

As Reported by the House Judiciary Committee

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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**

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 or~~ 759
~~contributor, whichever is applicable. The written notice shall~~ 760
~~specifically identify the person charged.~~ 761

~~(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 886
violation or offense that includes as an element a course of 887
conduct or the occurrence of multiple acts is "committed on or 888
after the effective date of this section" if the course of 889
conduct continues, one or more of the multiple acts occurs, or 890
the subject person's accountability for the course of conduct or 891
for one or more of the multiple acts continues on or after the 892
effective date of this section. 893

Sec. 2901.434. (A) As used in this section: 894

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

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

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

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

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

(3) At the time of the offense, the offender was one of 910
the following: 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 chapter, a disability benefit granted under this chapter is subject to an order issued under section 2901.434 or 2929.193 of the Revised Code. The school employees retirement board shall comply with the order.

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

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

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

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: 1730
1731

(i) Each investment expert member shall be a resident of this state. 1732
1733

(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. 1734
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(iii) Each investment expert member shall have direct experience in the management, analysis, supervision, or investment of assets. 1743
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(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. 1746
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(3) Any member appointed under this section shall hold 1758

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