

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 145

**Representative Brinkman
Cosponsor: Representative Romanchuk**

A BILL

To amend section 2953.32 and to enact sections 1
959.30, 959.31, 959.32, 959.33, and 959.34 of 2
the Revised Code to require the Attorney General 3
to establish an animal abuser registry. 4

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

Section 1. That section 2953.32 be amended and sections 5
959.30, 959.31, 959.32, 959.33, and 959.34 of the Revised Code 6
be enacted to read as follows: 7

Sec. 959.30. As used in this section and sections 959.31 8
to 959.34 of the Revised Code: 9

(A) "Animal shelter" has the same meaning as in section 10
4729.01 of the Revised Code. 11

(B) "Animal abuse offense" means a violation of section 12
959.01, 959.02, 959.03, 959.06, 959.13, 959.131, 959.14, 959.15, 13
959.16, 959.17, 959.18, 959.20, 959.21, or 2921.321 of the 14
Revised Code. 15

(C) "Companion animal" has the same meaning as in section 16
959.131 of the Revised Code. 17

Sec. 959.31. (A) For purposes of the registry established 18
under section 959.32 of the Revised Code, a court that sentences 19
an individual who is convicted of or has pleaded guilty to an 20
animal abuse offense shall submit the following information to 21
the attorney general not later than sixty days after the date 22
the court imposes the sentence: 23

(1) The individual's name, address, gender, and date of 24
birth; 25

(2) Details of the animal abuse offense, including a 26
description of each animal that was a victim of the offense; 27

(3) The penalty imposed for the offense; 28

(4) The individual's photograph; 29

(5) Any additional information required by the attorney 30
general for purposes of the registry. 31

(B) The court shall collect from the individual a ten- 32
dollar fee. The court shall submit the ten-dollar fee along with 33
the information to the attorney general to be credited to the 34
animal abuser registration fund created in section 959.34 of the 35
Revised Code. 36

Sec. 959.32. (A) The attorney general shall establish and 37
maintain a registry of animal abuse offenses. The attorney 38
general shall make the registry available to local and state law 39
enforcement agencies. In addition, the attorney general shall 40
post the registry on the attorney general's web site. 41

(B) The registry shall include all of the information 42
regarding an individual submitted under section 959.31 of the 43
Revised Code. 44

(C) (1) For a first animal abuse offense, the attorney 45

general shall maintain the information regarding the individual 46
on the registry for two years following the date the individual 47
was sentenced for the offense. After two years, the attorney 48
general shall remove the information regarding the individual 49
from the registry unless the individual has been convicted of or 50
pleaded guilty to another animal abuse offense during that two- 51
year period. 52

(2) For a subsequent animal abuse offense after the first 53
offense, the attorney general shall maintain the information 54
regarding the individual on the registry for five years 55
following the date the individual was sentenced for the 56
subsequent offense. After five years, the attorney general shall 57
remove the information regarding the individual from the 58
registry unless the individual has been convicted of or pleaded 59
guilty to another animal abuse offense during that five-year 60
period. 61

(3) The attorney general shall remove the information 62
regarding an animal abuse offense if the attorney general has 63
been notified that the record regarding the animal abuse offense 64
has been sealed pursuant to section 2953.32 of the Revised Code. 65

Sec. 959.33. No animal shelter shall place for adoption a 66
companion animal that is kept or harbored by the shelter with an 67
individual whose name is listed on the registry established 68
under section 959.32 of the Revised Code. 69

Sec. 959.34. There is hereby created in the state treasury 70
the animal abuser registration fund. The fund shall consist of 71
money credited to the fund under section 959.31 of the Revised 72
Code. The attorney general shall use money in the fund to 73
administer sections 959.30 to 959.34 of the Revised Code. 74

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 75
of the Revised Code, an eligible offender may apply to the 76
sentencing court if convicted in this state, or to a court of 77
common pleas if convicted in another state or in a federal 78
court, for the sealing of the record of the case that pertains 79
to the conviction. Application may be made at one of the 80
following times: 81

(a) At the expiration of three years after the offender's 82
final discharge if convicted of one felony; 83

(b) When division (A) (1) (a) of section 2953.31 of the 84
Revised Code applies to the offender, at the expiration of four 85
years after the offender's final discharge if convicted of two 86
felonies, or at the expiration of five years after final 87
discharge if convicted of three, four, or five felonies; 88

(c) At the expiration of one year after the offender's 89
final discharge if convicted of a misdemeanor. 90

(2) Any person who has been arrested for any misdemeanor 91
offense and who has effected a bail forfeiture for the offense 92
charged may apply to the court in which the misdemeanor criminal 93
case was pending when bail was forfeited for the sealing of the 94
record of the case that pertains to the charge. Except as 95
provided in section 2953.61 of the Revised Code, the application 96
may be filed at any time after the expiration of one year from 97
the date on which the bail forfeiture was entered upon the 98
minutes of the court or the journal, whichever entry occurs 99
first. 100

(B) Upon the filing of an application under this section, 101
the court shall set a date for a hearing and shall notify the 102
prosecutor for the case of the hearing on the application. The 103

prosecutor may object to the granting of the application by 104
filing an objection with the court prior to the date set for the 105
hearing. The prosecutor shall specify in the objection the 106
reasons for believing a denial of the application is justified. 107
The court shall direct its regular probation officer, a state 108
probation officer, or the department of probation of the county 109
in which the applicant resides to make inquiries and written 110
reports as the court requires concerning the applicant. The 111
probation officer or county department of probation that the 112
court directs to make inquiries concerning the applicant shall 113
determine whether or not the applicant was fingerprinted at the 114
time of arrest or under section 109.60 of the Revised Code. If 115
the applicant was so fingerprinted, the probation officer or 116
county department of probation shall include with the written 117
report a record of the applicant's fingerprints. If the 118
applicant was convicted of or pleaded guilty to a violation of 119
division (A) (2) or (B) of section 2919.21 of the Revised Code, 120
the probation officer or county department of probation that the 121
court directed to make inquiries concerning the applicant shall 122
contact the child support enforcement agency enforcing the 123
applicant's obligations under the child support order to inquire 124
about the offender's compliance with the child support order. 125

(C) (1) The court shall do each of the following: 126

(a) Determine whether the applicant is an eligible 127
offender or whether the forfeiture of bail was agreed to by the 128
applicant and the prosecutor in the case. If the applicant 129
applies as an eligible offender pursuant to division (A) (1) of 130
this section and has two or three convictions that result from 131
the same indictment, information, or complaint, from the same 132
plea of guilty, or from the same official proceeding, and result 133
from related criminal acts that were committed within a three- 134

month period but do not result from the same act or from 135
offenses committed at the same time, in making its determination 136
under this division, the court initially shall determine whether 137
it is not in the public interest for the two or three 138
convictions to be counted as one conviction. If the court 139
determines that it is not in the public interest for the two or 140
three convictions to be counted as one conviction, the court 141
shall determine that the applicant is not an eligible offender; 142
if the court does not make that determination, the court shall 143
determine that the offender is an eligible offender. 144

(b) Determine whether criminal proceedings are pending 145
against the applicant; 146

(c) If the applicant is an eligible offender who applies 147
pursuant to division (A) (1) of this section, determine whether 148
the applicant has been rehabilitated to the satisfaction of the 149
court; 150

(d) If the prosecutor has filed an objection in accordance 151
with division (B) of this section, consider the reasons against 152
granting the application specified by the prosecutor in the 153
objection; 154

(e) Weigh the interests of the applicant in having the 155
records pertaining to the applicant's conviction or bail 156
forfeiture sealed against the legitimate needs, if any, of the 157
government to maintain those records. 158

(2) If the court determines, after complying with division 159
(C) (1) of this section, that the applicant is an eligible 160
offender or the subject of a bail forfeiture, that no criminal 161
proceeding is pending against the applicant, that the interests 162
of the applicant in having the records pertaining to the 163

applicant's conviction or bail forfeiture sealed are not 164
outweighed by any legitimate governmental needs to maintain 165
those records, and that the rehabilitation of an applicant who 166
is an eligible offender applying pursuant to division (A) (1) of 167
this section has been attained to the satisfaction of the court, 168
the court, except as provided in division (C) (4), (G), (H), or 169
(I) of this section, shall order all official records of the 170
case that pertain to the conviction or bail forfeiture sealed 171
and, except as provided in division (F) of this section, all 172
index references to the case that pertain to the conviction or 173
bail forfeiture deleted and, in the case of bail forfeitures, 174
shall dismiss the charges in the case. The proceedings in the 175
case that pertain to the conviction or bail forfeiture shall be 176
considered not to have occurred and the conviction or bail 177
forfeiture of the person who is the subject of the proceedings 178
shall be sealed, except that upon conviction of a subsequent 179
offense, the sealed record of prior conviction or bail 180
forfeiture may be considered by the court in determining the 181
sentence or other appropriate disposition, including the relief 182
provided for in sections 2953.31 to 2953.33 of the Revised Code. 183

(3) An applicant may request the sealing of the records of 184
more than one case in a single application under this section. 185
Upon the filing of an application under this section, the 186
applicant, unless indigent, shall pay a fee of fifty dollars, 187
regardless of the number of records the application requests to 188
have sealed. The court shall pay thirty dollars of the fee into 189
the state treasury. It shall pay twenty dollars of the fee into 190
the county general revenue fund if the sealed conviction or bail 191
forfeiture was pursuant to a state statute, or into the general 192
revenue fund of the municipal corporation involved if the sealed 193
conviction or bail forfeiture was pursuant to a municipal 194

ordinance.	195
(4) If the court orders the official records pertaining to the case sealed, the court shall do one of the following:	196 197
(a) If the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code and the record of the applicant's fingerprints was provided to the court under division (B) of this section, forward a copy of the sealing order and the record of the applicant's fingerprints to the bureau of criminal identification and investigation.	198 199 200 201 202 203
(b) If the applicant was not fingerprinted at the time of arrest or under section 109.60 of the Revised Code, or the record of the applicant's fingerprints was not provided to the court under division (B) of this section, but fingerprinting was required for the offense, order the applicant to appear before a sheriff to have the applicant's fingerprints taken according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation. The sheriff shall forward the applicant's fingerprints to the court. The court shall forward the applicant's fingerprints and a copy of the sealing order to the bureau of criminal identification and investigation.	204 205 206 207 208 209 210 211 212 213 214 215
Failure of the court to order fingerprints at the time of sealing does not constitute a reversible error.	216 217
(D) Inspection of the sealed records included in the order may be made only by the following persons or for the following purposes:	218 219 220
(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged	221 222 223

would be affected by virtue of the person's previously having	224
been convicted of a crime;	225
(2) By the parole or probation officer of the person who	226
is the subject of the records, for the exclusive use of the	227
officer in supervising the person while on parole or under a	228
community control sanction or a post-release control sanction,	229
and in making inquiries and written reports as requested by the	230
court or adult parole authority;	231
(3) Upon application by the person who is the subject of	232
the records, by the persons named in the application;	233
(4) By a law enforcement officer who was involved in the	234
case, for use in the officer's defense of a civil action arising	235
out of the officer's involvement in that case;	236
(5) By a prosecuting attorney or the prosecuting	237
attorney's assistants, to determine a defendant's eligibility to	238
enter a pre-trial diversion program established pursuant to	239
section 2935.36 of the Revised Code;	240
(6) By any law enforcement agency or any authorized	241
employee of a law enforcement agency or by the department of	242
rehabilitation and correction or department of youth services as	243
part of a background investigation of a person who applies for	244
employment with the agency or with the department;	245
(7) By any law enforcement agency or any authorized	246
employee of a law enforcement agency, for the purposes set forth	247
in, and in the manner provided in, section 2953.321 of the	248
Revised Code;	249
(8) By the bureau of criminal identification and	250
investigation or any authorized employee of the bureau for the	251
purpose of providing information to a board or person pursuant	252

to division (F) or (G) of section 109.57 of the Revised Code;	253
(9) By the bureau of criminal identification and	254
investigation or any authorized employee of the bureau for the	255
purpose of performing a criminal history records check on a	256
person to whom a certificate as prescribed in section 109.77 of	257
the Revised Code is to be awarded;	258
(10) By the bureau of criminal identification and	259
investigation or any authorized employee of the bureau for the	260
purpose of conducting a criminal records check of an individual	261
pursuant to division (B) of section 109.572 of the Revised Code	262
that was requested pursuant to any of the sections identified in	263
division (B) (1) of that section;	264
(11) By the bureau of criminal identification and	265
investigation, an authorized employee of the bureau, a sheriff,	266
or an authorized employee of a sheriff in connection with a	267
criminal records check described in section 311.41 of the	268
Revised Code;	269
(12) By the attorney general or an authorized employee of	270
the attorney general or a court for purposes of determining a	271
person's classification pursuant to Chapter 2950. of the Revised	272
Code;	273
(13) By a court, the registrar of motor vehicles, a	274
prosecuting attorney or the prosecuting attorney's assistants,	275
or a law enforcement officer for the purpose of assessing points	276
against a person under section 4510.036 of the Revised Code or	277
for taking action with regard to points assessed.	278
When the nature and character of the offense with which a	279
person is to be charged would be affected by the information, it	280
may be used for the purpose of charging the person with an	281

offense. 282

(E) In any criminal proceeding, proof of any otherwise 283
admissible prior conviction may be introduced and proved, 284
notwithstanding the fact that for any such prior conviction an 285
order of sealing previously was issued pursuant to sections 286
2953.31 to 2953.36 of the Revised Code. 287

(F) The person or governmental agency, office, or 288
department that maintains sealed records pertaining to 289
convictions or bail forfeitures that have been sealed pursuant 290
to this section may maintain a manual or computerized index to 291
the sealed records. The index shall contain only the name of, 292
and alphanumeric identifiers that relate to, the persons who are 293
the subject of the sealed records, the word "sealed," and the 294
name of the person, agency, office, or department that has 295
custody of the sealed records, and shall not contain the name of 296
the crime committed. The index shall be made available by the 297
person who has custody of the sealed records only for the 298
purposes set forth in divisions (C), (D), and (E) of this 299
section. 300

(G) Notwithstanding any provision of this section or 301
section 2953.33 of the Revised Code that requires otherwise, a 302
board of education of a city, local, exempted village, or joint 303
vocational school district that maintains records of an 304
individual who has been permanently excluded under sections 305
3301.121 and 3313.662 of the Revised Code is permitted to 306
maintain records regarding a conviction that was used as the 307
basis for the individual's permanent exclusion, regardless of a 308
court order to seal the record. An order issued under this 309
section to seal the record of a conviction does not revoke the 310
adjudication order of the superintendent of public instruction 311

to permanently exclude the individual who is the subject of the 312
sealing order. An order issued under this section to seal the 313
record of a conviction of an individual may be presented to a 314
district superintendent as evidence to support the contention 315
that the superintendent should recommend that the permanent 316
exclusion of the individual who is the subject of the sealing 317
order be revoked. Except as otherwise authorized by this 318
division and sections 3301.121 and 3313.662 of the Revised Code, 319
any school employee in possession of or having access to the 320
sealed conviction records of an individual that were the basis 321
of a permanent exclusion of the individual is subject to section 322
2953.35 of the Revised Code. 323

(H) For purposes of sections 2953.31 to 2953.36 of the 324
Revised Code, DNA records collected in the DNA database and 325
fingerprints filed for record by the superintendent of the 326
bureau of criminal identification and investigation shall not be 327
sealed unless the superintendent receives a certified copy of a 328
final court order establishing that the offender's conviction 329
has been overturned. For purposes of this section, a court order 330
is not "final" if time remains for an appeal or application for 331
discretionary review with respect to the order. 332

(I) The sealing of a record under this section does not 333
affect the assessment of points under section 4510.036 of the 334
Revised Code and does not erase points assessed against a person 335
as a result of the sealed record. 336

(J) For purposes of section 959.32 of the Revised Code, if 337
a record is sealed that pertains to a conviction of section 338
959.01, 959.02, 959.03, 959.06, 959.13, 959.131, 959.14, 959.15, 339
959.16, 959.17, 959.18, 959.20, 959.21, or 2921.321 of the 340
Revised Code, the clerk of court shall so notify the attorney 341

general. 342

Section 2. That existing section 2953.32 of the Revised 343
Code is hereby repealed. 344