

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 741**

**Representatives Manning, G., Greenspan**

**Cosponsors: Representatives Romanchuk, Fraizer, Green, Lanese, Hoops, Kelly,  
Becker**

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**A BILL**

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

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

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

**Sec. 145.27.** (A) (1) As used in this division, "personal 18

history record" means information maintained by the public 19  
employees retirement board on an individual who is a member, 20  
former member, contributor, former contributor, retirant, or 21  
beneficiary that includes the address, telephone number, social 22  
security number, record of contributions, correspondence with 23  
the public employees retirement system, or other information the 24  
board determines to be confidential. 25

(2) The records of the board shall be open to public 26  
inspection and may be made available in printed or electronic 27  
format, except that the following shall be excluded, except with 28  
the written authorization of the individual concerned: 29

(a) The individual's statement of previous service and 30  
other information as provided for in section 145.16 of the 31  
Revised Code; 32

(b) The amount of a monthly allowance or benefit paid to 33  
the individual; 34

(c) The individual's personal history record. 35

(B) All medical reports and recommendations required by 36  
this chapter are privileged, except as follows: 37

(1) Copies of medical reports or recommendations shall be 38  
made available to the personal physician, attorney, or 39  
authorized agent of the individual concerned upon written 40  
release from the individual or the individual's agent, or when 41  
necessary for the proper administration of the fund, to the 42  
board assigned physician. 43

(2) Documentation required by section 2901.434 or 2929.193 44  
of the Revised Code shall be provided to a court holding a 45  
hearing under that section. 46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

information required under that section. 249

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On receipt of notice under division (D) of section 353  
2901.432 of the Revised Code that an Ohio police and fire 354  
pension fund member has been convicted of or pleaded guilty to 355  
an offense listed in division (B)(1) of that section under the 356  
circumstances specified in that section, the fund shall 357  
determine whether the member has been granted a disability 358  
benefit. If so, the fund shall send written notice to the 359  
attorney general that the member has been granted a disability 360  
benefit under this chapter and may be subject to section 361  
2901.434 of the Revised Code. 362

**Sec. 2329.66.** (A) Every person who is domiciled in this 363  
state may hold property exempt from execution, garnishment, 364  
attachment, or sale to satisfy a judgment or order, as follows: 365

(1) (a) In the case of a judgment or order regarding money 366  
owed for health care services rendered or health care supplies 367  
provided to the person or a dependent of the person, one parcel 368  
or item of real or personal property that the person or a 369  
dependent of the person uses as a residence. Division (A) (1) (a) 370  
of this section does not preclude, affect, or invalidate the 371  
creation under this chapter of a judgment lien upon the exempted 372  
property but only delays the enforcement of the lien until the 373  
property is sold or otherwise transferred by the owner or in 374  
accordance with other applicable laws to a person or entity 375  
other than the surviving spouse or surviving minor children of 376  
the judgment debtor. Every person who is domiciled in this state 377  
may hold exempt from a judgment lien created pursuant to 378  
division (A) (1) (a) of this section the person's interest, not to 379  
exceed one hundred twenty-five thousand dollars, in the exempted 380  
property. 381

(b) In the case of all other judgments and orders, the 382  
person's interest, not to exceed one hundred twenty-five 383  
thousand dollars, in one parcel or item of real or personal 384  
property that the person or a dependent of the person uses as a 385  
residence. 386

(c) For purposes of divisions (A) (1) (a) and (b) of this 387  
section, "parcel" means a tract of real property as identified 388  
on the records of the auditor of the county in which the real 389  
property is located. 390

(2) The person's interest, not to exceed three thousand 391  
two hundred twenty-five dollars, in one motor vehicle; 392

(3) The person's interest, not to exceed four hundred 393  
dollars, in cash on hand, money due and payable, money to become 394  
due within ninety days, tax refunds, and money on deposit with a 395

bank, savings and loan association, credit union, public	396
utility, landlord, or other person, other than personal	397
earnings.	398
(4) (a) The person's interest, not to exceed five hundred	399
twenty-five dollars in any particular item or ten thousand seven	400
hundred seventy-five dollars in aggregate value, in household	401
furnishings, household goods, wearing apparel, appliances,	402
books, animals, crops, musical instruments, firearms, and	403
hunting and fishing equipment that are held primarily for the	404
personal, family, or household use of the person;	405
(b) The person's aggregate interest in one or more items	406
of jewelry, not to exceed one thousand three hundred fifty	407
dollars, held primarily for the personal, family, or household	408
use of the person or any of the person's dependents.	409
(5) The person's interest, not to exceed an aggregate of	410
two thousand twenty-five dollars, in all implements,	411
professional books, or tools of the person's profession, trade,	412
or business, including agriculture;	413
(6) (a) The person's interest in a beneficiary fund set	414
apart, appropriated, or paid by a benevolent association or	415
society, as exempted by section 2329.63 of the Revised Code;	416
(b) The person's interest in contracts of life or	417
endowment insurance or annuities, as exempted by section 3911.10	418
of the Revised Code;	419
(c) The person's interest in a policy of group insurance	420
or the proceeds of a policy of group insurance, as exempted by	421
section 3917.05 of the Revised Code;	422
(d) The person's interest in money, benefits, charity,	423
relief, or aid to be paid, provided, or rendered by a fraternal	424

benefit society, as exempted by section 3921.18 of the Revised Code;	425 426
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	427 428 429 430
(7) The person's professionally prescribed or medically necessary health aids;	431 432
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	433 434 435
(9) The person's interest in the following:	436
(a) Moneys paid or payable for maintenance or rights, as exempted by section 3304.19 of the Revised Code;	437 438
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	439 440
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	441 442
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	443 444
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	445 446 447
(f) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	448 449
(10) (a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the	450 451



Revised Code and in which an order for the withholding of 452  
restitution from payments was issued under division (C) (2) (b) of 453  
that section, in cases in which an order for withholding was 454  
issued under section 2907.15 of the Revised Code, in cases in 455  
which an order for forfeiture was issued under division (B) or 456  
(C) of section 2901.433 or division (A) or (B) of section 457  
2929.192 of the Revised Code, and in cases in which an order was 458  
issued under section 2901.434, 2929.193, or 2929.194 of the 459  
Revised Code, and only to the extent provided in the order, and 460  
except as provided in sections 3105.171, 3105.63, 3119.80, 461  
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 462  
person's rights to or interests in a pension, benefit, annuity, 463  
retirement allowance, or accumulated contributions, the person's 464  
rights to or interests in a participant account in any deferred 465  
compensation program offered by the Ohio public employees 466  
deferred compensation board, a government unit, or a municipal 467  
corporation, or the person's other accrued or accruing rights or 468  
interests, as exempted by section 143.11, 145.56, 146.13, 469  
148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised 470  
Code, and the person's rights to or interests in benefits from 471  
the Ohio public safety officers death benefit fund; 472

(b) Except as provided in sections 3119.80, 3119.81, 473  
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 474  
rights to receive or interests in receiving a payment or other 475  
benefits under any pension, annuity, or similar plan or 476  
contract, not including a payment or benefit from a stock bonus 477  
or profit-sharing plan or a payment included in division (A) (6) 478  
(b) or (10) (a) of this section, on account of illness, 479  
disability, death, age, or length of service, to the extent 480  
reasonably necessary for the support of the person and any of 481  
the person's dependents, except if all the following apply: 482

(i) The plan or contract was established by or under the 483  
auspices of an insider that employed the person at the time the 484  
person's rights or interests under the plan or contract arose. 485

(ii) The payment is on account of age or length of 486  
service. 487

(iii) The plan or contract is not qualified under the 488  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 489  
amended. 490

(c) Except for any portion of the assets that were 491  
deposited for the purpose of evading the payment of any debt and 492  
except as provided in sections 3119.80, 3119.81, 3121.02, 493  
3121.03, and 3123.06 of the Revised Code, the person's rights or 494  
interests in the assets held in, or to directly or indirectly 495  
receive any payment or benefit under, any individual retirement 496  
account, individual retirement annuity, "Roth IRA," account 497  
opened pursuant to a program administered by a state under 498  
section 529 or 529A of the "Internal Revenue Code of 1986," 100 499  
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 500  
retirement account that provides payments or benefits by reason 501  
of illness, disability, death, retirement, or age or provides 502  
payments or benefits for purposes of education or qualified 503  
disability expenses, to the extent that the assets, payments, or 504  
benefits described in division (A)(10)(c) of this section are 505  
attributable to or derived from any of the following or from any 506  
earnings, dividends, interest, appreciation, or gains on any of 507  
the following: 508

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

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

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

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

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

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

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

administered by a state under section 529 or 529A of the 542  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 543  
amended, or education individual retirement account that a 544  
decedent, upon or by reason of the decedent's death, directly or 545  
indirectly left to or for the benefit of the person, either 546  
outright or in trust or otherwise, including, but not limited 547  
to, any of those rights or interests in assets or to receive 548  
payments or benefits that were transferred, conveyed, or 549  
otherwise transmitted by the decedent by means of a will, trust, 550  
exercise of a power of appointment, beneficiary designation, 551  
transfer or payment on death designation, or any other method or 552  
procedure. 553

(f) The exemptions under divisions (A)(10)(a) to (e) of 554  
this section also shall apply or otherwise be available to an 555  
alternate payee under a qualified domestic relations order 556  
(QDRO) or other similar court order. 557

(g) A person's interest in any plan, program, instrument, 558  
or device described in divisions (A)(10)(a) to (e) of this 559  
section shall be considered an exempt interest even if the plan, 560  
program, instrument, or device in question, due to an error made 561  
in good faith, failed to satisfy any criteria applicable to that 562  
plan, program, instrument, or device under the "Internal Revenue 563  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 564

(11) The person's right to receive spousal support, child 565  
support, an allowance, or other maintenance to the extent 566  
reasonably necessary for the support of the person and any of 567  
the person's dependents; 568

(12) The person's right to receive, or moneys received 569  
during the preceding twelve calendar months from, any of the 570  
following: 571

(a) An award of reparations under sections 2743.51 to	572
2743.72 of the Revised Code, to the extent exempted by division	573
(D) of section 2743.66 of the Revised Code;	574
(b) A payment on account of the wrongful death of an	575
individual of whom the person was a dependent on the date of the	576
individual's death, to the extent reasonably necessary for the	577
support of the person and any of the person's dependents;	578
(c) Except in cases in which the person who receives the	579
payment is an inmate, as defined in section 2969.21 of the	580
Revised Code, and in which the payment resulted from a civil	581
action or appeal against a government entity or employee, as	582
defined in section 2969.21 of the Revised Code, a payment, not	583
to exceed twenty thousand two hundred dollars, on account of	584
personal bodily injury, not including pain and suffering or	585
compensation for actual pecuniary loss, of the person or an	586
individual for whom the person is a dependent;	587
(d) A payment in compensation for loss of future earnings	588
of the person or an individual of whom the person is or was a	589
dependent, to the extent reasonably necessary for the support of	590
the debtor and any of the debtor's dependents.	591
(13) Except as provided in sections 3119.80, 3119.81,	592
3121.02, 3121.03, and 3123.06 of the Revised Code, personal	593
earnings of the person owed to the person for services in an	594
amount equal to the greater of the following amounts:	595
(a) If paid weekly, thirty times the current federal	596
minimum hourly wage; if paid biweekly, sixty times the current	597
federal minimum hourly wage; if paid semimonthly, sixty-five	598
times the current federal minimum hourly wage; or if paid	599
monthly, one hundred thirty times the current federal minimum	600

hourly wage that is in effect at the time the earnings are 601  
payable, as prescribed by the "Fair Labor Standards Act of 602  
1938," 52 Stat. 1060, 29 U.S.C. 206(a) (1), as amended; 603

(b) Seventy-five per cent of the disposable earnings owed 604  
to the person. 605

(14) The person's right in specific partnership property, 606  
as exempted by the person's rights in a partnership pursuant to 607  
section 1776.50 of the Revised Code, except as otherwise set 608  
forth in section 1776.50 of the Revised Code; 609

(15) A seal and official register of a notary public, as 610  
exempted by section 147.04 of the Revised Code; 611

(16) The person's interest in a tuition unit or a payment 612  
under section 3334.09 of the Revised Code pursuant to a tuition 613  
payment contract, as exempted by section 3334.15 of the Revised 614  
Code; 615

(17) Any other property that is specifically exempted from 616  
execution, attachment, garnishment, or sale by federal statutes 617  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 618  
11 U.S.C.A. 101, as amended; 619

(18) The person's aggregate interest in any property, not 620  
to exceed one thousand seventy-five dollars, except that 621  
division (A) (18) of this section applies only in bankruptcy 622  
proceedings. 623

(B) On April 1, 2010, and on the first day of April in 624  
each third calendar year after 2010, the Ohio judicial 625  
conference shall adjust each dollar amount set forth in this 626  
section to reflect any increase in the consumer price index for 627  
all urban consumers, as published by the United States 628  
department of labor, or, if that index is no longer published, a 629

generally available comparable index, for the three-year period 630  
ending on the thirty-first day of December of the preceding 631  
year. Any adjustments required by this division shall be rounded 632  
to the nearest twenty-five dollars. 633

The Ohio judicial conference shall prepare a memorandum 634  
specifying the adjusted dollar amounts. The judicial conference 635  
shall transmit the memorandum to the director of the legislative 636  
service commission, and the director shall publish the 637  
memorandum in the register of Ohio. (Publication of the 638  
memorandum in the register of Ohio shall continue until the next 639  
memorandum specifying an adjustment is so published.) The 640  
judicial conference also may publish the memorandum in any other 641  
manner it concludes will be reasonably likely to inform persons 642  
who are affected by its adjustment of the dollar amounts. 643

(C) As used in this section: 644

(1) "Disposable earnings" means net earnings after the 645  
garnishee has made deductions required by law, excluding the 646  
deductions ordered pursuant to section 3119.80, 3119.81, 647  
3121.02, 3121.03, or 3123.06 of the Revised Code. 648

(2) "Insider" means: 649

(a) If the person who claims an exemption is an 650  
individual, a relative of the individual, a relative of a 651  
general partner of the individual, a partnership in which the 652  
individual is a general partner, a general partner of the 653  
individual, or a corporation of which the individual is a 654  
director, officer, or in control; 655

(b) If the person who claims an exemption is a 656  
corporation, a director or officer of the corporation; a person 657  
in control of the corporation; a partnership in which the 658

corporation is a general partner; a general partner of the 659  
corporation; or a relative of a general partner, director, 660  
officer, or person in control of the corporation; 661

(c) If the person who claims an exemption is a 662  
partnership, a general partner in the partnership; a general 663  
partner of the partnership; a person in control of the 664  
partnership; a partnership in which the partnership is a general 665  
partner; or a relative in, a general partner of, or a person in 666  
control of the partnership; 667

(d) An entity or person to which or whom any of the 668  
following applies: 669

(i) The entity directly or indirectly owns, controls, or 670  
holds with power to vote, twenty per cent or more of the 671  
outstanding voting securities of the person who claims an 672  
exemption, unless the entity holds the securities in a fiduciary 673  
or agency capacity without sole discretionary power to vote the 674  
securities or holds the securities solely to secure to debt and 675  
the entity has not in fact exercised the power to vote. 676

(ii) The entity is a corporation, twenty per cent or more 677  
of whose outstanding voting securities are directly or 678  
indirectly owned, controlled, or held with power to vote, by the 679  
person who claims an exemption or by an entity to which division 680  
(C) (2) (d) (i) of this section applies. 681

(iii) A person whose business is operated under a lease or 682  
operating agreement by the person who claims an exemption, or a 683  
person substantially all of whose business is operated under an 684  
operating agreement with the person who claims an exemption. 685

(iv) The entity operates the business or all or 686  
substantially all of the property of the person who claims an 687



exemption under a lease or operating agreement.	688
(e) An insider, as otherwise defined in this section, of a person or entity to which division (C) (2) (d) (i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	689 690 691 692
(f) A managing agent of the person who claims an exemption.	693 694
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	695 696
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	697 698
(D) For purposes of this section, "interest" shall be determined as follows:	699 700
(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;	701 702 703
(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.	704 705 706
An interest, as determined under division (D) (1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.	707 708 709
<b>Sec. 2901.43.</b> (A) (1) As used in this section:	710
(a) "Public retirement system," "alternative retirement plan," and "prosecutor" have the same meanings as in section 2907.15 of the Revised Code.	711 712 713
(b) "Position of honor, trust, or profit" has the same	714

meaning as in section 2929.192 of the Revised Code. 715

(2) For purposes of ~~divisions (B) and (C) of this section,~~ 716  
~~a~~ both of the following apply: 717

(a) A violation of section 2923.32 of the Revised Code or 718  
any other violation or offense that includes as an element a 719  
course of conduct or the occurrence of multiple acts is 720  
"committed on or after the effective date of this section May 721  
13, 2008," if the course of conduct continues, one or more of 722  
the multiple acts occurs, or the subject person's accountability 723  
for the course of conduct or for one or more of the multiple 724  
acts continues, on or after the effective date of this section 725  
May 13, 2008; 726

(b) A violation of section 2923.32 of the Revised Code or 727  
any other violation or offense that includes as an element a 728  
course of conduct or the occurrence of multiple acts is 729  
"committed on or after the effective date of this amendment" if 730  
the course of conduct continues, one or more of the multiple 731  
acts occurs, or the offender's accountability for the course of 732  
conduct or for one or more of the multiple acts continues on or 733  
after the effective date of this amendment. 734

(B) This section applies to a person to whom all of the 735  
following apply: 736

(1) The person is charged with an offense described in 737  
division (D) of section 2929.192 of the Revised Code that was 738  
allegedly committed on or after the appropriate date specified 739  
in that division. 740

(2) The offense was allegedly committed within the context 741  
of the person's public employment in a position of honor, trust, 742  
or profit. 743

(3) At the time of the alleged offense, the person was one 744  
of the following: 745

(a) A member of a public retirement system; 746

(b) A contributor to a public retirement system receiving 747  
or eligible to receive a benefit under section 145.384, 742.26, 748  
3307.352, or 3309.344 of the Revised Code; 749

(c) A participant in an alternative retirement plan. 750

~~(C) Upon the filing of charges against a person alleging~~ 751  
~~that the person committed on or after the effective date of this~~ 752  
~~section any violation or offense specified in division (C) of~~ 753  
~~this section, if the person allegedly committed the violation or~~ 754  
~~offense while serving in a position of honor, trust, or profit~~ 755  
~~and if the person is an electing employee participating in an~~ 756  
~~alternative retirement plan or a member of a public retirement~~ 757  
~~system subject to this section, the prosecutor who is assigned~~ 758  
~~the case shall send written notice that those charges have been~~ 759  
~~filed against that person to the alternative retirement plan in~~ 760  
~~which the person is a participant or the public retirement~~ 761  
~~system in which the person is a member or contributor, whichever~~ 762  
~~is applicable. The written notice shall specifically identify~~ 763  
~~the person charged.~~ 764

~~(C) Division (B) of this section applies when a person is~~ 765  
~~charged with committing on or after the effective date of this~~ 766  
~~section any offense or violation listed or described in~~ 767  
~~divisions (D) (1) to (3) of section 2929.192 of the Revised Code~~ 768  
~~that is a felony, in the circumstances specified in the~~ 769  
~~particular division.~~ 770

**Sec. 2901.432. (A) As used in this section:** 771

(1) "Public retirement system" and "alternative retirement 772

plan" have the same meanings as in section 2907.15 of the 773  
Revised Code. 774

(2) "Position of honor, trust, or profit" has the same 775  
meaning as in division (F)(1)(b) of section 2929.192 of the 776  
Revised Code. 777

(B) This section applies to a person to whom all of the 778  
following apply: 779

(1) The person is charged with any of the following 780  
offenses that were allegedly committed on or after the effective 781  
date of this section: 782

(a) Section 901(a) of the "Organized Crime Control Act of 783  
1970," 18 U.S.C. 1961 et seq.; 784

(b) Section 1104 of the "Comprehensive Crime Control Act 785  
of 1984," 18 U.S.C. 666; 786

(c) Section 1951 of the "Hobbs Act," 18 U.S.C. 1951; 787

(d) Section 7603 of the "Anti-Drug Abuse Act of 1988," 18 788  
U.S.C. 1341, 1343, and 1346; 789

(e) A conspiracy to commit any offense described in 790  
divisions (B)(1)(a), (b), (c), and (d) of this section, in 791  
violation of 18 U.S.C. 371. 792

(2) The offense was allegedly committed within the context 793  
of the person's public employment in a position of honor, trust, 794  
or profit. 795

(3) At the time of the alleged offense, the person was one 796  
of the following: 797

(a) A member of a public retirement system; 798

(b) A contributor to a public retirement system receiving 799

or eligible to receive a benefit under section 145.384, 742.26, 800  
3307.352, or 3309.344 of the Revised Code; 801

(c) A participant in an alternative retirement plan. 802

(C) On the filing of charges against a person subject to 803  
this section, the person shall send written notice to the public 804  
retirement system or alternative retirement plan in which the 805  
person is a member, contributor, or participant and to the 806  
attorney general that charges have been filed against the 807  
person. The notice shall specifically identify the person. 808

(D) On the conviction or guilty plea of a person subject 809  
to this section, the person shall send written notice to the 810  
public retirement system or alternative retirement plan in which 811  
the person is a member, contributor, or participant and to the 812  
attorney general of the person's conviction or guilty plea. The 813  
notice shall specifically identify the person. 814

**Sec. 2901.433.** (A) As used in this section: 815

(1) "Public retirement system" and "alternative retirement 816  
plan" have the same meanings as in section 2907.15 of the 817  
Revised Code. 818

(2) "Position of honor, trust, or profit" has the same 819  
meaning as in division (F) (1) (b) of section 2929.192 of the 820  
Revised Code. 821

(3) "Accumulated contributions" has the same meaning as in 822  
section 2929.192 of the Revised Code. 823

(B) (1) On receipt of notice under division (D) of section 824  
2901.432 of the Revised Code, the attorney general shall 825  
determine whether the federal court charged with sentencing the 826  
offender who is subject to that section has issued an order of 827

forfeiture or writ of garnishment on the retirement allowance, 828  
pension, disability benefit, or other right or benefit of the 829  
offender from a public retirement system or alternative 830  
retirement plan. If the federal court has not issued such an 831  
order or writ, the attorney general shall bring an action in the 832  
court of common pleas of Franklin county asking the court to 833  
order a forfeiture to the public retirement system or 834  
alternative retirement plan in which the offender was a member, 835  
contributor, or participant of the offender's right to a 836  
retirement allowance, pension, disability benefit, or other 837  
right or benefit, other than payment of the offender's 838  
accumulated contributions. The court shall notify the offender 839  
of the action. Except as provided in division (C) of this 840  
section, the court shall order the forfeiture if all of the 841  
following apply: 842

(a) The offender has been convicted of or pleaded guilty 843  
to an offense described in division (B) (1) of section 2901.432 844  
of the Revised Code that was committed on or after the effective 845  
date of this section. 846

(b) The offense was committed within the context of the 847  
offender's public employment in a position of honor, trust, or 848  
profit. 849

(c) At the time of the offense, the offender was one of 850  
the following: 851

(i) A member of a public retirement system; 852

(ii) A contributor to a public retirement system eligible 853  
to receive a benefit under section 145.384, 742.26, 3307.352, or 854  
3309.344 of the Revised Code; 855

(iii) A participant in an alternative retirement plan. 856

(2) The court of common pleas shall send a copy of the 857  
journal entry imposing the forfeiture order under division (B) 858  
(1) of this section to each public retirement system or 859  
alternative retirement plan in which the offender is a member, 860  
contributor, or participant. 861

(C) In any case in which the court may order forfeiture 862  
under division (B) of this section, the offender may request a 863  
hearing regarding the forfeiture by delivering a written request 864  
for a hearing to the court not later than thirty days after 865  
receipt of the notice described in that division. If a request 866  
is made by the offender, the court shall conduct the hearing. 867  
The court shall give notice of the hearing to the offender, 868  
attorney general, United States attorney who handled the case in 869  
which the offender was convicted of or pleaded guilty to the 870  
offense, and each appropriate public retirement system or 871  
alternative retirement plan provider. 872

A hearing conducted under this division shall be limited 873  
to a consideration of whether there is good cause based on 874  
evidence presented by the offender for the forfeiture order not 875  
to be issued. If it determines that there is good cause, the 876  
court shall not issue the forfeiture order. If the offender does 877  
not request a hearing or the court conducts a hearing but does 878  
not determine that there is good cause for the order not to be 879  
issued, the court shall order the forfeiture and send a copy of 880  
the journal entry imposing the forfeiture order to each 881  
appropriate public retirement system or alternative retirement 882  
plan. 883

(D) Each public retirement system or alternative 884  
retirement plan that receives a copy of a journal entry under 885  
division (B) or (C) of this section that contains an order of 886

forfeiture shall comply with the order. 887

(E) For purposes of division (B) of this section, a 888  
violation or offense that includes as an element a course of 889  
conduct or the occurrence of multiple acts is "committed on or 890  
after the effective date of this section" if the course of 891  
conduct continues, one or more of the multiple acts occurs, or 892  
the subject person's accountability for the course of conduct or 893  
for one or more of the multiple acts continues on or after the 894  
effective date of this section. 895

**Sec. 2901.434.** (A) As used in this section: 896

(1) "Public retirement system" and "alternative retirement 897  
plan" have the same meanings as in section 2907.15 of the 898  
Revised Code. 899

(2) "Position of honor, trust, or profit" has the same 900  
meaning as in division (F) (1) (b) of section 2929.192 of the 901  
Revised Code. 902

(B) This section applies to an offender to whom all of the 903  
following apply: 904

(1) The offender has been convicted of or pleaded guilty 905  
to an offense listed in division (B) (1) of section 2901.432 of 906  
the Revised Code that was committed on or after the effective 907  
date of this section. 908

(2) The offense was committed within the context of the 909  
offender's public employment in a position of honor, trust, or 910  
profit. 911

(3) At the time of the offense, the offender was one of 912  
the following: 913

(a) A member of a public retirement system; 914



(b) A contributor to a public retirement system receiving 915  
or eligible to receive a benefit under section 145.384, 742.26, 916  
3307.352, or 3309.344 of the Revised Code; 917

(c) A participant in an alternative retirement plan. 918

(4) Prior to the final disposition of the case, the 919  
offender was granted a disability benefit by a public retirement 920  
system or an alternative retirement plan provider. 921

(C) (1) On receipt of the notice under division (D) of 922  
section 2901.432 of the Revised Code, the attorney general shall 923  
determine whether the federal court charged with sentencing the 924  
offender has issued an order of forfeiture of or writ of 925  
garnishment on the disability benefit of the offender. If the 926  
federal court has not issued such an order or writ, the attorney 927  
general shall bring an action in the court of common pleas of 928  
Franklin county asking the court to order termination of the 929  
offender's disability benefit. 930

The court shall notify the offender of the action and 931  
schedule a hearing regarding the condition for which the 932  
offender was granted a disability benefit. Not later than ten 933  
days prior to the scheduled date of the hearing, the court shall 934  
give written notice of the hearing to the offender, the attorney 935  
general, the United States attorney who handled the case in 936  
which the offender was convicted of or pleaded guilty to the 937  
offense for which the order will be imposed, and each 938  
appropriate public retirement system or alternative retirement 939  
plan provider. The hearing shall be limited to consideration of 940  
whether the offender's disabling condition arose out of the 941  
commission of the offense the offender was convicted of or 942  
pleaded guilty to. 943

The system or provider shall submit to the court the 944  
offender's disability benefit application and the related 945  
medical reports and recommendations. If the court determines 946  
based on those documents and the hearing that the disabling 947  
condition arose out of the commission of the offense the 948  
offender was convicted of or pleaded guilty to, the court shall 949  
order the system or provider to terminate the disability 950  
benefit. 951

(2) Any disability benefit paid the offender prior to its 952  
termination may be recovered in accordance with section 145.563, 953  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 954  
Code. 955

(D) For purposes of division (B) of this section, a 956  
violation or offense that includes as an element a course of 957  
conduct or the occurrence of multiple acts is "committed on or 958  
after the effective date of this section" if the course of 959  
conduct continues, one or more of the multiple acts occurs, or 960  
the offender's accountability for the course of conduct or for 961  
one or more of the multiple acts continues on or after the 962  
effective date of this section. 963

**Sec. 2927.28.** (A) No person shall knowingly fail to send a 964  
notice required by division (C) or (D) of section 2901.432 of 965  
the Revised Code. 966

(B) Whoever violates this section is guilty of failure to 967  
report a charge or conviction to a public retirement system or 968  
alternative retirement plan, a misdemeanor of the fourth degree. 969

**Sec. 2929.192.** (A) If an offender is being sentenced for 970  
any felony offense listed in division (D) of this section that 971  
was committed on or after May 13, 2008, if the offender 972

~~committed the offense while serving in a position of honor,~~ 973  
~~trust, or profit, and if the offender, at the time of the~~ 974  
~~commission of the offense, was a member of any public retirement~~ 975  
~~system or a participant in an alternative retirement plan, in~~ 976  
In addition to any other sanction ~~it~~ a court imposes under section 977  
2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised 978  
Code but subject to division (B) of this section, the court 979  
shall order the forfeiture to the public retirement system or 980  
alternative retirement plan in which the offender was a member,  981  
contributor, or participant of the offender's right to a 982  
retirement allowance, pension, disability benefit, or other 983  
right or benefit, other than payment of the offender's 984  
accumulated contributions, ~~earned by reason of the offender's~~ 985  
~~being a member of the public retirement system or alternative~~ 986  
~~retirement plan. A~~ if all of the following apply: 987

(1) The offender is being sentenced for an offense 988  
described in division (D) of this section that was committed on 989  
or after the appropriate date specified in that division. 990

(2) The offense was committed within the context of the 991  
offender's public employment in a position of honor, trust, or 992  
profit. 993

(3) At the time of the offense, the offender was one of 994  
the following: 995

(a) A member of a public retirement system; 996

(b) A contributor to a public retirement system receiving 997  
or eligible to receive a benefit under section 145.384, 742.26, 998  
3307.352, or 3309.344 of the Revised Code; 999

(c) A participant in an alternative retirement plan. 1000

A forfeiture ordered under this division is part of, and 1001

shall be included in, the sentence of the offender. The court 1002  
shall send a copy of the journal entry imposing sentence on the 1003  
offender to the appropriate public retirement system or 1004  
alternative retirement plan in which the offender was a member,  1005  
contributor, or participant. 1006

(B) In any case in which a sentencing court is required to 1007  
order forfeiture of an offender's right to a retirement 1008  
allowance, pension, disability benefit, or other right or 1009  
benefit under division (A) of this section, the offender may 1010  
request a hearing regarding the forfeiture by delivering to the 1011  
court prior to sentencing a written request for a hearing. If a 1012  
request for a hearing is made by the offender prior to 1013  
sentencing, the court shall conduct the hearing before 1014  
sentencing. The court shall notify the offender, the prosecutor 1015  
who handled the case in which the offender was convicted of or 1016  
pleaded guilty to the offense for which the forfeiture order was 1017  
imposed, and the appropriate public retirement system, or 1018  
alternative retirement plan provider, whichever is applicable, 1019  
or, if more than one is specified in the motion, the applicable 1020  
combination of these, of the hearing. A hearing scheduled under 1021  
this division shall be limited to a consideration of whether 1022  
there is good cause based on evidence presented by the offender 1023  
for the forfeiture order not to be issued. If the court 1024  
determines based on evidence presented by the offender that 1025  
there is good cause for the forfeiture order not to be issued, 1026  
the court shall not issue the forfeiture order. If the offender 1027  
does not request a hearing prior to sentencing or if the court 1028  
conducts a hearing but does not determine based on evidence 1029  
presented by the offender that there is good cause for the 1030  
forfeiture order not to be issued, the court shall order the 1031  
forfeiture described in division (A) of this section in 1032

accordance with that division and shall send a copy of the 1033  
journal entry imposing sentence on the offender to the 1034  
appropriate public retirement system or alternative retirement 1035  
plan in which the offender was a member, contributor, or 1036  
participant. 1037

(C) Upon receipt of a copy of the journal entry imposing 1038  
sentence on an offender under division (A) or (B) of this 1039  
section that contains an order of forfeiture of a type described 1040  
in that division, the public retirement system or alternative 1041  
retirement plan in which the offender was a member, contributor, 1042  
or participant shall comply with the forfeiture order on 1043  
application for a refund of the accumulated contributions of the 1044  
member, contributor, or participant. 1045

(D) ~~(1)~~ Division (A) of this section applies ~~regarding to~~ 1046  
an offender who is convicted of or pleads guilty to any of the 1047  
following offenses committed on or after May 13, 2008, ~~that is a~~ 1048  
~~felony and who committed the offense while serving in a position~~ 1049  
~~of honor, trust, or profit:~~ 1050

~~(1)~~ ~~(a)~~ A violation of section 2921.02 or 2923.32 of the 1051  
Revised Code that is a felony or a violation of section 2921.41 1052  
of the Revised Code that is a felony of the third degree; 1053

~~(2)~~ ~~(b)~~ A violation of an existing or former municipal 1054  
ordinance or law of this or any other state or the United States 1055  
that is substantially equivalent to any violation ~~listed~~ 1056  
described in division (D) (1) ~~(a)~~ of this section; 1057

~~(3)~~ ~~(c)~~ A conspiracy to commit, attempt to commit, or 1058  
complicity in committing any violation ~~listed~~ described in 1059  
division (D) (1) ~~(a)~~ or ~~described in division (D) (2) (b)~~ of this 1060  
section. 1061

(2) Division (A) of this section applies to an offender 1062  
who is convicted of or pleads guilty to any of the following 1063  
offenses committed on or after the effective date of this 1064  
amendment: 1065

(a) A violation of section 2905.11 or 2921.11 of the 1066  
Revised Code that is a felony; 1067

(b) A violation of an existing or former municipal 1068  
ordinance or law of this or any other state or the United States 1069  
that is substantially equivalent to a violation described in 1070  
division (D) (2) (a) of this section; 1071

(c) A conspiracy to commit, attempt to commit, or 1072  
complicity in committing a violation described in division (D) 1073  
(2) (a) or (b) of this section. 1074

(E) For purposes of ~~divisions (A) and~~ division (D) of this 1075  
section, ~~a~~ both of the following apply: 1076

(1) A violation of section 2923.32 of the Revised Code or 1077  
any other violation or offense that includes as an element a 1078  
course of conduct or the occurrence of multiple acts is 1079  
"committed on or after May 13, 2008," if the course of conduct 1080  
continues, one or more of the multiple acts occurs, or the 1081  
~~subject person's~~ offender's accountability for the course of 1082  
conduct or for one or more of the multiple acts continues, on or 1083  
after May 13, 2008; 1084

(2) A violation of section 2923.32 of the Revised Code or 1085  
any other violation or offense that includes as an element a 1086  
course of conduct or the occurrence of multiple acts is 1087  
"committed on or after the effective date of this amendment" if 1088  
the course of conduct continues, one or more of the multiple 1089  
acts occurs, or the offender's accountability for the course of 1090

conduct or for one or more of the multiple acts continues on or 1091  
after the effective date of this amendment. 1092

(F) As used in this section: 1093

(1) (a) For the period beginning May 13, 2008, and ending 1094  
the day before ~~the effective date of this amendment~~ July 29, 1095  
2011, "position of honor, trust, or profit" means any of the 1096  
following: 1097

(i) An elective office of the state or any political 1098  
subdivision of the state; 1099

(ii) A position on any board or commission of the state 1100  
that is appointed by the governor or the attorney general; 1101

(iii) A position as a public official or employee, as 1102  
defined in section 102.01 of the Revised Code, who is required 1103  
to file a disclosure statement under section 102.02 of the 1104  
Revised Code; 1105

(iv) A position as a prosecutor, as defined in section 1106  
2935.01 of the Revised Code; 1107

(v) A position as a peace officer, as defined in section 1108  
2935.01 of the Revised Code, or as the superintendent or a 1109  
trooper of the state highway patrol. 1110

(b) On and after ~~the effective date of this amendment~~ July 1111  
29, 2011, "position of honor, trust, or profit" has the same 1112  
meaning as in division (F) (1) (a) of this section, except that it 1113  
also includes a position in which, in the course of public 1114  
employment, an employee has control over the expenditure of 1115  
public funds of one hundred thousand dollars or more annually. 1116

(2) "Public retirement system" and "alternative retirement 1117  
plan" have the same meanings as in section 2907.15 of the 1118

Revised Code. 1119

(3) "Accumulated contributions" means whichever of the 1120  
following is applicable: 1121

(a) Regarding an offender who is a member of, or 1122  
contributor to, the public employees retirement system, except 1123  
as otherwise provided in division (F) (3) (a) of this section, 1124  
"accumulated contributions" has the same meaning as in section 1125  
145.01 of the Revised Code. For a member participating in a PERS 1126  
defined contribution plan, "accumulated contributions" means the 1127  
contributions made under section 145.85 of the Revised Code and 1128  
any earnings on those contributions. For a member participating 1129  
in a PERS defined contribution plan that includes definitely 1130  
determinable benefits, "accumulated contributions" means the 1131  
contributions made under section 145.85 of the Revised Code, any 1132  
earnings on those contributions, and additionally any amounts 1133  
paid by the member to purchase service ~~credits~~credit. 1134

(b) Regarding an offender who is or was a member of, or 1135  
contributor to, the Ohio police and fire pension fund, 1136  
"accumulated contributions" means the amount payable to a member 1137  
under division (G) of section 742.37 of the Revised Code. 1138

(c) Regarding an offender who is a member of, or 1139  
contributor to, the state teachers retirement system, except as 1140  
otherwise provided in division (F) (3) (c) of this section, 1141  
"accumulated contributions" has the same meaning as in section 1142  
3307.50 of the Revised Code. For a member participating in an 1143  
STRS defined contribution plan, "accumulated contributions" 1144  
means the contributions made under section 3307.26 of the 1145  
Revised Code to participate in a plan established under section 1146  
3307.81 of the Revised Code and any earnings on those 1147  
contributions. For a member participating in a STRS defined 1148



contribution plan that includes definitely determinable 1149  
benefits, "accumulated contributions" means the contributions 1150  
made under section 3307.26 of the Revised Code to participate in 1151  
a plan established under section 3307.81 of the Revised Code, 1152  
any earnings on those contributions, and additionally any 1153  
amounts paid by the member to purchase service ~~credits~~credit. 1154

(d) Regarding an offender who is or was a member of, or 1155  
contributor to, the school employees retirement system, 1156  
"accumulated contributions" has the same meaning as in section 1157  
3309.01 of the Revised Code and also includes employee 1158  
contributions made under section 3309.85 of the Revised Code and 1159  
any earnings on those contributions. 1160

(e) Regarding an offender who is or was a member of the 1161  
state highway patrol retirement system, "accumulated 1162  
contributions" has the same meaning as in section 5505.01 of the 1163  
Revised Code. 1164

(f) Regarding an offender who is or was participating in 1165  
an alternative retirement plan, "accumulated contributions" 1166  
means the amounts contributed to an alternative retirement plan 1167  
participant's account by the plan participant pursuant to 1168  
section 3305.06 of the Revised Code and any earnings on those 1169  
contributions. 1170

**Sec. 2929.193.** (A) As used in this section: 1171

(1) "Position of honor, trust, or profit" has the same 1172  
meaning as in division (F) (1) (b) of section 2929.192 of the 1173  
Revised Code. 1174

(2) "Public retirement system," "alternative retirement 1175  
plan," and "prosecutor" have the same meanings as in section 1176  
2907.15 of the Revised Code. 1177

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

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

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

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

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

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

(a) A member of a public retirement system;

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

(c) A participant in an alternative retirement plan.

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

(C)(1) Prior to sentencing an offender subject to this section, the court shall hold a hearing regarding the condition for which the offender was granted a disability benefit. Not

later than ten days prior to the scheduled date of the hearing, 1205  
the court shall give written notice of the hearing to the 1206  
offender, the prosecutor who handled the case, and the 1207  
appropriate public retirement system, alternative retirement 1208  
plan provider, or, if more than one is providing a disability 1209  
benefit, the applicable combination of these. The hearing shall 1210  
be limited to a consideration of whether the offender's 1211  
disabling condition arose out of the commission of the offense 1212  
the offender was convicted of or pleaded guilty to. 1213

The system or provider shall submit to the court the 1214  
offender's medical reports and recommendations, and the 1215  
offender's disability application. If the court determines based 1216  
on those documents that the disabling condition arose out of the 1217  
commission of the offense the offender was convicted of or 1218  
pleaded guilty to, the court shall order the system or provider 1219  
to terminate the disability benefit. 1220

(2) Any disability benefit paid the offender prior to its 1221  
termination may be recovered in accordance with section 145.563, 1222  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised 1223  
Code. 1224

(D) For purposes of this section, a-both of the following 1225  
apply: 1226

(1) A violation of section 2923.32 of the Revised Code or 1227  
any other violation or offense that includes as an element a 1228  
course of conduct or the occurrence of multiple acts is 1229  
"committed on or after ~~the effective date of this section~~ July 1230  
29, 2011," if the course of conduct continues, one or more of 1231  
the multiple acts occurs, or the offender's accountability for 1232  
the course of conduct or for one or more of the multiple acts 1233  
continues on or after ~~the effective date of this section~~ July 1234

29, 2011; 1235

(2) A violation of section 2923.32 of the Revised Code or 1236  
any other violation or offense that includes as an element a 1237  
course of conduct or the occurrence of multiple acts is 1238  
"committed on or after the effective date of this amendment" if 1239  
the course of conduct continues, one or more of the multiple 1240  
acts occurs, or the offender's accountability for the course of 1241  
conduct or for one or more of the multiple acts continues on or 1242  
after the effective date of this amendment. 1243

**Sec. 3305.08.** Any payment, benefit, or other right 1244  
accruing to any electing employee under a contract entered into 1245  
for purposes of an alternative retirement plan and all moneys, 1246  
investments, and income of those contracts are exempt from any 1247  
state tax, except the tax imposed by section 5747.02 of the 1248  
Revised Code, are exempt from any county, municipal, or other 1249  
local tax, except income taxes imposed pursuant to section 1250  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 1251  
provided in sections 3105.171, 3105.65, 3115.501, 3119.80, 1252  
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, ~~and 3305.11,~~ and 1253  
3305.12 of the Revised Code, shall not be subject to execution, 1254  
garnishment, attachment, the operation of bankruptcy or the 1255  
insolvency law, or other process of law, and shall be 1256  
unassignable except as specifically provided in this section and 1257  
sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 3121.03, 1258  
3115.501, and 3123.06 of the Revised Code or in any contract the 1259  
electing employee has entered into for purposes of an 1260  
alternative retirement plan. 1261

**Sec. 3305.11.** (A) Notwithstanding any other provision of 1262  
this chapter, any payment of accumulated contributions standing 1263  
to a person's credit under this chapter and any other amount or 1264

amounts to be paid to a person who is a ~~contributor~~ participant 1265  
in an alternative retirement plan under this chapter upon the 1266  
person's withdrawal of contributions pursuant to this chapter 1267  
shall be subject to any forfeiture ordered under ~~division (A) or~~ 1268  
~~(B) of section 2901.433 or 2929.192~~ of the Revised Code, and the 1269  
provider of an alternative retirement plan shall comply with 1270  
that order in making the payment. Upon payment of the person's 1271  
accumulated contributions and cancellation of the corresponding 1272  
service credit, a person who is subject to the forfeiture 1273  
described in this division may not restore the canceled service 1274  
credit under this chapter or under Chapter 145., 742., 3307., 1275  
3309., or 5505. of the Revised Code. 1276

(B) Notwithstanding any other provision of this chapter, 1277  
if the provider of an alternative retirement plan receives 1278  
notice pursuant to section 2901.43 or division (C) of section 1279  
2901.432 of the Revised Code that a person who has accumulated 1280  
contributions standing to the person's credit pursuant to this 1281  
chapter is charged with any offense or violation ~~listed or~~ 1282  
described in ~~divisions~~ division (B) (1) of section 2901.432 or 1283  
division (D) (1) to (3) of section 2929.192 of the Revised Code 1284  
~~that is a felony in under~~ the circumstances specified in ~~the~~ 1285  
~~particular division~~ those sections, all of the following apply: 1286

(1) No payment of those accumulated contributions or of 1287  
any other amount or amounts to be paid to a person who is a 1288  
~~contributor~~ participant under this chapter upon the person's 1289  
withdrawal of contributions pursuant to this chapter shall be 1290  
made prior to whichever of the following is applicable: 1291

(a) If the person is convicted of or pleads guilty to the 1292  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1293  
~~section either of the following:~~ 1294

(i) Section 2929.192 of the Revised Code, the day on which 1295  
the provider receives from the court a copy of the journal entry 1296  
of the offender's sentence under that section; 1297

(ii) Section 2901.433 of the Revised Code, the day on 1298  
which the provider receives from the court a copy of the journal 1299  
entry imposing the forfeiture order under that section. 1300

(b) If the charge against the person is dismissed, the 1301  
person is found not guilty of the charge, or the person is found 1302  
not guilty by reason of insanity of the charge, the day on which 1303  
the provider receives notice of the final disposition of the 1304  
charge. 1305

(2) The provider of an alternative retirement plan shall 1306  
not process any application for payment under this chapter from 1307  
the person prior to the final disposition of the charge. 1308

**Sec. 3305.12.** Notwithstanding any other provision of an 1309  
alternative retirement plan provided under this chapter, a 1310  
disability benefit granted under the alternative retirement plan 1311  
is subject to an order issued under section 2901.434 or 2929.193 1312  
of the Revised Code. The entity providing the alternative 1313  
retirement plan shall comply with the order. 1314

On receipt of notice under section 2901.43 of the Revised 1315  
Code that an alternative retirement plan participant is charged 1316  
with an offense listed in division (D) of section 2929.192 of 1317  
the Revised Code under the circumstances specified in that 1318  
~~division~~section, the entity shall determine whether the 1319  
participant has been granted a disability benefit. If so, the 1320  
entity shall send written notice to the prosecutor assigned to 1321  
the case that the participant has been granted a disability 1322  
benefit under an alternative retirement plan and may be subject 1323

to section 2929.193 of the Revised Code. 1324

On receipt of notice under division (D) of section 1325  
2901.432 of the Revised Code that an alternative retirement plan 1326  
participant has been convicted of or pleaded guilty to an 1327  
offense listed in division (B)(1) of that section under the 1328  
circumstances specified in that section, the entity shall 1329  
determine whether the participant has been granted a disability 1330  
benefit. If so, the entity shall send written notice to the 1331  
attorney general that the participant has been granted a 1332  
disability benefit under this chapter and may be subject to 1333  
section 2901.434 of the Revised Code. 1334

**Sec. 3305.20.** As used in this section, "personal history 1335  
record" means information maintained by the entity providing an 1336  
alternative retirement plan on an individual who participates in 1337  
the plan that includes the address, telephone number, social 1338  
security number, record of contributions, correspondence with 1339  
the plan, or other information the entity providing the plan 1340  
determines to be confidential. 1341

The entity shall comply with orders issued under section 1342  
3105.87 of the Revised Code requiring it to provide information 1343  
from a participant's personal history record. 1344

The entity shall furnish information as follows: 1345

(A) On the written request of an alternate payee, as 1346  
defined in section 3105.80 of the Revised Code, the entity 1347  
providing the alternative retirement plan shall furnish to the 1348  
alternate payee information on the amount and status of any 1349  
amounts payable to the alternate payee under an order issued 1350  
under section 3105.171 or 3105.65 of the Revised Code. 1351

(B) Documentation required by section 2901.434 or 2929.193 1352

of the Revised Code shall be provided to a court holding a hearing under that section.

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

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

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

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

(3) "Law enforcement agency" has the same meaning as in section 149.435 of the Revised Code.

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

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

(2) The individual's personal history record;

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



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

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

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

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

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

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

(1) If a member, former member, retirant, contributor, or 1409  
former contributor is subject to an order issued under section 1410  
2907.15 of the Revised Code or an order issued under division 1411  
(A) or (B) of section 2929.192 of the Revised Code or is 1412  
convicted of or pleads guilty to a violation of section 2921.41 1413  
of the Revised Code, on written request of a prosecutor as 1414  
defined in section 2935.01 of the Revised Code, the board shall 1415  
furnish to the prosecutor the information requested from the 1416  
individual's personal history record. 1417

(2) Pursuant to a court or administrative order issued 1418  
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 1419  
the Revised Code, the board shall furnish to a court or child 1420  
support enforcement agency the information required under that 1421  
section. 1422

(3) At the written request of any person, the board shall 1423  
provide to the person a complete list of the names and addresses 1424  
of members, retirants, contributors, and beneficiaries. The 1425  
costs of compiling, copying, and mailing the list shall be paid 1426  
by such person. 1427

(4) Within fourteen days after receiving from the director 1428  
of job and family services a list of the names and social 1429  
security numbers of recipients of public assistance pursuant to 1430  
section 5101.181 of the Revised Code, the board shall inform the 1431  
auditor of state of the name, current or most recent employer 1432  
address, and social security number of each member whose name 1433  
and social security number are the same as that of a person 1434  
whose name or social security number was submitted by the 1435  
director. The board and its employees shall, except for purposes 1436  
of furnishing the auditor of state with information required by 1437  
this section, preserve the confidentiality of recipients of 1438

public assistance in compliance with section 5101.181 of the Revised Code. 1439  
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(5) The system shall comply with orders issued under section 3105.87 of the Revised Code. 1441  
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On the written request of an alternate payee, as defined in section 3105.80 of the Revised Code, the system shall furnish to the alternate payee information on the amount and status of any amounts payable to the alternate payee under an order issued under section 3105.171 or 3105.65 of the Revised Code. 1443  
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(6) At the request of any person, the board shall make available to the person copies of all documents, including resumes, in the board's possession regarding filling a vacancy of a contributing member or retired teacher member of the board. The person who made the request shall pay the cost of compiling, copying, and mailing the documents. The information described in this division is a public record. 1448  
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(7) The system shall provide the notice required by section 3307.373 of the Revised Code to the prosecutor assigned to the case. 1455  
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(8) The system may provide information requested by the United States social security administration, United States centers for medicare and medicaid services, Ohio public employees deferred compensation program, Ohio police and fire pension fund, school employees retirement system, public employees retirement system, state highway patrol retirement system, Cincinnati retirement system, a law enforcement agency, or a third party that the state teachers retirement system has contracted with for the purpose of administering any part of the system. 1458  
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(F) A statement that contains information obtained from 1468  
the system's records that is signed by an officer of the 1469  
retirement system and to which the system's official seal is 1470  
affixed, or copies of the system's records to which the 1471  
signature and seal are attached, shall be received as true 1472  
copies of the system's records in any court or before any 1473  
officer of this state. 1474

**Sec. 3307.372.** (A) Notwithstanding any other provision of 1475  
this chapter, any payment of accumulated contributions standing 1476  
to a person's credit under this chapter and any other amount or 1477  
amounts to be paid to a person who is a member or contributor 1478  
under this chapter upon the person's withdrawal of contributions 1479  
pursuant to this chapter shall be subject to any forfeiture 1480  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 1481  
2929.192 of the Revised Code, and the state teachers retirement 1482  
system shall comply with that order in making the payment. Upon 1483  
payment of the person's accumulated contributions and 1484  
cancellation of the corresponding service credit, a person who 1485  
is subject to the forfeiture described in this division may not 1486  
restore the canceled service credit under this chapter or under 1487  
Chapter 145., 742., 3305., 3309., or 5505. of the Revised Code. 1488

(B) Notwithstanding any other provision of this chapter, 1489  
if the system receives notice pursuant to section 2901.43 or 1490  
division (C) of section 2901.432 of the Revised Code that a 1491  
person who has accumulated contributions standing to the 1492  
person's credit pursuant to this chapter is charged with any 1493  
offense or violation ~~listed or described in divisions~~ division 1494  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1495  
2929.192 of the Revised Code ~~that is a felony in under the~~ 1496  
circumstances specified in ~~the particular division~~ those 1497  
sections, all of the following apply: 1498

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

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

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

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

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

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

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

On receipt of notice under section 2901.43 of the Revised Code that a state teachers retirement system member is charged

with an offense listed in division (D) of section 2929.192 of 1528  
the Revised Code under the circumstances specified in that 1529  
~~division~~section, the system shall determine whether the member 1530  
has been granted a disability benefit. If so, the system shall 1531  
send written notice to the prosecutor assigned to the case that 1532  
the member has been granted a disability benefit under this 1533  
chapter and may be subject to section 2929.193 of the Revised 1534  
Code. 1535

On receipt of notice under division (D) of section 1536  
2901.432 of the Revised Code that a state teachers retirement 1537  
system member has been convicted of or pleaded guilty to an 1538  
offense listed in division (B)(1) of that section under the 1539  
circumstances specified in that section, the system shall 1540  
determine whether the member has been granted a disability 1541  
benefit. If so, the system shall send written notice to the 1542  
attorney general that the member has been granted a disability 1543  
benefit under this chapter and may be subject to section 1544  
2901.434 of the Revised Code. 1545

**Sec. 3309.22.** (A) (1) As used in this division, "personal 1546  
history record" means information maintained in any format by 1547  
the board on an individual who is a member, former member, 1548  
contributor, former contributor, retirant, or beneficiary that 1549  
includes the address, electronic mail address, telephone number, 1550  
social security number, record of contributions, correspondence 1551  
with the system, and other information the board determines to 1552  
be confidential. 1553

(2) The records of the board shall be open to public 1554  
inspection and may be made available in printed or electronic 1555  
format, except for the following, which shall be excluded, 1556  
except with the written authorization of the individual 1557

concerned: 1558

(a) The individual's statement of previous service and 1559  
other information as provided for in section 3309.28 of the 1560  
Revised Code; 1561

(b) Any information identifying by name and address the 1562  
amount of a monthly allowance or benefit paid to the individual; 1563

(c) The individual's personal history record. 1564

(B) All medical reports and recommendations required by 1565  
the system are privileged except as follows: 1566

(1) Copies of medical reports or recommendations shall be 1567  
made available to the following: 1568

(a) The individual concerned, on written request; 1569

(b) The personal physician, attorney, or authorized agent 1570  
of the individual concerned on written release received from the 1571  
individual or the individual's agent; 1572

(c) The board assigned physician. 1573

(2) Documentation required by section 2901.434 or 2929.193 1574  
of the Revised Code shall be provided to a court holding a 1575  
hearing under that section. 1576

(C) Any person who is a contributor of the system shall be 1577  
furnished, on written request, with a statement of the amount to 1578  
the credit of the person's account. The board need not answer 1579  
more than one such request of a person in any one year. 1580

(D) Notwithstanding the exceptions to public inspection in 1581  
division (A)(2) of this section, the board may furnish the 1582  
following information: 1583

(1) If a member, former member, contributor, former 1584

contributor, or retirant is subject to an order issued under 1585  
section 2907.15 of the Revised Code or an order issued under 1586  
division (A) or (B) of section 2929.192 of the Revised Code or 1587  
is convicted of or pleads guilty to a violation of section 1588  
2921.41 of the Revised Code, on written request of a prosecutor 1589  
as defined in section 2935.01 of the Revised Code, the board 1590  
shall furnish to the prosecutor the information requested from 1591  
the individual's personal history record. 1592

(2) Pursuant to a court or administrative order issued 1593  
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 1594  
the Revised Code, the board shall furnish to a court or child 1595  
support enforcement agency the information required under that 1596  
section. 1597

(3) At the written request of any person, the board shall 1598  
provide to the person a list of the names and addresses of 1599  
members, former members, retirants, contributors, former 1600  
contributors, or beneficiaries. The costs of compiling, copying, 1601  
and mailing the list shall be paid by such person. 1602

(4) Within fourteen days after receiving from the director 1603  
of job and family services a list of the names and social 1604  
security numbers of recipients of public assistance pursuant to 1605  
section 5101.181 of the Revised Code, the board shall inform the 1606  
auditor of state of the name, current or most recent employer 1607  
address, and social security number of each contributor whose 1608  
name and social security number are the same as that of a person 1609  
whose name or social security number was submitted by the 1610  
director. The board and its employees shall, except for purposes 1611  
of furnishing the auditor of state with information required by 1612  
this section, preserve the confidentiality of recipients of 1613  
public assistance in compliance with section 5101.181 of the 1614



Revised Code. 1615

(5) The system shall comply with orders issued under 1616  
section 3105.87 of the Revised Code. 1617

On the written request of an alternate payee, as defined 1618  
in section 3105.80 of the Revised Code, the system shall furnish 1619  
to the alternate payee information on the amount and status of 1620  
any amounts payable to the alternate payee under an order issued 1621  
under section 3105.171 or 3105.65 of the Revised Code. 1622

(6) At the request of any person, the board shall make 1623  
available to the person copies of all documents, including 1624  
resumes, in the board's possession regarding filling a vacancy 1625  
of an employee member or retirant member of the board. The 1626  
person who made the request shall pay the cost of compiling, 1627  
copying, and mailing the documents. The information described in 1628  
this division is a public record. 1629

(7) The system shall provide the notice required by 1630  
section 3309.673 of the Revised Code to the prosecutor assigned 1631  
to the case. 1632

(8) The system may provide information requested by the 1633  
United States social security administration, United States 1634  
centers for medicare and medicaid services, Ohio public 1635  
employees deferred compensation program, Ohio police and fire 1636  
pension fund, state teachers retirement system, public employees 1637  
retirement system, state highway patrol retirement system, 1638  
Cincinnati retirement system, or a third party that the school 1639  
employees retirement board has contracted with for the purpose 1640  
of administering any part of this chapter. 1641

(E) A statement that contains information obtained from 1642  
the system's records that is signed by an officer of the 1643

retirement system and to which the system's official seal is 1644  
affixed, or copies of the system's records to which the 1645  
signature and seal are attached, shall be received as true 1646  
copies of the system's records in any court or before any 1647  
officer of this state. 1648

**Sec. 3309.672.** (A) Notwithstanding any other provision of 1649  
this chapter, any payment of accumulated contributions standing 1650  
to a person's credit under this chapter and any other amount or 1651  
amounts to be paid to a person who is a member or contributor 1652  
under this chapter upon the person's withdrawal of contributions 1653  
pursuant to this chapter shall be subject to any forfeiture 1654  
ordered under ~~division (A) or (B) of~~ section 2901.433 or 1655  
2929.192 of the Revised Code, and the school employees 1656  
retirement system shall comply with that order in making the 1657  
payment. Upon payment of the person's accumulated contributions 1658  
and cancellation of the corresponding service credit, a person 1659  
who is subject to the forfeiture described in this division may 1660  
not restore the canceled service credit under this chapter or 1661  
under Chapter 145., 742., 3305., 3307., or 5505. of the Revised 1662  
Code. 1663

(B) Notwithstanding any other provision of this chapter, 1664  
if the system receives notice pursuant to section 2901.43 or 1665  
division (C) of section 2901.432 of the Revised Code that a 1666  
person who has accumulated contributions standing to the 1667  
person's credit pursuant to this chapter is charged with any 1668  
offense or violation ~~listed or described in divisions~~ division 1669  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1670  
2929.192 of the Revised Code ~~that is a felony in~~ under the 1671  
circumstances specified in ~~the particular division~~ those 1672  
sections, all of the following apply: 1673

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

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

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

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

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

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

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

On receipt of notice under section 2901.43 of the Revised Code that a school employees retirement system member is charged

with an offense listed in division (D) of section 2929.192 of 1703  
the Revised Code under the circumstances specified in that 1704  
~~division~~section, the system shall determine whether the member 1705  
has been granted a disability benefit. If so, the system shall 1706  
send written notice to the prosecutor assigned to the case that 1707  
the member has been granted a disability benefit under this 1708  
chapter and may be subject to section 2929.193 of the Revised 1709  
Code. 1710

On receipt of notice under division (D) of section 1711  
2901.432 of the Revised Code that a school employees retirement 1712  
system member has been convicted of or pleaded guilty to an 1713  
offense listed in division (B) (1) of that section under the 1714  
circumstances specified in that section, the system shall 1715  
determine whether the member has been granted a disability 1716  
benefit. If so, the system shall send written notice to the 1717  
attorney general that the member has been granted a disability 1718  
benefit under this chapter and may be subject to section 1719  
2901.434 of the Revised Code. 1720

**Sec. 5505.04.** (A) (1) The general administration and 1721  
management of the state highway patrol retirement system and the 1722  
making effective of this chapter are hereby vested in the state 1723  
highway patrol retirement board. The board may sue and be sued, 1724  
plead and be impleaded, contract and be contracted with, and do 1725  
all things necessary to carry out this chapter. 1726

The board shall consist of the following members: 1727

(a) The superintendent of the state highway patrol; 1728

(b) Two retirant members who reside in this state; 1729

(c) Five employee-members; 1730

(d) One member, known as the treasurer of state's 1731

investment designee, who shall be appointed by the treasurer of 1732  
state for a term of four years and who shall have the following 1733  
qualifications: 1734

(i) The member is a resident of this state. 1735

(ii) Within the three years immediately preceding the 1736  
appointment, the member has not been employed by the public 1737  
employees retirement system, police and fire pension fund, state 1738  
teachers retirement system, school employees retirement system, 1739  
or state highway patrol retirement system or by any person, 1740  
partnership, or corporation that has provided to one of those 1741  
retirement systems services of a financial or investment nature, 1742  
including the management, analysis, supervision, or investment 1743  
of assets. 1744

(iii) The member has direct experience in the management, 1745  
analysis, supervision, or investment of assets. 1746

(iv) The member is not currently employed by the state or 1747  
a political subdivision of the state. 1748

(e) Two investment expert members, who shall be appointed 1749  
to four-year terms. One investment expert member shall be 1750  
appointed by the governor, and one investment expert member 1751  
shall be jointly appointed by the speaker of the house of 1752  
representatives and the president of the senate. Each investment 1753  
expert member shall have the following qualifications: 1754

(i) Each investment expert member shall be a resident of 1755  
this state. 1756

(ii) Within the three years immediately preceding the 1757  
appointment, each investment expert member shall not have been 1758  
employed by the public employees retirement system, police and 1759  
fire pension fund, state teachers retirement system, school 1760

employees retirement system, or state highway patrol retirement 1761  
system or by any person, partnership, or corporation that has 1762  
provided to one of those retirement systems services of a 1763  
financial or investment nature, including the management, 1764  
analysis, supervision, or investment of assets. 1765

(iii) Each investment expert member shall have direct 1766  
experience in the management, analysis, supervision, or 1767  
investment of assets. 1768

(2) The board shall annually elect a chairperson and vice- 1769  
chairperson from among its members. The vice-chairperson shall 1770  
act as chairperson in the absence of the chairperson. A majority 1771  
of the members of the board shall constitute a quorum. The board 1772  
shall meet not less than once each year, upon sufficient notice 1773  
to the members. All meetings of the board shall be open to the 1774  
public except executive sessions as set forth in division (G) of 1775  
section 121.22 of the Revised Code, and any portions of any 1776  
sessions discussing medical records or the degree of disability 1777  
of a member excluded from public inspection by this section. 1778

(3) Any member appointed under this section shall hold 1779  
office until the end of the member's term or, if later, the date 1780  
the member's successor takes office. 1781

(B) The attorney general shall prescribe procedures for 1782  
the adoption of rules authorized under this chapter, consistent 1783  
with the provision of section 111.15 of the Revised Code under 1784  
which all rules shall be filed in order to be effective. Such 1785  
procedures shall establish methods by which notice of proposed 1786  
rules are given to interested parties and rules adopted by the 1787  
board published and otherwise made available. When it files a 1788  
rule with the joint committee on agency rule review pursuant to 1789  
section 111.15 of the Revised Code, the board shall submit to 1790

the Ohio retirement study council a copy of the full text of the 1791  
rule, and if applicable, a copy of the rule summary and fiscal 1792  
analysis required by division (B) of section 106.024 of the 1793  
Revised Code. 1794

(C) (1) As used in this division, "personal history record" 1795  
means information maintained by the board on an individual who 1796  
is a member, former member, retirant, or beneficiary that 1797  
includes the address, electronic mail address, telephone number, 1798  
social security number, record of contributions, correspondence 1799  
with the system, and other information the board determines to 1800  
be confidential. 1801

(2) The records of the board shall be open to public 1802  
inspection and may be made available in printed or electronic 1803  
format, except for the following which shall be excluded: the 1804  
member's, former member's, retirant's, or beneficiary's personal 1805  
history record and the amount of a monthly allowance or benefit 1806  
paid to a retirant, beneficiary, or survivor, except with the 1807  
written authorization of the individual concerned. 1808

(D) All medical reports and recommendations are privileged 1809  
except as follows: 1810

(1) Copies of such medical reports or recommendations 1811  
shall be made available to the individual's personal physician, 1812  
attorney, or authorized agent upon written release received from 1813  
such individual or such individual's agent, or when necessary 1814  
for the proper administration of the fund to the board-assigned 1815  
physician. 1816

(2) Documentation required by section 2901.434 or 2929.193 1817  
of the Revised Code shall be provided to a court holding a 1818  
hearing under that section. 1819

(E) Notwithstanding the exceptions to public inspection in 1820  
division (C)(2) of this section, the board may furnish the 1821  
following information: 1822

(1) If a member, former member, or retirant is subject to 1823  
an order issued under section 2907.15 of the Revised Code or an 1824  
order issued under division (A) or (B) of section 2929.192 of 1825  
the Revised Code or is convicted of or pleads guilty to a 1826  
violation of section 2921.41 of the Revised Code, on written 1827  
request of a prosecutor as defined in section 2935.01 of the 1828  
Revised Code, the board shall furnish to the prosecutor the 1829  
information requested from the individual's personal history 1830  
record. 1831

(2) Pursuant to a court order issued under Chapters 3119., 1832  
3121., and 3123. of the Revised Code, the board shall furnish to 1833  
a court or child support enforcement agency the information 1834  
required under those chapters. 1835

(3) At the written request of any nonprofit organization 1836  
or association providing services to retirement system members, 1837  
retirants, or beneficiaries, the board shall provide to the 1838  
organization or association a list of the names and addresses of 1839  
members, former members, retirants, or beneficiaries if the 1840  
organization or association agrees to use such information 1841  
solely in accordance with its stated purpose of providing 1842  
services to such individuals and not for the benefit of other 1843  
persons, organizations, or associations. The costs of compiling, 1844  
copying, and mailing the list shall be paid by such entity. 1845

(4) Within fourteen days after receiving from the director 1846  
of job and family services a list of the names and social 1847  
security numbers of recipients of public assistance pursuant to 1848  
section 5101.181 of the Revised Code, the board shall inform the 1849



auditor of state of the name, current or most recent employer 1850  
address, and social security number of each member whose name 1851  
and social security number are the same as those of a person 1852  
whose name or social security number was submitted by the 1853  
director. The board and its employees, except for purposes of 1854  
furnishing the auditor of state with information required by 1855  
this section, shall preserve the confidentiality of recipients 1856  
of public assistance in compliance with section 5101.181 of the 1857  
Revised Code. 1858

(5) The system shall comply with orders issued under 1859  
section 3105.87 of the Revised Code. 1860

On the written request of an alternate payee, as defined 1861  
in section 3105.80 of the Revised Code, the system shall furnish 1862  
to the alternate payee information on the amount and status of 1863  
any amounts payable to the alternate payee under an order issued 1864  
under section 3105.171 or 3105.65 of the Revised Code. 1865

(6) At the request of any person, the board shall make 1866  
available to the person copies of all documents, including 1867  
resumes, in the board's possession regarding filling a vacancy 1868  
of an employee member or retirant member of the board. The 1869  
person who made the request shall pay the cost of compiling, 1870  
copying, and mailing the documents. The information described in 1871  
this division is a public record. 1872

(7) The system shall provide the notice required by 1873  
section 5505.263 of the Revised Code to the prosecutor assigned 1874  
to the case. 1875

(8) The system may provide information requested by the 1876  
United States social security administration, United States 1877  
centers for medicare and medicaid, public employees retirement 1878

system, Ohio public employees deferred compensation program, 1879  
Ohio police and fire pension fund, school employees retirement 1880  
system, state teachers retirement system, or Cincinnati 1881  
retirement system. 1882

(F) A statement that contains information obtained from 1883  
the system's records that is certified and signed by an officer 1884  
of the retirement system and to which the system's official seal 1885  
is affixed, or copies of the system's records to which the 1886  
signature and seal are attached, shall be received as true 1887  
copies of the system's records in any court or before any 1888  
officer of this state. 1889

(G) The board may maintain records in printed or 1890  
electronic format. 1891

**Sec. 5505.262.** (A) Notwithstanding any other provision of 1892  
this chapter, any payment of accumulated contributions standing 1893  
to a person's credit under this chapter and any other amount or 1894  
amounts to be paid to a person who is a member or contributor 1895  
under this chapter upon the person's withdrawal of contributions 1896  
pursuant to this chapter shall be subject to any forfeiture 1897  
ordered under ~~division (A) or (B) of section 2901.433 or~~ 1898  
2929.192 of the Revised Code, and the state highway patrol 1899  
retirement system shall comply with that order in making the 1900  
payment. Upon payment of the person's accumulated contributions 1901  
and cancellation of the corresponding service credit, a person 1902  
who is subject to the forfeiture described in this division may 1903  
not restore the canceled service credit under this chapter or 1904  
under Chapter 145., 742., 3305., 3307., or 3309. of the Revised 1905  
Code. 1906

(B) Notwithstanding any other provision of this chapter, 1907  
if the system receives notice pursuant to section 2901.43 or 1908

division (C) of section 2901.432 of the Revised Code that a 1909  
person who has accumulated contributions standing to the 1910  
person's credit pursuant to this chapter is charged with any 1911  
offense or violation ~~listed or described in divisions~~ division 1912  
(B) (1) of section 2901.432 or division (D) (1) to (3) of section 1913  
2929.192 of the Revised Code ~~that is a felony in~~ under the 1914  
circumstances specified in ~~the particular division~~ those 1915  
sections, all of the following apply: 1916

(1) No payment of those accumulated contributions or of 1917  
any other amount or amounts to be paid to a person who is a 1918  
member or contributor under this chapter upon the person's 1919  
withdrawal of contributions pursuant to this chapter shall be 1920  
made prior to whichever of the following is applicable: 1921

(a) If the person is convicted of or pleads guilty to the 1922  
charge and forfeiture is ordered under ~~division (A) or (B) of~~ 1923  
~~section either of the following:~~ 1924

(i) Section 2929.192 of the Revised Code, the day on which 1925  
the system receives from the court a copy of the journal entry 1926  
of the offender's sentence under that section; 1927

(ii) Section 2901.433 of the Revised Code, the day on 1928  
which the system receives from the court a copy of the journal 1929  
entry imposing the forfeiture order under that section. 1930

(b) If the charge against the person is dismissed, the 1931  
person is found not guilty of the charge, or the person is found 1932  
not guilty by reason of insanity of the charge, the day on which 1933  
the system receives notice of the final disposition of the 1934  
charge. 1935

(2) The system shall not process any application for 1936  
payment under this chapter from the person prior to the final 1937

disposition of the charge. 1938

**Sec. 5505.263.** Notwithstanding any other provision of this 1939  
chapter, a disability benefit granted under this chapter is 1940  
subject to an order issued under section 2901.434 or 2929.193 of 1941  
the Revised Code. The state highway patrol retirement board 1942  
shall comply with the order. 1943

On receipt of notice under section 2901.43 of the Revised 1944  
Code that a state highway patrol retirement system member is 1945  
charged with an offense listed in division (D) of section 1946  
2929.192 of the Revised Code under the circumstances specified 1947  
in that ~~division~~section, the system shall determine whether the 1948  
member has been granted a disability benefit. If so, the system 1949  
shall send written notice to the prosecutor assigned to the case 1950  
that the member has been granted a disability benefit under this 1951  
chapter and may be subject to section 2929.193 of the Revised 1952  
Code. 1953

On receipt of notice under division (D) of section 1954  
2901.432 of the Revised Code that a state highway patrol 1955  
retirement system member has been convicted of or pleaded guilty 1956  
to an offense listed in division (B) (1) of that section under 1957  
the circumstances specified in that section, the system shall 1958  
determine whether the member has been granted a disability 1959  
benefit. If so, the system shall send written notice to the 1960  
attorney general that the member has been granted a disability 1961  
benefit under this chapter and may be subject to section 1962  
2901.434 of the Revised Code. 1963

**Section 2.** That existing sections 145.27, 145.572, 1964  
145.573, 742.41, 742.463, 742.464, 2329.66, 2901.43, 2929.192, 1965  
2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 1966  
3307.373, 3309.22, 3309.672, 3309.673, 5505.04, 5505.262, and 1967

5505.263 of the Revised Code are hereby repealed.

1968