

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 527

Representative Williams

A BILL

To amend sections 109.83, 109.84, 109.85, 109.86, 1
121.22, 177.03, 307.52, 325.07, 701.03, 1901.21, 2
2151.43, 2152.13, 2301.25, 2335.08, 2930.09, 3
2933.62, 2933.63, 2935.36, 2937.09, 2937.10, 4
2937.12, 2939.02, 2939.03, 2939.06, 2939.07, 5
2939.08, 2939.09, 2939.10, 2939.11, 2939.12, 6
2939.13, 2939.14, 2939.15, 2939.16, 2939.17, 7
2939.19, 2939.23, 2939.24, 2941.06, 2941.58, 8
2951.041, 2953.33, 3515.13, 3701.14, 3701.17, 9
3701.24, and 4113.22 and to enact sections 10
2937.111, 2939.061, and 2939.071 of the Revised 11
Code to allow felony defendants to request an 12
alternative system of indictment by open grand 13
jury. 14

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

Section 1. That sections 109.83, 109.84, 109.85, 109.86, 15
121.22, 177.03, 307.52, 325.07, 701.03, 1901.21, 2151.43, 16
2152.13, 2301.25, 2335.08, 2930.09, 2933.62, 2933.63, 2935.36, 17
2937.09, 2937.10, 2937.12, 2939.02, 2939.03, 2939.06, 2939.07, 18
2939.08, 2939.09, 2939.10, 2939.11, 2939.12, 2939.13, 2939.14, 19
2939.15, 2939.16, 2939.17, 2939.19, 2939.23, 2939.24, 2941.06, 20

2941.58, 2951.041, 2953.33, 3515.13, 3701.14, 3701.17, 3701.24, 21
and 4113.22 be amended and sections 2937.111, 2939.061, and 22
2939.071 of the Revised Code be enacted to read as follows: 23

Sec. 109.83. (A) When directed by the governor or general 24
assembly, the attorney general may investigate any organized 25
criminal activity in this state. When it appears to the attorney 26
general, as a result of an investigation conducted pursuant to 27
this division, that there is cause to prosecute for the 28
commission of a crime, the attorney general shall refer the 29
evidence to the prosecuting attorney having jurisdiction of the 30
matter, to a regular secret grand jury drawn and impaneled 31
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 32
to a special secret grand jury drawn and impaneled pursuant to 33
section 2939.17 of the Revised Code. When the crime or the 34
elements of the crime were committed in two or more counties, 35
the referral shall be to the prosecuting attorney, the regular 36
secret grand jury, or a special secret grand jury of the county 37
in which the most significant portion of the crime or the 38
elements of the crime occurred or, if it is not possible to 39
determine that county, the county with the largest population. 40
When evidence is referred directly to a secret grand jury 41
pursuant to this section, the attorney general and any assistant 42
or special counsel designated by the attorney general has the 43
exclusive right to appear at any time before the secret grand 44
jury to give information relative to a legal matter cognizable 45
by it, or to advise upon a legal matter when required, and may 46
exercise all rights, privileges, and powers of prosecuting 47
attorneys in such cases. 48

(B) (1) When information is referred to the attorney 49
general by an organized crime task force or the organized crime 50
investigations commission pursuant to section 177.03 of the 51

Revised Code, the attorney general shall review the information 52
so referred and upon a determination that there is cause to 53
prosecute for the commission of a crime, the attorney general 54
either shall refer the information as evidence to a regular or 55
special secret grand jury in the manner described in, and in the 56
county determined in accordance with the provisions of, division 57
(A) of this section or shall initiate a criminal action or 58
proceeding in a court of proper jurisdiction. If an indictment 59
is returned by a secret grand jury pursuant to a referral made 60
under this division, the attorney general has sole 61
responsibility to prosecute the accused offender. 62

(2) The attorney general, and any assistant or special 63
counsel designated by the attorney general who appears under 64
this division in any county for the prosecution of any crime has 65
the same powers and authority as a prosecuting attorney, 66
including, but not limited to, powers relating to attendance 67
before the courts and grand juries of the county, preparation 68
and trial of indictments for crimes, and representation of the 69
state in any criminal proceeding, in any civil proceeding 70
related to the crime, or in any appeal from a criminal case or 71
from a civil case related to the crime in any court of this 72
state. 73

(C) When proceeding under the authority of this section, 74
the attorney general may appear for the state in any court or 75
tribunal of proper jurisdiction for the purpose of conducting 76
investigations under division (A) of this section, or for the 77
purpose of conducting criminal proceedings, civil proceedings, 78
or any other proceeding that is necessary to promote and 79
safeguard the public interests of the citizens of this state. 80

(D) This section shall not be construed to prevent the 81

attorney general and prosecuting attorneys or special 82
prosecutors from cooperating in the investigation and 83
prosecution of offenses under this section. However, in cases in 84
which information was referred to the attorney general by an 85
organized crime task force because the office of a prosecuting 86
attorney was implicated by an investigation conducted by the 87
task force, the attorney general shall not inform the implicated 88
prosecutor of the investigation or referral and shall not 89
cooperate with the prosecutor on the matter. 90

(E) As used in this section, "organized criminal activity" 91
has the same meaning as in section 177.01 of the Revised Code. 92

Sec. 109.84. (A) Upon the written request of the governor, 93
the industrial commission, the administrator of workers' 94
compensation, or upon the attorney general's becoming aware of 95
criminal or improper activity related to Chapter 4121. or 4123. 96
of the Revised Code, the attorney general shall investigate any 97
criminal or civil violation of law related to Chapter 4121. or 98
4123. of the Revised Code. 99

(B) When it appears to the attorney general, as a result 100
of an investigation under division (A) of this section, that 101
there is cause to prosecute for the commission of a crime or to 102
pursue a civil remedy, ~~he~~the attorney general may refer the 103
evidence to the prosecuting attorney having jurisdiction of the 104
matter, or to a regular secret grand jury drawn and impaneled 105
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 106
to a special secret grand jury drawn and impaneled pursuant to 107
section 2939.17 of the Revised Code, ~~or he~~ the attorney general 108
may initiate and prosecute any necessary criminal or civil 109
actions in any court or tribunal of competent jurisdiction in 110
this state. When proceeding under this section, the attorney 111

general has all rights, privileges, and powers of prosecuting 112
attorneys, and any assistant or special counsel designated by 113
~~him~~ the attorney general for that purpose has the same 114
authority. 115

(C) The attorney general shall be reimbursed by the bureau 116
of workers' compensation for all actual and necessary costs 117
incurred in conducting investigations requested by the governor, 118
the commission, or the administrator and all actual and 119
necessary costs in conducting the prosecution arising out of 120
such investigation. 121

Sec. 109.85. (A) Upon the written request of the governor, 122
the general assembly, the auditor of state, the medicaid 123
director, the director of health, or the director of budget and 124
management, or upon the attorney general's becoming aware of 125
criminal or improper activity related to Chapter 3721. of the 126
Revised Code and the medicaid program, the attorney general 127
shall investigate any criminal or civil violation of law related 128
to Chapter 3721. of the Revised Code or the medicaid program. 129

(B) When it appears to the attorney general, as a result 130
of an investigation under division (A) of this section, that 131
there is cause to prosecute for the commission of a crime or to 132
pursue a civil remedy, the attorney general may refer the 133
evidence to the prosecuting attorney having jurisdiction of the 134
matter, or to a regular secret grand jury drawn and impaneled 135
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 136
to a special secret grand jury drawn and impaneled pursuant to 137
section 2939.17 of the Revised Code, or the attorney general may 138
initiate and prosecute any necessary criminal or civil actions 139
in any court or tribunal of competent jurisdiction in this 140
state. When proceeding under this section, the attorney general, 141

and any assistant or special counsel designated by the attorney 142
general for that purpose, have all rights, privileges, and 143
powers of prosecuting attorneys. The attorney general shall have 144
exclusive supervision and control of all investigations and 145
prosecutions initiated by the attorney general under this 146
section. The forfeiture provisions of Chapter 2981. of the 147
Revised Code apply in relation to any such criminal action 148
initiated and prosecuted by the attorney general. 149

(C) Nothing in this section shall prevent a county 150
prosecuting attorney from investigating and prosecuting criminal 151
activity related to Chapter 3721. of the Revised Code and the 152
medicaid program. The forfeiture provisions of Chapter 2981. of 153
the Revised Code apply in relation to any prosecution of 154
criminal activity related to the medicaid program undertaken by 155
the prosecuting attorney. 156

Sec. 109.86. (A) The attorney general shall investigate 157
any activity the attorney general has reasonable cause to 158
believe is in violation of section 2903.34 of the Revised Code. 159
Upon written request of the governor, the general assembly, the 160
auditor of state, or the director of health, job and family 161
services, aging, mental health and addiction services, or 162
developmental disabilities, the attorney general shall 163
investigate any activity these persons believe is in violation 164
of section 2903.34 of the Revised Code. If after an 165
investigation the attorney general has probable cause to 166
prosecute for the commission of a crime, the attorney general 167
shall refer the evidence to the prosecuting attorney, director 168
of law, or other similar chief legal officer having jurisdiction 169
over the matter. If the prosecuting attorney decides to present 170
the evidence to a secret grand jury, the prosecuting attorney 171
shall notify the attorney general in writing of the decision 172

within thirty days after referral of the matter and shall 173
present the evidence prior to the discharge of the next regular 174
secret grand jury. If the director of law or other chief legal 175
officer decides to prosecute the case, the director or officer 176
shall notify the attorney general in writing of the decision 177
within thirty days and shall initiate prosecution within sixty 178
days after the matter was referred to the director or officer. 179

(B) If the prosecuting attorney, director of law, or other 180
chief legal officer fails to notify the attorney general or to 181
present evidence or initiate prosecution in accordance with 182
division (A) of this section, the attorney general may present 183
the evidence to a regular secret grand jury drawn and impaneled 184
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 185
to a special secret grand jury drawn and impaneled pursuant to 186
section 2939.17 of the Revised Code, or the attorney general may 187
initiate and prosecute any action in any court or tribunal of 188
competent jurisdiction in this state. The attorney general, and 189
any assistant or special counsel designated by the attorney 190
general, have all the powers of a prosecuting attorney, director 191
of law, or other chief legal officer when proceeding under this 192
section. Nothing in this section shall limit or prevent a 193
prosecuting attorney, director of law, or other chief legal 194
officer from investigating and prosecuting criminal activity 195
committed against a resident or patient of a care facility. 196

Sec. 121.22. (A) This section shall be liberally construed 197
to require public officials to take official action and to 198
conduct all deliberations upon official business only in open 199
meetings unless the subject matter is specifically excepted by 200
law. 201

(B) As used in this section: 202

(1) "Public body" means any of the following:	203
(a) Any board, commission, committee, council, or similar	204
decision-making body of a state agency, institution, or	205
authority, and any legislative authority or board, commission,	206
committee, council, agency, authority, or similar decision-	207
making body of any county, township, municipal corporation,	208
school district, or other political subdivision or local public	209
institution;	210
(b) Any committee or subcommittee of a body described in	211
division (B) (1) (a) of this section;	212
(c) A court of jurisdiction of a sanitary district	213
organized wholly for the purpose of providing a water supply for	214
domestic, municipal, and public use when meeting for the purpose	215
of the appointment, removal, or reappointment of a member of the	216
board of directors of such a district pursuant to section	217
6115.10 of the Revised Code, if applicable, or for any other	218
matter related to such a district other than litigation	219
involving the district. As used in division (B) (1) (c) of this	220
section, "court of jurisdiction" has the same meaning as "court"	221
in section 6115.01 of the Revised Code.	222
(2) "Meeting" means any prearranged discussion of the	223
public business of the public body by a majority of its members.	224
(3) "Regulated individual" means either of the following:	225
(a) A student in a state or local public educational	226
institution;	227
(b) A person who is, voluntarily or involuntarily, an	228
inmate, patient, or resident of a state or local institution	229
because of criminal behavior, mental illness, an intellectual	230
disability, disease, disability, age, or other condition	231

requiring custodial care.	232
(4) "Public office" has the same meaning as in section	233
149.011 of the Revised Code.	234
(C) All meetings of any public body are declared to be	235
public meetings open to the public at all times. A member of a	236
public body shall be present in person at a meeting open to the	237
public to be considered present or to vote at the meeting and	238
for purposes of determining whether a quorum is present at the	239
meeting.	240
The minutes of a regular or special meeting of any public	241
body shall be promptly prepared, filed, and maintained and shall	242
be open to public inspection. The minutes need only reflect the	243
general subject matter of discussions in executive sessions	244
authorized under division (G) or (J) of this section.	245
(D) This section does not apply to any of the following:	246
(1) A <u>secret</u> grand jury;	247
(2) An audit conference conducted by the auditor of state	248
or independent certified public accountants with officials of	249
the public office that is the subject of the audit;	250
(3) The adult parole authority when its hearings are	251
conducted at a correctional institution for the sole purpose of	252
interviewing inmates to determine parole or pardon and the	253
department of rehabilitation and correction when its hearings	254
are conducted at a correctional institution for the sole purpose	255
of making determinations under section 2967.271 of the Revised	256
Code regarding the release or maintained incarceration of an	257
offender to whom that section applies;	258
(4) The organized crime investigations commission	259

established under section 177.01 of the Revised Code; 260

(5) Meetings of a child fatality review board established 261
under section 307.621 of the Revised Code, meetings related to a 262
review conducted pursuant to guidelines established by the 263
director of health under section 3701.70 of the Revised Code, 264
and meetings conducted pursuant to sections 5153.171 to 5153.173 265
of the Revised Code; 266

(6) The state medical board when determining whether to 267
suspend a license or certificate without a prior hearing 268
pursuant to division (G) of either section 4730.25 or 4731.22 of 269
the Revised Code; 270

(7) The board of nursing when determining whether to 271
suspend a license or certificate without a prior hearing 272
pursuant to division (B) of section 4723.281 of the Revised 273
Code; 274

(8) The state board of pharmacy when determining whether 275
to do either of the following: 276

(a) Suspend a license, certification, or registration 277
without a prior hearing, including during meetings conducted by 278
telephone conference, pursuant to Chapters 3719., 3796., 4729., 279
and 4752. of the Revised Code and rules adopted thereunder; or 280

(b) Restrict a person from obtaining further information 281
from the drug database established in section 4729.75 of the 282
Revised Code without a prior hearing pursuant to division (C) of 283
section 4729.86 of the Revised Code. 284

(9) The state chiropractic board when determining whether 285
to suspend a license without a hearing pursuant to section 286
4734.37 of the Revised Code; 287

(10) The executive committee of the emergency response 288
commission when determining whether to issue an enforcement 289
order or request that a civil action, civil penalty action, or 290
criminal action be brought to enforce Chapter 3750. of the 291
Revised Code; 292

(11) The board of directors of the nonprofit corporation 293
formed under section 187.01 of the Revised Code or any committee 294
thereof, and the board of directors of any subsidiary of that 295
corporation or a committee thereof; 296

(12) An audit conference conducted by the audit staff of 297
the department of job and family services with officials of the 298
public office that is the subject of that audit under section 299
5101.37 of the Revised Code; 300

(13) The occupational therapy section of the occupational 301
therapy, physical therapy, and athletic trainers board when 302
determining whether to suspend a license without a hearing 303
pursuant to division (E) of section 4755.11 of the Revised Code; 304

(14) The physical therapy section of the occupational 305
therapy, physical therapy, and athletic trainers board when 306
determining whether to suspend a license without a hearing 307
pursuant to division (F) of section 4755.47 of the Revised Code; 308

(15) The athletic trainers section of the occupational 309
therapy, physical therapy, and athletic trainers board when 310
determining whether to suspend a license without a hearing 311
pursuant to division (E) of section 4755.64 of the Revised Code; 312

(16) Meetings of the pregnancy-associated mortality review 313
board established under section 3738.01 of the Revised Code; 314

(17) Meetings of a fetal-infant mortality review board 315
established under section 3707.71 of the Revised Code; 316

(18) Meetings of a drug overdose fatality review committee	317
described in section 307.631 of the Revised Code;	318
(19) Meetings of a suicide fatality review committee	319
described in section 307.641 of the Revised Code;	320
(20) Meetings of the officers, members, or directors of an	321
existing qualified nonprofit corporation that creates a special	322
improvement district under Chapter 1710. of the Revised Code, at	323
which the public business of the corporation pertaining to a	324
purpose for which the district is created is not discussed;	325
(21) Meetings of a domestic violence fatality review board	326
established under section 307.651 of the Revised Code;	327
(22) Any nonprofit agency that has received an endorsement	328
under section 122.69 of the Revised Code.	329
(E) The controlling board, the tax credit authority, or	330
the minority development financing advisory board, when meeting	331
to consider granting assistance pursuant to Chapter 122. or 166.	332
of the Revised Code, in order to protect the interest of the	333
applicant or the possible investment of public funds, by	334
unanimous vote of all board or authority members present, may	335
close the meeting during consideration of the following	336
information confidentially received by the authority or board	337
from the applicant:	338
(1) Marketing plans;	339
(2) Specific business strategy;	340
(3) Production techniques and trade secrets;	341
(4) Financial projections;	342
(5) Personal financial statements of the applicant or	343

members of the applicant's immediate family, including, but not 344
limited to, tax records or other similar information not open to 345
public inspection. 346

The vote by the authority or board to accept or reject the 347
application, as well as all proceedings of the authority or 348
board not subject to this division, shall be open to the public 349
and governed by this section. 350

(F) Every public body, by rule, shall establish a 351
reasonable method whereby any person may determine the time and 352
place of all regularly scheduled meetings and the time, place, 353
and purpose of all special meetings. A public body shall not 354
hold a special meeting unless it gives at least twenty-four 355
hours' advance notice to the news media that have requested 356
notification, except in the event of an emergency requiring 357
immediate official action. In the event of an emergency, the 358
member or members calling the meeting shall notify the news 359
media that have requested notification immediately of the time, 360
place, and purpose of the meeting. 361

The rule shall provide that any person, upon request and 362
payment of a reasonable fee, may obtain reasonable advance 363
notification of all meetings at which any specific type of 364
public business is to be discussed. Provisions for advance 365
notification may include, but are not limited to, mailing the 366
agenda of meetings to all subscribers on a mailing list or 367
mailing notices in self-addressed, stamped envelopes provided by 368
the person. 369

(G) Except as provided in divisions (G)(8) and (J) of this 370
section, the members of a public body may hold an executive 371
session only after a majority of a quorum of the public body 372
determines, by a roll call vote, to hold an executive session 373

and only at a regular or special meeting for the sole purpose of 374
the consideration of any of the following matters: 375

(1) To consider the appointment, employment, dismissal, 376
discipline, promotion, demotion, or compensation of a public 377
employee or official, or the investigation of charges or 378
complaints against a public employee, official, licensee, or 379
regulated individual, unless the public employee, official, 380
licensee, or regulated individual requests a public hearing. 381
Except as otherwise provided by law, no public body shall hold 382
an executive session for the discipline of an elected official 383
for conduct related to the performance of the elected official's 384
official duties or for the elected official's removal from 385
office. If a public body holds an executive session pursuant to 386
division (G)(1) of this section, the motion and vote to hold 387
that executive session shall state which one or more of the 388
approved purposes listed in division (G)(1) of this section are 389
the purposes for which the executive session is to be held, but 390
need not include the name of any person to be considered at the 391
meeting. 392

(2) To consider the purchase of property for public 393
purposes, the sale of property at competitive bidding, or the 394
sale or other disposition of unneeded, obsolete, or unfit-for- 395
use property in accordance with section 505.10 of the Revised 396
Code, if premature disclosure of information would give an 397
unfair competitive or bargaining advantage to a person whose 398
personal, private interest is adverse to the general public 399
interest. No member of a public body shall use division (G)(2) 400
of this section as a subterfuge for providing covert information 401
to prospective buyers or sellers. A purchase or sale of public 402
property is void if the seller or buyer of the public property 403
has received covert information from a member of a public body 404

that has not been disclosed to the general public in sufficient 405
time for other prospective buyers and sellers to prepare and 406
submit offers. 407

If the minutes of the public body show that all meetings 408
and deliberations of the public body have been conducted in 409
compliance with this section, any instrument executed by the 410
public body purporting to convey, lease, or otherwise dispose of 411
any right, title, or interest in any public property shall be 412
conclusively presumed to have been executed in compliance with 413
this section insofar as title or other interest of any bona fide 414
purchasers, lessees, or transferees of the property is 415
concerned. 416

(3) Conferences with an attorney for the public body 417
concerning disputes involving the public body that are the 418
subject of pending or imminent court action; 419

(4) Preparing for, conducting, or reviewing negotiations 420
or bargaining sessions with public employees concerning their 421
compensation or other terms and conditions of their employment; 422

(5) Matters required to be kept confidential by federal 423
law or regulations or state statutes; 424

(6) Details relative to the security arrangements and 425
emergency response protocols for a public body or a public 426
office, if disclosure of the matters discussed could reasonably 427
be expected to jeopardize the security of the public body or 428
public office; 429

(7) In the case of a county hospital operated pursuant to 430
Chapter 339. of the Revised Code, a joint township hospital 431
operated pursuant to Chapter 513. of the Revised Code, or a 432
municipal hospital operated pursuant to Chapter 749. of the 433

Revised Code, to consider trade secrets, as defined in section 434
1333.61 of the Revised Code; 435

(8) To consider confidential information related to the 436
marketing plans, specific business strategy, production 437
techniques, trade secrets, or personal financial statements of 438
an applicant for economic development assistance, or to 439
negotiations with other political subdivisions respecting 440
requests for economic development assistance, provided that both 441
of the following conditions apply: 442

(a) The information is directly related to a request for 443
economic development assistance that is to be provided or 444
administered under any provision of Chapter 715., 725., 1724., 445
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 446
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 447
5709.81 of the Revised Code, or that involves public 448
infrastructure improvements or the extension of utility services 449
that are directly related to an economic development project. 450

(b) A unanimous quorum of the public body determines, by a 451
roll call vote, that the executive session is necessary to 452
protect the interests of the applicant or the possible 453
investment or expenditure of public funds to be made in 454
connection with the economic development project. 455

If a public body holds an executive session to consider 456
any of the matters listed in divisions (G)(2) to (8) of this 457
section, the motion and vote to hold that executive session 458
shall state which one or more of the approved matters listed in 459
those divisions are to be considered at the executive session. 460

A public body specified in division (B)(1)(c) of this 461
section shall not hold an executive session when meeting for the 462

purposes specified in that division. 463

(H) A resolution, rule, or formal action of any kind is 464
invalid unless adopted in an open meeting of the public body. A 465
resolution, rule, or formal action adopted in an open meeting 466
that results from deliberations in a meeting not open to the 467
public is invalid unless the deliberations were for a purpose 468
specifically authorized in division (G) or (J) of this section 469
and conducted at an executive session held in compliance with 470
this section. A resolution, rule, or formal action adopted in an 471
open meeting is invalid if the public body that adopted the 472
resolution, rule, or formal action violated division (F) of this 473
section. 474

(I) (1) Any person may bring an action to enforce this 475
section. An action under division (I) (1) of this section shall 476
be brought within two years after the date of the alleged 477
violation or threatened violation. Upon proof of a violation or 478
threatened violation of this section in an action brought by any 479
person, the court of common pleas shall issue an injunction to 480
compel the members of the public body to comply with its 481
provisions. 482

(2) (a) If the court of common pleas issues an injunction 483
pursuant to division (I) (1) of this section, the court shall 484
order the public body that it enjoins to pay a civil forfeiture 485
of five hundred dollars to the party that sought the injunction 486
and shall award to that party all court costs and, subject to 487
reduction as described in division (I) (2) of this section, 488
reasonable attorney's fees. The court, in its discretion, may 489
reduce an award of attorney's fees to the party that sought the 490
injunction or not award attorney's fees to that party if the 491
court determines both of the following: 492

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an

executive session for one or more of the following purposes 522
unless an applicant requests a public hearing: 523

(a) Interviewing an applicant for financial assistance 524
under sections 5901.01 to 5901.15 of the Revised Code; 525

(b) Discussing applications, statements, and other 526
documents described in division (B) of section 5901.09 of the 527
Revised Code; 528

(c) Reviewing matters relating to an applicant's request 529
for financial assistance under sections 5901.01 to 5901.15 of 530
the Revised Code. 531

(2) A veterans service commission shall not exclude an 532
applicant for, recipient of, or former recipient of financial 533
assistance under sections 5901.01 to 5901.15 of the Revised 534
Code, and shall not exclude representatives selected by the 535
applicant, recipient, or former recipient, from a meeting that 536
the commission conducts as an executive session that pertains to 537
the applicant's, recipient's, or former recipient's application 538
for financial assistance. 539

(3) A veterans service commission shall vote on the grant 540
or denial of financial assistance under sections 5901.01 to 541
5901.15 of the Revised Code only in an open meeting of the 542
commission. The minutes of the meeting shall indicate the name, 543
address, and occupation of the applicant, whether the assistance 544
was granted or denied, the amount of the assistance if 545
assistance is granted, and the votes for and against the 546
granting of assistance. 547

Sec. 177.03. (A) An organized crime task force established 548
under section 177.02 of the Revised Code to investigate 549
organized criminal activity in a single county or in two or more 550

counties shall investigate organized criminal activity within 551
the county or counties in accordance with the scope and limits 552
established by the organized crime investigations commission and 553
the task force director. For purposes of the investigation, the 554
task force director and investigatory staff shall have the 555
powers of a peace officer throughout the county or counties in 556
which the investigation is to be undertaken. However, the 557
authority and powers granted to the director and investigatory 558
staff under this section do not supplant or diminish the 559
authority and power provided by the Revised Code to other law 560
enforcement agencies or their officers or investigators. 561

An organized crime task force, in the conduct of its 562
investigation, may issue subpoenas and subpoenas duces tecum. 563
The task force may compel the attendance of witnesses and the 564
production of records and papers of all kinds and description 565
that are relevant to the investigation, including, but not 566
limited to, any books, accounts, documents, and memoranda 567
pertaining to the subject of the investigation. Upon the failure 568
of any person to comply with any lawful order of the task force, 569
the task force may apply to the court of common pleas of the 570
proper county for a contempt order, as in the case of 571
disobedience of the requirements of a subpoena issued from the 572
court of common pleas, or a refusal to testify thereon. 573

(B) This section and section 177.02 of the Revised Code do 574
not prevent an organized crime task force from cooperating with 575
other law enforcement agencies of this state, a political 576
subdivision of this state, another state, a political 577
subdivision of another state, or the United States, or their 578
officers or investigators in the investigation and prosecution 579
of any offenses comprising organized criminal activity. 580

(C) (1) If an organized crime task force, either prior to 581
the commencement of or during the course of its investigation of 582
organized criminal activity in a single county or in two or more 583
counties, has reason to believe that the investigation will 584
require it to engage in substantial investigative activities in 585
a particular municipal corporation or township in the county or 586
any of the counties, the task force director shall notify the 587
commission chairperson of that belief and the reasons for that 588
belief. The chairperson shall present that belief and those 589
reasons to the commission, and, if the commission determines 590
that there is a compelling reason to notify a local law 591
enforcement agency that has jurisdiction within that municipal 592
corporation or township that the task force will be engaging in 593
investigative activities in the municipal corporation or 594
township, the commission, subject to division (C) (2) of this 595
section, shall provide written notice of that fact as follows: 596

(a) If the investigative activities will be engaged in in 597
a township or in a municipal corporation that does not have a 598
police department or similar law enforcement agency, the 599
commission shall provide the notice to the sheriff of the county 600
in which the township or municipal corporation is located. 601

(b) If the investigative activities will be engaged in in 602
a municipal corporation that has a police department or similar 603
law enforcement agency, the commission shall provide the notice 604
to the chief law enforcement officer of the department or 605
agency. 606

(2) The notice described in division (C) (1) of this 607
section shall not be provided to a sheriff or chief law 608
enforcement officer if it appears to the commission, based upon 609
the complaint filed and any information relative to it or based 610

upon any information that the commission may have received, that 611
there is reason to believe that the office of that sheriff or 612
chief law enforcement officer is implicated in the organized 613
criminal activity being investigated. 614

(D) (1) If an organized crime task force determines, 615
pursuant to its investigation of organized criminal activity in 616
a single county or in two or more counties, that there is not 617
reasonable cause to believe that organized criminal activity has 618
occurred or is occurring in the county or in any of the 619
counties, it shall report its determination to the commission, 620
terminate its task force activities, and disband. 621

(2) (a) If a task force determines, pursuant to its 622
investigation of organized criminal activity in a single county 623
or in two or more counties, that there is reasonable cause to 624
believe that organized criminal activity has occurred or is 625
occurring in the county or in any of the counties, it shall 626
report its determination to the commission and, except as 627
provided in division (D) (3) of this section, shall refer a copy 628
of all of the information gathered during the course of the 629
investigation to the prosecuting attorney who has jurisdiction 630
over the matter and inform the prosecuting attorney that the 631
prosecuting attorney has thirty days to decide whether the 632
prosecuting attorney should present the information to a secret 633
grand jury and that, if the prosecuting attorney intends to make 634
a presentation of the information to the secret grand jury, the 635
prosecuting attorney has to give the commission written notice 636
of that intention. If the organized criminal activity occurred 637
or is occurring in two or more counties, the referral of the 638
information shall be to the prosecuting attorney of the county 639
in which the most significant portion of the activity occurred 640
or is occurring or, if it is not possible to determine that 641

county, the county with the largest population. 642

If a prosecuting attorney who has been referred 643
information under this division fails to notify the commission 644
in writing, within thirty days after the referral, that the 645
prosecuting attorney will present the information to the secret 646
grand jury of the prosecuting attorney's county, the task force, 647
except as provided in division (D)(2)(b) of this section, shall 648
refer a copy of all of the information to the attorney general, 649
who shall proceed according to division (B) of section 109.83 of 650
the Revised Code. If the prosecuting attorney fails to notify 651
the commission in writing within that time that the prosecuting 652
attorney will present the information to the secret grand jury, 653
the prosecuting attorney promptly shall return all of the 654
information that the task force referred to the prosecuting 655
attorney under this division. 656

If a prosecuting attorney who has been referred 657
information under this division notifies the commission in 658
writing, within thirty days after the referral, of the 659
prosecuting attorney's intention to present the information 660
referred to the prosecuting attorney to the secret grand jury of 661
the prosecuting attorney's county, the prosecuting attorney 662
shall proceed promptly to present the information as evidence to 663
the secret grand jury and shall notify the commission of the 664
secret grand jury's final actions, findings of indictments, or 665
reports. The prosecuting attorney may disclose to the attorney 666
general any matters occurring before the secret grand jury that 667
are disclosed to the prosecuting attorney for use in the 668
performance of the prosecuting attorney's duties. The 669
prosecuting attorney shall present the information as evidence 670
to the secret grand jury prior to the discharge of the next 671
regular secret grand jury. If the prosecuting attorney fails to 672

present the information as evidence within that time, the 673
commission, except as provided in division (D) (2) (b) of this 674
section, shall notify the attorney general, the task force shall 675
refer a copy of all of the information to the attorney general, 676
and the attorney general may proceed as if the prosecuting 677
attorney had declined under this division to accept the matter. 678
If the prosecuting attorney fails to present the information as 679
evidence within that time, the prosecuting attorney promptly 680
shall return to the task force all of the information that the 681
task force had referred to the prosecuting attorney under this 682
division. 683

(b) If a prosecuting attorney who has been referred 684
information under division (D) (2) (a) of this section fails to 685
notify the commission in accordance with that division that the 686
prosecuting attorney will present the information to the secret 687
grand jury, and the task force that conducted the investigation 688
determines, pursuant to its investigation, that the office of 689
the attorney general is implicated in organized criminal 690
activity, the task force shall not contact or refer any 691
information to the attorney general but shall report its 692
determinations and refer all of the information to the 693
commission. If a prosecuting attorney who has been referred 694
information under division (D) (2) (a) of this section notifies 695
the commission in accordance with that division that the 696
prosecuting attorney intends to present the information to the 697
secret grand jury but fails to do so prior to the discharge of 698
the next regular secret grand jury, and the task force that 699
conducted the investigation determines, pursuant to the 700
investigation, that the office of the attorney general is 701
implicated in organized criminal activity, neither the 702
commission nor the task force shall contact or refer any 703

information to the attorney general. Instead, the task force 704
shall report its determinations and refer all of the information 705
gathered during the course of the investigation to the 706
commission. 707

In either such case, the commission shall review the 708
information, and, if a majority of the members of the commission 709
determine that the office of the attorney general is implicated, 710
the chairperson of the commission shall appear before the 711
presiding judge of the court of common pleas or of the court of 712
appeals for the county in which the prosecuting attorney who was 713
referred the information serves and request the appointment of a 714
special prosecutor to handle the matter. If the presiding judge 715
finds that there is reasonable cause to believe that organized 716
criminal activity has occurred or is occurring in the county or 717
in any of the counties served by the task force and that the 718
office of the attorney general is implicated, the judge shall 719
appoint a special prosecutor to perform the functions of 720
prosecuting attorney of the county in relation to the matter. 721
The commission shall refer a copy of all of the information 722
gathered during the course of the investigation to the special 723
prosecutor. The special prosecutor shall review the information 724
so referred and, upon a determination that there is cause to 725
prosecute for the commission of a crime, the special prosecutor 726
shall proceed promptly to present the information so referred to 727
the secret grand jury and shall notify the commission of the 728
secret grand jury's final actions, findings of indictments, or 729
reports. A special prosecutor appointed under this division 730
shall not inform the attorney general of the investigation or 731
referral of information and shall not cooperate with the 732
attorney general on the matter. 733

(3) If a task force determines, pursuant to its 734

investigation of organized criminal activity in a single county 735
or in two or more counties, that there is reasonable cause to 736
believe that organized criminal activity has occurred or is 737
occurring in the county or in any of the counties, and that the 738
office of a prosecuting attorney who normally would be referred 739
the information gathered during the course of the investigation 740
pursuant to division (D)(2) of this section is implicated by the 741
information in organized criminal activity, the task force shall 742
not contact or refer any information to the prosecuting 743
attorney. Instead it shall report its determinations and refer 744
all of the information gathered during the course of the 745
investigation to the commission. The commission shall review the 746
information, and if a majority of the members of the commission 747
determine that the office of the prosecuting attorney is 748
implicated in organized criminal activity, the chairperson of 749
the commission shall appear before the presiding judge of the 750
court of common pleas or of the court of appeals for the county 751
in which that prosecuting attorney serves and request the 752
appointment of a special prosecutor to handle the matter. If the 753
presiding judge finds that there is reasonable cause to believe 754
that organized criminal activity has occurred or is occurring in 755
the county or in any of the counties served by the task force 756
and that the office of the prosecuting attorney in question is 757
implicated in organized criminal activity, the judge shall 758
appoint a special prosecutor to perform the functions of 759
prosecuting attorney of the county in relation to the matter, 760
and the commission shall refer a copy of all of the information 761
gathered during the course of the investigation to the special 762
prosecutor. It shall inform the special prosecutor that the 763
special prosecutor has thirty days to decide whether the special 764
prosecutor should present the information to a secret grand jury 765
and that if the special prosecutor intends to make a 766

presentation of the information to the secret grand jury, the 767
special prosecutor has to give the commission written notice of 768
that intention. A special prosecutor appointed under this 769
division shall not inform the implicated prosecuting attorney of 770
the investigation or referral of information and shall not 771
cooperate with the prosecutor on the matter. 772

If a special prosecutor who has been referred information 773
under this division fails to notify the commission in writing, 774
within thirty days after the referral, that the special 775
prosecutor will present the information to the secret grand jury 776
of the county, or if the presiding judge is requested pursuant 777
to this division to appoint a special prosecutor but the judge 778
does not do so, the commission shall refer a copy of all of the 779
information to the attorney general, who shall proceed according 780
to division (B) of section 109.83 of the Revised Code. Upon such 781
a failure of a special prosecutor to notify the commission, the 782
special prosecutor promptly shall return to the commission all 783
of the information that the commission had referred to the 784
special prosecutor under this division. 785

If a special prosecutor who has been referred information 786
under this division notifies the commission in writing, within 787
thirty days after the referral, of the special prosecutor's 788
intention to present the information referred to the special 789
prosecutor to the secret grand jury of the county, the special 790
prosecutor shall proceed promptly to present the information as 791
evidence to the secret grand jury and shall notify the 792
commission of the secret grand jury's final actions, findings of 793
indictments, or reports. The special prosecutor may disclose to 794
the attorney general any matters occurring before the secret 795
grand jury that are disclosed to the special prosecutor for use 796
in the performance of the special prosecutor's duties. The 797

information shall be presented as evidence to the secret grand 798
jury prior to the discharge of the next regular secret grand 799
jury. If the special prosecutor fails to present the information 800
as evidence within that time, the commission shall notify the 801
attorney general and refer a copy of all of the information to 802
the attorney general, the attorney general may proceed as if the 803
special prosecutor had declined under this division to accept 804
the matter, and the special prosecutor promptly shall return to 805
the commission all of the information that the commission had 806
referred to the special prosecutor under this division. 807

(4) The referral of information by a task force to a 808
prosecuting attorney, to the attorney general, to the 809
commission, or to a special prosecutor under this division, the 810
content, scope, and subject of any information so referred, and 811
the identity of any person who was investigated by the task 812
force shall be kept confidential by the task force and its 813
director, investigatory staff, and employees, by the commission 814
and its director, employees, and consultants, by the prosecuting 815
attorney and the prosecuting attorney's assistants and 816
employees, by the special prosecutor and the special 817
prosecutor's assistants and employees, and by the attorney 818
general and the attorney general's assistants and employees 819
until an indictment is returned or a criminal action or 820
proceeding is initiated in a court of proper jurisdiction. 821

(5) Any information gathered by a task force during the 822
course of its investigation that is in the possession of the 823
task force, a prosecuting attorney, the attorney general, the 824
commission, or a special prosecutor, and any record that 825
pertains to any such information and that is maintained by the 826
task force, a prosecuting attorney, the attorney general, the 827
commission, or a special prosecutor is a confidential law 828

enforcement investigatory record for purposes of section 149.43 829
of the Revised Code. However, no provision contained in this 830
division or that section affects or limits or shall be construed 831
as affecting or limiting any right of discovery granted to any 832
person under the Revised Code, the Rules of Criminal Procedure, 833
or the Rules of Juvenile Procedure. 834

(6) In no case shall the commission, a task force, a 835
prosecuting attorney, a special prosecutor, or the attorney 836
general publicly issue a report or summary that identifies or 837
enables the identification of any person who has been or is 838
being investigated under sections 177.01 to 177.03 of the 839
Revised Code unless an indictment is returned against the person 840
or a criminal action or proceeding is initiated against the 841
person in a court of proper jurisdiction. 842

(7) For purposes of divisions (C) and (D) of this section, 843
the office of a prosecuting attorney, the attorney general, a 844
sheriff, or a chief law enforcement officer shall be considered 845
as being implicated in organized criminal activity only if the 846
prosecuting attorney, attorney general, sheriff, or chief law 847
enforcement officer, one or more of the assistants, deputies, or 848
officers thereof, or one or more of the employees thereof has 849
committed or attempted or conspired to commit, is committing or 850
attempting or conspiring to commit, or has engaged in or is 851
engaging in complicity in the commission of, organized criminal 852
activity. 853

(8) For purposes of this section, notification by a 854
prosecuting attorney or special prosecutor may be accomplished 855
by certified mail or any other documentation that is agreed upon 856
by the prosecuting attorney or special prosecutor and the 857
commission or their representatives. Notice by certified mail is 858

complete upon mailing. 859

(E) If an organized crime task force has probable cause to 860
believe, pursuant to its investigation of organized criminal 861
activity in a single county or in two or more counties, that a 862
law of another state or the United States has been or is being 863
violated, the task force director shall notify the commission 864
chairperson of that belief and the reasons for that belief. The 865
chairperson shall present that belief and those reasons to the 866
commission and, if the commission determines that there is 867
probable cause to believe that such a law has been or is being 868
violated, the commission may refer the matter to the attorney 869
general of the other state or to the appropriate United States 870
attorney, whichever is applicable, and provide that attorney 871
general or United States attorney with a copy of relevant 872
information. 873

Sec. 307.52. Upon the certificate of the prosecuting 874
attorney or ~~his~~ assistant of the prosecuting attorney that the 875
services of an expert or the testimony of expert witnesses in 876
the examination or trial of a person accused of the commission 877
of crime, or before ~~the~~ a grand jury, were or will be necessary 878
to the proper administration of justice, the board of county 879
commissioners may allow and pay the expert such compensation as 880
it deems just and proper and as the court approves. 881

Sec. 325.07. In addition to the compensation and salary 882
provided by section 325.06 of the Revised Code, the board of 883
county commissioners shall make allowances monthly to each 884
sheriff for the actual and necessary expenses incurred and 885
expended by the sheriff in pursuing within or without the state 886
or transporting persons accused or convicted of crimes and 887
offenses, for any expenses incurred in conveying and 888

transferring persons to or from any state hospital for persons 889
with mental illnesses, any institution for persons with 890
intellectual disabilities, any institution operated by the youth 891
commission, children's homes, county homes, and all similar 892
institutions, and for all expenses of maintaining transportation 893
facilities necessary to the proper administration of the duties 894
of the sheriff's office. 895

The board shall allow the sheriff the actual 896
transportation expense and telephone tolls expended by the 897
sheriff in serving civil processes and subpoenaing witnesses in 898
civil and criminal cases and before ~~the~~ a grand jury, and it may 899
allow any other necessary transportation expense for the proper 900
administration of the duties of the sheriff's office. Each 901
sheriff shall file under oath a monthly report containing a 902
full, accurate, and itemized account of all the sheriff's actual 903
and necessary expenses, including telephone tolls and any other 904
transportation expense mentioned in this section, before the 905
expense is allowed by the board. The statement shall show the 906
number of the case, the court in which the service was rendered, 907
and the point from which a transportation vehicle was used. 908

For the purpose of making available to the sheriff funds 909
necessary in the performance of the duties required under this 910
section, the board may authorize, as an advancement to the 911
sheriff, a sum not exceeding fifty per cent of the sheriff's 912
annual salary, from appropriations made to the sheriff by the 913
board for pursuing prisoners within or without the state or for 914
transporting the prisoners to correctional institutions, or 915
both, and for transporting persons to the institutions 916
enumerated in this section, from which sum of money so advanced 917
the necessary expenses for the transportation or pursuance may 918
be paid by the sheriff. The county auditor shall draw a warrant 919

upon the county treasurer, in favor of the sheriff, as 920
authorized by the board. 921

After the itemized monthly report provided for in this 922
section has been filed by the sheriff and approved and allowed 923
by the board, the board shall restore to the fund the amount 924
expended and disbursed by the sheriff, as approved and allowed 925
by the board. 926

Any unexpended balance of such fund remaining in the hands 927
of the sheriff, at the end of each succeeding fiscal year, shall 928
be returned and paid into the county treasury by the sheriff. 929

Sec. 701.03. The general assembly, by a committee; the 930
governor; the legislative authority of the municipal 931
corporation, by a committee; the mayor or the board of health of 932
a municipal corporation; the judge of any court of this state; 933
the secret grand jury of the county; or a duly authorized 934
representative of the governor may at any time visit and inspect 935
any of the benevolent or correctional institutions established 936
by a municipal corporation, and examine the books and accounts 937
thereof. 938

Sec. 1901.21. (A) In a criminal case or proceeding, the 939
practice, procedure, and mode of bringing and conducting 940
prosecutions for offenses shall be as provided in the Criminal 941
Rules, and the power of the court in relation to the prosecution 942
is the same as the power that is conferred upon county courts. 943

In any civil case or proceeding for which no special 944
provision is made in this chapter, the practice and procedure in 945
the case or proceeding shall be the same as in courts of common 946
pleas. If no practice or procedure for the case or proceeding is 947
provided for in the courts of common pleas, then the practice or 948

procedure of county courts shall apply. 949

(B) In the Cleveland municipal court, all bonds for the 950
appearance of a defendant charged with an offense, when the 951
offense is bailable, shall be entered into before the clerk of 952
the municipal court and approved by ~~him~~ the clerk; and the 953
surety in them shall be qualified by the clerk. 954

One surety in every such bond shall be a resident within 955
the jurisdiction of the court; the sureties shall own property 956
worth double the sum to be secured and shall have real estate 957
within Cuyahoga county liable to execution of a value equal to 958
the sum to be secured; and when two or more sureties are offered 959
to the same bond, they shall have in the aggregate the 960
qualification prescribed. The bond shall require the defendant 961
to appear before the court to answer the charge against ~~him~~ the 962
defendant, or before the court of common pleas when the 963
defendant is held to ~~the~~ a grand jury. 964

The bond shall clearly disclose the full name of each 965
surety, together with the residence address, and there shall be 966
indorsed on it a brief, but pertinent, description of the real 967
estate owned by each surety. 968

When the bond is entered into, approved, and accepted, it 969
becomes a subsisting lien on the real estate of the surety in 970
it, upon which ~~he~~ the surety has qualified, until the bond has 971
been exonerated or discharged. 972

A copy of every such bond, certified under the seal of the 973
court by the clerk as a true copy, shall be filed by ~~him~~ the 974
clerk with the county recorder of Cuyahoga county forthwith 975
unless in the meantime the defendant has been acquitted or 976
discharged by the court. The recorder shall provide a suitable 977

record book, properly indexed, in which ~~he shall~~ to record all 978
bonds certified to ~~him~~ the recorder. The recorder shall be 979
entitled to receive from the clerk, such fees and record charges 980
as are now authorized by law for recording deeds and mortgages; 981
and such fees and charges shall be taxed by the clerk in the 982
costs of the respective cases, and shall be paid to the recorder 983
by the clerk from funds in ~~his~~ the clerk's hands upon certified 984
vouchers or bills rendered by the recorder. 985

The clerk shall transmit to the recorder each day a 986
certified list, under the seal of the court, of all bonds which 987
have been exonerated or discharged, and the recorder shall note 988
on the margin of the record of each bond the discharge or 989
satisfaction of it, and the lien on the real estate of the 990
surety in such bond shall thereby be canceled and discharged. 991

The clerk shall not approve or accept as surety, on any 992
such bond, any person who is then liable on any bond previously 993
executed in the municipal court, unless it appears to the 994
satisfaction of the clerk that the person offering ~~himself~~ self 995
as surety has sufficient equity in ~~his~~ the person's real estate 996
over and above ~~his~~ the person's liability on the prior bonds, to 997
justify the subsequent bond, or unless the prior bonds have been 998
exonerated and discharged. 999

The clerk may tax in the costs of the case, such fees for 1000
making the copies and certificates required in this section as 1001
the court by rule provides. 1002

In all misdemeanor cases, the clerk, in lieu of the 1003
sureties required by this section, may accept a deposit of 1004
money, in United States legal tender, in an amount equal to the 1005
penal sum stipulated in the bond, and in any felony case a judge 1006
of the municipal court may direct the clerk to accept such a 1007

deposit in an amount fixed by the judge, which amount shall be 1008
the sum stipulated in the bond, and such deposit shall be 1009
retained by the clerk as security on it until the bond has been 1010
exonerated and discharged. If any such bond is forfeited, the 1011
clerk shall apply the money so deposited in satisfaction of any 1012
judgment that may be rendered on the bond, and the depositor of 1013
such fund shall surrender and forfeit all right in and to the 1014
deposit to the extent of such judgment. 1015

Sec. 2151.43. In cases against an adult under sections 1016
2151.01 to 2151.54 of the Revised Code, any person may file an 1017
affidavit with the clerk of the juvenile court setting forth 1018
briefly, in plain and ordinary language, the charges against the 1019
accused who shall be tried thereon. When the child is a 1020
recipient of aid pursuant to Chapter 5107. of the Revised Code, 1021
the county department of job and family services shall file 1022
charges against any person who fails to provide support to a 1023
child in violation of section 2919.21 of the Revised Code, 1024
unless the department files charges under section 3113.06 of the 1025
Revised Code, or unless charges of nonsupport are filed by a 1026
relative or guardian of the child, or unless action to enforce 1027
support is brought under Chapter 3115. of the Revised Code. 1028

In such prosecution an indictment by ~~the~~ a grand jury or 1029
information by the prosecuting attorney shall not be required. 1030
The clerk shall issue a warrant for the arrest of the accused, 1031
who, when arrested, shall be taken before the juvenile judge and 1032
tried according to such sections. 1033

The affidavit may be amended at any time before or during 1034
the trial. 1035

The judge may bind such adult over to ~~the~~ a secret grand 1036
jury, where the act complained of constitutes a felony. 1037

Sec. 2152.13. (A) A juvenile court shall impose a serious 1038
youthful dispositional sentence on a child when required under 1039
division (B) (3) of section 2152.121 of the Revised Code. In such 1040
a case, the remaining provisions of this division and divisions 1041
(B) and (C) do not apply to the child, and the court shall 1042
impose the mandatory serious youthful dispositional sentence 1043
under division (D) (1) of this section. 1044

In all other cases, a juvenile court may impose a serious 1045
youthful offender dispositional sentence on a child only if the 1046
prosecuting attorney of the county in which the delinquent act 1047
allegedly occurred initiates the process against the child in 1048
accordance with this division, and the child is an alleged 1049
delinquent child who is eligible for the dispositional sentence. 1050
The prosecuting attorney may initiate the process in any of the 1051
following ways: 1052

(1) Obtaining an indictment of the child as a serious 1053
youthful offender; 1054

(2) The child waives the right to indictment, charging the 1055
child in a bill of information as a serious youthful offender; 1056

(3) Until an indictment or information is obtained, 1057
requesting a serious youthful offender dispositional sentence in 1058
the original complaint alleging that the child is a delinquent 1059
child; 1060

(4) Until an indictment or information is obtained, if the 1061
original complaint does not request a serious youthful offender 1062
dispositional sentence, filing with the juvenile court a written 1063
notice of intent to seek a serious youthful offender 1064
dispositional sentence within twenty days after the later of the 1065
following, unless the time is extended by the juvenile court for 1066

good cause shown: 1067

(a) The date of the child's first juvenile court hearing 1068
regarding the complaint; 1069

(b) The date the juvenile court determines not to transfer 1070
the case under section 2152.12 of the Revised Code. 1071

After a written notice is filed under division (A) (4) of 1072
this section, the juvenile court shall serve a copy of the 1073
notice on the child and advise the child of the prosecuting 1074
attorney's intent to seek a serious youthful offender 1075
dispositional sentence in the case. 1076

(B) If an alleged delinquent child is not indicted or 1077
charged by information as described in division (A) (1) or (2) of 1078
this section and if a notice or complaint as described in 1079
division (A) (3) or (4) of this section indicates that the 1080
prosecuting attorney intends to pursue a serious youthful 1081
offender dispositional sentence in the case, the juvenile court 1082
shall hold a preliminary hearing to determine if there is 1083
probable cause that the child committed the act charged and is 1084
by age eligible for, or required to receive, a serious youthful 1085
offender dispositional sentence. 1086

(C) (1) A child for whom a serious youthful offender 1087
dispositional sentence is sought by a prosecuting attorney has 1088
the right to a secret grand jury determination of probable cause 1089
that the child committed the act charged and that the child is 1090
eligible by age for a serious youthful offender dispositional 1091
sentence. The secret grand jury may be impaneled by the court of 1092
common pleas or the juvenile court. 1093

Once a child is indicted, or charged by information or the 1094
juvenile court determines that the child is eligible for a 1095

serious youthful offender dispositional sentence, the child is 1096
entitled to an open and speedy trial by jury in juvenile court 1097
and to be provided with a transcript of the proceedings. The 1098
time within which the trial is to be held under Title XXIX of 1099
the Revised Code commences on whichever of the following dates 1100
is applicable: 1101

(a) If the child is indicted or charged by information, on 1102
the date of the filing of the indictment or information. 1103

(b) If the child is charged by an original complaint that 1104
requests a serious youthful offender dispositional sentence, on 1105
the date of the filing of the complaint. 1106

(c) If the child is not charged by an original complaint 1107
that requests a serious youthful offender dispositional 1108
sentence, on the date that the prosecuting attorney files the 1109
written notice of intent to seek a serious youthful offender 1110
dispositional sentence. 1111

(2) If the child is detained awaiting adjudication, upon 1112
indictment or being charged by information, the child has the 1113
same right to bail as an adult charged with the offense the 1114
alleged delinquent act would be if committed by an adult. Except 1115
as provided in division (D) of section 2152.14 of the Revised 1116
Code, all provisions of Title XXIX of the Revised Code and the 1117
Criminal Rules shall apply in the case and to the child. The 1118
juvenile court shall afford the child all rights afforded a 1119
person who is prosecuted for committing a crime including the 1120
right to counsel and the right to raise the issue of competency. 1121
The child may not waive the right to counsel. 1122

(D) (1) If a child is adjudicated a delinquent child for 1123
committing an act under circumstances that require the juvenile 1124

court to impose upon the child a serious youthful offender 1125
dispositional sentence under section 2152.11 of the Revised 1126
Code, all of the following apply: 1127

(a) The juvenile court shall impose upon the child a 1128
sentence available for the violation, as if the child were an 1129
adult, under Chapter 2929. of the Revised Code, except that the 1130
juvenile court shall not impose on the child a sentence of death 1131
or life imprisonment without parole. 1132

(b) The juvenile court also shall impose upon the child 1133
one or more traditional juvenile dispositions under sections 1134
2152.16, 2152.19, and 2152.20, and, if applicable, section 1135
2152.17 of the Revised Code. 1136

(c) The juvenile court shall stay the adult portion of the 1137
serious youthful offender dispositional sentence pending the 1138
successful completion of the traditional juvenile dispositions 1139
imposed. 1140

(2) (a) If a child is adjudicated a delinquent child for 1141
committing an act under circumstances that allow, but do not 1142
require, the juvenile court to impose on the child a serious 1143
youthful offender dispositional sentence under section 2152.11 1144
of the Revised Code, all of the following apply: 1145

(i) If the juvenile court on the record makes a finding 1146
that, given the nature and circumstances of the violation and 1147
the history of the child, the length of time, level of security, 1148
and types of programming and resources available in the juvenile 1149
system alone are not adequate to provide the juvenile court with 1150
a reasonable expectation that the purposes set forth in section 1151
2152.01 of the Revised Code will be met, the juvenile court may 1152
impose upon the child a sentence available for the violation, as 1153

if the child were an adult, under Chapter 2929. of the Revised 1154
Code, except that the juvenile court shall not impose on the 1155
child a sentence of death or life imprisonment without parole. 1156

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1157
of this section, the juvenile court also shall impose upon the 1158
child one or more traditional juvenile dispositions under 1159
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1160
section 2152.17 of the Revised Code. 1161

(iii) The juvenile court shall stay the adult portion of 1162
the serious youthful offender dispositional sentence pending the 1163
successful completion of the traditional juvenile dispositions 1164
imposed. 1165

(b) If the juvenile court does not find that a sentence 1166
should be imposed under division (D) (2) (a) (i) of this section, 1167
the juvenile court may impose one or more traditional juvenile 1168
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1169
applicable, section 2152.17 of the Revised Code. 1170

(3) A child upon whom a serious youthful offender 1171
dispositional sentence is imposed under division (D) (1) or (2) 1172
of this section has a right to appeal under division (A) (1), 1173
(3), (4), or (5) of section 2953.08 of the Revised Code the 1174
adult portion of the serious youthful offender dispositional 1175
sentence when any of those divisions apply. The child may appeal 1176
the adult portion, and the court shall consider the appeal as if 1177
the adult portion were not stayed. 1178

Sec. 2301.25. When ordered by the prosecuting attorney or 1179
the defendant in a criminal case or when ordered by a judge of 1180
the court of common pleas in either civil or criminal cases, the 1181
costs of transcripts shall be taxed as costs in the case, 1182

collected as other costs, whether the transcripts have been 1183
prepaid or not, as provided by section 2301.24 of the Revised 1184
Code, paid by the clerk of the court of common pleas quarterly 1185
into the county treasury, and credited to the general fund. If, 1186
upon final judgment, the costs or any part of the costs are 1187
adjudged against a defendant in a criminal case, the defendant 1188
shall be allowed credit on the cost bill of the amount paid for 1189
the transcript the defendant ordered and, if the costs are 1190
finally adjudged against the state, the defendant shall have the 1191
defendant's deposit refunded. All transcripts shall be taken and 1192
received as prima-facie evidence of their correctness. If the 1193
testimony of witnesses is taken before ~~the~~ a grand jury by 1194
reporters, they shall receive for the transcripts the same 1195
compensation and be paid in the same manner as provided in this 1196
section and section 2301.24 of the Revised Code. 1197

Sec. 2335.08. Each witness attending, under recognizance 1198
or subpoena issued by order of the prosecuting attorney or 1199
defendant, before ~~the~~ a grand jury or the common pleas court, 1200
any division of the common pleas court, a county court, or a 1201
county-operated municipal court, in criminal causes, shall be 1202
allowed the same fees as provided by section 2335.06 of the 1203
Revised Code in civil causes, to be taxed in only one cause when 1204
such witness is attending in more causes than one on the same 1205
days, unless otherwise directed by special order of the court. 1206
When certified to the county auditor by the clerk of the court, 1207
such fees shall be paid from the county treasury, and except as 1208
to ~~the~~ a grand jury, taxed in the bill of costs. In state cases 1209
such fees shall be paid out of the county treasury, and in 1210
ordinance cases they shall be paid out of the treasury of the 1211
municipal corporation, upon the certificates of the judge or 1212
magistrate, and they shall be taxed in the bill of costs. 1213

When the fees enumerated by this section have been 1214
collected from the judgment debtor, they shall be paid to the 1215
public treasury from which such fees were advanced. 1216

Sec. 2930.09. (A) (1) A victim and victim's representative 1217
in a case, if applicable, have the right to be present, during 1218
any public proceeding, other than a secret grand jury 1219
proceeding. At any stage of the case at which the victim is 1220
present, the court shall permit the victim to be accompanied by 1221
an individual to provide support to the victim, a victim 1222
advocate and victim representative. The victim, victim's 1223
representative, and victim's attorney, if applicable, have the 1224
right to be heard by the court at any proceeding in which any 1225
right of the victim is implicated. If present, the victim, 1226
victim's representative, and victim's attorney, if applicable, 1227
have the right to be heard orally, in writing, or both. 1228

(2) (a) If the victim or victim's representative is not 1229
present at a court proceeding in which a right of the victim is 1230
at issue, the court shall ask the prosecutor all of the 1231
following: 1232

(i) Whether the victim and victim's representative, if the 1233
victim or victim's representative requested notifications, were 1234
notified of the time, place, and purpose of the court 1235
proceeding; 1236

(ii) To disclose to the court any and all attempts made to 1237
give each victim and victim's representative, if applicable, 1238
notice; 1239

(iii) Whether the victim or ~~victim~~-victim's representative 1240
were advised that the victim and victim's representative had a 1241
right to be heard at the court proceeding; 1242

(iv) Whether the victim and ~~victim~~ victim's representative 1243
were conferred with pursuant to section 2930.06 of the Revised 1244
Code. 1245

(b) If the court determines that timely notice was not 1246
given to the victim and victim's representative, if applicable, 1247
or that the victim and victim's representative were not 1248
adequately informed of the nature of the court proceeding, or 1249
that the prosecutor failed to confer with the victim and 1250
victim's representative as required by section 2930.06 of the 1251
Revised Code, the court shall not rule on any substantive issue 1252
that implicates a victim's right, accept a plea, or impose a 1253
sentence and shall continue the court proceeding for the time 1254
necessary to notify the victim and victim's representative, if 1255
applicable, of the time, place, and nature of the court 1256
proceeding. 1257

(c) If the victim or victim's representative is not 1258
present at a court proceeding in which a right of the victim is 1259
at issue, the court may proceed with the hearing if the 1260
prosecutor informs the court that the victim and victim's 1261
representative, if the victim or victim's representative 1262
requested notifications, were notified of the time, place, and 1263
purpose of the court proceeding and that the victim or victim's 1264
representative had a right to be heard at the court proceeding, 1265
and any and all attempts to give each victim and victim's 1266
representative, if applicable, notice. The prosecutor shall 1267
inform the court of the victim's and victim's representative's, 1268
if applicable, position on the matter before the court, if the 1269
position is known to the prosecutor. 1270

(B) (1) The victim and victim's representative, if 1271
applicable, have the right to be present and be heard at any 1272

proceeding in which a negotiated plea for the defendant or 1273
alleged juvenile offender will be presented to the court. If 1274
present, the victim, victim's representative, and victim's 1275
attorney, if applicable, have the right to be heard orally, in 1276
writing, or both prior to the acceptance of the plea by the 1277
court. 1278

(2) The victim and the victim's representative, if 1279
applicable, have a right to elect to not be present at a 1280
proceeding in which a negotiated plea for the defendant or 1281
alleged juvenile offender will be presented to the court, unless 1282
a subpoena was served on the victim or victim's representative, 1283
if applicable, compelling the presence of the victim or the 1284
victim's representative. 1285

(C) The court shall not accept a negotiated plea agreement 1286
if the victim or the victim's representative is absent from the 1287
proceeding unless all of the following apply: 1288

(1) The prosecutor advises the court that before 1289
requesting and agreeing to a negotiated plea, the prosecutor 1290
conferred with the victim and victim's representative, if 1291
applicable, pursuant to section 2930.06 of the Revised Code, if 1292
the victim or victim's representative requested to confer with 1293
the prosecutor. 1294

(2) The prosecutor made reasonable efforts to give the 1295
victim and victim's representative, if applicable, notice of the 1296
plea proceedings and to inform the victim and victim's 1297
representative of the victim's and victim's representative's 1298
right to be present and be heard at the plea proceedings. 1299

(3) The prosecutor discloses to the court any and all 1300
attempts made to give each victim and victim's representative, 1301

if applicable, notice of the plea agreement, including the 1302
offense or delinquent act to which the defendant or alleged 1303
juvenile offender will plead guilty, the date that the plea will 1304
be presented to the court, and the terms of any sentence or 1305
disposition agreed to as part of the negotiated plea. 1306

(4) The prosecutor informs the court of any objection by 1307
the victim or victim's representative to the plea agreement. 1308

(5) The prosecutor advises the court that to the best of 1309
the prosecutor's knowledge the notice requirements of this 1310
chapter have been complied with. 1311

(D) The victim and victim's representative, if applicable, 1312
have the right to be present and be heard orally, in writing, or 1313
both at any proceeding in which the court conducts a hearing on 1314
the post-arrest release of the person accused of committing a 1315
criminal offense or delinquent act against the victim or the 1316
conditions of that release, including the arraignment or initial 1317
appearance. 1318

(E) The victim and victim's representative, if applicable, 1319
have the right to be present and be heard orally, in writing, or 1320
both at any probation or community control revocation 1321
disposition proceeding or any proceeding in which the court is 1322
requested to terminate the probation or community control of the 1323
person who is convicted of committing a criminal offense or 1324
delinquent act against the victim. 1325

(F) The victim and victim's representative, if applicable, 1326
have the right to be heard orally, in writing, or both at any 1327
proceeding in which the court is requested to modify the terms 1328
of probation or community control of a person if the 1329
modification will affect the person's contact with or the safety 1330

of the victim or if the modification involves restitution or 1331
incarceration status. 1332

(G) Nothing in this section requires a prosecutor to 1333
disclose victim contact information. 1334

Sec. 2933.62. (A) No part of the contents, and no evidence 1335
derived from the contents, of any intercepted wire, oral, or 1336
electronic communication shall be received in evidence in any 1337
trial, hearing, or other proceedings in or before any court, 1338
grand jury, department, officer, agency, regulatory body, 1339
legislative committee, or other authority of this state or of a 1340
political subdivision of this state, if the disclosure of that 1341
information is in violation of sections 2933.51 to 2933.66 of 1342
the Revised Code. 1343

(B) The contents, or any evidence derived from the 1344
contents, of any wire, oral, or electronic communication 1345
intercepted pursuant to sections 2933.51 to 2933.66 of the 1346
Revised Code shall not be received in evidence or otherwise 1347
disclosed in any trial, hearing, or other proceeding held under 1348
the authority of this state, other than a proceeding or session 1349
of ~~the~~ a secret grand jury, unless each party has been furnished 1350
not less than ten days before the trial, hearing, or proceeding, 1351
with a copy of the interception warrant and the related 1352
application, or a written representation of a judge of a court 1353
of common pleas or of a prosecuting attorney or specifically 1354
designated assistant prosecuting attorney that an oral order for 1355
an interception has been granted pursuant to section 2933.57 of 1356
the Revised Code, under which the interception was authorized or 1357
approved. The judge or other officer conducting the trial, 1358
hearing, or other proceeding may waive the ten-day period if the 1359
judge or officer finds that it was not possible to furnish the 1360

party with the above information at least ten days before the 1361
trial, hearing, or proceeding, and that the party will not be 1362
prejudiced by the delay in receiving the information. 1363

Sec. 2933.63. (A) Any aggrieved person in any trial, 1364
hearing, or proceeding in or before any court, department, 1365
officer, agency, regulatory body, or other authority of this 1366
state or of a political subdivision of this state, other than a 1367
secret grand jury, may request the involved court, department, 1368
officer, agency, body, or authority, by motion, to suppress the 1369
contents, or evidence derived from the contents, of a wire, 1370
oral, or electronic communication intercepted pursuant to 1371
sections 2933.51 to 2933.66 of the Revised Code for any of the 1372
following reasons: 1373

(1) The communication was unlawfully intercepted. 1374

(2) The interception warrant under which the communication 1375
was intercepted is insufficient on its face. 1376

(3) The interception was not made in conformity with the 1377
interception warrant or an oral order for an interception 1378
granted under section 2933.57 of the Revised Code. 1379

(4) The communications are of a privileged character and a 1380
special need for their interception is not shown or is 1381
inadequate as shown. 1382

(B) Any motion filed pursuant to division (A) of this 1383
section shall be made before the trial, hearing, or proceeding 1384
at which the contents, or evidence derived from the contents, is 1385
to be used, unless there was no opportunity to make the motion 1386
or the aggrieved person was not aware of the intercepted 1387
communications or the grounds of the motion. Upon the filing of 1388
the motion by the aggrieved person, the judge or other officer 1389

conducting the trial, hearing, or proceeding may make available 1390
to the aggrieved person or the person's counsel for inspection 1391
any portions of the intercepted communication or evidence 1392
derived from the intercepted communication as the judge or other 1393
officer determines to be in the interest of justice. If the 1394
judge or other officer grants the motion to suppress evidence 1395
pursuant to this section, the contents, or the evidence derived 1396
from the contents, of the intercepted wire, oral, or electronic 1397
communications shall be treated as having been obtained in 1398
violation of the law, and the contents and evidence derived from 1399
the contents shall not be received in evidence in any trial, 1400
hearing, or proceeding. 1401

(C) In addition to any other right to appeal, the state 1402
shall have an appeal as of right from an order granting a motion 1403
to suppress the contents, or evidence derived from the contents, 1404
of a wire, oral, or electronic communication that was 1405
intercepted pursuant to an interception warrant or an oral order 1406
for an interception granted under section 2933.57 of the Revised 1407
Code, or the denial of an application for an interception 1408
warrant, if the state's representative certifies to the judge or 1409
other official who granted the motion or denied the application 1410
that the appeal is not taken for purposes of delay. Any appeal 1411
shall be taken within thirty days after the date the order was 1412
entered and shall be diligently prosecuted. 1413

Sec. 2935.36. (A) The prosecuting attorney may establish 1414
pre-trial diversion programs for adults who are accused of 1415
committing criminal offenses and whom the prosecuting attorney 1416
believes probably will not offend again. The prosecuting 1417
attorney may require, as a condition of an accused's 1418
participation in the program, the accused to pay a reasonable 1419
fee for supervision services that include, but are not limited 1420

to, monitoring and drug testing. The programs shall be operated 1421
pursuant to written standards approved by journal entry by the 1422
presiding judge or, in courts with only one judge, the judge of 1423
the court of common pleas and shall not be applicable to any of 1424
the following: 1425

(1) Repeat offenders or dangerous offenders; 1426

(2) Persons accused of an offense of violence, of a 1427
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 1428
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 1429
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 1430
Revised Code, or of a violation of section 2905.01, 2905.02, or 1431
2919.23 of the Revised Code that, had it occurred prior to July 1432
1, 1996, would have been a violation of section 2905.04 of the 1433
Revised Code as it existed prior to that date, with the 1434
exception that the prosecuting attorney may permit persons 1435
accused of any such offense to enter a pre-trial diversion 1436
program, if the prosecuting attorney finds any of the following: 1437

(a) The accused did not cause, threaten, or intend serious 1438
physical harm to any person; 1439

(b) The offense was the result of circumstances not likely 1440
to recur; 1441

(c) The accused has no history of prior delinquency or 1442
criminal activity; 1443

(d) The accused has led a law-abiding life for a 1444
substantial time before commission of the alleged offense; 1445

(e) Substantial grounds tending to excuse or justify the 1446
alleged offense. 1447

(3) Persons accused of a violation of Chapter 2925. or 1448

3719. of the Revised Code, with the exception that the 1449
prosecuting attorney may permit persons accused of any of the 1450
following to enter a pre-trial diversion program: 1451

(a) A misdemeanor, fifth degree felony, or fourth degree 1452
felony violation of section 2925.11 of the Revised Code; 1453

(b) A misdemeanor violation of section 2925.12, 2925.13, 1454
or division (C) (1) of section 2925.14 of the Revised Code. 1455

(4) Persons accused of a violation of section 4511.19 of 1456
the Revised Code or a violation of any substantially similar 1457
municipal ordinance; 1458

(5) (a) Persons who are accused of an offense while 1459
operating a commercial motor vehicle or persons who hold a 1460
commercial driver's license and are accused of any offense, if 1461
conviction of the offense would disqualify the person from 1462
operating a commercial motor vehicle under Chapter 4506. of the 1463
Revised Code or would subject the person to any other sanction 1464
under that chapter; 1465

(b) As used in division (A) (5) of this section, 1466
"commercial driver's license" and "commercial motor vehicle" 1467
have the same meanings as in section 4506.01 of the Revised 1468
Code. 1469

(B) An accused who enters a diversion program shall do all 1470
of the following: 1471

(1) Waive, in writing and contingent upon the accused's 1472
successful completion of the program, the accused's right to a 1473
speedy trial, the preliminary hearing, the time period within 1474
which ~~the~~ a grand jury may consider an indictment against the 1475
accused, and arraignment, unless the hearing, indictment, or 1476
arraignment has already occurred; 1477

(2) Agree, in writing, to the tolling while in the program 1478
of all periods of limitation established by statutes or rules of 1479
court, that are applicable to the offense with which the accused 1480
is charged and to the conditions of the diversion program 1481
established by the prosecuting attorney; 1482

(3) Agree, in writing, to pay any reasonable fee for 1483
supervision services established by the prosecuting attorney. 1484

(C) The trial court, upon the application of the 1485
prosecuting attorney, shall order the release from confinement 1486
of any accused who has agreed to enter a pre-trial diversion 1487
program and shall discharge and release any existing bail and 1488
release any sureties on recognizances and shall release the 1489
accused on a recognizance bond conditioned upon the accused's 1490
compliance with the terms of the diversion program. The 1491
prosecuting attorney shall notify every victim of the crime and 1492
the arresting officers of the prosecuting attorney's intent to 1493
permit the accused to enter a pre-trial diversion program. The 1494
victim of the crime and the arresting officers shall have the 1495
opportunity to file written objections with the prosecuting 1496
attorney prior to the commencement of the pre-trial diversion 1497
program. 1498

(D) If the accused satisfactorily completes the diversion 1499
program, the prosecuting attorney shall recommend to the trial 1500
court that the charges against the accused be dismissed, and the 1501
court, upon the recommendation of the prosecuting attorney, 1502
shall dismiss the charges. If the accused chooses not to enter 1503
the prosecuting attorney's diversion program, or if the accused 1504
violates the conditions of the agreement pursuant to which the 1505
accused has been released, the accused may be brought to trial 1506
upon the charges in the manner provided by law, and the waiver 1507

executed pursuant to division (B) (1) of this section shall be 1508
void on the date the accused is removed from the program for the 1509
violation. 1510

(E) As used in this section: 1511

(1) "Repeat offender" means a person who has a history of 1512
persistent criminal activity and whose character and condition 1513
reveal a substantial risk that the person will commit another 1514
offense. It is prima-facie evidence that a person is a repeat 1515
offender if any of the following applies: 1516

(a) Having been convicted of one or more offenses of 1517
violence and having been imprisoned pursuant to sentence for any 1518
such offense, the person commits a subsequent offense of 1519
violence; 1520

(b) Having been convicted of one or more sexually oriented 1521
offenses or child-victim oriented offenses, both as defined in 1522
section 2950.01 of the Revised Code, and having been imprisoned 1523
pursuant to sentence for one or more of those offenses, the 1524
person commits a subsequent sexually oriented offense or child- 1525
victim oriented offense; 1526

(c) Having been convicted of one or more theft offenses as 1527
defined in section 2913.01 of the Revised Code and having been 1528
imprisoned pursuant to sentence for one or more of those theft 1529
offenses, the person commits a subsequent theft offense; 1530

(d) Having been convicted of one or more felony drug abuse 1531
offenses as defined in section 2925.01 of the Revised Code and 1532
having been imprisoned pursuant to sentence for one or more of 1533
those felony drug abuse offenses, the person commits a 1534
subsequent felony drug abuse offense; 1535

(e) Having been convicted of two or more felonies and 1536

having been imprisoned pursuant to sentence for one or more 1537
felonies, the person commits a subsequent offense; 1538

(f) Having been convicted of three or more offenses of any 1539
type or degree other than traffic offenses, alcoholic 1540
intoxication offenses, or minor misdemeanors and having been 1541
imprisoned pursuant to sentence for any such offense, the person 1542
commits a subsequent offense. 1543

(2) "Dangerous offender" means a person who has committed 1544
an offense, whose history, character, and condition reveal a 1545
substantial risk that the person will be a danger to others, and 1546
whose conduct has been characterized by a pattern of repetitive, 1547
compulsive, or aggressive behavior with heedless indifference to 1548
the consequences. 1549

Sec. 2937.09. If the charge is a felony, the court or 1550
magistrate shall, before receiving a plea of guilty, advise the 1551
accused that such plea constitutes an admission which may be 1552
used against ~~him~~ the accused at a later trial. If the defendant 1553
enters a written plea of guilty or, pleading not guilty, 1554
affirmatively waives the right to have the court or magistrate 1555
take evidence concerning the offense, the court or magistrate 1556
forthwith and without taking evidence may find that the crime 1557
has been committed and that there is probable and reasonable 1558
cause to hold the defendant for trial pursuant to indictment by 1559
~~the~~ a grand jury, and, if the offense is bailable, require the 1560
accused to enter into recognizance in such amount as it 1561
determines to appear before the court of common pleas pursuant 1562
to indictment, otherwise to be confined until ~~the~~ a grand jury 1563
has considered and reported the matter. 1564

Sec. 2937.10. If the charge ~~be~~ is a felony and there ~~be~~ is 1565
no written plea of guilty ~~or~~ , waiver of examination, or waiver 1566

of open grand jury, or the court or magistrate refuses to 1567
receive ~~such a~~ waiver of examination or open grand jury, the 1568
court or magistrate, with the consent of the prosecutor and the 1569
accused, may set the matter for hearing forthwith, ~~otherwise he~~. 1570
Otherwise the court or magistrate shall set the matter for 1571
hearing at a fixed time in the future and shall notify both 1572
prosecutor and defendant promptly of such time of hearing. 1573

Sec. 2937.111. (A) When a defendant first appears before a 1574
judge or magistrate, the judge or magistrate shall permit the 1575
defendant or the defendant's counsel to read the complaint and 1576
shall inform the defendant that the defendant has a right to a 1577
preliminary hearing or an open grand jury in a felony case when 1578
the defendant's initial appearance is not pursuant to 1579
indictment. 1580

(B) In felony cases a defendant is entitled to a 1581
preliminary hearing or an open grand jury unless waived in 1582
writing. If the defendant waives the preliminary hearing and 1583
open grand jury, the judge or magistrate shall order the 1584
defendant bound over to the court of common pleas. If the 1585
defendant does not waive the preliminary hearing and the open 1586
grand jury, the judge or magistrate shall schedule a preliminary 1587
hearing within a reasonable time, but not later than ten 1588
consecutive days following the arrest or service of summons if 1589
the defendant is in custody and not later than fifteen 1590
consecutive days following arrest or summons if the defendant is 1591
not in custody. 1592

(C) A defendant in a felony case who has not waived in 1593
writing the preliminary hearing and the open grand jury may 1594
elect to demand, through an open grand jury, that the state 1595
provide probable cause to believe the crime charged or another 1596

felony occurred. An open grand jury under this section shall 1597
operate in the same manner as a secret grand jury except that 1598
the proceedings are open to the public and the defendant shall 1599
have the opportunity, at the conclusion of the presentation of 1600
the state's case, to move for discharge for failure of proof or 1601
to offer evidence on the defendant's own behalf. 1602

(D) Prior to the offering of evidence on behalf of the 1603
defendant, unless the defendant is then represented by counsel, 1604
the prosecutor shall advise the defendant of all of the 1605
following: 1606

(1) That any testimony of witnesses offered by the 1607
defendant in the proceeding may, if unfavorable in any 1608
particular, be used against the defendant at later trial; 1609

(2) That the defendant may make a statement, not under 1610
oath, regarding the charge, for the purpose of explaining the 1611
facts in evidence; 1612

(3) That the defendant may refuse to make any statement 1613
and such refusal may not be used against the defendant at trial; 1614

(4) That any statement the defendant makes may be used 1615
against the defendant at trial. 1616

(E) If a defendant demands an open grand jury under 1617
division (C) of this section, the judge or magistrate shall 1618
refer the case to an open grand jury unless either of the 1619
following has occurred: 1620

(1) The state, upon objection to the referral, establishes 1621
that the case should proceed to a secret grand jury for 1622
indictment to prevent destruction of evidence, to address the 1623
defendant's flight risk, or to mitigate a risk that the 1624
defendant would cause harm to others upon release. 1625

(2) A secret grand jury has already returned an indictment 1626
in the case. 1627

(F) If the state establishes any of the exigencies or 1628
circumstances listed in division (E) of this section, the case 1629
shall proceed to a secret grand jury and the defendant may be 1630
held, pending indictment, for up to ten consecutive days 1631
following the arrest or service of summons. 1632

Sec. 2937.12. (A) At the conclusion of the presentation of 1633
the state's case in a preliminary hearing, the accused may move 1634
for discharge for failure of proof or may offer evidence on ~~his~~ 1635
the accused's own behalf. Prior to the offering of evidence on 1636
behalf of the accused, unless accused is then represented by 1637
counsel, the court or magistrate shall advise accused: 1638

(1) That any testimony of witnesses offered by ~~him~~ the 1639
accused in the proceeding may, if unfavorable in any particular, 1640
be used against ~~him~~ the accused at later trial; 1641

(2) That accused ~~himself~~ personally may make a statement, 1642
not under oath, regarding the charge, for the purpose of 1643
explaining the facts in evidence; 1644

(3) That ~~he~~ the accused may refuse to make any statement 1645
and such refusal may not be used against ~~him~~ the accused at 1646
~~trial~~ trial; 1647

(4) That any statement ~~he~~ the accused makes may be used 1648
against ~~him~~ the accused at trial. 1649

(B) Upon conclusion of all the evidence and the statement, 1650
if any, of the accused, the court or magistrate shall either: 1651

(1) Find that the crime alleged has been committed and 1652
that there is probable and reasonable cause to hold or recognize 1653

defendant to appear before the court of common pleas of the 1654
county or any other county in which venue appears, for trial 1655
pursuant to indictment by a secret grand jury; 1656

(2) Find that there is probable cause to hold or recognize 1657
defendant to appear before the court of common pleas for trial 1658
pursuant to indictment or information on such other charge, 1659
felony or misdemeanor, as the evidence indicates was committed 1660
by accused; 1661

(3) Find that a misdemeanor was committed and there is 1662
probable cause to recognize accused to appear before ~~himself~~ the 1663
court or magistrate or some other court inferior to the court of 1664
common pleas for trial upon such charge; 1665

(4) Order the accused discharged from custody. 1666

Sec. 2939.02. ~~Grand~~ Secret grand juries and open grand 1667
juries shall consist of fifteen persons who satisfy the 1668
qualifications of a juror specified in section 2313.17 of the 1669
Revised Code. Persons to serve as secret grand jurors in the 1670
court of common pleas of each county shall be selected from the 1671
persons whose names are contained in the annual jury list. 1672
Persons to serve as open grand jurors shall be selected in the 1673
same manner as secret grand jurors, except that an open grand 1674
jury may be impaneled for an individual case or for a specified 1675
term. 1676

At the time of the selection of the persons who are to 1677
constitute ~~the~~ a grand jury, the commissioners of jurors shall 1678
randomly draw from the annual jury list the names of not fewer 1679
than twenty-five persons. The first fifteen persons whose names 1680
are drawn shall constitute the grand jury, if they can be 1681
located and served by the sheriff, and if they are not excused 1682

by the court or a judge of the court. If any of the first 1683
fifteen persons whose names are so drawn are not located or are 1684
unable to serve and are for that reason excused by the court or 1685
by a judge of the court, whose duty it is to supervise the 1686
impaneling of the grand jury, the judge shall then designate the 1687
person whose name next appears on the list of persons drawn, to 1688
serve in the place of the person not found or excused and shall 1689
so continue to substitute the names of the persons drawn in the 1690
order in which they were drawn, to fill all vacancies resulting 1691
from persons not being found or having been excused by the court 1692
or the judge of the court, until the necessary fifteen persons 1693
are selected to make up the grand jury. If all of the names 1694
appearing on the list of persons drawn are exhausted before the 1695
grand jury is complete, the judge shall order the commissioners 1696
of jurors to draw such additional names as the judge determines, 1697
and shall proceed to fill the vacancies from those names in the 1698
order in which they are drawn. 1699

The judge of the court of common pleas may select any 1700
person who satisfies the qualifications of a juror and whose 1701
name is not included in the annual jury list to preside as 1702
foreperson of the grand jury, in which event the grand jury 1703
shall consist of the foreperson so selected and fourteen 1704
additional grand jurors selected from the annual jury list. 1705

Sec. 2939.03. Except for a foreperson selected by the 1706
judge of the court of common pleas under section 2939.02 of the 1707
Revised Code, ~~a~~each grand jury is drawn and notified in the 1708
same manner as other jurors are drawn and notified under Chapter 1709
2313. of the Revised Code. Grand jurors so drawn and notified 1710
are not entitled to an exemption for any reason but may be 1711
excused from service or have their service postponed for the 1712
same reasons and in the same manner as other jurors under that 1713

chapter and not otherwise. Grand jurors are subject to the same 1714
fines and penalties for nonattendance and otherwise as are other 1715
jurors under that chapter. The duties and the powers of courts 1716
of common pleas, clerks of courts of common pleas, and 1717
commissioners of jurors in regard to grand jurors in all 1718
respects are the same as in regard to other jurors. 1719

Sec. 2939.06. (A) When a secret grand jury is impaneled, 1720
the court of common pleas shall appoint one of the members of 1721
the secret grand jury as foreperson, and shall administer, or 1722
cause to be administered, to the jurors an oath in the following 1723
words to which the jurors shall respond "I do solemnly swear" or 1724
"I do solemnly affirm": 1725

"Do you solemnly swear or affirm that you will diligently 1726
inquire into and carefully deliberate all matters that shall 1727
come to your attention concerning this service; and do you 1728
solemnly swear or affirm that you will keep secret all 1729
proceedings of the grand jury unless you are required in a court 1730
of justice to make disclosure; and do you solemnly swear or 1731
affirm that you will indict no person through malice, hatred, or 1732
ill will; and do you solemnly swear or affirm that you will not 1733
leave unindicted any person through fear, favor, or affection, 1734
or for any reward or hope thereof; and do you solemnly swear or 1735
affirm that in all your deliberations you will present the 1736
truth, the whole truth, and nothing but the truth, according to 1737
the best of your skill and understanding, as you shall answer 1738
unto God or under the penalties of perjury?" 1739

(B) If, ~~on or after the effective date of this amendment,~~ 1740
a court impaneling a secret grand jury uses the grand juror's 1741
oath that was in effect prior to ~~the effective date of this~~ 1742
~~amendment~~ March 24, 2003, instead of the oath set forth in 1743

division (A) of this section, the court's use of the former oath 1744
does not invalidate or affect the validity of the impanelment of 1745
the secret grand jury, any proceeding, inquiry, or presentation 1746
of the secret grand jury, any indictment or other document 1747
found, returned, or issued by the secret grand jury, or any 1748
other action taken by the secret grand jury. 1749

Sec. 2939.061. (A) When an open grand jury is impaneled, 1750
the court of common pleas shall appoint one of the members of 1751
the grand jury as foreperson, and shall administer, or cause to 1752
be administered, to the jurors an oath in the following words to 1753
which the jurors shall respond "I do solemnly swear" or "I do 1754
solemnly affirm": 1755

"Do you solemnly swear or affirm that you will diligently 1756
inquire into and carefully deliberate all matters that shall 1757
come to your attention concerning this service; and do you 1758
solemnly swear or affirm that you will indict no person through 1759
malice, hatred, or ill will; and do you solemnly swear or affirm 1760
that you will not leave unindicted any person through fear, 1761
favor, or affection, or for any reward or hope thereof; and do 1762
you solemnly swear or affirm that in all your deliberations you 1763
will present the truth, the whole truth, and nothing but the 1764
truth, according to the best of your skill and understanding, as 1765
you shall answer unto God or under the penalties of perjury?" 1766

(B) If a court impaneling an open grand jury uses the 1767
secret grand juror's oath that was in effect for secret grand 1768
juries impaneled prior to the effective date of this section, 1769
instead of the oath set forth in division (A) of this section, 1770
the court's use of the former oath does not invalidate or affect 1771
the validity of the impanelment of the grand jury, any 1772
proceeding, inquiry, or presentation of the grand jury, any 1773

indictment or other document found, returned, or issued by the 1774
grand jury, or any other action taken by the grand jury. 1775

Sec. 2939.07. ~~The~~ Secret grand jurors, after being sworn, 1776
shall be charged as to their duty by the judge of the court of 1777
common pleas, who shall call their attention particularly to the 1778
obligation of secrecy which their oaths impose, and explain to 1779
them the law applicable to such matters as may be brought before 1780
them. 1781

Sec. 2939.071. Open grand jurors, after being sworn, shall 1782
be charged as to their duty by the judge of the court of common 1783
pleas, who shall explain to them the law applicable to such 1784
matters as may be brought before them. 1785

Sec. 2939.08. After the charge of the court of common 1786
pleas, ~~the~~ a secret grand jury shall retire with the officer 1787
appointed to attend it, and proceed to inquire of and present 1788
all offenses committed within the county, except for those 1789
offenses disposed of by an open grand jury pursuant to section 1790
2937.111 of the Revised Code. 1791

Sec. 2939.09. ~~The~~ A secret grand jury may appoint one of 1792
its members to be its clerk to preserve the minutes of its 1793
proceedings and actions in all cases pending before it. Such 1794
minutes shall be delivered to the prosecuting attorney before 1795
the jury is discharged. 1796

Sec. 2939.10. The prosecuting attorney or assistant 1797
prosecuting attorney may at all times appear before the secret 1798
grand jury to give information relative to a matter cognizable 1799
by it, or advice upon a legal matter when required. The 1800
prosecuting attorney may interrogate witnesses before the secret 1801
grand jury when the grand jury or the prosecuting attorney finds 1802

it necessary, but no person other than the secret grand jurors 1803
shall be permitted to remain in the room with the jurors while 1804
the jurors are expressing their views or giving their votes on a 1805
matter before them. In all matters or cases which the attorney 1806
general is required to investigate or prosecute by the governor 1807
or general assembly, or which a special prosecutor is required 1808
by section 177.03 of the Revised Code to investigate and 1809
prosecute, the attorney general or the special prosecutor, 1810
respectively, shall have and exercise any or all rights, 1811
privileges, and powers of prosecuting attorneys, and any 1812
assistant or special counsel designated by the attorney general 1813
or special prosecutor for that purpose, has the same authority. 1814
Proceedings in relation to such matters or cases are under the 1815
exclusive supervision and control of the attorney general or the 1816
special prosecutor. 1817

Sec. 2939.11. The official reporter of the county, or any 1818
reporter designated by the court of common pleas, at the request 1819
of the prosecuting attorney, or any such reporter designated by 1820
the attorney general in investigations conducted by the attorney 1821
general, may take notes of or electronically record testimony 1822
before the secret grand jury, and furnish a transcript to the 1823
prosecuting attorney or the attorney general, and to no other 1824
person. The reporter shall withdraw from the jury room before 1825
the jurors begin to express their views or take their vote on 1826
the matter before them. Such reporter shall take an oath to be 1827
administered by the judge after the secret grand jury is sworn, 1828
imposing an obligation of secrecy to not disclose any testimony 1829
taken or heard except to the secret grand jury, prosecuting 1830
attorney, or attorney general, unless called upon in court to 1831
make disclosures. 1832

Sec. 2939.12. When required by ~~the~~ a grand jury, 1833

prosecuting attorney, or judge of the court of common pleas, the 1834
clerk of the court of common pleas shall issue subpoenas and 1835
other process to any county to bring witnesses to testify before 1836
such jury. 1837

Sec. 2939.13. Before a witness is examined by ~~the~~ a grand 1838
jury, an oath shall be administered to ~~him~~ the witness by the 1839
~~foreman~~ foreperson of the grand jury or by the judge of the 1840
court of common pleas or the clerk of the court of common pleas, 1841
truly to testify of such matters and things as may lawfully be 1842
inquired of before such jury. A certificate that the oath has 1843
been administered shall be indorsed on the subpoena of the 1844
witness or otherwise made by the ~~foreman~~ foreperson of the grand 1845
jury, judge, or clerk certifying the attendance of said witness 1846
to the clerk of the court. 1847

Sec. 2939.14. If a witness before a secret grand jury 1848
refuses to answer an interrogatory, the court of common pleas 1849
shall be informed in writing, in which such interrogatory shall 1850
be stated, with the excuse for the refusal given by the witness. 1851
The court shall determine whether the witness is required to 1852
answer, and the secret grand jury shall be forthwith informed of 1853
such decision. 1854

Sec. 2939.15. If the court of common pleas determines that 1855
a witness before a secret grand jury is required to answer an 1856
interrogatory and such witness persists in ~~his refusal~~ refusing 1857
to answer, ~~he~~ the witness shall be brought before the court, 1858
which shall proceed in a like manner as if such witness had been 1859
interrogated and refused to answer in open court. 1860

Sec. 2939.16. In case of sickness, death, discharge, or 1861
nonattendance of a grand juror after ~~the~~ a grand jury is sworn, 1862
the court may cause another to be sworn in ~~his~~ that grand 1863

juror's stead. The court shall charge such juror as required by 1864
section 2939.07 or 2939.071 of the Revised Code. 1865

Sec. 2939.17. After ~~the~~ a secret grand jury is discharged, 1866
the court of common pleas, when necessary, may order the drawing 1867
and impaneling of a new secret grand jury, which shall be 1868
summoned and returned as provided by section 2939.03 of the 1869
Revised Code and shall be sworn and proceed in the manner 1870
provided by sections 2939.06 to 2939.24, inclusive, of the 1871
Revised Code. Whenever the governor or general assembly directs 1872
the attorney general to conduct any investigation or 1873
prosecution, the court of common pleas or any judge thereof, on 1874
written request of the attorney general, shall order a special 1875
secret grand jury to be summoned, and such special secret grand 1876
jury may be called and discharge its duties either before, 1877
during, or after any session of the regular secret grand jury, 1878
and its proceedings shall be independent of the proceedings of 1879
the regular secret grand jury but of the same force and effect. 1880

Whenever a witness is necessary to a full investigation by 1881
the attorney general under this section, or to secure or 1882
successfully maintain and conclude a prosecution arising out of 1883
any such investigation, the judge of the court of common pleas 1884
may grant to such witness immunity from any prosecution based on 1885
the testimony or other evidence given by the witness in the 1886
course of the investigation or prosecution, other than a 1887
prosecution for perjury in giving such testimony or evidence. 1888

Sec. 2939.19. No secret grand juror may state or testify 1889
in court in what manner any member of the secret grand jury 1890
voted or what opinion was expressed by any juror on any question 1891
before the secret grand jury. 1892

Sec. 2939.23. If an indictment is not found by ~~the~~ a grand 1893

jury, against an accused who has been held to answer, such fact 1894
shall be reported by the ~~foreman~~ foreperson to the court of 1895
common pleas. 1896

Sec. 2939.24. If a person held in jail charged with an 1897
indictable offense is not indicted at the term of court at which 1898
~~he~~ the person is held to answer, ~~he~~ the person shall be 1899
discharged unless: 1900

(A) ~~He~~ The person was committed on such charge after the 1901
discharge of the secret grand jury. 1902

(B) The transcript has not been filed. 1903

(C) There is not sufficient time at such term of court to 1904
investigate said cause. 1905

(D) The secret grand jury, for good cause, continues the 1906
hearing of said charge until the next term of court. 1907

(E) It appears to the court of common pleas that a witness 1908
for the state has been enticed or kept away, detained, or 1909
prevented from attending court by sickness or unavoidable 1910
accident. 1911

Sec. 2941.06. An indictment may be substantially in the 1912
following form: 1913

"The State of Ohio,) 1914

ss. 1915

_____ County) 1916

In the Year _____ 1917

The jurors of ~~the~~ a Grand Jury of the State of Ohio, 1918
within and for the body of the County aforesaid, on their oaths, 1919
in the name and by the authority of the State of Ohio, do find 1920

and present that A.B., on the _____ day of _____, 1921
_____, at the county of _____ aforesaid, did 1922
_____ (here insert the name of the offense if it has one, 1923
such as murder, arson, or the like, or if a misdemeanor having 1924
no general name, insert a brief description of it as given by 1925
law) contrary to the form of the statute in such case made and 1926
provided, and against the peace and dignity of the State of 1927
Ohio. 1928

_____ C.D _____ 1929

(Indorsed) A true bill. Prosecuting Attorney 1930

E.F., Foreperson of the Grand Jury." 1931

Sec. 2941.58. When a motion to quash or a plea in 1932
abatement is adjudged in favor of the accused, the trial court 1933
may order the case to be resubmitted to ~~the a grand jury, if~~ 1934
~~then pending, or to the next succeeding grand jury.~~ The accused 1935
then may be committed to jail or held to bail in such sum as the 1936
trial court requires for ~~his~~ the accused's appearance to answer 1937
at a time to be fixed by the court. 1938

Sec. 2951.041. (A) (1) If an offender is charged with a 1939
criminal offense, including but not limited to a violation of 1940
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1941
of the Revised Code, and the court has reason to believe that 1942
drug or alcohol usage by the offender was a factor leading to 1943
the criminal offense with which the offender is charged or that, 1944
at the time of committing that offense, the offender had a 1945
mental illness, was a person with an intellectual disability, or 1946
was a victim of a violation of section 2905.32 or 2907.21 of the 1947
Revised Code and that the mental illness, status as a person 1948
with an intellectual disability, or fact that the offender was a 1949

victim of a violation of section 2905.32 or 2907.21 of the 1950
Revised Code was a factor leading to the offender's criminal 1951
behavior, the court may accept, prior to the entry of a guilty 1952
plea, the offender's request for intervention in lieu of 1953
conviction. The request shall include a statement from the 1954
offender as to whether the offender is alleging that drug or 1955
alcohol usage by the offender was a factor leading to the 1956
criminal offense with which the offender is charged or is 1957
alleging that, at the time of committing that offense, the 1958
offender had a mental illness, was a person with an intellectual 1959
disability, or was a victim of a violation of section 2905.32 or 1960
2907.21 of the Revised Code and that the mental illness, status 1961
as a person with an intellectual disability, or fact that the 1962
offender was a victim of a violation of section 2905.32 or 1963
2907.21 of the Revised Code was a factor leading to the criminal 1964
offense with which the offender is charged. The request also 1965
shall include a waiver of the defendant's right to a speedy 1966
trial, the preliminary hearing or open grand jury hearing, the 1967
time period within which ~~the~~ a grand jury may consider an 1968
indictment against the offender, and arraignment, unless the 1969
hearing, indictment, or arraignment has already occurred. Unless 1970
an offender alleges that drug or alcohol usage by the offender 1971
was a factor leading to the criminal offense with which the 1972
offender is charged, the court may reject an offender's request 1973
without a hearing. If the court elects to consider an offender's 1974
request or the offender alleges that drug or alcohol usage by 1975
the offender was a factor leading to the criminal offense with 1976
which the offender is charged, the court shall conduct a hearing 1977
to determine whether the offender is eligible under this section 1978
for intervention in lieu of conviction and shall stay all 1979
criminal proceedings pending the outcome of the hearing. If the 1980
court schedules a hearing, the court shall order an assessment 1981

of the offender for the purpose of determining the offender's 1982
program eligibility for intervention in lieu of conviction and 1983
recommending an appropriate intervention plan. 1984

If the offender alleges that drug or alcohol usage by the 1985
offender was a factor leading to the criminal offense with which 1986
the offender is charged, the court may order that the offender 1987
be assessed by a community addiction services provider or a 1988
properly credentialed professional for the purpose of 1989
determining the offender's program eligibility for intervention 1990
in lieu of conviction and recommending an appropriate 1991
intervention plan. The community addiction services provider or 1992
the properly credentialed professional shall provide a written 1993
assessment of the offender to the court. 1994

(2) The victim notification provisions of division (E) of 1995
section 2930.06 of the Revised Code apply in relation to any 1996
hearing held under division (A)(1) of this section. 1997

(B) An offender is eligible for intervention in lieu of 1998
conviction if the court finds all of the following: 1999

(1) The offender previously has not been convicted of or 2000
pleaded guilty to any felony offense of violence. 2001

(2) The offense is not a felony of the first, second, or 2002
third degree, is not an offense of violence, is not a felony sex 2003
offense, is not a violation of division (A)(1) or (2) of section 2004
2903.06 of the Revised Code, is not a violation of division (A) 2005
(1) of section 2903.08 of the Revised Code, is not a violation 2006
of division (A) of section 4511.19 of the Revised Code or a 2007
municipal ordinance that is substantially similar to that 2008
division, and is not an offense for which a sentencing court is 2009
required to impose a mandatory prison term. 2010

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

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

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent marriage and family therapist for the purpose of determining the offender's program

eligibility for intervention in lieu of conviction and 2042
recommending an appropriate intervention plan. 2043

(6) The offender's drug usage, alcohol usage, mental 2044
illness, or intellectual disability, or the fact that the 2045
offender was a victim of a violation of section 2905.32 or 2046
2907.21 of the Revised Code, whichever is applicable, was a 2047
factor leading to the criminal offense with which the offender 2048
is charged, intervention in lieu of conviction would not demean 2049
the seriousness of the offense, and intervention would 2050
substantially reduce the likelihood of any future criminal 2051
activity. 2052

(7) The alleged victim of the offense was not sixty-five 2053
years of age or older, permanently and totally disabled, under 2054
thirteen years of age, or a peace officer engaged in the 2055
officer's official duties at the time of the alleged offense. 2056

(8) If the offender is charged with a violation of section 2057
2925.24 of the Revised Code, the alleged violation did not 2058
result in physical harm to any person. 2059

(9) The offender is willing to comply with all terms and 2060
conditions imposed by the court pursuant to division (D) of this 2061
section. 2062

(10) The offender is not charged with an offense that 2063
would result in the offender being disqualified under Chapter 2064
4506. of the Revised Code from operating a commercial motor 2065
vehicle or would subject the offender to any other sanction 2066
under that chapter. 2067

(C) At the conclusion of a hearing held pursuant to 2068
division (A) of this section, the court shall determine whether 2069
the offender will be granted intervention in lieu of conviction. 2070

In making this determination, the court shall presume that
intervention in lieu of conviction is appropriate. If the court
finds under this division and division (B) of this section that
the offender is eligible for intervention in lieu of conviction,
the court shall grant the offender's request unless the court
finds specific reasons to believe that the candidate's
participation in intervention in lieu of conviction would be
inappropriate.

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

If the court grants the offender's request, the court
shall accept the offender's plea of guilty and waiver of the
defendant's right to a speedy trial, the preliminary hearing or
open grand jury hearing, the time period within which ~~the~~ a
grand jury may consider an indictment against the offender, and
arraignment, unless the hearing, indictment, or arraignment has
already occurred. In addition, the court then may stay all
criminal proceedings and order the offender to comply with all
terms and conditions imposed by the court pursuant to division
(D) of this section. If the court finds that the offender is not
eligible or does not grant the offender's request, the criminal
proceedings against the offender shall proceed as if the
offender's request for intervention in lieu of conviction had
not been made.

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

(1) The court shall place the offender under the general
control and supervision of one of the following, as if the
offender was subject to a community control sanction imposed

under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 2101

(a) The county probation department, the adult parole 2102
authority, or another appropriate local probation or court 2103
services agency, if one exists; 2104

(b) If the court grants the request for intervention in 2105
lieu of conviction during the period commencing on April 4, 2106
2023, and ending on October 15, 2025, a community-based 2107
correctional facility. 2108

(2) The court shall establish an intervention plan for the 2109
offender. 2110

(3) The terms and conditions of the intervention plan 2111
required under division (D)(2) of this section shall require the 2112
offender, for at least one year, but not more than five years, 2113
from the date on which the court grants the order of 2114
intervention in lieu of conviction, to abstain from the use of 2115
illegal drugs and alcohol, to participate in treatment and 2116
recovery support services, and to submit to regular random 2117
testing for drug and alcohol use and may include any other 2118
treatment terms and conditions, or terms and conditions similar 2119
to community control sanctions, which may include community 2120
service or restitution, that are ordered by the court. 2121

(E) If the court grants an offender's request for 2122
intervention in lieu of conviction and the court finds that the 2123
offender has successfully completed the intervention plan for 2124
the offender, including the requirement that the offender 2125
abstain from using illegal drugs and alcohol for a period of at 2126
least one year, but not more than five years, from the date on 2127
which the court granted the order of intervention in lieu of 2128
conviction, the requirement that the offender participate in 2129

treatment and recovery support services, and all other terms and 2130
conditions ordered by the court, the court shall dismiss the 2131
proceedings against the offender. Successful completion of the 2132
intervention plan and period of abstinence under this section 2133
shall be without adjudication of guilt and is not a criminal 2134
conviction for purposes of any disqualification or disability 2135
imposed by law and upon conviction of a crime, and the court may 2136
order the sealing or expungement of records related to the 2137
offense in question, as a dismissal of the charges, in the 2138
manner provided in sections 2953.31, 2953.33, 2953.37, and 2139
2953.521 of the Revised Code and divisions (H), (K), and (L) of 2140
section 2953.34 of the Revised Code. 2141

(F) If the court grants an offender's request for 2142
intervention in lieu of conviction and the offender fails to 2143
comply with any term or condition imposed as part of the 2144
intervention plan for the offender, the supervising authority 2145
for the offender promptly shall advise the court of this 2146
failure, and the court shall hold a hearing to determine whether 2147
the offender failed to comply with any term or condition imposed 2148
as part of the plan. If the court determines that the offender 2149
has failed to comply with any of those terms and conditions, it 2150
may continue the offender on intervention in lieu of conviction, 2151
continue the offender on intervention in lieu of conviction with 2152
additional terms, conditions, and sanctions, or enter a finding 2153
of guilty and impose an appropriate sanction under Chapter 2929. 2154
of the Revised Code. If the court sentences the offender to a 2155
prison term, the court, after consulting with the department of 2156
rehabilitation and correction regarding the availability of 2157
services, may order continued court-supervised activity and 2158
treatment of the offender during the prison term and, upon 2159
consideration of reports received from the department concerning 2160

the offender's progress in the program of activity and 2161
treatment, may consider judicial release under section 2929.20 2162
of the Revised Code. 2163

(G) As used in this section: 2164

(1) "Community addiction services provider" has the same 2165
meaning as in section 5119.01 of the Revised Code. 2166

(2) "Community control sanction" has the same meaning as 2167
in section 2929.01 of the Revised Code. 2168

(3) "Intervention in lieu of conviction" means any court- 2169
supervised activity that complies with this section. 2170

(4) "Intellectual disability" has the same meaning as in 2171
section 5123.01 of the Revised Code. 2172

(5) "Peace officer" has the same meaning as in section 2173
2935.01 of the Revised Code. 2174

(6) "Mental illness" and "psychiatrist" have the same 2175
meanings as in section 5122.01 of the Revised Code. 2176

(7) "Psychologist" has the same meaning as in section 2177
4732.01 of the Revised Code. 2178

(8) "Felony sex offense" means a violation of a section 2179
contained in Chapter 2907. of the Revised Code that is a felony. 2180

Sec. 2953.33. (A) (1) Any person, who is found not guilty 2181
of an offense by a jury or a court or who is the defendant named 2182
in a dismissed complaint, indictment, or information, may apply 2183
to the court for an order to seal or, except as provided in 2184
division (C) of this section, expunge the person's official 2185
records in the case. Except as provided in section 2953.61 of 2186
the Revised Code, the application may be filed at any time after 2187

the finding of not guilty or the dismissal of the complaint, 2188
indictment, or information is entered upon the minutes of the 2189
court or the journal, whichever entry occurs first. 2190

(2) Any person, against whom a no bill is entered by a 2191
grand jury, may apply to the court for an order to seal or, 2192
except as provided in division (C) of this section, expunge the 2193
person's official records in the case. Except as provided in 2194
section 2953.61 of the Revised Code, the application may be 2195
filed at any time after the expiration of two years after the 2196
date on which the foreperson or deputy foreperson of the grand 2197
jury reports to the court that the grand jury has reported a no 2198
bill. 2199

(3) Any person who is granted by the governor under 2200
division (B) of section 2967.02 of the Revised Code an absolute 2201
and entire pardon, a partial pardon, or a pardon upon conditions 2202
precedent or subsequent may apply to the court for an order to 2203
seal the person's official records in the case in which the 2204
person was convicted of the offense for which any of those types 2205
of pardons are granted. The application may be filed at any time 2206
after an absolute and entire pardon or a partial pardon is 2207
granted or at any time after all of the conditions precedent or 2208
subsequent to the pardon are met. 2209

(B) (1) Upon the filing of an application pursuant to 2210
division (A) of this section, the court shall set a date for a 2211
hearing and shall notify the prosecutor in the case of the 2212
hearing on the application. The court shall hold the hearing not 2213
less than forty-five days and not more than ninety days from the 2214
date of the filing of the application. The prosecutor may object 2215
to the granting of the application by filing a written objection 2216
with the court not later than thirty days prior to the date set 2217

for the hearing. The prosecutor shall specify in the objection 2218
the reasons the prosecutor believes justify a denial of the 2219
application. 2220

(2) The court shall do each of the following, except as 2221
provided in division (B)(3) of this section: 2222

(a)(i) Determine whether the person was found not guilty 2223
in the case, or the complaint, indictment, or information in the 2224
case was dismissed, or a no bill was returned in the case and a 2225
period of two years or a longer period as required by section 2226
2953.61 of the Revised Code has expired from the date of the 2227
report to the court of that no bill by the foreperson or deputy 2228
foreperson of ~~the~~a grand jury; 2229

(ii) If the complaint, indictment, or information in the 2230
case was dismissed, determine whether it was dismissed with 2231
prejudice or without prejudice and, if it was dismissed without 2232
prejudice, determine whether the relevant statute of limitations 2233
has expired; 2234

(b) Determine whether criminal proceedings are pending 2235
against the person; 2236

(c) If the prosecutor has filed an objection in accordance 2237
with division (B)(1) of this section, consider the reasons 2238
against granting the application specified by the prosecutor in 2239
the objection; 2240

(d) If the person was granted a pardon upon conditions 2241
precedent or subsequent for the offense for which the person was 2242
convicted, determine whether all of those conditions have been 2243
met; 2244

(e) Weigh the interests of the person in having the 2245
official records pertaining to the case sealed or expunged, as 2246

applicable, against the legitimate needs, if any, of the 2247
government to maintain those records. 2248

(3) If the court determines after complying with division 2249
(B) (2) (a) of this section that the person was found not guilty 2250
in the case, that the complaint, indictment, or information in 2251
the case was dismissed with prejudice, that the complaint, 2252
indictment, or information in the case was dismissed without 2253
prejudice and that the relevant statute of limitations has 2254
expired, or the individual was granted by the governor an 2255
absolute and entire pardon, a partial pardon, or a pardon upon 2256
conditions precedent or subsequent that have been met, the court 2257
shall issue an order to the superintendent of the bureau of 2258
criminal identification and investigation directing that the 2259
superintendent expunge or seal or cause to be sealed, as 2260
applicable, the official records in the case consisting of DNA 2261
specimens that are in the possession of the bureau and all DNA 2262
records and DNA profiles. The determinations and considerations 2263
described in divisions (B) (2) (b), (c), and (e) of this section 2264
do not apply with respect to a determination of the court 2265
described in this division. 2266

(4) The determinations described in this division are 2267
separate from the determination described in division (B) (3) of 2268
this section. If the court determines, after complying with 2269
division (B) (2) of this section, that the person was found not 2270
guilty in the case, that the complaint, indictment, or 2271
information in the case was dismissed, the individual was 2272
granted by the governor an absolute and entire pardon, a partial 2273
pardon, or a pardon upon conditions precedent or subsequent that 2274
have been met, or that a no bill was returned in the case and 2275
that the appropriate period of time has expired from the date of 2276
the report to the court of the no bill by the foreperson or 2277

deputy foreperson of ~~the~~ a grand jury; that no criminal 2278
proceedings are pending against the person; and the interests of 2279
the person in having the records pertaining to the case sealed 2280
or expunged, as applicable, are not outweighed by any legitimate 2281
governmental needs to maintain such records, or if division (E) 2282
(2) (b) of section 4301.69 of the Revised Code applies, in 2283
addition to the order required under division (B) (3) of this 2284
section, the court shall issue an order directing that all 2285
official records pertaining to the case be sealed or expunged, 2286
as applicable, and that, except as provided in section 2953.34 2287
of the Revised Code, the proceedings in the case be deemed not 2288
to have occurred. 2289

(5) Any DNA specimens, DNA records, and DNA profiles 2290
ordered to be sealed or expunged under this section shall not be 2291
sealed or expunged if the person with respect to whom the order 2292
applies is otherwise eligible to have DNA records or a DNA 2293
profile in the national DNA index system. 2294

(C) (1) A person who is the defendant named in a dismissed 2295
complaint, indictment, or information or against whom a no bill 2296
is entered by a grand jury is not entitled to have records of 2297
the case expunged under this section if the case involves any of 2298
the following offenses: 2299

(a) A violation of any section contained in Chapter 4506., 2300
4507., 4510., 4511., or 4549. of the Revised Code, or a 2301
violation of a municipal ordinance that is substantially similar 2302
to any section contained in any of those chapters; 2303

(b) A felony offense of violence that is not a sexually 2304
oriented offense; 2305

(c) A sexually oriented offense when the offender is 2306

subject to the requirements of Chapter 2950. of the Revised Code 2307
or Chapter 2950. of the Revised Code as it existed prior to 2308
January 1, 2008; 2309

(d) An offense involving a victim who is less than 2310
thirteen years of age, except for an offense under section 2311
2919.21 of the Revised Code; 2312

(e) A felony of the first or second degree; 2313

(f) A violation of section 2919.25 or 2919.27 of the 2314
Revised Code or a violation of a municipal ordinance that is 2315
substantially similar to either section; 2316

(g) A violation that is a felony of the third degree if 2317
the person has more than one prior conviction of any felony or, 2318
if the person has exactly one prior conviction of a felony of 2319
the third degree, the person has more prior convictions in total 2320
than a third degree felony conviction and two misdemeanor 2321
convictions. 2322

(2) As used in division (C) of this section, "sexually 2323
oriented offense" has the same meaning as in section 2950.01 of 2324
the Revised Code. 2325

Sec. 3515.13. If any contest of election involves a 2326
recount of the ballots in any precincts, the court shall 2327
immediately order the ballots of the precincts in which the 2328
recount is demanded to be sent to the court in such manner as 2329
the court designates, and such court may appoint two master 2330
commissioners of opposite political parties to supervise the 2331
making of the recount. The attorneys representing the contestor 2332
and the prosecuting attorney of the county or the attorney 2333
general or one of the attorney general's assistants representing 2334
the contestee shall be present at all hearings on such recount. 2335

Such commissioners shall receive ten dollars each per day and 2336
their actual traveling expenses when approved by the presiding 2337
judges. The compensation of such clerks as are deemed necessary 2338
by the court shall be determined by the court on the basis of 2339
similar compensation in other public offices for like work. Both 2340
the contestor and contestee may appoint one observer who shall 2341
be allowed to see all ballots and tally sheets and observe the 2342
recount. If the court finds that the difference in the count 2343
from the original count by the election authorities was the 2344
result of fraud, gross negligence, or willfulness on the part of 2345
any election officer or other person, the court shall forthwith 2346
transmit a copy of its decision and of the evidence to the 2347
prosecuting attorney of the county in which the fraud or gross 2348
negligence was found with directions to present the same to the 2349
next secret grand jury in the county or to the attorney general, 2350
in the case of state or federal offices, with directions to 2351
prosecute the cases on behalf of the state. 2352

Sec. 3701.14. (A) Subject to section 101.36 of the Revised 2353
Code, the director of health shall investigate or make inquiry 2354
as to the cause of disease or illness, including contagious, 2355
infectious, epidemic, pandemic, or endemic conditions, and take 2356
prompt action to control and suppress it. The reports of births 2357
and deaths, the sanitary conditions and effects of localities 2358
and employments, the personal and business habits of the people 2359
that affect their health, and the relation of the diseases of 2360
man and beast, shall be subjects of study by the director. The 2361
director may make and execute orders necessary to protect the 2362
people against diseases of lower animals, and shall collect and 2363
preserve information in respect to such matters and kindred 2364
subjects as may be useful in the discharge of the director's 2365
duties, and for dissemination among the people. When called upon 2366

by the state or local governments, or the board of health of a 2367
general or city health district, the director shall promptly 2368
investigate and report upon the water supply, sewerage, disposal 2369
of excreta of any locality, and the heating, plumbing, and 2370
ventilation of a public building. 2371

(B) Information obtained during an investigation or 2372
inquiry that the director currently is conducting pursuant to 2373
division (A) of this section and that is not yet complete is 2374
confidential during the course of that investigation or inquiry 2375
and shall not be released except pursuant to division (D) or (J) 2376
of this section or under one of the following conditions: 2377

(1) The confidential information is released pursuant to a 2378
search warrant or subpoena issued by or at the request of a 2379
secret grand jury or prosecutor, as defined in section 2935.01 2380
of the Revised Code. 2381

(2) The director has entered into a written agreement to 2382
share or exchange the information with a person or government 2383
entity, and that agreement requires the person or entity to 2384
comply with the confidentiality requirements established under 2385
this section. 2386

(3) The information is contained in a preliminary report 2387
released by the director pursuant to division (G)(1) of this 2388
section. 2389

(C) Division (B) of this section applies during any 2390
investigation or inquiry the director makes pursuant to division 2391
(A) of this section, notwithstanding any other provision of the 2392
Revised Code that establishes the manner of maintaining 2393
confidentiality or the release of information, except that the 2394
confidentiality and release of protected health information 2395

under section 3701.17 of the Revised Code is governed by that 2396
section. 2397

(D) Nothing in this section bars the release of 2398
information that is in summary, statistical, or aggregate form 2399
and that does not identify a person. Information that is in 2400
summary, statistical, or aggregate form and that does not 2401
identify a person is a public record under section 149.43 of the 2402
Revised Code. 2403

(E) Nothing in this section authorizes the director to 2404
conduct an independent criminal investigation without the 2405
consent of each local law enforcement agency with jurisdiction 2406
to conduct the criminal investigation. 2407

(F) Except for information released pursuant to division 2408
(G) or (J) of this section, any disclosure pursuant to this 2409
section shall be in writing and accompanied by a written 2410
statement that includes the following or substantially similar 2411
language: "This information has been disclosed to you from 2412
confidential records protected from disclosure by state law. If 2413
this information has been released to you in other than a 2414
summary, statistical, or aggregate form, you shall make no 2415
further disclosure of this information without the specific, 2416
written, and informed release of the person to whom it pertains, 2417
or as otherwise permitted by state law. A general authorization 2418
for the release of medical or other information is not 2419
sufficient for the release of information pursuant to this 2420
section." 2421

(G) (1) If an investigation or inquiry the director 2422
currently is conducting pursuant to division (A) of this section 2423
is not completed within six months after the date of 2424
commencement, the director shall prepare and release a report 2425

containing preliminary findings. Every six months thereafter, 2426
the director shall prepare and release a supplementary 2427
preliminary report until such time as the investigation or 2428
inquiry is completed. 2429

(2) Upon completion of an investigation or inquiry 2430
conducted pursuant to division (A) of this section, the director 2431
shall prepare and release a final report containing the 2432
director's findings. 2433

(H) No report prepared by the director pursuant to this 2434
section shall contain protected health information, as defined 2435
in section 3701.17 of the Revised Code. 2436

(I) The director shall adopt, in accordance with Chapter 2437
119. of the Revised Code, rules establishing the manner in which 2438
the reports prepared by the director pursuant to this section 2439
are to be released. 2440

(J) The director shall release information obtained during 2441
an investigation or inquiry that the director currently is 2442
conducting pursuant to division (A) of this section and that is 2443
not yet complete, if the director determines the release of the 2444
information is necessary, based on an evaluation of relevant 2445
information, to avert or mitigate a clear threat to an 2446
individual or to the public health. Information released 2447
pursuant to this division shall be limited to the release of the 2448
information to those persons necessary to control, prevent, or 2449
mitigate disease or illness. 2450

Sec. 3701.17. (A) As used in this section: 2451

(1) "Prosecutor" has the same meaning as in section 2452
2935.01 of the Revised Code. 2453

(2) "Protected health information" means information, in 2454

any form, including oral, written, electronic, visual, 2455
pictorial, or physical that describes an individual's past, 2456
present, or future physical or mental health status or 2457
condition, receipt of treatment or care, or purchase of health 2458
products, if either of the following applies: 2459

(a) The information reveals the identity of the individual 2460
who is the subject of the information. 2461

(b) The information could be used to reveal the identity 2462
of the individual who is the subject of the information, either 2463
by using the information alone or with other information that is 2464
available to predictable recipients of the information. 2465

(B) Protected health information reported to or obtained 2466
by the director of health, the department of health, or a board 2467
of health of a city or general health district is confidential 2468
and shall not be released without the written consent of the 2469
individual who is the subject of the information unless the 2470
information is released pursuant to division (C) of this section 2471
or one of the following applies: 2472

(1) The release of the information is necessary to provide 2473
treatment to the individual and the information is released 2474
pursuant to a written agreement that requires the recipient of 2475
the information to comply with the confidentiality requirements 2476
established under this section. 2477

(2) The release of the information is necessary to ensure 2478
the accuracy of the information and the information is released 2479
pursuant to a written agreement that requires the recipient of 2480
the information to comply with the confidentiality requirements 2481
established under this section. 2482

(3) The information is released pursuant to a search 2483

warrant or subpoena issued by or at the request of a secret 2484
grand jury or prosecutor in connection with a criminal 2485
investigation or prosecution. 2486

(4) The director determines the release of the information 2487
is necessary, based on an evaluation of relevant information, to 2488
avert or mitigate a clear threat to an individual or to the 2489
public health. Information may be released pursuant to this 2490
division only to those persons or entities necessary to control, 2491
prevent, or mitigate disease. 2492

(C) Information that does not identify an individual is 2493
not protected health information and may be released in summary, 2494
statistical, or aggregate form. Information that is in a 2495
summary, statistical, or aggregate form and that does not 2496
identify an individual is a public record under section 149.43 2497
of the Revised Code and, upon request, shall be released by the 2498
director. 2499

(D) Except for information released pursuant to division 2500
(B) (4) of this section, any disclosure pursuant to this section 2501
shall be in writing and accompanied by a written statement that 2502
includes the following or substantially similar language: "This 2503
information has been disclosed to you from confidential records 2504
protected from disclosure by state law. If this information has 2505
been released to you in other than a summary, statistical, or 2506
aggregate form, you shall make no further disclosure of this 2507
information without the specific, written, and informed release 2508
of the individual to whom it pertains, or as otherwise permitted 2509
by state law. A general authorization for the release of medical 2510
or other information is not sufficient for the release of 2511
information pursuant to this section." 2512

Sec. 3701.24. (A) As used in this section and sections 2513

3701.241 to 3701.249 of the Revised Code:	2514
(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.	2515 2516
(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.	2517 2518
(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.	2519 2520 2521
(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.	2522 2523 2524
(5) "Health care facility" has the same meaning as in section 1751.01 of the Revised Code.	2525 2526
(6) "Director" means the director of health or any employee of the department of health acting on the director's behalf.	2527 2528 2529
(7) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	2530 2531 2532
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license issued under Chapter 4723. of the Revised Code.	2533 2534 2535
(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.	2536 2537 2538 2539 2540

(10) "Confidential test" means an HIV test administered so 2541
that the identity of the individual tested is linked to the test 2542
but is held in confidence to the extent provided by sections 2543
3701.24 to 3701.248 of the Revised Code. 2544

(11) "Health care provider" means an individual who 2545
provides diagnostic, evaluative, or treatment services. Pursuant 2546
to Chapter 119. of the Revised Code, the director may adopt 2547
rules further defining the scope of the term "health care 2548
provider." 2549

(12) "Significant exposure to body fluids" means a 2550
percutaneous or mucous membrane exposure of an individual to the 2551
blood, semen, vaginal secretions, or spinal, synovial, pleural, 2552
peritoneal, pericardial, or amniotic fluid of another 2553
individual. 2554

(13) "Emergency medical services worker" means all of the 2555
following: 2556

(a) A peace officer; 2557

(b) An employee of an emergency medical service 2558
organization as defined in section 4765.01 of the Revised Code; 2559

(c) A firefighter employed by a political subdivision; 2560

(d) A volunteer firefighter, emergency operator, or rescue 2561
operator; 2562

(e) An employee of a private organization that renders 2563
rescue services, emergency medical services, or emergency 2564
medical transportation to accident victims and persons suffering 2565
serious illness or injury. 2566

(14) "Peace officer" has the same meaning as in division 2567
(A) of section 109.71 of the Revised Code, except that it also 2568

includes a sheriff and the superintendent and troopers of the 2569
state highway patrol. 2570

(B) Persons designated by rule adopted by the director 2571
under section 3701.241 of the Revised Code shall report promptly 2572
every case of AIDS, every AIDS-related condition, and every 2573
confirmed positive HIV test to the department of health on forms 2574
and in a manner prescribed by the director. In each county the 2575
director shall designate the health commissioner of a health 2576
district in the county to receive the reports. 2577

(C) No person shall fail to comply with the reporting 2578
requirements established under division (B) of this section. 2579

(D) Information reported under this section that 2580
identifies an individual is confidential and may be released 2581
only with the written consent of the individual except as the 2582
director determines necessary to ensure the accuracy of the 2583
information, as necessary to provide treatment to the 2584
individual, as ordered by a court pursuant to section 3701.243 2585
or 3701.247 of the Revised Code, or pursuant to a search warrant 2586
or a subpoena issued by or at the request of a secret grand 2587
jury, prosecuting attorney, city director of law or similar 2588
chief legal officer of a municipal corporation, or village 2589
solicitor, in connection with a criminal investigation or 2590
prosecution. Information that does not identify an individual 2591
may be released in summary, statistical, or aggregate form. 2592

Sec. 4113.22. The prosecuting attorney, upon receiving a 2593
complaint ~~made to him~~ of a violation of section 4113.18 or 2594
4113.19 of the Revised Code, shall cause such complaint to be 2595
investigated before the secret grand jury. 2596

Section 2. That existing sections 109.83, 109.84, 109.85, 2597

109.86, 121.22, 177.03, 307.52, 325.07, 701.03, 1901.21,	2598
2151.43, 2152.13, 2301.25, 2335.08, 2930.09, 2933.62, 2933.63,	2599
2935.36, 2937.09, 2937.10, 2937.12, 2939.02, 2939.03, 2939.06,	2600
2939.07, 2939.08, 2939.09, 2939.10, 2939.11, 2939.12, 2939.13,	2601
2939.14, 2939.15, 2939.16, 2939.17, 2939.19, 2939.23, 2939.24,	2602
2941.06, 2941.58, 2951.041, 2953.33, 3515.13, 3701.14, 3701.17,	2603
3701.24, and 4113.22 of the Revised Code are hereby repealed.	2604