

As Introduced

136th General Assembly

Regular Session

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H. B. No. 689

Representative White, A.

To amend sections 109.57, 109.60, 2953.32, and 1
5122.311 of the Revised Code and to amend 2
Section 221.40 of H.B. 96 of the 136th General 3
Assembly, as subsequently amended, to align and 4
modernize fingerprinting and disposition 5
reporting. 6

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

Section 1. That sections 109.57, 109.60, 2953.32, and 7
5122.311 of the Revised Code be amended to read as follows: 8

Sec. 109.57. (A) (1) The superintendent of the bureau of 9
criminal identification and investigation shall procure from 10
wherever procurable and file for record photographs, pictures, 11
descriptions, fingerprints, measurements, and other information 12
that may be pertinent of all persons who have been convicted of 13
committing within this state a felony, any crime constituting a 14
misdemeanor on the first offense and a felony on subsequent 15
offenses, ~~or~~ any misdemeanor described in division (A) (1) (a), 16
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 17
or an offense for which the person was arrested, of all children 18
under eighteen years of age who have been adjudicated delinquent 19
children for committing within this state an act that would be a 20
felony or an offense of violence if committed by an adult or who 21

have been convicted of or pleaded guilty to committing within 22
this state a felony or an offense of violence, and of all well- 23
known and habitual criminals. The person in charge of any 24
county, multicounty, municipal, municipal-county, or 25
multicounty-municipal jail or workhouse, community-based 26
correctional facility, halfway house, alternative residential 27
facility, or state correctional institution and the person in 28
charge of any state institution having custody of a person 29
suspected of having committed a felony, any crime constituting a 30
misdemeanor on the first offense and a felony on subsequent 31
offenses, ~~or~~ any misdemeanor described in division (A) (1) (a), 32
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 33
or an offense for which the person was arrested if the person 34
was not previously fingerprinted for that offense, or having 35
custody of a child under eighteen years of age with respect to 36
whom there is probable cause to believe that the child may have 37
committed an act that would be a felony or an offense of 38
violence if committed by an adult shall furnish such material to 39
the superintendent of the bureau. Fingerprints, photographs, or 40
other descriptive information of a child who is under eighteen 41
years of age, has not been arrested or otherwise taken into 42
custody for committing an act that would be a felony or an 43
offense of violence who is not in any other category of child 44
specified in this division, if committed by an adult, has not 45
been adjudicated a delinquent child for committing an act that 46
would be a felony or an offense of violence if committed by an 47
adult, has not been convicted of or pleaded guilty to committing 48
a felony or an offense of violence, and is not a child with 49
respect to whom there is probable cause to believe that the 50
child may have committed an act that would be a felony or an 51
offense of violence if committed by an adult shall not be 52
procured by the superintendent or furnished by any person in 53

charge of any county, multicounty, municipal, municipal-county, 54
or multicounty-municipal jail or workhouse, community-based 55
correctional facility, halfway house, alternative residential 56
facility, or state correctional institution, except as 57
authorized in section 2151.313 of the Revised Code. 58

(2) Every clerk of a court of record in this state, other 59
than the supreme court or a court of appeals, shall ~~send~~ 60
electronically submit in the manner prescribed by the 61
superintendent of the bureau to the superintendent ~~of the bureau~~ 62
a weekly report containing a summary of each case involving a 63
felony, involving any crime constituting a misdemeanor on the 64
first offense and a felony on subsequent offenses, involving a 65
misdemeanor described in division (A) (1) (a), (A) (4) (a), or (A) 66
(6) (a) of section 109.572 of the Revised Code, involving a case 67
where a person was fingerprinted upon arrest and charged, or 68
involving an adjudication in a case in which a child under 69
eighteen years of age was alleged to be a delinquent child for 70
committing an act that would be a felony or an offense of 71
violence if committed by an adult. The clerk of the court of 72
common pleas shall include in the report and summary the clerk 73
sends under this division all information described in divisions 74
(A) (2) (a) to (f) of this section regarding a case before the 75
court of appeals that is served by that clerk. The summary shall 76
be ~~written on the standard forms furnished~~ submitted in the form 77
and manner prescribed by the superintendent pursuant to division 78
(B) of this section and shall include the following information: 79

(a) The incident tracking number ~~contained on the standard~~ 80
~~forms furnished by the superintendent pursuant to division (B)~~ 81
~~of this section~~ assigned to the person or child at the time of 82
being fingerprinted; 83

(b) The style and number of the case;	84
(c) The date of arrest, offense, summons, or arraignment;	85
(d) The date that the person was convicted of or pleaded	86
guilty to the offense, adjudicated a delinquent child for	87
committing the act that would be a felony or an offense of	88
violence if committed by an adult, found not guilty of the	89
offense, or found not to be a delinquent child for committing an	90
act that would be a felony or an offense of violence if	91
committed by an adult, the date of an entry dismissing the	92
charge, an entry declaring a mistrial of the offense in which	93
the person is discharged, an entry finding that the person or	94
child is not competent to stand trial, or an entry of a nolle	95
prosequi, or the date of any other determination that	96
constitutes final resolution of the case;	97
(e) A statement of the original charge with the section of	98
the Revised Code that was alleged to be violated;	99
(f) If the person or child was convicted, pleaded guilty,	100
or was adjudicated a delinquent child, the sentence or terms of	101
probation imposed or any other disposition of the offender or	102
the delinquent child.	103
If the offense involved the disarming of a law enforcement	104
officer or an attempt to disarm a law enforcement officer, the	105
clerk shall clearly state that fact in the summary, and the	106
superintendent shall ensure that a clear statement of that fact	107
is placed in the bureau's records.	108
+(3) (3) (a) The superintendent shall cooperate with and	109
assist sheriffs, chiefs of police, and other law enforcement	110
officers in the establishment of a complete system of criminal	111
identification and in obtaining fingerprints and other means of	112

identification of all persons arrested on a charge of a felony, 113
any crime constituting a misdemeanor on the first offense and a 114
felony on subsequent offenses, or a misdemeanor described in 115
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 116
of the Revised Code and of all children under eighteen years of 117
age arrested or otherwise taken into custody for committing an 118
act that would be a felony or an offense of violence if 119
committed by an adult. The superintendent shall prepare, 120
maintain, and publish an accurate list of offenses reportable 121
under division (A) (2) of this section, and provide training 122
regarding the proper methods of reporting fingerprints and 123
dispositions to the bureau. 124

(b) The superintendent also shall file for record the 125
fingerprint impressions of all persons confined in a county, 126
multicounty, municipal, municipal-county, or multicounty- 127
municipal jail or workhouse, community-based correctional 128
facility, halfway house, alternative residential facility, or 129
state correctional institution for the violation of state laws 130
and of all children under eighteen years of age who are confined 131
in a county, multicounty, municipal, municipal-county, or 132
multicounty-municipal jail or workhouse, community-based 133
correctional facility, halfway house, alternative residential 134
facility, or state correctional institution or in any facility 135
for delinquent children for committing an act that would be a 136
felony or an offense of violence if committed by an adult, and 137
any other information that the superintendent may receive from 138
law enforcement officials of the state and its political 139
subdivisions. 140

(4) The superintendent shall carry out Chapter 2950. of 141
the Revised Code with respect to the registration of persons who 142
are convicted of or plead guilty to a sexually oriented offense 143

or a child-victim oriented offense and with respect to all other 144
duties imposed on the bureau under that chapter. 145

(5) The bureau shall perform centralized recordkeeping 146
functions for criminal history records and services in this 147
state for purposes of the national crime prevention and privacy 148
compact set forth in section 109.571 of the Revised Code and is 149
the criminal history record repository as defined in that 150
section for purposes of that compact. The superintendent or the 151
superintendent's designee is the compact officer for purposes of 152
that compact and shall carry out the responsibilities of the 153
compact officer specified in that compact. 154

(6) The superintendent shall, upon request, assist a 155
county coroner in the identification of a deceased person 156
through the use of fingerprint impressions obtained pursuant to 157
division (A)(1) of this section or collected pursuant to section 158
109.572 or 311.41 of the Revised Code. 159

(B) The superintendent shall prepare and furnish to every 160
county, multicounty, municipal, municipal-county, or 161
multicounty-municipal jail or workhouse, community-based 162
correctional facility, halfway house, alternative residential 163
facility, or state correctional institution and to every clerk 164
of a court in this state specified in division (A)(2) of this 165
section standard forms for reporting the information required 166
under division (A) of this section. The standard forms that the 167
superintendent prepares pursuant to this division may be in a 168
tangible format, in an electronic format, or in both tangible 169
formats and electronic formats. 170

(C)(1) The superintendent may operate a center for 171
electronic, automated, or other data processing for the storage 172
and retrieval of information, data, and statistics pertaining to 173

criminals and to children under eighteen years of age who are 174
adjudicated delinquent children for committing an act that would 175
be a felony or an offense of violence if committed by an adult, 176
criminal activity, crime prevention, law enforcement, and 177
criminal justice, and may establish and operate a statewide 178
communications network to be known as the Ohio law enforcement 179
gateway to gather and disseminate information, data, and 180
statistics for the use of law enforcement agencies and for other 181
uses specified in this division. The superintendent may gather, 182
store, retrieve, and disseminate information, data, and 183
statistics that pertain to children who are under eighteen years 184
of age and that are gathered pursuant to sections 109.57 to 185
109.61 of the Revised Code together with information, data, and 186
statistics that pertain to adults and that are gathered pursuant 187
to those sections. 188

(2) The superintendent or the superintendent's designee 189
shall gather information of the nature described in division (C) 190
(1) of this section that pertains to the offense and delinquency 191
history of a person who has been convicted of, pleaded guilty 192
to, or been adjudicated a delinquent child for committing a 193
sexually oriented offense or a child-victim oriented offense for 194
inclusion in the state registry of sex offenders and child- 195
victim offenders maintained pursuant to division (A)(1) of 196
section 2950.13 of the Revised Code and in the internet database 197
operated pursuant to division (A)(13) of that section and for 198
possible inclusion in the internet database operated pursuant to 199
division (A)(11) of that section. 200

(3) In addition to any other authorized use of 201
information, data, and statistics of the nature described in 202
division (C)(1) of this section, the superintendent or the 203
superintendent's designee may provide and exchange the 204

information, data, and statistics pursuant to the national crime 205
prevention and privacy compact as described in division (A) (5) 206
of this section. 207

(4) The Ohio law enforcement gateway shall contain the 208
name, confidential address, and telephone number of program 209
participants in the address confidentiality program established 210
under sections 111.41 to 111.47 of the Revised Code. 211

(5) The attorney general may adopt rules under Chapter 212
119. of the Revised Code establishing guidelines for the 213
operation of and participation in the Ohio law enforcement 214
gateway. The rules may include criteria for granting and 215
restricting access to information gathered and disseminated 216
through the Ohio law enforcement gateway. The attorney general 217
shall adopt rules under Chapter 119. of the Revised Code that 218
grant access to information in the gateway regarding an address 219
confidentiality program participant under sections 111.41 to 220
111.47 of the Revised Code to only chiefs of police, village 221
marshals, county sheriffs, county prosecuting attorneys, and a 222
designee of each of these individuals. The attorney general 223
shall permit an office of a county coroner, the state medical 224
board, and board of nursing to access and view, but not alter, 225
information gathered and disseminated through the Ohio law 226
enforcement gateway. 227

The attorney general may appoint a steering committee to 228
advise the attorney general in the operation of the Ohio law 229
enforcement gateway that is comprised of persons who are 230
representatives of the criminal justice agencies in this state 231
that use the Ohio law enforcement gateway and is chaired by the 232
superintendent or the superintendent's designee. 233

(D) (1) The following are not public records under section 234

149.43 of the Revised Code:	235
(a) Information and materials furnished to the	236
superintendent pursuant to division (A) of this section;	237
(b) Information, data, and statistics gathered or	238
disseminated through the Ohio law enforcement gateway pursuant	239
to division (C) (1) of this section;	240
(c) Information and materials furnished to any board or	241
person under division (F) or (G) of this section.	242
(2) The superintendent or the superintendent's designee	243
shall gather and retain information so furnished under division	244
(A) of this section that pertains to the offense and delinquency	245
history of a person who has been convicted of, pleaded guilty	246
to, or been adjudicated a delinquent child for committing a	247
sexually oriented offense or a child-victim oriented offense for	248
the purposes described in division (C) (2) of this section.	249
(E) (1) The attorney general shall adopt rules, in	250
accordance with Chapter 119. of the Revised Code and subject to	251
division (E) (2) of this section, setting forth the procedure by	252
which a person may receive or release information gathered by	253
the superintendent pursuant to division (A) of this section. A	254
reasonable fee may be charged for this service. If a temporary	255
employment service submits a request for a determination of	256
whether a person the service plans to refer to an employment	257
position has been convicted of or pleaded guilty to an offense	258
listed or described in division (A) (1), (2), or (3) of section	259
109.572 of the Revised Code, the request shall be treated as a	260
single request and only one fee shall be charged.	261
(2) Except as otherwise provided in this division or	262
division (E) (3) or (4) of this section, a rule adopted under	263

division (E) (1) of this section may provide only for the release 264
of information gathered pursuant to division (A) of this section 265
that relates to the conviction of a person, or a person's plea 266
of guilty to, a criminal offense or to the arrest of a person as 267
provided in division (E) (3) of this section. The superintendent 268
shall not release, and the attorney general shall not adopt any 269
rule under division (E) (1) of this section that permits the 270
release of, any information gathered pursuant to division (A) of 271
this section that relates to an adjudication of a child as a 272
delinquent child, or that relates to a criminal conviction of a 273
person under eighteen years of age if the person's case was 274
transferred back to a juvenile court under division (B) (2) or 275
(3) of section 2152.121 of the Revised Code and the juvenile 276
court imposed a disposition or serious youthful offender 277
disposition upon the person under either division, unless either 278
of the following applies with respect to the adjudication or 279
conviction: 280

(a) The adjudication or conviction was for a violation of 281
section 2903.01 or 2903.02 of the Revised Code. 282

(b) The adjudication or conviction was for a sexually 283
oriented offense, the juvenile court was required to classify 284
the child a juvenile offender registrant for that offense under 285
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 286
classification has not been removed, and the records of the 287
adjudication or conviction have not been sealed or expunged 288
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 289
pursuant to section 2953.32 of the Revised Code. 290

(3) A rule adopted under division (E) (1) of this section 291
may provide for the release of information gathered pursuant to 292
division (A) of this section that relates to the arrest of a 293

person who is eighteen years of age or older when the person has 294
not been convicted as a result of that arrest if any of the 295
following applies: 296

(a) The arrest was made outside of this state. 297

(b) A criminal action resulting from the arrest is 298
pending, and the superintendent confirms that the criminal 299
action has not been resolved at the time the criminal records 300
check is performed. 301

(c) The bureau cannot reasonably determine whether a 302
criminal action resulting from the arrest is pending, and not 303
more than one year has elapsed since the date of the arrest. 304

(4) A rule adopted under division (E)(1) of this section 305
may provide for the release of information gathered pursuant to 306
division (A) of this section that relates to an adjudication of 307
a child as a delinquent child if not more than five years have 308
elapsed since the date of the adjudication, the adjudication was 309
for an act that would have been a felony if committed by an 310
adult, the records of the adjudication have not been sealed or 311
expunged pursuant to sections 2151.355 to 2151.358 of the 312
Revised Code, and the request for information is made under 313
division (F) of this section or under section 109.572 of the 314
Revised Code. In the case of an adjudication for a violation of 315
the terms of community control or supervised release, the five- 316
year period shall be calculated from the date of the 317
adjudication to which the community control or supervised 318
release pertains. 319

(F)(1) As used in division (F)(2) of this section, "head 320
start agency" means an entity in this state that has been 321
approved to be an agency for purposes of subchapter II of the 322

"Community Economic Development Act," 95 Stat. 489 (1981), 42 323
U.S.C.A. 9831, as amended. 324

(2) (a) In addition to or in conjunction with any request 325
that is required to be made under section 109.572, 2151.86, 326
3301.32, 3301.541, division (C) of section 3310.58, or section 327
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 328
5123.081, or 5153.111 of the Revised Code or that is made under 329
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 330
Code, the board of education of any school district; the 331
director of developmental disabilities; any county board of 332
developmental disabilities; any provider or subcontractor as 333
defined in section 5123.081 of the Revised Code; the chief 334
administrator of any chartered nonpublic school; the chief 335
administrator of a registered private provider that is not also 336
a chartered nonpublic school; the chief administrator of any 337
home health agency; the chief administrator of or person 338
operating any child care center, type A family child care home, 339
or type B family child care home licensed under Chapter 5104. of 340
the Revised Code; the chief administrator of or person operating 341
any authorized private before and after school care program; the 342
chief administrator of any head start agency; the executive 343
director of a public children services agency; the operator of a 344
residential facility, as defined in section 2151.46 of the 345
Revised Code; a private company described in section 3314.41, 346
3319.392, 3326.25, or 3328.20 of the Revised Code; or an 347
employer described in division (J) (2) of section 3327.10 of the 348
Revised Code may request that the superintendent of the bureau 349
investigate and determine, with respect to any individual who 350
has applied for employment in any position after October 2, 351
1989, or any individual wishing to apply for employment with a 352
board of education may request, with regard to the individual, 353

whether the bureau has any information gathered under division 354
(A) of this section that pertains to that individual. On receipt 355
of the request, subject to division (E) (2) of this section, the 356
superintendent shall determine whether that information exists 357
and, upon request of the person, board, or entity requesting 358
information, also shall request from the federal bureau of 359
investigation any criminal records it has pertaining to that 360
individual. The superintendent or the superintendent's designee 361
also may request criminal history records from other states or 362
the federal government pursuant to the national crime prevention 363
and privacy compact set forth in section 109.571 of the Revised 364
Code. Within thirty days of the date that the superintendent 365
receives a request, subject to division (E) (2) of this section, 366
the superintendent shall send to the board, entity, or person a 367
report of any information that the superintendent determines 368
exists, including information contained in records that have 369
been sealed under section 2953.32 of the Revised Code, and, 370
within thirty days of its receipt, subject to division (E) (2) of 371
this section, shall send the board, entity, or person a report 372
of any information received from the federal bureau of 373
investigation, other than information the dissemination of which 374
is prohibited by federal law. 375

(b) When a board of education or a registered private 376
provider is required to receive information under this section 377
as a prerequisite to employment of an individual pursuant to 378
division (C) of section 3310.58 or section 3319.39 of the 379
Revised Code, it may accept a certified copy of records that 380
were issued by the bureau of criminal identification and 381
investigation and that are presented by an individual applying 382
for employment with the district in lieu of requesting that 383
information itself. In such a case, the board shall accept the 384

certified copy issued by the bureau in order to make a photocopy 385
of it for that individual's employment application documents and 386
shall return the certified copy to the individual. In a case of 387
that nature, a district or provider only shall accept a 388
certified copy of records of that nature within one year after 389
the date of their issuance by the bureau. 390

(c) Notwithstanding division (F) (2) (a) of this section, in 391
the case of a request under section 3319.39, 3319.391, or 392
3327.10 of the Revised Code only for criminal records maintained 393
by the federal bureau of investigation, the superintendent shall 394
not determine whether any information gathered under division 395
(A) of this section exists on the person for whom the request is 396
made. 397

(3) The state board of education or the department of 398
education and workforce may request, with respect to any 399
individual who has applied for employment after October 2, 1989, 400
in any position with the state board or the department of 401
education and workforce, any information that a school district 402
board of education is authorized to request under division (F) 403
(2) of this section, and the superintendent of the bureau shall 404
proceed as if the request has been received from a school 405
district board of education under division (F) (2) of this 406
section. 407

(4) When the superintendent of the bureau receives a 408
request for information under section 3319.291 of the Revised 409
Code, the superintendent shall proceed as if the request has 410
been received from a school district board of education and 411
shall comply with divisions (F) (2) (a) and (c) of this section. 412

(G) In addition to or in conjunction with any request that 413
is required to be made under section 3712.09, 3721.121, or 414

3740.11 of the Revised Code with respect to an individual who 415
has applied for employment in a position that involves providing 416
direct care to an older adult or adult resident, the chief 417
administrator of a home health agency, hospice care program, 418
home licensed under Chapter 3721. of the Revised Code, or adult 419
day-care program operated pursuant to rules adopted under 420
section 3721.04 of the Revised Code may request that the 421
superintendent of the bureau investigate and determine, with 422
respect to any individual who has applied after January 27, 423
1997, for employment in a position that does not involve 424
providing direct care to an older adult or adult resident, 425
whether the bureau has any information gathered under division 426
(A) of this section that pertains to that individual. 427

In addition to or in conjunction with any request that is 428
required to be made under section 173.27 of the Revised Code 429
with respect to an individual who has applied for employment in 430
a position that involves providing ombudsman services to 431
residents of long-term care facilities or recipients of 432
community-based long-term care services, the state long-term 433
care ombudsman, the director of aging, a regional long-term care 434
ombudsman program, or the designee of the ombudsman, director, 435
or program may request that the superintendent investigate and 436
determine, with respect to any individual who has applied for 437
employment in a position that does not involve providing such 438
ombudsman services, whether the bureau has any information 439
gathered under division (A) of this section that pertains to 440
that applicant. 441

In addition to or in conjunction with any request that is 442
required to be made under section 173.38 of the Revised Code 443
with respect to an individual who has applied for employment in 444
a direct-care position, the chief administrator of a provider, 445

as defined in section 173.39 of the Revised Code, may request 446
that the superintendent investigate and determine, with respect 447
to any individual who has applied for employment in a position 448
that is not a direct-care position, whether the bureau has any 449
information gathered under division (A) of this section that 450
pertains to that applicant. 451

In addition to or in conjunction with any request that is 452
required to be made under section 3712.09 of the Revised Code 453
with respect to an individual who has applied for employment in 454
a position that involves providing direct care to a pediatric 455
respite care patient, the chief administrator of a pediatric 456
respite care program may request that the superintendent of the 457
bureau investigate and determine, with respect to any individual 458
who has applied for employment in a position that does not 459
involve providing direct care to a pediatric respite care 460
patient, whether the bureau has any information gathered under 461
division (A) of this section that pertains to that individual. 462

On receipt of a request under this division, the 463
superintendent shall determine whether that information exists 464
and, on request of the individual requesting information, shall 465
also request from the federal bureau of investigation any 466
criminal records it has pertaining to the applicant. The 467
superintendent or the superintendent's designee also may request 468
criminal history records from other states or the federal 469
government pursuant to the national crime prevention and privacy 470
compact set forth in section 109.571 of the Revised Code. Within 471
thirty days of the date a request is received, subject to 472
division (E)(2) of this section, the superintendent shall send 473
to the requester a report of any information determined to 474
exist, including information contained in records that have been 475
sealed under section 2953.32 of the Revised Code, and, within 476

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

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

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

(J) As used in this section:

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

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

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

Sec. 109.60. ~~(A) (1) (A) (1) (a)~~ The sheriffs of the several
counties and the chiefs of police of cities, immediately upon
the arrest of any person for any felony, on suspicion of any
felony, for a crime constituting a misdemeanor on the first
offense and a felony on subsequent offenses, or for any
misdemeanor described in division (A) (1) (a), ~~(A) (8) (a)~~, or ~~(A)~~

~~(10) (a)~~ (A) (4) (a), or (A) (6) (a) of section 109.572 of the
Revised Code, and immediately upon the arrest or taking into
custody of any child under eighteen years of age for committing
an act that would be a felony or an offense of violence if
committed by an adult or upon probable cause to believe that a
child of that age may have committed an act that would be a
felony or an offense of violence if committed by an adult, shall
take the person's or child's fingerprints, or cause the same to
be taken, according to the fingerprint system of identification
~~on in the forms furnished~~ form and manner prescribed by the
superintendent of the bureau of criminal identification and
investigation, and immediately shall electronically forward
copies of the completed forms in the manner prescribed by the
superintendent, any other description that may be required, and
the history of the offense committed to the bureau to be
classified and filed and submitted to the clerk of the court
having jurisdiction over the prosecution of the offense or over
the adjudication relative to the act.

(b) If a case for a person or child whose fingerprints
were taken is sent directly to a grand jury for indictment and
no charges are brought, the prosecuting authority to whom the
case was referred shall notify the sheriff or chief of police,
and the sheriff or chief of police shall notify the bureau that
no charges were brought against the person or child. If a case
for a person or child is sent directly to a grand jury for
indictment and the case proceeds on a direct indictment, the
court of common pleas shall order that the person's or child's
fingerprints be taken if not previously taken, and the clerk of
the court of common pleas shall report the case information and
disposition to the bureau.

(c) If an offender is convicted of an offense that is

required to be reported to the bureau pursuant to section 109.57 537
of the Revised Code, has not been fingerprinted in connection 538
with the instant case, and is sentenced to a term of community 539
control, the court shall order the offender be fingerprinted as 540
a condition of community control. Upon being fingerprinted, the 541
party responsible for obtaining the offender's fingerprints 542
shall immediately electronically submit copies of the completed 543
forms, any other description that may be required, and the 544
history of the offense committed to the bureau to be classified 545
and filed with the clerk of the court. 546

(2) Except as provided in division (B) of this section, if 547
a person or child has not been arrested and first appears before 548
a court or magistrate in response to a summons, or if a sheriff 549
or chief of police has not taken, or caused to be taken, a 550
person's or child's fingerprints in accordance with division (A) 551
(1) of this section by the time of the arraignment or first 552
appearance of the person or child, the court shall take the 553
person's or child's fingerprints or shall order the person or 554
child to appear before the sheriff or chief of police within 555
twenty-four hours to have the person's or child's fingerprints 556
taken. The sheriff or chief of police shall take the person's or 557
child's fingerprints, or cause the fingerprints to be taken, 558
according to the fingerprint system of identification ~~on~~ in the 559
~~forms furnished~~ form and manner prescribed by the superintendent 560
of the bureau of criminal identification and investigation and, 561
immediately after the person's or child's arraignment or first 562
appearance, electronically forward copies of the completed forms 563
in the manner prescribed by the superintendent of the bureau, 564
any other description that may be required, and the history of 565
the offense committed to the bureau to be classified and filed 566
and to the clerk of the court. 567

(3) Every court with jurisdiction over a case involving a person or child with respect to whom division (A) (1) or (2) of this section requires a sheriff or chief of police to take the person's or child's fingerprints shall inquire at the time of the person's or child's sentencing or adjudication whether or not the person or child has been fingerprinted pursuant to division (A) (1) or (2) of this section for the original arrest or court appearance upon which the sentence or adjudication is based. If the person or child was not fingerprinted for the original arrest or court appearance upon which the sentence or adjudication is based, the court shall take the person's or child's fingerprints or shall order the person or child to appear before the sheriff or chief of police within twenty-four hours to have the person's or child's fingerprints taken. If the court orders the person or child to appear before the sheriff or chief of police to have the person's or child's fingerprints taken, the sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification ~~on~~ in the forms furnished ~~form and manner prescribed~~ by the superintendent of the bureau of criminal identification and investigation and immediately electronically forward copies of the completed forms in the manner prescribed by the superintendent of the bureau, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, immediately upon being presented with the court order requiring fingerprints to be taken and provide those fingerprints to the court and bureau as described above.

(4) If a person or child is in the custody of a law

enforcement agency or a detention facility, as defined in 599
section 2921.01 of the Revised Code, and the chief law 600
enforcement officer or chief administrative officer of the 601
detention facility discovers that a warrant has been issued or a 602
bill of information, indictment, or complaint, including 603
offenses that occur while the person or child is in detention, 604
has been filed alleging the person or child to have committed an 605
offense or act other than the offense or act for which the 606
person or child is in custody, and the other alleged offense or 607
act is one for which fingerprints are to be taken pursuant to 608
division (A) (1) of this section, the law enforcement agency or 609
detention facility shall take the fingerprints of the person or 610
child, or cause the fingerprints to be taken, according to the 611
fingerprint system of identification ~~on in the forms furnished~~ 612
form and manner prescribed by the superintendent of the bureau 613
of criminal identification and investigation and immediately 614
electronically forward copies of the completed forms in the 615
manner prescribed by the superintendent of the bureau, any other 616
description that may be required, and the history of the offense 617
committed to the bureau to be classified and filed and to the 618
clerk of the court that issued the warrant, indictment, or 619
complaint, or with which the bill of information was filed, and 620
submit to the clerk of the court hearing the case, if different 621
from the issuing court. 622

~~(5)~~ (5) (a) If an accused is found not guilty of the offense 623
charged or a nolle prosequi is entered in any case, or if any 624
accused child under eighteen years of age is found not to be a 625
delinquent child for committing an act that would be a felony or 626
an offense of violence if committed by an adult or not guilty of 627
the felony or offense of violence charged or a nolle prosequi is 628
entered in that case, the fingerprints and description shall be 629

given to the accused upon the accused's request. 630

(b) If no charges are filed or a person is otherwise 631
released or dismissed after being fingerprinted and those 632
fingerprints have been forwarded to the bureau of criminal 633
identification and investigation, the sheriffs of the several 634
counties and the chiefs of police of cities shall notify the 635
bureau that no charges were filed or the person was otherwise 636
released and the bureau shall note that status in connection to 637
the fingerprint record. 638

(c) If, after a person or child is arrested and 639
fingerprinted for a criminal offense no indictment is returned, 640
bill of information is filed, or charges are filed by the 641
prosecuting authority to whom the case was referred, the 642
prosecuting authority to whom the case was referred shall notify 643
the law enforcement agency that referred the case that no 644
charges are forthcoming at this time, the sheriff or chief of 645
police shall notify the bureau of the case status, and the 646
bureau shall note that status in connection to the fingerprint 647
record. 648

(6) The superintendent shall compare the description 649
received with those already on file in the bureau, and, if the 650
superintendent finds that the person arrested or taken into 651
custody has a criminal record or a record as a delinquent child 652
for having committed an act that would be a felony or an offense 653
of violence if committed by an adult or is a fugitive from 654
justice or wanted by any jurisdiction in this or another state, 655
the United States, or a foreign country for any offense, the 656
superintendent at once shall inform the arresting officer, the 657
officer taking the person into custody, or the chief 658
administrative officer of the county, multicounty, municipal, 659

municipal-county, or multicounty-municipal jail or workhouse, 660
community-based correctional facility, halfway house, 661
alternative residential facility, or state correctional 662
institution in which the person or child is in custody of that 663
fact and give appropriate notice to the proper authorities in 664
the jurisdiction in which the person is wanted, or, if that 665
jurisdiction is a foreign country, give appropriate notice to 666
federal authorities for transmission to the foreign country. The 667
names, under which each person whose identification is filed is 668
known, shall be alphabetically indexed by the superintendent. 669

(B) Division (A) of this section does not apply to a 670
violin of a city ordinance unless the officers have reason to 671
believe that the violator is a past offender or the crime is one 672
constituting a misdemeanor on the first offense and a felony on 673
subsequent offenses, or unless it is advisable for the purpose 674
of subsequent identification. This section does not apply to any 675
child under eighteen years of age who was not arrested or 676
otherwise taken into custody for committing an act that would be 677
a felony or an offense of violence if committed by an adult or 678
upon probable cause to believe that a child of that age may have 679
committed an act that would be a felony or an offense of 680
violence if committed by an adult, except as provided in section 681
2151.313 of the Revised Code. 682

(C) (1) For purposes of division (C) of this section, a law 683
enforcement agency shall be considered to have arrested a person 684
if any law enforcement officer who is employed by, appointed by, 685
or serves that agency arrests the person. As used in division 686
(C) of this section: 687

(a) "Illegal methamphetamine manufacturing laboratory" has 688
the same meaning as in section 3745.13 of the Revised Code. 689

(b) "Methamphetamine or a methamphetamine product" means 690
methamphetamine, any salt, isomer, or salt of an isomer of 691
methamphetamine, or any compound, mixture, preparation, or 692
substance containing methamphetamine or any salt, isomer, or 693
salt of an isomer of methamphetamine. 694

(2) Each law enforcement agency that, in any calendar 695
year, arrests any person for a violation of section 2925.04 of 696
the Revised Code that is based on the manufacture of 697
methamphetamine or a methamphetamine product, a violation of 698
section 2925.041 of the Revised Code that is based on the 699
possession of chemicals sufficient to produce methamphetamine or 700
a methamphetamine product, or a violation of any other provision 701
of Chapter 2925. or 3719. of the Revised Code that is based on 702
the possession of chemicals sufficient to produce 703
methamphetamine or a methamphetamine product shall prepare an 704
annual report covering the calendar year that contains the 705
information specified in division (C)(3) of this section 706
relative to all arrests for violations of those sections 707
committed under those circumstances during that calendar year 708
and relative to illegal methamphetamine manufacturing 709
laboratories, dump sites, and chemical caches as specified in 710
that division and shall send the annual report, not later than 711
the first day of March in the calendar year following the 712
calendar year covered by the report, to the bureau of criminal 713
identification and investigation. 714

The law enforcement agency shall write any annual report 715
prepared and filed under this division ~~on in the standard forms~~ 716
~~furnished form~~ and manner prescribed by the superintendent of 717
the bureau of criminal identification and investigation pursuant 718
to division (C)(4) of this section. The annual report shall be a 719
statistical report, and nothing in the report or in the 720

information it contains shall identify, or enable the 721
identification of, any person who was arrested and whose arrest 722
is included in the information contained in the report. The 723
annual report in the possession of the bureau and the 724
information it contains are public records for the purpose of 725
section 149.43 of the Revised Code. 726

(3) The annual report prepared and filed by a law 727
enforcement agency under division (C) (2) of this section shall 728
contain all of the following information for the calendar year 729
covered by the report: 730

(a) The total number of arrests made by the agency in that 731
calendar year for a violation of section 2925.04 of the Revised 732
Code that is based on the manufacture of methamphetamine or a 733
methamphetamine product, a violation of section 2925.041 of the 734
Revised Code that is based on the possession of chemicals 735
sufficient to produce methamphetamine or a methamphetamine 736
product, or a violation of any other provision of Chapter 2925. 737
or 3719. of the Revised Code that is based on the possession of 738
chemicals sufficient to produce methamphetamine or a 739
methamphetamine product; 740

(b) The total number of illegal methamphetamine 741
manufacturing laboratories at which one or more of the arrests 742
reported under division (C) (3) (a) of this section occurred, or 743
that were discovered in that calendar year within the territory 744
served by the agency but at which none of the arrests reported 745
under division (C) (3) (a) of this section occurred; 746

(c) The total number of dump sites and chemical caches 747
that are, or that are reasonably believed to be, related to 748
illegal methamphetamine manufacturing and that were discovered 749
in that calendar year within the territory served by the agency. 750

(4) The superintendent of the bureau of criminal 751
identification and investigation shall prepare and furnish to 752
each law enforcement agency in this state standard forms for 753
making the annual reports required by division (C) (2) of this 754
section. The standard forms that the superintendent prepares 755
pursuant to this division may be in a tangible format, in an 756
electronic format, or in both a tangible format and an 757
electronic format. 758

(5) The annual report required by division (C) (2) of this 759
section is separate from, and in addition to, any report, 760
materials, or information required under division (A) of this 761
section or under any other provision of sections 109.57 to 762
109.62 of the Revised Code. 763

Sec. 2953.32. (A) (1) Sections 2953.32 and 2953.34 of the 764
Revised Code do not apply to any of the following: 765

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 766
or 4549. of the Revised Code, or a conviction for a violation of 767
a municipal ordinance that is substantially similar to any 768
section contained in any of those chapters; 769

(b) Convictions of a felony offense of violence that is 770
not a sexually oriented offense; 771

(c) Convictions of a sexually oriented offense when the 772
offender is subject to the requirements of Chapter 2950. of the 773
Revised Code or Chapter 2950. of the Revised Code as it existed 774
prior to January 1, 2008; 775

(d) Convictions of an offense in circumstances in which 776
the victim of the offense was less than thirteen years of age, 777
except for convictions under section 2919.21 of the Revised 778
Code; 779

(e) Convictions for a violation of section 2921.41 of the Revised Code; 780
781

(f) Convictions of a felony of the first or second degree; 782

(g) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the first or second degree or convictions for a violation of a municipal ordinance that is substantially similar to that section; 783
784
785
786

(h) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions. 787
788
789
790
791

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to the following for purposes of sealing, but not for purposes of expungement of the record of the case: 792
793
794

(a) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the third or fourth degree or convictions for a violation of a municipal ordinance that is substantially similar to that section; 795
796
797
798

(b) Convictions for a violation of section 2919.27 of the Revised Code or convictions for a violation of a municipal ordinance that is substantially similar to that section. 799
800
801

(3) For purposes of division (A)(1)(h) of this section, both of the following apply: 802
803

(a) When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. 804
805
806

(b) When two or three convictions result from the same 807

indictment, information, or complaint, from the same plea of 808
guilty, or from the same official proceeding, and result from 809
related criminal acts that were committed within a three-month 810
period but do not result from the same act or from offenses 811
committed at the same time, they shall be counted as one 812
conviction, provided that a court may decide as provided in 813
division (D)(1)(i) of this section that it is not in the public 814
interest for the two or three convictions to be counted as one 815
conviction. 816

(B)(1) Except as provided in section 2953.61 of the 817
Revised Code or as otherwise provided in division (B)(1)(a)(iii) 818
of this section, an eligible offender may apply to the 819
sentencing court if convicted in this state, or to a court of 820
common pleas if convicted in another state or in a federal 821
court, for the sealing or expungement of the record of the case 822
that pertains to the conviction, except for convictions listed 823
in division (A)(1) of this section. Application may be made at 824
whichever of the following times is applicable regarding the 825
offense: 826

(a) An application for sealing under this section may be 827
made at whichever of the following times is applicable regarding 828
the offense: 829

(i) Except as otherwise provided in division (B)(1)(a)(iv) 830
of this section, at the expiration of three years after the 831
offender's final discharge if convicted of one or two felonies 832
of the third degree, so long as none of the offenses is a 833
violation of section 2921.43 of the Revised Code; 834

(ii) Except as otherwise provided in division (B)(1)(a) 835
(iv) of this section, at the expiration of one year after the 836
offender's final discharge if convicted of one or more felonies 837

of the fourth or fifth degree or one or more misdemeanors, so 838
long as none of the offenses is a violation of section 2921.43 839
of the Revised Code or a felony offense of violence; 840

(iii) At the expiration of seven years after the 841
offender's final discharge if the record includes one or more 842
convictions of soliciting improper compensation in violation of 843
section 2921.43 of the Revised Code; 844

(iv) If the offender was subject to the requirements of 845
Chapter 2950. of the Revised Code or Chapter 2950. of the 846
Revised Code as it existed prior to January 1, 2008, at the 847
expiration of five years after the requirements have ended under 848
section 2950.07 of the Revised Code or section 2950.07 of the 849
Revised Code as it existed prior to January 1, 2008, or are 850
terminated under section 2950.15 or 2950.151 of the Revised 851
Code; 852

(v) At the expiration of six months after the offender's 853
final discharge if convicted of a minor misdemeanor. 854

(b) An application for expungement under this section may 855
be made at whichever of the following times is applicable 856
regarding the offense: 857

(i) Except as otherwise provided in division (B) (1) (b) (ii) 858
of this section, if the offense is a misdemeanor, at the 859
expiration of one year after the offender's final discharge; 860

(ii) If the offense is a minor misdemeanor, at the 861
expiration of six months after the offender's final discharge; 862

(iii) If the offense is a felony, at the expiration of ten 863
years after the time specified in division (B) (1) (a) of this 864
section at which the person may file an application for sealing 865
with respect to that felony offense. 866

(2) Any person who has been arrested for any misdemeanor 867
offense and who has effected a bail forfeiture for the offense 868
charged may apply to the court in which the misdemeanor criminal 869
case was pending when bail was forfeited for the sealing or 870
expungement of the record of the case that pertains to the 871
charge. Except as provided in section 2953.61 of the Revised 872
Code, the application may be filed at whichever of the following 873
times is applicable regarding the offense: 874

(a) An application for sealing under this section may be 875
made at any time after the date on which the bail forfeiture was 876
entered upon the minutes of the court or the journal, whichever 877
entry occurs first. 878

(b) An application for expungement under this section may 879
be made at whichever of the following times is applicable 880
regarding the offense: 881

(i) Except as provided in division (B) (2) (b) (ii) of this 882
section, at any time after the expiration of one year from the 883
date on which the bail forfeiture was entered upon the minutes 884
of the court or the journal, whichever entry occurs first; 885

(ii) If the offense is a minor misdemeanor, at any time 886
after the expiration of six months from the date on which the 887
bail forfeiture was entered upon the minutes of the court or the 888
journal, whichever entry occurs first. 889

(C) Upon the filing of an application under this section, 890
the court shall set a date for a hearing and shall notify the 891
prosecutor for the case of the hearing on the application not 892
less than sixty days prior to the hearing. Pursuant to the Ohio 893
Constitution, the prosecutor shall provide timely notice of the 894
application and the date and time of the hearing to a victim and 895

victim's representative, if applicable, if the victim or 896
victim's representative requested notice of the proceedings in 897
the underlying case. The court shall hold the hearing not less 898
than forty-five days and not more than ninety days from the date 899
of the filing of the application, unless the delay is caused by 900
the applicant. The prosecutor may object to the granting of the 901
application by filing a written objection with the court not 902
later than thirty days prior to the date set for the hearing. 903
The prosecutor shall specify in the objection the reasons for 904
believing a denial of the application is justified. The victim, 905
victim's representative, and victim's attorney, if applicable, 906
may be present and heard orally, in writing, or both at any 907
hearing under this section. The court shall direct its regular 908
probation officer, a state probation officer, or the department 909
of probation of the county in which the applicant resides to 910
make inquiries and written reports as the court requires 911
concerning the applicant. The probation officer or county 912
department of probation that the court directs to make inquiries 913
and written reports as the court requires concerning the 914
applicant shall determine whether or not the applicant was 915
fingerprinted at the time of arrest or under section 109.60 of 916
the Revised Code. If the applicant was so fingerprinted, the 917
probation officer or county department of probation shall 918
include with the written report a record of the applicant's 919
fingerprints. If the applicant was convicted of or pleaded 920
guilty to a violation of division (A)(2) or (B) of section 921
2919.21 of the Revised Code, the probation officer or county 922
department of probation that the court directed to make 923
inquiries concerning the applicant shall contact the child 924
support enforcement agency enforcing the applicant's obligations 925
under the child support order to inquire about the offender's 926
compliance with the child support order. 927

(D) (1) At the hearing held under division (C) of this 928
section, the court shall do each of the following: 929

(a) Determine whether the applicant is pursuing sealing or 930
expunging a conviction of an offense that is prohibited under 931
division (A) of this section or whether the forfeiture of bail 932
was agreed to by the applicant and the prosecutor in the case, 933
and determine whether the application was made at the time 934
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 935
(b) of this section that is applicable with respect to the 936
application and the subject offense; 937

(b) Determine whether criminal proceedings are pending 938
against the applicant; 939

(c) Determine whether the applicant has been rehabilitated 940
to the satisfaction of the court; 941

(d) If the prosecutor has filed an objection in accordance 942
with division (C) of this section, consider the reasons against 943
granting the application specified by the prosecutor in the 944
objection; 945

(e) If the victim objected, pursuant to the Ohio 946
Constitution, consider the reasons against granting the 947
application specified by the victim in the objection; 948

(f) Weigh the interests of the applicant in having the 949
records pertaining to the applicant's conviction or bail 950
forfeiture sealed or expunged against the legitimate needs, if 951
any, of the government to maintain those records; 952

(g) Consider the oral or written statement of any victim, 953
victim's representative, and victim's attorney, if applicable; 954

(h) If the applicant was an eligible offender of the type 955

described in division (A) (3) of section 2953.36 of the Revised 956
Code as it existed prior to April 4, 2023, determine whether the 957
offender has been rehabilitated to a satisfactory degree. In 958
making the determination, the court may consider all of the 959
following: 960

(i) The age of the offender; 961
(ii) The facts and circumstances of the offense; 962
(iii) The cessation or continuation of criminal behavior; 963
(iv) The education and employment of the offender; 964
(v) Any other circumstances that may relate to the 965
offender's rehabilitation. 966

(i) If the court is required to determine whether an 967
applicant for sealing or expungement has two or three 968
convictions that result from the same indictment, information, 969
or complaint, from the same plea of guilty, or from the same 970
official proceeding, and result from related criminal acts that 971
were committed within a three-month period but do not result 972
from the same act or from offenses committed at the same time, 973
in making its determination, the court initially shall determine 974
whether it is not in the public interest for the two or three 975
convictions to be counted as one conviction. If the court 976
determines that it is not in the public interest for the two or 977
three convictions to be counted as one conviction, the court 978
shall determine whether, when counting the convictions 979
individually, the applicant is pursuing sealing or expunging a 980
conviction that is prohibited under division (A) of this 981
section. 982

(2) If the court determines, after complying with division 983
(D) (1) of this section, that the offender is not pursuing 984

sealing or expunging a conviction of an offense that is 985
prohibited under division (A) of this section or that the 986
forfeiture of bail was agreed to by the applicant and the 987
prosecutor in the case, that the application was made at the 988
time specified in division (B) (1) (a) or (b) or division (B) (2) 989
(a) or (b) of this section that is applicable with respect to 990
the application and the subject offense, that no criminal 991
proceeding is pending against the applicant, that the interests 992
of the applicant in having the records pertaining to the 993
applicant's conviction or bail forfeiture sealed or expunged are 994
not outweighed by any legitimate governmental needs to maintain 995
those records, and that the rehabilitation of the applicant has 996
been attained to the satisfaction of the court, both of the 997
following apply: 998

(a) The court, except as provided in division (D) (4) or 999
(5) of this section or division (D), (F), or (G) of section 1000
2953.34 of the Revised Code, shall order all official records of 1001
the case that pertain to the conviction or bail forfeiture 1002
sealed if the application was for sealing or expunged if the 1003
application was for expungement and, except as provided in 1004
division (C) of section 2953.34 of the Revised Code, all index 1005
references to the case that pertain to the conviction or bail 1006
forfeiture deleted and, in the case of bail forfeitures, shall 1007
dismiss the charges in the case. 1008

(b) The proceedings in the case that pertain to the 1009
conviction or bail forfeiture shall be considered not to have 1010
occurred and the conviction or bail forfeiture of the person who 1011
is the subject of the proceedings shall be sealed if the 1012
application was for sealing or expunged if the application was 1013
for expungement, except that upon conviction of a subsequent 1014
offense, a sealed record of prior conviction or bail forfeiture 1015

may be considered by the court in determining the sentence or 1016
other appropriate disposition, including the relief provided for 1017
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 1018

(3) An applicant may request the sealing or expungement of 1019
the records of more than one case in a single application under 1020
this section. Upon the filing of an application under this 1021
section, the applicant, unless the applicant presents a poverty 1022
affidavit showing that the applicant is indigent, shall pay an 1023
application fee of fifty dollars and may pay a local court fee 1024
of not more than fifty dollars, regardless of the number of 1025
records the application requests to have sealed or expunged. If 1026
the applicant pays a fee, the court shall pay three-fifths of 1027
the fee collected into the state treasury, with half of that 1028
amount credited to the attorney general reimbursement fund 1029
created by section 109.11 of the Revised Code. If the applicant 1030
pays a fee, the court shall pay two-fifths of the fee collected 1031
into the county general revenue fund if the sealed or expunged 1032
conviction or bail forfeiture was pursuant to a state statute, 1033
or into the general revenue fund of the municipal corporation 1034
involved if the sealed or expunged conviction or bail forfeiture 1035
was pursuant to a municipal ordinance. 1036

(4) If the court orders the official records pertaining to 1037
the case sealed or expunged, the court shall do one of the 1038
following: 1039

(a) If the applicant was fingerprinted at the time of 1040
arrest or under section 109.60 of the Revised Code and the 1041
record of the applicant's fingerprints was provided to the court 1042
under division (C) of this section, forward a copy of the 1043
sealing or expungement order and the record of the applicant's 1044
fingerprints to the bureau of criminal identification and 1045

investigation. 1046

(b) If the applicant was not fingerprinted at the time of 1047
arrest or under section 109.60 of the Revised Code, or the 1048
record of the applicant's fingerprints was not provided to the 1049
court under division (C) of this section, but fingerprinting was 1050
required for the offense, take the applicant's fingerprints or 1051
order the applicant to appear before a sheriff or a chief of 1052
police to have the applicant's fingerprints taken, prior to the 1053
record sealing, according to the fingerprint system of 1054
identification on in the forms furnished form and manner 1055
prescribed by the superintendent of the bureau of criminal 1056
identification and investigation. The sheriff shall forward the 1057
applicant's fingerprints to the court. The court shall forward 1058
the applicant's fingerprints and a copy of the sealing or 1059
expungement order to the bureau of criminal identification and 1060
investigation. 1061

Failure of the court to order fingerprints at the time of 1062
sealing or expungement does not constitute a reversible error. 1063

(5) Notwithstanding any other provision of the Revised 1064
Code to the contrary, when the bureau of criminal identification 1065
and investigation receives notice from a court that the record 1066
of a conviction or bail forfeiture has been expunged under this 1067
section, the bureau of criminal identification and investigation 1068
shall maintain a record of the expunged conviction record for 1069
the limited purpose of determining an individual's qualification 1070
or disqualification for employment in law enforcement. The 1071
bureau of criminal identification and investigation shall not be 1072
compelled by the court to destroy, delete, or erase those 1073
records so that the records are permanently irretrievable. These 1074
records may only be disclosed or provided to law enforcement for 1075

the limited purpose of determining an individual's qualification 1076
or disqualification for employment in law enforcement. 1077

When any other entity other than the bureau of criminal 1078
identification and investigation receives notice from a court 1079
that the record of a conviction or bail forfeiture has been 1080
expunged under this section, the entity shall destroy, delete, 1081
and erase the record as appropriate for the record's physical or 1082
electronic form or characteristic so that the record is 1083
permanently irretrievable. 1084

Sec. 5122.311. (A) Notwithstanding any provision of the 1085
Revised Code to the contrary, if, on or after April 8, 2004, an 1086
individual is found by a court to be a person with a mental 1087
illness subject to court order or becomes an involuntary patient 1088
other than one who is a patient only for purposes of 1089
observation, the probate judge who made the adjudication ~~or the~~ 1090
~~chief clinical officer of the hospital, community mental health~~ 1091
~~services provider, or facility in which the person is an~~ 1092
~~involuntary patient~~ shall notify the office of the attorney 1093
general, ~~on the form in the manner~~ described in division (C) of 1094
this section, of the identity of the individual. The 1095
notification shall be transmitted by the judge ~~or the chief~~ 1096
~~clinical officer~~ not later than seven days after the 1097
adjudication or commitment. 1098

(B) The office of the attorney general shall compile and 1099
maintain the notices it receives under division (A) of this 1100
section and the notices shall be used for the purpose of 1101
conducting incompetency records checks pursuant to section 1102
311.41 of the Revised Code. The notices and the information they 1103
contain are confidential, except as provided in this division, 1104
and are not public records. 1105

(C) The attorney general, by rule adopted under Chapter 1106
119. of the Revised Code, shall prescribe ~~and make available to~~ 1107
~~all probate judges and all chief clinical officers a form to be~~ 1108
~~used by them for the purpose of~~ the form and manner for making 1109
the notifications required by division (A) of this section. 1110

Section 2. That existing sections 109.57, 109.60, 2953.32, 1111
and 5122.311 of the Revised Code are hereby repealed. 1112

Section 3. That Section 221.40 of H.B. 96 of the 136th 1113
General Assembly (as amended by H.B. 434 of the 136th General 1114
Assembly) be amended to read as follows: 1115

Sec. 221.40. OHIO COURTS TECHNOLOGY INITIATIVE 1116

Of the foregoing appropriation item 055321, Operating 1117
Expenses, \$3,350,000 in each fiscal year shall be used to fund 1118
an initiative by the Attorney General to facilitate the exchange 1119
of information and warehousing of data by and between Ohio 1120
courts and other justice system partners through the delivery of 1121
technology services to courts throughout the state, including 1122
the provision of hardware, and software, ~~and the development and~~ 1123
~~implementation of educational and training programs for judges~~ 1124
~~and court personnel.~~ Courts of record and the clerks of ~~the each~~ 1125
~~court of common pleas,~~ whether elected or appointed, ~~located in~~ 1126
~~counties with a population of not more than 125,000 according to~~ 1127
~~the most recent federal decennial census,~~ are eligible for to 1128
receive funding under the initiative. 1129

On July 1, 2025, or as soon as possible thereafter, the 1130
Director of Budget and Management shall cancel any existing 1131
encumbrances, at the request of the Administrative Director of 1132
the Supreme Court of Ohio and the Attorney General, or their 1133
designees, against appropriation item 005409, Ohio Courts 1134

Technology Initiative, used by the Supreme Court of Ohio, and 1135
reestablish them against appropriation item 055321, Operating 1136
Expenses. The reestablished encumbrance amounts are hereby 1137
appropriated. 1138

On July 1, 2025, or as soon as possible thereafter, the 1139
Administrative Director of the Supreme Court of Ohio and the 1140
Attorney General, or their designees, shall facilitate the 1141
transfer of management and administration of any outstanding 1142
grants and all necessary program records or files from the 1143
Supreme Court to the Attorney General. 1144

Section 4. That existing Section 221.40 of H.B. 96 of the 1145
136th General Assembly (as amended by H.B. 434 of the 136th 1146
General Assembly) is hereby repealed. 1147