

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 227**

**Senator Bacon**

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**A BILL**

To amend sections 9.02, 109.08, 109.081, 109.43, 1  
109.521, 109.57, 109.572, 109.578, 109.60, 2  
109.85, 109.86, 149.43, 1331.01, 1331.04, 3  
1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 4  
1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 5  
1349.43, 1716.02, 1716.05, 1716.07, 2743.191, 6  
2743.56, 2743.71, 2746.02, 2901.01, 2923.02, 7  
2923.31, 2923.32, 2953.32, 2981.13, and 8  
5302.221, to enact sections 9.28, 177.05, 9  
1331.17, and 2945.63, and to repeal section 10  
1331.05 of the Revised Code to make various 11  
changes to the laws governing the duties and 12  
functions of the Attorney General. 13

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

**Section 1.** That sections 9.02, 109.08, 109.081, 109.43, 14  
109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 15  
149.43, 1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 16  
1345.07, 1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 17  
1716.02, 1716.05, 1716.07, 2743.191, 2743.56, 2743.71, 2746.02, 18  
2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 2981.13, and 19  
5302.221 be amended and sections 9.28, 177.05, 1331.17, and 20

2945.63 of the Revised Code be enacted to read as follows: 21

**Sec. 9.02.** (A) As used in this section: 22

(1) "Customer" means any person or authorized 23  
representative of that person who has maintained or is 24  
maintaining an account or deposit of any type, or has utilized 25  
or is utilizing any service of a financial institution, or for 26  
whom a financial institution has acted or is acting as a 27  
fiduciary in relation to an account or deposit maintained in the 28  
person's name. 29

(2) "Governmental authority" includes the state, any 30  
political subdivision, district, or court, and any agency, 31  
department, officer, or authorized employee of any of those 32  
entities. 33

(3) "Financial institution" means any bank, building and 34  
loan association, trust company, credit union, licensee as 35  
defined in section 1321.01, or registrant as defined in section 36  
1321.51 of the Revised Code. 37

(4) "Financial record" means any record, including 38  
statements or receipts, and checks, drafts, or similar 39  
instruments, or information derived from such record, that is 40  
maintained by a financial institution and that pertains to a 41  
deposit or account of a customer, a service of the financial 42  
institution utilized by a customer, or any other relationship 43  
between a customer and the financial institution. 44

(5) "Supervisory review" means any examination of or other 45  
supervisory action with respect to a financial institution, 46  
where such examination or action is conducted or taken pursuant 47  
to authority granted under the Revised Code, or rules 48  
promulgated pursuant thereto by the agency having regulatory 49

jurisdiction over such institution. 50

(B) Any party, including a governmental authority, that 51  
requires or requests a financial institution to assemble or 52  
provide a customer's financial records in connection with any 53  
investigation, action, or proceeding shall pay the financial 54  
institution for all actual and necessary costs directly incurred 55  
in searching for, reproducing, or transporting these records, if 56  
the financial institution is not a party to the investigation, 57  
action, or proceeding, is not a subject of supervisory review in 58  
the investigation, action, or proceeding, or is a party to the 59  
investigation, action, or proceeding solely by reason of its 60  
holding of assets of another party defendant, with no cause of 61  
action alleged against the financial institution. This payment 62  
shall be made to the financial institution promptly, whether or 63  
not the financial records are entered into evidence. If the 64  
records are produced pursuant to a court order or subpoena duces 65  
tecum, the party requesting the order or subpoena is responsible 66  
for making the payment. With respect to any judicial or 67  
administrative proceeding for which the records are requested, 68  
payment of these costs shall be in addition to any witness fees. 69

(C) The rates and conditions for making payments required 70  
by division (B) of this section shall be established by rule by 71  
the superintendent of financial institutions. To the extent that 72  
they are applicable, such respective rules shall be 73  
substantially like those adopted by the board of governors of 74  
the federal reserve system to regulate similar fees required by 75  
the "Right to Financial Privacy Act of 1978," 92 Stat. 3708, 12 76  
U.S.C.A. 3415. 77

(D) (1) This section is not intended to expand, limit, or 78  
otherwise affect any authority granted under federal law or the 79

law of this state to any party, including a governmental 80  
authority, to procure, request, or require a customer's 81  
financial records. This section does not apply to investigations 82  
or examinations conducted under authority granted by Chapter 83  
169., 1707., 3737., or 4735. of the Revised Code. 84

(2) Division (B) of this section does not apply to 85  
financial records required to be assembled or provided pursuant 86  
to a subpoena, demand for production, request for records, or 87  
demand for inspection issued by or on motion of the attorney 88  
general or the organized crime investigations commission, to a 89  
subpoena issued by or on motion of a prosecuting attorney who 90  
has probable cause to believe that a crime has been committed, 91  
or to a subpoena issued by a grand jury, if all of the following 92  
apply: 93

(a) The financial records or copies of the financial 94  
records are subpoenaed for purposes of a criminal investigation 95  
or prosecution; 96

(b) The subpoena is delivered to the financial institution 97  
at least ten days before the records are to be provided; 98

(c) The subpoena identifies individual items to be 99  
provided or is for statements of the customer's account for a 100  
specified period of time but only as is relevant to the possible 101  
crime being investigated. 102

If any financial record assembled or provided by a 103  
financial institution pursuant to such a subpoena or any 104  
information derived from the financial record is introduced as 105  
evidence in any criminal trial and if any nonindigent defendant 106  
is convicted of an offense at that trial, the trial court shall 107  
charge against the defendant, as a cost of prosecution, all 108

actual and necessary costs directly incurred by the financial 109  
institution in searching for, reproducing, or transporting the 110  
financial records provided the financial institution is not a 111  
defendant at the trial. A defendant against whom costs are 112  
charged pursuant to this division shall pay the costs to the 113  
court which shall forward the payment to the financial 114  
institution. For purposes of this division, the trial court 115  
shall determine whether a defendant is indigent. The rates of 116  
payment established by rule pursuant to division (C) of this 117  
section shall be used by the trial court in charging costs under 118  
this division. 119

(E) Notwithstanding division (D) of this section, in any 120  
proceeding, action, or investigation that involves an alleged 121  
violation of section 2921.02, 2921.41, 2921.42, or 2921.43 of 122  
the Revised Code, that either involves a property interest of 123  
the state or occurred within the scope of state employment or 124  
during the performance of a state public official's or state 125  
public servant's duties, and in which a financial institution is 126  
required or requested to assemble or provide financial records, 127  
the financial institution has a right of reimbursement from the 128  
state treasury for all actual and necessary costs incurred in 129  
searching for, reproducing, or transporting the financial 130  
records, at the rates established by rule under division (C) of 131  
this section. The reimbursement shall be made only if the 132  
financial institution is not a party to, or subject of the 133  
investigation, action, or proceeding, or is a party to the 134  
investigation, action, or proceeding solely by reason of its 135  
holding assets of another party defendant, with no cause of 136  
action alleged against the financial institution, and only if 137  
the financial institution has not acted negligently in the 138  
management of the deposit, account, service, or other 139

relationship to which those financial records pertain. The 140  
reimbursement shall be made promptly, whether or not the 141  
financial records are entered into evidence. As used in this 142  
division, "state" means only the state of Ohio and does not 143  
include any political subdivision. 144

Sec. 9.28. (A) As used in this section: 145

(1) "Competitive solicitation" means a request for 146  
proposal or any other solicitation or announcement by a public 147  
office requiring bids or proposals for the provision of goods or 148  
services to that office. 149

(2) "Public office" includes any state agency, public 150  
institution, political subdivision, or other organized body, 151  
office, agency, institution, or entity established by the laws 152  
of this state for the exercise of any function of government. 153  
"Public office" does not include the nonprofit corporation 154  
formed under section 187.01 of the Revised Code. 155

(3) "State agency" includes every department, bureau, 156  
board, commission, office, or other organized body established 157  
by the constitution and laws of this state for the exercise of 158  
any function of state government, including any state-supported 159  
institution of higher education, the general assembly, any 160  
legislative agency, any court or judicial agency, or any 161  
political subdivision or agency of a political subdivision. 162  
"State agency" does not include the nonprofit corporation formed 163  
under section 187.01 of the Revised Code. 164

(B) Except as provided in division (C) of this section, 165  
materials submitted to a public office in response to a 166  
competitive solicitation shall not be considered public records 167  
for purposes of section 149.43 of the Revised Code until the 168

date the public office announces the award of a contract based 169  
on the competitive solicitation or the cancellation of the 170  
competitive solicitation. 171

(C) If a public office rejects all bids or proposals 172  
received in response to a competitive solicitation and, 173  
concurrently with the announcement of the rejection gives notice 174  
of its intent to reissue the solicitation, the materials 175  
submitted in response to the original competitive solicitation 176  
and the materials submitted in response to the reissued 177  
competitive solicitation shall not be considered public records 178  
for purposes of section 149.43 of the Revised Code until the 179  
date the public office announces the award of a contract based 180  
on the reissued competitive solicitation or the cancellation of 181  
the reissued competitive solicitation. 182

**Sec. 109.08.** The attorney general may appoint and 183  
authorize special counsel to represent the state and any 184  
political subdivision in connection with all claims of 185  
whatsoever nature which are certified to the attorney general 186  
for collection under any law or which the attorney general is 187  
authorized to collect. 188

Such special counsel shall be paid for their services from 189  
funds collected by them in an amount approved by the attorney 190  
general. In addition to the amount certified, the amounts paid 191  
to special counsel may be assessed as collection costs 192  
consistent with section 131.02 of the Revised Code and shall be 193  
fully recoverable from the party indebted. The amounts assessed 194  
as collection costs under this section are in addition to any 195  
amounts authorized under section 109.081 of the Revised Code. 196

The attorney general ~~shall~~ is authorized to provide to the 197  
special counsel ~~appointed to represent the state in connection~~ 198

~~with claims arising out of Chapters 5733., 5739., 5741., and~~ 199  
~~5747. of the Revised Code~~ the official letterhead stationery of 200  
the attorney general. The attorney general may authorize the 201  
special counsel ~~shall to~~ use the letterhead stationery, but only 202  
in connection with the collection of such claims arising out of 203  
~~those taxes~~ amounts certified by the state and political 204  
subdivisions. 205

**Sec. 109.081.** Up to eleven per cent of all amounts 206  
collected by the attorney general, whether by employees or 207  
agents of the attorney general or by special counsel pursuant to 208  
section 109.08 of the Revised Code, on claims ~~due the state~~ 209  
certified in accordance with section 131.02 of the Revised Code, 210  
shall be paid into the state treasury to the credit of the 211  
attorney general claims fund, which is hereby created. The 212  
attorney general, after consultation with the director of budget 213  
and management, shall determine the exact percentage of those 214  
collected amounts that shall be paid into the state treasury to 215  
the credit of the fund. In addition to the amount certified, the 216  
amount shall be assessed as a collection cost consistent with 217  
section 131.02 of the Revised Code, and is fully recoverable 218  
from the party indebted. The amounts assessed as collection 219  
costs under this section are in addition to any amounts 220  
authorized under section 109.08 of the Revised Code. The 221  
attorney general claims fund shall be used for the payment of 222  
expenses incurred by the office of the attorney general. 223

**Sec. 109.43.** (A) As used in this section: 224

(1) "Designee" means a designee of the elected official in 225  
the public office if that elected official is the only elected 226  
official in the public office involved or a designee of all of 227  
the elected officials in the public office if the public office 228

involved includes more than one elected official. 229

(2) "Elected official" means an official elected to a 230  
local or statewide office. "Elected official" does not include 231  
the chief justice or a justice of the supreme court, a judge of 232  
a court of appeals, court of common pleas, municipal court, or 233  
county court, or a clerk of any of those courts. 234

(3) "Public office" has the same meaning as in section 235  
149.011 of the Revised Code. 236

(4) "Public record" has the same meaning as in section 237  
149.43 of the Revised Code. 238

(B) The attorney general shall develop, provide, and 239  
certify training programs and seminars for all elected officials 240  
or their appropriate designees in order to enhance the 241  
officials' knowledge of the duty to provide access to public 242  
records as required by section 149.43 of the Revised Code and to 243  
enhance their knowledge of the open meetings laws set forth in 244  
section 121.22 of the Revised Code. The training shall be three 245  
hours for every term of office for which the elected official 246  
was appointed or elected to the public office involved. The 247  
training shall provide elected officials or their appropriate 248  
designees with guidance in developing and updating their 249  
offices' policies as required under section 149.43 of the 250  
Revised Code. The successful completion by an elected official 251  
or by an elected official's appropriate designee of the training 252  
requirements established by the attorney general under this 253  
section shall satisfy the education requirements imposed on 254  
elected officials or their appropriate designees under division 255  
(E) of section 149.43 of the Revised Code. ~~Prior to providing~~ 256  
~~the training programs and seminars under this section to satisfy~~ 257  
~~the education requirements imposed on elected officials or their~~ 258

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

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

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

agency, political subdivision, or other public or private entity 290  
charges an elected official or an elected official's appropriate 291  
designee a registration fee for attending the training program 292  
or seminar conducted pursuant to a contract entered into under 293  
this division by that contracting agency, political subdivision, 294  
or entity, the public office for which the elected official was 295  
appointed or elected to represent may use the public office's 296  
own funds to pay for the cost of the registration fee. 297

(E) The attorney general shall develop and provide to all 298  
public offices a model public records policy for responding to 299  
public records requests in compliance with section 149.43 of the 300  
Revised Code in order to provide guidance to public offices in 301  
developing their own public record policies for responding to 302  
public records requests in compliance with that section. 303

(F) The attorney general may provide any other appropriate 304  
training or educational programs about Ohio's "Sunshine Laws," 305  
sections 121.22, 149.38, 149.381, and 149.43 of the Revised 306  
Code, as may be developed and offered by the attorney general or 307  
by the attorney general in collaboration with one or more other 308  
state agencies, political subdivisions, or other public or 309  
private entities. 310

(G) The auditor of state, in the course of an annual or 311  
biennial audit of a public office pursuant to Chapter 117. of 312  
the Revised Code, shall audit the public office for compliance 313  
with this section and division (E) of section 149.43 of the 314  
Revised Code. 315

**Sec. 109.521.** There is hereby created in the state 316  
treasury the bureau of criminal identification and investigation 317  
asset forfeiture and cost reimbursement fund. All amounts 318  
awarded to the bureau of criminal identification and 319

investigation as a result of shared federal and state asset 320  
forfeiture and state and local moneys designated as restitution 321  
for reimbursement of the costs of investigations and all amounts 322  
received by the bureau under section 2981.13 of the Revised Code 323  
shall be deposited into this fund. The moneys in this fund shall 324  
be used in accordance with federal and state asset forfeiture 325  
rules, regulations, and laws. Interest earned on the money in 326  
this fund shall be credited to the fund. 327

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 328  
criminal identification and investigation shall procure from 329  
wherever procurable and file for record photographs, pictures, 330  
descriptions, fingerprints, measurements, and other information 331  
that may be pertinent of all persons who have been convicted of 332  
committing within this state a felony, any crime constituting a 333  
misdemeanor on the first offense and a felony on subsequent 334  
offenses, or any misdemeanor described in division (A) (1) (a), 335  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 336  
of all children under eighteen years of age who have been 337  
adjudicated delinquent children for committing within this state 338  
an act that would be a felony or an offense of violence if 339  
committed by an adult or who have been convicted of or pleaded 340  
guilty to committing within this state a felony or an offense of 341  
violence, and of all well-known and habitual criminals. The 342  
person in charge of any county, multicounty, municipal, 343  
municipal-county, or multicounty-municipal jail or workhouse, 344  
community-based correctional facility, halfway house, 345  
alternative residential facility, or state correctional 346  
institution and the person in charge of any state institution 347  
having custody of a person suspected of having committed a 348  
felony, any crime constituting a misdemeanor on the first 349  
offense and a felony on subsequent offenses, or any misdemeanor 350

described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 351  
section 109.572 of the Revised Code or having custody of a child 352  
under eighteen years of age with respect to whom there is 353  
probable cause to believe that the child may have committed an 354  
act that would be a felony or an offense of violence if 355  
committed by an adult shall furnish such material to the 356  
superintendent of the bureau. Fingerprints, photographs, or 357  
other descriptive information of a child who is under eighteen 358  
years of age, has not been arrested or otherwise taken into 359  
custody for committing an act that would be a felony or an 360  
offense of violence who is not in any other category of child 361  
specified in this division, if committed by an adult, has not 362  
been adjudicated a delinquent child for committing an act that 363  
would be a felony or an offense of violence if committed by an 364  
adult, has not been convicted of or pleaded guilty to committing 365  
a felony or an offense of violence, and is not a child with 366  
respect to whom there is probable cause to believe that the 367  
child may have committed an act that would be a felony or an 368  
offense of violence if committed by an adult shall not be 369  
procured by the superintendent or furnished by any person in 370  
charge of any county, multicounty, municipal, municipal-county, 371  
or multicounty-municipal jail or workhouse, community-based 372  
correctional facility, halfway house, alternative residential 373  
facility, or state correctional institution, except as 374  
authorized in section 2151.313 of the Revised Code. 375

(2) Every clerk of a court of record in this state, other 376  
than the supreme court or a court of appeals, shall send to the 377  
superintendent of the bureau a weekly report containing a 378  
summary of each case involving a felony, involving any crime 379  
constituting a misdemeanor on the first offense and a felony on 380  
subsequent offenses, involving a misdemeanor described in 381

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 382  
of the Revised Code, or involving an adjudication in a case in 383  
which a child under eighteen years of age was alleged to be a 384  
delinquent child for committing an act that would be a felony or 385  
an offense of violence if committed by an adult. The clerk of 386  
the court of common pleas shall include in the report and 387  
summary the clerk sends under this division all information 388  
described in divisions (A) (2) (a) to (f) of this section 389  
regarding a case before the court of appeals that is served by 390  
that clerk. The summary shall be written on the standard forms 391  
furnished by the superintendent pursuant to division (B) of this 392  
section and shall include the following information: 393

(a) The incident tracking number contained on the standard 394  
forms furnished by the superintendent pursuant to division (B) 395  
of this section; 396

(b) The style and number of the case; 397

(c) The date of arrest, offense, summons, or arraignment; 398

(d) The date that the person was convicted of or pleaded 399  
guilty to the offense, adjudicated a delinquent child for 400  
committing the act that would be a felony or an offense of 401  
violence if committed by an adult, found not guilty of the 402  
offense, or found not to be a delinquent child for committing an 403  
act that would be a felony or an offense of violence if 404  
committed by an adult, the date of an entry dismissing the 405  
charge, an entry declaring a mistrial of the offense in which 406  
the person is discharged, an entry finding that the person or 407  
child is not competent to stand trial, or an entry of a nolle 408  
prosequi, or the date of any other determination that 409  
constitutes final resolution of the case; 410

(e) A statement of the original charge with the section of 411  
the Revised Code that was alleged to be violated; 412

(f) If the person or child was convicted, pleaded guilty, 413  
or was adjudicated a delinquent child, the sentence or terms of 414  
probation imposed or any other disposition of the offender or 415  
the delinquent child. 416

If the offense involved the disarming of a law enforcement 417  
officer or an attempt to disarm a law enforcement officer, the 418  
clerk shall clearly state that fact in the summary, and the 419  
superintendent shall ensure that a clear statement of that fact 420  
is placed in the bureau's records. 421

(3) The superintendent shall cooperate with and assist 422  
sheriffs, chiefs of police, and other law enforcement officers 423  
in the establishment of a complete system of criminal 424  
identification and in obtaining fingerprints and other means of 425  
identification of all persons arrested on a charge of a felony, 426  
any crime constituting a misdemeanor on the first offense and a 427  
felony on subsequent offenses, or a misdemeanor described in 428  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 429  
of the Revised Code and of all children under eighteen years of 430  
age arrested or otherwise taken into custody for committing an 431  
act that would be a felony or an offense of violence if 432  
committed by an adult. The superintendent also shall file for 433  
record the fingerprint impressions of all persons confined in a 434  
county, multicounty, municipal, municipal-county, or 435  
multicounty-municipal jail or workhouse, community-based 436  
correctional facility, halfway house, alternative residential 437  
facility, or state correctional institution for the violation of 438  
state laws and of all children under eighteen years of age who 439  
are confined in a county, multicounty, municipal, municipal- 440

county, or multicounty-municipal jail or workhouse, community- 441  
based correctional facility, halfway house, alternative 442  
residential facility, or state correctional institution or in 443  
any facility for delinquent children for committing an act that 444  
would be a felony or an offense of violence if committed by an 445  
adult, and any other information that the superintendent may 446  
receive from law enforcement officials of the state and its 447  
political subdivisions. 448

(4) The superintendent shall carry out Chapter 2950. of 449  
the Revised Code with respect to the registration of persons who 450  
are convicted of or plead guilty to a sexually oriented offense 451  
or a child-victim oriented offense and with respect to all other 452  
duties imposed on the bureau under that chapter. 453

(5) The bureau shall perform centralized recordkeeping 454  
functions for criminal history records and services in this 455  
state for purposes of the national crime prevention and privacy 456  
compact set forth in section 109.571 of the Revised Code and is 457  
the criminal history record repository as defined in that 458  
section for purposes of that compact. The superintendent or the 459  
superintendent's designee is the compact officer for purposes of 460  
that compact and shall carry out the responsibilities of the 461  
compact officer specified in that compact. 462

(6) The superintendent shall, upon request, assist a 463  
county coroner in the identification of a deceased person 464  
through the use of fingerprint impressions obtained pursuant to 465  
division (A) (1) of this section or collected pursuant to section 466  
109.572 or 311.41 of the Revised Code. 467

(B) The superintendent shall prepare and furnish to every 468  
county, multicounty, municipal, municipal-county, or 469  
multicounty-municipal jail or workhouse, community-based 470

correctional facility, halfway house, alternative residential 471  
facility, or state correctional institution and to every clerk 472  
of a court in this state specified in division (A) (2) of this 473  
section standard forms for reporting the information required 474  
under division (A) of this section. The standard forms that the 475  
superintendent prepares pursuant to this division may be in a 476  
tangible format, in an electronic format, or in both tangible 477  
formats and electronic formats. 478

(C) (1) The superintendent may operate a center for 479  
electronic, automated, or other data processing for the storage 480  
and retrieval of information, data, and statistics pertaining to 481  
criminals and to children under eighteen years of age who are 482  
adjudicated delinquent children for committing an act that would 483  
be a felony or an offense of violence if committed by an adult, 484  
criminal activity, crime prevention, law enforcement, and 485  
criminal justice, and may establish and operate a statewide 486  
communications network to be known as the Ohio law enforcement 487  
gateway to gather and disseminate information, data, and 488  
statistics for the use of law enforcement agencies and for other 489  
uses specified in this division. The superintendent may gather, 490  
store, retrieve, and disseminate information, data, and 491  
statistics that pertain to children who are under eighteen years 492  
of age and that are gathered pursuant to sections 109.57 to 493  
109.61 of the Revised Code together with information, data, and 494  
statistics that pertain to adults and that are gathered pursuant 495  
to those sections. 496

(2) The superintendent or the superintendent's designee 497  
shall gather information of the nature described in division (C) 498  
(1) of this section that pertains to the offense and delinquency 499  
history of a person who has been convicted of, pleaded guilty 500  
to, or been adjudicated a delinquent child for committing a 501

sexually oriented offense or a child-victim oriented offense for 502  
inclusion in the state registry of sex offenders and child- 503  
victim offenders maintained pursuant to division (A) (1) of 504  
section 2950.13 of the Revised Code and in the internet database 505  
operated pursuant to division (A) (13) of that section and for 506  
possible inclusion in the internet database operated pursuant to 507  
division (A) (11) of that section. 508

(3) In addition to any other authorized use of 509  
information, data, and statistics of the nature described in 510  
division (C) (1) of this section, the superintendent or the 511  
superintendent's designee may provide and exchange the 512  
information, data, and statistics pursuant to the national crime 513  
prevention and privacy compact as described in division (A) (5) 514  
of this section. 515

(4) The attorney general may adopt rules under Chapter 516  
119. of the Revised Code establishing guidelines for the 517  
operation of and participation in the Ohio law enforcement 518  
gateway. The rules may include criteria for granting and 519  
restricting access to information gathered and disseminated 520  
through the Ohio law enforcement gateway. The attorney general 521  
shall permit the state medical board and board of nursing to 522  
access and view, but not alter, information gathered and 523  
disseminated through the Ohio law enforcement gateway. 524

The attorney general may appoint a steering committee to 525  
advise the attorney general in the operation of the Ohio law 526  
enforcement gateway that is comprised of persons who are 527  
representatives of the criminal justice agencies in this state 528  
that use the Ohio law enforcement gateway and is chaired by the 529  
superintendent or the superintendent's designee. 530

(D) (1) The following are not public records under section 531

149.43 of the Revised Code:	532
(a) Information and materials furnished to the	533
superintendent pursuant to division (A) of this section;	534
(b) Information, data, and statistics gathered or	535
disseminated through the Ohio law enforcement gateway pursuant	536
to division (C) (1) of this section;	537
(c) Information and materials furnished to any board or	538
person under division (F) or (G) of this section.	539
(2) The superintendent or the superintendent's designee	540
shall gather and retain information so furnished under division	541
(A) of this section that pertains to the offense and delinquency	542
history of a person who has been convicted of, pleaded guilty	543
to, or been adjudicated a delinquent child for committing a	544
sexually oriented offense or a child-victim oriented offense for	545
the purposes described in division (C) (2) of this section.	546
(E) (1) The attorney general shall adopt rules, in	547
accordance with Chapter 119. of the Revised Code and subject to	548
division (E) (2) of this section, setting forth the procedure by	549
which a person may receive or release information gathered by	550
the superintendent pursuant to division (A) of this section. A	551
reasonable fee may be charged for this service. If a temporary	552
employment service submits a request for a determination of	553
whether a person the service plans to refer to an employment	554
position has been convicted of or pleaded guilty to an offense	555
listed or described in division (A) (1), (2), or (3) of section	556
109.572 of the Revised Code, the request shall be treated as a	557
single request and only one fee shall be charged.	558
(2) Except as otherwise provided in this division or	559
division (E) (3) or (4) of this section, a rule adopted under	560

division (E) (1) of this section may provide only for the release 561  
of information gathered pursuant to division (A) of this section 562  
that relates to the conviction of a person, or a person's plea 563  
of guilty to, a criminal offense or to the arrest of a person as 564  
provided in division (E) (3) of this section. The superintendent 565  
shall not release, and the attorney general shall not adopt any 566  
rule under division (E) (1) of this section that permits the 567  
release of, any information gathered pursuant to division (A) of 568  
this section that relates to an adjudication of a child as a 569  
delinquent child, or that relates to a criminal conviction of a 570  
person under eighteen years of age if the person's case was 571  
transferred back to a juvenile court under division (B) (2) or 572  
(3) of section 2152.121 of the Revised Code and the juvenile 573  
court imposed a disposition or serious youthful offender 574  
disposition upon the person under either division, unless either 575  
of the following applies with respect to the adjudication or 576  
conviction: 577

(a) The adjudication or conviction was for a violation of 578  
section 2903.01 or 2903.02 of the Revised Code. 579

(b) The adjudication or conviction was for a sexually 580  
oriented offense, the juvenile court was required to classify 581  
the child a juvenile offender registrant for that offense under 582  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 583  
classification has not been removed, and the records of the 584  
adjudication or conviction have not been sealed or expunged 585  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 586  
section 2952.32 of the Revised Code. 587

(3) A rule adopted under division (E) (1) of this section 588  
may provide for the release of information gathered pursuant to 589  
division (A) of this section that relates to the arrest of a 590

person who is eighteen years of age or older when the person has 591  
not been convicted as a result of that arrest if any of the 592  
following applies: 593

(a) The arrest was made outside of this state. 594

(b) A criminal action resulting from the arrest is 595  
pending, and the superintendent confirms that the criminal 596  
action has not been resolved at the time the criminal records 597  
check is performed. 598

(c) The bureau cannot reasonably determine whether a 599  
criminal action resulting from the arrest is pending, and not 600  
more than one year has elapsed since the date of the arrest. 601

(4) A rule adopted under division (E) (1) of this section 602  
may provide for the release of information gathered pursuant to 603  
division (A) of this section that relates to an adjudication of 604  
a child as a delinquent child if not more than five years have 605  
elapsed since the date of the adjudication, the adjudication was 606  
for an act that would have been a felony if committed by an 607  
adult, the records of the adjudication have not been sealed or 608  
expunged pursuant to sections 2151.355 to 2151.358 of the 609  
Revised Code, and the request for information is made under 610  
division (F) of this section or under section 109.572 of the 611  
Revised Code. In the case of an adjudication for a violation of 612  
the terms of community control or supervised release, the five- 613  
year period shall be calculated from the date of the 614  
adjudication to which the community control or supervised 615  
release pertains. 616

(F) (1) As used in division (F) (2) of this section, "head 617  
start agency" means an entity in this state that has been 618  
approved to be an agency for purposes of subchapter II of the 619

"Community Economic Development Act," 95 Stat. 489 (1981), 42 620  
U.S.C.A. 9831, as amended. 621

(2) (a) In addition to or in conjunction with any request 622  
that is required to be made under section 109.572, 2151.86, 623  
3301.32, 3301.541, division (C) of section 3310.58, or section 624  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 625  
5153.111 of the Revised Code or that is made under section 626  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 627  
board of education of any school district; the director of 628  
developmental disabilities; any county board of developmental 629  
disabilities; any provider or subcontractor as defined in 630  
section 5123.081 of the Revised Code; the chief administrator of 631  
any chartered nonpublic school; the chief administrator of a 632  
registered private provider that is not also a chartered 633  
nonpublic school; the chief administrator of any home health 634  
agency; the chief administrator of or person operating any child 635  
day-care center, type A family day-care home, or type B family 636  
day-care home licensed under Chapter 5104. of the Revised Code; 637  
the chief administrator of any head start agency; the executive 638  
director of a public children services agency; a private company 639  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 640  
the Revised Code; or an employer described in division (J) (2) of 641  
section 3327.10 of the Revised Code may request that the 642  
superintendent of the bureau investigate and determine, with 643  
respect to any individual who has applied for employment in any 644  
position after October 2, 1989, or any individual wishing to 645  
apply for employment with a board of education may request, with 646  
regard to the individual, whether the bureau has any information 647  
gathered under division (A) of this section that pertains to 648  
that individual. On receipt of the request, subject to division 649  
(E) (2) of this section, the superintendent shall determine 650

whether that information exists and, upon request of the person, 651  
board, or entity requesting information, also shall request from 652  
the federal bureau of investigation any criminal records it has 653  
pertaining to that individual. The superintendent or the 654  
superintendent's designee also may request criminal history 655  
records from other states or the federal government pursuant to 656  
the national crime prevention and privacy compact set forth in 657  
section 109.571 of the Revised Code. Within thirty days of the 658  
date that the superintendent receives a request, subject to 659  
division (E)(2) of this section, the superintendent shall send 660  
to the board, entity, or person a report of any information that 661  
the superintendent determines exists, including information 662  
contained in records that have been sealed under section 2953.32 663  
of the Revised Code, and, within thirty days of its receipt, 664  
subject to division (E)(2) of this section, shall send the 665  
board, entity, or person a report of any information received 666  
from the federal bureau of investigation, other than information 667  
the dissemination of which is prohibited by federal law. 668

(b) When a board of education or a registered private 669  
provider is required to receive information under this section 670  
as a prerequisite to employment of an individual pursuant to 671  
division (C) of section 3310.58 or section 3319.39 of the 672  
Revised Code, it may accept a certified copy of records that 673  
were issued by the bureau of criminal identification and 674  
investigation and that are presented by an individual applying 675  
for employment with the district in lieu of requesting that 676  
information itself. In such a case, the board shall accept the 677  
certified copy issued by the bureau in order to make a photocopy 678  
of it for that individual's employment application documents and 679  
shall return the certified copy to the individual. In a case of 680  
that nature, a district or provider only shall accept a 681

certified copy of records of that nature within one year after 682  
the date of their issuance by the bureau. 683

(c) Notwithstanding division (F) (2) (a) of this section, in 684  
the case of a request under section 3319.39, 3319.391, or 685  
3327.10 of the Revised Code only for criminal records maintained 686  
by the federal bureau of investigation, the superintendent shall 687  
not determine whether any information gathered under division 688  
(A) of this section exists on the person for whom the request is 689  
made. 690

(3) The state board of education may request, with respect 691  
to any individual who has applied for employment after October 692  
2, 1989, in any position with the state board or the department 693  
of education, any information that a school district board of 694  
education is authorized to request under division (F) (2) of this 695  
section, and the superintendent of the bureau shall proceed as 696  
if the request has been received from a school district board of 697  
education under division (F) (2) of this section. 698

(4) When the superintendent of the bureau receives a 699  
request for information under section 3319.291 of the Revised 700  
Code, the superintendent shall proceed as if the request has 701  
been received from a school district board of education and 702  
shall comply with divisions (F) (2) (a) and (c) of this section. 703

(5) When a recipient of a classroom reading improvement 704  
grant paid under section 3301.86 of the Revised Code requests, 705  
with respect to any individual who applies to participate in 706  
providing any program or service funded in whole or in part by 707  
the grant, the information that a school district board of 708  
education is authorized to request under division (F) (2) (a) of 709  
this section, the superintendent of the bureau shall proceed as 710  
if the request has been received from a school district board of 711

education under division (F) (2) (a) of this section. 712

(G) In addition to or in conjunction with any request that 713  
is required to be made under section 3701.881, 3712.09, or 714  
3721.121 of the Revised Code with respect to an individual who 715  
has applied for employment in a position that involves providing 716  
direct care to an older adult or adult resident, the chief 717  
administrator of a home health agency, hospice care program, 718  
home licensed under Chapter 3721. of the Revised Code, or adult 719  
day-care program operated pursuant to rules adopted under 720  
section 3721.04 of the Revised Code may request that the 721  
superintendent of the bureau investigate and determine, with 722  
respect to any individual who has applied after January 27, 723  
1997, for employment in a position that does not involve 724  
providing direct care to an older adult or adult resident, 725  
whether the bureau has any information gathered under division 726  
(A) of this section that pertains to that individual. 727

In addition to or in conjunction with any request that is 728  
required to be made under section 173.27 of the Revised Code 729  
with respect to an individual who has applied for employment in 730  
a position that involves providing ombudsman services to 731  
residents of long-term care facilities or recipients of 732  
community-based long-term care services, the state long-term 733  
care ombudsman, the director of aging, a regional long-term care 734  
ombudsman program, or the designee of the ombudsman, director, 735  
or program may request that the superintendent investigate and 736  
determine, with respect to any individual who has applied for 737  
employment in a position that does not involve providing such 738  
ombudsman services, whether the bureau has any information 739  
gathered under division (A) of this section that pertains to 740  
that applicant. 741

In addition to or in conjunction with any request that is 742  
required to be made under section 173.38 of the Revised Code 743  
with respect to an individual who has applied for employment in 744  
a direct-care position, the chief administrator of a provider, 745  
as defined in section 173.39 of the Revised Code, may request 746  
that the superintendent investigate and determine, with respect 747  
to any individual who has applied for employment in a position 748  
that is not a direct-care position, whether the bureau has any 749  
information gathered under division (A) of this section that 750  
pertains to that applicant. 751

In addition to or in conjunction with any request that is 752  
required to be made under section 3712.09 of the Revised Code 753  
with respect to an individual who has applied for employment in 754  
a position that involves providing direct care to a pediatric 755  
respite care patient, the chief administrator of a pediatric 756  
respite care program may request that the superintendent of the 757  
bureau investigate and determine, with respect to any individual 758  
who has applied for employment in a position that does not 759  
involve providing direct care to a pediatric respite care 760  
patient, whether the bureau has any information gathered under 761  
division (A) of this section that pertains to that individual. 762

On receipt of a request under this division, the 763  
superintendent shall determine whether that information exists 764  
and, on request of the individual requesting information, shall 765  
also request from the federal bureau of investigation any 766  
criminal records it has pertaining to the applicant. The 767  
superintendent or the superintendent's designee also may request 768  
criminal history records from other states or the federal 769  
government pursuant to the national crime prevention and privacy 770  
compact set forth in section 109.571 of the Revised Code. Within 771  
thirty days of the date a request is received, subject to 772

division (E) (2) of this section, the superintendent shall send 773  
to the requester a report of any information determined to 774  
exist, including information contained in records that have been 775  
sealed under section 2953.32 of the Revised Code, and, within 776  
thirty days of its receipt, shall send the requester a report of 777  
any information received from the federal bureau of 778  
investigation, other than information the dissemination of which 779  
is prohibited by federal law. 780

(H) Information obtained by a government entity or person 781  
under this section is confidential and shall not be released or 782  
disseminated. 783

(I) The superintendent may charge a reasonable fee for 784  
providing information or criminal records under division (F) (2) 785  
or (G) of this section. 786

(J) As used in this section: 787

(1) "Pediatric respite care program" and "pediatric care 788  
patient" have the same meanings as in section 3712.01 of the 789  
Revised Code. 790

(2) "Sexually oriented offense" and "child-victim oriented 791  
offense" have the same meanings as in section 2950.01 of the 792  
Revised Code. 793

(3) "Registered private provider" means a nonpublic school 794  
or entity registered with the superintendent of public 795  
instruction under section 3310.41 of the Revised Code to 796  
participate in the autism scholarship program or section 3310.58 797  
of the Revised Code to participate in the Jon Peterson special 798  
needs scholarship program. 799

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 800  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 801

Code, a completed form prescribed pursuant to division (C)(1) of 802  
this section, and a set of fingerprint impressions obtained in 803  
the manner described in division (C)(2) of this section, the 804  
superintendent of the bureau of criminal identification and 805  
investigation shall conduct a criminal records check in the 806  
manner described in division (B) of this section to determine 807  
whether any information exists that indicates that the person 808  
who is the subject of the request previously has been convicted 809  
of or pleaded guilty to any of the following: 810

(a) A violation of section 2903.01, 2903.02, 2903.03, 811  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 812  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 813  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 814  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 815  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 816  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 817  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 818  
sexual penetration in violation of former section 2907.12 of the 819  
Revised Code, a violation of section 2905.04 of the Revised Code 820  
as it existed prior to July 1, 1996, a violation of section 821  
2919.23 of the Revised Code that would have been a violation of 822  
section 2905.04 of the Revised Code as it existed prior to July 823  
1, 1996, had the violation been committed prior to that date, or 824  
a violation of section 2925.11 of the Revised Code that is not a 825  
minor drug possession offense; 826

(b) A violation of an existing or former law of this 827  
state, any other state, or the United States that is 828  
substantially equivalent to any of the offenses listed in 829  
division (A)(1)(a) of this section; 830

(c) If the request is made pursuant to section 3319.39 of 831

the Revised Code for an applicant who is a teacher, any offense 832  
specified in section 3319.31 of the Revised Code. 833

(2) On receipt of a request pursuant to section 3712.09 or 834  
3721.121 of the Revised Code, a completed form prescribed 835  
pursuant to division (C)(1) of this section, and a set of 836  
fingerprint impressions obtained in the manner described in 837  
division (C)(2) of this section, the superintendent of the 838  
bureau of criminal identification and investigation shall 839  
conduct a criminal records check with respect to any person who 840  
has applied for employment in a position for which a criminal 841  
records check is required by those sections. The superintendent 842  
shall conduct the criminal records check in the manner described 843  
in division (B) of this section to determine whether any 844  
information exists that indicates that the person who is the 845  
subject of the request previously has been convicted of or 846  
pleaded guilty to any of the following: 847

(a) A violation of section 2903.01, 2903.02, 2903.03, 848  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 849  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 850  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 851  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 852  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 853  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 854  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 855  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 856

(b) An existing or former law of this state, any other 857  
state, or the United States that is substantially equivalent to 858  
any of the offenses listed in division (A)(2)(a) of this 859  
section. 860

(3) On receipt of a request pursuant to section 173.27, 861

173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 862  
5123.081, or 5123.169 of the Revised Code, a completed form 863  
prescribed pursuant to division (C) (1) of this section, and a 864  
set of fingerprint impressions obtained in the manner described 865  
in division (C) (2) of this section, the superintendent of the 866  
bureau of criminal identification and investigation shall 867  
conduct a criminal records check of the person for whom the 868  
request is made. The superintendent shall conduct the criminal 869  
records check in the manner described in division (B) of this 870  
section to determine whether any information exists that 871  
indicates that the person who is the subject of the request 872  
previously has been convicted of, has pleaded guilty to, or 873  
(except in the case of a request pursuant to section 5164.34, 874  
5164.341, or 5164.342 of the Revised Code) has been found 875  
eligible for intervention in lieu of conviction for any of the 876  
following, regardless of the date of the conviction, the date of 877  
entry of the guilty plea, or (except in the case of a request 878  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 879  
Revised Code) the date the person was found eligible for 880  
intervention in lieu of conviction: 881

(a) A violation of section 959.13, 959.131, 2903.01, 882  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 883  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 884  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 885  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 886  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 887  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 888  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 889  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 890  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 891  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 892

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 893  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 894  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 895  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 896  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 897  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 898  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 899  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 900

(b) Felonious sexual penetration in violation of former 901  
section 2907.12 of the Revised Code; 902

(c) A violation of section 2905.04 of the Revised Code as 903  
it existed prior to July 1, 1996; 904

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 905  
the Revised Code when the underlying offense that is the object 906  
of the conspiracy, attempt, or complicity is one of the offenses 907  
listed in divisions (A) (3) (a) to (c) of this section; 908

(e) A violation of an existing or former municipal 909  
ordinance or law of this state, any other state, or the United 910  
States that is substantially equivalent to any of the offenses 911  
listed in divisions (A) (3) (a) to (d) of this section. 912

(4) On receipt of a request pursuant to section 2151.86 of 913  
the Revised Code, a completed form prescribed pursuant to 914  
division (C) (1) of this section, and a set of fingerprint 915  
impressions obtained in the manner described in division (C) (2) 916  
of this section, the superintendent of the bureau of criminal 917  
identification and investigation shall conduct a criminal 918  
records check in the manner described in division (B) of this 919  
section to determine whether any information exists that 920  
indicates that the person who is the subject of the request 921

previously has been convicted of or pleaded guilty to any of the 922  
following: 923

(a) A violation of section 959.13, 2903.01, 2903.02, 924  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 925  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 926  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 927  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 928  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 929  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 930  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 931  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 932  
2927.12, or 3716.11 of the Revised Code, a violation of section 933  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 934  
a violation of section 2919.23 of the Revised Code that would 935  
have been a violation of section 2905.04 of the Revised Code as 936  
it existed prior to July 1, 1996, had the violation been 937  
committed prior to that date, a violation of section 2925.11 of 938  
the Revised Code that is not a minor drug possession offense, 939  
two or more OVI or OVUAC violations committed within the three 940  
years immediately preceding the submission of the application or 941  
petition that is the basis of the request, or felonious sexual 942  
penetration in violation of former section 2907.12 of the 943  
Revised Code; 944

(b) A violation of an existing or former law of this 945  
state, any other state, or the United States that is 946  
substantially equivalent to any of the offenses listed in 947  
division (A) (4) (a) of this section. 948

(5) Upon receipt of a request pursuant to section 5104.013 949  
of the Revised Code, a completed form prescribed pursuant to 950  
division (C) (1) of this section, and a set of fingerprint 951

impressions obtained in the manner described in division (C) (2) 952  
of this section, the superintendent of the bureau of criminal 953  
identification and investigation shall conduct a criminal 954  
records check in the manner described in division (B) of this 955  
section to determine whether any information exists that 956  
indicates that the person who is the subject of the request has 957  
been convicted of or pleaded guilty to any of the following: 958

(a) A violation of section 2151.421, 2903.01, 2903.02, 959  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 960  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 961  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 962  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 963  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 964  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 965  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 966  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 967  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 968  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 969  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 970  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 971  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 972  
3716.11 of the Revised Code, felonious sexual penetration in 973  
violation of former section 2907.12 of the Revised Code, a 974  
violation of section 2905.04 of the Revised Code as it existed 975  
prior to July 1, 1996, a violation of section 2919.23 of the 976  
Revised Code that would have been a violation of section 2905.04 977  
of the Revised Code as it existed prior to July 1, 1996, had the 978  
violation been committed prior to that date, a violation of 979  
section 2925.11 of the Revised Code that is not a minor drug 980  
possession offense, a violation of section 2923.02 or 2923.03 of 981  
the Revised Code that relates to a crime specified in this 982

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification. 983  
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) (5) (a) of this section. 986  
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(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 990  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would 1001  
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have been a violation of section 2905.04 of the Revised Code as 1013  
it existed prior to July 1, 1996, had the violation been 1014  
committed prior to that date, or a violation of section 2925.11 1015  
of the Revised Code that is not a minor drug possession offense; 1016

(b) A violation of an existing or former law of this 1017  
state, any other state, or the United States that is 1018  
substantially equivalent to any of the offenses listed in 1019  
division (A) (6) (a) of this section. 1020

(7) On receipt of a request for a criminal records check 1021  
from an individual pursuant to section 4749.03 or 4749.06 of the 1022  
Revised Code, accompanied by a completed copy of the form 1023  
prescribed in division (C) (1) of this section and a set of 1024  
fingerprint impressions obtained in a manner described in 1025  
division (C) (2) of this section, the superintendent of the 1026  
bureau of criminal identification and investigation shall 1027  
conduct a criminal records check in the manner described in 1028  
division (B) of this section to determine whether any 1029  
information exists indicating that the person who is the subject 1030  
of the request has been convicted of or pleaded guilty to a 1031  
felony in this state or in any other state. If the individual 1032  
indicates that a firearm will be carried in the course of 1033  
business, the superintendent shall require information from the 1034  
federal bureau of investigation as described in division (B) (2) 1035  
of this section. Subject to division (F) of this section, the 1036  
superintendent shall report the findings of the criminal records 1037  
check and any information the federal bureau of investigation 1038  
provides to the director of public safety. 1039

(8) On receipt of a request pursuant to section 1321.37, 1040  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1041  
Code, a completed form prescribed pursuant to division (C) (1) of 1042

this section, and a set of fingerprint impressions obtained in 1043  
the manner described in division (C) (2) of this section, the 1044  
superintendent of the bureau of criminal identification and 1045  
investigation shall conduct a criminal records check with 1046  
respect to any person who has applied for a license, permit, or 1047  
certification from the department of commerce or a division in 1048  
the department. The superintendent shall conduct the criminal 1049  
records check in the manner described in division (B) of this 1050  
section to determine whether any information exists that 1051  
indicates that the person who is the subject of the request 1052  
previously has been convicted of or pleaded guilty to any of the 1053  
following: a violation of section 2913.02, 2913.11, 2913.31, 1054  
2913.51, or 2925.03 of the Revised Code; any other criminal 1055  
offense involving theft, receiving stolen property, 1056  
embezzlement, forgery, fraud, passing bad checks, money 1057  
laundering, or drug trafficking, or any criminal offense 1058  
involving money or securities, as set forth in Chapters 2909., 1059  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 1060  
Code; or any existing or former law of this state, any other 1061  
state, or the United States that is substantially equivalent to 1062  
those offenses. 1063

(9) On receipt of a request for a criminal records check 1064  
from the treasurer of state under section 113.041 of the Revised 1065  
Code or from an individual under section 4701.08, 4715.101, 1066  
4717.061, 4725.121, 4725.46, 4729.071, 4730.101, 4730.14, 1067  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1068  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1069  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1070  
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 1071  
Code, accompanied by a completed form prescribed under division 1072  
(C) (1) of this section and a set of fingerprint impressions 1073

obtained in the manner described in division (C) (2) of this 1074  
section, the superintendent of the bureau of criminal 1075  
identification and investigation shall conduct a criminal 1076  
records check in the manner described in division (B) of this 1077  
section to determine whether any information exists that 1078  
indicates that the person who is the subject of the request has 1079  
been convicted of or pleaded guilty to any criminal offense in 1080  
this state or any other state. Subject to division (F) of this 1081  
section, the superintendent shall send the results of a check 1082  
requested under section 113.041 of the Revised Code to the 1083  
treasurer of state and shall send the results of a check 1084  
requested under any of the other listed sections to the 1085  
licensing board specified by the individual in the request. 1086

(10) On receipt of a request pursuant to section 1121.23, 1087  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1088  
Code, a completed form prescribed pursuant to division (C) (1) of 1089  
this section, and a set of fingerprint impressions obtained in 1090  
the manner described in division (C) (2) of this section, the 1091  
superintendent of the bureau of criminal identification and 1092  
investigation shall conduct a criminal records check in the 1093  
manner described in division (B) of this section to determine 1094  
whether any information exists that indicates that the person 1095  
who is the subject of the request previously has been convicted 1096  
of or pleaded guilty to any criminal offense under any existing 1097  
or former law of this state, any other state, or the United 1098  
States. 1099

(11) On receipt of a request for a criminal records check 1100  
from an appointing or licensing authority under section 3772.07 1101  
of the Revised Code, a completed form prescribed under division 1102  
(C) (1) of this section, and a set of fingerprint impressions 1103  
obtained in the manner prescribed in division (C) (2) of this 1104

section, the superintendent of the bureau of criminal 1105  
identification and investigation shall conduct a criminal 1106  
records check in the manner described in division (B) of this 1107  
section to determine whether any information exists that 1108  
indicates that the person who is the subject of the request 1109  
previously has been convicted of or pleaded guilty or no contest 1110  
to any offense under any existing or former law of this state, 1111  
any other state, or the United States that is a disqualifying 1112  
offense as defined in section 3772.07 of the Revised Code or 1113  
substantially equivalent to such an offense. 1114

(12) On receipt of a request pursuant to section 2151.33 1115  
or 2151.412 of the Revised Code, a completed form prescribed 1116  
pursuant to division (C)(1) of this section, and a set of 1117  
fingerprint impressions obtained in the manner described in 1118  
division (C)(2) of this section, the superintendent of the 1119  
bureau of criminal identification and investigation shall 1120  
conduct a criminal records check with respect to any person for 1121  
whom a criminal records check is required by that section. The 1122  
superintendent shall conduct the criminal records check in the 1123  
manner described in division (B) of this section to determine 1124  
whether any information exists that indicates that the person 1125  
who is the subject of the request previously has been convicted 1126  
of or pleaded guilty to any of the following: 1127

(a) A violation of section 2903.01, 2903.02, 2903.03, 1128  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1129  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1130  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1131  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1132  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1133  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1134  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1135

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1136

(b) An existing or former law of this state, any other 1137  
state, or the United States that is substantially equivalent to 1138  
any of the offenses listed in division (A)(12)(a) of this 1139  
section. 1140

(B) Subject to division (F) of this section, the 1141  
superintendent shall conduct any criminal records check to be 1142  
conducted under this section as follows: 1143

(1) The superintendent shall review or cause to be 1144  
reviewed any relevant information gathered and compiled by the 1145  
bureau under division (A) of section 109.57 of the Revised Code 1146  
that relates to the person who is the subject of the criminal 1147  
records check, including, if the criminal records check was 1148  
requested under section 113.041, 121.08, 173.27, 173.38, 1149  
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1150  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1151  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 1152  
4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 1153  
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 1154  
any relevant information contained in records that have been 1155  
sealed under section 2953.32 of the Revised Code; 1156

(2) If the request received by the superintendent asks for 1157  
information from the federal bureau of investigation, the 1158  
superintendent shall request from the federal bureau of 1159  
investigation any information it has with respect to the person 1160  
who is the subject of the criminal records check, including 1161  
fingerprint-based checks of national crime information databases 1162  
as described in 42 U.S.C. 671 if the request is made pursuant to 1163  
section 2151.86 or 5104.013 of the Revised Code or if any other 1164  
Revised Code section requires fingerprint-based checks of that 1165

nature, and shall review or cause to be reviewed any information 1166  
the superintendent receives from that bureau. If a request under 1167  
section 3319.39 of the Revised Code asks only for information 1168  
from the federal bureau of investigation, the superintendent 1169  
shall not conduct the review prescribed by division (B) (1) of 1170  
this section. 1171

(3) The superintendent or the superintendent's designee 1172  
may request criminal history records from other states or the 1173  
federal government pursuant to the national crime prevention and 1174  
privacy compact set forth in section 109.571 of the Revised 1175  
Code. 1176

(4) The superintendent shall include in the results of the 1177  
criminal records check a list or description of the offenses 1178  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 1179  
(7), (8), (9), (10), (11), or (12) of this section, whichever 1180  
division requires the superintendent to conduct the criminal 1181  
records check. The superintendent shall exclude from the results 1182  
any information the dissemination of which is prohibited by 1183  
federal law. 1184

(5) The superintendent shall send the results of the 1185  
criminal records check to the person to whom it is to be sent 1186  
not later than the following number of days after the date the 1187  
superintendent receives the request for the criminal records 1188  
check, the completed form prescribed under division (C) (1) of 1189  
this section, and the set of fingerprint impressions obtained in 1190  
the manner described in division (C) (2) of this section: 1191

(a) If the superintendent is required by division (A) of 1192  
this section (other than division (A) (3) of this section) to 1193  
conduct the criminal records check, thirty; 1194

(b) If the superintendent is required by division (A) (3) 1195  
of this section to conduct the criminal records check, sixty. 1196

(C) (1) The superintendent shall prescribe a form to obtain 1197  
the information necessary to conduct a criminal records check 1198  
from any person for whom a criminal records check is to be 1199  
conducted under this section. The form that the superintendent 1200  
prescribes pursuant to this division may be in a tangible 1201  
format, in an electronic format, or in both tangible and 1202  
electronic formats. 1203

(2) The superintendent shall prescribe standard impression 1204  
sheets to obtain the fingerprint impressions of any person for 1205  
whom a criminal records check is to be conducted under this 1206  
section. Any person for whom a records check is to be conducted 1207  
under this section shall obtain the fingerprint impressions at a 1208  
county sheriff's office, municipal police department, or any 1209  
other entity with the ability to make fingerprint impressions on 1210  
the standard impression sheets prescribed by the superintendent. 1211  
The office, department, or entity may charge the person a 1212  
reasonable fee for making the impressions. The standard 1213  
impression sheets the superintendent prescribes pursuant to this 1214  
division may be in a tangible format, in an electronic format, 1215  
or in both tangible and electronic formats. 1216

(3) Subject to division (D) of this section, the 1217  
superintendent shall prescribe and charge a reasonable fee for 1218  
providing a criminal records check under this section. The 1219  
person requesting the criminal records check shall pay the fee 1220  
prescribed pursuant to this division. In the case of a request 1221  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1222  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1223  
fee shall be paid in the manner specified in that section. 1224

(4) The superintendent of the bureau of criminal 1225  
identification and investigation may prescribe methods of 1226  
forwarding fingerprint impressions and information necessary to 1227  
conduct a criminal records check, which methods shall include, 1228  
but not be limited to, an electronic method. 1229

(D) The results of a criminal records check conducted 1230  
under this section, other than a criminal records check 1231  
specified in division (A) (7) of this section, are valid for the 1232  
person who is the subject of the criminal records check for a 1233  
period of one year from the date upon which the superintendent 1234  
completes the criminal records check. If during that period the 1235  
superintendent receives another request for a criminal records 1236  
check to be conducted under this section for that person, the 1237  
superintendent shall provide the results from the previous 1238  
criminal records check of the person at a lower fee than the fee 1239  
prescribed for the initial criminal records check. 1240

(E) When the superintendent receives a request for 1241  
information from a registered private provider, the 1242  
superintendent shall proceed as if the request was received from 1243  
a school district board of education under section 3319.39 of 1244  
the Revised Code. The superintendent shall apply division (A) (1) 1245  
(c) of this section to any such request for an applicant who is 1246  
a teacher. 1247

(F) (1) ~~All~~ Subject to division (F) (2) of this section, all 1248  
information regarding the results of a criminal records check 1249  
conducted under this section that the superintendent reports or 1250  
sends under division (A) (7) or (9) of this section to the 1251  
director of public safety, the treasurer of state, or the 1252  
person, board, or entity that made the request for the criminal 1253  
records check shall relate to the conviction of the subject 1254

person, or the subject person's plea of guilty to, a criminal offense. 1255  
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(2) Division (F)(1) of this section does not limit, 1257  
restrict, or preclude the superintendent's release of 1258  
information that relates to the arrest of a person who is 1259  
eighteen years of age or older, to an adjudication of a child as 1260  
a delinquent child, or to a criminal conviction of a person 1261  
under eighteen years of age in circumstances in which a release 1262  
of that nature is authorized under division (E)(2), (3), or (4) 1263  
of section 109.57 of the Revised Code pursuant to a rule adopted 1264  
under division (E)(1) of that section. 1265

(G) As used in this section: 1266

(1) "Criminal records check" means any criminal records 1267  
check conducted by the superintendent of the bureau of criminal 1268  
identification and investigation in accordance with division (B) 1269  
of this section. 1270

(2) "Minor drug possession offense" has the same meaning 1271  
as in section 2925.01 of the Revised Code. 1272

(3) "OVI or OVUAC violation" means a violation of section 1273  
4511.19 of the Revised Code or a violation of an existing or 1274  
former law of this state, any other state, or the United States 1275  
that is substantially equivalent to section 4511.19 of the 1276  
Revised Code. 1277

(4) "Registered private provider" means a nonpublic school 1278  
or entity registered with the superintendent of public 1279  
instruction under section 3310.41 of the Revised Code to 1280  
participate in the autism scholarship program or section 3310.58 1281  
of the Revised Code to participate in the Jon Peterson special 1282  
needs scholarship program. 1283

**Sec. 109.578.** (A) On receipt of a request pursuant to 1284  
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1285  
Code, a completed form prescribed pursuant to division (C) (1) of 1286  
this section, and a set of fingerprint impressions obtained in 1287  
the manner described in division (C) (2) of this section, the 1288  
superintendent of the bureau of criminal identification and 1289  
investigation shall conduct a criminal records check in the 1290  
manner described in division (B) of this section to determine 1291  
whether any information exists that indicates that the person 1292  
who is the subject of the request previously has been convicted 1293  
of or pleaded guilty to any of the following: 1294

(1) A felony; 1295

(2) A violation of section 2909.03 of the Revised Code; 1296

(3) A violation of an existing or former law of this 1297  
state, any other state, or the United States that is 1298  
substantially equivalent to any of the offenses listed in 1299  
division (A) (1) or (2) of this section. 1300

(B) Subject to division (E) of this section, the 1301  
superintendent shall conduct any criminal records check pursuant 1302  
to division (A) of this section as follows: 1303

(1) The superintendent shall review or cause to be 1304  
reviewed any relevant information gathered and compiled by the 1305  
bureau under division (A) of section 109.57 of the Revised Code 1306  
that relates to the person who is the subject of the request, 1307  
including any relevant information contained in records that 1308  
have been sealed under section 2953.32 of the Revised Code. 1309

(2) If the request received by the superintendent asks for 1310  
information from the federal bureau of investigation, the 1311  
superintendent shall request from the federal bureau of 1312

investigation any information it has with respect to the person 1313  
who is the subject of the request and shall review or cause to 1314  
be reviewed any information the superintendent receives from 1315  
that bureau. 1316

(C) (1) The superintendent shall prescribe a form to obtain 1317  
the information necessary to conduct a criminal records check 1318  
from any person for whom a criminal records check is requested 1319  
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1320  
the Revised Code. The form that the superintendent prescribes 1321  
pursuant to this division may be in a tangible format, in an 1322  
electronic format, or in both tangible and electronic formats. 1323

(2) The superintendent shall prescribe standard impression 1324  
sheets to obtain the fingerprint impressions of any person for 1325  
whom a criminal records check is requested pursuant to section 1326  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1327  
person for whom a records check is requested pursuant to any of 1328  
those sections shall obtain the fingerprint impressions at a 1329  
county sheriff's office, a municipal police department, or any 1330  
other entity with the ability to make fingerprint impressions on 1331  
the standard impression sheets prescribed by the superintendent. 1332  
The office, department, or entity may charge the person a 1333  
reasonable fee for making the impressions. The standard 1334  
impression sheets the superintendent prescribes pursuant to this 1335  
division may be in a tangible format, in an electronic format, 1336  
or in both tangible and electronic formats. 1337

(3) Subject to division (D) of this section, the 1338  
superintendent shall prescribe and charge a reasonable fee for 1339  
providing a criminal records check requested under section 1340  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1341  
person making the criminal records request shall pay the fee 1342

prescribed pursuant to this division. 1343

(4) The superintendent may prescribe methods of forwarding 1344  
fingerprint impressions and information necessary to conduct a 1345  
criminal records check. The methods shall include, but are not 1346  
limited to, an electronic method. 1347

(D) A determination whether any information exists that 1348  
indicates that a person previously has been convicted of or 1349  
pleaded guilty to any offense listed or described in division 1350  
(A) of this section and that the superintendent made with 1351  
respect to information considered in a criminal records check in 1352  
accordance with this section is valid for the person who is the 1353  
subject of the criminal records check for a period of one year 1354  
from the date upon which the superintendent makes the 1355  
determination. During the period in which the determination in 1356  
regard to a person is valid, if another request under this 1357  
section is made for a criminal records check for that person, 1358  
the superintendent shall provide the information that is the 1359  
basis for the superintendent's initial determination at a lower 1360  
fee than the fee prescribed for the initial criminal records 1361  
check. 1362

(E) (1) ~~All~~ Subject to division (E) (2) of this section, all 1363  
information regarding the results of a criminal records check 1364  
conducted under this section that the superintendent reports or 1365  
sends under this section to the person, board, or entity that 1366  
made the request for the criminal records check shall relate to 1367  
the conviction of the subject person, or the subject person's 1368  
plea of guilty to, a criminal offense. 1369

(2) Division (E) (1) of this section does not limit, 1370  
restrict, or preclude the superintendent's release of 1371  
information that relates to the arrest of a person who is 1372

eighteen years of age or older, to an adjudication of a child as 1373  
a delinquent child, or to a criminal conviction of a person 1374  
under eighteen years of age in circumstances in which a release 1375  
of that nature is authorized under division (E) (2), (3), or (4) 1376  
of section 109.57 of the Revised Code pursuant to a rule adopted 1377  
under division (E) (1) of that section. 1378

(F) As used in this section, "criminal records check" 1379  
means any criminal records check conducted by the superintendent 1380  
of the bureau of criminal identification and investigation in 1381  
accordance with division (B) of this section. 1382

**Sec. 109.60.** (A) (1) The sheriffs of the several counties 1383  
and the chiefs of police of cities, immediately upon the arrest 1384  
of any person for any felony, on suspicion of any felony, for a 1385  
crime constituting a misdemeanor on the first offense and a 1386  
felony on subsequent offenses, or for any misdemeanor described 1387  
in division (A) (1) (a), (A) (8) (a), or (A) (10) (a) of section 1388  
109.572 of the Revised Code, and immediately upon the arrest or 1389  
taking into custody of any child under eighteen years of age for 1390  
committing an act that would be a felony or an offense of 1391  
violence if committed by an adult or upon probable cause to 1392  
believe that a child of that age may have committed an act that 1393  
would be a felony or an offense of violence if committed by an 1394  
adult, shall take the person's or child's fingerprints, or cause 1395  
the same to be taken, according to the fingerprint system of 1396  
identification on the forms furnished by the superintendent of 1397  
the bureau of criminal identification and investigation, and 1398  
immediately shall forward copies of the completed forms, any 1399  
other description that may be required, and the history of the 1400  
offense committed to the bureau to be classified and filed and 1401  
to the clerk of the court having jurisdiction over the 1402  
prosecution of the offense or over the adjudication relative to 1403

the act. 1404

(2) Except as provided in division (B) of this section, if 1405  
a person or child has not been arrested and first appears before 1406  
a court or magistrate in response to a summons, or if a sheriff 1407  
or chief of police has not taken, or caused to be taken, a 1408  
person's or child's fingerprints in accordance with division (A) 1409  
(1) of this section by the time of the arraignment or first 1410  
appearance of the person or child, the court shall order the 1411  
person or child to appear before the sheriff or chief of police 1412  
within twenty-four hours to have the person's or child's 1413  
fingerprints taken. The sheriff or chief of police shall take 1414  
the person's or child's fingerprints, or cause the fingerprints 1415  
to be taken, according to the fingerprint system of 1416  
identification on the forms furnished by the superintendent of 1417  
the bureau of criminal identification and investigation and, 1418  
immediately after the person's or child's arraignment or first 1419  
appearance, forward copies of the completed forms, any other 1420  
description that may be required, and the history of the offense 1421  
committed to the bureau to be classified and filed and to the 1422  
clerk of the court. 1423

(3) Every court with jurisdiction over a case involving a 1424  
person or child with respect to whom division (A) (1) or (2) of 1425  
this section requires a sheriff or chief of police to take the 1426  
person's or child's fingerprints shall inquire at the time of 1427  
the person's or child's sentencing or adjudication whether or 1428  
not the person or child has been fingerprinted pursuant to 1429  
division (A) (1) or (2) of this section for the original arrest 1430  
or court appearance upon which the sentence or adjudication is 1431  
based. If the person or child was not fingerprinted for the 1432  
original arrest or court appearance upon which the sentence or 1433  
adjudication is based, the court shall take the person's or 1434

child's fingerprints or shall order the person or child to 1435  
appear before the sheriff or chief of police within twenty-four 1436  
hours to have the person's or child's fingerprints taken. ~~The If~~ 1437  
the court orders the person or child to appear before the 1438  
sheriff or chief of police to have the person's or child's 1439  
fingerprints taken, the sheriff or chief of police shall take 1440  
the person's or child's fingerprints, or cause the fingerprints 1441  
to be taken, according to the fingerprint system of 1442  
identification on the forms furnished by the superintendent of 1443  
the bureau of criminal identification and investigation and 1444  
immediately forward copies of the completed forms, any other 1445  
description that may be required, and the history of the offense 1446  
committed to the bureau to be classified and filed and to the 1447  
clerk of the court. 1448

(4) If a person or child is in the custody of a law 1449  
enforcement agency or a detention facility, as defined in 1450  
section 2921.01 of the Revised Code, and the chief law 1451  
enforcement officer or chief administrative officer of the 1452  
detention facility discovers that a warrant has been issued or a 1453  
bill of information has been filed alleging the person or child 1454  
to have committed an offense or act other than the offense or 1455  
act for which the person or child is in custody, and the other 1456  
alleged offense or act is one for which fingerprints are to be 1457  
taken pursuant to division (A) (1) of this section, the law 1458  
enforcement agency or detention facility shall take the 1459  
fingerprints of the person or child, or cause the fingerprints 1460  
to be taken, according to the fingerprint system of 1461  
identification on the forms furnished by the superintendent of 1462  
the bureau of criminal identification and investigation and 1463  
immediately forward copies of the completed forms, any other 1464  
description that may be required, and the history of the offense 1465

committed to the bureau to be classified and filed and to the 1466  
clerk of the court that issued the warrant or with which the 1467  
bill of information was filed. 1468

(5) If an accused is found not guilty of the offense 1469  
charged or a nolle prosequi is entered in any case, or if any 1470  
accused child under eighteen years of age is found not to be a 1471  
delinquent child for committing an act that would be a felony or 1472  
an offense of violence if committed by an adult or not guilty of 1473  
the felony or offense of violence charged or a nolle prosequi is 1474  
entered in that case, the fingerprints and description shall be 1475  
given to the accused upon the accused's request. 1476

(6) The superintendent shall compare the description 1477  
received with those already on file in the bureau, and, if the 1478  
superintendent finds that the person arrested or taken into 1479  
custody has a criminal record or a record as a delinquent child 1480  
for having committed an act that would be a felony or an offense 1481  
of violence if committed by an adult or is a fugitive from 1482  
justice or wanted by any jurisdiction in this or another state, 1483  
the United States, or a foreign country for any offense, the 1484  
superintendent at once shall inform the arresting officer, the 1485  
officer taking the person into custody, or the chief 1486  
administrative officer of the county, multicounty, municipal, 1487  
municipal-county, or multicounty-municipal jail or workhouse, 1488  
community-based correctional facility, halfway house, 1489  
alternative residential facility, or state correctional 1490  
institution in which the person or child is in custody of that 1491  
fact and give appropriate notice to the proper authorities in 1492  
the jurisdiction in which the person is wanted, or, if that 1493  
jurisdiction is a foreign country, give appropriate notice to 1494  
federal authorities for transmission to the foreign country. The 1495  
names, under which each person whose identification is filed is 1496

known, shall be alphabetically indexed by the superintendent. 1497

(B) Division (A) of this section does not apply to a 1498  
violinator of a city ordinance unless the officers have reason to 1499  
believe that the violator is a past offender or the crime is one 1500  
constituting a misdemeanor on the first offense and a felony on 1501  
subsequent offenses, or unless it is advisable for the purpose 1502  
of subsequent identification. This section does not apply to any 1503  
child under eighteen years of age who was not arrested or 1504  
otherwise taken into custody for committing an act that would be 1505  
a felony or an offense of violence if committed by an adult or 1506  
upon probable cause to believe that a child of that age may have 1507  
committed an act that would be a felony or an offense of 1508  
violence if committed by an adult, except as provided in section 1509  
2151.313 of the Revised Code. 1510

(C) (1) For purposes of division (C) of this section, a law 1511  
enforcement agency shall be considered to have arrested a person 1512  
if any law enforcement officer who is employed by, appointed by, 1513  
or serves that agency arrests the person. As used in division 1514  
(C) of this section: 1515

(a) "Illegal methamphetamine manufacturing laboratory" has 1516  
the same meaning as in section 3745.13 of the Revised Code. 1517

(b) "Methamphetamine or a methamphetamine product" means 1518  
methamphetamine, any salt, isomer, or salt of an isomer of 1519  
methamphetamine, or any compound, mixture, preparation, or 1520  
substance containing methamphetamine or any salt, isomer, or 1521  
salt of an isomer of methamphetamine. 1522

(2) Each law enforcement agency that, in any calendar 1523  
year, arrests any person for a violation of section 2925.04 of 1524  
the Revised Code that is based on the manufacture of 1525

methamphetamine or a methamphetamine product, a violation of 1526  
section 2925.041 of the Revised Code that is based on the 1527  
possession of chemicals sufficient to produce methamphetamine or 1528  
a methamphetamine product, or a violation of any other provision 1529  
of Chapter 2925. or 3719. of the Revised Code that is based on 1530  
the possession of chemicals sufficient to produce 1531  
methamphetamine or a methamphetamine product shall prepare an 1532  
annual report covering the calendar year that contains the 1533  
information specified in division (C) (3) of this section 1534  
relative to all arrests for violations of those sections 1535  
committed under those circumstances during that calendar year 1536  
and relative to illegal methamphetamine manufacturing 1537  
laboratories, dump sites, and chemical caches as specified in 1538  
that division and shall send the annual report, not later than 1539  
the first day of March in the calendar year following the 1540  
calendar year covered by the report, to the bureau of criminal 1541  
identification and investigation. 1542

The law enforcement agency shall write any annual report 1543  
prepared and filed under this division on the standard forms 1544  
furnished by the superintendent of the bureau of criminal 1545  
identification and investigation pursuant to division (C) (4) of 1546  
this section. The annual report shall be a statistical report, 1547  
and nothing in the report or in the information it contains 1548  
shall identify, or enable the identification of, any person who 1549  
was arrested and whose arrest is included in the information 1550  
contained in the report. The annual report in the possession of 1551  
the bureau and the information it contains are public records 1552  
for the purpose of section 149.43 of the Revised Code. 1553

(3) The annual report prepared and filed by a law 1554  
enforcement agency under division (C) (2) of this section shall 1555  
contain all of the following information for the calendar year 1556

covered by the report: 1557

(a) The total number of arrests made by the agency in that 1558  
calendar year for a violation of section 2925.04 of the Revised 1559  
Code that is based on the manufacture of methamphetamine or a 1560  
methamphetamine product, a violation of section 2925.041 of the 1561  
Revised Code that is based on the possession of chemicals 1562  
sufficient to produce methamphetamine or a methamphetamine 1563  
product, or a violation of any other provision of Chapter 2925. 1564  
or 3719. of the Revised Code that is based on the possession of 1565  
chemicals sufficient to produce methamphetamine or a 1566  
methamphetamine product; 1567

(b) The total number of illegal methamphetamine 1568  
manufacturing laboratories at which one or more of the arrests 1569  
reported under division (C) (3) (a) of this section occurred, or 1570  
that were discovered in that calendar year within the territory 1571  
served by the agency but at which none of the arrests reported 1572  
under division (C) (3) (a) of this section occurred; 1573

(c) The total number of dump sites and chemical caches 1574  
that are, or that are reasonably believed to be, related to 1575  
illegal methamphetamine manufacturing and that were discovered 1576  
in that calendar year within the territory served by the agency. 1577

(4) The superintendent of the bureau of criminal 1578  
identification and investigation shall prepare and furnish to 1579  
each law enforcement agency in this state standard forms for 1580  
making the annual reports required by division (C) (2) of this 1581  
section. The standard forms that the superintendent prepares 1582  
pursuant to this division may be in a tangible format, in an 1583  
electronic format, or in both a tangible format and an 1584  
electronic format. 1585

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

**Sec. 109.85.** (A) Upon the written request of the governor, the general assembly, the auditor of state, the medicaid director, the director of health, or the director of budget and management, or upon the attorney general's becoming aware of criminal or improper activity related to Chapter 3721. of the Revised Code and the medicaid program, the attorney general shall investigate any criminal or civil violation of law related to Chapter 3721. of the Revised Code or the medicaid program. Investigators appointed by the attorney general to fulfill the purposes of this section may go armed in the same manner as sheriffs and regularly appointed police officers under section 2923.12 of the Revised Code.

(B) When it appears to the attorney general, as a result of an investigation under division (A) of this section, that there is cause to prosecute for the commission of a crime or to pursue a civil remedy, the attorney general may refer the evidence to the prosecuting attorney having jurisdiction of the matter, or to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code, or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code, or the attorney general may initiate and prosecute any necessary criminal or civil actions in any court or tribunal of competent jurisdiction in this state. When proceeding under this section, the attorney general, and any assistant or special counsel designated by the attorney general for that purpose, have all rights, privileges, and

powers of prosecuting attorneys. The attorney general shall have 1617  
exclusive supervision and control of all investigations and 1618  
prosecutions initiated by the attorney general under this 1619  
section. The forfeiture provisions of Chapter 2981. of the 1620  
Revised Code apply in relation to any such criminal action 1621  
initiated and prosecuted by the attorney general. 1622

(C) Nothing in this section shall prevent a county 1623  
prosecuting attorney from investigating and prosecuting criminal 1624  
activity related to Chapter 3721. of the Revised Code and the 1625  
medicaid program. The forfeiture provisions of Chapter 2981. of 1626  
the Revised Code apply in relation to any prosecution of 1627  
criminal activity related to the medicaid program undertaken by 1628  
the prosecuting attorney. 1629

**Sec. 109.86.** (A) The attorney general shall investigate 1630  
any activity the attorney general has reasonable cause to 1631  
believe is in violation of section 2903.34 of the Revised Code. 1632  
Upon written request of the governor, the general assembly, the 1633  
auditor of state, or the director of health, job and family 1634  
services, aging, mental health and addiction services, or 1635  
developmental disabilities, the attorney general shall 1636  
investigate any activity these persons believe is in violation 1637  
of section 2903.34 of the Revised Code. Investigators appointed 1638  
by the attorney general to fulfill the purposes of this section 1639  
may go armed in the same manner as sheriffs and regularly 1640  
appointed police officers under section 2923.12 of the Revised 1641  
Code. If after an investigation the attorney general has 1642  
probable cause to prosecute for the commission of a crime, the 1643  
attorney general shall refer the evidence to the prosecuting 1644  
attorney, director of law, or other similar chief legal officer 1645  
having jurisdiction over the matter. If the prosecuting attorney 1646  
decides to present the evidence to a grand jury, the prosecuting 1647

attorney shall notify the attorney general in writing of the 1648  
decision within thirty days after referral of the matter and 1649  
shall present the evidence prior to the discharge of the next 1650  
regular grand jury. If the director of law or other chief legal 1651  
officer decides to prosecute the case, the director or officer 1652  
shall notify the attorney general in writing of the decision 1653  
within thirty days and shall initiate prosecution within sixty 1654  
days after the matter was referred to the director or officer. 1655

(B) If the prosecuting attorney, director of law, or other 1656  
chief legal officer fails to notify the attorney general or to 1657  
present evidence or initiate prosecution in accordance with 1658  
division (A) of this section, the attorney general may present 1659  
the evidence to a regular grand jury drawn and impaneled 1660  
pursuant to sections 2939.01 to 2939.24 of the Revised Code, or 1661  
to a special grand jury drawn and impaneled pursuant to section 1662  
2939.17 of the Revised Code, or the attorney general may 1663  
initiate and prosecute any action in any court or tribunal of 1664  
competent jurisdiction in this state. The attorney general, and 1665  
any assistant or special counsel designated by the attorney 1666  
general, have all the powers of a prosecuting attorney, director 1667  
of law, or other chief legal officer when proceeding under this 1668  
section. Nothing in this section shall limit or prevent a 1669  
prosecuting attorney, director of law, or other chief legal 1670  
officer from investigating and prosecuting criminal activity 1671  
committed against a resident or patient of a care facility. 1672

**Sec. 149.43.** (A) As used in this section: 1673

(1) "Public record" means records kept by any public 1674  
office, including, but not limited to, state, county, city, 1675  
village, township, and school district units, and records 1676  
pertaining to the delivery of educational services by an 1677

alternative school in this state kept by the nonprofit or for- 1678  
profit entity operating the alternative school pursuant to 1679  
section 3313.533 of the Revised Code. "Public record" does not 1680  
mean any of the following: 1681

(a) Medical records; 1682

(b) Records pertaining to probation and parole proceedings 1683  
or to proceedings related to the imposition of community control 1684  
sanctions and post-release control sanctions; 1685

(c) Records pertaining to actions under section 2151.85 1686  
and division (C) of section 2919.121 of the Revised Code and to 1687  
appeals of actions arising under those sections; 1688

(d) Records pertaining to adoption proceedings, including 1689  
the contents of an adoption file maintained by the department of 1690  
health under sections 3705.12 to 3705.124 of the Revised Code; 1691

(e) Information in a record contained in the putative 1692  
father registry established by section 3107.062 of the Revised 1693  
Code, regardless of whether the information is held by the 1694  
department of job and family services or, pursuant to section 1695  
3111.69 of the Revised Code, the office of child support in the 1696  
department or a child support enforcement agency; 1697

(f) Records specified in division (A) of section 3107.52 1698  
of the Revised Code; 1699

(g) Trial preparation records; 1700

(h) Confidential law enforcement investigatory records; 1701

(i) Records containing information that is confidential 1702  
under section 2710.03 or 4112.05 of the Revised Code; 1703

(j) DNA records stored in the DNA database pursuant to 1704

section 109.573 of the Revised Code;	1705
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1706 1707 1708 1709
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1710 1711 1712 1713
(m) Intellectual property records;	1714
(n) Donor profile records;	1715
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	1716 1717
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	1718 1719 1720 1721 1722 1723
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1724 1725 1726 1727 1728
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1729 1730
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	1731 1732

review conducted pursuant to guidelines established by the 1733  
director of health under section 3701.70 of the Revised Code, 1734  
records provided to the board or director, statements made by 1735  
board members during meetings of the board or by persons 1736  
participating in the director's review, and all work products of 1737  
the board or director, and in the case of a child fatality 1738  
review board, child fatality review data submitted by the board 1739  
to the department of health or a national child death review 1740  
database, other than the report prepared pursuant to division 1741  
(A) of section 307.626 of the Revised Code; 1742

(t) Records provided to and statements made by the 1743  
executive director of a public children services agency or a 1744  
prosecuting attorney acting pursuant to section 5153.171 of the 1745  
Revised Code other than the information released under that 1746  
section; 1747

(u) Test materials, examinations, or evaluation tools used 1748  
in an examination for licensure as a nursing home administrator 1749  
that the board of executives of long-term services and supports 1750  
administers under section 4751.04 of the Revised Code or 1751  
contracts under that section with a private or government entity 1752  
to administer; 1753

(v) Records the release of which is prohibited by state or 1754  
federal law; 1755

(w) Proprietary information of or relating to any person 1756  
that is submitted to or compiled by the Ohio venture capital 1757  
authority created under section 150.01 of the Revised Code; 1758

(x) Financial statements and data any person submits for 1759  
any purpose to the Ohio housing finance agency or the 1760  
controlling board in connection with applying for, receiving, or 1761

accounting for financial assistance from the agency, and 1762  
information that identifies any individual who benefits directly 1763  
or indirectly from financial assistance from the agency; 1764

(y) Records listed in section 5101.29 of the Revised Code; 1765

(z) Discharges recorded with a county recorder under 1766  
section 317.24 of the Revised Code, as specified in division (B) 1767  
(2) of that section; 1768

(aa) Usage information including names and addresses of 1769  
specific residential and commercial customers of a municipally 1770  
owned or operated public utility; 1771

(bb) Records described in division (C) of section 187.04 1772  
of the Revised Code that are not designated to be made available 1773  
to the public as provided in that division; 1774

(cc) Information and records that are made confidential, 1775  
privileged, and not subject to disclosure under divisions (B) 1776  
and (C) of section 2949.221 of the Revised Code; 1777

(dd) Personal information, as defined in section 149.45 of 1778  
the Revised Code. 1779

(2) "Confidential law enforcement investigatory record" 1780  
means any record that pertains to a law enforcement matter of a 1781  
criminal, quasi-criminal, civil, or administrative nature, but 1782  
only to the extent that the release of the record would create a 1783  
high probability of disclosure of any of the following: 1784

(a) The identity of a suspect who has not been charged 1785  
with the offense to which the record pertains, or of an 1786  
information source or witness to whom confidentiality has been 1787  
reasonably promised; 1788

(b) Information provided by an information source or 1789

witness to whom confidentiality has been reasonably promised, 1790  
which information would reasonably tend to disclose the source's 1791  
or witness's identity; 1792

(c) Specific confidential investigatory techniques or 1793  
procedures or specific investigatory work product; 1794

(d) Information that would endanger the life or physical 1795  
safety of law enforcement personnel, a crime victim, a witness, 1796  
or a confidential information source. 1797

(3) "Medical record" means any document or combination of 1798  
documents, except births, deaths, and the fact of admission to 1799  
or discharge from a hospital, that pertains to the medical 1800  
history, diagnosis, prognosis, or medical condition of a patient 1801  
and that is generated and maintained in the process of medical 1802  
treatment. 1803

(4) "Trial preparation record" means any record that 1804  
contains information that is specifically compiled in reasonable 1805  
anticipation of, or in defense of, a civil or criminal action or 1806  
proceeding, including the independent thought processes and 1807  
personal trial preparation of an attorney. 1808

(5) "Intellectual property record" means a record, other 1809  
than a financial or administrative record, that is produced or 1810  
collected by or for faculty or staff of a state institution of 1811  
higher learning in the conduct of or as a result of study or 1812  
research on an educational, commercial, scientific, artistic, 1813  
technical, or scholarly issue, regardless of whether the study 1814  
or research was sponsored by the institution alone or in 1815  
conjunction with a governmental body or private concern, and 1816  
that has not been publicly released, published, or patented. 1817

(6) "Donor profile record" means all records about donors 1818

or potential donors to a public institution of higher education 1819  
except the names and reported addresses of the actual donors and 1820  
the date, amount, and conditions of the actual donation. 1821

(7) "Peace officer, parole officer, probation officer, 1822  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1823  
correctional employee, community-based correctional facility 1824  
employee, youth services employee, firefighter, EMT, or 1825  
investigator of the bureau of criminal identification and 1826  
investigation residential and familial information" means any 1827  
information that discloses any of the following about a peace 1828  
officer, parole officer, probation officer, bailiff, prosecuting 1829  
attorney, assistant prosecuting attorney, correctional employee, 1830  
community-based correctional facility employee, youth services 1831  
employee, firefighter, EMT, or investigator of the bureau of 1832  
criminal identification and investigation: 1833

(a) The address of the actual personal residence of a 1834  
peace officer, parole officer, probation officer, bailiff, 1835  
assistant prosecuting attorney, correctional employee, 1836  
community-based correctional facility employee, youth services 1837  
employee, firefighter, EMT, or an investigator of the bureau of 1838  
criminal identification and investigation, except for the state 1839  
or political subdivision in which the peace officer, parole 1840  
officer, probation officer, bailiff, assistant prosecuting 1841  
attorney, correctional employee, community-based correctional 1842  
facility employee, youth services employee, firefighter, EMT, or 1843  
investigator of the bureau of criminal identification and 1844  
investigation resides; 1845

(b) Information compiled from referral to or participation 1846  
in an employee assistance program; 1847

(c) The social security number, the residential telephone 1848

number, any bank account, debit card, charge card, or credit 1849  
card number, or the emergency telephone number of, or any 1850  
medical information pertaining to, a peace officer, parole 1851  
officer, probation officer, bailiff, prosecuting attorney, 1852  
assistant prosecuting attorney, correctional employee, 1853  
community-based correctional facility employee, youth services 1854  
employee, firefighter, EMT, or investigator of the bureau of 1855  
criminal identification and investigation; 1856

(d) The name of any beneficiary of employment benefits, 1857  
including, but not limited to, life insurance benefits, provided 1858  
to a peace officer, parole officer, probation officer, bailiff, 1859  
prosecuting attorney, assistant prosecuting attorney, 1860  
correctional employee, community-based correctional facility 1861  
employee, youth services employee, firefighter, EMT, or 1862  
investigator of the bureau of criminal identification and 1863  
investigation by the peace officer's, parole officer's, 1864  
probation officer's, bailiff's, prosecuting attorney's, 1865  
assistant prosecuting attorney's, correctional employee's, 1866  
community-based correctional facility employee's, youth services 1867  
employee's, firefighter's, EMT's, or investigator of the bureau 1868  
of criminal identification and investigation's employer; 1869

(e) The identity and amount of any charitable or 1870  
employment benefit deduction made by the peace officer's, parole 1871  
officer's, probation officer's, bailiff's, prosecuting 1872  
attorney's, assistant prosecuting attorney's, correctional 1873  
employee's, community-based correctional facility employee's, 1874  
youth services employee's, firefighter's, EMT's, or investigator 1875  
of the bureau of criminal identification and investigation's 1876  
employer from the peace officer's, parole officer's, probation 1877  
officer's, bailiff's, prosecuting attorney's, assistant 1878  
prosecuting attorney's, correctional employee's, community-based 1879

correctional facility employee's, youth services employee's, 1880  
firefighter's, EMT's, or investigator of the bureau of criminal 1881  
identification and investigation's compensation unless the 1882  
amount of the deduction is required by state or federal law; 1883

(f) The name, the residential address, the name of the 1884  
employer, the address of the employer, the social security 1885  
number, the residential telephone number, any bank account, 1886  
debit card, charge card, or credit card number, or the emergency 1887  
telephone number of the spouse, a former spouse, or any child of 1888  
a peace officer, parole officer, probation officer, bailiff, 1889  
prosecuting attorney, assistant prosecuting attorney, 1890  
correctional employee, community-based correctional facility 1891  
employee, youth services employee, firefighter, EMT, or 1892  
investigator of the bureau of criminal identification and 1893  
investigation; 1894

(g) A photograph of a peace officer who holds a position 1895  
or has an assignment that may include undercover or plain 1896  
clothes positions or assignments as determined by the peace 1897  
officer's appointing authority. 1898

As used in divisions (A) (7) and (B) (9) of this section, 1899  
"peace officer" has the same meaning as in section 109.71 of the 1900  
Revised Code and also includes the superintendent and troopers 1901  
of the state highway patrol; it does not include the sheriff of 1902  
a county or a supervisory employee who, in the absence of the 1903  
sheriff, is authorized to stand in for, exercise the authority 1904  
of, and perform the duties of the sheriff. 1905

As used in divisions (A) (7) and (B) (9) of this section, 1906  
"correctional employee" means any employee of the department of 1907  
rehabilitation and correction who in the course of performing 1908  
the employee's job duties has or has had contact with inmates 1909

and persons under supervision. 1910

As used in divisions (A) (7) and (B) (9) of this section, 1911  
"youth services employee" means any employee of the department 1912  
of youth services who in the course of performing the employee's 1913  
job duties has or has had contact with children committed to the 1914  
custody of the department of youth services. 1915

As used in divisions (A) (7) and (B) (9) of this section, 1916  
"firefighter" means any regular, paid or volunteer, member of a 1917  
lawfully constituted fire department of a municipal corporation, 1918  
township, fire district, or village. 1919

As used in divisions (A) (7) and (B) (9) of this section, 1920  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1921  
emergency medical services for a public emergency medical 1922  
service organization. "Emergency medical service organization," 1923  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1924  
in section 4765.01 of the Revised Code. 1925

As used in divisions (A) (7) and (B) (9) of this section, 1926  
"investigator of the bureau of criminal identification and 1927  
investigation" has the meaning defined in section 2903.11 of the 1928  
Revised Code. 1929

(8) "Information pertaining to the recreational activities 1930  
of a person under the age of eighteen" means information that is 1931  
kept in the ordinary course of business by a public office, that 1932  
pertains to the recreational activities of a person under the 1933  
age of eighteen years, and that discloses any of the following: 1934

(a) The address or telephone number of a person under the 1935  
age of eighteen or the address or telephone number of that 1936  
person's parent, guardian, custodian, or emergency contact 1937  
person; 1938

(b) The social security number, birth date, or 1939  
photographic image of a person under the age of eighteen; 1940

(c) Any medical record, history, or information pertaining 1941  
to a person under the age of eighteen; 1942

(d) Any additional information sought or required about a 1943  
person under the age of eighteen for the purpose of allowing 1944  
that person to participate in any recreational activity 1945  
conducted or sponsored by a public office or to use or obtain 1946  
admission privileges to any recreational facility owned or 1947  
operated by a public office. 1948

(9) "Community control sanction" has the same meaning as 1949  
in section 2929.01 of the Revised Code. 1950

(10) "Post-release control sanction" has the same meaning 1951  
as in section 2967.01 of the Revised Code. 1952

(11) "Redaction" means obscuring or deleting any 1953  
information that is exempt from the duty to permit public 1954  
inspection or copying from an item that otherwise meets the 1955  
definition of a "record" in section 149.011 of the Revised Code. 1956

(12) "Designee" and "elected official" have the same 1957  
meanings as in section 109.43 of the Revised Code. 1958

(B) (1) Upon request and subject to division (B) (8) of this 1959  
section, all public records responsive to the request shall be 1960  
promptly prepared and made available for inspection to any 1961  
person at all reasonable times during regular business hours. 1962  
Subject to division (B) (8) of this section, upon request, a 1963  
public office or person responsible for public records shall 1964  
make copies of the requested public record available at cost and 1965  
within a reasonable period of time. If a public record contains 1966  
information that is exempt from the duty to permit public 1967

inspection or to copy the public record, the public office or 1968  
the person responsible for the public record shall make 1969  
available all of the information within the public record that 1970  
is not exempt. When making that public record available for 1971  
public inspection or copying that public record, the public 1972  
office or the person responsible for the public record shall 1973  
notify the requester of any redaction or make the redaction 1974  
plainly visible. A redaction shall be deemed a denial of a 1975  
request to inspect or copy the redacted information, except if 1976  
federal or state law authorizes or requires a public office to 1977  
make the redaction. 1978

(2) To facilitate broader access to public records, a 1979  
public office or the person responsible for public records shall 1980  
organize and maintain public records in a manner that they can 1981  
be made available for inspection or copying in accordance with 1982  
division (B) of this section. A public office also shall have 1983  
available a copy of its current records retention schedule at a 1984  
location readily available to the public. If a requester makes 1985  
an ambiguous or overly broad request or has difficulty in making 1986  
a request for copies or inspection of public records under this 1987  
section such that the public office or the person responsible 1988  
for the requested public record cannot reasonably identify what 1989  
public records are being requested, the public office or the 1990  
person responsible for the requested public record may deny the 1991  
request but shall provide the requester with an opportunity to 1992  
revise the request by informing the requester of the manner in 1993  
which records are maintained by the public office and accessed 1994  
in the ordinary course of the public office's or person's 1995  
duties. 1996

(3) If a request is ultimately denied, in part or in 1997  
whole, the public office or the person responsible for the 1998

requested public record shall provide the requester with an 1999  
explanation, including legal authority, setting forth why the 2000  
request was denied. If the initial request was provided in 2001  
writing, the explanation also shall be provided to the requester 2002  
in writing. The explanation shall not preclude the public office 2003  
or the person responsible for the requested public record from 2004  
relying upon additional reasons or legal authority in defending 2005  
an action commenced under division (C) of this section. 2006

(4) Unless specifically required or authorized by state or 2007  
federal law or in accordance with division (B) of this section, 2008  
no public office or person responsible for public records may 2009  
limit or condition the availability of public records by 2010  
requiring disclosure of the requester's identity or the intended 2011  
use of the requested public record. Any requirement that the 2012  
requester disclose the requestor's identity or the intended use 2013  
of the requested public record constitutes a denial of the 2014  
request. 2015

(5) A public office or person responsible for public 2016  
records may ask a requester to make the request in writing, may 2017  
ask for the requester's identity, and may inquire about the 2018  
intended use of the information requested, but may do so only 2019  
after disclosing to the requester that a written request is not 2020  
mandatory and that the requester may decline to reveal the 2021  
requester's identity or the intended use and when a written 2022  
request or disclosure of the identity or intended use would 2023  
benefit the requester by enhancing the ability of the public 2024  
office or person responsible for public records to identify, 2025  
locate, or deliver the public records sought by the requester. 2026

(6) If any person chooses to obtain a copy of a public 2027  
record in accordance with division (B) of this section, the 2028

public office or person responsible for the public record may 2029  
require that person to pay in advance the cost involved in 2030  
providing the copy of the public record in accordance with the 2031  
choice made by the person seeking the copy under this division. 2032  
The public office or the person responsible for the public 2033  
record shall permit that person to choose to have the public 2034  
record duplicated upon paper, upon the same medium upon which 2035  
the public office or person responsible for the public record 2036  
keeps it, or upon any other medium upon which the public office 2037  
or person responsible for the public record determines that it 2038  
reasonably can be duplicated as an integral part of the normal 2039  
operations of the public office or person responsible for the 2040  
public record. When the person seeking the copy makes a choice 2041  
under this division, the public office or person responsible for 2042  
the public record shall provide a copy of it in accordance with 2043  
the choice made by the person seeking the copy. Nothing in this 2044  
section requires a public office or person responsible for the 2045  
public record to allow the person seeking a copy of the public 2046  
record to make the copies of the public record. 2047

(7) Upon a request made in accordance with division (B) of 2048  
this section and subject to division (B)(6) of this section, a 2049  
public office or person responsible for public records shall 2050  
transmit a copy of a public record to any person by United 2051  
States mail or by any other means of delivery or transmission 2052  
within a reasonable period of time after receiving the request 2053  
for the copy. The public office or person responsible for the 2054  
public record may require the person making the request to pay 2055  
in advance the cost of postage if the copy is transmitted by 2056  
United States mail or the cost of delivery if the copy is 2057  
transmitted other than by United States mail, and to pay in 2058  
advance the costs incurred for other supplies used in the 2059

mailing, delivery, or transmission. 2060

Any public office may adopt a policy and procedures that 2061  
it will follow in transmitting, within a reasonable period of 2062  
time after receiving a request, copies of public records by 2063  
United States mail or by any other means of delivery or 2064  
transmission pursuant to this division. A public office that 2065  
adopts a policy and procedures under this division shall comply 2066  
with them in performing its duties under this division. 2067

In any policy and procedures adopted under this division, 2068  
a public office may limit the number of records requested by a 2069  
person that the office will transmit by United States mail to 2070  
ten per month, unless the person certifies to the office in 2071  
writing that the person does not intend to use or forward the 2072  
requested records, or the information contained in them, for 2073  
commercial purposes. For purposes of this division, "commercial" 2074  
shall be narrowly construed and does not include reporting or 2075  
gathering news, reporting or gathering information to assist 2076  
citizen oversight or understanding of the operation or 2077  
activities of government, or nonprofit educational research. 2078

(8) A public office or person responsible for public 2079  
records is not required to permit a person who is incarcerated 2080  
pursuant to a criminal conviction or a juvenile adjudication to 2081  
inspect or to obtain a copy of any public record concerning a 2082  
criminal investigation or prosecution or concerning what would 2083  
be a criminal investigation or prosecution if the subject of the 2084  
investigation or prosecution were an adult, unless the request 2085  
to inspect or to obtain a copy of the record is for the purpose 2086  
of acquiring information that is subject to release as a public 2087  
record under this section and the judge who imposed the sentence 2088  
or made the adjudication with respect to the person, or the 2089

judge's successor in office, finds that the information sought 2090  
in the public record is necessary to support what appears to be 2091  
a justiciable claim of the person. 2092

(9) (a) Upon written request made and signed by a 2093  
journalist on or after December 16, 1999, a public office, or 2094  
person responsible for public records, having custody of the 2095  
records of the agency employing a specified peace officer, 2096  
parole officer, probation officer, bailiff, prosecuting 2097  
attorney, assistant prosecuting attorney, correctional employee, 2098  
community-based correctional facility employee, youth services 2099  
employee, firefighter, EMT, or investigator of the bureau of 2100  
criminal identification and investigation shall disclose to the 2101  
journalist the address of the actual personal residence of the 2102  
peace officer, parole officer, probation officer, bailiff, 2103  
prosecuting attorney, assistant prosecuting attorney, 2104  
correctional employee, community-based correctional facility 2105  
employee, youth services employee, firefighter, EMT, or 2106  
investigator of the bureau of criminal identification and 2107  
investigation and, if the peace officer's, parole officer's, 2108  
probation officer's, bailiff's, prosecuting attorney's, 2109  
assistant prosecuting attorney's, correctional employee's, 2110  
community-based correctional facility employee's, youth services 2111  
employee's, firefighter's, EMT's, or investigator of the bureau 2112  
of criminal identification and investigation's spouse, former 2113  
spouse, or child is employed by a public office, the name and 2114  
address of the employer of the peace officer's, parole 2115  
officer's, probation officer's, bailiff's, prosecuting 2116  
attorney's, assistant prosecuting attorney's, correctional 2117  
employee's, community-based correctional facility employee's, 2118  
youth services employee's, firefighter's, EMT's, or investigator 2119  
of the bureau of criminal identification and investigation's 2120

spouse, former spouse, or child. The request shall include the 2121  
journalist's name and title and the name and address of the 2122  
journalist's employer and shall state that disclosure of the 2123  
information sought would be in the public interest. 2124

(b) Division (B) (9) (a) of this section also applies to 2125  
journalist requests for customer information maintained by a 2126  
municipally owned or operated public utility, other than social 2127  
security numbers and any private financial information such as 2128  
credit reports, payment methods, credit card numbers, and bank 2129  
account information. 2130

(c) As used in division (B) (9) of this section, 2131  
"journalist" means a person engaged in, connected with, or 2132  
employed by any news medium, including a newspaper, magazine, 2133  
press association, news agency, or wire service, a radio or 2134  
television station, or a similar medium, for the purpose of 2135  
gathering, processing, transmitting, compiling, editing, or 2136  
disseminating information for the general public. 2137

(C) (1) If a person allegedly is aggrieved by the failure 2138  
of a public office or the person responsible for public records 2139  
to promptly prepare a public record and to make it available to 2140  
the person for inspection in accordance with division (B) of 2141  
this section or by any other failure of a public office or the 2142  
person responsible for public records to comply with an 2143  
obligation in accordance with division (B) of this section, the 2144  
person allegedly aggrieved may commence a mandamus action to 2145  
obtain a judgment that orders the public office or the person 2146  
responsible for the public record to comply with division (B) of 2147  
this section, that awards court costs and reasonable attorney's 2148  
fees to the person that instituted the mandamus action, and, if 2149  
applicable, that includes an order fixing statutory damages 2150

under division (C) (1) of this section. The mandamus action may 2151  
be commenced in the court of common pleas of the county in which 2152  
division (B) of this section allegedly was not complied with, in 2153  
the supreme court pursuant to its original jurisdiction under 2154  
Section 2 of Article IV, Ohio Constitution, or in the court of 2155  
appeals for the appellate district in which division (B) of this 2156  
section allegedly was not complied with pursuant to its original 2157  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2158

If a requestor transmits a written request by hand 2159  
delivery or certified mail to inspect or receive copies of any 2160  
public record in a manner that fairly describes the public 2161  
record or class of public records to the public office or person 2162  
responsible for the requested public records, except as 2163  
otherwise provided in this section, the requestor shall be 2164  
entitled to recover the amount of statutory damages set forth in 2165  
this division if a court determines that the public office or 2166  
the person responsible for public records failed to comply with 2167  
an obligation in accordance with division (B) of this section. 2168

The amount of statutory damages shall be fixed at one 2169  
hundred dollars for each business day during which the public 2170  
office or person responsible for the requested public records 2171  
failed to comply with an obligation in accordance with division 2172  
(B) of this section, beginning with the day on which the 2173  
requester files a mandamus action to recover statutory damages, 2174  
up to a maximum of one thousand dollars. The award of statutory 2175  
damages shall not be construed as a penalty, but as compensation 2176  
for injury arising from lost use of the requested information. 2177  
The existence of this injury shall be conclusively presumed. The 2178  
award of statutory damages shall be in addition to all other 2179  
remedies authorized by this section. 2180

The court may reduce an award of statutory damages or not 2181  
award statutory damages if the court determines both of the 2182  
following: 2183

(a) That, based on the ordinary application of statutory 2184  
law and case law as it existed at the time of the conduct or 2185  
threatened conduct of the public office or person responsible 2186  
for the requested public records that allegedly constitutes a 2187  
failure to comply with an obligation in accordance with division 2188  
(B) of this section and that was the basis of the mandamus 2189  
action, a well-informed public office or person responsible for 2190  
the requested public records reasonably would believe that the 2191  
conduct or threatened conduct of the public office or person 2192  
responsible for the requested public records did not constitute 2193  
a failure to comply with an obligation in accordance with 2194  
division (B) of this section; 2195

(b) That a well-informed public office or person 2196  
responsible for the requested public records reasonably would 2197  
believe that the conduct or threatened conduct of the public 2198  
office or person responsible for the requested public records 2199  
would serve the public policy that underlies the authority that 2200  
is asserted as permitting that conduct or threatened conduct. 2201

(2) (a) If the court issues a writ of mandamus that orders 2202  
the public office or the person responsible for the public 2203  
record to comply with division (B) of this section and 2204  
determines that the circumstances described in division (C) (1) 2205  
of this section exist, the court shall determine and award to 2206  
the relator all court costs. 2207

(b) If the court renders a judgment that orders the public 2208  
office or the person responsible for the public record to comply 2209  
with division (B) of this section, the court may award 2210

reasonable attorney's fees subject to reduction as described in 2211  
division (C) (2) (c) of this section. The court shall award 2212  
reasonable attorney's fees, subject to reduction as described in 2213  
division (C) (2) (c) of this section when either of the following 2214  
applies: 2215

(i) The public office or the person responsible for the 2216  
public records failed to respond affirmatively or negatively to 2217  
the public records request in accordance with the time allowed 2218  
under division (B) of this section. 2219

(ii) The public office or the person responsible for the 2220  
public records promised to permit the relator to inspect or 2221  
receive copies of the public records requested within a 2222  
specified period of time but failed to fulfill that promise 2223  
within that specified period of time. 2224

(c) Court costs and reasonable attorney's fees awarded 2225  
under this section shall be construed as remedial and not 2226  
punitive. Reasonable attorney's fees shall include reasonable 2227  
fees incurred to produce proof of the reasonableness and amount 2228  
of the fees and to otherwise litigate entitlement to the fees. 2229  
The court may reduce an award of attorney's fees to the relator 2230  
or not award attorney's fees to the relator if the court 2231  
determines both of the following: 2232

(i) That, based on the ordinary application of statutory 2233  
law and case law as it existed at the time of the conduct or 2234  
threatened conduct of the public office or person responsible 2235  
for the requested public records that allegedly constitutes a 2236  
failure to comply with an obligation in accordance with division 2237  
(B) of this section and that was the basis of the mandamus 2238  
action, a well-informed public office or person responsible for 2239  
the requested public records reasonably would believe that the 2240

conduct or threatened conduct of the public office or person 2241  
responsible for the requested public records did not constitute 2242  
a failure to comply with an obligation in accordance with 2243  
division (B) of this section; 2244

(ii) That a well-informed public office or person 2245  
responsible for the requested public records reasonably would 2246  
believe that the conduct or threatened conduct of the public 2247  
office or person responsible for the requested public records as 2248  
described in division (C) (2) (c) (i) of this section would serve 2249  
the public policy that underlies the authority that is asserted 2250  
as permitting that conduct or threatened conduct. 2251

(D) Chapter 1347. of the Revised Code does not limit the 2252  
provisions of this section. 2253

(E) (1) To ensure that all employees of public offices are 2254  
appropriately educated about a public office's obligations under 2255  
division (B) of this section, all elected officials or their 2256  
appropriate designees shall attend training approved by the 2257  
attorney general as provided in section 109.43 of the Revised 2258  
Code. In addition, all public offices shall adopt a public 2259  
records policy in compliance with this section for responding to 2260  
public records requests. In adopting a public records policy 2261  
under this division, a public office may obtain guidance from 2262  
the model public records policy developed and provided to the 2263  
public office by the attorney general under section 109.43 of 2264  
the Revised Code. Except as otherwise provided in this section, 2265  
the policy may not limit the number of public records that the 2266  
public office will make available to a single person, may not 2267  
limit the number of public records that it will make available 2268  
during a fixed period of time, and may not establish a fixed 2269  
period of time before it will respond to a request for 2270

inspection or copying of public records, unless that period is 2271  
less than eight hours. 2272

(2) The public office shall distribute the public records 2273  
policy adopted by the public office under division (E)(1) of 2274  
this section to the employee of the public office who is the 2275  
records custodian or records manager or otherwise has custody of 2276  
the records of that office. The public office shall require that 2277  
employee to acknowledge receipt of the copy of the public 2278  
records policy. The public office shall create a poster that 2279  
describes its public records policy and shall post the poster in 2280  
a conspicuous place in the public office and in all locations 2281  
where the public office has branch offices. The public office 2282  
may post its public records policy on the internet web site of 2283  
the public office if the public office maintains an internet web 2284  
site. A public office that has established a manual or handbook 2285  
of its general policies and procedures for all employees of the 2286  
public office shall include the public records policy of the 2287  
public office in the manual or handbook. 2288

(F)(1) The bureau of motor vehicles may adopt rules 2289  
pursuant to Chapter 119. of the Revised Code to reasonably limit 2290  
the number of bulk commercial special extraction requests made 2291  
by a person for the same records or for updated records during a 2292  
calendar year. The rules may include provisions for charges to 2293  
be made for bulk commercial special extraction requests for the 2294  
actual cost of the bureau, plus special extraction costs, plus 2295  
ten per cent. The bureau may charge for expenses for redacting 2296  
information, the release of which is prohibited by law. 2297

(2) As used in division (F)(1) of this section: 2298

(a) "Actual cost" means the cost of depleted supplies, 2299  
records storage media costs, actual mailing and alternative 2300

delivery costs, or other transmitting costs, and any direct 2301  
equipment operating and maintenance costs, including actual 2302  
costs paid to private contractors for copying services. 2303

(b) "Bulk commercial special extraction request" means a 2304  
request for copies of a record for information in a format other 2305  
than the format already available, or information that cannot be 2306  
extracted without examination of all items in a records series, 2307  
class of records, or database by a person who intends to use or 2308  
forward the copies for surveys, marketing, solicitation, or 2309  
resale for commercial purposes. "Bulk commercial special 2310  
extraction request" does not include a request by a person who 2311  
gives assurance to the bureau that the person making the request 2312  
does not intend to use or forward the requested copies for 2313  
surveys, marketing, solicitation, or resale for commercial 2314  
purposes. 2315

(c) "Commercial" means profit-seeking production, buying, 2316  
or selling of any good, service, or other product. 2317

(d) "Special extraction costs" means the cost of the time 2318  
spent by the lowest paid employee competent to perform the task, 2319  
the actual amount paid to outside private contractors employed 2320  
by the bureau, or the actual cost incurred to create computer 2321  
programs to make the special extraction. "Special extraction 2322  
costs" include any charges paid to a public agency for computer 2323  
or records services. 2324

(3) For purposes of divisions (F) (1) and (2) of this 2325  
section, "surveys, marketing, solicitation, or resale for 2326  
commercial purposes" shall be narrowly construed and does not 2327  
include reporting or gathering news, reporting or gathering 2328  
information to assist citizen oversight or understanding of the 2329  
operation or activities of government, or nonprofit educational 2330

research. 2331

Sec. 177.05. A law enforcement trust fund shall be 2332  
established by the organized crime investigations commission for 2333  
the purpose of receiving reimbursement of expenses the organized 2334  
crime investigations commission incurred in the investigation of 2335  
the criminal activity through a task force. 2336

There is hereby created in the state treasury the 2337  
organized crime law enforcement trust fund. The fund shall 2338  
consist of moneys paid to the treasurer of the state for 2339  
purposes of this section. All investment earnings on moneys in 2340  
the fund shall be credited to the fund. The organized crime 2341  
investigations commission shall use the moneys in the fund to 2342  
purchase, replace, update, or maintain equipment used by task 2343  
forces or law enforcement agencies for the purpose of 2344  
investigating organized criminal activity. The organized crime 2345  
law enforcement trust fund shall not be used to meet the 2346  
operating costs of the organized crime commission. 2347

**Sec. 1331.01.** As used in sections 1331.01 to 1331.14 of 2348  
the Revised Code: 2349

(A) "Person" includes corporations, partnerships, and 2350  
associations existing under or authorized by any state or 2351  
territory of the United States, and solely for the purpose of 2352  
the definition of division ~~(B)~~ (C) of this section, a foreign 2353  
governmental entity. 2354

(B) "Public office" means any state agency, public 2355  
institution, political subdivision, or other organized body, 2356  
office, agency, institution, or entity established by the laws 2357  
of this state for the exercise of any function of government. 2358  
"Public office" does not include the nonprofit corporation 2359

formed under section 187.01 of the Revised Code. 2360

(C) (1) "Trust" is a combination of capital, skill, or acts 2361  
by two or more persons for any of the following purposes: 2362

~~(1)~~ (a) To create or carry out restrictions in trade or 2363  
commerce; 2364

~~(2)~~ (b) To limit or reduce the production, or increase or 2365  
reduce the price of merchandise or a commodity; 2366

~~(3)~~ (c) To prevent competition in manufacturing, making, 2367  
transportation, sale, or purchase of merchandise, produce, or a 2368  
commodity; 2369

~~(4)~~ (d) To fix at a standard or figure, whereby its price 2370  
to the public or consumer is in any manner controlled or 2371  
established, an article or commodity of merchandise, produce, or 2372  
commerce intended for sale, barter, use, or consumption in this 2373  
state; 2374

~~(5)~~ (e) To make, enter into, execute, or carry out 2375  
contracts, obligations, or agreements of any kind by which they 2376  
bind or have bound themselves not to sell, dispose of, or 2377  
transport an article or commodity, or an article of trade, use, 2378  
merchandise, commerce, or consumption below a common standard 2379  
figure or fixed value, or by which they agree in any manner to 2380  
keep the price of such article, commodity, or transportation at 2381  
a fixed or graduated figure, or by which they shall in any 2382  
manner establish or settle the price of an article, commodity, 2383  
or transportation between them or themselves and others, so as 2384  
directly or indirectly to preclude a free and unrestricted 2385  
competition among themselves, purchasers, or consumers in the 2386  
sale or transportation of such article or commodity, or by which 2387  
they agree to pool, combine, or directly or indirectly unite any 2388

interests which they have connected with the sale or 2389  
transportation of such article or commodity, that its price 2390  
might in any manner be affected; 2391

~~(6)~~ (f) To refuse to buy from, sell to, or trade with any 2392  
person because such person appears on a blacklist issued by, or 2393  
is being boycotted by, any foreign corporate or governmental 2394  
entity. 2395

(2) "Trust" also means a combination of capital, skill, or 2396  
acts by two or more bidders or potential bidders, or one or more 2397  
bidders or potential bidders and any person affiliated with a 2398  
public office, to restrain or prevent competition in the letting 2399  
or awarding of any public contract in derogation of any statute, 2400  
ordinance, or rule requiring the use of competitive bidding or 2401  
selection in the letting or awarding of the public contract. 2402

(3) "Trust," as defined in this section, does not include 2403  
bargaining by a labor organization in negotiating or effecting 2404  
contracts with an employer or employer group with reference to 2405  
minimum payment to any member of the labor organization for any 2406  
motor vehicles owned, driven, and used exclusively by such 2407  
member in the performance of ~~his~~ the member's duties of 2408  
employment pursuant to a collective bargaining agreement between 2409  
the labor organization and the employer or employer group. 2410

(4) A trust as defined in this division ~~(B) of this~~ 2411  
~~section~~ is unlawful and void. 2412

**Sec. 1331.04.** ~~A violation of sections 1331.01 to 1331.14,~~ 2413  
~~inclusive, of the Revised Code, Every combination, contract, or~~ 2414  
~~agreement in the form of a trust is declared to be a conspiracy~~ 2415  
~~against trade and illegal. No person shall engage in such~~ 2416  
~~conspiracy or take part therein, or aid or advise in its~~ 2417

commission, or, as principal, manager, director, agent, servant, 2418  
or employer, or in any other capacity, knowingly carry out any 2419  
of the stipulations, purposes, prices, or rates, or furnish any 2420  
information to assist in carrying out such purposes, or orders 2421  
thereunder, or in pursuance thereof, or in any manner violate 2422  
~~said~~ sections 1331.01 to 1331.14 of the Revised Code. Each day's 2423  
violation of this section is a separate offense. 2424

Sec. 1331.17. In carrying out official duties, the 2425  
attorney general shall not disclose publicly the facts developed 2426  
in an investigation conducted pursuant to this chapter unless 2427  
the matter has become a matter of public record in enforcement 2428  
proceedings, in public hearings, or other official proceedings, 2429  
or unless the person from whom the information has been obtained 2430  
consents to the public disclosure. 2431

Sec. 1331.99. (A) (1) Whoever violates section 1331.04 of 2432  
the Revised Code is guilty of conspiracy against trade. Except 2433  
as provided in division (A) (2) of this section, a conspiracy 2434  
against trade is a felony of the fifth degree. 2435

(2) If any of the following conditions apply, the 2436  
conspiracy against trade is a felony of the fourth degree: 2437

(a) The amount of the contract or the amount of the sale 2438  
of commodities or services involved is seven thousand five 2439  
hundred dollars or more. 2440

(b) The conspiracy against trade relates to a contract 2441  
with or the sale of commodities or services to or from a local, 2442  
state, or federal governmental entity. 2443

(c) The contract or sale of commodities or services 2444  
involves, in whole or in part, funding to or from a local, 2445  
state, or federal governmental entity. 2446

~~(B)~~ (B) Whoever violates section 1331.02 ~~or 1331.05~~ of the Revised Code is guilty of a felony of the fifth degree. 2447  
2448

~~(B)~~ (C) Whoever violates ~~section 1331.04~~ or division (L) of section 1331.16 of the Revised Code is guilty of a misdemeanor of the first degree. 2449  
2450  
2451

~~(C)~~ (D) Whoever violates section 1331.15 of the Revised Code is guilty of a misdemeanor of the second degree. 2452  
2453

**Sec. 1345.02.** (A) No supplier shall commit an unfair or deceptive act or practice in connection with a consumer transaction. Such an unfair or deceptive act or practice by a supplier violates this section whether it occurs before, during, or after the transaction. 2454  
2455  
2456  
2457  
2458

(B) Without limiting the scope of division (A) of this section, the act or practice of a supplier in representing any of the following is deceptive: 2459  
2460  
2461

(1) That the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have; 2462  
2463  
2464

(2) That the subject of a consumer transaction is of a particular standard, quality, grade, style, prescription, or model, if it is not; 2465  
2466  
2467

(3) That the subject of a consumer transaction is new, or unused, if it is not; 2468  
2469

(4) That the subject of a consumer transaction is available to the consumer for a reason that does not exist; 2470  
2471

(5) That the subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not, except that the act of a supplier in furnishing similar 2472  
2473  
2474

merchandise of equal or greater value as a good faith substitute	2475
does not violate this section;	2476
(6) That the subject of a consumer transaction will be	2477
supplied in greater quantity than the supplier intends;	2478
(7) That replacement or repair is needed, if it is not;	2479
(8) That a specific price advantage exists, if it does	2480
not;	2481
(9) That the supplier has a sponsorship, approval, or	2482
affiliation that the supplier does not have;	2483
(10) That a consumer transaction involves or does not	2484
involve a warranty, a disclaimer of warranties or other rights,	2485
remedies, or obligations if the representation is false.	2486
(C) In construing division (A) of this section, the court	2487
shall give due consideration and great weight to federal trade	2488
commission orders, trade regulation rules and guides, and the	2489
federal courts' interpretations of subsection 45 (a) (1) of the	2490
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A.	2491
41, as amended.	2492
(D) No supplier shall offer to a consumer or represent	2493
that a consumer will receive a rebate, discount, or other	2494
benefit as an inducement for entering into a consumer	2495
transaction in return for giving the supplier the names of	2496
prospective consumers, or otherwise helping the supplier to	2497
enter into other consumer transactions, if earning the benefit	2498
is contingent upon an event occurring after the consumer enters	2499
into the transaction.	2500
(E) (1) No supplier, in connection with a consumer	2501
transaction involving natural gas service or public	2502

telecommunications service to a consumer in this state, shall 2503  
request or submit, or cause to be requested or submitted, a 2504  
change in the consumer's provider of natural gas service or 2505  
public telecommunications service, without first obtaining, or 2506  
causing to be obtained, the verified consent of the consumer. 2507  
For the purpose of this division and with respect to public 2508  
telecommunications service only, the procedures necessary for 2509  
verifying the consent of a consumer shall be those prescribed by 2510  
rule by the public utilities commission for public 2511  
telecommunications service under division (D) of section 4905.72 2512  
of the Revised Code. Also, for the purpose of this division, the 2513  
act, omission, or failure of any officer, agent, or other 2514  
individual, acting for or employed by another person, while 2515  
acting within the scope of that authority or employment, is the 2516  
act or failure of that other person. 2517

(2) Consistent with the exclusion, under 47 C.F.R. 2518  
64.1100(a)(3), of commercial mobile radio service providers from 2519  
the verification requirements adopted in 47 C.F.R. 64.1100, 2520  
64.1150, 64.1160, 64.1170, 64.1180, and 64.1190 by the federal 2521  
communications commission, division (E)(1) of this section does 2522  
not apply to a provider of commercial mobile radio service 2523  
insofar as such provider is engaged in the provision of 2524  
commercial mobile radio service. However, when that exclusion no 2525  
longer is in effect, division (E)(1) of this section shall apply 2526  
to such a provider. 2527

(3) The attorney general may initiate criminal proceedings 2528  
for a prosecution under division (C) of section 1345.99 of the 2529  
Revised Code by presenting evidence of criminal violations to 2530  
the prosecuting attorney of any county in which the offense may 2531  
be prosecuted. If the prosecuting attorney does not prosecute 2532  
the violations, or at the request of the prosecuting attorney, 2533

the attorney general may proceed in the prosecution with all the 2534  
rights, privileges, and powers conferred by law on prosecuting 2535  
attorneys, including the power to appear before grand juries and 2536  
to interrogate witnesses before grand juries. 2537

(F) Concerning a consumer transaction in connection with a 2538  
residential mortgage, and without limiting the scope of division 2539  
(A) or (B) of this section, the act of a supplier in doing 2540  
either of the following is deceptive: 2541

(1) Knowingly failing to provide disclosures required 2542  
under state and federal law; 2543

(2) Knowingly providing a disclosure that includes a 2544  
material misrepresentation. 2545

(G) Without limiting the scope of division (A) of this 2546  
section, the failure of a supplier to obtain or maintain any 2547  
registration, license, bond, or insurance required by state law 2548  
or local ordinance for the supplier to engage in the supplier's 2549  
trade or profession is an unfair or deceptive act or practice. 2550

**Sec. 1345.03.** (A) No supplier shall commit an 2551  
unconscionable act or practice in connection with a consumer 2552  
transaction. Such an unconscionable act or practice by a 2553  
supplier violates this section whether it occurs before, during, 2554  
or after the transaction. 2555

(B) In determining whether an act or practice is 2556  
unconscionable, the following circumstances shall be taken into 2557  
consideration: 2558

(1) Whether the supplier has knowingly taken advantage of 2559  
the inability of the consumer reasonably to protect the 2560  
consumer's interests because of the consumer's physical or 2561  
mental infirmities, ignorance, illiteracy, or inability to 2562

understand the language of an agreement;	2563
(2) Whether the supplier knew at the time the consumer transaction was entered into that the price was substantially in excess of the price at which similar property or services were readily obtainable in similar consumer transactions by like consumers;	2564 2565 2566 2567 2568
(3) Whether the supplier knew at the time the consumer transaction was entered into of the inability of the consumer to receive a substantial benefit from the subject of the consumer transaction;	2569 2570 2571 2572
(4) Whether the supplier knew at the time the consumer transaction was entered into that there was no reasonable probability of payment of the obligation in full by the consumer;	2573 2574 2575 2576
(5) Whether the supplier required the consumer to enter into a consumer transaction on terms the supplier knew were substantially one-sided in favor of the supplier;	2577 2578 2579
(6) Whether the supplier knowingly made a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment;	2580 2581 2582
(7) Whether the supplier has, without justification, refused to make a refund in cash or by check for a returned item that was purchased with cash or by check, unless the supplier had conspicuously posted in the establishment at the time of the sale a sign stating the supplier's refund policy.	2583 2584 2585 2586 2587
(C) This section does not apply to a consumer transaction in connection with <u>the origination of</u> a residential mortgage.	2588 2589
<b>Sec. 1345.031.</b> (A) No supplier shall commit an	2590

unconscionable act or practice concerning a consumer transaction 2591  
in connection with the origination of a residential mortgage. 2592  
Such an unconscionable act or practice by a supplier violates 2593  
this section whether it occurs before, during, or after the 2594  
transaction. 2595

(B) For purposes of division (A) of this section, the 2596  
following acts or practices of a supplier in connection with 2597  
such a transaction are unconscionable: 2598

(1) Arranging for or making a mortgage loan that provides 2599  
for an interest rate applicable after default that is higher 2600  
than the interest rate that applies before default, excluding 2601  
rates of interest for judgments applicable to the mortgage loan 2602  
under section 1343.02 or 1343.03 of the Revised Code and also 2603  
excluding interest rate changes in a variable rate loan 2604  
transaction otherwise consistent with the provisions of the loan 2605  
documents; 2606

(2) Engaging in a pattern or practice of providing 2607  
consumer transactions to consumers based predominantly on the 2608  
supplier's realization of the foreclosure or liquidation value 2609  
of the consumer's collateral without regard to the consumer's 2610  
ability to repay the loan in accordance with its terms, provided 2611  
that the supplier may use any reasonable method to determine a 2612  
borrower's ability to repay; 2613

(3) Making a consumer transaction that permits the 2614  
creditor to demand repayment of the outstanding balance of a 2615  
mortgage loan, in advance of the original maturity date unless 2616  
the creditor does so in good faith due to the consumer's failure 2617  
to abide by the material terms of the loan. 2618

(4) Knowingly replacing, refinancing, or consolidating a 2619

zero interest rate or other low-rate mortgage loan made by a 2620  
governmental or nonprofit lender with another loan unless the 2621  
current holder of the loan consents in writing to the 2622  
refinancing and the consumer presents written certification from 2623  
~~a third-party~~ third-party nonprofit organization counselor 2624  
approved by the United States department of housing and urban 2625  
development or the superintendent of financial institutions that 2626  
the consumer received counseling on the advisability of the loan 2627  
transaction. For purposes of division (B) (4) of this section, a 2628  
"low-rate mortgage loan" means a mortgage loan that carries a 2629  
current interest rate two percentage points or more below the 2630  
current yield on United States treasury securities with a 2631  
comparable maturity. If the loan's current interest rate is 2632  
either a discounted introductory rate or a rate that 2633  
automatically steps up over time, the fully indexed rate or the 2634  
fully stepped-up rate, as applicable, shall be used, in lieu of 2635  
the current rate, to determine whether a loan is a low-rate 2636  
mortgage loan. 2637

(5) Instructing the consumer to ignore the supplier's 2638  
written information regarding the interest rate and dollar value 2639  
of points because they would be lower for the consumer's 2640  
consumer transaction; 2641

(6) Recommending or encouraging a consumer to default on a 2642  
mortgage or any consumer transaction or revolving credit loan 2643  
agreement~~r~~. This practice also shall constitute an 2644  
unconscionable act or practice in connection with a consumer 2645  
transaction under section 1345.03 of the Revised Code. 2646

(7) Charging a late fee more than once with respect to a 2647  
single late payment. If a late payment fee is deducted from a 2648  
payment made on the loan and such deduction causes a subsequent 2649

default on a subsequent payment, no late payment fee may be 2650  
imposed for such default. If a late payment fee has been imposed 2651  
once with respect to a particular late payment, no such fee may 2652  
be imposed with respect to any future payment that would have 2653  
been timely and sufficient but for the previous default. This 2654  
practice also shall constitute an unconscionable act or practice 2655  
in connection with a consumer transaction under section 1345.03 2656  
of the Revised Code. 2657

(8) Failing to disclose to the consumer at the closing of 2658  
the consumer transaction that a consumer is not required to 2659  
complete a consumer transaction merely because the consumer has 2660  
received prior estimates of closing costs or has signed an 2661  
application and should not close a loan transaction that 2662  
contains different terms and conditions than those the consumer 2663  
was promised; 2664

(9) Arranging for or making a consumer transaction that 2665  
includes terms under which more than two periodic payments 2666  
required under the consumer transaction are consolidated and 2667  
paid in advance from the loan proceeds provided to the consumer; 2668

(10) Knowingly compensating, instructing, inducing, 2669  
coercing, or intimidating, or attempting to compensate, 2670  
instruct, induce, coerce, or intimidate, a person licensed or 2671  
certified under Chapter 4763. of the Revised Code for the 2672  
purpose of corrupting or improperly influencing the independent 2673  
judgment of the person with respect to the value of the dwelling 2674  
offered as security for repayment of a mortgage loan; 2675

(11) Financing, directly or indirectly, any credit, life, 2676  
disability, or unemployment insurance premiums, any other life 2677  
or health insurance premiums, or any debt collection agreement. 2678  
Insurance premiums calculated and paid on a monthly basis shall 2679

not be considered financed by the lender. 2680

(12) Knowingly or intentionally engaging in the act or 2681  
practice of "flipping" a mortgage loan. "Flipping" a mortgage 2682  
loan is making a mortgage loan that refinances an existing 2683  
mortgage loan when the new loan does not have reasonable, 2684  
tangible net benefit to the consumer considering all of the 2685  
circumstances, including the terms of both the new and 2686  
refinanced loans, the cost of the new loan, and the consumer's 2687  
circumstances. This provision applies regardless of whether the 2688  
interest rate, points, fees, and charges paid or payable by the 2689  
consumer in connection with the refinancing exceed any 2690  
thresholds specified in any section of the Revised Code. 2691

(13) Knowingly taking advantage of the inability of the 2692  
consumer to reasonably protect the consumer's interests because 2693  
of the consumer's known physical or mental infirmities or 2694  
illiteracy; 2695

(14) Entering into the consumer transaction knowing there 2696  
was no reasonable probability of payment of the obligation by 2697  
the consumer; 2698

(15) Attempting to enforce, by means not limited to a 2699  
court action, a prepayment penalty in violation of division (C) 2700  
(2) of section 1343.011 of the Revised Code~~r~~. This practice also 2701  
shall constitute an unconscionable act or practice in connection 2702  
with a consumer transaction under section 1345.03 of the Revised 2703  
Code. 2704

(16) Engaging in an act or practice deemed unconscionable 2705  
by rules adopted by the attorney general pursuant to division 2706  
(B) (2) of section 1345.05 of the Revised Code. 2707

(C) (1) Any unconscionable arbitration clause, 2708

unconscionable clause requiring the consumer to pay the 2709  
supplier's attorney's fees, or unconscionable liquidated damages 2710  
clause included in a mortgage loan contract is unenforceable. 2711

(2) No supplier shall do either of the following: 2712

(a) Attempt to enforce, by means not limited to a court 2713  
action, any clause described in division (C)(1) of this section; 2714

(b) By referring to such a clause, attempt to induce the 2715  
consumer to take any action desired by the supplier. 2716

**Sec. 1345.07.** (A) If the attorney general, by the attorney 2717  
general's own inquiries or as a result of complaints, has 2718  
reasonable cause to believe that a supplier has engaged or is 2719  
engaging in an act or practice that violates this chapter, and 2720  
that the action would be in the public interest, the attorney 2721  
general may bring any of the following: 2722

(1) An action to obtain a declaratory judgment that the 2723  
act or practice violates section 1345.02, 1345.03, or 1345.031 2724  
of the Revised Code; 2725

(2) (a) An action, with notice as required by Civil Rule 2726  
65, to obtain a temporary restraining order, preliminary 2727  
injunction, or permanent injunction to restrain the act or 2728  
practice. If the attorney general shows by a preponderance of 2729  
the evidence that the supplier has violated or is violating 2730  
section 1345.02, 1345.03, or 1345.031 of the Revised Code, the 2731  
court may issue a temporary restraining order, preliminary 2732  
injunction, or permanent injunction to restrain and prevent the 2733  
act or practice. 2734

(b) (i) Except as provided in division (A)(2)(b)(ii) of 2735  
this section, on motion of the attorney general, or on its own 2736  
motion, the court may impose a civil penalty of not more than 2737

five thousand dollars for each day of violation of a temporary 2738  
restraining order, preliminary injunction, or permanent 2739  
injunction issued under this section, if the supplier received 2740  
notice of the action. The civil penalties shall be paid as 2741  
provided in division (G) of this section. 2742

(ii) If the court issues under this section a temporary 2743  
restraining order, preliminary injunction, or permanent 2744  
injunction to restrain and prevent an act or practice that is a 2745  
violation of section 1345.02 and division (A) of section 1349.81 2746  
of the Revised Code, on motion of the attorney general, or on 2747  
its own motion, the court may impose a civil penalty of not less 2748  
than five thousand dollars and not more than fifteen thousand 2749  
dollars for each day of violation of the temporary restraining 2750  
order, preliminary injunction, or permanent injunction, if the 2751  
supplier received notice of the action. The civil penalties 2752  
shall be paid as provided in division (G) of this section. 2753

(c) Upon the commencement of an action under division (A) 2754  
(2) of this section against a supplier who operates under a 2755  
license, permit, certificate, commission, or other authorization 2756  
issued by the supreme court or by a board, commission, 2757  
department, division, or other agency of this state, the 2758  
attorney general shall immediately notify the supreme court or 2759  
agency that such an action has been commenced against the 2760  
supplier. 2761

(3) A class action under Civil Rule 23, as amended, on 2762  
behalf of consumers who have engaged in consumer transactions in 2763  
this state for damage caused by: 2764

(a) An act or practice enumerated in division (B) ~~or (D)~~ 2765  
or (G) of section 1345.02 of the Revised Code; 2766

(b) Violation of a rule adopted under division (B) (2) of 2767  
section 1345.05 of the Revised Code before the consumer 2768  
transaction on which the action is based; 2769

(c) An act or practice determined by a court of this state 2770  
to violate section 1345.02, 1345.03, or 1345.031 of the Revised 2771  
Code and committed after the decision containing the 2772  
determination has been made available for public inspection 2773  
under division (A) (3) of section 1345.05 of the Revised Code. 2774

(B) On motion of the attorney general and without bond, in 2775  
the attorney general's action under this section, the court may 2776  
make appropriate orders, including appointment of a referee or a 2777  
receiver, for sequestration of assets, to reimburse consumers 2778  
found to have been damaged, to carry out a transaction in 2779  
accordance with a consumer's reasonable expectations, to strike 2780  
or limit the application of unconscionable clauses of contracts 2781  
so as to avoid an unconscionable result, or to grant other 2782  
appropriate relief. The court may assess the expenses of a 2783  
referee or receiver against the supplier. 2784

(C) Any moneys or property recovered by the attorney 2785  
general in an action under this section that cannot with due 2786  
diligence within five years be restored by a referee to 2787  
consumers shall be unclaimed funds reportable under Chapter 169. 2788  
of the Revised Code. 2789

(D) In addition to the other remedies provided in this 2790  
section, if the violation is an act or practice that was 2791  
declared to be unfair, deceptive, or unconscionable by rule 2792  
adopted pursuant to division (B) (2) of section 1345.05 of the 2793  
Revised Code before the consumer transaction on which the action 2794  
is based occurred or an act or practice that was determined by a 2795  
court of this state to violate section 1345.02, 1345.03, or 2796

1345.031 of the Revised Code and committed after the decision 2797  
containing the court's determination was made available for 2798  
public inspection pursuant to division (A) (3) of section 1345.05 2799  
of the Revised Code, the attorney general may request and the 2800  
court may impose a civil penalty of not more than twenty-five 2801  
thousand dollars against the supplier. The civil penalties shall 2802  
be paid as provided in division (G) of this section. 2803

(E) No action may be brought by the attorney general under 2804  
this section to recover for a transaction more than two years 2805  
after the occurrence of a violation. 2806

(F) If a court determines that provision has been made for 2807  
reimbursement or other appropriate corrective action, insofar as 2808  
practicable, with respect to all consumers damaged by a 2809  
violation, or in any other appropriate case, the attorney 2810  
general, with court approval, may terminate enforcement 2811  
proceedings brought by the attorney general upon acceptance of 2812  
an assurance from the supplier of voluntary compliance with 2813  
Chapter 1345. of the Revised Code, with respect to the alleged 2814  
violation. The assurance shall be filed with the court and 2815  
entered as a consent judgment. Except as provided in division 2816  
(A) of section 1345.10 of the Revised Code, a consent judgment 2817  
is not evidence of prior violation of such chapter. Disregard of 2818  
the terms of a consent judgment entered upon an assurance shall 2819  
be treated as a violation of an injunction issued under this 2820  
section. 2821

(G) Civil penalties ordered pursuant to divisions (A) and 2822  
(D) of this section shall be paid as follows: one-fourth of the 2823  
amount to the treasurer of the county in which the action is 2824  
brought and three-fourths to the consumer protection enforcement 2825  
fund created by section 1345.51 of the Revised Code. 2826

(H) The remedies available to the attorney general under 2827  
this section are cumulative and concurrent, and the exercise of 2828  
one remedy by the attorney general does not preclude or require 2829  
the exercise of any other remedy. The attorney general is not 2830  
required to use any procedure set forth in section 1345.06 of 2831  
the Revised Code prior to the exercise of any remedy set forth 2832  
in this section. 2833

**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of 2834  
the Revised Code: 2835

(A) "Home solicitation sale" means a sale of consumer 2836  
goods or services in which the seller or a person acting for the 2837  
seller engages in a personal solicitation of the sale at a 2838  
residence of the buyer, including solicitations in response to 2839  
or following an invitation by the buyer, and the buyer's 2840  
agreement or offer to purchase is there given to the seller or a 2841  
person acting for the seller, or in which the buyer's agreement 2842  
or offer to purchase is made at a place other than the seller's 2843  
place of business. It does not include a transaction or 2844  
transactions in which: 2845

(1) The total purchase price to be paid by the buyer, 2846  
whether under single or multiple contracts, is less than twenty- 2847  
five dollars; 2848

(2) The transaction was conducted and consummated entirely 2849  
by mail or by telephone if initiated by the buyer, and without 2850  
any other contact between the seller or the seller's 2851  
representative prior to the delivery of goods or performance of 2852  
the service; 2853

(3) The final agreement is made pursuant to prior 2854  
negotiations in the course of a visit by the buyer to a retail 2855

business establishment having a fixed permanent location where 2856  
the goods are exhibited or the services are offered for sale on 2857  
a continuing basis; 2858

(4) The buyer initiates the contact between the parties 2859  
for the purpose of negotiating a purchase and the seller has a 2860  
business establishment at a fixed location in this state where 2861  
the goods or services involved in the transaction are regularly 2862  
offered or exhibited for sale. 2863

Advertisements by such a seller in newspapers, magazines, 2864  
catalogues, radio, or television do not constitute the seller 2865  
initiation of the contact. 2866

(5) The buyer initiates the contact between the parties, 2867  
the goods or services are needed to meet a bona fide immediate 2868  
personal emergency of the buyer which will jeopardize the 2869  
welfare, health, or safety of natural persons, or endanger 2870  
property which the buyer owns or for which the buyer is 2871  
responsible, and the buyer furnishes the seller with a separate, 2872  
dated, and signed statement in the buyer's handwriting 2873  
describing the situation requiring immediate remedy and 2874  
expressly acknowledging and waiving the right to cancel the sale 2875  
within three business days; 2876

(6) The buyer has initiated the contact between the 2877  
parties and specifically requested the seller to visit the 2878  
buyer's home for the purpose of repairing or performing 2879  
maintenance upon the buyer's personal property. If, in the 2880  
course of such a visit, the seller sells the buyer additional 2881  
services or goods other than replacement parts necessarily used 2882  
in performing the maintenance or in making the repairs, the sale 2883  
of those additional goods or services does not fall within this 2884  
exclusion. 2885

(7) The buyer is accorded the right of rescission by the	2886
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C.	2887
1635, or regulations adopted pursuant to it.	2888
(B) "Sale" includes a lease or rental.	2889
(C) "Seller" includes a lessor or anyone offering goods	2890
for rent.	2891
(D) "Buyer" includes a lessee or anyone who gives a	2892
consideration for the privilege of using goods.	2893
(E) "Consumer goods or services" means goods or services	2894
purchased, leased, or rented primarily for personal, family, or	2895
household purposes, including courses or instruction or training	2896
regardless of the purpose for which they are taken.	2897
(F) "Consumer goods or services" does not include goods or	2898
services pertaining to any of the following:	2899
(1) Sales or rentals of real property by a real estate	2900
broker or salesperson, or by a foreign real estate dealer or	2901
salesperson, who is licensed by the Ohio real estate commission	2902
under Chapter 4735. of the Revised Code;	2903
(2) The sale of securities or commodities by a broker-	2904
dealer registered with the securities and exchange commission;	2905
(3) The sale of securities or commodities by a securities	2906
dealer or salesperson licensed by the division of securities	2907
under Chapter 1707. of the Revised Code;	2908
(4) The sale of insurance by a person licensed by the	2909
superintendent of insurance;	2910
(5) Goods sold or services provided by automobile dealers	2911
and salespersons licensed by the registrar of motor vehicles	2912

under Chapter 4517. of the Revised Code; 2913

(6) The sale of property at an auction by an auctioneer 2914  
licensed by the department of agriculture under Chapter 4707. of 2915  
the Revised Code. 2916

(G) "Purchase price" means the total cumulative price of 2917  
the consumer goods or services, including all interest and 2918  
service charges. 2919

(H) "Place of business" means the main office, or a 2920  
permanent branch office or permanent local address of a seller. 2921

(I) "Business day" means any calendar day except Sunday, 2922  
or the following business holidays: New Year's day, Martin 2923  
Luther King day, Presidents' day, Memorial day, Independence 2924  
day, Labor day, Columbus day, Veterans day, Thanksgiving day, 2925  
and Christmas day. 2926

**Sec. 1345.23.** (A) Every home solicitation sale shall be 2927  
evidenced by a written agreement or offer to purchase in the 2928  
same language as that principally used in the oral sales 2929  
presentation and shall contain the name and address of the 2930  
seller. The seller shall present the writing to the buyer and 2931  
obtain the buyer's signature to it. The writing shall state the 2932  
date on which the buyer actually signs. The seller shall leave 2933  
with the buyer a copy of the writing which has been signed by 2934  
the seller and complies with division (B) of this section. 2935

(B) In connection with every home ~~solicitation~~ solicitation 2936  
sale: 2937

(1) The following statement shall appear clearly and 2938  
conspicuously on the copy of the contract left with the buyer in 2939  
bold-face type of the minimum size of ten points, in 2940  
substantially the following form and in immediate proximity to 2941

the space reserved in the contract for the signature of the 2942  
buyer: "You, the buyer, may cancel this transaction at any time 2943  
prior to midnight of the third ~~business~~ business day after the 2944  
date of this transaction. See the attached notice of 2945  
cancellation for an explanation of this right." 2946

(2) A completed form, in duplicate, captioned "notice of 2947  
cancellation", shall be attached to the contract signed by the 2948  
buyer and be easily detachable, and shall contain in ten-point, 2949  
bold-face type, the following information and statements in the 2950  
same language as that used in the contract: 2951

NOTICE OF CANCELLATION 2952

(enter date of transaction) 2953

..... 2954

(Date) 2955

You may cancel this transaction, without any penalty or 2956  
obligation, within three business days from the above date. 2957

If you cancel, any property traded in, any payments made by you 2958  
under the contract or sale, and any negotiable instrument 2959  
executed by you will be returned within ten business days 2960  
following receipt by the seller of your cancellation notice, and 2961  
any security interest arising out of the transaction will be 2962  
cancelled. 2963

If you cancel, you must make available to the seller at your 2964  
residence, in substantially as good condition as when received, 2965  
any goods delivered to you under this contract or sale; or you 2966  
may if you wish, comply with the instructions of the seller 2967  
regarding the return shipment of the goods at the seller's 2968  
expense and risk. 2969

If you do make the goods available to the seller and the seller 2970  
does not pick them up within twenty days of the date of your 2971  
notice of cancellation, you may retain or dispose of the goods 2972  
without any further obligation. If you fail to make the goods 2973  
available to the seller, or if you agree to return the goods to 2974  
the seller and fail to do so, then you remain liable for 2975  
performance of all obligations under the contract. 2976

To cancel this transaction, mail, with return receipt requested, 2977  
or deliver, in person or manually, a signed and dated copy of 2978  
this cancellation notice or any other written notice of 2979  
cancellation, or send ~~a telegram~~ notice by facsimile 2980  
transmission or electronic mail, to ..... (Name of 2981  
seller), at ..... (address, electronic mail address, 2982  
or facsimile number of seller's place of business) not later 2983  
than midnight of ..... (Date) 2984

I hereby cancel this transaction. 2985

..... 2986

Date 2987

(Buyer's signature) 2988

..... 2989

(3) Before furnishing copies of the notice of cancellation 2990  
to the buyer, the seller shall complete both copies by entering 2991  
the name of the seller, the address, electronic mail address, or 2992  
facsimile number of the seller's place of business, the date of 2993  
the transaction which is the date the buyer signed the contract 2994  
and the date, not earlier than the third business day following 2995  
the date of the transaction, by which the buyer may give notice 2996  
of cancellation. 2997

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

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

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

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

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

(3) Misrepresent in any manner the buyer's right to cancel.	3027 3028
(4) Fail or refuse to honor any valid notice of cancellation by a buyer and within ten business days after receipt of such notice to:	3029 3030 3031
(a) Refund all payments made under the contract or sale;	3032
(b) Return any goods or property traded in, in substantially as good condition as when received by the seller;	3033 3034
(c) Cancel and return any note, negotiable instrument, or other evidence of indebtedness executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to reflect the termination of any security interest or lien created under the sale or offer to purchase.	3035 3036 3037 3038 3039 3040
(5) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract for the goods or services was signed.	3041 3042 3043 3044
(6) Fail to notify the buyer, within ten business days of receipt of the buyer's notice of cancellation, whether the seller intends to repossess or abandon any shipped or delivered goods.	3045 3046 3047 3048
<b>Sec. 1345.24.</b> In a home solicitation sale, the seller shall retain, for the period in which an action to enforce the sale could be commenced, any notice of cancellation made pursuant to section 1345.22 of the Revised Code. The seller shall also retain <del>the any</del> envelope in which <del>any a</del> notice of cancellation is sent or delivered. If the date of delivery is not indicated or recorded on the notice of cancellation or on	3049 3050 3051 3052 3053 3054 3055

the envelope, the seller shall record the date of delivery on 3056  
the notice of cancellation. 3057

**Sec. 1345.43.** ~~(A)~~—In addition to any right otherwise to 3058  
revoke an offer or to terminate or cancel a sale or contract, 3059  
the buyer has the right to cancel a prepaid entertainment 3060  
contract until midnight of the third business day after the date 3061  
on which the first service under the contract is available, and 3062  
if the facility or service that is the subject of the contract 3063  
is not available at the time that the buyer signs the contract, 3064  
the buyer has until midnight of the seventh business day after 3065  
the date on which the first service under the contract is 3066  
available to cancel the contract. Cancellation is evidenced by 3067  
the buyer giving written notice of cancellation to the seller at 3068  
the address of any facility available for use by the buyer under 3069  
the contract, the seller's electronic mail address, or the 3070  
seller's facsimile number. The buyer shall deliver the notice by 3071  
~~telegram,~~ manual delivery, personal delivery, or by certified 3072  
mail delivery, return receipt requested, electronic mail, or 3073  
facsimile transmission. Notice of cancellation by certified mail 3074  
delivery shall be effective upon the date of post marking. 3075  
~~Telegram~~ Electronic mail delivery is effective when the ~~telegram~~ 3076  
electronic mail is ~~ordered~~ sent to the seller's electronic mail 3077  
address. Facsimile delivery is effective when the facsimile is 3078  
sent to the seller's facsimile number and the consumer has 3079  
received confirmation of the facsimile transmission. Manual 3080  
delivery or personal delivery is effective when delivered to the 3081  
seller or to the seller's address, whichever comes first. Notice 3082  
of cancellation need not take a particular form and is 3083  
sufficient if it indicates, by any form of written expression, 3084  
the intention of the buyer not to be bound by the contract. 3085  
Notice of the buyer's right to cancel must appear on all notes 3086

or other evidence of indebtedness given pursuant to any prepaid 3087  
entertainment contract. 3088

**Sec. 1345.44.** (A) Every prepaid entertainment contract 3089  
shall state the date on which the buyer actually signs. The 3090  
seller shall give the buyer a copy of the contract that has been 3091  
signed by the seller and complies with division (B) of this 3092  
section. 3093

(B) All of the following apply to any prepaid 3094  
entertainment contract: 3095

(1) A completed form, in duplicate, captioned "notice of 3096  
cancellation," shall be attached to the contract signed by the 3097  
buyer and be easily detachable and shall contain in ten-point 3098  
boldface type, the following statement: 3099

"NOTICE OF CANCELLATION 3100

(Enter date of contract) 3101

..... 3102

(Date) 3103

You may cancel this contract for any reason at any time 3104  
prior to midnight of the third business day after the date on 3105  
which the first service under the contract is available, and if 3106  
the facility or services that is the subject of the contract is 3107  
not available when you sign the contract, you may cancel the 3108  
contract at any time prior to midnight of the seventh business 3109  
day after the date on which you receive your first service under 3110  
the contract. If you cancel within this period, the seller must 3111  
send you a full refund of any money you have paid, except that a 3112  
reasonable expense fee not to exceed ten dollars may be charged 3113  
if you have received your first service under the contract. The 3114

seller must also cancel and return to you within twenty business 3115  
days any papers that you have signed. 3116

To cancel this contract you must deliver in person, 3117  
manually, ~~or~~ by certified mail, return receipt requested, or by 3118  
facsimile transmission, the signed and dated copy of this 3119  
cancellation notice or any other written notice of cancellation, 3120  
or send ~~a telegram~~ an electronic mail message, to (name of 3121  
seller), at (the address of any facility of the seller available 3122  
for use by ~~you~~ the buyer, the seller's facsimile number, or the 3123  
seller's electronic mail address) not later than midnight of the 3124  
third business day after the date on which the first service 3125  
under the contract is available, and if the facility or service 3126  
that is the subject of the contract is not available when the 3127  
contract was signed, not later than midnight of the seventh 3128  
business day after the date on which the first service under the 3129  
contract is available. 3130

I hereby cancel this contract. 3131

..... 3132

(Date) 3133

..... 3134

(Buyer's signature)" 3135

(2) Before furnishing copies of the notice of cancellation 3136  
to the buyer, the seller shall complete both copies by entering 3137  
the name of the seller, the address of the ~~seller's place of~~ 3138  
~~business~~ facility available for use by the buyer, the seller's 3139  
facsimile number, or the seller's electronic mail address, and 3140  
the date of the contract. 3141

(C) Until the seller has complied with this section, the 3142

buyer may cancel the contract by delivering to the seller by 3143  
certified mail, personal or manual delivery, facsimile 3144  
transmission, or ~~telegraphing~~ electronic mail, written notice to 3145  
the seller of ~~his~~ the buyer's intention to cancel. The period 3146  
within which the buyer may cancel the contract prescribed by 3147  
this section begins to run from the time ~~of~~ the seller complies 3148  
with divisions (A) and (B) of this section. 3149

(D) In any prepaid entertainment contract no seller shall: 3150

(1) Include in any contract, any confession of judgment or 3151  
any waiver of any rights to which the buyer is entitled under 3152  
this section, including specifically ~~his~~ the right to cancel the 3153  
contract in accordance with this section; 3154

(2) Fail to inform each buyer orally, at the time ~~he signs~~ 3155  
of signing the contract, of ~~his~~ the right to cancel; 3156

(3) Misrepresent in any manner the buyer's right to 3157  
cancel; 3158

(4) Fail or refuse to honor any valid notice of 3159  
cancellation by a buyer and within ten business days after 3160  
receipt of the notice to: 3161

(a) Refund all payments made under the contract, except 3162  
that if the buyer has received ~~his~~ the buyer's first service 3163  
under the contract the seller may retain or bill the buyer for 3164  
ten dollars; 3165

(b) Cancel and return any note, negotiable instrument, or 3166  
other evidence of indebtedness executed by the buyer in 3167  
connection with the contract and take any action necessary to 3168  
reflect the termination of any security interest or lien created 3169  
under the contract; 3170

(c) Notify the buyer if the seller intends to repossess or 3171  
abandon any evidence of membership or other goods provided to 3172  
the buyer by the seller pursuant to the contract. 3173

(E) If there is in effect an earlier prepaid entertainment 3174  
contract, this section and section 1345.43 of the Revised Code 3175  
apply to a transaction in which the seller and the buyer enter 3176  
into a new prepaid entertainment contract, or a modification of 3177  
the earlier contract. 3178

**Sec. 1349.43.** (A) As used in this section, "loan officer," 3179  
"mortgage broker," and "nonbank mortgage lender" have the same 3180  
meanings as in section 1345.01 of the Revised Code. 3181

(B) The department of commerce shall establish and 3182  
maintain an electronic database accessible through the internet 3183  
that contains information on all of the following: 3184

(1) The enforcement actions taken by the superintendent of 3185  
financial institutions for each violation of or failure to 3186  
comply with any provision of sections 1322.01 to 1322.12 of the 3187  
Revised Code, upon final disposition of the action; 3188

(2) The enforcement actions taken by the attorney general 3189  
under Chapter 1345. of the Revised Code against loan officers, 3190  
mortgage brokers, and nonbank mortgage lenders, upon final 3191  
disposition of each action; 3192

(3) All judgments by courts of this state, concerning 3193  
which appellate remedies have been exhausted or lost by the 3194  
expiration of the time for appeal, finding either of the 3195  
following: 3196

(a) A violation of any provision of sections 1322.01 to 3197  
1322.12 of the Revised Code; 3198

(b) That specific acts or practices by a loan officer, 3199  
mortgage broker, or nonbank mortgage lender violate section 3200  
1345.02, 1345.03, or 1345.031 of the Revised Code. 3201

(C) The attorney general shall ~~submit to notify the~~ 3202  
~~department, on the first day of each January, April, July, and~~ 3203  
~~October, a list~~ of all enforcement actions and judgments 3204  
described in divisions (B) (2) and (3) (b) of this section. 3205

(D) The department may adopt rules in accordance with 3206  
Chapter 119. of the Revised Code that are necessary to implement 3207  
this section. 3208

(E) The electronic database maintained by the department 3209  
in accordance with this section shall not include information 3210  
that, pursuant to section 1322.061 of the Revised Code, is 3211  
confidential. 3212

**Sec. 1716.02.** (A) Every charitable organization, except 3213  
those exempted under section 1716.03 of the Revised Code, that 3214  
intends to solicit contributions in this state by any means or 3215  
have contributions solicited in this state on its behalf by any 3216  
other person, charitable organization, commercial co-venturer, 3217  
or professional solicitor, or that participates in a charitable 3218  
sales promotion, prior to engaging in any of these activities 3219  
and annually thereafter, shall file a registration statement 3220  
with the attorney general upon a form prescribed by the attorney 3221  
general. Each chapter, branch, or affiliate of a charitable 3222  
organization that is required to file a registration statement 3223  
under this section either shall file a separate registration 3224  
statement or report the necessary information to its parent 3225  
charitable organization that then shall file a consolidated 3226  
registration statement. The annual registration statement shall 3227  
be refiled on or before the fifteenth day of the fifth calendar 3228

month after the close of each fiscal year in which the 3229  
charitable organization solicited in this state, or by the date 3230  
of any applicable extension of the federal filing date, 3231  
whichever is later. No charitable organization that is required 3232  
to register under this chapter prior to registration, shall 3233  
solicit contributions in this state by any means, have 3234  
contributions solicited in this state on its behalf by any other 3235  
person, charitable organization, commercial co-venturer, or 3236  
professional solicitor, or participate in a charitable sales 3237  
promotion. 3238

(B) The registration statement shall be signed and sworn 3239  
to under penalties of perjury by the treasurer or chief fiscal 3240  
officer of the charitable organization and shall contain the 3241  
following information: 3242

(1) The name of the charitable organization, the purpose 3243  
for which it is organized, and the name or names under which it 3244  
intends to solicit contributions; 3245

(2) The address and telephone number of the principal 3246  
place of business of the charitable organization and the address 3247  
and telephone number of every office, chapter, branch, or 3248  
affiliate of the charitable organization located in this state 3249  
or, if the charitable organization does not maintain an office 3250  
in this state, the name, address, and telephone number of the 3251  
person that has custody of its financial records; 3252

(3) The names and addresses of the officers, directors, 3253  
trustees, and executive personnel of the charitable 3254  
organization; 3255

(4) The annual financial report of the charitable 3256  
organization for the immediately preceding fiscal year as 3257

required under section 1716.04 of the Revised Code; 3258

(5) The last day of the fiscal year for the charitable 3259  
organization; 3260

(6) A statement of whether the charitable organization is 3261  
registered with or otherwise authorized by any other 3262  
governmental authority in this state or another state to solicit 3263  
contributions; 3264

(7) A statement of whether the charitable organization has 3265  
had its registration or authority denied, suspended, revoked, or 3266  
enjoined by any court or other governmental authority in this 3267  
state or another state; 3268

(8) A statement of whether the charitable organization 3269  
intends to solicit contributions from the public directly by 3270  
using its own resources or to have solicitations made on its 3271  
behalf through the use of another charitable organization, fund- 3272  
raising counsel, professional solicitors, or commercial co- 3273  
venturers; 3274

(9) The names, addresses, and the telephone numbers of any 3275  
other charitable organization, fund-raising counsel, 3276  
professional solicitors, and commercial co-venturers who act or 3277  
will act on behalf of the charitable organization, together with 3278  
a statement setting forth the specific terms of the arrangements 3279  
for salaries, bonuses, commissions, expenses, or other 3280  
remunerations to be paid the other charitable organization, 3281  
fund-raising counsel, professional solicitors, and commercial 3282  
co-venturers. If any of the information required by division (B) 3283  
(9) of this section is not available at the time of 3284  
registration, that information shall be submitted to the 3285  
attorney general at a later date but before any solicitation 3286

occurs.	3287
(10) The charitable purpose or purposes for which the contributions to be solicited will be used;	3288 3289
(11) The names, addresses, and telephone numbers of the persons within the charitable organization that will have final responsibility for the custody of the contributions;	3290 3291 3292
(12) The names of the persons within the charitable organization that will be responsible for the final distribution of the contributions;	3293 3294 3295
(13) The period of time during which, and the counties in which, the solicitation is planned to be conducted;	3296 3297
(14) A schedule of the activities carried on by the charitable organization in the performance of its purposes;	3298 3299
(15) Any other information that the attorney general may, by rule, require.	3300 3301
(C) (1) With the initial registration only, every charitable organization that is required to register under this chapter also shall file with the attorney general the following:	3302 3303 3304
(a) A copy of the current charter, articles of incorporation, agreement of association, instrument of trust, constitution, or other organizational instrument, and a copy of the bylaws of the charitable organization;	3305 3306 3307 3308
(b) A statement setting forth the place where and the date when the charitable organization was legally established, the form of its organization, and its tax exempt status, with a copy of its federal tax exemption determination letter.	3309 3310 3311 3312
(2) (a) With the next annual registration statement filed	3313

after its adoption, the charitable organization shall file with 3314  
the attorney general a copy of any amendment to its 3315  
organizational instrument as specified in division (C) (1) (a) of 3316  
this section and a copy of any amendment to its bylaws. 3317

(b) Within thirty days after its receipt, the charitable 3318  
organization shall file with the attorney general a copy of any 3319  
federal tax exemption determination letter or any correspondence 3320  
rescinding its tax exempt status that is received after the 3321  
initial registration. Not later than thirty days after being 3322  
notified by the internal revenue service of any challenge to or 3323  
investigation of its continued entitlement to federal tax 3324  
exemption, the charitable organization shall notify the attorney 3325  
general of this fact. 3326

(D) (1) Except as otherwise provided in division (D) (2) of 3327  
this section, every charitable organization that is required to 3328  
register under this chapter shall pay the following fees with 3329  
each registration: 3330

(a) Fifty dollars, if the contributions received for the 3331  
last calendar or fiscal year were five thousand dollars or more 3332  
but less than twenty-five thousand dollars; 3333

(b) One hundred dollars, if the contributions received for 3334  
the last calendar or fiscal year were twenty-five thousand 3335  
dollars or more but less than fifty thousand dollars; 3336

(c) Two hundred dollars, if the contributions received for 3337  
the last calendar or fiscal year were fifty thousand dollars or 3338  
more. 3339

(2) A charitable organization that is required to register 3340  
under this chapter and whose contributions received for the last 3341  
calendar or fiscal year were less than five thousand dollars 3342

shall not pay any registration fee. 3343

(3) The amount of registration fees that a charitable 3344  
organization is required to pay under division (D) (1) of this 3345  
section shall be based on the amount of contributions that it 3346  
receives from persons in this state. If, for any reporting year, 3347  
a charitable organization cannot determine from its records the 3348  
exact amount of contributions it received from persons in this 3349  
state, it shall compute the amount of the registration fee upon 3350  
the estimated amount of contributions it received from persons 3351  
in this state, with the estimated amount to be explained in 3352  
writing at the time the registration fee is paid. At the request 3353  
of the attorney general, the charitable organization shall 3354  
substantiate the estimated amount of contributions it received 3355  
from persons in this state. 3356

(4) All registration fees shall be paid into the state 3357  
treasury to the credit of the charitable law fund established 3358  
under section 109.32 of the Revised Code. 3359

(5) Any charitable organization that fails to pay the fee 3360  
required by this section at the time required shall pay an 3361  
additional fee of two hundred dollars, except that the attorney 3362  
general may waive the two-hundred-dollar fee upon a showing that 3363  
the charitable organization failed to pay the fee for filing the 3364  
annual registration statement at the time required by this 3365  
section for reasons that were beyond the control of the 3366  
charitable organization. If the charitable organization is 3367  
required to pay an additional fee under section 109.31 of the 3368  
Revised Code, the charitable organization is exempt from paying 3369  
the additional fee in this section. 3370

**Sec. 1716.05.** (A) No person shall act as a fund-raising 3371  
counsel unless the person first has complied with the 3372

requirements of this chapter and any rules adopted under this 3373  
chapter. 3374

(B) Any fund-raising counsel that at any time has custody 3375  
of contributions from a solicitation shall do all of the 3376  
following: 3377

(1) Register with the attorney general. Applications for 3378  
registration or renewal of registration shall be in writing, 3379  
under oath, and in the form prescribed by the attorney general, 3380  
and shall be accompanied by a fee in the amount of two hundred 3381  
dollars. Any corporation, partnership, association, or other 3382  
entity that intends to act as a fund-raising counsel may 3383  
register for and pay a single fee of two hundred dollars on 3384  
behalf of all its members, officers, employees, and agents. In 3385  
that case, the names and addresses of all the officers, 3386  
employees, and agents of the fund-raising counsel and all other 3387  
persons with whom the fund-raising counsel has contracted to 3388  
work under its direction shall be listed in the application. The 3389  
application shall contain any other information that the 3390  
attorney general may require. The registration or renewal of 3391  
registration shall be for a period of one year or part of one 3392  
year and shall expire on the thirty-first day of March of each 3393  
year. All fees prescribed in this division shall be paid into 3394  
the state treasury to the credit of the charitable law fund 3395  
established under section 109.32 of the Revised Code. 3396

(2) At the time of making an application for registration 3397  
or renewal of registration, file with and have approved by the 3398  
attorney general a bond in which the fund-raising counsel shall 3399  
be the principal obligor, in the sum of twenty-five thousand 3400  
dollars, with one or more sureties authorized to do business in 3401  
this state. The fund-raising counsel shall maintain the bond in 3402

effect as long as the registration is in effect; however, the 3403  
liability of the surety under the bond shall not exceed an all- 3404  
time aggregate liability of twenty-five thousand dollars. The 3405  
bond, which may be in the form of a rider to a larger blanket 3406  
liability bond, shall run to the state and to any person who may 3407  
have a cause of action against the principal obligor of the bond 3408  
for any liability arising out of a violation by the obligor of 3409  
any provision of this chapter or any rule adopted pursuant to 3410  
this chapter. 3411

(3) Not later than ninety days after a solicitation 3412  
campaign has been completed and on the anniversary of the 3413  
commencement of a solicitation campaign lasting more than one 3414  
year, furnish an accounting of all contributions collected and 3415  
expenses paid, to the charitable organization with which the 3416  
fund-raising counsel has contracted. The accounting shall be in 3417  
writing and shall be retained by the charitable organization for 3418  
three years. The fund-raising counsel shall file a copy of the 3419  
accounting with the attorney general not later than seven days 3420  
after it is furnished to the charitable organization. 3421

(4) Not later than two days after receipt of each 3422  
contribution, deposit the entire amount of the contribution in 3423  
an account at a bank or other federally insured financial 3424  
institution which shall be in the name of the charitable 3425  
organization with which the fund-raising counsel has contracted. 3426  
Each contribution collected by the fund-raising counsel shall be 3427  
solely in the name of that charitable organization. The 3428  
charitable organization shall have sole control of all 3429  
withdrawals from the account and the fund-raising counsel shall 3430  
not be given the authority to withdraw any deposited funds from 3431  
the account. 3432

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

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

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

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

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

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

(2) A felony in this or another state.

(e) The information provided under this section to the

attorney general by a fund-raising counsel shall be included in 3462  
the reports and files required to be compiled and maintained by 3463  
the attorney general pursuant to divisions (E) and (F) of 3464  
section 1716.08 of the Revised Code. 3465

(F) If a fund-raising counsel fails to comply in a timely 3466  
or complete manner with any of the requirements under this 3467  
section, the fund-raising counsel is liable for and, in addition 3468  
to any fee required in this section, shall pay two hundred 3469  
dollars for each late filing. Each registration, renewal of 3470  
registration, bond, or accounting shall be considered a separate 3471  
filing for the purposes of this section. Any fees required by 3472  
this section are in addition to, and not in place of, penalties 3473  
prescribed in this chapter. 3474

**Sec. 1716.07.** (A) No professional solicitor shall engage 3475  
in any solicitation unless it has complied with the requirements 3476  
of this chapter and any rules adopted under this chapter. 3477

(B) Every professional solicitor, before engaging in any 3478  
solicitation, shall register with the attorney general. 3479  
Applications for registration or renewal of registration shall 3480  
be in writing, under oath, and in the form prescribed by the 3481  
attorney general, and shall be accompanied by a fee in the 3482  
amount of two hundred dollars. Any corporation, partnership, 3483  
association, or other entity that intends to act as a 3484  
professional solicitor may register for and pay a single fee of 3485  
two hundred dollars on behalf of all its members, officers, 3486  
employees, agents, and solicitors. In that case, the names and 3487  
addresses of all the officers, employees, and agents of the 3488  
professional solicitor and all other persons with whom the 3489  
professional solicitor has contracted to work under its 3490  
direction, including solicitors, shall be listed in the 3491

application or furnished to the attorney general within five 3492  
days of the date of employment or contractual arrangement. The 3493  
application shall contain any other information that the 3494  
attorney general may require. The registration shall be for a 3495  
period of one year or part of one year and shall expire on the 3496  
thirty-first day of March of each year. Upon application and 3497  
payment of the fee specified in this division and filing of the 3498  
bond prescribed in division (C) of this section, the 3499  
registration may be renewed for additional one-year periods. All 3500  
fees prescribed in this division shall be paid into the state 3501  
treasury to the credit of the charitable law fund established 3502  
under section 109.32 of the Revised Code. 3503

(C) At the time of making an application for registration 3504  
or renewal of registration, the professional solicitor shall 3505  
file with and have approved by the attorney general a bond in 3506  
which the professional solicitor shall be the principal obligor, 3507  
in the sum of twenty-five thousand dollars, with one or more 3508  
sureties authorized to do business in this state. The 3509  
professional solicitor shall maintain the bond in effect as long 3510  
as the registration is in effect; however, the liability of the 3511  
surety under the bond shall not exceed an all-time aggregate 3512  
liability of twenty-five thousand dollars. The bond, which may 3513  
be in the form of a rider to a larger blanket liability bond, 3514  
shall run to the state and to any person who may have a cause of 3515  
action against the principal obligor of the bond for any 3516  
liability arising out of a violation by the obligor of any 3517  
provision of this chapter or any rule adopted pursuant to this 3518  
chapter. 3519

(D) (1) Prior to the commencement of any solicitation, the 3520  
professional solicitor shall file all of the following with the 3521  
attorney general: 3522

(a) A completed document called "Solicitation Notice" upon 3523  
a form prescribed by the attorney general and containing all of 3524  
the information specified in division (D) (2) of this section; 3525

(b) A copy of the contract described in division (A) of 3526  
section 1716.08 of the Revised Code; 3527

(c) A sworn statement by the charitable organization on 3528  
whose behalf the professional solicitor is acting certifying 3529  
that the solicitation notice and any accompanying material are 3530  
true and correct to the best of its knowledge. 3531

(2) The solicitation notice shall include all of the 3532  
following: 3533

(a) The fund-raising methods to be used; 3534

(b) The projected dates when the solicitation will 3535  
commence and terminate; 3536

(c) The location and telephone number from where the 3537  
solicitation will be conducted if it will be conducted by 3538  
telephone; 3539

(d) The name and residence address of each person 3540  
responsible for directing and supervising the conduct of the 3541  
solicitation campaign; 3542

(e) A statement of whether the professional solicitor will 3543  
at any time have custody of any contributions; 3544

(f) A full and fair description of the charitable program 3545  
for which the solicitation campaign is being carried out; 3546

(g) The written and signed consent of every charitable 3547  
organization on whose behalf the professional solicitor will be 3548  
soliciting contributions or whose name will be mentioned during 3549

the solicitation. 3550

(E) Not later than ninety days after a solicitation 3551  
campaign has been completed and on the anniversary of the 3552  
commencement of a solicitation campaign lasting more than one 3553  
year, the professional solicitor shall provide to the charitable 3554  
organization and file with the attorney general a financial 3555  
report of the campaign, including the gross revenue received and 3556  
an itemization of all expenses incurred. The report shall be 3557  
completed on a form prescribed by the attorney general and 3558  
signed by an authorized official of the professional solicitor 3559  
who shall certify under oath that the report is true and 3560  
correct. 3561

(F) Each contribution collected by or in the custody of 3562  
the professional solicitor shall be solely in the name of the 3563  
charitable organization on whose behalf the contribution was 3564  
solicited. Not later than two days after receipt of each 3565  
contribution, the professional solicitor shall deposit the 3566  
entire amount of the contribution in an account at a bank or 3567  
other federally insured financial institution, which shall be in 3568  
the name of that charitable organization. The charitable 3569  
organization shall have sole control of all withdrawals from the 3570  
account and the professional solicitor shall not be given the 3571  
authority to withdraw any deposited funds from the account. 3572

(G) (1) During each solicitation campaign and for not less 3573  
than three years after its completion, the professional 3574  
solicitor shall maintain the following records: 3575

(a) The name and, if known to the professional solicitor, 3576  
the address and telephone number of each contributor and the 3577  
date and amount of the contribution, provided that the attorney 3578  
general shall not disclose that information except to the extent 3579

necessary for investigative or law enforcement purposes;	3580
(b) The name and residence address of each employee,	3581
agent, and any other person, however designated, who is involved	3582
in the solicitation, the amount of compensation paid to each,	3583
and the dates on which the payments were made;	3584
(c) A record of all contributions that at any time are in	3585
the custody of the professional solicitor;	3586
(d) A record of all expenses incurred by the professional	3587
solicitor for the payment of which the professional solicitor is	3588
liable;	3589
(e) A record of all expenses incurred by the professional	3590
solicitor for the payment of which the charitable organization	3591
is liable;	3592
(f) The location of each bank or financial institution in	3593
which the professional solicitor has deposited revenue from the	3594
solicitation campaign and the account number of each account in	3595
which the deposits were made;	3596
(g) A copy of each pitch sheet or solicitation script used	3597
during the solicitation campaign;	3598
(h) If a refund of a contribution has been requested, the	3599
name and address of each person requesting the refund, and if a	3600
refund was made, its amount and the date it was made.	3601
(i) Any other record of such information as the attorney	3602
general may require.	3603
(2) If the professional solicitor sells tickets to any	3604
event and represents that the tickets will be donated for use by	3605
another person, the professional solicitor also shall maintain	3606
for the same period as specified in division (G) (1) of this	3607

section the following records: 3608

(a) The name and address of each contributor that 3609  
purchases or donates tickets and the number of tickets purchased 3610  
or donated by the contributor; 3611

(b) The name and address of each organization that 3612  
receives the donated tickets for the use of others, and the 3613  
number of tickets received by the organization. 3614

(3) Any of the records described in divisions (G) (1) and 3615  
(2) of this section shall be made available to the attorney 3616  
general upon the attorney general's request and shall be 3617  
furnished to the attorney general within ten days of the 3618  
request. 3619

(H) Unless otherwise provided in this section or section 3620  
1716.08 of the Revised Code, any change in any information filed 3621  
with the attorney general pursuant to this section and section 3622  
1716.08 of the Revised Code shall be reported in writing to the 3623  
attorney general within seven days after the change occurs. 3624

(I) No person shall serve as a professional solicitor, or 3625  
be a member, officer, employee, or agent of any professional 3626  
solicitor, who has been convicted in the last five years of 3627  
either of the following: 3628

(1) Any violation of this chapter or any rule adopted 3629  
under this chapter, or of any charitable solicitation 3630  
legislation or regulation of a political subdivision of this 3631  
state or charitable solicitation law of any other jurisdiction 3632  
that is similar to this chapter; 3633

(2) A felony in this or another state. 3634

(J) If a professional solicitor fails to comply in a 3635

timely or complete manner with any of the requirements under 3636  
this section, the professional solicitor is liable for and, in 3637  
addition to any fee required in this section, shall pay two 3638  
hundred dollars for each late filing. Each registration, renewal 3639  
of registration, bond, solicitation notice, contract, sworn 3640  
statement, or financial report shall be considered a separate 3641  
filing for the purposes of this section. Any fees required by 3642  
this section are in addition to, and not in place of, penalties 3643  
prescribed in this chapter. 3644

**Sec. 2743.191.** (A) (1) There is hereby created in the state 3645  
treasury the reparations fund, which shall be used only for the 3646  
following purposes: 3647

(a) The payment of awards of reparations that are granted 3648  
by the attorney general; 3649

(b) The compensation of any personnel needed by the 3650  
attorney general to administer sections 2743.51 to 2743.72 of 3651  
the Revised Code; 3652

(c) The compensation of witnesses as provided in division 3653  
(J) of section 2743.65 of the Revised Code; 3654

(d) Other administrative costs of hearing and determining 3655  
claims for an award of reparations by the attorney general; 3656

(e) The costs of administering sections 2907.28 and 3657  
2969.01 to 2969.06 of the Revised Code; 3658

(f) The costs of investigation and decision-making as 3659  
certified by the attorney general; 3660

(g) The provision of state financial assistance to victim 3661  
assistance programs in accordance with sections 109.91 and 3662  
109.92 of the Revised Code; 3663

(h) The costs of paying the expenses of sex offense- 3664  
related examinations, antibiotics, and HIV post-exposure 3665  
prophylaxis pursuant to section 2907.28 of the Revised Code; 3666

(i) The cost of printing and distributing the pamphlet 3667  
prepared by the attorney general pursuant to section 109.42 of 3668  
the Revised Code; 3669

(j) Subject to division (D) of section 2743.71 of the 3670  
Revised Code, the costs associated with the printing and 3671  
providing of information cards or other printed materials to law 3672  
enforcement agencies and prosecuting authorities and with 3673  
publicizing the availability of awards of reparations pursuant 3674  
to section 2743.71 of the Revised Code; 3675

(k) The payment of costs of administering a DNA specimen 3676  
collection procedure pursuant to sections 2152.74 and 2901.07 of 3677  
the Revised Code, of performing DNA analysis of those DNA 3678  
specimens, and of entering the resulting DNA records regarding 3679  
those analyses into the DNA database pursuant to section 109.573 3680  
of the Revised Code; 3681

(l) The payment of actual costs associated with 3682  
initiatives by the attorney general for the apprehension, 3683  
prosecution, and accountability of offenders, and the enhancing 3684  
of services to crime victims. The amount of payments made 3685  
pursuant to division (A) (1) (1) of this section during any given 3686  
fiscal year shall not exceed five per cent of the balance of the 3687  
reparations fund at the close of the immediately previous fiscal 3688  
year; 3689

(m) The costs of administering the adult parole 3690  
authority's supervision pursuant to division (E) of section 3691  
2971.05 of the Revised Code of sexually violent predators who 3692

are sentenced to a prison term pursuant to division (A) (3) of 3693  
section 2971.03 of the Revised Code and of offenders who are 3694  
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3695  
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3696  
of that section; 3697

(n) Subject to the limit set forth in those sections, the 3698  
costs of the installation and monitoring of an electronic 3699  
monitoring device used in the monitoring of a respondent 3700  
pursuant to an electronic monitoring order issued by a court 3701  
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3702  
(b) of section 2903.214 of the Revised Code if the court 3703  
determines that the respondent is indigent or used in the 3704  
monitoring of an offender pursuant to an electronic monitoring 3705  
order issued under division (B) (5) of section 2919.27 of the 3706  
Revised Code if the court determines that the offender is 3707  
indigent. 3708

(2) All costs paid pursuant to section 2743.70 of the 3709  
Revised Code, the portions of license reinstatement fees 3710  
mandated by division (F) (2) (b) of section 4511.191 of the 3711  
Revised Code to be credited to the fund, the portions of the 3712  
proceeds of the sale of a forfeited vehicle specified in 3713  
division (C) (2) of section 4503.234 of the Revised Code, 3714  
payments collected by the department of rehabilitation and 3715  
correction from prisoners who voluntarily participate in an 3716  
approved work and training program pursuant to division (C) (8) 3717  
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3718  
collected by the state pursuant to its right of subrogation 3719  
provided in section 2743.72 of the Revised Code shall be 3720  
deposited in the fund. 3721

(B) In making an award of reparations, the attorney 3722

general shall render the award against the state. The award 3723  
shall be accomplished only through the following procedure, and 3724  
the following procedure may be enforced by writ of mandamus 3725  
directed to the appropriate official: 3726

(1) The attorney general shall provide for payment of the 3727  
claimant or providers in the amount of the award only if the 3728  
amount of the award is fifty dollars or more. 3729

(2) The expense shall be charged against all available 3730  
unencumbered moneys in the fund. 3731

(3) If sufficient unencumbered moneys do not exist in the 3732  
fund, the attorney general shall make application for payment of 3733  
the award out of the emergency purposes account or any other 3734  
appropriation for emergencies or contingencies, and payment out 3735  
of this account or other appropriation shall be authorized if 3736  
there are sufficient moneys greater than the sum total of then 3737  
pending emergency purposes account requests or requests for 3738  
releases from the other appropriations. 3739

(4) If sufficient moneys do not exist in the account or 3740  
any other appropriation for emergencies or contingencies to pay 3741  
the award, the attorney general shall request the general 3742  
assembly to make an appropriation sufficient to pay the award, 3743  
and no payment shall be made until the appropriation has been 3744  
made. The attorney general shall make this appropriation request 3745  
during the current biennium and during each succeeding biennium 3746  
until a sufficient appropriation is made. If, prior to the time 3747  
that an appropriation is made by the general assembly pursuant 3748  
to this division, the fund has sufficient unencumbered funds to 3749  
pay the award or part of the award, the available funds shall be 3750  
used to pay the award or part of the award, and the 3751  
appropriation request shall be amended to request only 3752

sufficient funds to pay that part of the award that is unpaid. 3753

(C) The attorney general shall not make payment on a 3754  
decision or order granting an award until all appeals have been 3755  
determined and all rights to appeal exhausted, except as 3756  
otherwise provided in this section. If any party to a claim for 3757  
an award of reparations appeals from only a portion of an award, 3758  
and a remaining portion provides for the payment of money by the 3759  
state, that part of the award calling for the payment of money 3760  
by the state and not a subject of the appeal shall be processed 3761  
for payment as described in this section. 3762

(D) The attorney general shall prepare itemized bills for 3763  
the costs of printing and distributing the pamphlet the attorney 3764  
general prepares pursuant to section 109.42 of the Revised Code. 3765  
The itemized bills shall set forth the name and address of the 3766  
persons owed the amounts set forth in them. 3767

(E) Interest earned on the moneys in the fund shall be 3768  
credited to the fund. 3769

(F) As used in this section, "DNA analysis" and "DNA 3770  
specimen" have the same meanings as in section 109.573 of the 3771  
Revised Code. 3772

**Sec. 2743.56.** (A) A claim for an award of reparations 3773  
shall be commenced by filing an application for an award of 3774  
reparations with the attorney general. The application may be 3775  
filed by mail. If the application is filed by mail, the post- 3776  
marked date of the application shall be considered the filing 3777  
date of the application. The application shall be in a form 3778  
prescribed by the attorney general and shall include a release 3779  
authorizing the attorney general and the court of claims to 3780  
obtain any report, document, or information that relates to the 3781

determination of the claim for an award of reparations that is 3782  
requested in the application. 3783

(B) All applications for an award of reparations ~~shall~~may 3784  
be filed ~~as follows:~~ 3785

~~(1) If the victim of the criminally injurious conduct was 3786  
a minor, within two years of the victim's eighteenth birthday or 3787  
within two years from the date a complaint, indictment, or 3788  
information is filed against the alleged offender, whichever is 3789  
later. This division does not require that a complaint, 3790  
indictment, or information be filed against an alleged offender 3791  
in order for an application for an award of reparations to be 3792  
filed pertaining to a victim who was a minor if the application 3793  
is filed within two years of the victim's eighteenth birthday, 3794  
and does not affect the provisions of section 2743.64 of the 3795  
Revised Code. 3796~~

~~(2) If the victim of the criminally injurious conduct was 3797  
an adult, at any time after the occurrence of the criminally 3798  
injurious conduct. 3799~~

**Sec. 2743.71.** (A) Any law enforcement agency that 3800  
investigates, and any prosecuting attorney, city director of 3801  
law, village solicitor, or similar prosecuting authority who 3802  
prosecutes, an offense committed in this state shall, upon first 3803  
contact with the victim or the victim's family or dependents, 3804  
give the victim or the victim's family or dependents a copy of 3805  
an information card or other printed material provided by the 3806  
attorney general pursuant to division (B) of this section and 3807  
explain, upon request, the information on the card or material 3808  
to the victim or the victim's family or dependents. 3809

(B) The attorney general shall have printed, and shall 3810

provide to law enforcement agencies, prosecuting attorneys, city 3811  
directors of law, village solicitors, and similar prosecuting 3812  
authorities, cards or other materials that contain information 3813  
explaining awards of reparations. The information on the cards 3814  
or other materials shall include, but shall not be limited to, 3815  
the following statements: 3816

(1) Awards of reparations are limited to losses that are 3817  
caused by physical injury resulting from criminally injurious 3818  
conduct; 3819

(2) Reparations applications ~~are required to~~ may be filed 3820  
~~within the period provided by division (B)(1) of section 2743.56~~ 3821  
~~of the Revised Code if the victim of~~ at any time after the 3822  
occurrence of the criminally injurious conduct ~~was a minor;~~ 3823

(3) An attorney who represents an applicant for an award 3824  
of reparations cannot charge the applicant for the services 3825  
rendered in relation to that representation but is required to 3826  
apply to the attorney general for payment for the 3827  
representation; 3828

(4) Applications for awards of reparations may be obtained 3829  
from the attorney general, law enforcement agencies, and victim 3830  
assistance agencies and are to be filed with the attorney 3831  
general. 3832

(C) The attorney general may order that a reasonable 3833  
amount of money be paid out of the reparations fund, subject to 3834  
the limitation imposed by division (D) of this section, for use 3835  
by the attorney general to publicize the availability of awards 3836  
of reparations. 3837

(D) During any fiscal year, the total expenditure for the 3838  
printing and providing of information cards or other materials 3839

pursuant to division (B) of this section and for the publicizing 3840  
of the availability of awards of reparations pursuant to 3841  
division (C) of this section shall not exceed two per cent of 3842  
the total of all court costs deposited, in accordance with 3843  
section 2743.70 of the Revised Code, in the reparations fund 3844  
during the immediately preceding fiscal year. 3845

**Sec. 2746.02.** A court of record of this state shall tax as 3846  
costs or otherwise require the payment of fees for the following 3847  
services rendered, as compensation for the following persons, or 3848  
as part of the sentence imposed by the court, or any other of 3849  
the following fees that are applicable in a particular case: 3850

(A) In a felony case, financial sanctions, as provided in 3851  
section 2929.18 of the Revised Code; 3852

(B) In any criminal case, the costs of prosecution, as 3853  
provided in section 2947.23 of the Revised Code; 3854

(C) In a misdemeanor case in which the offender is 3855  
sentenced to a jail term, the local detention facility is 3856  
covered by a policy adopted by the facility's governing 3857  
authority requiring reimbursement for the costs of confinement, 3858  
and the offender is presented with an itemized bill pursuant to 3859  
section 2929.37 of the Revised Code for such costs, the costs of 3860  
confinement, as provided in section 2929.24 of the Revised Code; 3861

(D) In a case in which an offender is sentenced for 3862  
endangering children in violation of section 2919.22 of the 3863  
Revised Code, the costs of the offender's supervised community 3864  
service work, as provided in section 2919.22 of the Revised 3865  
Code; 3866

(E) In a case in which a defendant is charged with any of 3867  
certain sexual assault or prostitution-related offenses and is 3868

found to be suffering from a venereal disease in an infectious 3869  
stage, the cost of medical treatment, as provided in section 3870  
2907.27 of the Revised Code; 3871

(F) In a case in which a defendant is charged with 3872  
harassment with a bodily substance, the cost of medical testing, 3873  
as provided in section 2921.38 of the Revised Code; 3874

(G) In a case in which a defendant is charged with 3875  
violating a protection order in violation of section 2919.27 of 3876  
the Revised Code or of a municipal ordinance that is 3877  
substantially similar to that section, the costs of any 3878  
evaluation and preceding examination of the defendant, as 3879  
provided in section 2919.271 of the Revised Code; 3880

(H) Presentence psychological or psychiatric reports, as 3881  
provided in section 2947.06 of the Revised Code; 3882

(I) In a criminal proceeding, the taking of a deposition 3883  
of a person who is imprisoned in a detention facility or state 3884  
correctional institution within this state or who is in the 3885  
custody of the department of youth services, as provided in 3886  
section 2945.47 of the Revised Code; 3887

(J) In a case in which a person is convicted of or pleads 3888  
guilty to any offense other than a parking violation or in which 3889  
a child is found to be a delinquent child or a juvenile traffic 3890  
offender for an act that, if committed by an adult, would be an 3891  
offense other than a parking violation, additional costs and 3892  
bail, if applicable, as provided in sections 2743.70 and 3893  
2949.091 of the Revised Code, but subject to waiver as provided 3894  
in section 2949.092 of the Revised Code; 3895

(K) In a case in which a person is convicted of or pleads 3896  
guilty to a moving violation or in which a child is found to be 3897

a juvenile traffic offender for an act which, if committed by an adult, would be a moving violation, additional costs and bail, if applicable, as provided in sections 2949.093 and 2949.094 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(L) In a case in which a defendant is convicted of abandoning a junk vessel or outboard motor without notifying the appropriate law enforcement officer, the cost incurred by the state or a political subdivision in disposing of the vessel or motor, as provided in section 1547.99 of the Revised Code;

(M) The costs of electronic monitoring in the following cases:

(1) In a misdemeanor case in which the offender is convicted of any of certain prostitution-related offenses and a specification under section 2941.1421 of the Revised Code, as provided in section 2929.24 of the Revised Code;

(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or trespass offenses, a sexually oriented offense, or an offense under a municipal ordinance that is substantially equivalent to any of those offenses, as provided in section 2151.34 of the Revised Code;

(3) In a case in which the court issues a protection order against an adult upon a petition alleging that the respondent committed menacing by stalking or a sexually oriented offense, as provided in section 2903.214 of the Revised Code;

(4) In a case in which an offender is convicted of violating a protection order, as provided in section 2919.27 of

the Revised Code; 3927

(5) In a case in which the offender is convicted of any 3928  
sexually oriented offense and is a tier III sex offender/child- 3929  
victim offender relative to that offense, as provided in section 3930  
2929.13 of the Revised Code. 3931

(N) In a proceeding for post-conviction relief, a 3932  
transcript, as provided in section 2953.21 of the Revised Code; 3933

(O) In a proceeding for the sealing of a conviction 3934  
record, the ~~fee~~fees provided for in section 2953.32 of the 3935  
Revised Code. 3936

**Sec. 2901.01.** (A) As used in the Revised Code: 3937

(1) "Force" means any violence, compulsion, or constraint 3938  
physically exerted by any means upon or against a person or 3939  
thing. 3940

(2) "Deadly force" means any force that carries a 3941  
substantial risk that it will proximately result in the death of 3942  
any person. 3943

(3) "Physical harm to persons" means any injury, illness, 3944  
or other physiological impairment, regardless of its gravity or 3945  
duration. 3946

(4) "Physical harm to property" means any tangible or 3947  
intangible damage to property that, in any degree, results in 3948  
loss to its value or interferes with its use or enjoyment. 3949  
"Physical harm to property" does not include wear and tear 3950  
occasioned by normal use. 3951

(5) "Serious physical harm to persons" means any of the 3952  
following: 3953

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	3954 3955 3956
(b) Any physical harm that carries a substantial risk of death;	3957 3958
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	3959 3960 3961
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	3962 3963 3964
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	3965 3966 3967
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	3968 3969
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	3970 3971 3972
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	3973 3974 3975
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	3976 3977 3978
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may	3979 3980 3981

exist. 3982

(9) "Offense of violence" means any of the following: 3983

(a) A violation of section 2903.01, 2903.02, 2903.03, 3984  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 3985  
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 3986  
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 3987  
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 3988  
2921.34, or 2923.161, of division (A) (1) of section 2903.34, of 3989  
division (A) (1), (2), or (3) of section 2911.12, or of division 3990  
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 3991  
or felonious sexual penetration in violation of former section 3992  
2907.12 of the Revised Code; 3993

(b) A violation of an existing or former municipal 3994  
ordinance or law of this or any other state or the United 3995  
States, substantially equivalent to any section, division, or 3996  
offense listed in division (A) (9) (a) of this section; 3997

(c) An offense, other than a traffic offense, under an 3998  
existing or former municipal ordinance or law of this or any 3999  
other state or the United States, committed purposely or 4000  
knowingly, and involving physical harm to persons or a risk of 4001  
serious physical harm to persons; 4002

(d) A conspiracy or attempt to commit, or complicity in 4003  
committing, any offense under division (A) (9) (a), (b), or (c) of 4004  
this section. 4005

(10) (a) "Property" means any property, real or personal, 4006  
tangible or intangible, and any interest or license in that 4007  
property. "Property" includes, but is not limited to, cable 4008  
television service, other telecommunications service, 4009  
telecommunications devices, information service, computers, 4010

data, computer software, financial instruments associated with 4011  
computers, other documents associated with computers, or copies 4012  
of the documents, whether in machine or human readable form, 4013  
trade secrets, trademarks, copyrights, patents, and property 4014  
protected by a trademark, copyright, or patent. "Financial 4015  
instruments associated with computers" include, but are not 4016  
limited to, checks, drafts, warrants, money orders, notes of 4017  
indebtedness, certificates of deposit, letters of credit, bills 4018  
of credit or debit cards, financial transaction authorization 4019  
mechanisms, marketable securities, or any computer system 4020  
representations of any of them. 4021

(b) As used in division (A) (10) of this section, "trade 4022  
secret" has the same meaning as in section 1333.61 of the 4023  
Revised Code, and "telecommunications service" and "information 4024  
service" have the same meanings as in section 2913.01 of the 4025  
Revised Code. 4026

(c) As used in divisions (A) (10) and (13) of this section, 4027  
"cable television service," "computer," "computer software," 4028  
"computer system," "computer network," "data," and 4029  
"telecommunications device" have the same meanings as in section 4030  
2913.01 of the Revised Code. 4031

(11) "Law enforcement officer" means any of the following: 4032

(a) A sheriff, deputy sheriff, constable, police officer 4033  
of a township or joint police district, marshal, deputy marshal, 4034  
municipal police officer, member of a police force employed by a 4035  
metropolitan housing authority under division (D) of section 4036  
3735.31 of the Revised Code, or state highway patrol trooper; 4037

(b) An officer, agent, or employee of the state or any of 4038  
its agencies, instrumentalities, or political subdivisions, upon 4039

whom, by statute, a duty to conserve the peace or to enforce all 4040  
or certain laws is imposed and the authority to arrest violators 4041  
is conferred, within the limits of that statutory duty and 4042  
authority; 4043

(c) A mayor, in the mayor's capacity as chief conservator 4044  
of the peace within the mayor's municipal corporation; 4045

(d) A member of an auxiliary police force organized by 4046  
county, township, or municipal law enforcement authorities, 4047  
within the scope of the member's appointment or commission; 4048

(e) A person lawfully called pursuant to section 311.07 of 4049  
the Revised Code to aid a sheriff in keeping the peace, for the 4050  
purposes and during the time when the person is called; 4051

(f) A person appointed by a mayor pursuant to section 4052  
737.01 of the Revised Code as a special patrolling officer 4053  
during riot or emergency, for the purposes and during the time 4054  
when the person is appointed; 4055

(g) A member of the organized militia of this state or the 4056  
armed forces of the United States, lawfully called to duty to 4057  
aid civil authorities in keeping the peace or protect against 4058  
domestic violence; 4059

(h) A prosecuting attorney, assistant prosecuting 4060  
attorney, secret service officer, or municipal prosecutor; 4061

(i) A veterans' home police officer appointed under 4062  
section 5907.02 of the Revised Code; 4063

(j) A member of a police force employed by a regional 4064  
transit authority under division (Y) of section 306.35 of the 4065  
Revised Code; 4066

(k) A special police officer employed by a port authority 4067

under section 4582.04 or 4582.28 of the Revised Code; 4068

(l) The house of representatives sergeant at arms if the 4069  
house of representatives sergeant at arms has arrest authority 4070  
pursuant to division (E)(1) of section 101.311 of the Revised 4071  
Code and an assistant house of representatives sergeant at arms; 4072

(m) The senate sergeant at arms and an assistant senate 4073  
sergeant at arms; 4074

(n) A special police officer employed by a municipal 4075  
corporation at a municipal airport, or other municipal air 4076  
navigation facility, that has scheduled operations, as defined 4077  
in section 119.3 of Title 14 of the Code of Federal Regulations, 4078  
14 C.F.R. 119.3, as amended, and that is required to be under a 4079  
security program and is governed by aviation security rules of 4080  
the transportation security administration of the United States 4081  
department of transportation as provided in Parts 1542. and 4082  
1544. of Title 49 of the Code of Federal Regulations, as 4083  
amended. 4084

(12) "Privilege" means an immunity, license, or right 4085  
conferred by law, bestowed by express or implied grant, arising 4086  
out of status, position, office, or relationship, or growing out 4087  
of necessity. 4088

(13) "Contraband" means any property that is illegal for a 4089  
person to acquire or possess under a statute, ordinance, or 4090  
rule, or that a trier of fact lawfully determines to be illegal 4091  
to possess by reason of the property's involvement in an 4092  
offense. "Contraband" includes, but is not limited to, all of 4093  
the following: 4094

(a) Any controlled substance, as defined in section 4095  
3719.01 of the Revised Code, or any device or paraphernalia; 4096

(b) Any unlawful gambling device or paraphernalia; 4097

(c) Any dangerous ordnance or obscene material. 4098

(14) A person is "not guilty by reason of insanity" 4099  
relative to a charge of an offense only if the person proves, in 4100  
the manner specified in section 2901.05 of the Revised Code, 4101  
that at the time of the commission of the offense, the person 4102  
did not know, as a result of a severe mental disease or defect, 4103  
the wrongfulness of the person's acts. 4104

(B) (1) (a) Subject to division (B) (2) of this section, as 4105  
used in any section contained in Title XXIX of the Revised Code 4106  
that sets forth a criminal offense, "person" includes all of the 4107  
following: 4108

(i) An individual, corporation, business trust, estate, 4109  
trust, partnership, and association; 4110

(ii) An unborn human who is viable. 4111

(b) As used in any section contained in Title XXIX of the 4112  
Revised Code that does not set forth a criminal offense, 4113  
"person" includes an individual, corporation, business trust, 4114  
estate, trust, partnership, and association. 4115

(c) As used in division (B) (1) (a) of this section: 4116

(i) "Unborn human" means an individual organism of the 4117  
species Homo sapiens from fertilization until live birth. 4118

(ii) "Viable" means the stage of development of a human 4119  
fetus at which there is a realistic possibility of maintaining 4120  
and nourishing of a life outside the womb with or without 4121  
temporary artificial life-sustaining support. 4122

(2) Notwithstanding division (B) (1) (a) of this section, in 4123

no case shall the portion of the definition of the term "person" 4124  
that is set forth in division (B) (1) (a) (ii) of this section be 4125  
applied or construed in any section contained in Title XXIX of 4126  
the Revised Code that sets forth a criminal offense in any of 4127  
the following manners: 4128

(a) Except as otherwise provided in division (B) (2) (a) of 4129  
this section, in a manner so that the offense prohibits or is 4130  
construed as prohibiting any pregnant woman or her physician 4131  
from performing an abortion with the consent of the pregnant 4132  
woman, with the consent of the pregnant woman implied by law in 4133  
a medical emergency, or with the approval of one otherwise 4134  
authorized by law to consent to medical treatment on behalf of 4135  
the pregnant woman. An abortion that violates the conditions 4136  
described in the immediately preceding sentence may be punished 4137  
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4138  
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 4139  
2903.21, or 2903.22 of the Revised Code, as applicable. An 4140  
abortion that does not violate the conditions described in the 4141  
second immediately preceding sentence, but that does violate 4142  
section 2919.12, division (B) of section 2919.13, or section 4143  
2919.151, 2919.17, or 2919.18 of the Revised Code, may be 4144  
punished as a violation of section 2919.12, division (B) of 4145  
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 4146  
Revised Code, as applicable. Consent is sufficient under this 4147  
division if it is of the type otherwise adequate to permit 4148  
medical treatment to the pregnant woman, even if it does not 4149  
comply with section 2919.12 of the Revised Code. 4150

(b) In a manner so that the offense is applied or is 4151  
construed as applying to a woman based on an act or omission of 4152  
the woman that occurs while she is or was pregnant and that 4153  
results in any of the following: 4154

(i) Her delivery of a stillborn baby;	4155
(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;	4156 4157
(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;	4158 4159 4160
(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;	4161 4162
(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.	4163 4164 4165 4166 4167
(C) As used in Title XXIX of the Revised Code:	4168
(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.	4169 4170
(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.	4171 4172 4173
(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.	4174 4175 4176 4177 4178 4179 4180 4181
(4) "School bus" has the same meaning as in section	4182

4511.01 of the Revised Code. 4183

**Sec. 2923.02.** (A) No person, purposely or knowingly, and 4184  
when purpose or knowledge is sufficient culpability for the 4185  
commission of an offense, shall engage in conduct that, if 4186  
successful, would constitute or result in the offense. 4187

(B) It is no defense to a charge under this section that, 4188  
in retrospect, commission of the offense that was the object of 4189  
the attempt was either factually or legally impossible under the 4190  
attendant circumstances, if that offense could have been 4191  
committed had the attendant circumstances been as the actor 4192  
believed them to be. 4193

(C) No person who is convicted of committing a specific 4194  
offense, of complicity in the commission of an offense, or of 4195  
conspiracy to commit an offense shall be convicted of an attempt 4196  
to commit the same offense in violation of this section. 4197

(D) It is an affirmative defense to a charge under this 4198  
section that the actor abandoned the actor's effort to commit 4199  
the offense or otherwise prevented its commission, under 4200  
circumstances manifesting a complete and voluntary renunciation 4201  
of the actor's criminal purpose. 4202

(E) (1) Whoever violates this section is guilty of an 4203  
attempt to commit an offense. An attempt to commit aggravated 4204  
murder, murder, or an offense for which the maximum penalty is 4205  
imprisonment for life is a felony of the first degree. An 4206  
attempt to commit a drug abuse offense for which the penalty is 4207  
determined by the amount or number of unit doses of the 4208  
controlled substance involved in the drug abuse offense is an 4209  
offense of the same degree as the drug abuse offense attempted 4210  
would be if that drug abuse offense had been committed and had 4211

involved an amount or number of unit doses of the controlled 4212  
substance that is within the next lower range of controlled 4213  
substance amounts than was involved in the attempt. An attempt 4214  
to commit any other offense is an offense of the next lesser 4215  
degree than the offense attempted. In the case of an attempt to 4216  
commit an offense other than a violation of Chapter 3734. of the 4217  
Revised Code that is not specifically classified, an attempt is 4218  
a misdemeanor of the first degree if the offense attempted is a 4219  
felony, and a misdemeanor of the fourth degree if the offense 4220  
attempted is a misdemeanor. In the case of an attempt to commit 4221  
a violation of any provision of Chapter 3734. of the Revised 4222  
Code, other than section 3734.18 of the Revised Code, ~~that~~ 4223  
~~relates to hazardous wastes,~~ an attempt is a felony punishable 4224  
by a fine of not more than twenty-five thousand dollars or 4225  
imprisonment for not more than eighteen months, or both. An 4226  
attempt to commit a minor misdemeanor, or to engage in 4227  
conspiracy, is not an offense under this section. 4228

(2) If a person is convicted of or pleads guilty to 4229  
attempted rape and also is convicted of or pleads guilty to a 4230  
specification of the type described in section 2941.1418, 4231  
2941.1419, or 2941.1420 of the Revised Code, the offender shall 4232  
be sentenced to a prison term or term of life imprisonment 4233  
pursuant to section 2971.03 of the Revised Code. 4234

(3) In addition to any other sanctions imposed pursuant to 4235  
division (E)(1) of this section for an attempt to commit 4236  
aggravated murder or murder in violation of division (A) of this 4237  
section, if the offender used a motor vehicle as the means to 4238  
attempt to commit the offense, the court shall impose upon the 4239  
offender a class two suspension of the offender's driver's 4240  
license, commercial driver's license, temporary instruction 4241  
permit, probationary license, or nonresident operating privilege 4242

as specified in division (A) (2) of section 4510.02 of the Revised Code.	4243 4244
(F) As used in this section:	4245
(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	4246 4247
(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	4248 4249
<b>Sec. 2923.31.</b> As used in sections 2923.31 to 2923.36 of the Revised Code:	4250 4251
(A) "Beneficial interest" means any of the following:	4252
(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property;	4253 4254 4255
(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person;	4256 4257 4258
(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person.	4259 4260 4261 4262
"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership.	4263 4264 4265
(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and	4266 4267 4268 4269

investigation of any criminal action or in the litigation and 4270  
investigation of any civil action, and includes, but is not 4271  
limited to, the costs of resources and personnel. 4272

(C) "Enterprise" includes any individual, sole 4273  
proprietorship, partnership, limited partnership, corporation, 4274  
trust, union, government agency, or other legal entity, or any 4275  
organization, association, or group of persons associated in 4276  
fact although not a legal entity. "Enterprise" includes illicit 4277  
as well as licit enterprises. 4278

(D) "Innocent person" includes any bona fide purchaser of 4279  
property that is allegedly involved in a violation of section 4280  
2923.32 of the Revised Code, including any person who 4281  
establishes a valid claim to or interest in the property in 4282  
accordance with division (E) of section 2981.04 of the Revised 4283  
Code, and any victim of an alleged violation of that section or 4284  
of any underlying offense involved in an alleged violation of 4285  
that section. 4286

(E) "Pattern of corrupt activity" means two or more 4287  
incidents of corrupt activity, whether or not there has been a 4288  
prior conviction, that are related to the affairs of the same 4289  
enterprise, are not isolated, and are not so closely related to 4290  
each other and connected in time and place that they constitute 4291  
a single event. 4292

At least one of the incidents forming the pattern shall 4293  
occur on or after January 1, 1986. Unless any incident was an 4294  
aggravated murder or murder, the last of the incidents forming 4295  
the pattern shall occur within six years after the commission of 4296  
any prior incident forming the pattern, excluding any period of 4297  
imprisonment served by any person engaging in the corrupt 4298  
activity. 4299

For the purposes of the criminal penalties that may be 4300  
imposed pursuant to section 2923.32 of the Revised Code, at 4301  
least one of the incidents forming the pattern shall constitute 4302  
a felony under the laws of this state in existence at the time 4303  
it was committed or, if committed in violation of the laws of 4304  
the United States or of any other state, shall constitute a 4305  
felony under the law of the United States or the other state and 4306  
would be a criminal offense under the law of this state if 4307  
committed in this state. 4308

(F) "Pecuniary value" means money, a negotiable 4309  
instrument, a commercial interest, or anything of value, as 4310  
defined in section 1.03 of the Revised Code, or any other 4311  
property or service that has a value in excess of one hundred 4312  
dollars. 4313

(G) "Person" means any person, as defined in section 1.59 4314  
of the Revised Code, and any governmental officer, employee, or 4315  
entity. 4316

(H) "Personal property" means any personal property, any 4317  
interest in personal property, or any right, including, but not 4318  
limited to, bank accounts, debts, corporate stocks, patents, or 4319  
copyrights. Personal property and any beneficial interest in 4320  
personal property are deemed to be located where the trustee of 4321  
the property, the personal property, or the instrument 4322  
evidencing the right is located. 4323

(I) "Corrupt activity" means engaging in, attempting to 4324  
engage in, conspiring to engage in, or soliciting, coercing, or 4325  
intimidating another person to engage in any of the following: 4326

(1) Conduct defined as "racketeering activity" under the 4327  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 4328

1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 4329

(2) Conduct constituting any of the following: 4330

(a) A violation of section 1315.55, 1322.02, 1331.04, 4331  
2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 4332  
2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I) 4333  
(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 4334  
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 4335  
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 4336  
2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 4337  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 4338  
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 4339  
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 4340  
or (F) of section 1707.44; division (A)(1) or (2) of section 4341  
2923.20; division (E) or (G) of section 3772.99; division (J)(1) 4342  
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 4343  
division (C), (D), or (E) of section 4719.07; section 4719.08; 4344  
or division (A) of section 4719.09 of the Revised Code. 4345

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 4346  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 4347  
any violation of section 2915.02 of the Revised Code that occurs 4348  
on or after July 1, 1996, and that, had it occurred prior to 4349  
that date, would have been a violation of section 3769.11 of the 4350  
Revised Code as it existed prior to that date, or any violation 4351  
of section 2915.05 of the Revised Code that occurs on or after 4352  
July 1, 1996, and that, had it occurred prior to that date, 4353  
would have been a violation of section 3769.15, 3769.16, or 4354  
3769.19 of the Revised Code as it existed prior to that date. 4355

(c) Any violation of section 2907.21, 2907.22, 2907.31, 4356  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 4357  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 4358

of the Revised Code, any violation of section 2925.11 of the 4359  
Revised Code that is a felony of the first, second, third, or 4360  
fourth degree and that occurs on or after July 1, 1996, any 4361  
violation of section 2915.02 of the Revised Code that occurred 4362  
prior to July 1, 1996, any violation of section 2915.02 of the 4363  
Revised Code that occurs on or after July 1, 1996, and that, had 4364  
it occurred prior to that date, would not have been a violation 4365  
of section 3769.11 of the Revised Code as it existed prior to 4366  
that date, any violation of section 2915.06 of the Revised Code 4367  
as it existed prior to July 1, 1996, or any violation of 4368  
division (B) of section 2915.05 of the Revised Code as it exists 4369  
on and after July 1, 1996, when the proceeds of the violation, 4370  
the payments made in the violation, the amount of a claim for 4371  
payment or for any other benefit that is false or deceptive and 4372  
that is involved in the violation, or the value of the 4373  
contraband or other property illegally possessed, sold, or 4374  
purchased in the violation exceeds one thousand dollars, or any 4375  
combination of violations described in division (I) (2) (c) of 4376  
this section when the total proceeds of the combination of 4377  
violations, payments made in the combination of violations, 4378  
amount of the claims for payment or for other benefits that is 4379  
false or deceptive and that is involved in the combination of 4380  
violations, or value of the contraband or other property 4381  
illegally possessed, sold, or purchased in the combination of 4382  
violations exceeds one thousand dollars; 4383

(d) Any violation of section 5743.112 of the Revised Code 4384  
when the amount of unpaid tax exceeds one hundred dollars; 4385

(e) Any violation or combination of violations of section 4386  
2907.32 of the Revised Code involving any material or 4387  
performance containing a display of bestiality or of sexual 4388  
conduct, as defined in section 2907.01 of the Revised Code, that 4389

is explicit and depicted with clearly visible penetration of the 4390  
genitals or clearly visible penetration by the penis of any 4391  
orifice when the total proceeds of the violation or combination 4392  
of violations, the payments made in the violation or combination 4393  
of violations, or the value of the contraband or other property 4394  
illegally possessed, sold, or purchased in the violation or 4395  
combination of violations exceeds one thousand dollars; 4396

(f) Any combination of violations described in division 4397  
(I) (2) (c) of this section and violations of section 2907.32 of 4398  
the Revised Code involving any material or performance 4399  
containing a display of bestiality or of sexual conduct, as 4400  
defined in section 2907.01 of the Revised Code, that is explicit 4401  
and depicted with clearly visible penetration of the genitals or 4402  
clearly visible penetration by the penis of any orifice when the 4403  
total proceeds of the combination of violations, payments made 4404  
in the combination of violations, amount of the claims for 4405  
payment or for other benefits that is false or deceptive and 4406  
that is involved in the combination of violations, or value of 4407  
the contraband or other property illegally possessed, sold, or 4408  
purchased in the combination of violations exceeds one thousand 4409  
dollars; 4410

(g) Any violation of section 2905.32 of the Revised Code 4411  
to the extent the violation is not based solely on the same 4412  
conduct that constitutes corrupt activity pursuant to division 4413  
(I) (2) (c) of this section due to the conduct being in violation 4414  
of section 2907.21 of the Revised Code; 4415

(h) Any violation of section 3734.02, 3734.03, 3734.05, or 4416  
3734.11 of the Revised Code that is a felony. 4417

(3) Conduct constituting a violation of any law of any 4418  
state other than this state that is substantially similar to the 4419

conduct described in division (I) (2) of this section, provided 4420  
the defendant was convicted of the conduct in a criminal 4421  
proceeding in the other state; 4422

(4) Animal or ecological terrorism; 4423

(5) (a) Conduct constituting any of the following: 4424

(i) Organized retail theft; 4425

(ii) Conduct that constitutes one or more violations of 4426  
any law of any state other than this state, that is 4427  
substantially similar to organized retail theft, and that if 4428  
committed in this state would be organized retail theft, if the 4429  
defendant was convicted of or pleaded guilty to the conduct in a 4430  
criminal proceeding in the other state. 4431

(b) By enacting division (I) (5) (a) of this section, it is 4432  
the intent of the general assembly to add organized retail theft 4433  
and the conduct described in division (I) (5) (a) (ii) of this 4434  
section as conduct constituting corrupt activity. The enactment 4435  
of division (I) (5) (a) of this section and the addition by 4436  
division (I) (5) (a) of this section of organized retail theft and 4437  
the conduct described in division (I) (5) (a) (ii) of this section 4438  
as conduct constituting corrupt activity does not limit or 4439  
preclude, and shall not be construed as limiting or precluding, 4440  
any prosecution for a violation of section 2923.32 of the 4441  
Revised Code that is based on one or more violations of section 4442  
2913.02 or 2913.51 of the Revised Code, one or more similar 4443  
offenses under the laws of this state or any other state, or any 4444  
combination of any of those violations or similar offenses, even 4445  
though the conduct constituting the basis for those violations 4446  
or offenses could be construed as also constituting organized 4447  
retail theft or conduct of the type described in division (I) (5) 4448

(a) (ii) of this section. 4449

(J) "Real property" means any real property or any 4450  
interest in real property, including, but not limited to, any 4451  
lease of, or mortgage upon, real property. Real property and any 4452  
beneficial interest in it is deemed to be located where the real 4453  
property is located. 4454

(K) "Trustee" means any of the following: 4455

(1) Any person acting as trustee under a trust in which 4456  
the trustee holds title to personal or real property; 4457

(2) Any person who holds title to personal or real 4458  
property for which any other person has a beneficial interest; 4459

(3) Any successor trustee. 4460

"Trustee" does not include an assignee or trustee for an 4461  
insolvent debtor or an executor, administrator, administrator 4462  
with the will annexed, testamentary trustee, guardian, or 4463  
committee, appointed by, under the control of, or accountable to 4464  
a court. 4465

(L) "Unlawful debt" means any money or other thing of 4466  
value constituting principal or interest of a debt that is 4467  
legally unenforceable in this state in whole or in part because 4468  
the debt was incurred or contracted in violation of any federal 4469  
or state law relating to the business of gambling activity or 4470  
relating to the business of lending money at an usurious rate 4471  
unless the creditor proves, by a preponderance of the evidence, 4472  
that the usurious rate was not intentionally set and that it 4473  
resulted from a good faith error by the creditor, 4474  
notwithstanding the maintenance of procedures that were adopted 4475  
by the creditor to avoid an error of that nature. 4476

(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to, hunting, fishing, trapping, traveling, camping, the production, preparation, or processing of food or food products, clothing or garment manufacturing, medical research, other research, entertainment, recreation, agriculture, biotechnology, or service activity that involves the use of animals or animal parts.

(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

(O) "Animal or ecological terrorism" means the commission of any felony that involves causing or creating a substantial risk of physical harm to any property of another, the use of a deadly weapon or dangerous ordnance, or purposely, knowingly, or recklessly causing serious physical harm to property and that involves an intent to obstruct, impede, or deter any person from participating in a lawful animal activity, from mining, foresting, harvesting, gathering, or processing natural resources, or from being lawfully present in or on an animal facility or research facility.

(P) "Research facility" means a place, laboratory, institution, medical care facility, government facility, or public or private educational institution in which a scientific test, experiment, or investigation involving the use of animals or other living organisms is lawfully carried out, conducted, or attempted.

(Q) "Organized retail theft" means the theft of retail property with a retail value of one thousand dollars or more from one or more retail establishments with the intent to sell, deliver, or transfer that property to a retail property fence.

(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.

(S) "Retail property fence" means a person who possesses, procures, receives, or conceals retail property that was represented to the person as being stolen or that the person knows or believes to be stolen.

(T) "Retail value" means the full retail value of the retail property. In determining whether the retail value of retail property equals or exceeds one thousand dollars, the value of all retail property stolen from the retail establishment or retail establishments by the same person or persons within any one-hundred-eighty-day period shall be aggregated.

**Sec. 2923.32.** (A) (1) No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt.

(2) No person, through a pattern of corrupt activity or the collection of an unlawful debt, shall acquire or maintain, directly or indirectly, any interest in, or control of, any enterprise or real property.

(3) No person, who knowingly has received any proceeds derived, directly or indirectly, from a pattern of corrupt activity or the collection of any unlawful debt, shall use or

invest, directly or indirectly, any part of those proceeds, or 4536  
any proceeds derived from the use or investment of any of those 4537  
proceeds, in the acquisition of any title to, or any right, 4538  
interest, or equity in, real property or in the establishment or 4539  
operation of any enterprise. 4540

A purchase of securities on the open market with intent to 4541  
make an investment, without intent to control or participate in 4542  
the control of the issuer, and without intent to assist another 4543  
to do so is not a violation of this division, if the securities 4544  
of the issuer held after the purchase by the purchaser, the 4545  
members of the purchaser's immediate family, and the purchaser's 4546  
or the immediate family members' accomplices in any pattern of 4547  
corrupt activity or the collection of an unlawful debt do not 4548  
aggregate one per cent of the outstanding securities of any one 4549  
class of the issuer and do not confer, in law or in fact, the 4550  
power to elect one or more directors of the issuer. 4551

(B) (1) Whoever violates this section is guilty of engaging 4552  
in a pattern of corrupt activity. Except as otherwise provided 4553  
in this division, engaging in corrupt activity is a felony of 4554  
the second degree. Except as otherwise provided in this 4555  
division, if at least one of the incidents of corrupt activity 4556  
is a felony of the first, second, or third degree, aggravated 4557  
murder, or murder, if at least one of the incidents was a felony 4558  
under the law of this state that was committed prior to July 1, 4559  
1996, and that would constitute a felony of the first, second, 4560  
or third degree, aggravated murder, or murder if committed on or 4561  
after July 1, 1996, or if at least one of the incidents of 4562  
corrupt activity is a felony under the law of the United States 4563  
or of another state that, if committed in this state on or after 4564  
July 1, 1996, would constitute a felony of the first, second, or 4565  
third degree, aggravated murder, or murder under the law of this 4566

state, engaging in a pattern of corrupt activity is a felony of 4567  
the first degree. If the offender also is convicted of or pleads 4568  
guilty to a specification as described in section 2941.1422 of 4569  
the Revised Code that was included in the indictment, count in 4570  
the indictment, or information charging the offense, engaging in 4571  
a pattern of corrupt activity is a felony of the first degree, 4572  
and the court shall sentence the offender to a mandatory prison 4573  
term as provided in division (B) (7) of section 2929.14 of the 4574  
Revised Code and shall order the offender to make restitution as 4575  
provided in division (B) (8) of section 2929.18 of the Revised 4576  
Code. Notwithstanding any other provision of law, a person may 4577  
be convicted of violating the provisions of this section as well 4578  
as of a conspiracy to violate one or more of those provisions 4579  
under section 2923.01 of the Revised Code. 4580

(2) (a) Notwithstanding the financial sanctions authorized 4581  
by section 2929.18 of the Revised Code, the court may do all of 4582  
the following with respect to any person who derives pecuniary 4583  
value or causes property damage, personal injury other than pain 4584  
and suffering, or other loss through or by the violation of this 4585  
section: 4586

~~(a)~~ (i) In lieu of the fine authorized by that section, 4587  
impose a fine not exceeding the greater of three times the gross 4588  
value gained or three times the gross loss caused and order the 4589  
clerk of the court to pay the fine into the state treasury to 4590  
the credit of the corrupt activity investigation and prosecution 4591  
fund, which is hereby created; 4592

~~(b)~~ (ii) In addition to the fine described in division (B) 4593  
(2) (a) of this section and the financial sanctions authorized by 4594  
section 2929.18 of the Revised Code, order the person to pay 4595  
court costs; 4596

~~(e)~~ (iii) In addition to the fine described in division (B) 4597  
(2) (a) (i) of this section and the financial sanctions authorized 4598  
by section 2929.18 of the Revised Code, order the person to pay 4599  
to the state, municipal, or county law enforcement agencies that 4600  
handled the investigation and prosecution the costs of 4601  
investigation and prosecution that are reasonably incurred. 4602

(b) The court shall hold a hearing to determine the amount 4603  
of fine, court costs, and other costs to be imposed under ~~this~~ 4604  
division (B) (2) of this section. 4605

(c) The court shall not impose the fine authorized by 4606  
division (B) (2) (a) (i) of this section for an incident of corrupt 4607  
activity that is predicated on a violation of section 1331.04 of 4608  
the Revised Code. 4609

(3) In addition to any other penalty or disposition 4610  
authorized or required by law, the court shall order any person 4611  
who is convicted of or pleads guilty to a violation of this 4612  
section or who is adjudicated delinquent by reason of a 4613  
violation of this section to criminally forfeit to the state 4614  
under Chapter 2981. of the Revised Code any personal or real 4615  
property in which the person has an interest and that was used 4616  
in the course of or intended for use in the course of a 4617  
violation of this section, or that was derived from or realized 4618  
through conduct in violation of this section, including any 4619  
property constituting an interest in, means of control over, or 4620  
influence over the enterprise involved in the violation and any 4621  
property constituting proceeds derived from the violation, 4622  
including all of the following: 4623

(a) Any position, office, appointment, tenure, commission, 4624  
or employment contract of any kind acquired or maintained by the 4625  
person in violation of this section, through which the person, 4626

in violation of this section, conducted or participated in the 4627  
conduct of an enterprise, or that afforded the person a source 4628  
of influence or control over an enterprise that the person 4629  
exercised in violation of this section; 4630

(b) Any compensation, right, or benefit derived from a 4631  
position, office, appointment, tenure, commission, or employment 4632  
contract described in division (B) (3) (a) of this section that 4633  
accrued to the person in violation of this section during the 4634  
period of the pattern of corrupt activity; 4635

(c) Any interest in, security of, claim against, or 4636  
property or contractual right affording the person a source of 4637  
influence or control over the affairs of an enterprise that the 4638  
person exercised in violation of this section; 4639

(d) Any amount payable or paid under any contract for 4640  
goods or services that was awarded or performed in violation of 4641  
this section. 4642

Sec. 2945.63. (A) As used in this section: 4643

(1) "Child pornography" means any obscene material 4644  
involving a juvenile, any sexually oriented matter involving a 4645  
juvenile, or any material that is harmful to juveniles. 4646

(2) "Juvenile," "harmful to juveniles," "material," and 4647  
"performance" have the same meanings as in section 2907.01 of 4648  
the Revised Code. 4649

(3) "Sexually oriented matter" has the same meaning as in 4650  
section 2919.22 of the Revised Code. 4651

(B) Any child pornography that is offered as evidence or 4652  
that comes into the custody or control of the prosecutor or the 4653  
court shall remain in the custody or control of the prosecutor 4654

or the court.

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

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

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

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(B) Upon the filing of an application under this section,

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the court shall set a date for a hearing and shall notify the 4685  
prosecutor for the case of the hearing on the application. The 4686  
prosecutor may object to the granting of the application by 4687  
filing an objection with the court prior to the date set for the 4688  
hearing. The prosecutor shall specify in the objection the 4689  
reasons for believing a denial of the application is justified. 4690  
The court shall direct its regular probation officer, a state 4691  
probation officer, or the department of probation of the county 4692  
in which the applicant resides to make inquiries and written 4693  
reports as the court requires concerning the applicant. If the 4694  
applicant was convicted of or pleaded guilty to a violation of 4695  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 4696  
the probation officer or county department of probation that the 4697  
court directed to make inquiries concerning the applicant shall 4698  
contact the child support enforcement agency enforcing the 4699  
applicant's obligations under the child support order to inquire 4700  
about the offender's compliance with the child support order. 4701

(C) (1) The court shall do each of the following: 4702

(a) Determine whether the applicant is an eligible 4703  
offender or whether the forfeiture of bail was agreed to by the 4704  
applicant and the prosecutor in the case. If the applicant 4705  
applies as an eligible offender pursuant to division (A) (1) of 4706  
this section and has two or three convictions that result from 4707  
the same indictment, information, or complaint, from the same 4708  
plea of guilty, or from the same official proceeding, and result 4709  
from related criminal acts that were committed within a three- 4710  
month period but do not result from the same act or from 4711  
offenses committed at the same time, in making its determination 4712  
under this division, the court initially shall determine whether 4713  
it is not in the public interest for the two or three 4714  
convictions to be counted as one conviction. If the court 4715

determines that it is not in the public interest for the two or 4716  
three convictions to be counted as one conviction, the court 4717  
shall determine that the applicant is not an eligible offender; 4718  
if the court does not make that determination, the court shall 4719  
determine that the offender is an eligible offender. 4720

(b) Determine whether criminal proceedings are pending 4721  
against the applicant; 4722

(c) If the applicant is an eligible offender who applies 4723  
pursuant to division (A)(1) of this section, determine whether 4724  
the applicant has been rehabilitated to the satisfaction of the 4725  
court; 4726

(d) If the prosecutor has filed an objection in accordance 4727  
with division (B) of this section, consider the reasons against 4728  
granting the application specified by the prosecutor in the 4729  
objection; 4730

(e) Weigh the interests of the applicant in having the 4731  
records pertaining to the applicant's conviction or bail 4732  
forfeiture sealed against the legitimate needs, if any, of the 4733  
government to maintain those records. 4734

(2) If the court determines, after complying with division 4735  
(C)(1) of this section, that the applicant is an eligible 4736  
offender or the subject of a bail forfeiture, that no criminal 4737  
proceeding is pending against the applicant, and that the 4738  
interests of the applicant in having the records pertaining to 4739  
the applicant's conviction or bail forfeiture sealed are not 4740  
outweighed by any legitimate governmental needs to maintain 4741  
those records, and that the rehabilitation of an applicant who 4742  
is an eligible offender applying pursuant to division (A)(1) of 4743  
this section has been attained to the satisfaction of the court, 4744

the court, except as provided in divisions (G), (H), or (I) of 4745  
this section, shall order all official records of the case that 4746  
pertain to the conviction or bail forfeiture sealed and, except 4747  
as provided in division (F) of this section, all index 4748  
references to the case that pertain to the conviction or bail 4749  
forfeiture deleted and, in the case of bail forfeitures, shall 4750  
dismiss the charges in the case. The proceedings in the case 4751  
that pertain to the conviction or bail forfeiture shall be 4752  
considered not to have occurred and the conviction or bail 4753  
forfeiture of the person who is the subject of the proceedings 4754  
shall be sealed, except that upon conviction of a subsequent 4755  
offense, the sealed record of prior conviction or bail 4756  
forfeiture may be considered by the court in determining the 4757  
sentence or other appropriate disposition, including the relief 4758  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 4759

(3) An applicant may request the sealing of the records of 4760  
more than one case in a single application under this section. 4761  
Upon the filing of an application under this section, the 4762  
applicant, unless indigent, shall pay a fee of fifty dollars, 4763  
regardless of the number of records the application requests to 4764  
have sealed. The court shall pay thirty dollars of the fee into 4765  
the state treasury. It shall pay twenty dollars of the fee into 4766  
the county general revenue fund if the sealed conviction or bail 4767  
forfeiture was pursuant to a state statute, or into the general 4768  
revenue fund of the municipal corporation involved if the sealed 4769  
conviction or bail forfeiture was pursuant to a municipal 4770  
ordinance. 4771

(4) Upon the filing of an application under this section, 4772  
the applicant, unless indigent, shall pay a fee that is in 4773  
addition to the fee paid under division (C) (3) of this section 4774  
and that is established by the attorney general by rules adopted 4775

pursuant to Chapter 119. of the Revised Code. The court shall 4776  
pay the fee into the attorney general reimbursement fund. The 4777  
court shall not waive the fee unless the court waives all other 4778  
fees imposed under this section. 4779

(5) If the court orders the official records pertaining to 4780  
the case sealed, the court shall order the applicant to appear 4781  
before a sheriff to have the applicant's fingerprints taken 4782  
according to the fingerprint system of identification on the 4783  
forms furnished by the superintendent of the bureau of criminal 4784  
identification and investigation. The sheriff shall forward the 4785  
applicant's fingerprints to the court. The court shall forward 4786  
the applicant's fingerprints and a copy of the sealing order to 4787  
the bureau of criminal identification and investigation. 4788

(D) Inspection of the sealed records included in the order 4789  
may be made only by the following persons or for the following 4790  
purposes: 4791

(1) By a law enforcement officer or prosecutor, or the 4792  
assistants of either, to determine whether the nature and 4793  
character of the offense with which a person is to be charged 4794  
would be affected by virtue of the person's previously having 4795  
been convicted of a crime; 4796

(2) By the parole or probation officer of the person who 4797  
is the subject of the records, for the exclusive use of the 4798  
officer in supervising the person while on parole or under a 4799  
community control sanction or a post-release control sanction, 4800  
and in making inquiries and written reports as requested by the 4801  
court or adult parole authority; 4802

(3) Upon application by the person who is the subject of 4803  
the records, by the persons named in the application; 4804

(4) By a law enforcement officer who was involved in the 4805  
case, for use in the officer's defense of a civil action arising 4806  
out of the officer's involvement in that case; 4807

(5) By a prosecuting attorney or the prosecuting 4808  
attorney's assistants, to determine a defendant's eligibility to 4809  
enter a pre-trial diversion program established pursuant to 4810  
section 2935.36 of the Revised Code; 4811

(6) By any law enforcement agency or any authorized 4812  
employee of a law enforcement agency or by the department of 4813  
rehabilitation and correction or department of youth services as 4814  
part of a background investigation of a person who applies for 4815  
employment with the agency ~~as a law enforcement officer~~ or with 4816  
the department ~~as a corrections officer~~; 4817

(7) By any law enforcement agency or any authorized 4818  
employee of a law enforcement agency, for the purposes set forth 4819  
in, and in the manner provided in, section 2953.321 of the 4820  
Revised Code; 4821

(8) By the bureau of criminal identification and 4822  
investigation or any authorized employee of the bureau for the 4823  
purpose of providing information to a board or person pursuant 4824  
to division (F) or (G) of section 109.57 of the Revised Code; 4825

(9) By the bureau of criminal identification and 4826  
investigation or any authorized employee of the bureau for the 4827  
purpose of performing a criminal history records check on a 4828  
person to whom a certificate as prescribed in section 109.77 of 4829  
the Revised Code is to be awarded; 4830

(10) By the bureau of criminal identification and 4831  
investigation or any authorized employee of the bureau for the 4832  
purpose of conducting a criminal records check of an individual 4833

pursuant to division (B) of section 109.572 of the Revised Code 4834  
that was requested pursuant to any of the sections identified in 4835  
division (B)(1) of that section; 4836

(11) By the bureau of criminal identification and 4837  
investigation, an authorized employee of the bureau, a sheriff, 4838  
or an authorized employee of a sheriff in connection with a 4839  
criminal records check described in section 311.41 of the 4840  
Revised Code; 4841

(12) By the attorney general or an authorized employee of 4842  
the attorney general or a court for purposes of determining a 4843  
person's classification pursuant to Chapter 2950. of the Revised 4844  
Code; 4845

(13) By a court, the registrar of motor vehicles, a 4846  
prosecuting attorney or the prosecuting attorney's assistants, 4847  
or a law enforcement officer for the purpose of assessing points 4848  
against a person under section 4510.036 of the Revised Code or 4849  
for taking action with regard to points assessed. 4850

When the nature and character of the offense with which a 4851  
person is to be charged would be affected by the information, it 4852  
may be used for the purpose of charging the person with an 4853  
offense. 4854

(E) In any criminal proceeding, proof of any otherwise 4855  
admissible prior conviction may be introduced and proved, 4856  
notwithstanding the fact that for any such prior conviction an 4857  
order of sealing previously was issued pursuant to sections 4858  
2953.31 to 2953.36 of the Revised Code. 4859

(F) The person or governmental agency, office, or 4860  
department that maintains sealed records pertaining to 4861  
convictions or bail forfeitures that have been sealed pursuant 4862

to this section may maintain a manual or computerized index to 4863  
the sealed records. The index shall contain only the name of, 4864  
and alphanumeric identifiers that relate to, the persons who are 4865  
the subject of the sealed records, the word "sealed," and the 4866  
name of the person, agency, office, or department that has 4867  
custody of the sealed records, and shall not contain the name of 4868  
the crime committed. The index shall be made available by the 4869  
person who has custody of the sealed records only for the 4870  
purposes set forth in divisions (C), (D), and (E) of this 4871  
section. 4872

(G) Notwithstanding any provision of this section or 4873  
section 2953.33 of the Revised Code that requires otherwise, a 4874  
board of education of a city, local, exempted village, or joint 4875  
vocational school district that maintains records of an 4876  
individual who has been permanently excluded under sections 4877  
3301.121 and 3313.662 of the Revised Code is permitted to 4878  
maintain records regarding a conviction that was used as the 4879  
basis for the individual's permanent exclusion, regardless of a 4880  
court order to seal the record. An order issued under this 4881  
section to seal the record of a conviction does not revoke the 4882  
adjudication order of the superintendent of public instruction 4883  
to permanently exclude the individual who is the subject of the 4884  
sealing order. An order issued under this section to seal the 4885  
record of a conviction of an individual may be presented to a 4886  
district superintendent as evidence to support the contention 4887  
that the superintendent should recommend that the permanent 4888  
exclusion of the individual who is the subject of the sealing 4889  
order be revoked. Except as otherwise authorized by this 4890  
division and sections 3301.121 and 3313.662 of the Revised Code, 4891  
any school employee in possession of or having access to the 4892  
sealed conviction records of an individual that were the basis 4893

of a permanent exclusion of the individual is subject to section 4894  
2953.35 of the Revised Code. 4895

(H) For purposes of sections 2953.31 to 2953.36 of the 4896  
Revised Code, DNA records collected in the DNA database and 4897  
fingerprints filed for record by the superintendent of the 4898  
bureau of criminal identification and investigation shall not be 4899  
sealed unless the superintendent receives a certified copy of a 4900  
final court order establishing that the offender's conviction 4901  
has been overturned. For purposes of this section, a court order 4902  
is not "final" if time remains for an appeal or application for 4903  
discretionary review with respect to the order. 4904

(I) The sealing of a record under this section does not 4905  
affect the assessment of points under section 4510.036 of the 4906  
Revised Code and does not erase points assessed against a person 4907  
as a result of the sealed record. 4908

**Sec. 2981.13.** (A) Except as otherwise provided in this 4909  
section, property ordered forfeited as contraband, proceeds, or 4910  
an instrumentality pursuant to this chapter shall be disposed 4911  
of, used, or sold pursuant to section 2981.12 of the Revised 4912  
Code. If the property is to be sold under that section, the 4913  
prosecutor shall cause notice of the proposed sale to be given 4914  
in accordance with law. 4915

(B) If the contraband or instrumentality forfeited under 4916  
this chapter is sold, any moneys acquired from a sale and any 4917  
proceeds forfeited under this chapter shall be applied in the 4918  
following order: 4919

(1) First, to pay costs incurred in the seizure, storage, 4920  
maintenance, security, and sale of the property and in the 4921  
forfeiture proceeding; 4922

(2) Second, in a criminal forfeiture case, to satisfy any 4923  
restitution ordered to the victim of the offense or, in a civil 4924  
forfeiture case, to satisfy any recovery ordered for the person 4925  
harmed, unless paid from other assets; 4926

(3) Third, to pay the balance due on any security interest 4927  
preserved under this chapter; 4928

(4) Fourth, apply the remaining amounts as follows: 4929

(a) If the forfeiture was ordered by a juvenile court, ten 4930  
per cent to one or more community addiction services providers 4931  
as specified in division (D) of section 2981.12 of the Revised 4932  
Code; 4933

(b) If the forfeiture was ordered in a juvenile court, 4934  
ninety per cent, and if the forfeiture was ordered in a court 4935  
other than a juvenile court, one hundred per cent to the law 4936  
enforcement trust fund of the prosecutor and to the following 4937  
fund supporting the law enforcement agency that substantially 4938  
conducted the investigation: 4939

(i) The law enforcement trust fund of the county sheriff, 4940  
municipal corporation, township, or park district created under 4941  
section 511.18 or 1545.01 of the Revised Code; 4942

(ii) The state highway patrol contraband, forfeiture, and 4943  
other fund; 4944

(iii) The department of public safety investigative unit 4945  
contraband, forfeiture, and other fund; 4946

(iv) The department of taxation enforcement fund; 4947

(v) The board of pharmacy drug law enforcement fund 4948  
created by division (B) (1) of section 4729.65 of the Revised 4949  
Code; 4950

(vi) The medicaid fraud investigation and prosecution fund;	4951 4952
(vii) <u>The bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund created by section 109.521 of the Revised Code;</u>	4953 4954 4955
<u>(viii)</u> The casino control commission enforcement fund created by section 3772.36 of the Revised Code;	4956 4957
<del>(viii)</del> -(ix) The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;	4958 4959 4960
<del>(ix)</del> -(x) The treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation.	4961 4962 4963
In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.	4964 4965 4966
If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.	4967 4968 4969
(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure.	4970 4971 4972 4973 4974 4975 4976
(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any	4977 4978

remaining amounts pursuant to this section, by the sheriff of 4979  
each county, by the legislative authority of each municipal 4980  
corporation, by the board of township trustees of each township 4981  
that has a township police department, township or joint police 4982  
district police force, or office of the constable, and by the 4983  
board of park commissioners of each park district created 4984  
pursuant to section 511.18 or 1545.01 of the Revised Code that 4985  
has a park district police force or law enforcement department, 4986  
for the purposes of this section. 4987

There is hereby created in the state treasury the state 4988  
highway patrol contraband, forfeiture, and other fund, the 4989  
department of public safety investigative unit contraband, 4990  
forfeiture, and other fund, the medicaid fraud investigation and 4991  
prosecution fund, the department of taxation enforcement fund, 4992  
and the peace officer training commission fund, for the purposes 4993  
of this section. 4994

Amounts distributed to any municipal corporation, 4995  
township, or park district law enforcement trust fund shall be 4996  
allocated from the fund by the legislative authority only to the 4997  
police department of the municipal corporation, by the board of 4998  
township trustees only to the township police department, 4999  
township police district police force, or office of the 5000  
constable, by the joint police district board only to the joint 5001  
police district, and by the board of park commissioners only to 5002  
the park district police force or law enforcement department. 5003

(2) (a) No amounts shall be allocated to a fund under this 5004  
section or used by an agency unless the agency has adopted a 5005  
written internal control policy that addresses the use of moneys 5006  
received from the appropriate fund. The appropriate fund shall 5007  
be expended only in accordance with that policy and, subject to 5008

the requirements specified in this section, only for the 5009  
following purposes: 5010

(i) To pay the costs of protracted or complex 5011  
investigations or prosecutions; 5012

(ii) To provide reasonable technical training or 5013  
expertise; 5014

(iii) To provide matching funds to obtain federal grants 5015  
to aid law enforcement, in the support of DARE programs or other 5016  
programs designed to educate adults or children with respect to 5017  
the dangers associated with the use of drugs of abuse; 5018

(iv) To pay the costs of emergency action taken under 5019  
section 3745.13 of the Revised Code relative to the operation of 5020  
an illegal methamphetamine laboratory if the forfeited property 5021  
or money involved was that of a person responsible for the 5022  
operation of the laboratory; 5023

(v) For other law enforcement purposes that the 5024  
superintendent of the state highway patrol, department of public 5025  
safety, attorney general, auditor of state, prosecutor, county 5026  
sheriff, legislative authority, department of taxation, Ohio 5027  
casino control commission, board of township trustees, or board 5028  
of park commissioners determines to be appropriate. 5029

(b) The board of pharmacy drug law enforcement fund shall 5030  
be expended only in accordance with the written internal control 5031  
policy so adopted by the board and only in accordance with 5032  
section 4729.65 of the Revised Code, except that it also may be 5033  
expended to pay the costs of emergency action taken under 5034  
section 3745.13 of the Revised Code relative to the operation of 5035  
an illegal methamphetamine laboratory if the forfeited property 5036  
or money involved was that of a person responsible for the 5037

operation of the laboratory. 5038

(c) A fund listed in division (B) (4) (b) of this section, 5039  
other than the Medicaid fraud investigation and prosecution 5040  
fund, shall not be used to meet the operating costs of the 5041  
agency, office, or political subdivision that are unrelated to 5042  
law enforcement. 5043

(d) Forfeited moneys that are paid into the state treasury 5044  
to be deposited into the peace officer training commission fund 5045  
shall be used by the commission only to pay the costs of peace 5046  
officer training. 5047

(3) Any of the following offices or agencies that receive 5048  
amounts under this section during any calendar year shall file a 5049  
report with the specified entity, not later than the thirty- 5050  
first day of January of the next calendar year, verifying that 5051  
the moneys were expended only for the purposes authorized by 5052  
this section or other relevant statute and specifying the 5053  
amounts expended for each authorized purpose: 5054

(a) Any sheriff or prosecutor shall file the report with 5055  
the county auditor. 5056

(b) Any municipal corporation police department shall file 5057  
the report with the legislative authority of the municipal 5058  
corporation. 5059

(c) Any township police department, township or joint 5060  
police district police force, or office of the constable shall 5061  
file the report with the board of township trustees of the 5062  
township. 5063

(d) Any park district police force or law enforcement 5064  
department shall file the report with the board of park 5065  
commissioners of the park district. 5066

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

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

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

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

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall

be determined by the sheriff, prosecutor, department, police 5097  
force, or office of the constable after receiving and 5098  
considering advice on appropriate community preventive education 5099  
programs from the county's board of alcohol, drug addiction, and 5100  
mental health services, from the county's alcohol and drug 5101  
addiction services board, or through appropriate community 5102  
dialogue. 5103

The financial records kept under the internal control 5104  
policy shall specify the amount deposited during each calendar 5105  
year in the portion of that amount that was used pursuant to 5106  
this division, and the programs in connection with which the 5107  
portion of that amount was so used. 5108

As used in this division, "community preventive education 5109  
programs" include, but are not limited to, DARE programs and 5110  
other programs designed to educate adults or children with 5111  
respect to the dangers associated with using drugs of abuse. 5112

(E) Upon the sale, under this section or section 2981.12 5113  
of the Revised Code, of any property that is required by law to 5114  
be titled or registered, the state shall issue an appropriate 5115  
certificate of title or registration to the purchaser. If the 5116  
state is vested with title and elects to retain property that is 5117  
required to be titled or registered under law, the state shall 5118  
issue an appropriate certificate of title or registration. 5119

(F) Any failure of a law enforcement officer or agency, 5120  
prosecutor, court, or the attorney general to comply with this 5121  
section in relation to any property seized does not affect the 5122  
validity of the seizure and shall not be considered to be the 5123  
basis for suppressing any evidence resulting from the seizure, 5124  
provided the seizure itself was lawful. 5125

**Sec. 5302.221.** (A) As used in this section: 5126

~~"Estate" has the same meaning as in section 5162.21 of the~~ 5127  
~~Revised Code.~~ 5128

~~"Medicaid,"~~ "medicaid estate recovery program" means the 5129  
program instituted under section 5162.21 of the Revised Code. 5130

(B) The administrator of the medicaid estate recovery 5131  
program shall prescribe a form on which a beneficiary of a 5132  
transfer on death designation affidavit as provided in section 5133  
5302.22 of the Revised Code, who survives the deceased owner of 5134  
the real property or an interest in the real property or that is 5135  
in existence on the date of death of the deceased owner, or that 5136  
beneficiary's representative is to indicate both of the 5137  
following: 5138

(1) ~~Whether~~ Which of the following applies to the deceased 5139  
~~owner was either of the following:~~ 5140

(a) ~~A decedent subject to the~~ The deceased owner had been 5141  
a medicaid estate recovery program recipient. 5142

(b) ~~The spouse of a decedent subject to the~~ deceased owner 5143  
had never been a medicaid estate recovery program recipient. 5144

(c) The beneficiary or representative does not know 5145  
whether the deceased owner had ever been a medicaid recipient. 5146

(2) ~~Whether the real property or interest in the real~~ 5147  
~~property was part of the estate of a decedent subject to the~~ 5148  
~~medicaid estate recovery program~~ If the spouse of the deceased 5149  
owner died before the owner died, which of the following applies 5150  
to the predeceased spouse: 5151

(a) The predeceased spouse had been a medicaid recipient. 5152

(b) The predeceased spouse had never been a medicaid recipient. 5153  
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(c) The beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 5155  
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(C) The administrator of the medicaid estate recovery program shall make the form prescribed under division (B) of this section available to county recorders. A county recorder shall obtain a properly completed form prescribed under division (B) of this section from the provide a copy of the form to a beneficiary of a transfer on death designation affidavit or the beneficiary's representative and send a copy of the form to the administrator of the medicaid estate recovery program before recording the transfer of the real property or interest in the real property under section 5302.222 of the Revised Code. A beneficiary or beneficiary's representative shall submit a copy of the properly completed form to the administrator of the medicaid estate recovery program if the beneficiary or representative indicates any of the following on the form: 5158  
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(1) That the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the deceased owner had ever been a medicaid recipient; 5172  
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(2) That the predeceased spouse of the deceased owner had been a medicaid recipient or that the beneficiary or representative does not know whether the predeceased spouse had ever been a medicaid recipient. 5175  
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**Section 2.** That existing sections 9.02, 109.08, 109.081, 109.43, 109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 149.43, 1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 5179  
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1345.031, 1345.07, 1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 5182  
1349.43, 1716.02, 1716.05, 1716.07, 2743.191, 2743.56, 2743.71, 5183  
2746.02, 2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 2981.13, 5184  
and 5302.221 and section 1331.05 of the Revised Code are hereby 5185  
repealed. 5186

**Section 3.** The General Assembly, applying the principle 5187  
stated in division (B) of section 1.52 of the Revised Code that 5188  
amendments are to be harmonized if reasonably capable of 5189  
simultaneous operation, finds that the following sections, 5190  
presented in this act as composites of the sections as amended 5191  
by the acts indicated, are the resulting versions of the 5192  
sections in effect prior to the effective date of the sections 5193  
as presented in this act: 5194

Section 2923.02 of the Revised Code as amended by both Am. 5195  
Sub. H.B. 461 and Am. Sub. S.B. 260 of the 126th General 5196  
Assembly. 5197

Section 2923.31 of the Revised Code as amended by both Am. 5198  
Sub. H.B. 386 and Am. Sub. H.B. 262 of the 129th General 5199  
Assembly. 5200

**Section 4.** It is the intent of the General Assembly in 5201  
amending section 109.08 of the Revised Code to clarify the 5202  
meaning of that code section to make clear that it has always 5203  
been the General Assembly's intent to give the Attorney General 5204  
the discretion to authorize special counsel to use the Attorney 5205  
General's official letterhead stationary in connection with the 5206  
collection of any certified claims even outside of Chapters 5207  
5733., 5739., 5741., and 5747. of the Revised Code. 5208