

As Passed by the Senate

131st General Assembly

Regular Session

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Sub. S. B. No. 227

Senator Bacon

Cosponsors: Senators Coley, Eklund, Faber, Hughes, Jones, Obhof, Patton, Seitz

A BILL

To amend sections 9.02, 109.08, 109.081, 109.43, 1
109.521, 109.57, 109.572, 109.578, 109.60, 2
149.43, 1331.01, 1331.04, 1331.99, 1345.02, 3
1345.03, 1345.031, 1345.07, 1345.21, 1345.23, 4
1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 5
1716.05, 1716.07, 2743.191, 2743.56, 2743.68, 6
2743.71, 2746.02, 2901.01, 2923.02, 2953.32, 7
2981.13, and 5302.221, to enact sections 9.28, 8
177.05, 1331.17, and 2945.63, and to repeal 9
section 1331.05 of the Revised Code to make 10
various changes to the laws governing the duties 11
and functions of the Attorney General. 12

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

Section 1. That sections 9.02, 109.08, 109.081, 109.43, 13
109.521, 109.57, 109.572, 109.578, 109.60, 149.43, 1331.01, 14
1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 1345.21, 15
1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 1716.05, 16
1716.07, 2743.191, 2743.56, 2743.68, 2743.71, 2746.02, 2901.01, 17
2923.02, 2953.32, 2981.13, and 5302.221 be amended and sections 18
9.28, 177.05, 1331.17, and 2945.63 of the Revised Code be 19

enacted to read as follows: 20

Sec. 9.02. (A) As used in this section: 21

(1) "Customer" means any person or authorized 22
representative of that person who has maintained or is 23
maintaining an account or deposit of any type, or has utilized 24
or is utilizing any service of a financial institution, or for 25
whom a financial institution has acted or is acting as a 26
fiduciary in relation to an account or deposit maintained in the 27
person's name. 28

(2) "Governmental authority" includes the state, any 29
political subdivision, district, or court, and any agency, 30
department, officer, or authorized employee of any of those 31
entities. 32

(3) "Financial institution" means any bank, building and 33
loan association, trust company, credit union, licensee as 34
defined in section 1321.01, or registrant as defined in section 35
1321.51 of the Revised Code. 36

(4) "Financial record" means any record, including 37
statements or receipts, and checks, drafts, or similar 38
instruments, or information derived from such record, that is 39
maintained by a financial institution and that pertains to a 40
deposit or account of a customer, a service of the financial 41
institution utilized by a customer, or any other relationship 42
between a customer and the financial institution. 43

(5) "Supervisory review" means any examination of or other 44
supervisory action with respect to a financial institution, 45
where such examination or action is conducted or taken pursuant 46
to authority granted under the Revised Code, or rules 47
promulgated pursuant thereto by the agency having regulatory 48

jurisdiction over such institution. 49

(B) Any party, including a governmental authority, that 50
requires or requests a financial institution to assemble or 51
provide a customer's financial records in connection with any 52
investigation, action, or proceeding shall pay the financial 53
institution for all actual and necessary costs directly incurred 54
in searching for, reproducing, or transporting these records, if 55
the financial institution is not a party to the investigation, 56
action, or proceeding, is not a subject of supervisory review in 57
the investigation, action, or proceeding, or is a party to the 58
investigation, action, or proceeding solely by reason of its 59
holding of assets of another party defendant, with no cause of 60
action alleged against the financial institution. This payment 61
shall be made to the financial institution promptly, whether or 62
not the financial records are entered into evidence. If the 63
records are produced pursuant to a court order or subpoena duces 64
tecum, the party requesting the order or subpoena is responsible 65
for making the payment. With respect to any judicial or 66
administrative proceeding for which the records are requested, 67
payment of these costs shall be in addition to any witness fees. 68

(C) The rates and conditions for making payments required 69
by division (B) of this section shall be established by rule by 70
the superintendent of financial institutions. To the extent that 71
they are applicable, such respective rules shall be 72
substantially like those adopted by the board of governors of 73
the federal reserve system to regulate similar fees required by 74
the "Right to Financial Privacy Act of 1978," 92 Stat. 3708, 12 75
U.S.C.A. 3415. 76

(D) (1) This section is not intended to expand, limit, or 77
otherwise affect any authority granted under federal law or the 78

law of this state to any party, including a governmental 79
authority, to procure, request, or require a customer's 80
financial records. This section does not apply to investigations 81
or examinations conducted under authority granted by Chapter 82
169., 1707., 3737., or 4735. of the Revised Code. 83

(2) Division (B) of this section does not apply to 84
financial records required to be assembled or provided pursuant 85
to a subpoena, demand for production, request for records, or 86
demand for inspection issued by or on motion of the attorney 87
general or the organized crime investigations commission, to a 88
subpoena issued by or on motion of a prosecuting attorney who 89
has probable cause to believe that a crime has been committed, 90
or to a subpoena issued by a grand jury, if all of the following 91
apply: 92

(a) The financial records or copies of the financial 93
records are subpoenaed for purposes of a criminal investigation 94
or prosecution; 95

(b) The subpoena is delivered to the financial institution 96
at least ten days before the records are to be provided; 97

(c) The subpoena identifies individual items to be 98
provided or is for statements of the customer's account for a 99
specified period of time but only as is relevant to the possible 100
crime being investigated. 101

If any financial record assembled or provided by a 102
financial institution pursuant to such a subpoena or any 103
information derived from the financial record is introduced as 104
evidence in any criminal trial and if any nonindigent defendant 105
is convicted of an offense at that trial, the trial court shall 106
charge against the defendant, as a cost of prosecution, all 107

actual and necessary costs directly incurred by the financial 108
institution in searching for, reproducing, or transporting the 109
financial records provided the financial institution is not a 110
defendant at the trial. A defendant against whom costs are 111
charged pursuant to this division shall pay the costs to the 112
court which shall forward the payment to the financial 113
institution. For purposes of this division, the trial court 114
shall determine whether a defendant is indigent. The rates of 115
payment established by rule pursuant to division (C) of this 116
section shall be used by the trial court in charging costs under 117
this division. 118

(E) Notwithstanding division (D) of this section, in any 119
proceeding, action, or investigation that involves an alleged 120
violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of 121
the Revised Code, that either involves a property interest of 122
the state or occurred within the scope of state employment or 123
during the performance of a state public official's or state 124
public servant's duties, and in which a financial institution is 125
required or requested to assemble or provide financial records, 126
the financial institution has a right of reimbursement from the 127
state treasury for all actual and necessary costs incurred in 128
searching for, reproducing, or transporting the financial 129
records, at the rates established by rule under division (C) of 130
this section. The reimbursement shall be made only if the 131
financial institution is not a party to, or subject of the 132
investigation, action, or proceeding, or is a party to the 133
investigation, action, or proceeding solely by reason of its 134
holding assets of another party defendant, with no cause of 135
action alleged against the financial institution, and only if 136
the financial institution has not acted negligently in the 137
management of the deposit, account, service, or other 138

relationship to which those financial records pertain. The 139
reimbursement shall be made promptly, whether or not the 140
financial records are entered into evidence. As used in this 141
division, "state" means only the state of Ohio and does not 142
include any political subdivision. 143

Sec. 9.28. (A) As used in this section: 144

(1) "Competitive solicitation" means a request for 145
proposal or any other solicitation or announcement by a public 146
office requiring bids or proposals for the provision of goods or 147
services to that office. 148

(2) "Public office" includes any state agency, public 149
institution, political subdivision, or other organized body, 150
office, agency, institution, or entity established by the laws 151
of this state for the exercise of any function of government. 152
"Public office" does not include the nonprofit corporation 153
formed under section 187.01 of the Revised Code. 154

(3) "State agency" includes every department, bureau, 155
board, commission, office, or other organized body established 156
by the constitution and laws of this state for the exercise of 157
any function of state government, including any state-supported 158
institution of higher education, the general assembly, any 159
legislative agency, any court or judicial agency, or any 160
political subdivision or agency of a political subdivision. 161
"State agency" does not include the nonprofit corporation formed 162
under section 187.01 of the Revised Code. 163

(B) Except as provided in division (C) of this section, 164
materials submitted to a public office in response to a 165
competitive solicitation shall not be considered public records 166
for purposes of section 149.43 of the Revised Code until the 167

date the public office announces the award of a contract based 168
on the competitive solicitation or the cancellation of the 169
competitive solicitation. 170

(C) If a public office rejects all bids or proposals 171
received in response to a competitive solicitation and, 172
concurrently with the announcement of the rejection gives notice 173
of its intent to reissue the solicitation, the materials 174
submitted in response to the original competitive solicitation 175
and the materials submitted in response to the reissued 176
competitive solicitation shall not be considered public records 177
for purposes of section 149.43 of the Revised Code until the 178
date the public office announces the award of a contract based 179
on the reissued competitive solicitation or the cancellation of 180
the reissued competitive solicitation. 181

Sec. 109.08. The attorney general may appoint and 182
authorize special counsel to represent the state and any 183
political subdivision in connection with all claims of 184
whatsoever nature which are certified to the attorney general 185
for collection under any law or which the attorney general is 186
authorized to collect. 187

Such special counsel shall be paid for their services from 188
funds collected by them in an amount approved by the attorney 189
general. In addition to the amount certified, the amounts paid 190
to special counsel may be assessed as collection costs 191
consistent with section 131.02 of the Revised Code and shall be 192
fully recoverable from the party indebted. The amounts assessed 193
as collection costs under this section are in addition to any 194
amounts authorized under section 109.081 of the Revised Code. 195

The attorney general ~~shall~~ is authorized to provide to the 196
special counsel ~~appointed to represent the state in connection~~ 197

~~with claims arising out of Chapters 5733., 5739., 5741., and~~ 198
~~5747. of the Revised Code~~ the official letterhead stationery of 199
the attorney general. The attorney general may authorize the 200
special counsel ~~shall to~~ use the letterhead stationery, but only 201
in connection with the collection of such claims arising out of 202
~~those taxes~~ amounts certified by the state and political 203
subdivisions. 204

Sec. 109.081. Up to eleven per cent of all amounts 205
collected by the attorney general, whether by employees or 206
agents of the attorney general or by special counsel pursuant to 207
section 109.08 of the Revised Code, on claims ~~due the state~~ 208
certified in accordance with section 131.02 of the Revised Code, 209
shall be paid into the state treasury to the credit of the 210
attorney general claims fund, which is hereby created. The 211
attorney general, after consultation with the director of budget 212
and management, shall determine the exact percentage of those 213
collected amounts that shall be paid into the state treasury to 214
the credit of the fund. In addition to the amount certified, the 215
amount shall be assessed as a collection cost consistent with 216
section 131.02 of the Revised Code, and is fully recoverable 217
from the party indebted. The amounts assessed as collection 218
costs under this section are in addition to any amounts 219
authorized under section 109.08 of the Revised Code. The 220
attorney general claims fund shall be used for the payment of 221
expenses incurred by the office of the attorney general. 222

Sec. 109.43. (A) As used in this section: 223

(1) "Designee" means a designee of the elected official in 224
the public office if that elected official is the only elected 225
official in the public office involved or a designee of all of 226
the elected officials in the public office if the public office 227

involved includes more than one elected official. 228

(2) "Elected official" means an official elected to a 229
local or statewide office. "Elected official" does not include 230
the chief justice or a justice of the supreme court, a judge of 231
a court of appeals, court of common pleas, municipal court, or 232
county court, or a clerk of any of those courts. 233

(3) "Public office" has the same meaning as in section 234
149.011 of the Revised Code. 235

(4) "Public record" has the same meaning as in section 236
149.43 of the Revised Code. 237

(B) The attorney general shall develop, provide, and 238
certify training programs and seminars for all elected officials 239
or their appropriate designees in order to enhance the 240
officials' knowledge of the duty to provide access to public 241
records as required by section 149.43 of the Revised Code and to 242
enhance their knowledge of the open meetings laws set forth in 243
section 121.22 of the Revised Code. The training shall be three 244
hours for every term of office for which the elected official 245
was appointed or elected to the public office involved. The 246
training shall provide elected officials or their appropriate 247
designees with guidance in developing and updating their 248
offices' policies as required under section 149.43 of the 249
Revised Code. The successful completion by an elected official 250
or by an elected official's appropriate designee of the training 251
requirements established by the attorney general under this 252
section shall satisfy the education requirements imposed on 253
elected officials or their appropriate designees under division 254
(E) of section 149.43 of the Revised Code. ~~Prior to providing~~ 255
~~the training programs and seminars under this section to satisfy~~ 256
~~the education requirements imposed on elected officials or their~~ 257

~~appropriate designees under division (E) of section 149.43 of~~ 258
~~the Revised Code, the attorney general shall ensure that the~~ 259
~~training programs and seminars are accredited by the commission~~ 260
~~on continuing legal education established by the supreme court.~~ 261

(C) The attorney general shall not charge any elected 262
official or the appropriate designee of any elected official any 263
fee for attending the training programs and seminars that the 264
attorney general conducts under this section. The attorney 265
general may allow the attendance of any other interested persons 266
at any of the training programs or seminars that the attorney 267
general conducts under this section and shall not charge the 268
person any fee for attending the training program or seminar. 269

(D) In addition to developing, providing, and certifying 270
training programs and seminars as required under division (B) of 271
this section, the attorney general may contract with one or more 272
other state agencies, political subdivisions, or other public or 273
private entities to conduct the training programs and seminars 274
for elected officials or their appropriate designees under this 275
section. The contract may provide for the attendance of any 276
other interested persons at any of the training programs or 277
seminars conducted by the contracting state agency, political 278
subdivision, or other public or private entity. The contracting 279
state agency, political subdivision, or other public or private 280
entity may charge an elected official, an elected official's 281
appropriate designee, or an interested person a registration fee 282
for attending the training program or seminar conducted by that 283
contracting agency, political subdivision, or entity pursuant to 284
a contract entered into under this division. The attorney 285
general shall determine a reasonable amount for the registration 286
fee based on the actual and necessary expenses associated with 287
the training programs and seminars. If the contracting state 288

agency, political subdivision, or other public or private entity 289
charges an elected official or an elected official's appropriate 290
designee a registration fee for attending the training program 291
or seminar conducted pursuant to a contract entered into under 292
this division by that contracting agency, political subdivision, 293
or entity, the public office for which the elected official was 294
appointed or elected to represent may use the public office's 295
own funds to pay for the cost of the registration fee. 296

(E) The attorney general shall develop and provide to all 297
public offices a model public records policy for responding to 298
public records requests in compliance with section 149.43 of the 299
Revised Code in order to provide guidance to public offices in 300
developing their own public record policies for responding to 301
public records requests in compliance with that section. 302

(F) The attorney general may provide any other appropriate 303
training or educational programs about Ohio's "Sunshine Laws," 304
sections 121.22, 149.38, 149.381, and 149.43 of the Revised 305
Code, as may be developed and offered by the attorney general or 306
by the attorney general in collaboration with one or more other 307
state agencies, political subdivisions, or other public or 308
private entities. 309

(G) The auditor of state, in the course of an annual or 310
biennial audit of a public office pursuant to Chapter 117. of 311
the Revised Code, shall audit the public office for compliance 312
with this section and division (E) of section 149.43 of the 313
Revised Code. 314

Sec. 109.521. There is hereby created in the state 315
treasury the bureau of criminal identification and investigation 316
asset forfeiture and cost reimbursement fund. All amounts 317
awarded to the bureau of criminal identification and 318

investigation as a result of shared federal and state asset 319
forfeiture and state and local moneys designated as restitution 320
for reimbursement of the costs of investigations and all amounts 321
received by the bureau under section 2981.13 of the Revised Code 322
shall be deposited into this fund. The moneys in this fund shall 323
be used in accordance with federal and state asset forfeiture 324
rules, regulations, and laws. Interest earned on the money in 325
this fund shall be credited to the fund. 326

Sec. 109.57. (A) (1) The superintendent of the bureau of 327
criminal identification and investigation shall procure from 328
wherever procurable and file for record photographs, pictures, 329
descriptions, fingerprints, measurements, and other information 330
that may be pertinent of all persons who have been convicted of 331
committing within this state a felony, any crime constituting a 332
misdemeanor on the first offense and a felony on subsequent 333
offenses, or any misdemeanor described in division (A) (1) (a), 334
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 335
of all children under eighteen years of age who have been 336
adjudicated delinquent children for committing within this state 337
an act that would be a felony or an offense of violence if 338
committed by an adult or who have been convicted of or pleaded 339
guilty to committing within this state a felony or an offense of 340
violence, and of all well-known and habitual criminals. The 341
person in charge of any county, multicounty, municipal, 342
municipal-county, or multicounty-municipal jail or workhouse, 343
community-based correctional facility, halfway house, 344
alternative residential facility, or state correctional 345
institution and the person in charge of any state institution 346
having custody of a person suspected of having committed a 347
felony, any crime constituting a misdemeanor on the first 348
offense and a felony on subsequent offenses, or any misdemeanor 349

described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 350
section 109.572 of the Revised Code or having custody of a child 351
under eighteen years of age with respect to whom there is 352
probable cause to believe that the child may have committed an 353
act that would be a felony or an offense of violence if 354
committed by an adult shall furnish such material to the 355
superintendent of the bureau. Fingerprints, photographs, or 356
other descriptive information of a child who is under eighteen 357
years of age, has not been arrested or otherwise taken into 358
custody for committing an act that would be a felony or an 359
offense of violence who is not in any other category of child 360
specified in this division, if committed by an adult, has not 361
been adjudicated a delinquent child for committing an act that 362
would be a felony or an offense of violence if committed by an 363
adult, has not been convicted of or pleaded guilty to committing 364
a felony or an offense of violence, and is not a child with 365
respect to whom there is probable cause to believe that the 366
child may have committed an act that would be a felony or an 367
offense of violence if committed by an adult shall not be 368
procured by the superintendent or furnished by any person in 369
charge of any county, multicounty, municipal, municipal-county, 370
or multicounty-municipal jail or workhouse, community-based 371
correctional facility, halfway house, alternative residential 372
facility, or state correctional institution, except as 373
authorized in section 2151.313 of the Revised Code. 374

(2) Every clerk of a court of record in this state, other 375
than the supreme court or a court of appeals, shall send to the 376
superintendent of the bureau a weekly report containing a 377
summary of each case involving a felony, involving any crime 378
constituting a misdemeanor on the first offense and a felony on 379
subsequent offenses, involving a misdemeanor described in 380

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 381
of the Revised Code, or involving an adjudication in a case in 382
which a child under eighteen years of age was alleged to be a 383
delinquent child for committing an act that would be a felony or 384
an offense of violence if committed by an adult. The clerk of 385
the court of common pleas shall include in the report and 386
summary the clerk sends under this division all information 387
described in divisions (A) (2) (a) to (f) of this section 388
regarding a case before the court of appeals that is served by 389
that clerk. The summary shall be written on the standard forms 390
furnished by the superintendent pursuant to division (B) of this 391
section and shall include the following information: 392

(a) The incident tracking number contained on the standard 393
forms furnished by the superintendent pursuant to division (B) 394
of this section; 395

(b) The style and number of the case; 396

(c) The date of arrest, offense, summons, or arraignment; 397

(d) The date that the person was convicted of or pleaded 398
guilty to the offense, adjudicated a delinquent child for 399
committing the act that would be a felony or an offense of 400
violence if committed by an adult, found not guilty of the 401
offense, or found not to be a delinquent child for committing an 402
act that would be a felony or an offense of violence if 403
committed by an adult, the date of an entry dismissing the 404
charge, an entry declaring a mistrial of the offense in which 405
the person is discharged, an entry finding that the person or 406
child is not competent to stand trial, or an entry of a nolle 407
prosequi, or the date of any other determination that 408
constitutes final resolution of the case; 409

(e) A statement of the original charge with the section of 410
the Revised Code that was alleged to be violated; 411

(f) If the person or child was convicted, pleaded guilty, 412
or was adjudicated a delinquent child, the sentence or terms of 413
probation imposed or any other disposition of the offender or 414
the delinquent child. 415

If the offense involved the disarming of a law enforcement 416
officer or an attempt to disarm a law enforcement officer, the 417
clerk shall clearly state that fact in the summary, and the 418
superintendent shall ensure that a clear statement of that fact 419
is placed in the bureau's records. 420

(3) The superintendent shall cooperate with and assist 421
sheriffs, chiefs of police, and other law enforcement officers 422
in the establishment of a complete system of criminal 423
identification and in obtaining fingerprints and other means of 424
identification of all persons arrested on a charge of a felony, 425
any crime constituting a misdemeanor on the first offense and a 426
felony on subsequent offenses, or a misdemeanor described in 427
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 428
of the Revised Code and of all children under eighteen years of 429
age arrested or otherwise taken into custody for committing an 430
act that would be a felony or an offense of violence if 431
committed by an adult. The superintendent also shall file for 432
record the fingerprint impressions of all persons confined in a 433
county, multicounty, municipal, municipal-county, or 434
multicounty-municipal jail or workhouse, community-based 435
correctional facility, halfway house, alternative residential 436
facility, or state correctional institution for the violation of 437
state laws and of all children under eighteen years of age who 438
are confined in a county, multicounty, municipal, municipal- 439

county, or multicounty-municipal jail or workhouse, community- 440
based correctional facility, halfway house, alternative 441
residential facility, or state correctional institution or in 442
any facility for delinquent children for committing an act that 443
would be a felony or an offense of violence if committed by an 444
adult, and any other information that the superintendent may 445
receive from law enforcement officials of the state and its 446
political subdivisions. 447

(4) The superintendent shall carry out Chapter 2950. of 448
the Revised Code with respect to the registration of persons who 449
are convicted of or plead guilty to a sexually oriented offense 450
or a child-victim oriented offense and with respect to all other 451
duties imposed on the bureau under that chapter. 452

(5) The bureau shall perform centralized recordkeeping 453
functions for criminal history records and services in this 454
state for purposes of the national crime prevention and privacy 455
compact set forth in section 109.571 of the Revised Code and is 456
the criminal history record repository as defined in that 457
section for purposes of that compact. The superintendent or the 458
superintendent's designee is the compact officer for purposes of 459
that compact and shall carry out the responsibilities of the 460
compact officer specified in that compact. 461

(6) The superintendent shall, upon request, assist a 462
county coroner in the identification of a deceased person 463
through the use of fingerprint impressions obtained pursuant to 464
division (A) (1) of this section or collected pursuant to section 465
109.572 or 311.41 of the Revised Code. 466

(B) The superintendent shall prepare and furnish to every 467
county, multicounty, municipal, municipal-county, or 468
multicounty-municipal jail or workhouse, community-based 469

correctional facility, halfway house, alternative residential 470
facility, or state correctional institution and to every clerk 471
of a court in this state specified in division (A) (2) of this 472
section standard forms for reporting the information required 473
under division (A) of this section. The standard forms that the 474
superintendent prepares pursuant to this division may be in a 475
tangible format, in an electronic format, or in both tangible 476
formats and electronic formats. 477

(C) (1) The superintendent may operate a center for 478
electronic, automated, or other data processing for the storage 479
and retrieval of information, data, and statistics pertaining to 480
criminals and to children under eighteen years of age who are 481
adjudicated delinquent children for committing an act that would 482
be a felony or an offense of violence if committed by an adult, 483
criminal activity, crime prevention, law enforcement, and 484
criminal justice, and may establish and operate a statewide 485
communications network to be known as the Ohio law enforcement 486
gateway to gather and disseminate information, data, and 487
statistics for the use of law enforcement agencies and for other 488
uses specified in this division. The superintendent may gather, 489
store, retrieve, and disseminate information, data, and 490
statistics that pertain to children who are under eighteen years 491
of age and that are gathered pursuant to sections 109.57 to 492
109.61 of the Revised Code together with information, data, and 493
statistics that pertain to adults and that are gathered pursuant 494
to those sections. 495

(2) The superintendent or the superintendent's designee 496
shall gather information of the nature described in division (C) 497
(1) of this section that pertains to the offense and delinquency 498
history of a person who has been convicted of, pleaded guilty 499
to, or been adjudicated a delinquent child for committing a 500

sexually oriented offense or a child-victim oriented offense for 501
inclusion in the state registry of sex offenders and child- 502
victim offenders maintained pursuant to division (A) (1) of 503
section 2950.13 of the Revised Code and in the internet database 504
operated pursuant to division (A) (13) of that section and for 505
possible inclusion in the internet database operated pursuant to 506
division (A) (11) of that section. 507

(3) In addition to any other authorized use of 508
information, data, and statistics of the nature described in 509
division (C) (1) of this section, the superintendent or the 510
superintendent's designee may provide and exchange the 511
information, data, and statistics pursuant to the national crime 512
prevention and privacy compact as described in division (A) (5) 513
of this section. 514

(4) The attorney general may adopt rules under Chapter 515
119. of the Revised Code establishing guidelines for the 516
operation of and participation in the Ohio law enforcement 517
gateway. The rules may include criteria for granting and 518
restricting access to information gathered and disseminated 519
through the Ohio law enforcement gateway. The attorney general 520
shall permit the state medical board and board of nursing to 521
access and view, but not alter, information gathered and 522
disseminated through the Ohio law enforcement gateway. 523

The attorney general may appoint a steering committee to 524
advise the attorney general in the operation of the Ohio law 525
enforcement gateway that is comprised of persons who are 526
representatives of the criminal justice agencies in this state 527
that use the Ohio law enforcement gateway and is chaired by the 528
superintendent or the superintendent's designee. 529

(D) (1) The following are not public records under section 530

149.43 of the Revised Code:	531
(a) Information and materials furnished to the	532
superintendent pursuant to division (A) of this section;	533
(b) Information, data, and statistics gathered or	534
disseminated through the Ohio law enforcement gateway pursuant	535
to division (C) (1) of this section;	536
(c) Information and materials furnished to any board or	537
person under division (F) or (G) of this section.	538
(2) The superintendent or the superintendent's designee	539
shall gather and retain information so furnished under division	540
(A) of this section that pertains to the offense and delinquency	541
history of a person who has been convicted of, pleaded guilty	542
to, or been adjudicated a delinquent child for committing a	543
sexually oriented offense or a child-victim oriented offense for	544
the purposes described in division (C) (2) of this section.	545
(E) (1) The attorney general shall adopt rules, in	546
accordance with Chapter 119. of the Revised Code and subject to	547
division (E) (2) of this section, setting forth the procedure by	548
which a person may receive or release information gathered by	549
the superintendent pursuant to division (A) of this section. A	550
reasonable fee may be charged for this service. If a temporary	551
employment service submits a request for a determination of	552
whether a person the service plans to refer to an employment	553
position has been convicted of or pleaded guilty to an offense	554
listed or described in division (A) (1), (2), or (3) of section	555
109.572 of the Revised Code, the request shall be treated as a	556
single request and only one fee shall be charged.	557
(2) Except as otherwise provided in this division or	558
division (E) (3) or (4) of this section, a rule adopted under	559

division (E) (1) of this section may provide only for the release 560
of information gathered pursuant to division (A) of this section 561
that relates to the conviction of a person, or a person's plea 562
of guilty to, a criminal offense or to the arrest of a person as 563
provided in division (E) (3) of this section. The superintendent 564
shall not release, and the attorney general shall not adopt any 565
rule under division (E) (1) of this section that permits the 566
release of, any information gathered pursuant to division (A) of 567
this section that relates to an adjudication of a child as a 568
delinquent child, or that relates to a criminal conviction of a 569
person under eighteen years of age if the person's case was 570
transferred back to a juvenile court under division (B) (2) or 571
(3) of section 2152.121 of the Revised Code and the juvenile 572
court imposed a disposition or serious youthful offender 573
disposition upon the person under either division, unless either 574
of the following applies with respect to the adjudication or 575
conviction: 576

(a) The adjudication or conviction was for a violation of 577
section 2903.01 or 2903.02 of the Revised Code. 578

(b) The adjudication or conviction was for a sexually 579
oriented offense, the juvenile court was required to classify 580
the child a juvenile offender registrant for that offense under 581
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 582
classification has not been removed, and the records of the 583
adjudication or conviction have not been sealed or expunged 584
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 585
section 2952.32 of the Revised Code. 586

(3) A rule adopted under division (E) (1) of this section 587
may provide for the release of information gathered pursuant to 588
division (A) of this section that relates to the arrest of a 589

person who is eighteen years of age or older when the person has 590
not been convicted as a result of that arrest if any of the 591
following applies: 592

(a) The arrest was made outside of this state. 593

(b) A criminal action resulting from the arrest is 594
pending, and the superintendent confirms that the criminal 595
action has not been resolved at the time the criminal records 596
check is performed. 597

(c) The bureau cannot reasonably determine whether a 598
criminal action resulting from the arrest is pending, and not 599
more than one year has elapsed since the date of the arrest. 600

(4) A rule adopted under division (E) (1) of this section 601
may provide for the release of information gathered pursuant to 602
division (A) of this section that relates to an adjudication of 603
a child as a delinquent child if not more than five years have 604
elapsed since the date of the adjudication, the adjudication was 605
for an act that would have been a felony if committed by an 606
adult, the records of the adjudication have not been sealed or 607
expunged pursuant to sections 2151.355 to 2151.358 of the 608
Revised Code, and the request for information is made under 609
division (F) of this section or under section 109.572 of the 610
Revised Code. In the case of an adjudication for a violation of 611
the terms of community control or supervised release, the five- 612
year period shall be calculated from the date of the 613
adjudication to which the community control or supervised 614
release pertains. 615

(F) (1) As used in division (F) (2) of this section, "head 616
start agency" means an entity in this state that has been 617
approved to be an agency for purposes of subchapter II of the 618

"Community Economic Development Act," 95 Stat. 489 (1981), 42 619
U.S.C.A. 9831, as amended. 620

(2) (a) In addition to or in conjunction with any request 621
that is required to be made under section 109.572, 2151.86, 622
3301.32, 3301.541, division (C) of section 3310.58, or section 623
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 624
5153.111 of the Revised Code or that is made under section 625
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 626
board of education of any school district; the director of 627
developmental disabilities; any county board of developmental 628
disabilities; any provider or subcontractor as defined in 629
section 5123.081 of the Revised Code; the chief administrator of 630
any chartered nonpublic school; the chief administrator of a 631
registered private provider that is not also a chartered 632
nonpublic school; the chief administrator of any home health 633
agency; the chief administrator of or person operating any child 634
day-care center, type A family day-care home, or type B family 635
day-care home licensed under Chapter 5104. of the Revised Code; 636
the chief administrator of any head start agency; the executive 637
director of a public children services agency; a private company 638
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 639
the Revised Code; or an employer described in division (J) (2) of 640
section 3327.10 of the Revised Code may request that the 641
superintendent of the bureau investigate and determine, with 642
respect to any individual who has applied for employment in any 643
position after October 2, 1989, or any individual wishing to 644
apply for employment with a board of education may request, with 645
regard to the individual, whether the bureau has any information 646
gathered under division (A) of this section that pertains to 647
that individual. On receipt of the request, subject to division 648
(E) (2) of this section, the superintendent shall determine 649

whether that information exists and, upon request of the person, 650
board, or entity requesting information, also shall request from 651
the federal bureau of investigation any criminal records it has 652
pertaining to that individual. The superintendent or the 653
superintendent's designee also may request criminal history 654
records from other states or the federal government pursuant to 655
the national crime prevention and privacy compact set forth in 656
section 109.571 of the Revised Code. Within thirty days of the 657
date that the superintendent receives a request, subject to 658
division (E)(2) of this section, the superintendent shall send 659
to the board, entity, or person a report of any information that 660
the superintendent determines exists, including information 661
contained in records that have been sealed under section 2953.32 662
of the Revised Code, and, within thirty days of its receipt, 663
subject to division (E)(2) of this section, shall send the 664
board, entity, or person a report of any information received 665
from the federal bureau of investigation, other than information 666
the dissemination of which is prohibited by federal law. 667

(b) When a board of education or a registered private 668
provider is required to receive information under this section 669
as a prerequisite to employment of an individual pursuant to 670
division (C) of section 3310.58 or section 3319.39 of the 671
Revised Code, it may accept a certified copy of records that 672
were issued by the bureau of criminal identification and 673
investigation and that are presented by an individual applying 674
for employment with the district in lieu of requesting that 675
information itself. In such a case, the board shall accept the 676
certified copy issued by the bureau in order to make a photocopy 677
of it for that individual's employment application documents and 678
shall return the certified copy to the individual. In a case of 679
that nature, a district or provider only shall accept a 680

certified copy of records of that nature within one year after 681
the date of their issuance by the bureau. 682

(c) Notwithstanding division (F) (2) (a) of this section, in 683
the case of a request under section 3319.39, 3319.391, or 684
3327.10 of the Revised Code only for criminal records maintained 685
by the federal bureau of investigation, the superintendent shall 686
not determine whether any information gathered under division 687
(A) of this section exists on the person for whom the request is 688
made. 689

(3) The state board of education may request, with respect 690
to any individual who has applied for employment after October 691
2, 1989, in any position with the state board or the department 692
of education, any information that a school district board of 693
education is authorized to request under division (F) (2) of this 694
section, and the superintendent of the bureau shall proceed as 695
if the request has been received from a school district board of 696
education under division (F) (2) of this section. 697

(4) When the superintendent of the bureau receives a 698
request for information under section 3319.291 of the Revised 699
Code, the superintendent shall proceed as if the request has 700
been received from a school district board of education and 701
shall comply with divisions (F) (2) (a) and (c) of this section. 702

(5) When a recipient of a classroom reading improvement 703
grant paid under section 3301.86 of the Revised Code requests, 704
with respect to any individual who applies to participate in 705
providing any program or service funded in whole or in part by 706
the grant, the information that a school district board of 707
education is authorized to request under division (F) (2) (a) of 708
this section, the superintendent of the bureau shall proceed as 709
if the request has been received from a school district board of 710

education under division (F) (2) (a) of this section. 711

(G) In addition to or in conjunction with any request that 712
is required to be made under section 3701.881, 3712.09, or 713
3721.121 of the Revised Code with respect to an individual who 714
has applied for employment in a position that involves providing 715
direct care to an older adult or adult resident, the chief 716
administrator of a home health agency, hospice care program, 717
home licensed under Chapter 3721. of the Revised Code, or adult 718
day-care program operated pursuant to rules adopted under 719
section 3721.04 of the Revised Code may request that the 720
superintendent of the bureau investigate and determine, with 721
respect to any individual who has applied after January 27, 722
1997, for employment in a position that does not involve 723
providing direct care to an older adult or adult resident, 724
whether the bureau has any information gathered under division 725
(A) of this section that pertains to that individual. 726

In addition to or in conjunction with any request that is 727
required to be made under section 173.27 of the Revised Code 728
with respect to an individual who has applied for employment in 729
a position that involves providing ombudsman services to 730
residents of long-term care facilities or recipients of 731
community-based long-term care services, the state long-term 732
care ombudsman, the director of aging, a regional long-term care 733
ombudsman program, or the designee of the ombudsman, director, 734
or program may request that the superintendent investigate and 735
determine, with respect to any individual who has applied for 736
employment in a position that does not involve providing such 737
ombudsman services, whether the bureau has any information 738
gathered under division (A) of this section that pertains to 739
that applicant. 740

In addition to or in conjunction with any request that is 741
required to be made under section 173.38 of the Revised Code 742
with respect to an individual who has applied for employment in 743
a direct-care position, the chief administrator of a provider, 744
as defined in section 173.39 of the Revised Code, may request 745
that the superintendent investigate and determine, with respect 746
to any individual who has applied for employment in a position 747
that is not a direct-care position, whether the bureau has any 748
information gathered under division (A) of this section that 749
pertains to that applicant. 750

In addition to or in conjunction with any request that is 751
required to be made under section 3712.09 of the Revised Code 752
with respect to an individual who has applied for employment in 753
a position that involves providing direct care to a pediatric 754
respite care patient, the chief administrator of a pediatric 755
respite care program may request that the superintendent of the 756
bureau investigate and determine, with respect to any individual 757
who has applied for employment in a position that does not 758
involve providing direct care to a pediatric respite care 759
patient, whether the bureau has any information gathered under 760
division (A) of this section that pertains to that individual. 761

On receipt of a request under this division, the 762
superintendent shall determine whether that information exists 763
and, on request of the individual requesting information, shall 764
also request from the federal bureau of investigation any 765
criminal records it has pertaining to the applicant. The 766
superintendent or the superintendent's designee also may request 767
criminal history records from other states or the federal 768
government pursuant to the national crime prevention and privacy 769
compact set forth in section 109.571 of the Revised Code. Within 770
thirty days of the date a request is received, subject to 771

division (E) (2) of this section, the superintendent shall send 772
to the requester a report of any information determined to 773
exist, including information contained in records that have been 774
sealed under section 2953.32 of the Revised Code, and, within 775
thirty days of its receipt, shall send the requester a report of 776
any information received from the federal bureau of 777
investigation, other than information the dissemination of which 778
is prohibited by federal law. 779

(H) Information obtained by a government entity or person 780
under this section is confidential and shall not be released or 781
disseminated. 782

(I) The superintendent may charge a reasonable fee for 783
providing information or criminal records under division (F) (2) 784
or (G) of this section. 785

(J) As used in this section: 786

(1) "Pediatric respite care program" and "pediatric care 787
patient" have the same meanings as in section 3712.01 of the 788
Revised Code. 789

(2) "Sexually oriented offense" and "child-victim oriented 790
offense" have the same meanings as in section 2950.01 of the 791
Revised Code. 792

(3) "Registered private provider" means a nonpublic school 793
or entity registered with the superintendent of public 794
instruction under section 3310.41 of the Revised Code to 795
participate in the autism scholarship program or section 3310.58 796
of the Revised Code to participate in the Jon Peterson special 797
needs scholarship program. 798

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 799
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 800

Code, a completed form prescribed pursuant to division (C)(1) of 801
this section, and a set of fingerprint impressions obtained in 802
the manner described in division (C)(2) of this section, the 803
superintendent of the bureau of criminal identification and 804
investigation shall conduct a criminal records check in the 805
manner described in division (B) of this section to determine 806
whether any information exists that indicates that the person 807
who is the subject of the request previously has been convicted 808
of or pleaded guilty to any of the following: 809

(a) A violation of section 2903.01, 2903.02, 2903.03, 810
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 811
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 812
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 813
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 814
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 815
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 816
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 817
sexual penetration in violation of former section 2907.12 of the 818
Revised Code, a violation of section 2905.04 of the Revised Code 819
as it existed prior to July 1, 1996, a violation of section 820
2919.23 of the Revised Code that would have been a violation of 821
section 2905.04 of the Revised Code as it existed prior to July 822
1, 1996, had the violation been committed prior to that date, or 823
a violation of section 2925.11 of the Revised Code that is not a 824
minor drug possession offense; 825

(b) A violation of an existing or former law of this 826
state, any other state, or the United States that is 827
substantially equivalent to any of the offenses listed in 828
division (A)(1)(a) of this section; 829

(c) If the request is made pursuant to section 3319.39 of 830

the Revised Code for an applicant who is a teacher, any offense 831
specified in section 3319.31 of the Revised Code. 832

(2) On receipt of a request pursuant to section 3712.09 or 833
3721.121 of the Revised Code, a completed form prescribed 834
pursuant to division (C)(1) of this section, and a set of 835
fingerprint impressions obtained in the manner described in 836
division (C)(2) of this section, the superintendent of the 837
bureau of criminal identification and investigation shall 838
conduct a criminal records check with respect to any person who 839
has applied for employment in a position for which a criminal 840
records check is required by those sections. The superintendent 841
shall conduct the criminal records check in the manner described 842
in division (B) of this section to determine whether any 843
information exists that indicates that the person who is the 844
subject of the request previously has been convicted of or 845
pleaded guilty to any of the following: 846

(a) A violation of section 2903.01, 2903.02, 2903.03, 847
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 848
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 849
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 850
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 851
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 852
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 853
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 854
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 855

(b) An existing or former law of this state, any other 856
state, or the United States that is substantially equivalent to 857
any of the offenses listed in division (A)(2)(a) of this 858
section. 859

(3) On receipt of a request pursuant to section 173.27, 860

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 861
5123.081, or 5123.169 of the Revised Code, a completed form 862
prescribed pursuant to division (C)(1) of this section, and a 863
set of fingerprint impressions obtained in the manner described 864
in division (C)(2) of this section, the superintendent of the 865
bureau of criminal identification and investigation shall 866
conduct a criminal records check of the person for whom the 867
request is made. The superintendent shall conduct the criminal 868
records check in the manner described in division (B) of this 869
section to determine whether any information exists that 870
indicates that the person who is the subject of the request 871
previously has been convicted of, has pleaded guilty to, or 872
(except in the case of a request pursuant to section 5164.34, 873
5164.341, or 5164.342 of the Revised Code) has been found 874
eligible for intervention in lieu of conviction for any of the 875
following, regardless of the date of the conviction, the date of 876
entry of the guilty plea, or (except in the case of a request 877
pursuant to section 5164.34, 5164.341, or 5164.342 of the 878
Revised Code) the date the person was found eligible for 879
intervention in lieu of conviction: 880

(a) A violation of section 959.13, 959.131, 2903.01, 881
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 882
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 883
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 884
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 885
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 886
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 887
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 888
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 889
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 890
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 891

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 892
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 893
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 894
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 895
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 896
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 897
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 898
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 899

(b) Felonious sexual penetration in violation of former 900
section 2907.12 of the Revised Code; 901

(c) A violation of section 2905.04 of the Revised Code as 902
it existed prior to July 1, 1996; 903

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 904
the Revised Code when the underlying offense that is the object 905
of the conspiracy, attempt, or complicity is one of the offenses 906
listed in divisions (A) (3) (a) to (c) of this section; 907

(e) A violation of an existing or former municipal 908
ordinance or law of this state, any other state, or the United 909
States that is substantially equivalent to any of the offenses 910
listed in divisions (A) (3) (a) to (d) of this section. 911

(4) On receipt of a request pursuant to section 2151.86 of 912
the Revised Code, a completed form prescribed pursuant to 913
division (C) (1) of this section, and a set of fingerprint 914
impressions obtained in the manner described in division (C) (2) 915
of this section, the superintendent of the bureau of criminal 916
identification and investigation shall conduct a criminal 917
records check in the manner described in division (B) of this 918
section to determine whether any information exists that 919
indicates that the person who is the subject of the request 920

previously has been convicted of or pleaded guilty to any of the 921
following: 922

(a) A violation of section 959.13, 2903.01, 2903.02, 923
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 924
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 925
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 926
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 927
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 928
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 929
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 930
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 931
2927.12, or 3716.11 of the Revised Code, a violation of section 932
2905.04 of the Revised Code as it existed prior to July 1, 1996, 933
a violation of section 2919.23 of the Revised Code that would 934
have been a violation of section 2905.04 of the Revised Code as 935
it existed prior to July 1, 1996, had the violation been 936
committed prior to that date, a violation of section 2925.11 of 937
the Revised Code that is not a minor drug possession offense, 938
two or more OVI or OVUAC violations committed within the three 939
years immediately preceding the submission of the application or 940
petition that is the basis of the request, or felonious sexual 941
penetration in violation of former section 2907.12 of the 942
Revised Code; 943

(b) A violation of an existing or former law of this 944
state, any other state, or the United States that is 945
substantially equivalent to any of the offenses listed in 946
division (A) (4) (a) of this section. 947

(5) Upon receipt of a request pursuant to section 5104.013 948
of the Revised Code, a completed form prescribed pursuant to 949
division (C) (1) of this section, and a set of fingerprint 950

impressions obtained in the manner described in division (C) (2) 951
of this section, the superintendent of the bureau of criminal 952
identification and investigation shall conduct a criminal 953
records check in the manner described in division (B) of this 954
section to determine whether any information exists that 955
indicates that the person who is the subject of the request has 956
been convicted of or pleaded guilty to any of the following: 957

(a) A violation of section 2151.421, 2903.01, 2903.02, 958
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 959
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 960
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 961
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 962
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 963
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 964
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 965
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 966
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 967
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 968
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 969
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 970
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 971
3716.11 of the Revised Code, felonious sexual penetration in 972
violation of former section 2907.12 of the Revised Code, a 973
violation of section 2905.04 of the Revised Code as it existed 974
prior to July 1, 1996, a violation of section 2919.23 of the 975
Revised Code that would have been a violation of section 2905.04 976
of the Revised Code as it existed prior to July 1, 1996, had the 977
violation been committed prior to that date, a violation of 978
section 2925.11 of the Revised Code that is not a minor drug 979
possession offense, a violation of section 2923.02 or 2923.03 of 980
the Revised Code that relates to a crime specified in this 981

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would

have been a violation of section 2905.04 of the Revised Code as 1012
it existed prior to July 1, 1996, had the violation been 1013
committed prior to that date, or a violation of section 2925.11 1014
of the Revised Code that is not a minor drug possession offense; 1015

(b) A violation of an existing or former law of this 1016
state, any other state, or the United States that is 1017
substantially equivalent to any of the offenses listed in 1018
division (A) (6) (a) of this section. 1019

(7) On receipt of a request for a criminal records check 1020
from an individual pursuant to section 4749.03 or 4749.06 of the 1021
Revised Code, accompanied by a completed copy of the form 1022
prescribed in division (C) (1) of this section and a set of 1023
fingerprint impressions obtained in a manner described in 1024
division (C) (2) of this section, the superintendent of the 1025
bureau of criminal identification and investigation shall 1026
conduct a criminal records check in the manner described in 1027
division (B) of this section to determine whether any 1028
information exists indicating that the person who is the subject 1029
of the request has been convicted of or pleaded guilty to a 1030
felony in this state or in any other state. If the individual 1031
indicates that a firearm will be carried in the course of 1032
business, the superintendent shall require information from the 1033
federal bureau of investigation as described in division (B) (2) 1034
of this section. Subject to division (F) of this section, the 1035
superintendent shall report the findings of the criminal records 1036
check and any information the federal bureau of investigation 1037
provides to the director of public safety. 1038

(8) On receipt of a request pursuant to section 1321.37, 1039
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1040
Code, a completed form prescribed pursuant to division (C) (1) of 1041

this section, and a set of fingerprint impressions obtained in 1042
the manner described in division (C) (2) of this section, the 1043
superintendent of the bureau of criminal identification and 1044
investigation shall conduct a criminal records check with 1045
respect to any person who has applied for a license, permit, or 1046
certification from the department of commerce or a division in 1047
the department. The superintendent shall conduct the criminal 1048
records check in the manner described in division (B) of this 1049
section to determine whether any information exists that 1050
indicates that the person who is the subject of the request 1051
previously has been convicted of or pleaded guilty to any of the 1052
following: a violation of section 2913.02, 2913.11, 2913.31, 1053
2913.51, or 2925.03 of the Revised Code; any other criminal 1054
offense involving theft, receiving stolen property, 1055
embezzlement, forgery, fraud, passing bad checks, money 1056
laundering, or drug trafficking, or any criminal offense 1057
involving money or securities, as set forth in Chapters 2909., 1058
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 1059
Code; or any existing or former law of this state, any other 1060
state, or the United States that is substantially equivalent to 1061
those offenses. 1062

(9) On receipt of a request for a criminal records check 1063
from the treasurer of state under section 113.041 of the Revised 1064
Code or from an individual under section 4701.08, 4715.101, 1065
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1066
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1067
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1068
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1069
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 1070
Code, accompanied by a completed form prescribed under division 1071
(C) (1) of this section and a set of fingerprint impressions 1072

obtained in the manner described in division (C) (2) of this 1073
section, the superintendent of the bureau of criminal 1074
identification and investigation shall conduct a criminal 1075
records check in the manner described in division (B) of this 1076
section to determine whether any information exists that 1077
indicates that the person who is the subject of the request has 1078
been convicted of or pleaded guilty to any criminal offense in 1079
this state or any other state. Subject to division (F) of this 1080
section, the superintendent shall send the results of a check 1081
requested under section 113.041 of the Revised Code to the 1082
treasurer of state and shall send the results of a check 1083
requested under any of the other listed sections to the 1084
licensing board specified by the individual in the request. 1085

(10) On receipt of a request pursuant to section 1121.23, 1086
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1087
Code, a completed form prescribed pursuant to division (C) (1) of 1088
this section, and a set of fingerprint impressions obtained in 1089
the manner described in division (C) (2) of this section, the 1090
superintendent of the bureau of criminal identification and 1091
investigation shall conduct a criminal records check in the 1092
manner described in division (B) of this section to determine 1093
whether any information exists that indicates that the person 1094
who is the subject of the request previously has been convicted 1095
of or pleaded guilty to any criminal offense under any existing 1096
or former law of this state, any other state, or the United 1097
States. 1098

(11) On receipt of a request for a criminal records check 1099
from an appointing or licensing authority under section 3772.07 1100
of the Revised Code, a completed form prescribed under division 1101
(C) (1) of this section, and a set of fingerprint impressions 1102
obtained in the manner prescribed in division (C) (2) of this 1103

section, the superintendent of the bureau of criminal 1104
identification and investigation shall conduct a criminal 1105
records check in the manner described in division (B) of this 1106
section to determine whether any information exists that 1107
indicates that the person who is the subject of the request 1108
previously has been convicted of or pleaded guilty or no contest 1109
to any offense under any existing or former law of this state, 1110
any other state, or the United States that is a disqualifying 1111
offense as defined in section 3772.07 of the Revised Code or 1112
substantially equivalent to such an offense. 1113

(12) On receipt of a request pursuant to section 2151.33 1114
or 2151.412 of the Revised Code, a completed form prescribed 1115
pursuant to division (C)(1) of this section, and a set of 1116
fingerprint impressions obtained in the manner described in 1117
division (C)(2) of this section, the superintendent of the 1118
bureau of criminal identification and investigation shall 1119
conduct a criminal records check with respect to any person for 1120
whom a criminal records check is required under that section. 1121
The superintendent shall conduct the criminal records check in 1122
the manner described in division (B) of this section to 1123
determine whether any information exists that indicates that the 1124
person who is the subject of the request previously has been 1125
convicted of or pleaded guilty to any of the following: 1126

(a) A violation of section 2903.01, 2903.02, 2903.03, 1127
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1128
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1129
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1130
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1131
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1132
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1133
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1134

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1135

(b) An existing or former law of this state, any other 1136
state, or the United States that is substantially equivalent to 1137
any of the offenses listed in division (A)(12)(a) of this 1138
section. 1139

(B) Subject to division (F) of this section, the 1140
superintendent shall conduct any criminal records check to be 1141
conducted under this section as follows: 1142

(1) The superintendent shall review or cause to be 1143
reviewed any relevant information gathered and compiled by the 1144
bureau under division (A) of section 109.57 of the Revised Code 1145
that relates to the person who is the subject of the criminal 1146
records check, including, if the criminal records check was 1147
requested under section 113.041, 121.08, 173.27, 173.38, 1148
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1149
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1150
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 1151
4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 1152
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 1153
any relevant information contained in records that have been 1154
sealed under section 2953.32 of the Revised Code; 1155

(2) If the request received by the superintendent asks for 1156
information from the federal bureau of investigation, the 1157
superintendent shall request from the federal bureau of 1158
investigation any information it has with respect to the person 1159
who is the subject of the criminal records check, including 1160
fingerprint-based checks of national crime information databases 1161
as described in 42 U.S.C. 671 if the request is made pursuant to 1162
section 2151.86 or 5104.013 of the Revised Code or if any other 1163
Revised Code section requires fingerprint-based checks of that 1164

nature, and shall review or cause to be reviewed any information 1165
the superintendent receives from that bureau. If a request under 1166
section 3319.39 of the Revised Code asks only for information 1167
from the federal bureau of investigation, the superintendent 1168
shall not conduct the review prescribed by division (B) (1) of 1169
this section. 1170

(3) The superintendent or the superintendent's designee 1171
may request criminal history records from other states or the 1172
federal government pursuant to the national crime prevention and 1173
privacy compact set forth in section 109.571 of the Revised 1174
Code. 1175

(4) The superintendent shall include in the results of the 1176
criminal records check a list or description of the offenses 1177
listed or described in division (A) (1), (2), (3), (4), (5), (6), 1178
(7), (8), (9), (10), (11), or (12) of this section, whichever 1179
division requires the superintendent to conduct the criminal 1180
records check. The superintendent shall exclude from the results 1181
any information the dissemination of which is prohibited by 1182
federal law. 1183

(5) The superintendent shall send the results of the 1184
criminal records check to the person to whom it is to be sent 1185
not later than the following number of days after the date the 1186
superintendent receives the request for the criminal records 1187
check, the completed form prescribed under division (C) (1) of 1188
this section, and the set of fingerprint impressions obtained in 1189
the manner described in division (C) (2) of this section: 1190

(a) If the superintendent is required by division (A) of 1191
this section (other than division (A) (3) of this section) to 1192
conduct the criminal records check, thirty; 1193

(b) If the superintendent is required by division (A) (3) 1194
of this section to conduct the criminal records check, sixty. 1195

(C) (1) The superintendent shall prescribe a form to obtain 1196
the information necessary to conduct a criminal records check 1197
from any person for whom a criminal records check is to be 1198
conducted under this section. The form that the superintendent 1199
prescribes pursuant to this division may be in a tangible 1200
format, in an electronic format, or in both tangible and 1201
electronic formats. 1202

(2) The superintendent shall prescribe standard impression 1203
sheets to obtain the fingerprint impressions of any person for 1204
whom a criminal records check is to be conducted under this 1205
section. Any person for whom a records check is to be conducted 1206
under this section shall obtain the fingerprint impressions at a 1207
county sheriff's office, municipal police department, or any 1208
other entity with the ability to make fingerprint impressions on 1209
the standard impression sheets prescribed by the superintendent. 1210
The office, department, or entity may charge the person a 1211
reasonable fee for making the impressions. The standard 1212
impression sheets the superintendent prescribes pursuant to this 1213
division may be in a tangible format, in an electronic format, 1214
or in both tangible and electronic formats. 1215

(3) Subject to division (D) of this section, the 1216
superintendent shall prescribe and charge a reasonable fee for 1217
providing a criminal records check under this section. The 1218
person requesting the criminal records check shall pay the fee 1219
prescribed pursuant to this division. In the case of a request 1220
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1221
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1222
fee shall be paid in the manner specified in that section. 1223

(4) The superintendent of the bureau of criminal 1224
identification and investigation may prescribe methods of 1225
forwarding fingerprint impressions and information necessary to 1226
conduct a criminal records check, which methods shall include, 1227
but not be limited to, an electronic method. 1228

(D) The results of a criminal records check conducted 1229
under this section, other than a criminal records check 1230
specified in division (A) (7) of this section, are valid for the 1231
person who is the subject of the criminal records check for a 1232
period of one year from the date upon which the superintendent 1233
completes the criminal records check. If during that period the 1234
superintendent receives another request for a criminal records 1235
check to be conducted under this section for that person, the 1236
superintendent shall provide the results from the previous 1237
criminal records check of the person at a lower fee than the fee 1238
prescribed for the initial criminal records check. 1239

(E) When the superintendent receives a request for 1240
information from a registered private provider, the 1241
superintendent shall proceed as if the request was received from 1242
a school district board of education under section 3319.39 of 1243
the Revised Code. The superintendent shall apply division (A) (1) 1244
(c) of this section to any such request for an applicant who is 1245
a teacher. 1246

(F) (1) ~~All~~ Subject to division (F) (2) of this section, all 1247
information regarding the results of a criminal records check 1248
conducted under this section that the superintendent reports or 1249
sends under division (A) (7) or (9) of this section to the 1250
director of public safety, the treasurer of state, or the 1251
person, board, or entity that made the request for the criminal 1252
records check shall relate to the conviction of the subject 1253

person, or the subject person's plea of guilty to, a criminal offense. 1254
1255

(2) Division (F)(1) of this section does not limit, 1256
restrict, or preclude the superintendent's release of 1257
information that relates to the arrest of a person who is 1258
eighteen years of age or older, to an adjudication of a child as 1259
a delinquent child, or to a criminal conviction of a person 1260
under eighteen years of age in circumstances in which a release 1261
of that nature is authorized under division (E)(2), (3), or (4) 1262
of section 109.57 of the Revised Code pursuant to a rule adopted 1263
under division (E)(1) of that section. 1264

(G) As used in this section: 1265

(1) "Criminal records check" means any criminal records 1266
check conducted by the superintendent of the bureau of criminal 1267
identification and investigation in accordance with division (B) 1268
of this section. 1269

(2) "Minor drug possession offense" has the same meaning 1270
as in section 2925.01 of the Revised Code. 1271

(3) "OVI or OVUAC violation" means a violation of section 1272
4511.19 of the Revised Code or a violation of an existing or 1273
former law of this state, any other state, or the United States 1274
that is substantially equivalent to section 4511.19 of the 1275
Revised Code. 1276

(4) "Registered private provider" means a nonpublic school 1277
or entity registered with the superintendent of public 1278
instruction under section 3310.41 of the Revised Code to 1279
participate in the autism scholarship program or section 3310.58 1280
of the Revised Code to participate in the Jon Peterson special 1281
needs scholarship program. 1282

Sec. 109.578. (A) On receipt of a request pursuant to 1283
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1284
Code, a completed form prescribed pursuant to division (C) (1) of 1285
this section, and a set of fingerprint impressions obtained in 1286
the manner described in division (C) (2) of this section, the 1287
superintendent of the bureau of criminal identification and 1288
investigation shall conduct a criminal records check in the 1289
manner described in division (B) of this section to determine 1290
whether any information exists that indicates that the person 1291
who is the subject of the request previously has been convicted 1292
of or pleaded guilty to any of the following: 1293

(1) A felony; 1294

(2) A violation of section 2909.03 of the Revised Code; 1295

(3) A violation of an existing or former law of this 1296
state, any other state, or the United States that is 1297
substantially equivalent to any of the offenses listed in 1298
division (A) (1) or (2) of this section. 1299

(B) Subject to division (E) of this section, the 1300
superintendent shall conduct any criminal records check pursuant 1301
to division (A) of this section as follows: 1302

(1) The superintendent shall review or cause to be 1303
reviewed any relevant information gathered and compiled by the 1304
bureau under division (A) of section 109.57 of the Revised Code 1305
that relates to the person who is the subject of the request, 1306
including any relevant information contained in records that 1307
have been sealed under section 2953.32 of the Revised Code. 1308

(2) If the request received by the superintendent asks for 1309
information from the federal bureau of investigation, the 1310
superintendent shall request from the federal bureau of 1311

investigation any information it has with respect to the person 1312
who is the subject of the request and shall review or cause to 1313
be reviewed any information the superintendent receives from 1314
that bureau. 1315

(C) (1) The superintendent shall prescribe a form to obtain 1316
the information necessary to conduct a criminal records check 1317
from any person for whom a criminal records check is requested 1318
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1319
the Revised Code. The form that the superintendent prescribes 1320
pursuant to this division may be in a tangible format, in an 1321
electronic format, or in both tangible and electronic formats. 1322

(2) The superintendent shall prescribe standard impression 1323
sheets to obtain the fingerprint impressions of any person for 1324
whom a criminal records check is requested pursuant to section 1325
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1326
person for whom a records check is requested pursuant to any of 1327
those sections shall obtain the fingerprint impressions at a 1328
county sheriff's office, a municipal police department, or any 1329
other entity with the ability to make fingerprint impressions on 1330
the standard impression sheets prescribed by the superintendent. 1331
The office, department, or entity may charge the person a 1332
reasonable fee for making the impressions. The standard 1333
impression sheets the superintendent prescribes pursuant to this 1334
division may be in a tangible format, in an electronic format, 1335
or in both tangible and electronic formats. 1336

(3) Subject to division (D) of this section, the 1337
superintendent shall prescribe and charge a reasonable fee for 1338
providing a criminal records check requested under section 1339
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1340
person making the criminal records request shall pay the fee 1341

prescribed pursuant to this division. 1342

(4) The superintendent may prescribe methods of forwarding 1343
fingerprint impressions and information necessary to conduct a 1344
criminal records check. The methods shall include, but are not 1345
limited to, an electronic method. 1346

(D) A determination whether any information exists that 1347
indicates that a person previously has been convicted of or 1348
pleaded guilty to any offense listed or described in division 1349
(A) of this section and that the superintendent made with 1350
respect to information considered in a criminal records check in 1351
accordance with this section is valid for the person who is the 1352
subject of the criminal records check for a period of one year 1353
from the date upon which the superintendent makes the 1354
determination. During the period in which the determination in 1355
regard to a person is valid, if another request under this 1356
section is made for a criminal records check for that person, 1357
the superintendent shall provide the information that is the 1358
basis for the superintendent's initial determination at a lower 1359
fee than the fee prescribed for the initial criminal records 1360
check. 1361

(E) (1) All Subject to division (E) (2) of this section, all 1362
information regarding the results of a criminal records check 1363
conducted under this section that the superintendent reports or 1364
sends under this section to the person, board, or entity that 1365
made the request for the criminal records check shall relate to 1366
the conviction of the subject person, or the subject person's 1367
plea of guilty to, a criminal offense. 1368

(2) Division (E) (1) of this section does not limit, 1369
restrict, or preclude the superintendent's release of 1370
information that relates to the arrest of a person who is 1371

eighteen years of age or older, to an adjudication of a child as 1372
a delinquent child, or to a criminal conviction of a person 1373
under eighteen years of age in circumstances in which a release 1374
of that nature is authorized under division (E) (2), (3), or (4) 1375
of section 109.57 of the Revised Code pursuant to a rule adopted 1376
under division (E) (1) of that section. 1377

(F) As used in this section, "criminal records check" 1378
means any criminal records check conducted by the superintendent 1379
of the bureau of criminal identification and investigation in 1380
accordance with division (B) of this section. 1381

Sec. 109.60. (A) (1) The sheriffs of the several counties 1382
and the chiefs of police of cities, immediately upon the arrest 1383
of any person for any felony, on suspicion of any felony, for a 1384
crime constituting a misdemeanor on the first offense and a 1385
felony on subsequent offenses, or for any misdemeanor described 1386
in division (A) (1) (a), (A) (8) (a), or (A) (10) (a) of section 1387
109.572 of the Revised Code, and immediately upon the arrest or 1388
taking into custody of any child under eighteen years of age for 1389
committing an act that would be a felony or an offense of 1390
violence if committed by an adult or upon probable cause to 1391
believe that a child of that age may have committed an act that 1392
would be a felony or an offense of violence if committed by an 1393
adult, shall take the person's or child's fingerprints, or cause 1394
the same to be taken, according to the fingerprint system of 1395
identification on the forms furnished by the superintendent of 1396
the bureau of criminal identification and investigation, and 1397
immediately shall forward copies of the completed forms, any 1398
other description that may be required, and the history of the 1399
offense committed to the bureau to be classified and filed and 1400
to the clerk of the court having jurisdiction over the 1401
prosecution of the offense or over the adjudication relative to 1402

the act. 1403

(2) Except as provided in division (B) of this section, if 1404
a person or child has not been arrested and first appears before 1405
a court or magistrate in response to a summons, or if a sheriff 1406
or chief of police has not taken, or caused to be taken, a 1407
person's or child's fingerprints in accordance with division (A) 1408
(1) of this section by the time of the arraignment or first 1409
appearance of the person or child, the court shall order the 1410
person or child to appear before the sheriff or chief of police 1411
within twenty-four hours to have the person's or child's 1412
fingerprints taken. The sheriff or chief of police shall take 1413
the person's or child's fingerprints, or cause the fingerprints 1414
to be taken, according to the fingerprint system of 1415
identification on the forms furnished by the superintendent of 1416
the bureau of criminal identification and investigation and, 1417
immediately after the person's or child's arraignment or first 1418
appearance, forward copies of the completed forms, any other 1419
description that may be required, and the history of the offense 1420
committed to the bureau to be classified and filed and to the 1421
clerk of the court. 1422

(3) Every court with jurisdiction over a case involving a 1423
person or child with respect to whom division (A) (1) or (2) of 1424
this section requires a sheriff or chief of police to take the 1425
person's or child's fingerprints shall inquire at the time of 1426
the person's or child's sentencing or adjudication whether or 1427
not the person or child has been fingerprinted pursuant to 1428
division (A) (1) or (2) of this section for the original arrest 1429
or court appearance upon which the sentence or adjudication is 1430
based. If the person or child was not fingerprinted for the 1431
original arrest or court appearance upon which the sentence or 1432
adjudication is based, the court shall take the person's or 1433

child's fingerprints or shall order the person or child to 1434
appear before the sheriff or chief of police within twenty-four 1435
hours to have the person's or child's fingerprints taken. ~~The~~ If 1436
the court orders the person or child to appear before the 1437
sheriff or chief of police to have the person's or child's 1438
fingerprints taken, the sheriff or chief of police shall take 1439
the person's or child's fingerprints, or cause the fingerprints 1440
to be taken, according to the fingerprint system of 1441
identification on the forms furnished by the superintendent of 1442
the bureau of criminal identification and investigation and 1443
immediately forward copies of the completed forms, any other 1444
description that may be required, and the history of the offense 1445
committed to the bureau to be classified and filed and to the 1446
clerk of the court. 1447

(4) If a person or child is in the custody of a law 1448
enforcement agency or a detention facility, as defined in 1449
section 2921.01 of the Revised Code, and the chief law 1450
enforcement officer or chief administrative officer of the 1451
detention facility discovers that a warrant has been issued or a 1452
bill of information has been filed alleging the person or child 1453
to have committed an offense or act other than the offense or 1454
act for which the person or child is in custody, and the other 1455
alleged offense or act is one for which fingerprints are to be 1456
taken pursuant to division (A) (1) of this section, the law 1457
enforcement agency or detention facility shall take the 1458
fingerprints of the person or child, or cause the fingerprints 1459
to be taken, according to the fingerprint system of 1460
identification on the forms furnished by the superintendent of 1461
the bureau of criminal identification and investigation and 1462
immediately forward copies of the completed forms, any other 1463
description that may be required, and the history of the offense 1464

committed to the bureau to be classified and filed and to the 1465
clerk of the court that issued the warrant or with which the 1466
bill of information was filed. 1467

(5) If an accused is found not guilty of the offense 1468
charged or a nolle prosequi is entered in any case, or if any 1469
accused child under eighteen years of age is found not to be a 1470
delinquent child for committing an act that would be a felony or 1471
an offense of violence if committed by an adult or not guilty of 1472
the felony or offense of violence charged or a nolle prosequi is 1473
entered in that case, the fingerprints and description shall be 1474
given to the accused upon the accused's request. 1475

(6) The superintendent shall compare the description 1476
received with those already on file in the bureau, and, if the 1477
superintendent finds that the person arrested or taken into 1478
custody has a criminal record or a record as a delinquent child 1479
for having committed an act that would be a felony or an offense 1480
of violence if committed by an adult or is a fugitive from 1481
justice or wanted by any jurisdiction in this or another state, 1482
the United States, or a foreign country for any offense, the 1483
superintendent at once shall inform the arresting officer, the 1484
officer taking the person into custody, or the chief 1485
administrative officer of the county, multicounty, municipal, 1486
municipal-county, or multicounty-municipal jail or workhouse, 1487
community-based correctional facility, halfway house, 1488
alternative residential facility, or state correctional 1489
institution in which the person or child is in custody of that 1490
fact and give appropriate notice to the proper authorities in 1491
the jurisdiction in which the person is wanted, or, if that 1492
jurisdiction is a foreign country, give appropriate notice to 1493
federal authorities for transmission to the foreign country. The 1494
names, under which each person whose identification is filed is 1495

known, shall be alphabetically indexed by the superintendent. 1496

(B) Division (A) of this section does not apply to a 1497
violinator of a city ordinance unless the officers have reason to 1498
believe that the violator is a past offender or the crime is one 1499
constituting a misdemeanor on the first offense and a felony on 1500
subsequent offenses, or unless it is advisable for the purpose 1501
of subsequent identification. This section does not apply to any 1502
child under eighteen years of age who was not arrested or 1503
otherwise taken into custody for committing an act that would be 1504
a felony or an offense of violence if committed by an adult or 1505
upon probable cause to believe that a child of that age may have 1506
committed an act that would be a felony or an offense of 1507
violence if committed by an adult, except as provided in section 1508
2151.313 of the Revised Code. 1509

(C) (1) For purposes of division (C) of this section, a law 1510
enforcement agency shall be considered to have arrested a person 1511
if any law enforcement officer who is employed by, appointed by, 1512
or serves that agency arrests the person. As used in division 1513
(C) of this section: 1514

(a) "Illegal methamphetamine manufacturing laboratory" has 1515
the same meaning as in section 3745.13 of the Revised Code. 1516

(b) "Methamphetamine or a methamphetamine product" means 1517
methamphetamine, any salt, isomer, or salt of an isomer of 1518
methamphetamine, or any compound, mixture, preparation, or 1519
substance containing methamphetamine or any salt, isomer, or 1520
salt of an isomer of methamphetamine. 1521

(2) Each law enforcement agency that, in any calendar 1522
year, arrests any person for a violation of section 2925.04 of 1523
the Revised Code that is based on the manufacture of 1524

methamphetamine or a methamphetamine product, a violation of 1525
section 2925.041 of the Revised Code that is based on the 1526
possession of chemicals sufficient to produce methamphetamine or 1527
a methamphetamine product, or a violation of any other provision 1528
of Chapter 2925. or 3719. of the Revised Code that is based on 1529
the possession of chemicals sufficient to produce 1530
methamphetamine or a methamphetamine product shall prepare an 1531
annual report covering the calendar year that contains the 1532
information specified in division (C)(3) of this section 1533
relative to all arrests for violations of those sections 1534
committed under those circumstances during that calendar year 1535
and relative to illegal methamphetamine manufacturing 1536
laboratories, dump sites, and chemical caches as specified in 1537
that division and shall send the annual report, not later than 1538
the first day of March in the calendar year following the 1539
calendar year covered by the report, to the bureau of criminal 1540
identification and investigation. 1541

The law enforcement agency shall write any annual report 1542
prepared and filed under this division on the standard forms 1543
furnished by the superintendent of the bureau of criminal 1544
identification and investigation pursuant to division (C)(4) of 1545
this section. The annual report shall be a statistical report, 1546
and nothing in the report or in the information it contains 1547
shall identify, or enable the identification of, any person who 1548
was arrested and whose arrest is included in the information 1549
contained in the report. The annual report in the possession of 1550
the bureau and the information it contains are public records 1551
for the purpose of section 149.43 of the Revised Code. 1552

(3) The annual report prepared and filed by a law 1553
enforcement agency under division (C)(2) of this section shall 1554
contain all of the following information for the calendar year 1555

covered by the report: 1556

(a) The total number of arrests made by the agency in that 1557
calendar year for a violation of section 2925.04 of the Revised 1558
Code that is based on the manufacture of methamphetamine or a 1559
methamphetamine product, a violation of section 2925.041 of the 1560
Revised Code that is based on the possession of chemicals 1561
sufficient to produce methamphetamine or a methamphetamine 1562
product, or a violation of any other provision of Chapter 2925. 1563
or 3719. of the Revised Code that is based on the possession of 1564
chemicals sufficient to produce methamphetamine or a 1565
methamphetamine product; 1566

(b) The total number of illegal methamphetamine 1567
manufacturing laboratories at which one or more of the arrests 1568
reported under division (C) (3) (a) of this section occurred, or 1569
that were discovered in that calendar year within the territory 1570
served by the agency but at which none of the arrests reported 1571
under division (C) (3) (a) of this section occurred; 1572

(c) The total number of dump sites and chemical caches 1573
that are, or that are reasonably believed to be, related to 1574
illegal methamphetamine manufacturing and that were discovered 1575
in that calendar year within the territory served by the agency. 1576

(4) The superintendent of the bureau of criminal 1577
identification and investigation shall prepare and furnish to 1578
each law enforcement agency in this state standard forms for 1579
making the annual reports required by division (C) (2) of this 1580
section. The standard forms that the superintendent prepares 1581
pursuant to this division may be in a tangible format, in an 1582
electronic format, or in both a tangible format and an 1583
electronic format. 1584

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

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the

department or a child support enforcement agency;	1614
(f) Records specified in division (A) of section 3107.52	1615
of the Revised Code;	1616
(g) Trial preparation records;	1617
(h) Confidential law enforcement investigatory records;	1618
(i) Records containing information that is confidential	1619
under section 2710.03 or 4112.05 of the Revised Code;	1620
(j) DNA records stored in the DNA database pursuant to	1621
section 109.573 of the Revised Code;	1622
(k) Inmate records released by the department of	1623
rehabilitation and correction to the department of youth	1624
services or a court of record pursuant to division (E) of	1625
section 5120.21 of the Revised Code;	1626
(l) Records maintained by the department of youth services	1627
pertaining to children in its custody released by the department	1628
of youth services to the department of rehabilitation and	1629
correction pursuant to section 5139.05 of the Revised Code;	1630
(m) Intellectual property records;	1631
(n) Donor profile records;	1632
(o) Records maintained by the department of job and family	1633
services pursuant to section 3121.894 of the Revised Code;	1634
(p) Peace officer, parole officer, probation officer,	1635
bailiff, prosecuting attorney, assistant prosecuting attorney,	1636
correctional employee, community-based correctional facility	1637
employee, youth services employee, firefighter, EMT, or	1638
investigator of the bureau of criminal identification and	1639
investigation residential and familial information;	1640

(q) In the case of a county hospital operated pursuant to 1641
Chapter 339. of the Revised Code or a municipal hospital 1642
operated pursuant to Chapter 749. of the Revised Code, 1643
information that constitutes a trade secret, as defined in 1644
section 1333.61 of the Revised Code; 1645

(r) Information pertaining to the recreational activities 1646
of a person under the age of eighteen; 1647

(s) In the case of a child fatality review board acting 1648
under sections 307.621 to 307.629 of the Revised Code or a 1649
review conducted pursuant to guidelines established by the 1650
director of health under section 3701.70 of the Revised Code, 1651
records provided to the board or director, statements made by 1652
board members during meetings of the board or by persons 1653
participating in the director's review, and all work products of 1654
the board or director, and in the case of a child fatality 1655
review board, child fatality review data submitted by the board 1656
to the department of health or a national child death review 1657
database, other than the report prepared pursuant to division 1658
(A) of section 307.626 of the Revised Code; 1659

(t) Records provided to and statements made by the 1660
executive director of a public children services agency or a 1661
prosecuting attorney acting pursuant to section 5153.171 of the 1662
Revised Code other than the information released under that 1663
section; 1664

(u) Test materials, examinations, or evaluation tools used 1665
in an examination for licensure as a nursing home administrator 1666
that the board of executives of long-term services and supports 1667
administers under section 4751.04 of the Revised Code or 1668
contracts under that section with a private or government entity 1669
to administer; 1670

(v) Records the release of which is prohibited by state or federal law;	1671 1672
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	1673 1674 1675
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	1676 1677 1678 1679 1680 1681
(y) Records listed in section 5101.29 of the Revised Code;	1682
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	1683 1684 1685
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	1686 1687 1688
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	1689 1690 1691
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	1692 1693 1694
<u>(dd) Personal information, as defined in section 149.45 of the Revised Code.</u>	1695 1696
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a	1697 1698

criminal, quasi-criminal, civil, or administrative nature, but 1699
only to the extent that the release of the record would create a 1700
high probability of disclosure of any of the following: 1701

(a) The identity of a suspect who has not been charged 1702
with the offense to which the record pertains, or of an 1703
information source or witness to whom confidentiality has been 1704
reasonably promised; 1705

(b) Information provided by an information source or 1706
witness to whom confidentiality has been reasonably promised, 1707
which information would reasonably tend to disclose the source's 1708
or witness's identity; 1709

(c) Specific confidential investigatory techniques or 1710
procedures or specific investigatory work product; 1711

(d) Information that would endanger the life or physical 1712
safety of law enforcement personnel, a crime victim, a witness, 1713
or a confidential information source. 1714

(3) "Medical record" means any document or combination of 1715
documents, except births, deaths, and the fact of admission to 1716
or discharge from a hospital, that pertains to the medical 1717
history, diagnosis, prognosis, or medical condition of a patient 1718
and that is generated and maintained in the process of medical 1719
treatment. 1720

(4) "Trial preparation record" means any record that 1721
contains information that is specifically compiled in reasonable 1722
anticipation of, or in defense of, a civil or criminal action or 1723
proceeding, including the independent thought processes and 1724
personal trial preparation of an attorney. 1725

(5) "Intellectual property record" means a record, other 1726
than a financial or administrative record, that is produced or 1727

collected by or for faculty or staff of a state institution of 1728
higher learning in the conduct of or as a result of study or 1729
research on an educational, commercial, scientific, artistic, 1730
technical, or scholarly issue, regardless of whether the study 1731
or research was sponsored by the institution alone or in 1732
conjunction with a governmental body or private concern, and 1733
that has not been publicly released, published, or patented. 1734

(6) "Donor profile record" means all records about donors 1735
or potential donors to a public institution of higher education 1736
except the names and reported addresses of the actual donors and 1737
the date, amount, and conditions of the actual donation. 1738

(7) "Peace officer, parole officer, probation officer, 1739
bailiff, prosecuting attorney, assistant prosecuting attorney, 1740
correctional employee, community-based correctional facility 1741
employee, youth services employee, firefighter, EMT, or 1742
investigator of the bureau of criminal identification and 1743
investigation residential and familial information" means any 1744
information that discloses any of the following about a peace 1745
officer, parole officer, probation officer, bailiff, prosecuting 1746
attorney, assistant prosecuting attorney, correctional employee, 1747
community-based correctional facility employee, youth services 1748
employee, firefighter, EMT, or investigator of the bureau of 1749
criminal identification and investigation: 1750

(a) The address of the actual personal residence of a 1751
peace officer, parole officer, probation officer, bailiff, 1752
assistant prosecuting attorney, correctional employee, 1753
community-based correctional facility employee, youth services 1754
employee, firefighter, EMT, or an investigator of the bureau of 1755
criminal identification and investigation, except for the state 1756
or political subdivision in which the peace officer, parole 1757

officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides; 1758
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(b) Information compiled from referral to or participation in an employee assistance program; 1763
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(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation; 1765
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer; 1774
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(e) The identity and amount of any charitable or 1787

employment benefit deduction made by the peace officer's, parole 1788
officer's, probation officer's, bailiff's, prosecuting 1789
attorney's, assistant prosecuting attorney's, correctional 1790
employee's, community-based correctional facility employee's, 1791
youth services employee's, firefighter's, EMT's, or investigator 1792
of the bureau of criminal identification and investigation's 1793
employer from the peace officer's, parole officer's, probation 1794
officer's, bailiff's, prosecuting attorney's, assistant 1795
prosecuting attorney's, correctional employee's, community-based 1796
correctional facility employee's, youth services employee's, 1797
firefighter's, EMT's, or investigator of the bureau of criminal 1798
identification and investigation's compensation unless the 1799
amount of the deduction is required by state or federal law; 1800

(f) The name, the residential address, the name of the 1801
employer, the address of the employer, the social security 1802
number, the residential telephone number, any bank account, 1803
debit card, charge card, or credit card number, or the emergency 1804
telephone number of the spouse, a former spouse, or any child of 1805
a peace officer, parole officer, probation officer, bailiff, 1806
prosecuting attorney, assistant prosecuting attorney, 1807
correctional employee, community-based correctional facility 1808
employee, youth services employee, firefighter, EMT, or 1809
investigator of the bureau of criminal identification and 1810
investigation; 1811

(g) A photograph of a peace officer who holds a position 1812
or has an assignment that may include undercover or plain 1813
clothes positions or assignments as determined by the peace 1814
officer's appointing authority. 1815

As used in divisions (A) (7) and (B) (9) of this section, 1816
"peace officer" has the same meaning as in section 109.71 of the 1817

Revised Code and also includes the superintendent and troopers 1818
of the state highway patrol; it does not include the sheriff of 1819
a county or a supervisory employee who, in the absence of the 1820
sheriff, is authorized to stand in for, exercise the authority 1821
of, and perform the duties of the sheriff. 1822

As used in divisions (A) (7) and (B) (9) of this section, 1823
"correctional employee" means any employee of the department of 1824
rehabilitation and correction who in the course of performing 1825
the employee's job duties has or has had contact with inmates 1826
and persons under supervision. 1827

As used in divisions (A) (7) and (B) (9) of this section, 1828
"youth services employee" means any employee of the department 1829
of youth services who in the course of performing the employee's 1830
job duties has or has had contact with children committed to the 1831
custody of the department of youth services. 1832

As used in divisions (A) (7) and (B) (9) of this section, 1833
"firefighter" means any regular, paid or volunteer, member of a 1834
lawfully constituted fire department of a municipal corporation, 1835
township, fire district, or village. 1836

As used in divisions (A) (7) and (B) (9) of this section, 1837
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1838
emergency medical services for a public emergency medical 1839
service organization. "Emergency medical service organization," 1840
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1841
in section 4765.01 of the Revised Code. 1842

As used in divisions (A) (7) and (B) (9) of this section, 1843
"investigator of the bureau of criminal identification and 1844
investigation" has the meaning defined in section 2903.11 of the 1845
Revised Code. 1846

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

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

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same

meanings as in section 109.43 of the Revised Code. 1875

(B) (1) Upon request and subject to division (B) (8) of this 1876
section, all public records responsive to the request shall be 1877
promptly prepared and made available for inspection to any 1878
person at all reasonable times during regular business hours. 1879
Subject to division (B) (8) of this section, upon request, a 1880
public office or person responsible for public records shall 1881
make copies of the requested public record available at cost and 1882
within a reasonable period of time. If a public record contains 1883
information that is exempt from the duty to permit public 1884
inspection or to copy the public record, the public office or 1885
the person responsible for the public record shall make 1886
available all of the information within the public record that 1887
is not exempt. When making that public record available for 1888
public inspection or copying that public record, the public 1889
office or the person responsible for the public record shall 1890
notify the requester of any redaction or make the redaction 1891
plainly visible. A redaction shall be deemed a denial of a 1892
request to inspect or copy the redacted information, except if 1893
federal or state law authorizes or requires a public office to 1894
make the redaction. 1895

(2) To facilitate broader access to public records, a 1896
public office or the person responsible for public records shall 1897
organize and maintain public records in a manner that they can 1898
be made available for inspection or copying in accordance with 1899
division (B) of this section. A public office also shall have 1900
available a copy of its current records retention schedule at a 1901
location readily available to the public. If a requester makes 1902
an ambiguous or overly broad request or has difficulty in making 1903
a request for copies or inspection of public records under this 1904
section such that the public office or the person responsible 1905

for the requested public record cannot reasonably identify what 1906
public records are being requested, the public office or the 1907
person responsible for the requested public record may deny the 1908
request but shall provide the requester with an opportunity to 1909
revise the request by informing the requester of the manner in 1910
which records are maintained by the public office and accessed 1911
in the ordinary course of the public office's or person's 1912
duties. 1913

(3) If a request is ultimately denied, in part or in 1914
whole, the public office or the person responsible for the 1915
requested public record shall provide the requester with an 1916
explanation, including legal authority, setting forth why the 1917
request was denied. If the initial request was provided in 1918
writing, the explanation also shall be provided to the requester 1919
in writing. The explanation shall not preclude the public office 1920
or the person responsible for the requested public record from 1921
relying upon additional reasons or legal authority in defending 1922
an action commenced under division (C) of this section. 1923

(4) Unless specifically required or authorized by state or 1924
federal law or in accordance with division (B) of this section, 1925
no public office or person responsible for public records may 1926
limit or condition the availability of public records by 1927
requiring disclosure of the requester's identity or the intended 1928
use of the requested public record. Any requirement that the 1929
requester disclose the requestor's identity or the intended use 1930
of the requested public record constitutes a denial of the 1931
request. 1932

(5) A public office or person responsible for public 1933
records may ask a requester to make the request in writing, may 1934
ask for the requester's identity, and may inquire about the 1935

intended use of the information requested, but may do so only 1936
after disclosing to the requester that a written request is not 1937
mandatory and that the requester may decline to reveal the 1938
requester's identity or the intended use and when a written 1939
request or disclosure of the identity or intended use would 1940
benefit the requester by enhancing the ability of the public 1941
office or person responsible for public records to identify, 1942
locate, or deliver the public records sought by the requester. 1943

(6) If any person chooses to obtain a copy of a public 1944
record in accordance with division (B) of this section, the 1945
public office or person responsible for the public record may 1946
require that person to pay in advance the cost involved in 1947
providing the copy of the public record in accordance with the 1948
choice made by the person seeking the copy under this division. 1949
The public office or the person responsible for the public 1950
record shall permit that person to choose to have the public 1951
record duplicated upon paper, upon the same medium upon which 1952
the public office or person responsible for the public record 1953
keeps it, or upon any other medium upon which the public office 1954
or person responsible for the public record determines that it 1955
reasonably can be duplicated as an integral part of the normal 1956
operations of the public office or person responsible for the 1957
public record. When the person seeking the copy makes a choice 1958
under this division, the public office or person responsible for 1959
the public record shall provide a copy of it in accordance with 1960
the choice made by the person seeking the copy. Nothing in this 1961
section requires a public office or person responsible for the 1962
public record to allow the person seeking a copy of the public 1963
record to make the copies of the public record. 1964

(7) Upon a request made in accordance with division (B) of 1965
this section and subject to division (B) (6) of this section, a 1966

public office or person responsible for public records shall 1967
transmit a copy of a public record to any person by United 1968
States mail or by any other means of delivery or transmission 1969
within a reasonable period of time after receiving the request 1970
for the copy. The public office or person responsible for the 1971
public record may require the person making the request to pay 1972
in advance the cost of postage if the copy is transmitted by 1973
United States mail or the cost of delivery if the copy is 1974
transmitted other than by United States mail, and to pay in 1975
advance the costs incurred for other supplies used in the 1976
mailing, delivery, or transmission. 1977

Any public office may adopt a policy and procedures that 1978
it will follow in transmitting, within a reasonable period of 1979
time after receiving a request, copies of public records by 1980
United States mail or by any other means of delivery or 1981
transmission pursuant to this division. A public office that 1982
adopts a policy and procedures under this division shall comply 1983
with them in performing its duties under this division. 1984

In any policy and procedures adopted under this division, 1985
a public office may limit the number of records requested by a 1986
person that the office will transmit by United States mail to 1987
ten per month, unless the person certifies to the office in 1988
writing that the person does not intend to use or forward the 1989
requested records, or the information contained in them, for 1990
commercial purposes. For purposes of this division, "commercial" 1991
shall be narrowly construed and does not include reporting or 1992
gathering news, reporting or gathering information to assist 1993
citizen oversight or understanding of the operation or 1994
activities of government, or nonprofit educational research. 1995

(8) A public office or person responsible for public 1996

records is not required to permit a person who is incarcerated 1997
pursuant to a criminal conviction or a juvenile adjudication to 1998
inspect or to obtain a copy of any public record concerning a 1999
criminal investigation or prosecution or concerning what would 2000
be a criminal investigation or prosecution if the subject of the 2001
investigation or prosecution were an adult, unless the request 2002
to inspect or to obtain a copy of the record is for the purpose 2003
of acquiring information that is subject to release as a public 2004
record under this section and the judge who imposed the sentence 2005
or made the adjudication with respect to the person, or the 2006
judge's successor in office, finds that the information sought 2007
in the public record is necessary to support what appears to be 2008
a justiciable claim of the person. 2009

(9) (a) Upon written request made and signed by a 2010
journalist on or after December 16, 1999, a public office, or 2011
person responsible for public records, having custody of the 2012
records of the agency employing a specified peace officer, 2013
parole officer, probation officer, bailiff, prosecuting 2014
attorney, assistant prosecuting attorney, correctional employee, 2015
community-based correctional facility employee, youth services 2016
employee, firefighter, EMT, or investigator of the bureau of 2017
criminal identification and investigation shall disclose to the 2018
journalist the address of the actual personal residence of the 2019
peace officer, parole officer, probation officer, bailiff, 2020
prosecuting attorney, assistant prosecuting attorney, 2021
correctional employee, community-based correctional facility 2022
employee, youth services employee, firefighter, EMT, or 2023
investigator of the bureau of criminal identification and 2024
investigation and, if the peace officer's, parole officer's, 2025
probation officer's, bailiff's, prosecuting attorney's, 2026
assistant prosecuting attorney's, correctional employee's, 2027

community-based correctional facility employee's, youth services 2028
employee's, firefighter's, EMT's, or investigator of the bureau 2029
of criminal identification and investigation's spouse, former 2030
spouse, or child is employed by a public office, the name and 2031
address of the employer of the peace officer's, parole 2032
officer's, probation officer's, bailiff's, prosecuting 2033
attorney's, assistant prosecuting attorney's, correctional 2034
employee's, community-based correctional facility employee's, 2035
youth services employee's, firefighter's, EMT's, or investigator 2036
of the bureau of criminal identification and investigation's 2037
spouse, former spouse, or child. The request shall include the 2038
journalist's name and title and the name and address of the 2039
journalist's employer and shall state that disclosure of the 2040
information sought would be in the public interest. 2041

(b) Division (B) (9) (a) of this section also applies to 2042
journalist requests for customer information maintained by a 2043
municipally owned or operated public utility, other than social 2044
security numbers and any private financial information such as 2045
credit reports, payment methods, credit card numbers, and bank 2046
account information. 2047

(c) As used in division (B) (9) of this section, 2048
"journalist" means a person engaged in, connected with, or 2049
employed by any news medium, including a newspaper, magazine, 2050
press association, news agency, or wire service, a radio or 2051
television station, or a similar medium, for the purpose of 2052
gathering, processing, transmitting, compiling, editing, or 2053
disseminating information for the general public. 2054

(C) (1) If a person allegedly is aggrieved by the failure 2055
of a public office or the person responsible for public records 2056
to promptly prepare a public record and to make it available to 2057

the person for inspection in accordance with division (B) of 2058
this section or by any other failure of a public office or the 2059
person responsible for public records to comply with an 2060
obligation in accordance with division (B) of this section, the 2061
person allegedly aggrieved may commence a mandamus action to 2062
obtain a judgment that orders the public office or the person 2063
responsible for the public record to comply with division (B) of 2064
this section, that awards court costs and reasonable attorney's 2065
fees to the person that instituted the mandamus action, and, if 2066
applicable, that includes an order fixing statutory damages 2067
under division (C) (1) of this section. The mandamus action may 2068
be commenced in the court of common pleas of the county in which 2069
division (B) of this section allegedly was not complied with, in 2070
the supreme court pursuant to its original jurisdiction under 2071
Section 2 of Article IV, Ohio Constitution, or in the court of 2072
appeals for the appellate district in which division (B) of this 2073
section allegedly was not complied with pursuant to its original 2074
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2075

If a requestor transmits a written request by hand 2076
delivery or certified mail to inspect or receive copies of any 2077
public record in a manner that fairly describes the public 2078
record or class of public records to the public office or person 2079
responsible for the requested public records, except as 2080
otherwise provided in this section, the requestor shall be 2081
entitled to recover the amount of statutory damages set forth in 2082
this division if a court determines that the public office or 2083
the person responsible for public records failed to comply with 2084
an obligation in accordance with division (B) of this section. 2085

The amount of statutory damages shall be fixed at one 2086
hundred dollars for each business day during which the public 2087
office or person responsible for the requested public records 2088

failed to comply with an obligation in accordance with division 2089
(B) of this section, beginning with the day on which the 2090
requester files a mandamus action to recover statutory damages, 2091
up to a maximum of one thousand dollars. The award of statutory 2092
damages shall not be construed as a penalty, but as compensation 2093
for injury arising from lost use of the requested information. 2094
The existence of this injury shall be conclusively presumed. The 2095
award of statutory damages shall be in addition to all other 2096
remedies authorized by this section. 2097

The court may reduce an award of statutory damages or not 2098
award statutory damages if the court determines both of the 2099
following: 2100

(a) That, based on the ordinary application of statutory 2101
law and case law as it existed at the time of the conduct or 2102
threatened conduct of the public office or person responsible 2103
for the requested public records that allegedly constitutes a 2104
failure to comply with an obligation in accordance with division 2105
(B) of this section and that was the basis of the mandamus 2106
action, a well-informed public office or person responsible for 2107
the requested public records reasonably would believe that the 2108
conduct or threatened conduct of the public office or person 2109
responsible for the requested public records did not constitute 2110
a failure to comply with an obligation in accordance with 2111
division (B) of this section; 2112

(b) That a well-informed public office or person 2113
responsible for the requested public records reasonably would 2114
believe that the conduct or threatened conduct of the public 2115
office or person responsible for the requested public records 2116
would serve the public policy that underlies the authority that 2117
is asserted as permitting that conduct or threatened conduct. 2118

(2) (a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C) (1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C) (2) (c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C) (2) (c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court

determines both of the following: 2149

(i) That, based on the ordinary application of statutory 2150
law and case law as it existed at the time of the conduct or 2151
threatened conduct of the public office or person responsible 2152
for the requested public records that allegedly constitutes a 2153
failure to comply with an obligation in accordance with division 2154
(B) of this section and that was the basis of the mandamus 2155
action, a well-informed public office or person responsible for 2156
the requested public records reasonably would believe that the 2157
conduct or threatened conduct of the public office or person 2158
responsible for the requested public records did not constitute 2159
a failure to comply with an obligation in accordance with 2160
division (B) of this section; 2161

(ii) That a well-informed public office or person 2162
responsible for the requested public records reasonably would 2163
believe that the conduct or threatened conduct of the public 2164
office or person responsible for the requested public records as 2165
described in division (C) (2) (c) (i) of this section would serve 2166
the public policy that underlies the authority that is asserted 2167
as permitting that conduct or threatened conduct. 2168

(D) Chapter 1347. of the Revised Code does not limit the 2169
provisions of this section. 2170

(E) (1) To ensure that all employees of public offices are 2171
appropriately educated about a public office's obligations under 2172
division (B) of this section, all elected officials or their 2173
appropriate designees shall attend training approved by the 2174
attorney general as provided in section 109.43 of the Revised 2175
Code. In addition, all public offices shall adopt a public 2176
records policy in compliance with this section for responding to 2177
public records requests. In adopting a public records policy 2178

under this division, a public office may obtain guidance from 2179
the model public records policy developed and provided to the 2180
public office by the attorney general under section 109.43 of 2181
the Revised Code. Except as otherwise provided in this section, 2182
the policy may not limit the number of public records that the 2183
public office will make available to a single person, may not 2184
limit the number of public records that it will make available 2185
during a fixed period of time, and may not establish a fixed 2186
period of time before it will respond to a request for 2187
inspection or copying of public records, unless that period is 2188
less than eight hours. 2189

(2) The public office shall distribute the public records 2190
policy adopted by the public office under division (E)(1) of 2191
this section to the employee of the public office who is the 2192
records custodian or records manager or otherwise has custody of 2193
the records of that office. The public office shall require that 2194
employee to acknowledge receipt of the copy of the public 2195
records policy. The public office shall create a poster that 2196
describes its public records policy and shall post the poster in 2197
a conspicuous place in the public office and in all locations 2198
where the public office has branch offices. The public office 2199
may post its public records policy on the internet web site of 2200
the public office if the public office maintains an internet web 2201
site. A public office that has established a manual or handbook 2202
of its general policies and procedures for all employees of the 2203
public office shall include the public records policy of the 2204
public office in the manual or handbook. 2205

(F)(1) The bureau of motor vehicles may adopt rules 2206
pursuant to Chapter 119. of the Revised Code to reasonably limit 2207
the number of bulk commercial special extraction requests made 2208
by a person for the same records or for updated records during a 2209

calendar year. The rules may include provisions for charges to 2210
be made for bulk commercial special extraction requests for the 2211
actual cost of the bureau, plus special extraction costs, plus 2212
ten per cent. The bureau may charge for expenses for redacting 2213
information, the release of which is prohibited by law. 2214

(2) As used in division (F) (1) of this section: 2215

(a) "Actual cost" means the cost of depleted supplies, 2216
records storage media costs, actual mailing and alternative 2217
delivery costs, or other transmitting costs, and any direct 2218
equipment operating and maintenance costs, including actual 2219
costs paid to private contractors for copying services. 2220

(b) "Bulk commercial special extraction request" means a 2221
request for copies of a record for information in a format other 2222
than the format already available, or information that cannot be 2223
extracted without examination of all items in a records series, 2224
class of records, or database by a person who intends to use or 2225
forward the copies for surveys, marketing, solicitation, or 2226
resale for commercial purposes. "Bulk commercial special 2227
extraction request" does not include a request by a person who 2228
gives assurance to the bureau that the person making the request 2229
does not intend to use or forward the requested copies for 2230
surveys, marketing, solicitation, or resale for commercial 2231
purposes. 2232

(c) "Commercial" means profit-seeking production, buying, 2233
or selling of any good, service, or other product. 2234

(d) "Special extraction costs" means the cost of the time 2235
spent by the lowest paid employee competent to perform the task, 2236
the actual amount paid to outside private contractors employed 2237
by the bureau, or the actual cost incurred to create computer 2238

programs to make the special extraction. "Special extraction 2239
costs" include any charges paid to a public agency for computer 2240
or records services. 2241

(3) For purposes of divisions (F)(1) and (2) of this 2242
section, "surveys, marketing, solicitation, or resale for 2243
commercial purposes" shall be narrowly construed and does not 2244
include reporting or gathering news, reporting or gathering 2245
information to assist citizen oversight or understanding of the 2246
operation or activities of government, or nonprofit educational 2247
research. 2248

Sec. 177.05. A law enforcement trust fund shall be 2249
established by the organized crime investigations commission for 2250
the purpose of receiving reimbursement of expenses the organized 2251
crime investigations commission incurred in the investigation of 2252
the criminal activity through a task force. 2253

There is hereby created in the state treasury the 2254
organized crime law enforcement trust fund. The fund shall 2255
consist of moneys paid to the treasurer of the state for 2256
purposes of this section. All investment earnings on moneys in 2257
the fund shall be credited to the fund. The organized crime 2258
investigations commission shall use the moneys in the fund to 2259
purchase, replace, update, or maintain equipment used by task 2260
forces or law enforcement agencies for the purpose of 2261
investigating organized criminal activity. The organized crime 2262
law enforcement trust fund shall not be used to meet the 2263
operating costs of the organized crime commission. 2264

Sec. 1331.01. As used in sections 1331.01 to 1331.14 of 2265
the Revised Code: 2266

(A) "Person" includes corporations, partnerships, and 2267

associations existing under or authorized by any state or 2268
territory of the United States, and solely for the purpose of 2269
the definition of division ~~(B)~~ (C) of this section, a foreign 2270
governmental entity. 2271

(B) "Public office" means any state agency, public 2272
institution, political subdivision, or other organized body, 2273
office, agency, institution, or entity established by the laws 2274
of this state for the exercise of any function of government. 2275
"Public office" does not include the nonprofit corporation 2276
formed under section 187.01 of the Revised Code. 2277

(C) (1) "Trust" is a combination of capital, skill, or acts 2278
by two or more persons for any of the following purposes: 2279

~~(1)~~ (a) To create or carry out restrictions in trade or 2280
commerce; 2281

~~(2)~~ (b) To limit or reduce the production, or increase or 2282
reduce the price of merchandise or a commodity; 2283

~~(3)~~ (c) To prevent competition in manufacturing, making, 2284
transportation, sale, or purchase of merchandise, produce, or a 2285
commodity; 2286

~~(4)~~ (d) To fix at a standard or figure, whereby its price 2287
to the public or consumer is in any manner controlled or 2288
established, an article or commodity of merchandise, produce, or 2289
commerce intended for sale, barter, use, or consumption in this 2290
state; 2291

~~(5)~~ (e) To make, enter into, execute, or carry out 2292
contracts, obligations, or agreements of any kind by which they 2293
bind or have bound themselves not to sell, dispose of, or 2294
transport an article or commodity, or an article of trade, use, 2295
merchandise, commerce, or consumption below a common standard 2296

figure or fixed value, or by which they agree in any manner to 2297
keep the price of such article, commodity, or transportation at 2298
a fixed or graduated figure, or by which they shall in any 2299
manner establish or settle the price of an article, commodity, 2300
or transportation between them or themselves and others, so as 2301
directly or indirectly to preclude a free and unrestricted 2302
competition among themselves, purchasers, or consumers in the 2303
sale or transportation of such article or commodity, or by which 2304
they agree to pool, combine, or directly or indirectly unite any 2305
interests which they have connected with the sale or 2306
transportation of such article or commodity, that its price 2307
might in any manner be affected; 2308

~~(6)~~ (f) To refuse to buy from, sell to, or trade with any 2309
person because such person appears on a blacklist issued by, or 2310
is being boycotted by, any foreign corporate or governmental 2311
entity. 2312

(2) "Trust" also means a combination of capital, skill, or 2313
acts by two or more bidders or potential bidders, or one or more 2314
bidders or potential bidders and any person affiliated with a 2315
public office, to restrain or prevent competition in the letting 2316
or awarding of any public contract in derogation of any statute, 2317
ordinance, or rule requiring the use of competitive bidding or 2318
selection in the letting or awarding of the public contract. 2319

(3) "Trust," as defined in this section, does not include 2320
bargaining by a labor organization in negotiating or effecting 2321
contracts with an employer or employer group with reference to 2322
minimum payment to any member of the labor organization for any 2323
motor vehicles owned, driven, and used exclusively by such 2324
member in the performance of ~~his~~ the member's duties of 2325
employment pursuant to a collective bargaining agreement between 2326

the labor organization and the employer or employer group. 2327

(4) A trust as defined in this division (B) of this 2328
section is unlawful and void. 2329

Sec. 1331.04. ~~A violation of sections 1331.01 to 1331.14,~~ 2330
~~inclusive, of the Revised Code, Every combination, contract, or~~ 2331
~~agreement in the form of a trust is declared to be a~~ 2332
conspiracy against trade and illegal. No person shall engage in such 2333
conspiracy or take part therein, or aid or advise in its 2334
commission, or, as principal, manager, director, agent, servant, 2335
or employer, or in any other capacity, knowingly carry out any 2336
of the stipulations, purposes, prices, or rates, or furnish any 2337
information to assist in carrying out such purposes, or orders 2338
thereunder, or in pursuance thereof, or in any manner violate 2339
~~said sections 1331.01 to 1331.14 of the Revised Code.~~ Each day's 2340
violation of this section is a separate offense. 2341

Sec. 1331.17. In carrying out official duties, the 2342
attorney general shall not disclose publicly the facts developed 2343
in an investigation conducted pursuant to this chapter unless 2344
the matter has become a matter of public record in enforcement 2345
proceedings, in public hearings, or other official proceedings, 2346
or unless the person from whom the information has been obtained 2347
consents to the public disclosure. 2348

Sec. 1331.99. (A) (1) Whoever violates section 1331.04 of 2349
the Revised Code is guilty of conspiracy against trade. Except 2350
as provided in division (A) (2) of this section, a conspiracy 2351
against trade is a felony of the fifth degree. 2352

(2) If any of the following conditions apply, the 2353
conspiracy against trade is a felony of the fourth degree: 2354

(a) The amount of the contract or the amount of the sale 2355

of commodities or services involved is seven thousand five 2356
hundred dollars or more. 2357

(b) The conspiracy against trade relates to a contract 2358
with or the sale of commodities or services to or from a local, 2359
state, or federal governmental entity. 2360

(c) The contract or sale of commodities or services 2361
involves, in whole or in part, funding to or from a local, 2362
state, or federal governmental entity. 2363

(B) Whoever violates section 1331.02 or 1331.05 of the 2364
Revised Code is guilty of a felony of the fifth degree. 2365

~~(B)~~ (C) Whoever violates section 1331.04 or division (L) 2366
of section 1331.16 of the Revised Code is guilty of a 2367
misdemeanor of the first degree. 2368

~~(C)~~ (D) Whoever violates section 1331.15 of the Revised 2369
Code is guilty of a misdemeanor of the second degree. 2370

Sec. 1345.02. (A) No supplier shall commit an unfair or 2371
deceptive act or practice in connection with a consumer 2372
transaction. Such an unfair or deceptive act or practice by a 2373
supplier violates this section whether it occurs before, during, 2374
or after the transaction. 2375

(B) Without limiting the scope of division (A) of this 2376
section, the act or practice of a supplier in representing any 2377
of the following is deceptive: 2378

(1) That the subject of a consumer transaction has 2379
sponsorship, approval, performance characteristics, accessories, 2380
uses, or benefits that it does not have; 2381

(2) That the subject of a consumer transaction is of a 2382
particular standard, quality, grade, style, prescription, or 2383

model, if it is not;	2384
(3) That the subject of a consumer transaction is new, or unused, if it is not;	2385 2386
(4) That the subject of a consumer transaction is available to the consumer for a reason that does not exist;	2387 2388
(5) That the subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not, except that the act of a supplier in furnishing similar merchandise of equal or greater value as a good faith substitute does not violate this section;	2389 2390 2391 2392 2393
(6) That the subject of a consumer transaction will be supplied in greater quantity than the supplier intends;	2394 2395
(7) That replacement or repair is needed, if it is not;	2396
(8) That a specific price advantage exists, if it does not;	2397 2398
(9) That the supplier has a sponsorship, approval, or affiliation that the supplier does not have;	2399 2400
(10) That a consumer transaction involves or does not involve a warranty, a disclaimer of warranties or other rights, remedies, or obligations if the representation is false.	2401 2402 2403
(C) In construing division (A) of this section, the court shall give due consideration and great weight to federal trade commission orders, trade regulation rules and guides, and the federal courts' interpretations of subsection 45 (a) (1) of the "Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 41, as amended.	2404 2405 2406 2407 2408 2409
(D) No supplier shall offer to a consumer or represent	2410

that a consumer will receive a rebate, discount, or other 2411
benefit as an inducement for entering into a consumer 2412
transaction in return for giving the supplier the names of 2413
prospective consumers, or otherwise helping the supplier to 2414
enter into other consumer transactions, if earning the benefit 2415
is contingent upon an event occurring after the consumer enters 2416
into the transaction. 2417

(E) (1) No supplier, in connection with a consumer 2418
transaction involving natural gas service or public 2419
telecommunications service to a consumer in this state, shall 2420
request or submit, or cause to be requested or submitted, a 2421
change in the consumer's provider of natural gas service or 2422
public telecommunications service, without first obtaining, or 2423
causing to be obtained, the verified consent of the consumer. 2424
For the purpose of this division and with respect to public 2425
telecommunications service only, the procedures necessary for 2426
verifying the consent of a consumer shall be those prescribed by 2427
rule by the public utilities commission for public 2428
telecommunications service under division (D) of section 4905.72 2429
of the Revised Code. Also, for the purpose of this division, the 2430
act, omission, or failure of any officer, agent, or other 2431
individual, acting for or employed by another person, while 2432
acting within the scope of that authority or employment, is the 2433
act or failure of that other person. 2434

(2) Consistent with the exclusion, under 47 C.F.R. 2435
64.1100(a) (3), of commercial mobile radio service providers from 2436
the verification requirements adopted in 47 C.F.R. 64.1100, 2437
64.1150, 64.1160, 64.1170, 64.1180, and 64.1190 by the federal 2438
communications commission, division (E) (1) of this section does 2439
not apply to a provider of commercial mobile radio service 2440
insofar as such provider is engaged in the provision of 2441

commercial mobile radio service. However, when that exclusion no 2442
longer is in effect, division (E) (1) of this section shall apply 2443
to such a provider. 2444

(3) The attorney general may initiate criminal proceedings 2445
for a prosecution under division (C) of section 1345.99 of the 2446
Revised Code by presenting evidence of criminal violations to 2447
the prosecuting attorney of any county in which the offense may 2448
be prosecuted. If the prosecuting attorney does not prosecute 2449
the violations, or at the request of the prosecuting attorney, 2450
the attorney general may proceed in the prosecution with all the 2451
rights, privileges, and powers conferred by law on prosecuting 2452
attorneys, including the power to appear before grand juries and 2453
to interrogate witnesses before grand juries. 2454

(F) Concerning a consumer transaction in connection with a 2455
residential mortgage, and without limiting the scope of division 2456
(A) or (B) of this section, the act of a supplier in doing 2457
either of the following is deceptive: 2458

(1) Knowingly failing to provide disclosures required 2459
under state and federal law; 2460

(2) Knowingly providing a disclosure that includes a 2461
material misrepresentation. 2462

(G) Without limiting the scope of division (A) of this 2463
section, the failure of a supplier to obtain or maintain any 2464
registration, license, bond, or insurance required by state law 2465
or local ordinance for the supplier to engage in the supplier's 2466
trade or profession is an unfair or deceptive act or practice. 2467

Sec. 1345.03. (A) No supplier shall commit an 2468
unconscionable act or practice in connection with a consumer 2469
transaction. Such an unconscionable act or practice by a 2470

supplier violates this section whether it occurs before, during, 2471
or after the transaction. 2472

(B) In determining whether an act or practice is 2473
unconscionable, the following circumstances shall be taken into 2474
consideration: 2475

(1) Whether the supplier has knowingly taken advantage of 2476
the inability of the consumer reasonably to protect the 2477
consumer's interests because of the consumer's physical or 2478
mental infirmities, ignorance, illiteracy, or inability to 2479
understand the language of an agreement; 2480

(2) Whether the supplier knew at the time the consumer 2481
transaction was entered into that the price was substantially in 2482
excess of the price at which similar property or services were 2483
readily obtainable in similar consumer transactions by like 2484
consumers; 2485

(3) Whether the supplier knew at the time the consumer 2486
transaction was entered into of the inability of the consumer to 2487
receive a substantial benefit from the subject of the consumer 2488
transaction; 2489

(4) Whether the supplier knew at the time the consumer 2490
transaction was entered into that there was no reasonable 2491
probability of payment of the obligation in full by the 2492
consumer; 2493

(5) Whether the supplier required the consumer to enter 2494
into a consumer transaction on terms the supplier knew were 2495
substantially one-sided in favor of the supplier; 2496

(6) Whether the supplier knowingly made a misleading 2497
statement of opinion on which the consumer was likely to rely to 2498
the consumer's detriment; 2499

(7) Whether the supplier has, without justification, 2500
refused to make a refund in cash or by check for a returned item 2501
that was purchased with cash or by check, unless the supplier 2502
had conspicuously posted in the establishment at the time of the 2503
sale a sign stating the supplier's refund policy. 2504

(C) This section does not apply to a consumer transaction 2505
in connection with the origination of a residential mortgage. 2506

Sec. 1345.031. (A) No supplier shall commit an 2507
unconscionable act or practice concerning a consumer transaction 2508
in connection with the origination of a residential mortgage. 2509
Such an unconscionable act or practice by a supplier violates 2510
this section whether it occurs before, during, or after the 2511
transaction. 2512

(B) For purposes of division (A) of this section, the 2513
following acts or practices of a supplier in connection with 2514
such a transaction are unconscionable: 2515

(1) Arranging for or making a mortgage loan that provides 2516
for an interest rate applicable after default that is higher 2517
than the interest rate that applies before default, excluding 2518
rates of interest for judgments applicable to the mortgage loan 2519
under section 1343.02 or 1343.03 of the Revised Code and also 2520
excluding interest rate changes in a variable rate loan 2521
transaction otherwise consistent with the provisions of the loan 2522
documents; 2523

(2) Engaging in a pattern or practice of providing 2524
consumer transactions to consumers based predominantly on the 2525
supplier's realization of the foreclosure or liquidation value 2526
of the consumer's collateral without regard to the consumer's 2527
ability to repay the loan in accordance with its terms, provided 2528

that the supplier may use any reasonable method to determine a 2529
borrower's ability to repay; 2530

(3) Making a consumer transaction that permits the 2531
creditor to demand repayment of the outstanding balance of a 2532
mortgage loan, in advance of the original maturity date unless 2533
the creditor does so in good faith due to the consumer's failure 2534
to abide by the material terms of the loan. 2535

(4) Knowingly replacing, refinancing, or consolidating a 2536
zero interest rate or other low-rate mortgage loan made by a 2537
governmental or nonprofit lender with another loan unless the 2538
current holder of the loan consents in writing to the 2539
refinancing and the consumer presents written certification from 2540
~~a third party~~ third party nonprofit organization counselor 2541
approved by the United States department of housing and urban 2542
development or the superintendent of financial institutions that 2543
the consumer received counseling on the advisability of the loan 2544
transaction. For purposes of division (B) (4) of this section, a 2545
"low-rate mortgage loan" means a mortgage loan that carries a 2546
current interest rate two percentage points or more below the 2547
current yield on United States treasury securities with a 2548
comparable maturity. If the loan's current interest rate is 2549
either a discounted introductory rate or a rate that 2550
automatically steps up over time, the fully indexed rate or the 2551
fully stepped-up rate, as applicable, shall be used, in lieu of 2552
the current rate, to determine whether a loan is a low-rate 2553
mortgage loan. 2554

(5) Instructing the consumer to ignore the supplier's 2555
written information regarding the interest rate and dollar value 2556
of points because they would be lower for the consumer's 2557
consumer transaction; 2558

(6) Recommending or encouraging a consumer to default on a mortgage or any consumer transaction or revolving credit loan agreement~~r~~. This practice also shall constitute an unconscionable act or practice in connection with a consumer transaction under section 1345.03 of the Revised Code.

(7) Charging a late fee more than once with respect to a single late payment. If a late payment fee is deducted from a payment made on the loan and such deduction causes a subsequent default on a subsequent payment, no late payment fee may be imposed for such default. If a late payment fee has been imposed once with respect to a particular late payment, no such fee may be imposed with respect to any future payment that would have been timely and sufficient but for the previous default. This practice also shall constitute an unconscionable act or practice in connection with a consumer transaction under section 1345.03 of the Revised Code.

(8) Failing to disclose to the consumer at the closing of the consumer transaction that a consumer is not required to complete a consumer transaction merely because the consumer has received prior estimates of closing costs or has signed an application and should not close a loan transaction that contains different terms and conditions than those the consumer was promised;

(9) Arranging for or making a consumer transaction that includes terms under which more than two periodic payments required under the consumer transaction are consolidated and paid in advance from the loan proceeds provided to the consumer;

(10) Knowingly compensating, instructing, inducing, coercing, or intimidating, or attempting to compensate, instruct, induce, coerce, or intimidate, a person licensed or

certified under Chapter 4763. of the Revised Code for the 2589
purpose of corrupting or improperly influencing the independent 2590
judgment of the person with respect to the value of the dwelling 2591
offered as security for repayment of a mortgage loan; 2592

(11) Financing, directly or indirectly, any credit, life, 2593
disability, or unemployment insurance premiums, any other life 2594
or health insurance premiums, or any debt collection agreement. 2595
Insurance premiums calculated and paid on a monthly basis shall 2596
not be considered financed by the lender. 2597

(12) Knowingly or intentionally engaging in the act or 2598
practice of "flipping" a mortgage loan. "Flipping" a mortgage 2599
loan is making a mortgage loan that refinances an existing 2600
mortgage loan when the new loan does not have reasonable, 2601
tangible net benefit to the consumer considering all of the 2602
circumstances, including the terms of both the new and 2603
refinanced loans, the cost of the new loan, and the consumer's 2604
circumstances. This provision applies regardless of whether the 2605
interest rate, points, fees, and charges paid or payable by the 2606
consumer in connection with the refinancing exceed any 2607
thresholds specified in any section of the Revised Code. 2608

(13) Knowingly taking advantage of the inability of the 2609
consumer to reasonably protect the consumer's interests because 2610
of the consumer's known physical or mental infirmities or 2611
illiteracy; 2612

(14) Entering into the consumer transaction knowing there 2613
was no reasonable probability of payment of the obligation by 2614
the consumer; 2615

(15) Attempting to enforce, by means not limited to a 2616
court action, a prepayment penalty in violation of division (C) 2617

(2) of section 1343.011 of the Revised Code~~r~~. This practice also shall constitute an unconscionable act or practice in connection with a consumer transaction under section 1345.03 of the Revised Code.

(16) Engaging in an act or practice deemed unconscionable by rules adopted by the attorney general pursuant to division (B) (2) of section 1345.05 of the Revised Code.

(C) (1) Any unconscionable arbitration clause, unconscionable clause requiring the consumer to pay the supplier's attorney's fees, or unconscionable liquidated damages clause included in a mortgage loan contract is unenforceable.

(2) No supplier shall do either of the following:

(a) Attempt to enforce, by means not limited to a court action, any clause described in division (C) (1) of this section;

(b) By referring to such a clause, attempt to induce the consumer to take any action desired by the supplier.

Sec. 1345.07. (A) If the attorney general, by the attorney general's own inquiries or as a result of complaints, has reasonable cause to believe that a supplier has engaged or is engaging in an act or practice that violates this chapter, and that the action would be in the public interest, the attorney general may bring any of the following:

(1) An action to obtain a declaratory judgment that the act or practice violates section 1345.02, 1345.03, or 1345.031 of the Revised Code;

(2) (a) An action, with notice as required by Civil Rule 65, to obtain a temporary restraining order, preliminary injunction, or permanent injunction to restrain the act or

practice. If the attorney general shows by a preponderance of 2646
the evidence that the supplier has violated or is violating 2647
section 1345.02, 1345.03, or 1345.031 of the Revised Code, the 2648
court may issue a temporary restraining order, preliminary 2649
injunction, or permanent injunction to restrain and prevent the 2650
act or practice. 2651

(b) (i) Except as provided in division (A) (2) (b) (ii) of 2652
this section, on motion of the attorney general, or on its own 2653
motion, the court may impose a civil penalty of not more than 2654
five thousand dollars for each day of violation of a temporary 2655
restraining order, preliminary injunction, or permanent 2656
injunction issued under this section, if the supplier received 2657
notice of the action. The civil penalties shall be paid as 2658
provided in division (G) of this section. 2659

(ii) If the court issues under this section a temporary 2660
restraining order, preliminary injunction, or permanent 2661
injunction to restrain and prevent an act or practice that is a 2662
violation of section 1345.02 and division (A) of section 1349.81 2663
of the Revised Code, on motion of the attorney general, or on 2664
its own motion, the court may impose a civil penalty of not less 2665
than five thousand dollars and not more than fifteen thousand 2666
dollars for each day of violation of the temporary restraining 2667
order, preliminary injunction, or permanent injunction, if the 2668
supplier received notice of the action. The civil penalties 2669
shall be paid as provided in division (G) of this section. 2670

(c) Upon the commencement of an action under division (A) 2671
(2) of this section against a supplier who operates under a 2672
license, permit, certificate, commission, or other authorization 2673
issued by the supreme court or by a board, commission, 2674
department, division, or other agency of this state, the 2675

attorney general shall immediately notify the supreme court or 2676
agency that such an action has been commenced against the 2677
supplier. 2678

(3) A class action under Civil Rule 23, as amended, on 2679
behalf of consumers who have engaged in consumer transactions in 2680
this state for damage caused by: 2681

(a) An act or practice enumerated in division (B) ~~or (D)~~ or (G) 2682
of section 1345.02 of the Revised Code; 2683

(b) Violation of a rule adopted under division (B) (2) of 2684
section 1345.05 of the Revised Code before the consumer 2685
transaction on which the action is based; 2686

(c) An act or practice determined by a court of this state 2687
to violate section 1345.02, 1345.03, or 1345.031 of the Revised 2688
Code and committed after the decision containing the 2689
determination has been made available for public inspection 2690
under division (A) (3) of section 1345.05 of the Revised Code. 2691

(B) On motion of the attorney general and without bond, in 2692
the attorney general's action under this section, the court may 2693
make appropriate orders, including appointment of a referee or a 2694
receiver, for sequestration of assets, to reimburse consumers 2695
found to have been damaged, to carry out a transaction in 2696
accordance with a consumer's reasonable expectations, to strike 2697
or limit the application of unconscionable clauses of contracts 2698
so as to avoid an unconscionable result, or to grant other 2699
appropriate relief. The court may assess the expenses of a 2700
referee or receiver against the supplier. 2701

(C) Any moneys or property recovered by the attorney 2702
general in an action under this section that cannot with due 2703
diligence within five years be restored by a referee to 2704

consumers shall be unclaimed funds reportable under Chapter 169. 2705
of the Revised Code. 2706

(D) In addition to the other remedies provided in this 2707
section, if the violation is an act or practice that was 2708
declared to be unfair, deceptive, or unconscionable by rule 2709
adopted pursuant to division (B) (2) of section 1345.05 of the 2710
Revised Code before the consumer transaction on which the action 2711
is based occurred or an act or practice that was determined by a 2712
court of this state to violate section 1345.02, 1345.03, or 2713
1345.031 of the Revised Code and committed after the decision 2714
containing the court's determination was made available for 2715
public inspection pursuant to division (A) (3) of section 1345.05 2716
of the Revised Code, the attorney general may request and the 2717
court may impose a civil penalty of not more than twenty-five 2718
thousand dollars against the supplier. The civil penalties shall 2719
be paid as provided in division (G) of this section. 2720

(E) No action may be brought by the attorney general under 2721
this section to recover for a transaction more than two years 2722
after the occurrence of a violation. 2723

(F) If a court determines that provision has been made for 2724
reimbursement or other appropriate corrective action, insofar as 2725
practicable, with respect to all consumers damaged by a 2726
violation, or in any other appropriate case, the attorney 2727
general, with court approval, may terminate enforcement 2728
proceedings brought by the attorney general upon acceptance of 2729
an assurance from the supplier of voluntary compliance with 2730
Chapter 1345. of the Revised Code, with respect to the alleged 2731
violation. The assurance shall be filed with the court and 2732
entered as a consent judgment. Except as provided in division 2733
(A) of section 1345.10 of the Revised Code, a consent judgment 2734

is not evidence of prior violation of such chapter. Disregard of 2735
the terms of a consent judgment entered upon an assurance shall 2736
be treated as a violation of an injunction issued under this 2737
section. 2738

(G) Civil penalties ordered pursuant to divisions (A) and 2739
(D) of this section shall be paid as follows: one-fourth of the 2740
amount to the treasurer of the county in which the action is 2741
brought and three-fourths to the consumer protection enforcement 2742
fund created by section 1345.51 of the Revised Code. 2743

(H) The remedies available to the attorney general under 2744
this section are cumulative and concurrent, and the exercise of 2745
one remedy by the attorney general does not preclude or require 2746
the exercise of any other remedy. The attorney general is not 2747
required to use any procedure set forth in section 1345.06 of 2748
the Revised Code prior to the exercise of any remedy set forth 2749
in this section. 2750

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of 2751
the Revised Code: 2752

(A) "Home solicitation sale" means a sale of consumer 2753
goods or services in which the seller or a person acting for the 2754
seller engages in a personal solicitation of the sale at a 2755
residence of the buyer, including solicitations in response to 2756
or following an invitation by the buyer, and the buyer's 2757
agreement or offer to purchase is there given to the seller or a 2758
person acting for the seller, or in which the buyer's agreement 2759
or offer to purchase is made at a place other than the seller's 2760
place of business. It does not include a transaction or 2761
transactions in which: 2762

(1) The total purchase price to be paid by the buyer, 2763

whether under single or multiple contracts, is less than twenty- 2764
five dollars; 2765

(2) The transaction was conducted and consummated entirely 2766
by mail or by telephone if initiated by the buyer, and without 2767
any other contact between the seller or the seller's 2768
representative prior to the delivery of goods or performance of 2769
the service; 2770

(3) The final agreement is made pursuant to prior 2771
negotiations in the course of a visit by the buyer to a retail 2772
business establishment having a fixed permanent location where 2773
the goods are exhibited or the services are offered for sale on 2774
a continuing basis; 2775

(4) The buyer initiates the contact between the parties 2776
for the purpose of negotiating a purchase and the seller has a 2777
business establishment at a fixed location in this state where 2778
the goods or services involved in the transaction are regularly 2779
offered or exhibited for sale. 2780

Advertisements by such a seller in newspapers, magazines, 2781
catalogues, radio, or television do not constitute the seller 2782
initiation of the contact. 2783

(5) The buyer initiates the contact between the parties, 2784
the goods or services are needed to meet a bona fide immediate 2785
personal emergency of the buyer which will jeopardize the 2786
welfare, health, or safety of natural persons, or endanger 2787
property which the buyer owns or for which the buyer is 2788
responsible, and the buyer furnishes the seller with a separate, 2789
dated, and signed statement in the buyer's handwriting 2790
describing the situation requiring immediate remedy and 2791
expressly acknowledging and waiving the right to cancel the sale 2792

within three business days;	2793
(6) The buyer has initiated the contact between the parties and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If, in the course of such a visit, the seller sells the buyer additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion.	2794 2795 2796 2797 2798 2799 2800 2801 2802
(7) The buyer is accorded the right of rescission by the "Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 1635, or regulations adopted pursuant to it.	2803 2804 2805
(B) "Sale" includes a lease or rental.	2806
(C) "Seller" includes a lessor or anyone offering goods for rent.	2807 2808
(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.	2809 2810
(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.	2811 2812 2813 2814
(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:	2815 2816
(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;	2817 2818 2819 2820

(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;	2821 2822
(3) The sale of securities or commodities by a securities dealer or salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;	2823 2824 2825
(4) The sale of insurance by a person licensed by the superintendent of insurance;	2826 2827
(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;	2828 2829 2830
(6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code.	2831 2832 2833
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	2834 2835 2836
(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.	2837 2838
(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, <u>Martin Luther King day</u> , Presidents' day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day.	2839 2840 2841 2842 2843
Sec. 1345.23. (A) Every home solicitation sale shall be evidenced by a written agreement or offer to purchase in the same language as that principally used in the oral sales presentation and shall contain the name and address of the seller. The seller shall present the writing to the buyer and	2844 2845 2846 2847 2848

obtain the buyer's signature to it. The writing shall state the date on which the buyer actually signs. The seller shall leave with the buyer a copy of the writing which has been signed by the seller and complies with division (B) of this section.

(B) In connection with every home ~~solicitation~~ solicitation sale:

(1) The following statement shall appear clearly and conspicuously on the copy of the contract left with the buyer in bold-face type of the minimum size of ten points, in substantially the following form and in immediate proximity to the space reserved in the contract for the signature of the buyer: "You, the buyer, may cancel this transaction at any time prior to midnight of the third ~~business~~ business day after the date of this transaction. See the attached notice of cancellation for an explanation of this right."

(2) A completed form, in duplicate, captioned "notice of cancellation", shall be attached to the contract signed by the buyer and be easily detachable, and shall contain in ten-point, bold-face type, the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

.....

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument

executed by you will be returned within ten business days 2877
following receipt by the seller of your cancellation notice, and 2878
any security interest arising out of the transaction will be 2879
cancelled. 2880

If you cancel, you must make available to the seller at your 2881
residence, in substantially as good condition as when received, 2882
any goods delivered to you under this contract or sale; or you 2883
may if you wish, comply with the instructions of the seller 2884
regarding the return shipment of the goods at the seller's 2885
expense and risk. 2886

If you do make the goods available to the seller and the seller 2887
does not pick them up within twenty days of the date of your 2888
notice of cancellation, you may retain or dispose of the goods 2889
without any further obligation. If you fail to make the goods 2890
available to the seller, or if you agree to return the goods to 2891
the seller and fail to do so, then you remain liable for 2892
performance of all obligations under the contract. 2893

To cancel this transaction, mail, with return receipt requested, 2894
or deliver, in person or manually, a signed and dated copy of 2895
this cancellation notice or any other written notice of 2896
cancellation, or send ~~a telegram~~ notice by facsimile 2897
transmission or electronic mail, to (Name of 2898
seller), at (address, electronic mail address, 2899
or facsimile number of seller's place of business) not later 2900
than midnight of (Date) 2901

I hereby cancel this transaction. 2902

..... 2903

Date 2904

(Buyer's signature) 2905

..... 2906

(3) Before furnishing copies of the notice of cancellation 2907
to the buyer, the seller shall complete both copies by entering 2908
the name of the seller, the address, electronic mail address, or 2909
facsimile number of the seller's place of business, the date of 2910
the transaction which is the date the buyer signed the contract 2911
and the date, not earlier than the third business day following 2912
the date of the transaction, by which the buyer may give notice 2913
of cancellation. 2914

(4) A home solicitation sales contract which contains the 2915
notice of buyer's right to cancel and notice of cancellation in 2916
the form and language provided in the federal trade commission's 2917
trade regulation rule providing a cooling-off period for door- 2918
to-door sales shall be deemed to comply with the requirements of 2919
divisions (B) (1), (2), and (3) of this section with respect to 2920
the form and language of such notices so long as the federal 2921
trade commission language provides at least equal information to 2922
the consumer concerning ~~his~~ the consumer's right to cancel as is 2923
required by divisions (B) (1), (2), and (3) of this section. 2924

(C) Until the seller has complied with divisions (A) and 2925
(B) of this section the buyer may cancel the home solicitation 2926
sale by ~~notifying~~ delivering to the seller by mailing, 2927
~~delivering, or telegraphing~~ certified mail, return receipt 2928
requested, personal or manual delivery, facsimile transmission, 2929
or electronic mail, written notice to the seller of ~~his~~ the 2930
buyer's intention to cancel. The three--day period prescribed by 2931
section 1345.22 of the Revised Code begins to run from the time 2932
the seller complies with divisions (A) and (B) of this section. 2933

(D) In connection with any home solicitation sale, no 2934
seller shall: 2935

(1) Include in any home solicitation sales contract, any 2936
confession of judgment or any waiver of any rights to which the 2937
buyer is entitled under this section, including specifically ~~his~~ 2938
the buyer's right to cancel the sale in accordance with this 2939
section. 2940

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 2941
of signing the contract for the goods or services, of ~~his~~ the 2942
buyer's right to cancel. 2943

(3) Misrepresent in any manner the buyer's right to 2944
cancel. 2945

(4) Fail or refuse to honor any valid notice of 2946
cancellation by a buyer and within ten business days after 2947
receipt of such notice to: 2948

(a) Refund all payments made under the contract or sale; 2949

(b) Return any goods or property traded in, in 2950
substantially as good condition as when received by the seller; 2951

(c) Cancel and return any note, negotiable instrument, or 2952
other evidence of indebtedness executed by the buyer in 2953
connection with the contract or sale and take any action 2954
necessary or appropriate to reflect the termination of any 2955
security interest or lien created under the sale or offer to 2956
purchase. 2957

(5) Negotiate, transfer, sell, or assign any note or other 2958
evidence of indebtedness to a finance company or other third 2959
party prior to midnight of the fifth business day following the 2960
day the contract for the goods or services was signed. 2961

(6) Fail to notify the buyer, within ten business days of 2962
receipt of the buyer's notice of cancellation, whether the 2963

seller intends to repossess or abandon any shipped or delivered goods. 2964
2965

Sec. 1345.24. In a home solicitation sale, the seller 2966
shall retain, for the period in which an action to enforce the 2967
sale could be commenced, any notice of cancellation made 2968
pursuant to section 1345.22 of the Revised Code. The seller 2969
shall also retain ~~the~~any envelope in which ~~any~~a notice of 2970
cancellation is sent or delivered. If the date of delivery is 2971
not indicated or recorded on the notice of cancellation or on 2972
the envelope, the seller shall record the date of delivery on 2973
the notice of cancellation. 2974

Sec. 1345.43. ~~(A)~~—In addition to any right otherwise to 2975
revoke an offer or to terminate or cancel a sale or contract, 2976
the buyer has the right to cancel a prepaid entertainment 2977
contract until midnight of the third business day after the date 2978
on which the first service under the contract is available, and 2979
if the facility or service that is the subject of the contract 2980
is not available at the time that the buyer signs the contract, 2981
the buyer has until midnight of the seventh business day after 2982
the date on which the first service under the contract is 2983
available to cancel the contract. Cancellation is evidenced by 2984
the buyer giving written notice of cancellation to the seller at 2985
the address of any facility available for use by the buyer under 2986
the contract, the seller's electronic mail address, or the 2987
seller's facsimile number. The buyer shall deliver the notice by 2988
~~telegram,~~ manual delivery, personal delivery, or by certified 2989
mail delivery, return receipt requested, electronic mail, or 2990
facsimile transmission. Notice of cancellation by certified mail 2991
delivery shall be effective upon the date of post marking. 2992
~~Telegram~~Electronic mail delivery is effective when the ~~telegram~~ 2993
electronic mail is ordered sent to the seller's electronic mail 2994

address. Facsimile delivery is effective when the facsimile is 2995
sent to the seller's facsimile number and the consumer has 2996
received confirmation of the facsimile transmission. Manual 2997
delivery or personal delivery is effective when delivered to the 2998
seller or to the seller's address, whichever comes first. Notice 2999
of cancellation need not take a particular form and is 3000
sufficient if it indicates, by any form of written expression, 3001
the intention of the buyer not to be bound by the contract. 3002
Notice of the buyer's right to cancel must appear on all notes 3003
or other evidence of indebtedness given pursuant to any prepaid 3004
entertainment contract. 3005

Sec. 1345.44. (A) Every prepaid entertainment contract 3006
shall state the date on which the buyer actually signs. The 3007
seller shall give the buyer a copy of the contract that has been 3008
signed by the seller and complies with division (B) of this 3009
section. 3010

(B) All of the following apply to any prepaid 3011
entertainment contract: 3012

(1) A completed form, in duplicate, captioned "notice of 3013
cancellation," shall be attached to the contract signed by the 3014
buyer and be easily detachable and shall contain in ten-point 3015
boldface type, the following statement: 3016

"NOTICE OF CANCELLATION 3017

(Enter date of contract) 3018

..... 3019

(Date) 3020

You may cancel this contract for any reason at any time 3021
prior to midnight of the third business day after the date on 3022

which the first service under the contract is available, and if 3023
the facility or services that is the subject of the contract is 3024
not available when you sign the contract, you may cancel the 3025
contract at any time prior to midnight of the seventh business 3026
day after the date on which you receive your first service under 3027
the contract. If you cancel within this period, the seller must 3028
send you a full refund of any money you have paid, except that a 3029
reasonable expense fee not to exceed ten dollars may be charged 3030
if you have received your first service under the contract. The 3031
seller must also cancel and return to you within twenty business 3032
days any papers that you have signed. 3033

To cancel this contract you must deliver in person, 3034
manually, ~~or~~ by certified mail, return receipt requested, or by 3035
facsimile transmission, the signed and dated copy of this 3036
cancellation notice or any other written notice of cancellation, 3037
or send ~~a telegram~~ an electronic mail message, to (name of 3038
seller), at (the address of any facility of the seller available 3039
for use by ~~you~~ the buyer, the seller's facsimile number, or the 3040
seller's electronic mail address) not later than midnight of the 3041
third business day after the date on which the first service 3042
under the contract is available, and if the facility or service 3043
that is the subject of the contract is not available when the 3044
contract was signed, not later than midnight of the seventh 3045
business day after the date on which the first service under the 3046
contract is available. 3047

I hereby cancel this contract. 3048

..... 3049

(Date) 3050

..... 3051

(Buyer's signature)" 3052

(2) Before furnishing copies of the notice of cancellation 3053
to the buyer, the seller shall complete both copies by entering 3054
the name of the seller, the address of the ~~seller's place of~~ 3055
business facility available for use by the buyer, the seller's 3056
facsimile number, or the seller's electronic mail address, and 3057
the date of the contract. 3058

(C) Until the seller has complied with this section, the 3059
buyer may cancel the contract by delivering to the seller by 3060
certified mail, personal or manual delivery, facsimile 3061
transmission, or telegraphing electronic mail, written notice to 3062
the seller of ~~his~~ the buyer's intention to cancel. The period 3063
within which the buyer may cancel the contract prescribed by 3064
this section begins to run from the time ~~of~~ the seller complies 3065
with divisions (A) and (B) of this section. 3066

(D) In any prepaid entertainment contract no seller shall: 3067

(1) Include in any contract, any confession of judgment or 3068
any waiver of any rights to which the buyer is entitled under 3069
this section, including specifically ~~his~~ the right to cancel the 3070
contract in accordance with this section; 3071

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 3072
of signing the contract, of ~~his~~ the right to cancel; 3073

(3) Misrepresent in any manner the buyer's right to 3074
cancel; 3075

(4) Fail or refuse to honor any valid notice of 3076
cancellation by a buyer and within ten business days after 3077
receipt of the notice to: 3078

(a) Refund all payments made under the contract, except 3079

that if the buyer has received ~~his~~ the buyer's first service 3080
under the contract the seller may retain or bill the buyer for 3081
ten dollars; 3082

(b) Cancel and return any note, negotiable instrument, or 3083
other evidence of indebtedness executed by the buyer in 3084
connection with the contract and take any action necessary to 3085
reflect the termination of any security interest or lien created 3086
under the contract; 3087

(c) Notify the buyer if the seller intends to repossess or 3088
abandon any evidence of membership or other goods provided to 3089
the buyer by the seller pursuant to the contract. 3090

(E) If there is in effect an earlier prepaid entertainment 3091
contract, this section and section 1345.43 of the Revised Code 3092
apply to a transaction in which the seller and the buyer enter 3093
into a new prepaid entertainment contract, or a modification of 3094
the earlier contract. 3095

Sec. 1349.43. (A) As used in this section, "loan officer," 3096
"mortgage broker," and "nonbank mortgage lender" have the same 3097
meanings as in section 1345.01 of the Revised Code. 3098

(B) The department of commerce shall establish and 3099
maintain an electronic database accessible through the internet 3100
that contains information on all of the following: 3101

(1) The enforcement actions taken by the superintendent of 3102
financial institutions for each violation of or failure to 3103
comply with any provision of sections 1322.01 to 1322.12 of the 3104
Revised Code, upon final disposition of the action; 3105

(2) The enforcement actions taken by the attorney general 3106
under Chapter 1345. of the Revised Code against loan officers, 3107
mortgage brokers, and nonbank mortgage lenders, upon final 3108

disposition of each action; 3109

(3) All judgments by courts of this state, concerning 3110
which appellate remedies have been exhausted or lost by the 3111
expiration of the time for appeal, finding either of the 3112
following: 3113

(a) A violation of any provision of sections 1322.01 to 3114
1322.12 of the Revised Code; 3115

(b) That specific acts or practices by a loan officer, 3116
mortgage broker, or nonbank mortgage lender violate section 3117
1345.02, 1345.03, or 1345.031 of the Revised Code. 3118

(C) The attorney general shall ~~submit to~~ notify the 3119
department, ~~on the first day of each January, April, July, and~~ 3120
~~October, a list~~ of all enforcement actions and judgments 3121
described in divisions (B) (2) and (3) (b) of this section. 3122

(D) The department may adopt rules in accordance with 3123
Chapter 119. of the Revised Code that are necessary to implement 3124
this section. 3125

(E) The electronic database maintained by the department 3126
in accordance with this section shall not include information 3127
that, pursuant to section 1322.061 of the Revised Code, is 3128
confidential. 3129

Sec. 1716.02. (A) Every charitable organization, except 3130
those exempted under section 1716.03 of the Revised Code, that 3131
intends to solicit contributions in this state by any means or 3132
have contributions solicited in this state on its behalf by any 3133
other person, charitable organization, commercial co-venturer, 3134
or professional solicitor, or that participates in a charitable 3135
sales promotion, prior to engaging in any of these activities 3136
and annually thereafter, shall file a registration statement 3137

with the attorney general upon a form prescribed by the attorney 3138
general. Each chapter, branch, or affiliate of a charitable 3139
organization that is required to file a registration statement 3140
under this section either shall file a separate registration 3141
statement or report the necessary information to its parent 3142
charitable organization that then shall file a consolidated 3143
registration statement. The annual registration statement shall 3144
be refiled on or before the fifteenth day of the fifth calendar 3145
month after the close of each fiscal year in which the 3146
charitable organization solicited in this state, or by the date 3147
of any applicable extension of the federal filing date, 3148
whichever is later. No charitable organization that is required 3149
to register under this chapter prior to registration, shall 3150
solicit contributions in this state by any means, have 3151
contributions solicited in this state on its behalf by any other 3152
person, charitable organization, commercial co-venturer, or 3153
professional solicitor, or participate in a charitable sales 3154
promotion. 3155

(B) The registration statement shall be signed and sworn 3156
to under penalties of perjury by the treasurer or chief fiscal 3157
officer of the charitable organization and shall contain the 3158
following information: 3159

(1) The name of the charitable organization, the purpose 3160
for which it is organized, and the name or names under which it 3161
intends to solicit contributions; 3162

(2) The address and telephone number of the principal 3163
place of business of the charitable organization and the address 3164
and telephone number of every office, chapter, branch, or 3165
affiliate of the charitable organization located in this state 3166
or, if the charitable organization does not maintain an office 3167

in this state, the name, address, and telephone number of the 3168
person that has custody of its financial records; 3169

(3) The names and addresses of the officers, directors, 3170
trustees, and executive personnel of the charitable 3171
organization; 3172

(4) The annual financial report of the charitable 3173
organization for the immediately preceding fiscal year as 3174
required under section 1716.04 of the Revised Code; 3175

(5) The last day of the fiscal year for the charitable 3176
organization; 3177

(6) A statement of whether the charitable organization is 3178
registered with or otherwise authorized by any other 3179
governmental authority in this state or another state to solicit 3180
contributions; 3181

(7) A statement of whether the charitable organization has 3182
had its registration or authority denied, suspended, revoked, or 3183
enjoined by any court or other governmental authority in this 3184
state or another state; 3185

(8) A statement of whether the charitable organization 3186
intends to solicit contributions from the public directly by 3187
using its own resources or to have solicitations made on its 3188
behalf through the use of another charitable organization, fund- 3189
raising counsel, professional solicitors, or commercial co- 3190
venturers; 3191

(9) The names, addresses, and the telephone numbers of any 3192
other charitable organization, fund-raising counsel, 3193
professional solicitors, and commercial co-venturers who act or 3194
will act on behalf of the charitable organization, together with 3195
a statement setting forth the specific terms of the arrangements 3196

for salaries, bonuses, commissions, expenses, or other 3197
remunerations to be paid the other charitable organization, 3198
fund-raising counsel, professional solicitors, and commercial 3199
co-venturers. If any of the information required by division (B) 3200
(9) of this section is not available at the time of 3201
registration, that information shall be submitted to the 3202
attorney general at a later date but before any solicitation 3203
occurs. 3204

(10) The charitable purpose or purposes for which the 3205
contributions to be solicited will be used; 3206

(11) The names, addresses, and telephone numbers of the 3207
persons within the charitable organization that will have final 3208
responsibility for the custody of the contributions; 3209

(12) The names of the persons within the charitable 3210
organization that will be responsible for the final distribution 3211
of the contributions; 3212

(13) The period of time during which, and the counties in 3213
which, the solicitation is planned to be conducted; 3214

(14) A schedule of the activities carried on by the 3215
charitable organization in the performance of its purposes; 3216

(15) Any other information that the attorney general may, 3217
by rule, require. 3218

(C) (1) With the initial registration only, every 3219
charitable organization that is required to register under this 3220
chapter also shall file with the attorney general the following: 3221

(a) A copy of the current charter, articles of 3222
incorporation, agreement of association, instrument of trust, 3223
constitution, or other organizational instrument, and a copy of 3224

the bylaws of the charitable organization; 3225

(b) A statement setting forth the place where and the date 3226
when the charitable organization was legally established, the 3227
form of its organization, and its tax exempt status, with a copy 3228
of its federal tax exemption determination letter. 3229

(2) (a) With the next annual registration statement filed 3230
after its adoption, the charitable organization shall file with 3231
the attorney general a copy of any amendment to its 3232
organizational instrument as specified in division (C) (1) (a) of 3233
this section and a copy of any amendment to its bylaws. 3234

(b) Within thirty days after its receipt, the charitable 3235
organization shall file with the attorney general a copy of any 3236
federal tax exemption determination letter or any correspondence 3237
rescinding its tax exempt status that is received after the 3238
initial registration. Not later than thirty days after being 3239
notified by the internal revenue service of any challenge to or 3240
investigation of its continued entitlement to federal tax 3241
exemption, the charitable organization shall notify the attorney 3242
general of this fact. 3243

(D) (1) Except as otherwise provided in division (D) (2) of 3244
this section, every charitable organization that is required to 3245
register under this chapter shall pay the following fees with 3246
each registration: 3247

(a) Fifty dollars, if the contributions received for the 3248
last calendar or fiscal year were five thousand dollars or more 3249
but less than twenty-five thousand dollars; 3250

(b) One hundred dollars, if the contributions received for 3251
the last calendar or fiscal year were twenty-five thousand 3252
dollars or more but less than fifty thousand dollars; 3253

(c) Two hundred dollars, if the contributions received for 3254
the last calendar or fiscal year were fifty thousand dollars or 3255
more. 3256

(2) A charitable organization that is required to register 3257
under this chapter and whose contributions received for the last 3258
calendar or fiscal year were less than five thousand dollars 3259
shall not pay any registration fee. 3260

(3) The amount of registration fees that a charitable 3261
organization is required to pay under division (D) (1) of this 3262
section shall be based on the amount of contributions that it 3263
receives from persons in this state. If, for any reporting year, 3264
a charitable organization cannot determine from its records the 3265
exact amount of contributions it received from persons in this 3266
state, it shall compute the amount of the registration fee upon 3267
the estimated amount of contributions it received from persons 3268
in this state, with the estimated amount to be explained in 3269
writing at the time the registration fee is paid. At the request 3270
of the attorney general, the charitable organization shall 3271
substantiate the estimated amount of contributions it received 3272
from persons in this state. 3273

(4) All registration fees shall be paid into the state 3274
treasury to the credit of the charitable law fund established 3275
under section 109.32 of the Revised Code. 3276

(5) Any charitable organization that fails to pay the fee 3277
required by this section at the time required shall pay an 3278
additional fee of two hundred dollars, except that the attorney 3279
general may waive the two-hundred-dollar fee upon a showing that 3280
the charitable organization failed to pay the fee for filing the 3281
annual registration statement at the time required by this 3282
section for reasons that were beyond the control of the 3283

charitable organization. If the charitable organization is 3284
required to pay an additional fee under section 109.31 of the 3285
Revised Code, the charitable organization is exempt from paying 3286
the additional fee in this section. 3287

Sec. 1716.05. (A) No person shall act as a fund-raising 3288
counsel unless the person first has complied with the 3289
requirements of this chapter and any rules adopted under this 3290
chapter. 3291

(B) Any fund-raising counsel that at any time has custody 3292
of contributions from a solicitation shall do all of the 3293
following: 3294

(1) Register with the attorney general. Applications for 3295
registration or renewal of registration shall be in writing, 3296
under oath, and in the form prescribed by the attorney general, 3297
and shall be accompanied by a fee in the amount of two hundred 3298
dollars. Any corporation, partnership, association, or other 3299
entity that intends to act as a fund-raising counsel may 3300
register for and pay a single fee of two hundred dollars on 3301
behalf of all its members, officers, employees, and agents. In 3302
that case, the names and addresses of all the officers, 3303
employees, and agents of the fund-raising counsel and all other 3304
persons with whom the fund-raising counsel has contracted to 3305
work under its direction shall be listed in the application. The 3306
application shall contain any other information that the 3307
attorney general may require. The registration or renewal of 3308
registration shall be for a period of one year or part of one 3309
year and shall expire on the thirty-first day of March of each 3310
year. All fees prescribed in this division shall be paid into 3311
the state treasury to the credit of the charitable law fund 3312
established under section 109.32 of the Revised Code. 3313

(2) At the time of making an application for registration 3314
or renewal of registration, file with and have approved by the 3315
attorney general a bond in which the fund-raising counsel shall 3316
be the principal obligor, in the sum of twenty-five thousand 3317
dollars, with one or more sureties authorized to do business in 3318
this state. The fund-raising counsel shall maintain the bond in 3319
effect as long as the registration is in effect; however, the 3320
liability of the surety under the bond shall not exceed an all- 3321
time aggregate liability of twenty-five thousand dollars. The 3322
bond, which may be in the form of a rider to a larger blanket 3323
liability bond, shall run to the state and to any person who may 3324
have a cause of action against the principal obligor of the bond 3325
for any liability arising out of a violation by the obligor of 3326
any provision of this chapter or any rule adopted pursuant to 3327
this chapter. 3328

(3) Not later than ninety days after a solicitation 3329
campaign has been completed and on the anniversary of the 3330
commencement of a solicitation campaign lasting more than one 3331
year, furnish an accounting of all contributions collected and 3332
expenses paid, to the charitable organization with which the 3333
fund-raising counsel has contracted. The accounting shall be in 3334
writing and shall be retained by the charitable organization for 3335
three years. The fund-raising counsel shall file a copy of the 3336
accounting with the attorney general not later than seven days 3337
after it is furnished to the charitable organization. 3338

(4) Not later than two days after receipt of each 3339
contribution, deposit the entire amount of the contribution in 3340
an account at a bank or other federally insured financial 3341
institution which shall be in the name of the charitable 3342
organization with which the fund-raising counsel has contracted. 3343
Each contribution collected by the fund-raising counsel shall be 3344

solely in the name of that charitable organization. The 3345
charitable organization shall have sole control of all 3346
withdrawals from the account and the fund-raising counsel shall 3347
not be given the authority to withdraw any deposited funds from 3348
the account. 3349

(5) During each solicitation campaign and for not less 3350
than three years after its completion, maintain the following 3351
records that shall be made available to the attorney general 3352
upon the attorney general's request: 3353

(a) A record of each contribution that at any time is in 3354
the custody of the fund-raising counsel, including the name and 3355
address of each contributor and the date and amount of the 3356
contribution, provided that the attorney general shall not 3357
disclose that information except to the extent necessary for 3358
investigative or law enforcement purposes; 3359

(b) The location of each bank or financial institution in 3360
which the fund-raising counsel has deposited revenue from the 3361
solicitation campaign and the account number of each account in 3362
which the deposits were made. 3363

(C) Unless otherwise provided in this section, any change 3364
in any information filed with the attorney general pursuant to 3365
this section shall be reported in writing to the attorney 3366
general within seven days after the change occurs. 3367

(D) No person shall serve as a fund-raising counsel, or be 3368
a member, officer, employee, or agent of any fund-raising 3369
counsel, who has been convicted in the last five years of either 3370
of the following: 3371

(1) Any violation of this chapter or any rule adopted 3372
under this chapter, or of any charitable solicitation 3373

legislation or regulation of a political subdivision of this 3374
state or charitable solicitation law of any other jurisdiction 3375
that is similar to this chapter; 3376

(2) A felony in this or another state. 3377

(E) The information provided under this section to the 3378
attorney general by a fund-raising counsel shall be included in 3379
the reports and files required to be compiled and maintained by 3380
the attorney general pursuant to divisions (E) and (F) of 3381
section 1716.08 of the Revised Code. 3382

(F) If a fund-raising counsel fails to comply in a timely 3383
or complete manner with any of the requirements under this 3384
section, the fund-raising counsel is liable for and, in addition 3385
to any fee required in this section, shall pay two hundred 3386
dollars for each late filing. Each registration, renewal of 3387
registration, bond, or accounting shall be considered a separate 3388
filing for the purposes of this section. Any fees required by 3389
this section are in addition to, and not in place of, penalties 3390
prescribed in this chapter. 3391

Sec. 1716.07. (A) No professional solicitor shall engage 3392
in any solicitation unless it has complied with the requirements 3393
of this chapter and any rules adopted under this chapter. 3394

(B) Every professional solicitor, before engaging in any 3395
solicitation, shall register with the attorney general. 3396
Applications for registration or renewal of registration shall 3397
be in writing, under oath, and in the form prescribed by the 3398
attorney general, and shall be accompanied by a fee in the 3399
amount of two hundred dollars. Any corporation, partnership, 3400
association, or other entity that intends to act as a 3401
professional solicitor may register for and pay a single fee of 3402

two hundred dollars on behalf of all its members, officers, 3403
employees, agents, and solicitors. In that case, the names and 3404
addresses of all the officers, employees, and agents of the 3405
professional solicitor and all other persons with whom the 3406
professional solicitor has contracted to work under its 3407
direction, including solicitors, shall be listed in the 3408
application or furnished to the attorney general within five 3409
days of the date of employment or contractual arrangement. The 3410
application shall contain any other information that the 3411
attorney general may require. The registration shall be for a 3412
period of one year or part of one year and shall expire on the 3413
thirty-first day of March of each year. Upon application and 3414
payment of the fee specified in this division and filing of the 3415
bond prescribed in division (C) of this section, the 3416
registration may be renewed for additional one-year periods. All 3417
fees prescribed in this division shall be paid into the state 3418
treasury to the credit of the charitable law fund established 3419
under section 109.32 of the Revised Code. 3420

(C) At the time of making an application for registration 3421
or renewal of registration, the professional solicitor shall 3422
file with and have approved by the attorney general a bond in 3423
which the professional solicitor shall be the principal obligor, 3424
in the sum of twenty-five thousand dollars, with one or more 3425
sureties authorized to do business in this state. The 3426
professional solicitor shall maintain the bond in effect as long 3427
as the registration is in effect; however, the liability of the 3428
surety under the bond shall not exceed an all-time aggregate 3429
liability of twenty-five thousand dollars. The bond, which may 3430
be in the form of a rider to a larger blanket liability bond, 3431
shall run to the state and to any person who may have a cause of 3432
action against the principal obligor of the bond for any 3433

liability arising out of a violation by the obligor of any 3434
provision of this chapter or any rule adopted pursuant to this 3435
chapter. 3436

(D) (1) Prior to the commencement of any solicitation, the 3437
professional solicitor shall file all of the following with the 3438
attorney general: 3439

(a) A completed document called "Solicitation Notice" upon 3440
a form prescribed by the attorney general and containing all of 3441
the information specified in division (D) (2) of this section; 3442

(b) A copy of the contract described in division (A) of 3443
section 1716.08 of the Revised Code; 3444

(c) A sworn statement by the charitable organization on 3445
whose behalf the professional solicitor is acting certifying 3446
that the solicitation notice and any accompanying material are 3447
true and correct to the best of its knowledge. 3448

(2) The solicitation notice shall include all of the 3449
following: 3450

(a) The fund-raising methods to be used; 3451

(b) The projected dates when the solicitation will 3452
commence and terminate; 3453

(c) The location and telephone number from where the 3454
solicitation will be conducted if it will be conducted by 3455
telephone; 3456

(d) The name and residence address of each person 3457
responsible for directing and supervising the conduct of the 3458
solicitation campaign; 3459

(e) A statement of whether the professional solicitor will 3460

at any time have custody of any contributions; 3461

(f) A full and fair description of the charitable program 3462
for which the solicitation campaign is being carried out; 3463

(g) The written and signed consent of every charitable 3464
organization on whose behalf the professional solicitor will be 3465
soliciting contributions or whose name will be mentioned during 3466
the solicitation. 3467

(E) Not later than ninety days after a solicitation 3468
campaign has been completed and on the anniversary of the 3469
commencement of a solicitation campaign lasting more than one 3470
year, the professional solicitor shall provide to the charitable 3471
organization and file with the attorney general a financial 3472
report of the campaign, including the gross revenue received and 3473
an itemization of all expenses incurred. The report shall be 3474
completed on a form prescribed by the attorney general and 3475
signed by an authorized official of the professional solicitor 3476
who shall certify under oath that the report is true and 3477
correct. 3478

(F) Each contribution collected by or in the custody of 3479
the professional solicitor shall be solely in the name of the 3480
charitable organization on whose behalf the contribution was 3481
solicited. Not later than two days after receipt of each 3482
contribution, the professional solicitor shall deposit the 3483
entire amount of the contribution in an account at a bank or 3484
other federally insured financial institution, which shall be in 3485
the name of that charitable organization. The charitable 3486
organization shall have sole control of all withdrawals from the 3487
account and the professional solicitor shall not be given the 3488
authority to withdraw any deposited funds from the account. 3489

(G) (1) During each solicitation campaign and for not less than three years after its completion, the professional solicitor shall maintain the following records:

(a) The name and, if known to the professional solicitor, the address and telephone number of each contributor and the date and amount of the contribution, provided that the attorney general shall not disclose that information except to the extent necessary for investigative or law enforcement purposes;

(b) The name and residence address of each employee, agent, and any other person, however designated, who is involved in the solicitation, the amount of compensation paid to each, and the dates on which the payments were made;

(c) A record of all contributions that at any time are in the custody of the professional solicitor;

(d) A record of all expenses incurred by the professional solicitor for the payment of which the professional solicitor is liable;

(e) A record of all expenses incurred by the professional solicitor for the payment of which the charitable organization is liable;

(f) The location of each bank or financial institution in which the professional solicitor has deposited revenue from the solicitation campaign and the account number of each account in which the deposits were made;

(g) A copy of each pitch sheet or solicitation script used during the solicitation campaign;

(h) If a refund of a contribution has been requested, the name and address of each person requesting the refund, and if a

refund was made, its amount and the date it was made. 3518

(i) Any other record of such information as the attorney 3519
general may require. 3520

(2) If the professional solicitor sells tickets to any 3521
event and represents that the tickets will be donated for use by 3522
another person, the professional solicitor also shall maintain 3523
for the same period as specified in division (G)(1) of this 3524
section the following records: 3525

(a) The name and address of each contributor that 3526
purchases or donates tickets and the number of tickets purchased 3527
or donated by the contributor; 3528

(b) The name and address of each organization that 3529
receives the donated tickets for the use of others, and the 3530
number of tickets received by the organization. 3531

(3) Any of the records described in divisions (G)(1) and 3532
(2) of this section shall be made available to the attorney 3533
general upon the attorney general's request and shall be 3534
furnished to the attorney general within ten days of the 3535
request. 3536

(H) Unless otherwise provided in this section or section 3537
1716.08 of the Revised Code, any change in any information filed 3538
with the attorney general pursuant to this section and section 3539
1716.08 of the Revised Code shall be reported in writing to the 3540
attorney general within seven days after the change occurs. 3541

(I) No person shall serve as a professional solicitor, or 3542
be a member, officer, employee, or agent of any professional 3543
solicitor, who has been convicted in the last five years of 3544
either of the following: 3545

(1) Any violation of this chapter or any rule adopted 3546
under this chapter, or of any charitable solicitation 3547
legislation or regulation of a political subdivision of this 3548
state or charitable solicitation law of any other jurisdiction 3549
that is similar to this chapter; 3550

(2) A felony in this or another state. 3551

(J) If a professional solicitor fails to comply in a 3552
timely or complete manner with any of the requirements under 3553
this section, the professional solicitor is liable for and, in 3554
addition to any fee required in this section, shall pay two 3555
hundred dollars for each late filing. Each registration, renewal 3556
of registration, bond, solicitation notice, contract, sworn 3557
statement, or financial report shall be considered a separate 3558
filing for the purposes of this section. Any fees required by 3559
this section are in addition to, and not in place of, penalties 3560
prescribed in this chapter. 3561

Sec. 2743.191. (A) (1) There is hereby created in the state 3562
treasury the reparations fund, which shall be used only for the 3563
following purposes: 3564

(a) The payment of awards of reparations that are granted 3565
by the attorney general; 3566

(b) The compensation of any personnel needed by the 3567
attorney general to administer sections 2743.51 to 2743.72 of 3568
the Revised Code; 3569

(c) The compensation of witnesses as provided in division 3570
(J) of section 2743.65 of the Revised Code; 3571

(d) Other administrative costs of hearing and determining 3572
claims for an award of reparations by the attorney general; 3573

(e) The costs of administering sections 2907.28 and	3574
2969.01 to 2969.06 of the Revised Code;	3575
(f) The costs of investigation and decision-making as	3576
certified by the attorney general;	3577
(g) The provision of state financial assistance to victim	3578
assistance programs in accordance with sections 109.91 and	3579
109.92 of the Revised Code;	3580
(h) The costs of paying the expenses of sex offense-	3581
related examinations, antibiotics, and HIV post-exposure	3582
prophylaxis pursuant to section 2907.28 of the Revised Code;	3583
(i) The cost of printing and distributing the pamphlet	3584
prepared by the attorney general pursuant to section 109.42 of	3585
the Revised Code;	3586
(j) Subject to division (D) of section 2743.71 of the	3587
Revised Code, the costs associated with the printing and	3588
providing of information cards or other printed materials to law	3589
enforcement agencies and prosecuting authorities and with	3590
publicizing the availability of awards of reparations pursuant	3591
to section 2743.71 of the Revised Code;	3592
(k) The payment of costs of administering a DNA specimen	3593
collection procedure pursuant to sections 2152.74 and 2901.07 of	3594
the Revised Code, of performing DNA analysis of those DNA	3595
specimens, and of entering the resulting DNA records regarding	3596
those analyses into the DNA database pursuant to section 109.573	3597
of the Revised Code;	3598
(l) The payment of actual costs associated with	3599
initiatives by the attorney general for the apprehension,	3600
prosecution, and accountability of offenders, and the enhancing	3601
of services to crime victims. The amount of payments made	3602

pursuant to division (A) (1) (1) of this section during any given 3603
fiscal year shall not exceed five per cent of the balance of the 3604
reparations fund at the close of the immediately previous fiscal 3605
year; 3606

(m) The costs of administering the adult parole 3607
authority's supervision pursuant to division (E) of section 3608
2971.05 of the Revised Code of sexually violent predators who 3609
are sentenced to a prison term pursuant to division (A) (3) of 3610
section 2971.03 of the Revised Code and of offenders who are 3611
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3612
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3613
of that section; 3614

(n) Subject to the limit set forth in those sections, the 3615
costs of the installation and monitoring of an electronic 3616
monitoring device used in the monitoring of a respondent 3617
pursuant to an electronic monitoring order issued by a court 3618
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3619
(b) of section 2903.214 of the Revised Code if the court 3620
determines that the respondent is indigent or used in the 3621
monitoring of an offender pursuant to an electronic monitoring 3622
order issued under division (B) (5) of section 2919.27 of the 3623
Revised Code if the court determines that the offender is 3624
indigent. 3625

(2) All costs paid pursuant to section 2743.70 of the 3626
Revised Code, the portions of license reinstatement fees 3627
mandated by division (F) (2) (b) of section 4511.191 of the 3628
Revised Code to be credited to the fund, the portions of the 3629
proceeds of the sale of a forfeited vehicle specified in 3630
division (C) (2) of section 4503.234 of the Revised Code, 3631
payments collected by the department of rehabilitation and 3632

correction from prisoners who voluntarily participate in an 3633
approved work and training program pursuant to division (C) (8) 3634
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3635
collected by the state pursuant to its right of subrogation 3636
provided in section 2743.72 of the Revised Code shall be 3637
deposited in the fund. 3638

(B) In making an award of reparations, the attorney 3639
general shall render the award against the state. The award 3640
shall be accomplished only through the following procedure, and 3641
the following procedure may be enforced by writ of mandamus 3642
directed to the appropriate official: 3643

(1) The attorney general shall provide for payment of the 3644
claimant or providers in the amount of the award only if the 3645
amount of the award is fifty dollars or more. 3646

(2) The expense shall be charged against all available 3647
unencumbered moneys in the fund. 3648

(3) If sufficient unencumbered moneys do not exist in the 3649
fund, the attorney general shall make application for payment of 3650
the award out of the emergency purposes account or any other 3651
appropriation for emergencies or contingencies, and payment out 3652
of this account or other appropriation shall be authorized if 3653
there are sufficient moneys greater than the sum total of then 3654
pending emergency purposes account requests or requests for 3655
releases from the other appropriations. 3656

(4) If sufficient moneys do not exist in the account or 3657
any other appropriation for emergencies or contingencies to pay 3658
the award, the attorney general shall request the general 3659
assembly to make an appropriation sufficient to pay the award, 3660
and no payment shall be made until the appropriation has been 3661

made. The attorney general shall make this appropriation request 3662
during the current biennium and during each succeeding biennium 3663
until a sufficient appropriation is made. If, prior to the time 3664
that an appropriation is made by the general assembly pursuant 3665
to this division, the fund has sufficient unencumbered funds to 3666
pay the award or part of the award, the available funds shall be 3667
used to pay the award or part of the award, and the 3668
appropriation request shall be amended to request only 3669
sufficient funds to pay that part of the award that is unpaid. 3670

(C) The attorney general shall not make payment on a 3671
decision or order granting an award until all appeals have been 3672
determined and all rights to appeal exhausted, except as 3673
otherwise provided in this section. If any party to a claim for 3674
an award of reparations appeals from only a portion of an award, 3675
and a remaining portion provides for the payment of money by the 3676
state, that part of the award calling for the payment of money 3677
by the state and not a subject of the appeal shall be processed 3678
for payment as described in this section. 3679

(D) The attorney general shall prepare itemized bills for 3680
the costs of printing and distributing the pamphlet the attorney 3681
general prepares pursuant to section 109.42 of the Revised Code. 3682
The itemized bills shall set forth the name and address of the 3683
persons owed the amounts set forth in them. 3684

(E) Interest earned on the moneys in the fund shall be 3685
credited to the fund. 3686

(F) As used in this section, "DNA analysis" and "DNA 3687
specimen" have the same meanings as in section 109.573 of the 3688
Revised Code. 3689

Sec. 2743.56. (A) A claim for an award of reparations 3690

shall be commenced by filing an application for an award of 3691
reparations with the attorney general. The application may be 3692
filed by mail. If the application is filed by mail, the post- 3693
marked date of the application shall be considered the filing 3694
date of the application. The application shall be in a form 3695
prescribed by the attorney general and shall include a release 3696
authorizing the attorney general and the court of claims to 3697
obtain any report, document, or information that relates to the 3698
determination of the claim for an award of reparations that is 3699
requested in the application. 3700

(B) All applications for an award of reparations ~~shall~~may 3701
be filed ~~as follows:~~ 3702

~~(1) If the victim of the criminally injurious conduct was 3703
a minor, within two years of the victim's eighteenth birthday or 3704
within two years from the date a complaint, indictment, or 3705
information is filed against the alleged offender, whichever is 3706
later. This division does not require that a complaint, 3707
indictment, or information be filed against an alleged offender 3708
in order for an application for an award of reparations to be 3709
filed pertaining to a victim who was a minor if the application 3710
is filed within two years of the victim's eighteenth birthday, 3711
and does not affect the provisions of section 2743.64 of the 3712
Revised Code. 3713~~

~~(2) If the victim of the criminally injurious conduct was 3714
an adult, at any time after the occurrence of the criminally 3715
injurious conduct. 3716~~

Sec. 2743.68. A claimant may file a supplemental 3717
reparations application in a claim if the attorney general or 3718
the court of claims, within ~~five~~six years prior to the filing 3719
of the supplemental application, has made any of the following 3720

determinations:	3721
(A) That an award, supplemental award, or installment award be granted;	3722 3723
(B) That an award, supplemental award, or installment award be conditioned or denied because of actual or potential recovery from a collateral source;	3724 3725 3726
(C) That an award, supplemental award, or installment award be denied because the claimant had not incurred any economic loss at that time.	3727 3728 3729
Sec. 2743.71. (A) Any law enforcement agency that investigates, and any prosecuting attorney, city director of law, village solicitor, or similar prosecuting authority who prosecutes, an offense committed in this state shall, upon first contact with the victim or the victim's family or dependents, give the victim or the victim's family or dependents a copy of an information card or other printed material provided by the attorney general pursuant to division (B) of this section and explain, upon request, the information on the card or material to the victim or the victim's family or dependents.	3730 3731 3732 3733 3734 3735 3736 3737 3738 3739
(B) The attorney general shall have printed, and shall provide to law enforcement agencies, prosecuting attorneys, city directors of law, village solicitors, and similar prosecuting authorities, cards or other materials that contain information explaining awards of reparations. The information on the cards or other materials shall include, but shall not be limited to, the following statements:	3740 3741 3742 3743 3744 3745 3746
(1) Awards of reparations are limited to losses that are caused by physical injury resulting from criminally injurious conduct;	3747 3748 3749

(2) Reparations applications ~~are required to~~ may be filed 3750
~~within the period provided by division (B) (1) of section 2743.56~~ 3751
~~of the Revised Code if the victim of~~ at any time after the 3752
occurrence of the criminally injurious conduct ~~was a minor;~~ 3753

(3) An attorney who represents an applicant for an award 3754
of reparations cannot charge the applicant for the services 3755
rendered in relation to that representation but is required to 3756
apply to the attorney general for payment for the 3757
representation; 3758

(4) Applications for awards of reparations may be obtained 3759
from the attorney general, law enforcement agencies, and victim 3760
assistance agencies and are to be filed with the attorney 3761
general. 3762

(C) The attorney general may order that a reasonable 3763
amount of money be paid out of the reparations fund, subject to 3764
the limitation imposed by division (D) of this section, for use 3765
by the attorney general to publicize the availability of awards 3766
of reparations. 3767

(D) During any fiscal year, the total expenditure for the 3768
printing and providing of information cards or other materials 3769
pursuant to division (B) of this section and for the publicizing 3770
of the availability of awards of reparations pursuant to 3771
division (C) of this section shall not exceed two per cent of 3772
the total of all court costs deposited, in accordance with 3773
section 2743.70 of the Revised Code, in the reparations fund 3774
during the immediately preceding fiscal year. 3775

Sec. 2746.02. A court of record of this state shall tax as 3776
costs or otherwise require the payment of fees for the following 3777
services rendered, as compensation for the following persons, or 3778

as part of the sentence imposed by the court, or any other of	3779
the following fees that are applicable in a particular case:	3780
(A) In a felony case, financial sanctions, as provided in	3781
section 2929.18 of the Revised Code;	3782
(B) In any criminal case, the costs of prosecution, as	3783
provided in section 2947.23 of the Revised Code;	3784
(C) In a misdemeanor case in which the offender is	3785
sentenced to a jail term, the local detention facility is	3786
covered by a policy adopted by the facility's governing	3787
authority requiring reimbursement for the costs of confinement,	3788
and the offender is presented with an itemized bill pursuant to	3789
section 2929.37 of the Revised Code for such costs, the costs of	3790
confinement, as provided in section 2929.24 of the Revised Code;	3791
(D) In a case in which an offender is sentenced for	3792
endangering children in violation of section 2919.22 of the	3793
Revised Code, the costs of the offender's supervised community	3794
service work, as provided in section 2919.22 of the Revised	3795
Code;	3796
(E) In a case in which a defendant is charged with any of	3797
certain sexual assault or prostitution-related offenses and is	3798
found to be suffering from a venereal disease in an infectious	3799
stage, the cost of medical treatment, as provided in section	3800
2907.27 of the Revised Code;	3801
(F) In a case in which a defendant is charged with	3802
harassment with a bodily substance, the cost of medical testing,	3803
as provided in section 2921.38 of the Revised Code;	3804
(G) In a case in which a defendant is charged with	3805
violating a protection order in violation of section 2919.27 of	3806
the Revised Code or of a municipal ordinance that is	3807

substantially similar to that section, the costs of any 3808
evaluation and preceding examination of the defendant, as 3809
provided in section 2919.271 of the Revised Code; 3810

(H) Presentence psychological or psychiatric reports, as 3811
provided in section 2947.06 of the Revised Code; 3812

(I) In a criminal proceeding, the taking of a deposition 3813
of a person who is imprisoned in a detention facility or state 3814
correctional institution within this state or who is in the 3815
custody of the department of youth services, as provided in 3816
section 2945.47 of the Revised Code; 3817

(J) In a case in which a person is convicted of or pleads 3818
guilty to any offense other than a parking violation or in which 3819
a child is found to be a delinquent child or a juvenile traffic 3820
offender for an act that, if committed by an adult, would be an 3821
offense other than a parking violation, additional costs and 3822
bail, if applicable, as provided in sections 2743.70 and 3823
2949.091 of the Revised Code, but subject to waiver as provided 3824
in section 2949.092 of the Revised Code; 3825

(K) In a case in which a person is convicted of or pleads 3826
guilty to a moving violation or in which a child is found to be 3827
a juvenile traffic offender for an act which, if committed by an 3828
adult, would be a moving violation, additional costs and bail, 3829
if applicable, as provided in sections 2949.093 and 2949.094 of 3830
the Revised Code, but subject to waiver as provided in section 3831
2949.092 of the Revised Code; 3832

(L) In a case in which a defendant is convicted of 3833
abandoning a junk vessel or outboard motor without notifying the 3834
appropriate law enforcement officer, the cost incurred by the 3835
state or a political subdivision in disposing of the vessel or 3836

motor, as provided in section 1547.99 of the Revised Code;	3837
(M) The costs of electronic monitoring in the following	3838
cases:	3839
(1) In a misdemeanor case in which the offender is	3840
convicted of any of certain prostitution-related offenses and a	3841
specification under section 2941.1421 of the Revised Code, as	3842
provided in section 2929.24 of the Revised Code;	3843
(2) In a case in which the court issues a criminal	3844
protection order against a minor upon a petition alleging that	3845
the respondent committed any of certain assault, menacing, or	3846
trespass offenses, a sexually oriented offense, or an offense	3847
under a municipal ordinance that is substantially equivalent to	3848
any of those offenses, as provided in section 2151.34 of the	3849
Revised Code;	3850
(3) In a case in which the court issues a protection order	3851
against an adult upon a petition alleging that the respondent	3852
committed menacing by stalking or a sexually oriented offense,	3853
as provided in section 2903.214 of the Revised Code;	3854
(4) In a case in which an offender is convicted of	3855
violating a protection order, as provided in section 2919.27 of	3856
the Revised Code;	3857
(5) In a case in which the offender is convicted of any	3858
sexually oriented offense and is a tier III sex offender/child-	3859
victim offender relative to that offense, as provided in section	3860
2929.13 of the Revised Code.	3861
(N) In a proceeding for post-conviction relief, a	3862
transcript, as provided in section 2953.21 of the Revised Code;	3863
(O) In a proceeding for the sealing of a conviction	3864

record, the ~~fee~~fees provided for in section 2953.32 of the Revised Code. 3865
3866

Sec. 2901.01. (A) As used in the Revised Code: 3867

(1) "Force" means any violence, compulsion, or constraint 3868
physically exerted by any means upon or against a person or 3869
thing. 3870

(2) "Deadly force" means any force that carries a 3871
substantial risk that it will proximately result in the death of 3872
any person. 3873

(3) "Physical harm to persons" means any injury, illness, 3874
or other physiological impairment, regardless of its gravity or 3875
duration. 3876

(4) "Physical harm to property" means any tangible or 3877
intangible damage to property that, in any degree, results in 3878
loss to its value or interferes with its use or enjoyment. 3879
"Physical harm to property" does not include wear and tear 3880
occasioned by normal use. 3881

(5) "Serious physical harm to persons" means any of the 3882
following: 3883

(a) Any mental illness or condition of such gravity as 3884
would normally require hospitalization or prolonged psychiatric 3885
treatment; 3886

(b) Any physical harm that carries a substantial risk of 3887
death; 3888

(c) Any physical harm that involves some permanent 3889
incapacity, whether partial or total, or that involves some 3890
temporary, substantial incapacity; 3891

(d) Any physical harm that involves some permanent	3892
disfigurement or that involves some temporary, serious	3893
disfigurement;	3894
(e) Any physical harm that involves acute pain of such	3895
duration as to result in substantial suffering or that involves	3896
any degree of prolonged or intractable pain.	3897
(6) "Serious physical harm to property" means any physical	3898
harm to property that does either of the following:	3899
(a) Results in substantial loss to the value of the	3900
property or requires a substantial amount of time, effort, or	3901
money to repair or replace;	3902
(b) Temporarily prevents the use or enjoyment of the	3903
property or substantially interferes with its use or enjoyment	3904
for an extended period of time.	3905
(7) "Risk" means a significant possibility, as contrasted	3906
with a remote possibility, that a certain result may occur or	3907
that certain circumstances may exist.	3908
(8) "Substantial risk" means a strong possibility, as	3909
contrasted with a remote or significant possibility, that a	3910
certain result may occur or that certain circumstances may	3911
exist.	3912
(9) "Offense of violence" means any of the following:	3913
(a) A violation of section 2903.01, 2903.02, 2903.03,	3914
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	3915
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	3916
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	3917
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	3918
2921.34, or 2923.161, <u>of division (A)(1) of section 2903.34, of</u>	3919

division (A) (1), (2), or (3) of section 2911.12, or of division 3920
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 3921
or felonious sexual penetration in violation of former section 3922
2907.12 of the Revised Code; 3923

(b) A violation of an existing or former municipal 3924
ordinance or law of this or any other state or the United 3925
States, substantially equivalent to any section, division, or 3926
offense listed in division (A) (9) (a) of this section; 3927

(c) An offense, other than a traffic offense, under an 3928
existing or former municipal ordinance or law of this or any 3929
other state or the United States, committed purposely or 3930
knowingly, and involving physical harm to persons or a risk of 3931
serious physical harm to persons; 3932

(d) A conspiracy or attempt to commit, or complicity in 3933
committing, any offense under division (A) (9) (a), (b), or (c) of 3934
this section. 3935

(10) (a) "Property" means any property, real or personal, 3936
tangible or intangible, and any interest or license in that 3937
property. "Property" includes, but is not limited to, cable 3938
television service, other telecommunications service, 3939
telecommunications devices, information service, computers, 3940
data, computer software, financial instruments associated with 3941
computers, other documents associated with computers, or copies 3942
of the documents, whether in machine or human readable form, 3943
trade secrets, trademarks, copyrights, patents, and property 3944
protected by a trademark, copyright, or patent. "Financial 3945
instruments associated with computers" include, but are not 3946
limited to, checks, drafts, warrants, money orders, notes of 3947
indebtedness, certificates of deposit, letters of credit, bills 3948
of credit or debit cards, financial transaction authorization 3949

mechanisms, marketable securities, or any computer system 3950
representations of any of them. 3951

(b) As used in division (A) (10) of this section, "trade 3952
secret" has the same meaning as in section 1333.61 of the 3953
Revised Code, and "telecommunications service" and "information 3954
service" have the same meanings as in section 2913.01 of the 3955
Revised Code. 3956

(c) As used in divisions (A) (10) and (13) of this section, 3957
"cable television service," "computer," "computer software," 3958
"computer system," "computer network," "data," and 3959
"telecommunications device" have the same meanings as in section 3960
2913.01 of the Revised Code. 3961

(11) "Law enforcement officer" means any of the following: 3962

(a) A sheriff, deputy sheriff, constable, police officer 3963
of a township or joint police district, marshal, deputy marshal, 3964
municipal police officer, member of a police force employed by a 3965
metropolitan housing authority under division (D) of section 3966
3735.31 of the Revised Code, or state highway patrol trooper; 3967

(b) An officer, agent, or employee of the state or any of 3968
its agencies, instrumentalities, or political subdivisions, upon 3969
whom, by statute, a duty to conserve the peace or to enforce all 3970
or certain laws is imposed and the authority to arrest violators 3971
is conferred, within the limits of that statutory duty and 3972
authority; 3973

(c) A mayor, in the mayor's capacity as chief conservator 3974
of the peace within the mayor's municipal corporation; 3975

(d) A member of an auxiliary police force organized by 3976
county, township, or municipal law enforcement authorities, 3977
within the scope of the member's appointment or commission; 3978

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;	3979 3980 3981
(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;	3982 3983 3984 3985
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	3986 3987 3988 3989
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	3990 3991
(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	3992 3993
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3994 3995 3996
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3997 3998
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	3999 4000 4001 4002
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	4003 4004
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air	4005 4006

navigation facility, that has scheduled operations, as defined 4007
in section 119.3 of Title 14 of the Code of Federal Regulations, 4008
14 C.F.R. 119.3, as amended, and that is required to be under a 4009
security program and is governed by aviation security rules of 4010
the transportation security administration of the United States 4011
department of transportation as provided in Parts 1542. and 4012
1544. of Title 49 of the Code of Federal Regulations, as 4013
amended. 4014

(12) "Privilege" means an immunity, license, or right 4015
conferred by law, bestowed by express or implied grant, arising 4016
out of status, position, office, or relationship, or growing out 4017
of necessity. 4018

(13) "Contraband" means any property that is illegal for a 4019
person to acquire or possess under a statute, ordinance, or 4020
rule, or that a trier of fact lawfully determines to be illegal 4021
to possess by reason of the property's involvement in an 4022
offense. "Contraband" includes, but is not limited to, all of 4023
the following: 4024

(a) Any controlled substance, as defined in section 4025
3719.01 of the Revised Code, or any device or paraphernalia; 4026

(b) Any unlawful gambling device or paraphernalia; 4027

(c) Any dangerous ordnance or obscene material. 4028

(14) A person is "not guilty by reason of insanity" 4029
relative to a charge of an offense only if the person proves, in 4030
the manner specified in section 2901.05 of the Revised Code, 4031
that at the time of the commission of the offense, the person 4032
did not know, as a result of a severe mental disease or defect, 4033
the wrongfulness of the person's acts. 4034

(B) (1) (a) Subject to division (B) (2) of this section, as 4035

used in any section contained in Title XXIX of the Revised Code 4036
that sets forth a criminal offense, "person" includes all of the 4037
following: 4038

(i) An individual, corporation, business trust, estate, 4039
trust, partnership, and association; 4040

(ii) An unborn human who is viable. 4041

(b) As used in any section contained in Title XXIX of the 4042
Revised Code that does not set forth a criminal offense, 4043
"person" includes an individual, corporation, business trust, 4044
estate, trust, partnership, and association. 4045

(c) As used in division (B) (1) (a) of this section: 4046

(i) "Unborn human" means an individual organism of the 4047
species *Homo sapiens* from fertilization until live birth. 4048

(ii) "Viable" means the stage of development of a human 4049
fetus at which there is a realistic possibility of maintaining 4050
and nourishing of a life outside the womb with or without 4051
temporary artificial life-sustaining support. 4052

(2) Notwithstanding division (B) (1) (a) of this section, in 4053
no case shall the portion of the definition of the term "person" 4054
that is set forth in division (B) (1) (a) (ii) of this section be 4055
applied or construed in any section contained in Title XXIX of 4056
the Revised Code that sets forth a criminal offense in any of 4057
the following manners: 4058

(a) Except as otherwise provided in division (B) (2) (a) of 4059
this section, in a manner so that the offense prohibits or is 4060
construed as prohibiting any pregnant woman or her physician 4061
from performing an abortion with the consent of the pregnant 4062
woman, with the consent of the pregnant woman implied by law in 4063

a medical emergency, or with the approval of one otherwise 4064
authorized by law to consent to medical treatment on behalf of 4065
the pregnant woman. An abortion that violates the conditions 4066
described in the immediately preceding sentence may be punished 4067
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4068
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 4069
2903.21, or 2903.22 of the Revised Code, as applicable. An 4070
abortion that does not violate the conditions described in the 4071
second immediately preceding sentence, but that does violate 4072
section 2919.12, division (B) of section 2919.13, or section 4073
2919.151, 2919.17, or 2919.18 of the Revised Code, may be 4074
punished as a violation of section 2919.12, division (B) of 4075
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 4076
Revised Code, as applicable. Consent is sufficient under this 4077
division if it is of the type otherwise adequate to permit 4078
medical treatment to the pregnant woman, even if it does not 4079
comply with section 2919.12 of the Revised Code. 4080

(b) In a manner so that the offense is applied or is 4081
construed as applying to a woman based on an act or omission of 4082
the woman that occurs while she is or was pregnant and that 4083
results in any of the following: 4084

(i) Her delivery of a stillborn baby; 4085

(ii) Her causing, in any other manner, the death in utero 4086
of a viable, unborn human that she is carrying; 4087

(iii) Her causing the death of her child who is born alive 4088
but who dies from one or more injuries that are sustained while 4089
the child is a viable, unborn human; 4090

(iv) Her causing her child who is born alive to sustain 4091
one or more injuries while the child is a viable, unborn human; 4092

(v) Her causing, threatening to cause, or attempting to 4093
cause, in any other manner, an injury, illness, or other 4094
physiological impairment, regardless of its duration or gravity, 4095
or a mental illness or condition, regardless of its duration or 4096
gravity, to a viable, unborn human that she is carrying. 4097

(C) As used in Title XXIX of the Revised Code: 4098

(1) "School safety zone" consists of a school, school 4099
building, school premises, school activity, and school bus. 4100

(2) "School," "school building," and "school premises" 4101
have the same meanings as in section 2925.01 of the Revised 4102
Code. 4103

(3) "School activity" means any activity held under the 4104
auspices of a board of education of a city, local, exempted 4105
village, joint vocational, or cooperative education school 4106
district; a governing authority of a community school 4107
established under Chapter 3314. of the Revised Code; a governing 4108
board of an educational service center, or the governing body of 4109
a school for which the state board of education prescribes 4110
minimum standards under section 3301.07 of the Revised Code. 4111

(4) "School bus" has the same meaning as in section 4112
4511.01 of the Revised Code. 4113

Sec. 2923.02. (A) No person, purposely or knowingly, and 4114
when purpose or knowledge is sufficient culpability for the 4115
commission of an offense, shall engage in conduct that, if 4116
successful, would constitute or result in the offense. 4117

(B) It is no defense to a charge under this section that, 4118
in retrospect, commission of the offense that was the object of 4119
the attempt was either factually or legally impossible under the 4120
attendant circumstances, if that offense could have been 4121

committed had the attendant circumstances been as the actor 4122
believed them to be. 4123

(C) No person who is convicted of committing a specific 4124
offense, of complicity in the commission of an offense, or of 4125
conspiracy to commit an offense shall be convicted of an attempt 4126
to commit the same offense in violation of this section. 4127

(D) It is an affirmative defense to a charge under this 4128
section that the actor abandoned the actor's effort to commit 4129
the offense or otherwise prevented its commission, under 4130
circumstances manifesting a complete and voluntary renunciation 4131
of the actor's criminal purpose. 4132

(E) (1) Whoever violates this section is guilty of an 4133
attempt to commit an offense. An attempt to commit aggravated 4134
murder, murder, or an offense for which the maximum penalty is 4135
imprisonment for life is a felony of the first degree. An 4136
attempt to commit a drug abuse offense for which the penalty is 4137
determined by the amount or number of unit doses of the 4138
controlled substance involved in the drug abuse offense is an 4139
offense of the same degree as the drug abuse offense attempted 4140
would be if that drug abuse offense had been committed and had 4141
involved an amount or number of unit doses of the controlled 4142
substance that is within the next lower range of controlled 4143
substance amounts than was involved in the attempt. An attempt 4144
to commit any other offense is an offense of the next lesser 4145
degree than the offense attempted. In the case of an attempt to 4146
commit an offense other than a violation of Chapter 3734. of the 4147
Revised Code that is not specifically classified, an attempt is 4148
a misdemeanor of the first degree if the offense attempted is a 4149
felony, and a misdemeanor of the fourth degree if the offense 4150
attempted is a misdemeanor. In the case of an attempt to commit 4151

a violation of any provision of Chapter 3734. of the Revised 4152
Code, other than section 3734.18 of the Revised Code, ~~that~~ 4153
~~relates to hazardous wastes,~~ an attempt is a felony punishable 4154
by a fine of not more than twenty-five thousand dollars or 4155
imprisonment for not more than eighteen months, or both. An 4156
attempt to commit a minor misdemeanor, or to engage in 4157
conspiracy, is not an offense under this section. 4158

(2) If a person is convicted of or pleads guilty to 4159
attempted rape and also is convicted of or pleads guilty to a 4160
specification of the type described in section 2941.1418, 4161
2941.1419, or 2941.1420 of the Revised Code, the offender shall 4162
be sentenced to a prison term or term of life imprisonment 4163
pursuant to section 2971.03 of the Revised Code. 4164

(3) In addition to any other sanctions imposed pursuant to 4165
division (E)(1) of this section for an attempt to commit 4166
aggravated murder or murder in violation of division (A) of this 4167
section, if the offender used a motor vehicle as the means to 4168
attempt to commit the offense, the court shall impose upon the 4169
offender a class two suspension of the offender's driver's 4170
license, commercial driver's license, temporary instruction 4171
permit, probationary license, or nonresident operating privilege 4172
as specified in division (A)(2) of section 4510.02 of the 4173
Revised Code. 4174

(F) As used in this section: 4175

(1) "Drug abuse offense" has the same meaning as in 4176
section 2925.01 of the Revised Code. 4177

(2) "Motor vehicle" has the same meaning as in section 4178
4501.01 of the Revised Code. 4179

Sec. 2945.63. (A) As used in this section: 4180

(1) "Child pornography" means any obscene material 4181
involving a juvenile, any sexually oriented matter involving a 4182
juvenile, or any material that is harmful to juveniles. 4183

(2) "Juvenile," "harmful to juveniles," "material," and 4184
"performance" have the same meanings as in section 2907.01 of 4185
the Revised Code. 4186

(3) "Sexually oriented matter" has the same meaning as in 4187
section 2919.22 of the Revised Code. 4188

(B) Any child pornography that is offered as evidence or 4189
that comes into the custody or control of the prosecutor or the 4190
court shall remain in the custody or control of the prosecutor 4191
or the court. 4192

(C) Notwithstanding Rule 16 of the Rules of Criminal 4193
Procedure, the court in a criminal proceeding shall deny any 4194
request by the defendant to photocopy, photograph, or otherwise 4195
reproduce any child pornography if the prosecutor gives the 4196
defendant, the defendant's attorney, and any individual the 4197
defendant may seek to qualify to furnish expert testimony at 4198
trial ample opportunity to examine the child pornography at the 4199
place where the prosecutor or the court is holding the child 4200
pornography. 4201

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 4202
of the Revised Code, an eligible offender may apply to the 4203
sentencing court if convicted in this state, or to a court of 4204
common pleas if convicted in another state or in a federal 4205
court, for the sealing of the record of the case that pertains 4206
to the conviction. Application may be made at the expiration of 4207
three years after the offender's final discharge if convicted of 4208
a felony, or at the expiration of one year after the offender's 4209

final discharge if convicted of a misdemeanor. 4210

(2) Any person who has been arrested for any misdemeanor 4211
offense and who has effected a bail forfeiture for the offense 4212
charged may apply to the court in which the misdemeanor criminal 4213
case was pending when bail was forfeited for the sealing of the 4214
record of the case that pertains to the charge. Except as 4215
provided in section 2953.61 of the Revised Code, the application 4216
may be filed at any time after the expiration of one year from 4217
the date on which the bail forfeiture was entered upon the 4218
minutes of the court or the journal, whichever entry occurs 4219
first. 4220

(B) Upon the filing of an application under this section, 4221
the court shall set a date for a hearing and shall notify the 4222
prosecutor for the case of the hearing on the application. The 4223
prosecutor may object to the granting of the application by 4224
filing an objection with the court prior to the date set for the 4225
hearing. The prosecutor shall specify in the objection the 4226
reasons for believing a denial of the application is justified. 4227
The court shall direct its regular probation officer, a state 4228
probation officer, or the department of probation of the county 4229
in which the applicant resides to make inquiries and written 4230
reports as the court requires concerning the applicant. If the 4231
applicant was convicted of or pleaded guilty to a violation of 4232
division (A) (2) or (B) of section 2919.21 of the Revised Code, 4233
the probation officer or county department of probation that the 4234
court directed to make inquiries concerning the applicant shall 4235
contact the child support enforcement agency enforcing the 4236
applicant's obligations under the child support order to inquire 4237
about the offender's compliance with the child support order. 4238

(C) (1) The court shall do each of the following: 4239

(a) Determine whether the applicant is an eligible 4240
offender or whether the forfeiture of bail was agreed to by the 4241
applicant and the prosecutor in the case. If the applicant 4242
applies as an eligible offender pursuant to division (A) (1) of 4243
this section and has two or three convictions that result from 4244
the same indictment, information, or complaint, from the same 4245
plea of guilty, or from the same official proceeding, and result 4246
from related criminal acts that were committed within a three- 4247
month period but do not result from the same act or from 4248
offenses committed at the same time, in making its determination 4249
under this division, the court initially shall determine whether 4250
it is not in the public interest for the two or three 4251
convictions to be counted as one conviction. If the court 4252
determines that it is not in the public interest for the two or 4253
three convictions to be counted as one conviction, the court 4254
shall determine that the applicant is not an eligible offender; 4255
if the court does not make that determination, the court shall 4256
determine that the offender is an eligible offender. 4257

(b) Determine whether criminal proceedings are pending 4258
against the applicant; 4259

(c) If the applicant is an eligible offender who applies 4260
pursuant to division (A) (1) of this section, determine whether 4261
the applicant has been rehabilitated to the satisfaction of the 4262
court; 4263

(d) If the prosecutor has filed an objection in accordance 4264
with division (B) of this section, consider the reasons against 4265
granting the application specified by the prosecutor in the 4266
objection; 4267

(e) Weigh the interests of the applicant in having the 4268
records pertaining to the applicant's conviction or bail 4269

forfeiture sealed against the legitimate needs, if any, of the 4270
government to maintain those records. 4271

(2) If the court determines, after complying with division 4272
(C)(1) of this section, that the applicant is an eligible 4273
offender or the subject of a bail forfeiture, that no criminal 4274
proceeding is pending against the applicant, and that the 4275
interests of the applicant in having the records pertaining to 4276
the applicant's conviction or bail forfeiture sealed are not 4277
outweighed by any legitimate governmental needs to maintain 4278
those records, and that the rehabilitation of an applicant who 4279
is an eligible offender applying pursuant to division (A)(1) of 4280
this section has been attained to the satisfaction of the court, 4281
the court, except as provided in divisions (G), (H), or (I) of 4282
this section, shall order all official records of the case that 4283
pertain to the conviction or bail forfeiture sealed and, except 4284
as provided in division (F) of this section, all index 4285
references to the case that pertain to the conviction or bail 4286
forfeiture deleted and, in the case of bail forfeitures, shall 4287
dismiss the charges in the case. The proceedings in the case 4288
that pertain to the conviction or bail forfeiture shall be 4289
considered not to have occurred and the conviction or bail 4290
forfeiture of the person who is the subject of the proceedings 4291
shall be sealed, except that upon conviction of a subsequent 4292
offense, the sealed record of prior conviction or bail 4293
forfeiture may be considered by the court in determining the 4294
sentence or other appropriate disposition, including the relief 4295
provided for in sections 2953.31 to 2953.33 of the Revised Code. 4296

(3) An applicant may request the sealing of the records of 4297
more than one case in a single application under this section. 4298
Upon the filing of an application under this section, the 4299
applicant, unless indigent, shall pay a fee of fifty dollars, 4300

regardless of the number of records the application requests to 4301
have sealed. The court shall pay thirty dollars of the fee into 4302
the state treasury. It shall pay twenty dollars of the fee into 4303
the county general revenue fund if the sealed conviction or bail 4304
forfeiture was pursuant to a state statute, or into the general 4305
revenue fund of the municipal corporation involved if the sealed 4306
conviction or bail forfeiture was pursuant to a municipal 4307
ordinance. 4308

(4) If the court orders the official records pertaining to 4309
the case sealed, the court shall order the applicant to appear 4310
before a sheriff to have the applicant's fingerprints taken 4311
according to the fingerprint system of identification on the 4312
forms furnished by the superintendent of the bureau of criminal 4313
identification and investigation. The sheriff shall forward the 4314
applicant's fingerprints to the court. The court shall forward 4315
the applicant's fingerprints and a copy of the sealing order to 4316
the bureau of criminal identification and investigation. 4317

(D) Inspection of the sealed records included in the order 4318
may be made only by the following persons or for the following 4319
purposes: 4320

(1) By a law enforcement officer or prosecutor, or the 4321
assistants of either, to determine whether the nature and 4322
character of the offense with which a person is to be charged 4323
would be affected by virtue of the person's previously having 4324
been convicted of a crime; 4325

(2) By the parole or probation officer of the person who 4326
is the subject of the records, for the exclusive use of the 4327
officer in supervising the person while on parole or under a 4328
community control sanction or a post-release control sanction, 4329
and in making inquiries and written reports as requested by the 4330

court or adult parole authority; 4331

(3) Upon application by the person who is the subject of 4332
the records, by the persons named in the application; 4333

(4) By a law enforcement officer who was involved in the 4334
case, for use in the officer's defense of a civil action arising 4335
out of the officer's involvement in that case; 4336

(5) By a prosecuting attorney or the prosecuting 4337
attorney's assistants, to determine a defendant's eligibility to 4338
enter a pre-trial diversion program established pursuant to 4339
section 2935.36 of the Revised Code; 4340

(6) By any law enforcement agency or any authorized 4341
employee of a law enforcement agency or by the department of 4342
rehabilitation and correction or department of youth services as 4343
part of a background investigation of a person who applies for 4344
employment with the agency ~~as a law enforcement officer~~ or with 4345
the department ~~as a corrections officer~~; 4346

(7) By any law enforcement agency or any authorized 4347
employee of a law enforcement agency, for the purposes set forth 4348
in, and in the manner provided in, section 2953.321 of the 4349
Revised Code; 4350

(8) By the bureau of criminal identification and 4351
investigation or any authorized employee of the bureau for the 4352
purpose of providing information to a board or person pursuant 4353
to division (F) or (G) of section 109.57 of the Revised Code; 4354

(9) By the bureau of criminal identification and 4355
investigation or any authorized employee of the bureau for the 4356
purpose of performing a criminal history records check on a 4357
person to whom a certificate as prescribed in section 109.77 of 4358
the Revised Code is to be awarded; 4359

(10) By the bureau of criminal identification and 4360
investigation or any authorized employee of the bureau for the 4361
purpose of conducting a criminal records check of an individual 4362
pursuant to division (B) of section 109.572 of the Revised Code 4363
that was requested pursuant to any of the sections identified in 4364
division (B)(1) of that section; 4365

(11) By the bureau of criminal identification and 4366
investigation, an authorized employee of the bureau, a sheriff, 4367
or an authorized employee of a sheriff in connection with a 4368
criminal records check described in section 311.41 of the 4369
Revised Code; 4370

(12) By the attorney general or an authorized employee of 4371
the attorney general or a court for purposes of determining a 4372
person's classification pursuant to Chapter 2950. of the Revised 4373
Code; 4374

(13) By a court, the registrar of motor vehicles, a 4375
prosecuting attorney or the prosecuting attorney's assistants, 4376
or a law enforcement officer for the purpose of assessing points 4377
against a person under section 4510.036 of the Revised Code or 4378
for taking action with regard to points assessed. 4379

When the nature and character of the offense with which a 4380
person is to be charged would be affected by the information, it 4381
may be used for the purpose of charging the person with an 4382
offense. 4383

(E) In any criminal proceeding, proof of any otherwise 4384
admissible prior conviction may be introduced and proved, 4385
notwithstanding the fact that for any such prior conviction an 4386
order of sealing previously was issued pursuant to sections 4387
2953.31 to 2953.36 of the Revised Code. 4388

(F) The person or governmental agency, office, or 4389
department that maintains sealed records pertaining to 4390
convictions or bail forfeitures that have been sealed pursuant 4391
to this section may maintain a manual or computerized index to 4392
the sealed records. The index shall contain only the name of, 4393
and alphanumeric identifiers that relate to, the persons who are 4394
the subject of the sealed records, the word "sealed," and the 4395
name of the person, agency, office, or department that has 4396
custody of the sealed records, and shall not contain the name of 4397
the crime committed. The index shall be made available by the 4398
person who has custody of the sealed records only for the 4399
purposes set forth in divisions (C), (D), and (E) of this 4400
section. 4401

(G) Notwithstanding any provision of this section or 4402
section 2953.33 of the Revised Code that requires otherwise, a 4403
board of education of a city, local, exempted village, or joint 4404
vocational school district that maintains records of an 4405
individual who has been permanently excluded under sections 4406
3301.121 and 3313.662 of the Revised Code is permitted to 4407
maintain records regarding a conviction that was used as the 4408
basis for the individual's permanent exclusion, regardless of a 4409
court order to seal the record. An order issued under this 4410
section to seal the record of a conviction does not revoke the 4411
adjudication order of the superintendent of public instruction 4412
to permanently exclude the individual who is the subject of the 4413
sealing order. An order issued under this section to seal the 4414
record of a conviction of an individual may be presented to a 4415
district superintendent as evidence to support the contention 4416
that the superintendent should recommend that the permanent 4417
exclusion of the individual who is the subject of the sealing 4418
order be revoked. Except as otherwise authorized by this 4419

division and sections 3301.121 and 3313.662 of the Revised Code, 4420
any school employee in possession of or having access to the 4421
sealed conviction records of an individual that were the basis 4422
of a permanent exclusion of the individual is subject to section 4423
2953.35 of the Revised Code. 4424

(H) For purposes of sections 2953.31 to 2953.36 of the 4425
Revised Code, DNA records collected in the DNA database and 4426
fingerprints filed for record by the superintendent of the 4427
bureau of criminal identification and investigation shall not be 4428
sealed unless the superintendent receives a certified copy of a 4429
final court order establishing that the offender's conviction 4430
has been overturned. For purposes of this section, a court order 4431
is not "final" if time remains for an appeal or application for 4432
discretionary review with respect to the order. 4433

(I) The sealing of a record under this section does not 4434
affect the assessment of points under section 4510.036 of the 4435
Revised Code and does not erase points assessed against a person 4436
as a result of the sealed record. 4437

Sec. 2981.13. (A) Except as otherwise provided in this 4438
section, property ordered forfeited as contraband, proceeds, or 4439
an instrumentality pursuant to this chapter shall be disposed 4440
of, used, or sold pursuant to section 2981.12 of the Revised 4441
Code. If the property is to be sold under that section, the 4442
prosecutor shall cause notice of the proposed sale to be given 4443
in accordance with law. 4444

(B) If the contraband or instrumentality forfeited under 4445
this chapter is sold, any moneys acquired from a sale and any 4446
proceeds forfeited under this chapter shall be applied in the 4447
following order: 4448

(1) First, to pay costs incurred in the seizure, storage, 4449
maintenance, security, and sale of the property and in the 4450
forfeiture proceeding; 4451

(2) Second, in a criminal forfeiture case, to satisfy any 4452
restitution ordered to the victim of the offense or, in a civil 4453
forfeiture case, to satisfy any recovery ordered for the person 4454
harmd, unless paid from other assets; 4455

(3) Third, to pay the balance due on any security interest 4456
preserved under this chapter; 4457

(4) Fourth, apply the remaining amounts as follows: 4458

(a) If the forfeiture was ordered by a juvenile court, ten 4459
per cent to one or more community addiction services providers 4460
as specified in division (D) of section 2981.12 of the Revised 4461
Code; 4462

(b) If the forfeiture was ordered in a juvenile court, 4463
ninety per cent, and if the forfeiture was ordered in a court 4464
other than a juvenile court, one hundred per cent to the law 4465
enforcement trust fund of the prosecutor and to the following 4466
fund supporting the law enforcement agency that substantially 4467
conducted the investigation: 4468

(i) The law enforcement trust fund of the county sheriff, 4469
municipal corporation, township, or park district created under 4470
section 511.18 or 1545.01 of the Revised Code; 4471

(ii) The state highway patrol contraband, forfeiture, and 4472
other fund; 4473

(iii) The department of public safety investigative unit 4474
contraband, forfeiture, and other fund; 4475

(iv) The department of taxation enforcement fund; 4476

(v) The board of pharmacy drug law enforcement fund	4477
created by division (B) (1) of section 4729.65 of the Revised	4478
Code;	4479
(vi) The medicaid fraud investigation and prosecution	4480
fund;	4481
(vii) <u>The bureau of criminal identification and</u>	4482
<u>investigation asset forfeiture and cost reimbursement fund</u>	4483
<u>created by section 109.521 of the Revised Code;</u>	4484
<u>(viii)</u> The casino control commission enforcement fund	4485
created by section 3772.36 of the Revised Code;	4486
(viii) <u>(ix)</u> The auditor of state investigation and	4487
forfeiture trust fund established under section 117.54 of the	4488
Revised Code;	4489
(ix) <u>(x)</u> The treasurer of state for deposit into the peace	4490
officer training commission fund if any other state law	4491
enforcement agency substantially conducted the investigation.	4492
In the case of property forfeited for medicaid fraud, any	4493
remaining amount shall be used by the attorney general to	4494
investigate and prosecute medicaid fraud offenses.	4495
If the prosecutor declines to accept any of the remaining	4496
amounts, the amounts shall be applied to the fund of the agency	4497
that substantially conducted the investigation.	4498
(c) If more than one law enforcement agency is	4499
substantially involved in the seizure of property forfeited	4500
under this chapter, the court ordering the forfeiture shall	4501
equitably divide the amounts, after calculating any distribution	4502
to the law enforcement trust fund of the prosecutor pursuant to	4503
division (B) (4) of this section, among the entities that the	4504

court determines were substantially involved in the seizure. 4505

(C) (1) A law enforcement trust fund shall be established 4506
by the prosecutor of each county who intends to receive any 4507
remaining amounts pursuant to this section, by the sheriff of 4508
each county, by the legislative authority of each municipal 4509
corporation, by the board of township trustees of each township 4510
that has a township police department, township or joint police 4511
district police force, or office of the constable, and by the 4512
board of park commissioners of each park district created 4513
pursuant to section 511.18 or 1545.01 of the Revised Code that 4514
has a park district police force or law enforcement department, 4515
for the purposes of this section. 4516

There is hereby created in the state treasury the state 4517
highway patrol contraband, forfeiture, and other fund, the 4518
department of public safety investigative unit contraband, 4519
forfeiture, and other fund, the medicaid fraud investigation and 4520
prosecution fund, the department of taxation enforcement fund, 4521
and the peace officer training commission fund, for the purposes 4522
of this section. 4523

Amounts distributed to any municipal corporation, 4524
township, or park district law enforcement trust fund shall be 4525
allocated from the fund by the legislative authority only to the 4526
police department of the municipal corporation, by the board of 4527
township trustees only to the township police department, 4528
township police district police force, or office of the 4529
constable, by the joint police district board only to the joint 4530
police district, and by the board of park commissioners only to 4531
the park district police force or law enforcement department. 4532

(2) (a) No amounts shall be allocated to a fund under this 4533
section or used by an agency unless the agency has adopted a 4534

written internal control policy that addresses the use of moneys 4535
received from the appropriate fund. The appropriate fund shall 4536
be expended only in accordance with that policy and, subject to 4537
the requirements specified in this section, only for the 4538
following purposes: 4539

(i) To pay the costs of protracted or complex 4540
investigations or prosecutions; 4541

(ii) To provide reasonable technical training or 4542
expertise; 4543

(iii) To provide matching funds to obtain federal grants 4544
to aid law enforcement, in the support of DARE programs or other 4545
programs designed to educate adults or children with respect to 4546
the dangers associated with the use of drugs of abuse; 4547

(iv) To pay the costs of emergency action taken under 4548
section 3745.13 of the Revised Code relative to the operation of 4549
an illegal methamphetamine laboratory if the forfeited property 4550
or money involved was that of a person responsible for the 4551
operation of the laboratory; 4552

(v) For other law enforcement purposes that the 4553
superintendent of the state highway patrol, department of public 4554
safety, attorney general, auditor of state, prosecutor, county 4555
sheriff, legislative authority, department of taxation, Ohio 4556
casino control commission, board of township trustees, or board 4557
of park commissioners determines to be appropriate. 4558

(b) The board of pharmacy drug law enforcement fund shall 4559
be expended only in accordance with the written internal control 4560
policy so adopted by the board and only in accordance with 4561
section 4729.65 of the Revised Code, except that it also may be 4562
expended to pay the costs of emergency action taken under 4563

section 3745.13 of the Revised Code relative to the operation of 4564
an illegal methamphetamine laboratory if the forfeited property 4565
or money involved was that of a person responsible for the 4566
operation of the laboratory. 4567

(c) A fund listed in division (B) (4) (b) of this section, 4568
other than the Medicaid fraud investigation and prosecution 4569
fund, shall not be used to meet the operating costs of the 4570
agency, office, or political subdivision that are unrelated to 4571
law enforcement. 4572

(d) Forfeited moneys that are paid into the state treasury 4573
to be deposited into the peace officer training commission fund 4574
shall be used by the commission only to pay the costs of peace 4575
officer training. 4576

(3) Any of the following offices or agencies that receive 4577
amounts under this section during any calendar year shall file a 4578
report with the specified entity, not later than the thirty- 4579
first day of January of the next calendar year, verifying that 4580
the moneys were expended only for the purposes authorized by 4581
this section or other relevant statute and specifying the 4582
amounts expended for each authorized purpose: 4583

(a) Any sheriff or prosecutor shall file the report with 4584
the county auditor. 4585

(b) Any municipal corporation police department shall file 4586
the report with the legislative authority of the municipal 4587
corporation. 4588

(c) Any township police department, township or joint 4589
police district police force, or office of the constable shall 4590
file the report with the board of township trustees of the 4591
township. 4592

(d) Any park district police force or law enforcement 4593
department shall file the report with the board of park 4594
commissioners of the park district. 4595

(e) The superintendent of the state highway patrol, the 4596
auditor of state, and the tax commissioner shall file the report 4597
with the attorney general. 4598

(f) The executive director of the state board of pharmacy 4599
shall file the report with the attorney general, verifying that 4600
cash and forfeited proceeds paid into the board of pharmacy drug 4601
law enforcement fund were used only in accordance with section 4602
4729.65 of the Revised Code. 4603

(g) The peace officer training commission shall file a 4604
report with the attorney general, verifying that cash and 4605
forfeited proceeds paid into the peace officer training 4606
commission fund pursuant to this section during the prior 4607
calendar year were used by the commission during the prior 4608
calendar year only to pay the costs of peace officer training. 4609

(h) The executive director of the Ohio casino control 4610
commission shall file the report with the attorney general, 4611
verifying that cash and forfeited proceeds paid into the casino 4612
control commission enforcement fund were used only in accordance 4613
with section 3772.36 of the Revised Code. 4614

(D) The written internal control policy of a county 4615
sheriff, prosecutor, municipal corporation police department, 4616
township police department, township or joint police district 4617
police force, office of the constable, or park district police 4618
force or law enforcement department shall provide that at least 4619
ten per cent of the first one hundred thousand dollars of 4620
amounts deposited during each calendar year in the agency's law 4621

enforcement trust fund under this section, and at least twenty 4622
per cent of the amounts exceeding one hundred thousand dollars 4623
that are so deposited, shall be used in connection with 4624
community preventive education programs. The manner of use shall 4625
be determined by the sheriff, prosecutor, department, police 4626
force, or office of the constable after receiving and 4627
considering advice on appropriate community preventive education 4628
programs from the county's board of alcohol, drug addiction, and 4629
mental health services, from the county's alcohol and drug 4630
addiction services board, or through appropriate community 4631
dialogue. 4632

The financial records kept under the internal control 4633
policy shall specify the amount deposited during each calendar 4634
year in the portion of that amount that was used pursuant to 4635
this division, and the programs in connection with which the 4636
portion of that amount was so used. 4637

As used in this division, "community preventive education 4638
programs" include, but are not limited to, DARE programs and 4639
other programs designed to educate adults or children with 4640
respect to the dangers associated with using drugs of abuse. 4641

(E) Upon the sale, under this section or section 2981.12 4642
of the Revised Code, of any property that is required by law to 4643
be titled or registered, the state shall issue an appropriate 4644
certificate of title or registration to the purchaser. If the 4645
state is vested with title and elects to retain property that is 4646
required to be titled or registered under law, the state shall 4647
issue an appropriate certificate of title or registration. 4648

(F) Any failure of a law enforcement officer or agency, 4649
prosecutor, court, or the attorney general to comply with this 4650
section in relation to any property seized does not affect the 4651

validity of the seizure and shall not be considered to be the 4652
basis for suppressing any evidence resulting from the seizure, 4653
provided the seizure itself was lawful. 4654

Sec. 5302.221. (A) As used in this section: 4655

~~"Estate" has the same meaning as in section 5162.21 of the~~ 4656
~~Revised Code.~~ 4657

~~"Medicaid," "medicaid estate recovery program" means the~~ 4658
program instituted under section 5162.21 of the Revised Code. 4659

(B) The administrator of the medicaid estate recovery 4660
program shall prescribe a form on which a beneficiary of a 4661
transfer on death designation affidavit as provided in section 4662
5302.22 of the Revised Code, who survives the deceased owner of 4663
the real property or an interest in the real property or that is 4664
in existence on the date of death of the deceased owner, or that 4665
beneficiary's representative is to indicate both of the 4666
following: 4667

(1) ~~Whether~~ Which of the following applies to the deceased 4668
~~owner was either of the following:~~ 4669

(a) ~~A decedent subject to the~~ The deceased owner had been 4670
a medicaid estate recovery program recipient. 4671

(b) ~~The spouse of a decedent subject to the~~ deceased owner 4672
had never been a medicaid estate recovery program recipient. 4673

(c) The beneficiary or representative does not know 4674
whether the deceased owner had ever been a medicaid recipient. 4675

(2) ~~Whether the real property or interest in the real~~ 4676
~~property was part of the estate of a decedent subject to the~~ 4677
~~medicaid estate recovery program~~ If the spouse of the deceased 4678
owner died before the owner died, which of the following applies 4679

to the predeceased spouse: 4680

(a) The predeceased spouse had been a medicaid recipient. 4681

(b) The predeceased spouse had never been a medicaid recipient. 4682
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(c) The beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 4684
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(C) The administrator of the medicaid estate recovery program shall make the form prescribed under division (B) of this section available to county recorders. A county recorder shall ~~obtain a properly completed form prescribed under division (B) of this section from the~~ provide a copy of the form to a beneficiary of a transfer on death designation affidavit or the beneficiary's representative and ~~send a copy of the form to the administrator of the medicaid estate recovery program~~ before recording the transfer of the real property or interest in the real property under section 5302.222 of the Revised Code. A beneficiary or beneficiary's representative shall submit a copy of the properly completed form to the administrator of the medicaid estate recovery program if the beneficiary or representative indicates any of the following on the form: 4687
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(1) That the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the deceased owner had ever been a medicaid recipient; 4701
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(2) That the predeceased spouse of the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 4704
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Section 2. That existing sections 9.02, 109.08, 109.081, 4708

109.43, 109.521, 109.57, 109.572, 109.578, 109.60, 149.43, 4709
1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 4710
1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 4711
1716.05, 1716.07, 2743.191, 2743.56, 2743.68, 2743.71, 2746.02, 4712
2901.01, 2923.02, 2953.32, 2981.13, and 5302.221 and section 4713
1331.05 of the Revised Code are hereby repealed. 4714

Section 3. It is the intent of the General Assembly, by 4715
the amendment of this act to the third paragraph of section 4716
109.08 of the Revised Code, to clarify that the paragraph 4717
permits and has always permitted the Attorney General to 4718
authorize special counsel to use the Attorney General's official 4719
letterhead stationary in connection with the collection of any 4720
certified claims even outside of Chapters 5733., 5739., 5741., 4721
and 5747. of the Revised Code. 4722

Section 4. There is created the Study Committee on 4723
Restructuring Gaming Enforcement. The Committee shall evaluate 4724
the current gaming enforcement structure in Ohio and shall 4725
consider alternative structures for gaming enforcement in Ohio. 4726
The Committee shall consult with the Attorney General, the Ohio 4727
Casino Control Commission, the State Lottery Commission, and the 4728
State Racing Commission. 4729

Not later than six months after the effective date of this 4730
section, the Committee shall make a report of its findings and 4731
recommendations and shall deliver that report to the General 4732
Assembly and to the Governor. A majority of the Committee 4733
members shall be in agreement with the report's findings and 4734
recommendations. Upon delivery of the report, the Committee 4735
ceases to exist. 4736

The Committee shall consist of six members as follows: 4737

(A) Three members of the Senate, appointed by the 4738
President of the Senate. Two shall be members of the majority 4739
party, and one shall be a member of the minority party. The 4740
President of the Senate shall consult the Minority Leader of the 4741
Senate on the appointment of the member of the minority party. 4742

(B) Three members of the House of Representatives, 4743
appointed by the Speaker of the House of Representatives. Two 4744
shall be members of the majority party, and one shall be a 4745
member of the minority party. The Speaker shall consult the 4746
Minority Leader of the House of Representatives on the 4747
appointment of the member of the minority party. 4748

Appointments shall be made not later than thirty days 4749
after the effective date of this section. If only the President 4750
of the Senate or the Speaker of the House of Representatives has 4751
made the appointments within sixty days after the effective date 4752
of this section, the Committee is reconstituted to consist of 4753
six members from the chamber whose leader has made the 4754
appointments, and that leader shall appoint to the Committee 4755
three additional members of that chamber. Two shall be members 4756
of the majority party and one shall be a member of the minority 4757
party. The chamber leader shall consult the Minority Leader on 4758
the appointment of the member of the minority party. 4759

A vacancy on the Committee shall be filled in the same 4760
manner as the original appointment. 4761

Committee members shall receive no compensation for 4762
serving on the Committee, except to the extent that serving as a 4763
member is part of the member's regular duties of employment and 4764
except for reimbursement for actual and necessary expenses 4765
incurred in the performance of their official Committee duties. 4766

Section 5. The General Assembly, applying the principle 4767
stated in division (B) of section 1.52 of the Revised Code that 4768
amendments are to be harmonized if reasonably capable of 4769
simultaneous operation, finds that the following sections, 4770
presented in this act as composites of the sections as amended 4771
by the acts indicated, are the resulting versions of the 4772
sections in effect prior to the effective date of the sections 4773
as presented in this act: 4774

Section 2923.02 of the Revised Code as amended by both Am. 4775
Sub. H.B. 461 and Am. Sub. S.B. 260 of the 126th General 4776
Assembly. 4777