority of a 1932  
sheriff to suspend or revoke the license pursuant to section 1933

2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1934  
the license for any proper cause that may occur after the date 1935  
the judgment is entered. In the appeal, the court shall have 1936  
full power to dispose of all costs. 1937

(3) If the sheriff with whom an application for a 1938  
concealed handgun license was filed under this section becomes 1939  
aware that the applicant has been arrested for or otherwise 1940  
charged with an offense that would disqualify the applicant from 1941  
holding the license, the sheriff shall suspend the processing of 1942  
the application until the disposition of the case arising from 1943  
the arrest or charge. 1944

(4) If an applicant has been convicted of or pleaded 1945  
guilty to an offense identified in division (D) (1) (e), (f), or 1946  
(h) of this section or has been adjudicated a delinquent child 1947  
for committing an act or violation identified in any of those 1948  
divisions, and if a court has ordered the sealing or expungement 1949  
of the records of that conviction, guilty plea, or adjudication 1950  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1951  
2953.35, or section 2953.39 of the Revised Code or the applicant 1952  
has been relieved under operation of law or legal process from 1953  
the disability imposed pursuant to section ~~2923.13~~ 2923.14 of 1954  
the Revised Code relative to that conviction, guilty plea, or 1955  
adjudication, the sheriff with whom the application was 1956  
submitted shall not consider the conviction, guilty plea, or 1957  
adjudication in making a determination under division (D) (1) or 1958  
(F) of this section or, in relation to an application for a 1959  
concealed handgun license on a temporary emergency basis 1960  
submitted under section 2923.1213 of the Revised Code, in making 1961  
a determination under division (B) (2) of that section. 1962

(5) If an applicant has been convicted of or pleaded 1963

guilty to a minor misdemeanor offense or has been adjudicated a  
delinquent child for committing an act or violation that is a  
minor misdemeanor offense, the sheriff with whom the application  
was submitted shall not consider the conviction, guilty plea, or  
adjudication in making a determination under division (D)(1) or  
(F) of this section or, in relation to an application for a  
concealed handgun license on a temporary basis submitted under  
section 2923.1213 of the Revised Code, in making a determination  
under division (B)(2) of that section.

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

(F)(1)(a) Except as provided in division (F)(1)(b) of this  
section, a licensee who wishes to renew a concealed handgun  
license issued under this section may do so at any time before  
the expiration date of the license or at any time after the  
expiration date of the license by filing with the sheriff of the  
county in which the applicant resides or with the sheriff of an  
adjacent county, or in the case of an applicant who resides in  
another state with the sheriff of the county that issued the  
applicant's previous concealed handgun license an application  
for renewal of the license obtained pursuant to division (D) of  
this section, a certification by the applicant that, subsequent  
to the issuance of the license, the applicant has reread the

pamphlet prepared by the Ohio peace officer training commission 1995  
pursuant to section 109.731 of the Revised Code that reviews 1996  
firearms, dispute resolution, and use of deadly force matters, 1997  
and a nonrefundable license renewal fee in an amount determined 1998  
pursuant to division (F)(4) of this section unless the fee is 1999  
waived. 2000

(b) A person on active duty in the armed forces of the 2001  
United States or in service with the peace corps, volunteers in 2002  
service to America, or the foreign service of the United States 2003  
is exempt from the license requirements of this section for the 2004  
period of the person's active duty or service and for six months 2005  
thereafter, provided the person was a licensee under this 2006  
section at the time the person commenced the person's active 2007  
duty or service or had obtained a license while on active duty 2008  
or service. The spouse or a dependent of any such person on 2009  
active duty or in service also is exempt from the license 2010  
requirements of this section for the period of the person's 2011  
active duty or service and for six months thereafter, provided 2012  
the spouse or dependent was a licensee under this section at the 2013  
time the person commenced the active duty or service or had 2014  
obtained a license while the person was on active duty or 2015  
service, and provided further that the person's active duty or 2016  
service resulted in the spouse or dependent relocating outside 2017  
of this state during the period of the active duty or service. 2018  
This division does not prevent such a person or the person's 2019  
spouse or dependent from making an application for the renewal 2020  
of a concealed handgun license during the period of the person's 2021  
active duty or service. 2022

(2) A sheriff shall accept a completed renewal 2023  
application, the license renewal fee, and the information 2024  
specified in division (F)(1) of this section at the times and in 2025

the manners described in division (I) of this section. Upon 2026  
receipt of a completed renewal application, of certification 2027  
that the applicant has reread the specified pamphlet prepared by 2028  
the Ohio peace officer training commission, and of a license 2029  
renewal fee unless the fee is waived, a sheriff, in the manner 2030  
specified in section 311.41 of the Revised Code shall conduct or 2031  
cause to be conducted the criminal records check and the 2032  
incompetency records check described in section 311.41 of the 2033  
Revised Code. The sheriff shall renew the license if the sheriff 2034  
determines that the applicant continues to satisfy the 2035  
requirements described in division (D) (1) of this section, 2036  
except that the applicant is not required to meet the 2037  
requirements of division (D) (1) (1) of this section. A renewed 2038  
license shall expire five years after the date of issuance. A 2039  
renewed license is subject to division (E) of this section and 2040  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2041  
shall comply with divisions (D) (2) and (3) of this section when 2042  
the circumstances described in those divisions apply to a 2043  
requested license renewal. If a sheriff denies the renewal of a 2044  
concealed handgun license, the applicant may appeal the denial, 2045  
or challenge the criminal record check results that were the 2046  
basis of the denial if applicable, in the same manner as 2047  
specified in division (D) (2) (b) of this section and in section 2048  
2923.127 of the Revised Code, regarding the denial of a license 2049  
under this section. 2050

(3) A renewal application submitted pursuant to division 2051  
(F) of this section shall only require the licensee to list on 2052  
the application form information and matters occurring since the 2053  
date of the licensee's last application for a license pursuant 2054  
to division (B) or (F) of this section. A sheriff conducting the 2055  
criminal records check and the incompetency records check 2056

described in section 311.41 of the Revised Code shall conduct 2057  
the check only from the date of the licensee's last application 2058  
for a license pursuant to division (B) or (F) of this section 2059  
through the date of the renewal application submitted pursuant 2060  
to division (F) of this section. 2061

(4) An applicant for a renewal concealed handgun license 2062  
under this section shall submit to the sheriff of the county in 2063  
which the applicant resides or to the sheriff of any county 2064  
adjacent to the county in which the applicant resides, or in the 2065  
case of an applicant who resides in another state to the sheriff 2066  
of the county that issued the applicant's previous concealed 2067  
handgun license, a nonrefundable license fee as described in 2068  
either of the following: 2069

(a) For an applicant who has been a resident of this state 2070  
for five or more years, a fee of fifty dollars; 2071

(b) For an applicant who has been a resident of this state 2072  
for less than five years or who is not a resident of this state 2073  
but who is employed in this state, a fee of fifty dollars plus 2074  
the actual cost of having a background check performed by the 2075  
federal bureau of investigation. 2076

(5) The concealed handgun license of a licensee who is no 2077  
longer a resident of this state or no longer employed in this 2078  
state, as applicable, is valid until the date of expiration on 2079  
the license, and the licensee is prohibited from renewing the 2080  
concealed handgun license. 2081

(G) (1) Each course, class, or program described in 2082  
division (B) (3) (a), (b), (c), or (e) of this section shall 2083  
provide to each person who takes the course, class, or program 2084  
the web site address at which the pamphlet prepared by the Ohio 2085

peace officer training commission pursuant to section 109.731 of 2086  
the Revised Code that reviews firearms, dispute resolution, and 2087  
use of deadly force matters may be found. Each such course, 2088  
class, or program described in one of those divisions shall 2089  
include at least eight hours of training in the safe handling 2090  
and use of a firearm that shall include training, provided as 2091  
described in division (G) (3) of this section, on all of the 2092  
following: 2093

(a) The ability to name, explain, and demonstrate the 2094  
rules for safe handling of a handgun and proper storage 2095  
practices for handguns and ammunition; 2096

(b) The ability to demonstrate and explain how to handle 2097  
ammunition in a safe manner; 2098

(c) The ability to demonstrate the knowledge, skills, and 2099  
attitude necessary to shoot a handgun in a safe manner; 2100

(d) Gun handling training; 2101

(e) A minimum of two hours of in-person training that 2102  
consists of range time and live-fire training. 2103

(2) To satisfactorily complete the course, class, or 2104  
program described in division (B) (3) (a), (b), (c), or (e) of 2105  
this section, the applicant shall pass a competency examination 2106  
that shall include both of the following: 2107

(a) A written section, provided as described in division 2108  
(G) (3) of this section, on the ability to name and explain the 2109  
rules for the safe handling of a handgun and proper storage 2110  
practices for handguns and ammunition; 2111

(b) An in-person physical demonstration of competence in 2112  
the use of a handgun and in the rules for safe handling and 2113

storage of a handgun and a physical demonstration of the 2114  
attitude necessary to shoot a handgun in a safe manner. 2115

(3) (a) Except as otherwise provided in this division, the 2116  
training specified in division (G) (1) (a) of this section shall 2117  
be provided to the person receiving the training in person by an 2118  
instructor. If the training specified in division (G) (1) (a) of 2119  
this section is provided by a course, class, or program 2120  
described in division (B) (3) (a) of this section, or it is 2121  
provided by a course, class, or program described in division 2122  
(B) (3) (b), (c), or (e) of this section and the instructor is a 2123  
qualified instructor certified by a national gun advocacy 2124  
organization, the training so specified, other than the training 2125  
that requires the person receiving the training to demonstrate 2126  
handling abilities, may be provided online or as a combination 2127  
of in-person and online training, as long as the online training 2128  
includes an interactive component that regularly engages the 2129  
person. 2130

(b) Except as otherwise provided in this division, the 2131  
written section of the competency examination specified in 2132  
division (G) (2) (a) of this section shall be administered to the 2133  
person taking the competency examination in person by an 2134  
instructor. If the training specified in division (G) (1) (a) of 2135  
this section is provided to the person receiving the training by 2136  
a course, class, or program described in division (B) (3) (a) of 2137  
this section, or it is provided by a course, class, or program 2138  
described in division (B) (3) (b), (c), or (e) of this section and 2139  
the instructor is a qualified instructor certified by a national 2140  
gun advocacy organization, the written section of the competency 2141  
examination specified in division (G) (2) (a) of this section may 2142  
be administered online, as long as the online training includes 2143  
an interactive component that regularly engages the person. 2144



(4) The competency certification described in division (B) 2145  
(3) (a), (b), (c), or (e) of this section shall be dated and 2146  
shall attest that the course, class, or program the applicant 2147  
successfully completed met the requirements described in 2148  
division (G) (1) of this section and that the applicant passed 2149  
the competency examination described in division (G) (2) of this 2150  
section. 2151

(H) Upon deciding to issue a concealed handgun license, 2152  
deciding to issue a replacement concealed handgun license, or 2153  
deciding to renew a concealed handgun license pursuant to this 2154  
section, and before actually issuing or renewing the license, 2155  
the sheriff shall make available through the law enforcement 2156  
automated data system all information contained on the license. 2157  
If the license subsequently is suspended under division (A) (1) 2158  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2159  
to division (B) (1) of section 2923.128 of the Revised Code, or 2160  
lost or destroyed, the sheriff also shall make available through 2161  
the law enforcement automated data system a notation of that 2162  
fact. The superintendent of the state highway patrol shall 2163  
ensure that the law enforcement automated data system is so 2164  
configured as to permit the transmission through the system of 2165  
the information specified in this division. 2166

(I) (1) A sheriff shall accept a completed application form 2167  
or renewal application, and the fee, items, materials, and 2168  
information specified in divisions (B) (1) to (5) or division (F) 2169  
of this section, whichever is applicable, and shall provide an 2170  
application form or renewal application to any person during at 2171  
least fifteen hours a week and shall provide the web site 2172  
address at which a printable version of the application form 2173  
that can be downloaded and the pamphlet described in division 2174  
(B) of section 109.731 of the Revised Code may be found at any 2175

time, upon request. The sheriff shall post notice of the hours 2176  
during which the sheriff is available to accept or provide the 2177  
information described in this division. 2178

(2) A sheriff shall transmit a notice to the attorney 2179  
general, in a manner determined by the attorney general, every 2180  
time a license is issued that waived payment under division (B) 2181  
(1) (c) of this section for an applicant who is an active or 2182  
reserve member of the armed forces of the United States or has 2183  
retired from or was honorably discharged from military service 2184  
in the active or reserve armed forces of the United States. The 2185  
attorney general shall monitor and inform sheriffs issuing 2186  
licenses under this section when the amount of license fee 2187  
payments waived and transmitted to the attorney general reach 2188  
one million five hundred thousand dollars each year. Once a 2189  
sheriff is informed that the payments waived reached one million 2190  
five hundred thousand dollars in any year, a sheriff shall no 2191  
longer waive payment of a license fee for an applicant who is an 2192  
active or reserve member of the armed forces of the United 2193  
States or has retired from or was honorably discharged from 2194  
military service in the active or reserve armed forces of the 2195  
United States for the remainder of that year. 2196

**Sec. 2923.13.** (A) Unless relieved from disability under 2197  
operation of law or legal process, no person shall knowingly 2198  
acquire, have, carry, or use any firearm or dangerous ordnance, 2199  
if any of the following apply: 2200

(1) The person is a fugitive from justice. 2201

(2) The person is under indictment for or has been 2202  
convicted of any felony offense of violence or has been 2203  
adjudicated a delinquent child for the commission of an offense 2204  
that, if committed by an adult, would have been a felony offense 2205

of violence. 2206

(3) The person is under indictment for or has been 2207  
convicted of any felony offense involving the illegal 2208  
possession, use, sale, administration, distribution, or 2209  
trafficking in any drug of abuse or has been adjudicated a 2210  
delinquent child for the commission of an offense that, if 2211  
committed by an adult, would have been a felony offense 2212  
involving the illegal possession, use, sale, administration, 2213  
distribution, or trafficking in any drug of abuse. 2214

(4) The person has a drug dependency, is in danger of drug 2215  
dependence, or has chronic alcoholism. 2216

(5) The person is under adjudication of mental 2217  
incompetence, has been committed to a mental institution, has 2218  
been found by a court to be a person with a mental illness 2219  
subject to court order, or is an involuntary patient other than 2220  
one who is a patient only for purposes of observation. As used 2221  
in this division, "person with a mental illness subject to court 2222  
order" and "patient" have the same meanings as in section 2223  
5122.01 of the Revised Code. 2224

~~(B)~~ (B) (1) Whoever violates this section is guilty of 2225  
having weapons while under disability~~—~~. 2226

(2) Except as provided in division (B) (4) of this section, 2227  
a violation of division (A) (1), (3), (4), or (5) of this section 2228  
is a felony of the ~~third~~ fourth degree. 2229

(3) Except as otherwise provided in division (B) (5) of 2230  
this section, a violation of division (A) (2) of this section is 2231  
a felony of the third degree and there is a presumption that a 2232  
prison term shall be imposed for the offense. 2233

(4) If the offender previously has been convicted of or 2234

pleaded guilty to a violation of this section, a violation of 2235  
division (A) (1), (3), (4), or (5) of this section is a felony of 2236  
the third degree. 2237

(5) If the offender previously has been convicted of or 2238  
pleaded guilty to a violation of this section, a violation of 2239  
division (A) (2) of this section is a felony of the second 2240  
degree. 2241

(C) For the purposes of this section, "under operation of 2242  
law or legal process" shall not itself include mere completion, 2243  
termination, or expiration of a sentence imposed as a result of 2244  
a criminal conviction. 2245

**Sec. 2923.14.** ~~(A) (1)~~ (A) (1) (a) Except as otherwise 2246  
provided in division (A) (2) of this section, any of the 2247  
following persons who are prohibited from carrying firearms, 2248  
openly or concealed, may apply to the court of common pleas 2249  
specified in division (A) (1) (b) of this section for relief from 2250  
such prohibition: 2251

(i) Any person who is prohibited from acquiring, having, 2252  
carrying, or using firearms ~~may apply to the court of common~~ 2253  
~~pleas in the county in which the person resides for relief from~~ 2254  
~~such prohibition~~ under section 2923.13 of the Revised Code; 2255

(ii) Any person who is prohibited from shipping, 2256  
transporting, receiving, or possessing firearms in interstate or 2257  
foreign commerce under 18 U.S.C. 922(g), as amended or 2258  
reenacted; 2259

(iii) Any person who is prohibited from obtaining a 2260  
concealed handgun license or a concealed handgun license on a 2261  
temporary emergency basis under division (D) (1) (e), (f), or (h) 2262  
of section 2923.125 of the Revised Code; 2263

(iv) Any person who is prohibited from carrying a 2264  
concealed handgun as a qualifying adult under division (D) (1) 2265  
(e), (f), or (h) of section 2923.125 of the Revised Code. 2266

(b) An application for relief from the prohibition shall 2267  
be filed in the court of common pleas of the county in which the 2268  
person resides or, if the person is not a resident of this state 2269  
and the prohibition is based on an indictment, a conviction of 2270  
or plea of guilty to an offense, or a delinquent child 2271  
adjudication, in the county in which the indictment was entered 2272  
or in which the conviction, guilty plea, or adjudication 2273  
occurred. 2274

(2) Division (A) (1) of this section does not apply to a 2275  
person who has been convicted of or pleaded guilty to a 2276  
violation of section 2923.132 of the Revised Code or to a person 2277  
who, two or more times, has been convicted of or pleaded guilty 2278  
to a felony and a specification of the type described in section 2279  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, ~~or~~ 2941.1424, 2280  
2941.1427, or 2941.1429 of the Revised Code. 2281

(B) The application shall recite the following: 2282

(1) All indictments, convictions or guilty pleas, or 2283  
adjudications upon which the applicant's disability is based, 2284  
the sentence imposed and served, and any release granted under a 2285  
community control sanction, post-release control sanction, or 2286  
parole, any partial or conditional pardon granted, or other 2287  
disposition of each case, or, if the disability is based upon a 2288  
factor other than an indictment, a conviction or guilty plea, or 2289  
an adjudication, the factor upon which the disability is based 2290  
and all details related to that factor; 2291

(2) Facts showing the applicant to be a fit subject for 2292

relief under this section. 2293

(C) A copy of the application shall be served on the 2294  
county prosecutor. The county prosecutor shall cause the matter 2295  
to be investigated and shall raise before the court any 2296  
objections to granting relief that the investigation reveals. 2297

(D) Upon hearing, the court may grant the applicant relief 2298  
pursuant to this section, if all of the following apply: 2299

(1) One of the following applies: 2300

(a) If the disability is based upon an indictment, a 2301  
conviction or guilty plea, or an adjudication, the applicant has 2302  
been fully discharged from imprisonment, community control, 2303  
post-release control, and parole, or, if the applicant is under 2304  
indictment, has been released on bail or recognizance. 2305

(b) If the disability is based upon a factor other than an 2306  
indictment, a conviction or guilty plea, or an adjudication, 2307  
that factor no longer is applicable to the applicant. 2308

(2) The applicant has led a law-abiding life since 2309  
discharge or release, and appears likely to continue to do so. 2310

(3) The applicant is not otherwise prohibited by law from 2311  
acquiring, having, or using firearms. 2312

(E) Costs of the proceeding shall be charged as in other 2313  
civil cases, and taxed to the applicant. 2314

(F) Relief from disability granted pursuant to this 2315  
section restores the applicant to all civil firearm rights to 2316  
the full extent enjoyed by any citizen, and is subject to the 2317  
following conditions: 2318

(1) Applies only with respect to indictments, convictions\_ 2319

or guilty pleas, or adjudications, or to the other factor, 2320  
recited in the application as the basis for the applicant's 2321  
disability; 2322

(2) Applies only with respect to firearms lawfully 2323  
acquired, possessed, carried, or used by the applicant; 2324

(3) May be revoked by the court at any time for good cause 2325  
shown and upon notice to the applicant; 2326

(4) Is automatically void upon commission by the applicant 2327  
of any offense set forth in division (A) (2) or (3) of section 2328  
2923.13 of the Revised Code, or upon the applicant's becoming 2329  
one of the class of persons named in division (A) (1), (4), or 2330  
(5) of that section. 2331

(G) As used in this section: 2332

(1) "Community control sanction" has the same meaning as 2333  
in section 2929.01 of the Revised Code. 2334

(2) "Post-release control" and "post-release control 2335  
sanction" have the same meanings as in section 2967.01 of the 2336  
Revised Code. 2337

(3) "Qualifying adult" has the same meaning as in section 2338  
2923.111 of the Revised Code. 2339

**Sec. 2929.01.** As used in this chapter: 2340

(A) (1) "Alternative residential facility" means, subject 2341  
to divisions (A) (2) and (3) of this section, any facility other 2342  
than an offender's home or residence in which an offender is 2343  
assigned to live and that satisfies all of the following 2344  
criteria: 2345

(a) It provides programs through which the offender may 2346

seek or maintain employment or may receive education, training, 2347  
treatment, or habilitation. 2348

(b) It has received the appropriate license or certificate 2349  
for any specialized education, training, treatment, 2350  
habilitation, or other service that it provides from the 2351  
government agency that is responsible for licensing or 2352  
certifying that type of education, training, treatment, 2353  
habilitation, or service. 2354

(2) "Alternative residential facility" does not include a 2355  
community-based correctional facility, jail, halfway house, or 2356  
prison. 2357

(3) "Alternative residential facility" includes a 2358  
community alternative sentencing center or district community 2359  
alternative sentencing center when authorized by section 307.932 2360  
of the Revised Code and when the center is being used for an OVI 2361  
term of confinement, as defined by that section. 2362

(B) "Basic probation supervision" means a requirement that 2363  
the offender maintain contact with a person appointed to 2364  
supervise the offender in accordance with sanctions imposed by 2365  
the court or imposed by the parole board pursuant to section 2366  
2967.28 of the Revised Code. "Basic probation supervision" 2367  
includes basic parole supervision and basic post-release control 2368  
supervision. 2369

(C) "Cocaine," "fentanyl-related compound," "hashish," 2370  
"L.S.D.," and "unit dose" have the same meanings as in section 2371  
2925.01 of the Revised Code. 2372

(D) "Community-based correctional facility" means a 2373  
community-based correctional facility and program or district 2374  
community-based correctional facility and program developed 2375



pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2376

(E) "Community control sanction" means a sanction that is 2377  
not a prison term and that is described in section 2929.15, 2378  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2379  
that is not a jail term and that is described in section 2380  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2381  
control sanction" includes probation if the sentence involved 2382  
was imposed for a felony that was committed prior to July 1, 2383  
1996, or if the sentence involved was imposed for a misdemeanor 2384  
that was committed prior to January 1, 2004. 2385

(F) "Controlled substance," "marihuana," "schedule I," and 2386  
"schedule II" have the same meanings as in section 3719.01 of 2387  
the Revised Code. 2388

(G) "Curfew" means a requirement that an offender during a 2389  
specified period of time be at a designated place. 2390

(H) "Day reporting" means a sanction pursuant to which an 2391  
offender is required each day to report to and leave a center or 2392  
other approved reporting location at specified times in order to 2393  
participate in work, education or training, treatment, and other 2394  
approved programs at the center or outside the center. 2395

(I) "Deadly weapon" has the same meaning as in section 2396  
2923.11 of the Revised Code. 2397

(J) "Drug and alcohol use monitoring" means a program 2398  
under which an offender agrees to submit to random chemical 2399  
analysis of the offender's blood, breath, or urine to determine 2400  
whether the offender has ingested any alcohol or other drugs. 2401

(K) "Drug treatment program" means any program under which 2402  
a person undergoes assessment and treatment designed to reduce 2403  
or completely eliminate the person's physical or emotional 2404

reliance upon alcohol, another drug, or alcohol and another drug 2405  
and under which the person may be required to receive assessment 2406  
and treatment on an outpatient basis or may be required to 2407  
reside at a facility other than the person's home or residence 2408  
while undergoing assessment and treatment. 2409

(L) "Economic loss" means any economic detriment suffered 2410  
by a victim as a direct and proximate result of the commission 2411  
of an offense and includes any loss of income due to lost time 2412  
at work because of any injury caused to the victim, any property 2413  
loss, medical cost, or funeral expense incurred as a result of 2414  
the commission of the offense, and the cost of any accounting or 2415  
auditing done to determine the extent of loss if the cost is 2416  
incurred and payable by the victim. "Economic loss" does not 2417  
include non-economic loss or any punitive or exemplary damages. 2418

(M) "Education or training" includes study at, or in 2419  
conjunction with a program offered by, a university, college, or 2420  
technical college or vocational study and also includes the 2421  
completion of primary school, secondary school, and literacy 2422  
curricula or their equivalent. 2423

(N) "Firearm" has the same meaning as in section 2923.11 2424  
of the Revised Code. 2425

(O) "Halfway house" means a facility licensed by the 2426  
division of parole and community services of the department of 2427  
rehabilitation and correction pursuant to section 2967.14 of the 2428  
Revised Code as a suitable facility for the care and treatment 2429  
of adult offenders. 2430

(P) "House arrest" means a period of confinement of an 2431  
offender that is in the offender's home or in other premises 2432  
specified by the sentencing court or by the parole board 2433

pursuant to section 2967.28 of the Revised Code and during which 2434  
all of the following apply: 2435

(1) The offender is required to remain in the offender's 2436  
home or other specified premises for the specified period of 2437  
confinement, except for periods of time during which the 2438  
offender is at the offender's place of employment or at other 2439  
premises as authorized by the sentencing court or by the parole 2440  
board. 2441

(2) The offender is required to report periodically to a 2442  
person designated by the court or parole board. 2443

(3) The offender is subject to any other restrictions and 2444  
requirements that may be imposed by the sentencing court or by 2445  
the parole board. 2446

(Q) "Intensive probation supervision" means a requirement 2447  
that an offender maintain frequent contact with a person 2448  
appointed by the court, or by the parole board pursuant to 2449  
section 2967.28 of the Revised Code, to supervise the offender 2450  
while the offender is seeking or maintaining necessary 2451  
employment and participating in training, education, and 2452  
treatment programs as required in the court's or parole board's 2453  
order. "Intensive probation supervision" includes intensive 2454  
parole supervision and intensive post-release control 2455  
supervision. 2456

(R) "Jail" means a jail, workhouse, minimum security jail, 2457  
or other residential facility used for the confinement of 2458  
alleged or convicted offenders that is operated by a political 2459  
subdivision or a combination of political subdivisions of this 2460  
state. 2461

(S) "Jail term" means the term in a jail that a sentencing 2462

court imposes or is authorized to impose pursuant to section 2463  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2464  
provision of the Revised Code that authorizes a term in a jail 2465  
for a misdemeanor conviction. 2466

(T) "Mandatory jail term" means the term in a jail that a 2467  
sentencing court is required to impose pursuant to division (G) 2468  
of section 1547.99 of the Revised Code, division (E) of section 2469  
2903.06 or division (D) of section 2903.08 of the Revised Code, 2470  
division (F) of section 2929.24 of the Revised Code, division 2471  
(B) of section 4510.14 of the Revised Code, or division (G) of 2472  
section 4511.19 of the Revised Code or pursuant to any other 2473  
provision of the Revised Code that requires a term in a jail for 2474  
a misdemeanor conviction. 2475

(U) "Delinquent child" has the same meaning as in section 2476  
2152.02 of the Revised Code. 2477

(V) "License violation report" means a report that is made 2478  
by a sentencing court, or by the parole board pursuant to 2479  
section 2967.28 of the Revised Code, to the regulatory or 2480  
licensing board or agency that issued an offender a professional 2481  
license or a license or permit to do business in this state and 2482  
that specifies that the offender has been convicted of or 2483  
pleaded guilty to an offense that may violate the conditions 2484  
under which the offender's professional license or license or 2485  
permit to do business in this state was granted or an offense 2486  
for which the offender's professional license or license or 2487  
permit to do business in this state may be revoked or suspended. 2488

(W) "Major drug offender" means an offender who is 2489  
convicted of or pleads guilty to the possession of, sale of, or 2490  
offer to sell any drug, compound, mixture, preparation, or 2491  
substance that consists of or contains at least one thousand 2492

grams of hashish; at least one hundred grams of cocaine; at 2493  
least one thousand unit doses or one hundred grams of heroin; at 2494  
least five thousand unit doses of L.S.D. or five hundred grams 2495  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2496  
distillate form; at least fifty grams of a controlled substance 2497  
analog; at least one thousand unit doses or one hundred grams of 2498  
a fentanyl-related compound; or at least one hundred times the 2499  
amount of any other schedule I or II controlled substance other 2500  
than marihuana that is necessary to commit a felony of the third 2501  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2502  
of the Revised Code that is based on the possession of, sale of, 2503  
or offer to sell the controlled substance. 2504

(X) "Mandatory prison term" means any of the following: 2505

(1) Subject to division (X)(2) of this section, the term 2506  
in prison that must be imposed for the offenses or circumstances 2507  
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~(22) of 2508  
section 2929.13 and division (B) of section 2929.14 of the 2509  
Revised Code. Except as provided in sections 2925.02, 2925.03, 2510  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2511  
maximum or another specific term is required under section 2512  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2513  
described in this division may be any prison term authorized for 2514  
the level of offense except that if the offense is a felony of 2515  
the first or second degree committed on or after March 22, 2019, 2516  
a mandatory prison term described in this division may be one of 2517  
the terms prescribed in division (A)(1)(a) or (2)(a) of section 2518  
2929.14 of the Revised Code, whichever is applicable, that is 2519  
authorized as the minimum term for the offense. 2520

(2) The term of sixty or one hundred twenty days in prison 2521  
that a sentencing court is required to impose for a third or 2522

fourth degree felony OVI offense pursuant to division (G) (2) of 2523  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2524  
of the Revised Code or the term of one, two, three, four, or 2525  
five years in prison that a sentencing court is required to 2526  
impose pursuant to division (G) (2) of section 2929.13 of the 2527  
Revised Code. 2528

(3) The term in prison imposed pursuant to division (A) of 2529  
section 2971.03 of the Revised Code for the offenses and in the 2530  
circumstances described in division (F) (11) of section 2929.13 2531  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2532  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2533  
section 2971.03 of the Revised Code and that term as modified or 2534  
terminated pursuant to section 2971.05 of the Revised Code. 2535

(Y) "Monitored time" means a period of time during which 2536  
an offender continues to be under the control of the sentencing 2537  
court or parole board, subject to no conditions other than 2538  
leading a law-abiding life. 2539

(Z) "Offender" means a person who, in this state, is 2540  
convicted of or pleads guilty to a felony or a misdemeanor. 2541

(AA) "Prison" means a residential facility used for the 2542  
confinement of convicted felony offenders that is under the 2543  
control of the department of rehabilitation and correction and 2544  
includes a violation sanction center operated under authority of 2545  
section 2967.141 of the Revised Code. 2546

(BB) (1) "Prison term" includes either of the following 2547  
sanctions for an offender: 2548

(a) A stated prison term; 2549

(b) A term in a prison shortened by, or with the approval 2550  
of, the sentencing court pursuant to section 2929.143, 2929.20, 2551

5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 2552  
pursuant to section 2967.26 of the Revised Code. 2553

(2) With respect to a non-life felony indefinite prison 2554  
term, references in any provision of law to a reduction of, or 2555  
deduction from, the prison term mean a reduction in, or 2556  
deduction from, the minimum term imposed as part of the 2557  
indefinite term. 2558

~~(CC)~~ (CC) (1) "Repeat offender" means a person about whom 2559  
both of the following apply: 2560

(a) The person is being sentenced for committing or for 2561  
complicity in committing a violation of section 2923.13 of the 2562  
Revised Code or a felony offense of violence, and the violation 2563  
of the offense involved a firearm. 2564

(b) The person previously was convicted of or pleaded 2565  
guilty to one or more offenses described in division (CC) (1) (a) 2566  
of this section and the violation involved a firearm. 2567

(2) As used in division (CC) of this section, "involved a 2568  
firearm" means either of the following: 2569

(a) The offender had a firearm on or about the offender's 2570  
person while committing the offense and displayed the firearm, 2571  
brandished the firearm, indicated that the offender possessed 2572  
the firearm, or used the firearm to facilitate the offense. 2573

(b) The offender had a firearm under the offender's 2574  
control while committing the offense and displayed the firearm, 2575  
brandished the firearm, indicated that the offender possessed 2576  
the firearm, or used the firearm to facilitate the offense. 2577

(DD) "Repeat violent offender" means a person about whom 2578  
both of the following apply: 2579

(1) The person is being sentenced for committing or for 2580  
complicity in committing any of the following: 2581

(a) Aggravated murder, murder, any felony of the first or 2582  
second degree that is an offense of violence, or an attempt to 2583  
commit any of these offenses if the attempt is a felony of the 2584  
first or second degree; 2585

(b) An offense under an existing or former law of this 2586  
state, another state, or the United States that is or was 2587  
substantially equivalent to an offense described in division 2588  
~~(CC) (1) (a)~~ (DD) (1) (a) of this section. 2589

(2) The person previously was convicted of or pleaded 2590  
guilty to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) 2591  
or (b) of this section. 2592

~~(DD)~~ (EE) "Sanction" means any penalty imposed upon an 2593  
offender who is convicted of or pleads guilty to an offense, as 2594  
punishment for the offense. "Sanction" includes any sanction 2595  
imposed pursuant to any provision of sections 2929.14 to 2929.18 2596  
or 2929.24 to 2929.28 of the Revised Code. 2597

~~(EE)~~ (FF) "Sentence" means the sanction or combination of 2598  
sanctions imposed by the sentencing court on an offender who is 2599  
convicted of or pleads guilty to an offense. 2600

~~(FF) (1)~~ (GG) (1) "Stated prison term" means the prison 2601  
term, mandatory prison term, or combination of all prison terms 2602  
and mandatory prison terms imposed by the sentencing court 2603  
pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised 2604  
Code or under section 2919.25 of the Revised Code. "Stated 2605  
prison term" includes any credit received by the offender for 2606  
time spent in jail awaiting trial, sentencing, or transfer to 2607  
prison for the offense and any time spent under house arrest or 2608



house arrest with electronic monitoring imposed after earning 2609  
credits pursuant to section 2967.193 or 2967.194 of the Revised 2610  
Code. If an offender is serving a prison term as a risk 2611  
reduction sentence under sections 2929.143 and 5120.036 of the 2612  
Revised Code, "stated prison term" includes any period of time 2613  
by which the prison term imposed upon the offender is shortened 2614  
by the offender's successful completion of all assessment and 2615  
treatment or programming pursuant to those sections. 2616

(2) As used in the definition of "stated prison term" set 2617  
forth in division ~~(FF)(1)~~ (GG)(1) of this section, a prison term 2618  
is a definite prison term imposed under section 2929.14 of the 2619  
Revised Code or any other provision of law, is the minimum and 2620  
maximum prison terms under a non-life felony indefinite prison 2621  
term, or is a term of life imprisonment except to the extent 2622  
that the use of that definition in a section of the Revised Code 2623  
clearly is not intended to include a term of life imprisonment. 2624  
With respect to an offender sentenced to a non-life felony 2625  
indefinite prison term, references in section 2967.191, 2626  
2967.193, or 2967.194 of the Revised Code or any other provision 2627  
of law to a reduction of, or deduction from, the offender's 2628  
stated prison term or to release of the offender before the 2629  
expiration of the offender's stated prison term mean a reduction 2630  
in, or deduction from, the minimum term imposed as part of the 2631  
indefinite term or a release of the offender before the 2632  
expiration of that minimum term, references in section 2929.19 2633  
or 2967.28 of the Revised Code to a stated prison term with 2634  
respect to a prison term imposed for a violation of a post- 2635  
release control sanction mean the minimum term so imposed, and 2636  
references in any provision of law to an offender's service of 2637  
the offender's stated prison term or the expiration of the 2638  
offender's stated prison term mean service or expiration of the 2639

minimum term so imposed plus any additional period of 2640  
incarceration under the sentence that is required under section 2641  
2967.271 of the Revised Code. 2642

~~(GG)~~ (HH) "Victim-offender mediation" means a 2643  
reconciliation or mediation program that involves an offender 2644  
and the victim of the offense committed by the offender and that 2645  
includes a meeting in which the offender and the victim may 2646  
discuss the offense, discuss restitution, and consider other 2647  
sanctions for the offense. 2648

~~(HH)~~ (II) "Fourth degree felony OVI offense" means a 2649  
violation of division (A) of section 4511.19 of the Revised Code 2650  
that, under division (G) of that section, is a felony of the 2651  
fourth degree. 2652

~~(II)~~ (JJ) "Mandatory term of local incarceration" means 2653  
the term of sixty or one hundred twenty days in a jail, a 2654  
community-based correctional facility, a halfway house, or an 2655  
alternative residential facility that a sentencing court may 2656  
impose upon a person who is convicted of or pleads guilty to a 2657  
fourth degree felony OVI offense pursuant to division (G) (1) of 2658  
section 2929.13 of the Revised Code and division (G) (1) (d) or 2659  
(e) of section 4511.19 of the Revised Code. 2660

~~(JJ)~~ (KK) "Designated homicide, assault, or kidnapping 2661  
offense," "violent sex offense," "sexual motivation 2662  
specification," "sexually violent offense," "sexually violent 2663  
predator," and "sexually violent predator specification" have 2664  
the same meanings as in section 2971.01 of the Revised Code. 2665

~~(KK)~~ (LL) "Sexually oriented offense," "child-victim 2666  
oriented offense," and "tier III sex offender/child-victim 2667  
offender" have the same meanings as in section 2950.01 of the 2668

Revised Code. 2669

~~(LL)~~ (MM) An offense is "committed in the vicinity of a 2670  
child" if the offender commits the offense within thirty feet of 2671  
or within the same residential unit as a child who is under 2672  
eighteen years of age, regardless of whether the offender knows 2673  
the age of the child or whether the offender knows the offense 2674  
is being committed within thirty feet of or within the same 2675  
residential unit as the child and regardless of whether the 2676  
child actually views the commission of the offense. 2677

~~(MM)~~ (NN) "Family or household member" has the same 2678  
meaning as in section 2919.25 of the Revised Code. 2679

~~(NN)~~ (OO) "Motor vehicle" and "manufactured home" have the 2680  
same meanings as in section 4501.01 of the Revised Code. 2681

~~(OO)~~ (PP) "Detention" and "detention facility" have the 2682  
same meanings as in section 2921.01 of the Revised Code. 2683

~~(PP)~~ (QQ) "Third degree felony OVI offense" means a 2684  
violation of division (A) of section 4511.19 of the Revised Code 2685  
that, under division (G) of that section, is a felony of the 2686  
third degree. 2687

~~(QQ)~~ (RR) "Random drug testing" has the same meaning as in 2688  
section 5120.63 of the Revised Code. 2689

~~(RR)~~ (SS) "Felony sex offense" has the same meaning as in 2690  
section 2967.28 of the Revised Code. 2691

~~(SS)~~ (TT) "Body armor" has the same meaning as in section 2692  
2941.1411 of the Revised Code. 2693

~~(TT)~~ (UU) "Electronic monitoring" means monitoring through 2694  
the use of an electronic monitoring device. 2695

~~(UU)~~ (VV) "Electronic monitoring device" means any of the 2696  
following: 2697

(1) Any device that can be operated by electrical or 2698  
battery power and that conforms with all of the following: 2699

(a) The device has a transmitter that can be attached to a 2700  
person, that will transmit a specified signal to a receiver of 2701  
the type described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this 2702  
section if the transmitter is removed from the person, turned 2703  
off, or altered in any manner without prior court approval in 2704  
relation to electronic monitoring or without prior approval of 2705  
the department of rehabilitation and correction in relation to 2706  
the use of an electronic monitoring device for an inmate on 2707  
transitional control or otherwise is tampered with, that can 2708  
transmit continuously and periodically a signal to that receiver 2709  
when the person is within a specified distance from the 2710  
receiver, and that can transmit an appropriate signal to that 2711  
receiver if the person to whom it is attached travels a 2712  
specified distance from that receiver. 2713

(b) The device has a receiver that can receive 2714  
continuously the signals transmitted by a transmitter of the 2715  
type described in division ~~(UU) (1) (a)~~ (VV) (1) (a) of this 2716  
section, can transmit continuously those signals by a wireless 2717  
or landline telephone connection to a central monitoring 2718  
computer of the type described in division ~~(UU) (1) (c)~~ (VV) (1) (c) 2719  
of this section, and can transmit continuously an appropriate 2720  
signal to that central monitoring computer if the device has 2721  
been turned off or altered without prior court approval or 2722  
otherwise tampered with. The device is designed specifically for 2723  
use in electronic monitoring, is not a converted wireless phone 2724  
or another tracking device that is clearly not designed for 2725

electronic monitoring, and provides a means of text-based or 2726  
voice communication with the person. 2727

(c) The device has a central monitoring computer that can 2728  
receive continuously the signals transmitted by a wireless or 2729  
landline telephone connection by a receiver of the type 2730  
described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this section and 2731  
can monitor continuously the person to whom an electronic 2732  
monitoring device of the type described in division ~~(UU) (1) (a)~~ 2733  
(VV) (1) (a) of this section is attached. 2734

(2) Any device that is not a device of the type described 2735  
in division ~~(UU) (1)~~ (VV) (1) of this section and that conforms 2736  
with all of the following: 2737

(a) The device includes a transmitter and receiver that 2738  
can monitor and determine the location of a subject person at 2739  
any time, or at a designated point in time, through the use of a 2740  
central monitoring computer or through other electronic means. 2741

(b) The device includes a transmitter and receiver that 2742  
can determine at any time, or at a designated point in time, 2743  
through the use of a central monitoring computer or other 2744  
electronic means the fact that the transmitter is turned off or 2745  
altered in any manner without prior approval of the court in 2746  
relation to the electronic monitoring or without prior approval 2747  
of the department of rehabilitation and correction in relation 2748  
to the use of an electronic monitoring device for an inmate on 2749  
transitional control or otherwise is tampered with. 2750

(3) Any type of technology that can adequately track or 2751  
determine the location of a subject person at any time and that 2752  
is approved by the director of rehabilitation and correction, 2753  
including, but not limited to, any satellite technology, voice 2754

tracking system, or retinal scanning system that is so approved. 2755

~~(VV)~~ (WW) "Non-economic loss" means nonpecuniary harm 2756  
suffered by a victim of an offense as a result of or related to 2757  
the commission of the offense, including, but not limited to, 2758  
pain and suffering; loss of society, consortium, companionship, 2759  
care, assistance, attention, protection, advice, guidance, 2760  
counsel, instruction, training, or education; mental anguish; 2761  
and any other intangible loss. 2762

~~(WW)~~ (XX) "Prosecutor" has the same meaning as in section 2763  
2935.01 of the Revised Code. 2764

~~(XX)~~ (YY) "Continuous alcohol monitoring" means the 2765  
ability to automatically test and periodically transmit alcohol 2766  
consumption levels and tamper attempts at least every hour, 2767  
regardless of the location of the person who is being monitored. 2768

~~(YY)~~ (ZZ) A person is "adjudicated a sexually violent 2769  
predator" if the person is convicted of or pleads guilty to a 2770  
violent sex offense and also is convicted of or pleads guilty to 2771  
a sexually violent predator specification that was included in 2772  
the indictment, count in the indictment, or information charging 2773  
that violent sex offense or if the person is convicted of or 2774  
pleads guilty to a designated homicide, assault, or kidnapping 2775  
offense and also is convicted of or pleads guilty to both a 2776  
sexual motivation specification and a sexually violent predator 2777  
specification that were included in the indictment, count in the 2778  
indictment, or information charging that designated homicide, 2779  
assault, or kidnapping offense. 2780

~~(ZZ)~~ (AAA) An offense is "committed in proximity to a 2781  
school" if the offender commits the offense in a school safety 2782  
zone or within five hundred feet of any school building or the 2783

boundaries of any school premises, regardless of whether the 2784  
offender knows the offense is being committed in a school safety 2785  
zone or within five hundred feet of any school building or the 2786  
boundaries of any school premises. 2787

~~(AAA)~~ (BBB) "Human trafficking" means a scheme or plan to 2788  
which all of the following apply: 2789

(1) Its object is one or both of the following: 2790

(a) To subject a victim or victims to involuntary 2791  
servitude, as defined in section 2905.31 of the Revised Code or 2792  
to compel a victim or victims to engage in sexual activity for 2793  
hire, to engage in a performance that is obscene, sexually 2794  
oriented, or nudity oriented, or to be a model or participant in 2795  
the production of material that is obscene, sexually oriented, 2796  
or nudity oriented; 2797

(b) To facilitate, encourage, or recruit a victim who is a 2798  
minor or is a person with a developmental disability, or victims 2799  
who are minors or are persons with developmental disabilities, 2800  
for any purpose listed in divisions (A) (2) (a) to (c) of section 2801  
2905.32 of the Revised Code. 2802

(2) It involves at least two felony offenses, whether or 2803  
not there has been a prior conviction for any of the felony 2804  
offenses, to which all of the following apply: 2805

(a) Each of the felony offenses is a violation of section 2806  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 2807  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 2808  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 2809  
is a violation of a law of any state other than this state that 2810  
is substantially similar to any of the sections or divisions of 2811  
the Revised Code identified in this division. 2812

(b) At least one of the felony offenses was committed in 2813  
this state. 2814

(c) The felony offenses are related to the same scheme or 2815  
plan and are not isolated instances. 2816

~~(BBB)~~ (CCC) "Material," "nudity," "obscene," 2817  
"performance," and "sexual activity" have the same meanings as 2818  
in section 2907.01 of the Revised Code. 2819

~~(CCC)~~ (DDD) "Material that is obscene, sexually oriented, 2820  
or nudity oriented" means any material that is obscene, that 2821  
shows a person participating or engaging in sexual activity, 2822  
masturbation, or bestiality, or that shows a person in a state 2823  
of nudity. 2824

~~(DDD)~~ (EEE) "Performance that is obscene, sexually 2825  
oriented, or nudity oriented" means any performance that is 2826  
obscene, that shows a person participating or engaging in sexual 2827  
activity, masturbation, or bestiality, or that shows a person in 2828  
a state of nudity. 2829

~~(EEE)~~ (FFF) "Accelerant" means a fuel or oxidizing agent, 2830  
such as an ignitable liquid, used to initiate a fire or increase 2831  
the rate of growth or spread of a fire. 2832

~~(FFF)~~ (GGG) "Permanent disabling harm" means serious 2833  
physical harm that results in permanent injury to the 2834  
intellectual, physical, or sensory functions and that 2835  
permanently and substantially impairs a person's ability to meet 2836  
one or more of the ordinary demands of life, including the 2837  
functions of caring for one's self, performing manual tasks, 2838  
walking, seeing, hearing, speaking, breathing, learning, and 2839  
working. 2840

~~(GGG)~~ (HHH) "Non-life felony indefinite prison term" means 2841



a prison term imposed under division (A)(1)(a) or (2)(a) of 2842  
section 2929.14 and section 2929.144 of the Revised Code for a 2843  
felony of the first or second degree committed on or after March 2844  
22, 2019. 2845

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 2846  
or (G) of this section and unless a specific sanction is 2847  
required to be imposed or is precluded from being imposed 2848  
pursuant to law, a court that imposes a sentence upon an 2849  
offender for a felony may impose any sanction or combination of 2850  
sanctions on the offender that are provided in sections 2929.14 2851  
to 2929.18 of the Revised Code. 2852

If the offender is eligible to be sentenced to community 2853  
control sanctions, the court shall consider the appropriateness 2854  
of imposing a financial sanction pursuant to section 2929.18 of 2855  
the Revised Code or a sanction of community service pursuant to 2856  
section 2929.17 of the Revised Code as the sole sanction for the 2857  
offense. Except as otherwise provided in this division, if the 2858  
court is required to impose a mandatory prison term for the 2859  
offense for which sentence is being imposed, the court also 2860  
shall impose any financial sanction pursuant to section 2929.18 2861  
of the Revised Code that is required for the offense and may 2862  
impose any other financial sanction pursuant to that section but 2863  
may not impose any additional sanction or combination of 2864  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2865

If the offender is being sentenced for a fourth degree 2866  
felony OVI offense or for a third degree felony OVI offense, in 2867  
addition to the mandatory term of local incarceration or the 2868  
mandatory prison term required for the offense by division (G) 2869  
(1) or (2) of this section, the court shall impose upon the 2870  
offender a mandatory fine in accordance with division (B)(3) of 2871

section 2929.18 of the Revised Code and may impose whichever of 2872  
the following is applicable: 2873

(1) For a fourth degree felony OVI offense for which 2874  
sentence is imposed under division (G) (1) of this section, an 2875  
additional community control sanction or combination of 2876  
community control sanctions under section 2929.16 or 2929.17 of 2877  
the Revised Code. If the court imposes upon the offender a 2878  
community control sanction and the offender violates any 2879  
condition of the community control sanction, the court may take 2880  
any action prescribed in division (B) of section 2929.15 of the 2881  
Revised Code relative to the offender, including imposing a 2882  
prison term on the offender pursuant to that division. 2883

(2) For a third or fourth degree felony OVI offense for 2884  
which sentence is imposed under division (G) (2) of this section, 2885  
an additional prison term as described in division (B) (4) of 2886  
section 2929.14 of the Revised Code or a community control 2887  
sanction as described in division (G) (2) of this section. 2888

(B) (1) (a) Except as provided in division (B) (1) (b) of this 2889  
section, if an offender is convicted of or pleads guilty to a 2890  
felony of the fourth or fifth degree that is not an offense of 2891  
violence or that is a qualifying assault offense, the court 2892  
shall sentence the offender to a community control sanction or 2893  
combination of community control sanctions if all of the 2894  
following apply: 2895

(i) The offender previously has not been convicted of or 2896  
pleaded guilty to a felony offense. 2897

(ii) The most serious charge against the offender at the 2898  
time of sentencing is a felony of the fourth or fifth degree. 2899

(iii) The offender previously has not been convicted of or 2900

pleaded guilty to a misdemeanor offense of violence that the 2901  
offender committed within two years prior to the offense for 2902  
which sentence is being imposed. 2903

(b) The court has discretion to impose a prison term upon 2904  
an offender who is convicted of or pleads guilty to a felony of 2905  
the fourth or fifth degree that is not an offense of violence or 2906  
that is a qualifying assault offense if any of the following 2907  
apply: 2908

(i) The offender committed the offense while having a 2909  
firearm on or about the offender's person or under the 2910  
offender's control. 2911

(ii) If the offense is a qualifying assault offense, the 2912  
offender caused serious physical harm to another person while 2913  
committing the offense, and, if the offense is not a qualifying 2914  
assault offense, the offender caused physical harm to another 2915  
person while committing the offense. 2916

(iii) The offender violated a term of the conditions of 2917  
bond as set by the court. 2918

(iv) The offense is a sex offense that is a fourth or 2919  
fifth degree felony violation of any provision of Chapter 2907. 2920  
of the Revised Code. 2921

(v) In committing the offense, the offender attempted to 2922  
cause or made an actual threat of physical harm to a person with 2923  
a deadly weapon. 2924

(vi) In committing the offense, the offender attempted to 2925  
cause or made an actual threat of physical harm to a person, and 2926  
the offender previously was convicted of an offense that caused 2927  
physical harm to a person. 2928

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

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

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term.

(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer.

(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term

as a sanction for a felony of the third degree or a felony drug 2958  
offense that is a violation of a provision of Chapter 2925. of 2959  
the Revised Code and that is specified as being subject to this 2960  
division for purposes of sentencing, the sentencing court shall 2961  
comply with the purposes and principles of sentencing under 2962  
section 2929.11 of the Revised Code and with section 2929.12 of 2963  
the Revised Code. 2964

(D) (1) Except as provided in division (E) or (F) of this 2965  
section, for a felony of the first or second degree, for a 2966  
felony drug offense that is a violation of any provision of 2967  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2968  
presumption in favor of a prison term is specified as being 2969  
applicable, ~~and~~ for a violation of division (A) (4) or (B) of 2970  
section 2907.05 of the Revised Code for which a presumption in 2971  
favor of a prison term is specified as being applicable, and for 2972  
a violation of section 2923.13 of the Revised Code for which a 2973  
presumption in favor of a prison term is specified in division 2974  
(B) (3) of that section as being applicable, it is presumed that 2975  
a prison term is necessary in order to comply with the purposes 2976  
and principles of sentencing under section 2929.11 of the 2977  
Revised Code. Division (D) (2) of this section does not apply to 2978  
a presumption established under this division for a violation of 2979  
division (A) (4) of section 2907.05 of the Revised Code. 2980

(2) Notwithstanding the presumption established under 2981  
division (D) (1) of this section for the offenses listed in that 2982  
division other than a violation of division (A) (4) or (B) of 2983  
section 2907.05 of the Revised Code, the sentencing court may 2984  
impose a community control sanction or a combination of 2985  
community control sanctions instead of a prison term on an 2986  
offender for a felony of the first or second degree or for a 2987  
felony drug offense that is a violation of any provision of 2988

Chapter 2925., 3719., or 4729. of the Revised Code for which a 2989  
presumption in favor of a prison term is specified as being 2990  
applicable if it makes both of the following findings: 2991

(a) A community control sanction or a combination of 2992  
community control sanctions would adequately punish the offender 2993  
and protect the public from future crime, because the applicable 2994  
factors under section 2929.12 of the Revised Code indicating a 2995  
lesser likelihood of recidivism outweigh the applicable factors 2996  
under that section indicating a greater likelihood of 2997  
recidivism. 2998

(b) A community control sanction or a combination of 2999  
community control sanctions would not demean the seriousness of 3000  
the offense, because one or more factors under section 2929.12 3001  
of the Revised Code that indicate that the offender's conduct 3002  
was less serious than conduct normally constituting the offense 3003  
are applicable, and they outweigh the applicable factors under 3004  
that section that indicate that the offender's conduct was more 3005  
serious than conduct normally constituting the offense. 3006

(E) (1) Except as provided in division (F) of this section, 3007  
for any drug offense that is a violation of any provision of 3008  
Chapter 2925. of the Revised Code and that is a felony of the 3009  
third, fourth, or fifth degree, the applicability of a 3010  
presumption under division (D) of this section in favor of a 3011  
prison term or of division (B) or (C) of this section in 3012  
determining whether to impose a prison term for the offense 3013  
shall be determined as specified in section 2925.02, 2925.03, 3014  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3015  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3016  
regarding the violation. 3017

(2) If an offender who was convicted of or pleaded guilty 3018

to a felony violates the conditions of a community control 3019  
sanction imposed for the offense solely by reason of producing 3020  
positive results on a drug test, the court, as punishment for 3021  
the violation of the sanction, shall not order that the offender 3022  
be imprisoned unless the court determines on the record either 3023  
of the following: 3024

(a) The offender had been ordered as a sanction for the 3025  
felony to participate in a drug treatment program, in a drug 3026  
education program, or in narcotics anonymous or a similar 3027  
program, and the offender continued to use illegal drugs after a 3028  
reasonable period of participation in the program. 3029

(b) The imprisonment of the offender for the violation is 3030  
consistent with the purposes and principles of sentencing set 3031  
forth in section 2929.11 of the Revised Code. 3032

(3) A court that sentences an offender for a drug abuse 3033  
offense that is a felony of the third, fourth, or fifth degree 3034  
may require that the offender be assessed by a properly 3035  
credentialed professional within a specified period of time. The 3036  
court shall require the professional to file a written 3037  
assessment of the offender with the court. If the offender is 3038  
eligible for a community control sanction and after considering 3039  
the written assessment, the court may impose a community control 3040  
sanction that includes addiction services and recovery supports 3041  
included in a community-based continuum of care established 3042  
under section 340.032 of the Revised Code. If the court imposes 3043  
addiction services and recovery supports as a community control 3044  
sanction, the court shall direct the level and type of addiction 3045  
services and recovery supports after considering the assessment 3046  
and recommendation of community addiction services providers. 3047

(F) Notwithstanding divisions (A) to (E) of this section, 3048

the court shall impose a prison term or terms under sections 3049  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3050  
section 2971.03 of the Revised Code and except as specifically 3051  
provided in section 2929.20, or section 2967.191 of the Revised 3052  
Code or when parole is authorized for the offense under section 3053  
2967.13 of the Revised Code shall not reduce the term or terms 3054  
pursuant to section 2929.20, division (A) (2) or (3) of section 3055  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3056  
Chapter 5120. of the Revised Code for any of the following 3057  
offenses: 3058

(1) Aggravated murder when death is not imposed or murder; 3059

(2) Any rape, regardless of whether force was involved and 3060  
regardless of the age of the victim, or an attempt to commit 3061  
rape if, had the offender completed the rape that was attempted, 3062  
the offender would have been guilty of a violation of division 3063  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3064  
sentenced under section 2971.03 of the Revised Code; 3065

(3) Gross sexual imposition or sexual battery, if the 3066  
victim is less than thirteen years of age and if any of the 3067  
following applies: 3068

(a) Regarding gross sexual imposition, the offender 3069  
previously was convicted of or pleaded guilty to rape, the 3070  
former offense of felonious sexual penetration, gross sexual 3071  
imposition, or sexual battery, and the victim of the previous 3072  
offense was less than thirteen years of age; 3073

(b) Regarding gross sexual imposition, the offense was 3074  
committed on or after August 3, 2006, and evidence other than 3075  
the testimony of the victim was admitted in the case 3076  
corroborating the violation. 3077



(c) Regarding sexual battery, either of the following 3078  
applies: 3079

(i) The offense was committed prior to August 3, 2006, the 3080  
offender previously was convicted of or pleaded guilty to rape, 3081  
the former offense of felonious sexual penetration, or sexual 3082  
battery, and the victim of the previous offense was less than 3083  
thirteen years of age. 3084

(ii) The offense was committed on or after August 3, 2006. 3085

(4) A felony violation of section 2903.04, 2903.06, 3086  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3087  
or 2923.132 of the Revised Code if the section requires the 3088  
imposition of a prison term; 3089

(5) A first, second, or third degree felony drug offense 3090  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3091  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3092  
or 4729.99 of the Revised Code, whichever is applicable 3093  
regarding the violation, requires the imposition of a mandatory 3094  
prison term; 3095

(6) Any offense that is a first or second degree felony 3096  
and that is not set forth in division (F)(1), (2), (3), or (4) 3097  
of this section, if the offender previously was convicted of or 3098  
pleaded guilty to aggravated murder, murder, any first or second 3099  
degree felony, or an offense under an existing or former law of 3100  
this state, another state, or the United States that is or was 3101  
substantially equivalent to one of those offenses; 3102

(7) Any offense that is a third degree felony and either 3103  
is a violation of section 2903.04 of the Revised Code or an 3104  
attempt to commit a felony of the second degree that is an 3105  
offense of violence and involved an attempt to cause serious 3106

physical harm to a person or that resulted in serious physical 3107  
harm to a person if the offender previously was convicted of or 3108  
pleaded guilty to any of the following offenses: 3109

(a) Aggravated murder, murder, involuntary manslaughter, 3110  
rape, felonious sexual penetration as it existed under section 3111  
2907.12 of the Revised Code prior to September 3, 1996, a felony 3112  
of the first or second degree that resulted in the death of a 3113  
person or in physical harm to a person, or complicity in or an 3114  
attempt to commit any of those offenses; 3115

(b) An offense under an existing or former law of this 3116  
state, another state, or the United States that is or was 3117  
substantially equivalent to an offense listed in division (F) (7) 3118  
(a) of this section that resulted in the death of a person or in 3119  
physical harm to a person. 3120

(8) Any offense, other than a violation of section 2923.12 3121  
of the Revised Code, that is a felony, if the offender had a 3122  
firearm on or about the offender's person or under the 3123  
offender's control while committing the felony, with respect to 3124  
a portion of the sentence imposed pursuant to division (B) (1) (a) 3125  
of section 2929.14 of the Revised Code for having the firearm; 3126

(9) Any offense of violence that is a felony, if the 3127  
offender wore or carried body armor while committing the felony 3128  
offense of violence, with respect to the portion of the sentence 3129  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3130  
Revised Code for wearing or carrying the body armor; 3131

(10) Corrupt activity in violation of section 2923.32 of 3132  
the Revised Code when the most serious offense in the pattern of 3133  
corrupt activity that is the basis of the offense is a felony of 3134  
the first degree; 3135

(11) Any violent sex offense or designated homicide, 3136  
assault, or kidnapping offense if, in relation to that offense, 3137  
the offender is adjudicated a sexually violent predator; 3138

(12) A violation of division (A)(1) or (2) of section 3139  
2921.36 of the Revised Code, or a violation of division (C) of 3140  
that section involving an item listed in division (A)(1) or (2) 3141  
of that section, if the offender is an officer or employee of 3142  
the department of rehabilitation and correction; 3143

(13) A violation of division (A)(1) or (2) of section 3144  
2903.06 of the Revised Code if the victim of the offense is a 3145  
peace officer, as defined in section 2935.01 of the Revised 3146  
Code, or an investigator of the bureau of criminal 3147  
identification and investigation, as defined in section 2903.11 3148  
of the Revised Code, with respect to the portion of the sentence 3149  
imposed pursuant to division (B)(5) of section 2929.14 of the 3150  
Revised Code; 3151

(14) A violation of division (A)(1) or (2) of section 3152  
2903.06 of the Revised Code if the offender has been convicted 3153  
of or pleaded guilty to three or more violations of division (A) 3154  
of section 4511.19 of the Revised Code or an equivalent offense, 3155  
as defined in section 2941.1415 of the Revised Code, or three or 3156  
more violations of any combination of those offenses, with 3157  
respect to the portion of the sentence imposed pursuant to 3158  
division (B)(6) of section 2929.14 of the Revised Code; 3159

(15) Kidnapping, in the circumstances specified in section 3160  
2971.03 of the Revised Code and when no other provision of 3161  
division (F) of this section applies; 3162

(16) Kidnapping, abduction, compelling prostitution, 3163  
promoting prostitution, engaging in a pattern of corrupt 3164

activity, a violation of division (A)(1) or (2) of section 3165  
2907.323 of the Revised Code that involves a minor, or 3166  
endangering children in violation of division (B)(1), (2), (3), 3167  
(4), or (5) of section 2919.22 of the Revised Code, if the 3168  
offender is convicted of or pleads guilty to a specification as 3169  
described in section 2941.1422 of the Revised Code that was 3170  
included in the indictment, count in the indictment, or 3171  
information charging the offense; 3172

(17) A felony violation of division (A) or (B) of section 3173  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 3174  
that section, and division (D)(6) of that section, require the 3175  
imposition of a prison term; 3176

(18) A felony violation of section 2903.11, 2903.12, or 3177  
2903.13 of the Revised Code, if the victim of the offense was a 3178  
woman that the offender knew was pregnant at the time of the 3179  
violation, with respect to a portion of the sentence imposed 3180  
pursuant to division (B)(8) of section 2929.14 of the Revised 3181  
Code; 3182

(19)(a) Any violent felony offense if the offender is a 3183  
violent career criminal and had a firearm on or about the 3184  
offender's person or under the offender's control during the 3185  
commission of the violent felony offense and displayed or 3186  
brandished the firearm, indicated that the offender possessed a 3187  
firearm, or used the firearm to facilitate the offense, with 3188  
respect to the portion of the sentence imposed under division 3189  
(K) of section 2929.14 of the Revised Code. 3190

(b) As used in division (F)(19)(a) of this section, 3191  
"violent career criminal" and "violent felony offense" have the 3192  
same meanings as in section 2923.132 of the Revised Code. 3193

(20) Any violation of division (A) (1) of section 2903.11 3194  
of the Revised Code if the offender used an accelerant in 3195  
committing the violation and the serious physical harm to 3196  
another or another's unborn caused by the violation resulted in 3197  
a permanent, serious disfigurement or permanent, substantial 3198  
incapacity or any violation of division (A) (2) of that section 3199  
if the offender used an accelerant in committing the violation, 3200  
the violation caused physical harm to another or another's 3201  
unborn, and the physical harm resulted in a permanent, serious 3202  
disfigurement or permanent, substantial incapacity, with respect 3203  
to a portion of the sentence imposed pursuant to division (B) (9) 3204  
of section 2929.14 of the Revised Code. The provisions of this 3205  
division and of division (D) (2) of section 2903.11, divisions 3206  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 3207  
the Revised Code shall be known as "Judy's Law." 3208

(21) Any violation of division (A) of section 2903.11 of 3209  
the Revised Code if the victim of the offense suffered permanent 3210  
disabling harm as a result of the offense and the victim was 3211  
under ten years of age at the time of the offense, with respect 3212  
to a portion of the sentence imposed pursuant to division (B) 3213  
(10) of section 2929.14 of the Revised Code. 3214

(22) A felony violation of section 2925.03, 2925.05, or 3215  
2925.11 of the Revised Code, if the drug involved in the 3216  
violation is a fentanyl-related compound or a compound, mixture, 3217  
preparation, or substance containing a fentanyl-related compound 3218  
and the offender is convicted of or pleads guilty to a 3219  
specification of the type described in division (B) of section 3220  
2941.1410 of the Revised Code that was included in the 3221  
indictment, count in the indictment, or information charging the 3222  
offense, with respect to the portion of the sentence imposed 3223  
under division (B) (11) of section 2929.14 of the Revised Code. 3224

(G) Notwithstanding divisions (A) to (E) of this section, 3225  
if an offender is being sentenced for a fourth degree felony OVI 3226  
offense or for a third degree felony OVI offense, the court 3227  
shall impose upon the offender a mandatory term of local 3228  
incarceration or a mandatory prison term in accordance with the 3229  
following: 3230

(1) If the offender is being sentenced for a fourth degree 3231  
felony OVI offense and if the offender has not been convicted of 3232  
and has not pleaded guilty to a specification of the type 3233  
described in section 2941.1413 of the Revised Code, the court 3234  
may impose upon the offender a mandatory term of local 3235  
incarceration of sixty days or one hundred twenty days as 3236  
specified in division (G)(1)(d) of section 4511.19 of the 3237  
Revised Code. The court shall not reduce the term pursuant to 3238  
section 2929.20, division (A)(2) or (3) of section 2967.193 or 3239  
2967.194, or any other provision of the Revised Code. The court 3240  
that imposes a mandatory term of local incarceration under this 3241  
division shall specify whether the term is to be served in a 3242  
jail, a community-based correctional facility, a halfway house, 3243  
or an alternative residential facility, and the offender shall 3244  
serve the term in the type of facility specified by the court. A 3245  
mandatory term of local incarceration imposed under division (G) 3246  
(1) of this section is not subject to any other Revised Code 3247  
provision that pertains to a prison term except as provided in 3248  
division (A)(1) of this section. 3249

(2) If the offender is being sentenced for a third degree 3250  
felony OVI offense, or if the offender is being sentenced for a 3251  
fourth degree felony OVI offense and the court does not impose a 3252  
mandatory term of local incarceration under division (G)(1) of 3253  
this section, the court shall impose upon the offender a 3254  
mandatory prison term of one, two, three, four, or five years if 3255

the offender also is convicted of or also pleads guilty to a 3256  
specification of the type described in section 2941.1413 of the 3257  
Revised Code or shall impose upon the offender a mandatory 3258  
prison term of sixty days or one hundred twenty days as 3259  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3260  
Revised Code if the offender has not been convicted of and has 3261  
not pleaded guilty to a specification of that type. The court 3262  
shall not reduce the term pursuant to section 2929.20, division 3263  
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3264  
provision of the Revised Code. The offender shall serve the 3265  
one-, two-, three-, four-, or five-year mandatory prison term 3266  
consecutively to and prior to the prison term imposed for the 3267  
underlying offense and consecutively to any other mandatory 3268  
prison term imposed in relation to the offense. In no case shall 3269  
an offender who once has been sentenced to a mandatory term of 3270  
local incarceration pursuant to division (G) (1) of this section 3271  
for a fourth degree felony OVI offense be sentenced to another 3272  
mandatory term of local incarceration under that division for 3273  
any violation of division (A) of section 4511.19 of the Revised 3274  
Code. In addition to the mandatory prison term described in 3275  
division (G) (2) of this section, the court may sentence the 3276  
offender to a community control sanction under section 2929.16 3277  
or 2929.17 of the Revised Code, but the offender shall serve the 3278  
prison term prior to serving the community control sanction. The 3279  
department of rehabilitation and correction may place an 3280  
offender sentenced to a mandatory prison term under this 3281  
division in an intensive program prison established pursuant to 3282  
section 5120.033 of the Revised Code if the department gave the 3283  
sentencing judge prior notice of its intent to place the 3284  
offender in an intensive program prison established under that 3285  
section and if the judge did not notify the department that the 3286  
judge disapproved the placement. Upon the establishment of the 3287

initial intensive program prison pursuant to section 5120.033 of 3288  
the Revised Code that is privately operated and managed by a 3289  
contractor pursuant to a contract entered into under section 3290  
9.06 of the Revised Code, both of the following apply: 3291

(a) The department of rehabilitation and correction shall 3292  
make a reasonable effort to ensure that a sufficient number of 3293  
offenders sentenced to a mandatory prison term under this 3294  
division are placed in the privately operated and managed prison 3295  
so that the privately operated and managed prison has full 3296  
occupancy. 3297

(b) Unless the privately operated and managed prison has 3298  
full occupancy, the department of rehabilitation and correction 3299  
shall not place any offender sentenced to a mandatory prison 3300  
term under this division in any intensive program prison 3301  
established pursuant to section 5120.033 of the Revised Code 3302  
other than the privately operated and managed prison. 3303

(H) If an offender is being sentenced for a sexually 3304  
oriented offense or child-victim oriented offense that is a 3305  
felony committed on or after January 1, 1997, the judge shall 3306  
require the offender to submit to a DNA specimen collection 3307  
procedure pursuant to section 2901.07 of the Revised Code. 3308

(I) If an offender is being sentenced for a sexually 3309  
oriented offense or a child-victim oriented offense committed on 3310  
or after January 1, 1997, the judge shall include in the 3311  
sentence a summary of the offender's duties imposed under 3312  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3313  
Code and the duration of the duties. The judge shall inform the 3314  
offender, at the time of sentencing, of those duties and of 3315  
their duration. If required under division (A) (2) of section 3316  
2950.03 of the Revised Code, the judge shall perform the duties 3317



specified in that section, or, if required under division (A) (6) 3318  
of section 2950.03 of the Revised Code, the judge shall perform 3319  
the duties specified in that division. 3320

(J) (1) Except as provided in division (J) (2) of this 3321  
section, when considering sentencing factors under this section 3322  
in relation to an offender who is convicted of or pleads guilty 3323  
to an attempt to commit an offense in violation of section 3324  
2923.02 of the Revised Code, the sentencing court shall consider 3325  
the factors applicable to the felony category of the violation 3326  
of section 2923.02 of the Revised Code instead of the factors 3327  
applicable to the felony category of the offense attempted. 3328

(2) When considering sentencing factors under this section 3329  
in relation to an offender who is convicted of or pleads guilty 3330  
to an attempt to commit a drug abuse offense for which the 3331  
penalty is determined by the amount or number of unit doses of 3332  
the controlled substance involved in the drug abuse offense, the 3333  
sentencing court shall consider the factors applicable to the 3334  
felony category that the drug abuse offense attempted would be 3335  
if that drug abuse offense had been committed and had involved 3336  
an amount or number of unit doses of the controlled substance 3337  
that is within the next lower range of controlled substance 3338  
amounts than was involved in the attempt. 3339

(K) As used in this section: 3340

(1) "Community addiction services provider" has the same 3341  
meaning as in section 5119.01 of the Revised Code. 3342

(2) "Drug abuse offense" has the same meaning as in 3343  
section 2925.01 of the Revised Code. 3344

(3) "Minor drug possession offense" has the same meaning 3345  
as in section 2925.11 of the Revised Code. 3346

(4) "Qualifying assault offense" means a violation of 3347  
section 2903.13 of the Revised Code for which the penalty 3348  
provision in division (C) (8) (b) or (C) (9) (b) of that section 3349  
applies. 3350

(L) At the time of sentencing an offender for any sexually 3351  
oriented offense, if the offender is a tier III sex 3352  
offender/child-victim offender relative to that offense and the 3353  
offender does not serve a prison term or jail term, the court 3354  
may require that the offender be monitored by means of a global 3355  
positioning device. If the court requires such monitoring, the 3356  
cost of monitoring shall be borne by the offender. If the 3357  
offender is indigent, the cost of compliance shall be paid by 3358  
the crime victims reparations fund. 3359

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3360  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3361  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3362  
in division (D) (6) of section 2919.25 of the Revised Code and 3363  
except in relation to an offense for which a sentence of death 3364  
or life imprisonment is to be imposed, if the court imposing a 3365  
sentence upon an offender for a felony elects or is required to 3366  
impose a prison term on the offender pursuant to this chapter, 3367  
the court shall impose a prison term that shall be one of the 3368  
following: 3369

(1) (a) For a felony of the first degree committed on or 3370  
after March 22, 2019, the prison term shall be an indefinite 3371  
prison term with a stated minimum term selected by the court of 3372  
three, four, five, six, seven, eight, nine, ten, or eleven years 3373  
and a maximum term that is determined pursuant to section 3374  
2929.144 of the Revised Code, except that if the section that 3375  
criminalizes the conduct constituting the felony specifies a 3376

different minimum term or penalty for the offense, the specific 3377  
language of that section shall control in determining the 3378  
minimum term or otherwise sentencing the offender but the 3379  
minimum term or sentence imposed under that specific language 3380  
shall be considered for purposes of the Revised Code as if it 3381  
had been imposed under this division. 3382

(b) For a felony of the first degree committed prior to 3383  
March 22, 2019, the prison term shall be a definite prison term 3384  
of three, four, five, six, seven, eight, nine, ten, or eleven 3385  
years. 3386

(2) (a) For a felony of the second degree committed on or 3387  
after March 22, 2019, the prison term shall be an indefinite 3388  
prison term with a stated minimum term selected by the court of 3389  
two, three, four, five, six, seven, or eight years and a maximum 3390  
term that is determined pursuant to section 2929.144 of the 3391  
Revised Code, except that if the section that criminalizes the 3392  
conduct constituting the felony specifies a different minimum 3393  
term or penalty for the offense, the specific language of that 3394  
section shall control in determining the minimum term or 3395  
otherwise sentencing the offender but the minimum term or 3396  
sentence imposed under that specific language shall be 3397  
considered for purposes of the Revised Code as if it had been 3398  
imposed under this division. 3399

(b) For a felony of the second degree committed prior to 3400  
March 22, 2019, the prison term shall be a definite term of two, 3401  
three, four, five, six, seven, or eight years. 3402

(3) (a) For a felony of the third degree that is a 3403  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3404  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3405  
Code, that is a violation of division (A) of section 4511.19 of 3406

the Revised Code if the offender previously has been convicted 3407  
of or pleaded guilty to a violation of division (A) of that 3408  
section that was a felony, that is a violation of section 3409  
2911.02 or 2911.12 of the Revised Code if the offender 3410  
previously has been convicted of or pleaded guilty in two or 3411  
more separate proceedings to two or more violations of section 3412  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 3413  
that is a violation of division (B) of section 2921.331 of the 3414  
Revised Code if division (C) (5) of that section applies, the 3415  
prison term shall be a definite term of twelve, eighteen, 3416  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3417  
four, or sixty months. 3418

(b) For a felony of the third degree that is not an 3419  
offense for which division (A) (3) (a) of this section applies, 3420  
the prison term shall be a definite term of nine, twelve, 3421  
eighteen, twenty-four, thirty, or thirty-six months. 3422

(4) For a felony of the fourth degree, the prison term 3423  
shall be a definite term of six, seven, eight, nine, ten, 3424  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3425  
or eighteen months. 3426

(5) For a felony of the fifth degree, the prison term 3427  
shall be a definite term of six, seven, eight, nine, ten, 3428  
eleven, or twelve months. 3429

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3430  
section, if an offender who is convicted of or pleads guilty to 3431  
a felony also is convicted of or pleads guilty to a 3432  
specification of the type described in section 2941.141, 3433  
2941.144, ~~or~~ 2941.145, 2941.1428, or 2941.1429 of the Revised 3434  
Code, the court shall impose on the offender one of the 3435  
following prison terms: 3436

(i) A prison term of six years if the specification is of 3437  
the type described in division (A) of section 2941.144 of the 3438  
Revised Code that charges the offender with having a firearm 3439  
that is an automatic firearm or that was equipped with a firearm 3440  
muffler or suppressor on or about the offender's person or under 3441  
the offender's control while committing the offense; 3442

(ii) A prison term of three years if the specification is 3443  
of the type described in division (A) of section 2941.145 of the 3444  
Revised Code that charges the offender with having a firearm on 3445  
or about the offender's person or under the offender's control 3446  
while committing the offense and displaying the firearm, 3447  
brandishing the firearm, indicating that the offender possessed 3448  
the firearm, or using it to facilitate the offense; 3449

(iii) A prison term of one year if the specification is of 3450  
the type described in division (A) of section 2941.141 of the 3451  
Revised Code that charges the offender with having a firearm on 3452  
or about the offender's person or under the offender's control 3453  
while committing the offense; 3454

(iv) A prison term of nine years if the specification is 3455  
of the type described in division (D) of section 2941.144 of the 3456  
Revised Code that charges the offender with having a firearm 3457  
that is an automatic firearm or that was equipped with a firearm 3458  
muffler or suppressor on or about the offender's person or under 3459  
the offender's control while committing the offense and 3460  
specifies that the offender previously has been convicted of or 3461  
pleaded guilty to a specification of the type described in 3462  
section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 3463  
2941.1429 of the Revised Code; 3464

(v) A prison term of ~~fifty-four months~~ five years if the 3465  
specification is of the type described in division (D) of 3466

section 2941.145 of the Revised Code that charges the offender 3467  
with having a firearm on or about the offender's person or under 3468  
the offender's control while committing the offense and 3469  
displaying the firearm, brandishing the firearm, indicating that 3470  
the offender possessed the firearm, or using the firearm to 3471  
facilitate the offense and that the offender previously has been 3472  
convicted of or pleaded guilty to a specification of the type 3473  
described in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 3474  
2941.1412, or 2941.1429 of the Revised Code; 3475

(vi) A prison term of eighteen months if the specification 3476  
is of the type described in division (D) of section 2941.141 of 3477  
the Revised Code that charges the offender with having a firearm 3478  
on or about the offender's person or under the offender's 3479  
control while committing the offense and that the offender 3480  
previously has been convicted of or pleaded guilty to a 3481  
specification of the type described in section 2941.141, 3482  
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 3483  
Revised Code; 3484

(vii) A prison term of five years if the specification is 3485  
of the type described in division (A) of section 2941.1428 of 3486  
the Revised Code that charges the offender with discharging a 3487  
firearm while committing the offense; 3488

(viii) A prison term of ten years if the specification is 3489  
of the type described in division (A) of section 2941.1429 of 3490  
the Revised Code that charges the offender with having a firearm 3491  
that is an automatic firearm or that was equipped with a firearm 3492  
muffler or suppressor on or about the offender's person or under 3493  
the offender's control while committing the offense and 3494  
displayed the firearm, brandished the firearm, indicated that 3495  
the offender possessed the firearm, or used it to facilitate the 3496

offense; 3497

(ix) A prison term of fifteen years if the specification 3498  
is of the type described in division (D) of section 2941.1429 of 3499  
the Revised Code that charges the offender with having a firearm 3500  
that is an automatic firearm or that was equipped with a firearm 3501  
muffler or suppressor on or about the offender's person or under 3502  
the offender's control while committing the offense and 3503  
displayed the firearm, brandished the firearm, indicated that 3504  
the offender possessed the firearm, or used it to facilitate the 3505  
offense and specifies that the offender previously has been 3506  
convicted of or pleaded guilty to a specification of the type 3507  
described in section 2941.141, 2941.144, 2941.145, 2941.146, 3508  
2941.1412, or 2941.1429 of the Revised Code. 3509

(b) If a court imposes a prison term on an offender under 3510  
division (B) (1) (a) of this section, the prison term shall not be 3511  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3512  
section 2967.193 or 2967.194, or any other provision of Chapter 3513  
2967. or Chapter 5120. of the Revised Code. Except as provided 3514  
in division (B) (1) (g) of this section, a court shall not impose 3515  
more than one prison term on an offender under division (B) (1) 3516  
(a) of this section for felonies committed as part of the same 3517  
act or transaction. 3518

(c) (i) Except as provided in division (B) (1) (e) of this 3519  
section, if an offender who is convicted of or pleads guilty to 3520  
a violation of section 2923.161 of the Revised Code or to a 3521  
felony that includes, as an essential element, purposely or 3522  
knowingly causing or attempting to cause the death of or 3523  
physical harm to another, also is convicted of or pleads guilty 3524  
to a specification of the type described in division (A) of 3525  
section 2941.146 of the Revised Code that charges the offender 3526

with committing the offense by discharging a firearm from a 3527  
motor vehicle other than a manufactured home, the court, after 3528  
imposing a prison term on the offender for the violation of 3529  
section 2923.161 of the Revised Code or for the other felony 3530  
offense under division (A), (B) (2), or (B) (3) of this section, 3531  
shall impose an additional prison term of ~~five~~seven years upon 3532  
the offender that shall not be reduced pursuant to section 3533  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3534  
or any other provision of Chapter 2967. or Chapter 5120. of the 3535  
Revised Code. 3536

(ii) Except as provided in division (B) (1) (e) of this 3537  
section, if an offender who is convicted of or pleads guilty to 3538  
a violation of section 2923.161 of the Revised Code or to a 3539  
felony that includes, as an essential element, purposely or 3540  
knowingly causing or attempting to cause the death of or 3541  
physical harm to another, also is convicted of or pleads guilty 3542  
to a specification of the type described in division (C) of 3543  
section 2941.146 of the Revised Code that charges the offender 3544  
with committing the offense by discharging a firearm from a 3545  
motor vehicle other than a manufactured home and that the 3546  
offender previously has been convicted of or pleaded guilty to a 3547  
specification of the type described in section 2941.141, 3548  
2941.144, 2941.145, 2941.146, ~~or~~2941.1412, or 2941.1429 of the 3549  
Revised Code, the court, after imposing a prison term on the 3550  
offender for the violation of section 2923.161 of the Revised 3551  
Code or for the other felony offense under division (A), (B) (2), 3552  
or (3) of this section, shall impose an additional prison term 3553  
of ninety months upon the offender that shall not be reduced 3554  
pursuant to section 2929.20, division (A) (2) or (3) of section 3555  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3556  
Chapter 5120. of the Revised Code. 3557



(iii) A court shall not impose more than one additional 3558  
prison term on an offender under division (B) (1) (c) of this 3559  
section for felonies committed as part of the same act or 3560  
transaction. If a court imposes an additional prison term on an 3561  
offender under division (B) (1) (c) of this section relative to an 3562  
offense, the court also shall impose a prison term under 3563  
division (B) (1) (a) of this section relative to the same offense, 3564  
provided the criteria specified in that division for imposing an 3565  
additional prison term are satisfied relative to the offender 3566  
and the offense. 3567

(d) If an offender who is convicted of or pleads guilty to 3568  
an offense of violence that is a felony also is convicted of or 3569  
pleads guilty to a specification of the type described in 3570  
section 2941.1411 of the Revised Code that charges the offender 3571  
with wearing or carrying body armor while committing the felony 3572  
offense of violence, the court shall impose on the offender an 3573  
additional prison term of two years. The prison term so imposed 3574  
shall not be reduced pursuant to section 2929.20, division (A) 3575  
(2) or (3) of section 2967.193 or 2967.194, or any other 3576  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3577  
A court shall not impose more than one prison term on an 3578  
offender under division (B) (1) (d) of this section for felonies 3579  
committed as part of the same act or transaction. If a court 3580  
imposes an additional prison term under division (B) (1) (a) or 3581  
(c) of this section, the court is not precluded from imposing an 3582  
additional prison term under division (B) (1) (d) of this section. 3583

(e) The court shall not impose any of the prison terms 3584  
described in division (B) (1) (a) of this section or any of the 3585  
additional prison terms described in division (B) (1) (c) of this 3586  
section upon an offender for a violation of section 2923.12 or 3587  
2923.123 of the Revised Code. The court shall not impose any of 3588

the prison terms described in division (B) (1) (a) or (b) of this 3589  
section upon an offender for a violation of section 2923.122 3590  
that involves a deadly weapon that is a firearm other than a 3591  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3592  
Revised Code. The court shall not impose any of the prison terms 3593  
described in division (B) (1) (a) of this section or any of the 3594  
additional prison terms described in division (B) (1) (c) of this 3595  
section upon an offender for a violation of section 2923.13 of 3596  
the Revised Code unless all of the following apply: 3597

(i) The offender previously has been convicted of 3598  
aggravated murder, murder, or any felony of the first or second 3599  
degree. 3600

(ii) Less than five years have passed since the offender 3601  
was released from prison or post-release control, whichever is 3602  
later, for the prior offense. 3603

(f) (i) If an offender is convicted of or pleads guilty to 3604  
a felony that includes, as an essential element, causing or 3605  
attempting to cause the death of or physical harm to another and 3606  
also is convicted of or pleads guilty to a specification of the 3607  
type described in division (A) of section 2941.1412 of the 3608  
Revised Code that charges the offender with committing the 3609  
offense by discharging a firearm at a peace officer as defined 3610  
in section 2935.01 of the Revised Code or a corrections officer, 3611  
as defined in section 2941.1412 of the Revised Code, the court, 3612  
after imposing a prison term on the offender for the felony 3613  
offense under division (A), (B) (2), or (B) (3) of this section, 3614  
shall impose an additional prison term of seven years upon the 3615  
offender that shall not be reduced pursuant to section 2929.20, 3616  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3617  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3618

Code. 3619

(ii) If an offender is convicted of or pleads guilty to a 3620  
felony that includes, as an essential element, causing or 3621  
attempting to cause the death of or physical harm to another and 3622  
also is convicted of or pleads guilty to a specification of the 3623  
type described in division (B) of section 2941.1412 of the 3624  
Revised Code that charges the offender with committing the 3625  
offense by discharging a firearm at a peace officer, as defined 3626  
in section 2935.01 of the Revised Code, or a corrections 3627  
officer, as defined in section 2941.1412 of the Revised Code, 3628  
and that the offender previously has been convicted of or 3629  
pleaded guilty to a specification of the type described in 3630  
section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 3631  
2941.1429 of the Revised Code, the court, after imposing a 3632  
prison term on the offender for the felony offense under 3633  
division (A), (B) (2), or (3) of this section, shall impose an 3634  
additional prison term of one hundred twenty-six months upon the 3635  
offender that shall not be reduced pursuant to section 2929.20, 3636  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3637  
other provision of Chapter 2967. or 5120. of the Revised Code. 3638

(iii) If an offender is convicted of or pleads guilty to 3639  
two or more felonies that include, as an essential element, 3640  
causing or attempting to cause the death or physical harm to 3641  
another and also is convicted of or pleads guilty to a 3642  
specification of the type described under division (B) (1) (f) of 3643  
this section in connection with two or more of the felonies of 3644  
which the offender is convicted or to which the offender pleads 3645  
guilty, the sentencing court shall impose on the offender the 3646  
prison term specified under division (B) (1) (f) of this section 3647  
for each of two of the specifications of which the offender is 3648  
convicted or to which the offender pleads guilty and, in its 3649

discretion, also may impose on the offender the prison term 3650  
specified under that division for any or all of the remaining 3651  
specifications. If a court imposes an additional prison term on 3652  
an offender under division (B) (1) (f) of this section relative to 3653  
an offense, the court shall not impose a prison term under 3654  
division (B) (1) (a) or (c) of this section relative to the same 3655  
offense. 3656

(g) If an offender is convicted of or pleads guilty to two 3657  
or more felonies, if one or more of those felonies are 3658  
aggravated murder, murder, attempted aggravated murder, 3659  
attempted murder, aggravated robbery, felonious assault, or 3660  
rape, and if the offender is convicted of or pleads guilty to a 3661  
specification of the type described under division (B) (1) (a) of 3662  
this section in connection with two or more of the felonies, the 3663  
sentencing court shall impose on the offender the prison term 3664  
specified under division (B) (1) (a) of this section for each of 3665  
the two most serious specifications of which the offender is 3666  
convicted or to which the offender pleads guilty and, in its 3667  
discretion, also may impose on the offender the prison term 3668  
specified under that division for any or all of the remaining 3669  
specifications. 3670

(2) (a) If division (B) (2) (b) of this section does not 3671  
apply, the court may impose on an offender, in addition to the 3672  
longest prison term authorized or required for the offense or, 3673  
for offenses for which division (A) (1) (a) or (2) (a) of this 3674  
section applies, in addition to the longest minimum prison term 3675  
authorized or required for the offense, an additional definite 3676  
prison term of one, two, three, four, five, six, seven, eight, 3677  
nine, or ten years if all of the following criteria are met: 3678

(i) The offender is convicted of or pleads guilty to a 3679

specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

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

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

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors

under section 2929.12 of the Revised Code indicating that the 3710  
offender's conduct is more serious than conduct normally 3711  
constituting the offense are present, and they outweigh the 3712  
applicable factors under that section indicating that the 3713  
offender's conduct is less serious than conduct normally 3714  
constituting the offense. 3715

(b) The court shall impose on an offender the longest 3716  
prison term authorized or required for the offense or, for 3717  
offenses for which division (A) (1) (a) or (2) (a) of this section 3718  
applies, the longest minimum prison term authorized or required 3719  
for the offense, and shall impose on the offender an additional 3720  
definite prison term of one, two, three, four, five, six, seven, 3721  
eight, nine, or ten years if all of the following criteria are 3722  
met: 3723

(i) The offender is convicted of or pleads guilty to a 3724  
specification of the type described in section 2941.149 of the 3725  
Revised Code that the offender is a repeat violent offender. 3726

(ii) The offender within the preceding twenty years has 3727  
been convicted of or pleaded guilty to three or more offenses 3728  
described in division ~~(CC) (1)~~ (DD) (1) of section 2929.01 of the 3729  
Revised Code, including all offenses described in that division 3730  
of which the offender is convicted or to which the offender 3731  
pleads guilty in the current prosecution and all offenses 3732  
described in that division of which the offender previously has 3733  
been convicted or to which the offender previously pleaded 3734  
guilty, whether prosecuted together or separately. 3735

(iii) The offense or offenses of which the offender 3736  
currently is convicted or to which the offender currently pleads 3737  
guilty is aggravated murder and the court does not impose a 3738  
sentence of death or life imprisonment without parole, murder, 3739

terrorism and the court does not impose a sentence of life 3740  
imprisonment without parole, any felony of the first degree that 3741  
is an offense of violence and the court does not impose a 3742  
sentence of life imprisonment without parole, or any felony of 3743  
the second degree that is an offense of violence and the trier 3744  
of fact finds that the offense involved an attempt to cause or a 3745  
threat to cause serious physical harm to a person or resulted in 3746  
serious physical harm to a person. 3747

(c) For purposes of division (B) (2) (b) of this section, 3748  
two or more offenses committed at the same time or as part of 3749  
the same act or event shall be considered one offense, and that 3750  
one offense shall be the offense with the greatest penalty. 3751

(d) A sentence imposed under division (B) (2) (a) or (b) of 3752  
this section shall not be reduced pursuant to section 2929.20, 3753  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3754  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3755  
Code. The offender shall serve an additional prison term imposed 3756  
under division (B) (2) (a) or (b) of this section consecutively to 3757  
and prior to the prison term imposed for the underlying offense. 3758

(e) When imposing a sentence pursuant to division (B) (2) 3759  
(a) or (b) of this section, the court shall state its findings 3760  
explaining the imposed sentence. 3761

(3) Except when an offender commits a violation of section 3762  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3763  
for the violation is life imprisonment or commits a violation of 3764  
section 2903.02 of the Revised Code, if the offender commits a 3765  
violation of section 2925.03 or 2925.11 of the Revised Code and 3766  
that section classifies the offender as a major drug offender, 3767  
if the offender commits a violation of section 2925.05 of the 3768  
Revised Code and division (E) (1) of that section classifies the 3769

offender as a major drug offender, if the offender commits a 3770  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3771  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3772  
division (C) or (D) of section 3719.172, division (E) of section 3773  
4729.51, or division (J) of section 4729.54 of the Revised Code 3774  
that includes the sale, offer to sell, or possession of a 3775  
schedule I or II controlled substance, with the exception of 3776  
marihuana, and the court imposing sentence upon the offender 3777  
finds that the offender is guilty of a specification of the type 3778  
described in division (A) of section 2941.1410 of the Revised 3779  
Code charging that the offender is a major drug offender, if the 3780  
court imposing sentence upon an offender for a felony finds that 3781  
the offender is guilty of corrupt activity with the most serious 3782  
offense in the pattern of corrupt activity being a felony of the 3783  
first degree, or if the offender is guilty of an attempted 3784  
violation of section 2907.02 of the Revised Code and, had the 3785  
offender completed the violation of section 2907.02 of the 3786  
Revised Code that was attempted, the offender would have been 3787  
subject to a sentence of life imprisonment or life imprisonment 3788  
without parole for the violation of section 2907.02 of the 3789  
Revised Code, the court shall impose upon the offender for the 3790  
felony violation a mandatory prison term determined as described 3791  
in this division that cannot be reduced pursuant to section 3792  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3793  
or any other provision of Chapter 2967. or 5120. of the Revised 3794  
Code. The mandatory prison term shall be the maximum definite 3795  
prison term prescribed in division (A) (1) (b) of this section for 3796  
a felony of the first degree, except that for offenses for which 3797  
division (A) (1) (a) of this section applies, the mandatory prison 3798  
term shall be the longest minimum prison term prescribed in that 3799  
division for the offense. 3800



(4) If the offender is being sentenced for a third or 3801  
fourth degree felony OVI offense under division (G) (2) of 3802  
section 2929.13 of the Revised Code, the sentencing court shall 3803  
impose upon the offender a mandatory prison term in accordance 3804  
with that division. In addition to the mandatory prison term, if 3805  
the offender is being sentenced for a fourth degree felony OVI 3806  
offense, the court, notwithstanding division (A) (4) of this 3807  
section, may sentence the offender to a definite prison term of 3808  
not less than six months and not more than thirty months, and if 3809  
the offender is being sentenced for a third degree felony OVI 3810  
offense, the sentencing court may sentence the offender to an 3811  
additional prison term of any duration specified in division (A) 3812  
(3) of this section. In either case, the additional prison term 3813  
imposed shall be reduced by the sixty or one hundred twenty days 3814  
imposed upon the offender as the mandatory prison term. The 3815  
total of the additional prison term imposed under division (B) 3816  
(4) of this section plus the sixty or one hundred twenty days 3817  
imposed as the mandatory prison term shall equal a definite term 3818  
in the range of six months to thirty months for a fourth degree 3819  
felony OVI offense and shall equal one of the authorized prison 3820  
terms specified in division (A) (3) of this section for a third 3821  
degree felony OVI offense. If the court imposes an additional 3822  
prison term under division (B) (4) of this section, the offender 3823  
shall serve the additional prison term after the offender has 3824  
served the mandatory prison term required for the offense. In 3825  
addition to the mandatory prison term or mandatory and 3826  
additional prison term imposed as described in division (B) (4) 3827  
of this section, the court also may sentence the offender to a 3828  
community control sanction under section 2929.16 or 2929.17 of 3829  
the Revised Code, but the offender shall serve all of the prison 3830  
terms so imposed prior to serving the community control 3831  
sanction. 3832

If the offender is being sentenced for a fourth degree 3833  
felony OVI offense under division (G)(1) of section 2929.13 of 3834  
the Revised Code and the court imposes a mandatory term of local 3835  
incarceration, the court may impose a prison term as described 3836  
in division (A)(1) of that section. 3837

(5) If an offender is convicted of or pleads guilty to a 3838  
violation of division (A)(1) or (2) of section 2903.06 of the 3839  
Revised Code and also is convicted of or pleads guilty to a 3840  
specification of the type described in section 2941.1414 of the 3841  
Revised Code that charges that the victim of the offense is a 3842  
peace officer, as defined in section 2935.01 of the Revised 3843  
Code, an investigator of the bureau of criminal identification 3844  
and investigation, as defined in section 2903.11 of the Revised 3845  
Code, or a firefighter or emergency medical worker, both as 3846  
defined in section 2941.1414 of the Revised Code, the court 3847  
shall impose on the offender a prison term of five years. If a 3848  
court imposes a prison term on an offender under division (B)(5) 3849  
of this section, the prison term shall not be reduced pursuant 3850  
to section 2929.20, division (A)(2) or (3) of section 2967.193 3851  
or 2967.194, or any other provision of Chapter 2967. or Chapter 3852  
5120. of the Revised Code. A court shall not impose more than 3853  
one prison term on an offender under division (B)(5) of this 3854  
section for felonies committed as part of the same act. 3855

(6) If an offender is convicted of or pleads guilty to a 3856  
violation of division (A)(1) or (2) of section 2903.06 of the 3857  
Revised Code and also is convicted of or pleads guilty to a 3858  
specification of the type described in section 2941.1415 of the 3859  
Revised Code that charges that the offender previously has been 3860  
convicted of or pleaded guilty to three or more violations of 3861  
division (A) of section 4511.19 of the Revised Code or an 3862  
equivalent offense, as defined in section 2941.1415 of the 3863

Revised Code, or three or more violations of any combination of  
those offenses, the court shall impose on the offender a prison  
term of three years. If a court imposes a prison term on an  
offender under division (B)(6) of this section, the prison term  
shall not be reduced pursuant to section 2929.20, division (A)  
(2) or (3) of section 2967.193 or 2967.194, or any other  
provision of Chapter 2967. or Chapter 5120. of the Revised Code.  
A court shall not impose more than one prison term on an  
offender under division (B)(6) of this section for felonies  
committed as part of the same act.

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

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

(ii) If the offense is a felony of the second or third  
degree, a definite prison term of not less than three years and  
not greater than the maximum prison term allowed for the offense  
by division (A)(2)(b) or (3) of this section, except that if the

offense is a felony of the second degree committed on or after 3894  
March 22, 2019, the court shall impose as the minimum prison 3895  
term a mandatory term of not less than three years and not 3896  
greater than eight years; 3897

(iii) If the offense is a felony of the fourth or fifth 3898  
degree, a definite prison term that is the maximum prison term 3899  
allowed for the offense by division (A) of section 2929.14 of 3900  
the Revised Code. 3901

(b) The prison term imposed under division (B) (7) (a) of 3902  
this section shall not be reduced pursuant to section 2929.20, 3903  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3904  
other provision of Chapter 2967. of the Revised Code. A court 3905  
shall not impose more than one prison term on an offender under 3906  
division (B) (7) (a) of this section for felonies committed as 3907  
part of the same act, scheme, or plan. 3908

(8) If an offender is convicted of or pleads guilty to a 3909  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3910  
Revised Code and also is convicted of or pleads guilty to a 3911  
specification of the type described in section 2941.1423 of the 3912  
Revised Code that charges that the victim of the violation was a 3913  
woman whom the offender knew was pregnant at the time of the 3914  
violation, notwithstanding the range prescribed in division (A) 3915  
of this section as the definite prison term or minimum prison 3916  
term for felonies of the same degree as the violation, the court 3917  
shall impose on the offender a mandatory prison term that is 3918  
either a definite prison term of six months or one of the prison 3919  
terms prescribed in division (A) of this section for felonies of 3920  
the same degree as the violation, except that if the violation 3921  
is a felony of the first or second degree committed on or after 3922  
~~arch~~ March 22, 2019, the court shall impose as the minimum 3923

prison term under division (A) (1) (a) or (2) (a) of this section a 3924  
mandatory term that is one of the terms prescribed in that 3925  
division, whichever is applicable, for the offense. 3926

(9) (a) If an offender is convicted of or pleads guilty to 3927  
a violation of division (A) (1) or (2) of section 2903.11 of the 3928  
Revised Code and also is convicted of or pleads guilty to a 3929  
specification of the type described in section 2941.1425 of the 3930  
Revised Code, the court shall impose on the offender a mandatory 3931  
prison term of six years if either of the following applies: 3932

(i) The violation is a violation of division (A) (1) of 3933  
section 2903.11 of the Revised Code and the specification 3934  
charges that the offender used an accelerant in committing the 3935  
violation and the serious physical harm to another or to 3936  
another's unborn caused by the violation resulted in a 3937  
permanent, serious disfigurement or permanent, substantial 3938  
incapacity; 3939

(ii) The violation is a violation of division (A) (2) of 3940  
section 2903.11 of the Revised Code and the specification 3941  
charges that the offender used an accelerant in committing the 3942  
violation, that the violation caused physical harm to another or 3943  
to another's unborn, and that the physical harm resulted in a 3944  
permanent, serious disfigurement or permanent, substantial 3945  
incapacity. 3946

(b) If a court imposes a prison term on an offender under 3947  
division (B) (9) (a) of this section, the prison term shall not be 3948  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3949  
section 2967.193 or 2967.194, or any other provision of Chapter 3950  
2967. or Chapter 5120. of the Revised Code. A court shall not 3951  
impose more than one prison term on an offender under division 3952  
(B) (9) of this section for felonies committed as part of the 3953

same act. 3954

(c) The provisions of divisions (B) (9) and (C) (6) of this 3955  
section and of division (D) (2) of section 2903.11, division (F) 3956  
(20) of section 2929.13, and section 2941.1425 of the Revised 3957  
Code shall be known as "Judy's Law." 3958

(10) If an offender is convicted of or pleads guilty to a 3959  
violation of division (A) of section 2903.11 of the Revised Code 3960  
and also is convicted of or pleads guilty to a specification of 3961  
the type described in section 2941.1426 of the Revised Code that 3962  
charges that the victim of the offense suffered permanent 3963  
disabling harm as a result of the offense and that the victim 3964  
was under ten years of age at the time of the offense, 3965  
regardless of whether the offender knew the age of the victim, 3966  
the court shall impose upon the offender an additional definite 3967  
prison term of six years. A prison term imposed on an offender 3968  
under division (B) (10) of this section shall not be reduced 3969  
pursuant to section 2929.20, division (A) (2) or (3) of section 3970  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3971  
Chapter 5120. of the Revised Code. If a court imposes an 3972  
additional prison term on an offender under this division 3973  
relative to a violation of division (A) of section 2903.11 of 3974  
the Revised Code, the court shall not impose any other 3975  
additional prison term on the offender relative to the same 3976  
offense. 3977

(11) If an offender is convicted of or pleads guilty to a 3978  
felony violation of section 2925.03 or 2925.05 of the Revised 3979  
Code or a felony violation of section 2925.11 of the Revised 3980  
Code for which division (C) (11) of that section applies in 3981  
determining the sentence for the violation, if the drug involved 3982  
in the violation is a fentanyl-related compound or a compound, 3983

mixture, preparation, or substance containing a fentanyl-related 3984  
compound, and if the offender also is convicted of or pleads 3985  
guilty to a specification of the type described in division (B) 3986  
of section 2941.1410 of the Revised Code that charges that the 3987  
offender is a major drug offender, in addition to any other 3988  
penalty imposed for the violation, the court shall impose on the 3989  
offender a mandatory prison term of three, four, five, six, 3990  
seven, or eight years. If a court imposes a prison term on an 3991  
offender under division (B) (11) of this section, the prison term 3992  
shall not be reduced pursuant to section 2929.20, division (A) 3993  
(2) or (3) of section 2967.193 or 2967.194, or any other 3994  
provision of Chapter 2967. or 5120. of the Revised Code. A court 3995  
shall not impose more than one prison term on an offender under 3996  
division (B) (11) of this section for felonies committed as part 3997  
of the same act. 3998

(12) If an offender who is convicted of or pleads guilty 3999  
to a felony is also convicted of or pleads guilty to a 4000  
specification of the type described in section 2941.1427 of the 4001  
Revised Code that charges the offender with being a repeat 4002  
offender, the court shall impose on the offender a mandatory 4003  
prison term of three, four, or five years. 4004

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4005  
if a mandatory prison term is imposed upon an offender pursuant 4006  
to division (B) (1) (a) of this section for having a firearm on or 4007  
about the offender's person or under the offender's control 4008  
while committing a felony, if a mandatory prison term is imposed 4009  
upon an offender pursuant to division (B) (1) (c) of this section 4010  
for committing a felony specified in that division by 4011  
discharging a firearm from a motor vehicle, or if both types of 4012  
mandatory prison terms are imposed, the offender shall serve any 4013  
mandatory prison term imposed under either division 4014

consecutively to any other mandatory prison term imposed under 4015  
either division or under division (B)(1)(d) of this section, 4016  
consecutively to and prior to any prison term imposed for the 4017  
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 4018  
this section or any other section of the Revised Code, and 4019  
consecutively to any other prison term or mandatory prison term 4020  
previously or subsequently imposed upon the offender. 4021

(b) If a mandatory prison term is imposed upon an offender 4022  
pursuant to division (B)(1)(d) of this section for wearing or 4023  
carrying body armor while committing an offense of violence that 4024  
is a felony, the offender shall serve the mandatory term so 4025  
imposed consecutively to any other mandatory prison term imposed 4026  
under that division or under division (B)(1)(a) or (c) of this 4027  
section, consecutively to and prior to any prison term imposed 4028  
for the underlying felony under division (A), (B)(2), or (B)(3) 4029  
of this section or any other section of the Revised Code, and 4030  
consecutively to any other prison term or mandatory prison term 4031  
previously or subsequently imposed upon the offender. 4032

(c) If a mandatory prison term is imposed upon an offender 4033  
pursuant to division (B)(1)(f) of this section, the offender 4034  
shall serve the mandatory prison term so imposed consecutively 4035  
to and prior to any prison term imposed for the underlying 4036  
felony under division (A), (B)(2), or (B)(3) of this section or 4037  
any other section of the Revised Code, and consecutively to any 4038  
other prison term or mandatory prison term previously or 4039  
subsequently imposed upon the offender. 4040

(d) If a mandatory prison term is imposed upon an offender 4041  
pursuant to division (B)(7) or (8) of this section, the offender 4042  
shall serve the mandatory prison term so imposed consecutively 4043  
to any other mandatory prison term imposed under that division 4044



or under any other provision of law and consecutively to any 4045  
other prison term or mandatory prison term previously or 4046  
subsequently imposed upon the offender. 4047

(e) If a mandatory prison term is imposed upon an offender 4048  
pursuant to division (B)(11) of this section, the offender shall 4049  
serve the mandatory prison term consecutively to any other 4050  
mandatory prison term imposed under that division, consecutively 4051  
to and prior to any prison term imposed for the underlying 4052  
felony, and consecutively to any other prison term or mandatory 4053  
prison term previously or subsequently imposed upon the 4054  
offender. 4055

(2) If an offender who is an inmate in a jail, prison, or 4056  
other residential detention facility violates section 2917.02, 4057  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4058  
(2) of section 2921.34 of the Revised Code, if an offender who 4059  
is under detention at a detention facility commits a felony 4060  
violation of section 2923.131 of the Revised Code, or if an 4061  
offender who is an inmate in a jail, prison, or other 4062  
residential detention facility or is under detention at a 4063  
detention facility commits another felony while the offender is 4064  
an escapee in violation of division (A)(1) or (2) of section 4065  
2921.34 of the Revised Code, any prison term imposed upon the 4066  
offender for one of those violations shall be served by the 4067  
offender consecutively to the prison term or term of 4068  
imprisonment the offender was serving when the offender 4069  
committed that offense and to any other prison term previously 4070  
or subsequently imposed upon the offender. 4071

(3) If a prison term is imposed for a violation of 4072  
division (B) of section 2911.01 of the Revised Code, a violation 4073  
of division (A) of section 2913.02 of the Revised Code in which 4074

the stolen property is a firearm or dangerous ordnance, or a 4075  
felony violation of division (B) of section 2921.331 of the 4076  
Revised Code, the offender shall serve that prison term 4077  
consecutively to any other prison term or mandatory prison term 4078  
previously or subsequently imposed upon the offender. 4079

(4) If multiple prison terms are imposed on an offender 4080  
for convictions of multiple offenses, the court may require the 4081  
offender to serve the prison terms consecutively if the court 4082  
finds that the consecutive service is necessary to protect the 4083  
public from future crime or to punish the offender and that 4084  
consecutive sentences are not disproportionate to the 4085  
seriousness of the offender's conduct and to the danger the 4086  
offender poses to the public, and if the court also finds any of 4087  
the following: 4088

(a) The offender committed one or more of the multiple 4089  
offenses while the offender was awaiting trial or sentencing, 4090  
was under a sanction imposed pursuant to section 2929.16, 4091  
2929.17, or 2929.18 of the Revised Code, or was under post- 4092  
release control for a prior offense. 4093

(b) At least two of the multiple offenses were committed 4094  
as part of one or more courses of conduct, and the harm caused 4095  
by two or more of the multiple offenses so committed was so 4096  
great or unusual that no single prison term for any of the 4097  
offenses committed as part of any of the courses of conduct 4098  
adequately reflects the seriousness of the offender's conduct. 4099

(c) The offender's history of criminal conduct 4100  
demonstrates that consecutive sentences are necessary to protect 4101  
the public from future crime by the offender. 4102

(5) If a mandatory prison term is imposed upon an offender 4103

pursuant to division (B) (5) or (6) of this section, the offender 4104  
shall serve the mandatory prison term consecutively to and prior 4105  
to any prison term imposed for the underlying violation of 4106  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4107  
pursuant to division (A) of this section or section 2929.142 of 4108  
the Revised Code. If a mandatory prison term is imposed upon an 4109  
offender pursuant to division (B) (5) of this section, and if a 4110  
mandatory prison term also is imposed upon the offender pursuant 4111  
to division (B) (6) of this section in relation to the same 4112  
violation, the offender shall serve the mandatory prison term 4113  
imposed pursuant to division (B) (5) of this section 4114  
consecutively to and prior to the mandatory prison term imposed 4115  
pursuant to division (B) (6) of this section and consecutively to 4116  
and prior to any prison term imposed for the underlying 4117  
violation of division (A) (1) or (2) of section 2903.06 of the 4118  
Revised Code pursuant to division (A) of this section or section 4119  
2929.142 of the Revised Code. 4120

(6) If a mandatory prison term is imposed on an offender 4121  
pursuant to division (B) (9) of this section, the offender shall 4122  
serve the mandatory prison term consecutively to and prior to 4123  
any prison term imposed for the underlying violation of division 4124  
(A) (1) or (2) of section 2903.11 of the Revised Code and 4125  
consecutively to and prior to any other prison term or mandatory 4126  
prison term previously or subsequently imposed on the offender. 4127

(7) If a mandatory prison term is imposed on an offender 4128  
pursuant to division (B) (10) of this section, the offender shall 4129  
serve that mandatory prison term consecutively to and prior to 4130  
any prison term imposed for the underlying felonious assault. 4131  
Except as otherwise provided in division (C) of this section, 4132  
any other prison term or mandatory prison term previously or 4133  
subsequently imposed upon the offender may be served 4134

concurrently with, or consecutively to, the prison term imposed 4135  
pursuant to division (B)(10) of this section. 4136

(8) Any prison term imposed for a violation of section 4137  
2903.04 of the Revised Code that is based on a violation of 4138  
section 2925.03 or 2925.11 of the Revised Code or on a violation 4139  
of section 2925.05 of the Revised Code that is not funding of 4140  
marihuana trafficking shall run consecutively to any prison term 4141  
imposed for the violation of section 2925.03 or 2925.11 of the 4142  
Revised Code or for the violation of section 2925.05 of the 4143  
Revised Code that is not funding of marihuana trafficking. 4144

(9) When consecutive prison terms are imposed pursuant to 4145  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 4146  
division (H)(1) or (2) of this section, subject to division (C) 4147  
(10) of this section, the term to be served is the aggregate of 4148  
all of the terms so imposed. 4149

(10) When a court sentences an offender to a non-life 4150  
felony indefinite prison term, any definite prison term or 4151  
mandatory definite prison term previously or subsequently 4152  
imposed on the offender in addition to that indefinite sentence 4153  
that is required to be served consecutively to that indefinite 4154  
sentence shall be served prior to the indefinite sentence. 4155

(11) If a court is sentencing an offender for a felony of 4156  
the first or second degree, if division (A)(1)(a) or (2)(a) of 4157  
this section applies with respect to the sentencing for the 4158  
offense, and if the court is required under the Revised Code 4159  
section that sets forth the offense or any other Revised Code 4160  
provision to impose a mandatory prison term for the offense, the 4161  
court shall impose the required mandatory prison term as the 4162  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 4163  
section, whichever is applicable. 4164

(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

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

(E) The court shall impose sentence upon the offender in 4196  
accordance with section 2971.03 of the Revised Code, and Chapter 4197  
2971. of the Revised Code applies regarding the prison term or 4198  
term of life imprisonment without parole imposed upon the 4199  
offender and the service of that term of imprisonment if any of 4200  
the following apply: 4201

(1) A person is convicted of or pleads guilty to a violent 4202  
sex offense or a designated homicide, assault, or kidnapping 4203  
offense, and, in relation to that offense, the offender is 4204  
adjudicated a sexually violent predator. 4205

(2) A person is convicted of or pleads guilty to a 4206  
violation of division (A) (1) (b) of section 2907.02 of the 4207  
Revised Code committed on or after January 2, 2007, and either 4208  
the court does not impose a sentence of life without parole when 4209  
authorized pursuant to division (B) of section 2907.02 of the 4210  
Revised Code, or division (B) of section 2907.02 of the Revised 4211  
Code provides that the court shall not sentence the offender 4212  
pursuant to section 2971.03 of the Revised Code. 4213

(3) A person is convicted of or pleads guilty to attempted 4214  
rape committed on or after January 2, 2007, and a specification 4215  
of the type described in section 2941.1418, 2941.1419, or 4216  
2941.1420 of the Revised Code. 4217

(4) A person is convicted of or pleads guilty to a 4218  
violation of section 2905.01 of the Revised Code committed on or 4219  
after January 1, 2008, and that section requires the court to 4220  
sentence the offender pursuant to section 2971.03 of the Revised 4221  
Code. 4222

(5) A person is convicted of or pleads guilty to 4223  
aggravated murder committed on or after January 1, 2008, and 4224

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4225  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4226  
(a) (iv) of section 2929.03, or division (A) or (B) of section 4227  
2929.06 of the Revised Code requires the court to sentence the 4228  
offender pursuant to division (B) (3) of section 2971.03 of the 4229  
Revised Code. 4230

(6) A person is convicted of or pleads guilty to murder 4231  
committed on or after January 1, 2008, and division (B) (2) of 4232  
section 2929.02 of the Revised Code requires the court to 4233  
sentence the offender pursuant to section 2971.03 of the Revised 4234  
Code. 4235

(F) If a person who has been convicted of or pleaded 4236  
guilty to a felony is sentenced to a prison term or term of 4237  
imprisonment under this section, sections 2929.02 to 2929.06 of 4238  
the Revised Code, section 2929.142 of the Revised Code, section 4239  
2971.03 of the Revised Code, or any other provision of law, 4240  
section 5120.163 of the Revised Code applies regarding the 4241  
person while the person is confined in a state correctional 4242  
institution. 4243

(G) If an offender who is convicted of or pleads guilty to 4244  
a felony that is an offense of violence also is convicted of or 4245  
pleads guilty to a specification of the type described in 4246  
section 2941.142 of the Revised Code that charges the offender 4247  
with having committed the felony while participating in a 4248  
criminal gang, the court shall impose upon the offender an 4249  
additional prison term of one, two, or three years. 4250

(H) (1) If an offender who is convicted of or pleads guilty 4251  
to aggravated murder, murder, or a felony of the first, second, 4252  
or third degree that is an offense of violence also is convicted 4253  
of or pleads guilty to a specification of the type described in 4254

section 2941.143 of the Revised Code that charges the offender 4255  
with having committed the offense in a school safety zone or 4256  
towards a person in a school safety zone, the court shall impose 4257  
upon the offender an additional prison term of two years. The 4258  
offender shall serve the additional two years consecutively to 4259  
and prior to the prison term imposed for the underlying offense. 4260

(2) (a) If an offender is convicted of or pleads guilty to 4261  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4262  
2907.25 of the Revised Code and to a specification of the type 4263  
described in section 2941.1421 of the Revised Code and if the 4264  
court imposes a prison term on the offender for the felony 4265  
violation, the court may impose upon the offender an additional 4266  
prison term as follows: 4267

(i) Subject to division (H) (2) (a) (ii) of this section, an 4268  
additional prison term of one, two, three, four, five, or six 4269  
months; 4270

(ii) If the offender previously has been convicted of or 4271  
pleaded guilty to one or more felony or misdemeanor violations 4272  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4273  
the Revised Code and also was convicted of or pleaded guilty to 4274  
a specification of the type described in section 2941.1421 of 4275  
the Revised Code regarding one or more of those violations, an 4276  
additional prison term of one, two, three, four, five, six, 4277  
seven, eight, nine, ten, eleven, or twelve months. 4278

(b) In lieu of imposing an additional prison term under 4279  
division (H) (2) (a) of this section, the court may directly 4280  
impose on the offender a sanction that requires the offender to 4281  
wear a real-time processing, continual tracking electronic 4282  
monitoring device during the period of time specified by the 4283  
court. The period of time specified by the court shall equal the 4284



duration of an additional prison term that the court could have 4285  
imposed upon the offender under division (H) (2) (a) of this 4286  
section. A sanction imposed under this division shall commence 4287  
on the date specified by the court, provided that the sanction 4288  
shall not commence until after the offender has served the 4289  
prison term imposed for the felony violation of section 2907.22, 4290  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4291  
residential sanction imposed for the violation under section 4292  
2929.16 of the Revised Code. A sanction imposed under this 4293  
division shall be considered to be a community control sanction 4294  
for purposes of section 2929.15 of the Revised Code, and all 4295  
provisions of the Revised Code that pertain to community control 4296  
sanctions shall apply to a sanction imposed under this division, 4297  
except to the extent that they would by their nature be clearly 4298  
inapplicable. The offender shall pay all costs associated with a 4299  
sanction imposed under this division, including the cost of the 4300  
use of the monitoring device. 4301

(I) At the time of sentencing, the court may recommend the 4302  
offender for placement in a program of shock incarceration under 4303  
section 5120.031 of the Revised Code or for placement in an 4304  
intensive program prison under section 5120.032 of the Revised 4305  
Code, disapprove placement of the offender in a program of shock 4306  
incarceration or an intensive program prison of that nature, or 4307  
make no recommendation on placement of the offender. In no case 4308  
shall the department of rehabilitation and correction place the 4309  
offender in a program or prison of that nature unless the 4310  
department determines as specified in section 5120.031 or 4311  
5120.032 of the Revised Code, whichever is applicable, that the 4312  
offender is eligible for the placement. 4313

If the court disapproves placement of the offender in a 4314  
program or prison of that nature, the department of 4315

rehabilitation and correction shall not place the offender in 4316  
any program of shock incarceration or intensive program prison. 4317

If the court recommends placement of the offender in a 4318  
program of shock incarceration or in an intensive program 4319  
prison, and if the offender is subsequently placed in the 4320  
recommended program or prison, the department shall notify the 4321  
court of the placement and shall include with the notice a brief 4322  
description of the placement. 4323

If the court recommends placement of the offender in a 4324  
program of shock incarceration or in an intensive program prison 4325  
and the department does not subsequently place the offender in 4326  
the recommended program or prison, the department shall send a 4327  
notice to the court indicating why the offender was not placed 4328  
in the recommended program or prison. 4329

If the court does not make a recommendation under this 4330  
division with respect to an offender and if the department 4331  
determines as specified in section 5120.031 or 5120.032 of the 4332  
Revised Code, whichever is applicable, that the offender is 4333  
eligible for placement in a program or prison of that nature, 4334  
the department shall screen the offender and determine if there 4335  
is an available program of shock incarceration or an intensive 4336  
program prison for which the offender is suited. If there is an 4337  
available program of shock incarceration or an intensive program 4338  
prison for which the offender is suited, the department shall 4339  
notify the court of the proposed placement of the offender as 4340  
specified in section 5120.031 or 5120.032 of the Revised Code 4341  
and shall include with the notice a brief description of the 4342  
placement. The court shall have ten days from receipt of the 4343  
notice to disapprove the placement. 4344

(J) If a person is convicted of or pleads guilty to 4345

aggravated vehicular homicide in violation of division (A) (1) of 4346  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4347  
that section applies, the person shall be sentenced pursuant to 4348  
section 2929.142 of the Revised Code. 4349

(K) (1) The court shall impose an additional mandatory 4350  
prison term of two, three, four, five, six, seven, eight, nine, 4351  
ten, or eleven years on an offender who is convicted of or 4352  
pleads guilty to a violent felony offense if the offender also 4353  
is convicted of or pleads guilty to a specification of the type 4354  
described in section 2941.1424 of the Revised Code that charges 4355  
that the offender is a violent career criminal and had a firearm 4356  
on or about the offender's person or under the offender's 4357  
control while committing the presently charged violent felony 4358  
offense and displayed or brandished the firearm, indicated that 4359  
the offender possessed a firearm, or used the firearm to 4360  
facilitate the offense. The offender shall serve the prison term 4361  
imposed under this division consecutively to and prior to the 4362  
prison term imposed for the underlying offense. The prison term 4363  
shall not be reduced pursuant to section 2929.20, division (A) 4364  
(2) or (3) of section 2967.193 or 2967.194, or any other 4365  
provision of Chapter 2967. or 5120. of the Revised Code. A court 4366  
may not impose more than one sentence under division (B) (2) (a) 4367  
of this section and this division for acts committed as part of 4368  
the same act or transaction. 4369

(2) As used in division (K) (1) of this section, "violent 4370  
career criminal" and "violent felony offense" have the same 4371  
meanings as in section 2923.132 of the Revised Code. 4372

(L) If an offender receives or received a sentence of life 4373  
imprisonment without parole, a sentence of life imprisonment, a 4374  
definite sentence, or a sentence to an indefinite prison term 4375

under this chapter for a felony offense that was committed when 4376  
the offender was under eighteen years of age, the offender's 4377  
parole eligibility shall be determined under section 2967.132 of 4378  
the Revised Code. 4379

**Sec. 2929.34.** (A) A person who is convicted of or pleads 4380  
guilty to aggravated murder, murder, or an offense punishable by 4381  
life imprisonment and who is sentenced to a term of life 4382  
imprisonment or a prison term pursuant to that conviction shall 4383  
serve that term in an institution under the control of the 4384  
department of rehabilitation and correction. 4385

(B) (1) A person who is convicted of or pleads guilty to a 4386  
felony other than aggravated murder, murder, or an offense 4387  
punishable by life imprisonment and who is sentenced to a term 4388  
of imprisonment or a prison term pursuant to that conviction 4389  
shall serve that term as follows: 4390

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 4391  
this section, in an institution under the control of the 4392  
department of rehabilitation and correction if the term is a 4393  
prison term or as otherwise determined by the sentencing court 4394  
pursuant to section 2929.16 of the Revised Code if the term is 4395  
not a prison term; 4396

(b) In a facility of a type described in division (G) (1) 4397  
of section 2929.13 of the Revised Code, if the offender is 4398  
sentenced pursuant to that division. 4399

(2) If the term is a prison term, the person may be 4400  
imprisoned in a jail that is not a minimum security jail 4401  
pursuant to agreement under section 5120.161 of the Revised Code 4402  
between the department of rehabilitation and correction and the 4403  
local authority that operates the jail. 4404

(3) (a) As used in divisions (B) (3) (a) to (d) of this 4405  
section, "voluntary county" means any county in which the board 4406  
of county commissioners of the county and the administrative 4407  
judge of the general division of the court of common pleas of 4408  
the county enter into an agreement of the type described in 4409  
division (B) (3) (b) of this section and in which the agreement 4410  
has not been terminated as described in that division. 4411

(b) (i) In any voluntary county, the board of county 4412  
commissioners of the county and the administrative judge of the 4413  
general division of the court of common pleas of the county may 4414  
agree to having the county participate in the targeted community 4415  
alternatives to prison (T-CAP) program for prisoners who serve a 4416  
term in a facility pursuant to division (B) (3) (c) of this 4417  
section by submitting a memorandum of understanding, either as a 4418  
single county or jointly with other counties, to the department 4419  
of rehabilitation and correction for approval, pursuant to 4420  
section 5149.38 of the Revised Code. A board of county 4421  
commissioners and an administrative judge of a court of common 4422  
pleas that enter into an agreement of the type described in this 4423  
division may terminate the agreement, but a termination under 4424  
this division shall take effect only at the end of the state 4425  
fiscal biennium in which the termination decision is made. 4426

(ii) The department of rehabilitation and correction shall 4427  
establish deadlines for a voluntary county to indicate the 4428  
voluntary county's participation in the targeted community 4429  
alternatives to prison (T-CAP) program before each state fiscal 4430  
biennium. 4431

(iii) In reviewing a submitted memorandum of understanding 4432  
for approval, the department of rehabilitation and correction 4433  
shall prioritize a voluntary county that has previously been a 4434

voluntary county. The department of rehabilitation and 4435  
correction may review a memorandum of understanding for a new 4436  
voluntary county if the general assembly has appropriated 4437  
sufficient funds for that purpose. 4438

(c) Except as provided in division (B) (3) (d) of this 4439  
section, in any voluntary county, either division (B) (3) (c) (i) 4440  
or divisions (B) (3) (c) (i) and (ii) of this section shall apply: 4441

(i) On and after July 1, 2018, no person sentenced by the 4442  
court of common pleas of a voluntary county to a prison term for 4443  
a felony of the fifth degree shall serve the term in an 4444  
institution under the control of the department of 4445  
rehabilitation and correction. The person shall instead serve 4446  
the sentence as a term of confinement in a facility of a type 4447  
described in division (C) or (D) of this section. 4448

(ii) On and after September 1, 2022, no person sentenced 4449  
by the court of common pleas of a voluntary county to a prison 4450  
term for a felony of the fourth degree shall serve the term in 4451  
an institution under the control of the department of 4452  
rehabilitation and correction. The person shall instead serve 4453  
the sentence as a term of confinement in a facility of a type 4454  
described in division (C) or (D) of this section. 4455

Nothing in this division relieves the state of its 4456  
obligation to pay for the cost of confinement of the person in a 4457  
community-based correctional facility under division (D) of this 4458  
section. 4459

(d) Division (B) (3) (c) of this section does not apply to 4460  
any person to whom any of the following apply: 4461

(i) The felony of the fourth or fifth degree was an 4462  
offense of violence, as defined in section 2901.01 of the 4463

Revised Code, a sex offense under Chapter 2907. of the Revised 4464  
Code, a violation of section 2925.03 of the Revised Code, or any 4465  
offense for which a mandatory prison term is required. 4466

(ii) The person previously has been convicted of or 4467  
pleaded guilty to any felony offense of violence, as defined in 4468  
section 2901.01 of the Revised Code, unless the felony of the 4469  
fifth degree for which the person is being sentenced is a 4470  
violation of division (I) (1) of section 2903.43 of the Revised 4471  
Code. 4472

(iii) The person previously has been convicted of or 4473  
pleaded guilty to any felony sex offense under Chapter 2907. of 4474  
the Revised Code. 4475

(iv) The person's sentence is required to be served 4476  
concurrently to any other sentence imposed upon the person for a 4477  
felony that is required to be served in an institution under the 4478  
control of the department of rehabilitation and correction. 4479

(v) The felony of the fourth degree was a violation of 4480  
division (A) (1), (3), (4), or (5) of section 2923.13 of the 4481  
Revised Code. 4482

(C) A person who is convicted of or pleads guilty to one 4483  
or more misdemeanors and who is sentenced to a jail term or term 4484  
of imprisonment pursuant to the conviction or convictions shall 4485  
serve that term in a county, multicounty, municipal, municipal- 4486  
county, or multicounty-municipal jail or workhouse; in a 4487  
community alternative sentencing center or district community 4488  
alternative sentencing center when authorized by section 307.932 4489  
of the Revised Code; or, if the misdemeanor or misdemeanors are 4490  
not offenses of violence, in a minimum security jail. 4491

(D) Nothing in this section prohibits the commitment, 4492

referral, or sentencing of a person who is convicted of or 4493  
pleads guilty to a felony to a community-based correctional 4494  
facility. 4495

**Sec. 2930.171.** (A) In determining whether to grant an 4496  
application to seal or expunge a juvenile record pursuant to 4497  
section 2151.356 or 2151.358 of the Revised Code, the court 4498  
shall notify the prosecutor regarding the hearing of the matter 4499  
not less than thirty days before the hearing. In determining 4500  
whether to grant an application to seal or expunge a record of 4501  
conviction or bail forfeiture pursuant to section 2953.32, 4502  
2953.321, 2953.322, 2953.323, or 2953.39 of the Revised Code, 4503  
the court shall notify the prosecutor not less than sixty days 4504  
before the hearing, unless a shorter notice period is agreed to 4505  
by the prosecutor and the court. The prosecutor shall provide 4506  
timely notice to a victim of the criminal offense or delinquent 4507  
act for which the offender or juvenile was incarcerated or 4508  
committed and the victim's representative, if applicable, if the 4509  
victim or victim's representative has requested notice and 4510  
maintains current contact information with the prosecutor. The 4511  
court shall permit a victim, the victim's representative, and 4512  
the victim's attorney, if applicable, to make a statement, in 4513  
addition to any other statement made under this chapter, 4514  
concerning the effects of the criminal offense or delinquent act 4515  
on the victim, the circumstances surrounding the criminal 4516  
offense or delinquent act, the manner in which the criminal 4517  
offense or delinquent act was perpetrated, and the victim's, 4518  
victim's representative's, or victim's attorney's, if 4519  
applicable, opinion whether the record should be sealed or 4520  
expunged. The victim, victim's representative, or victim's 4521  
attorney, if applicable, may be heard in writing, orally, or 4522  
both at the victim's, victim's representative's, or victim's 4523



attorney's, if applicable, discretion. The court shall give the 4524  
offender or juvenile an opportunity to review a copy of any 4525  
written impact statement made by the victim, victim's 4526  
representative, and victim's attorney, if applicable, under this 4527  
division. The court shall give to either the adult parole 4528  
authority or the department of youth services, whichever is 4529  
applicable, a copy of any written impact statement made by the 4530  
victim, victim's representative, and victim's attorney, if 4531  
applicable, under this division. 4532

(B) In deciding whether to seal or expunge a record under 4533  
any section listed in division (A) of this section, the court 4534  
shall consider a statement made by the victim, victim's 4535  
representative, and victim's attorney, if applicable, under 4536  
division (A) of this section or section 2930.14 or 2947.051 of 4537  
the Revised Code. 4538

(C) Upon making a determination whether to grant an 4539  
application to seal or expunge a record of conviction or bail 4540  
forfeiture pursuant to section 2953.32, 2953.321, 2953.322, 4541  
2953.323, or 2953.39 of the Revised Code or an application to 4542  
seal or expunge a juvenile record pursuant to section 2151.356 4543  
or 2151.358 of the Revised Code, the court promptly shall notify 4544  
the prosecutor of the determination. The prosecutor shall 4545  
promptly notify the victim and the victim's representative, if 4546  
applicable, after receiving the notice from the court. 4547

**Sec. 2941.141.** (A) Imposition of a one-year mandatory 4548  
prison term upon an offender under division (B) (1) (a) (iii) of 4549  
section 2929.14 of the Revised Code is precluded unless the 4550  
indictment, count in the indictment, or information charging the 4551  
offense specifies that the offender had a firearm on or about 4552  
the offender's person or under the offender's control while 4553

committing the offense. The specification shall be stated at the 4554  
end of the body of the indictment, count, or information, and 4555  
shall be in substantially the following form: 4556

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4557  
Grand Jurors (or insert the person's or the prosecuting 4558  
attorney's name when appropriate) further find and specify that 4559  
(set forth that the offender had a firearm on or about the 4560  
offender's person or under the offender's control while 4561  
committing the offense.)" 4562

(B) Imposition of a one-year mandatory prison term upon an 4563  
offender under division (B) (1) (a) (iii) of section 2929.14 of the 4564  
Revised Code is precluded if a court imposes an eighteen-month, 4565  
three-year, ~~fifty-four-month~~ five-year, six-year, nine-year, 4566  
ten-year, or ~~nine-year~~ fifteen-year mandatory prison term on the 4567  
offender under division (B) (1) (a) (i), (ii), (iv), (v), ~~or~~ (vi), 4568  
(vii), (viii), or (ix) of that section relative to the same 4569  
felony. 4570

(C) The specification described in division (A) of this 4571  
section may be used in a delinquent child proceeding in the 4572  
manner and for the purpose described in section 2152.17 of the 4573  
Revised Code. 4574

(D) Imposition of an eighteen-month mandatory prison term 4575  
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4576  
of the Revised Code is precluded unless the indictment, count in 4577  
the indictment, or information charging the offense specifies 4578  
that the offender had a firearm on or about the offender's 4579  
person or under the offender's control while committing the 4580  
offense and that the offender previously had been convicted of 4581  
or pleaded guilty to a firearm specification of the type 4582  
described in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 4583

2941.1412, or 2941.1429 of the Revised Code. The specification 4584  
shall be stated at the end of the body of the indictment, count, 4585  
or information, and shall be in substantially the following 4586  
form: 4587

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4588  
Grand Jurors (or insert the person's or prosecuting attorney's 4589  
name when appropriate) further find and specify that (set forth 4590  
that the offender had a firearm on or about the offender's 4591  
person or under the offender's control while committing the 4592  
offense and that the offender previously has been convicted of 4593  
or pleaded guilty to a firearm specification of the type 4594  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4595  
2941.1412 of the Revised Code.)" 4596

(E) Imposition of an eighteen-month mandatory prison term 4597  
upon an offender under division (B)(1)(a)(vi) of section 2929.14 4598  
of the Revised Code is precluded if the court imposes a one- 4599  
year, three-year, ~~fifty-four-month~~ five-year, six-year, nine- 4600  
year, ten-year, or nine-year fifteen-year mandatory prison term 4601  
on the offender under division (B)(1)(a)(i), (ii), (iii), (iv), 4602  
~~or~~ (v), (vii), (viii), or (ix) of that section relative to the 4603  
same felony. 4604

(F) As used in this section, "firearm" has the same 4605  
meaning as in section 2923.11 of the Revised Code. 4606

**Sec. 2941.144.** (A) Imposition of a six-year mandatory 4607  
prison term upon an offender under division (B)(1)(a)(i) of 4608  
section 2929.14 of the Revised Code is precluded unless the 4609  
indictment, count in the indictment, or information charging the 4610  
offense specifies that the offender had a firearm that is an 4611  
automatic firearm or that was equipped with a firearm muffler or 4612  
suppressor on or about the offender's person or under the 4613

offender's control while committing the offense. The 4614  
specification shall be stated at the end of the body of the 4615  
indictment, count, or information and shall be stated in 4616  
substantially the following form: 4617

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4618  
Grand Jurors (or insert the person's or the prosecuting 4619  
attorney's name when appropriate) further find and specify that 4620  
(set forth that the offender had a firearm that is an automatic 4621  
firearm or that was equipped with a firearm muffler or 4622  
suppressor on or about the offender's person or under the 4623  
offender's control while committing the offense)." 4624

(B) Imposition of a six-year mandatory prison term upon an 4625  
offender under division (B) (1) (a) (i) of section 2929.14 of the 4626  
Revised Code is precluded if a court imposes a one-year, 4627  
eighteen-month, three-year, ~~fifty-four-month~~ five-year, ~~or nine-~~ 4628  
year, ten-year, or fifteen-year mandatory prison term on the 4629  
offender under division (B) (1) (a) (ii), (iii), (iv), (v), ~~or~~ 4630  
(vi), (vii), (viii), or (ix) of that section relative to the 4631  
same felony. 4632

(C) The specification described in division (A) of this 4633  
section may be used in a delinquent child proceeding in the 4634  
manner and for the purpose described in section 2152.17 of the 4635  
Revised Code. 4636

(D) Imposition of a nine-year mandatory prison term upon 4637  
an offender under division (B) (1) (a) (iv) of section 2929.14 of 4638  
the Revised Code is precluded unless the indictment, count in 4639  
the indictment, or information charging the offense specifies 4640  
that the offender had a firearm that is an automatic firearm or 4641  
that was equipped with a firearm muffler or suppressor on or 4642  
about the offender's person or under the offender's control 4643

while committing the offense and that the offender previously 4644  
has been convicted of or pleaded guilty to a firearm 4645  
specification of the type described in section 2941.141, 4646  
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 4647  
Revised Code. The specification shall be stated at the end of 4648  
the body of the indictment, count, or information, and shall be 4649  
in substantially the following form: 4650

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4651  
Grand Jurors (or insert the person's or the prosecuting 4652  
attorney's name when appropriate) further find and specify that 4653  
(set forth that the offender had a firearm that is an automatic 4654  
firearm or that was equipped with a firearm muffler or 4655  
suppressor on or about the offender's person or under the 4656  
offender's control while committing the offense and that the 4657  
offender previously has been convicted of or pleaded guilty to a 4658  
firearm specification of the type described in section 2941.141, 4659  
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the 4660  
Revised Code.)" 4661

(E) Imposition of a nine-year mandatory prison term upon 4662  
an offender under division (B) (1) (a) (iv) of section 2929.14 of 4663  
the Revised Code is precluded if the court imposes a one-year, 4664  
eighteen-month, three-year, ~~fifty-four-month~~ five-year, ~~or~~ six- 4665  
year, ten-year, or fifteen-year mandatory prison term on the 4666  
offender under division (B) (1) (a) (i), (ii), (iii), (v), ~~or~~ (vi), 4667  
(vii), (viii), or (ix) of that section relative to the same 4668  
felony. 4669

(F) As used in this section, "firearm" and "automatic 4670  
firearm" have the same meanings as in section 2923.11 of the 4671  
Revised Code. 4672

**Sec. 2941.145.** (A) Imposition of a three-year mandatory 4673

prison term upon an offender under division (B) (1) (a) (ii) of 4674  
section 2929.14 of the Revised Code is precluded unless the 4675  
indictment, count in the indictment, or information charging the 4676  
offense specifies that the offender had a firearm on or about 4677  
the offender's person or under the offender's control while 4678  
committing the offense and displayed the firearm, brandished the 4679  
firearm, indicated that the offender possessed the firearm, or 4680  
used it to facilitate the offense. The specification shall be 4681  
stated at the end of the body of the indictment, count, or 4682  
information, and shall be stated in substantially the following 4683  
form: 4684

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4685  
Grand Jurors (or insert the person's or the prosecuting 4686  
attorney's name when appropriate) further find and specify that 4687  
(set forth that the offender had a firearm on or about the 4688  
offender's person or under the offender's control while 4689  
committing the offense and displayed the firearm, brandished the 4690  
firearm, indicated that the offender possessed the firearm, or 4691  
used it to facilitate the offense)." 4692

(B) Imposition of a three-year mandatory prison term upon 4693  
an offender under division (B) (1) (a) (ii) of section 2929.14 of 4694  
the Revised Code is precluded if a court imposes a one-year, 4695  
eighteen-month, ~~six-year, fifty-four-month~~ five-year, six-year, 4696  
nine-year, ten-year, or nine-year-fifteen-year mandatory prison 4697  
term on the offender under division (B) (1) (a) (i), (iii), (iv), 4698  
(v), ~~or~~ (vi), (vii), (viii), or (ix) of that section relative to 4699  
the same felony. 4700

(C) The specification described in division (A) of this 4701  
section may be used in a delinquent child proceeding in the 4702  
manner and for the purpose described in section 2152.17 of the 4703

Revised Code.

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(D) Imposition of a five-year mandatory prison term ~~of~~  
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v)  
of section 2929.14 of the Revised Code is precluded unless the  
indictment, count in the indictment, or information charging the  
offense specifies that the offender had a firearm on or about  
the offender's person or under the offender's control while  
committing the offense and displayed the firearm, brandished the  
firearm, indicated that the offender possessed a firearm, or  
used the firearm to facilitate the offense and that the offender  
previously has been convicted of or pleaded guilty to a firearm  
specification of the type described in section 2941.141,  
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the  
Revised Code. The specification shall be stated at the end of  
the body of the indictment, count, or information, and shall be  
in substantially the following form:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or the prosecuting  
attorney's name when appropriate) further find and specify that  
(set forth that the offender had a firearm on or about the  
offender's person or under the offender's control while  
committing the offense and displayed the firearm, brandished the  
firearm, indicated that the offender possessed a firearm, or  
used the firearm to facilitate the offense and that the offender  
previously has been convicted of or pleaded guilty to a firearm  
specification of the type described in section 2941.141,  
2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, or 2941.1429 of the  
Revised Code.)"

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(E) Imposition of a five-year mandatory prison term ~~of~~  
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v)

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of section 2929.14 of the Revised Code is precluded if the court  
imposes a one-year, eighteen-month, three-year, five-year, six-  
year, nine-year, ten-year, or ~~nine-year-fifteen-year~~ mandatory  
prison term on the offender under division (B) (1) (a) (i), (ii),  
(iii), (iv), ~~or~~ (vi), (vii), (viii), or (ix) of that section  
relative to the same felony.

(F) As used in this section, "firearm" has the same  
meaning as in section 2923.11 of the Revised Code.

**Sec. 2941.146.** (A) Imposition of a mandatory five-year-  
seven-year prison term upon an offender under division (B) (1) (c)  
(i) of section 2929.14 of the Revised Code for committing a  
violation of section 2923.161 of the Revised Code or for  
committing a felony that includes, as an essential element,  
purposely or knowingly causing or attempting to cause the death  
of or physical harm to another and that was committed by  
discharging a firearm from a motor vehicle other than a  
manufactured home is precluded unless the indictment, count in  
the indictment, or information charging the offender specifies  
that the offender committed the offense by discharging a firearm  
from a motor vehicle other than a manufactured home. The  
specification shall be stated at the end of the body of the  
indictment, count, or information, and shall be stated in  
substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or prosecuting attorney's  
name when appropriate) further find and specify that (set forth  
that the offender committed the violation of section 2923.161 of  
the Revised Code or the felony that includes, as an essential  
element, purposely or knowingly causing or attempting to cause  
the death of or physical harm to another and that was committed



by discharging a firearm from a motor vehicle other than a 4764  
manufactured home)." 4765

(B) The specification described in division (A) of this 4766  
section may be used in a delinquent child proceeding in the 4767  
manner and for the purpose described in section 2152.17 of the 4768  
Revised Code. 4769

(C) Imposition of a ninety-month mandatory prison term 4770  
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 4771  
Code for committing a violation of section 2923.161 of the 4772  
Revised Code or for committing a felony that includes, as an 4773  
essential element, purposely or knowingly causing or attempting 4774  
to cause the death of or physical harm to another and that was 4775  
committed by discharging a firearm from a motor vehicle other 4776  
than a manufactured home is precluded unless the indictment, 4777  
count in the indictment, or information charging the offender 4778  
specifies that the offender committed the offense by discharging 4779  
a firearm from a motor vehicle other than a manufactured home 4780  
and that the offender previously has been convicted of or 4781  
pleaded guilty to a firearm specification of the type described 4782  
in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, 4783  
or 2941.1429 of the Revised Code. The specification shall be 4784  
stated at the end of the body of the indictment, count, or 4785  
information, and shall be stated in substantially the following 4786  
form: 4787

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4788  
Grand Jurors (or insert the person's or prosecuting attorney's 4789  
name where appropriate) further find and specify that (set forth 4790  
that the offender committed the violation of section 2923.161 of 4791  
the Revised Code or the felony that includes, as an essential 4792  
element, purposely or knowingly causing or attempting to cause 4793

the death of or physical harm to another and that was committed 4794  
by discharging a firearm from a motor vehicle other than a 4795  
manufactured home and that the offender previously has been 4796  
convicted of or pleaded guilty to a firearm specification of the 4797  
type described in section 2941.141, 2941.144, 2941.145, 4798  
2941.146, ~~or~~ 2941.1412, or 2941.1429 of the Revised Code)." 4799

(D) As used in this section: 4800

(1) "Firearm" has the same meaning as in section 2923.11 4801  
of the Revised Code; 4802

(2) "Motor vehicle" and "manufactured home" have the same 4803  
meanings as in section 4501.01 of the Revised Code. 4804

Sec. 2941.1427. (A) Imposition of a three, four, or five- 4805  
year mandatory prison term upon an offender pursuant to division 4806  
(B) (12) of section 2929.14 of the Revised Code, pursuant to 4807  
determination by a court that an offender is a repeat offender, 4808  
is precluded unless the indictment, count in the indictment, or 4809  
information charging the offender specifies that the offender is 4810  
a repeat offender. The specification shall be stated at the end 4811  
of the body of the indictment, count, or information, and shall 4812  
be stated in substantially the following form: 4813

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4814  
Grand Jurors (or insert the person's or prosecuting attorney's 4815  
name when appropriate) further find and specify that (set forth 4816  
that the offender is a repeat offender)." 4817

(B) The court shall determine the issue of whether an 4818  
offender is a repeat offender. 4819

(C) At the arraignment of the defendant or as soon 4820  
thereafter as is practicable, the prosecuting attorney may give 4821  
notice to the defendant of the prosecuting attorney's intention 4822

to use a certified copy of the entry of judgment of a prior 4823  
conviction as proof of that prior conviction. The defendant must 4824  
then give notice to the prosecuting attorney of the defendant's 4825  
intention to object to the use of the entry of judgment. If the 4826  
defendant pursuant to Criminal Rule 12 does not give notice of 4827  
that intention to the prosecuting attorney before trial, the 4828  
defendant waives the objection to the use of an entry of 4829  
judgment as proof of the defendant's prior conviction, as shown 4830  
on the entry of judgment. 4831

(D) Imposition of a three, four, or five-year mandatory 4832  
prison term upon an offender pursuant to division (B) (12) of 4833  
section 2929.14 of the Revised Code is precluded if the court 4834  
imposes a one, two, three, four, five, six, seven, eight, nine, 4835  
ten, or eleven-year mandatory prison term on the offender under 4836  
section 2941.149, 2941.1410, or 2941.1424 of the Revised Code 4837  
relative to that same felony. 4838

(E) As used in this section, "repeat offender" has the 4839  
same meaning as in section 2929.01 of the Revised Code. 4840

**Sec. 2941.1428.** (A) Imposition of a five-year mandatory 4841  
prison term upon an offender under division (B) (1) (a) (vii) of 4842  
section 2929.14 of the Revised Code is precluded unless the 4843  
indictment, count in the indictment, or information charging the 4844  
offense specifies that the offender discharged a firearm while 4845  
committing the offense. The specification shall be stated at the 4846  
end of the body of the indictment, count, or information, and 4847  
shall be stated in substantially the following form: 4848

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4849  
Grand Jurors (or insert the person's or the prosecuting 4850  
attorney's name when appropriate) further find and specify that 4851  
(set forth that the offender discharged a firearm while 4852

committing the offense.)"

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(B) Imposition of a five-year mandatory prison term upon  
an offender under division (B) (1) (a) (vii) of section 2929.14 of  
the Revised Code is precluded if the court imposes a one-year,  
eighteen-month, three-year, five-year, six-year, nine-year, ten-  
year, or fifteen-year mandatory prison term on the offender  
under division (B) (1) (a) (i), (ii), (iii), (iv), (v), (vi),  
(viii), or (ix) of that section relative to the same felony.

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(C) The specification described in division (A) of this  
section may be used in a delinquent child proceeding in the  
manner and for the purpose described in section 2152.17 of the  
Revised Code.

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(D) As used in this section, "firearm" has the same  
meaning as in section 2923.11 of the Revised Code.

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**Sec. 2941.1429.** (A) Imposition of a ten-year mandatory  
prison term upon an offender under division (B) (1) (a) (viii) of  
section 2929.14 of the Revised Code is precluded unless the  
indictment, count in the indictment, or information charging the  
offense specifies that the offender had a firearm that is an  
automatic firearm or that was equipped with a firearm muffler or  
suppressor on or about the offender's person or under the  
offender's control while committing the offense and displayed  
the firearm, brandished the firearm, indicated that the offender  
possessed the firearm, or used it to facilitate the offense. The  
specification shall be stated at the end of the body of the  
indictment, count, or information and shall be stated in  
substantially the following form:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or the prosecuting

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attorney's name when appropriate) further find and specify that 4882  
(set forth that the offender had a firearm that is an automatic 4883  
firearm or that was equipped with a firearm muffler or 4884  
suppressor on or about the offender's person or under the 4885  
offender's control while committing the offense and displayed 4886  
the firearm, brandished the firearm, indicated that the offender 4887  
possessed the firearm, or used it to facilitate the offense)." 4888

(B) Imposition of a ten-year mandatory prison term upon an 4889  
offender under division (B) (1) (a) (viii) of section 2929.14 of 4890  
the Revised Code is precluded if a court imposes a one-year, 4891  
eighteen-month, three-year, five-year, six-year, nine-year, or 4892  
fifteen-year mandatory prison term on the offender under 4893  
division (B) (1) (a) (i), (ii), (iii), (iv), (v), (vi), (vii), or 4894  
(ix) of that section relative to the same felony. 4895

(C) The specification described in division (A) of this 4896  
section may be used in a delinquent child proceeding in the 4897  
manner and for the purpose described in section 2152.17 of the 4898  
Revised Code. 4899

(D) Imposition of a fifteen-year mandatory prison term 4900  
upon an offender under division (B) (1) (a) (ix) of section 2929.14 4901  
of the Revised Code is precluded unless the indictment, count in 4902  
the indictment, or information charging the offense specifies 4903  
that the offender had a firearm that is an automatic firearm or 4904  
that was equipped with a firearm muffler or suppressor on or 4905  
about the offender's person or under the offender's control 4906  
while committing the offense and displayed the firearm, 4907  
brandished the firearm, indicated that the offender possessed 4908  
the firearm, or used it to facilitate the offense and that the 4909  
offender previously has been convicted of or pleaded guilty to a 4910  
firearm specification of the type described in section 2941.141, 4911

2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1429 of the 4912  
Revised Code. The specification shall be stated at the end of 4913  
the body of the indictment, count, or information, and shall be 4914  
in substantially the following form: 4915

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4916  
Grand Jurors (or insert the person's or the prosecuting 4917  
attorney's name when appropriate) further find and specify that 4918  
(set forth that the offender had a firearm that is an automatic 4919  
firearm or that was equipped with a firearm muffler or 4920  
suppressor on or about the offender's person or under the 4921  
offender's control while committing the offense and displayed 4922  
the firearm, brandished the firearm, indicated that the offender 4923  
possessed the firearm, or used it to facilitate the offense and 4924  
that the offender previously has been convicted of or pleaded 4925  
guilty to a firearm specification of the type described in 4926  
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 4927  
2941.1429 of the Revised Code)." 4928

(E) Imposition of a fifteen-year mandatory prison term 4929  
upon an offender under division (B) (1) (a) (ix) of section 2929.14 4930  
of the Revised Code is precluded if the court imposes a one- 4931  
year, eighteen-month, three-year, five-year, six-year, nine- 4932  
year, or ten-year mandatory prison term on the offender under 4933  
division (B) (1) (a) (i), (ii), (iii), (iv), (v), (vi), (vii), or 4934  
(xiii) of that section relative to the same felony. 4935

(F) As used in this section, "firearm" and "automatic 4936  
firearm" have the same meanings as in section 2923.11 of the 4937  
Revised Code. 4938

**Sec. 2951.041.** (A) (1) If an offender is charged with a 4939  
criminal offense, including but not limited to a violation of 4940  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 4941

of the Revised Code, and the court has reason to believe that 4942  
drug or alcohol usage by the offender was a factor leading to 4943  
the criminal offense with which the offender is charged or that, 4944  
at the time of committing that offense, the offender had a 4945  
mental illness, was a person with an intellectual disability, or 4946  
was a victim of a violation of section 2905.32 or 2907.21 of the 4947  
Revised Code and that the mental illness, status as a person 4948  
with an intellectual disability, or fact that the offender was a 4949  
victim of a violation of section 2905.32 or 2907.21 of the 4950  
Revised Code was a factor leading to the offender's criminal 4951  
behavior, the court may accept, prior to the entry of a guilty 4952  
plea, the offender's request for intervention in lieu of 4953  
conviction. The request shall include a statement from the 4954  
offender as to whether the offender is alleging that drug or 4955  
alcohol usage by the offender was a factor leading to the 4956  
criminal offense with which the offender is charged or is 4957  
alleging that, at the time of committing that offense, the 4958  
offender had a mental illness, was a person with an intellectual 4959  
disability, or was a victim of a violation of section 2905.32 or 4960  
2907.21 of the Revised Code and that the mental illness, status 4961  
as a person with an intellectual disability, or fact that the 4962  
offender was a victim of a violation of section 2905.32 or 4963  
2907.21 of the Revised Code was a factor leading to the criminal 4964  
offense with which the offender is charged. The request also 4965  
shall include a waiver of the defendant's right to a speedy 4966  
trial, the preliminary hearing, the time period within which the 4967  
grand jury may consider an indictment against the offender, and 4968  
arraignment, unless the hearing, indictment, or arraignment has 4969  
already occurred. Unless an offender alleges that drug or 4970  
alcohol usage by the offender was a factor leading to the 4971  
criminal offense with which the offender is charged, the court 4972  
may reject an offender's request without a hearing. If the court 4973

elects to consider an offender's request or the offender alleges 4974  
that drug or alcohol usage by the offender was a factor leading 4975  
to the criminal offense with which the offender is charged, the 4976  
court shall conduct a hearing to determine whether the offender 4977  
is eligible under this section for intervention in lieu of 4978  
conviction and shall stay all criminal proceedings pending the 4979  
outcome of the hearing. If the court schedules a hearing, the 4980  
court shall order an assessment of the offender for the purpose 4981  
of determining the offender's program eligibility for 4982  
intervention in lieu of conviction and recommending an 4983  
appropriate intervention plan. 4984

If the offender alleges that drug or alcohol usage by the 4985  
offender was a factor leading to the criminal offense with which 4986  
the offender is charged, the court may order that the offender 4987  
be assessed by a community addiction services provider or a 4988  
properly credentialed professional for the purpose of 4989  
determining the offender's program eligibility for intervention 4990  
in lieu of conviction and recommending an appropriate 4991  
intervention plan. The community addiction services provider or 4992  
the properly credentialed professional shall provide a written 4993  
assessment of the offender to the court. 4994

(2) The victim notification provisions of division (E) of 4995  
section 2930.06 of the Revised Code apply in relation to any 4996  
hearing held under division (A) (1) of this section. 4997

(B) An offender is eligible for intervention in lieu of 4998  
conviction if the court finds all of the following: 4999

(1) The offender previously has not been convicted of or 5000  
pleaded guilty to any felony offense of violence. 5001

(2) The offense is not a felony of the first, second, or 5002



third degree, is not an offense of violence, is not a felony sex 5003  
offense, is not a violation of division (A) (1) or (2) of section 5004  
2903.06 of the Revised Code, is not a violation of division (A) 5005  
(1) of section 2903.08 of the Revised Code, is not a violation 5006  
of division (A) of section 4511.19 of the Revised Code or a 5007  
municipal ordinance that is substantially similar to that 5008  
division, and is not an offense for which a sentencing court is 5009  
required to impose a mandatory prison term. 5010

(3) The offender is not charged with a violation of 5011  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 5012  
charged with a violation of section 2925.03 of the Revised Code 5013  
that is a felony of the first, second, third, or fourth degree, 5014  
and is not charged with a violation of section 2925.11 of the 5015  
Revised Code that is a felony of the first or second degree. 5016

(4) If an offender alleges that drug or alcohol usage by 5017  
the offender was a factor leading to the criminal offense with 5018  
which the offender is charged, the court has ordered that the 5019  
offender be assessed by a community addiction services provider 5020  
or a properly credentialed professional for the purpose of 5021  
determining the offender's program eligibility for intervention 5022  
in lieu of conviction and recommending an appropriate 5023  
intervention plan, the offender has been assessed by a community 5024  
addiction services provider of that nature or a properly 5025  
credentialed professional in accordance with the court's order, 5026  
and the community addiction services provider or properly 5027  
credentialed professional has filed the written assessment of 5028  
the offender with the court. 5029

(5) If an offender alleges that, at the time of committing 5030  
the criminal offense with which the offender is charged, the 5031  
offender had a mental illness, was a person with an intellectual 5032

disability, or was a victim of a violation of section 2905.32 or 5033  
2907.21 of the Revised Code and that the mental illness, status 5034  
as a person with an intellectual disability, or fact that the 5035  
offender was a victim of a violation of section 2905.32 or 5036  
2907.21 of the Revised Code was a factor leading to that 5037  
offense, the offender has been assessed by a psychiatrist, 5038  
psychologist, independent social worker, licensed professional 5039  
clinical counselor, or independent marriage and family therapist 5040  
for the purpose of determining the offender's program 5041  
eligibility for intervention in lieu of conviction and 5042  
recommending an appropriate intervention plan. 5043

(6) The offender's drug usage, alcohol usage, mental 5044  
illness, or intellectual disability, or the fact that the 5045  
offender was a victim of a violation of section 2905.32 or 5046  
2907.21 of the Revised Code, whichever is applicable, was a 5047  
factor leading to the criminal offense with which the offender 5048  
is charged, intervention in lieu of conviction would not demean 5049  
the seriousness of the offense, and intervention would 5050  
substantially reduce the likelihood of any future criminal 5051  
activity. 5052

(7) The alleged victim of the offense was not sixty-five 5053  
years of age or older, permanently and totally disabled, under 5054  
thirteen years of age, or a peace officer engaged in the 5055  
officer's official duties at the time of the alleged offense. 5056

(8) If the offender is charged with a violation of section 5057  
2925.24 of the Revised Code, the alleged violation did not 5058  
result in physical harm to any person. 5059

(9) The offender is willing to comply with all terms and 5060  
conditions imposed by the court pursuant to division (D) of this 5061  
section. 5062

(10) The offender is not charged with an offense that 5063  
would result in the offender being disqualified under Chapter 5064  
4506. of the Revised Code from operating a commercial motor 5065  
vehicle or would subject the offender to any other sanction 5066  
under that chapter. 5067

(C) At the conclusion of a hearing held pursuant to 5068  
division (A) of this section, the court shall determine whether 5069  
the offender will be granted intervention in lieu of conviction. 5070  
In making this determination, the court shall presume that 5071  
intervention in lieu of conviction is appropriate. If the court 5072  
finds under this division and division (B) of this section that 5073  
the offender is eligible for intervention in lieu of conviction, 5074  
the court shall grant the offender's request unless the court 5075  
finds specific reasons to believe that the candidate's 5076  
participation in intervention in lieu of conviction would be 5077  
inappropriate. 5078

If the court denies an eligible offender's request for 5079  
intervention in lieu of conviction, the court shall state the 5080  
reasons for the denial, with particularity, in a written entry. 5081

If the court grants the offender's request, the court 5082  
shall accept the offender's plea of guilty and waiver of the 5083  
defendant's right to a speedy trial, the preliminary hearing, 5084  
the time period within which the grand jury may consider an 5085  
indictment against the offender, and arraignment, unless the 5086  
hearing, indictment, or arraignment has already occurred. In 5087  
addition, the court then may stay all criminal proceedings and 5088  
order the offender to comply with all terms and conditions 5089  
imposed by the court pursuant to division (D) of this section. 5090  
If the court finds that the offender is not eligible or does not 5091  
grant the offender's request, the criminal proceedings against 5092

the offender shall proceed as if the offender's request for 5093  
intervention in lieu of conviction had not been made. 5094

(D) If the court grants an offender's request for 5095  
intervention in lieu of conviction, all of the following apply: 5096

(1) The court shall place the offender under the general 5097  
control and supervision of one of the following, as if the 5098  
offender was subject to a community control sanction imposed 5099  
under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 5100

(a) The county probation department, the adult parole 5101  
authority, or another appropriate local probation or court 5102  
services agency, if one exists; 5103

(b) If the court grants the request for intervention in 5104  
lieu of conviction during the period commencing on April 4, 5105  
2023, and ending on October 15, 2025, a community-based 5106  
correctional facility. 5107

(2) The court shall establish an intervention plan for the 5108  
offender. 5109

(3) The terms and conditions of the intervention plan 5110  
required under division (D)(2) of this section shall require the 5111  
offender, for at least one year, but not more than five years, 5112  
from the date on which the court grants the order of 5113  
intervention in lieu of conviction, to abstain from the use of 5114  
illegal drugs and alcohol, to participate in treatment and 5115  
recovery support services, and to submit to regular random 5116  
testing for drug and alcohol use and may include any other 5117  
treatment terms and conditions, or terms and conditions similar 5118  
to community control sanctions, which may include community 5119  
service or restitution, that are ordered by the court. 5120

(E) If the court grants an offender's request for 5121

intervention in lieu of conviction and the court finds that the 5122  
offender has successfully completed the intervention plan for 5123  
the offender, including the requirement that the offender 5124  
abstain from using illegal drugs and alcohol for a period of at 5125  
least one year, but not more than five years, from the date on 5126  
which the court granted the order of intervention in lieu of 5127  
conviction, the requirement that the offender participate in 5128  
treatment and recovery support services, and all other terms and 5129  
conditions ordered by the court, the court shall dismiss the 5130  
proceedings against the offender. Successful completion of the 5131  
intervention plan and period of abstinence under this section 5132  
shall be without adjudication of guilt and is not a criminal 5133  
conviction for purposes of any disqualification or disability 5134  
imposed by law and upon conviction of a crime, and the court may 5135  
order the sealing or expungement of records related to the 5136  
offense in question, as a dismissal of the charges, in the 5137  
manner provided in sections 2953.31, 2953.321, 2953.323, 5138  
2953.33, 2953.37, and 2953.521 of the Revised Code and divisions 5139  
(H), (K), and (L) of section 2953.34 of the Revised Code. 5140

(F) If the court grants an offender's request for 5141  
intervention in lieu of conviction and the offender fails to 5142  
comply with any term or condition imposed as part of the 5143  
intervention plan for the offender, the supervising authority 5144  
for the offender promptly shall advise the court of this 5145  
failure, and the court shall hold a hearing to determine whether 5146  
the offender failed to comply with any term or condition imposed 5147  
as part of the plan. If the court determines that the offender 5148  
has failed to comply with any of those terms and conditions, it 5149  
may continue the offender on intervention in lieu of conviction, 5150  
continue the offender on intervention in lieu of conviction with 5151  
additional terms, conditions, and sanctions, or enter a finding 5152

of guilty and impose an appropriate sanction under Chapter 2929. 5153  
of the Revised Code. If the court sentences the offender to a 5154  
prison term, the court, after consulting with the department of 5155  
rehabilitation and correction regarding the availability of 5156  
services, may order continued court-supervised activity and 5157  
treatment of the offender during the prison term and, upon 5158  
consideration of reports received from the department concerning 5159  
the offender's progress in the program of activity and 5160  
treatment, may consider judicial release under section 2929.20 5161  
of the Revised Code. 5162

(G) As used in this section: 5163

(1) "Community addiction services provider" has the same 5164  
meaning as in section 5119.01 of the Revised Code. 5165

(2) "Community control sanction" has the same meaning as 5166  
in section 2929.01 of the Revised Code. 5167

(3) "Intervention in lieu of conviction" means any court- 5168  
supervised activity that complies with this section. 5169

(4) "Intellectual disability" has the same meaning as in 5170  
section 5123.01 of the Revised Code. 5171

(5) "Peace officer" has the same meaning as in section 5172  
2935.01 of the Revised Code. 5173

(6) "Mental illness" and "psychiatrist" have the same 5174  
meanings as in section 5122.01 of the Revised Code. 5175

(7) "Psychologist" has the same meaning as in section 5176  
4732.01 of the Revised Code. 5177

(8) "Felony sex offense" means a violation of a section 5178  
contained in Chapter 2907. of the Revised Code that is a felony. 5179

Sec. 2953.25. (A) As used in this section: 5180

(1) "Collateral sanction" means a penalty, disability, or 5181  
disadvantage that is related to employment or occupational 5182  
licensing, however denominated, as a result of the individual's 5183  
conviction of or plea of guilty to an offense and that applies 5184  
by operation of law in this state whether or not the penalty, 5185  
disability, or disadvantage is included in the sentence or 5186  
judgment imposed. 5187

"Collateral sanction" does not include imprisonment, 5188  
probation, parole, supervised release, forfeiture, restitution, 5189  
fine, assessment, or costs of prosecution. 5190

(2) "Decision-maker" includes, but is not limited to, the 5191  
state acting through a department, agency, board, commission, or 5192  
instrumentality established by the law of this state for the 5193  
exercise of any function of government, a political subdivision, 5194  
an educational institution, or a government contractor or 5195  
subcontractor made subject to this section by contract, law, or 5196  
ordinance. 5197

(3) "Department-funded program" means a residential or 5198  
nonresidential program that is not a term in a state 5199  
correctional institution, that is funded in whole or part by the 5200  
department of rehabilitation and correction, and that is imposed 5201  
as a sanction for an offense, as part of a sanction that is 5202  
imposed for an offense, or as a term or condition of any 5203  
sanction that is imposed for an offense. 5204

(4) "Designee" means the person designated by the deputy 5205  
director of the division of parole and community services to 5206  
perform the duties designated in division (B) of this section. 5207

(5) "Division of parole and community services" means the 5208

division of parole and community services of the department of 5209  
rehabilitation and correction. 5210

(6) "Offense" means any felony or misdemeanor under the 5211  
laws of this state. 5212

(7) "Political subdivision" has the same meaning as in 5213  
section 2969.21 of the Revised Code. 5214

(8) "Discretionary civil impact," "licensing agency," and 5215  
"mandatory civil impact" have the same meanings as in section 5216  
2961.21 of the Revised Code. 5217

(B) (1) An individual who is subject to one or more 5218  
collateral sanctions as a result of being convicted of or 5219  
pleading guilty to an offense and who either has served a term 5220  
in a state correctional institution for any offense or has spent 5221  
time in a department-funded program for any offense may file a 5222  
petition with the designee of the deputy director of the 5223  
division of parole and community services for a certificate of 5224  
qualification for employment. 5225

(2) An individual who is subject to one or more collateral 5226  
sanctions as a result of being convicted of or pleading guilty 5227  
to an offense and who is not in a category described in division 5228  
(B) (1) of this section may file for a certificate of 5229  
qualification for employment by doing either of the following: 5230

(a) In the case of an individual who resides in this 5231  
state, filing a petition with the court of common pleas of the 5232  
county in which the person resides or with the designee of the 5233  
deputy director of the division of parole and community 5234  
services; 5235

(b) In the case of an individual who resides outside of 5236  
this state, filing a petition with the court of common pleas of 5237



any county in which any conviction or plea of guilty from which 5238  
the individual seeks relief was entered or with the designee of 5239  
the deputy director of the division of parole and community 5240  
services. 5241

(3) A petition under division (B) (1) or (2) of this 5242  
section shall be made on a copy of the form prescribed by the 5243  
division of parole and community services under division (J) of 5244  
this section, shall contain all of the information described in 5245  
division (F) of this section, and, except as provided in 5246  
division (B) (6) of this section, shall be accompanied by an 5247  
application fee of fifty dollars and may be accompanied by a 5248  
local court fee of not more than fifty dollars. 5249

(4) (a) Except as provided in division (B) (4) (b) of this 5250  
section, an individual may file a petition under division (B) (1) 5251  
or (2) of this section at any time after the expiration of 5252  
whichever of the following is applicable: 5253

(i) If the offense that resulted in the collateral 5254  
sanction from which the individual seeks relief is a felony, at 5255  
any time after the expiration of one year from the date of 5256  
release of the individual from any period of incarceration in a 5257  
state or local correctional facility that was imposed for that 5258  
offense and all periods of supervision imposed after release 5259  
from the period of incarceration or, if the individual was not 5260  
incarcerated for that offense, at any time after the expiration 5261  
of one year from the date of the individual's final release from 5262  
all other sanctions imposed for that offense. 5263

(ii) If the offense that resulted in the collateral 5264  
sanction from which the individual seeks relief is a 5265  
misdemeanor, at any time after the expiration of six months from 5266  
the date of release of the individual from any period of 5267

incarceration in a local correctional facility that was imposed 5268  
for that offense and all periods of supervision imposed after 5269  
release from the period of incarceration or, if the individual 5270  
was not incarcerated for that offense, at any time after the 5271  
expiration of six months from the date of the final release of 5272  
the individual from all sanctions imposed for that offense 5273  
including any period of supervision. 5274

(b) The department of rehabilitation and correction may 5275  
establish criteria by rule adopted under Chapter 119. of the 5276  
Revised Code that, if satisfied by an individual, would allow 5277  
the individual to file a petition before the expiration of six 5278  
months or one year from the date of final release, whichever is 5279  
applicable under division (B) (4) (a) of this section. 5280

(5) (a) A designee that receives a petition for a 5281  
certificate of qualification for employment from an individual 5282  
under division (B) (1) or (2) of this section shall review the 5283  
petition to determine whether it is complete. If the petition is 5284  
complete, the designee shall forward the petition, the 5285  
application fee, and any other information the designee 5286  
possesses that relates to the petition, to the court of common 5287  
pleas of the county in which the individual resides if the 5288  
individual submitting the petition resides in this state or, if 5289  
the individual resides outside of this state, to the court of 5290  
common pleas of the county in which the conviction or plea of 5291  
guilty from which the individual seeks relief was entered. 5292

(b) A court of common pleas that receives a petition for a 5293  
certificate of qualification for employment from an individual 5294  
under division (B) (2) of this section, or that is forwarded a 5295  
petition for such a certificate under division (B) (5) (a) of this 5296  
section, shall attempt to determine all other courts in this 5297

state in which the individual was convicted of or pleaded guilty 5298  
to an offense other than the offense from which the individual 5299  
is seeking relief. The court that receives or is forwarded the 5300  
petition shall notify all other courts in this state that it 5301  
determines under this division were courts in which the 5302  
individual was convicted of or pleaded guilty to an offense 5303  
other than the offense from which the individual is seeking 5304  
relief that the individual has filed the petition and that the 5305  
court may send comments regarding the possible issuance of the 5306  
certificate. 5307

A court of common pleas that receives a petition for a 5308  
certificate of qualification for employment under division (B) 5309  
(2) of this section shall notify the county's prosecuting 5310  
attorney that the individual has filed the petition. 5311

A court of common pleas that receives a petition for a 5312  
certificate of qualification for employment under division (B) 5313  
(2) of this section, or that is forwarded a petition for 5314  
qualification under division (B) (5) (a) of this section may 5315  
direct the clerk of court to process and record all notices 5316  
required in or under this section. Except as provided in 5317  
division (B) (6) of this section, the court shall pay thirty 5318  
dollars of the application fee into the state treasury and 5319  
twenty dollars of the application fee into the county general 5320  
revenue fund. 5321

(6) Upon receiving a petition for a certificate of 5322  
qualification for employment filed by an individual under 5323  
division (B) (1) or (2) of this section, a court of common pleas 5324  
or the designee of the deputy director of the division of parole 5325  
and community services who receives the petition may waive all 5326  
or part of the application fee of fifty dollars described in 5327

division (B) (3) of this section, for an applicant who presents a 5328  
poverty affidavit showing that the applicant is indigent. If an 5329  
applicant pays an application fee, the first twenty dollars or 5330  
two-fifths of the fee, whichever is greater, that is collected 5331  
shall be paid into the county general revenue fund. If an 5332  
applicant pays an application fee, the amount collected in 5333  
excess of the amount to be paid into the county general revenue 5334  
fund shall be paid into the state treasury. 5335

(C) (1) Upon receiving a petition for a certificate of 5336  
qualification for employment filed by an individual under 5337  
division (B) (2) of this section or being forwarded a petition 5338  
for such a certificate under division (B) (5) (a) of this section, 5339  
the court shall review the individual's petition, the 5340  
individual's criminal history, except for information contained 5341  
in any record that has been sealed under section 2953.32 or 5342  
2953.321 of the Revised Code, all filings submitted by the 5343  
prosecutor or by the victim in accordance with rules adopted by 5344  
the division of parole and community services, the applicant's 5345  
military service record, if applicable, and whether the 5346  
applicant has an emotional, mental, or physical condition that 5347  
is traceable to the applicant's military service in the armed 5348  
forces of the United States and that was a contributing factor 5349  
in the commission of the offense or offenses, and all other 5350  
relevant evidence. The court may order any report, 5351  
investigation, or disclosure by the individual that the court 5352  
believes is necessary for the court to reach a decision on 5353  
whether to approve the individual's petition for a certificate 5354  
of qualification for employment, except that the court shall not 5355  
require an individual to disclose information about any record 5356  
sealed under section 2953.32 or 2953.321 of the Revised Code. 5357

(2) Upon receiving a petition for a certificate of 5358

qualification for employment filed by an individual under 5359  
division (B) (2) of this section or being forwarded a petition 5360  
for such a certificate under division (B) (5) (a) of this section, 5361  
except as otherwise provided in this division, the court shall 5362  
decide whether to issue the certificate within sixty days after 5363  
the court receives or is forwarded the completed petition and 5364  
all information requested for the court to make that decision. 5365  
Upon request of the individual who filed the petition, the court 5366  
may extend the sixty-day period specified in this division. 5367

(3) Except as provided in division (C) (5) of this section 5368  
and subject to division (C) (7) of this section, a court that 5369  
receives an individual's petition for a certificate of 5370  
qualification for employment under division (B) (2) of this 5371  
section or that is forwarded a petition for such a certificate 5372  
under division (B) (5) (a) of this section may issue a certificate 5373  
of qualification for employment, at the court's discretion, if 5374  
the court finds that the individual has established all of the 5375  
following by a preponderance of the evidence: 5376

(a) Granting the petition will materially assist the 5377  
individual in obtaining employment or occupational licensing. 5378

(b) The individual has a substantial need for the relief 5379  
requested in order to live a law-abiding life. 5380

(c) Granting the petition would not pose an unreasonable 5381  
risk to the safety of the public or any individual. 5382

(4) The submission of an incomplete petition by an 5383  
individual shall not be grounds for the designee or court to 5384  
deny the petition. 5385

(5) Subject to division (C) (6) of this section, an 5386  
individual is rebuttably presumed to be eligible for a 5387

certificate of qualification for employment if the court that 5388  
receives the individual's petition under division (B) (2) of this 5389  
section or that is forwarded a petition under division (B) (5) (a) 5390  
of this section finds all of the following: 5391

(a) The application was filed after the expiration of the 5392  
applicable waiting period prescribed in division (B) (4) of this 5393  
section; 5394

(b) If the offense that resulted in the collateral 5395  
sanction from which the individual seeks relief is a felony, at 5396  
least three years have elapsed since the date of release of the 5397  
individual from any period of incarceration in a state or local 5398  
correctional facility that was imposed for that offense and all 5399  
periods of supervision imposed after release from the period of 5400  
incarceration or, if the individual was not incarcerated for 5401  
that offense, at least three years have elapsed since the date 5402  
of the individual's final release from all other sanctions 5403  
imposed for that offense; 5404

(c) If the offense that resulted in the collateral 5405  
sanction from which the individual seeks relief is a 5406  
misdemeanor, at least one year has elapsed since the date of 5407  
release of the individual from any period of incarceration in a 5408  
local correctional facility that was imposed for that offense 5409  
and all periods of supervision imposed after release from the 5410  
period of incarceration or, if the individual was not 5411  
incarcerated for that offense, at least one year has elapsed 5412  
since the date of the final release of the individual from all 5413  
sanctions imposed for that offense including any period of 5414  
supervision. 5415

(6) An application that meets all of the requirements for 5416  
the presumption under division (C) (5) of this section shall be 5417

denied only if the court that receives the petition finds that 5418  
the evidence reviewed under division (C) (1) of this section 5419  
rebutts the presumption of eligibility for issuance by 5420  
establishing, by clear and convincing evidence, that the 5421  
applicant has not been rehabilitated. 5422

(7) A certificate of qualification for employment shall 5423  
not create relief from any of the following collateral 5424  
sanctions: 5425

(a) Requirements imposed by Chapter 2950. of the Revised 5426  
Code and rules adopted under sections 2950.13 and 2950.132 of 5427  
the Revised Code; 5428

(b) A driver's license, commercial driver's license, or 5429  
probationary license suspension, cancellation, or revocation 5430  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 5431  
the Revised Code if the relief sought is available pursuant to 5432  
section 4510.021 or division (B) of section 4510.13 of the 5433  
Revised Code; 5434

(c) Restrictions on employment as a prosecutor or law 5435  
enforcement officer; 5436

(d) The denial, ineligibility, or automatic suspension of 5437  
a license that is imposed upon an individual applying for or 5438  
holding a license as a health care professional under Title 5439  
XLVII of the Revised Code if the individual is convicted of, 5440  
pleads guilty to, is subject to a judicial finding of 5441  
eligibility for intervention in lieu of conviction in this state 5442  
under section 2951.041 of the Revised Code, or is subject to 5443  
treatment or intervention in lieu of conviction for a violation 5444  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 5445  
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 5446

2919.124 of the Revised Code; 5447

(e) The immediate suspension of a license, certificate, or 5448  
evidence of registration that is imposed upon an individual 5449  
holding a license as a health care professional under Title 5450  
XLVII of the Revised Code pursuant to division (C) of section 5451  
3719.121 of the Revised Code; 5452

(f) The denial or ineligibility for employment in a pain 5453  
clinic under division (B) (4) of section 4729.552 of the Revised 5454  
Code; 5455

(g) The mandatory suspension of a license that is imposed 5456  
on an individual applying for or holding a license as a health 5457  
care professional under Title XLVII of the Revised Code pursuant 5458  
to section 3123.43 of the Revised Code. 5459

(8) If a court that receives an individual's petition for 5460  
a certificate of qualification for employment under division (B) 5461  
(2) of this section or that is forwarded a petition for such a 5462  
certificate under division (B) (5) (a) of this section denies the 5463  
petition, the court shall provide written notice to the 5464  
individual of the court's denial. The court may place conditions 5465  
on the individual regarding the individual's filing of any 5466  
subsequent petition for a certificate of qualification for 5467  
employment. The written notice must notify the individual of any 5468  
conditions placed on the individual's filing of a subsequent 5469  
petition for a certificate of qualification for employment. 5470

If a court of common pleas that receives an individual's 5471  
petition for a certificate of qualification for employment under 5472  
division (B) (2) of this section or that is forwarded a petition 5473  
for such a certificate under division (B) (5) (a) of this section 5474  
denies the petition, the individual may appeal the decision to 5475



the court of appeals only if the individual alleges that the 5476  
denial was an abuse of discretion on the part of the court of 5477  
common pleas. 5478

(D) (1) A certificate of qualification for employment 5479  
issued to an individual lifts the automatic bar of a collateral 5480  
sanction, and a decision-maker shall consider on a case-by-case 5481  
basis whether to grant or deny the issuance or restoration of an 5482  
occupational license or an employment opportunity, 5483  
notwithstanding the individual's possession of the certificate, 5484  
without, however, reconsidering or rejecting any finding made by 5485  
a designee or court under division (C) (3) of this section. 5486

(2) The certificate constitutes a rebuttable presumption 5487  
that the person's criminal convictions are insufficient evidence 5488  
that the person is unfit for the license, employment 5489  
opportunity, or certification in question. Notwithstanding the 5490  
presumption established under this division, the agency may deny 5491  
the license or certification for the person if it determines 5492  
that the person is unfit for issuance of the license. 5493

(3) If an employer that has hired a person who has been 5494  
issued a certificate of qualification for employment applies to 5495  
a licensing agency for a license or certification and the person 5496  
has a conviction or guilty plea that otherwise would bar the 5497  
person's employment with the employer or licensure for the 5498  
employer because of a mandatory civil impact, the agency shall 5499  
give the person individualized consideration, notwithstanding 5500  
the mandatory civil impact, the mandatory civil impact shall be 5501  
considered for all purposes to be a discretionary civil impact, 5502  
and the certificate constitutes a rebuttable presumption that 5503  
the person's criminal convictions are insufficient evidence that 5504  
the person is unfit for the employment, or that the employer is 5505

unfit for the license or certification, in question. 5506

(E) A certificate of qualification for employment does not 5507  
grant the individual to whom the certificate was issued relief 5508  
from the mandatory civil impacts identified in division (A) (1) 5509  
of section 2961.01 or division (B) of section 2961.02 of the 5510  
Revised Code. 5511

(F) A petition for a certificate of qualification for 5512  
employment filed by an individual under division (B) (1) or (2) 5513  
of this section shall include all of the following: 5514

(1) The individual's name, date of birth, and social 5515  
security number; 5516

(2) All aliases of the individual and all social security 5517  
numbers associated with those aliases; 5518

(3) The individual's residence address, including the 5519  
city, county, and state of residence and zip code; 5520

(4) The length of time that the individual has resided in 5521  
the individual's current state of residence, expressed in years 5522  
and months of residence; 5523

(5) A general statement as to why the individual has filed 5524  
the petition and how the certificate of qualification for 5525  
employment would assist the individual; 5526

(6) A summary of the individual's criminal history, except 5527  
for information contained in any record that has been sealed or 5528  
expunged under section 2953.32, 2953.321, 2953.322, 2953.323, or 5529  
2953.39 of the Revised Code, with respect to each offense that 5530  
is a disqualification from employment or licensing in an 5531  
occupation or profession, including the years of each conviction 5532  
or plea of guilty for each of those offenses; 5533

(7) A summary of the individual's employment history, 5534  
specifying the name of, and dates of employment with, each 5535  
employer; 5536

(8) Verifiable references and endorsements; 5537

(9) The name of one or more immediate family members of 5538  
the individual, or other persons with whom the individual has a 5539  
close relationship, who support the individual's reentry plan; 5540

(10) A summary of the reason the individual believes the 5541  
certificate of qualification for employment should be granted; 5542

(11) Any other information required by rule by the 5543  
department of rehabilitation and correction. 5544

(G) (1) In a judicial or administrative proceeding alleging 5545  
negligence or other fault, a certificate of qualification for 5546  
employment issued to an individual under this section may be 5547  
introduced as evidence of a person's due care in hiring, 5548  
retaining, licensing, leasing to, admitting to a school or 5549  
program, or otherwise transacting business or engaging in 5550  
activity with the individual to whom the certificate of 5551  
qualification for employment was issued if the person knew of 5552  
the certificate at the time of the alleged negligence or other 5553  
fault. 5554

(2) In any proceeding on a claim against an employer for 5555  
negligent hiring, a certificate of qualification for employment 5556  
issued to an individual under this section shall provide 5557  
immunity for the employer as to the claim if the employer knew 5558  
of the certificate at the time of the alleged negligence. 5559

(3) If an employer hires an individual who has been issued 5560  
a certificate of qualification for employment under this 5561  
section, if the individual, after being hired, subsequently 5562

demonstrates dangerousness or is convicted of or pleads guilty 5563  
to a felony, and if the employer retains the individual as an 5564  
employee after the demonstration of dangerousness or the 5565  
conviction or guilty plea, the employer may be held liable in a 5566  
civil action that is based on or relates to the retention of the 5567  
individual as an employee only if it is proved by a 5568  
preponderance of the evidence that the person having hiring and 5569  
firing responsibility for the employer had actual knowledge that 5570  
the employee was dangerous or had been convicted of or pleaded 5571  
guilty to the felony and was willful in retaining the individual 5572  
as an employee after the demonstration of dangerousness or the 5573  
conviction or guilty plea of which the person has actual 5574  
knowledge. 5575

(H) A certificate of qualification for employment issued 5576  
under this section shall be revoked if the individual to whom 5577  
the certificate of qualification for employment was issued is 5578  
convicted of or pleads guilty to a felony offense committed 5579  
subsequent to the issuance of the certificate of qualification 5580  
for employment. The department of rehabilitation and correction 5581  
shall periodically review the certificates listed in the 5582  
database described in division (K) of this section to identify 5583  
those that are subject to revocation under this division. Upon 5584  
identifying a certificate of qualification for employment that 5585  
is subject to revocation, the department shall note in the 5586  
database that the certificate has been revoked, the reason for 5587  
revocation, and the effective date of revocation, which shall be 5588  
the date of the conviction or plea of guilty subsequent to the 5589  
issuance of the certificate. 5590

(I) A designee's forwarding, or failure to forward, a 5591  
petition for a certificate of qualification for employment to a 5592  
court or a court's issuance, or failure to issue, a petition for 5593

a certificate of qualification for employment to an individual 5594  
under division (B) of this section does not give rise to a claim 5595  
for damages against the department of rehabilitation and 5596  
correction or court. 5597

(J) The division of parole and community services shall 5598  
adopt rules in accordance with Chapter 119. of the Revised Code 5599  
for the implementation and administration of this section and 5600  
shall prescribe the form for the petition to be used under 5601  
division (B)(1) or (2) of this section. The form for the 5602  
petition shall include places for all of the information 5603  
specified in division (F) of this section. 5604

(K) The department of rehabilitation and correction shall 5605  
maintain a database that identifies granted certificates and 5606  
revoked certificates and tracks the number of certificates 5607  
granted and revoked, the industries, occupations, and 5608  
professions with respect to which the certificates have been 5609  
most applicable, and the types of employers that have accepted 5610  
the certificates. The department shall annually create a report 5611  
that summarizes the information maintained in the database and 5612  
shall make the report available to the public on its internet 5613  
web site. 5614

**Sec. 2953.26.** (A) As used in this section: 5615

(1) "Collateral sanction for housing" means a penalty, 5616  
disability, or disadvantage that is related to housing as a 5617  
result of the individual's conviction of or plea of guilty to an 5618  
offense and that applies by operation of law in this state 5619  
whether or not the penalty, disability, or disadvantage is 5620  
included in the sentence or judgment imposed. 5621

"Collateral sanction for housing" does not include 5622

imprisonment, probation, parole, supervised release, forfeiture, 5623  
restitution, fine, assessment, or costs of prosecution. 5624

(2) "Decision-maker" means a housing provider in this 5625  
state of residential premises as defined in section 1923.01 of 5626  
the Revised Code, including a landlord as defined in section 5627  
1923.01 of the Revised Code and a metropolitan housing authority 5628  
established in Chapter 3735. of the Revised Code. 5629

(3) "Division of parole and community services" means the 5630  
division of parole and community services of the department of 5631  
rehabilitation and correction. 5632

(4) "Offense" means any felony or misdemeanor under the 5633  
laws of this state. 5634

(5) "Tort action" means a civil action for injury, death, 5635  
or loss to person or property. 5636

(B) (1) An individual who is subject to one or more 5637  
collateral sanctions for housing as a result of being convicted 5638  
of or pleading guilty to an offense and who has not already 5639  
received a certificate of qualification for housing under 5640  
section 2961.25 of the Revised Code may file for a certificate 5641  
of qualification for housing by doing either of the following: 5642

(a) In the case of an individual who resides in this 5643  
state, filing a petition with the court of common pleas of the 5644  
county in which the person resides; 5645

(b) In the case of an individual who resides outside of 5646  
this state, filing a petition with the court of common pleas of 5647  
any county in which any conviction or plea of guilty from which 5648  
the individual seeks relief was entered. 5649

(2) A petition under division (B) (1) of this section shall 5650

be made on a copy of the form prescribed by the division of 5651  
parole and community services under division (I) of this 5652  
section, shall contain all of the information described in 5653  
division (E) of this section, and, except as provided in 5654  
division (B) (5) of this section, shall be accompanied by an 5655  
application fee of fifty dollars. 5656

(3) An individual may file a petition under division (B) 5657  
(1) of this section at any time after the expiration of 5658  
whichever of the following is applicable: 5659

(a) If the offense that resulted in the collateral 5660  
sanction for housing from which the individual seeks relief is a 5661  
felony, at any time after the expiration of one year from the 5662  
date of release of the individual from any period of 5663  
incarceration in a state or local correctional facility that was 5664  
imposed for that offense or, if the individual was not 5665  
incarcerated for that offense, at any time after the expiration 5666  
of one year from the date of the individual's final release from 5667  
all other sanctions imposed for that offense; 5668

(b) If the offense that resulted in the collateral 5669  
sanction for housing from which the individual seeks relief is a 5670  
misdemeanor, at any time after the expiration of six months from 5671  
the date of release of the individual from any period of 5672  
incarceration in a local correctional facility that was imposed 5673  
for that offense and all periods of supervision imposed after 5674  
release from the period of incarceration or, if the individual 5675  
was not incarcerated for that offense, at any time after the 5676  
expiration of six months from the date of the final release of 5677  
the individual from all sanctions imposed for that offense 5678  
including any period of supervision. 5679

(4) A court of common pleas that receives a petition for a 5680

certificate of qualification for housing from an individual 5681  
shall attempt to determine all other courts in this state in 5682  
which the individual was convicted of or pleaded guilty to an 5683  
offense other than the offense from which the individual is 5684  
seeking relief. The court shall notify all other courts in this 5685  
state that it determines under this division were courts in 5686  
which the individual was convicted of or pleaded guilty to an 5687  
offense other than the offense from which the individual is 5688  
seeking relief that the individual has filed the petition and 5689  
that the court may send comments regarding the possible issuance 5690  
of the certificate, and shall notify the county's prosecuting 5691  
attorney that the individual has filed the petition. 5692

A court of common pleas that receives a petition for a 5693  
certificate of qualification for housing may direct the clerk of 5694  
court to process and record all notices required in or under 5695  
this section. Except as provided in division (B)(5) of this 5696  
section, the court shall pay thirty dollars of the application 5697  
fee into the state treasury and twenty dollars of the 5698  
application fee into the county general revenue fund. 5699

(5) Upon receiving a petition for a certificate of 5700  
qualification for housing, a court of common pleas may waive all 5701  
or part of the fifty-dollar-filing fee for an applicant who is 5702  
indigent. If an application fee is partially waived, the first 5703  
twenty dollars of the fee that is collected shall be paid into 5704  
the county general revenue fund. Any partial fee collected in 5705  
excess of twenty dollars shall be paid into the state treasury. 5706

(C)(1) Upon receiving a petition for a certificate of 5707  
qualification for housing, the court shall review the 5708  
individual's petition, the individual's criminal history, except 5709  
for information contained in any record that has been sealed 5710



under section 2953.32 or 2953.321 of the Revised Code, all 5711  
filings submitted by the prosecutor or by the victim in 5712  
accordance with rules adopted by the division of parole and 5713  
community services, the applicant's military service record, if 5714  
applicable, and whether the applicant has an emotional, mental, 5715  
or physical condition that is traceable to the applicant's 5716  
military service in the armed forces of the United States and 5717  
that was a contributing factor in the commission of the offense 5718  
or offenses, and all other relevant evidence. The court may 5719  
order any report, investigation, or disclosure by the individual 5720  
that the court believes is necessary for the court to reach a 5721  
decision on whether to approve the individual's petition for a 5722  
certificate of qualification for housing, except that the court 5723  
shall not require an individual to disclose information about 5724  
any record sealed under section 2953.32 or 2953.321 of the 5725  
Revised Code. 5726

(2) Upon receiving a petition for a certificate of 5727  
qualification for housing, except as otherwise provided in this 5728  
division, the court shall decide whether to issue the 5729  
certificate within sixty days after the court receives the 5730  
completed petition and all information requested for the court 5731  
to make that decision. Upon request of the individual who filed 5732  
the petition, the court may extend the sixty-day period 5733  
specified in this division. 5734

(3) Except as provided in division (C) (5) of this section 5735  
and subject to division (D) (3) of this section, a court that 5736  
receives an individual's petition for a certificate of 5737  
qualification for housing may issue a certificate of 5738  
qualification for housing, at the court's discretion, if the 5739  
court finds that the individual has established all of the 5740  
following by a preponderance of the evidence: 5741

(a) Granting the petition will materially assist the 5742  
individual in obtaining housing. 5743

(b) The individual has a substantial need for the relief 5744  
requested in order to live a law-abiding life. 5745

(c) Granting the petition would not pose an unreasonable 5746  
risk to the safety of the public or any individual. 5747

(4) The submission of an incomplete petition by an 5748  
individual shall not be grounds for the court to deny the 5749  
petition. 5750

(5) Subject to division (C) (6) of this section, an 5751  
individual is rebuttably presumed to be eligible for a 5752  
certificate of qualification for housing if the court that 5753  
receives the individual's petition finds all of the following: 5754

(a) The application was filed after the expiration of the 5755  
applicable waiting period prescribed in division (B) (3) of this 5756  
section. 5757

(b) If the offense that resulted in the collateral 5758  
sanction for housing from which the individual seeks relief is a 5759  
felony, at least three years have elapsed since the date of 5760  
release of the individual from any period of incarceration in a 5761  
state or local correctional facility that was imposed for that 5762  
offense and all periods of supervision imposed after release 5763  
from the period of incarceration or, if the individual was not 5764  
incarcerated for that offense, at least three years have elapsed 5765  
since the date of the individual's final release from all other 5766  
sanctions imposed for that offense; 5767

(c) If the offense that resulted in the collateral 5768  
sanction for housing from which the individual seeks relief is a 5769  
misdemeanor, at least one year has elapsed since the date of 5770

release of the individual from any period of incarceration in a 5771  
local correctional facility that was imposed for that offense 5772  
and all periods of supervision imposed after release from the 5773  
period of incarceration or, if the individual was not 5774  
incarcerated for that offense, at least one year has elapsed 5775  
since the date of the final release of the individual from all 5776  
sanctions imposed for that offense including any period of 5777  
supervision. 5778

(6) An application that meets all of the requirements for 5779  
the presumption under division (C)(5) of this section shall be 5780  
denied only if the court that receives the petition finds that 5781  
the evidence reviewed under division (C)(1) of this section 5782  
rebutts the presumption of eligibility for issuance by 5783  
establishing, by a preponderance of the evidence, that the 5784  
applicant has not been rehabilitated. 5785

(7) If a court that receives an individual's petition for 5786  
a certificate of qualification for housing denies the petition, 5787  
the court shall provide written notice to the individual of the 5788  
court's denial. The court may place conditions on the individual 5789  
regarding the individual's filing of any subsequent petition for 5790  
a certificate of qualification for housing. The written notice 5791  
must notify the individual of any conditions placed on the 5792  
individual's filing of a subsequent petition for a certificate 5793  
of qualification for housing. 5794

If a court of common pleas that receives an individual's 5795  
petition for a certificate of qualification for housing denies 5796  
the petition, the individual may appeal the decision to the 5797  
court of appeals only if the individual alleges that the denial 5798  
was an abuse of discretion on the part of the court of common 5799  
pleas. 5800

(D) (1) A certificate of qualification for housing issued 5801  
to an individual under this section or section 2961.25 of the 5802  
Revised Code lifts the automatic bar of a collateral sanction 5803  
for housing and a decision-maker shall consider on a case-by- 5804  
case basis whether to provide or deny housing, notwithstanding 5805  
the individual's possession of the certificate, without, 5806  
however, reconsidering or rejecting any finding made by a court 5807  
under division (C) (3) of this section. 5808

(2) The certificate constitutes a rebuttable presumption 5809  
that the person's criminal convictions are insufficient evidence 5810  
that the person is unfit for the housing in question. 5811  
Notwithstanding the presumption established under this division, 5812  
the decision-maker may deny the housing to the person if it 5813  
determines that the person is unfit for the housing. 5814

(3) A certificate of qualification for housing issued to 5815  
an individual under this section or section 2961.25 of the 5816  
Revised Code does not create relief from requirements imposed by 5817  
Chapter 2950. of the Revised Code and rules adopted under 5818  
sections 2950.13 and 2950.132 of the Revised Code. 5819

(E) A petition for a certificate of qualification for 5820  
housing filed by an individual under division (B) (1) of this 5821  
section shall include all of the following: 5822

(1) The individual's name, date of birth, and social 5823  
security number; 5824

(2) All aliases of the individual and all social security 5825  
numbers associated with those aliases; 5826

(3) The individual's current residential address, 5827  
including the length of time that the individual has resided in 5828  
the current residence, expressed in years and months, and the 5829

city, county, state, and zip code of the residence; 5830

(4) A history of the individual's residential address or 5831  
addresses for the past ten years, including the length of time 5832  
that the individual has resided at the address, expressed in 5833  
years and months of residence, and the city, county, state, and 5834  
zip code of residence; 5835

(5) A general statement as to why the individual has filed 5836  
the petition and how the certificate of qualification for 5837  
housing would assist the individual; 5838

(6) A summary of the individual's criminal history, except 5839  
for information contained in any record that has been sealed 5840  
under section 2953.32 or 2953.321 of the Revised Code, with 5841  
respect to each offense that is a disqualification from housing, 5842  
including the years of each conviction or plea of guilty for 5843  
each of those offenses; 5844

(7) A summary of the individual's employment history, 5845  
specifying the name of, and dates of employment with, each 5846  
employer; 5847

(8) Verifiable references and endorsements; 5848

(9) The name of one or more immediate family members of 5849  
the individual, or other persons with whom the individual has a 5850  
close relationship, who support the individual's reentry plan; 5851

(10) A summary of the reason the individual believes the 5852  
certificate of qualification for housing should be granted; 5853

(11) Any other information required by rule by the 5854  
department of rehabilitation and correction. 5855

(F) (1) In a tort action, a certificate of qualification 5856  
for housing issued to an individual under this section or 5857

section 2961.25 of the Revised Code may be introduced as 5858  
evidence of a decision-maker's due care in leasing to the 5859  
individual to whom the certificate of qualification for housing 5860  
was issued if the decision-maker knew of the certificate at the 5861  
time of the alleged negligence or other fault. 5862

(2) In a tort action against a decision-maker for 5863  
negligent leasing, a certificate of qualification for housing 5864  
issued to an individual under this section or section 2961.25 of 5865  
the Revised Code provides immunity for the decision-maker as to 5866  
the claim if the decision-maker knew of the certificate at the 5867  
time of the alleged negligence. 5868

(3) If a decision-maker leases to an individual who has 5869  
been issued a certificate of qualification for housing under 5870  
this section or section 2961.25 of the Revised Code, if the 5871  
individual, after being leased to, subsequently demonstrates 5872  
dangerousness or is convicted of or pleads guilty to a felony or 5873  
a misdemeanor offense of violence, and if the decision-maker 5874  
retains the individual as a lessee after the demonstration of 5875  
dangerousness or the conviction or guilty plea, the decision- 5876  
maker may be held liable in a tort action that is based on or 5877  
relates to the retention of the individual as a lessee only if 5878  
it is proved by a preponderance of the evidence that both of the 5879  
following apply: 5880

(a) The decision-maker had actual knowledge that the 5881  
lessee was dangerous or had been convicted of or pleaded guilty 5882  
to the felony or the misdemeanor offense of violence. 5883

(b) The decision-maker was willful in retaining the 5884  
individual as a lessee after the demonstration of dangerousness 5885  
or the conviction or guilty plea of which the decision-maker has 5886  
actual knowledge. 5887

(G) A certificate of qualification for housing issued 5888  
under this section or section 2961.25 of the Revised Code shall 5889  
be revoked if the individual to whom the certificate of 5890  
qualification for housing was issued is convicted of or pleads 5891  
guilty to a felony or a misdemeanor offense of violence 5892  
committed subsequent to the issuance of the certificate of 5893  
qualification for housing. 5894

(H) A court's issuance, or failure to issue, under this 5895  
section, or the department of rehabilitation and correction's or 5896  
adult parole authority's issuance, or failure to issue, under 5897  
section 2961.25 of the Revised Code, a certificate of 5898  
qualification for housing to an individual does not give rise to 5899  
a claim for damages against the department of rehabilitation and 5900  
correction or court. 5901

(I) The division of parole and community services shall 5902  
adopt rules in accordance with Chapter 119. of the Revised Code 5903  
for the implementation and administration of this section and 5904  
shall prescribe the form for the petition to be used under 5905  
division (B)(1) of this section. The form for the petition shall 5906  
include places for all of the information specified in division 5907  
(E) of this section. 5908

(J) Nothing in this section shall be construed to create 5909  
or provide a private right of action. 5910

**Sec. 2953.31.** ~~(A)~~ As used in sections 2953.31 to 2953.521 5911  
of the Revised Code: 5912

~~(1)~~ (A) "Prosecutor" means the county prosecuting 5913  
attorney, city director of law, village solicitor, or similar 5914  
chief legal officer, who has the authority to prosecute a 5915  
criminal case in the court in which the case is filed. 5916

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

~~(3)~~ (C) "Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and shall not be considered to be official records when they are in the possession of that officer or agency; all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case; and all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

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



~~(a)~~ (1) Records or reports maintained pursuant to section 5947  
2151.421 of the Revised Code by a public children services 5948  
agency or the department of job and family services; 5949

~~(b)~~ (2) Any report of an investigation maintained by the 5950  
inspector general pursuant to section 121.42 of the Revised 5951  
Code, to the extent that the report contains information that 5952  
pertains to an individual who was convicted of or pleaded guilty 5953  
to an offense discovered in or related to the investigation and 5954  
whose conviction or guilty plea was not overturned on appeal; 5955

~~(c)~~ (3) Records, reports, or audits maintained by the 5956  
auditor of state pursuant to Chapter 117. of the Revised Code. 5957

~~(4)~~ (D) "Official proceeding" has the same meaning as in 5958  
section 2921.01 of the Revised Code. 5959

~~(5)~~ (E) "Community control sanction" has the same meaning 5960  
as in section 2929.01 of the Revised Code. 5961

~~(6)~~ (F) "Post-release control" and "post-release control 5962  
sanction" have the same meanings as in section 2967.01 of the 5963  
Revised Code. 5964

~~(7)~~ (G) "DNA database," "DNA record," and "law enforcement 5965  
agency" have the same meanings as in section 109.573 of the 5966  
Revised Code. 5967

~~(8)~~ (H) "Fingerprints filed for record" means any 5968  
fingerprints obtained by the superintendent of the bureau of 5969  
criminal identification and investigation pursuant to sections 5970  
109.57 and 109.571 of the Revised Code. 5971

~~(9)~~ (I) "Investigatory work product" means any records or 5972  
reports of a law enforcement officer or agency that are excepted 5973  
from the definition of "official records" and that pertain to a 5974

conviction or bail forfeiture, the records of which have been 5975  
ordered sealed or expunged pursuant to division ~~(D) (2)~~ (C) (2) of 5976  
section 2953.32, division (D) of section 2953.321, division (C) 5977  
(2) of section 2953.322, division (D) of section 2953.323, or 5978  
division (F) (1) of section 2953.39 of the Revised Code, or that 5979  
pertain to a conviction or delinquent child adjudication, the 5980  
records of which have been ordered expunged pursuant to division 5981  
(E) of section 2151.358, division (C) (2) of section 2953.35, or 5982  
division (F) of section 2953.36 of the Revised Code. 5983

~~(10)~~ (J) "Law enforcement or justice system matter" means 5984  
an arrest, complaint, indictment, trial, hearing, adjudication, 5985  
conviction, or correctional supervision. 5986

~~(11)~~ (K) "Record of conviction" means the record related to 5987  
a conviction of or plea of guilty to an offense. 5988

~~(12)~~ (L) "Victim of human trafficking" means a person who 5989  
is or was a victim of a violation of section 2905.32 of the 5990  
Revised Code, regardless of whether anyone has been convicted of 5991  
a violation of that section or of any other section for 5992  
victimizing the person. 5993

~~(13)~~ (M) "No bill" means a report by the foreperson or 5994  
deputy foreperson of a grand jury that an indictment is not 5995  
found by the grand jury against a person who has been held to 5996  
answer before the grand jury for the commission of an offense. 5997

~~(14)~~ (N) "Court" means the court in which a case is pending 5998  
at the time a finding of not guilty in the case or a dismissal 5999  
of the complaint, indictment, or information in the case is 6000  
entered on the minutes or journal of the court, or the court to 6001  
which the foreperson or deputy foreperson of a grand jury 6002  
reports, pursuant to section 2939.23 of the Revised Code, that 6003

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.

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

(1) 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;

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

(3) 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;

(4) 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; 6032

(5) Convictions for a violation of section 2921.41 of the 6033  
Revised Code; 6034

(6) Convictions of a felony of the first or second degree; 6035

(7) Convictions for a violation of section 2919.25 of the 6036  
Revised Code that is a misdemeanor of the first or second degree 6037  
or convictions for a violation of a municipal ordinance that is 6038  
substantially similar to that section; 6039

(8) Convictions of a felony of the third degree if the 6040  
offender has more than one other conviction of any felony or, if 6041  
the person has exactly two convictions of a felony of the third 6042  
degree, has more convictions in total than those two third 6043  
degree felony convictions and two misdemeanor convictions. 6044

(B) Sections 2953.32 to 2953.323 and section 2953.34 of 6045  
the Revised Code apply to the following for purposes of sealing, 6046  
but not for purposes of expungement of the record of the case: 6047

(1) Convictions for a violation of section 2919.25 of the 6048  
Revised Code that is a misdemeanor of the third or fourth degree 6049  
or convictions for a violation of a municipal ordinance that is 6050  
substantially similar to that section; 6051

(2) Convictions for a violation of section 2919.27 of the 6052  
Revised Code or convictions for a violation of a municipal 6053  
ordinance that is substantially similar to that section; 6054

(3) For purposes of division (A) (8) of this section, both 6055  
of the following apply: 6056

(a) When two or more convictions result from or are 6057  
connected with the same act or result from offenses committed at 6058  
the same time, they shall be counted as one conviction. 6059

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

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

~~(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;~~

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

~~(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;~~

~~(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;~~

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

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

~~(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;~~

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

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

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

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

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

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

~~(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses~~

~~committed at the same time, they shall be counted as one~~ 6118  
~~conviction, provided that a court may decide as provided in~~ 6119  
~~division (D) (1) (i) of this section that it is not in the public~~ 6120  
~~interest for the two or three convictions to be counted as one~~ 6121  
~~conviction.~~ 6122

~~(B) (1)~~ Except as provided in section 2953.61 of the 6123  
Revised Code or as otherwise provided in division ~~(B) (1) (a) (iii)~~ 6124  
(A) (1) (c) of this section, an eligible offender may apply to the 6125  
sentencing court if convicted in this state, or to a court of 6126  
common pleas if convicted in another state or in a federal 6127  
court, for the sealing ~~or expungement~~ of the record of the case 6128  
that pertains to the conviction, except for convictions listed 6129  
in ~~division (A) (1) of this section~~ 2953.311 of the Revised Code. 6130  
~~Application may be made at whichever of the following times is~~ 6131  
~~applicable regarding the offense:~~ 6132

~~(a)~~ An application for sealing under this section may be 6133  
made at whichever of the following times is applicable regarding 6134  
the offense: 6135

~~(i)~~ (a) Except as otherwise provided in division ~~(B) (1) (a)~~ 6136  
~~(iv)~~ (A) (1) (d) of this section, at the expiration of three years 6137  
after the offender's final discharge if convicted of one or two 6138  
felonies of the third degree, so long as none of the offenses is 6139  
a violation of section 2921.43 of the Revised Code; 6140

~~(ii)~~ (b) Except as otherwise provided in division ~~(B) (1) (a)~~ 6141  
~~(iv)~~ (A) (1) (d) of this section, at the expiration of one year 6142  
after the offender's final discharge if convicted of one or more 6143  
felonies of the fourth or fifth degree or one or more 6144  
misdemeanors, so long as none of the offenses is a violation of 6145  
section 2921.43 of the Revised Code or a felony offense of 6146  
violence; 6147

~~(iii)~~ (c) At the expiration of seven years after the 6148  
offender's final discharge if the record includes one or more 6149  
convictions of soliciting improper compensation in violation of 6150  
section 2921.43 of the Revised Code; 6151

~~(iv)~~ (d) If the offender was subject to the requirements of 6152  
Chapter 2950. of the Revised Code or Chapter 2950. of the 6153  
Revised Code as it existed prior to January 1, 2008, at the 6154  
expiration of five years after the requirements have ended under 6155  
section 2950.07 of the Revised Code or section 2950.07 of the 6156  
Revised Code as it existed prior to January 1, 2008, or are 6157  
terminated under section 2950.15 or 2950.151 of the Revised 6158  
Code; 6159

~~(v)~~ (e) At the expiration of six months after the 6160  
offender's final discharge if convicted of a minor misdemeanor. 6161

~~(b) An application for expungement under this section may 6162  
be made at whichever of the following times is applicable 6163  
regarding the offense:— 6164~~

~~(i) Except as otherwise provided in division (B) (1) (b) (ii) 6165  
of this section, if the offense is a misdemeanor, at the 6166  
expiration of one year after the offender's final discharge;— 6167~~

~~(ii) If the offense is a minor misdemeanor, at the 6168  
expiration of six months after the offender's final discharge;— 6169~~

~~(iii) If the offense is a felony, at the expiration of ten 6170  
years after the time specified in division (B) (1) (a) of this 6171  
section at which the person may file an application for sealing— 6172  
with respect to that felony offense.— 6173~~

(2) Any person who has been arrested for any misdemeanor 6174  
offense and who has effected a bail forfeiture for the offense 6175  
charged may apply to the court in which the misdemeanor criminal 6176



case was pending when bail was forfeited for the sealing ~~or~~ 6177  
~~expungement~~ of the record of the case that pertains to the 6178  
charge. Except as provided in section 2953.61 of the Revised 6179  
Code, ~~the application may be filed at whichever of the following~~ 6180  
~~times is applicable regarding the offense:—~~ 6181

~~(a) An~~ an application for sealing under this section may 6182  
be made at any time after the date on which the bail forfeiture 6183  
was entered upon the minutes of the court or the journal, 6184  
whichever entry occurs first. 6185

~~(b) An application for expungement under this section may~~ 6186  
~~be made at whichever of the following times is applicable—~~ 6187  
~~regarding the offense:—~~ 6188

~~(i) Except as provided in division (B) (2) (b) (ii) of this~~ 6189  
~~section, at any time after the expiration of one year from the~~ 6190  
~~date on which the bail forfeiture was entered upon the minutes~~ 6191  
~~of the court or the journal, whichever entry occurs first;—~~ 6192

~~(ii) If the offense is a minor misdemeanor, at any time~~ 6193  
~~after the expiration of six months from the date on which the~~ 6194  
~~bail forfeiture was entered upon the minutes of the court or the~~ 6195  
~~journal, whichever entry occurs first.—~~ 6196

~~(C)~~ (B) Upon the filing of an application under this 6197  
section, the court shall set a date for a hearing and shall 6198  
notify the prosecutor for the case of the hearing on the 6199  
application not less than sixty days prior to the hearing. 6200  
Pursuant to the Ohio Constitution, the prosecutor shall provide 6201  
timely notice of the application and the date and time of the 6202  
hearing to a victim and victim's representative, if applicable, 6203  
if the victim or victim's representative requested notice of the 6204  
proceedings in the underlying case. The court shall hold the 6205

hearing not less than forty-five days and not more than ninety 6206  
days from the date of the filing of the application. The 6207  
prosecutor may object to the granting of the application by 6208  
filing a written objection with the court not later than thirty 6209  
days prior to the date set for the hearing. The prosecutor shall 6210  
specify in the objection the reasons for believing a denial of 6211  
the application is justified. The victim, victim's 6212  
representative, and victim's attorney, if applicable, may be 6213  
present and heard orally, in writing, or both at any hearing 6214  
under this section. The court shall direct its regular probation 6215  
officer, a state probation officer, or the department of 6216  
probation of the county in which the applicant resides to make 6217  
inquiries and written reports as the court requires concerning 6218  
the applicant. The probation officer or county department of 6219  
probation that the court directs to make inquiries and written 6220  
reports as the court requires concerning the applicant shall 6221  
determine whether or not the applicant was fingerprinted at the 6222  
time of arrest or under section 109.60 of the Revised Code. If 6223  
the applicant was so fingerprinted, the probation officer or 6224  
county department of probation shall include with the written 6225  
report a record of the applicant's fingerprints. If the 6226  
applicant was convicted of or pleaded guilty to a violation of 6227  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 6228  
the probation officer or county department of probation that the 6229  
court directed to make inquiries concerning the applicant shall 6230  
contact the child support enforcement agency enforcing the 6231  
applicant's obligations under the child support order to inquire 6232  
about the offender's compliance with the child support order. 6233

~~(D) (1)~~ (C) (1) At the hearing held under division ~~(C) (B)~~ of 6234  
this section, the court shall do each of the following: 6235

(a) Determine whether the applicant is pursuing sealing ~~or~~ 6236

~~expunging~~ a conviction of an offense that is prohibited under 6237  
~~division (A) of this section 2953.311 of the Revised Code or~~ 6238  
whether the forfeiture of bail was agreed to by the applicant 6239  
and the prosecutor in the case, and determine whether the 6240  
application was made at the time specified in division ~~(B)(1)(a)~~ 6241  
~~or (b) (A)(1) or division (B)(2)(a) or (b) (2)~~ of this section 6242  
that is applicable with respect to the application and the 6243  
subject offense; 6244

(b) Determine whether criminal proceedings are pending 6245  
against the applicant; 6246

(c) Determine whether the applicant has been rehabilitated 6247  
to the satisfaction of the court; 6248

(d) If the prosecutor has filed an objection in accordance 6249  
with division ~~(C)~~(B) of this section, consider the reasons 6250  
against granting the application specified by the prosecutor in 6251  
the objection; 6252

(e) If the victim objected, pursuant to the Ohio 6253  
Constitution, consider the reasons against granting the 6254  
application specified by the victim in the objection; 6255

(f) Weigh the interests of the applicant in having the 6256  
records pertaining to the applicant's conviction or bail 6257  
forfeiture sealed ~~or expunged~~ against the legitimate needs, if 6258  
any, of the government to maintain those records; 6259

(g) Consider the oral or written statement of any victim, 6260  
victim's representative, and victim's attorney, if applicable; 6261

(h) If the applicant was an eligible offender of the type 6262  
described in division (A)(3) of section 2953.36 of the Revised 6263  
Code as it existed prior to April 4, 2023, determine whether the 6264  
offender has been rehabilitated to a satisfactory degree. In 6265

making the determination, the court may consider all of the 6266  
following: 6267

- (i) The age of the offender; 6268
- (ii) The facts and circumstances of the offense; 6269
- (iii) The cessation or continuation of criminal behavior; 6270
- (iv) The education and employment of the offender; 6271
- (v) Any other circumstances that may relate to the 6272  
offender's rehabilitation. 6273

(i) If the court is required to determine whether an 6274  
applicant for sealing ~~or expungement~~ has two or three 6275  
convictions that result from the same indictment, information, 6276  
or complaint, from the same plea of guilty, or from the same 6277  
official proceeding, and result from related criminal acts that 6278  
were committed within a three-month period but do not result 6279  
from the same act or from offenses committed at the same time, 6280  
in making its determination, the court initially shall determine 6281  
whether it is not in the public interest for the two or three 6282  
convictions to be counted as one conviction. If the court 6283  
determines that it is not in the public interest for the two or 6284  
three convictions to be counted as one conviction, the court 6285  
shall determine whether, when counting the convictions 6286  
individually, the applicant is pursuing sealing ~~or expunging~~ a 6287  
conviction that is prohibited under ~~division (A) of this section~~ 6288  
2953.311 of the Revised Code. 6289

(2) If the court determines, after complying with division 6290  
~~(D) (1)~~ (C) (1) of this section, that the offender is not pursuing 6291  
sealing ~~or expunging~~ a conviction of an offense that is 6292  
prohibited under ~~division (A) of this section~~ 2953.311 of the 6293  
Revised Code or that the forfeiture of bail was agreed to by the 6294

applicant and the prosecutor in the case, that the application 6295  
was made at the time specified in division ~~(B) (1) (a) or (b)~~ (A) 6296  
(1) or division ~~(B) (2) (a) or (b)~~ (A) (2) of this section that is 6297  
applicable with respect to the application and the subject 6298  
offense, that no criminal proceeding is pending against the 6299  
applicant, that the interests of the applicant in having the 6300  
records pertaining to the applicant's conviction or bail 6301  
forfeiture sealed ~~or expunged~~ are not outweighed by any 6302  
legitimate governmental needs to maintain those records, and 6303  
that the rehabilitation of the applicant has been attained to 6304  
the satisfaction of the court, both of the following apply: 6305

(a) The court, except as provided in division ~~(D) (4) or~~ 6306  
~~(5)~~ (C) (4) of this section or division (D), (F), or (G) of 6307  
section 2953.34 of the Revised Code, shall order all official 6308  
records of the case that pertain to the conviction or bail 6309  
forfeiture sealed ~~if the application was for sealing or expunged~~ 6310  
~~if the application was for expungement~~ and, except as provided 6311  
in division (C) of section 2953.34 of the Revised Code, all 6312  
index references to the case that pertain to the conviction or 6313  
bail forfeiture deleted and, in the case of bail forfeitures, 6314  
shall dismiss the charges in the case. 6315

(b) The proceedings in the case that pertain to the 6316  
conviction or bail forfeiture shall be considered not to have 6317  
occurred and the conviction or bail forfeiture of the person who 6318  
is the subject of the proceedings shall be sealed ~~if the~~ 6319  
~~application was for sealing or expunged if the application was~~ 6320  
~~for expungement~~, except that upon conviction of a subsequent 6321  
offense, a sealed record of prior conviction or bail forfeiture 6322  
may be considered by the court in determining the sentence or 6323  
other appropriate disposition, including the relief provided for 6324  
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 6325

(3) An applicant may request the sealing ~~or expungement~~ of 6326  
the records of more than one case in a single application under 6327  
this section. Upon the filing of an application under this 6328  
section, the applicant, unless the applicant presents a poverty 6329  
affidavit showing that the applicant is indigent, shall pay an 6330  
application fee of fifty dollars and may pay a local court fee 6331  
of not more than fifty dollars, regardless of the number of 6332  
records the application requests to have sealed ~~or expunged~~. If 6333  
the applicant pays a fee, the court shall pay three-fifths of 6334  
the fee collected into the state treasury, with half of that 6335  
amount credited to the attorney general reimbursement fund 6336  
created by section 109.11 of the Revised Code. If the applicant 6337  
pays a fee, the court shall pay two-fifths of the fee collected 6338  
into the county general revenue fund if the sealed ~~or expunged~~ 6339  
conviction or bail forfeiture was pursuant to a state statute, 6340  
or into the general revenue fund of the municipal corporation 6341  
involved if the sealed ~~or expunged~~ conviction or bail forfeiture 6342  
was pursuant to a municipal ordinance. 6343

(4) If the court orders the official records pertaining to 6344  
the case sealed ~~or expunged~~, the court shall do one of the 6345  
following: 6346

(a) If the applicant was fingerprinted at the time of 6347  
arrest or under section 109.60 of the Revised Code and the 6348  
record of the applicant's fingerprints was provided to the court 6349  
under division ~~(C)~~ (B) of this section, forward a copy of the 6350  
sealing ~~or expungement~~ order and the record of the applicant's 6351  
fingerprints to the bureau of criminal identification and 6352  
investigation. 6353

(b) If the applicant was not fingerprinted at the time of 6354  
arrest or under section 109.60 of the Revised Code, or the 6355

record of the applicant's fingerprints was not provided to the 6356  
court under division ~~(C)~~ (B) of this section, but fingerprinting 6357  
was required for the offense, order the applicant to appear 6358  
before a sheriff to have the applicant's fingerprints taken 6359  
according to the fingerprint system of identification on the 6360  
forms furnished by the superintendent of the bureau of criminal 6361  
identification and investigation. The sheriff shall forward the 6362  
applicant's fingerprints to the court. The court shall forward 6363  
the applicant's fingerprints and a copy of the sealing ~~or~~ 6364  
~~expungement~~ order to the bureau of criminal identification and 6365  
investigation. 6366

(c) Failure of the court to order fingerprints at the time 6367  
of sealing ~~or expungement~~ does not constitute a reversible 6368  
error. 6369

~~(5) Notwithstanding any other provision of the Revised~~ 6370  
~~Code to the contrary, when the bureau of criminal identification~~ 6371  
~~and investigation receives notice from a court that the record~~ 6372  
~~of a conviction or bail forfeiture has been expunged under this~~ 6373  
~~section, the bureau of criminal identification and investigation~~ 6374  
~~shall maintain a record of the expunged conviction record for~~ 6375  
~~the limited purpose of determining an individual's qualification~~ 6376  
~~or disqualification for employment in law enforcement. The~~ 6377  
~~bureau of criminal identification and investigation shall not be~~ 6378  
~~compelled by the court to destroy, delete, or erase those~~ 6379  
~~records so that the records are permanently irretrievable. These~~ 6380  
~~records may only be disclosed or provided to law enforcement for~~ 6381  
~~the limited purpose of determining an individual's qualification~~ 6382  
~~or disqualification for employment in law enforcement.~~ 6383

~~When any other entity other than the bureau of criminal~~ 6384  
~~identification and investigation receives notice from a court~~ 6385

~~that the record of a conviction or bail forfeiture has been~~ 6386  
~~expunged under this section, the entity shall destroy, delete,~~ 6387  
~~and erase the record as appropriate for the record's physical or~~ 6388  
~~electronic form or characteristic so that the record is~~ 6389  
~~permanently irretrievable.~~ 6390

Sec. 2953.321. (A) (1) At the expiration of five years 6391  
after the time specified in division (A) (1) of section 2953.32 6392  
of the Revised Code at which the person may file an application 6393  
for sealing a record of conviction or at the expiration of five 6394  
years after a person's complaint, indictment, or information has 6395  
been dismissed, an eligible record of conviction or dismissed 6396  
complaint, indictment, or information may be sealed. A record of 6397  
conviction is eligible to be sealed unless the conviction is 6398  
listed in section 2953.311 of the Revised Code or the conviction 6399  
was committed prior to the effective date of this section, and a 6400  
dismissed complaint, indictment, or information is eligible for 6401  
sealing unless the complaint, indictment, or information was 6402  
dismissed prior to the effective date of this section. 6403

(2) At the expiration of the time frames described in 6404  
division (A) (1) of this section, all of the following shall 6405  
occur: 6406

(a) The sentencing court shall order its regular probation 6407  
officer, a state probation officer, or the department of 6408  
probation of the county to determine whether a record of 6409  
conviction or dismissed complaint, indictment, or information is 6410  
eligible for sealing. If the court's regular probation officer, 6411  
a state probation officer, or the department of probation of the 6412  
county determines that a person's record of conviction or 6413  
dismissed complaint, indictment, or information is eligible for 6414  
sealing, then the person's record of conviction or dismissed 6415



complaint, indictment, or information is presumed to be eligible 6416  
for sealing. 6417

(b) Subject to division (A) (2) (c) of this section, 6418  
starting on July 1, 2026, if the court's regular probation 6419  
officer, a state probation officer, or the department of 6420  
probation of the county determines that a record of conviction 6421  
or dismissed complaint, indictment, or information is eligible 6422  
for sealing, not more than two weeks after the determination is 6423  
made the sentencing court shall send a one-page letter to the 6424  
prosecutor, the subject of the proceedings, and the victim or 6425  
the victim's representative, if applicable, if the victim or 6426  
victim's representative requested notice of the proceedings in 6427  
the underlying case. The letter shall state that the subject of 6428  
the proceeding's record of conviction or dismissed complaint, 6429  
indictment, or information is presumed to be eligible for 6430  
sealing. When the sentencing court sends the letter to the 6431  
subject of the proceedings, the sentencing court shall also send 6432  
the following accompanying documents to the subject of the 6433  
proceedings: 6434

(i) A one-page application on a form prescribed in 6435  
division (F) of this section for sealing a record of conviction 6436  
or dismissed complaint, indictment, or information; 6437

(ii) A one-page poverty affidavit, and a notice that an 6438  
applicant shall pay an application fee of fifty dollars and may 6439  
pay a local court fee of not more than fifty dollars, unless the 6440  
applicant presents the poverty affidavit showing the applicant 6441  
is indigent pursuant to division (E) of this section. 6442

(c) The letter and the accompanying documents described in 6443  
division (A) (2) (b) of this section shall not be sent by the 6444  
sentencing court if either of the following apply: 6445

(i) After the applicant was convicted of the subject 6446  
offense or after the complaint, indictment, or information was 6447  
dismissed, the applicant has been convicted of any other felony. 6448

(ii) At any time, the applicant has been convicted of any 6449  
felony described in section 2953.311 of the Revised Code. 6450

(3) Regardless of whether a person received the letter and 6451  
accompanying documents described in division (A) (2) of this 6452  
section and except as provided in section 2953.61 of the Revised 6453  
Code, at the expiration of the time frames described in division 6454  
(A) (1) of this section, a person may apply to the sentencing 6455  
court if convicted in this state, or to a court of common pleas 6456  
if convicted in another state or in a federal court, for the 6457  
sealing of an eligible record of conviction or dismissed 6458  
complaint, indictment, or information. 6459

(B) (1) Upon the filing of an application and fee, if 6460  
applicable, under this section the court shall set a date and 6461  
time for a hearing and shall notify the prosecutor for the case 6462  
and the subject of the proceedings of the hearing on the 6463  
application for the sealing of the record of conviction or the 6464  
dismissed complaint, indictment, or information not less than 6465  
sixty days before the hearing. Pursuant to the Ohio 6466  
Constitution, the prosecutor shall provide timely notice of the 6467  
application for the sealing of the record of conviction or the 6468  
dismissed complaint, indictment, or information and the date and 6469  
time of the hearing to a victim and victim's representative, if 6470  
applicable, if the victim or victim's representative requested 6471  
notice of the proceedings in the underlying case, not less than 6472  
sixty days before the hearing. 6473

(2) The court shall hold the hearing not less than forty- 6474  
five days and not more than ninety days after the date of the 6475

filing of the application. 6476

(3) The prosecutor or victim or victim's representative, 6477  
if applicable, may object to the granting of the order to seal 6478  
the record of conviction or dismissed complaint, indictment, or 6479  
information by filing a written objection with the court not 6480  
later than thirty days prior to the hearing. The prosecutor or 6481  
victim or victim's representative, if applicable, shall specify 6482  
in the objection the reasons for believing a denial of the 6483  
sealing of the applicant's record of conviction or dismissed 6484  
complaint, indictment, or information is justified. 6485

(C) At the hearing held under division (B) of this 6486  
section, the court shall do each of the following: 6487

(1) Determine whether either of following applies: 6488

(a) The applicant's record of conviction is eligible for 6489  
sealing under division (A) (1) of this section and whether the 6490  
application was made at the time specified in division (A) (1) of 6491  
this section that is applicable with respect to the application 6492  
of the subject offense; 6493

(b) The applicant's dismissed complaint, indictment, or 6494  
information is eligible for sealing under division (A) (1) of 6495  
this section, whether the application was made at the time 6496  
specified in division (A) (1) of this section that is applicable 6497  
with respect to the application of the subject offense, and 6498  
whether the applicant's case was dismissed with prejudice or 6499  
without prejudice and, if it was dismissed without prejudice, 6500  
determine whether the relevant statute of limitations has 6501  
expired. 6502

(2) Determine whether criminal charges are pending against 6503  
the applicant; 6504

(3) If the prosecutor has filed an objection in accordance 6505  
with division (B) (3) of this section, consider the reasons 6506  
against granting the sealing order specified by the prosecutor 6507  
in the objection; 6508

(4) If the victim or victim's representative has filed an 6509  
objection in accordance with division (B) (3) of this section, 6510  
consider the reasons against granting the sealing order 6511  
specified by the victim or victim's representative in the 6512  
objection; 6513

(5) Weigh the interests of the applicant in having the 6514  
record of conviction or dismissed complaint, indictment, or 6515  
information sealed against the legitimate needs, if any, of the 6516  
government to maintain those records. 6517

(D) If the court, after complying with division (C) of 6518  
this section, finds that the applicant is pursuing sealing a 6519  
record of conviction or dismissed complaint, indictment, or 6520  
information that is eligible for sealing under division (A) (1) 6521  
of this section; that the application was made at the time 6522  
specified in division (A) (1) of this section; that no criminal 6523  
proceeding is pending against the applicant; that the interests 6524  
of the applicant in having the record of conviction or dismissed 6525  
complaint, indictment, or information sealed are not 6526  
substantially outweighed by any legitimate governmental needs to 6527  
maintain those records; and if the sealing relates to a 6528  
dismissed complaint, indictment, or information, that the 6529  
complaint, indictment, or information in the case was dismissed 6530  
with prejudice or that the complaint, indictment, or information 6531  
in the case was dismissed without prejudice and that the 6532  
relevant statute of limitations has expired, both of the 6533  
following apply: 6534

(1) The court, except as provided in division (D), (F), or 6535  
(G) of section 2953.34 of the Revised Code, shall order all 6536  
official records of the case that pertain to the record of 6537  
conviction or dismissed complaint, indictment, or information 6538  
sealed, except as provided in division (C) of section 2953.34 of 6539  
the Revised Code, and all index references to the case that 6540  
pertain to the record of conviction deleted. 6541

(2) The proceedings in the case that pertain to the record 6542  
of conviction or dismissed complaint, indictment, or information 6543  
shall be considered not to have occurred, and the record of 6544  
conviction or dismissed complaint, indictment, or information of 6545  
the person who is the subject of the proceedings shall be 6546  
sealed, except that upon conviction of a subsequent offense, a 6547  
sealed record of prior conviction may be considered by the court 6548  
in determining the sentence or other appropriate disposition, 6549  
including the relief provided for in sections 2953.31, 2953.32, 6550  
and 2953.34 of the Revised Code. 6551

(E) Upon the filing of an application under this section, 6552  
the applicant, unless the applicant presents a poverty affidavit 6553  
showing that the applicant is indigent, shall pay an application 6554  
fee of fifty dollars and may pay a local court fee of not more 6555  
than fifty dollars. If the applicant pays a fee, the court shall 6556  
pay three-fifths of the fee collected into the state treasury, 6557  
with half of that amount credited to the attorney general 6558  
reimbursement fund created by section 109.11 of the Revised 6559  
Code. If the applicant pays a fee, the court shall pay two- 6560  
fifths of the fee collected into the county general revenue fund 6561  
if the sealed conviction or dismissed complaint, indictment, or 6562  
information was pursuant to a state statute, or into the general 6563  
revenue fund of the municipal corporation involved if the sealed 6564  
conviction or dismissed complaint, indictment, or information 6565

was pursuant to a municipal ordinance.

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(F) The state criminal sentencing commission shall  
prescribe and make available an application form that is to be  
used under this section by a person who applies to seal a record  
of conviction or a dismissed complaint, indictment, or  
information. The application form shall be one page and shall be  
designed to enable applicants to provide the information that is  
required to seal a record of conviction or a dismissed  
complaint, indictment, or information.

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

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(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 expungement of  
the record of the case that pertains to the charge. Except as  
provided in section 2953.61 of the Revised Code, an application  
for expungement under this section may be made at the expiration  
of seven years after the offender's final discharge.

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(B) Upon the filing of an application under this section,  
the court shall set a date for a hearing and shall notify the  
prosecutor for the case of the hearing on the application not  
less than sixty days prior to the hearing. Pursuant to the Ohio

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Constitution, the prosecutor shall provide timely notice of the  
application and the date and time of the hearing to a victim and  
victim's representative, if applicable, if the victim or  
victim's representative requested notice of the proceedings in  
the underlying case. The court shall hold the hearing not less  
than forty-five days and not more than ninety days after the  
date of the filing of the application. The prosecutor may object  
to the granting of the application by filing a written objection  
with the court not later than thirty days prior to the date set  
for the hearing. The prosecutor shall specify in the objection  
the reasons for believing a denial of 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. 6628

(C) (1) At the hearing held under division (B) of this 6629  
section, the court shall do each of the following: 6630

(a) Determine whether the applicant is pursuing expunging 6631  
a conviction of an offense that is prohibited under section 6632  
2953.311 of the Revised Code or whether the forfeiture of bail 6633  
was agreed to by the applicant and the prosecutor in the case, 6634  
and determine whether the application was made at the time 6635  
specified in division (A) (1) or (2) of this section that is 6636  
applicable with respect to the application and the subject 6637  
offense; 6638

(b) Determine whether criminal proceedings are pending 6639  
against the applicant; 6640

(c) Determine whether the applicant has been rehabilitated 6641  
to the satisfaction of the court; 6642

(d) If the prosecutor has filed an objection in accordance 6643  
with division (B) of this section, consider the reasons against 6644  
granting the application specified by the prosecutor in the 6645  
objection; 6646

(e) If the victim objected, pursuant to the Ohio 6647  
Constitution, consider the reasons against granting the 6648  
application specified by the victim in the objection; 6649

(f) Weigh the interests of the applicant in having the 6650  
records pertaining to the applicant's conviction or bail 6651  
forfeiture expunged against the legitimate needs, if any, of the 6652  
government to maintain those records; 6653

(g) Consider the oral or written statement of any victim, 6654  
victim's representative, and victim's attorney, if applicable; 6655



(h) If the applicant was an eligible offender of the type 6656  
described in division (A) (3) of section 2953.36 of the Revised 6657  
Code as it existed prior to April 4, 2023, determine whether the 6658  
offender has been rehabilitated to a satisfactory degree. In 6659  
making the determination, the court may consider all of the 6660  
following: 6661

(i) The age of the offender; 6662  
(ii) The facts and circumstances of the offense; 6663  
(iii) The cessation or continuation of criminal behavior; 6664  
(iv) The education and employment of the offender; 6665  
(v) Any other circumstances that may relate to the 6666  
offender's rehabilitation. 6667

(i) If the court is required to determine whether an 6668  
applicant for expungement has two or three convictions that 6669  
result from the same indictment, information, or complaint, from 6670  
the same plea of guilty, or from the same official proceeding, 6671  
and result from related criminal acts that were committed within 6672  
a three-month period but do not result from the same act or from 6673  
offenses committed at the same time, in making its 6674  
determination, the court initially shall determine whether it is 6675  
not in the public interest for the two or three convictions to 6676  
be counted as one conviction. If the court determines that it is 6677  
not in the public interest for the two or three convictions to 6678  
be counted as one conviction, the court shall determine whether, 6679  
when counting the convictions individually, the applicant is 6680  
pursuing expunging a conviction that is prohibited under section 6681  
2953.311 of the Revised Code. 6682

(2) If the court determines, after complying with division 6683  
(C) (1) of this section, that the offender is not pursuing 6684

expunging a conviction of an offense that is prohibited under 6685  
section 2953.311 of the Revised Code or that the forfeiture of 6686  
bail was agreed to by the applicant and the prosecutor in the 6687  
case, that the application was made at the time specified in 6688  
division (A) (1) or (2) of this section that is applicable with 6689  
respect to the application and the subject offense, that no 6690  
criminal proceeding is pending against the applicant, that the 6691  
interests of the applicant in having the records pertaining to 6692  
the applicant's conviction or bail forfeiture expunged are not 6693  
outweighed by any legitimate governmental needs to maintain 6694  
those records, and that the rehabilitation of the applicant has 6695  
been attained to the satisfaction of the court, both of the 6696  
following apply: 6697

(a) The court, except as provided in division (C) (4) of 6698  
this section or division (D), (F), or (G) of section 2953.34 of 6699  
the Revised Code, shall order all official records of the case 6700  
that pertain to the conviction or bail forfeiture expunged and, 6701  
except as provided in division (C) of section 2953.34 of the 6702  
Revised Code, all index references to the case that pertain to 6703  
the conviction or bail forfeiture deleted and, in the case of 6704  
bail forfeitures, shall dismiss the charges in the case. 6705

(b) The proceedings in the case that pertain to the 6706  
conviction or bail forfeiture shall be considered not to have 6707  
occurred, and the conviction or bail forfeiture of the person 6708  
who is the subject of the proceedings shall be expunged. 6709

(3) An applicant may request the expungement of the 6710  
records of more than one case in a single application under this 6711  
section. Upon the filing of an application under this section, 6712  
the applicant, unless the applicant presents a poverty affidavit 6713  
showing that the applicant is indigent, shall pay an application 6714

fee of fifty dollars and may pay a local court fee of not more 6715  
than fifty dollars, regardless of the number of records the 6716  
application requests to have expunged. If the applicant pays a 6717  
fee, the court shall pay three-fifths of the fee collected into 6718  
the state treasury, with half of that amount credited to the 6719  
attorney general reimbursement fund created by section 109.11 of 6720  
the Revised Code. If the applicant pays a fee, the court shall 6721  
pay two-fifths of the fee collected into the county general 6722  
revenue fund if the expunged conviction or bail forfeiture was 6723  
pursuant to a state statute, or into the general revenue fund of 6724  
the municipal corporation involved if the expunged conviction or 6725  
bail forfeiture was pursuant to a municipal ordinance. 6726

(4) If the court orders the official records pertaining to 6727  
the case expunged, the court shall do one of the following: 6728

(a) If the applicant was fingerprinted at the time of 6729  
arrest or under section 109.60 of the Revised Code and the 6730  
record of the applicant's fingerprints was provided to the court 6731  
under division (B) of this section, forward a copy of the 6732  
expungement order and the record of the applicant's fingerprints 6733  
to the bureau of criminal identification and investigation; 6734

(b) If the applicant was not fingerprinted at the time of 6735  
arrest or under section 109.60 of the Revised Code, or the 6736  
record of the applicant's fingerprints was not provided to the 6737  
court under division (B) of this section, but fingerprinting was 6738  
required for the offense, order the applicant to appear before a 6739  
sheriff to have the applicant's fingerprints taken according to 6740  
the fingerprint system of identification on the forms furnished 6741  
by the superintendent of the bureau of criminal identification 6742  
and investigation. The sheriff shall forward the applicant's 6743  
fingerprints to the court. The court shall forward the 6744

applicant's fingerprints and a copy of the expungement order to 6745  
the bureau of criminal identification and investigation. 6746

(c) Failure of the court to order fingerprints at the time 6747  
of expungement does not constitute a reversible error. 6748

**Sec. 2953.323.** (A) (1) At the expiration of ten years after 6749  
the time specified in division (A) (1) of section 2953.322 of the 6750  
Revised Code at which a person may file an application for 6751  
expunging a record of conviction or at the expiration of ten 6752  
years after a person's complaint, indictment, or information has 6753  
been dismissed, an eligible record of conviction or dismissed 6754  
complaint, indictment, or information may be expunged. A record 6755  
of conviction is eligible to be expunged unless the conviction 6756  
is listed in section 2953.311 of the Revised Code or the 6757  
conviction was committed prior to the effective date of this 6758  
section and a dismissed complaint, indictment, or information is 6759  
eligible for expungement unless the offense is listed in 6760  
division (C) (1) of section 2953.33 of the Revised Code or the 6761  
complaint, indictment, or information was dismissed prior to the 6762  
effective date of this section. 6763

(2) At the expiration of the time frames described in 6764  
division (A) (1) of this section, all of the following shall 6765  
occur: 6766

(a) The sentencing court shall order its regular probation 6767  
officer, a state probation officer, or the department of 6768  
probation of the county to determine whether a record of 6769  
conviction or dismissed complaint, indictment, or information is 6770  
eligible for expungement. If the court's regular probation 6771  
officer, a state probation officer, or the department of 6772  
probation of the county determines that a person's record of 6773  
conviction or dismissed complaint, indictment, or information is 6774

eligible for expungement, then the person's record of conviction 6775  
or dismissed complaint, indictment, or information is presumed 6776  
to be eligible for expungement. 6777

(b) Subject to division (A) (2) (c) of this section, 6778  
starting on July 1, 2026, if the court's regular probation 6779  
officer, a state probation officer, or the department of 6780  
probation of the county determines that a record of conviction 6781  
or dismissed complaint, indictment, or information is eligible 6782  
for expungement, not more than two weeks after the determination 6783  
is made the sentencing court shall send a one-page letter to the 6784  
prosecutor, the subject of the proceedings, and the victim or 6785  
the victim's representative, if applicable, if the victim or 6786  
victim's representative requested notice of the proceedings in 6787  
the underlying case. The letter shall state that the subject of 6788  
the proceeding's record of conviction or dismissed complaint, 6789  
indictment, or information is presumed to be eligible for 6790  
expungement pursuant to division (A) (2) (a) of this section. When 6791  
the sentencing court sends the letter to the subject of the 6792  
proceedings, the sentencing court shall also send the following 6793  
accompanying documents to the subject of the proceedings: 6794

(i) A one-page application on a form prescribed in 6795  
division (F) of this section for expunging a record of 6796  
conviction or dismissed complaint, indictment, or information; 6797

(ii) A one-page poverty affidavit, and a notice that an 6798  
applicant shall pay an application fee of fifty dollars and may 6799  
pay a local court fee of not more than fifty dollars, unless the 6800  
applicant presents the poverty affidavit showing the applicant 6801  
is indigent pursuant to division (E) of this section. 6802

(c) The letter and the accompanying documents described in 6803  
division (A) (2) (b) of this section shall not be sent by the 6804

sentencing court if either of the following apply:

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(i) After the applicant was convicted of the subject offense or after the complaint, indictment, or information was dismissed, the applicant has been convicted of any other felony.

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(ii) At any time, the applicant has been convicted of any felony described in section 2953.311 of the Revised Code.

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(3) Regardless of whether a person received the letter and accompanying documents described in division (A) (2) of this section, and except as provided in section 2953.61 of the Revised Code, at the expiration of the time frames described in division (A) (1) of this section, a person may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the expungement of an eligible record of conviction or dismissed complaint, indictment, or information.

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

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(2) The court shall hold the hearing not less than forty- 6834  
five days and not more than ninety days after the date of the 6835  
filing of the application. 6836

(3) The prosecutor or victim or victim's representative, 6837  
if applicable, may object to the granting of the application to 6838  
expunge the record of conviction or dismissed complaint, 6839  
indictment, or information by filing a written objection with 6840  
the court not later than thirty days prior to the hearing. The 6841  
prosecutor or victim or victim's representative, if applicable, 6842  
shall specify in the objection the reasons for believing a 6843  
denial of the application for expunging the record of conviction 6844  
or dismissed complaint, indictment, or information is justified. 6845

(C) At the hearing held under division (B) of this 6846  
section, the court shall do each of the following: 6847

(1) Determine whether either of following applies: 6848

(a) The applicant's record of conviction is eligible for 6849  
expungement under division (A) (1) of this section and whether 6850  
the application was made at the time specified in division (A) 6851  
(1) of this section that is applicable with respect to the 6852  
application of the subject offense; 6853

(b) The applicant's dismissed complaint, indictment, or 6854  
information is eligible for expungement under division (A) (1) of 6855  
this section, whether the application was made at the time 6856  
specified in division (A) (1) of this section that is applicable 6857  
with respect to the application of the subject offense, and 6858  
whether the applicant's case was dismissed with prejudice or 6859  
without prejudice and, if it was dismissed without prejudice, 6860  
determine whether the relevant statute of limitations has 6861  
expired. 6862

(2) Determine whether criminal charges are pending against 6863  
the applicant; 6864

(3) If the prosecutor has filed an objection in accordance 6865  
with division (B) (3) of this section, consider the reasons 6866  
against granting the expungement order specified by the 6867  
prosecutor in the objection; 6868

(4) If the victim or victim's representative has filed an 6869  
objection in accordance with division (B) (3) of this section, 6870  
consider the reasons against granting the expungement order 6871  
specified by the victim or victim's representative in the 6872  
objection; 6873

(5) Weigh the interests of the applicant in having the 6874  
record of conviction or dismissed complaint, indictment, or 6875  
information expunged against the legitimate needs, if any, of 6876  
the government to maintain those records. 6877

(D) If the court, after complying with division (C) of 6878  
this section, finds that the applicant is pursuing expunging a 6879  
record of conviction or dismissed complaint, indictment, or 6880  
information that is eligible for expungement under division (A) 6881  
(1) of this section; that the application was made at the time 6882  
specified in division (A) (1) of this section; that no criminal 6883  
proceeding is pending against the applicant; that the interests 6884  
of the applicant in having the record of conviction or dismissed 6885  
complaint, indictment, or information expunged are not 6886  
substantially outweighed by any legitimate governmental needs to 6887  
maintain those records; and if the expungement relates to a 6888  
dismissed complaint, indictment, or information, that the 6889  
complaint, indictment, or information in the case was dismissed 6890  
with prejudice or that the complaint, indictment, or information 6891  
in the case was dismissed without prejudice and that the 6892



relevant statute of limitations has expired, both of the 6893  
following apply: 6894

(1) The court, except as provided in division (D), (F), or 6895  
(G) of section 2953.34 of the Revised Code, shall order all 6896  
official records of the case that pertain to the record of 6897  
conviction or dismissed complaint, indictment, or information 6898  
expunged, except as provided in division (C) of section 2953.34 6899  
of the Revised Code, and all index references to the case that 6900  
pertain to the conviction deleted. 6901

(2) The proceedings in the case that pertain to the record 6902  
of conviction or dismissed complaint, indictment, or information 6903  
shall be considered not to have occurred and the record of 6904  
conviction or dismissed complaint, indictment, or information of 6905  
the person who is the subject of the proceedings shall be 6906  
expunged. 6907

(E) Upon the filing of an application under this section, 6908  
the applicant, unless the applicant presents a poverty affidavit 6909  
showing that the applicant is indigent, shall pay an application 6910  
fee of fifty dollars and may pay a local court fee of not more 6911  
than fifty dollars. If the applicant pays a fee, the court shall 6912  
pay three-fifths of the fee collected into the state treasury, 6913  
with half of that amount credited to the attorney general 6914  
reimbursement fund created by section 109.11 of the Revised 6915  
Code. If the applicant pays a fee, the court shall pay two- 6916  
fifths of the fee collected into the county general revenue fund 6917  
if the expunged conviction or dismissed complaint, indictment, 6918  
or information was pursuant to a state statute, or into the 6919  
general revenue fund of the municipal corporation involved if 6920  
the expunged conviction or dismissed complaint, indictment, or 6921  
information was pursuant to a municipal ordinance. 6922

(F) The state criminal sentencing commission shall 6923  
prescribe and make available an application form that is to be 6924  
used under this section by a person who applies to expunge a 6925  
record of conviction or a dismissed complaint, indictment, or 6926  
information. The application form shall be one page and shall be 6927  
designed to enable applicants to provide the information that is 6928  
required to expunge a record of conviction or a dismissed 6929  
complaint, indictment, or information. 6930

**Sec. 2953.34.** (A) Inspection of the sealed records 6931  
included in a sealing order may be made only by the following 6932  
persons or for the following purposes: 6933

(1) By a law enforcement officer or prosecutor, or the 6934  
assistants of either, to determine whether the nature and 6935  
character of the offense with which a person is to be charged 6936  
would be affected by virtue of the person's previously having 6937  
been convicted of a crime; 6938

(2) By the parole or probation officer of the person who 6939  
is the subject of the records, for the exclusive use of the 6940  
officer in supervising the person while on parole or under a 6941  
community control sanction or a post-release control sanction, 6942  
and in making inquiries and written reports as requested by the 6943  
court or adult parole authority; 6944

(3) Upon application by the person who is the subject of 6945  
the records or a legal representative of that person, by the 6946  
persons named in the application; 6947

(4) By a law enforcement officer who was involved in the 6948  
case, for use in the officer's defense of a civil action arising 6949  
out of the officer's involvement in that case; 6950

(5) By a prosecuting attorney or the prosecuting 6951

attorney's assistants, to determine a defendant's eligibility to 6952  
enter a pre-trial diversion program established pursuant to 6953  
section 2935.36 of the Revised Code; 6954

(6) By any law enforcement agency or any authorized 6955  
employee of a law enforcement agency or by the department of 6956  
rehabilitation and correction or department of youth services as 6957  
part of a background investigation of a person who applies for 6958  
employment with the agency or with the department; 6959

(7) By any law enforcement agency or any authorized 6960  
employee of a law enforcement agency, for the purposes set forth 6961  
in, and in the manner provided in, division (I) of section 6962  
2953.34 of the Revised Code; 6963

(8) By the bureau of criminal identification and 6964  
investigation or any authorized employee of the bureau for the 6965  
purpose of providing information to a board or person pursuant 6966  
to division (F) or (G) of section 109.57 of the Revised Code; 6967

(9) By the bureau of criminal identification and 6968  
investigation or any authorized employee of the bureau for the 6969  
purpose of performing a criminal history records check on a 6970  
person to whom a certificate as prescribed in section 109.77 of 6971  
the Revised Code is to be awarded; 6972

(10) By the bureau of criminal identification and 6973  
investigation or any authorized employee of the bureau for the 6974  
purpose of conducting a criminal records check of an individual 6975  
pursuant to division (B) of section 109.572 of the Revised Code 6976  
that was requested pursuant to any of the sections identified in 6977  
division (B)(1) of that section; 6978

(11) By the bureau of criminal identification and 6979  
investigation, an authorized employee of the bureau, a sheriff, 6980

or an authorized employee of a sheriff in connection with a 6981  
criminal records check described in section 311.41 of the 6982  
Revised Code; 6983

(12) By the attorney general or an authorized employee of 6984  
the attorney general or a court for purposes of determining a 6985  
person's classification pursuant to Chapter 2950. of the Revised 6986  
Code; 6987

(13) By a court, the registrar of motor vehicles, a 6988  
prosecuting attorney or the prosecuting attorney's assistants, 6989  
or a law enforcement officer for the purpose of assessing points 6990  
against a person under section 4510.036 of the Revised Code or 6991  
for taking action with regard to points assessed. 6992

When the nature and character of the offense with which a 6993  
person is to be charged would be affected by the information, it 6994  
may be used for the purpose of charging the person with an 6995  
offense. 6996

(B) In any criminal proceeding, proof of any otherwise 6997  
admissible prior conviction may be introduced and proved, 6998  
notwithstanding the fact that for any such prior conviction an 6999  
order of sealing or expungement previously was issued pursuant 7000  
to sections 2953.31 to 2953.34 of the Revised Code. 7001

(C) The person or governmental agency, office, or 7002  
department that maintains sealed records pertaining to 7003  
convictions or bail forfeitures that have been sealed pursuant 7004  
to section 2953.32 or 2953.321 of the Revised Code may maintain 7005  
a manual or computerized index to the sealed records. The index 7006  
shall contain only the name of, and alphanumeric identifiers 7007  
that relate to, the persons who are the subject of the sealed 7008  
records, the word "sealed," and the name of the person, agency, 7009

office, or department that has custody of the sealed records, 7010  
and shall not contain the name of the crime committed. The index 7011  
shall be made available by the person who has custody of the 7012  
sealed records only for the purposes set forth in divisions (A), 7013  
(B), and (D) of this section. 7014

(D) Notwithstanding any provision of this section or 7015  
section 2953.32-, 2953.321, 2953.322, or 2953.323 of the Revised 7016  
Code that requires otherwise, a board of education of a city, 7017  
local, exempted village, or joint vocational school district 7018  
that maintains records of an individual who has been permanently 7019  
excluded under sections 3301.121 and 3313.662 of the Revised 7020  
Code is permitted to maintain records regarding a conviction 7021  
that was used as the basis for the individual's permanent 7022  
exclusion, regardless of a court order to seal or expunge the 7023  
record. An order issued under section 2953.32-, 2953.321, 7024  
2953.322, or 2953.323 of the Revised Code to seal or expunge the 7025  
record of a conviction does not revoke the adjudication order of 7026  
the director of education and workforce to permanently exclude 7027  
the individual who is the subject of the sealing or expungement 7028  
order. An order issued under section 2953.32-, 2953.321, 7029  
2953.322, or 2953.323 of the Revised Code to seal or expunge the 7030  
record of a conviction of an individual may be presented to a 7031  
district superintendent as evidence to support the contention 7032  
that the superintendent should recommend that the permanent 7033  
exclusion of the individual who is the subject of the sealing or 7034  
expungement order be revoked. Except as otherwise authorized by 7035  
this division and sections 3301.121 and 3313.662 of the Revised 7036  
Code, any school employee in possession of or having access to 7037  
the sealed or expunged conviction records of an individual that 7038  
were the basis of a permanent exclusion of the individual is 7039  
subject to division (J) of this section. 7040

(E) Notwithstanding any provision of this section or 7041  
section 2953.32, 2953.321, 2953.322, or 2953.323 of the Revised 7042  
Code that requires otherwise, if the auditor of state or a 7043  
prosecutor maintains records, reports, or audits of an 7044  
individual who has been forever disqualified from holding public 7045  
office, employment, or a position of trust in this state under 7046  
sections 2921.41 and 2921.43 of the Revised Code, or has 7047  
otherwise been convicted of an offense based upon the records, 7048  
reports, or audits of the auditor of state, the auditor of state 7049  
or prosecutor is permitted to maintain those records to the 7050  
extent they were used as the basis for the individual's 7051  
disqualification or conviction, and shall not be compelled by 7052  
court order to seal or expunge those records. 7053

(F) For purposes of sections 2953.31 and 2953.34 of the 7054  
Revised Code, DNA records collected in the DNA database and 7055  
fingerprints filed for record by the superintendent of the 7056  
bureau of criminal identification and investigation shall not be 7057  
sealed or expunged unless the superintendent receives a 7058  
certified copy of a final court order establishing that the 7059  
offender's conviction has been overturned. For purposes of this 7060  
section, a court order is not "final" if time remains for an 7061  
appeal or application for discretionary review with respect to 7062  
the order. 7063

(G) (1) The court shall send notice of any order to seal or 7064  
expunge official records issued pursuant to section 2953.32-, 7065  
2953.321, 2953.322, or 2953.323 of the Revised Code to the 7066  
bureau of criminal identification and investigation and to any 7067  
public office or agency that the court knows or has reason to 7068  
believe may have any record of the case, whether or not it is an 7069  
official record, that is the subject of the order. 7070

(2) The sealing of a record under section 2953.32 or 2953.321 of the Revised Code does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

(H) (1) The court shall send notice of any order to seal or expunge official records issued pursuant to division (B) (3) of section 2953.33 of the Revised Code or any order to seal or expunge official records of a dismissed complaint, indictment, or information pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of ~~that~~ section 2953.33 of the Revised Code or any order issued pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed or expunged pursuant to an order issued pursuant to section 2953.33 of the Revised Code or a person whose official records of a dismissed complaint, indictment, or information have been sealed or expunged pursuant to an order issued pursuant to division (D) of section 2953.321 or division (D) of section 2953.323 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code or an order to

seal or expunge official records of a dismissed complaint, 7101  
indictment, or information issued pursuant to division (D) of 7102  
section 2953.321 or division (D) of section 2953.323 of the 7103  
Revised Code applies to every public office or agency that has a 7104  
record of the case that is the subject of the order, regardless 7105  
of whether it receives notice of the hearing on the application 7106  
for the order to seal or expunge the official records or 7107  
receives a copy of the order to seal the official records 7108  
pursuant to division (H) (1) or (2) of this section. 7109

(4) Upon receiving a copy of an order to seal or expunge 7110  
official records pursuant to division (H) (1) or (2) of this 7111  
section or upon otherwise becoming aware of an applicable order 7112  
to seal or expunge official records issued pursuant to section 7113  
2953.33 of the Revised Code or an applicable order to seal or 7114  
expunge official records of a dismissed complaint, indictment, 7115  
or information issued pursuant to division (D) of section 7116  
2953.321 or division (D) of section 2953.323 of the Revised 7117  
Code, a public office or agency shall comply with the order and, 7118  
if applicable, with division (K) of this section, except that if 7119  
the order is a sealing order, the office or agency may maintain 7120  
a record of the case that is the subject of the order if the 7121  
record is maintained for the purpose of compiling statistical 7122  
data only and does not contain any reference to the person who 7123  
is the subject of the case and the order. 7124

(5) A public office or agency to which division (H) (4) of 7125  
this section applies also may maintain an index of sealed 7126  
official records that are the subject of a sealing order, in a 7127  
form similar to that for sealed records of conviction as set 7128  
forth in division (C) of this section, access to which may not 7129  
be afforded to any person other than the person who has custody 7130  
of the sealed official records. The sealed official records to 7131



which such an index pertains shall not be available to any 7132  
person, except that the official records of a case that have 7133  
been sealed may be made available to the following persons for 7134  
the following purposes: 7135

(a) To the person who is the subject of the records upon 7136  
written application, and to any other person named in the 7137  
application, for any purpose; 7138

(b) To a law enforcement officer who was involved in the 7139  
case, for use in the officer's defense of a civil action arising 7140  
out of the officer's involvement in that case; 7141

(c) To a prosecuting attorney or the prosecuting 7142  
attorney's assistants to determine a defendant's eligibility to 7143  
enter a pre-trial diversion program established pursuant to 7144  
section 2935.36 of the Revised Code; 7145

(d) To a prosecuting attorney or the prosecuting 7146  
attorney's assistants to determine a defendant's eligibility to 7147  
enter a pre-trial diversion program under division (E) (2) (b) of 7148  
section 4301.69 of the Revised Code. 7149

(I) (1) Upon the issuance of an order by a court pursuant 7150  
to division ~~(D) (2)~~ (C) (2) of section 2953.32—, division (D) of 7151  
section 2953.321, division (C) (2) of section 2953.322, or 7152  
division (D) of section 2953.323 of the Revised Code directing 7153  
that all official records of a case pertaining to a conviction 7154  
or bail forfeiture be sealed or expunged or an order by a court 7155  
pursuant to division (E) of section 2151.358, division (C) (2) of 7156  
section 2953.35, or division (E) of section 2953.36 of the 7157  
Revised Code directing that all official records of a case 7158  
pertaining to a conviction or delinquent child adjudication be 7159  
expunged: 7160

(a) Every law enforcement officer who possesses 7161  
investigatory work product immediately shall deliver that work 7162  
product to the law enforcement officer's employing law 7163  
enforcement agency. 7164

(b) Except as provided in divisions (I)(1)(c) and (d) of 7165  
this section, every law enforcement agency that possesses 7166  
investigatory work product shall close that work product to all 7167  
persons who are not directly employed by the law enforcement 7168  
agency and shall treat that work product, in relation to all 7169  
persons other than those who are directly employed by the law 7170  
enforcement agency, as if it did not exist and never had 7171  
existed. 7172

(c) A law enforcement agency that possesses investigatory 7173  
work product may permit another law enforcement agency to use 7174  
that work product in the investigation of another offense if the 7175  
facts incident to the offense being investigated by the other 7176  
law enforcement agency and the facts incident to an offense that 7177  
is the subject of the case are reasonably similar. The agency 7178  
that permits the use of investigatory work product may provide 7179  
the other agency with the name of the person who is the subject 7180  
of the case if it believes that the name of the person is 7181  
necessary to the conduct of the investigation by the other 7182  
agency. 7183

(d) The auditor of state may provide to or discuss with 7184  
other parties investigatory work product maintained pursuant to 7185  
Chapter 117. of the Revised Code by the auditor of state. 7186

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 7187  
of this section, no law enforcement officer or other person 7188  
employed by a law enforcement agency shall knowingly release, 7189  
disseminate, or otherwise make the investigatory work product or 7190

any information contained in that work product available to, or 7191  
discuss any information contained in it with, any person not 7192  
employed by the employing law enforcement agency. 7193

(b) No law enforcement agency, or person employed by a law 7194  
enforcement agency, that receives investigatory work product 7195  
pursuant to divisions (I) (1) (c) and (d) of this section shall 7196  
use that work product for any purpose other than the 7197  
investigation of the offense for which it was obtained from the 7198  
other law enforcement agency, or disclose the name of the person 7199  
who is the subject of the work product except when necessary for 7200  
the conduct of the investigation of the offense, or the 7201  
prosecution of the person for committing the offense, for which 7202  
it was obtained from the other law enforcement agency. 7203

(3) Whoever violates division (I) (2) (a) or (b) of this 7204  
section is guilty of divulging confidential investigatory work 7205  
product, a misdemeanor of the fourth degree. 7206

(J) (1) Except as authorized by divisions (A) to (C) of 7207  
this section or by Chapter 2950. of the Revised Code and subject 7208  
to ~~division~~ divisions (J) (2) and (3) of this section, any 7209  
officer or employee of the state, or a political subdivision of 7210  
the state, who releases or otherwise disseminates or makes 7211  
available for any purpose involving employment, bonding, or 7212  
licensing in connection with any business, trade, or profession 7213  
to any person, or to any department, agency, or other 7214  
instrumentality of the state, or any political subdivision of 7215  
the state, any information or other data concerning any law 7216  
enforcement or justice system matter the records with respect to 7217  
which the officer or employee had knowledge of were sealed by an 7218  
existing order issued pursuant to section 2953.32 or 2953.321 of 7219  
the Revised Code, division (E) of section 2151.358, section 7220

2953.35, or section 2953.36 of the Revised Code, or were 7221  
expunged by an order issued pursuant to section 2953.42 of the 7222  
Revised Code as it existed prior to June 29, 1988, is guilty of 7223  
divulging confidential information, a misdemeanor of the fourth 7224  
degree. 7225

(2) Division (J)(1) of this section does not apply to an 7226  
officer or employee of the state, or a political subdivision of 7227  
the state, who releases or otherwise disseminates or makes 7228  
available for any purpose specified in that division any 7229  
information or other data concerning a law enforcement or 7230  
justice system matter the records of which the officer had 7231  
knowledge were sealed or expunged by an order of a type 7232  
described in that division, if all of the following apply: 7233

(a) The officer or employee released, disseminated, or 7234  
made available the information or data from the sealed or 7235  
expunged records together with information or data concerning 7236  
another law enforcement or justice system matter. 7237

(b) The records of the other law enforcement or justice 7238  
system matter were not sealed or expunged by any order of a type 7239  
described in division (J)(1) of this section. 7240

(c) The law enforcement or justice system matter covered 7241  
by the information or data from the sealed or expunged records 7242  
and the other law enforcement or justice system matter covered 7243  
by the information or data from the records that were not sealed 7244  
or expunged resulted from or were connected to the same act. 7245

(d) The officer or employee made a good faith effort to 7246  
not release, disseminate, or make available any information or 7247  
other data concerning any law enforcement or justice system 7248  
matter from the sealed or expunged records, and the officer or 7249

employee did not release, disseminate, or make available the 7250  
information or other data from the sealed or expunged records 7251  
with malicious purpose, in bad faith, or in a wanton or reckless 7252  
manner. 7253

(3) Division (J)(1) of this section does not apply to an 7254  
officer or employee of the state, or a political subdivision of 7255  
the state, who releases or otherwise disseminates or makes 7256  
available for any purpose specified in that division any 7257  
information or other data concerning a law enforcement or 7258  
justice system matter the records of which the officer had 7259  
knowledge were sealed or expunged by an order of a type 7260  
described in that division, if the records are released or 7261  
disseminated or access is provided pursuant to an application by 7262  
the person who is the subject of the information or data or by a 7263  
legal representative of that person. 7264

(4) Any person who, in violation of this section, uses, 7265  
disseminates, or otherwise makes available any index prepared 7266  
pursuant to division (C) of this section is guilty of a 7267  
misdemeanor of the fourth degree. 7268

(K)(1) Except as otherwise provided in Chapter 2950. of 7269  
the Revised Code, upon the issuance of an order by a court under 7270  
division (B) of section 2953.33 of the Revised Code or upon 7271  
issuance of an order to seal or expunge official records of a 7272  
dismissed complaint, indictment, or information by a court under 7273  
division (D) of section 2953.321 or division (D) of section 7274  
2953.323 of the Revised Code directing that all official records 7275  
pertaining to a case be sealed or expunged and that the 7276  
proceedings in the case be deemed not to have occurred: 7277

(a) Every law enforcement officer possessing records or 7278  
reports pertaining to the case that are the officer's specific 7279

investigatory work product and that are excepted from the 7280  
definition of official records shall immediately deliver the 7281  
records and reports to the officer's employing law enforcement 7282  
agency. Except as provided in division (K)(1)(c) or (d) of this 7283  
section, no such officer shall knowingly release, disseminate, 7284  
or otherwise make the records and reports or any information 7285  
contained in them available to, or discuss any information 7286  
contained in them with, any person not employed by the officer's 7287  
employing law enforcement agency. 7288

(b) Every law enforcement agency that possesses records or 7289  
reports pertaining to the case that are its specific 7290  
investigatory work product and that are excepted from the 7291  
definition of official records, or that are the specific 7292  
investigatory work product of a law enforcement officer it 7293  
employs and that were delivered to it under division (K)(1)(a) 7294  
of this section shall, except as provided in division (K)(1)(c) 7295  
or (d) of this section, close the records and reports to all 7296  
persons who are not directly employed by the law enforcement 7297  
agency and shall, except as provided in division (K)(1)(c) or 7298  
(d) of this section, treat the records and reports, in relation 7299  
to all persons other than those who are directly employed by the 7300  
law enforcement agency, as if they did not exist and had never 7301  
existed. Except as provided in division (K)(1)(c) or (d) of this 7302  
section, no person who is employed by the law enforcement agency 7303  
shall knowingly release, disseminate, or otherwise make the 7304  
records and reports in the possession of the employing law 7305  
enforcement agency or any information contained in them 7306  
available to, or discuss any information contained in them with, 7307  
any person not employed by the employing law enforcement agency. 7308

(c) A law enforcement agency that possesses records or 7309  
reports pertaining to the case that are its specific 7310

investigatory work product and that are excepted from the 7311  
definition of official records, or that are the specific 7312  
investigatory work product of a law enforcement officer it 7313  
employs and that were delivered to it under division (K) (1) (a) 7314  
of this section may permit another law enforcement agency to use 7315  
the records or reports in the investigation of another offense, 7316  
if the facts incident to the offense being investigated by the 7317  
other law enforcement agency and the facts incident to an 7318  
offense that is the subject of the case are reasonably similar. 7319  
The agency that provides the records and reports may provide the 7320  
other agency with the name of the person who is the subject of 7321  
the case, if it believes that the name of the person is 7322  
necessary to the conduct of the investigation by the other 7323  
agency. 7324

No law enforcement agency, or person employed by a law 7325  
enforcement agency, that receives from another law enforcement 7326  
agency records or reports pertaining to a case the records of 7327  
which have been ordered sealed or expunged pursuant to division 7328  
(B) of section 2953.33 of the Revised Code or records of a 7329  
dismissed complaint, indictment, or information of which have 7330  
been ordered sealed or expunged pursuant to division (D) of 7331  
section 2953.321 or division (D) of section 2953.323 of the 7332  
Revised Code shall use the records and reports for any purpose 7333  
other than the investigation of the offense for which they were 7334  
obtained from the other law enforcement agency, or disclose the 7335  
name of the person who is the subject of the records or reports 7336  
except when necessary for the conduct of the investigation of 7337  
the offense, or the prosecution of the person for committing the 7338  
offense, for which they were obtained from the other law 7339  
enforcement agency. 7340

(d) The auditor of state may provide to or discuss with 7341

other parties records, reports, or audits maintained by the 7342  
auditor of state pursuant to Chapter 117. of the Revised Code 7343  
pertaining to the case that are the auditor of state's specific 7344  
investigatory work product and that are excepted from the 7345  
definition of "official records" contained in division (C) of 7346  
section 2953.31 of the Revised Code, or that are the specific 7347  
investigatory work product of a law enforcement officer the 7348  
auditor of state employs and that were delivered to the auditor 7349  
of state under division (K) (1) (a) of this section. 7350

(2) Whoever violates division (K) (1) of this section is 7351  
guilty of divulging confidential information, a misdemeanor of 7352  
the fourth degree. 7353

(L) (1) In any application for employment, license, or any 7354  
other right or privilege, any appearance as a witness, or any 7355  
other inquiry, a person may not be questioned with respect to 7356  
any record that has been sealed or expunged pursuant to section 7357  
2953.33 of the Revised Code or any record of a dismissed 7358  
complaint, indictment, or information that has been sealed or 7359  
expunged pursuant to division (D) of section 2953.321 or 7360  
division (D) of section 2953.323 of the Revised Code. If an 7361  
inquiry is made in violation of this division, the person whose 7362  
official record was sealed may respond as if the arrest 7363  
underlying the case to which the sealed official records pertain 7364  
and all other proceedings in that case did not occur, and the 7365  
person whose official record was sealed shall not be subject to 7366  
any adverse action because of the arrest, the proceedings, or 7367  
the person's response. 7368

(2) (a) Except as provided in division (L) (2) (b) of this 7369  
section, an officer or employee of the state or any of its 7370  
political subdivisions who knowingly releases, disseminates, or 7371



makes available for any purpose involving employment, bonding, 7372  
licensing, or education to any person or to any department, 7373  
agency, or other instrumentality of the state, or of any of its 7374  
political subdivisions, any information or other data concerning 7375  
any arrest, complaint, indictment, information, trial, 7376  
adjudication, or correctional supervision, knowing the records 7377  
of which have been sealed or expunged pursuant to section 7378  
2953.33 of the Revised Code or the records of a dismissed 7379  
complaint, indictment, or information of which have been sealed 7380  
or expunged pursuant to division (D) of section 2953.321 or 7381  
division (D) of section 2953.323 of the Revised Code, is guilty 7382  
of divulging confidential information, a misdemeanor of the 7383  
fourth degree. 7384

(b) Division (L)(2)(a) of this section does not apply to 7385  
any release, dissemination, or access to information or data if 7386  
the records are released or disseminated or access is provided 7387  
pursuant to an application by the person who is the subject of 7388  
the information or data or by a legal representative of that 7389  
person. 7390

(M) It is not a violation of division (I), (J), (K), or 7391  
(L) of this section for the bureau of criminal identification 7392  
and investigation or any authorized employee of the bureau 7393  
participating in the investigation of criminal activity to 7394  
release, disseminate, or otherwise make available to, or discuss 7395  
with, a person directly employed by a law enforcement agency DNA 7396  
records collected in the DNA database or fingerprints filed for 7397  
record by the superintendent of the bureau of criminal 7398  
identification and investigation. 7399

(N) (1) An order issued under section 2953.35 of the 7400  
Revised Code to expunge the record of a person's conviction or, 7401

except as provided in division (D) of this section, an order 7402  
issued under that section to seal the record of a person's 7403  
conviction restores the person who is the subject of the order 7404  
to all rights and privileges not otherwise restored by 7405  
termination of the sentence or community control sanction or by 7406  
final release on parole or post-release control. 7407

(2) (a) In any application for employment, license, or 7408  
other right or privilege, any appearance as a witness, or any 7409  
other inquiry, except as provided in division (B) of this 7410  
section and in section 3319.292 of the Revised Code and subject 7411  
to division (N) (2) (c) of this section, a person may be 7412  
questioned only with respect to convictions not sealed, bail 7413  
forfeitures not expunged under section 2953.42 of the Revised 7414  
Code as it existed prior to June 29, 1988, and bail forfeitures 7415  
not sealed, unless the question bears a direct and substantial 7416  
relationship to the position for which the person is being 7417  
considered. 7418

(b) In any application for a certificate of qualification 7419  
for employment under section 2953.25 of the Revised Code, a 7420  
person may be questioned only with respect to convictions not 7421  
sealed and bail forfeitures not sealed. 7422

(c) A person may not be questioned in any application, 7423  
appearance, or inquiry of a type described in division (N) (2) (a) 7424  
of this section with respect to any conviction expunged under 7425  
section 2953.35 of the Revised Code. 7426

(O) Nothing in section 2953.32, 2953.321, 2953.322, 7427  
2953.323, or 2953.34 of the Revised Code precludes an offender 7428  
from taking an appeal or seeking any relief from the offender's 7429  
conviction or from relying on it in lieu of any subsequent 7430  
prosecution for the same offense. 7431

Sec. 2953.39. (A) As used in this section: 7432

(1) "Applicant prosecutor" means the prosecutor who 7433  
applies under division (B)(1) of this section for the sealing or 7434  
expungement of the record of a case that pertains to a 7435  
conviction of a person of a low-level controlled substance 7436  
offense. 7437

(2) "Low-level controlled substance offense" means a 7438  
violation of any provision of Chapter 2925. of the Revised Code 7439  
that is a misdemeanor of the fourth degree or a minor 7440  
misdemeanor or a violation of an ordinance of a municipal 7441  
corporation that is substantially equivalent to a violation of 7442  
any provision of Chapter 2925. of the Revised Code and that, if 7443  
the violation were to be charged under the provision of Chapter 7444  
2925. of the Revised Code, would be a misdemeanor of the fourth 7445  
degree or a minor misdemeanor. 7446

(3) "Subject offender" means, regarding an application 7447  
filed under division (B)(1) of this section requesting the 7448  
sealing or expungement of the record of a case that pertains to 7449  
a conviction of a low-level controlled substance offense, the 7450  
person who was convicted of the low-level controlled substance 7451  
offense for which the application requests the sealing or 7452  
expungement. 7453

(B)(1) If a person is or was convicted of a low-level 7454  
controlled substance offense, the prosecutor in the case may 7455  
apply to the sentencing court for the sealing or expungement of 7456  
the record of the case that pertains to the conviction. The 7457  
prosecutor may file the application with respect to the offense 7458  
that is the subject of the application at any time after the 7459  
expiration, with respect to that offense and the subject 7460  
offender, of the corresponding period of time specified in 7461

division ~~(B) (1)~~ (A) (1) of section 2953.32 of the Revised Code for 7462  
sealing applications or division (A) (1) of section 2953.322 of 7463  
the Revised Code for expungement applications filed by an 7464  
offender under ~~that section~~ those sections. 7465

(2) An application under division (B) (1) of this section 7466  
may request an order to seal or expunge the record of conviction 7467  
for more than one low-level controlled substance offense, but if 7468  
it does, the court shall consider the request for each offense 7469  
separately as if a separate application had been made for each 7470  
offense and all references in divisions (B) to (F) of this 7471  
section to "the offense" or "that offense" mean each of those 7472  
offenses that are the subject of the application. 7473

(3) Upon the filing of an application under division (B) 7474  
(1) of this section, except as otherwise provided in this 7475  
division, the applicant prosecutor shall pay a fee of not more 7476  
than fifty dollars, including court fees, regardless of the 7477  
number of records the application requests to have sealed or 7478  
expunged. The court may direct the clerk of the court to waive 7479  
some or all of the fee that otherwise would be charged. If the 7480  
applicant pays a fee, the court shall pay three-fifths of the 7481  
fee collected into the state treasury, with half of that amount 7482  
credited to the attorney general reimbursement fund created 7483  
under section 109.11 of the Revised Code. If the applicant pays 7484  
a fee, the court shall pay two-fifths of the fee collected into 7485  
the county general revenue fund if the sealed or expunged 7486  
conviction was pursuant to a state statute, or into the general 7487  
revenue fund of the municipal corporation involved if the sealed 7488  
or expunged conviction was pursuant to a municipal ordinance. 7489

(C) An application filed under division (B) (1) of this 7490  
section shall do all of the following: 7491

(1) Identify the subject offender and the applicant 7492  
prosecutor, the offense for which the sealing or expungement is 7493  
sought, the date of the conviction of that offense, and the 7494  
court in which the conviction occurred; 7495

(2) Describe the evidence and provide copies of any 7496  
documentation showing that the subject offender is entitled to 7497  
relief under this section; 7498

(3) Include a request for sealing or expungement under 7499  
this section of the record of the case that pertains to the 7500  
conviction of that offense. 7501

(D) (1) Upon the filing of an application under division 7502  
(B) (1) of this section, the court shall set a date for a hearing 7503  
and shall notify the applicant prosecutor of the date, time, and 7504  
location of the hearing not later than sixty days prior to the 7505  
hearing. Upon receipt of the notice, the prosecutor shall do 7506  
both of the following: 7507

(a) Notify the subject offender of the application, the 7508  
date, time, and location of the hearing on the application, and 7509  
the offender's right to object to the granting of the 7510  
application. The notice shall be provided at the offender's last 7511  
known address or through another means of contact. 7512

(b) Provide timely notice to the victim of the offense, if 7513  
such a victim exists, or the victim's representative, of the 7514  
application, the date, time, and location of the hearing on the 7515  
application, and the victim's or representative's right to 7516  
object to the granting of the application. The victim, victim's 7517  
representative, and victim's attorney, if applicable, may be 7518  
present and heard orally, in writing, or both at any hearing 7519  
under this section. The notice shall be provided by any 7520

reasonable means reasonably calculated to provide prompt actual 7521  
notice, including regular mail, telephone, and electronic mail. 7522  
If the prosecutor attempts to provide notice to a victim under 7523  
this division but the attempt is unsuccessful because the 7524  
prosecutor is unable to locate the victim, is unable to provide 7525  
the notice by the chosen method because the mailing address, 7526  
telephone number, or electronic mail address at which to provide 7527  
the notice cannot be determined, or the notice is sent by mail 7528  
and it is returned, the prosecutor shall make another attempt to 7529  
provide the notice to the victim. If the second attempt is 7530  
unsuccessful, the prosecutor shall make at least one more 7531  
attempt to provide the notice. 7532

(2) The court shall hold the hearing set under division 7533  
(D) (1) of this section not less than forty-five days and not 7534  
more than ninety days from the date of the filing of the 7535  
application. 7536

The subject offender may object to the granting of the 7537  
application by filing an objection with the court prior to the 7538  
date set for the hearing. The victim of the offense may object 7539  
to the granting of the application by filing an objection with 7540  
the court prior to the date set for the hearing. The subject 7541  
offender or victim shall specify in the objection the reasons 7542  
for believing that the application should be denied. 7543

(E) (1) At the hearing held under division (D) of this 7544  
section, the court shall determine whether the offense that is 7545  
the subject of the application is a low-level controlled 7546  
substance offense and whether the amount of time specified in 7547  
division (B) (1) of this section for the filing of the 7548  
application has expired. 7549

(2) If the court at the hearing held under division (D) of 7550

this section determines that the offense that is the subject of 7551  
the application is a low-level controlled substance offense and 7552  
that the amount of time specified in division (B)(1) of this 7553  
section for the filing of the application has expired, the court 7554  
at the hearing also shall do all of the following: 7555

(a) Determine whether criminal proceedings are pending 7556  
against the subject offender; 7557

(b) Determine whether the subject offender has been 7558  
rehabilitated to the satisfaction of the court; 7559

(c) If the subject offender objected, consider the reasons 7560  
against granting the application specified by the offender in 7561  
the objection; 7562

(d) If the victim objected, pursuant to the Ohio 7563  
Constitution, consider the reasons against granting the 7564  
application specified by the victim in the objection; 7565

(e) Weigh the interests of the subject offender in having 7566  
the records pertaining to the offender's conviction sealed or 7567  
expunged against the legitimate needs, if any, of the government 7568  
to maintain those records; 7569

(f) Consider the oral or written statement of the victim, 7570  
victim's representative, and victim's attorney, if applicable. 7571

(F)(1) If the court determines, after complying with 7572  
divisions (E)(1) and (2) of this section, that no criminal 7573  
proceeding is pending against the subject offender, that the 7574  
interests of the offender in having the records pertaining to 7575  
the offender's conviction sealed or expunged are not outweighed 7576  
by any legitimate governmental needs to maintain those records, 7577  
and that the rehabilitation of the offender has been attained to 7578  
the satisfaction of the court, all of the following apply: 7579

(a) The court shall issue orders of the type specified in 7580  
division ~~(D) (2)~~ (C) (2) of section 2953.32 or division (C) (2) of 7581  
section 2953.322 of the Revised Code, subject to the exceptions 7582  
specified in that division. 7583

(b) The proceedings in the case that pertain to the 7584  
conviction shall be considered not to have occurred and the 7585  
conviction of the subject offender shall be sealed or expunged, 7586  
subject to the exceptions specified in division ~~(D) (2)~~ (C) (2) of 7587  
section 2953.32 or division (C) (2) of section 2953.322 of the 7588  
Revised Code. 7589

(c) The court shall notify the subject offender, at the 7590  
offender's last known address or through another means of 7591  
contact, that the court has issued the order requiring the 7592  
sealing or expungement of the official records pertaining to the 7593  
case and shall specifically identify the offense and case with 7594  
respect to which the order applies. 7595

(2) If the court orders the official records pertaining to 7596  
the case sealed or expunged under division (F) (1) of this 7597  
section, the court shall comply with division ~~(D) (4) (a)~~ (C) (4) (a) 7598  
or (b) of section 2953.32 of the Revised Code, whichever is 7599  
applicable. 7600

(3) All provisions of section 2953.34 of the Revised Code 7601  
that apply with respect to an order to seal or expunge official 7602  
records that is issued under section 2953.32 or 2953.322 of the 7603  
Revised Code, or that apply with respect to the official records 7604  
to be sealed or expunged under such an order, apply with respect 7605  
to an order to seal or expunge official records that is issued 7606  
under division (F) (1) of this section and to the official 7607  
records to be sealed or expunged under such an order. 7608



(G) A record that is expunged pursuant to an order issued 7609  
under division (F)(1) of this section shall be destroyed, 7610  
deleted, and erased, as appropriate for the record's physical or 7611  
electronic form or characteristic, so that the record is 7612  
permanently irretrievable. 7613

(H) The provisions of this section are separate from, and 7614  
independent of, the provisions of sections 2953.35 and 2953.36 7615  
and, except as otherwise specified in this section, the 7616  
provisions of sections 2953.32, 2953.322, and 2953.34 of the 7617  
Revised Code. 7618

**Sec. 2953.61.** (A) Except as provided in division (B)(1) of 7619  
this section, a person charged with two or more offenses as a 7620  
result of or in connection with the same act may not apply to 7621  
the court pursuant to section 2953.32, 2953.321, 2953.322, 7622  
2953.323, 2953.33, or 2953.521 of the Revised Code for the 7623  
sealing or expungement of the person's record in relation to any 7624  
of the charges, and a prosecutor may not apply to the court 7625  
pursuant to section 2953.39 of the Revised Code for the sealing 7626  
or expungement of the record of a person in relation to any of 7627  
the charges if the person was charged with two or more offenses 7628  
as a result of or in connection with the same act, when at least 7629  
one of the charges has a final disposition that is different 7630  
from the final disposition of the other charges until such time 7631  
as the person, or prosecutor, would be able to apply to the 7632  
court and have all of the records pertaining to all of those 7633  
charges sealed or expunged pursuant to section 2953.32, 7634  
2953.321, 2953.322, 2953.323, 2953.33, 2953.39, or 2953.521 of 7635  
the Revised Code. 7636

(B)(1) When a person is charged with two or more offenses 7637  
as a result of or in connection with the same act and the final 7638

disposition of one, and only one, of the charges is a conviction 7639  
under any section of Chapter 4507., 4510., 4511., or 4549., 7640  
other than section 4511.19 or 4511.194 of the Revised Code, or 7641  
under a municipal ordinance that is substantially similar to any 7642  
section other than section 4511.19 or 4511.194 of the Revised 7643  
Code contained in any of those chapters, and if the records 7644  
pertaining to all the other charges would be eligible for 7645  
sealing or expungement under section 2953.33, 2953.39, or 7646  
2953.521 of the Revised Code in the absence of that conviction, 7647  
the court may order that the records pertaining to all the 7648  
charges be sealed or expunged. In such a case, the court shall 7649  
not order that only a portion of the records be sealed or 7650  
expunged. 7651

(2) Division (B)(1) of this section does not apply if the 7652  
person convicted of the offenses currently holds a commercial 7653  
driver's license or commercial driver's license temporary 7654  
instruction permit. 7655

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 7656  
quorum, may impose one or more of the following sanctions if it 7657  
finds that a person committed fraud in passing an examination 7658  
required to obtain a license or dialysis technician certificate 7659  
issued by the board or to have committed fraud, 7660  
misrepresentation, or deception in applying for or securing any 7661  
nursing license or dialysis technician certificate issued by the 7662  
board: deny, revoke, suspend, or place restrictions on any 7663  
nursing license or dialysis technician certificate issued by the 7664  
board; reprimand or otherwise discipline a holder of a nursing 7665  
license or dialysis technician certificate; or impose a fine of 7666  
not more than five hundred dollars per violation. 7667

(B) Except as provided in section 4723.092 of the Revised 7668

Code, the board of nursing, by a vote of a quorum, may impose 7669  
one or more of the following sanctions: deny, revoke, suspend, 7670  
or place restrictions on any nursing license or dialysis 7671  
technician certificate issued by the board; reprimand or 7672  
otherwise discipline a holder of a nursing license or dialysis 7673  
technician certificate; or impose a fine of not more than five 7674  
hundred dollars per violation. The sanctions may be imposed for 7675  
any of the following: 7676

(1) Denial, revocation, suspension, or restriction of 7677  
authority to engage in a licensed profession or practice a 7678  
health care occupation, including nursing or practice as a 7679  
dialysis technician, for any reason other than a failure to 7680  
renew, in Ohio or another state or jurisdiction; 7681

(2) Engaging in the practice of nursing or engaging in 7682  
practice as a dialysis technician, having failed to renew a 7683  
nursing license or dialysis technician certificate issued under 7684  
this chapter, or while a nursing license or dialysis technician 7685  
certificate is under suspension; 7686

(3) Conviction of, a plea of guilty to, a judicial finding 7687  
of guilt of, a judicial finding of guilt resulting from a plea 7688  
of no contest to, or a judicial finding of eligibility for a 7689  
pretrial diversion or similar program or for intervention in 7690  
lieu of conviction for, a misdemeanor committed in the course of 7691  
practice; 7692

(4) Conviction of, a plea of guilty to, a judicial finding 7693  
of guilt of, a judicial finding of guilt resulting from a plea 7694  
of no contest to, or a judicial finding of eligibility for a 7695  
pretrial diversion or similar program or for intervention in 7696  
lieu of conviction for, any felony or of any crime involving 7697  
gross immorality or moral turpitude; 7698

(5) Selling, giving away, or administering drugs or 7699  
therapeutic devices for other than legal and legitimate 7700  
therapeutic purposes; or conviction of, a plea of guilty to, a 7701  
judicial finding of guilt of, a judicial finding of guilt 7702  
resulting from a plea of no contest to, or a judicial finding of 7703  
eligibility for a pretrial diversion or similar program or for 7704  
intervention in lieu of conviction for, violating any municipal, 7705  
state, county, or federal drug law; 7706

(6) Conviction of, a plea of guilty to, a judicial finding 7707  
of guilt of, a judicial finding of guilt resulting from a plea 7708  
of no contest to, or a judicial finding of eligibility for a 7709  
pretrial diversion or similar program or for intervention in 7710  
lieu of conviction for, an act in another jurisdiction that 7711  
would constitute a felony or a crime of moral turpitude in Ohio; 7712

(7) Conviction of, a plea of guilty to, a judicial finding 7713  
of guilt of, a judicial finding of guilt resulting from a plea 7714  
of no contest to, or a judicial finding of eligibility for a 7715  
pretrial diversion or similar program or for intervention in 7716  
lieu of conviction for, an act in the course of practice in 7717  
another jurisdiction that would constitute a misdemeanor in 7718  
Ohio; 7719

(8) Self-administering or otherwise taking into the body 7720  
any dangerous drug, as defined in section 4729.01 of the Revised 7721  
Code, in any way that is not in accordance with a legal, valid 7722  
prescription issued for that individual, or self-administering 7723  
or otherwise taking into the body any drug that is a schedule I 7724  
controlled substance; 7725

(9) Habitual or excessive use of controlled substances, 7726  
other habit-forming drugs, or alcohol or other chemical 7727  
substances to an extent that impairs the individual's ability to 7728

provide safe nursing care or safe dialysis care; 7729

(10) Impairment of the ability to practice according to 7730  
acceptable and prevailing standards of safe nursing care or safe 7731  
dialysis care because of the use of drugs, alcohol, or other 7732  
chemical substances; 7733

(11) Impairment of the ability to practice according to 7734  
acceptable and prevailing standards of safe nursing care or safe 7735  
dialysis care because of a physical or mental disability; 7736

(12) Assaulting or causing harm to a patient or depriving 7737  
a patient of the means to summon assistance; 7738

(13) Misappropriation or attempted misappropriation of 7739  
money or anything of value in the course of practice; 7740

(14) Adjudication by a probate court of being mentally ill 7741  
or mentally incompetent. The board may reinstate the person's 7742  
nursing license or dialysis technician certificate upon 7743  
adjudication by a probate court of the person's restoration to 7744  
competency or upon submission to the board of other proof of 7745  
competency. 7746

(15) The suspension or termination of employment by the 7747  
United States department of defense or department of veterans 7748  
affairs for any act that violates or would violate this chapter; 7749

(16) Violation of this chapter or any rules adopted under 7750  
it; 7751

(17) Violation of any restrictions placed by the board on 7752  
a nursing license or dialysis technician certificate; 7753

(18) Failure to use universal and standard precautions 7754  
established by rules adopted under section 4723.07 of the 7755  
Revised Code; 7756

- (19) Failure to practice in accordance with acceptable and 7757  
prevailing standards of safe nursing care or safe dialysis care; 7758
- (20) In the case of a registered nurse, engaging in 7759  
activities that exceed the practice of nursing as a registered 7760  
nurse; 7761
- (21) In the case of a licensed practical nurse, engaging 7762  
in activities that exceed the practice of nursing as a licensed 7763  
practical nurse; 7764
- (22) In the case of a dialysis technician, engaging in 7765  
activities that exceed those permitted under section 4723.72 of 7766  
the Revised Code; 7767
- (23) Aiding and abetting a person in that person's 7768  
practice of nursing without a license or practice as a dialysis 7769  
technician without a certificate issued under this chapter; 7770
- (24) In the case of an advanced practice registered nurse, 7771  
except as provided in division (M) of this section, either of 7772  
the following: 7773
- (a) Waiving the payment of all or any part of a deductible 7774  
or copayment that a patient, pursuant to a health insurance or 7775  
health care policy, contract, or plan that covers such nursing 7776  
services, would otherwise be required to pay if the waiver is 7777  
used as an enticement to a patient or group of patients to 7778  
receive health care services from that provider; 7779
- (b) Advertising that the nurse will waive the payment of 7780  
all or any part of a deductible or copayment that a patient, 7781  
pursuant to a health insurance or health care policy, contract, 7782  
or plan that covers such nursing services, would otherwise be 7783  
required to pay. 7784

(25) Failure to comply with the terms and conditions of	7785
participation in the safe haven program conducted under sections	7786
4723.35 and 4723.351 of the Revised Code;	7787
(26) Failure to comply with the terms and conditions	7788
required under the practice intervention and improvement program	7789
established under section 4723.282 of the Revised Code;	7790
(27) In the case of an advanced practice registered nurse:	7791
(a) Engaging in activities that exceed those permitted for	7792
the nurse's nursing specialty under section 4723.43 of the	7793
Revised Code;	7794
(b) Failure to meet the quality assurance standards	7795
established under section 4723.07 of the Revised Code.	7796
(28) In the case of an advanced practice registered nurse	7797
other than a certified registered nurse anesthetist, failure to	7798
maintain a standard care arrangement in accordance with section	7799
4723.431 of the Revised Code or to practice in accordance with	7800
the standard care arrangement;	7801
(29) In the case of an advanced practice registered nurse	7802
who is designated as a clinical nurse specialist, certified	7803
nurse-midwife, or certified nurse practitioner, failure to	7804
prescribe drugs and therapeutic devices in accordance with	7805
section 4723.481 of the Revised Code;	7806
(30) Prescribing any drug or device to perform or induce	7807
an abortion, or otherwise performing or inducing an abortion;	7808
(31) Failure to establish and maintain professional	7809
boundaries with a patient, as specified in rules adopted under	7810
section 4723.07 of the Revised Code;	7811
(32) Regardless of whether the contact or verbal behavior	7812

is consensual, engaging with a patient other than the spouse of 7813  
the registered nurse, licensed practical nurse, or dialysis 7814  
technician in any of the following: 7815

(a) Sexual contact, as defined in section 2907.01 of the 7816  
Revised Code; 7817

(b) Verbal behavior that is sexually demeaning to the 7818  
patient or may be reasonably interpreted by the patient as 7819  
sexually demeaning. 7820

(33) Assisting suicide, as defined in section 3795.01 of 7821  
the Revised Code; 7822

(34) Failure to comply with the requirements in section 7823  
3719.061 of the Revised Code before issuing for a minor a 7824  
prescription for an opioid analgesic, as defined in section 7825  
3719.01 of the Revised Code; 7826

(35) Failure to comply with section 4723.487 of the 7827  
Revised Code, unless the state board of pharmacy no longer 7828  
maintains a drug database pursuant to section 4729.75 of the 7829  
Revised Code; 7830

(36) The revocation, suspension, restriction, reduction, 7831  
or termination of clinical privileges by the United States 7832  
department of defense or department of veterans affairs or the 7833  
termination or suspension of a certificate of registration to 7834  
prescribe drugs by the drug enforcement administration of the 7835  
United States department of justice; 7836

(37) In the case of an advanced practice registered nurse 7837  
who is designated as a clinical nurse specialist, certified 7838  
nurse-midwife, or certified nurse practitioner, failure to 7839  
comply with the terms of a consult agreement entered into with a 7840  
pharmacist pursuant to section 4729.39 of the Revised Code; 7841



(38) Violation of section 4723.93 of the Revised Code. 7842

(C) Disciplinary actions taken by the board under 7843  
divisions (A) and (B) of this section shall be taken pursuant to 7844  
an adjudication conducted under Chapter 119. of the Revised 7845  
Code, except that in lieu of a hearing, the board may enter into 7846  
a consent agreement with an individual to resolve an allegation 7847  
of a violation of this chapter or any rule adopted under it. A 7848  
consent agreement, when ratified by a vote of a quorum, shall 7849  
constitute the findings and order of the board with respect to 7850  
the matter addressed in the agreement. If the board refuses to 7851  
ratify a consent agreement, the admissions and findings 7852  
contained in the agreement shall be of no effect. 7853

(D) The hearings of the board shall be conducted in 7854  
accordance with Chapter 119. of the Revised Code, the board may 7855  
appoint a hearing examiner, as provided in section 119.09 of the 7856  
Revised Code, to conduct any hearing the board is authorized to 7857  
hold under Chapter 119. of the Revised Code. 7858

In any instance in which the board is required under 7859  
Chapter 119. of the Revised Code to give notice of an 7860  
opportunity for a hearing and the applicant, licensee, or 7861  
certificate holder does not make a timely request for a hearing 7862  
in accordance with section 119.07 of the Revised Code, the board 7863  
is not required to hold a hearing, but may adopt, by a vote of a 7864  
quorum, a final order that contains the board's findings. In the 7865  
final order, the board may order any of the sanctions listed in 7866  
division (A) or (B) of this section. 7867

(E) If a criminal action is brought against a registered 7868  
nurse, licensed practical nurse, or dialysis technician for an 7869  
act or crime described in divisions (B) (3) to (7) of this 7870  
section and the action is dismissed by the trial court other 7871

than on the merits, the board shall conduct an adjudication to 7872  
determine whether the registered nurse, licensed practical 7873  
nurse, or dialysis technician committed the act on which the 7874  
action was based. If the board determines on the basis of the 7875  
adjudication that the registered nurse, licensed practical 7876  
nurse, or dialysis technician committed the act, or if the 7877  
registered nurse, licensed practical nurse, or dialysis 7878  
technician fails to participate in the adjudication, the board 7879  
may take action as though the registered nurse, licensed 7880  
practical nurse, or dialysis technician had been convicted of 7881  
the act. 7882

If the board takes action on the basis of a conviction, 7883  
plea, or a judicial finding as described in divisions (B) (3) to 7884  
(7) of this section that is overturned on appeal, the registered 7885  
nurse, licensed practical nurse, or dialysis technician may, on 7886  
exhaustion of the appeal process, petition the board for 7887  
reconsideration of its action. On receipt of the petition and 7888  
supporting court documents, the board shall temporarily rescind 7889  
its action. If the board determines that the decision on appeal 7890  
was a decision on the merits, it shall permanently rescind its 7891  
action. If the board determines that the decision on appeal was 7892  
not a decision on the merits, it shall conduct an adjudication 7893  
to determine whether the registered nurse, licensed practical 7894  
nurse, or dialysis technician committed the act on which the 7895  
original conviction, plea, or judicial finding was based. If the 7896  
board determines on the basis of the adjudication that the 7897  
registered nurse, licensed practical nurse, or dialysis 7898  
technician committed such act, or if the registered nurse, 7899  
licensed practical nurse, or dialysis technician does not 7900  
request an adjudication, the board shall reinstate its action; 7901  
otherwise, the board shall permanently rescind its action. 7902

Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) of 7903  
section 2953.32, division (D) of section 2953.321, division (C) 7904  
(2) of section 2953.322, division (D) of section 2953.323, or 7905  
division (F) (1) of section 2953.39 of the Revised Code 7906  
specifying that if records pertaining to a criminal case are 7907  
sealed or expunged under that section the proceedings in the 7908  
case shall be deemed not to have occurred, sealing or 7909  
expungement of the following records on which the board has 7910  
based an action under this section shall have no effect on the 7911  
board's action or any sanction imposed by the board under this 7912  
section: records of any conviction, guilty plea, judicial 7913  
finding of guilt resulting from a plea of no contest, or a 7914  
judicial finding of eligibility for a pretrial diversion program 7915  
or intervention in lieu of conviction. 7916

The board shall not be required to seal, destroy, redact, 7917  
or otherwise modify its records to reflect the court's sealing 7918  
or expungement of conviction records. 7919

(F) The board may investigate an individual's criminal 7920  
background in performing its duties under this section. As part 7921  
of such investigation, the board may order the individual to 7922  
submit, at the individual's expense, a request to the bureau of 7923  
criminal identification and investigation for a criminal records 7924  
check and check of federal bureau of investigation records in 7925  
accordance with the procedure described in section 4723.091 of 7926  
the Revised Code. 7927

(G) During the course of an investigation conducted under 7928  
this section, the board may compel any registered nurse, 7929  
licensed practical nurse, or dialysis technician or applicant 7930  
under this chapter to submit to a mental or physical 7931  
examination, or both, as required by the board and at the 7932

expense of the individual, if the board finds reason to believe 7933  
that the individual under investigation may have a physical or 7934  
mental impairment that may affect the individual's ability to 7935  
provide safe nursing care. 7936

The board shall not compel an individual who has been 7937  
referred to the safe haven program as described in sections 7938  
4723.35 and 4723.351 of the Revised Code to submit to a mental 7939  
or physical examination. 7940

Failure of any individual to submit to a mental or 7941  
physical examination when directed constitutes an admission of 7942  
the allegations, unless the failure is due to circumstances 7943  
beyond the individual's control, and a default and final order 7944  
may be entered without the taking of testimony or presentation 7945  
of evidence. 7946

If the board finds that an individual is impaired, the 7947  
board shall require the individual to submit to care, 7948  
counseling, or treatment approved or designated by the board, as 7949  
a condition for initial, continued, reinstated, or renewed 7950  
authority to practice. The individual shall be afforded an 7951  
opportunity to demonstrate to the board that the individual can 7952  
begin or resume the individual's occupation in compliance with 7953  
acceptable and prevailing standards of care under the provisions 7954  
of the individual's authority to practice. 7955

For purposes of this division, any registered nurse, 7956  
licensed practical nurse, or dialysis technician or applicant 7957  
under this chapter shall be deemed to have given consent to 7958  
submit to a mental or physical examination when directed to do 7959  
so in writing by the board, and to have waived all objections to 7960  
the admissibility of testimony or examination reports that 7961  
constitute a privileged communication. 7962

(H) The board shall investigate evidence that appears to 7963  
show that any person has violated any provision of this chapter 7964  
or any rule of the board. Any person may report to the board any 7965  
information the person may have that appears to show a violation 7966  
of any provision of this chapter or rule of the board. In the 7967  
absence of bad faith, any person who reports such information or 7968  
who testifies before the board in any adjudication conducted 7969  
under Chapter 119. of the Revised Code shall not be liable for 7970  
civil damages as a result of the report or testimony. 7971

(I) All of the following apply under this chapter with 7972  
respect to the confidentiality of information: 7973

(1) Information received by the board pursuant to a 7974  
complaint or an investigation is confidential and not subject to 7975  
discovery in any civil action, except that the board may 7976  
disclose information to law enforcement officers and government 7977  
entities for purposes of an investigation of either a licensed 7978  
health care professional, including a registered nurse, licensed 7979  
practical nurse, or dialysis technician, or a person who may 7980  
have engaged in the unauthorized practice of nursing or dialysis 7981  
care. No law enforcement officer or government entity with 7982  
knowledge of any information disclosed by the board pursuant to 7983  
this division shall divulge the information to any other person 7984  
or government entity except for the purpose of a government 7985  
investigation, a prosecution, or an adjudication by a court or 7986  
government entity. 7987

(2) If an investigation requires a review of patient 7988  
records, the investigation and proceeding shall be conducted in 7989  
such a manner as to protect patient confidentiality. 7990

(3) All adjudications and investigations of the board 7991  
shall be considered civil actions for the purposes of section 7992

2305.252 of the Revised Code. 7993

(4) Any board activity that involves continued monitoring 7994  
of an individual as part of or following any disciplinary action 7995  
taken under this section shall be conducted in a manner that 7996  
maintains the individual's confidentiality. Information received 7997  
or maintained by the board with respect to the board's 7998  
monitoring activities is not subject to discovery in any civil 7999  
action and is confidential, except that the board may disclose 8000  
information to law enforcement officers and government entities 8001  
for purposes of an investigation of a licensee or certificate 8002  
holder. 8003

(J) Any action taken by the board under this section 8004  
resulting in a suspension from practice shall be accompanied by 8005  
a written statement of the conditions under which the person may 8006  
be reinstated to practice. 8007

(K) When the board refuses to grant a license or 8008  
certificate to an applicant, revokes a license or certificate, 8009  
or refuses to reinstate a license or certificate, the board may 8010  
specify that its action is permanent. An individual subject to 8011  
permanent action taken by the board is forever ineligible to 8012  
hold a license or certificate of the type that was refused or 8013  
revoked and the board shall not accept from the individual an 8014  
application for reinstatement of the license or certificate or 8015  
for a new license or certificate. 8016

(L) No unilateral surrender of a nursing license or 8017  
dialysis technician certificate issued under this chapter shall 8018  
be effective unless accepted by majority vote of the board. No 8019  
application for a nursing license or dialysis technician 8020  
certificate issued under this chapter may be withdrawn without a 8021  
majority vote of the board. The board's jurisdiction to take 8022

disciplinary action under this section is not removed or limited 8023  
when an individual has a license or certificate classified as 8024  
inactive or fails to renew a license or certificate. 8025

(M) Sanctions shall not be imposed under division (B) (24) 8026  
of this section against any licensee who waives deductibles and 8027  
copayments as follows: 8028

(1) In compliance with the health benefit plan that 8029  
expressly allows such a practice. Waiver of the deductibles or 8030  
copayments shall be made only with the full knowledge and 8031  
consent of the plan purchaser, payer, and third-party 8032  
administrator. Documentation of the consent shall be made 8033  
available to the board upon request. 8034

(2) For professional services rendered to any other person 8035  
licensed pursuant to this chapter to the extent allowed by this 8036  
chapter and the rules of the board. 8037

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 8038  
notice and hearing in accordance with Chapter 119. of the 8039  
Revised Code, may impose any one or more of the following 8040  
sanctions on a pharmacist or pharmacy intern if the board finds 8041  
the individual engaged in any of the conduct set forth in 8042  
division (A) (2) of this section: 8043

(a) Revoke, suspend, restrict, limit, or refuse to grant 8044  
or renew a license; 8045

(b) Reprimand or place the license holder on probation; 8046

(c) Impose a monetary penalty or forfeiture not to exceed 8047  
in severity any fine designated under the Revised Code for a 8048  
similar offense, or in the case of a violation of a section of 8049  
the Revised Code that does not bear a penalty, a monetary 8050  
penalty or forfeiture of not more than five hundred dollars. 8051

(2) Except as provided in division (I) of this section, 8052  
the board may impose the sanctions listed in division (A) (1) of 8053  
this section if the board finds a pharmacist or pharmacy intern: 8054

(a) Has been convicted of a felony, or a crime of moral 8055  
turpitude, as defined in section 4776.10 of the Revised Code; 8056

(b) Engaged in dishonesty or unprofessional conduct in the 8057  
practice of pharmacy; 8058

(c) Is addicted to or abusing alcohol or drugs or is 8059  
impaired physically or mentally to such a degree as to render 8060  
the pharmacist or pharmacy intern unfit to practice pharmacy; 8061

(d) Has been convicted of a misdemeanor related to, or 8062  
committed in, the practice of pharmacy; 8063

(e) Violated, conspired to violate, attempted to violate, 8064  
or aided and abetted the violation of any of the provisions of 8065  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 8066  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 8067  
by the board under those provisions; 8068

(f) Permitted someone other than a pharmacist or pharmacy 8069  
intern to practice pharmacy; 8070

(g) Knowingly lent the pharmacist's or pharmacy intern's 8071  
name to an illegal practitioner of pharmacy or had a 8072  
professional connection with an illegal practitioner of 8073  
pharmacy; 8074

(h) Divided or agreed to divide remuneration made in the 8075  
practice of pharmacy with any other individual, including, but 8076  
not limited to, any licensed health professional authorized to 8077  
prescribe drugs or any owner, manager, or employee of a health 8078  
care facility, residential care facility, or nursing home; 8079



(i) Violated the terms of a consult agreement entered into 8080  
pursuant to section 4729.39 of the Revised Code; 8081

(j) Committed fraud, misrepresentation, or deception in 8082  
applying for or securing a license issued by the board under 8083  
this chapter or under Chapter 3715. or 3719. of the Revised 8084  
Code; 8085

(k) Failed to comply with an order of the board or a 8086  
settlement agreement; 8087

(l) Engaged in any other conduct for which the board may 8088  
impose discipline as set forth in rules adopted under section 8089  
4729.26 of the Revised Code. 8090

(B) Any individual whose license is revoked, suspended, or 8091  
refused, shall return the license to the offices of the state 8092  
board of pharmacy within ten days after receipt of notice of 8093  
such action. 8094

(C) As used in this section: 8095

"Unprofessional conduct in the practice of pharmacy" 8096  
includes any of the following: 8097

(1) Advertising or displaying signs that promote dangerous 8098  
drugs to the public in a manner that is false or misleading; 8099

(2) Except as provided in section 3715.50, 3715.502, 8100  
4729.281, or 4729.47 of the Revised Code, the dispensing or sale 8101  
of any drug for which a prescription is required, without having 8102  
received a prescription for the drug; 8103

(3) Knowingly dispensing medication pursuant to false or 8104  
forged prescriptions; 8105

(4) Knowingly failing to maintain complete and accurate 8106

records of all dangerous drugs received or dispensed in 8107  
compliance with federal laws and regulations and state laws and 8108  
rules; 8109

(5) Obtaining any remuneration by fraud, 8110  
misrepresentation, or deception; 8111

(6) Failing to conform to prevailing standards of care of 8112  
similar pharmacists or pharmacy interns under the same or 8113  
similar circumstances, whether or not actual injury to a patient 8114  
is established; 8115

(7) Engaging in any other conduct that the board specifies 8116  
as unprofessional conduct in the practice of pharmacy in rules 8117  
adopted under section 4729.26 of the Revised Code. 8118

(D) The board may suspend a license under division (B) of 8119  
section 3719.121 of the Revised Code by utilizing a telephone 8120  
conference call to review the allegations and take a vote. 8121

(E) For purposes of this division, an individual 8122  
authorized to practice as a pharmacist or pharmacy intern 8123  
accepts the privilege of practicing in this state subject to 8124  
supervision by the board. By filing an application for or 8125  
holding a license to practice as a pharmacist or pharmacy 8126  
intern, an individual gives consent to submit to a mental or 8127  
physical examination when ordered to do so by the board in 8128  
writing and waives all objections to the admissibility of 8129  
testimony or examination reports that constitute privileged 8130  
communications. 8131

If the board has reasonable cause to believe that an 8132  
individual who is a pharmacist or pharmacy intern is physically 8133  
or mentally impaired, the board may require the individual to 8134  
submit to a physical or mental examination, or both. The expense 8135

of the examination is the responsibility of the individual 8136  
required to be examined. 8137

Failure of an individual who is a pharmacist or pharmacy 8138  
intern to submit to a physical or mental examination ordered by 8139  
the board, unless the failure is due to circumstances beyond the 8140  
individual's control, constitutes an admission of the 8141  
allegations and a suspension order shall be entered without the 8142  
taking of testimony or presentation of evidence. Any subsequent 8143  
adjudication hearing under Chapter 119. of the Revised Code 8144  
concerning failure to submit to an examination is limited to 8145  
consideration of whether the failure was beyond the individual's 8146  
control. 8147

If, based on the results of an examination ordered under 8148  
this division, the board determines that the individual's 8149  
ability to practice is impaired, the board shall suspend the 8150  
individual's license or deny the individual's application and 8151  
shall require the individual, as a condition for an initial, 8152  
continued, reinstated, or renewed license to practice, to submit 8153  
to a physical or mental examination and treatment. 8154

An order of suspension issued under this division shall 8155  
not be subject to suspension by a court during pendency of any 8156  
appeal filed under section 119.12 of the Revised Code. 8157

(F) If the board is required under Chapter 119. of the 8158  
Revised Code to give notice of an opportunity for a hearing and 8159  
the applicant or licensee does not make a timely request for a 8160  
hearing in accordance with section 119.07 of the Revised Code, 8161  
the board is not required to hold a hearing, but may adopt a 8162  
final order that contains the board's findings. In the final 8163  
order, the board may impose any of the sanctions listed in 8164  
division (A) of this section. 8165

(G) Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) 8166  
of section 2953.32, division (D) of section 2953.321, division 8167  
(C) (2) of section 2953.322, division (D) of section 2953.323, or 8168  
division (F) (1) of section 2953.39 of the Revised Code 8169  
specifying that if records pertaining to a criminal case are 8170  
sealed or expunged under that section the proceedings in the 8171  
case must be deemed not to have occurred, sealing or expungement 8172  
of the following records on which the board has based an action 8173  
under this section shall have no effect on the board's action or 8174  
any sanction imposed by the board under this section: records of 8175  
any conviction, guilty plea, judicial finding of guilt resulting 8176  
from a plea of no contest, or a judicial finding of eligibility 8177  
for a pretrial diversion program or intervention in lieu of 8178  
conviction. The board shall not be required to seal, destroy, 8179  
redact, or otherwise modify its records to reflect the court's 8180  
sealing or expungement of conviction records. 8181

(H) No pharmacist or pharmacy intern shall knowingly 8182  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 8183  
(e) to (l) of this section. 8184

(I) The board shall not refuse to issue a license to an 8185  
applicant for a conviction of an offense unless the refusal is 8186  
in accordance with section 9.79 of the Revised Code. 8187

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 8188  
accordance with Chapter 119. of the Revised Code, may impose any 8189  
one or more of the following sanctions on a person licensed 8190  
under division (B) (1) (a) of section 4729.52 of the Revised Code 8191  
for any of the causes set forth in division (A) (2) of this 8192  
section: 8193

(a) Suspend, revoke, restrict, limit, or refuse to grant 8194  
or renew a license; 8195

(b) Reprimand or place the license holder on probation; 8196

(c) Impose a monetary penalty or forfeiture not to exceed 8197  
in severity any fine designated under the Revised Code for a 8198  
similar offense or two thousand five hundred dollars if the acts 8199  
committed are not classified as an offense by the Revised Code; 8200

(2) The board may impose the sanctions set forth in 8201  
division (A)(1) of this section for any of the following: 8202

(a) Making any false material statements in an application 8203  
for licensure under section 4729.52 of the Revised Code; 8204

(b) Violating any federal, state, or local drug law; any 8205  
provision of this chapter or Chapter 2925., 3715., or 3719. of 8206  
the Revised Code; or any rule of the board; 8207

(c) A conviction of a felony; 8208

(d) Failing to satisfy the qualifications for licensure 8209  
under section 4729.53 of the Revised Code or the rules of the 8210  
board or ceasing to satisfy the qualifications after the 8211  
registration is granted or renewed; 8212

(e) Falsely or fraudulently promoting to the public a drug 8213  
that is a controlled substance included in schedule I, II, III, 8214  
IV, or V, except that nothing in this division prohibits a 8215  
manufacturer, outsourcing facility, third-party logistics 8216  
provider, repackager, or wholesale distributor of dangerous 8217  
drugs from furnishing information concerning a controlled 8218  
substance to a health care provider or licensed terminal 8219  
distributor; 8220

(f) Violating any provision of the "Federal Food, Drug, 8221  
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 8222  
Chapter 3715. of the Revised Code; 8223

(g) Any other cause for which the board may impose 8224  
sanctions as set forth in rules adopted under section 4729.26 of 8225  
the Revised Code. 8226

(B) Upon the suspension or revocation of any license 8227  
identified in division (B) (1) (a) of section 4729.52 of the 8228  
Revised Code, the licensee shall immediately surrender the 8229  
license to the board. 8230

(C) If the board suspends, revokes, or refuses to renew 8231  
any license identified in division (B) (1) (a) of section 4729.52 8232  
of the Revised Code and determines that there is clear and 8233  
convincing evidence of a danger of immediate and serious harm to 8234  
any person, the board may place under seal all dangerous drugs 8235  
owned by or in the possession, custody, or control of the 8236  
affected licensee. Except as provided in this division, the 8237  
board shall not dispose of the dangerous drugs sealed under this 8238  
division until the licensee exhausts all of the licensee's 8239  
appeal rights under Chapter 119. of the Revised Code. The court 8240  
involved in such an appeal may order the board, during the 8241  
pendency of the appeal, to sell sealed dangerous drugs that are 8242  
perishable. The board shall deposit the proceeds of the sale 8243  
with the court. 8244

(D) If the board is required under Chapter 119. of the 8245  
Revised Code to give notice of an opportunity for a hearing and 8246  
the license holder does not make a timely request for a hearing 8247  
in accordance with section 119.07 of the Revised Code, the board 8248  
is not required to hold a hearing, but may adopt a final order 8249  
that contains the board's findings. In the final order, the 8250  
board may impose any of the sanctions listed in division (A) of 8251  
this section. 8252

(E) Notwithstanding division ~~(D) (2)~~ (C) (2) of section 8253

2953.32, division (D) of section 2953.321, division (C) (2) of 8254  
section 2953.322, division (D) of section 2953.323, or division 8255  
(F) (1) of section 2953.39 of the Revised Code specifying that if 8256  
records pertaining to a criminal case are sealed or expunged 8257  
under that section the proceedings in the case must be deemed 8258  
not to have occurred, sealing or expungement of the following 8259  
records on which the board has based an action under this 8260  
section shall have no effect on the board's action or any 8261  
sanction imposed by the board under this section: records of any 8262  
conviction, guilty plea, judicial finding of guilt resulting 8263  
from a plea of no contest, or a judicial finding of eligibility 8264  
for a pretrial diversion program or intervention in lieu of 8265  
conviction. The board is not required to seal, destroy, redact, 8266  
or otherwise modify its records to reflect the court's sealing 8267  
or expungement of conviction records. 8268

**Sec. 4729.57.** (A) The state board of pharmacy may after 8269  
notice and a hearing in accordance with Chapter 119. of the 8270  
Revised Code, impose any one or more of the following sanctions 8271  
on a terminal distributor of dangerous drugs for any of the 8272  
causes set forth in division (B) of this section: 8273

(1) Suspend, revoke, restrict, limit, or refuse to grant 8274  
or renew any license; 8275

(2) Reprimand or place the license holder on probation; 8276

(3) Impose a monetary penalty or forfeiture not to exceed 8277  
in severity any fine designated under the Revised Code for a 8278  
similar offense or one thousand dollars if the acts committed 8279  
have not been classified as an offense by the Revised Code. 8280

(B) The board may impose the sanctions listed in division 8281  
(A) of this section for any of the following: 8282

(1) Making any false material statements in an application	8283
for a license as a terminal distributor of dangerous drugs;	8284
(2) Violating any rule of the board;	8285
(3) Violating any provision of this chapter;	8286
(4) Except as provided in section 4729.89 of the Revised	8287
Code, violating any provision of the "Federal Food, Drug, and	8288
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter	8289
3715. of the Revised Code;	8290
(5) Violating any provision of the federal drug abuse	8291
control laws or Chapter 2925. or 3719. of the Revised Code;	8292
(6) Falsely or fraudulently promoting to the public a	8293
dangerous drug, except that nothing in this division prohibits a	8294
terminal distributor of dangerous drugs from furnishing	8295
information concerning a dangerous drug to a health care	8296
provider or another licensed terminal distributor;	8297
(7) Ceasing to satisfy the qualifications of a terminal	8298
distributor of dangerous drugs set forth in section 4729.55 of	8299
the Revised Code;	8300
(8) Except as provided in division (C) of this section:	8301
(a) Waiving the payment of all or any part of a deductible	8302
or copayment that an individual, pursuant to a health insurance	8303
or health care policy, contract, or plan that covers the	8304
services provided by a terminal distributor of dangerous drugs,	8305
would otherwise be required to pay for the services if the	8306
waiver is used as an enticement to a patient or group of	8307
patients to receive pharmacy services from that terminal	8308
distributor;	8309
(b) Advertising that the terminal distributor will waive	8310



the payment of all or any part of a deductible or copayment that 8311  
an individual, pursuant to a health insurance or health care 8312  
policy, contract, or plan that covers the pharmaceutical 8313  
services, would otherwise be required to pay for the services. 8314

(9) Conviction of a felony; 8315

(10) Any other cause for which the board may impose 8316  
discipline as set forth in rules adopted under section 4729.26 8317  
of the Revised Code. 8318

(C) Sanctions shall not be imposed under division (B) (8) 8319  
of this section against any terminal distributor of dangerous 8320  
drugs that waives deductibles and copayments as follows: 8321

(1) In compliance with a health benefit plan that 8322  
expressly allows such a practice. Waiver of the deductibles or 8323  
copayments shall be made only with the full knowledge and 8324  
consent of the plan purchaser, payer, and third-party 8325  
administrator. Documentation of the consent shall be made 8326  
available to the board on request. 8327

(2) For professional services rendered to any other person 8328  
licensed pursuant to this chapter to the extent allowed by this 8329  
chapter and the rules of the board. 8330

(D) (1) Upon the suspension or revocation of a license 8331  
issued to a terminal distributor of dangerous drugs or the 8332  
refusal by the board to renew such a license, the distributor 8333  
shall immediately surrender the license to the board. 8334

(2) (a) The board may place under seal all dangerous drugs 8335  
that are owned by or in the possession, custody, or control of a 8336  
terminal distributor at the time the license is suspended or 8337  
revoked or at the time the board refuses to renew the license. 8338  
Except as provided in division (D) (2) (b) of this section, 8339

dangerous drugs so sealed shall not be disposed of until appeal 8340  
rights under Chapter 119. of the Revised Code have expired or an 8341  
appeal filed pursuant to that chapter has been determined. 8342

(b) The court involved in an appeal filed pursuant to 8343  
Chapter 119. of the Revised Code may order the board, during the 8344  
pendency of the appeal, to sell sealed dangerous drugs that are 8345  
perishable. The proceeds of such a sale shall be deposited with 8346  
that court. 8347

(E) If the board is required under Chapter 119. of the 8348  
Revised Code to give notice of an opportunity for a hearing and 8349  
the license holder does not make a timely request for a hearing 8350  
in accordance with section 119.07 of the Revised Code, the board 8351  
is not required to hold a hearing, but may adopt a final order 8352  
that contains the board's findings. In the final order, the 8353  
board may impose any of the sanctions listed in division (A) of 8354  
this section. 8355

(F) Notwithstanding division ~~(D) (2)~~ (C) (2) of section 8356  
2953.32, division (D) of section 2953.321, division (C) (2) of 8357  
section 2953.322, division (D) of section 2953.323, or division 8358  
(F) (1) of section 2953.39 of the Revised Code specifying that if 8359  
records pertaining to a criminal case are sealed or expunged 8360  
under that section the proceedings in the case must be deemed 8361  
not to have occurred, sealing or expungement of the following 8362  
records on which the board has based an action under this 8363  
section shall have no effect on the board's action or any 8364  
sanction imposed by the board under this section: records of any 8365  
conviction, guilty plea, judicial finding of guilt resulting 8366  
from a plea of no contest, or a judicial finding of eligibility 8367  
for a pretrial diversion program or intervention in lieu of 8368  
conviction. The board is not required to seal, destroy, redact, 8369

or otherwise modify its records to reflect the court's sealing 8370  
or expungement of conviction records. 8371

**Sec. 4729.96.** (A) (1) The state board of pharmacy, after 8372  
notice and hearing in accordance with Chapter 119. of the 8373  
Revised Code, may impose one or more of the following sanctions 8374  
on a pharmacy technician trainee, registered pharmacy 8375  
technician, or certified pharmacy technician if the board finds 8376  
the individual engaged in any of the conduct set forth in 8377  
division (A) (2) of this section: 8378

(a) Revoke, suspend, restrict, limit, or refuse to grant 8379  
or renew a registration; 8380

(b) Reprimand or place the holder of the registration on 8381  
probation; 8382

(c) Impose a monetary penalty or forfeiture not to exceed 8383  
in severity any fine designated under the Revised Code for a 8384  
similar offense, or in the case of a violation of a section of 8385  
the Revised Code that does not bear a penalty, a monetary 8386  
penalty or forfeiture of not more than five hundred dollars. 8387

(2) Except as provided in division (G) of this section, 8388  
the board may impose the sanctions listed in division (A) (1) of 8389  
this section if the board finds a pharmacy technician trainee, 8390  
registered pharmacy technician, or certified pharmacy 8391  
technician: 8392

(a) Has been convicted of a felony, or a crime of moral 8393  
turpitude, as defined in section 4776.10 of the Revised Code; 8394

(b) Engaged in dishonesty or unprofessional conduct, as 8395  
prescribed in rules adopted by the board under section 4729.94 8396  
of the Revised Code; 8397

(c) Is addicted to or abusing alcohol or drugs or impaired 8398  
physically or mentally to such a degree as to render the 8399  
individual unable to perform the individual's duties; 8400

(d) Violated, conspired to violate, attempted to violate, 8401  
or aided and abetted the violation of any of the provisions of 8402  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 8403  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 8404  
by the board under those provisions; 8405

(e) Committed fraud, misrepresentation, or deception in 8406  
applying for or securing a registration issued by the board 8407  
under this chapter; 8408

(f) Failed to comply with an order of the board or a 8409  
settlement agreement; 8410

(g) Engaged in any other conduct for which the board may 8411  
impose discipline as set forth in rules adopted by the board 8412  
under section 4729.94 of the Revised Code. 8413

(B) The board may suspend a registration under division 8414  
(B) of section 3719.121 of the Revised Code by utilizing a 8415  
telephone conference call to review the allegations and take a 8416  
vote. 8417

(C) For purposes of this division, an individual 8418  
authorized to practice as a pharmacy technician trainee, 8419  
registered pharmacy technician, or certified pharmacy technician 8420  
accepts the privilege of practicing in this state subject to 8421  
supervision by the board. By filing an application for or 8422  
holding a registration under this chapter, the individual gives 8423  
consent to submit to a mental or physical examination when 8424  
ordered to do so by the board in writing and waives all 8425  
objections to the admissibility of testimony or examination 8426

reports that constitute privileged communications. 8427

If the board has reasonable cause to believe that an 8428  
individual who is a pharmacy technician trainee, registered 8429  
pharmacy technician, or certified pharmacy technician is 8430  
physically or mentally impaired, the board may require the 8431  
individual to submit to a physical or mental examination, or 8432  
both. The expense of the examination is the responsibility of 8433  
the individual required to be examined. 8434

Failure of an individual who is a pharmacy technician 8435  
trainee, registered pharmacy technician, or certified pharmacy 8436  
technician to submit to a physical or mental examination ordered 8437  
by the board, unless the failure is due to circumstances beyond 8438  
the individual's control, constitutes an admission of the 8439  
allegations and a suspension order shall be entered without the 8440  
taking of testimony or presentation of evidence. Any subsequent 8441  
adjudication hearing under Chapter 119. of the Revised Code 8442  
concerning failure to submit to an examination is limited to 8443  
consideration of whether the failure was beyond the individual's 8444  
control. 8445

If, based on the results of an examination ordered under 8446  
this division, the board determines that the individual's 8447  
ability to practice is impaired, the board shall suspend the 8448  
individual's registration or deny the individual's application 8449  
and shall require the individual, as a condition for an initial, 8450  
continued, reinstated, or renewed registration to practice, to 8451  
submit to a physical or mental examination and treatment. 8452

An order of suspension issued under this division shall 8453  
not be subject to suspension by a court during pendency of any 8454  
appeal filed under section 119.12 of the Revised Code. 8455

(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or registrant does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(E) Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) of section 2953.32, division (D) of section 2953.321, division (C) (2) of section 2953.322, division (D) of section 2953.323, or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) No pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician shall knowingly engage in any conduct described in divisions (A) (2) (b) or (A) (2) (d) to (g) of this section.

(G) The board shall not refuse to issue a registration to an applicant because of a conviction of an offense unless the

refusal is in accordance with section 9.79 of the Revised Code. 8486

**Sec. 4752.09.** (A) The state board of pharmacy may, in 8487  
accordance with Chapter 119. of the Revised Code, impose any one 8488  
or more of the following sanctions on an applicant for a license 8489  
or certificate of registration issued under this chapter or a 8490  
license or certificate holder for any of the causes set forth in 8491  
division (B) of this section: 8492

(1) Suspend, revoke, restrict, limit, or refuse to grant 8493  
or renew a license or certificate of registration; 8494

(2) Reprimand or place the license or certificate holder 8495  
on probation; 8496

(3) Impose a monetary penalty or forfeiture not to exceed 8497  
in severity any fine designated under the Revised Code for a 8498  
similar offense or not more than five thousand dollars if the 8499  
acts committed are not classified as an offense by the Revised 8500  
Code. 8501

(B) The board may impose the sanctions listed in division 8502  
(A) of this section for any of the following: 8503

(1) Violation of any provision of this chapter or an order 8504  
or rule of the board, as those provisions, orders, or rules are 8505  
applicable to persons licensed under this chapter; 8506

(2) A plea of guilty to or a judicial finding of guilt of 8507  
a felony or a misdemeanor that involves dishonesty or is 8508  
directly related to the provision of home medical equipment 8509  
services; 8510

(3) Making a material misstatement in furnishing 8511  
information to the board; 8512

(4) Professional incompetence; 8513

- (5) Being guilty of negligence or gross misconduct in 8514  
providing home medical equipment services; 8515
- (6) Aiding, assisting, or willfully permitting another 8516  
person to violate any provision of this chapter or an order or 8517  
rule of the board, as those provisions, orders, or rules are 8518  
applicable to persons licensed under this chapter; 8519
- (7) Failing to provide information in response to a 8520  
written request by the board; 8521
- (8) Engaging in conduct likely to deceive, defraud, or 8522  
harm the public; 8523
- (9) Denial, revocation, suspension, or restriction of a 8524  
license to provide home medical equipment services, for any 8525  
reason other than failure to renew, in another state or 8526  
jurisdiction; 8527
- (10) Directly or indirectly giving to or receiving from 8528  
any person a fee, commission, rebate, or other form of 8529  
compensation for services not rendered; 8530
- (11) Knowingly making or filing false records, reports, or 8531  
billings in the course of providing home medical equipment 8532  
services, including false records, reports, or billings prepared 8533  
for or submitted to state and federal agencies or departments; 8534
- (12) Failing to comply with federal rules issued pursuant 8535  
to the medicare program established under Title XVIII of the 8536  
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 8537  
amended, relating to operations, financial transactions, and 8538  
general business practices of home medical services providers; 8539
- (13) Any other cause for which the board may impose 8540  
sanctions as set forth in rules adopted under section 4752.17 of 8541



the Revised Code. 8542

(C) Notwithstanding any provision of divisions (A) and (B) 8543  
of this section to the contrary, the board shall not refuse to 8544  
issue a license or certificate of registration to an applicant 8545  
because of a plea of guilty to or a judicial finding of guilt of 8546  
an offense unless the refusal is in accordance with section 9.79 8547  
of the Revised Code. 8548

(D) The state board of pharmacy immediately may suspend a 8549  
license without a hearing if it determines that there is 8550  
evidence that the license holder is subject to actions under 8551  
this section and that there is clear and convincing evidence 8552  
that continued operation by the license holder presents an 8553  
immediate and serious harm to the public. The board shall follow 8554  
the procedure for suspension without a prior hearing in section 8555  
119.07 of the Revised Code. The board may vote on the suspension 8556  
by way of a telephone conference call. 8557

A suspension under this division shall remain in effect, 8558  
unless reversed by the board, until a final adjudication order 8559  
issued by the board pursuant to this section and Chapter 119. of 8560  
the Revised Code becomes effective. The board shall issue its 8561  
final adjudication order not later than ninety days after 8562  
completion of the hearing. The board's failure to issue the 8563  
order by that day shall cause the summary suspension to end, but 8564  
shall not affect the validity of any subsequent final 8565  
adjudication order. 8566

(E) If the board is required under Chapter 119. of the 8567  
Revised Code to give notice of an opportunity for a hearing and 8568  
the applicant or license or certificate holder does not make a 8569  
timely request for a hearing in accordance with section 119.07 8570  
of the Revised Code, the board is not required to hold a 8571

hearing, but may adopt a final order that contains the board's 8572  
findings. In the final order, the board may impose any of the 8573  
sanctions listed in division (A) of this section. 8574

(F) Notwithstanding the provision of division ~~(D) (2)~~ (C) (2) 8575  
of section 2953.32, division (D) of section 2953.321, division 8576  
(C) (2) of section 2953.322, division (D) of section 2953.323, or 8577  
division (F) (1) of section 2953.39 of the Revised Code 8578  
specifying that if records pertaining to a criminal case are 8579  
sealed or expunged under that section the proceedings in the 8580  
case must be deemed not to have occurred, sealing or expungement 8581  
of the following records on which the board has based an action 8582  
under this section shall have no effect on the board's action or 8583  
any sanction imposed by the board under this section: records of 8584  
any conviction, guilty plea, judicial finding of guilt resulting 8585  
from a plea of no contest, or a judicial finding of eligibility 8586  
for a pretrial diversion program or intervention in lieu of 8587  
conviction. The board shall not be required to seal, destroy, 8588  
redact, or otherwise modify its records to reflect the court's 8589  
sealing or expungement of conviction records. 8590

**Sec. 5120.035.** (A) As used in this section: 8591

(1) "Community treatment provider" means a program that 8592  
provides substance use disorder assessment and treatment for 8593  
persons and that satisfies all of the following: 8594

(a) It is located outside of a state correctional 8595  
institution. 8596

(b) It shall provide the assessment and treatment for 8597  
qualified prisoners referred and transferred to it under this 8598  
section in a suitable facility that is licensed pursuant to 8599  
division (C) of section 2967.14 of the Revised Code. 8600

(c) All qualified prisoners referred and transferred to it 8601  
under this section shall reside initially in the suitable 8602  
facility specified in division (A) (1) (b) of this section while 8603  
undergoing the assessment and treatment. 8604

(2) "Electronic monitoring device" has the same meaning as 8605  
in section 2929.01 of the Revised Code. 8606

(3) "State correctional institution" has the same meaning 8607  
as in section 2967.01 of the Revised Code. 8608

(4) "Qualified prisoner" means a person who satisfies all 8609  
of the following: 8610

(a) The person is confined in a state correctional 8611  
institution under a prison term imposed for a felony of the 8612  
third, fourth, or fifth degree that is not an offense of 8613  
violence. 8614

(b) The department of rehabilitation and correction 8615  
determines, using a standardized assessment tool, that the 8616  
person has a substance use disorder. 8617

(c) The person has not more than twelve months remaining 8618  
to be served under the prison term described in division (A) (4) 8619  
(a) of this section. 8620

(d) The person is not serving any prison term other than 8621  
the term described in division (A) (4) (a) of this section. 8622

(e) The person is eighteen years of age or older. 8623

(f) The person does not show signs of drug or alcohol 8624  
withdrawal and does not require medical detoxification. 8625

(g) As determined by the department of rehabilitation and 8626  
correction, the person is physically and mentally capable of 8627

uninterrupted participation in the substance use disorder 8628  
treatment program established under division (B) of this 8629  
section. 8630

(B) The department of rehabilitation and correction shall 8631  
establish and operate a program for community-based substance 8632  
use disorder treatment for qualified prisoners. The purpose of 8633  
the program shall be to provide substance use disorder 8634  
assessment and treatment through community treatment providers 8635  
to help reduce substance use relapses and recidivism for 8636  
qualified prisoners while preparing them for reentry into the 8637  
community and improving public safety. 8638

(C) (1) The department shall determine which qualified 8639  
prisoners in its custody should be placed in the substance use 8640  
disorder treatment program established under division (B) of 8641  
this section. The department has full discretion in making that 8642  
determination. If the department determines that a qualified 8643  
prisoner should be placed in the program, the department may 8644  
refer the prisoner to a community treatment provider the 8645  
department has approved under division (E) of this section for 8646  
participation in the program and transfer the prisoner from the 8647  
state correctional institution to the provider's approved and 8648  
licensed facility. Except as otherwise provided in division (C) 8649  
(3) of this section, no prisoner shall be placed under the 8650  
program in any facility other than a facility of a community 8651  
treatment provider that has been so approved. If the department 8652  
places a prisoner in the program, the prisoner shall receive 8653  
credit against the prisoner's prison term for all time served in 8654  
the provider's approved and licensed facility and may earn days 8655  
of credit under section 2967.193 or 2967.194 of the Revised 8656  
Code, but otherwise neither the placement nor the prisoner's 8657  
participation in or completion of the program shall result in 8658

any reduction of the prisoner's prison term. 8659

(2) If the department places a prisoner in the substance 8660  
use disorder treatment program, the prisoner does not 8661  
satisfactorily participate in the program, and the prisoner has 8662  
not served the prisoner's entire prison term, the department may 8663  
remove the prisoner from the program and return the prisoner to 8664  
a state correctional institution. 8665

(3) If the department places a prisoner in the substance 8666  
use disorder treatment program and the prisoner is 8667  
satisfactorily participating in the program, the department may 8668  
permit the prisoner to reside at a residence approved by the 8669  
department if the department determines, with input from the 8670  
community treatment provider, that residing at the approved 8671  
residence will help the prisoner prepare for reentry into the 8672  
community and will help reduce substance use relapses and 8673  
recidivism for the prisoner. If a prisoner is permitted under 8674  
this division to reside at a residence approved by the 8675  
department, the prisoner shall be monitored during the period of 8676  
that residence by an electronic monitoring device. 8677

(D) (1) When a prisoner has been placed in the substance 8678  
use disorder treatment program established under division (B) of 8679  
this section, before the prisoner is released from custody of 8680  
the department upon completion of the prisoner's prison term, 8681  
the department shall conduct and prepare an evaluation of the 8682  
prisoner, the prisoner's participation in the program, and the 8683  
prisoner's needs regarding substance use disorder treatment upon 8684  
release. Before the prisoner is released from custody of the 8685  
department upon completion of the prisoner's prison term, the 8686  
parole board or the court acting pursuant to an agreement under 8687  
section 2967.29 of the Revised Code shall consider the 8688

evaluation, in addition to all other information and materials 8689  
considered, as follows: 8690

(a) If the prisoner is a prisoner for whom post-release 8691  
control is mandatory under section 2967.28 of the Revised Code, 8692  
the board or court shall consider it in determining which post- 8693  
release control sanction or sanctions to impose upon the 8694  
prisoner under that section. 8695

(b) If the prisoner is a prisoner for whom post-release 8696  
control is not mandatory under section 2967.28 of the Revised 8697  
Code, the board or court shall consider it in determining 8698  
whether a post-release control sanction is necessary and, if so, 8699  
which post-release control sanction or sanctions to impose upon 8700  
the prisoner under that section. 8701

(2) If the department determines that a prisoner it placed 8702  
in the substance use disorder treatment program successfully 8703  
completed the program and successfully completed a term of post- 8704  
release control, if applicable, and if the prisoner submits an 8705  
application under section 2953.32, 2953.322, or 2953.323 of the 8706  
Revised Code or the prosecutor in the case submits an 8707  
application under section 2953.39 of the Revised Code for 8708  
sealing or expungement of the record of the conviction, the 8709  
director may issue a letter to the court in support of the 8710  
application. 8711

(E) (1) The department shall accept applications from 8712  
community treatment providers that satisfy the requirement 8713  
specified in division (E) (2) of this section and that wish to 8714  
participate in the substance use disorder treatment program 8715  
established under division (B) of this section, and shall 8716  
approve for participation in the program at least four and not 8717  
more than eight of the providers that apply. To the extent 8718

feasible, the department shall approve one or more providers 8719  
from each geographical quadrant of the state. 8720

(2) Each community treatment provider that applies under 8721  
division (E)(1) of this section to participate in the program 8722  
shall have the provider's alcohol and drug addiction services 8723  
that provide substance use disorder treatment certified by the 8724  
department of mental health and addiction services under section 8725  
5119.36 of the Revised Code. A community treatment provider is 8726  
not required to have the provider's halfway house or residential 8727  
treatment certified by the department of mental health and 8728  
addiction services. 8729

(F) The department of rehabilitation and correction shall 8730  
adopt rules for the operation of the substance use disorder 8731  
treatment program it establishes under division (B) of this 8732  
section and shall operate the program in accordance with this 8733  
section and those rules. The rules shall establish, at a 8734  
minimum, all of the following: 8735

(1) Criteria that establish which qualified prisoners are 8736  
eligible for the program; 8737

(2) Criteria that must be satisfied to transfer a 8738  
qualified prisoner to a residence pursuant to division (C)(3) of 8739  
this section; 8740

(3) Criteria for the removal of a prisoner from the 8741  
program pursuant to division (C)(2) of this section; 8742

(4) Criteria for determining when an offender has 8743  
successfully completed the program for purposes of division (D) 8744  
(2) of this section; 8745

(5) Criteria for community treatment providers to provide 8746  
assessment and treatment, including minimum standards for 8747

treatment. 8748

**Section 2.** That existing sections 109.11, 109.57, 109.572, 8749  
109.578, 109.579, 2151.357, 2746.02, 2901.08, 2923.125, 2923.13, 8750  
2923.14, 2929.01, 2929.13, 2929.14, 2929.34, 2930.171, 2941.141, 8751  
2941.144, 2941.145, 2941.146, 2951.041, 2953.25, 2953.26, 8752  
2953.31, 2953.32, 2953.34, 2953.39, 2953.61, 4723.28, 4729.16, 8753  
4729.56, 4729.57, 4729.96, 4752.09, and 5120.035 of the Revised 8754  
Code are hereby repealed. 8755

**Section 3.** This act shall be known as the Repeat Offender 8756  
Act. 8757

**Section 4.** The General Assembly, applying the principle 8758  
stated in division (B) of section 1.52 of the Revised Code that 8759  
amendments are to be harmonized if reasonably capable of 8760  
simultaneous operation, finds that the following sections, 8761  
presented in this act as composites of the sections as amended 8762  
by the acts indicated, are the resulting versions of the 8763  
sections in effect prior to the effective date of the sections 8764  
as presented in this act: 8765

Section 2746.02 of the Revised Code as amended by both 8766  
H.B. 281 and S.B. 288 of the 134th General Assembly. 8767

Section 2923.125 of the Revised Code as amended by both 8768  
H.B. 281 and S.B. 288 of the 134th General Assembly. 8769

Section 2929.14 of the Revised Code as amended by both 8770  
H.B. 56 and S.B. 106 of the 135th General Assembly. 8771

Section 2930.171 of the Revised Code as amended by both 8772  
H.B. 33 and S.B. 16 of the 135th General Assembly. 8773

Section 4729.16 of the Revised Code as amended by H.B. 558 8774  
and S.B. 288, both of the 134th General Assembly. 8775