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Sub. H. B. No. 689

Representative White, A.

Cosponsors: Representatives Abrams, Willis, Brennan, Dovilla, Grim, Hall, T., Jarrells, Lampton, LaRe, Lett, Manning, Miller, J., Odioso, Oelslager, Ray, Robb Blasdel, Rogers, Russo, Sigrist, Troy, Williams, Young

To amend sections 109.57, 109.573, 109.60, 2953.32, 1
and 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, and to allow disclosure of 6
information related to actions to determine 7
paternity. 8

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

Section 1. That sections 109.57, 109.573, 109.60, 2953.32, 9
and 5122.311 of the Revised Code be amended to read as follows: 10

Sec. 109.57. (A) (1) The superintendent of the bureau of 11
criminal identification and investigation shall procure from 12
wherever procurable and file for record photographs, pictures, 13
descriptions, fingerprints, measurements, and other information 14
that may be pertinent of all persons who have been convicted of 15
committing within this state a felony, any crime constituting a 16
misdemeanor on the first offense and a felony on subsequent 17
offenses, ~~or~~ any misdemeanor described in division (A) (1) (a), 18

(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 19
or an offense for which the person was arrested, of all children 20
under eighteen years of age who have been adjudicated delinquent 21
children for committing within this state an act that would be a 22
felony or an offense of violence if committed by an adult or who 23
have been convicted of or pleaded guilty to committing within 24
this state a felony or an offense of violence, and of all well- 25
known and habitual criminals. The person in charge of any 26
county, multicounty, municipal, municipal-county, or 27
multicounty-municipal jail or workhouse, community-based 28
correctional facility, halfway house, alternative residential 29
facility, or state correctional institution and the person in 30
charge of any state institution having custody of a person 31
suspected of having committed a felony, any crime constituting a 32
misdemeanor on the first offense and a felony on subsequent 33
offenses, ~~or~~ any misdemeanor described in division (A) (1) (a), 34
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 35
or an offense for which the person was arrested if the person 36
was not previously fingerprinted for that offense, or having 37
custody of a child under eighteen years of age with respect to 38
whom there is probable cause to believe that the child may have 39
committed an act that would be a felony or an offense of 40
violence if committed by an adult shall furnish such material to 41
the superintendent of the bureau. Fingerprints, photographs, or 42
other descriptive information of a child who is under eighteen 43
years of age, has not been arrested or otherwise taken into 44
custody for committing an act that would be a felony or an 45
offense of violence who is not in any other category of child 46
specified in this division, if committed by an adult, has not 47
been adjudicated a delinquent child for committing an act that 48
would be a felony or an offense of violence if committed by an 49
adult, has not been convicted of or pleaded guilty to committing 50

a felony or an offense of violence, and is not a child with 51
respect to whom there is probable cause to believe that the 52
child may have committed an act that would be a felony or an 53
offense of violence if committed by an adult shall not be 54
procured by the superintendent or furnished by any person in 55
charge of any county, multicounty, municipal, municipal-county, 56
or multicounty-municipal jail or workhouse, community-based 57
correctional facility, halfway house, alternative residential 58
facility, or state correctional institution, except as 59
authorized in section 2151.313 of the Revised Code. 60

(2) Every clerk of a court of record in this state, other 61
than the supreme court or a court of appeals, shall ~~send~~ 62
electronically submit in the manner prescribed by the 63
superintendent of the bureau to the superintendent ~~of the bureau~~ 64
a weekly report containing a summary of each case involving a 65
felony, involving any crime constituting a misdemeanor on the 66
first offense and a felony on subsequent offenses, involving a 67
misdemeanor described in division (A) (1) (a), (A) (4) (a), or (A) 68
(6) (a) of section 109.572 of the Revised Code, involving a case 69
where a person was fingerprinted upon arrest and charged, or 70
involving an adjudication in a case in which a child under 71
eighteen years of age was alleged to be a delinquent child for 72
committing an act that would be a felony or an offense of 73
violence if committed by an adult. The clerk of the court of 74
common pleas shall include in the report and summary the clerk 75
sends under this division all information described in divisions 76
(A) (2) (a) to (f) of this section regarding a case before the 77
court of appeals that is served by that clerk. The summary shall 78
be ~~written on the standard forms furnished~~ submitted in the form 79
and manner prescribed by the superintendent pursuant to division 80
(B) of this section and shall include the following information: 81

(a) The incident tracking number contained on the standard	82
forms furnished by the superintendent pursuant to division (B)	83
of this section <u>assigned to the person or child at the time of</u>	84
<u>being fingerprinted;</u>	85
(b) The style and number of the case;	86
(c) The date of arrest, offense, summons, or arraignment;	87
(d) The date that the person was convicted of or pleaded	88
guilty to the offense, adjudicated a delinquent child for	89
committing the act that would be a felony or an offense of	90
violence if committed by an adult, found not guilty of the	91
offense, or found not to be a delinquent child for committing an	92
act that would be a felony or an offense of violence if	93
committed by an adult, the date of an entry dismissing the	94
charge, an entry declaring a mistrial of the offense in which	95
the person is discharged, an entry finding that the person or	96
child is not competent to stand trial, or an entry of a nolle	97
prosequi, or the date of any other determination that	98
constitutes final resolution of the case;	99
(e) A statement of the original charge with the section of	100
the Revised Code that was alleged to be violated;	101
(f) If the person or child was convicted, pleaded guilty,	102
or was adjudicated a delinquent child, the sentence or terms of	103
probation imposed or any other disposition of the offender or	104
the delinquent child.	105
If the offense involved the disarming of a law enforcement	106
officer or an attempt to disarm a law enforcement officer, the	107
clerk shall clearly state that fact in the summary, and the	108
superintendent shall ensure that a clear statement of that fact	109
is placed in the bureau's records.	110

~~(3)~~(3)(a) The superintendent shall cooperate with and 111
assist sheriffs, chiefs of police, and other law enforcement 112
officers in the establishment of a complete system of criminal 113
identification and in obtaining fingerprints and other means of 114
identification of all persons arrested on a charge of a felony, 115
any crime constituting a misdemeanor on the first offense and a 116
felony on subsequent offenses, or a misdemeanor described in 117
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 118
of the Revised Code and of all children under eighteen years of 119
age arrested or otherwise taken into custody for committing an 120
act that would be a felony or an offense of violence if 121
committed by an adult. The superintendent shall prepare, 122
maintain, and publish an accurate list of offenses reportable 123
under division (A) (2) of this section, and provide training 124
regarding the proper methods of reporting fingerprints and 125
dispositions to the bureau. 126

(b) The superintendent also shall file for record the 127
fingerprint impressions of all persons confined in a county, 128
multicounty, municipal, municipal-county, or multicounty- 129
municipal jail or workhouse, community-based correctional 130
facility, halfway house, alternative residential facility, or 131
state correctional institution for the violation of state laws 132
and of all children under eighteen years of age who are confined 133
in a county, multicounty, municipal, municipal-county, or 134
multicounty-municipal jail or workhouse, community-based 135
correctional facility, halfway house, alternative residential 136
facility, or state correctional institution or in any facility 137
for delinquent children for committing an act that would be a 138
felony or an offense of violence if committed by an adult, and 139
any other information that the superintendent may receive from 140
law enforcement officials of the state and its political 141

subdivisions. 142

(4) The superintendent shall carry out Chapter 2950. of 143
the Revised Code with respect to the registration of persons who 144
are convicted of or plead guilty to a sexually oriented offense 145
or a child-victim oriented offense and with respect to all other 146
duties imposed on the bureau under that chapter. 147

(5) The bureau shall perform centralized recordkeeping 148
functions for criminal history records and services in this 149
state for purposes of the national crime prevention and privacy 150
compact set forth in section 109.571 of the Revised Code and is 151
the criminal history record repository as defined in that 152
section for purposes of that compact. The superintendent or the 153
superintendent's designee is the compact officer for purposes of 154
that compact and shall carry out the responsibilities of the 155
compact officer specified in that compact. 156

(6) The superintendent shall, upon request, assist a 157
county coroner in the identification of a deceased person 158
through the use of fingerprint impressions obtained pursuant to 159
division (A)(1) of this section or collected pursuant to section 160
109.572 or 311.41 of the Revised Code. 161

(B) The superintendent shall prepare and furnish to every 162
county, multicounty, municipal, municipal-county, or 163
multicounty-municipal jail or workhouse, community-based 164
correctional facility, halfway house, alternative residential 165
facility, or state correctional institution and to every clerk 166
of a court in this state specified in division (A)(2) of this 167
section standard forms for reporting the information required 168
under division (A) of this section. The standard forms that the 169
superintendent prepares pursuant to this division may be in a 170
tangible format, in an electronic format, or in both tangible 171

formats and electronic formats. 172

(C) (1) The superintendent may operate a center for 173
electronic, automated, or other data processing for the storage 174
and retrieval of information, data, and statistics pertaining to 175
criminals and to children under eighteen years of age who are 176
adjudicated delinquent children for committing an act that would 177
be a felony or an offense of violence if committed by an adult, 178
criminal activity, crime prevention, law enforcement, and 179
criminal justice, and may establish and operate a statewide 180
communications network to be known as the Ohio law enforcement 181
gateway to gather and disseminate information, data, and 182
statistics for the use of law enforcement agencies and for other 183
uses specified in this division. The superintendent may gather, 184
store, retrieve, and disseminate information, data, and 185
statistics that pertain to children who are under eighteen years 186
of age and that are gathered pursuant to sections 109.57 to 187
109.61 of the Revised Code together with information, data, and 188
statistics that pertain to adults and that are gathered pursuant 189
to those sections. 190

(2) The superintendent or the superintendent's designee 191
shall gather information of the nature described in division (C) 192
(1) of this section that pertains to the offense and delinquency 193
history of a person who has been convicted of, pleaded guilty 194
to, or been adjudicated a delinquent child for committing a 195
sexually oriented offense or a child-victim oriented offense for 196
inclusion in the state registry of sex offenders and child- 197
victim offenders maintained pursuant to division (A) (1) of 198
section 2950.13 of the Revised Code and in the internet database 199
operated pursuant to division (A) (13) of that section and for 200
possible inclusion in the internet database operated pursuant to 201
division (A) (11) of that section. 202

(3) In addition to any other authorized use of 203
information, data, and statistics of the nature described in 204
division (C) (1) of this section, the superintendent or the 205
superintendent's designee may provide and exchange the 206
information, data, and statistics pursuant to the national crime 207
prevention and privacy compact as described in division (A) (5) 208
of this section. 209

(4) The Ohio law enforcement gateway shall contain the 210
name, confidential address, and telephone number of program 211
participants in the address confidentiality program established 212
under sections 111.41 to 111.47 of the Revised Code. 213

(5) The attorney general may adopt rules under Chapter 214
119. of the Revised Code establishing guidelines for the 215
operation of and participation in the Ohio law enforcement 216
gateway. The rules may include criteria for granting and 217
restricting access to information gathered and disseminated 218
through the Ohio law enforcement gateway. The attorney general 219
shall adopt rules under Chapter 119. of the Revised Code that 220
grant access to information in the gateway regarding an address 221
confidentiality program participant under sections 111.41 to 222
111.47 of the Revised Code to only chiefs of police, village 223
marshals, county sheriffs, county prosecuting attorneys, and a 224
designee of each of these individuals. The attorney general 225
shall permit an office of a county coroner, the state medical 226
board, and board of nursing to access and view, but not alter, 227
information gathered and disseminated through the Ohio law 228
enforcement gateway. 229

The attorney general may appoint a steering committee to 230
advise the attorney general in the operation of the Ohio law 231
enforcement gateway that is comprised of persons who are 232

representatives of the criminal justice agencies in this state	233
that use the Ohio law enforcement gateway and is chaired by the	234
superintendent or the superintendent's designee.	235
(D) (1) The following are not public records under section	236
149.43 of the Revised Code:	237
(a) Information and materials furnished to the	238
superintendent pursuant to division (A) of this section;	239
(b) Information, data, and statistics gathered or	240
disseminated through the Ohio law enforcement gateway pursuant	241
to division (C) (1) of this section;	242
(c) Information and materials furnished to any board or	243
person under division (F) or (G) of this section.	244
(2) The superintendent or the superintendent's designee	245
shall gather and retain information so furnished under division	246
(A) of this section that pertains to the offense and delinquency	247
history of a person who has been convicted of, pleaded guilty	248
to, or been adjudicated a delinquent child for committing a	249
sexually oriented offense or a child-victim oriented offense for	250
the purposes described in division (C) (2) of this section.	251
(E) (1) The attorney general shall adopt rules, in	252
accordance with Chapter 119. of the Revised Code and subject to	253
division (E) (2) of this section, setting forth the procedure by	254
which a person may receive or release information gathered by	255
the superintendent pursuant to division (A) of this section. A	256
reasonable fee may be charged for this service. If a temporary	257
employment service submits a request for a determination of	258
whether a person the service plans to refer to an employment	259
position has been convicted of or pleaded guilty to an offense	260
listed or described in division (A) (1), (2), or (3) of section	261

109.572 of the Revised Code, the request shall be treated as a 262
single request and only one fee shall be charged. 263

(2) Except as otherwise provided in this division or 264
division (E)(3) or (4) of this section, a rule adopted under 265
division (E)(1) of this section may provide only for the release 266
of information gathered pursuant to division (A) of this section 267
that relates to the conviction of a person, or a person's plea 268
of guilty to, a criminal offense or to the arrest of a person as 269
provided in division (E)(3) of this section. The superintendent 270
shall not release, and the attorney general shall not adopt any 271
rule under division (E)(1) of this section that permits the 272
release of, any information gathered pursuant to division (A) of 273
this section that relates to an adjudication of a child as a 274
delinquent child, or that relates to a criminal conviction of a 275
person under eighteen years of age if the person's case was 276
transferred back to a juvenile court under division (B)(2) or 277
(3) of section 2152.121 of the Revised Code and the juvenile 278
court imposed a disposition or serious youthful offender 279
disposition upon the person under either division, unless either 280
of the following applies with respect to the adjudication or 281
conviction: 282

(a) The adjudication or conviction was for a violation of 283
section 2903.01 or 2903.02 of the Revised Code. 284

(b) The adjudication or conviction was for a sexually 285
oriented offense, the juvenile court was required to classify 286
the child a juvenile offender registrant for that offense under 287
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 288
classification has not been removed, and the records of the 289
adjudication or conviction have not been sealed or expunged 290
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 291

pursuant to section 2953.32 of the Revised Code.	292
(3) A rule adopted under division (E)(1) of this section	293
may provide for the release of information gathered pursuant to	294
division (A) of this section that relates to the arrest of a	295
person who is eighteen years of age or older when the person has	296
not been convicted as a result of that arrest if any of the	297
following applies:	298
(a) The arrest was made outside of this state.	299
(b) A criminal action resulting from the arrest is	300
pending, and the superintendent confirms that the criminal	301
action has not been resolved at the time the criminal records	302
check is performed.	303
(c) The bureau cannot reasonably determine whether a	304
criminal action resulting from the arrest is pending, and not	305
more than one year has elapsed since the date of the arrest.	306
(4) A rule adopted under division (E)(1) of this section	307
may provide for the release of information gathered pursuant to	308
division (A) of this section that relates to an adjudication of	309
a child as a delinquent child if not more than five years have	310
elapsed since the date of the adjudication, the adjudication was	311
for an act that would have been a felony if committed by an	312
adult, the records of the adjudication have not been sealed or	313
expunged pursuant to sections 2151.355 to 2151.358 of the	314
Revised Code, and the request for information is made under	315
division (F) of this section or under section 109.572 of the	316
Revised Code. In the case of an adjudication for a violation of	317
the terms of community control or supervised release, the five-	318
year period shall be calculated from the date of the	319
adjudication to which the community control or supervised	320

release pertains. 321

(F) (1) As used in division (F) (2) of this section, "head 322
start agency" means an entity in this state that has been 323
approved to be an agency for purposes of subchapter II of the 324
"Community Economic Development Act," 95 Stat. 489 (1981), 42 325
U.S.C.A. 9831, as amended. 326

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

investigate and determine, with respect to any individual who 352
has applied for employment in any position after October 2, 353
1989, or any individual wishing to apply for employment with a 354
board of education may request, with regard to the individual, 355
whether the bureau has any information gathered under division 356
(A) of this section that pertains to that individual. On receipt 357
of the request, subject to division (E)(2) of this section, the 358
superintendent shall determine whether that information exists 359
and, upon request of the person, board, or entity requesting 360
information, also shall request from the federal bureau of 361
investigation any criminal records it has pertaining to that 362
individual. The superintendent or the superintendent's designee 363
also may request criminal history records from other states or 364
the federal government pursuant to the national crime prevention 365
and privacy compact set forth in section 109.571 of the Revised 366
Code. Within thirty days of the date that the superintendent 367
receives a request, subject to division (E)(2) of this section, 368
the superintendent shall send to the board, entity, or person a 369
report of any information that the superintendent determines 370
exists, including information contained in records that have 371
been sealed under section 2953.32 of the Revised Code, and, 372
within thirty days of its receipt, subject to division (E)(2) of 373
this section, shall send the board, entity, or person a report 374
of any information received from the federal bureau of 375
investigation, other than information the dissemination of which 376
is prohibited by federal law. 377

(b) When a board of education or a registered private 378
provider is required to receive information under this section 379
as a prerequisite to employment of an individual pursuant to 380
division (C) of section 3310.58 or section 3319.39 of the 381
Revised Code, it may accept a certified copy of records that 382

were issued by the bureau of criminal identification and 383
investigation and that are presented by an individual applying 384
for employment with the district in lieu of requesting that 385
information itself. In such a case, the board shall accept the 386
certified copy issued by the bureau in order to make a photocopy 387
of it for that individual's employment application documents and 388
shall return the certified copy to the individual. In a case of 389
that nature, a district or provider only shall accept a 390
certified copy of records of that nature within one year after 391
the date of their issuance by the bureau. 392

(c) Notwithstanding division (F) (2) (a) of this section, in 393
the case of a request under section 3319.39, 3319.391, or 394
3327.10 of the Revised Code only for criminal records maintained 395
by the federal bureau of investigation, the superintendent shall 396
not determine whether any information gathered under division 397
(A) of this section exists on the person for whom the request is 398
made. 399

(3) The state board of education or the department of 400
education and workforce may request, with respect to any 401
individual who has applied for employment after October 2, 1989, 402
in any position with the state board or the department of 403
education and workforce, any information that a school district 404
board of education is authorized to request under division (F) 405
(2) of this section, and the superintendent of the bureau shall 406
proceed as if the request has been received from a school 407
district board of education under division (F) (2) of this 408
section. 409

(4) When the superintendent of the bureau receives a 410
request for information under section 3319.291 of the Revised 411
Code, the superintendent shall proceed as if the request has 412

been received from a school district board of education and 413
shall comply with divisions (F) (2) (a) and (c) of this section. 414

(G) In addition to or in conjunction with any request that 415
is required to be made under section 3712.09, 3721.121, or 416
3740.11 of the Revised Code with respect to an individual who 417
has applied for employment in a position that involves providing 418
direct care to an older adult or adult resident, the chief 419
administrator of a home health agency, hospice care program, 420
home licensed under Chapter 3721. of the Revised Code, or adult 421
day-care program operated pursuant to rules adopted under 422
section 3721.04 of the Revised Code may request that the 423
superintendent of the bureau investigate and determine, with 424
respect to any individual who has applied after January 27, 425
1997, for employment in a position that does not involve 426
providing direct care to an older adult or adult resident, 427
whether the bureau has any information gathered under division 428
(A) of this section that pertains to that individual. 429

In addition to or in conjunction with any request that is 430
required to be made under section 173.27 of the Revised Code 431
with respect to an individual who has applied for employment in 432
a position that involves providing ombudsman services to 433
residents of long-term care facilities or recipients of 434
community-based long-term care services, the state long-term 435
care ombudsman, the director of aging, a regional long-term care 436
ombudsman program, or the designee of the ombudsman, director, 437
or program may request that the superintendent investigate and 438
determine, with respect to any individual who has applied for 439
employment in a position that does not involve providing such 440
ombudsman services, whether the bureau has any information 441
gathered under division (A) of this section that pertains to 442
that applicant. 443

In addition to or in conjunction with any request that is 444
required to be made under section 173.38 of the Revised Code 445
with respect to an individual who has applied for employment in 446
a direct-care position, the chief administrator of a provider, 447
as defined in section 173.39 of the Revised Code, may request 448
that the superintendent investigate and determine, with respect 449
to any individual who has applied for employment in a position 450
that is not a direct-care position, whether the bureau has any 451
information gathered under division (A) of this section that 452
pertains to that applicant. 453

In addition to or in conjunction with any request that is 454
required to be made under section 3712.09 of the Revised Code 455
with respect to an individual who has applied for employment in 456
a position that involves providing direct care to a pediatric 457
respite care patient, the chief administrator of a pediatric 458
respite care program may request that the superintendent of the 459
bureau investigate and determine, with respect to any individual 460
who has applied for employment in a position that does not 461
involve providing direct care to a pediatric respite care 462
patient, whether the bureau has any information gathered under 463
division (A) of this section that pertains to that individual. 464

On receipt of a request under this division, the 465
superintendent shall determine whether that information exists 466
and, on request of the individual requesting information, shall 467
also request from the federal bureau of investigation any 468
criminal records it has pertaining to the applicant. The 469
superintendent or the superintendent's designee also may request 470
criminal history records from other states or the federal 471
government pursuant to the national crime prevention and privacy 472
compact set forth in section 109.571 of the Revised Code. Within 473
thirty days of the date a request is received, subject to 474

division (E) (2) of this section, the superintendent shall send 475
to the requester a report of any information determined to 476
exist, including information contained in records that have been 477
sealed under section 2953.32 of the Revised Code, and, within 478
thirty days of its receipt, shall send the requester a report of 479
any information received from the federal bureau of 480
investigation, other than information the dissemination of which 481
is prohibited by federal law. 482

(H) Information obtained by a government entity or person 483
under this section is confidential and shall not be released or 484
disseminated. 485

(I) The superintendent may charge a reasonable fee for 486
providing information or criminal records under division (F) (2) 487
or (G) of this section. 488

(J) As used in this section: 489

(1) "Pediatric respite care program" and "pediatric care 490
patient" have the same meanings as in section 3712.01 of the 491
Revised Code. 492

(2) "Sexually oriented offense" and "child-victim oriented 493
offense" have the same meanings as in section 2950.01 of the 494
Revised Code. 495

(3) "Registered private provider" means a nonpublic school 496
or entity registered with the department of education and 497
workforce under section 3310.41 of the Revised Code to 498
participate in the autism scholarship program or section 3310.58 499
of the Revised Code to participate in the Jon Peterson special 500
needs scholarship program. 501

Sec. 109.573. (A) As used in this section: 502

- (1) "DNA" means human deoxyribonucleic acid. 503
- (2) "DNA analysis" means a laboratory analysis of a DNA specimen to identify DNA characteristics and to create a DNA record. 504
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- (3) "DNA database" means a collection of DNA records from forensic casework or from crime scenes, specimens from anonymous and unidentified sources, and records collected pursuant to sections 2152.74 and 2901.07 of the Revised Code and a population statistics database for determining the frequency of occurrence of characteristics in DNA records. 507
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- (4) "DNA record" means the objective result of a DNA analysis of a DNA specimen, including representations of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and other DNA specimen characteristics that aid in establishing the identity of an individual. 513
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- (5) "DNA specimen" includes human blood cells or physiological tissues or body fluids. 519
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- (6) "Unidentified person database" means a collection of DNA records, and, on and after May 21, 1998, of fingerprint and photograph records, of unidentified human corpses, human remains, or living individuals. 521
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- (7) "Relatives of missing persons database" means a collection of DNA records of persons related by consanguinity to a missing person. 525
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- (8) "Law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have 528
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530
531

a statutory power of arrest. 532

(9) "Administration of criminal justice" means the 533
performance of detection, apprehension, detention, pretrial 534
release, post-trial release, prosecution, adjudication, 535
correctional supervision, or rehabilitation of accused persons 536
or criminal offenders. "Administration of criminal justice" also 537
includes criminal identification activities and the collection, 538
storage, and dissemination of criminal history record 539
information. 540

(B) (1) The superintendent of the bureau of criminal 541
identification and investigation may do all of the following: 542

(a) Establish and maintain a state DNA laboratory to 543
perform DNA analyses of DNA specimens; 544

(b) Establish and maintain a DNA database; 545

(c) Establish and maintain an unidentified person database 546
to aid in the establishment of the identity of unknown human 547
corpses, human remains, or living individuals; 548

(d) Establish and maintain a relatives of missing persons 549
database for comparison with the unidentified person database to 550
aid in the establishment of the identity of unknown human 551
corpses, human remains, and living individuals. 552

(2) If the bureau of criminal identification and 553
investigation establishes and maintains a DNA laboratory and a 554
DNA database, the bureau may use or disclose information 555
regarding DNA records for the following purposes: 556

(a) The bureau may disclose information to a law 557
enforcement agency for the administration of criminal justice. 558

(b) The bureau shall disclose pursuant to a court order 559

~~issued under section 3111.09 of the Revised Code in any action~~ 560
~~to determine paternity any information necessary to determine~~ 561
~~the existence of a parent and child relationship in an action~~ 562
~~brought under sections 3111.01 to 3111.18 of the Revised Code.~~ 563

(c) The bureau may use or disclose information from the 564
population statistics database for identification research and 565
protocol development or for quality control purposes. 566

(3) If the bureau of criminal identification and 567
investigation establishes and maintains a relatives of missing 568
persons database, all of the following apply: 569

(a) If a person has disappeared and has been continuously 570
absent from the person's place of last domicile for a thirty-day 571
or longer period of time without being heard from during the 572
period, persons related by consanguinity to the missing person 573
may submit to the bureau a DNA specimen, the bureau may include 574
the DNA record of the specimen in the relatives of missing 575
persons database, and, if the bureau does not include the DNA 576
record of the specimen in the relatives of missing persons 577
database, the bureau shall retain the DNA record for future 578
reference and inclusion as appropriate in that database. 579

(b) The bureau shall not charge a fee for the submission 580
of a DNA specimen pursuant to division (B) (3) (a) of this 581
section. 582

(c) If the DNA specimen submitted pursuant to division (B) 583
(3) (a) of this section is collected by withdrawing blood from 584
the person or a similarly invasive procedure, a physician, 585
registered nurse, licensed practical nurse, duly licensed 586
clinical laboratory technician, or other qualified medical 587
practitioner shall conduct the collection procedure for the DNA 588

specimen submitted pursuant to division (B) (3) (a) of this 589
section and shall collect the DNA specimen in a medically 590
approved manner. If the DNA specimen is collected by swabbing 591
for buccal cells or a similarly noninvasive procedure, division 592
(B) (3) (c) of this section does not require that the DNA specimen 593
be collected by a qualified medical practitioner of that nature. 594
No later than fifteen days after the date of the collection of 595
the DNA specimen, the person conducting the DNA specimen 596
collection procedure shall cause the DNA specimen to be 597
forwarded to the bureau of criminal identification and 598
investigation in accordance with procedures established by the 599
superintendent of the bureau under division (H) of this section. 600
The bureau may provide the specimen vials, mailing tubes, 601
labels, postage, and instruction needed for the collection and 602
forwarding of the DNA specimen to the bureau. 603

(d) The superintendent, in the superintendent's 604
discretion, may compare DNA records in the relatives of missing 605
persons database with the DNA records in the unidentified person 606
database. 607

(4) If the bureau of criminal identification and 608
investigation establishes and maintains an unidentified person 609
database and if the superintendent of the bureau identifies a 610
matching DNA record for the DNA record of a person or deceased 611
person whose DNA record is contained in the unidentified person 612
database, the superintendent shall inform the coroner who 613
submitted or the law enforcement agency that submitted the DNA 614
specimen to the bureau of the match and, if possible, of the 615
identity of the unidentified person. 616

(5) The bureau of criminal identification and 617
investigation may enter into a contract with a qualified public 618

or private laboratory to perform DNA analyses, DNA specimen 619
maintenance, preservation, and storage, DNA record keeping, and 620
other duties required of the bureau under this section. A public 621
or private laboratory under contract with the bureau shall 622
follow quality assurance and privacy requirements established by 623
the superintendent of the bureau. 624

(C) The superintendent of the bureau of criminal 625
identification and investigation shall establish procedures for 626
entering into the DNA database the DNA records submitted 627
pursuant to sections 2152.74 and 2901.07 of the Revised Code and 628
for determining an order of priority for entry of the DNA 629
records based on the types of offenses committed by the persons 630
whose records are submitted and the available resources of the 631
bureau. 632

(D) When a DNA record is derived from a DNA specimen 633
provided pursuant to section 2152.74 or 2901.07 of the Revised 634
Code, the bureau of criminal identification and investigation 635
shall attach to the DNA record personal identification 636
information that identifies the person from whom the DNA 637
specimen was taken. The personal identification information may 638
include the subject person's fingerprints and any other 639
information the bureau determines necessary. The DNA record and 640
personal identification information attached to it shall be used 641
only for the purpose of personal identification or for a purpose 642
specified in this section. 643

(E) DNA records, DNA specimens, fingerprints, and 644
photographs that the bureau of criminal identification and 645
investigation receives pursuant to this section and sections 646
313.08, 2152.74, 2901.07, and 2933.82 of the Revised Code and 647
personal identification information attached to a DNA record are 648

not public records under section 149.43 of the Revised Code. 649

(F) The bureau of criminal identification and 650
investigation may charge a reasonable fee for providing 651
information pursuant to this section to any law enforcement 652
agency located in another state. 653

(G) (1) No person who because of the person's employment or 654
official position has access to a DNA specimen, a DNA record, or 655
other information contained in the DNA database that identifies 656
an individual shall knowingly disclose that specimen, record, or 657
information to any person or agency not entitled to receive it 658
or otherwise shall misuse that specimen, record, or information. 659

(2) No person without authorization or privilege to obtain 660
information contained in the DNA database that identifies an 661
individual person shall purposely obtain that information. 662

(H) The superintendent of the bureau of criminal 663
identification and investigation shall establish procedures for 664
all of the following: 665

(1) The forwarding to the bureau of DNA specimens 666
collected pursuant to division (H) of this section and sections 667
313.08, 2152.74, 2901.07, and 2933.82 of the Revised Code and of 668
fingerprints and photographs collected pursuant to section 669
313.08 of the Revised Code; 670

(2) The collection, maintenance, preservation, and 671
analysis of DNA specimens; 672

(3) The creation, maintenance, and operation of the DNA 673
database; 674

(4) The use and dissemination of information from the DNA 675
database; 676

(5) The creation, maintenance, and operation of the unidentified person database;	677 678
(6) The use and dissemination of information from the unidentified person database;	679 680
(7) The creation, maintenance, and operation of the relatives of missing persons database;	681 682
(8) The use and dissemination of information from the relatives of missing persons database;	683 684
(9) The verification of entities requesting DNA records and other DNA information from the bureau and the authority of the entity to receive the information;	685 686 687
(10) The operation of the bureau and responsibilities of employees of the bureau with respect to the activities described in this section.	688 689 690
(I) In conducting DNA analyses of DNA specimens, the state DNA laboratory and any laboratory with which the bureau has entered into a contract pursuant to division (B) (5) of this section shall give DNA analyses of DNA specimens that relate to ongoing criminal investigations or prosecutions or that are forwarded by law enforcement agencies pursuant to divisions (B) (2) (a) and (b) of section 2933.82 of the Revised Code priority over DNA analyses of DNA specimens that relate to applications made pursuant to section 2953.73 of the Revised Code. The state DNA laboratory and any laboratory under contract with the bureau to perform DNA analyses shall consider the period of time remaining under section 2901.13 of the Revised Code for commencing the prosecution of a criminal offense related to the DNA specimens as well as other relevant factors in prioritizing DNA analysis of the DNA specimens forwarded by law enforcement	691 692 693 694 695 696 697 698 699 700 701 702 703 704 705

agencies pursuant to division (B) (2) (a) or (b) of section 706
2933.82 of the Revised Code. 707

(J) The attorney general may develop procedures for 708
entering into the national DNA index system the DNA records 709
submitted pursuant to division (B) (1) of section 2901.07 of the 710
Revised Code. 711

Sec. 109.60. ~~(A) (1)~~ (A) (1) (a) The sheriffs of the several 712
counties and the chiefs of police of cities, immediately upon 713
the arrest of any person for any felony, on suspicion of any 714
felony, for a crime constituting a misdemeanor on the first 715
offense and a felony on subsequent offenses, or for any 716
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 717
Revised Code, and immediately upon the arrest or taking into 718
custody of any child under eighteen years of age for committing 719
an act that would be a felony or an offense of violence if 720
committed by an adult or upon probable cause to believe that a 721
child of that age may have committed an act that would be a 722
felony or an offense of violence if committed by an adult, shall 723
take the person's or child's fingerprints, or cause the same to 724
be taken, according to the fingerprint system of identification 725
~~on~~ in the forms furnished form and manner prescribed by the 726
superintendent of the bureau of criminal identification and 727
investigation, and immediately shall electronically forward 728
copies of the completed forms in the manner prescribed by the 729
superintendent, any other description that may be required, and 730
the history of the offense committed to the bureau to be 731
classified and filed and submitted to the clerk of the court 732
having jurisdiction over the prosecution of the offense or over 733
the adjudication relative to the act. 734
735

(b) If a case for a person or child whose fingerprints 736
were taken is sent directly to a grand jury for indictment and 737
no charges are brought, the prosecuting authority to whom the 738
case was referred shall notify the sheriff or chief of police, 739
and the sheriff or chief of police shall notify the bureau that 740
no charges were brought against the person or child. If a case 741
for a person or child is sent directly to a grand jury for 742
indictment and the case proceeds on a direct indictment, the 743
court of common pleas shall order that the person's or child's 744
fingerprints be taken if not previously taken, and the clerk of 745
the court of common pleas shall report the case information and 746
disposition to the bureau. 747

(c) If an offender is convicted of an offense that is 748
required to be reported to the bureau pursuant to section 109.57 749
of the Revised Code, has not been fingerprinted in connection 750
with the instant case, and is sentenced to a term of community 751
control, the court shall order the offender be fingerprinted as 752
a condition of community control. Upon being fingerprinted, the 753
party responsible for obtaining the offender's fingerprints 754
shall immediately electronically submit copies of the completed 755
forms, any other description that may be required, and the 756
history of the offense committed to the bureau to be classified 757
and filed with the clerk of the court. 758

(2) Except as provided in division (B) of this section, if 759
a person or child has not been arrested and first appears before 760
a court or magistrate in response to a summons, or if a sheriff 761
or chief of police has not taken, or caused to be taken, a 762
person's or child's fingerprints in accordance with division (A) 763
(1) of this section by the time of the arraignment or first 764
appearance of the person or child, the court shall take the 765
person's or child's fingerprints or shall order the person or 766

child to appear before the sheriff ~~or,~~ chief of police, a 767
designee of the sheriff or chief of police, or an individual 768
under the authority of the court and designated by the court to 769
take and submit fingerprints, within twenty-four hours to have 770
the person's or child's fingerprints taken. The sheriff ~~or,~~ 771
chief of police, or other designated individual shall take the 772
person's or child's fingerprints, or cause the fingerprints to 773
be taken, according to the fingerprint system of identification 774
~~on~~ in the forms furnished form and manner prescribed by the 775
superintendent of the bureau of criminal identification and 776
investigation and, immediately after the person's or child's 777
arraignment or first appearance, electronically forward copies 778
of the completed forms in the manner prescribed by the 779
superintendent of the bureau, any other description that may be 780
required, and the history of the offense committed to the bureau 781
to be classified and filed and to the clerk of the court. 782

(3) Every court with jurisdiction over a case involving a 783
person or child with respect to whom division (A) (1) or (2) of 784
this section requires a ~~sheriff or chief of police to take the~~ 785
person's or child's fingerprints to be taken shall ~~inquire,~~ at 786
or before the time of the person's or child's sentencing or 787
adjudication, verify or cause to be verified through a reliable 788
electronic records system whether or not the person or child has 789
been fingerprinted pursuant to division (A) (1) or (2) of this 790
section for the original arrest or court appearance upon which 791
the sentence or adjudication is based. If the person or child 792
was not fingerprinted for the original arrest or court 793
appearance upon which the sentence or adjudication is based, the 794
court shall take the person's or child's fingerprints or shall 795
order the person or child to appear before the sheriff ~~or,~~ chief 796
of police ~~within twenty-four hours,~~ a designee of the sheriff or 797

chief of police, or an individual under the authority of the 798
court and designated by the court to take and submit 799
fingerprints to have the person's or child's fingerprints taken_ 800
at any time before sentencing or adjudication. If the person or 801
child has not been fingerprinted prior to sentencing or 802
adjudication, the court shall continue the proceeding for the 803
time required for the court to obtain the fingerprints. If the 804
court orders the person or child to appear before the sheriff or 805
chief of police to have the person's or child's fingerprints 806
taken, the sheriff or chief of police shall take the person's or 807
child's fingerprints, or cause the fingerprints to be taken, 808
according to the fingerprint system of identification ~~en~~in the 809
~~forms furnished~~form and manner prescribed by the superintendent 810
of the bureau of criminal identification and investigation and 811
immediately electronically forward copies of the completed forms 812
in the manner prescribed by the superintendent of the bureau, 813
any other description that may be required, and the history of 814
the offense committed to the bureau to be classified and filed 815
and to the clerk of the court. The sheriff, chief of police, a 816
designee of the sheriff or chief of police, or other individual 817
under the authority of the court and designated by the court to 818
take fingerprints shall take the person's or child's 819
fingerprints, or cause the fingerprints to be taken, immediately 820
upon being presented with the court order requiring fingerprints 821
to be taken and provide those fingerprints to the court and 822
bureau as described above. 823

(4) If a person or child is in the custody of a law 824
enforcement agency or a detention facility, as defined in 825
section 2921.01 of the Revised Code, and the chief law 826
enforcement officer or chief administrative officer of the 827
detention facility discovers that a warrant has been issued or a 828

bill of information, indictment, or complaint, including 829
offenses that occur while the person or child is in detention, 830
has been filed alleging the person or child to have committed an 831
offense or act other than the offense or act for which the 832
person or child is in custody, and the other alleged offense or 833
act is one for which fingerprints are to be taken pursuant to 834
division (A)(1) of this section, the law enforcement agency or 835
detention facility shall take the fingerprints of the person or 836
child, or cause the fingerprints to be taken, according to the 837
fingerprint system of identification ~~on~~ in the forms furnished 838
form and manner prescribed by the superintendent of the bureau 839
of criminal identification and investigation and immediately 840
electronically forward copies of the completed forms in the 841
manner prescribed by the superintendent of the bureau, any other 842
description that may be required, and the history of the offense 843
committed to the bureau to be classified and filed and to the 844
clerk of the court that issued the warrant, indictment, or 845
complaint, or with which the bill of information was filed, and 846
submit to the clerk of the court hearing the case, if different 847
from the issuing court. 848

~~(5)~~ (5) (a) If an accused is found not guilty of the offense 849
charged or a nolle prosequi is entered in any case, or if any 850
accused child under eighteen years of age is found not to be a 851
delinquent child for committing an act that would be a felony or 852
an offense of violence if committed by an adult or not guilty of 853
the felony or offense of violence charged or a nolle prosequi is 854
entered in that case, the fingerprints and description shall be 855
given to the accused upon the accused's request. 856

(b) If no charges are filed or a person is otherwise 857
released or dismissed after being fingerprinted and those 858
fingerprints have been forwarded to the bureau of criminal 859

identification and investigation, the sheriffs of the several 860
counties and the chiefs of police of cities shall notify the 861
bureau that no charges were filed or the person was otherwise 862
released and the bureau shall note that status in connection to 863
the fingerprint record. 864

(c) If, after a person or child is arrested and 865
fingerprinted for a criminal offense no indictment is returned, 866
bill of information is filed, or charges are filed by the 867
prosecuting authority to whom the case was referred, the 868
prosecuting authority to whom the case was referred shall notify 869
the law enforcement agency that referred the case that no 870
charges are forthcoming at this time, the sheriff or chief of 871
police shall notify the bureau of the case status, and the 872
bureau shall note that status in connection to the fingerprint 873
record. 874

(6) The superintendent shall compare the description 875
received with those already on file in the bureau, and, if the 876
superintendent finds that the person arrested or taken into 877
custody has a criminal record or a record as a delinquent child 878
for having committed an act that would be a felony or an offense 879
of violence if committed by an adult or is a fugitive from 880
justice or wanted by any jurisdiction in this or another state, 881
the United States, or a foreign country for any offense, the 882
superintendent at once shall inform the arresting officer, the 883
officer taking the person into custody, or the chief 884
administrative officer of the county, multicounty, municipal, 885
municipal-county, or multicounty-municipal jail or workhouse, 886
community-based correctional facility, halfway house, 887
alternative residential facility, or state correctional 888
institution in which the person or child is in custody of that 889
fact and give appropriate notice to the proper authorities in 890

the jurisdiction in which the person is wanted, or, if that 891
jurisdiction is a foreign country, give appropriate notice to 892
federal authorities for transmission to the foreign country. The 893
names, under which each person whose identification is filed is 894
known, shall be alphabetically indexed by the superintendent. 895

(B) Division (A) of this section does not apply to a 896
violinator of a city ordinance unless the officers have reason to 897
believe that the violator is a past offender or the crime is one 898
constituting a misdemeanor on the first offense and a felony on 899
subsequent offenses, or unless it is advisable for the purpose 900
of subsequent identification. This section does not apply to any 901
child under eighteen years of age who was not arrested or 902
otherwise taken into custody for committing an act that would be 903
a felony or an offense of violence if committed by an adult or 904
upon probable cause to believe that a child of that age may have 905
committed an act that would be a felony or an offense of 906
violence if committed by an adult, except as provided in section 907
2151.313 of the Revised Code. 908

(C) (1) For purposes of division (C) of this section, a law 909
enforcement agency shall be considered to have arrested a person 910
if any law enforcement officer who is employed by, appointed by, 911
or serves that agency arrests the person. As used in division 912
(C) of this section: 913

(a) "Illegal methamphetamine manufacturing laboratory" has 914
the same meaning as in section 3745.13 of the Revised Code. 915

(b) "Methamphetamine or a methamphetamine product" means 916
methamphetamine, any salt, isomer, or salt of an isomer of 917
methamphetamine, or any compound, mixture, preparation, or 918
substance containing methamphetamine or any salt, isomer, or 919
salt of an isomer of methamphetamine. 920

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

The law enforcement agency shall write any annual report prepared and filed under this division ~~on in the standard forms furnished form and manner prescribed~~ by the superintendent of the bureau of criminal identification and investigation pursuant to division (C) (4) of this section. The annual report shall be a statistical report, and nothing in the report or in the information it contains shall identify, or enable the identification of, any person who was arrested and whose arrest is included in the information contained in the report. The annual report in the possession of the bureau and the information it contains are public records for the purpose of

section 149.43 of the Revised Code.	952
(3) The annual report prepared and filed by a law enforcement agency under division (C) (2) of this section shall contain all of the following information for the calendar year covered by the report:	953
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(a) The total number of arrests made by the agency in that calendar year for a violation of section 2925.04 of the Revised Code that is based on the manufacture of methamphetamine or a methamphetamine product, a violation of section 2925.041 of the Revised Code that is based on the possession of chemicals sufficient to produce methamphetamine or a methamphetamine product, or a violation of any other provision of Chapter 2925. or 3719. of the Revised Code that is based on the possession of chemicals sufficient to produce methamphetamine or a methamphetamine product;	957
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(b) The total number of illegal methamphetamine manufacturing laboratories at which one or more of the arrests reported under division (C) (3) (a) of this section occurred, or that were discovered in that calendar year within the territory served by the agency but at which none of the arrests reported under division (C) (3) (a) of this section occurred;	967
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(c) The total number of dump sites and chemical caches that are, or that are reasonably believed to be, related to illegal methamphetamine manufacturing and that were discovered in that calendar year within the territory served by the agency.	973
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(4) The superintendent of the bureau of criminal identification and investigation shall prepare and furnish to each law enforcement agency in this state standard forms for making the annual reports required by division (C) (2) of this	977
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section. The standard forms that the superintendent prepares 981
pursuant to this division may be in a tangible format, in an 982
electronic format, or in both a tangible format and an 983
electronic format. 984

(5) The annual report required by division (C)(2) of this 985
section is separate from, and in addition to, any report, 986
materials, or information required under division (A) of this 987
section or under any other provision of sections 109.57 to 988
109.62 of the Revised Code. 989

Sec. 2953.32. (A)(1) Sections 2953.32 and 2953.34 of the 990
Revised Code do not apply to any of the following: 991

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 992
or 4549. of the Revised Code, or a conviction for a violation of 993
a municipal ordinance that is substantially similar to any 994
section contained in any of those chapters; 995

(b) Convictions of a felony offense of violence that is 996
not a sexually oriented offense; 997

(c) Convictions of a sexually oriented offense when the 998
offender is subject to the requirements of Chapter 2950. of the 999
Revised Code or Chapter 2950. of the Revised Code as it existed 1000
prior to January 1, 2008; 1001

(d) Convictions of an offense in circumstances in which 1002
the victim of the offense was less than thirteen years of age, 1003
except for convictions under section 2919.21 of the Revised 1004
Code; 1005

(e) Convictions for a violation of section 2921.41 of the 1006
Revised Code; 1007

(f) Convictions of a felony of the first or second degree; 1008

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

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

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

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

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

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

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

(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses

committed at the same time, they shall be counted as one 1038
conviction, provided that a court may decide as provided in 1039
division (D) (1) (i) of this section that it is not in the public 1040
interest for the two or three convictions to be counted as one 1041
conviction. 1042

(B) (1) Except as provided in section 2953.61 of the 1043
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 1044
of this section, an eligible offender may apply to the 1045
sentencing court if convicted in this state, or to a court of 1046
common pleas if convicted in another state or in a federal 1047
court, for the sealing or expungement of the record of the case 1048
that pertains to the conviction, except for convictions listed 1049
in division (A) (1) of this section. Application may be made at 1050
whichever of the following times is applicable regarding the 1051
offense: 1052

(a) An application for sealing under this section may be 1053
made at whichever of the following times is applicable regarding 1054
the offense: 1055

(i) Except as otherwise provided in division (B) (1) (a) (iv) 1056
of this section, at the expiration of three years after the 1057
offender's final discharge if convicted of one or two felonies 1058
of the third degree, so long as none of the offenses is a 1059
violation of section 2921.43 of the Revised Code; 1060

(ii) Except as otherwise provided in division (B) (1) (a) 1061
(iv) of this section, at the expiration of one year after the 1062
offender's final discharge if convicted of one or more felonies 1063
of the fourth or fifth degree or one or more misdemeanors, so 1064
long as none of the offenses is a violation of section 2921.43 1065
of the Revised Code or a felony offense of violence; 1066

(iii) At the expiration of seven years after the 1067
offender's final discharge if the record includes one or more 1068
convictions of soliciting improper compensation in violation of 1069
section 2921.43 of the Revised Code; 1070

(iv) If the offender was subject to the requirements of 1071
Chapter 2950. of the Revised Code or Chapter 2950. of the 1072
Revised Code as it existed prior to January 1, 2008, at the 1073
expiration of five years after the requirements have ended under 1074
section 2950.07 of the Revised Code or section 2950.07 of the 1075
Revised Code as it existed prior to January 1, 2008, or are 1076
terminated under section 2950.15 or 2950.151 of the Revised 1077
Code; 1078

(v) At the expiration of six months after the offender's 1079
final discharge if convicted of a minor misdemeanor. 1080

(b) An application for expungement under this section may 1081
be made at whichever of the following times is applicable 1082
regarding the offense: 1083

(i) Except as otherwise provided in division (B) (1) (b) (ii) 1084
of this section, if the offense is a misdemeanor, at the 1085
expiration of one year after the offender's final discharge; 1086

(ii) If the offense is a minor misdemeanor, at the 1087
expiration of six months after the offender's final discharge; 1088

(iii) If the offense is a felony, at the expiration of ten 1089
years after the time specified in division (B) (1) (a) of this 1090
section at which the person may file an application for sealing 1091
with respect to that felony offense. 1092

(2) Any person who has been arrested for any misdemeanor 1093
offense and who has effected a bail forfeiture for the offense 1094
charged may apply to the court in which the misdemeanor criminal 1095

case was pending when bail was forfeited for the sealing or 1096
expungement of the record of the case that pertains to the 1097
charge. Except as provided in section 2953.61 of the Revised 1098
Code, the application may be filed at whichever of the following 1099
times is applicable regarding the offense: 1100

(a) An application for sealing under this section may be 1101
made at any time after the date on which the bail forfeiture was 1102
entered upon the minutes of the court or the journal, whichever 1103
entry occurs first. 1104

(b) An application for expungement under this section may 1105
be made at whichever of the following times is applicable 1106
regarding the offense: 1107

(i) Except as provided in division (B) (2) (b) (ii) of this 1108
section, at any time after the expiration of one year from the 1109
date on which the bail forfeiture was entered upon the minutes 1110
of the court or the journal, whichever entry occurs first; 1111

(ii) If the offense is a minor misdemeanor, at any time 1112
after the expiration of six months from the date on which the 1113
bail forfeiture was entered upon the minutes of the court or the 1114
journal, whichever entry occurs first. 1115

(C) Upon the filing of an application under this section, 1116
the court shall set a date for a hearing and shall notify the 1117
prosecutor for the case of the hearing on the application not 1118
less than sixty days prior to the hearing. Pursuant to the Ohio 1119
Constitution, the prosecutor shall provide timely notice of the 1120
application and the date and time of the hearing to a victim and 1121
victim's representative, if applicable, if the victim or 1122
victim's representative requested notice of the proceedings in 1123
the underlying case. The court shall hold the hearing not less 1124

than forty-five days and not more than ninety days from the date 1125
of the filing of the application, unless the delay is caused by 1126
the applicant. The prosecutor may object to the granting of the 1127
application by filing a written objection with the court not 1128
later than thirty days prior to the date set for the hearing. 1129
The prosecutor shall specify in the objection the reasons for 1130
believing a denial of the application is justified. The victim, 1131
victim's representative, and victim's attorney, if applicable, 1132
may be present and heard orally, in writing, or both at any 1133
hearing under this section. The court shall direct its regular 1134
probation officer, a state probation officer, or the department 1135
of probation of the county in which the applicant resides to 1136
make inquiries and written reports as the court requires 1137
concerning the applicant. The probation officer or county 1138
department of probation that the court directs to make inquiries 1139
and written reports as the court requires concerning the 1140
applicant shall determine whether or not the applicant was 1141
fingerprinted at the time of arrest or under section 109.60 of 1142
the Revised Code. If the applicant was so fingerprinted, the 1143
probation officer or county department of probation shall 1144
include with the written report a record of the applicant's 1145
fingerprints. If the applicant was convicted of or pleaded 1146
guilty to a violation of division (A) (2) or (B) of section 1147
2919.21 of the Revised Code, the probation officer or county 1148
department of probation that the court directed to make 1149
inquiries concerning the applicant shall contact the child 1150
support enforcement agency enforcing the applicant's obligations 1151
under the child support order to inquire about the offender's 1152
compliance with the child support order. 1153

(D) (1) At the hearing held under division (C) of this 1154
section, the court shall do each of the following: 1155

(a) Determine whether the applicant is pursuing sealing or 1156
expunging a conviction of an offense that is prohibited under 1157
division (A) of this section or whether the forfeiture of bail 1158
was agreed to by the applicant and the prosecutor in the case, 1159
and determine whether the application was made at the time 1160
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 1161
(b) of this section that is applicable with respect to the 1162
application and the subject offense; 1163

(b) Determine whether criminal proceedings are pending 1164
against the applicant; 1165

(c) Determine whether the applicant has been rehabilitated 1166
to the satisfaction of the court; 1167

(d) If the prosecutor has filed an objection in accordance 1168
with division (C) of this section, consider the reasons against 1169
granting the application specified by the prosecutor in the 1170
objection; 1171

(e) If the victim objected, pursuant to the Ohio 1172
Constitution, consider the reasons against granting the 1173
application specified by the victim in the objection; 1174

(f) Weigh the interests of the applicant in having the 1175
records pertaining to the applicant's conviction or bail 1176
forfeiture sealed or expunged against the legitimate needs, if 1177
any, of the government to maintain those records; 1178

(g) Consider the oral or written statement of any victim, 1179
victim's representative, and victim's attorney, if applicable; 1180

(h) If the applicant was an eligible offender of the type 1181
described in division (A) (3) of section 2953.36 of the Revised 1182
Code as it existed prior to April 4, 2023, determine whether the 1183
offender has been rehabilitated to a satisfactory degree. In 1184

making the determination, the court may consider all of the 1185
following: 1186

(i) The age of the offender; 1187

(ii) The facts and circumstances of the offense; 1188

(iii) The cessation or continuation of criminal behavior; 1189

(iv) The education and employment of the offender; 1190

(v) Any other circumstances that may relate to the 1191
offender's rehabilitation. 1192

(i) If the court is required to determine whether an 1193
applicant for sealing or expungement has two or three 1194
convictions that result from the same indictment, information, 1195
or complaint, from the same plea of guilty, or from the same 1196
official proceeding, and result from related criminal acts that 1197
were committed within a three-month period but do not result 1198
from the same act or from offenses committed at the same time, 1199
in making its determination, the court initially shall determine 1200
whether it is not in the public interest for the two or three 1201
convictions to be counted as one conviction. If the court 1202
determines that it is not in the public interest for the two or 1203
three convictions to be counted as one conviction, the court 1204
shall determine whether, when counting the convictions 1205
individually, the applicant is pursuing sealing or expunging a 1206
conviction that is prohibited under division (A) of this 1207
section. 1208

(2) If the court determines, after complying with division 1209
(D) (1) of this section, that the offender is not pursuing 1210
sealing or expunging a conviction of an offense that is 1211
prohibited under division (A) of this section or that the 1212
forfeiture of bail was agreed to by the applicant and the 1213

prosecutor in the case, that the application was made at the 1214
time specified in division (B) (1) (a) or (b) or division (B) (2) 1215
(a) or (b) of this section that is applicable with respect to 1216
the application and the subject offense, that no criminal 1217
proceeding is pending against the applicant, that the interests 1218
of the applicant in having the records pertaining to the 1219
applicant's conviction or bail forfeiture sealed or expunged are 1220
not outweighed by any legitimate governmental needs to maintain 1221
those records, and that the rehabilitation of the applicant has 1222
been attained to the satisfaction of the court, both of the 1223
following apply: 1224

(a) The court, except as provided in division (D) (4) or 1225
(5) of this section or division (D), (F), or (G) of section 1226
2953.34 of the Revised Code, shall order all official records of 1227
the case that pertain to the conviction or bail forfeiture 1228
sealed if the application was for sealing or expunged if the 1229
application was for expungement and, except as provided in 1230
division (C) of section 2953.34 of the Revised Code, all index 1231
references to the case that pertain to the conviction or bail 1232
forfeiture deleted and, in the case of bail forfeitures, shall 1233
dismiss the charges in the case. 1234

(b) The proceedings in the case that pertain to the 1235
conviction or bail forfeiture shall be considered not to have 1236
occurred and the conviction or bail forfeiture of the person who 1237
is the subject of the proceedings shall be sealed if the 1238
application was for sealing or expunged if the application was 1239
for expungement, except that upon conviction of a subsequent 1240
offense, a sealed record of prior conviction or bail forfeiture 1241
may be considered by the court in determining the sentence or 1242
other appropriate disposition, including the relief provided for 1243
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 1244

(3) An applicant may request the sealing or expungement of 1245
the records of more than one case in a single application under 1246
this section. Upon the filing of an application under this 1247
section, the applicant, unless the applicant presents a poverty 1248
affidavit showing that the applicant is indigent, shall pay an 1249
application fee of fifty dollars and may pay a local court fee 1250
of not more than fifty dollars, regardless of the number of 1251
records the application requests to have sealed or expunged. If 1252
the applicant pays a fee, the court shall pay three-fifths of 1253
the fee collected into the state treasury, with half of that 1254
amount credited to the attorney general reimbursement fund 1255
created by section 109.11 of the Revised Code. If the applicant 1256
pays a fee, the court shall pay two-fifths of the fee collected 1257
into the county general revenue fund if the sealed or expunged 1258
conviction or bail forfeiture was pursuant to a state statute, 1259
or into the general revenue fund of the municipal corporation 1260
involved if the sealed or expunged conviction or bail forfeiture 1261
was pursuant to a municipal ordinance. 1262

(4) If the court orders the official records pertaining to 1263
the case sealed or expunged, the court shall do one of the 1264
following: 1265

(a) If the applicant was fingerprinted at the time of 1266
arrest or under section 109.60 of the Revised Code and the 1267
record of the applicant's fingerprints was provided to the court 1268
under division (C) of this section, forward a copy of the 1269
sealing or expungement order and the record of the applicant's 1270
fingerprints to the bureau of criminal identification and 1271
investigation. 1272

(b) If the applicant was not fingerprinted at the time of 1273
arrest or under section 109.60 of the Revised Code, or the 1274

record of the applicant's fingerprints was not provided to the 1275
court under division (C) of this section, but fingerprinting was 1276
required for the offense, take the applicant's fingerprints or 1277
order the applicant to appear before a sheriff or a chief of 1278
police to have the applicant's fingerprints taken, prior to the 1279
record sealing, according to the fingerprint system of 1280
identification on in the forms furnished form and manner 1281
prescribed by the superintendent of the bureau of criminal 1282
identification and investigation. The sheriff shall forward the 1283
applicant's fingerprints to the court. The court shall forward 1284
the applicant's fingerprints and a copy of the sealing or 1285
expungement order to the bureau of criminal identification and 1286
investigation. 1287

Failure of the court to order fingerprints at the time of 1288
sealing or expungement does not constitute a reversible error. 1289

(5) Notwithstanding any other provision of the Revised 1290
Code to the contrary, when the bureau of criminal identification 1291
and investigation receives notice from a court that the record 1292
of a conviction or bail forfeiture has been expunged under this 1293
section, the bureau of criminal identification and investigation 1294
shall maintain a record of the expunged conviction record for 1295
the limited purpose of determining an individual's qualification 1296
or disqualification for employment in law enforcement. The 1297
bureau of criminal identification and investigation shall not be 1298
compelled by the court to destroy, delete, or erase those 1299
records so that the records are permanently irretrievable. These 1300
records may only be disclosed or provided to law enforcement for 1301
the limited purpose of determining an individual's qualification 1302
or disqualification for employment in law enforcement. 1303

When any other entity other than the bureau of criminal 1304

identification and investigation receives notice from a court 1305
that the record of a conviction or bail forfeiture has been 1306
expunged under this section, the entity shall destroy, delete, 1307
and erase the record as appropriate for the record's physical or 1308
electronic form or characteristic so that the record is 1309
permanently irretrievable. 1310

Sec. 5122.311. (A) Notwithstanding any provision of the 1311
Revised Code to the contrary, if, on or after April 8, 2004, an 1312
individual is found by a court to be a person with a mental 1313
illness subject to court order or becomes an involuntary patient 1314
other than one who is a patient only for purposes of 1315
observation, the probate judge who made the adjudication ~~or the~~ 1316
~~chief clinical officer of the hospital, community mental health-~~ 1317
~~services provider, or facility in which the person is an~~ 1318
~~involuntary patient~~ shall notify the office of the attorney 1319
general, ~~on the form~~ in the manner described in division (C) of 1320
this section, of the identity of the individual. The 1321
notification shall be transmitted by the judge ~~or the chief-~~ 1322
~~clinical officer~~ not later than seven days after the 1323
adjudication or commitment. 1324

(B) The office of the attorney general shall compile and 1325
maintain the notices it receives under division (A) of this 1326
section and the notices shall be used for the purpose of 1327
conducting incompetency records checks pursuant to section 1328
311.41 of the Revised Code. The notices and the information they 1329
contain are confidential, except as provided in this division, 1330
and are not public records. 1331

(C) The attorney general, by rule adopted under Chapter 1332
119. of the Revised Code, shall prescribe ~~and make available to~~ 1333
~~all probate judges and all chief clinical officers a form to be~~ 1334

~~used by them for the purpose of the form and manner for making~~ 1335
the notifications required by division (A) of this section. 1336

Section 2. That existing sections 109.57, 109.573, 109.60, 1337
2953.32, and 5122.311 of the Revised Code are hereby repealed. 1338

Section 3. That Section 221.40 of H.B. 96 of the 136th 1339
General Assembly (as amended by H.B. 434 of the 136th General 1340
Assembly) be amended to read as follows: 1341

Sec. 221.40. OHIO COURTS TECHNOLOGY INITIATIVE 1342

Of the foregoing appropriation item 055321, Operating 1343
Expenses, \$3,350,000 in each fiscal year shall be used to fund 1344
an initiative by the Attorney General to facilitate the exchange 1345
of information and warehousing of data by and between Ohio 1346
courts and other justice system partners through the delivery of 1347
technology services to courts throughout the state, including 1348
the provision of hardware, and software, ~~and the development and~~ 1349
~~implementation of educational and training programs for judges~~ 1350
~~and court personnel.~~ Courts of record and the clerks of ~~the each~~ 1351
~~court of common pleas,~~ whether elected or appointed, ~~located in~~ 1352
~~counties with a population of not more than 125,000 according to~~ 1353
~~the most recent federal decennial census,~~ are eligible for to 1354
receive funding under the initiative. 1355

On July 1, 2025, or as soon as possible thereafter, the 1356
Director of Budget and Management shall cancel any existing 1357
encumbrances, at the request of the Administrative Director of 1358
the Supreme Court of Ohio and the Attorney General, or their 1359
designees, against appropriation item 005409, Ohio Courts 1360
Technology Initiative, used by the Supreme Court of Ohio, and 1361
reestablish them against appropriation item 055321, Operating 1362
Expenses. The reestablished encumbrance amounts are hereby 1363

appropriated. 1364

On July 1, 2025, or as soon as possible thereafter, the 1365
Administrative Director of the Supreme Court of Ohio and the 1366
Attorney General, or their designees, shall facilitate the 1367
transfer of management and administration of any outstanding 1368
grants and all necessary program records or files from the 1369
Supreme Court to the Attorney General. 1370

Section 4. That existing Section 221.40 of H.B. 96 of the 1371
136th General Assembly (as amended by H.B. 434 of the 136th 1372
General Assembly) is hereby repealed. 1373