

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 284**

**Representatives Dovilla, Anielski**

**Cosponsors: Representatives Baker, Becker, Buchy, Derickson, DeVitis, Ginter,  
Green, Grossman, Hall, Johnson, T., Manning, Patmon, Pelanda, Romanchuk,  
Ruhl, Sears, Thompson**

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**A BILL**

To amend sections 145.27, 145.572, 145.573, 742.41, 1  
742.463, 742.464, 2329.66, 2901.43, 2929.192, 2  
2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3  
3307.20, 3307.372, 3307.373, 3309.22, 3309.672, 4  
3309.673, 5505.04, 5505.262, and 5505.263 and to 5  
enact sections 2901.432, 2901.433, 2901.434, and 6  
2927.28 of the Revised Code to add extortion and 7  
perjury and certain federal offenses to the 8  
offenses that may result in forfeiture or 9  
termination of public retirement system 10  
benefits. 11

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

**Section 1.** That sections 145.27, 145.572, 145.573, 742.41, 12  
742.463, 742.464, 2329.66, 2901.43, 2929.192, 2929.193, 3305.08, 13  
3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 3307.373, 3309.22, 14  
3309.672, 3309.673, 5505.04, 5505.262, and 5505.263 be amended 15  
and sections 2901.432, 2901.433, 2901.434, and 2927.28 of the 16  
Revised Code be enacted to read as follows: 17

**Sec. 145.27.** (A) (1) As used in this division, "personal history record" means information maintained by the public employees retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the public employees retirement system, or other information the board determines to be confidential.

(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except that the following shall be excluded, except with the written authorization of the individual concerned:

(a) The individual's statement of previous service and other information as provided for in section 145.16 of the Revised Code;

(b) The amount of a monthly allowance or benefit paid to the individual;

(c) The individual's personal history record.

(B) All medical reports and recommendations required by this chapter are privileged, except as follows:

(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.

(2) Documentation required by section 2901.434 or 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

(C) Any person who is a member or contributor of the system shall be furnished with a statement of the amount to the credit of the individual's account upon written request. The board is not required to answer more than one such request of a person in any one year. The board may issue annual statements of accounts to members and contributors.

(D) Notwithstanding the exceptions to public inspection in division (A) (2) of this section, the board may furnish the following information:

(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.

(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, contributors, former contributors, retirants, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social

security numbers of recipients of public assistance pursuant to 76  
section 5101.181 of the Revised Code, the board shall inform the 77  
auditor of state of the name, current or most recent employer 78  
address, and social security number of each member whose name 79  
and social security number are the same as that of a person 80  
whose name or social security number was submitted by the 81  
director. The board and its employees shall, except for purposes 82  
of furnishing the auditor of state with information required by 83  
this section, preserve the confidentiality of recipients of 84  
public assistance in compliance with section 5101.181 of the 85  
Revised Code. 86

(5) The system shall comply with orders issued under 87  
section 3105.87 of the Revised Code. 88

On the written request of an alternate payee, as defined 89  
in section 3105.80 of the Revised Code, the system shall furnish 90  
to the alternate payee information on the amount and status of 91  
any amounts payable to the alternate payee under an order issued 92  
under section 3105.171 or 3105.65 of the Revised Code. 93

(6) At the request of any person, the board shall make 94  
available to the person copies of all documents, including 95  
resumes, in the board's possession regarding filling a vacancy 96  
of an employee member or retirant member of the board. The 97  
person who made the request shall pay the cost of compiling, 98  
copying, and mailing the documents. The information described in 99  
division (D)(6) of this section is a public record. 100

(7) The system shall provide the notice required by 101  
section 145.573 of the Revised Code to the prosecutor assigned 102  
to the case. 103

(8) The system may provide information requested by the 104

United States social security administration, United States 105  
centers for medicare and medicaid, Ohio public employees 106  
deferred compensation program, Ohio police and fire pension 107  
fund, school employees retirement system, state teachers 108  
retirement system, state highway patrol retirement system, or 109  
Cincinnati retirement system. 110

(E) A statement that contains information obtained from 111  
the system's records that is signed by the executive director or 112  
an officer of the system and to which the system's official seal 113  
is affixed, or copies of the system's records to which the 114  
signature and seal are attached, shall be received as true 115  
copies of the system's records in any court or before any 116  
officer of this state. 117

(F) For purposes of this section, the board may maintain 118  
records in printed or electronic format. 119

**Sec. 145.572.** (A) (1) Notwithstanding any other provision 120  
of this chapter, the following shall be subject to a forfeiture 121  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 122  
2929.192 of the Revised Code: 123

(a) The right of a member to receive any payment under a 124  
pension, annuity, allowance, or other type of benefit under this 125  
chapter, other than a payment of the accumulated contributions 126  
standing to the person's credit under this chapter; 127

(b) The right of a contributor to receive a benefit under 128  
division (B) of section 145.384 of the Revised Code, other than 129  
a payment of the person's contributions made under section 130  
145.38 or 145.383 of the Revised Code. 131

(2) The public employees retirement system shall comply 132  
with a forfeiture order issued under ~~division (A) or (B) of~~ 133

section 2901.433 or 2929.192 of the Revised Code at the time the 134  
member or contributor applies for payment of the person's 135  
accumulated contributions. Upon payment of the person's 136  
contributions and cancellation of any corresponding service 137  
credit, a person who is subject to the forfeiture order 138  
described in this division may not restore any canceled service 139  
credit under this chapter or the provisions of Chapter 742., 140  
3305., 3307., 3309., or 5505. of the Revised Code. 141

(B) Notwithstanding any other provision of this chapter, 142  
if the system receives notice pursuant to section 2901.43 or 143  
division (C) of section 2901.432 of the Revised Code that a 144  
person who has accumulated contributions standing to the 145  
person's credit pursuant to this chapter is charged with any 146  
offense or violation ~~listed or described in divisions~~ division 147  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 148  
2929.192 of the Revised Code ~~that is a felony in under the~~ 149  
~~circumstances specified in the particular division those~~ 150  
sections, all of the following apply: 151

(1) No payment of those accumulated contributions or of 152  
any other amount or amounts to be paid to a person who is a 153  
member or contributor under this chapter upon the person's 154  
withdrawal of contributions pursuant to this chapter shall be 155  
made prior to whichever of the following is applicable: 156

(a) If the person is convicted of or pleads guilty to the 157  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 158  
~~section either of the following:~~ 159

(i) Section 2929.192 of the Revised Code, the day on which 160  
the system receives from the court a copy of the journal entry 161  
of the offender's sentence under that section; 162

(ii) Section 2901.433 of the Revised Code, the day on 163  
which the system receives from the court a copy of the journal 164  
entry imposing the forfeiture order under that section. 165

(b) If the charge against the person is dismissed, the 166  
person is found not guilty of the charge, or the person is found 167  
not guilty by reason of insanity of the charge, the day on which 168  
the system receives notice of the final disposition of the 169  
charge. 170

(2) The system shall not process any application for 171  
payment under this chapter from the person prior to the final 172  
disposition of the charge. 173

**Sec. 145.573.** Notwithstanding any other provision of this 174  
chapter, a disability benefit granted under this chapter is 175  
subject to an order issued under section 2901.434 or 2929.193 of 176  
the Revised Code. The public employees retirement board shall 177  
comply with the order. 178

On receipt of notice under section 2901.43 of the Revised 179  
Code that a public employees retirement system member is charged 180  
with an offense listed in division (D) of section 2929.192 of 181  
the Revised Code under the circumstances specified in 182  
that ~~division~~ section, the system shall determine whether the 183  
member has been granted a disability benefit. If so, the system 184  
shall send written notice to the prosecutor assigned to the case 185  
that the member has been granted a disability benefit under this 186  
chapter and may be subject to section 2929.193 of the Revised 187  
Code. 188

On receipt of notice under division (D) of section 189  
2901.432 of the Revised Code that a public employees retirement 190  
system member has been convicted of or pleaded guilty to an 191

offense listed in division (B) (1) of that section under the 192  
circumstances specified in that section, the system shall 193  
determine whether the member has been granted a disability 194  
benefit. If so, the system shall send written notice to the 195  
attorney general that the member has been granted a disability 196  
benefit under this chapter and may be subject to section 197  
2901.434 of the Revised Code. 198

**Sec. 742.41.** (A) As used in this section: 199

(1) "Other system retirant" has the same meaning as in 200  
section 742.26 of the Revised Code. 201

(2) "Personal history record" includes a member's, former 202  
member's, or other system retirant's name, address, telephone 203  
number, social security number, record of contributions, 204  
correspondence with the Ohio police and fire pension fund, 205  
status of any application for benefits, and any other 206  
information deemed confidential by the trustees of the fund. 207

(B) The treasurer of state shall furnish annually to the 208  
board of trustees of the fund a sworn statement of the amount of 209  
the funds in the treasurer of state's custody belonging to the 210  
Ohio police and fire pension fund. The records of the fund shall 211  
be open for public inspection except for the following, which 212  
shall be excluded, except with the written authorization of the 213  
individual concerned: 214

(1) The individual's personal history record; 215

(2) Any information identifying, by name and address, the 216  
amount of a monthly allowance or benefit paid to the individual. 217

(C) All medical reports and recommendations required are 218  
privileged, except as follows: 219



(1) Copies of medical reports or recommendations shall be 220  
made available to the personal physician, attorney, or 221  
authorized agent of the individual concerned upon written 222  
release received from the individual or the individual's agent 223  
or, when necessary for the proper administration of the fund, to 224  
the board-assigned physician. 225

(2) Documentation required by section 2901.434 or 2929.193 226  
of the Revised Code shall be provided to a court holding a 227  
hearing under that section. 228

(D) Any person who is a member of the fund or an other 229  
system retirant shall be furnished with a statement of the 230  
amount to the credit of the person's individual account upon the 231  
person's written request. The fund need not answer more than one 232  
such request of a person in any one year. 233

(E) Notwithstanding the exceptions to public inspection in 234  
division (B) of this section, the fund may furnish the following 235  
information: 236

(1) If a member, former member, or other system retirant 237  
is subject to an order issued under section 2907.15 of the 238  
Revised Code or an order issued under division (A) or (B) of 239  
section 2929.192 of the Revised Code or is convicted of or 240  
pleads guilty to a violation of section 2921.41 of the Revised 241  
Code, on written request of a prosecutor as defined in section 242  
2935.01 of the Revised Code, the fund shall furnish to the 243  
prosecutor the information requested from the individual's 244  
personal history record. 245

(2) Pursuant to a court order issued pursuant to Chapter 246  
3119., 3121., 3123., or 3125. of the Revised Code, the fund 247  
shall furnish to a court or child support enforcement agency the 248

information required under that section. 249

(3) At the request of any organization or association of 250  
members of the fund, the fund shall provide a list of the names 251  
and addresses of members of the fund and other system retirants. 252  
The fund shall comply with the request of such organization or 253  
association at least once a year and may impose a reasonable 254  
charge for the list. 255

(4) Within fourteen days after receiving from the director 256  
of job and family services a list of the names and social 257  
security numbers of recipients of public assistance pursuant to 258  
section 5101.181 of the Revised Code, the fund shall inform the 259  
auditor of state of the name, current or most recent employer 260  
address, and social security number of each member or other 261  
system retirant whose name and social security number are the 262  
same as that of a person whose name or social security number 263  
was submitted by the director. The fund and its employees shall, 264  
except for purposes of furnishing the auditor of state with 265  
information required by this section, preserve the 266  
confidentiality of recipients of public assistance in compliance 267  
with section 5101.181 of the Revised Code. 268

(5) The fund shall comply with orders issued under section 269  
3105.87 of the Revised Code. 270

On the written request of an alternate payee, as defined 271  
in section 3105.80 of the Revised Code, the fund shall furnish 272  
to the alternate payee information on the amount and status of 273  
any amounts payable to the alternate payee under an order issued 274  
under section 3105.171 or 3105.65 of the Revised Code. 275

(6) At the request of any person, the fund shall make 276  
available to the person copies of all documents, including 277

resumes, in the fund's possession regarding filling a vacancy of 278  
a police officer employee member, firefighter employee member, 279  
police retirant member, or firefighter retirant member of the 280  
board of trustees. The person who made the request shall pay the 281  
cost of compiling, copying, and mailing the documents. The 282  
information described in this division is a public record. 283

(7) The fund shall provide the notice required by section 284  
742.464 of the Revised Code to the prosecutor assigned to the 285  
case. 286

(F) A statement that contains information obtained from 287  
the fund's records that is signed by the secretary of the board 288  
of trustees of the Ohio police and fire pension fund and to 289  
which the board's official seal is affixed, or copies of the 290  
fund's records to which the signature and seal are attached, 291  
shall be received as true copies of the fund's records in any 292  
court or before any officer of this state. 293

**Sec. 742.463.** (A) Notwithstanding any other provision of 294  
this chapter, any payment of accumulated contributions standing 295  
to a person's credit under this chapter and any other amount or 296  
amounts to be paid to a person who is a member or contributor 297  
under this chapter upon the person's withdrawal of contributions 298  
pursuant to this chapter shall be subject to any forfeiture 299  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 300  
2929.192 of the Revised Code, and the Ohio police and fire 301  
pension fund shall comply with that order in making the payment. 302  
Upon payment of the person's accumulated contributions and 303  
cancellation of the corresponding service credit, a person who 304  
is subject to the forfeiture described in this division may not 305  
restore the canceled service credit under this chapter or under 306  
Chapter 145., 3305., 3307., 3309., or 5505. of the Revised Code. 307

(B) Notwithstanding any other provision of this chapter, 308  
if the fund receives notice pursuant to section 2901.43 or 309  
division (C) of section 2901.432 of the Revised Code that a 310  
person who has accumulated contributions standing to the 311  
person's credit pursuant to this chapter is charged with any 312  
offense or violation ~~listed or described in divisions~~ division 313  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 314  
2929.192 of the Revised Code ~~that is a felony in~~ under the 315  
circumstances specified in ~~the particular division~~ those 316  
sections, all of the following apply: 317

(1) No payment of those accumulated contributions or of 318  
any other amount or amounts to be paid to a person who is a 319  
member or contributor under this chapter upon the person's 320  
withdrawal of contributions pursuant to this chapter shall be 321  
made prior to whichever of the following is applicable: 322

(a) If the person is convicted of or pleads guilty to the 323  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 324  
~~section either of the following:~~ 325

(i) Section 2929.192 of the Revised Code, the day on which 326  
the fund receives from the court a copy of the journal entry of 327  
the offender's sentence under that section; 328

(ii) Section 2901.433 of the Revised Code, the day on 329  
which the fund receives from the court a copy of the journal 330  
entry imposing the forfeiture order under that section. 331

(b) If the charge against the person is dismissed, the 332  
person is found not guilty of the charge, or the person is found 333  
not guilty by reason of insanity of the charge, the day on which 334  
the fund receives notice of the final disposition of the charge. 335

(2) The fund shall not process any application for payment 336

under this chapter from the person prior to the final 337  
disposition of the charge. 338

**Sec. 742.464.** Notwithstanding any other provision of this 339  
chapter, a disability benefit granted under this chapter is 340  
subject to an order issued under section 2901.434 or 2929.193 of 341  
the Revised Code. The board of trustees of the Ohio police and 342  
fire pension fund shall comply with the order. 343

On receipt of notice under section 2901.43 of the Revised 344  
Code that an Ohio police and fire pension fund member is charged 345  
with an offense listed in division (D) of section 2929.192 of 346  
the Revised Code under the circumstances specified in 347  
that ~~division~~ section, the fund shall determine whether the 348  
member has been granted a disability benefit. If so, the fund 349  
shall send written notice to the prosecutor assigned to the case 350  
that the member has been granted a disability benefit under this 351  
chapter and may be subject to section 2929.193 of the Revised 352  
Code. 353

On receipt of notice under division (D) of section 354  
2901.432 of the Revised Code that an Ohio police and fire 355  
pension fund member has been convicted of or pleaded guilty to 356  
an offense listed in division (B)(1) of that section under the 357  
circumstances specified in that section, the fund shall 358  
determine whether the member has been granted a disability 359  
benefit. If so, the fund shall send written notice to the 360  
attorney general that the member has been granted a disability 361  
benefit under this chapter and may be subject to section 362  
2901.434 of the Revised Code. 363

**Sec. 2329.66.** (A) Every person who is domiciled in this 364  
state may hold property exempt from execution, garnishment, 365  
attachment, or sale to satisfy a judgment or order, as follows: 366

(1) (a) In the case of a judgment or order regarding money 367  
owed for health care services rendered or health care supplies 368  
provided to the person or a dependent of the person, one parcel 369  
or item of real or personal property that the person or a 370  
dependent of the person uses as a residence. Division (A) (1) (a) 371  
of this section does not preclude, affect, or invalidate the 372  
creation under this chapter of a judgment lien upon the exempted 373  
property but only delays the enforcement of the lien until the 374  
property is sold or otherwise transferred by the owner or in 375  
accordance with other applicable laws to a person or entity 376  
other than the surviving spouse or surviving minor children of 377  
the judgment debtor. Every person who is domiciled in this state 378  
may hold exempt from a judgment lien created pursuant to 379  
division (A) (1) (a) of this section the person's interest, not to 380  
exceed one hundred twenty-five thousand dollars, in the exempted 381  
property. 382

(b) In the case of all other judgments and orders, the 383  
person's interest, not to exceed one hundred twenty-five 384  
thousand dollars, in one parcel or item of real or personal 385  
property that the person or a dependent of the person uses as a 386  
residence. 387

(c) For purposes of divisions (A) (1) (a) and (b) of this 388  
section, "parcel" means a tract of real property as identified 389  
on the records of the auditor of the county in which the real 390  
property is located. 391

(2) The person's interest, not to exceed three thousand 392  
two hundred twenty-five dollars, in one motor vehicle; 393

(3) The person's interest, not to exceed four hundred 394  
dollars, in cash on hand, money due and payable, money to become 395  
due within ninety days, tax refunds, and money on deposit with a 396

bank, savings and loan association, credit union, public 397  
utility, landlord, or other person, other than personal 398  
earnings. 399

(4) (a) The person's interest, not to exceed five hundred 400  
twenty-five dollars in any particular item or ten thousand seven 401  
hundred seventy-five dollars in aggregate value, in household 402  
furnishings, household goods, wearing apparel, appliances, 403  
books, animals, crops, musical instruments, firearms, and 404  
hunting and fishing equipment that are held primarily for the 405  
personal, family, or household use of the person; 406

(b) The person's aggregate interest in one or more items 407  
of jewelry, not to exceed one thousand three hundred fifty 408  
dollars, held primarily for the personal, family, or household 409  
use of the person or any of the person's dependents. 410

(5) The person's interest, not to exceed an aggregate of 411  
two thousand twenty-five dollars, in all implements, 412  
professional books, or tools of the person's profession, trade, 413  
or business, including agriculture; 414

(6) (a) The person's interest in a beneficiary fund set 415  
apart, appropriated, or paid by a benevolent association or 416  
society, as exempted by section 2329.63 of the Revised Code; 417

(b) The person's interest in contracts of life or 418  
endowment insurance or annuities, as exempted by section 3911.10 419  
of the Revised Code; 420

(c) The person's interest in a policy of group insurance 421  
or the proceeds of a policy of group insurance, as exempted by 422  
section 3917.05 of the Revised Code; 423

(d) The person's interest in money, benefits, charity, 424  
relief, or aid to be paid, provided, or rendered by a fraternal 425

benefit society, as exempted by section 3921.18 of the Revised Code;	426 427
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	428 429 430 431
(7) The person's professionally prescribed or medically necessary health aids;	432 433
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	434 435 436
(9) The person's interest in the following:	437
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	438 439
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	440 441
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	442 443
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	444 445
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	446 447 448
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	449 450
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	451 452



(10) (a) Except in cases in which the person was convicted 453  
of or pleaded guilty to a violation of section 2921.41 of the 454  
Revised Code and in which an order for the withholding of 455  
restitution from payments was issued under division (C) (2) (b) of 456  
that section, in cases in which an order for withholding was 457  
issued under section 2907.15 of the Revised Code, in cases in 458  
which an order for forfeiture was issued under division (B) or 459  
(C) of section 2901.433 or division (A) or (B) of section 460  
2929.192 of the Revised Code, and in cases in which an order was 461  
issued under section 2901.434, 2929.193, or 2929.194 of the 462  
Revised Code, and only to the extent provided in the order, and 463  
except as provided in sections 3105.171, 3105.63, 3119.80, 464  
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 465  
person's rights to or interests in a pension, benefit, annuity, 466  
retirement allowance, or accumulated contributions, the person's 467  
rights to or interests in a participant account in any deferred 468  
compensation program offered by the Ohio public employees 469  
deferred compensation board, a government unit, or a municipal 470  
corporation, or the person's other accrued or accruing rights or 471  
interests, as exempted by section 145.56, 146.13, 148.09, 472  
742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and 473  
the person's rights to or interests in benefits from the Ohio 474  
public safety officers death benefit fund; 475

(b) Except as provided in sections 3119.80, 3119.81, 476  
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 477  
rights to receive or interests in receiving a payment or other 478  
benefits under any pension, annuity, or similar plan or 479  
contract, not including a payment or benefit from a stock bonus 480  
or profit-sharing plan or a payment included in division (A) (6) 481  
(b) or (10) (a) of this section, on account of illness, 482  
disability, death, age, or length of service, to the extent 483

reasonably necessary for the support of the person and any of 484  
the person's dependents, except if all the following apply: 485

(i) The plan or contract was established by or under the 486  
auspices of an insider that employed the person at the time the 487  
person's rights or interests under the plan or contract arose. 488

(ii) The payment is on account of age or length of 489  
service. 490

(iii) The plan or contract is not qualified under the 491  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 492  
amended. 493

(c) Except for any portion of the assets that were 494  
deposited for the purpose of evading the payment of any debt and 495  
except as provided in sections 3119.80, 3119.81, 3121.02, 496  
3121.03, and 3123.06 of the Revised Code, the person's rights or 497  
interests in the assets held in, or to directly or indirectly 498  
receive any payment or benefit under, any individual retirement 499  
account, individual retirement annuity, "Roth IRA," "529 plan," 500  
or education individual retirement account that provides 501  
payments or benefits by reason of illness, disability, death, 502  
retirement, or age or provides payments or benefits for purposes 503  
of education, to the extent that the assets, payments, or 504  
benefits described in division (A)(10)(c) of this section are 505  
attributable to or derived from any of the following or from any 506  
earnings, dividends, interest, appreciation, or gains on any of 507  
the following: 508

(i) Contributions of the person that were less than or 509  
equal to the applicable limits on deductible contributions to an 510  
individual retirement account or individual retirement annuity 511  
in the year that the contributions were made, whether or not the 512

person was eligible to deduct the contributions on the person's 513  
federal tax return for the year in which the contributions were 514  
made; 515

(ii) Contributions of the person that were less than or 516  
equal to the applicable limits on contributions to a Roth IRA or 517  
education individual retirement account in the year that the 518  
contributions were made; 519

(iii) Contributions of the person that are within the 520  
applicable limits on rollover contributions under subsections 521  
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 522  
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 523  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 524

(iv) Contributions by any person into any plan, fund, or 525  
account that is formed, created, or administered pursuant to, or 526  
is otherwise subject to, section 529 of the "Internal Revenue 527  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 528

(d) Except for any portion of the assets that were 529  
deposited for the purpose of evading the payment of any debt and 530  
except as provided in sections 3119.80, 3119.81, 3121.02, 531  
3121.03, and 3123.06 of the Revised Code, the person's rights or 532  
interests in the assets held in, or to receive any payment 533  
under, any Keogh or "H.R. 10" plan that provides benefits by 534  
reason of illness, disability, death, retirement, or age, to the 535  
extent reasonably necessary for the support of the person and 536  
any of the person's dependents. 537

(e) The person's rights to or interests in any assets held 538  
in, or to directly or indirectly receive any payment or benefit 539  
under, any individual retirement account, individual retirement 540  
annuity, "Roth IRA," "529 plan," or education individual 541

retirement account that a decedent, upon or by reason of the 542  
decedent's death, directly or indirectly left to or for the 543  
benefit of the person, either outright or in trust or otherwise, 544  
including, but not limited to, any of those rights or interests 545  
in assets or to receive payments or benefits that were 546  
transferred, conveyed, or otherwise transmitted by the decedent 547  
by means of a will, trust, exercise of a power of appointment, 548  
beneficiary designation, transfer or payment on death 549  
designation, or any other method or procedure. 550

(f) The exemptions under divisions (A) (10) (a) to (e) of 551  
this section also shall apply or otherwise be available to an 552  
alternate payee under a qualified domestic relations order 553  
(QDRO) or other similar court order. 554

(g) A person's interest in any plan, program, instrument, 555  
or device described in divisions (A) (10) (a) to (e) of this 556  
section shall be considered an exempt interest even if the plan, 557  
program, instrument, or device in question, due to an error made 558  
in good faith, failed to satisfy any criteria applicable to that 559  
plan, program, instrument, or device under the "Internal Revenue 560  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 561

(11) The person's right to receive spousal support, child 562  
support, an allowance, or other maintenance to the extent 563  
reasonably necessary for the support of the person and any of 564  
the person's dependents; 565

(12) The person's right to receive, or moneys received 566  
during the preceding twelve calendar months from, any of the 567  
following: 568

(a) An award of reparations under sections 2743.51 to 569  
2743.72 of the Revised Code, to the extent exempted by division 570

(D) of section 2743.66 of the Revised Code; 571

(b) A payment on account of the wrongful death of an 572  
individual of whom the person was a dependent on the date of the 573  
individual's death, to the extent reasonably necessary for the 574  
support of the person and any of the person's dependents; 575

(c) Except in cases in which the person who receives the 576  
payment is an inmate, as defined in section 2969.21 of the 577  
Revised Code, and in which the payment resulted from a civil 578  
action or appeal against a government entity or employee, as 579  
defined in section 2969.21 of the Revised Code, a payment, not 580  
to exceed twenty thousand two hundred dollars, on account of 581  
personal bodily injury, not including pain and suffering or 582  
compensation for actual pecuniary loss, of the person or an 583  
individual for whom the person is a dependent; 584

(d) A payment in compensation for loss of future earnings 585  
of the person or an individual of whom the person is or was a 586  
dependent, to the extent reasonably necessary for the support of 587  
the debtor and any of the debtor's dependents. 588

(13) Except as provided in sections 3119.80, 3119.81, 589  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 590  
earnings of the person owed to the person for services in an 591  
amount equal to the greater of the following amounts: 592

(a) If paid weekly, thirty times the current federal 593  
minimum hourly wage; if paid biweekly, sixty times the current 594  
federal minimum hourly wage; if paid semimonthly, sixty-five 595  
times the current federal minimum hourly wage; or if paid 596  
monthly, one hundred thirty times the current federal minimum 597  
hourly wage that is in effect at the time the earnings are 598  
payable, as prescribed by the "Fair Labor Standards Act of 599

1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 600

(b) Seventy-five per cent of the disposable earnings owed 601  
to the person. 602

(14) The person's right in specific partnership property, 603  
as exempted by the person's rights in a partnership pursuant to 604  
section 1776.50 of the Revised Code, except as otherwise set 605  
forth in section 1776.50 of the Revised Code; 606

(15) A seal and official register of a notary public, as 607  
exempted by section 147.04 of the Revised Code; 608

(16) The person's interest in a tuition unit or a payment 609  
under section 3334.09 of the Revised Code pursuant to a tuition 610  
payment contract, as exempted by section 3334.15 of the Revised 611  
Code; 612

(17) Any other property that is specifically exempted from 613  
execution, attachment, garnishment, or sale by federal statutes 614  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 615  
11 U.S.C.A. 101, as amended; 616

(18) The person's aggregate interest in any property, not 617  
to exceed one thousand seventy-five dollars, except that 618  
division (A)(18) of this section applies only in bankruptcy 619  
proceedings. 620

(B) On April 1, 2010, and on the first day of April in 621  
each third calendar year after 2010, the Ohio judicial 622  
conference shall adjust each dollar amount set forth in this 623  
section to reflect any increase in the consumer price index for 624  
all urban consumers, as published by the United States 625  
department of labor, or, if that index is no longer published, a 626  
generally available comparable index, for the three-year period 627  
ending on the thirty-first day of December of the preceding 628

year. Any adjustments required by this division shall be rounded 629  
to the nearest twenty-five dollars. 630

The Ohio judicial conference shall prepare a memorandum 631  
specifying the adjusted dollar amounts. The judicial conference 632  
shall transmit the memorandum to the director of the legislative 633  
service commission, and the director shall publish the 634  
memorandum in the register of Ohio. (Publication of the 635  
memorandum in the register of Ohio shall continue until the next 636  
memorandum specifying an adjustment is so published.) The 637  
judicial conference also may publish the memorandum in any other 638  
manner it concludes will be reasonably likely to inform persons 639  
who are affected by its adjustment of the dollar amounts. 640

(C) As used in this section: 641

(1) "Disposable earnings" means net earnings after the 642  
garnishee has made deductions required by law, excluding the 643  
deductions ordered pursuant to section 3119.80, 3119.81, 644  
3121.02, 3121.03, or 3123.06 of the Revised Code. 645

(2) "Insider" means: 646

(a) If the person who claims an exemption is an 647  
individual, a relative of the individual, a relative of a 648  
general partner of the individual, a partnership in which the 649  
individual is a general partner, a general partner of the 650  
individual, or a corporation of which the individual is a 651  
director, officer, or in control; 652

(b) If the person who claims an exemption is a 653  
corporation, a director or officer of the corporation; a person 654  
in control of the corporation; a partnership in which the 655  
corporation is a general partner; a general partner of the 656  
corporation; or a relative of a general partner, director, 657

officer, or person in control of the corporation; 658

(c) If the person who claims an exemption is a 659  
partnership, a general partner in the partnership; a general 660  
partner of the partnership; a person in control of the 661  
partnership; a partnership in which the partnership is a general 662  
partner; or a relative in, a general partner of, or a person in 663  
control of the partnership; 664

(d) An entity or person to which or whom any of the 665  
following applies: 666

(i) The entity directly or indirectly owns, controls, or 667  
holds with power to vote, twenty per cent or more of the 668  
outstanding voting securities of the person who claims an 669  
exemption, unless the entity holds the securities in a fiduciary 670  
or agency capacity without sole discretionary power to vote the 671  
securities or holds the securities solely to secure to debt and 672  
the entity has not in fact exercised the power to vote. 673

(ii) The entity is a corporation, twenty per cent or more 674  
of whose outstanding voting securities are directly or 675  
indirectly owned, controlled, or held with power to vote, by the 676  
person who claims an exemption or by an entity to which division 677  
(C) (2) (d) (i) of this section applies. 678

(iii) A person whose business is operated under a lease or 679  
operating agreement by the person who claims an exemption, or a 680  
person substantially all of whose business is operated under an 681  
operating agreement with the person who claims an exemption. 682

(iv) The entity operates the business or all or 683  
substantially all of the property of the person who claims an 684  
exemption under a lease or operating agreement. 685

(e) An insider, as otherwise defined in this section, of a 686



person or entity to which division (C) (2) (d) (i), (ii), (iii), or 687  
(iv) of this section applies, as if the person or entity were a 688  
person who claims an exemption; 689

(f) A managing agent of the person who claims an 690  
exemption. 691

(3) "Participant account" has the same meaning as in 692  
section 148.01 of the Revised Code. 693

(4) "Government unit" has the same meaning as in section 694  
148.06 of the Revised Code. 695

(D) For purposes of this section, "interest" shall be 696  
determined as follows: 697

(1) In bankruptcy proceedings, as of the date a petition 698  
is filed with the bankruptcy court commencing a case under Title 699  
11 of the United States Code; 700

(2) In all cases other than bankruptcy proceedings, as of 701  
the date of an appraisal, if necessary under section 2329.68 of 702  
the Revised Code, or the issuance of a writ of execution. 703

An interest, as determined under division (D) (1) or (2) of 704  
this section, shall not include the amount of any lien otherwise 705  
valid pursuant to section 2329.661 of the Revised Code. 706

**Sec. 2901.43.** (A) (1) As used in this section: 707

(a) "Public retirement system," "alternative retirement 708  
plan," and "prosecutor" have the same meanings as in section 709  
2907.15 of the Revised Code. 710

(b) "Position of honor, trust, or profit" has the same 711  
meaning as in section 2929.192 of the Revised Code. 712

(2) For purposes of ~~divisions (B) and (C) of this section,~~ 713

a both of the following apply: 714

(a) A violation of section 2923.32 of the Revised Code or 715  
any other violation or offense that includes as an element a 716  
course of conduct or the occurrence of multiple acts is 717  
"committed on or after the effective date of this section May 718  
13, 2008," if the course of conduct continues, one or more of 719  
the multiple acts occurs, or the subject person's accountability 720  
for the course of conduct or for one or more of the multiple 721  
acts continues, on or after the effective date of this section 722  
May 13, 2008; 723

(b) A violation of section 2923.32 of the Revised Code or 724  
any other violation or offense that includes as an element a 725  
course of conduct or the occurrence of multiple acts is 726  
"committed on or after the effective date of this amendment" if 727  
the course of conduct continues, one or more of the multiple 728  
acts occurs, or the offender's accountability for the course of 729  
conduct or for one or more of the multiple acts continues on or 730  
after the effective date of this amendment. 731

(B) This section applies to a person to whom all of the 732  
following apply: 733

(1) The person is charged with an offense described in 734  
division (D) of section 2929.192 of the Revised Code that was 735  
allegedly committed on or after the appropriate date specified 736  
in that division. 737

(2) The offense was allegedly committed within the context 738  
of the person's public employment in a position of honor, trust, 739  
or profit. 740

(3) At the time of the alleged offense, the person was one 741  
of the following: 742

(a) A member of a public retirement system; 743

(b) A contributor to a public retirement system receiving 744  
or eligible to receive a benefit under section 145.384, 742.26, 745  
3307.352, or 3309.344 of the Revised Code; 746

(c) A participant in an alternative retirement plan. 747

~~(C) Upon the filing of charges against a person alleging~~ 748  
~~that the person committed on or after the effective date of this~~ 749  
~~section any violation or offense specified in division (C) of~~ 750  
~~this section, if the person allegedly committed the violation or~~ 751  
~~offense while serving in a position of honor, trust, or profit~~ 752  
~~and if the person is an electing employee participating in an~~ 753  
~~alternative retirement plan or a member of a public retirement~~ 754  
~~system subject to this section, the prosecutor who is assigned~~ 755  
~~to the case shall send written notice that those charges have~~ 756  
~~been filed against that person to the alternative retirement~~ 757  
~~plan in which the person is a participant or the public~~ 758  
~~retirement system in which the person is a member~~ 759  
~~or~~ 760  
~~contributor, whichever is applicable. The written notice shall~~ 761  
~~specifically identify the person charged.~~

~~(C) Division (B) of this section applies when a person is~~ 762  
~~charged with committing on or after the effective date of this~~ 763  
~~section any offense or violation listed or described in~~ 764  
~~divisions (D) (1) to (3) of section 2929.192 of the Revised Code~~ 765  
~~that is a felony, in the circumstances specified in the~~ 766  
~~particular division.~~ 767

**Sec. 2901.432.** (A) As used in this section: 768

(1) "Public retirement system" and "alternative retirement 769  
plan" have the same meanings as in section 2907.15 of the 770  
Revised Code. 771

(2) "Position of honor, trust, or profit" has the same meaning as in division (F) (1) (b) of section 2929.192 of the Revised Code. 772  
773  
774

(B) This section applies to a person to whom all of the following apply: 775  
776

(1) The person is charged with any of the following offenses that were allegedly committed on or after the effective date of this section: 777  
778  
779

(a) Section 901(a) of the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961 et seq., as amended; 780  
781

(b) Section 1104 of the "Comprehensive Crime Control Act of 1984," 98 Stat. 2143, 18 U.S.C. 666, as amended; 782  
783

(c) Section 1951 of the "Hobbs Act," 62 Stat. 793, 18 U.S.C. 1951, as amended; 784  
785

(d) Section 7603 of the "Anti-Drug Abuse Act of 1988," 102 Stat. 4508, 18 U.S.C. 1341, 1343, and 1346; 786  
787

(e) A conspiracy to commit any offense described in divisions (B) (1) (a), (b), (c), and (d) of this section, in violation of 62 Stat. 701, 18 U.S.C. 371. 788  
789  
790

(2) The offense was allegedly committed within the context of the person's public employment in a position of honor, trust, or profit. 791  
792  
793

(3) At the time of the alleged offense, the person was one of the following: 794  
795

(a) A member of a public retirement system; 796

(b) A contributor to a public retirement system receiving or eligible to receive a benefit under section 145.384, 742.26, 797  
798

3307.352, or 3309.344 of the Revised Code; 799

(c) A participant in an alternative retirement plan. 800

(C) On the filing of charges against a person subject to 801  
this section, the person shall send written notice to the public 802  
retirement system or alternative retirement plan in which the 803  
person is a member, contributor, or participant and to the 804  
attorney general that charges have been filed against the 805  
person. The notice shall specifically identify the person. 806

(D) On the conviction or guilty plea of a person subject 807  
to this section, the person shall send written notice to the 808  
public retirement system or alternative retirement plan in which 809  
the person is a member, contributor, or participant and to the 810  
attorney general of the person's conviction or guilty plea. The 811  
notice shall specifically identify the person. 812

**Sec. 2901.433.** (A) As used in this section: 813

(1) "Public retirement system" and "alternative retirement 814  
plan" have the same meanings as in section 2907.15 of the 815  
Revised Code. 816

(2) "Position of honor, trust, or profit" has the same 817  
meaning as in division (F) (1) (b) of section 2929.192 of the 818  
Revised Code. 819

(3) "Accumulated contributions" has the same meaning as in 820  
section 2929.192 of the Revised Code. 821

(B) (1) On receipt of notice under division (D) of section 822  
2901.432 of the Revised Code, the attorney general shall 823  
determine whether the federal court charged with sentencing the 824  
offender who is subject to that section has issued an order of 825  
forfeiture or writ of garnishment on the retirement allowance, 826

pension, disability benefit, or other right or benefit of the 827  
offender from a public retirement system or alternative 828  
retirement plan. If the federal court has not issued such an 829  
order or writ, the attorney general shall bring an action in the 830  
court of common pleas of Franklin county asking the court to 831  
order a forfeiture to the public retirement system or 832  
alternative retirement plan in which the offender was a member, 833  
contributor, or participant of the offender's right to a 834  
retirement allowance, pension, disability benefit, or other 835  
right or benefit, other than payment of the offender's 836  
accumulated contributions. The court shall notify the offender 837  
of the action. Except as provided in division (C) of this 838  
section, the court shall order the forfeiture if all of the 839  
following apply: 840

(a) The offender has been convicted of or pleaded guilty 841  
to an offense described in division (B) (1) of section 2901.432 842  
of the Revised Code that was committed on or after the effective 843  
date of this section. 844

(b) The offense was committed within the context of the 845  
offender's public employment in a position of honor, trust, or 846  
profit. 847

(c) At the time of the offense, the offender was one of 848  
the following: 849

(i) A member of a public retirement system; 850

(ii) A contributor to a public retirement system eligible 851  
to receive a benefit under section 145.384, 742.26, 3307.352, or 852  
3309.344 of the Revised Code; 853

(iii) A participant in an alternative retirement plan. 854

(2) The court of common pleas shall send a copy of the 855

journal entry imposing the forfeiture order under division (B) 856  
(1) of this section to each public retirement system or 857  
alternative retirement plan in which the offender is a member, 858  
contributor, or participant. 859

(C) In any case in which the court may order forfeiture 860  
under division (B) of this section, the offender may request a 861  
hearing regarding the forfeiture by delivering a written request 862  
for a hearing to the court not later than thirty days after 863  
receipt of the notice described in that division. If a request 864  
is made by the offender, the court shall conduct the hearing. 865  
The court shall give notice of the hearing to the offender, 866  
attorney general, United States attorney who handled the case in 867  
which the offender was convicted of or pleaded guilty to the 868  
offense, and each appropriate public retirement system or 869  
alternative retirement plan provider. 870

A hearing conducted under this division shall be limited 871  
to a consideration of whether there is good cause based on 872  
evidence presented by the offender for the forfeiture order not 873  
to be issued. If it determines that there is good cause, the 874  
court shall not issue the forfeiture order. If the offender does 875  
not request a hearing or the court conducts a hearing but does 876  
not determine that there is good cause for the order not to be 877  
issued, the court shall order the forfeiture and send a copy of 878  
the journal entry imposing the forfeiture order to each 879  
appropriate public retirement system or alternative retirement 880  
plan. 881

(D) Each public retirement system or alternative 882  
retirement plan that receives a copy of a journal entry under 883  
division (B) or (C) of this section that contains an order of 884  
forfeiture shall comply with the order. 885

(E) For purposes of division (B) of this section, a violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues on or after the effective date of this section. 886  
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**Sec. 2901.434.** (A) As used in this section: 894

(1) "Public retirement system" and "alternative retirement plan" have the same meanings as in section 2907.15 of the Revised Code. 895  
896  
897

(2) "Position of honor, trust, or profit" has the same meaning as in division (F)(1)(b) of section 2929.192 of the Revised Code. 898  
899  
900

(B) This section applies to an offender to whom all of the following apply: 901  
902

(1) The offender has been convicted of or pleaded guilty to an offense listed in division (B)(1) of section 2901.432 of the Revised Code that was committed on or after the effective date of this section. 903  
904  
905  
906

(2) The offense was committed within the context of the offender's public employment in a position of honor, trust, or profit. 907  
908  
909

(3) At the time of the offense, the offender was one of the following: 910  
911

(a) A member of a public retirement system; 912

(b) A contributor to a public retirement system receiving 913



or eligible to receive a benefit under section 145.384, 742.26, 914  
3307.352, or 3309.344 of the Revised Code; 915

(c) A participant in an alternative retirement plan. 916

(4) Prior to the final disposition of the case, the 917  
offender was granted a disability benefit by a public retirement 918  
system or an alternative retirement plan provider. 919

(C) (1) On receipt of the notice under division (D) of 920  
section 2901.432 of the Revised Code, the attorney general shall 921  
determine whether the federal court charged with sentencing the 922  
offender has issued an order of forfeiture of or writ of 923  
garnishment on the disability benefit of the offender. If the 924  
federal court has not issued such an order or writ, the attorney 925  
general shall bring an action in the court of common pleas of 926  
Franklin county asking the court to order termination of the 927  
offender's disability benefit. 928

The court shall notify the offender of the action and 929  
schedule a hearing regarding the condition for which the 930  
offender was granted a disability benefit. Not later than ten 931  
days prior to the scheduled date of the hearing, the court shall 932  
give written notice of the hearing to the offender, the attorney 933  
general, the United States attorney who handled the case in 934  
which the offender was convicted of or pleaded guilty to the 935  
offense for which the order will be imposed, and each 936  
appropriate public retirement system or alternative retirement 937  
plan provider. The hearing shall be limited to consideration of 938  
whether the offender's disabling condition arose out of the 939  
commission of the offense the offender was convicted of or 940  
pleaded guilty to. 941

The system or provider shall submit to the court the 942

offender's disability benefit application and the related 943  
medical reports and recommendations. If the court determines 944  
based on those documents and the hearing that the disabling 945  
condition arose out of the commission of the offense the 946  
offender was convicted of or pleaded guilty to, the court shall 947  
order the system or provider to terminate the disability 948  
benefit. 949

(2) Any disability benefit paid the offender prior to its 950  
termination may be recovered in accordance with section 145.563, 951  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 952  
Code. 953

(D) For purposes of division (B) of this section, a 954  
violation or offense that includes as an element a course of 955  
conduct or the occurrence of multiple acts is "committed on or 956  
after the effective date of this section" if the course of 957  
conduct continues, one or more of the multiple acts occurs, or 958  
the offender's accountability for the course of conduct or for 959  
one or more of the multiple acts continues on or after the 960  
effective date of this section. 961

**Sec. 2927.28.** (A) No person shall knowingly fail to send a 962  
notice required by division (C) or (D) of section 2901.432 of 963  
the Revised Code. 964

(B) Whoever violates this section is guilty of failure to 965  
report a charge or conviction to a public retirement system or 966  
alternative retirement plan, a misdemeanor of the fourth degree. 967

**Sec. 2929.192.** (A) If an offender is being sentenced for 968  
any felony offense listed in division (D) of this section that 969  
was committed on or after May 13, 2008, if the offender 970  
committed the offense while serving in a position of honor, 971

~~trust, or profit, and if the offender, at the time of the~~ 972  
~~commission of the offense, was a member of any public retirement~~ 973  
~~system or a participant in an alternative retirement plan, in~~ 974  
In addition to any other sanction ~~it~~ a court imposes under section 975  
2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised 976  
Code but subject to division (B) of this section, the court 977  
shall order the forfeiture to the public retirement system or 978  
alternative retirement plan in which the offender was a member, 979  
contributor, or participant of the offender's right to a 980  
retirement allowance, pension, disability benefit, or other 981  
right or benefit, other than payment of the offender's 982  
accumulated contributions, ~~earned by reason of the offender's~~ 983  
~~being a member of the public retirement system or alternative~~ 984  
~~retirement plan. A~~ if all of the following apply: 985

(1) The offender is being sentenced for an offense 986  
described in division (D) of this section that was committed on 987  
or after the appropriate date specified in that division. 988

(2) The offense was committed within the context of the 989  
offender's public employment in a position of honor, trust, or 990  
profit. 991

(3) At the time of the offense, the offender was one of 992  
the following: 993

(a) A member of a public retirement system; 994

(b) A contributor to a public retirement system receiving 995  
or eligible to receive a benefit under section 145.384, 742.26, 996  
3307.352, or 3309.344 of the Revised Code; 997

(c) A participant in an alternative retirement plan. 998

A forfeiture ordered under this division is part of, and 999  
shall be included in, the sentence of the offender. The court 1000

shall send a copy of the journal entry imposing sentence on the 1001  
offender to the appropriate public retirement system or 1002  
alternative retirement plan in which the offender was a member, 1003  
contributor, or participant. 1004

(B) In any case in which a sentencing court is required to 1005  
order forfeiture of an offender's right to a retirement 1006  
allowance, pension, disability benefit, or other right or 1007  
benefit under division (A) of this section, the offender may 1008  
request a hearing regarding the forfeiture by delivering to the 1009  
court prior to sentencing a written request for a hearing. If a 1010  
request for a hearing is made by the offender prior to 1011  
sentencing, the court shall conduct the hearing before 1012  
sentencing. The court shall notify the offender, the prosecutor 1013  
who handled the case in which the offender was convicted of or 1014  
pleaded guilty to the offense for which the forfeiture order was 1015  
imposed, and the appropriate public retirement system, or 1016  
alternative retirement plan provider, whichever is applicable, 1017  
or, if more than one is specified in the motion, the applicable 1018  
combination of these, of the hearing. A hearing scheduled under 1019  
this division shall be limited to a consideration of whether 1020  
there is good cause based on evidence presented by the offender 1021  
for the forfeiture order not to be issued. If the court 1022  
determines based on evidence presented by the offender that 1023  
there is good cause for the forfeiture order not to be issued, 1024  
the court shall not issue the forfeiture order. If the offender 1025  
does not request a hearing prior to sentencing or if the court 1026  
conducts a hearing but does not determine based on evidence 1027  
presented by the offender that there is good cause for the 1028  
forfeiture order not to be issued, the court shall order the 1029  
forfeiture described in division (A) of this section in 1030  
accordance with that division and shall send a copy of the 1031

journal entry imposing sentence on the offender to the 1032  
appropriate public retirement system or alternative retirement 1033  
plan in which the offender was a member, contributor, or 1034  
participant. 1035

(C) Upon receipt of a copy of the journal entry imposing 1036  
sentence on an offender under division (A) or (B) of this 1037  
section that contains an order of forfeiture of a type described 1038  
in that division, the public retirement system or alternative 1039  
retirement plan in which the offender was a member, contributor, 1040  
or participant shall comply with the forfeiture order on 1041  
application for a refund of the accumulated contributions of the 1042  
member, contributor, or participant. 1043

(D) ~~(1)~~ Division (A) of this section applies ~~regarding to~~ 1044  
an offender who is convicted of or pleads guilty to any of the 1045  
following offenses committed on or after May 13, 2008, ~~that is a~~ 1046  
~~felony and who committed the offense while serving in a position~~ 1047  
~~of honor, trust, or profit:~~ 1048

~~(1)(a)~~ A violation of section 2921.02 or 2923.32 of the 1049  
Revised Code that is a felony or a violation of section 2921.41 1050  
of the Revised Code that is a felony of the third degree; 1051

~~(2)(b)~~ A violation of an existing or former municipal 1052  
ordinance or law of this or any other state or the United States 1053  
that is substantially equivalent to any violation ~~listed~~ 1054  
described in division (D) (1) (a) of this section; 1055

~~(3)(c)~~ A conspiracy to commit, attempt to commit, or 1056  
complicity in committing any violation ~~listed described in~~ 1057  
division (D) (1) (a) or ~~described in division (D) (2) (b)~~ of this 1058  
section. 1059

(2) Division (A) of this section applies to an offender 1060

who is convicted of or pleads guilty to any of the following 1061  
offenses committed on or after the effective date of this 1062  
amendment: 1063

(a) A violation of section 2905.11 or 2921.11 of the 1064  
Revised Code that is a felony; 1065

(b) A violation of an existing or former municipal 1066  
ordinance or law of this or any other state or the United States 1067  
that is substantially equivalent to a violation described in 1068  
division (D) (2) (a) of this section; 1069

(c) A conspiracy to commit, attempt to commit, or 1070  
complicity in committing a violation described in division (D) 1071  
(2) (a) or (b) of this section. 1072

(E) For purposes of ~~divisions (A) and~~ division (D) of this 1073  
section, ~~a~~ both of the following apply: 1074

(1) A violation of section 2923.32 of the Revised Code or 1075  
any other violation or offense that includes as an element a 1076  
course of conduct or the occurrence of multiple acts is 1077  
"committed on or after May 13, 2008," if the course of conduct 1078  
continues, one or more of the multiple acts occurs, or the 1079  
~~subject person's~~ offender's accountability for the course of 1080  
conduct or for one or more of the multiple acts continues, on or 1081  
after May 13, 2008; 1082

(2) A violation of section 2923.32 of the Revised Code or 1083  
any other violation or offense that includes as an element a 1084  
course of conduct or the occurrence of multiple acts is 1085  
"committed on or after the effective date of this amendment" if 1086  
the course of conduct continues, one or more of the multiple 1087  
acts occurs, or the offender's accountability for the course of 1088  
conduct or for one or more of the multiple acts continues on or 1089

after the effective date of this amendment. 1090

(F) As used in this section: 1091

(1) (a) For the period beginning May 13, 2008, and ending 1092  
the day before ~~the effective date of this amendment~~ July 29, 1093  
2011, "position of honor, trust, or profit" means any of the 1094  
following: 1095

(i) An elective office of the state or any political 1096  
subdivision of the state; 1097

(ii) A position on any board or commission of the state 1098  
that is appointed by the governor or the attorney general; 1099

(iii) A position as a public official or employee, as 1100  
defined in section 102.01 of the Revised Code, who is required 1101  
to file a disclosure statement under section 102.02 of the 1102  
Revised Code; 1103

(iv) A position as a prosecutor, as defined in section 1104  
2935.01 of the Revised Code; 1105

(v) A position as a peace officer, as defined in section 1106  
2935.01 of the Revised Code, or as the superintendent or a 1107  
trooper of the state highway patrol. 1108

(b) On and after ~~the effective date of this amendment~~ July 1109  
29, 2011, "position of honor, trust, or profit" has the same 1110  
meaning as in division (F) (1) (a) of this section, except that it 1111  
also includes a position in which, in the course of public 1112  
employment, an employee has control over the expenditure of 1113  
public funds of one hundred thousand dollars or more annually. 1114

(2) "Public retirement system" and "alternative retirement 1115  
plan" have the same meanings as in section 2907.15 of the 1116  
Revised Code. 1117

(3) "Accumulated contributions" means whichever of the 1118  
following is applicable: 1119

(a) Regarding an offender who is a member of, or 1120  
contributor to, the public employees retirement system, except 1121  
as otherwise provided in division (F) (3) (a) of this section, 1122  
"accumulated contributions" has the same meaning as in section 1123  
145.01 of the Revised Code. For a member participating in a PERS 1124  
defined contribution plan, "accumulated contributions" means the 1125  
contributions made under section 145.85 of the Revised Code and 1126  
any earnings on those contributions. For a member participating 1127  
in a PERS defined contribution plan that includes definitely 1128  
determinable benefits, "accumulated contributions" means the 1129  
contributions made under section 145.85 of the Revised Code, any 1130  
earnings on those contributions, and additionally any amounts 1131  
paid by the member to purchase service ~~credits~~ credit. 1132

(b) Regarding an offender who is or was a member of, or 1133  
contributor to, the Ohio police and fire pension fund, 1134  
"accumulated contributions" means the amount payable to a member 1135  
under division (G) of section 742.37 of the Revised Code. 1136

(c) Regarding an offender who is a member of, or 1137  
contributor to, the state teachers retirement system, except as 1138  
otherwise provided in division (F) (3) (c) of this section, 1139  
"accumulated contributions" has the same meaning as in section 1140  
3307.50 of the Revised Code. For a member participating in an 1141  
STRS defined contribution plan, "accumulated contributions" 1142  
means the contributions made under section 3307.26 of the 1143  
Revised Code to participate in a plan established under section 1144  
3307.81 of the Revised Code and any earnings on those 1145  
contributions. For a member participating in a STRS defined 1146  
contribution plan that includes definitely determinable 1147



benefits, "accumulated contributions" means the contributions 1148  
made under section 3307.26 of the Revised Code to participate in 1149  
a plan established under section 3307.81 of the Revised Code, 1150  
any earnings on those contributions, and additionally any 1151  
amounts paid by the member to purchase service ~~credits~~ credit. 1152

(d) Regarding an offender who is or was a member of, or 1153  
contributor to, the school employees retirement system, 1154  
"accumulated contributions" has the same meaning as in section 1155  
3309.01 of the Revised Code and also includes employee 1156  
contributions made under section 3309.85 of the Revised Code and 1157  
any earnings on those contributions. 1158

(e) Regarding an offender who is or was a member of the 1159  
state highway patrol retirement system, "accumulated 1160  
contributions" has the same meaning as in section 5505.01 of the 1161  
Revised Code. 1162

(f) Regarding an offender who is or was participating in 1163  
an alternative retirement plan, "accumulated contributions" 1164  
means the amounts contributed to an alternative retirement plan 1165  
participant's account by the plan participant pursuant to 1166  
section 3305.06 of the Revised Code and any earnings on those 1167  
contributions. 1168

**Sec. 2929.193.** (A) As used in this section: 1169

(1) "Position of honor, trust, or profit" has the same 1170  
meaning as in division (F) (1) (b) of section 2929.192 of the 1171  
Revised Code. 1172

(2) "Public retirement system," "alternative retirement 1173  
plan," and "prosecutor" have the same meanings as in section 1174  
2907.15 of the Revised Code. 1175

(B) This section applies to an offender to whom all of the 1176

following apply: 1177

(1) The offender is being sentenced for ~~an~~ either of the 1178  
following: 1179

(a) An offense ~~listed~~ ~~described~~ in division (D) (1) of 1180  
section 2929.192 of the Revised Code that ~~is a felony and~~ was 1181  
committed on or after ~~the effective date of this section~~ July 1182  
29, 2011; 1183

(b) An offense described in division (D) (2) of section 1184  
2929.192 of the Revised Code that was committed on or after the 1185  
effective date of this amendment. 1186

(2) The offense was committed ~~while the offender was~~ 1187  
~~serving~~ within the context of the offender's public employment 1188  
in a position of honor, trust, or profit. 1189

(3) At the time of the offense, the offender was one of 1190  
the following: 1191

(a) A member of a public retirement system; 1192

(b) A contributor to a public retirement system receiving 1193  
or eligible to receive a benefit under section 145.384, 742.26, 1194  
3307.352, or 3309.344 of the Revised Code; 1195

(c) A participant in an alternative retirement plan. 1196

(4) Prior to the final disposition of the case, the 1197  
offender was granted a disability benefit by a public retirement 1198  
system or an alternative retirement plan provider. 1199

(C) (1) Prior to sentencing an offender subject to this 1200  
section, the court shall hold a hearing regarding the condition 1201  
for which the offender was granted a disability benefit. Not 1202  
later than ten days prior to the scheduled date of the hearing, 1203

the court shall give written notice of the hearing to the 1204  
offender, the prosecutor who handled the case, and the 1205  
appropriate public retirement system, alternative retirement 1206  
plan provider, or, if more than one is providing a disability 1207  
benefit, the applicable combination of these. The hearing shall 1208  
be limited to a consideration of whether the offender's 1209  
disabling condition arose out of the commission of the offense 1210  
the offender was convicted of or pleaded guilty to. 1211

The system or provider shall submit to the court the 1212  
offender's medical reports and recommendations, and the 1213  
offender's disability application. If the court determines based 1214  
on those documents that the disabling condition arose out of the 1215  
commission of the offense the offender was convicted of or 1216  
pleaded guilty to, the court shall order the system or provider 1217  
to terminate the disability benefit. 1218

(2) Any disability benefit paid the offender prior to its 1219  
termination may be recovered in accordance with section 145.563, 1220  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 1221  
Code. 1222

(D) For purposes of this section, ~~a~~ both of the following 1223  
apply: 1224

(1) A violation of section 2923.32 of the Revised Code or 1225  
any other violation or offense that includes as an element a 1226  
course of conduct or the occurrence of multiple acts is 1227  
"committed on or after ~~the effective date of this section~~ July 1228  
29, 2011," if the course of conduct continues, one or more of 1229  
the multiple acts occurs, or the offender's accountability for 1230  
the course of conduct or for one or more of the multiple acts 1231  
continues on or after ~~the effective date of this section~~ July 1232  
29, 2011; 1233

(2) A violation of section 2923.32 of the Revised Code or 1234  
any other violation or offense that includes as an element a 1235  
course of conduct or the occurrence of multiple acts is 1236  
"committed on or after the effective date of this amendment" if 1237  
the course of conduct continues, one or more of the multiple 1238  
acts occurs, or the offender's accountability for the course of 1239  
conduct or for one or more of the multiple acts continues on or 1240  
after the effective date of this amendment. 1241

**Sec. 3305.08.** Any payment, benefit, or other right 1242  
accruing to any electing employee under a contract entered into 1243  
for purposes of an alternative retirement plan and all moneys, 1244  
investments, and income of those contracts are exempt from any 1245  
state tax, except the tax imposed by section 5747.02 of the 1246  
Revised Code, are exempt from any county, municipal, or other 1247  
local tax, except income taxes imposed pursuant to section 1248  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 1249  
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 1250  
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, ~~and 3305.11, and~~ 1251  
3305.12 of the Revised Code, shall not be subject to execution, 1252  
garnishment, attachment, the operation of bankruptcy or the 1253  
insolvency law, or other process of law, and shall be 1254  
unassignable except as specifically provided in this section and 1255  
sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 3121.03, 1256  
3115.32, and 3123.06 of the Revised Code or in any contract the 1257  
electing employee has entered into for purposes of an 1258  
alternative retirement plan. 1259

**Sec. 3305.11.** (A) Notwithstanding any other provision of 1260  
this chapter, any payment of accumulated contributions standing 1261  
to a person's credit under this chapter and any other amount or 1262  
amounts to be paid to a person who is a ~~contributor~~ participant 1263  
in an alternative retirement plan under this chapter upon the 1264

person's withdrawal of contributions pursuant to this chapter 1265  
shall be subject to any forfeiture ordered under ~~division (A) or~~ 1266  
~~(B) of section 2901.433 or 2929.192~~ of the Revised Code, and the 1267  
provider of an alternative retirement plan shall comply with 1268  
that order in making the payment. Upon payment of the person's 1269  
accumulated contributions and cancellation of the corresponding 1270  
service credit, a person who is subject to the forfeiture 1271  
described in this division may not restore the canceled service 1272  
credit under this chapter or under Chapter 145., 742., 3307., 1273  
3309., or 5505. of the Revised Code. 1274

(B) Notwithstanding any other provision of this chapter, 1275  
if the provider of an alternative retirement plan receives 1276  
notice pursuant to section 2901.43 or division (C) of section 1277  
2901.432 of the Revised Code that a person who has accumulated 1278  
contributions standing to the person's credit pursuant to this 1279  
chapter is charged with any offense or violation ~~listed or~~ 1280  
described in ~~divisions~~ division (B) (1) of section 2901.432 or 1281  
division (D) (1) to (3) of section 2929.192 of the Revised Code 1282  
~~that is a felony in under the circumstances specified in the~~ 1283  
~~particular division those sections,~~ all of the following apply: 1284

(1) No payment of those accumulated contributions or of 1285  
any other amount or amounts to be paid to a person who is a 1286  
~~contributor participant~~ under this chapter upon the person's 1287  
withdrawal of contributions pursuant to this chapter shall be 1288  
made prior to whichever of the following is applicable: 1289

(a) If the person is convicted of or pleads guilty to the 1290  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1291  
~~section either of the following:~~ 1292

(i) Section 2929.192 of the Revised Code, the day on which 1293  
the provider receives from the court a copy of the journal entry 1294

of the offender's sentence under that section; 1295

(ii) Section 2901.433 of the Revised Code, the day on 1296  
which the provider receives from the court a copy of the journal 1297  
entry imposing the forfeiture order under that section. 1298

(b) If the charge against the person is dismissed, the 1299  
person is found not guilty of the charge, or the person is found 1300  
not guilty by reason of insanity of the charge, the day on which 1301  
the provider receives notice of the final disposition of the 1302  
charge. 1303

(2) The provider of an alternative retirement plan shall 1304  
not process any application for payment under this chapter from 1305  
the person prior to the final disposition of the charge. 1306

**Sec. 3305.12.** Notwithstanding any other provision of an 1307  
alternative retirement plan provided under this chapter, a 1308  
disability benefit granted under the alternative retirement plan 1309  
is subject to an order issued under section 2901.434 or 2929.193 1310  
of the Revised Code. The entity providing the alternative 1311  
retirement plan shall comply with the order. 1312

On receipt of notice under section 2901.43 of the Revised 1313  
Code that an alternative retirement plan participant is charged 1314  
with an offense listed in division (D) of section 2929.192 of 1315  
the Revised Code under the circumstances specified in 1316  
that ~~division~~ section, the entity shall determine whether the 1317  
participant has been granted a disability benefit. If so, the 1318  
entity shall send written notice to the prosecutor assigned to 1319  
the case that the participant has been granted a disability 1320  
benefit under an alternative retirement plan and may be subject 1321  
to section 2929.193 of the Revised Code. 1322

On receipt of notice under division (D) of section 1323

2901.432 of the Revised Code that an alternative retirement plan 1324  
participant has been convicted of or pleaded guilty to an 1325  
offense listed in division (B) (1) of that section under the 1326  
circumstances specified in that section, the entity shall 1327  
determine whether the participant has been granted a disability 1328  
benefit. If so, the entity shall send written notice to the 1329  
attorney general that the participant has been granted a 1330  
disability benefit under this chapter and may be subject to 1331  
section 2901.434 of the Revised Code. 1332

**Sec. 3305.20.** As used in this section, "personal history 1333  
record" means information maintained by the entity providing an 1334  
alternative retirement plan on an individual who participates in 1335  
the plan that includes the address, telephone number, social 1336  
security number, record of contributions, correspondence with 1337  
the plan, or other information the entity providing the plan 1338  
determines to be confidential. 1339

The entity shall comply with orders issued under section 1340  
3105.87 of the Revised Code requiring it to provide information 1341  
from a participant's personal history record. 1342

The entity shall furnish information as follows: 1343

(A) On the written request of an alternate payee, as 1344  
defined in section 3105.80 of the Revised Code, the entity 1345  
providing the alternative retirement plan shall furnish to the 1346  
alternate payee information on the amount and status of any 1347  
amounts payable to the alternate payee under an order issued 1348  
under section 3105.171 or 3105.65 of the Revised Code. 1349

(B) Documentation required by section 2901.434 or 2929.193 1350  
of the Revised Code shall be provided to a court holding a 1351  
hearing under that section. 1352

(C) The notice required by section 3305.12 of the Revised Code shall be provided to the prosecutor assigned to the case.

**Sec. 3307.20.** (A) As used in this section:

(1) "Personal history record" means information maintained by the state teachers retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, electronic mail address, telephone number, social security number, record of contributions, correspondence with the state teachers retirement system, or other information the board determines to be confidential.

(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code and includes any former member receiving a benefit under an STRS defined contribution plan.

(B) The records of the board shall be open to public inspection, except for the following, which shall be excluded, except with the written authorization of the individual concerned:

(1) The individual's personal records provided for in section 3307.23 of the Revised Code;

(2) The individual's personal history record;

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.

(C) (1) All medical reports and recommendations received by the board from a member, member's physician, board-assigned physician, or other entity providing medical reports and recommendations to the board under sections 3307.48, 3307.62, and 3307.66 of the Revised Code are privileged, except as



follows: 1381

(a) Copies of medical reports or recommendations shall be 1382  
made available by the board to the personal physician, attorney, 1383  
or authorized agent of the individual concerned upon written 1384  
release received from the individual or the individual's agent, 1385  
or, when necessary for the proper administration of the fund, to 1386  
the board assigned physician. 1387

(b) Documentation required by section 2901.434 or 2929.193 1388  
of the Revised Code shall be provided to a court holding a 1389  
hearing under that section. 1390

(2) No medical report or recommendation received by the 1391  
board under section 3307.48, 3307.62, or 3307.66 of the Revised 1392  
Code shall be released to the individual concerned or considered 1393  
a medical record generated and maintained by a health care 1394  
provider in the process of establishing a therapeutic 1395  
relationship. 1396

(D) Any person who is a member or contributor of the 1397  
system shall be furnished, on written request, with a statement 1398  
of the amount to the credit of the person's account. The board 1399  
need not answer more than one request of a person in any one 1400  
year. 1401

(E) Notwithstanding the exceptions to public inspection in 1402  
division (B) of this section, the board may furnish the 1403  
following information: 1404

(1) If a member, former member, retirant, contributor, or 1405  
former contributor is subject to an order issued under section 1406  
2907.15 of the Revised Code or an order issued under division 1407  
(A) or (B) of section 2929.192 of the Revised Code or is 1408  
convicted of or pleads guilty to a violation of section 2921.41 1409

of the Revised Code, on written request of a prosecutor as 1410  
defined in section 2935.01 of the Revised Code, the board shall 1411  
furnish to the prosecutor the information requested from the 1412  
individual's personal history record. 1413

(2) Pursuant to a court or administrative order issued 1414  
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 1415  
the Revised Code, the board shall furnish to a court or child 1416  
support enforcement agency the information required under that 1417  
section. 1418

(3) At the written request of any person, the board shall 1419  
provide to the person a complete list of the names and addresses 1420  
of members, retirants, contributors, or beneficiaries. The costs 1421  
of compiling, copying, and mailing the list shall be paid by 1422  
such person. 1423

(4) Within fourteen days after receiving from the director 1424  
of job and family services a list of the names and social 1425  
security numbers of recipients of public assistance pursuant to 1426  
section 5101.181 of the Revised Code, the board shall inform the 1427  
auditor of state of the name, current or most recent employer 1428  
address, and social security number of each member whose name 1429  
and social security number are the same as that of a person 1430  
whose name or social security number was submitted by the 1431  
director. The board and its employees shall, except for purposes 1432  
of furnishing the auditor of state with information required by 1433  
this section, preserve the confidentiality of recipients of 1434  
public assistance in compliance with section 5101.181 of the 1435  
Revised Code. 1436

(5) The system shall comply with orders issued under 1437  
section 3105.87 of the Revised Code. 1438

On the written request of an alternate payee, as defined 1439  
in section 3105.80 of the Revised Code, the system shall furnish 1440  
to the alternate payee information on the amount and status of 1441  
any amounts payable to the alternate payee under an order issued 1442  
under section 3105.171 or 3105.65 of the Revised Code. 1443

(6) At the request of any person, the board shall make 1444  
available to the person copies of all documents, including 1445  
resumes, in the board's possession regarding filling a vacancy 1446  
of a contributing member or retired teacher member of the board. 1447  
The person who made the request shall pay the cost of compiling, 1448  
copying, and mailing the documents. The information described in 1449  
this division is a public record. 1450

(7) The system shall provide the notice required by 1451  
section 3307.373 of the Revised Code to the prosecutor assigned 1452  
to the case. 1453

(F) A statement that contains information obtained from 1454  
the system's records that is signed by an officer of the 1455  
retirement system and to which the system's official seal is 1456  
affixed, or copies of the system's records to which the 1457  
signature and seal are attached, shall be received as true 1458  
copies of the system's records in any court or before any 1459  
officer of this state. 1460

**Sec. 3307.372.** (A) Notwithstanding any other provision of 1461  
this chapter, any payment of accumulated contributions standing 1462  
to a person's credit under this chapter and any other amount or 1463  
amounts to be paid to a person who is a member or contributor 1464  
under this chapter upon the person's withdrawal of contributions 1465  
pursuant to this chapter shall be subject to any forfeiture 1466  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 1467  
2929.192 of the Revised Code, and the state teachers retirement 1468

system shall comply with that order in making the payment. Upon 1469  
payment of the person's accumulated contributions and 1470  
cancellation of the corresponding service credit, a person who 1471  
is subject to the forfeiture described in this division may not 1472  
restore the canceled service credit under this chapter or under 1473  
Chapter 145., 742., 3305., 3309., or 5505. of the Revised Code. 1474

(B) Notwithstanding any other provision of this chapter, 1475  
if the system receives notice pursuant to section 2901.43 or 1476  
division (C) of section 2901.432 of the Revised Code that a 1477  
person who has accumulated contributions standing to the 1478  
person's credit pursuant to this chapter is charged with any 1479  
offense or violation ~~listed or described in divisions~~ division 1480  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1481  
2929.192 of the Revised Code ~~that is a felony in~~ under the 1482  
circumstances specified in ~~the particular division~~ those 1483  
sections, all of the following apply: 1484

(1) No payment of those accumulated contributions or of 1485  
any other amount or amounts to be paid to a person who is a 1486  
member or contributor under this chapter upon the person's 1487  
withdrawal of contributions pursuant to this chapter shall be 1488  
made prior to whichever of the following is applicable: 1489

(a) If the person is convicted of or pleads guilty to the 1490  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1491  
~~section either of the following:~~ 1492

(i) Section 2929.192 of the Revised Code, the day on which 1493  
the system receives from the court a copy of the journal entry 1494  
of the offender's sentence under that section; 1495

(ii) Section 2901.433 of the Revised Code, the day on 1496  
which the system receives from the court a copy of the journal 1497

entry imposing the forfeiture order under that section. 1498

(b) If the charge against the person is dismissed, the 1499  
person is found not guilty of the charge, or the person is found 1500  
not guilty by reason of insanity of the charge, the day on which 1501  
the system receives notice of the final disposition of the 1502  
charge. 1503

(2) The system shall not process any application for 1504  
payment under this chapter from the person prior to the final 1505  
disposition of the charge. 1506

**Sec. 3307.373.** Notwithstanding any other provision of this 1507  
chapter, a disability benefit granted under this chapter is 1508  
subject to an order issued under section 2901.434 or 2929.193 of 1509  
the Revised Code. The state teachers retirement board shall 1510  
comply with the order. 1511

On receipt of notice under section 2901.43 of the Revised 1512  
Code that a state teachers retirement system member is charged 1513  
with an offense listed in division (D) of section 2929.192 of 1514  
the Revised Code under the circumstances specified in 1515  
that ~~division~~ section, the system shall determine whether the 1516  
member has been granted a disability benefit. If so, the system 1517  
shall send written notice to the prosecutor assigned to the case 1518  
that the member has been granted a disability benefit under this 1519  
chapter and may be subject to section 2929.193 of the Revised 1520  
Code. 1521

On receipt of notice under division (D) of section 1522  
2901.432 of the Revised Code that a state teachers retirement 1523  
system member has been convicted of or pleaded guilty to an 1524  
offense listed in division (B) (1) of that section under the 1525  
circumstances specified in that section, the system shall 1526

determine whether the member has been granted a disability 1527  
benefit. If so, the system shall send written notice to the 1528  
attorney general that the member has been granted a disability 1529  
benefit under this chapter and may be subject to section 1530  
2901.434 of the Revised Code. 1531

**Sec. 3309.22.** (A) (1) As used in this division, "personal 1532  
history record" means information maintained in any format by 1533  
the board on an individual who is a member, former member, 1534  
contributor, former contributor, retirant, or beneficiary that 1535  
includes the address, electronic mail address, telephone number, 1536  
social security number, record of contributions, correspondence 1537  
with the system, and other information the board determines to 1538  
be confidential. 1539

(2) The records of the board shall be open to public 1540  
inspection and may be made available in printed or electronic 1541  
format, except for the following, which shall be excluded, 1542  
except with the written authorization of the individual 1543  
concerned: 1544

(a) The individual's statement of previous service and 1545  
other information as provided for in section 3309.28 of the 1546  
Revised Code; 1547

(b) Any information identifying by name and address the 1548  
amount of a monthly allowance or benefit paid to the individual; 1549

(c) The individual's personal history record. 1550

(B) All medical reports and recommendations required by 1551  
the system are privileged except as follows: 1552

(1) Copies of medical reports or recommendations shall be 1553  
made available to the following: 1554

(a) The individual concerned, on written request;	1555
(b) The personal physician, attorney, or authorized agent of the individual concerned on written release received from the individual or the individual's agent;	1556 1557 1558
(c) The board assigned physician.	1559
(2) Documentation required by section <u>2901.434</u> or <u>2929.193</u> of the Revised Code shall be provided to a court holding a hearing under that section.	1560 1561 1562
(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one such request of a person in any one year.	1563 1564 1565 1566
(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:	1567 1568 1569
(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.	1570 1571 1572 1573 1574 1575 1576 1577 1578
(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.	1579 1580 1581 1582 1583

(3) At the written request of any person, the board shall 1584  
provide to the person a list of the names and addresses of 1585  
members, former members, retirants, contributors, former 1586  
contributors, or beneficiaries. The costs of compiling, copying, 1587  
and mailing the list shall be paid by such person. 1588

(4) Within fourteen days after receiving from the director 1589  
of job and family services a list of the names and social 1590  
security numbers of recipients of public assistance pursuant to 1591  
section 5101.181 of the Revised Code, the board shall inform the 1592  
auditor of state of the name, current or most recent employer 1593  
address, and social security number of each contributor whose 1594  
name and social security number are the same as that of a person 1595  
whose name or social security number was submitted by the 1596  
director. The board and its employees shall, except for purposes 1597  
of furnishing the auditor of state with information required by 1598  
this section, preserve the confidentiality of recipients of 1599  
public assistance in compliance with section 5101.181 of the 1600  
Revised Code. 1601

(5) The system shall comply with orders issued under 1602  
section 3105.87 of the Revised Code. 1603

On the written request of an alternate payee, as defined 1604  
in section 3105.80 of the Revised Code, the system shall furnish 1605  
to the alternate payee information on the amount and status of 1606  
any amounts payable to the alternate payee under an order issued 1607  
under section 3105.171 or 3105.65 of the Revised Code. 1608

(6) At the request of any person, the board shall make 1609  
available to the person copies of all documents, including 1610  
resumes, in the board's possession regarding filling a vacancy 1611  
of an employee member or retirant member of the board. The 1612  
person who made the request shall pay the cost of compiling, 1613



copying, and mailing the documents. The information described in 1614  
this division is a public record. 1615

(7) The system shall provide the notice required by 1616  
section 3309.673 of the Revised Code to the prosecutor assigned 1617  
to the case. 1618

(E) A statement that contains information obtained from 1619  
the system's records that is signed by an officer of the 1620  
retirement system and to which the system's official seal is 1621  
affixed, or copies of the system's records to which the 1622  
signature and seal are attached, shall be received as true 1623  
copies of the system's records in any court or before any 1624  
officer of this state. 1625

**Sec. 3309.672.** (A) Notwithstanding any other provision of 1626  
this chapter, any payment of accumulated contributions standing 1627  
to a person's credit under this chapter and any other amount or 1628  
amounts to be paid to a person who is a member or contributor 1629  
under this chapter upon the person's withdrawal of contributions 1630  
pursuant to this chapter shall be subject to any forfeiture 1631  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 1632  
2929.192 of the Revised Code, and the school employees 1633  
retirement system shall comply with that order in making the 1634  
payment. Upon payment of the person's accumulated contributions 1635  
and cancellation of the corresponding service credit, a person 1636  
who is subject to the forfeiture described in this division may 1637  
not restore the canceled service credit under this chapter or 1638  
under Chapter 145., 742., 3305., 3307., or 5505. of the Revised 1639  
Code. 1640

(B) Notwithstanding any other provision of this chapter, 1641  
if the system receives notice pursuant to section 2901.43 or 1642  
division (C) of section 2901.432 of the Revised Code that a 1643

person who has accumulated contributions standing to the 1644  
person's credit pursuant to this chapter is charged with any 1645  
offense or violation ~~listed or described in divisions~~ division 1646  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1647  
2929.192 of the Revised Code that is a felony in under the 1648  
circumstances specified in the particular division those 1649  
sections, all of the following apply: 1650

(1) No payment of those accumulated contributions or of 1651  
any other amount or amounts to be paid to a person who is a 1652  
member or contributor under this chapter upon the person's 1653  
withdrawal of contributions pursuant to this chapter shall be 1654  
made prior to whichever of the following is applicable: 1655

(a) If the person is convicted of or pleads guilty to the 1656  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1657  
section either of the following: 1658

(i) Section 2929.192 of the Revised Code, the day on which 1659  
the system receives from the court a copy of the journal entry 1660  
of the offender's sentence under that section; 1661

(ii) Section 2901.433 of the Revised Code, the day on 1662  
which the system receives from the court a copy of the journal 1663  
entry imposing the forfeiture order under that section. 1664

(b) If the charge against the person is dismissed, the 1665  
person is found not guilty of the charge, or the person is found 1666  
not guilty by reason of insanity of the charge, the day on which 1667  
the system receives notice of the final disposition of the 1668  
charge. 1669

(2) The system shall not process any application for 1670  
payment under this chapter from the person prior to the final 1671  
disposition of the charge. 1672

**Sec. 3309.673.** Notwithstanding any other provision of this 1673  
chapter, a disability benefit granted under this chapter is 1674  
subject to an order issued under section 2901.434 or 2929.193 of 1675  
the Revised Code. The school employees retirement board shall 1676  
comply with the order. 1677

On receipt of notice under section 2901.43 of the Revised 1678  
Code that a school employees retirement system member is charged 1679  
with an offense listed in division (D) of section 2929.192 of 1680  
the Revised Code under the circumstances specified in 1681  
that ~~division~~ section, the system shall determine whether the 1682  
member has been granted a disability benefit. If so, the system 1683  
shall send written notice to the prosecutor assigned to the case 1684  
that the member has been granted a disability benefit under this 1685  
chapter and may be subject to section 2929.193 of the Revised 1686  
Code. 1687

On receipt of notice under division (D) of section 1688  
2901.432 of the Revised Code that a school employees retirement 1689  
system member has been convicted of or pleaded guilty to an 1690  
offense listed in division (B) (1) of that section under the 1691  
circumstances specified in that section, the system shall 1692  
determine whether the member has been granted a disability 1693  
benefit. If so, the system shall send written notice to the 1694  
attorney general that the member has been granted a disability 1695  
benefit under this chapter and may be subject to section 1696  
2901.434 of the Revised Code. 1697

**Sec. 5505.04.** (A) (1) The general administration and 1698  
management of the state highway patrol retirement system and the 1699  
making effective of this chapter are hereby vested in the state 1700  
highway patrol retirement board. The board may sue and be sued, 1701  
plead and be impleaded, contract and be contracted with, and do 1702

all things necessary to carry out this chapter. 1703

The board shall consist of the following members: 1704

(a) The superintendent of the state highway patrol; 1705

(b) Two retirant members who reside in this state; 1706

(c) Five employee-members; 1707

(d) One member, known as the treasurer of state's 1708  
investment designee, who shall be appointed by the treasurer of 1709  
state for a term of four years and who shall have the following 1710  
qualifications: 1711

(i) The member is a resident of this state. 1712

(ii) Within the three years immediately preceding the 1713  
appointment, the member has not been employed by the public 1714  
employees retirement system, police and fire pension fund, state 1715  
teachers retirement system, school employees retirement system, 1716  
or state highway patrol retirement system or by any person, 1717  
partnership, or corporation that has provided to one of those 1718  
retirement systems services of a financial or investment nature, 1719  
including the management, analysis, supervision, or investment 1720  
of assets. 1721

(iii) The member has direct experience in the management, 1722  
analysis, supervision, or investment of assets. 1723

(iv) The member is not currently employed by the state or 1724  
a political subdivision of the state. 1725

(e) Two investment expert members, who shall be appointed 1726  
to four-year terms. One investment expert member shall be 1727  
appointed by the governor, and one investment expert member 1728  
shall be jointly appointed by the speaker of the house of 1729

representatives and the president of the senate. Each investment expert member shall have the following qualifications:

(i) Each investment expert member shall be a resident of this state.

(ii) Within the three years immediately preceding the appointment, each investment expert member shall not have been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including the management, analysis, supervision, or investment of assets.

(iii) Each investment expert member shall have direct experience in the management, analysis, supervision, or investment of assets.

(2) The board shall annually elect a chairperson and vice-chairperson from among its members. The vice-chairperson shall act as chairperson in the absence of the chairperson. A majority of the members of the board shall constitute a quorum and any action taken shall be approved by a majority of the members of the board. The board shall meet not less than once each year, upon sufficient notice to the members. All meetings of the board shall be open to the public except executive sessions as set forth in division (G) of section 121.22 of the Revised Code, and any portions of any sessions discussing medical records or the degree of disability of a member excluded from public inspection by this section.

(3) Any member appointed under this section shall hold

office until the end of the member's term or, if later, the date 1759  
the member's successor takes office. 1760

(B) The attorney general shall prescribe procedures for 1761  
the adoption of rules authorized under this chapter, consistent 1762  
with the provision of section 111.15 of the Revised Code under 1763  
which all rules shall be filed in order to be effective. Such 1764  
procedures shall establish methods by which notice of proposed 1765  
rules are given to interested parties and rules adopted by the 1766  
board published and otherwise made available. When it files a 1767  
rule with the joint committee on agency rule review pursuant to 1768  
section 111.15 of the Revised Code, the board shall submit to 1769  
the Ohio retirement study council a copy of the full text of the 1770  
rule, and if applicable, a copy of the rule summary and fiscal 1771  
analysis required by division (B) of section 127.18 of the 1772  
Revised Code. 1773

(C) (1) As used in this division, "personal history record" 1774  
means information maintained by the board on an individual who 1775  
is a member, former member, retirant, or beneficiary that 1776  
includes the address, electronic mail address, telephone number, 1777  
social security number, record of contributions, correspondence 1778  
with the system, and other information the board determines to 1779  
be confidential. 1780

(2) The records of the board shall be open to public 1781  
inspection and may be made available in printed or electronic 1782  
format, except for the following which shall be excluded: the 1783  
member's, former member's, retirant's, or beneficiary's personal 1784  
history record and the amount of a monthly allowance or benefit 1785  
paid to a retirant, beneficiary, or survivor, except with the 1786  
written authorization of the individual concerned. 1787

(D) All medical reports and recommendations are privileged 1788

except as follows: 1789

(1) Copies of such medical reports or recommendations 1790  
shall be made available to the individual's personal physician, 1791  
attorney, or authorized agent upon written release received from 1792  
such individual or such individual's agent, or when necessary 1793  
for the proper administration of the fund to the board-assigned 1794  
physician. 1795

(2) Documentation required by section 2901.434 or 2929.193 1796  
of the Revised Code shall be provided to a court holding a 1797  
hearing under that section. 1798

(E) Notwithstanding the exceptions to public inspection in 1799  
division (C)(2) of this section, the board may furnish the 1800  
following information: 1801

(1) If a member, former member, or retirant is subject to 1802  
an order issued under section 2907.15 of the Revised Code or an 1803  
order issued under division (A) or (B) of section 2929.192 of 1804  
the Revised Code or is convicted of or pleads guilty to a 1805  
violation of section 2921.41 of the Revised Code, on written 1806  
request of a prosecutor as defined in section 2935.01 of the 1807  
Revised Code, the board shall furnish to the prosecutor the 1808  
information requested from the individual's personal history 1809  
record. 1810

(2) Pursuant to a court order issued under Chapters 3119., 1811  
3121., and 3123. of the Revised Code, the board shall furnish to 1812  
a court or child support enforcement agency the information 1813  
required under those chapters. 1814

(3) At the written request of any nonprofit organization 1815  
or association providing services to retirement system members, 1816  
retirants, or beneficiaries, the board shall provide to the 1817

organization or association a list of the names and addresses of 1818  
members, former members, retirants, or beneficiaries if the 1819  
organization or association agrees to use such information 1820  
solely in accordance with its stated purpose of providing 1821  
services to such individuals and not for the benefit of other 1822  
persons, organizations, or associations. The costs of compiling, 1823  
copying, and mailing the list shall be paid by such entity. 1824

(4) Within fourteen days after receiving from the director 1825  
of job and family services a list of the names and social 1826  
security numbers of recipients of public assistance pursuant to 1827  
section 5101.181 of the Revised Code, the board shall inform the 1828  
auditor of state of the name, current or most recent employer 1829  
address, and social security number of each member whose name 1830  
and social security number are the same as those of a person 1831  
whose name or social security number was submitted by the 1832  
director. The board and its employees, except for purposes of 1833  
furnishing the auditor of state with information required by 1834  
this section, shall preserve the confidentiality of recipients 1835  
of public assistance in compliance with section 5101.181 of the 1836  
Revised Code. 1837

(5) The system shall comply with orders issued under 1838  
section 3105.87 of the Revised Code. 1839

On the written request of an alternate payee, as defined 1840  
in section 3105.80 of the Revised Code, the system shall furnish 1841  
to the alternate payee information on the amount and status of 1842  
any amounts payable to the alternate payee under an order issued 1843  
under section 3105.171 or 3105.65 of the Revised Code. 1844

(6) At the request of any person, the board shall make 1845  
available to the person copies of all documents, including 1846  
resumes, in the board's possession regarding filling a vacancy 1847



of an employee member or retirant member of the board. The 1848  
person who made the request shall pay the cost of compiling, 1849  
copying, and mailing the documents. The information described in 1850  
this division is a public record. 1851

(7) The system shall provide the notice required by 1852  
section 5505.263 of the Revised Code to the prosecutor assigned 1853  
to the case. 1854

(8) The system may provide information requested by the 1855  
United States social security administration, United States 1856  
centers for medicare and medicaid, public employees retirement 1857  
system, Ohio public employees deferred compensation program, 1858  
Ohio police and fire pension fund, school employees retirement 1859  
system, state teachers retirement system, or Cincinnati 1860  
retirement system. 1861

(F) A statement that contains information obtained from 1862  
the system's records that is certified and signed by an officer 1863  
of the retirement system and to which the system's official seal 1864  
is affixed, or copies of the system's records to which the 1865  
signature and seal are attached, shall be received as true 1866  
copies of the system's records in any court or before any 1867  
officer of this state. 1868

(G) The board may maintain records in printed or 1869  
electronic format. 1870

**Sec. 5505.262.** (A) Notwithstanding any other provision of 1871  
this chapter, any payment of accumulated contributions standing 1872  
to a person's credit under this chapter and any other amount or 1873  
amounts to be paid to a person who is a member or contributor 1874  
under this chapter upon the person's withdrawal of contributions 1875  
pursuant to this chapter shall be subject to any forfeiture 1876

ordered under ~~division (A) or (B) of~~ section 2901.433 or 1877  
2929.192 of the Revised Code, and the state highway patrol 1878  
retirement system shall comply with that order in making the 1879  
payment. Upon payment of the person's accumulated contributions 1880  
and cancellation of the corresponding service credit, a person 1881  
who is subject to the forfeiture described in this division may 1882  
not restore the canceled service credit under this chapter or 1883  
under Chapter 145., 742., 3305., 3307., or 3309. of the Revised 1884  
Code. 1885

(B) Notwithstanding any other provision of this chapter, 1886  
if the system receives notice pursuant to section 2901.43 or 1887  
division (C) of section 2901.432 of the Revised Code that a 1888  
person who has accumulated contributions standing to the 1889  
person's credit pursuant to this chapter is charged with any 1890  
offense or violation ~~listed or described in divisions~~ division 1891  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1892  
2929.192 of the Revised Code ~~that is a felony in under the~~ 1893  
circumstances specified in ~~the particular division~~ those 1894  
sections, all of the following apply: 1895

(1) No payment of those accumulated contributions or of 1896  
any other amount or amounts to be paid to a person who is a 1897  
member or contributor under this chapter upon the person's 1898  
withdrawal of contributions pursuant to this chapter shall be 1899  
made prior to whichever of the following is applicable: 1900

(a) If the person is convicted of or pleads guilty to the 1901  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1902  
~~section either of the following:~~ 1903

(i) Section 2929.192 of the Revised Code, the day on which 1904  
the system receives from the court a copy of the journal entry 1905  
of the offender's sentence under that section; 1906

(ii) Section 2901.433 of the Revised Code, the day on 1907  
which the system receives from the court a copy of the journal 1908  
entry imposing the forfeiture order under that section. 1909

(b) If the charge against the person is dismissed, the 1910  
person is found not guilty of the charge, or the person is found 1911  
not guilty by reason of insanity of the charge, the day on which 1912  
the system receives notice of the final disposition of the 1913  
charge. 1914

(2) The system shall not process any application for 1915  
payment under this chapter from the person prior to the final 1916  
disposition of the charge. 1917

**Sec. 5505.263.** Notwithstanding any other provision of this 1918  
chapter, a disability benefit granted under this chapter is 1919  
subject to an order issued under section 2901.434 or 2929.193 of 1920  
the Revised Code. The state highway patrol retirement board 1921  
shall comply with the order. 1922

On receipt of notice under section 2901.43 of the Revised 1923  
Code that a state highway patrol retirement system member is 1924  
charged with an offense listed in division (D) of section 1925  
2929.192 of the Revised Code under the circumstances specified 1926  
in that ~~division~~ section, the system shall determine whether the 1927  
member has been granted a disability benefit. If so, the system 1928  
shall send written notice to the prosecutor assigned to the case 1929  
that the member has been granted a disability benefit under this 1930  
chapter and may be subject to section 2929.193 of the Revised 1931  
Code. 1932

On receipt of notice under division (D) of section 1933  
2901.432 of the Revised Code that a state highway patrol 1934  
retirement system member has been convicted of or pleaded guilty 1935

to an offense listed in division (B)(1) of that section under 1936  
the circumstances specified in that section, the system shall 1937  
determine whether the member has been granted a disability 1938  
benefit. If so, the system shall send written notice to the 1939  
attorney general that the member has been granted a disability 1940  
benefit under this chapter and may be subject to section 1941  
2901.434 of the Revised Code. 1942

**Section 2.** That existing sections 145.27, 145.572, 1943  
145.573, 742.41, 742.463, 742.464, 2329.66, 2901.43, 2929.192, 1944  
2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 1945  
3307.373, 3309.22, 3309.672, 3309.673, 5505.04, 5505.262, and 1946  
5505.263 of the Revised Code are hereby repealed. 1947

**Section 3.** Section 2329.66 of the Revised Code is 1948  
presented in this act as a composite of the section as amended 1949  
by both Sub. H.B. 479 and Sub. S.B. 343 of the 129th General 1950  
Assembly. The General Assembly, applying the principle stated in 1951  
division (B) of section 1.52 of the Revised Code that amendments 1952  
are to be harmonized if reasonably capable of simultaneous 1953  
operation, finds that the composite is the resulting version of 1954  
the section in effect prior to the effective date of the section 1955  
as presented in this act. 1956