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Representatives Plummer, Hicks-Hudson

Cosponsors: Representatives Leland, Crossman, Galonski, Rogers, Smith, T., West, Blair, Blessing, Boggs, Boyd, Brent, Brown, Callender, Clites, Crawley, Cross, Denson, Ghanbari, Green, Greenspan, Holmes, A., Howse, Ingram, Lang, Lepore-Hagan, Liston, Miller, A., Miller, J., Miranda, O'Brien, Oelslager, Perales, Russo, Ryan, Seitz, Sheehy, Skindell, Smith, K., Smith, R., Sobecki, Strahorn, Sykes, Upchurch, Weinstein

Senators Eklund, Manning, Coley, Gavarone, Antonio, Blessing, Craig, Fedor, Hackett, McColley, Obhof, O'Brien, Rulli, Sykes, Thomas, Yuko

A BILL

To amend sections 109.11, 2921.45, 2929.15, 1
2951.041, 2953.31, 2953.32, 5119.93, and 5119.94 2
and to enact sections 109.749, 181.27, 2152.75, 3
and 2901.10 of the Revised Code to modify the 4
requirements for intervention in lieu of 5
conviction and for sealing records of conviction 6
and provide for deposit of some of the sealing 7
application fee into the Attorney General 8
Reimbursement Fund and the use of that amount 9
for expenses related to sealing and expungement; 10
to modify the law regarding use of a prison term 11
as a sanction for a community control violation; 12
to modify the drug and alcohol abuse civil 13
commitment mechanism; to expand duties of the 14
State Criminal Sentencing Commission; and to 15
prohibit restraining or confining a woman or 16
child who is a charged, convicted, or 17
adjudicated criminal offender or delinquent 18

child at certain points during pregnancy or 19
postpartum recovery. 20

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

Section 1. That sections 109.11, 2921.45, 2929.15, 21
2951.041, 2953.31, 2953.32, 5119.93, and 5119.94 be amended and 22
sections 109.749, 181.27, 2152.75, and 2901.10 of the Revised 23
Code be enacted to read as follows: 24

Sec. 109.11. There is hereby created in the state treasury 25
the attorney general reimbursement fund that shall be used for 26
the expenses of the office of the attorney general in providing 27
legal services and other services on behalf of the state. ~~All~~ 28
Except as otherwise provided in this division, all amounts 29
received by the attorney general as reimbursement for legal 30
services and other services that have been rendered to other 31
state agencies shall be paid into the state treasury to the 32
credit of the attorney general reimbursement fund. All amounts 33
awarded by a court to the attorney general for attorney's fees, 34
investigation costs, expert witness fees, fines, and all other 35
costs and fees associated with representation provided by the 36
attorney general and all amounts awarded to the attorney general 37
by a court shall be paid into the state treasury to the credit 38
of the attorney general reimbursement fund. All amounts paid 39
into the state treasury under division (C)(3) of section 2953.32 40
of the Revised Code and that are required under that division to 41
be credited to the attorney general reimbursement fund shall be 42
credited to the fund, and the amounts so credited shall be used 43
by the bureau of criminal identification and investigation for 44
expenses related to the sealing or expungement of records. 45

Sec. 109.749. The attorney general shall provide training materials to law enforcement, court, and corrections officials on the provisions of sections 2152.75 and 2901.10 of the Revised Code to train employees on proper implementation of the requirements of those sections. 46
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Sec. 181.27. (A) In addition to its duties set forth in sections 181.23 to 181.26 of the Revised Code, the state criminal sentencing commission is hereby designated a criminal justice agency, as defined in section 109.571 of the Revised Code, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio, and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies. 51
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(B) In addition to its duties set forth in sections 181.23 to 181.26 of the Revised Code, the state criminal sentencing commission shall do all of the following: 62
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(1) Within ninety days after the effective date of this section, pursuant to section 181.23 of the Revised Code, commence a study of the impact of sections relevant to the act in which this section is enacted, including but not limited to, changes to sections 109.11, 2929.15, 2951.041, 2953.31, 2953.32, 5119.93, and 5119.94 of the Revised Code, and continue studying that impact on an ongoing basis. 65
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(2) Not later than December 31, 2021, and biennially thereafter, submit to the general assembly and the governor its findings regarding the study described in division (B)(1) of this section, in a report that contains the results of the study 72
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<u>and recommendations.</u>	76
<u>Sec. 2152.75. (A) As used in this section:</u>	77
<u>(1) "Charged or adjudicated delinquent child" means any</u>	78
<u>female child to whom both of the following apply:</u>	79
<u>(a) The child is charged with a delinquent act or, with</u>	80
<u>respect to a delinquent act, is subject to juvenile court</u>	81
<u>proceedings, has been adjudicated a delinquent child, or is</u>	82
<u>servng a disposition.</u>	83
<u>(b) The child is in custody of any law enforcement, court,</u>	84
<u>or corrections official.</u>	85
<u>(2) "Health care professional" has the same meaning as in</u>	86
<u>section 2108.61 of the Revised Code.</u>	87
<u>(3) "Law enforcement, court, or corrections official"</u>	88
<u>means any officer or employee of this state or a political</u>	89
<u>subdivision of this state who has custody or control of any</u>	90
<u>child who is a charged or adjudicated delinquent child.</u>	91
<u>(4) "Restrain" means to use any shackles, handcuffs, or</u>	92
<u>other physical restraint.</u>	93
<u>(5) "Confine" means to place in solitary confinement in an</u>	94
<u>enclosed space.</u>	95
<u>(6) "Unborn child" means a member of the species homo</u>	96
<u>sapiens who is carried in the womb of a child who is a charged</u>	97
<u>or adjudicated delinquent child, during a period that begins</u>	98
<u>with fertilization and continues until live birth occurs.</u>	99
<u>(7) "Emergency circumstance" means a sudden, urgent,</u>	100
<u>unexpected incident or occurrence that requires an immediate</u>	101
<u>reaction and restraint of the charged or adjudicated delinquent</u>	102

child who is pregnant for an emergency situation faced by a law 103
enforcement, court, or corrections official. 104

(B) Except as otherwise provided in division (C) of this 105
section, no law enforcement, court, or corrections official, 106
with knowledge that the female child is pregnant or was 107
pregnant, shall knowingly restrain or confine a female child who 108
is a charged or adjudicated delinquent child during any of the 109
following periods of time: 110

(1) If the child is pregnant, at any time during her 111
pregnancy; 112

(2) If the child is pregnant, during transport to a 113
hospital, during labor, or during delivery; 114

(3) If the child was pregnant, during any period of 115
postpartum recovery up to six weeks after the child's pregnancy. 116

(C) (1) Except as otherwise provided in division (D) of 117
this section, a law enforcement, court, or corrections official 118
may restrain or confine a female child who is a charged or 119
adjudicated delinquent child during a period of time specified 120
in division (B) of this section if all of the following apply: 121

(a) The official determines that the child presents a 122
serious threat of physical harm to herself, to the official, to 123
other law enforcement or court personnel, or to any other 124
person, presents a serious threat of physical harm to property, 125
presents a substantial security risk, or presents a substantial 126
flight risk. 127

(b) (i) Except as provided in division (C) (1) (b) (ii) of 128
this section, prior to restraining or confining the child, the 129
official contacts a health care professional who is treating the 130
child and notifies the professional that the official wishes to 131

restrain or confine the child and identifies the type of 132
restraint and the expected duration of its use or communicates 133
the expected duration of confinement. 134

(ii) The official is not required to contact a health care 135
professional who is treating the child prior to restraining the 136
child in accordance with division (D) of this section if an 137
emergency circumstance exists. The use of restraint in an 138
emergency circumstance shall be in accordance with division (D) 139
of this section. Once the child is restrained, the official 140
shall contact a health care professional who is treating the 141
child and identify the type of restraint and the expected 142
duration of its use. 143

(c) Upon being contacted by the official as described in 144
division (C) (1) (b) (i) of this section, the health care 145
professional does not object to the use of the specified type of 146
restraint for the expected duration of its use or does not 147
object to the expected duration of confinement. 148

(2) A health care professional who is contacted by a law 149
enforcement, court, or corrections official as described in 150
division (C) (1) (b) (i) of this section shall not object to the 151
use of the specified type of restraint for the expected duration 152
of its use, or the expected duration of confinement, unless the 153
professional determines that the specified type of restraint, 154
the use of that type of restraint for the expected duration, or 155
the expected duration of confinement poses a risk of physical 156
harm to the child or to the child's unborn child. 157

(D) A law enforcement, court, or corrections official who 158
restrains a female child who is a charged or adjudicated 159
delinquent child during a period of time specified in division 160
(B) of this section under authority of division (C) of this 161

section shall not use any leg, ankle, or waist restraint to 162
restrain the child. 163

(E) (1) If a law enforcement, court, or corrections 164
official restrains or confines a female child who is a charged 165
or adjudicated delinquent child during a period of time 166
specified in division (B) of this section under authority of 167
division (C) of this section, the official shall remove the 168
restraint or cease confinement if, at any time while the 169
restraint is in use or the child is in confinement, a health 170
care professional who is treating the child provides a notice to 171
the official or to the official's employing agency or court 172
stating that the restraint or confinement poses a risk of 173
physical harm to the child or to the child's unborn child. 174

(2) A law enforcement, court, or corrections official 175
shall not restrain or confine a female child who is a charged or 176
adjudicated delinquent child during a period of time specified 177
in division (B) of this section if, prior to the use of the 178
restraint or confinement, a health care professional who is 179
treating the child provides a notice to the official or to the 180
official's employing agency or court stating that any restraint 181
or confinement of the child during a period of time specified in 182
division (B) of this section poses a risk of physical harm to 183
the child or to the child's unborn child. A notice provided as 184
described in this division applies throughout all periods of 185
time specified in division (B) of this section that occur after 186
the provision of the notice. 187

(F) (1) Whoever violates division (B) of this section is 188
guilty of interfering with civil rights in violation of division 189
(B) of section 2921.45 of the Revised Code. 190

(2) A female child who is restrained or confined in 191

violation of division (B) of this section may commence a civil 192
action under section 2307.60 of the Revised Code against the law 193
enforcement, court, or corrections official who committed the 194
violation, against the official's employing agency or court, or 195
against both the official and the official's employing agency or 196
court. In the action, in addition to the full damages specified 197
in section 2307.60 of the Revised Code, the child may recover 198
punitive damages, the costs of maintaining the action and 199
reasonable attorney's fees, or both punitive damages and the 200
costs of maintaining the action and reasonable attorney's fees. 201

(3) Divisions (F) (1) and (2) of this section do not limit 202
any right of a person to obtain injunctive relief or to recover 203
damages in a civil action under any other statutory or common 204
law of this state or the United States. 205

Sec. 2901.10. (A) As used in this section: 206

(1) "Charged or convicted criminal offender" means any 207
woman to whom both of the following apply: 208

(a) The woman is charged with a crime or, with respect to 209
a crime, is being tried, has been convicted of or pleaded 210
guilty, or is serving a sentence. 211

(b) The woman is in custody of any law enforcement, court, 212
or corrections official. 213

(2) "Health care professional" has the same meaning as in 214
section 2108.61 of the Revised Code. 215

(3) "Law enforcement, court, or corrections official" 216
means any officer or employee of this state or a political 217
subdivision of this state who has custody or control of any 218
woman who is a charged or convicted criminal offender. 219

<u>(4) "Restrain" means to use any shackles, handcuffs, or</u>	220
<u>other physical restraint.</u>	221
<u>(5) "Confine" means to place in solitary confinement in an</u>	222
<u>enclosed space.</u>	223
<u>(6) "Unborn child" means a member of the species homo</u>	224
<u>sapiens who is carried in the womb of a woman who is a charged</u>	225
<u>or convicted criminal offender, during a period that begins with</u>	226
<u>fertilization and continues until live birth occurs.</u>	227
<u>(7) "Emergency circumstance" means a sudden, urgent,</u>	228
<u>unexpected incident or occurrence that requires an immediate</u>	229
<u>reaction and restraint of the charged or convicted criminal</u>	230
<u>offender who is pregnant for an emergency situation faced by a</u>	231
<u>law enforcement, court, or corrections official.</u>	232
<u>(B) Except as otherwise provided in division (C) of this</u>	233
<u>section, no law enforcement, court, or corrections official,</u>	234
<u>with knowledge that the woman is pregnant or was pregnant, shall</u>	235
<u>knowingly restrain or confine a woman who is a charged or</u>	236
<u>convicted criminal offender during any of the following periods</u>	237
<u>of time:</u>	238
<u>(1) If the woman is pregnant, at any time during her</u>	239
<u>pregnancy;</u>	240
<u>(2) If the woman is pregnant, during transport to a</u>	241
<u>hospital, during labor, or during delivery;</u>	242
<u>(3) If the woman was pregnant, during any period of</u>	243
<u>postpartum recovery up to six weeks after the woman's pregnancy.</u>	244
<u>(C) (1) Except as otherwise provided in division (D) of</u>	245
<u>this section, a law enforcement, court, or corrections official</u>	246
<u>may restrain or confine a woman who is a charged or convicted</u>	247

<u>criminal offender during a period of time specified in division</u>	248
<u>(B) of this section if all of the following apply:</u>	249
<u>(a) The official determines that the woman presents a</u>	250
<u>serious threat of physical harm to herself, to the official, to</u>	251
<u>other law enforcement or court personnel, or to any other</u>	252
<u>person, presents a serious threat of physical harm to property,</u>	253
<u>presents a substantial security risk, or presents a substantial</u>	254
<u>flight risk.</u>	255
<u>(b) (i) Except as otherwise provided in division (C) (1) (b)</u>	256
<u>(ii) of this section, prior to restraining or confining the</u>	257
<u>woman, the official contacts a health care professional who is</u>	258
<u>treating the woman and notifies the professional that the</u>	259
<u>official wishes to restrain or confine the woman and identifies</u>	260
<u>the type of restraint and the expected duration of its use or</u>	261
<u>communicates the expected duration of confinement.</u>	262
<u>(ii) The official is not required to contact a health care</u>	263
<u>professional who is treating the woman prior to restraining the</u>	264
<u>woman in accordance with division (D) of this section if an</u>	265
<u>emergency circumstance exists. The use of restraint in an</u>	266
<u>emergency circumstance shall be in accordance with division (D)</u>	267
<u>of this section. Once the woman is restrained, the official</u>	268
<u>shall contact a health care professional who is treating the</u>	269
<u>woman and identify the type of restraint and the expected</u>	270
<u>duration of its use.</u>	271
<u>(c) Upon being contacted by the official as described in</u>	272
<u>division (C) (1) (b) (i) of this section, the health care</u>	273
<u>professional does not object to the use of the specified type of</u>	274
<u>restraint for the expected duration of its use or does not</u>	275
<u>object to the expected duration of confinement.</u>	276

(2) A health care professional who is contacted by a law enforcement, court, or corrections official as described in division (C) (1) (b) (i) of this section shall not object to the use of the specified type of restraint for the expected duration of its use, or the expected duration of confinement, unless the professional determines that the specified type of restraint, the use of that type of restraint for the expected duration, or the expected duration of confinement poses a risk of physical harm to the woman or to the woman's unborn child. 277
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(D) A law enforcement, court, or corrections official who restrains a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section under authority of division (C) of this section shall not use any leg, ankle, or waist restraint to restrain the woman. 286
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(E) (1) If a law enforcement, court, or corrections official restrains or confines a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section under authority of division (C) of this section, the official shall remove the restraint or cease confinement if, at any time while the restraint is in use or the woman is in confinement, a health care professional who is treating the woman provides a notice to the official or to the official's employing agency or court stating that the restraint or confinement poses a risk of physical harm to the woman or to the woman's unborn child. 292
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(2) A law enforcement, court, or corrections official shall not restrain or confine a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section if, prior to the use of the 303
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restraint or confinement, a health care professional who is 307
treating the woman provides a notice to the official or to the 308
official's employing agency or court stating that any restraint 309
or confinement of the woman during a period of time specified in 310
division (B) of this section poses a risk of physical harm to 311
the woman or to the woman's unborn child. A notice provided as 312
described in this division applies throughout all periods of 313
time specified in division (B) of this section that occur after 314
the provision of the notice. 315

(F) (1) Whoever violates division (B) of this section is 316
guilty of interfering with civil rights in violation of division 317
(B) of section 2921.45 of the Revised Code. 318

(2) A woman who is restrained or confined in violation of 319
division (B) of this section may commence a civil action under 320
section 2307.60 of the Revised Code against the law enforcement, 321
court, or corrections official who committed the violation, 322
against the official's employing agency or court, or against 323
both the official and the official's employing agency or court. 324
In the action, in addition to the full damages specified in 325
section 2307.60 of the Revised Code, the woman may recover 326
punitive damages, the costs of maintaining the action and 327
reasonable attorney's fees, or both punitive damages and the 328
costs of maintaining the action and reasonable attorney's fees. 329

(3) Divisions (F) (1) and (2) of this section do not limit 330
any right of a person to obtain injunctive relief or to recover 331
damages in a civil action under any other statutory or common 332
law of this state or the United States. 333

Sec. 2921.45. (A) No public servant, under color of ~~his~~ 334
the public servant's office, employment, or authority, shall 335
knowingly deprive, or conspire or attempt to deprive any person 336

of a constitutional or statutory right. 337

(B) No law enforcement, court, or corrections official 338
shall violate division (B) of section 2152.75 or section 2901.10 339
of the Revised Code. 340

(C) Whoever violates this section is guilty of interfering 341
with civil rights, a misdemeanor of the first degree. 342

Sec. 2929.15. (A) (1) If in sentencing an offender for a 343
felony the court is not required to impose a prison term, a 344
mandatory prison term, or a term of life imprisonment upon the 345
offender, the court may directly impose a sentence that consists 346
of one or more community control sanctions authorized pursuant 347
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 348
the court is sentencing an offender for a fourth degree felony 349
OVI offense under division (G) (1) of section 2929.13 of the 350
Revised Code, in addition to the mandatory term of local 351
incarceration imposed under that division and the mandatory fine 352
required by division (B) (3) of section 2929.18 of the Revised 353
Code, the court may impose upon the offender a community control 354
sanction or combination of community control sanctions in 355
accordance with sections 2929.16 and 2929.17 of the Revised 356
Code. If the court is sentencing an offender for a third or 357
fourth degree felony OVI offense under division (G) (2) of 358
section 2929.13 of the Revised Code, in addition to the 359
mandatory prison term or mandatory prison term and additional 360
prison term imposed under that division, the court also may 361
impose upon the offender a community control sanction or 362
combination of community control sanctions under section 2929.16 363
or 2929.17 of the Revised Code, but the offender shall serve all 364
of the prison terms so imposed prior to serving the community 365
control sanction. 366

The duration of all community control sanctions imposed 367
~~upon~~ on an offender under this division shall not exceed five 368
years. If the offender absconds or otherwise leaves the 369
jurisdiction of the court in which the offender resides without 370
obtaining permission from the court or the offender's probation 371
officer to leave the jurisdiction of the court, or if the 372
offender is confined in any institution for the commission of 373
any offense while under a community control sanction, the period 374
of the community control sanction ceases to run until the 375
offender is brought before the court for its further action. If 376
the court sentences the offender to one or more nonresidential 377
sanctions under section 2929.17 of the Revised Code, the court 378
shall impose as a condition of the nonresidential sanctions 379
that, during the period of the sanctions, the offender must 380
abide by the law and must not leave the state without the 381
permission of the court or the offender's probation officer. The 382
court may impose any other conditions of release under a 383
community control sanction that the court considers appropriate, 384
including, but not limited to, requiring that the offender not 385
ingest or be injected with a drug of abuse and submit to random 386
drug testing as provided in division (D) of this section to 387
determine whether the offender ingested or was injected with a 388
drug of abuse and requiring that the results of the drug test 389
indicate that the offender did not ingest or was not injected 390
with a drug of abuse. 391

(2) (a) If a court sentences an offender to any community 392
control sanction or combination of community control sanctions 393
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 394
the Revised Code, the court shall place the offender under the 395
general control and supervision of a department of probation in 396
the county that serves the court for purposes of reporting to 397

the court a violation of any condition of the sanctions, any 398
condition of release under a community control sanction imposed 399
by the court, a violation of law, or the departure of the 400
offender from this state without the permission of the court or 401
the offender's probation officer. Alternatively, if the offender 402
resides in another county and a county department of probation 403
has been established in that county or that county is served by 404
a multicounty probation department established under section 405
2301.27 of the Revised Code, the court may request the court of 406
common pleas of that county to receive the offender into the 407
general control and supervision of that county or multicounty 408
department of probation for purposes of reporting to the court a 409
violation of any condition of the sanctions, any condition of 410
release under a community control sanction imposed by the court, 411
a violation of law, or the departure of the offender from this 412
state without the permission of the court or the offender's 413
probation officer, subject to the jurisdiction of the trial 414
judge over and with respect to the person of the offender, and 415
to the rules governing that department of probation. 416

If there is no department of probation in the county that 417
serves the court, the court shall place the offender, regardless 418
of the offender's county of residence, under the general control 419
and supervision of the adult parole authority or an entity 420
authorized under division (B) of section 2301.27 of the Revised 421
Code to provide probation and supervisory services to counties 422
for purposes of reporting to the court a violation of any of the 423
sanctions, any condition of release under a community control 424
sanction imposed by the court, a violation of law, or the 425
departure of the offender from this state without the permission 426
of the court or the offender's probation officer. 427

(b) If the court imposing sentence ~~upon~~ on an offender 428

sentences the offender to any community control sanction or 429
combination of community control sanctions authorized pursuant 430
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 431
if the offender violates any condition of the sanctions, 432
violates any condition of release under a community control 433
sanction imposed by the court, violates any law, or departs the 434
state without the permission of the court or the offender's 435
probation officer, the public or private person or entity that 436
operates or administers the sanction or the program or activity 437
that comprises the sanction shall report the violation or 438
departure directly to the sentencing court, or shall report the 439
violation or departure to the county or multicounty department 440
of probation with general control and supervision over the 441
offender under division (A) (2) (a) of this section or the officer 442
of that department who supervises the offender, or, if there is 443
no such department with general control and supervision over the 444
offender under that division, to the adult parole authority or 445
an entity authorized under division (B) of section 2301.27 of 446
the Revised Code to provide probation and supervisory services 447
to the county. If the public or private person or entity that 448
operates or administers the sanction or the program or activity 449
that comprises the sanction reports the violation or departure 450
to the county or multicounty department of probation, the adult 451
parole authority, or any other entity providing probation and 452
supervisory services to the county, the department's, 453
authority's, or other entity's officers may treat the offender 454
as if the offender were on probation and in violation of the 455
probation, and shall report the violation of the condition of 456
the sanction, any condition of release under a community control 457
sanction imposed by the court, the violation of law, or the 458
departure from the state without the required permission to the 459
sentencing court. 460

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A) (3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in alcohol and drug addiction services and recovery supports certified under section 5119.36 of the Revised Code or offered by a properly credentialed community addiction services provider.

(B) (1) If the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may ~~impose upon~~ on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total 492
time under the sanctions does not exceed the five-year limit 493
specified in division (A) of this section; 494

(b) A more restrictive sanction under section 2929.16, 495
2929.17, or 2929.18 of the Revised Code, including but not 496
limited to, a new term in a community-based correctional 497
facility, halfway house, or jail pursuant to division (A)(6) of 498
section 2929.16 of the Revised Code; 499

(c) A prison term on the offender pursuant to section 500
2929.14 of the Revised Code and division (B)(3) of this section, 501
provided that a prison term imposed under this division is 502
subject to the following limitations, as applicable: 503

(i) If the prison term is imposed for any technical 504
violation of the conditions of a community control sanction 505
imposed for a felony of the fifth degree ~~or for any violation of~~ 506
~~law committed while under a community control sanction imposed~~ 507
~~for such a felony that consists of a new criminal offense and~~ 508
~~that is not a felony~~, the prison term shall not exceed ninety 509
days, provided that if the remaining period of community control 510
at the time of the violation or the remaining period of the 511
suspended prison sentence at that time is less than ninety days, 512
the prison term shall not exceed the length of the remaining 513
period of community control or the remaining period of the 514
suspended prison sentence. If the court imposes a prison term as 515
described in this division, division (B)(2)(b) of this section 516
applies. 517

(ii) If the prison term is imposed for any technical 518
violation of the conditions of a community control sanction 519
imposed for a felony of the fourth degree that is not an offense 520
of violence and is not a sexually oriented offense ~~or for any~~ 521

~~violation of law committed while under a community control~~ 522
~~sanction imposed for such a felony that consists of a new~~ 523
~~criminal offense and that is not a felony,~~ the prison term shall 524
not exceed one hundred eighty days, provided that if the 525
remaining period of the community control at the time of the 526
violation or the remaining period of the suspended prison 527
sentence at that time is less than one hundred eighty days, the 528
prison term shall not exceed the length of the remaining period 529
of community control or the remaining period of the suspended 530
prison sentence. If the court imposes a prison term as described 531
in this division, division (B) (2) (b) of this section applies. 532

(2) (a) If an offender was acting pursuant to division (B) 533
(2) (b) of section 2925.11 of the Revised Code and in so doing 534
violated the conditions of a community control sanction based on 535
a minor drug possession offense, as defined in section 2925.11 536
of the Revised Code, the sentencing court may consider the 537
offender's conduct in seeking or obtaining medical assistance 538
for another in good faith or for self or may consider the 539
offender being the subject of another person seeking or 540
obtaining medical assistance in accordance with that division as 541
a mitigating factor before imposing any of the penalties 542
described in division (B) (1) of this section. 543

(b) If a court imposes a prison term on an offender under 544
division (B) (1) (c) (i) or (ii) of this section for a technical 545
violation of the conditions of a community control sanction, one 546
of the following is applicable with respect to the time that the 547
offender spends in prison under the term: 548

(i) Subject to division (B) (2) (b) (ii) of this section, it 549
shall be credited against the offender's community control 550
sanction that was being served at the time of the violation, and 551

the remaining time under that community control sanction shall 552
be reduced by the time that the offender spends in prison under 553
the prison term. The offender upon release from the prison term 554
shall continue serving the remaining time under the community 555
control sanction, as reduced under this division. 556

(ii) If the offender at the time of the violation was 557
serving a community control sanction as part of a suspended 558
prison sentence, it shall be credited against the offender's 559
community control sanction that was being served at the time of 560
the violation and against the suspended prison sentence, and the 561
remaining time under that community control sanction and under 562
the suspended prison sentence shall be reduced by the time that 563
the offender spends in prison under the prison term. The 564
offender upon release from the prison term shall continue 565
serving the remaining time under the community control sanction, 566
as reduced under this division. 567

(c) A court is not limited in the number of times it may 568
sentence an offender to a prison term under division (B) (1) (c) 569
of this section for a violation of the conditions of a community 570
control sanction or for a violation of a law or leaving the 571
state without the permission of the court or the offender's 572
probation officer. If an offender who is under a community 573
control sanction violates the conditions of the sanction or 574
violates a law or leaves the state without the permission of the 575
court or the offender's probation officer, is sentenced to a 576
prison term for the violation or conduct, is released from the 577
term after serving it, and subsequently violates the conditions 578
of the sanction or violates a law or leaves the state without 579
the permission of the court or the offender's probation officer, 580
the court may impose a new prison term sanction on the offender 581
under division (B) (1) (c) of this section for the subsequent 582

violation or conduct. 583

(3) The prison term, if any, imposed ~~upon~~ on a violator 584
pursuant to this division and division (B)(1) of this section 585
shall be within the range of prison terms described in this 586
division and shall not exceed the prison term specified in the 587
notice provided to the offender at the sentencing hearing 588
pursuant to division (B)(2) of section 2929.19 of the Revised 589
Code. The court may reduce the longer period of time that the 590
offender is required to spend under the longer sanction, the 591
more restrictive sanction, or a prison term imposed pursuant to 592
division (B)(1) of this section by the time the offender 593
successfully spent under the sanction that was initially 594
imposed. Except as otherwise specified in this division, the 595
prison term imposed under this division and division (B)(1) of 596
this section shall be within the range of prison terms available 597
as a definite term for the offense for which the sanction that 598
was violated was imposed. If the offense for which the sanction 599
that was violated was imposed is a felony of the first or second 600
degree committed on or after ~~the effective date of this~~ 601
~~amendment~~ March 22, 2019, the prison term so imposed under this 602
division shall be within the range of prison terms available as 603
a minimum term for the offense under division (A)(1)(a) or (2) 604
(a) of section 2929.14 of the Revised Code. 605

(C) If an offender, for a significant period of time, 606
fulfills the conditions of a sanction imposed pursuant to 607
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 608
exemplary manner, the court may reduce the period of time under 609
the sanction or impose a less restrictive sanction, but the 610
court shall not permit the offender to violate any law or permit 611
the offender to leave the state without the permission of the 612
court or the offender's probation officer. 613

(D) (1) If a court under division (A) (1) of this section 614
imposes a condition of release under a community control 615
sanction that requires the offender to submit to random drug 616
testing, the department of probation, the adult parole 617
authority, or any other entity that has general control and 618
supervision of the offender under division (A) (2) (a) of this 619
section may cause the offender to submit to random drug testing 620
performed by a laboratory or entity that has entered into a 621
contract with any of the governmental entities or officers 622
authorized to enter into a contract with that laboratory or 623
entity under section 341.26, 753.33, or 5120.63 of the Revised 624
Code. 625

(2) If no laboratory or entity described in division (D) 626
(1) of this section has entered into a contract as specified in 627
that division, the department of probation, the adult parole 628
authority, or any other entity that has general control and 629
supervision of the offender under division (A) (2) (a) of this 630
section shall cause the offender to submit to random drug 631
testing performed by a reputable public laboratory to determine 632
whether the individual who is the subject of the drug test 633
ingested or was injected with a drug of abuse. 634

(3) A laboratory or entity that has entered into a 635
contract pursuant to section 341.26, 753.33, or 5120.63 of the 636
Revised Code shall perform the random drug tests under division 637
(D) (1) of this section in accordance with the applicable 638
standards that are included in the terms of that contract. A 639
public laboratory shall perform the random drug tests under 640
division (D) (2) of this section in accordance with the standards 641
set forth in the policies and procedures established by the 642
department of rehabilitation and correction pursuant to section 643
5120.63 of the Revised Code. An offender who is required under 644

division (A) (1) of this section to submit to random drug testing 645
as a condition of release under a community control sanction and 646
whose test results indicate that the offender ingested or was 647
injected with a drug of abuse shall pay the fee for the drug 648
test if the department of probation, the adult parole authority, 649
or any other entity that has general control and supervision of 650
the offender requires payment of a fee. A laboratory or entity 651
that performs the random drug testing on an offender under 652
division (D) (1) or (2) of this section shall transmit the 653
results of the drug test to the appropriate department of 654
probation, the adult parole authority, or any other entity that 655
has general control and supervision of the offender under 656
division (A) (2) (a) of this section. 657

(E) As used in this section, "technical violation" means a 658
violation of the conditions of a community control sanction 659
imposed for a felony of the fifth degree, or for a felony of the 660
fourth degree that is not an offense of violence and is not a 661
sexually oriented offense, and to which neither of the following 662
applies: 663

(1) The violation consists of a new criminal offense that 664
is a felony or that is a misdemeanor other than a minor 665
misdemeanor, and the violation is committed while under the 666
community control sanction. 667

(2) The violation consists of or includes the offender's 668
articulated or demonstrated refusal to participate in the 669
community control sanction imposed on the offender or any of its 670
conditions, and the refusal demonstrates to the court that the 671
offender has abandoned the objects of the community control 672
sanction or condition. 673

Sec. 2951.041. (A) (1) If an offender is charged with a 674

criminal offense, including but not limited to a violation of 675
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 676
of the Revised Code, and the court has reason to believe that 677
drug or alcohol usage by the offender was a factor leading to 678
the criminal offense with which the offender is charged or that, 679
at the time of committing that offense, the offender had a 680
mental illness, was a person with an intellectual disability, or 681
was a victim of a violation of section 2905.32 or 2907.21 of the 682
Revised Code and that the mental illness, status as a person 683
with an intellectual disability, or fact that the offender was a 684
victim of a violation of section 2905.32 or 2907.21 of the 685
Revised Code was a factor leading to the offender's criminal 686
behavior, the court may accept, prior to the entry of a guilty 687
plea, the offender's request for intervention in lieu of 688
conviction. The request shall include a statement from the 689
offender as to whether the offender is alleging that drug or 690
alcohol usage by the offender was a factor leading to the 691
criminal offense with which the offender is charged or is 692
alleging that, at the time of committing that offense, the 693
offender had a mental illness, was a person with an intellectual 694
disability, or was a victim of a violation of section 2905.32 or 695
2907.21 of the Revised Code and that the mental illness, status 696
as a person with an intellectual disability, or fact that the 697
offender was a victim of a violation of section 2905.32 or 698
2907.21 of the Revised Code was a factor leading to the criminal 699
offense with which the offender is charged. The request also 700
shall include a waiver of the defendant's right to a speedy 701
trial, the preliminary hearing, the time period within which the 702
grand jury may consider an indictment against the offender, and 703
arraignment, unless the hearing, indictment, or arraignment has 704
already occurred. The Unless an offender alleges that drug or 705
alcohol usage by the offender was a factor leading to the 706

criminal offense with which the offender is charged, the court 707
may reject an offender's request without a hearing. If the court 708
elects to consider an offender's request or the offender 709
alleges that drug or alcohol usage by the offender was a factor 710
leading to the criminal offense with which the offender is 711
charged, the court shall conduct a hearing to determine whether 712
the offender is eligible under this section for intervention in 713
lieu of conviction and shall stay all criminal proceedings 714
pending the outcome of the hearing. If the court schedules a 715
hearing, the court shall order an assessment of the offender for 716
the purpose of determining the offender's program eligibility 717
for intervention in lieu of conviction and recommending an 718
appropriate intervention plan. 719

If the offender alleges that drug or alcohol usage by the 720
offender was a factor leading to the criminal offense with which 721
the offender is charged, the court may order that the offender 722
be assessed by a community addiction services provider or a 723
properly credentialed professional for the purpose of 724
determining the offender's program eligibility for intervention 725
in lieu of conviction and recommending an appropriate 726
intervention plan. The community addiction services provider or 727
the properly credentialed professional shall provide a written 728
assessment of the offender to the court. 729

(2) The victim notification provisions of division (C) of 730
section 2930.06 of the Revised Code apply in relation to any 731
hearing held under division (A) (1) of this section. 732

(B) An offender is eligible for intervention in lieu of 733
conviction if the court finds all of the following: 734

(1) The offender previously has not been convicted of or 735
pleaded guilty to any felony offense of violence. 736

(2) The offense is not a felony of the first, second, or 737
third degree, is not an offense of violence, is not a felony sex 738
offense, is not a violation of division (A) (1) or (2) of section 739
2903.06 of the Revised Code, is not a violation of division (A) 740
(1) of section 2903.08 of the Revised Code, is not a violation 741
of division (A) of section 4511.19 of the Revised Code or a 742
municipal ordinance that is substantially similar to that 743
division, and is not an offense for which a sentencing court is 744
required to impose a mandatory prison term. 745

(3) The offender is not charged with a violation of 746
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 747
charged with a violation of section 2925.03 of the Revised Code 748
that is a felony of the first, second, third, or fourth degree, 749
and is not charged with a violation of section 2925.11 of the 750
Revised Code that is a felony of the first or second degree. 751

(4) If an offender alleges that drug or alcohol usage by 752
the offender was a factor leading to the criminal offense with 753
which the offender is charged, the court has ordered that the 754
offender be assessed by a community addiction services provider 755
or a properly credentialed professional for the purpose of 756
determining the offender's program eligibility for intervention 757
in lieu of conviction and recommending an appropriate 758
intervention plan, the offender has been assessed by a community 759
addiction services provider of that nature or a properly 760
credentialed professional in accordance with the court's order, 761
and the community addiction services provider or properly 762
credentialed professional has filed the written assessment of 763
the offender with the court. 764

(5) If an offender alleges that, at the time of committing 765
the criminal offense with which the offender is charged, the 766

offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent marriage and family therapist for the purpose of determining the offender's program eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, or the fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person.

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this

section. 797

(10) The offender is not charged with an offense that 798
would result in the offender being disqualified under Chapter 799
4506. of the Revised Code from operating a commercial motor 800
vehicle or would subject the offender to any other sanction 801
under that chapter. 802

(C) At the conclusion of a hearing held pursuant to 803
division (A) of this section, the court shall ~~enter its~~ 804
~~determination as to determine~~ whether the offender will be 805
granted intervention in lieu of conviction. In making this 806
determination, the court shall presume that intervention in lieu 807
of conviction is appropriate. If the court finds under this 808
division and division (B) of this section that the offender is 809
eligible for intervention in lieu of conviction ~~and grants the~~ 810
~~offender's request~~, the court shall grant the offender's request 811
unless the court finds specific reasons to believe that the 812
candidate's participation in intervention in lieu of conviction 813
would be inappropriate. 814

If the court denies an eligible offender's request for 815
intervention in lieu of conviction, the court shall state the 816
reasons for the denial, with particularity, in a written entry. 817

If the court grants the offender's request, the court 818
shall accept the offender's plea of guilty and waiver of the 819
defendant's right to a speedy trial, the preliminary hearing, 820
the time period within which the grand jury may consider an 821
indictment against the offender, and arraignment, unless the 822
hearing, indictment, or arraignment has already occurred. In 823
addition, the court then may stay all criminal proceedings and 824
order the offender to comply with all terms and conditions 825
imposed by the court pursuant to division (D) of this section. 826

If the court finds that the offender is not eligible or does not 827
grant the offender's request, the criminal proceedings against 828
the offender shall proceed as if the offender's request for 829
intervention in lieu of conviction had not been made. 830

(D) If the court grants an offender's request for 831
intervention in lieu of conviction, the court shall place the 832
offender under the general control and supervision of the county 833
probation department, the adult parole authority, or another 834
appropriate local probation or court services agency, if one 835
exists, as if the offender was subject to a community control 836
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 837
the Revised Code. The court shall establish an intervention plan 838
for the offender. The terms and conditions of the intervention 839
plan shall require the offender, for at least one year, but not 840
more than five years, from the date on which the court grants 841
the order of intervention in lieu of conviction, to abstain from 842
the use of illegal drugs and alcohol, to participate in 843
treatment and recovery support services, and to submit to 844
regular random testing for drug and alcohol use and may include 845
any other treatment terms and conditions, or terms and 846
conditions similar to community control sanctions, which may 847
include community service or restitution, that are ordered by 848
the court. 849

(E) If the court grants an offender's request for 850
intervention in lieu of conviction and the court finds that the 851
offender has successfully completed the intervention plan for 852
the offender, including the requirement that the offender 853
abstain from using illegal drugs and alcohol for a period of at 854
least one year, but not more than five years, from the date on 855
which the court granted the order of intervention in lieu of 856
conviction, the requirement that the offender participate in 857

treatment and recovery support services, and all other terms and 858
conditions ordered by the court, the court shall dismiss the 859
proceedings against the offender. Successful completion of the 860
intervention plan and period of abstinence under this section 861
shall be without adjudication of guilt and is not a criminal 862
conviction for purposes of any disqualification or disability 863
imposed by law and upon conviction of a crime, and the court may 864
order the sealing of records related to the offense in question, 865
as a dismissal of the charges, in the manner provided in 866
sections ~~2953.31~~ 2953.51 to ~~2953.36~~ 2953.56 of the Revised Code. 867

(F) If the court grants an offender's request for 868
intervention in lieu of conviction and the offender fails to 869
comply with any term or condition imposed as part of the 870
intervention plan for the offender, the supervising authority 871
for the offender promptly shall advise the court of this 872
failure, and the court shall hold a hearing to determine whether 873
the offender failed to comply with any term or condition imposed 874
as part of the plan. If the court determines that the offender 875
has failed to comply with any of those terms and conditions, it 876
may continue the offender on intervention in lieu of conviction, 877
continue the offender on intervention in lieu of conviction with 878
additional terms, conditions, and sanctions, or enter a finding 879
of guilty and impose an appropriate sanction under Chapter 2929. 880
of the Revised Code. If the court sentences the offender to a 881
prison term, the court, after consulting with the department of 882
rehabilitation and correction regarding the availability of 883
services, may order continued court-supervised activity and 884
treatment of the offender during the prison term and, upon 885
consideration of reports received from the department concerning 886
the offender's progress in the program of activity and 887
treatment, may consider judicial release under section 2929.20 888

of the Revised Code.	889
(G) As used in this section:	890
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	891 892
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	893 894
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	895 896
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	897 898
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	899 900
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	901 902
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	903 904
<u>(8) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.</u>	905 906
Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code:	907 908
(A) (1) "Eligible offender" means either of the following:	909
(a) Anyone who has been convicted of one or more offenses, but not more than five felonies, in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if	910 911 912 913 914 915

committed in this state, would be felonies of the fourth or 916
fifth degree or misdemeanors and none of those offenses would be 917
an offense of violence or a felony sex offense; 918

(b) Anyone who has been convicted of an offense in this 919
state or any other jurisdiction, to whom division (A) (1) (a) of 920
this section does not apply, and who has not more than ~~one-two~~ 921
felony-conviction convictions, has not more than ~~two-four~~ 922
misdemeanor convictions, or, if the person has exactly two 923
felony convictions, has not more than ~~one-those two~~ felony 924
conviction convictions and ~~one-two~~ misdemeanor conviction- 925
convictions in this state or any other jurisdiction. The 926
conviction that is requested to be sealed shall be a conviction 927
that is eligible for sealing as provided in section 2953.36 of 928
the Revised Code. When two or more convictions result from or 929
are connected with the same act or result from offenses 930
committed at the same time, they shall be counted as one 931
conviction. When two or three convictions result from the same 932
indictment, information, or complaint, from the same plea of 933
guilty, or from the same official proceeding, and result from 934
related criminal acts that were committed within a three-month 935
period but do not result from the same act or from offenses 936
committed at the same time, they shall be counted as one 937
conviction, provided that a court may decide as provided in 938
division (C) (1) (a) of section 2953.32 of the Revised Code that 939
it is not in the public interest for the two or three 940
convictions to be counted as one conviction. 941

(2) For purposes of, and except as otherwise provided in, 942
division (A) (1) (b) of this section, a conviction for a minor 943
misdemeanor, for a violation of any section in Chapter 4507., 944
4510., 4511., 4513., or 4549. of the Revised Code, or for a 945
violation of a municipal ordinance that is substantially similar 946

to any section in those chapters is not a conviction. However, a 947
conviction for a violation of section 4511.19, 4511.251, 948
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 949
4549.41 to 4549.46 of the Revised Code, for a violation of 950
section 4510.11 or 4510.14 of the Revised Code that is based 951
upon the offender's operation of a vehicle during a suspension 952
imposed under section 4511.191 or 4511.196 of the Revised Code, 953
for a violation of a substantially equivalent municipal 954
ordinance, for a felony violation of Title XLV of the Revised 955
Code, or for a violation of a substantially equivalent former 956
law of this state or former municipal ordinance shall be 957
considered a conviction. 958

(B) "Prosecutor" means the county prosecuting attorney, 959
city director of law, village solicitor, or similar chief legal 960
officer, who has the authority to prosecute a criminal case in 961
the court in which the case is filed. 962

(C) "Bail forfeiture" means the forfeiture of bail by a 963
defendant who is arrested for the commission of a misdemeanor, 964
other than a defendant in a traffic case as defined in Traffic 965
Rule 2, if the forfeiture is pursuant to an agreement with the 966
court and prosecutor in the case. 967

(D) "Official records" has the same meaning as in division 968
(D) of section 2953.51 of the Revised Code. 969

(E) "Official proceeding" has the same meaning as in 970
section 2921.01 of the Revised Code. 971

(F) "Community control sanction" has the same meaning as 972
in section 2929.01 of the Revised Code. 973

(G) "Post-release control" and "post-release control 974
sanction" have the same meanings as in section 2967.01 of the 975

Revised Code.	976
(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.	977 978 979
(I) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.	980 981 982 983
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, <u>except for convictions listed under section 2953.36 of the Revised Code.</u> Application may be made at one of the following times:	984 985 986 987 988 989 990 991
(a) At the expiration of three years after the offender's final discharge if convicted of one <u>a felony of the third degree;</u>	992 993 994
(b) When division (A) (1) (a) of section 2953.31 of the Revised Code applies to the offender, at the expiration of four years after the offender's final discharge if convicted of two felonies, or at the expiration of five years after final discharge if convicted of three, four, or five felonies;	995 996 997 998 999
(c) At the expiration of one year after the offender's final discharge if convicted of a <u>felony of the fourth or fifth degree or a misdemeanor.</u>	1000 1001 1002
(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense	1003 1004

charged may apply to the court in which the misdemeanor criminal 1005
case was pending when bail was forfeited for the sealing of the 1006
record of the case that pertains to the charge. Except as 1007
provided in section 2953.61 of the Revised Code, the application 1008
may be filed at any time after the expiration of one year from 1009
the date on which the bail forfeiture was entered upon the 1010
minutes of the court or the journal, whichever entry occurs 1011
first. 1012

(B) Upon the filing of an application under this section, 1013
the court shall set a date for a hearing and shall notify the 1014
prosecutor for the case of the hearing on the application. The 1015
prosecutor may object to the granting of the application by 1016
filing an objection with the court prior to the date set for the 1017
hearing. The prosecutor shall specify in the objection the 1018
reasons for believing a denial of the application is justified. 1019
The court shall direct its regular probation officer, a state 1020
probation officer, or the department of probation of the county 1021
in which the applicant resides to make inquiries and written 1022
reports as the court requires concerning the applicant. The 1023
probation officer or county department of probation that the 1024
court directs to make inquiries concerning the applicant shall 1025
determine whether or not the applicant was fingerprinted at the 1026
time of arrest or under section 109.60 of the Revised Code. If 1027
the applicant was so fingerprinted, the probation officer or 1028
county department of probation shall include with the written 1029
report a record of the applicant's fingerprints. If the 1030
applicant was convicted of or pleaded guilty to a violation of 1031
division (A) (2) or (B) of section 2919.21 of the Revised Code, 1032
the probation officer or county department of probation that the 1033
court directed to make inquiries concerning the applicant shall 1034
contact the child support enforcement agency enforcing the 1035

applicant's obligations under the child support order to inquire 1036
about the offender's compliance with the child support order. 1037

(C) (1) The court shall do each of the following: 1038

(a) Determine whether the applicant is an eligible 1039
offender or whether the forfeiture of bail was agreed to by the 1040
applicant and the prosecutor in the case. If the applicant 1041
applies as an eligible offender pursuant to division (A) (1) of 1042
this section and has two or three convictions that result from 1043
the same indictment, information, or complaint, from the same 1044
plea of guilty, or from the same official proceeding, and result 1045
from related criminal acts that were committed within a three- 1046
month period but do not result from the same act or from 1047
offenses committed at the same time, in making its determination 1048
under this division, the court initially shall determine whether 1049
it is not in the public interest for the two or three 1050
convictions to be counted as one conviction. If the court 1051
determines that it is not in the public interest for the two or 1052
three convictions to be counted as one conviction, the court 1053
shall determine that the applicant is not an eligible offender; 1054
if the court does not make that determination, the court shall 1055
determine that the offender is an eligible offender. 1056

(b) Determine whether criminal proceedings are pending 1057
against the applicant; 1058

(c) If the applicant is an eligible offender who applies 1059
pursuant to division (A) (1) of this section, determine whether 1060
the applicant has been rehabilitated to the satisfaction of the 1061
court; 1062

(d) If the prosecutor has filed an objection in accordance 1063
with division (B) of this section, consider the reasons against 1064

granting the application specified by the prosecutor in the 1065
objection; 1066

(e) Weigh the interests of the applicant in having the 1067
records pertaining to the applicant's conviction or bail 1068
forfeiture sealed against the legitimate needs, if any, of the 1069
government to maintain those records. 1070

(2) If the court determines, after complying with division 1071
(C) (1) of this section, that the applicant is an eligible 1072
offender or the subject of a bail forfeiture, that no criminal 1073
proceeding is pending against the applicant, that the interests 1074
of the applicant in having the records pertaining to the 1075
applicant's conviction or bail forfeiture sealed are not 1076
outweighed by any legitimate governmental needs to maintain 1077
those records, and that the rehabilitation of an applicant who 1078
is an eligible offender applying pursuant to division (A) (1) of 1079
this section has been attained to the satisfaction of the court, 1080
the court, except as provided in division (C) (4), (G), (H), or 1081
(I) of this section, shall order all official records of the 1082
case that pertain to the conviction or bail forfeiture sealed 1083
and, except as provided in division (F) of this section, all 1084
index references to the case that pertain to the conviction or 1085
bail forfeiture deleted and, in the case of bail forfeitures, 1086
shall dismiss the charges in the case. The proceedings in the 1087
case that pertain to the conviction or bail forfeiture shall be 1088
considered not to have occurred and the conviction or bail 1089
forfeiture of the person who is the subject of the proceedings 1090
shall be sealed, except that upon conviction of a subsequent 1091
offense, the sealed record of prior conviction or bail 1092
forfeiture may be considered by the court in determining the 1093
sentence or other appropriate disposition, including the relief 1094
provided for in sections 2953.31 to 2953.33 of the Revised Code. 1095

(3) An applicant may request the sealing of the records of 1096
more than one case in a single application under this section. 1097
Upon the filing of an application under this section, the 1098
applicant, unless indigent, shall pay a fee of fifty dollars, 1099
regardless of the number of records the application requests to 1100
have sealed. The court shall pay thirty dollars of the fee into 1101
the state treasury, with fifteen dollars of that amount credited 1102
to the attorney general reimbursement fund created by section 1103
109.11 of the Revised Code. It shall pay twenty dollars of the 1104
fee into the county general revenue fund if the sealed 1105
conviction or bail forfeiture was pursuant to a state statute, 1106
or into the general revenue fund of the municipal corporation 1107
involved if the sealed conviction or bail forfeiture was 1108
pursuant to a municipal ordinance. 1109

(4) If the court orders the official records pertaining to 1110
the case sealed, the court shall do one of the following: 1111

(a) If the applicant was fingerprinted at the time of 1112
arrest or under section 109.60 of the Revised Code and the 1113
record of the applicant's fingerprints was provided to the court 1114
under division (B) of this section, forward a copy of the 1115
sealing order and the record of the applicant's fingerprints to 1116
the bureau of criminal identification and investigation. 1117

(b) If the applicant was not fingerprinted at the time of 1118
arrest or under section 109.60 of the Revised Code, or the 1119
record of the applicant's fingerprints was not provided to the 1120
court under division (B) of this section, but fingerprinting was 1121
required for the offense, order the applicant to appear before a 1122
sheriff to have the applicant's fingerprints taken according to 1123
the fingerprint system of identification on the forms furnished 1124
by the superintendent of the bureau of criminal identification 1125

and investigation. The sheriff shall forward the applicant's 1126
fingerprints to the court. The court shall forward the 1127
applicant's fingerprints and a copy of the sealing order to the 1128
bureau of criminal identification and investigation. 1129

Failure of the court to order fingerprints at the time of 1130
sealing does not constitute a reversible error. 1131

(D) Inspection of the sealed records included in the order 1132
may be made only by the following persons or for the following 1133
purposes: 1134

(1) By a law enforcement officer or prosecutor, or the 1135
assistants of either, to determine whether the nature and 1136
character of the offense with which a person is to be charged 1137
would be affected by virtue of the person's previously having 1138
been convicted of a crime; 1139

(2) By the parole or probation officer of the person who 1140
is the subject of the records, for the exclusive use of the 1141
officer in supervising the person while on parole or under a 1142
community control sanction or a post-release control sanction, 1143
and in making inquiries and written reports as requested by the 1144
court or adult parole authority; 1145

(3) Upon application by the person who is the subject of 1146
the records, by the persons named in the application; 1147

(4) By a law enforcement officer who was involved in the 1148
case, for use in the officer's defense of a civil action arising 1149
out of the officer's involvement in that case; 1150

(5) By a prosecuting attorney or the prosecuting 1151
attorney's assistants, to determine a defendant's eligibility to 1152
enter a pre-trial diversion program established pursuant to 1153
section 2935.36 of the Revised Code; 1154

(6) By any law enforcement agency or any authorized 1155
employee of a law enforcement agency or by the department of 1156
rehabilitation and correction or department of youth services as 1157
part of a background investigation of a person who applies for 1158
employment with the agency or with the department; 1159

(7) By any law enforcement agency or any authorized 1160
employee of a law enforcement agency, for the purposes set forth 1161
in, and in the manner provided in, section 2953.321 of the 1162
Revised Code; 1163

(8) By the bureau of criminal identification and 1164
investigation or any authorized employee of the bureau for the 1165
purpose of providing information to a board or person pursuant 1166
to division (F) or (G) of section 109.57 of the Revised Code; 1167

(9) By the bureau of criminal identification and 1168
investigation or any authorized employee of the bureau for the 1169
purpose of performing a criminal history records check on a 1170
person to whom a certificate as prescribed in section 109.77 of 1171
the Revised Code is to be awarded; 1172

(10) By the bureau of criminal identification and 1173
investigation or any authorized employee of the bureau for the 1174
purpose of conducting a criminal records check of an individual 1175
pursuant to division (B) of section 109.572 of the Revised Code 1176
that was requested pursuant to any of the sections identified in 1177
division (B)(1) of that section; 1178

(11) By the bureau of criminal identification and 1179
investigation, an authorized employee of the bureau, a sheriff, 1180
or an authorized employee of a sheriff in connection with a 1181
criminal records check described in section 311.41 of the 1182
Revised Code; 1183

(12) By the attorney general or an authorized employee of 1184
the attorney general or a court for purposes of determining a 1185
person's classification pursuant to Chapter 2950. of the Revised 1186
Code; 1187

(13) By a court, the registrar of motor vehicles, a 1188
prosecuting attorney or the prosecuting attorney's assistants, 1189
or a law enforcement officer for the purpose of assessing points 1190
against a person under section 4510.036 of the Revised Code or 1191
for taking action with regard to points assessed. 1192

When the nature and character of the offense with which a 1193
person is to be charged would be affected by the information, it 1194
may be used for the purpose of charging the person with an 1195
offense. 1196

(E) In any criminal proceeding, proof of any otherwise 1197
admissible prior conviction may be introduced and proved, 1198
notwithstanding the fact that for any such prior conviction an 1199
order of sealing previously was issued pursuant to sections 1200
2953.31 to 2953.36 of the Revised Code. 1201

(F) The person or governmental agency, office, or 1202
department that maintains sealed records pertaining to 1203
convictions or bail forfeitures that have been sealed pursuant 1204
to this section may maintain a manual or computerized index to 1205
the sealed records. The index shall contain only the name of, 1206
and alphanumeric identifiers that relate to, the persons who are 1207
the subject of the sealed records, the word "sealed," and the 1208
name of the person, agency, office, or department that has 1209
custody of the sealed records, and shall not contain the name of 1210
the crime committed. The index shall be made available by the 1211
person who has custody of the sealed records only for the 1212
purposes set forth in divisions (C), (D), and (E) of this 1213

section. 1214

(G) Notwithstanding any provision of this section or 1215
section 2953.33 of the Revised Code that requires otherwise, a 1216
board of education of a city, local, exempted village, or joint 1217
vocational school district that maintains records of an 1218
individual who has been permanently excluded under sections 1219
3301.121 and 3313.662 of the Revised Code is permitted to 1220
maintain records regarding a conviction that was used as the 1221
basis for the individual's permanent exclusion, regardless of a 1222
court order to seal the record. An order issued under this 1223
section to seal the record of a conviction does not revoke the 1224
adjudication order of the superintendent of public instruction 1225
to permanently exclude the individual who is the subject of the 1226
sealing order. An order issued under this section to seal the 1227
record of a conviction of an individual may be presented to a 1228
district superintendent as evidence to support the contention 1229
that the superintendent should recommend that the permanent 1230
exclusion of the individual who is the subject of the sealing 1231
order be revoked. Except as otherwise authorized by this 1232
division and sections 3301.121 and 3313.662 of the Revised Code, 1233
any school employee in possession of or having access to the 1234
sealed conviction records of an individual that were the basis 1235
of a permanent exclusion of the individual is subject to section 1236
2953.35 of the Revised Code. 1237

(H) For purposes of sections 2953.31 to 2953.36 of the 1238
Revised Code, DNA records collected in the DNA database and 1239
fingerprints filed for record by the superintendent of the 1240
bureau of criminal identification and investigation shall not be 1241
sealed unless the superintendent receives a certified copy of a 1242
final court order establishing that the offender's conviction 1243
has been overturned. For purposes of this section, a court order 1244

is not "final" if time remains for an appeal or application for
discretionary review with respect to the order.

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

Sec. 5119.93. (A) A person may initiate proceedings for
treatment for an individual suffering from alcohol and other
drug abuse by filing a verified petition in the probate court
~~and paying a filing fee in the same amount, if any, that is~~
~~charged for the filing under section 5122.11 of the Revised Code~~
~~of an affidavit seeking the hospitalization of a person.~~ The
petition and all subsequent court documents shall be entitled:
"In the interest of (name of respondent)." A spouse, relative,
or guardian of the individual concerning whom the petition is
filed shall file the petition. A petition filed under this
division shall be kept confidential and shall not be disclosed
by any person, except as needed for purposes of this section or
when disclosure is ordered by a court.

(B) A petition filed under division (A) of this section
shall set forth all of the following:

(1) The petitioner's relationship to the respondent;

(2) The respondent's name, residence address, and current
location, if known;

(3) The name and residence of the respondent's parents, if
living and if known, or of the respondent's legal guardian, if
any and if known;

(4) The name and residence of the respondent's spouse, if
any and if known;

(5) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or a statement that the person is unknown;

(6) The petitioner's belief, including the factual basis for the belief, that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse;

(7) If the petitioner's belief specified in division (B) (6) of this section is that the respondent is suffering from opioid or opiate abuse, the information provided in the petition under that division also shall include any evidence that the respondent has overdosed and been revived one or more times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor.

(C) (1) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by a certificate of a physician who has examined the respondent within two days prior to the day that the petition is filed in the probate court. The physician shall be authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. A physician who is responsible for admitting persons into treatment, if that physician examines the respondent, may be the physician who completes the certificate. The physician's certificate shall set forth the physician's findings in support of the need to treat the respondent for alcohol or other drug abuse. The certificate shall indicate if the respondent presents an imminent danger or imminent threat of danger to self, family, or others if not treated. Further, the

certificate shall indicate the type and length of treatment 1304
required and if the respondent can reasonably benefit from 1305
treatment. If the physician's certificate indicates that 1306
inpatient treatment is required, the certificate shall identify 1307
any inpatient facilities known to the physician that are able 1308
and willing to provide the recommended inpatient treatment. 1309

If the respondent refuses to undergo an examination with a 1310
physician concerning the respondent's possible need for 1311
treatment for alcohol or other drug abuse, the petition shall 1312
state that the respondent has refused all requests made by the 1313
petitioner to undergo a physician's examination. In that case, 1314
the petitioner shall not be required to provide a physician's 1315
certificate with the petition. 1316

(2) Any petition filed pursuant to divisions (A) and (B) 1317
of this section shall contain a statement that the petitioner 1318
has arranged for treatment of the respondent. Further, the 1319
petition shall be accompanied by a statement from the person or 1320
facility who has agreed to provide the treatment that verifies 1321
that the person or facility has agreed to provide the treatment 1322
and the estimated cost of the treatment. 1323

(D) Any petition filed pursuant to divisions (A) and (B) 1324
of this section shall be accompanied by both of the following: 1325

(1) One of the following: 1326

(a) A security deposit to be deposited with the clerk of 1327
the probate court that will cover half of the estimated cost of 1328
treatment of the respondent; 1329

(b) Documentation establishing that insurance coverage of 1330
the petitioner or respondent will cover at least half of the 1331
estimated cost of treatment of the respondent; 1332

(c) Other evidence to the satisfaction of the court 1333
establishing that the petitioner or respondent will be able to 1334
cover some of the estimated cost of treatment of the respondent. 1335

(2) One of the following: 1336

(a) A guarantee, signed by the petitioner or another 1337
person authorized to file the petition, obligating the guarantor 1338
to pay the costs of the examinations of the respondent conducted 1339
by the physician and qualified health professional under 1340
division (B) (5) of section 5119.94 of the Revised Code, the 1341
costs of the respondent that are associated with a hearing 1342
conducted in accordance with section 5119.94 of the Revised Code 1343
and that the court determines to be appropriate, and the costs 1344
of any treatment ordered by the court; 1345

(b) Documentation establishing that insurance coverage of 1346
the petitioner or respondent will cover the costs described in 1347
division (D) (2) (a) of this section; 1348

(c) Documentation establishing that, consistent with the 1349
evidence described in division (D) (1) (c) of this section, the 1350
petitioner or respondent will cover some of the costs described 1351
in division (D) (2) (a) of this section. 1352

Sec. 5119.94. (A) Upon receipt of a petition filed under 1353
section 5119.93 of the Revised Code ~~and the payment of the~~ 1354
~~appropriate filing fee, if any,~~ the probate court shall examine 1355
the petitioner under oath as to the contents of the petition. 1356

(B) If, after reviewing the allegations contained in the 1357
petition and examining the petitioner under oath, it appears to 1358
the probate court that there is probable cause to believe the 1359
respondent may reasonably benefit from treatment, the court 1360
shall do all of the following: 1361

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at public expense if the person is indigent. Upon the appointment of an attorney to represent an indigent respondent, the court shall notify the respondent of the name, address, and telephone number of the attorney appointed to represent the respondent.

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a ~~physician for the purpose of a physical examination and by a~~ qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing. 1391

(C) The ~~physician and~~ qualified health professional who 1392
~~examine~~ examines the respondent pursuant to division (B) (5) of 1393
this section or who ~~are~~ is obtained by the respondent at the 1394
respondent's own expense shall certify ~~their~~ the professional's 1395
findings to the court within twenty-four hours of the 1396
~~examinations~~ examination. The findings of each qualified health 1397
professional shall include a recommendation for treatment if the 1398
qualified health professional determines that treatment is 1399
necessary. 1400

(D) (1) (a) If upon completion of the hearing held under 1401
this section the probate court finds by clear and convincing 1402
evidence that the respondent may reasonably benefit from 1403
treatment, the court ~~may~~ shall order the treatment after 1404
considering the qualified health professionals' recommendations 1405
for treatment that have been submitted to the court under 1406
division (C) of this section. Evidence that the respondent has 1407
overdosed and been revived one or more times by an opioid 1408
antagonist, overdosed in a vehicle, or overdosed in the presence 1409
of a minor is sufficient to satisfy this evidentiary 1410
requirement. If the court orders the treatment under this 1411
division, the order shall specify the type of treatment to be 1412
provided, the type of required aftercare, and the duration of 1413
the required aftercare which shall be at least three months and 1414
shall not exceed six months, and the court shall order the 1415
treatment to be provided through a community addiction services 1416
provider or by an individual licensed or certified by the state 1417
medical board under Chapter 4731. of the Revised Code, the 1418
chemical dependency professionals board under Chapter 4758. of 1419
the Revised Code, the counselor, social worker, and marriage and 1420
family therapist board under Chapter 4757. of the Revised Code, 1421

or a similar board of another state authorized to provide 1422
substance abuse treatment. In addition, the court also may order 1423
that the respondent submit to periodic examinations by a 1424
qualified mental health professional to determine if the 1425
treatment remains necessary. 1426

(b) If the qualified health professional who examines the 1427
respondent certifies that the respondent meets the criteria 1428
specified in division (B) (6) of section 5119.93 of the Revised 1429
Code, if the court orders treatment under division (D) (1) (a) of 1430
this section, and if the court finds by clear and convincing 1431
evidence that the respondent presents an imminent danger or 1432
imminent threat of danger to self, family, or others as a result 1433
of alcohol or other drug abuse, separate from the treatment 1434
described in division (D) (1) (a) of this section, the court may 1435
order that the respondent be hospitalized for a period not to 1436
exceed seventy-two hours. The court shall direct that the order 1437
shall be executed as soon as possible, but not later than 1438
seventy-two hours, after its issuance. If the order cannot be 1439
executed within seventy-two hours after its issuance, it remains 1440
valid for sixty days after its issuance, subject to tolling as 1441
described in division (D) (1) (c) of this section, and may be 1442
executed at any time during that six-month period or that six- 1443
month period as extended by the tolling. Any respondent who has 1444
been admitted to a hospital under this division shall be 1445
released within seventy-two hours of admittance, unless the 1446
respondent voluntarily agrees to remain longer. A respondent who 1447
voluntarily agrees to remain longer may be hospitalized for the 1448
additional period of time agreed to by the respondent. No 1449
respondent ordered under this division to be hospitalized shall 1450
be held in jail pending transportation to the hospital unless 1451
the court has previously found the respondent to be in contempt 1452

of court for either failure to undergo treatment or failure to 1453
appear at an evaluation ordered under this section. 1454

(c) The six-month period for execution of an order 1455
specified in division (D)(1)(b) of this section shall not run 1456
during any time when the respondent purposely avoids execution 1457
of the order. Proof that the respondent departed this state or 1458
concealed the respondent's identity or whereabouts is prima 1459
facie evidence of the respondent's purpose to avoid the 1460
execution. 1461

(2)(a) Failure of a respondent to undergo and complete any 1462
treatment ordered pursuant to this division is contempt of 1463
court. Any community addiction services provider or person 1464
providing treatment under this division shall notify the probate 1465
court of a respondent's failure to undergo or complete the 1466
ordered treatment. 1467

(b) In addition to and separate from the sanction 1468
specified in division (D)(2)(a) of this section, if a respondent 1469
fails to undergo and complete any treatment ordered pursuant to 1470
this section, the court may issue a summons. The summons shall 1471
be directed to the respondent and shall command the respondent 1472
to appear at a time and place specified in the summons. If a 1473
respondent who has been summoned under this division fails to 1474
appear at the specified time and place, the court may order a 1475
peace officer, as defined in section 2935.01 of the Revised 1476
Code, to transport the respondent to a place described in 1477
division (D)(1)(a) of this section or a hospital for treatment. 1478
The peace officer, with the approval of the officer's agency, 1479
may provide for the transportation of the respondent by a 1480
private entity. The transportation costs of the peace officer or 1481
the private entity shall be included within the costs of 1482

treatment. 1483

(E) If, at any time after a petition is filed under 1484
section 5119.93 of the Revised Code, the probate court finds 1485
that there is not probable cause to continue treatment or if the 1486
petitioner withdraws the petition, then the court shall dismiss 1487
the proceedings against the respondent. 1488

Section 2. That existing sections 109.11, 2921.45, 1489
2929.15, 2951.041, 2953.31, 2953.32, 5119.93, and 5119.94 of the 1490
Revised Code are hereby repealed. 1491

Section 3. Section 2951.041 of the Revised Code is 1492
presented in this act as a composite of the section as amended 1493
by Sub. S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 1494
132nd General Assembly. The General Assembly, applying the 1495
principle stated in division (B) of section 1.52 of the Revised 1496
Code that amendments are to be harmonized if reasonably capable 1497
of simultaneous operation, finds that the composite is the 1498
resulting version of the section in effect prior to the 1499
effective date of the section as presented in this act. 1500