

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 513

Representative Carruthers



A BILL

To amend sections 307.93, 341.14, 341.19, 341.21, 1
341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2
2151.358, 2152.82, 2152.83, 2152.84, 2152.851, 3
2301.57, 2903.11, 2907.24, 2907.241, 2907.25, 4
2907.27, 2907.28, 2921.38, 2923.125, 2923.128, 5
2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 6
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, , 7
2953.31, 2953.34, 3701.24, 3701.241, 3701.242, 8
3701.243, 3701.244, 3701.245, 3701.246, 9
3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 10
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 11
4774.13, 4778.14, 5120.16, and 5120.163; to 12
enact sections 2927.31, 2927.32, 2927.33, 13
2950.152, and 2953.41; and to repeal section 14
2927.13 of the Revised Code to modify 15
definitions and criminal and professional 16
disciplinary provisions relating to HIV or AIDS 17
and to amend the versions of sections 2950.11 18
and 2950.13 of the Revised Code that are 19
scheduled to take effect on January 1, 2025, to 20
continue the change on and after that date. 21

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

Section 1. That sections 307.93, 341.14, 341.19, 341.21, 22
341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 2151.358, 23
2152.82, 2152.83, 2152.84, 2152.851, 2301.57, 2903.11, 2907.24, 24
2907.241, 2907.25, 2907.27, 2907.28, 2921.38, 2923.125, 25
2923.128, 2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 26
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, 2953.31, 2953.34, 27
3701.24, 3701.241, 3701.242, 3701.243, 3701.244, 3701.245, 28
3701.246, 3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 29
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 30
5120.16, and 5120.163 be amended and sections 2927.31, 2927.32, 31
2927.33, 2950.152, and 2953.41 of the Revised Code be enacted to 32
read as follows: 33

Sec. 307.93. (A) The boards of county commissioners of two 34
or more adjacent counties may contract for the joint 35
establishment of a multicounty correctional center, and the 36
board of county commissioners of a county or the boards of two 37
or more counties may contract with any municipal corporation or 38
municipal corporations located in that county or those counties 39
for the joint establishment of a municipal-county or 40
multicounty-municipal correctional center. The center shall 41
augment county and, where applicable, municipal jail programs 42
and facilities by providing custody and rehabilitative programs 43
for those persons under the charge of the sheriff of any of the 44
contracting counties or of the officer or officers of the 45
contracting municipal corporation or municipal corporations 46
having charge of persons incarcerated in the municipal jail, 47
workhouse, or other correctional facility who, in the opinion of 48
the sentencing court, need programs of custody and 49
rehabilitation not available at the county or municipal jail and 50
by providing custody and rehabilitative programs in accordance 51
with division (C) of this section, if applicable. The contract 52

may include, but need not be limited to, provisions regarding 53
the acquisition, construction, maintenance, repair, termination 54
of operations, and administration of the center. The contract 55
shall prescribe the manner of funding of, and debt assumption 56
for, the center and the standards and procedures to be followed 57
in the operation of the center. Except as provided in division 58
(G) of this section, the contracting counties and municipal 59
corporations shall form a corrections commission to oversee the 60
administration of the center. Members of the commission shall 61
consist of the sheriff of each participating county, a member of 62
the board of county commissioners of each participating county, 63
the chief of police of each participating municipal corporation, 64
and the mayor or city manager of each participating municipal 65
corporation. Any of the foregoing officers may appoint a 66
designee to serve in the officer's place on the corrections 67
commission. 68

The standards and procedures prescribed under this 69
division shall be formulated and agreed to by the commission and 70
may be amended at any time during the life of the contract by 71
agreement of a majority of the voting members of the commission 72
or by other means set forth in the contract between the 73
contracting counties and municipal corporations. The standards 74
and procedures formulated by the commission and amendments to 75
them shall include, but need not be limited to, designation of 76
the person in charge of the center, designation of a fiscal 77
agent, the categories of employees to be employed at the center, 78
the appointing authority of the center, and the standards of 79
treatment and security to be maintained at the center. The 80
person in charge of, and all persons employed to work at, the 81
center shall have all the powers of police officers that are 82
necessary for the proper performance of the duties relating to 83

their positions at the center. 84

(B) (1) Upon the establishment of a corrections commission 85
under division (A) of this section, the judges specified in this 86
division shall form a judicial advisory board for the purpose of 87
making recommendations to the corrections commission on issues 88
of bed allocation, expansion of the center that the corrections 89
commission oversees, and other issues concerning the 90
administration of sentences or any other matter determined to be 91
appropriate by the board. The judges who shall form the judicial 92
advisory board for a corrections commission are the 93
administrative judge of the general division of the court of 94
common pleas of each county participating in the corrections 95
center, the presiding judge of the municipal court of each 96
municipal corporation participating in the corrections center, 97
and the presiding judge of each county court of each county 98
participating in the corrections center. If the number of the 99
foregoing members of the board is even, the county auditor or 100
the county auditor of the most populous county if the board 101
serves more than one county shall also be a member of the board. 102
Any of the foregoing judges may appoint a designee to serve in 103
the judge's place on the judicial advisory board, provided that 104
the designee shall be a judge of the same court as the judge who 105
makes the appointment. The judicial advisory board for a 106
corrections commission shall meet with the corrections 107
commission at least once each year. 108

(2) Each board of county commissioners that enters a 109
contract under division (A) of this section may appoint a 110
building commission pursuant to section 153.21 of the Revised 111
Code. If any commissions are appointed, they shall function 112
jointly in the construction of a multicounty or multicounty- 113
municipal correctional center with all the powers and duties 114

authorized by law. 115

(C) Prior to the acceptance for custody and rehabilitation 116
into a center established under this section of any persons who 117
are designated by the department of rehabilitation and 118
correction, who plead guilty to or are convicted of a felony of 119
the fourth or fifth degree, and who satisfy the other 120
requirements listed in section 5120.161 of the Revised Code, the 121
corrections commission of a center established under this 122
section shall enter into an agreement with the department of 123
rehabilitation and correction under section 5120.161 of the 124
Revised Code for the custody and rehabilitation in the center of 125
persons who are designated by the department, who plead guilty 126
to or are convicted of a felony of the fourth or fifth degree, 127
and who satisfy the other requirements listed in that section, 128
in exchange for a per diem fee per person. Persons incarcerated 129
in the center pursuant to an agreement entered into under this 130
division shall be subject to supervision and control in the 131
manner described in section 5120.161 of the Revised Code. This 132
division does not affect the authority of a court to directly 133
sentence a person who is convicted of or pleads guilty to a 134
felony to the center in accordance with section 2929.16 of the 135
Revised Code. 136

(D) Pursuant to section 2929.37 of the Revised Code, each 137
board of county commissioners and the legislative authority of 138
each municipal corporation that enters into a contract under 139
division (A) of this section may require a person who was 140
convicted of an offense, who is under the charge of the sheriff 141
of their county or of the officer or officers of the contracting 142
municipal corporation or municipal corporations having charge of 143
persons incarcerated in the municipal jail, workhouse, or other 144
correctional facility, and who is confined in the multicounty, 145

municipal-county, or multicounty-municipal correctional center 146
as provided in that division, to reimburse the applicable county 147
or municipal corporation for its expenses incurred by reason of 148
the person's confinement in the center. 149

(E) Notwithstanding any contrary provision in this section 150
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 151
corrections commission of a center may establish a policy that 152
complies with section 2929.38 of the Revised Code and that 153
requires any person who is not indigent and who is confined in 154
the multicounty, municipal-county, or multicounty-municipal 155
correctional center to pay a reception fee, a fee for medical 156
treatment or service requested by and provided to that person, 157
or the fee for a random drug test assessed under division (E) of 158
section 341.26 of the Revised Code. 159

(F) (1) The corrections commission of a center established 160
under this section may establish a commissary for the center. 161
The commissary may be established either in-house or by another 162
arrangement. If a commissary is established, all persons 163
incarcerated in the center shall receive commissary privileges. 164
A person's purchases from the commissary shall be deducted from 165
the person's account record in the center's business office. The 166
commissary shall provide for the distribution to indigent 167
persons incarcerated in the center of necessary hygiene articles 168
and writing materials. 169

(2) If a commissary is established, the corrections 170
commission of a center established under this section shall 171
establish a commissary fund for the center. The management of 172
funds in the commissary fund shall be strictly controlled in 173
accordance with procedures adopted by the auditor of state. 174
Commissary fund revenue over and above operating costs and 175

reserve shall be considered profits. All profits from the 176
commissary fund shall be used to purchase supplies and equipment 177
for the benefit of persons incarcerated in the center and to pay 178
salary and benefits for employees of the center, or for any 179
other persons, who work in or are employed for the sole purpose 180
of providing service to the commissary. The corrections 181
commission shall adopt rules and regulations for the operation 182
of any commissary fund it establishes. 183

(G) In lieu of forming a corrections commission to 184
administer a multicounty correctional center or a municipal- 185
county or multicounty-municipal correctional center, the boards 186
of county commissioners and the legislative authorities of the 187
municipal corporations contracting to establish the center may 188
also agree to contract for the private operation and management 189
of the center as provided in section 9.06 of the Revised Code, 190
but only if the center houses only misdemeanor inmates. In 191
order to enter into a contract under section 9.06 of the Revised 192
Code, all the boards and legislative authorities establishing 193
the center shall approve and be parties to the contract. 194

(H) If a person who is convicted of or pleads guilty to an 195
offense is sentenced to a term in a multicounty correctional 196
center or a municipal-county or multicounty-municipal 197
correctional center or is incarcerated in the center in the 198
manner described in division (C) of this section, or if a person 199
who is arrested for an offense, and who has been denied bail or 200
has had bail set and has not been released on bail is confined 201
in a multicounty correctional center or a municipal-county or 202
multicounty-municipal correctional center pending trial, at the 203
time of reception and at other times the officer, officers, or 204
other person in charge of the operation of the center determines 205
to be appropriate, the officer, officers, or other person in 206

charge of the operation of the center may cause the convicted or 207
accused offender to be examined and tested for tuberculosis, HIV 208
~~infection~~, hepatitis, including but not limited to hepatitis A, 209
B, and C, and other contagious diseases. The officer, officers, 210
or other person in charge of the operation of the center may 211
cause a convicted or accused offender in the center who refuses 212
to be tested or treated for tuberculosis, HIV~~infection~~, 213
hepatitis, including but not limited to hepatitis A, B, and C, 214
or another contagious disease to be tested and treated 215
involuntarily. 216

(I) As used in this section, "multicounty-municipal" means 217
more than one county and a municipal corporation, or more than 218
one municipal corporation and a county, or more than one 219
municipal corporation and more than one county. 220

Sec. 341.14. (A) The sheriff of an adjoining county in 221
this state shall not receive prisoners as provided by section 222
341.12 of the Revised Code unless there is deposited weekly with 223
the sheriff an amount equal to the actual cost of keeping and 224
feeding each prisoner so committed for the use of the jail of 225
that county, and the same amount for a period of time less than 226
one week. If a prisoner is discharged before the expiration of 227
the term for which the prisoner was committed, the excess of the 228
amount advanced shall be refunded. 229

(B) Pursuant to section 2929.37 of the Revised Code, the 230
board of county commissioners of the county of this state that 231
receives pursuant to section 341.12 of the Revised Code for 232
confinement in its jail, a prisoner who was convicted of an 233
offense, may require the prisoner to reimburse the county for 234
its expenses incurred by reason of the prisoner's confinement. 235

(C) Notwithstanding any contrary provision in this section 236

or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the board of county commissioners in this state may establish a policy that complies with section 2929.38 of the Revised Code and that requires any prisoner who is not indigent and who is confined in the county's jail under this section to pay a reception fee, a fee for medical treatment or service requested by and provided to that prisoner, or the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code.

(D) If a county in this state receives pursuant to section 341.12 of the Revised Code for confinement in its jail a person who has been convicted of or pleaded guilty to an offense and has been sentenced to a term in a jail or a person who has been arrested for an offense, who has been denied bail or has had bail set and has not been released on bail, and who is confined in jail pending trial, at the time of reception and at other times the sheriff or other person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV ~~infection~~, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The sheriff or other person in charge of the operation of the jail may cause a convicted or accused offender in the jail who refuses to be tested or treated for tuberculosis, HIV ~~infection~~, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 341.19. (A) Pursuant to section 2929.37 of the Revised Code, the board of county commissioners may require a person who was convicted of an offense and who is confined in

the county jail to reimburse the county for its expenses 268
incurred by reason of the person's confinement. 269

(B) Notwithstanding any contrary provision in this section 270
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 271
board of county commissioners may establish a policy that 272
complies with section 2929.38 of the Revised Code and that 273
requires any prisoner who is not indigent and who is confined in 274
the county's jail under this section to pay a reception fee, a 275
fee for any medical treatment or service requested by and 276
provided to that prisoner, or the fee for a random drug test 277
assessed under division (E) of section 341.26 of the Revised 278
Code. 279

(C) If a person who is convicted of or pleads guilty to an 280
offense is sentenced to a term in a jail, or if a person who has 281
been arrested for an offense, and who has been denied bail or 282
has had bail set and has not been released on bail is confined 283
in jail pending trial, at the time of reception and at other 284
times the sheriff or other person in charge of the operation of 285
the jail determines to be appropriate, the sheriff or other 286
person in charge of the operation of the jail may cause the 287
convicted or accused offender to be examined and tested for 288
tuberculosis, HIV~~-infection~~, hepatitis, including but not 289
limited to hepatitis A, B, and C, and other contagious diseases. 290
The sheriff or other person in charge of the operation of the 291
jail may cause a convicted or accused offender in the jail who 292
refuses to be tested or treated for tuberculosis, HIV~~-infection~~, 293
hepatitis, including but not limited to hepatitis A, B, and C, 294
or another contagious disease to be tested and treated 295
involuntarily. 296

Sec. 341.21. (A) The board of county commissioners may 297

direct the sheriff to receive into custody prisoners charged 298
with or convicted of crime by the United States, and to keep 299
those prisoners until discharged. 300

The board of the county in which prisoners charged with or 301
convicted of crime by the United States may be so committed may 302
negotiate and conclude any contracts with the United States for 303
the use of the jail as provided by this section and as the board 304
sees fit. 305

A prisoner so committed shall be supported at the expense 306
of the United States during the prisoner's confinement in the 307
county jail. No greater compensation shall be charged by a 308
sheriff for the subsistence of that type of prisoner than is 309
provided by section 311.20 of the Revised Code to be charged for 310
the subsistence of state prisoners. 311

A sheriff or jailer who neglects or refuses to perform the 312
services and duties directed by the board by reason of this 313
division, shall be liable to the same penalties, forfeitures, 314
and actions as if the prisoner had been committed under the 315
authority of this state. 316

(B) Prior to the acceptance for housing into the county 317
jail of persons who are designated by the department of 318
rehabilitation and correction, who plead guilty to or are 319
convicted of a felony of the fourth or fifth degree, and who 320
satisfy the other requirements listed in section 5120.161 of the 321
Revised Code, the board of county commissioners shall enter into 322
an agreement with the department of rehabilitation and 323
correction under section 5120.161 of the Revised Code for the 324
housing in the county jail of persons designated by the 325
department who plead guilty to or are convicted of a felony of 326
the fourth or fifth degree and who satisfy the other 327

requirements listed in that section in exchange for a per diem 328
fee per person. Persons incarcerated in the county jail pursuant 329
to an agreement entered into under this division shall be 330
subject to supervision and control in the manner described in 331
section 5120.161 of the Revised Code. This division does not 332
affect the authority of a court to directly sentence a person 333
who is convicted of or pleads guilty to a felony to the county 334
jail in accordance with section 2929.16 of the Revised Code. 335

(C) Notwithstanding any contrary provision in section 336
2929.18, 2929.28, or 2929.37 or in any other section of the 337
Revised Code, the board of county commissioners may establish a 338
policy that complies with section 2929.38 of the Revised Code 339
and that requires any person who is not indigent and who is 340
confined in the jail under division (B) of this section to pay a 341
reception fee, a fee for any medical treatment or service 342
requested by and provided to that person, or the fee for a 343
random drug test assessed under division (E) of section 341.26 344
of the Revised Code. 345

(D) If a sheriff receives into custody a prisoner 346
convicted of crime by the United States as described in division 347
(A) of this section, if a person who has been convicted of or 348
pleaded guilty to an offense is incarcerated in the jail in the 349
manner described in division (B) of this section, if a sheriff 350
receives into custody a prisoner charged with a crime by the 351
United States and the prisoner has had bail denied or has had 352
bail set, has not been released on bail, and is confined in jail 353
pending trial, or if a person who has been arrested for an 354
offense, and who has been denied bail or has had bail set and 355
has not been released on bail is confined in jail pending trial, 356
at the time of reception and at other times the sheriff or other 357
person in charge of the operation of the jail determines to be 358

appropriate, the sheriff or other person in charge of the 359
operation of the jail may cause the convicted or accused 360
offender to be examined and tested for tuberculosis, HIV 361
~~infection~~, hepatitis, including, but not limited to, hepatitis 362
A, B, and C, and other contagious diseases. The sheriff or other 363
person in charge of the operation of the jail may cause a 364
convicted or accused offender in the jail who refuses to be 365
tested or treated for tuberculosis, HIV ~~infection~~, hepatitis, 366
including, but not limited to, hepatitis A, B, and C, or another 367
contagious disease to be tested and treated involuntarily. 368

Sec. 341.23. (A) The board of county commissioners of any 369
county or the legislative authority of any municipal corporation 370
in which there is no workhouse may agree with the legislative 371
authority of any municipal corporation or other authority having 372
control of the workhouse of any other city, or with the 373
directors of any district of a joint city and county workhouse 374
or county workhouse, upon terms on which persons convicted of a 375
misdemeanor by any court or magistrate of a county or municipal 376
corporation having no workhouse, may be received into that 377
workhouse, under sentence of the court or magistrate. The board 378
or legislative authority may pay the expenses incurred under the 379
agreement out of the general fund of that county or municipal 380
corporation, upon the certificate of the proper officer of the 381
workhouse. 382

(B) The sheriff or other officer transporting any person 383
to the workhouse described in division (A) of this section shall 384
receive six cents per mile for the sheriff or officer, going and 385
returning, five cents per mile for transporting the convict, and 386
five cents per mile, going and coming, for the service of each 387
deputy, to be allowed as in cases in which a person is 388
transported to a state correctional institution. The number of 389

miles shall be computed by the usual routes of travel and, in 390
state cases, shall be paid out of the general fund of the 391
county, on the allowance of the board, and for the violation of 392
the ordinances of any municipal corporation, shall be paid by 393
that municipal corporation on the order of its legislative 394
authority. 395

(C) Pursuant to section 2929.37 of the Revised Code, the 396
board of county commissioners, the directors of the district of 397
a joint city and county workhouse or county workhouse, or the 398
legislative authority of the municipal corporation may require a 399
person who was convicted of an offense and who is confined in a 400
workhouse as provided in division (A) of this section, to 401
reimburse the county, district, or municipal corporation, as the 402
case may be, for its expenses incurred by reason of the person's 403
confinement. 404

(D) Notwithstanding any contrary provision in this section 405
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 406
appropriate board of county commissioners and legislative 407
authorities may include in their agreement entered into under 408
division (A) of this section a policy that complies with section 409
2929.38 of the Revised Code and that requires any person who is 410
not indigent and who is confined in the county, city, district, 411
or joint city and county workhouse under this section to pay a 412
reception fee, a fee for any medical treatment or service 413
requested by and provided to that person, or the fee for a 414
random drug test assessed under division (E) of section 341.26 415
of the Revised Code. 416

(E) If a person who has been convicted of or pleaded 417
guilty to an offense is incarcerated in the workhouse as 418
provided in division (A) of this section, at the time of 419

reception and at other times the person in charge of the 420
operation of the workhouse determines to be appropriate, the 421
person in charge of the operation of the workhouse may cause the 422
convicted offender to be examined and tested for tuberculosis, 423
HIV~~-infection~~, hepatitis, including but not limited to hepatitis 424
A, B, and C, and other contagious diseases. The person in charge 425
of the operation of the workhouse may cause a convicted offender 426
in the workhouse who refuses to be tested or treated for 427
tuberculosis, HIV~~-infection~~, hepatitis, including but not 428
limited to hepatitis A, B, and C, or another contagious disease 429
to be tested and treated involuntarily. 430

Sec. 341.34. (A) As used in this section, "building or 431
structure" includes, but is not limited to, a modular unit, 432
building, or structure and a movable unit, building, or 433
structure. 434

(B) (1) The board of county commissioners of any county, by 435
resolution, may dedicate and permit the use, as a minimum 436
security jail, of any vacant or abandoned public building or 437
structure owned by the county that has not been dedicated to or 438
is not then in use for any county or other public purpose, or 439
any building or structure rented or leased by the county. The 440
board of county commissioners of any county, by resolution, also 441
may dedicate and permit the use, as a minimum security jail, of 442
any building or structure purchased by or constructed by or for 443
the county. Subject to divisions (B) (3) and (C) of this section, 444
upon the effective date of such a resolution, the specified 445
building or structure shall be used, in accordance with this 446
section, for the confinement of persons who meet one of the 447
following conditions: 448

(a) The person is sentenced to a term of imprisonment for 449

a traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by

resolution, may affiliate with one or more adjacent counties, or 480
with one or more municipal corporations located within the 481
county or within an adjacent county, and dedicate and permit the 482
use, as a minimum security jail, of any vacant or abandoned 483
public building or structure owned by any of the affiliating 484
counties or municipal corporations that has not been dedicated 485
to or is not then in use for any public purpose, or any building 486
or structure rented or leased by any of the affiliating counties 487
or municipal corporations. The board of county commissioners of 488
any county, by resolution, also may affiliate with one or more 489
adjacent counties or with one or more municipal corporations 490
located within the county or within an adjacent county and 491
dedicate and permit the use, as a minimum security jail, of any 492
building or structure purchased by or constructed by or for any 493
of the affiliating counties or municipal corporations. Any 494
counties and municipal corporations that affiliate for purposes 495
of this division shall enter into an agreement that establishes 496
the responsibilities for the operation and for the cost of 497
operation of the minimum security jail. Subject to divisions (B) 498
(3) and (C) of this section, upon the effective date of a 499
resolution adopted under this division, the specified building 500
or structure shall be used, in accordance with this section, for 501
the confinement of persons who meet one of the following 502
conditions: 503

(a) The person is sentenced to a term of imprisonment for 504
a traffic violation, a misdemeanor, or a violation of an 505
ordinance of any municipal corporation, or is sentenced to a 506
residential sanction in the jail for a felony of the fourth or 507
fifth degree pursuant to sections 2929.11 to 2929.19 of the 508
Revised Code, and the jail administrator or the jail 509
administrator's designee has classified the person as a minimal 510

security risk. In determining the person's classification under 511
this division, the administrator or designee shall consider all 512
relevant factors, including, but not limited to, the person's 513
escape risk and propensity for assaultive or violent behavior, 514
based upon the person's prior and current behavior. 515

(b) The person is charged with a traffic violation, a 516
misdemeanor, or a felony of the fourth or fifth degree and has 517
had bail set and has not been released on bail and is confined 518
in a county jail pending trial, and the jail administrator or 519
the jail administrator's designee has classified the person as a 520
minimal security risk. In determining the person's 521
classification under this division, the administrator or 522
designee shall consider all relevant factors, including, but not 523
limited to, the person's escape risk and propensity for 524
assaultive or violent behavior, based upon the person's prior 525
and current behavior. Nothing in this division authorizes the 526
operation or management of a minimum security jail by a private 527
entity. 528

(c) The person is an inmate transferred by order of a 529
judge of the sentencing court upon the request of the sheriff, 530
administrator, jailer, or other person responsible for operating 531
the jail other than a contractor as defined in section 9.06 of 532
the Revised Code, who is named in the request as being suitable 533
for confinement in a minimum security facility. 534

(3) No person shall be confined in a building or structure 535
dedicated as a minimum security jail under division (B)(1) or 536
(2) of this section unless the judge who sentenced the person to 537
the term of imprisonment for the traffic violation or the 538
misdemeanor specifies that the term of imprisonment is to be 539
served in that jail, and division (B)(1) or (2) of this section 540

permits the confinement of the person in that jail or unless the 541
judge who sentenced the person to the residential sanction for 542
the felony specifies that the residential sanction is to be 543
served in a jail, and division (B) (1) or (2) of this section 544
permits the confinement of the person in that jail. If a rented 545
or leased building or structure is so dedicated, the building or 546
structure may be used as a minimum security jail only during the 547
period that it is rented or leased by the county or by an 548
affiliated county or municipal corporation. If a person 549
convicted of a misdemeanor is confined to a building or 550
structure dedicated as a minimum security jail under division 551
(B) (1) or (2) of this section and the sheriff, administrator, 552
jailer, or other person responsible for operating the jail other 553
than a contractor as defined in section 9.06 of the Revised Code 554
determines that it would be more appropriate for the person so 555
confined to be confined in another jail or workhouse facility, 556
the sheriff, administrator, jailer, or other person may transfer 557
the person so confined to a more appropriate jail or workhouse 558
facility. 559

(C) All of the following apply to a building or structure 560
that is dedicated pursuant to division (B) (1) or (2) of this 561
section for use as a minimum security jail: 562

(1) To the extent that the use of the building or 563
structure as a minimum security jail requires a variance from 564
any county, municipal corporation, or township zoning 565
regulations or ordinances, the variance shall be granted. 566

(2) Except as provided in this section, the building or 567
structure shall not be used to confine any person unless it is 568
in substantial compliance with any applicable housing, fire 569
prevention, sanitation, health, and safety codes, regulations, 570

or standards. 571

(3) Unless such satisfaction or compliance is required 572
under the standards described in division (C) (4) of this 573
section, and notwithstanding any other provision of state or 574
local law to the contrary, the building or structure need not 575
satisfy or comply with any state or local building standard or 576
code in order to be used to confine a person for the purposes 577
specified in division (B) of this section. 578

(4) The building or structure shall not be used to confine 579
any person unless it is in compliance with all minimum standards 580
and minimum renovation, modification, and construction criteria 581
for jails that have been proposed by the department of 582
rehabilitation and correction, through its bureau of adult 583
detention, under section 5120.10 of the Revised Code. 584

(5) The building or structure need not be renovated or 585
modified into a secure detention facility in order to be used 586
solely to confine a person for the purposes specified in 587
divisions (B) (1) (a) or (b) and (B) (2) (a) or (b) of this section. 588

(6) The building or structure shall be used, equipped, 589
furnished, and staffed in the manner necessary to provide 590
adequate and suitable living, sleeping, food service or 591
preparation, drinking, bathing and toilet, sanitation, and other 592
necessary facilities, furnishings, and equipment. 593

(D) Except as provided in this section, a minimum security 594
jail dedicated and used under this section shall be considered 595
to be part of the jail, workhouse, or other correctional 596
facilities of the county or the affiliated counties and 597
municipal corporations for all purposes under the law. All 598
persons confined in such a minimum security jail shall be and 599

shall remain, in all respects, under the control of the county 600
authority that has responsibility for the management and 601
operation of the jail, workhouse, or other correctional 602
facilities of the county or, if it is operated by any 603
affiliation of counties or municipal corporations, under the 604
control of the specified county or municipal corporation with 605
that authority, provided that, if the person was convicted of a 606
felony and is serving a residential sanction in the facility, 607
all provisions of law that pertain to persons convicted of a 608
felony that would not by their nature clearly be inapplicable 609
apply regarding the person. A minimum security jail dedicated 610
and used under this section shall be managed and maintained in 611
accordance with policies and procedures adopted by the board of 612
county commissioners or the affiliated counties and municipal 613
corporations governing the safe and healthful operation of the 614
jail, the confinement and supervision of the persons sentenced 615
to it, and their participation in work release or similar 616
rehabilitation programs. In addition to other rules of conduct 617
and discipline, the rights of ingress and egress of persons 618
confined in a minimum security jail dedicated and used under 619
this section shall be subject to reasonable restrictions. Every 620
person confined in a minimum security jail dedicated and used 621
under this section shall be given verbal and written 622
notification, at the time of the person's admission to the jail, 623
that purposely leaving, or purposely failing to return to, the 624
jail without proper authority or permission constitutes the 625
felony offense of escape. 626

(E) If a person who has been convicted of or pleaded 627
guilty to an offense is sentenced to a term of imprisonment or a 628
residential sanction in a minimum security jail as described in 629
division (B) (1) (a) or (B) (2) (a) of this section, or if a person 630

is an inmate transferred to a minimum security jail by order of 631
a judge of the sentencing court as described in division (B) (1) 632
(c) or (B) (2) (c) of this section, at the time of reception and 633
at other times the person in charge of the operation of the jail 634
determines to be appropriate, the sheriff or other person in 635
charge of the operation of the jail may cause the convicted 636
offender to be examined and tested for tuberculosis, HIV 637
~~infection~~, hepatitis, including but not limited to hepatitis A, 638
B, and C, and other contagious diseases. The person in charge of 639
the operation of the jail may cause a convicted offender in the 640
jail who refuses to be tested or treated for tuberculosis, HIV 641
~~infection~~, hepatitis, including but not limited to hepatitis A, 642
B, and C, or another contagious disease to be tested and treated 643
involuntarily. 644

Sec. 753.02. (A) The legislative authority of a municipal 645
corporation shall provide by ordinance for sustaining all 646
persons sentenced to or confined in a prison or station house at 647
the expense of the municipal corporation, and in counties where 648
prisons or station houses are in quarters leased from the board 649
of county commissioners, may contract with the board for the 650
care and maintenance of those persons by the sheriff or other 651
person charged with the care and maintenance of county 652
prisoners. On the presentation of bills for food, sustenance, 653
and necessary supplies, to the proper officer, certified by the 654
person whom the legislative authority designates, the officer 655
shall audit the bills under the rules prescribed by the 656
legislative authority, and draw the officer's order on the 657
treasurer of the municipal corporation in favor of the person 658
presenting the bill. 659

(B) Pursuant to section 2929.37 of the Revised Code, the 660
legislative authority of the municipal corporation may require a 661

person who was convicted of an offense and who is confined in a 662
prison or station house as provided in division (A) of this 663
section, or a person who was convicted of an offense and who is 664
confined in the county jail as provided in section 1905.35 of 665
the Revised Code, to reimburse the municipal corporation for its 666
expenses incurred by reason of the person's confinement. 667

(C) Notwithstanding any contrary provision in this section 668
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 669
legislative authority of the municipal corporation may establish 670
a policy that complies with section 2929.38 of the Revised Code 671
and that requires any person who is not indigent and who is 672
confined in a prison or station house to pay a reception fee, a 673
fee for any medical treatment or service requested by and 674
provided to that person, or the fee for a random drug test 675
assessed under division (E) of section 753.33 of the Revised 676
Code. 677

(D) If a person who has been convicted of or pleaded 678
guilty to an offense is sentenced to a term of imprisonment in a 679
prison or station house as described in division (A) of this 680
section, or if a person who has been arrested for an offense, 681
and who has been denied bail or has had bail set and has not 682
been released on bail is confined in a prison or station house 683
as described in division (A) of this section pending trial, at 684
the time of reception and at other times the person in charge of 685
the operation of the prison or station house determines to be 686
appropriate, the person in charge of the operation of the prison 687
or station house may cause the convicted or accused offender to 688
be examined and tested for tuberculosis, HIV~~infection~~, 689
hepatitis, including, but not limited to, hepatitis A, B, and C, 690
and other contagious diseases. The person in charge of the 691
operation of the prison or station house may cause a convicted 692

or accused offender in the prison or station house who refuses 693
to be tested or treated for tuberculosis, HIV~~infection~~, 694
hepatitis, including, but not limited to, hepatitis A, B, and C, 695
or another contagious disease to be tested and treated 696
involuntarily. 697

Sec. 753.04. (A) When a person over sixteen years of age 698
is convicted of an offense under the law of this state or an 699
ordinance of a municipal corporation, and the tribunal before 700
which the conviction is had is authorized by law to commit the 701
offender to the county jail or municipal corporation prison, the 702
court, mayor, or judge of the county court, as the case may be, 703
may sentence the offender to a workhouse. 704

When a commitment is made from a municipal corporation or 705
township in the county, other than in a municipal corporation 706
having a workhouse, the legislative authority of the municipal 707
corporation or the board of township trustees shall transmit 708
with the mittimus a sum of money equal to not less than seventy 709
cents per day for the time of the commitment, to be placed in 710
the hands of the superintendent of a workhouse for the care and 711
maintenance of the prisoner. 712

(B) Pursuant to section 2929.37 of the Revised Code, the 713
legislative authority of the municipal corporation or the board 714
of township trustees may require a person who is convicted of an 715
offense and who is confined in a workhouse as provided in 716
division (A) of this section, to reimburse the municipal 717
corporation or the township, as the case may be, for its 718
expenses incurred by reason of the person's confinement. 719

(C) Notwithstanding any contrary provision in this section 720
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 721
legislative authority of the municipal corporation or board of 722

township trustees may establish a policy that complies with 723
section 2929.38 of the Revised Code and that requires any person 724
who is not indigent and who is confined in the workhouse under 725
division (A) of this section to pay a reception fee, a fee for 726
any medical treatment or service requested by and provided to 727
that person, or the fee for a random drug test assessed under 728
division (E) of section 753.33 of the Revised Code. 729

(D) If a person who has been convicted of or pleaded 730
guilty to an offense is incarcerated in a workhouse or if a 731
person who has been arrested for an offense, and who has not 732
been denied bail or has had bail set and has not been released 733
on bail is confined in a workhouse pending trial, at the time of 734
reception and at other times the person in charge of the 735
operation of the workhouse determines to be appropriate, the 736
person in charge of the operation of the workhouse may cause the 737
convicted or accused offender to be examined and tested for 738
tuberculosis, HIV-~~infection~~, hepatitis, including, but not 739
limited to, hepatitis A, B, and C, and other contagious 740
diseases. The person in charge of the operation of the workhouse 741
may cause a convicted or accused offender in the workhouse who 742
refuses to be tested or treated for tuberculosis, HIV-~~infection~~, 743
hepatitis, including, but not limited to, hepatitis A, B, and C, 744
or another contagious disease to be tested and treated 745
involuntarily. 746

Sec. 753.16. (A) Any city or district having a workhouse 747
may receive as inmates of the workhouse persons sentenced or 748
committed to it from counties other than the one in which the 749
workhouse is situated, upon the terms and during the length of 750
time agreed upon by the boards of county commissioners of those 751
counties, or by the legislative authority of a municipal 752
corporation in those counties and the legislative authority of 753

the city, or the board of the district workhouse, or other 754
authority having the management and control of the workhouse. 755
Prisoners so received shall in all respects be and remain under 756
the control of that authority, and shall be subject to the rules 757
and discipline of the workhouse to which the other prisoners 758
detained in the workhouse are subject. 759

(B) Prior to the acceptance for housing into a jail or 760
workhouse of persons who are designated by the department of 761
rehabilitation and correction, who plead guilty to or are 762
convicted of a felony of the fourth or fifth degree, and who 763
satisfy the other requirements listed in section 5120.161 of the 764
Revised Code, the legislative authority of a municipal 765
corporation having a jail or workhouse, or the joint board 766
managing and controlling a workhouse for the joint use of a 767
municipal corporation and a county shall enter into an agreement 768
with the department of rehabilitation and correction under 769
section 5120.161 of the Revised Code for the housing in the jail 770
or workhouse of persons who are designated by the department, 771
who plead guilty to or are convicted of a felony of the fourth 772
or fifth degree, and who satisfy the other requirements listed 773
in that section, in exchange for a per diem fee per person. 774
Persons incarcerated in the jail or workhouse pursuant to an 775
agreement of that nature shall be subject to supervision and 776
control in the manner described in section 5120.161 of the 777
Revised Code. This division does not affect the authority of a 778
court to directly sentence a person who is convicted of or 779
pleads guilty to a felony to the jail or workhouse in accordance 780
with section 2929.16 of the Revised Code. 781

(C) Pursuant to section 2929.37 of the Revised Code, the 782
board of county commissioners, the legislative authority of the 783
municipal corporation, or the board or other managing authority 784

of the district workhouse may require a person who was convicted 785
of an offense and who is confined in the workhouse as provided 786
in division (A) of this section, to reimburse the county, 787
municipal corporation, or district, as the case may be, for its 788
expenses incurred by reason of the person's confinement. 789

(D) Notwithstanding any contrary provision in this section 790
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 791
board of county commissioners, the legislative authority of a 792
municipal corporation, or the board or other managing authority 793
of the district workhouse may establish a policy that complies 794
with section 2929.38 of the Revised Code and that requires any 795
person who is not indigent and who is confined in the jail or 796
workhouse under division (A) or (B) of this section to pay a 797
reception fee, a fee for any medical treatment or service 798
requested by and provided to that person, or the fee for a 799
random drug test assessed under division (E) of section 753.33 800
of the Revised Code. 801

(E) If a person who has been convicted of or pleaded 802
guilty to an offense is confined in the workhouse as provided in 803
division (A) of this section or is incarcerated in the workhouse 804
in the manner described in division (B) of this section, or if a 805
person who has been arrested for an offense, and who has been 806
denied bail or has had bail set and has not been released on 807
bail is confined in the workhouse pending trial, at the time of 808
reception and at other times the person in charge of the 809
operation of the workhouse determines to be appropriate, the 810
person in charge of the operation of the workhouse may cause the 811
convicted or accused offender to be examined and tested for 812
tuberculosis, HIV~~-infection~~, hepatitis, including but not 813
limited to hepatitis A, B, and C, and other contagious diseases. 814
The person in charge of the operation of the workhouse may cause 815

a convicted or accused offender in the workhouse who refuses to 816
be tested or treated for tuberculosis, HIV~~-infection~~, hepatitis, 817
including but not limited to hepatitis A, B, and C, or another 818
contagious disease to be tested and treated involuntarily. 819

Sec. 753.21. (A) As used in this section, "building or 820
structure" includes, but is not limited to, a modular unit, 821
building, or structure and a movable unit, building, or 822
structure. 823

(B) (1) The legislative authority of a municipal 824
corporation, by ordinance, may dedicate and permit the use, as a 825
minimum security jail, of any vacant or abandoned public 826
building or structure owned by the municipal corporation that 827
has not been dedicated to or is not then in use for any 828
municipal or other public purpose, or any building or structure 829
rented or leased by the municipal corporation. The legislative 830
authority of a municipal corporation, by ordinance, also may 831
dedicate and permit the use, as a minimum security jail, of any 832
building or structure purchased by or constructed by or for the 833
municipal corporation. Subject to divisions (B) (3) and (C) of 834
this section, upon the effective date of such an ordinance, the 835
specified building or structure shall be used, in accordance 836
with this section, for the confinement of persons who meet one 837
of the following conditions: 838

(a) The person is sentenced to a term of imprisonment for 839
a traffic violation, a misdemeanor, or a violation of a 840
municipal ordinance and is under the jurisdiction of the 841
municipal corporation or is sentenced to a residential sanction 842
in the jail for a felony of the fourth or fifth degree pursuant 843
to sections 2929.11 to 2929.19 of the Revised Code, and the jail 844
administrator or the jail administrator's designee has 845

classified the person as a minimal security risk. In determining 846
the person's classification under this division, the 847
administrator or designee shall consider all relevant factors, 848
including, but not limited to, the person's escape risk and 849
propensity for assaultive or violent behavior, based upon the 850
person's prior and current behavior. 851

(b) The person is an inmate transferred by order of a 852
judge of the sentencing court upon the request of the sheriff, 853
administrator, jailer, or other person responsible for operating 854
the jail other than a contractor as defined in section 9.06 of 855
the Revised Code, who is named in the request as being suitable 856
for confinement in a minimum security facility. 857

(2) The legislative authority of a municipal corporation, 858
by ordinance, may affiliate with the county in which it is 859
located, with one or more counties adjacent to the county in 860
which it is located, or with one or more municipal corporations 861
located within the county in which it is located or within an 862
adjacent county, and dedicate and permit the use, as a minimum 863
security jail, of any vacant or abandoned public building or 864
structure owned by any of the affiliating counties or municipal 865
corporations that has not been dedicated to or is not then in 866
use for any public purpose, or any building or structure rented 867
or leased by any of the affiliating counties or municipal 868
corporations. The legislative authority of a municipal 869
corporation, by ordinance, also may affiliate with one or more 870
counties adjacent to the county in which it is located or with 871
one or more municipal corporations located within the county in 872
which it is located or within an adjacent county and dedicate 873
and permit the use, as a minimum security jail, of any building 874
or structure purchased by or constructed by or for any of the 875
affiliating counties or municipal corporations. Any counties and 876

municipal corporations that affiliate for purposes of this 877
division shall enter into an agreement that establishes the 878
responsibilities for the operation and for the cost of operation 879
of the minimum security jail. Subject to divisions (B) (3) and 880
(C) of this section, upon the effective date of an ordinance 881
adopted under this division, the specified building or structure 882
shall be used, in accordance with this section, for the 883
confinement of persons who meet one of the following conditions: 884

(a) The person is sentenced to a term of imprisonment for 885
a traffic violation, a misdemeanor, or a violation of an 886
ordinance of a municipal corporation and is under the 887
jurisdiction of any of the affiliating counties or municipal 888
corporations or is sentenced to a residential sanction in the 889
jail for a felony of the fourth or fifth degree pursuant to 890
sections 2929.11 to 2929.19 of the Revised Code, and the jail 891
administrator or the jail administrator's designee has 892
classified the person as a minimal security risk. In determining 893
the person's classification under this division, the 894
administrator or designee shall consider all relevant factors, 895
including, but not limited to, the person's escape risk and 896
propensity for assaultive or violent behavior, based upon the 897
person's prior and current behavior. 898

(b) The person is an inmate transferred by order of a 899
judge of the sentencing court upon the request of the sheriff, 900
administrator, jailer, or other person responsible for operating 901
the jail other than a contractor as defined in section 9.06 of 902
the Revised Code, who is named in the request as being suitable 903
for confinement in a minimum security facility. 904

(3) No person shall be confined in a building or structure 905
dedicated as a minimum security jail under division (B) (1) or 906

(2) of this section unless the judge who sentenced the person to 907
the term of imprisonment for the traffic violation or the 908
misdemeanor specifies that the term of imprisonment is to be 909
served in that jail, and division (B)(1) or (2) of this section 910
permits the confinement of the person in that jail or unless the 911
judge who sentenced the person to the residential sanction for 912
the felony specifies that the residential sanction is to be 913
served in a jail, and division (B)(1) or (2) of this section 914
permits the confinement of the person in that jail. If a rented 915
or leased building or structure is so dedicated, the building or 916
structure may be used as a minimum security jail only during the 917
period that it is rented or leased by the municipal corporation 918
or by an affiliated county or municipal corporation. If a person 919
convicted of a misdemeanor is confined to a building or 920
structure dedicated as a minimum security jail under division 921
(B)(1) or (2) of this section and the sheriff, administrator, 922
jailer, or other person responsible for operating the jail other 923
than a contractor as defined in division (H) of section 9.06 of 924
the Revised Code determines that it would be more appropriate 925
for the person so confined to be confined in another jail or 926
workhouse facility, the sheriff, administrator, jailer, or other 927
person may transfer the person so confined to a more appropriate 928
jail or workhouse facility. 929

(C) All of the following apply in relation to a building 930
or structure that is dedicated pursuant to division (B)(1) or 931
(2) of this section for use as a minimum security jail: 932

(1) To the extent that the use of the building or 933
structure as a minimum security jail requires a variance from 934
any municipal corporation, county, or township zoning ordinances 935
or regulations, the variance shall be granted. 936

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C) (4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B) (1) (a) and (B) (2) (a) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered

to be part of the jail, workhouse, or other correctional 966
facilities of the municipal corporation or the affiliated 967
counties and municipal corporations for all purposes under the 968
law. All persons confined in such a minimum security jail shall 969
be and shall remain, in all respects, under the control of the 970
authority of the municipal corporation that has responsibility 971
for the management and operation of the jail, workhouse, or 972
other correctional facilities of the municipal corporation or, 973
if it is operated by any affiliation of counties or municipal 974
corporations, under the control of the specified county or 975
municipal corporation with that authority, provided that, if the 976
person was convicted of a felony and is serving a residential 977
sanction in the facility, all provisions of law that pertain to 978
persons convicted of a felony that would not by their nature 979
clearly be inapplicable apply regarding the person. A minimum 980
security jail dedicated and used under this section shall be 981
managed and maintained in accordance with policies and 982
procedures adopted by the legislative authority of the municipal 983
corporation or the affiliated counties and municipal 984
corporations governing the safe and healthful operation of the 985
jail, the confinement and supervision of the persons sentenced 986
to it, and their participation in work release or similar 987
rehabilitation programs. In addition to other rules of conduct 988
and discipline, the rights of ingress and egress of persons 989
confined in a minimum security jail dedicated and used under 990
this section shall be subject to reasonable restrictions. Every 991
person confined in a minimum security jail dedicated and used 992
under this section shall be given verbal and written 993
notification, at the time of the person's admission to the jail, 994
that purposely leaving, or purposely failing to return to, the 995
jail without proper authority or permission constitutes the 996
felony offense of escape. 997

(E) If a person who has been convicted of or pleaded 998
guilty to an offense is sentenced to a term of imprisonment or a 999
residential sanction in a minimum security jail as described in 1000
division (B) (1) (a) or (B) (2) (a) of this section, or if a person 1001
is an inmate transferred to a minimum security jail by order of 1002
a judge of the sentencing court as described in division (B) (1) 1003
(b) or (2) (b) of this section, at the time of reception and at 1004
other times the person in charge of the operation of the jail 1005
determines to be appropriate, the person in charge of the 1006
operation of the jail may cause the convicted offender to be 1007
examined and tested for tuberculosis, HIV~~-infection~~, hepatitis, 1008
including but not limited to hepatitis A, B, and C, and other 1009
contagious diseases. The person in charge of the operation of 1010
the jail may cause a convicted offender in the jail who refuses 1011
to be tested or treated for tuberculosis, HIV~~-infection~~, 1012
hepatitis, including but not limited to hepatitis A, B, and C, 1013
or another contagious disease to be tested and treated 1014
involuntarily. 1015

Sec. 2151.358. (A) The juvenile court shall expunge all 1016
records sealed under section 2151.356 of the Revised Code five 1017
years after the court issues a sealing order or upon the twenty- 1018
third birthday of the person who is the subject of the sealing 1019
order, whichever date is earlier. 1020

(B) Notwithstanding division (A) of this section, upon 1021
application by the person who has had a record sealed under 1022
section 2151.356 of the Revised Code, the juvenile court may 1023
expunge a record sealed under section 2151.356 of the Revised 1024
Code. In making the determination whether to expunge records, 1025
all of the following apply: 1026

(1) The court may require a person filing an application 1027

for expungement to submit any relevant documentation to support 1028
the application. 1029

(2) The court may cause an investigation to be made to 1030
determine if the person who is the subject of the proceedings 1031
has been rehabilitated to a satisfactory degree. 1032

(3) The court shall promptly, but not less than thirty 1033
days prior to the hearing, notify the prosecuting attorney of 1034
any proceedings to expunge records. The prosecutor shall provide 1035
timely notice to a victim and the victim's representative, if 1036
applicable, if the victim or victim's representative requested 1037
notice of the proceedings in the underlying case. 1038

(4) (a) The prosecuting attorney may file a response with 1039
the court within thirty days of receiving notice of the 1040
expungement proceedings. 1041

(b) If the prosecuting attorney does not file a response 1042
with the court or if the prosecuting attorney files a response 1043
but indicates that the prosecuting attorney does not object to 1044
the expungement of the records, the court may order the records 1045
of the person that are under consideration to be expunged 1046
without conducting a hearing on the application. If the court 1047
decides in its discretion to conduct a hearing on the 1048
application, the court shall conduct the hearing within thirty 1049
days after making that decision and shall give notice, by 1050
regular mail, of the date, time, and location of the hearing to 1051
the prosecuting attorney and to the person who is the subject of 1052
the records under consideration. The victim and the victim's 1053
representative, if applicable, may be present and heard orally, 1054
in writing, or both at any hearing under this division. The 1055
court shall consider the oral and written statement of any 1056
victim, victim's representative, and victim's attorney, if 1057

applicable. 1058

(c) If the prosecuting attorney files a response with the 1059
court that indicates that the prosecuting attorney objects to 1060
the expungement of the records, the court shall conduct a 1061
hearing on the application within thirty days after the court 1062
receives the response. The court shall give notice, by regular 1063
mail, of the date, time, and location of the hearing to the 1064
prosecuting attorney and to the person who is the subject of the 1065
records under consideration. The victim and the victim's 1066
representative, if applicable, may be present and heard orally, 1067
in writing, or both at any hearing under this section. The court 1068
shall consider the oral and written statement of any victim, 1069
victim's representative, and victim's attorney, if applicable. 1070

(5) After conducting a hearing in accordance with division 1071
(B) (4) of this section or after due consideration when a hearing 1072
is not conducted, the court may order the records of the person 1073
that are the subject of the application to be expunged if it 1074
finds that the person has been rehabilitated to a satisfactory 1075
degree. In determining whether the person has been rehabilitated 1076
to a satisfactory degree, the court may consider all of the 1077
following: 1078

(a) The age of the person; 1079

(b) The nature of the case; 1080

(c) The cessation or continuation of delinquent, unruly, 1081
or criminal behavior; 1082

(d) The education and employment history of the person; 1083

(e) Any other circumstances that may relate to the 1084
rehabilitation of the person who is the subject of the records 1085
under consideration. 1086

(C) If the juvenile court is notified by any party in a 1087
civil action that a civil action has been filed based on a case 1088
the records for which are the subject of a sealing order, the 1089
juvenile court shall not expunge a record sealed under section 1090
2151.356 of the Revised Code until the civil action has been 1091
resolved and is not subject to further appellate review, at 1092
which time the records shall be expunged pursuant to division 1093
(A) of this section. 1094

(D) (1) A juvenile court that issues a protection order or 1095
approves a consent agreement under section 2151.34 or 3113.31 of 1096
the Revised Code shall automatically seal all of the records of 1097
the proceeding in which the order was issued or agreement 1098
approved on the date the person against whom the protection 1099
order was issued or the consent agreement approved attains the 1100
age of nineteen years if the court determines that the person 1101
has complied with all of the terms of the protection order or 1102
consent agreement. 1103

(2) In a proceeding under section 2151.34 of the Revised 1104
Code, if the juvenile court does not issue any protection order 1105
under division (E) of that section, the court shall 1106
automatically seal all of the records in that proceeding. In a 1107
proceeding under section 3113.31 of the Revised Code, if the 1108
juvenile court does not issue any protection order or approve 1109
any consent agreement under division (E) of that section, the 1110
court shall automatically seal all of the records in that 1111
proceeding. 1112

(3) (a) If a juvenile court that issues a protection order 1113
or approves a consent agreement under section 2151.34 or 3113.31 1114
of the Revised Code determines that the person against whom the 1115
protection order was issued or the consent agreement approved 1116

has not complied with all of the terms of the protection order 1117
or consent agreement, the court shall consider sealing all of 1118
the records of the proceeding in which the order was issued or 1119
agreement approved upon the court's own motion or upon the 1120
application of a person. The court may make the motion or the 1121
person who is the subject of the records under consideration may 1122
apply for an order sealing the records of the proceeding at any 1123
time after two years after the expiration of the protection 1124
order or consent agreement. 1125

(b) In making a determination whether to seal records 1126
pursuant to division (D) (3) of this section, all of the 1127
following apply: 1128

(i) The court may require a person filing an application 1129
under division (D) (3) of this section to submit any relevant 1130
documentation to support the application. 1131

(ii) The court shall promptly notify the victim or the 1132
victim's attorney of any proceedings to seal records initiated 1133
pursuant to division (D) (3) of this section. 1134

(iii) The victim or the victim's attorney may file a 1135
response with the court within thirty days of receiving notice 1136
of the sealing proceedings. 1137

If the victim or the victim's attorney does not file a 1138
response with the court or if the victim or the victim's 1139
attorney files a response but indicates that the victim or the 1140
victim's attorney does not object to the sealing of the records, 1141
the court may order the records of the person that are under 1142
consideration to be sealed without conducting a hearing on the 1143
motion or application. If the court decides in its discretion to 1144
conduct a hearing on the motion or application, the court shall 1145

conduct the hearing within thirty days after making that 1146
decision and shall give notice, by regular mail, of the date, 1147
time, and location of the hearing to the victim or the victim's 1148
attorney and to the person who is the subject of the records 1149
under consideration. 1150

If the victim or the victim's attorney files a response 1151
with the court that indicates that the victim or the victim's 1152
attorney objects to the sealing of the records, the court shall 1153
conduct a hearing on the motion or application within thirty 1154
days after the court receives the response. The court shall give 1155
notice, by regular mail, of the date, time, and location of the 1156
hearing to the victim or the victim's attorney and to the person 1157
who is the subject of the records under consideration. 1158

(iv) After conducting a hearing in accordance with 1159
division (D) (3) (b) (iii) of this section or after due 1160
consideration when a hearing is not conducted, the court may 1161
order the records of the person that are the subject of the 1162
motion or application to be sealed. 1163

(4) Inspection of the records sealed pursuant to division 1164
(D) (1), (2), or (3) of this section may be made only by the 1165
following persons or for the following purposes: 1166

(a) By a law enforcement officer or prosecutor, or the 1167
assistants of either, to determine whether the nature and 1168
character of the offense with which a person is to be charged 1169
would be affected by virtue of the person's previously having 1170
been convicted of a crime; 1171

(b) By the parole or probation officer of the person who 1172
is the subject of the records, for the exclusive use of the 1173
officer in supervising the person while on parole or under a 1174

community control sanction or a post-release control sanction, 1175
and in making inquiries and written reports as requested by the 1176
court or adult parole authority; 1177

(c) Upon application by the person who is the subject of 1178
the records, by the persons named in the application; 1179

(d) By a law enforcement officer who was involved in the 1180
case, for use in the officer's defense of a civil action arising 1181
out of the officer's involvement in that case; 1182

(e) By a prosecuting attorney or the prosecuting 1183
attorney's assistants, to determine a defendant's eligibility to 1184
enter a pre-trial diversion program established pursuant to 1185
section 2935.36 of the Revised Code; 1186

(f) By any law enforcement agency or any authorized 1187
employee of a law enforcement agency or by the department of 1188
rehabilitation and correction as part of a background 1189
investigation of a person who applies for employment with the 1190
agency as a law enforcement officer or with the department as a 1191
corrections officer; 1192

(g) By any law enforcement agency or any authorized 1193
employee of a law enforcement agency, for the purposes set forth 1194
in, and in the manner provided in, division (I) of section 1195
2953.34 of the Revised Code; 1196

(h) By the bureau of criminal identification and 1197
investigation or any authorized employee of the bureau for the 1198
purpose of providing information to a board or person pursuant 1199
to division (F) or (G) of section 109.57 of the Revised Code; 1200

(i) By the bureau of criminal identification and 1201
investigation or any authorized employee of the bureau for the 1202
purpose of performing a criminal history records check on a 1203

person to whom a certificate as prescribed in section 109.77 of 1204
the Revised Code is to be awarded; 1205

(j) By the bureau of criminal identification and 1206
investigation or any authorized employee of the bureau for the 1207
purpose of conducting a criminal records check of an individual 1208
pursuant to division (B) of section 109.572 of the Revised Code 1209
that was requested pursuant to any of the sections identified in 1210
division (B) (1) of that section; 1211

(k) By the bureau of criminal identification and 1212
investigation, an authorized employee of the bureau, a sheriff, 1213
or an authorized employee of a sheriff in connection with a 1214
criminal records check described in section 311.41 of the 1215
Revised Code; 1216

(l) By the attorney general or an authorized employee of 1217
the attorney general or a court for purposes of determining a 1218
person's classification pursuant to Chapter 2950. of the Revised 1219
Code. 1220

When the nature and character of the offense with which a 1221
person is to be charged would be affected by the information, it 1222
may be used for the purpose of charging the person with an 1223
offense. 1224

(E) In addition to the methods of expungement provided for 1225
in divisions (A) and (B) of this section, a person who has been 1226
adjudicated a delinquent child for having committed an act that 1227
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1228
the Revised Code if the child were an adult may apply to the 1229
adjudicating court for the expungement of the record of 1230
adjudication if the person's participation in the act was a 1231
result of the person having been a victim of human trafficking. 1232

The application shall be made in the same manner as an 1233
application for expungement under section 2953.36 of the Revised 1234
Code, and all of the provisions of that section shall apply to 1235
the expungement procedure. 1236

(F) In addition to the methods of expungement provided for 1237
in divisions (A) and (B) of this section, a person who has been 1238
adjudicated a delinquent child for having committed an act that 1239
would be a violation of division (B) of section 2903.11 of the 1240
Revised Code as it existed prior to the effective date of this 1241
amendment if the child were an adult may apply to the 1242
adjudicating court for expungement of the record of 1243
adjudication. The application shall be made in the same manner 1244
as an application for expungement under section 2953.41 of the 1245
Revised Code, and all of the provisions of that section apply to 1246
the expungement procedure. 1247

(G) After the records have been expunged under this 1248
section, the person who is the subject of the expunged records 1249
properly may, and the court shall, reply that no record exists 1250
with respect to the person upon any inquiry in the matter. 1251

Sec. 2152.82. (A) The court that adjudicates a child a 1252
delinquent child shall issue as part of the dispositional order 1253
an order that classifies the child a juvenile offender 1254
registrant and specifies that the child has a duty to comply 1255
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1256
Revised Code if all of the following apply: 1257

(1) The act for which the child is adjudicated a 1258
delinquent child is a sexually oriented offense or a child- 1259
victim oriented offense that the child committed on or after 1260
January 1, 2002. 1261

(2) The child was fourteen, fifteen, sixteen, or seventeen 1262
years of age at the time of committing the offense. 1263

(3) The court has determined that the child previously was 1264
adjudicated a delinquent child for committing any sexually 1265
oriented offense or child-victim oriented offense, regardless of 1266
when the prior offense was committed and regardless of the 1267
child's age at the time of committing the offense. 1268

(4) The court is not required to classify the child as 1269
both a juvenile offender registrant and a public registry- 1270
qualified juvenile offender registrant under section 2152.86 of 1271
the Revised Code. 1272

(B) An order required under division (A) of this section 1273
shall be issued at the time the judge makes the order of 1274
disposition for the delinquent child. Prior to issuing the order 1275
required by division (A) of this section, the judge shall 1276
conduct a hearing under section 2152.831 of the Revised Code to 1277
determine whether the child is a tier I sex offender/child- 1278
victim offender, a tier II sex offender/child-victim offender, 1279
or a tier III sex offender/child-victim offender. If the court 1280
determines that the delinquent child to whom the order applies 1281
is a tier III sex offender/child-victim offender and the child 1282
is not a public registry-qualified juvenile offender registrant, 1283
the judge may impose a requirement subjecting the child to the 1284
victim and community notification provisions of sections 2950.10 1285
and 2950.11 of the Revised Code. When a judge issues an order 1286
under division (A) of this section, all of the following apply: 1287

(1) The judge shall include in the order a statement that, 1288
upon completion of the disposition of the delinquent child that 1289
was made for the sexually oriented offense or child-victim 1290
oriented offense upon which the order is based, a hearing will 1291

be conducted, and the order and any determinations included in 1292
the order are subject to modification or termination pursuant to 1293
sections 2152.84 ~~and 2152.85~~, and 2950.152 of the Revised Code. 1294

(2) The judge shall provide to the delinquent child and to 1295
the delinquent child's parent, guardian, or custodian the notice 1296
required under divisions (A) and (B) of section 2950.03 of the 1297
Revised Code and shall provide as part of that notice a copy of 1298
the order. 1299

(3) The judge shall include the order in the delinquent 1300
child's dispositional order and shall specify in the 1301
dispositional order that the order issued under division (A) of 1302
this section was made pursuant to this section. 1303

(4) If the court determines that the delinquent child to 1304
whom the order applies is a tier III sex offender/child-victim 1305
offender, if the child is not a public registry-qualified 1306
juvenile offender registrant, and if the judge imposes a 1307
requirement subjecting the child to the victim and community 1308
notification provisions of sections 2950.10 and 2950.11 of the 1309
Revised Code, the judge shall include the requirement in the 1310
order. 1311

(5) The court shall include in the order its determination 1312
made at the hearing held under section 2151.831 of the Revised 1313
Code as to whether the delinquent child is a tier I sex 1314
offender/child-victim offender, a tier II sex offender/child- 1315
victim offender, or a tier III sex offender/child-victim 1316
offender. 1317

(C) Except as provided in division (D) of this section, an 1318
order issued under division (A) of this section and any 1319
determinations included in the order shall remain in effect for 1320

the period of time specified in section 2950.07 of the Revised Code, subject to a modification or termination of the order under section 2152.84 ~~or~~, 2152.85, or 2950.152 of the Revised Code, and section 2152.851 of the Revised Code applies regarding the order and the determinations. If an order is issued under division (A) of this section, the child's attainment of eighteen or twenty-one years of age does not affect or terminate the order, and the order remains in effect for the period of time described in this division.

(D) If a court issues an order under division (A) of this section before January 1, 2008, not later than February 1, 2008, the court shall terminate the order and issue a new order that reclassifies the child as both a juvenile offender registrant and a public registry-qualified juvenile offender registrant pursuant to section 2152.86 of the Revised Code if the court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code and if the act that was the basis of the classification of the delinquent child as a juvenile offender registrant and is the basis of the serious youthful offender dispositional sentence is any of the following:

(1) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(2) Committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires

of the child. 1351

Sec. 2152.83. (A) (1) The court that adjudicates a child a 1352
delinquent child shall issue as part of the dispositional order 1353
or, if the court commits the child for the delinquent act to the 1354
custody of a secure facility, shall issue at the time of the 1355
child's release from the secure facility an order that 1356
classifies the child a juvenile offender registrant and 1357
specifies that the child has a duty to comply with sections 1358
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if 1359
all of the following apply: 1360

(a) The act for which the child is or was adjudicated a 1361
delinquent child is a sexually oriented offense or a child- 1362
victim oriented offense that the child committed on or after 1363
January 1, 2002. 1364

(b) The child was sixteen or seventeen years of age at the 1365
time of committing the offense. 1366

(c) The court was not required to classify the child a 1367
juvenile offender registrant under section 2152.82 of the 1368
Revised Code or as both a juvenile offender registrant and a 1369
public registry-qualified juvenile offender registrant under 1370
section 2152.86 of the Revised Code. 1371

(2) Prior to issuing the order required by division (A) (2) 1372
of this section, the judge shall conduct a hearing under section 1373
2152.831 of the Revised Code, except as otherwise provided in 1374
that section, to determine whether the child is a tier I sex 1375
offender/child-victim offender, a tier II sex offender/child- 1376
victim offender, or a tier III sex offender/child-victim 1377
offender. When a judge issues an order under division (A) (1) of 1378
this section, the judge shall include in the order the 1379

determinations identified in division (B) (5) of section 2152.82 1380
of the Revised Code. 1381

(B) (1) The court that adjudicates a child a delinquent 1382
child, on the judge's own motion, may conduct at the time of 1383
disposition of the child or, if the court commits the child for 1384
the delinquent act to the custody of a secure facility, may 1385
conduct at the time of the child's release from the secure 1386
facility a hearing for the purposes described in division (B) (2) 1387
of this section if all of the following apply: 1388

(a) The act for which the child is adjudicated a 1389
delinquent child is a sexually oriented offense or a child- 1390
victim oriented offense that the child committed on or after 1391
January 1, 2002. 1392

(b) The child was fourteen or fifteen years of age at the 1393
time of committing the offense. 1394

(c) The court was not required to classify the child a 1395
juvenile offender registrant under section 2152.82 of the 1396
Revised Code or as both a juvenile offender registrant and a 1397
public registry-qualified juvenile offender registrant under 1398
section 2152.86 of the Revised Code. 1399

(2) A judge shall conduct a hearing under division (B) (1) 1400
of this section to review the effectiveness of the disposition 1401
made of the child and of any treatment provided for the child 1402
placed in a secure setting and to determine whether the child 1403
should be classified a juvenile offender registrant. The judge 1404
may conduct the hearing on the judge's own initiative or based 1405
upon a recommendation of an officer or employee of the 1406
department of youth services, a probation officer, an employee 1407
of the court, or a prosecutor or law enforcement officer. If the 1408

judge conducts the hearing, upon completion of the hearing, the 1409
judge, in the judge's discretion and after consideration of the 1410
factors listed in division (E) of this section, shall do either 1411
of the following: 1412

(a) Decline to issue an order that classifies the child a 1413
juvenile offender registrant and specifies that the child has a 1414
duty to comply with sections 2950.04, 2950.041, 2950.05, and 1415
2950.06 of the Revised Code; 1416

(b) Issue an order that classifies the child a juvenile 1417
offender registrant and specifies that the child has a duty to 1418
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1419
the Revised Code and that states the determination that the 1420
judge makes at the hearing held pursuant to section 2152.831 of 1421
the Revised Code as to whether the child is a tier I sex 1422
offender/child-victim offender, a tier II sex offender/child- 1423
victim offender, or a tier III sex offender/child-victim 1424
offender. 1425

(C) (1) Prior to issuing an order under division (B) (2) (b) 1426
of this section, the judge shall conduct a hearing under section 1427
2152.831 of the Revised Code to determine whether the child is a 1428
tier I sex offender/child-victim offender, a tier II sex 1429
offender/child-victim offender, or a tier III sex 1430
offender/child-victim offender. The judge may hold the hearing 1431
at the same time as the hearing under division (B) of this 1432
section. 1433

(2) If a judge issues an order under division (A) or (B) 1434
of this section and the court determines that the delinquent 1435
child to whom the order applies is a tier III sex 1436
offender/child-victim offender and the child is not a public 1437
registry-qualified juvenile offender registrant, the judge may 1438

impose a requirement subjecting the child to the victim and 1439
community notification provisions of sections 2950.10 and 1440
2950.11 of the Revised Code. If the judge imposes a requirement 1441
subjecting the child to the victim and community notification 1442
provisions of sections 2950.10 and 2950.11 of the Revised Code, 1443
the judge shall include the requirement in the order. 1444

(3) If a judge issues an order under division (A) or (B) 1445
of this section, the judge shall provide to the delinquent child 1446
and to the delinquent child's parent, guardian, or custodian a 1447
copy of the order and a notice containing the information 1448
described in divisions (A) and (B) of section 2950.03 of the 1449
Revised Code. The judge shall provide the notice at the time of 1450
the issuance of the order and shall comply with divisions (B) 1451
and (C) of that section regarding that notice and the provision 1452
of it. 1453

The judge also shall include in the order a statement 1454
that, upon completion of the disposition of the delinquent child 1455
that was made for the sexually oriented offense or child-victim 1456
oriented offense upon which the order is based, a hearing will 1457
be conducted and the order is subject to modification or 1458
termination pursuant to ~~section~~sections 2152.84 and 2950.152 of 1459
the Revised Code. 1460

(D) In making a decision under division (B) of this 1461
section as to whether a delinquent child should be classified a 1462
juvenile offender registrant, a judge shall consider all 1463
relevant factors, including, but not limited to, all of the 1464
following: 1465

(1) The nature of the sexually oriented offense or the 1466
child-victim oriented offense committed by the child; 1467

(2) Whether the child has shown any genuine remorse or
compunction for the offense; 1468
1469

(3) The public interest and safety; 1470

(4) The factors set forth in division (K) of section
2950.11 of the Revised Code, provided that references in the
factors as set forth in that division to "the offender" shall be
construed for purposes of this division to be references to "the
delinquent child;" 1471
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(5) The factors set forth in divisions (B) and (C) of
section 2929.12 of the Revised Code as those factors apply
regarding the delinquent child, the offense, and the victim; 1476
1477
1478

(6) The results of any treatment provided to the child and
of any follow-up professional assessment of the child. 1479
1480

(E) An order issued under division (A) or (B) of this
section and any determinations included in the order shall
remain in effect for the period of time specified in section
2950.07 of the Revised Code, subject to a modification or
termination of the order under section 2152.84 or 2950.152 of
the Revised Code, and section 2152.851 of the Revised Code
applies regarding the order and the determinations. The child's
attainment of eighteen or twenty-one years of age does not
affect or terminate the order, and the order remains in effect
for the period of time described in this division. 1481
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(F) If a court issues an order under division (A) or (B)
of this section before January 1, 2008, not later than February
1, 2008, the court shall terminate the order and issue a new
order that reclassifies the child as both a juvenile offender
registrant and a public registry-qualified juvenile offender
registrant pursuant to section 2152.86 of the Revised Code if 1491
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the court imposed on the child a serious youthful offender 1497
dispositional sentence under section 2152.13 of the Revised Code 1498
and if the act that was the basis of the classification of the 1499
delinquent child as a juvenile offender registrant and is the 1500
basis of the serious youthful offender dispositional sentence is 1501
any of the following: 1502

(1) Committing, attempting to commit, conspiring to 1503
commit, or complicity in committing a violation of section 1504
2907.02 of the Revised Code, division (B) of section 2907.05 of 1505
the Revised Code, or section 2907.03 of the Revised Code if the 1506
victim of the violation was less than twelve years of age; 1507

(2) Committing, attempting to commit, conspiring to 1508
commit, or complicity in committing a violation of section 1509
2903.01, 2903.02, or 2905.01 of the Revised Code that was 1510
committed with a purpose to gratify the sexual needs or desires 1511
of the child. 1512

(G) As used in this section, "secure facility" has the 1513
same meaning as in section 2950.01 of the Revised Code. 1514

Sec. 2152.84. (A) (1) When a juvenile court judge issues an 1515
order under section 2152.82 or division (A) or (B) of section 1516
2152.83 of the Revised Code that classifies a delinquent child a 1517
juvenile offender registrant and specifies that the child has a 1518
duty to comply with sections 2950.04, 2950.041, 2950.05, and 1519
2950.06 of the Revised Code, upon completion of the disposition 1520
of that child made for the sexually oriented offense or the 1521
child-victim oriented offense on which the juvenile offender 1522
registrant order was based, the judge or the judge's successor 1523
in office shall conduct a hearing to review the effectiveness of 1524
the disposition and of any treatment provided for the child, to 1525
determine the risks that the child might re-offend, to determine 1526

whether the prior classification of the child as a juvenile 1527
offender registrant should be continued or terminated as 1528
provided under division (A) (2) of this section, and to determine 1529
whether its prior determination made at the hearing held 1530
pursuant to section 2152.831 of the Revised Code as to whether 1531
the child is a tier I sex offender/child-victim offender, a tier 1532
II sex offender/child-victim offender, or a tier III sex 1533
offender/child-victim offender should be continued or modified 1534
as provided under division (A) (2) of this section. 1535

(2) Upon completion of a hearing under division (A) (1) of 1536
this section, the judge, in the judge's discretion and after 1537
consideration of all relevant factors, including but not limited 1538
to, the factors listed in division (D) of section 2152.83 of the 1539
Revised Code, shall do one of the following as applicable: 1540

(a) Enter an order that continues the classification of 1541
the delinquent child as a juvenile offender registrant made in 1542
the prior order issued under section 2152.82 or division (A) or 1543
(B) of section 2152.83 of the Revised Code and the prior 1544
determination included in the order that the child is a tier I 1545
sex offender/child-victim offender, a tier II sex 1546
offender/child-victim offender, or a tier III sex 1547
offender/child-victim offender, whichever is applicable; 1548

(b) If the prior order was issued under division (B) of 1549
section 2152.83 of the Revised Code, enter an order that 1550
contains a determination that the delinquent child no longer is 1551
a juvenile offender registrant and no longer has a duty to 1552
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1553
the Revised Code. An order issued under division (A) (2) (b) of 1554
this section also terminates all prior determinations that the 1555
child is a tier I sex offender/child-victim offender, a tier II 1556

sex offender/child-victim offender, or a tier III sex 1557
offender/child-victim offender, whichever is applicable. 1558
Division (A) (2) (b) of this section does not apply to a prior 1559
order issued under section 2152.82 or division (A) of section 1560
2152.83 of the Revised Code. 1561

(c) If the prior order was issued under section 2152.82 or 1562
division (A) or (B) of section 2152.83 of the Revised Code, 1563
enter an order that continues the classification of the 1564
delinquent child as a juvenile offender registrant made in the 1565
prior order issued under section 2152.82 or division (A) or (B) 1566
of section 2152.83 of the Revised Code, and that modifies the 1567
prior determination made at the hearing held pursuant to section 1568
2152.831 of the Revised Code that the child is a tier I sex 1569
offender/child-victim offender, a tier II sex offender/child- 1570
victim offender, or a tier III sex offender/child-victim 1571
offender, whichever is applicable. An order issued under 1572
division (A) (2) (c) of this section shall not include a 1573
determination that increases to a higher tier the tier 1574
classification of the delinquent child. An order issued under 1575
division (A) (2) (c) of this section shall specify the new 1576
determination made by the court at a hearing held pursuant to 1577
division (A) (1) of this section as to whether the child is a 1578
tier I sex offender/child-victim offender, a tier II sex 1579
offender/child-victim offender, or a tier III sex 1580
offender/child-victim offender, whichever is applicable. 1581

(B) (1) If a judge issues an order under division (A) (2) (a) 1582
of this section that continues the prior classification of the 1583
delinquent child as a juvenile offender registrant and the prior 1584
determination included in the order that the child is a tier I 1585
sex offender/child-victim offender, a tier II sex 1586
offender/child-victim offender, or a tier III sex 1587

offender/child-victim offender, whichever is applicable, the 1588
prior classification and the prior determination shall remain in 1589
effect. 1590

(2) A judge may issue an order under division (A) (2) (c) of 1591
this section that contains a determination that reclassifies a 1592
child from a tier III sex offender/child-victim offender 1593
classification to a tier II sex offender/child-victim offender 1594
classification or to a tier I sex offender/child-victim offender 1595
classification. 1596

A judge may issue an order under division (A) (2) (c) of 1597
this section that contains a determination that reclassifies a 1598
child from a tier II sex offender/child-victim offender 1599
classification. A judge may not issue an order under that 1600
division that contains a determination that reclassifies a child 1601
from a tier II sex offender/child-victim offender classification 1602
to a tier III sex offender/child-victim offender classification. 1603

A judge may not issue an order under division (A) (2) (c) of 1604
this section that contains a determination that reclassifies a 1605
child from a tier I sex offender/child-victim offender 1606
classification to a tier II sex offender/child-victim offender 1607
classification or to a tier III sex offender/child-victim 1608
offender classification. 1609

If a judge issues an order under this division that 1610
contains a determination that reclassifies a child, the judge 1611
shall provide a copy of the order to the delinquent child and 1612
the bureau of criminal identification and investigation, and the 1613
bureau, upon receipt of the copy of the order, promptly shall 1614
notify the sheriff with whom the child most recently registered 1615
under section 2950.04 or 2950.041 of the Revised Code of the 1616
determination and reclassification. 1617

(3) If a judge issues an order under division (A) (2) (b) of 1618
this section that declassifies the delinquent child as a 1619
juvenile offender registrant, the judge shall provide a copy of 1620
the order to the bureau of criminal identification and 1621
investigation, and the bureau, upon receipt of the copy of the 1622
order, promptly shall notify the sheriff with whom the child 1623
most recently registered under section 2950.04 or 2950.041 of 1624
the Revised Code of the declassification. 1625

(C) If a judge issues an order under division (A) (2) (a), 1626
(b), or (c) of this section, the judge shall provide to the 1627
delinquent child and to the delinquent child's parent, guardian, 1628
or custodian a copy of the order and, if applicable, a notice 1629
containing the information described in divisions (A) and (B) of 1630
section 2950.03 of the Revised Code. The judge shall provide the 1631
notice at the time of the issuance of the order and shall comply 1632
with divisions (B) and (C) of that section regarding that notice 1633
and the provision of it. 1634

(D) An order issued under division (A) (2) (a) or (c) of 1635
this section and any determinations included in the order shall 1636
remain in effect for the period of time specified in section 1637
2950.07 of the Revised Code, subject to a modification or 1638
termination of the order under section 2152.85 or 2950.152 of 1639
the Revised Code, and section 2152.851 of the Revised Code 1640
applies regarding the order and the determinations. If an order 1641
is issued under division (A) (2) (a) or (c) of this section, the 1642
child's attainment of eighteen or twenty-one years of age does 1643
not affect or terminate the order, and the order remains in 1644
effect for the period of time described in this division. 1645

(E) The provisions of this section do not apply to a 1646
delinquent child who is classified as both a juvenile offender 1647

registrant and a public registry-qualified juvenile offender 1648
registrant pursuant to section 2152.86 of the Revised Code. 1649

Sec. 2152.851. If, prior to January 1, 2008, a judge 1650
issues an order under section 2152.82, 2152.83, 2152.84, or 1651
2152.85 of the Revised Code that classifies a delinquent child a 1652
juvenile offender registrant based on an adjudication for a 1653
sexually oriented offense or a child-victim oriented offense as 1654
those terms were defined in section 2950.01 of the Revised Code 1655
prior to January 1, 2008, and if, on and after January 1, 2008, 1656
the offense upon which the order was based is a sexually 1657
oriented offense or a child-victim oriented offense as those 1658
terms are defined in section 2950.01 of the Revised Code on and 1659
after January 1, 2008, notwithstanding the changes to sections 1660
2152.82, 2152.83, 2152.84, and 2152.85 of the Revised Code made 1661
on January 1, 2008, on and after that date, the order shall 1662
remain in effect for the period described in the section under 1663
which it was issued as that section exists on and after January 1664
1, 2008, subject to subsequent modification or termination under 1665
section 2152.84, 2152.85, ~~or~~ 2950.15, or 2950.152 of the Revised 1666
Code, or, if division (A) (3) of section 2152.86 of the Revised 1667
Code applies regarding the child, for the period described in 1668
division (C) of that section subject to modification or 1669
termination under section 2152.84, 2152.85, or 2950.15 of the 1670
Revised Code, whichever is applicable, and the duty to comply 1671
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1672
Revised Code on and after January 1, 2008, shall be considered, 1673
for purposes of section 2950.07 of the Revised Code and for all 1674
other purposes, to be a continuation of the duty imposed upon 1675
the child prior to January 1, 2008, under the order issued under 1676
section 2152.82, 2152.83, 2152.84, or 2152.85 and Chapter 2950. 1677
of the Revised Code. 1678

Sec. 2301.57. (A) For each person who is confined in a 1679
community-based correctional facility or district community- 1680
based correctional facility as provided in sections 2301.51 to 1681
2301.58 of the Revised Code, the facility may make a 1682
determination as to whether the person is covered under a health 1683
insurance or health care policy, contract, or plan and, if the 1684
person has such coverage, what terms and conditions are imposed 1685
by it for the filing and payment of claims. 1686

(B) If, pursuant to division (A) of this section, it is 1687
determined that the person is covered under a policy, contract, 1688
or plan and, while that coverage is in force, the correctional 1689
facility renders or arranges for the rendering of health care 1690
services to the person in accordance with the terms and 1691
conditions of the policy, contract, or plan, the person, 1692
facility, or provider of the health care services, as 1693
appropriate under the terms and conditions of the policy, 1694
contract, or plan, shall promptly submit a claim for payment for 1695
the health care services to the appropriate third-party payer 1696
and shall designate, or make any other arrangement necessary to 1697
ensure, that payment of any amount due on the claim be made to 1698
the facility or provider, as the case may be. 1699

(C) This section also applies to any person who is under 1700
the custody of a law enforcement officer, as defined in section 1701
2901.01 of the Revised Code, prior to the person's confinement 1702
in the correctional facility. 1703

(D) Notwithstanding any contrary provision in this section 1704
or section 2929.18, 2929.21, 2929.26, or 2929.37 of the Revised 1705
Code, the facility governing board may establish a policy that 1706
complies with section 2929.38 of the Revised Code and that 1707
requires any person who is not indigent and who is confined in 1708

the community-based correctional facility or district community- 1709
based correctional facility to pay a reception fee. 1710

(E) If a person who has been convicted of or pleaded 1711
guilty to an offense is confined in a community-based 1712
correctional facility or district community-based correctional 1713
facility, the person in charge of the facility's operation may 1714
cause the offender, at the time of reception and at other times 1715
the person in charge of the operation of the facility determines 1716
to be appropriate, to be examined and tested for tuberculosis, 1717
HIV-infection, hepatitis, including, but not limited to, 1718
hepatitis A, B, and C, and other contagious diseases. The person 1719
in charge of the facility's operation may cause an offender in 1720
the facility who refuses to be tested or treated for 1721
tuberculosis, HIV-infection, hepatitis, including, but not 1722
limited to, hepatitis A, B, and C, or another contagious disease 1723
to be tested and treated involuntarily. 1724

Sec. 2903.11. (A) No person shall knowingly do either of 1725
the following: 1726

(1) Cause serious physical harm to another or to another's 1727
unborn; 1728

(2) Cause or attempt to cause physical harm to another or 1729
to another's unborn by means of a deadly weapon or dangerous 1730
ordnance. 1731

(B) ~~No person, with knowledge that the person has tested-~~ 1732
~~positive as a carrier of a virus that causes acquired-~~ 1733
~~immunodeficiency syndrome, shall knowingly do any of the-~~ 1734
~~following:~~ 1735

~~(1) Engage in sexual conduct with another person without-~~ 1736
~~disclosing that knowledge to the other person prior to engaging-~~ 1737

~~in the sexual conduct,~~ 1738

~~(2) Engage in sexual conduct with a person whom the
offender knows or has reasonable cause to believe lacks the
mental capacity to appreciate the significance of the knowledge
that the offender has tested positive as a carrier of a virus
that causes acquired immunodeficiency syndrome,~~ 1739
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~~(3) Engage in sexual conduct with a person under eighteen-
years of age who is not the spouse of the offender.~~ 1744
1745

~~(C)~~The prosecution of a person under this section does 1746
not preclude prosecution of that person under section 2907.02 of 1747
the Revised Code. 1748

~~(D) (1) (a)~~ (C) (1) (a) Whoever violates this section is 1749
guilty of felonious assault. Except as otherwise provided in 1750
this division or division ~~(D) (1) (b)~~ (C) (1) (b) of this section, 1751
felonious assault is a felony of the second degree. If the 1752
victim of a violation of division (A) of this section is a peace 1753
officer or an investigator of the bureau of criminal 1754
identification and investigation, felonious assault is a felony 1755
of the first degree. 1756

(b) Regardless of whether the felonious assault is a 1757
felony of the first or second degree under division ~~(D) (1) (a)~~ 1758
(C) (1) (a) of this section, if the offender also is convicted of 1759
or pleads guilty to a specification as described in section 1760
2941.1423 of the Revised Code that was included in the 1761
indictment, count in the indictment, or information charging the 1762
offense, except as otherwise provided in this division or unless 1763
a longer prison term is required under any other provision of 1764
law, the court shall sentence the offender to a mandatory prison 1765
term as provided in division (B) (8) of section 2929.14 of the 1766

Revised Code. If the victim of the offense is a peace officer or 1767
an investigator of the bureau of criminal identification and 1768
investigation, and if the victim suffered serious physical harm 1769
as a result of the commission of the offense, felonious assault 1770
is a felony of the first degree, and the court, pursuant to 1771
division (F) of section 2929.13 of the Revised Code, shall 1772
impose as a mandatory prison term one of the definite prison 1773
terms prescribed for a felony of the first degree in division 1774
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1775
the violation is committed on or after ~~the effective date of~~ 1776
~~this amendment~~ March 22, 2019, the court shall impose as the 1777
minimum prison term for the offense a mandatory prison term that 1778
is one of the minimum terms prescribed for a felony of the first 1779
degree in division (A) (1) (a) of section 2929.14 of the Revised 1780
Code. 1781

(2) In addition to any other sanctions imposed pursuant to 1782
division ~~(D) (1)~~ (C) (1) of this section for felonious assault 1783
committed in violation of division (A) (1) or (2) of this 1784
section, if the offender also is convicted of or pleads guilty 1785
to a specification of the type described in section 2941.1425 of 1786
the Revised Code that was included in the indictment, count in 1787
the indictment, or information charging the offense, the court 1788
shall sentence the offender to a mandatory prison term under 1789
division (B) (9) of section 2929.14 of the Revised Code. 1790

(3) If the victim of a felonious assault committed in 1791
violation of division (A) of this section is a child under ten 1792
years of age and if the offender also is convicted of or pleads 1793
guilty to a specification of the type described in section 1794
2941.1426 of the Revised Code that was included in the 1795
indictment, count in the indictment, or information charging the 1796
offense, in addition to any other sanctions imposed pursuant to 1797

division ~~(D) (1)~~ (C) (1) of this section, the court shall sentence 1798
the offender to a mandatory prison term pursuant to division (B) 1799
(10) of section 2929.14 of the Revised Code. 1800

(4) In addition to any other sanctions imposed pursuant to 1801
division ~~(D) (1)~~ (C) (1) of this section for felonious assault 1802
committed in violation of division (A) (2) of this section, if 1803
the deadly weapon used in the commission of the violation is a 1804
motor vehicle, the court shall impose upon the offender a class 1805
two suspension of the offender's driver's license, commercial 1806
driver's license, temporary instruction permit, probationary 1807
license, or nonresident operating privilege as specified in 1808
division (A) (2) of section 4510.02 of the Revised Code. 1809

~~(E)~~ (D) As used in this section: 1810

(1) "Deadly weapon" and "dangerous ordnance" have the same 1811
meanings as in section 2923.11 of the Revised Code. 1812

(2) "Motor vehicle" has the same meaning as in section 1813
4501.01 of the Revised Code. 1814

(3) "Peace officer" has the same meaning as in section 1815
2935.01 of the Revised Code. 1816

~~(4) "Sexual conduct" has the same meaning as in section 1817
2907.01 of the Revised Code, except that, as used in this 1818
section, it does not include the insertion of an instrument, 1819
apparatus, or other object that is not a part of the body into 1820
the vaginal or anal opening of another, unless the offender knew 1821
at the time of the insertion that the instrument, apparatus, or 1822
other object carried the offender's bodily fluid. 1823~~

~~(5)~~ "Investigator of the bureau of criminal identification 1824
and investigation" means an investigator of the bureau of 1825
criminal identification and investigation who is commissioned by 1826

the superintendent of the bureau as a special agent for the 1827
purpose of assisting law enforcement officers or providing 1828
emergency assistance to peace officers pursuant to authority 1829
granted under section 109.541 of the Revised Code. 1830

~~(6)~~(5) "Investigator" has the same meaning as in section 1831
109.541 of the Revised Code. 1832

~~(F)~~(E) The provisions of division ~~(D) (2)~~(C) (2) of this 1833
section and of division (F) (20) of section 2929.13, divisions 1834
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1835
the Revised Code shall be known as "Judy's Law." 1836

Sec. 2907.24. (A) No person shall knowingly solicit 1837
another to engage in sexual activity for hire in exchange for 1838
the person receiving anything of value from the other person. 1839

~~(B) No person, with knowledge that the person has tested-~~ 1840
~~positive as a carrier of a virus that causes acquired-~~ 1841
~~immunodeficiency syndrome, shall engage in conduct in violation-~~ 1842
~~of division (A) of this section.~~ 1843

~~(C) (1) Whoever violates division (A) of this section is~~ 1844
~~guilty of soliciting. Soliciting is,~~ a misdemeanor of the third 1845
degree. 1846

~~(2) Whoever violates division (B) of this section is~~ 1847
~~guilty of engaging in solicitation after a positive HIV test. If~~ 1848
~~the offender commits the violation prior to July 1, 1996,~~ 1849
~~engaging in solicitation after a positive HIV test is a felony-~~ 1850
~~of the second degree. If the offender commits the violation on-~~ 1851
~~or after July 1, 1996, engaging in solicitation after a positive-~~ 1852
~~HIV test is a felony of the third degree.~~ 1853

~~(D)~~(C) As used in this section, "sexual activity for 1854
hire" means an implicit or explicit agreement to provide sexual 1855

activity in exchange for anything of value paid to the person 1856
engaging in such sexual activity, to any person trafficking that 1857
person, or to any person associated with either such person. 1858

Sec. 2907.241. (A) No person, with purpose to solicit 1859
another to engage in sexual activity for hire and while in or 1860
near a public place, shall do any of the following: 1861

(1) Beckon to, stop, or attempt to stop another; 1862

(2) Engage or attempt to engage another in conversation; 1863

(3) Stop or attempt to stop the operator of a vehicle or 1864
approach a stationary vehicle; 1865

(4) If the offender is the operator of or a passenger in a 1866
vehicle, stop, attempt to stop, beckon to, attempt to beckon to, 1867
or entice another to approach or enter the vehicle of which the 1868
offender is the operator or in which the offender is the 1869
passenger; 1870

(5) Interfere with the free passage of another. 1871

~~(B) No person, with knowledge that the person has tested 1872
positive as a carrier of a virus that causes acquired 1873
immunodeficiency syndrome, shall engage in conduct in violation 1874
of division (A) of this section. 1875~~

~~(C) As used in this section: 1876~~

(1) "Vehicle" has the same meaning as in section 4501.01 1877
of the Revised Code. 1878

(2) "Public place" means any of the following: 1879

(a) A street, road, highway, thoroughfare, bikeway, 1880
walkway, sidewalk, bridge, alley, alleyway, plaza, park, 1881
driveway, parking lot, or transportation facility; 1882

(b) A doorway or entrance way to a building that fronts on a place described in division ~~(C) (2) (a)~~ (B) (2) (a) of this section; 1883
1884
1885

(c) A place not described in division ~~(C) (2) (a)~~ (B) (2) (a) or (b) of this section that is open to the public. 1886
1887

~~(D) (1)~~ (C) Whoever violates ~~division (A)~~ of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. 1888
1889
1890

~~(2) Whoever violates division (B) of this section is guilty of loitering to engage in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fourth degree. If the offender commits the violation on or after July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fifth degree.~~ 1891
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Sec. 2907.25. (A) No person shall engage in sexual activity for hire. 1899
1900

~~(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in sexual activity for hire.~~ 1901
1902
1903
1904

~~(C) (1)~~ Whoever violates ~~division (A)~~ of this section is guilty of prostitution, a misdemeanor of the third degree. 1905
1906

~~(2) Whoever violates division (B) of this section is guilty of engaging in prostitution after a positive HIV test. If the offender commits the violation prior to July 1, 1996, engaging in prostitution after a positive HIV test is a felony of the second degree. If the offender commits the violation on~~ 1907
1908
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~~or after July 1, 1996, engaging in prostitution after a positive
HIV test is a felony of the third degree.~~ 1912
1913

Sec. 2907.27. (A) (1) If a person is charged with a 1914
violation of section 2907.02, 2907.03, 2907.04, 2907.24, 1915
2907.241, or 2907.25 of the Revised Code or with a violation of 1916
a municipal ordinance that is substantially equivalent to any of 1917
those sections, the arresting authorities or a court, upon the 1918
request of the prosecutor in the case or upon the request of the 1919
victim, shall cause the accused to submit to one or more 1920
appropriate tests to determine if the accused has a venereal 1921
disease. 1922

(2) If the accused is found to have a venereal disease in 1923
an infectious stage, the accused shall be required to submit to 1924
medical treatment for that disease. The cost of the medical 1925
treatment shall be charged to and paid by the accused who 1926
undergoes the treatment. If the accused is indigent, the court 1927
shall order the accused to report to a facility operated by a 1928
city health district or a general health district for treatment. 1929
If the accused is convicted of or pleads guilty to the offense 1930
with which the accused is charged and is placed under a 1931
community control sanction, a condition of community control 1932
shall be that the offender submit to and faithfully follow a 1933
course of medical treatment for the venereal disease. If the 1934
offender does not seek the required medical treatment, the court 1935
may revoke the offender's community control and order the 1936
offender to undergo medical treatment during the period of the 1937
offender's incarceration and to pay the cost of that treatment. 1938

(B) (1) (a) If a person is charged with a violation ~~of~~ 1939
~~division (B) of section 2903.11 or of section 2907.02, 2907.03,~~ 1940
2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the 1941

Revised Code, with a violation of a municipal ordinance that is 1942
substantially equivalent to that division or any of those 1943
sections, or with a violation of a statute or municipal 1944
ordinance in which by force or threat of force the accused 1945
compelled the victim to engage in sexual activity, the court, 1946
upon the request of the prosecutor in the case, upon the request 1947
of the victim, or upon the request of any other person whom the 1948
court reasonably believes had contact with the accused in 1949
circumstances related to the violation that could have resulted 1950
in the transmission to that person of the human immunodeficiency 1951
virus, shall cause the accused to submit to one or more tests 1952
designated by the director of health under section 3701.241 of 1953
the Revised Code to determine if the accused is infected with 1954
HIV. The court shall cause the accused to submit to the test or 1955
tests within forty-eight hours after the indictment, 1956
information, or complaint is presented. The court shall order 1957
follow-up tests for HIV as may be medically appropriate. 1958

(b) The court, upon the request of the prosecutor in the 1959
case, upon the request of the victim with the agreement of the 1960
prosecutor, or upon the request of any other person with the 1961
agreement of the prosecutor, may cause an accused who is charged 1962
with a violation of any division or section of the Revised Code 1963
or any municipal ordinance not described in division (B) (1) (a) 1964
of this section to submit to one or more tests so designated by 1965
the director of health if the circumstances of the violation 1966
indicate probable cause to believe that the accused, if the 1967
accused is infected with HIV, might have transmitted HIV to any 1968
of the following persons in committing the violation: 1969

(i) In relation to a request made by the prosecuting 1970
attorney, to the victim or to any other person; 1971

(ii) In relation to a request made by the victim, to the victim making the request;	1972 1973
(iii) In relation to a request made by any other person, to the person making the request.	1974 1975
(c) The results of a test conducted under division (B) (1) (a) of this section shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of any follow-up test conducted under that division also shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of a test performed under division (B) (1) (b) of this section shall be communicated in confidence to the court, the court shall inform the accused of the result, and the court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. Additionally, for a test under either division (B) (1) (a) or (b) of this section, all of the following apply:	1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988
(i) If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request.	1989 1990 1991 1992 1993
(ii) Regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request.	1994 1995 1996 1997 1998 1999 2000 2001

(iii) If the accused tests positive for HIV, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated.

(iv) If the accused tests positive for HIV and the accused was charged with, and was convicted of or pleaded guilty to, a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to any of those sections, the test results also shall be reported to the law enforcement agency that arrested the accused, and the law enforcement agency may use the test results as the basis for any future charge of a violation of division (B) of any of those sections or a violation of a municipal ordinance that is substantially equivalent to division (B) of any of those sections.

(v) Except as otherwise provided in the first paragraph in division (B)(1)(c) of this section or in division (B)(1)(c)(i), (ii), (iii), or (iv) of this section, no disclosure of the test results or the fact that a test was performed shall be made, other than as evidence in a grand jury proceeding or as evidence in a judicial proceeding in accordance with the Rules of Evidence.

(vi) If the test result is negative, and the charge has not been dismissed or if the accused has been convicted of the charge or a different offense arising out of the same circumstances as the offense charged, the court shall order that the test be repeated not earlier than three months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court may order that the accused's bond be revoked and that the accused be incarcerated until the test is performed. If an accused who is incarcerated refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court shall order the person in charge of the jail or prison in which the accused is incarcerated to take any action necessary to facilitate the performance of the test, including the forcible restraint of the accused for the purpose of drawing blood to be used in the test.

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) Nothing in this section shall be construed to prevent a court in which a person is charged with any offense specified in division (A)(1) or (B)(1)(a) of this section from ordering at any time during which the complaint, information, or indictment is pending, that the accused submit to one or more appropriate tests to determine if the accused has a venereal disease or HIV.

(D) As used in this section:

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

(2) "HIV" means the human immunodeficiency virus.

Sec. 2907.28. (A) Any cost incurred by a hospital or 2061
emergency medical facility in conducting a medical examination 2062
of a victim of an offense under any provision of sections 2063
2907.02 to 2907.06 of the Revised Code for the purpose of 2064
gathering physical evidence for a possible prosecution, 2065
including the cost of any antibiotics administered as part of 2066
the examination and the cost of HIV post-exposure prophylaxis 2067
provided as part of the examination, shall be paid out of the 2068
reparations fund established pursuant to section 2743.191 of the 2069
Revised Code, subject to the following conditions: 2070

(1) The hospital or emergency facility shall follow a 2071
protocol for conducting such medical examinations that is 2072
identified by the attorney general in ~~rule~~ rules adopted in 2073
accordance with Chapter 119. of the Revised Code. 2074

(2) The hospital or emergency facility shall submit 2075
requests for payment to the attorney general on a monthly basis, 2076
through a procedure determined by the attorney general and on 2077
forms approved by the attorney general. The requests shall 2078
identify the number of sexual assault examinations performed and 2079
the number of sexual assault examinations in which HIV post- 2080
exposure prophylaxis was provided and shall verify that all 2081
required protocols were met for each examination form submitted 2082
for payment in the request. 2083

(3) The attorney general shall review all requests for 2084
payment that are submitted under division (A) (2) of this section 2085
and shall submit for payment as described in division (A) (5) of 2086
this section all requests that meet the requirements of this 2087
section. 2088

(4) (a) The hospital or emergency facility shall accept a 2089
flat fee payment for conducting each examination in the amount 2090

determined by the attorney general pursuant to Chapter 119. of 2091
the Revised Code as payment in full for any cost incurred in 2092
conducting a medical examination and test of a victim of an 2093
offense under any provision of sections 2907.02 to 2907.06 of 2094
the Revised Code for the purpose of gathering physical evidence 2095
for a possible prosecution of a person, other than the cost of 2096
providing HIV post-exposure prophylaxis. The attorney general 2097
shall determine a flat fee payment amount to be paid under this 2098
division that is reasonable. 2099

(b) The hospital or emergency facility shall accept a flat 2100
fee payment for providing HIV post-exposure prophylaxis in the 2101
amount determined by the attorney general pursuant to Chapter 2102
119. of the Revised Code as payment in full for any cost 2103
incurred in providing HIV post-exposure prophylaxis while 2104
conducting a medical examination and test of a victim of an 2105
offense under any provision of sections 2907.02 to 2907.06 of 2106
the Revised Code for the purpose of gathering physical evidence 2107
for a possible prosecution of a person. The attorney general 2108
shall determine a reasonable flat fee payment amount to be paid 2109
under this division. 2110

(5) In approving a payment under this section, the 2111
attorney general shall order the payment against the state. The 2112
payment shall be accomplished only through the following 2113
procedure, and the procedure may be enforced through a mandamus 2114
action and a writ of mandamus directed to the appropriate 2115
official: 2116

(a) The attorney general shall provide for payment in the 2117
amount set forth in the order. 2118

(b) The expense of the payment of the amount described in 2119
this section shall be charged against all available unencumbered 2120

moneys in the reparations fund. 2121

(B) No costs incurred by a hospital or emergency facility 2122
in conducting a medical examination and test of any victim of an 2123
offense under any provision of sections 2907.02 to 2907.06 of 2124
the Revised Code for the purpose of gathering physical evidence 2125
for a possible prosecution of a person shall be billed or 2126
charged directly or indirectly to the victim or the victim's 2127
insurer. 2128

(C) Any cost incurred by a hospital or emergency medical 2129
facility in conducting a medical examination and test of any 2130
person who is charged with a violation ~~of division (B) of~~ 2131
~~section 2903.11 or~~ of section 2907.02, 2907.03, 2907.04, 2132
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 2133
Code, with a violation of a municipal ordinance that is 2134
substantially equivalent to that division or any of those 2135
sections, or with a violation of a statute or municipal 2136
ordinance under which by force or threat of force the accused 2137
compelled the victim to engage in sexual activity, pursuant to 2138
division (B) of section 2907.27 of the Revised Code, shall be 2139
charged to and paid by the accused who undergoes the examination 2140
and test, unless the court determines that the accused is unable 2141
to pay, in which case the cost shall be charged to and paid by 2142
the municipal corporation in which the offense allegedly was 2143
committed, or charged to and paid by the county if the offense 2144
allegedly was committed within an unincorporated area. If 2145
separate counts of an alleged offense or alleged separate 2146
offenses under ~~division (B) of section 2903.11 or~~ section 2147
2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, 2148
or 2907.25 of the Revised Code, under a municipal ordinance that 2149
is substantially equivalent to that division or any of those 2150
sections, or under a statute or municipal ordinance in violation 2151

of which by force or threat of force the accused compelled the 2152
victim to engage in sexual activity took place in more than one 2153
municipal corporation or more than one unincorporated area, or 2154
both, the local governments shall share the cost of the 2155
examination and test. If a hospital or other emergency medical 2156
facility has submitted charges for the cost of a medical 2157
examination and test to an accused and has been unable to 2158
collect payment for the charges after making good faith attempts 2159
to collect for a period of six months or more, the cost shall be 2160
charged to and paid by the appropriate municipal corporation or 2161
county as specified in division (C) of this section. 2162

(D) As used in this section: 2163

(1) "AIDS" and "HIV" have the same meanings as in section 2164
3701.24 of the Revised Code. 2165

(2) "HIV post-exposure prophylaxis" means the 2166
administration of medicines to prevent AIDS or HIV infection 2167
following exposure to HIV. 2168

Sec. 2921.38. (A) No person who is confined in a detention 2169
facility, with intent to harass, annoy, threaten, or alarm 2170
another person, shall cause or attempt to cause the other person 2171
to come into contact with blood, semen, urine, feces, or another 2172
bodily substance by throwing the bodily substance at the other 2173
person, by expelling the bodily substance upon the other person, 2174
or in any other manner. 2175

(B) No person, with intent to harass, annoy, threaten, or 2176
alarm a law enforcement officer, shall cause or attempt to cause 2177
the law enforcement officer to come into contact with blood, 2178
semen, urine, feces, or another bodily substance by throwing the 2179
bodily substance at the law enforcement officer, by expelling 2180

the bodily substance upon the law enforcement officer, or in any 2181
other manner. 2182

(C) No person, with knowledge that the person ~~is a carrier~~ 2183
~~of the virus that causes acquired immunodeficiency syndrome,~~ is 2184
a carrier of a hepatitis virus⁷, or is infected with tuberculosis 2185
and with intent to harass, annoy, threaten, or alarm another 2186
person, shall cause or attempt to cause the other person to come 2187
into contact with blood, semen, urine, feces, or another bodily 2188
substance by throwing the bodily substance at the other person, 2189
by expelling the bodily substance upon the other person, or in 2190
any other manner. 2191

(D) Whoever violates this section is guilty of harassment 2192
with a bodily substance. A violation of division (A) or (B) of 2193
this section is a felony of the fifth degree. A violation of 2194
division (C) of this section is a felony of the third degree. 2195

(E) (1) The court, on request of the prosecutor, or the law 2196
enforcement authority responsible for the investigation of the 2197
violation, shall cause a person who allegedly has committed a 2198
violation of this section to submit to one or more appropriate 2199
tests to determine if the person ~~is a carrier of the virus that~~ 2200
~~causes acquired immunodeficiency syndrome,~~ is a carrier of a 2201
hepatitis virus⁷, or is infected with tuberculosis. 2202

(2) The court shall charge the offender with the costs of 2203
the test or tests ordered under division (E) (1) of this section 2204
unless the court determines that the accused is unable to pay, 2205
in which case the costs shall be charged to the entity that 2206
operates the detention facility in which the alleged offense 2207
occurred. 2208

(F) This section does not apply to a person who is 2209

hospitalized, institutionalized, or confined in a facility 2210
operated by the department of mental health and addiction 2211
services or the department of developmental disabilities. 2212

Sec. 2923.125. It is the intent of the general assembly 2213
that Ohio concealed handgun license law be compliant with the 2214
national instant criminal background check system, that the 2215
bureau of alcohol, tobacco, firearms, and explosives is able to 2216
determine that Ohio law is compliant with the national instant 2217
criminal background check system, and that no person shall be 2218
eligible to receive a concealed handgun license permit under 2219
section 2923.125 or 2923.1213 of the Revised Code unless the 2220
person is eligible lawfully to receive or possess a firearm in 2221
the United States. 2222

(A) This section applies with respect to the application 2223
for and issuance by this state of concealed handgun licenses 2224
other than concealed handgun licenses on a temporary emergency 2225
basis that are issued under section 2923.1213 of the Revised 2226
Code. Upon the request of a person who wishes to obtain a 2227
concealed handgun license with respect to which this section 2228
applies or to renew a concealed handgun license with respect to 2229
which this section applies, a sheriff, as provided in division 2230
(I) of this section, shall provide to the person free of charge 2231
an application form and the web site address at which a 2232
printable version of the application form that can be downloaded 2233
and the pamphlet described in division (B) of section 109.731 of 2234
the Revised Code may be found. A sheriff shall accept a 2235
completed application form and the fee, items, materials, and 2236
information specified in divisions (B) (1) to (5) of this section 2237
at the times and in the manners described in division (I) of 2238
this section. 2239

(B) An applicant for a concealed handgun license who is a resident of this state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (6) of this section to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides. An applicant for a license who resides in another state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (7) of this section to the sheriff of the county in which the applicant is employed or to the sheriff of any county adjacent to the county in which the applicant is employed:

(1) (a) A nonrefundable license fee as described in either of the following:

(i) For an applicant who has been a resident of this state for five or more years, a fee of sixty-seven dollars;

(ii) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state, but who is employed in this state, a fee of sixty-seven dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(b) No sheriff shall require an applicant to pay for the cost of a background check performed by the bureau of criminal identification and investigation.

(c) A sheriff shall waive the payment of the license fee described in division (B) (1) (a) of this section in connection with an initial or renewal application for a license that is submitted by an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was

honorably discharged from military service in the active or 2269
reserve armed forces of the United States, a retired peace 2270
officer, a retired person described in division (B) (1) (b) of 2271
section 109.77 of the Revised Code, or a retired federal law 2272
enforcement officer who, prior to retirement, was authorized 2273
under federal law to carry a firearm in the course of duty, 2274
unless the retired peace officer, person, or federal law 2275
enforcement officer retired as the result of a mental 2276
disability. 2277

(d) The sheriff shall deposit all fees paid by an 2278
applicant under division (B) (1) (a) of this section into the 2279
sheriff's concealed handgun license issuance fund established 2280
pursuant to section 311.42 of the Revised Code. The county shall 2281
distribute the fees in accordance with section 311.42 of the 2282
Revised Code. 2283

(2) A color photograph of the applicant that was taken 2284
within thirty days prior to the date of the application; 2285

(3) One or more of the following competency 2286
certifications, each of which shall reflect that, regarding a 2287
certification described in division (B) (3) (a), (b), (c), (e), or 2288
(f) of this section, within the three years immediately 2289
preceding the application the applicant has performed that to 2290
which the competency certification relates and that, regarding a 2291
certification described in division (B) (3) (d) of this section, 2292
the applicant currently is an active or reserve member of the 2293
armed forces of the United States, the applicant has retired 2294
from or was honorably discharged from military service in the 2295
active or reserve armed forces of the United States, or within 2296
the ten years immediately preceding the application the 2297
retirement of the peace officer, person described in division 2298

(B) (1) (b) of section 109.77 of the Revised Code, or federal law 2299
enforcement officer to which the competency certification 2300
relates occurred: 2301

(a) An original or photocopy of a certificate of 2302
completion of a firearms safety, training, or requalification or 2303
firearms safety instructor course, class, or program that was 2304
offered by or under the auspices of a national gun advocacy 2305
organization and that complies with the requirements set forth 2306
in division (G) of this section; 2307

(b) An original or photocopy of a certificate of 2308
completion of a firearms safety, training, or requalification or 2309
firearms safety instructor course, class, or program that 2310
satisfies all of the following criteria: 2311

(i) It was open to members of the general public. 2312

(ii) It utilized qualified instructors who were certified 2313
by a national gun advocacy organization, the executive director 2314
of the Ohio peace officer training commission pursuant to 2315
section 109.75 or 109.78 of the Revised Code, or a governmental 2316
official or entity of another state. 2317

(iii) It was offered by or under the auspices of a law 2318
enforcement agency of this or another state or the United 2319
States, a public or private college, university, or other 2320
similar postsecondary educational institution located in this or 2321
another state, a firearms training school located in this or 2322
another state, or another type of public or private entity or 2323
organization located in this or another state. 2324

(iv) It complies with the requirements set forth in 2325
division (G) of this section. 2326

(c) An original or photocopy of a certificate of 2327

completion of a state, county, municipal, or department of 2328
natural resources peace officer training school that is approved 2329
by the executive director of the Ohio peace officer training 2330
commission pursuant to section 109.75 of the Revised Code and 2331
that complies with the requirements set forth in division (G) of 2332
this section, or the applicant has satisfactorily completed and 2333
been issued a certificate of completion of a basic firearms 2334
training program, a firearms requalification training program, 2335
or another basic training program described in section 109.78 or 2336
109.801 of the Revised Code that complies with the requirements 2337
set forth in division (G) of this section; 2338

(d) A document that evidences both of the following: 2339

(i) That the applicant is an active or reserve member of 2340
the armed forces of the United States, has retired from or was 2341
honorably discharged from military service in the active or 2342
reserve armed forces of the United States, is a retired trooper 2343
of the state highway patrol, or is a retired peace officer or 2344
federal law enforcement officer described in division (B) (1) of 2345
this section or a retired person described in division (B) (1) (b) 2346
of section 109.77 of the Revised Code and division (B) (1) of 2347
this section; 2348

(ii) That, through participation in the military service 2349
or through the former employment described in division (B) (3) (d) 2350
(i) of this section, the applicant acquired experience with 2351
handling handguns or other firearms, and the experience so 2352
acquired was equivalent to training that the applicant could 2353
have acquired in a course, class, or program described in 2354
division (B) (3) (a), (b), or (c) of this section. 2355

(e) A certificate or another similar document that 2356
evidences satisfactory completion of a firearms training, 2357

safety, or requalification or firearms safety instructor course, 2358
class, or program that is not otherwise described in division 2359
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 2360
by an instructor who was certified by an official or entity of 2361
the government of this or another state or the United States or 2362
by a national gun advocacy organization, and that complies with 2363
the requirements set forth in division (G) of this section; 2364

(f) An affidavit that attests to the applicant's 2365
satisfactory completion of a course, class, or program described 2366
in division (B) (3) (a), (b), (c), or (e) of this section and that 2367
is subscribed by the applicant's instructor or an authorized 2368
representative of the entity that offered the course, class, or 2369
program or under whose auspices the course, class, or program 2370
was offered; 2371

(g) A document that evidences that the applicant has 2372
successfully completed the Ohio peace officer training program 2373
described in section 109.79 of the Revised Code. 2374

(4) A certification by the applicant that the applicant 2375
has read the pamphlet prepared by the Ohio peace officer 2376
training commission pursuant to section 109.731 of the Revised 2377
Code that reviews firearms, dispute resolution, and use of 2378
deadly force matters. 2379

(5) A set of fingerprints of the applicant provided as 2380
described in section 311.41 of the Revised Code through use of 2381
an electronic fingerprint reading device or, if the sheriff to 2382
whom the application is submitted does not possess and does not 2383
have ready access to the use of such a reading device, on a 2384
standard impression sheet prescribed pursuant to division (C) (2) 2385
of section 109.572 of the Revised Code. 2386

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a concealed handgun license that shall expire as described in division (D) (2) (a) of this section if all of the following apply:

(a) The applicant is legally living in the United States. For purposes of division (D) (1) (a) of this section, if a person is absent from the United States in compliance with military or naval orders as an active or reserve member of the armed forces of the United States and if prior to leaving the United States the person was legally living in the United States, the person,

solely by reason of that absence, shall not be considered to 2417
have lost the person's status as living in the United States. 2418

(b) The applicant is at least twenty-one years of age. 2419

(c) The applicant is not a fugitive from justice. 2420

(d) The applicant is not under indictment for or otherwise 2421
charged with a felony; an offense under Chapter 2925., 3719., or 2422
4729. of the Revised Code that involves the illegal possession, 2423
use, sale, administration, or distribution of or trafficking in 2424
a drug of abuse; a misdemeanor offense of violence; or a 2425
violation of section 2903.14 or 2923.1211 of the Revised Code. 2426

(e) Except as otherwise provided in division (D) (4) or (5) 2427
of this section, the applicant has not been convicted of or 2428
pleaded guilty to a felony or an offense under Chapter 2925., 2429
3719., or 4729. of the Revised Code that involves the illegal 2430
possession, use, sale, administration, or distribution of or 2431
trafficking in a drug of abuse; has not been adjudicated a 2432
delinquent child for committing an act that if committed by an 2433
adult would be a felony or would be an offense under Chapter 2434
2925., 3719., or 4729. of the Revised Code that involves the 2435
illegal possession, use, sale, administration, or distribution 2436
of or trafficking in a drug of abuse; has not been convicted of, 2437
pleaded guilty to, or adjudicated a delinquent child for 2438
committing a violation of section 2903.13 of the Revised Code 2439
when the victim of the violation is a peace officer, regardless 2440
of whether the applicant was sentenced under division ~~(C) (4)~~ (C) 2441
(6) of that section; and has not been convicted of, pleaded 2442
guilty to, or adjudicated a delinquent child for committing any 2443
other offense that is not previously described in this division 2444
that is a misdemeanor punishable by imprisonment for a term 2445
exceeding one year. 2446

(f) Except as otherwise provided in division (D) (4) or (5) 2447
of this section, the applicant, within three years of the date 2448
of the application, has not been convicted of or pleaded guilty 2449
to a misdemeanor offense of violence other than a misdemeanor 2450
violation of section 2921.33 of the Revised Code or a violation 2451
of section 2903.13 of the Revised Code when the victim of the 2452
violation is a peace officer, or a misdemeanor violation of 2453
section 2923.1211 of the Revised Code; and has not been 2454
adjudicated a delinquent child for committing an act that if 2455
committed by an adult would be a misdemeanor offense of violence 2456
other than a misdemeanor violation of section 2921.33 of the 2457
Revised Code or a violation of section 2903.13 of the Revised 2458
Code when the victim of the violation is a peace officer or for 2459
committing an act that if committed by an adult would be a 2460
misdemeanor violation of section 2923.1211 of the Revised Code. 2461

(g) Except as otherwise provided in division (D) (1) (e) of 2462
this section, the applicant, within five years of the date of 2463
the application, has not been convicted of, pleaded guilty to, 2464
or adjudicated a delinquent child for committing two or more 2465
violations of section 2903.13 or 2903.14 of the Revised Code. 2466

(h) Except as otherwise provided in division (D) (4) or (5) 2467
of this section, the applicant, within ten years of the date of 2468
the application, has not been convicted of, pleaded guilty to, 2469
or adjudicated a delinquent child for committing a violation of 2470
section 2921.33 of the Revised Code. 2471

(i) The applicant has not been committed to any mental 2472
institution, is not under adjudication of mental incompetence, 2473
has not been found by a court to be a person with a mental 2474
illness subject to court order, and is not an involuntary 2475
patient other than one who is a patient only for purposes of 2476

observation. As used in this division, "person with a mental 2477
illness subject to court order" and "patient" have the same 2478
meanings as in section 5122.01 of the Revised Code. 2479

(j) The applicant is not currently subject to a civil 2480
protection order, a temporary protection order, or a protection 2481
order issued by a court of another state. 2482

(k) The applicant certifies that the applicant desires a 2483
legal means to carry a concealed handgun for defense of the 2484
applicant or a member of the applicant's family while engaged in 2485
lawful activity. 2486

(l) The applicant submits a competency certification of 2487
the type described in division (B) (3) of this section and 2488
submits a certification of the type described in division (B) (4) 2489
of this section regarding the applicant's reading of the 2490
pamphlet prepared by the Ohio peace officer training commission 2491
pursuant to section 109.731 of the Revised Code. 2492

(m) The applicant currently is not subject to a suspension 2493
imposed under division (A) (2) of section 2923.128 of the Revised 2494
Code of a concealed handgun license that previously was issued 2495
to the applicant under this section or section 2923.1213 of the 2496
Revised Code or a similar suspension imposed by another state 2497
regarding a concealed handgun license issued by that state. 2498

(n) If the applicant resides in another state, the 2499
applicant is employed in this state. 2500

(o) The applicant certifies that the applicant is not an 2501
unlawful user of or addicted to any controlled substance as 2502
defined in 21 U.S.C. 802. 2503

(p) If the applicant is not a United States citizen, the 2504
applicant is an alien and has not been admitted to the United 2505

States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26). 2506
2507

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions. 2508
2509

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable. 2510
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(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state. 2513
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(2) (a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance. 2517
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If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code. 2520
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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check 2525
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results using the appropriate challenge and review procedure 2535
specified in that section, the time for filing the appeal 2536
pursuant to section 119.12 of the Revised Code and this division 2537
is tolled during the pendency of the request or the challenge 2538
and review. 2539

(c) If the court in an appeal under section 119.12 of the 2540
Revised Code and division (D) (2) (b) of this section enters a 2541
judgment sustaining the sheriff's refusal to grant to the 2542
applicant a concealed handgun license, the applicant may file a 2543
new application beginning one year after the judgment is 2544
entered. If the court enters a judgment in favor of the 2545
applicant, that judgment shall not restrict the authority of a 2546
sheriff to suspend or revoke the license pursuant to section 2547
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 2548
the license for any proper cause that may occur after the date 2549
the judgment is entered. In the appeal, the court shall have 2550
full power to dispose of all costs. 2551

(3) If the sheriff with whom an application for a 2552
concealed handgun license was filed under this section becomes 2553
aware that the applicant has been arrested for or otherwise 2554
charged with an offense that would disqualify the applicant from 2555
holding the license, the sheriff shall suspend the processing of 2556
the application until the disposition of the case arising from 2557
the arrest or charge. 2558

(4) If an applicant has been convicted of or pleaded 2559
guilty to an offense identified in division (D) (1) (e), (f), or 2560
(h) of this section or has been adjudicated a delinquent child 2561
for committing an act or violation identified in any of those 2562
divisions, and if a court has ordered the sealing or expungement 2563
of the records of that conviction, guilty plea, or adjudication 2564

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2565
~~2953.35~~2953.37, or section ~~2953.39~~2953.41 of the Revised Code 2566
or the applicant has been relieved under operation of law or 2567
legal process from the disability imposed pursuant to section 2568
2923.13 of the Revised Code relative to that conviction, guilty 2569
plea, or adjudication, the sheriff with whom the application was 2570
submitted shall not consider the conviction, guilty plea, or 2571
adjudication in making a determination under division (D) (1) or 2572
(F) of this section or, in relation to an application for a 2573
concealed handgun license on a temporary emergency basis 2574
submitted under section 2923.1213 of the Revised Code, in making 2575
a determination under division (B) (2) of that section. 2576

(5) If an applicant has been convicted of or pleaded 2577
guilty to a minor misdemeanor offense or has been adjudicated a 2578
delinquent child for committing an act or violation that is a 2579
minor misdemeanor offense, the sheriff with whom the application 2580
was submitted shall not consider the conviction, guilty plea, or 2581
adjudication in making a determination under division (D) (1) or 2582
(F) of this section or, in relation to an application for a 2583
concealed handgun license on a temporary basis submitted under 2584
section 2923.1213 of the Revised Code, in making a determination 2585
under division (B) (2) of that section. 2586

(E) If a concealed handgun license issued under this 2587
section is lost or is destroyed, the licensee may obtain from 2588
the sheriff who issued that license a duplicate license upon the 2589
payment of a fee of fifteen dollars and the submission of an 2590
affidavit attesting to the loss or destruction of the license. 2591
The sheriff, in accordance with the procedures prescribed in 2592
section 109.731 of the Revised Code, shall place on the 2593
replacement license a combination of identifying numbers 2594
different from the combination on the license that is being 2595

replaced. 2596

(F) (1) (a) Except as provided in division (F) (1) (b) of this 2597
section, a licensee who wishes to renew a concealed handgun 2598
license issued under this section may do so at any time before 2599
the expiration date of the license or at any time after the 2600
expiration date of the license by filing with the sheriff of the 2601
county in which the applicant resides or with the sheriff of an 2602
adjacent county, or in the case of an applicant who resides in 2603
another state with the sheriff of the county that issued the 2604
applicant's previous concealed handgun license an application 2605
for renewal of the license obtained pursuant to division (D) of 2606
this section, a certification by the applicant that, subsequent 2607
to the issuance of the license, the applicant has reread the 2608
pamphlet prepared by the Ohio peace officer training commission 2609
pursuant to section 109.731 of the Revised Code that reviews 2610
firearms, dispute resolution, and use of deadly force matters, 2611
and a nonrefundable license renewal fee in an amount determined 2612
pursuant to division (F) (4) of this section unless the fee is 2613
waived. 2614

(b) A person on active duty in the armed forces of the 2615
United States or in service with the peace corps, volunteers in 2616
service to America, or the foreign service of the United States 2617
is exempt from the license requirements of this section for the 2618
period of the person's active duty or service and for six months 2619
thereafter, provided the person was a licensee under this 2620
section at the time the person commenced the person's active 2621
duty or service or had obtained a license while on active duty 2622
or service. The spouse or a dependent of any such person on 2623
active duty or in service also is exempt from the license 2624
requirements of this section for the period of the person's 2625
active duty or service and for six months thereafter, provided 2626

the spouse or dependent was a licensee under this section at the 2627
time the person commenced the active duty or service or had 2628
obtained a license while the person was on active duty or 2629
service, and provided further that the person's active duty or 2630
service resulted in the spouse or dependent relocating outside 2631
of this state during the period of the active duty or service. 2632
This division does not prevent such a person or the person's 2633
spouse or dependent from making an application for the renewal 2634
of a concealed handgun license during the period of the person's 2635
active duty or service. 2636

(2) A sheriff shall accept a completed renewal 2637
application, the license renewal fee, and the information 2638
specified in division (F)(1) of this section at the times and in 2639
the manners described in division (I) of this section. Upon 2640
receipt of a completed renewal application, of certification 2641
that the applicant has reread the specified pamphlet prepared by 2642
the Ohio peace officer training commission, and of a license 2643
renewal fee unless the fee is waived, a sheriff, in the manner 2644
specified in section 311.41 of the Revised Code shall conduct or 2645
cause to be conducted the criminal records check and the 2646
incompetency records check described in section 311.41 of the 2647
Revised Code. The sheriff shall renew the license if the sheriff 2648
determines that the applicant continues to satisfy the 2649
requirements described in division (D)(1) of this section, 2650
except that the applicant is not required to meet the 2651
requirements of division (D)(1)(1) of this section. A renewed 2652
license shall expire five years after the date of issuance. A 2653
renewed license is subject to division (E) of this section and 2654
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2655
shall comply with divisions (D)(2) and (3) of this section when 2656
the circumstances described in those divisions apply to a 2657

requested license renewal. If a sheriff denies the renewal of a
concealed handgun license, the applicant may appeal the denial,
or challenge the criminal record check results that were the
basis of the denial if applicable, in the same manner as
specified in division (D)(2)(b) of this section and in section
2923.127 of the Revised Code, regarding the denial of a license
under this section.

(3) A renewal application submitted pursuant to division
(F) of this section shall only require the licensee to list on
the application form information and matters occurring since the
date of the licensee's last application for a license pursuant
to division (B) or (F) of this section. A sheriff conducting the
criminal records check and the incompetency records check
described in section 311.41 of the Revised Code shall conduct
the check only from the date of the licensee's last application
for a license pursuant to division (B) or (F) of this section
through the date of the renewal application submitted pursuant
to division (F) of this section.

(4) An applicant for a renewal concealed handgun license
under this section shall submit to the sheriff of the county in
which the applicant resides or to the sheriff of any county
adjacent to the county in which the applicant resides, or in the
case of an applicant who resides in another state to the sheriff
of the county that issued the applicant's previous concealed
handgun license, a nonrefundable license fee as described in
either of the following:

(a) For an applicant who has been a resident of this state
for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state
for less than five years or who is not a resident of this state

but who is employed in this state, a fee of fifty dollars plus 2688
the actual cost of having a background check performed by the 2689
federal bureau of investigation. 2690

(5) The concealed handgun license of a licensee who is no 2691
longer a resident of this state or no longer employed in this 2692
state, as applicable, is valid until the date of expiration on 2693
the license, and the licensee is prohibited from renewing the 2694
concealed handgun license. 2695

(G) (1) Each course, class, or program described in 2696
division (B) (3) (a), (b), (c), or (e) of this section shall 2697
provide to each person who takes the course, class, or program 2698
the web site address at which the pamphlet prepared by the Ohio 2699
peace officer training commission pursuant to section 109.731 of 2700
the Revised Code that reviews firearms, dispute resolution, and 2701
use of deadly force matters may be found. Each such course, 2702
class, or program described in one of those divisions shall 2703
include at least eight hours of training in the safe handling 2704
and use of a firearm that shall include training, provided as 2705
described in division (G) (3) of this section, on all of the 2706
following: 2707

(a) The ability to name, explain, and demonstrate the 2708
rules for safe handling of a handgun and proper storage 2709
practices for handguns and ammunition; 2710

(b) The ability to demonstrate and explain how to handle 2711
ammunition in a safe manner; 2712

(c) The ability to demonstrate the knowledge, skills, and 2713
attitude necessary to shoot a handgun in a safe manner; 2714

(d) Gun handling training; 2715

(e) A minimum of two hours of in-person training that 2716

consists of range time and live-fire training. 2717

(2) To satisfactorily complete the course, class, or 2718
program described in division (B) (3) (a), (b), (c), or (e) of 2719
this section, the applicant shall pass a competency examination 2720
that shall include both of the following: 2721

(a) A written section, provided as described in division 2722
(G) (3) of this section, on the ability to name and explain the 2723
rules for the safe handling of a handgun and proper storage 2724
practices for handguns and ammunition; 2725

(b) An in-person physical demonstration of competence in 2726
the use of a handgun and in the rules for safe handling and 2727
storage of a handgun and a physical demonstration of the 2728
attitude necessary to shoot a handgun in a safe manner. 2729

(3) (a) Except as otherwise provided in this division, the 2730
training specified in division (G) (1) (a) of this section shall 2731
be provided to the person receiving the training in person by an 2732
instructor. If the training specified in division (G) (1) (a) of 2733
this section is provided by a course, class, or program 2734
described in division (B) (3) (a) of this section, or it is 2735
provided by a course, class, or program described in division 2736
(B) (3) (b), (c), or (e) of this section and the instructor is a 2737
qualified instructor certified by a national gun advocacy 2738
organization, the training so specified, other than the training 2739
that requires the person receiving the training to demonstrate 2740
handling abilities, may be provided online or as a combination 2741
of in-person and online training, as long as the online training 2742
includes an interactive component that regularly engages the 2743
person. 2744

(b) Except as otherwise provided in this division, the 2745

written section of the competency examination specified in 2746
division (G) (2) (a) of this section shall be administered to the 2747
person taking the competency examination in person by an 2748
instructor. If the training specified in division (G) (1) (a) of 2749
this section is provided to the person receiving the training by 2750
a course, class, or program described in division (B) (3) (a) of 2751
this section, or it is provided by a course, class, or program 2752
described in division (B) (3) (b), (c), or (e) of this section and 2753
the instructor is a qualified instructor certified by a national 2754
gun advocacy organization, the written section of the competency 2755
examination specified in division (G) (2) (a) of this section may 2756
be administered online, as long as the online training includes 2757
an interactive component that regularly engages the person. 2758

(4) The competency certification described in division (B) 2759
(3) (a), (b), (c), or (e) of this section shall be dated and 2760
shall attest that the course, class, or program the applicant 2761
successfully completed met the requirements described in 2762
division (G) (1) of this section and that the applicant passed 2763
the competency examination described in division (G) (2) of this 2764
section. 2765

(H) Upon deciding to issue a concealed handgun license, 2766
deciding to issue a replacement concealed handgun license, or 2767
deciding to renew a concealed handgun license pursuant to this 2768
section, and before actually issuing or renewing the license, 2769
the sheriff shall make available through the law enforcement 2770
automated data system all information contained on the license. 2771
If the license subsequently is suspended under division (A) (1) 2772
or (2) of section 2923.128 of the Revised Code, revoked pursuant 2773
to division (B) (1) of section 2923.128 of the Revised Code, or 2774
lost or destroyed, the sheriff also shall make available through 2775
the law enforcement automated data system a notation of that 2776

fact. The superintendent of the state highway patrol shall 2777
ensure that the law enforcement automated data system is so 2778
configured as to permit the transmission through the system of 2779
the information specified in this division. 2780

(I) (1) A sheriff shall accept a completed application form 2781
or renewal application, and the fee, items, materials, and 2782
information specified in divisions (B) (1) to (5) or division (F) 2783
of this section, whichever is applicable, and shall provide an 2784
application form or renewal application to any person during at 2785
least fifteen hours a week and shall provide the web site 2786
address at which a printable version of the application form 2787
that can be downloaded and the pamphlet described in division 2788
(B) of section 109.731 of the Revised Code may be found at any 2789
time, upon request. The sheriff shall post notice of the hours 2790
during which the sheriff is available to accept or provide the 2791
information described in this division. 2792

(2) A sheriff shall transmit a notice to the attorney 2793
general, in a manner determined by the attorney general, every 2794
time a license is issued that waived payment under division (B) 2795
(1) (c) of this section for an applicant who is an active or 2796
reserve member of the armed forces of the United States or has 2797
retired from or was honorably discharged from military service 2798
in the active or reserve armed forces of the United States. The 2799
attorney general shall monitor and inform sheriffs issuing 2800
licenses under this section when the amount of license fee 2801
payments waived and transmitted to the attorney general reach 2802
one million five hundred thousand dollars each year. Once a 2803
sheriff is informed that the payments waived reached one million 2804
five hundred thousand dollars in any year, a sheriff shall no 2805
longer waive payment of a license fee for an applicant who is an 2806
active or reserve member of the armed forces of the United 2807

States or has retired from or was honorably discharged from 2808
military service in the active or reserve armed forces of the 2809
United States for the remainder of that year. 2810

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 2811
concealed handgun license is arrested for or otherwise charged 2812
with an offense described in division (D) (1) (d) of section 2813
2923.125 of the Revised Code or with a violation of section 2814
2923.15 of the Revised Code or becomes subject to a temporary 2815
protection order or to a protection order issued by a court of 2816
another state that is substantially equivalent to a temporary 2817
protection order, the sheriff who issued the license shall 2818
suspend it and shall comply with division (A) (3) of this section 2819
upon becoming aware of the arrest, charge, or protection order. 2820
Upon suspending the license, the sheriff also shall comply with 2821
division (H) of section 2923.125 of the Revised Code. 2822

(b) A suspension under division (A) (1) (a) of this section 2823
shall be considered as beginning on the date that the licensee 2824
is arrested for or otherwise charged with an offense described 2825
in that division or on the date the appropriate court issued the 2826
protection order described in that division, irrespective of 2827
when the sheriff notifies the licensee under division (A) (3) of 2828
this section. The suspension shall end on the date on which the 2829
charges are dismissed or the licensee is found not guilty of the 2830
offense described in division (A) (1) (a) of this section or, 2831
subject to division (B) of this section, on the date the 2832
appropriate court terminates the protection order described in 2833
that division. If the suspension so ends, the sheriff shall 2834
return the license or temporary emergency license to the 2835
licensee. 2836

(2) (a) If a licensee holding a valid concealed handgun 2837

license is convicted of or pleads guilty to a misdemeanor 2838
violation of division (B) (2) or (4) of section 2923.12 of the 2839
Revised Code or of division (E) (3) or (5) of section 2923.16 of 2840
the Revised Code, subject to division (C) of this section, the 2841
sheriff who issued the license shall suspend it and shall comply 2842
with division (A) (3) of this section upon becoming aware of the 2843
conviction or guilty plea. Upon suspending the license, the 2844
sheriff also shall comply with division (H) of section 2923.125 2845
of the Revised Code. 2846

(b) A suspension under division (A) (2) (a) of this section 2847
shall be considered as beginning on the date that the licensee 2848
is convicted of or pleads guilty to the offense described in 2849
that division, irrespective of when the sheriff notifies the 2850
licensee under division (A) (3) of this section. If the 2851
suspension is imposed for a misdemeanor violation of division 2852
(B) (2) of section 2923.12 of the Revised Code or of division (E) 2853
(3) of section 2923.16 of the Revised Code, it shall end on the 2854
date that is one year after the date that the licensee is 2855
convicted of or pleads guilty to that violation. If the 2856
suspension is imposed for a misdemeanor violation of division 2857
(B) (4) of section 2923.12 of the Revised Code or of division (E) 2858
(5) of section 2923.16 of the Revised Code, it shall end on the 2859
date that is two years after the date that the licensee is 2860
convicted of or pleads guilty to that violation. If the 2861
licensee's license was issued under section 2923.125 of the 2862
Revised Code and the license remains valid after the suspension 2863
ends as described in this division, when the suspension ends, 2864
the sheriff shall return the license to the licensee. If the 2865
licensee's license was issued under section 2923.125 of the 2866
Revised Code and the license expires before the suspension ends 2867
as described in this division, or if the licensee's license was 2868

issued under section 2923.1213 of the Revised Code, the licensee 2869
is not eligible to apply for a new license under section 2870
2923.125 or 2923.1213 of the Revised Code or to renew the 2871
license under section 2923.125 of the Revised Code until after 2872
the suspension ends as described in this division. 2873

(3) Upon becoming aware of an arrest, charge, or 2874
protection order described in division (A)(1)(a) of this section 2875
with respect to a licensee who was issued a concealed handgun 2876
license, or a conviction of or plea of guilty to a misdemeanor 2877
offense described in division (A)(2)(a) of this section with 2878
respect to a licensee who was issued a concealed handgun 2879
license, subject to division (C) of this section, the sheriff 2880
who issued the licensee's license shall notify the licensee, by 2881
certified mail, return receipt requested, at the licensee's last 2882
known residence address that the license has been suspended and 2883
that the licensee is required to surrender the license at the 2884
sheriff's office within ten days of the date on which the notice 2885
was mailed. If the suspension is pursuant to division (A)(2) of 2886
this section, the notice shall identify the date on which the 2887
suspension ends. 2888

(B)(1) A sheriff who issues a concealed handgun license to 2889
a licensee shall revoke the license in accordance with division 2890
(B)(2) of this section upon becoming aware that the licensee 2891
satisfies any of the following: 2892

(a) The licensee is under twenty-one years of age. 2893

(b) Subject to division (C) of this section, at the time 2894
of the issuance of the license, the licensee did not satisfy the 2895
eligibility requirements of division (D)(1)(c), (d), (e), (f), 2896
(g), or (h) of section 2923.125 of the Revised Code. 2897

(c) Subject to division (C) of this section, on or after 2898
the date on which the license was issued, the licensee is 2899
convicted of or pleads guilty to a violation of section 2923.15 2900
of the Revised Code or an offense described in division (D) (1) 2901
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 2902

(d) On or after the date on which the license was issued, 2903
the licensee becomes subject to a civil protection order or to a 2904
protection order issued by a court of another state that is 2905
substantially equivalent to a civil protection order. 2906

(e) The licensee knowingly carries a concealed handgun 2907
into a place that the licensee knows is an unauthorized place 2908
specified in division (B) of section 2923.126 of the Revised 2909
Code. 2910

(f) On or after the date on which the license was issued, 2911
the licensee is under adjudication of mental incompetence or is 2912
committed to a mental institution. 2913

(g) At the time of the issuance of the license, the 2914
licensee did not meet the residency requirements described in 2915
division (D) (1) of section 2923.125 of the Revised Code and 2916
currently does not meet the residency requirements described in 2917
that division. 2918

(h) Regarding a license issued under section 2923.125 of 2919
the Revised Code, the competency certificate the licensee 2920
submitted was forged or otherwise was fraudulent. 2921

(2) Upon becoming aware of any circumstance listed in 2922
division (B) (1) of this section that applies to a particular 2923
licensee who was issued a concealed handgun license, subject to 2924
division (C) of this section, the sheriff who issued the license 2925
to the licensee shall notify the licensee, by certified mail, 2926

return receipt requested, at the licensee's last known residence 2927
address that the license is subject to revocation and that the 2928
licensee may come to the sheriff's office and contest the 2929
sheriff's proposed revocation within fourteen days of the date 2930
on which the notice was mailed. After the fourteen-day period 2931
and after consideration of any information that the licensee 2932
provides during that period, if the sheriff determines on the 2933
basis of the information of which the sheriff is aware that the 2934
licensee is described in division (B) (1) of this section and no 2935
longer satisfies the requirements described in division (D) (1) 2936
of section 2923.125 of the Revised Code that are applicable to 2937
the licensee's type of license, the sheriff shall revoke the 2938
license, notify the licensee of that fact, and require the 2939
licensee to surrender the license. Upon revoking the license, 2940
the sheriff also shall comply with division (H) of section 2941
2923.125 of the Revised Code. 2942

(C) If a sheriff who issues a concealed handgun license to 2943
a licensee becomes aware that at the time of the issuance of the 2944
license the licensee had been convicted of or pleaded guilty to 2945
an offense identified in division (D) (1) (e), (f), or (h) of 2946
section 2923.125 of the Revised Code or had been adjudicated a 2947
delinquent child for committing an act or violation identified 2948
in any of those divisions or becomes aware that on or after the 2949
date on which the license was issued the licensee has been 2950
convicted of or pleaded guilty to an offense identified in 2951
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 2952
shall not consider that conviction, guilty plea, or adjudication 2953
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 2954
(1), and (B) (2) of this section if a court has ordered the 2955
sealing or expungement of the records of that conviction, guilty 2956
plea, or adjudication pursuant to sections 2151.355 to 2151.358, 2957

sections 2953.31 to ~~2953.35~~2953.37, ~~or section 2953.39, or~~ 2958
section 2953.41 of the Revised Code or the licensee has been 2959
relieved under operation of law or legal process from the 2960
disability imposed pursuant to section 2923.13 of the Revised 2961
Code relative to that conviction, guilty plea, or adjudication. 2962

(D) As used in this section, "motor carrier enforcement 2963
unit" has the same meaning as in section 2923.16 of the Revised 2964
Code. 2965

Sec. 2923.1213. (A) As used in this section: 2966

(1) "Evidence of imminent danger" means any of the 2967
following: 2968

(a) A statement sworn by the person seeking to carry a 2969
concealed handgun that is made under threat of perjury and that 2970
states that the person has reasonable cause to fear a criminal 2971
attack upon the person or a member of the person's family, such 2972
as would justify a prudent person in going armed; 2973

(b) A written document prepared by a governmental entity 2974
or public official describing the facts that give the person 2975
seeking to carry a concealed handgun reasonable cause to fear a 2976
criminal attack upon the person or a member of the person's 2977
family, such as would justify a prudent person in going armed. 2978
Written documents of this nature include, but are not limited 2979
to, any temporary protection order, civil protection order, 2980
protection order issued by another state, or other court order, 2981
any court report, and any report filed with or made by a law 2982
enforcement agency or prosecutor. 2983

(2) "Prosecutor" has the same meaning as in section 2984
2935.01 of the Revised Code. 2985

(B) (1) A person seeking a concealed handgun license on a 2986

temporary emergency basis shall submit to the sheriff of the 2987
county in which the person resides or, if the person usually 2988
resides in another state, to the sheriff of the county in which 2989
the person is temporarily staying, all of the following: 2990

(a) Evidence of imminent danger to the person or a member 2991
of the person's family; 2992

(b) A sworn affidavit that contains all of the information 2993
required to be on the license and attesting that the person is 2994
legally living in the United States; is at least twenty-one 2995
years of age; is not a fugitive from justice; is not under 2996
indictment for or otherwise charged with an offense identified 2997
in division (D) (1) (d) of section 2923.125 of the Revised Code; 2998
has not been convicted of or pleaded guilty to an offense, and 2999
has not been adjudicated a delinquent child for committing an 3000
act, identified in division (D) (1) (e) of that section and to 3001
which division (B) (3) of this section does not apply; within 3002
three years of the date of the submission, has not been 3003
convicted of or pleaded guilty to an offense, and has not been 3004
adjudicated a delinquent child for committing an act, identified 3005
in division (D) (1) (f) of that section and to which division (B) 3006
(3) of this section does not apply; within five years of the 3007
date of the submission, has not been convicted of, pleaded 3008
guilty, or adjudicated a delinquent child for committing two or 3009
more violations identified in division (D) (1) (g) of that 3010
section; within ten years of the date of the submission, has not 3011
been convicted of, pleaded guilty, or adjudicated a delinquent 3012
child for committing a violation identified in division (D) (1) 3013
(h) of that section and to which division (B) (3) of this section 3014
does not apply; has not been committed to any mental 3015
institution, is not under adjudication of mental incompetence, 3016
has not been found by a court to be a person with a mental 3017

illness subject to court order, and is not an involuntary 3018
patient other than one who is a patient only for purposes of 3019
observation, as described in division (D)(1)(i) of that section; 3020
is not currently subject to a civil protection order, a 3021
temporary protection order, or a protection order issued by a 3022
court of another state, as described in division (D)(1)(j) of 3023
that section; is not currently subject to a suspension imposed 3024
under division (A)(2) of section 2923.128 of the Revised Code of 3025
a concealed handgun license that previously was issued to the 3026
person or a similar suspension imposed by another state 3027
regarding a concealed handgun license issued by that state; is 3028
not an unlawful user of or addicted to any controlled substance 3029
as defined in 21 U.S.C. 802; if applicable, is an alien and has 3030
not been admitted to the United States under a nonimmigrant 3031
visa, as defined in the "Immigration and Nationality Act," 8 3032
U.S.C. 1101(a)(26); has not been discharged from the armed 3033
forces of the United States under dishonorable conditions; if 3034
applicable, has not renounced the applicant's United States 3035
citizenship; and has not been convicted of, pleaded guilty to, 3036
or been adjudicated a delinquent child for committing a 3037
violation identified in division (D)(1)(s) of section 2923.125 3038
of the Revised Code; 3039

(c) A nonrefundable temporary emergency license fee as 3040
described in either of the following: 3041

(i) For an applicant who has been a resident of this state 3042
for five or more years, a fee of fifteen dollars plus the actual 3043
cost of having a background check performed by the bureau of 3044
criminal identification and investigation pursuant to section 3045
311.41 of the Revised Code; 3046

(ii) For an applicant who has been a resident of this 3047

state for less than five years or who is not a resident of this 3048
state, but is temporarily staying in this state, a fee of 3049
fifteen dollars plus the actual cost of having background checks 3050
performed by the federal bureau of investigation and the bureau 3051
of criminal identification and investigation pursuant to section 3052
311.41 of the Revised Code. 3053

(d) A set of fingerprints of the applicant provided as 3054
described in section 311.41 of the Revised Code through use of 3055
an electronic fingerprint reading device or, if the sheriff to 3056
whom the application is submitted does not possess and does not 3057
have ready access to the use of an electronic fingerprint 3058
reading device, on a standard impression sheet prescribed 3059
pursuant to division (C) (2) of section 109.572 of the Revised 3060
Code. If the fingerprints are provided on a standard impression 3061
sheet, the person also shall provide the person's social 3062
security number to the sheriff. 3063

(2) A sheriff shall accept the evidence of imminent 3064
danger, the sworn affidavit, the fee, and the set of 3065
fingerprints required under division (B) (1) of this section at 3066
the times and in the manners described in division (I) of this 3067
section. Upon receipt of the evidence of imminent danger, the 3068
sworn affidavit, the fee, and the set of fingerprints required 3069
under division (B) (1) of this section, the sheriff, in the 3070
manner specified in section 311.41 of the Revised Code, 3071
immediately shall conduct or cause to be conducted the criminal 3072
records check and the incompetency records check described in 3073
section 311.41 of the Revised Code. Immediately upon receipt of 3074
the results of the records checks, the sheriff shall review the 3075
information and shall determine whether the criteria set forth 3076
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 3077
of the Revised Code apply regarding the person. If the sheriff 3078

determines that all of the criteria set forth in divisions (D) 3079
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 3080
Code apply regarding the person, the sheriff shall immediately 3081
make available through the law enforcement automated data system 3082
all information that will be contained on the temporary 3083
emergency license for the person if one is issued, and the 3084
superintendent of the state highway patrol shall ensure that the 3085
system is so configured as to permit the transmission through 3086
the system of that information. Upon making that information 3087
available through the law enforcement automated data system, the 3088
sheriff shall immediately issue to the person a concealed 3089
handgun license on a temporary emergency basis. 3090

If the sheriff denies the issuance of a license on a 3091
temporary emergency basis to the person, the sheriff shall 3092
specify the grounds for the denial in a written notice to the 3093
person. The person may appeal the denial, or challenge criminal 3094
records check results that were the basis of the denial if 3095
applicable, in the same manners specified in division (D) (2) of 3096
section 2923.125 and in section 2923.127 of the Revised Code, 3097
regarding the denial of an application for a concealed handgun 3098
license under that section. 3099

The license on a temporary emergency basis issued under 3100
this division shall be in the form, and shall include all of the 3101
information, described in divisions (A) (2) (a) and (d) of section 3102
109.731 of the Revised Code, and also shall include a unique 3103
combination of identifying letters and numbers in accordance 3104
with division (A) (2) (c) of that section. 3105

The license on a temporary emergency basis issued under 3106
this division is valid for ninety days and may not be renewed. A 3107
person who has been issued a license on a temporary emergency 3108

basis under this division shall not be issued another license on 3109
a temporary emergency basis unless at least four years has 3110
expired since the issuance of the prior license on a temporary 3111
emergency basis. 3112

(3) If a person seeking a concealed handgun license on a 3113
temporary emergency basis has been convicted of or pleaded 3114
guilty to an offense identified in division (D) (1) (e), (f), or 3115
(h) of section 2923.125 of the Revised Code or has been 3116
adjudicated a delinquent child for committing an act or 3117
violation identified in any of those divisions, and if a court 3118
has ordered the sealing or expungement of the records of that 3119
conviction, guilty plea, or adjudication pursuant to sections 3120
2151.355 to 2151.358, sections 2953.31 to ~~2953.35~~2953.37, ~~or~~ 3121
section 2953.39, or section 2953.41 of the Revised Code or the 3122
applicant has been relieved under operation of law or legal 3123
process from the disability imposed pursuant to section 2923.13 3124
of the Revised Code relative to that conviction, guilty plea, or 3125
adjudication, the conviction, guilty plea, or adjudication shall 3126
not be relevant for purposes of the sworn affidavit described in 3127
division (B) (1) (b) of this section, and the person may complete, 3128
and swear to the truth of, the affidavit as if the conviction, 3129
guilty plea, or adjudication never had occurred. 3130

(4) The sheriff shall waive the payment pursuant to 3131
division (B) (1) (c) of this section of the license fee in 3132
connection with an application that is submitted by an applicant 3133
who is a retired peace officer, a retired person described in 3134
division (B) (1) (b) of section 109.77 of the Revised Code, or a 3135
retired federal law enforcement officer who, prior to 3136
retirement, was authorized under federal law to carry a firearm 3137
in the course of duty, unless the retired peace officer, person, 3138
or federal law enforcement officer retired as the result of a 3139

mental disability. 3140

The sheriff shall deposit all fees paid by an applicant 3141
under division (B) (1) (c) of this section into the sheriff's 3142
concealed handgun license issuance fund established pursuant to 3143
section 311.42 of the Revised Code. 3144

(C) A person who holds a concealed handgun license on a 3145
temporary emergency basis has the same right to carry a 3146
concealed handgun as a person who was issued a concealed handgun 3147
license under section 2923.125 of the Revised Code, and any 3148
exceptions to the prohibitions contained in section 1547.69 and 3149
sections 2923.12 to 2923.16 of the Revised Code for a licensee 3150
under section 2923.125 of the Revised Code apply to a licensee 3151
under this section. The person is subject to the same 3152
restrictions, and to all other procedures, duties, and 3153
sanctions, that apply to a person who carries a license issued 3154
under section 2923.125 of the Revised Code, other than the 3155
license renewal procedures set forth in that section. 3156

(D) A sheriff who issues a concealed handgun license on a 3157
temporary emergency basis under this section shall not require a 3158
person seeking to carry a concealed handgun in accordance with 3159
this section to submit a competency certificate as a 3160
prerequisite for issuing the license and shall comply with 3161
division (H) of section 2923.125 of the Revised Code in regards 3162
to the license. The sheriff shall suspend or revoke the license 3163
in accordance with section 2923.128 of the Revised Code. In 3164
addition to the suspension or revocation procedures set forth in 3165
section 2923.128 of the Revised Code, the sheriff may revoke the 3166
license upon receiving information, verifiable by public 3167
documents, that the person is not eligible to possess a firearm 3168
under either the laws of this state or of the United States or 3169

that the person committed perjury in obtaining the license; if 3170
the sheriff revokes a license under this additional authority, 3171
the sheriff shall notify the person, by certified mail, return 3172
receipt requested, at the person's last known residence address 3173
that the license has been revoked and that the person is 3174
required to surrender the license at the sheriff's office within 3175
ten days of the date on which the notice was mailed. Division 3176
(H) of section 2923.125 of the Revised Code applies regarding 3177
any suspension or revocation of a concealed handgun license on a 3178
temporary emergency basis. 3179

(E) A sheriff who issues a concealed handgun license on a 3180
temporary emergency basis under this section shall retain, for 3181
the entire period during which the license is in effect, the 3182
evidence of imminent danger that the person submitted to the 3183
sheriff and that was the basis for the license, or a copy of 3184
that evidence, as appropriate. 3185

(F) If a concealed handgun license on a temporary 3186
emergency basis issued under this section is lost or is 3187
destroyed, the licensee may obtain from the sheriff who issued 3188
that license a duplicate license upon the payment of a fee of 3189
fifteen dollars and the submission of an affidavit attesting to 3190
the loss or destruction of the license. The sheriff, in 3191
accordance with the procedures prescribed in section 109.731 of 3192
the Revised Code, shall place on the replacement license a 3193
combination of identifying numbers different from the 3194
combination on the license that is being replaced. 3195

(G) The attorney general shall prescribe, and shall make 3196
available to sheriffs, a standard form to be used under division 3197
(B) of this section by a person who applies for a concealed 3198
handgun license on a temporary emergency basis on the basis of 3199

imminent danger of a type described in division (A) (1) (a) of 3200
this section. The attorney general shall design the form to 3201
enable applicants to provide the information that is required by 3202
law to be collected, and shall update the form as necessary. 3203
Burdens or restrictions to obtaining a concealed handgun license 3204
that are not expressly prescribed in law shall not be 3205
incorporated into the form. The attorney general shall post a 3206
printable version of the form on the web site of the attorney 3207
general and shall provide the address of the web site to any 3208
person who requests the form. 3209

(H) A sheriff who receives any fees paid by a person under 3210
this section shall deposit all fees so paid into the sheriff's 3211
concealed handgun license issuance expense fund established 3212
under section 311.42 of the Revised Code. 3213

(I) A sheriff shall accept evidence of imminent danger, a 3214
sworn affidavit, the fee, and the set of fingerprints specified 3215
in division (B) (1) of this section at any time during normal 3216
business hours. In no case shall a sheriff require an 3217
appointment, or designate a specific period of time, for the 3218
submission or acceptance of evidence of imminent danger, a sworn 3219
affidavit, the fee, and the set of fingerprints specified in 3220
division (B) (1) of this section, or for the provision to any 3221
person of a standard form to be used for a person to apply for a 3222
concealed handgun license on a temporary emergency basis. 3223

Sec. 2927.31. (A) As used in this section: 3224

(1) "Conduct that poses a substantial risk of the 3225
transmission of HIV" means vaginal intercourse, anal 3226
intercourse, or sharing a hypodermic needle or syringe in a 3227
manner that poses a substantial risk of the transmission of HIV. 3228
"Conduct that poses a substantial risk of the transmission of 3229

HIV" does not mean vaginal intercourse, anal intercourse, or 3230
sharing a hypodermic needle or syringe in a manner that poses a 3231
low or negligible risk of the transmission of HIV. 3232

(2) "HIV" has the same meaning as in section 3701.24 of 3233
the Revised Code. 3234

(3) "Means to prevent the transmission of HIV" means the 3235
use of a method, device, behavior, or activity that is 3236
scientifically proven to measurably limit, reduce, or eliminate 3237
the risk of the transmission of HIV. 3238

(B) No person, with knowledge that the person has HIV, 3239
shall transmit HIV to another by purposely doing all of the 3240
following: 3241

(1) Failing to disclose that the person has HIV to the 3242
other person prior to the transmission of HIV. 3243

(2) Engaging in conduct that poses a substantial risk of 3244
the transmission of HIV; 3245

(3) Failing to take or attempt to take means to prevent 3246
the transmission of HIV; 3247

(4) Transmitting HIV to the other person. 3248

(C) In determining whether a person acted purposely 3249
pursuant to division (B) of this section, the failure to take or 3250
attempt to take means to prevent the transmission of HIV is not 3251
sufficient to prove that the person acted purposely. 3252

(D) This section does not apply to the following: 3253

(1) A person who has HIV, becomes pregnant, and transmits 3254
HIV perinatally. 3255

(2) A person who acquires HIV while pregnant and transmits 3256

<u>HIV perinatally.</u>	3257
<u>(3) A person who declines treatment for HIV while pregnant or giving birth and transmits HIV perinatally.</u>	3258
<u>(4) A person who has HIV, donates or attempts to donate organs, blood, sperm, or any other body tissue, and transmits HIV.</u>	3260
<u>(E) Whoever violates this section is guilty of intentional transmission of HIV, a misdemeanor of the first degree.</u>	3263
<u>(F) This section does not affect a person's right to bring any defense available to the person under the common law of this state.</u>	3265
<u>(G) Notwithstanding any provision of the Revised Code or Rules of Evidence to the contrary, in a case involving an alleged violation of this section, a court may take judicial notice of adjudicative facts only upon the motion or stipulation of the parties.</u>	3268
<u>(H) Notwithstanding any provision of the Revised Code, Rules of Evidence, or Rules of Criminal Procedure to the contrary, in a case involving an alleged violation of this section, the following are inadmissible as evidence:</u>	3273
<u>(1) Any medical records, including medication or prescription records, or medical devices of the defendant;</u>	3277
<u>(2) Any surveillance records or reports maintained by state or local health officials.</u>	3278
Sec. 2927.32. (A) As used in this section:	3279
<u>(1) "Case document" means a document and information in a document submitted to a court or filed with the clerk of court</u>	3280
	3281
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	3283

in a case involving an alleged violation of section 2927.31 of 3284
the Revised Code, including exhibits, pleadings, motions, 3285
orders, and judgments, and any other documentation prepared by 3286
the court or clerk in the case involving an alleged violation of 3287
section 2927.31 of the Revised Code, including journals, 3288
dockets, and indices. "Case document" does not include forms 3289
containing identifying characteristics submitted or filed 3290
pursuant to division (B)(2) of this section. 3291

(2) "Identifying characteristics" means the defendant's or 3292
victim's name, except for the defendant's or victim's initials, 3293
address, age, marital status, relationship to defendant or 3294
victim, race, ethnicity, employer, and employer's address. 3295

(B) Notwithstanding any provision in the Revised Code, 3296
Rules of Superintendence, Rules of Evidence, or Rules of 3297
Criminal Procedure to the contrary, in a case involving an 3298
alleged violation of section 2927.31 of the Revised Code, all of 3299
the following apply: 3300

(1) When submitting a case document to a court or filing a 3301
case document with a clerk of court, a party shall redact or 3302
omit identifying characteristics from the case document. 3303

(2) When identifying characteristics are redacted or 3304
omitted from a case document submitted to a court or filed with 3305
the clerk of court pursuant to division (B)(1) of this section, 3306
the party shall submit or file that information on a separate 3307
form. The form shall only be provided to the judge, clerk, 3308
parties, and parties' attorneys. The form shall be kept 3309
confidential, shall not be released, and is not a public record 3310
as defined in section 149.43 of the Revised Code. 3311

(3) The responsibility for redacting or omitting 3312

identifying characteristics from a case document submitted to a 3313
court or filed with a clerk of court pursuant to division (B) (1) 3314
of this section shall rest solely with the party. The court or 3315
clerk is not required to review the case document to confirm 3316
that the party has redacted or omitted identifying 3317
characteristics, and shall not refuse to accept or file the 3318
document on that basis. 3319

Sec. 2927.33. (A) As used in this section, "identifying 3320
characteristics" has the same meaning as in section 2927.32 of 3321
the Revised Code. 3322

(B) (1) Upon the filing of a case involving an alleged 3323
violation of section 2927.31 of the Revised Code, the court 3324
shall issue an order stating that, during the pendency of the 3325
case, the following persons shall not disclose the identifying 3326
characteristics of any defendant or victim in the case: 3327

(a) An officer or employee of a law enforcement agency; 3328

(b) An officer or employee of the court; 3329

(c) The clerk or any employee of the clerk of any court; 3330

(d) An attorney, party, victim, or witness in the case. 3331

(2) An order issued pursuant to division (B) (1) of this 3332
section does not prohibit a defendant or victim in the case from 3333
disclosing the defendant's or victim's own identifying 3334
characteristics. 3335

(C) If any defendant or victim in the case requests that 3336
the order issued pursuant to division (B) (1) of this section be 3337
terminated, the court shall terminate the order as it pertains 3338
to that defendant or victim. 3339

Sec. 2929.13. (A) Except as provided in division (E), (F), 3340

or (G) of this section and unless a specific sanction is 3341
required to be imposed or is precluded from being imposed 3342
pursuant to law, a court that imposes a sentence upon an 3343
offender for a felony may impose any sanction or combination of 3344
sanctions on the offender that are provided in sections 2929.14 3345
to 2929.18 of the Revised Code. 3346

If the offender is eligible to be sentenced to community 3347
control sanctions, the court shall consider the appropriateness 3348
of imposing a financial sanction pursuant to section 2929.18 of 3349
the Revised Code or a sanction of community service pursuant to 3350
section 2929.17 of the Revised Code as the sole sanction for the 3351
offense. Except as otherwise provided in this division, if the 3352
court is required to impose a mandatory prison term for the 3353
offense for which sentence is being imposed, the court also 3354
shall impose any financial sanction pursuant to section 2929.18 3355
of the Revised Code that is required for the offense and may 3356
impose any other financial sanction pursuant to that section but 3357
may not impose any additional sanction or combination of 3358
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3359

If the offender is being sentenced for a fourth degree 3360
felony OVI offense or for a third degree felony OVI offense, in 3361
addition to the mandatory term of local incarceration or the 3362
mandatory prison term required for the offense by division (G) 3363
(1) or (2) of this section, the court shall impose upon the 3364
offender a mandatory fine in accordance with division (B) (3) of 3365
section 2929.18 of the Revised Code and may impose whichever of 3366
the following is applicable: 3367

(1) For a fourth degree felony OVI offense for which 3368
sentence is imposed under division (G) (1) of this section, an 3369
additional community control sanction or combination of 3370

community control sanctions under section 2929.16 or 2929.17 of 3371
the Revised Code. If the court imposes upon the offender a 3372
community control sanction and the offender violates any 3373
condition of the community control sanction, the court may take 3374
any action prescribed in division (B) of section 2929.15 of the 3375
Revised Code relative to the offender, including imposing a 3376
prison term on the offender pursuant to that division. 3377

(2) For a third or fourth degree felony OVI offense for 3378
which sentence is imposed under division (G) (2) of this section, 3379
an additional prison term as described in division (B) (4) of 3380
section 2929.14 of the Revised Code or a community control 3381
sanction as described in division (G) (2) of this section. 3382

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3383
section, if an offender is convicted of or pleads guilty to a 3384
felony of the fourth or fifth degree that is not an offense of 3385
violence or that is a qualifying assault offense, the court 3386
shall sentence the offender to a community control sanction or 3387
combination of community control sanctions if all of the 3388
following apply: 3389

(i) The offender previously has not been convicted of or 3390
pleaded guilty to a felony offense. 3391

(ii) The most serious charge against the offender at the 3392
time of sentencing is a felony of the fourth or fifth degree. 3393

(iii) The offender previously has not been convicted of or 3394
pleaded guilty to a misdemeanor offense of violence that the 3395
offender committed within two years prior to the offense for 3396
which sentence is being imposed. 3397

(b) The court has discretion to impose a prison term upon 3398
an offender who is convicted of or pleads guilty to a felony of 3399

the fourth or fifth degree that is not an offense of violence or 3400
that is a qualifying assault offense if any of the following 3401
apply: 3402

(i) The offender committed the offense while having a 3403
firearm on or about the offender's person or under the 3404
offender's control. 3405

(ii) If the offense is a qualifying assault offense, the 3406
offender caused serious physical harm to another person while 3407
committing the offense, and, if the offense is not a qualifying 3408
assault offense, the offender caused physical harm to another 3409
person while committing the offense. 3410

(iii) The offender violated a term of the conditions of 3411
bond as set by the court. 3412

(iv) The offense is a sex offense that is a fourth or 3413
fifth degree felony violation of any provision of Chapter 2907. 3414
of the Revised Code. 3415

(v) In committing the offense, the offender attempted to 3416
cause or made an actual threat of physical harm to a person with 3417
a deadly weapon. 3418

(vi) In committing the offense, the offender attempted to 3419
cause or made an actual threat of physical harm to a person, and 3420
the offender previously was convicted of an offense that caused 3421
physical harm to a person. 3422

(vii) The offender held a public office or position of 3423
trust, and the offense related to that office or position; the 3424
offender's position obliged the offender to prevent the offense 3425
or to bring those committing it to justice; or the offender's 3426
professional reputation or position facilitated the offense or 3427
was likely to influence the future conduct of others. 3428

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 3429
3430

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 3431
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(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 3433
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(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer. 3436
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(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code. 3443
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(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of 3450
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the Revised Code. 3458

(D) (1) Except as provided in division (E) or (F) of this 3459
section, for a felony of the first or second degree, for a 3460
felony drug offense that is a violation of any provision of 3461
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3462
presumption in favor of a prison term is specified as being 3463
applicable, and for a violation of division (A) (4) or (B) of 3464
section 2907.05 of the Revised Code for which a presumption in 3465
favor of a prison term is specified as being applicable, it is 3466
presumed that a prison term is necessary in order to comply with 3467
the purposes and principles of sentencing under section 2929.11 3468
of the Revised Code. Division (D) (2) of this section does not 3469
apply to a presumption established under this division for a 3470
violation of division (A) (4) of section 2907.05 of the Revised 3471
Code. 3472

(2) Notwithstanding the presumption established under 3473
division (D) (1) of this section for the offenses listed in that 3474
division other than a violation of division (A) (4) or (B) of 3475
section 2907.05 of the Revised Code, the sentencing court may 3476
impose a community control sanction or a combination of 3477
community control sanctions instead of a prison term on an 3478
offender for a felony of the first or second degree or for a 3479
felony drug offense that is a violation of any provision of 3480
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3481
presumption in favor of a prison term is specified as being 3482
applicable if it makes both of the following findings: 3483

(a) A community control sanction or a combination of 3484
community control sanctions would adequately punish the offender 3485
and protect the public from future crime, because the applicable 3486
factors under section 2929.12 of the Revised Code indicating a 3487

lesser likelihood of recidivism outweigh the applicable factors 3488
under that section indicating a greater likelihood of 3489
recidivism. 3490

(b) A community control sanction or a combination of 3491
community control sanctions would not demean the seriousness of 3492
the offense, because one or more factors under section 2929.12 3493
of the Revised Code that indicate that the offender's conduct 3494
was less serious than conduct normally constituting the offense 3495
are applicable, and they outweigh the applicable factors under 3496
that section that indicate that the offender's conduct was more 3497
serious than conduct normally constituting the offense. 3498

(E) (1) Except as provided in division (F) of this section, 3499
for any drug offense that is a violation of any provision of 3500
Chapter 2925. of the Revised Code and that is a felony of the 3501
third, fourth, or fifth degree, the applicability of a 3502
presumption under division (D) of this section in favor of a 3503
prison term or of division (B) or (C) of this section in 3504
determining whether to impose a prison term for the offense 3505
shall be determined as specified in section 2925.02, 2925.03, 3506
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3507
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3508
regarding the violation. 3509

(2) If an offender who was convicted of or pleaded guilty 3510
to a felony violates the conditions of a community control 3511
sanction imposed for the offense solely by reason of producing 3512
positive results on a drug test, the court, as punishment for 3513
the violation of the sanction, shall not order that the offender 3514
be imprisoned unless the court determines on the record either 3515
of the following: 3516

(a) The offender had been ordered as a sanction for the 3517

felony to participate in a drug treatment program, in a drug 3518
education program, or in narcotics anonymous or a similar 3519
program, and the offender continued to use illegal drugs after a 3520
reasonable period of participation in the program. 3521

(b) The imprisonment of the offender for the violation is 3522
consistent with the purposes and principles of sentencing set 3523
forth in section 2929.11 of the Revised Code. 3524

(3) A court that sentences an offender for a drug abuse 3525
offense that is a felony of the third, fourth, or fifth degree 3526
may require that the offender be assessed by a properly 3527
credentialed professional within a specified period of time. The 3528
court shall require the professional to file a written 3529
assessment of the offender with the court. If the offender is 3530
eligible for a community control sanction and after considering 3531
the written assessment, the court may impose a community control 3532
sanction that includes addiction services and recovery supports 3533
included in a community-based continuum of care established 3534
under section 340.032 of the Revised Code. If the court imposes 3535
addiction services and recovery supports as a community control 3536
sanction, the court shall direct the level and type of addiction 3537
services and recovery supports after considering the assessment 3538
and recommendation of community addiction services providers. 3539

(F) Notwithstanding divisions (A) to (E) of this section, 3540
the court shall impose a prison term or terms under sections 3541
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3542
section 2971.03 of the Revised Code and except as specifically 3543
provided in section 2929.20, or section 2967.191 of the Revised 3544
Code or when parole is authorized for the offense under section 3545
2967.13 of the Revised Code shall not reduce the term or terms 3546
pursuant to section 2929.20, division (A) (2) or (3) of section 3547

2967.193 or 2967.194, or any other provision of Chapter 2967. or	3548
Chapter 5120. of the Revised Code for any of the following	3549
offenses:	3550
(1) Aggravated murder when death is not imposed or murder;	3551
(2) Any rape, regardless of whether force was involved and	3552
regardless of the age of the victim, or an attempt to commit	3553
rape if, had the offender completed the rape that was attempted,	3554
the offender would have been guilty of a violation of division	3555
(A) (1) (b) of section 2907.02 of the Revised Code and would be	3556
sentenced under section 2971.03 of the Revised Code;	3557
(3) Gross sexual imposition or sexual battery, if the	3558
victim is less than thirteen years of age and if any of the	3559
following applies:	3560
(a) Regarding gross sexual imposition, the offender	3561
previously was convicted of or pleaded guilty to rape, the	3562
former offense of felonious sexual penetration, gross sexual	3563
imposition, or sexual battery, and the victim of the previous	3564
offense was less than thirteen years of age;	3565
(b) Regarding gross sexual imposition, the offense was	3566
committed on or after August 3, 2006, and evidence other than	3567
the testimony of the victim was admitted in the case	3568
corroborating the violation.	3569
(c) Regarding sexual battery, either of the following	3570
applies:	3571
(i) The offense was committed prior to August 3, 2006, the	3572
offender previously was convicted of or pleaded guilty to rape,	3573
the former offense of felonious sexual penetration, or sexual	3574
battery, and the victim of the previous offense was less than	3575
thirteen years of age.	3576

(ii) The offense was committed on or after August 3, 2006.	3577
(4) A felony violation of section 2903.04, 2903.06,	3578
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321,	3579
or 2923.132 of the Revised Code if the section requires the	3580
imposition of a prison term;	3581
(5) A first, second, or third degree felony drug offense	3582
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	3583
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	3584
or 4729.99 of the Revised Code, whichever is applicable	3585
regarding the violation, requires the imposition of a mandatory	3586
prison term;	3587
(6) Any offense that is a first or second degree felony	3588
and that is not set forth in division (F) (1), (2), (3), or (4)	3589
of this section, if the offender previously was convicted of or	3590
pleaded guilty to aggravated murder, murder, any first or second	3591
degree felony, or an offense under an existing or former law of	3592
this state, another state, or the United States that is or was	3593
substantially equivalent to one of those offenses;	3594
(7) Any offense that is a third degree felony and either	3595
is a violation of section 2903.04 of the Revised Code or an	3596
attempt to commit a felony of the second degree that is an	3597
offense of violence and involved an attempt to cause serious	3598
physical harm to a person or that resulted in serious physical	3599
harm to a person if the offender previously was convicted of or	3600
pleaded guilty to any of the following offenses:	3601
(a) Aggravated murder, murder, involuntary manslaughter,	3602
rape, felonious sexual penetration as it existed under section	3603
2907.12 of the Revised Code prior to September 3, 1996, a felony	3604
of the first or second degree that resulted in the death of a	3605

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 3635

(13) A violation of division (A) (1) or (2) of section 3636
2903.06 of the Revised Code if the victim of the offense is a 3637
peace officer, as defined in section 2935.01 of the Revised 3638
Code, or an investigator of the bureau of criminal 3639
identification and investigation, as defined in section 2903.11 3640
of the Revised Code, with respect to the portion of the sentence 3641
imposed pursuant to division (B) (5) of section 2929.14 of the 3642
Revised Code; 3643

(14) A violation of division (A) (1) or (2) of section 3644
2903.06 of the Revised Code if the offender has been convicted 3645
of or pleaded guilty to three or more violations of division (A) 3646
of section 4511.19 of the Revised Code or an equivalent offense, 3647
as defined in section 2941.1415 of the Revised Code, or three or 3648
more violations of any combination of those offenses, with 3649
respect to the portion of the sentence imposed pursuant to 3650
division (B) (6) of section 2929.14 of the Revised Code; 3651

(15) Kidnapping, in the circumstances specified in section 3652
2971.03 of the Revised Code and when no other provision of 3653
division (F) of this section applies; 3654

(16) Kidnapping, abduction, compelling prostitution, 3655
promoting prostitution, engaging in a pattern of corrupt 3656
activity, a violation of division (A) (1) or (2) of section 3657
2907.323 of the Revised Code that involves a minor, or 3658
endangering children in violation of division (B) (1), (2), (3), 3659
(4), or (5) of section 2919.22 of the Revised Code, if the 3660
offender is convicted of or pleads guilty to a specification as 3661
described in section 2941.1422 of the Revised Code that was 3662
included in the indictment, count in the indictment, or 3663
information charging the offense; 3664

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious

disfigurement or permanent, substantial incapacity, with respect 3695
to a portion of the sentence imposed pursuant to division (B) (9) 3696
of section 2929.14 of the Revised Code. The provisions of this 3697
division and of division ~~(D) (2)~~ (C) (2) of section 2903.11, 3698
divisions (B) (9) and (C) (6) of section 2929.14, and section 3699
2941.1425 of the Revised Code shall be known as "Judy's Law." 3700

(21) Any violation of division (A) of section 2903.11 of 3701
the Revised Code if the victim of the offense suffered permanent 3702
disabling harm as a result of the offense and the victim was 3703
under ten years of age at the time of the offense, with respect 3704
to a portion of the sentence imposed pursuant to division (B) 3705
(10) of section 2929.14 of the Revised Code. 3706

(22) A felony violation of section 2925.03, 2925.05, or 3707
2925.11 of the Revised Code, if the drug involved in the 3708
violation is a fentanyl-related compound or a compound, mixture, 3709
preparation, or substance containing a fentanyl-related compound 3710
and the offender is convicted of or pleads guilty to a 3711
specification of the type described in division (B) of section 3712
2941.1410 of the Revised Code that was included in the 3713
indictment, count in the indictment, or information charging the 3714
offense, with respect to the portion of the sentence imposed 3715
under division (B) (11) of section 2929.14 of the Revised Code. 3716

(G) Notwithstanding divisions (A) to (E) of this section, 3717
if an offender is being sentenced for a fourth degree felony OVI 3718
offense or for a third degree felony OVI offense, the court 3719
shall impose upon the offender a mandatory term of local 3720
incarceration or a mandatory prison term in accordance with the 3721
following: 3722

(1) If the offender is being sentenced for a fourth degree 3723
felony OVI offense and if the offender has not been convicted of 3724

and has not pleaded guilty to a specification of the type 3725
described in section 2941.1413 of the Revised Code, the court 3726
may impose upon the offender a mandatory term of local 3727
incarceration of sixty days or one hundred twenty days as 3728
specified in division (G) (1) (d) of section 4511.19 of the 3729
Revised Code. The court shall not reduce the term pursuant to 3730
section 2929.20, division (A) (2) or (3) of section 2967.193 or 3731
2967.194, or any other provision of the Revised Code. The court 3732
that imposes a mandatory term of local incarceration under this 3733
division shall specify whether the term is to be served in a 3734
jail, a community-based correctional facility, a halfway house, 3735
or an alternative residential facility, and the offender shall 3736
serve the term in the type of facility specified by the court. A 3737
mandatory term of local incarceration imposed under division (G) 3738
(1) of this section is not subject to any other Revised Code 3739
provision that pertains to a prison term except as provided in 3740
division (A) (1) of this section. 3741

(2) If the offender is being sentenced for a third degree 3742
felony OVI offense, or if the offender is being sentenced for a 3743
fourth degree felony OVI offense and the court does not impose a 3744
mandatory term of local incarceration under division (G) (1) of 3745
this section, the court shall impose upon the offender a 3746
mandatory prison term of one, two, three, four, or five years if 3747
the offender also is convicted of or also pleads guilty to a 3748
specification of the type described in section 2941.1413 of the 3749
Revised Code or shall impose upon the offender a mandatory 3750
prison term of sixty days or one hundred twenty days as 3751
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3752
Revised Code if the offender has not been convicted of and has 3753
not pleaded guilty to a specification of that type. The court 3754
shall not reduce the term pursuant to section 2929.20, division 3755

(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3756
provision of the Revised Code. The offender shall serve the 3757
one-, two-, three-, four-, or five-year mandatory prison term 3758
consecutively to and prior to the prison term imposed for the 3759
underlying offense and consecutively to any other mandatory 3760
prison term imposed in relation to the offense. In no case shall 3761
an offender who once has been sentenced to a mandatory term of 3762
local incarceration pursuant to division (G) (1) of this section 3763
for a fourth degree felony OVI offense be sentenced to another 3764
mandatory term of local incarceration under that division for 3765
any violation of division (A) of section 4511.19 of the Revised 3766
Code. In addition to the mandatory prison term described in 3767
division (G) (2) of this section, the court may sentence the 3768
offender to a community control sanction under section 2929.16 3769
or 2929.17 of the Revised Code, but the offender shall serve the 3770
prison term prior to serving the community control sanction. The 3771
department of rehabilitation and correction may place an 3772
offender sentenced to a mandatory prison term under this 3773
division in an intensive program prison established pursuant to 3774
section 5120.033 of the Revised Code if the department gave the 3775
sentencing judge prior notice of its intent to place the 3776
offender in an intensive program prison established under that 3777
section and if the judge did not notify the department that the 3778
judge disapproved the placement. Upon the establishment of the 3779
initial intensive program prison pursuant to section 5120.033 of 3780
the Revised Code that is privately operated and managed by a 3781
contractor pursuant to a contract entered into under section 3782
9.06 of the Revised Code, both of the following apply: 3783

(a) The department of rehabilitation and correction shall 3784
make a reasonable effort to ensure that a sufficient number of 3785
offenders sentenced to a mandatory prison term under this 3786

division are placed in the privately operated and managed prison 3787
so that the privately operated and managed prison has full 3788
occupancy. 3789

(b) Unless the privately operated and managed prison has 3790
full occupancy, the department of rehabilitation and correction 3791
shall not place any offender sentenced to a mandatory prison 3792
term under this division in any intensive program prison 3793
established pursuant to section 5120.033 of the Revised Code 3794
other than the privately operated and managed prison. 3795

(H) If an offender is being sentenced for a sexually 3796
oriented offense or child-victim oriented offense that is a 3797
felony committed on or after January 1, 1997, the judge shall 3798
require the offender to submit to a DNA specimen collection 3799
procedure pursuant to section 2901.07 of the Revised Code. 3800

(I) If an offender is being sentenced for a sexually 3801
oriented offense or a child-victim oriented offense committed on 3802
or after January 1, 1997, the judge shall include in the 3803
sentence a summary of the offender's duties imposed under 3804
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3805
Code and the duration of the duties. The judge shall inform the 3806
offender, at the time of sentencing, of those duties and of 3807
their duration. If required under division (A) (2) of section 3808
2950.03 of the Revised Code, the judge shall perform the duties 3809
specified in that section, or, if required under division (A) (6) 3810
of section 2950.03 of the Revised Code, the judge shall perform 3811
the duties specified in that division. 3812

(J) (1) Except as provided in division (J) (2) of this 3813
section, when considering sentencing factors under this section 3814
in relation to an offender who is convicted of or pleads guilty 3815
to an attempt to commit an offense in violation of section 3816

2923.02 of the Revised Code, the sentencing court shall consider 3817
the factors applicable to the felony category of the violation 3818
of section 2923.02 of the Revised Code instead of the factors 3819
applicable to the felony category of the offense attempted. 3820

(2) When considering sentencing factors under this section 3821
in relation to an offender who is convicted of or pleads guilty 3822
to an attempt to commit a drug abuse offense for which the 3823
penalty is determined by the amount or number of unit doses of 3824
the controlled substance involved in the drug abuse offense, the 3825
sentencing court shall consider the factors applicable to the 3826
felony category that the drug abuse offense attempted would be 3827
if that drug abuse offense had been committed and had involved 3828
an amount or number of unit doses of the controlled substance 3829
that is within the next lower range of controlled substance 3830
amounts than was involved in the attempt. 3831

(K) As used in this section: 3832

(1) "Community addiction services provider" has the same 3833
meaning as in section 5119.01 of the Revised Code. 3834

(2) "Drug abuse offense" has the same meaning as in 3835
section 2925.01 of the Revised Code. 3836

(3) "Minor drug possession offense" has the same meaning 3837
as in section 2925.11 of the Revised Code. 3838

(4) "Qualifying assault offense" means a violation of 3839
section 2903.13 of the Revised Code for which the penalty 3840
provision in division (C) (8) (b) or (C) (9) (b) of that section 3841
applies. 3842

(L) At the time of sentencing an offender for any sexually 3843
oriented offense, if the offender is a tier III sex 3844
offender/child-victim offender relative to that offense and the 3845

offender does not serve a prison term or jail term, the court 3846
may require that the offender be monitored by means of a global 3847
positioning device. If the court requires such monitoring, the 3848
cost of monitoring shall be borne by the offender. If the 3849
offender is indigent, the cost of compliance shall be paid by 3850
the crime victims reparations fund. 3851

Sec. 2929.14. (A) Except as provided in division (B)(1), 3852
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 3853
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 3854
in division (D)(6) of section 2919.25 of the Revised Code and 3855
except in relation to an offense for which a sentence of death 3856
or life imprisonment is to be imposed, if the court imposing a 3857
sentence upon an offender for a felony elects or is required to 3858
impose a prison term on the offender pursuant to this chapter, 3859
the court shall impose a prison term that shall be one of the 3860
following: 3861

(1)(a) For a felony of the first degree committed on or 3862
after March 22, 2019, the prison term shall be an indefinite 3863
prison term with a stated minimum term selected by the court of 3864
three, four, five, six, seven, eight, nine, ten, or eleven years 3865
and a maximum term that is determined pursuant to section 3866
2929.144 of the Revised Code, except that if the section that 3867
criminalizes the conduct constituting the felony specifies a 3868
different minimum term or penalty for the offense, the specific 3869
language of that section shall control in determining the 3870
minimum term or otherwise sentencing the offender but the 3871
minimum term or sentence imposed under that specific language 3872
shall be considered for purposes of the Revised Code as if it 3873
had been imposed under this division. 3874

(b) For a felony of the first degree committed prior to 3875

March 22, 2019, the prison term shall be a definite prison term 3876
of three, four, five, six, seven, eight, nine, ten, or eleven 3877
years. 3878

(2) (a) For a felony of the second degree committed on or 3879
after March 22, 2019, the prison term shall be an indefinite 3880
prison term with a stated minimum term selected by the court of 3881
two, three, four, five, six, seven, or eight years and a maximum 3882
term that is determined pursuant to section 2929.144 of the 3883
Revised Code, except that if the section that criminalizes the 3884
conduct constituting the felony specifies a different minimum 3885
term or penalty for the offense, the specific language of that 3886
section shall control in determining the minimum term or 3887
otherwise sentencing the offender but the minimum term or 3888
sentence imposed under that specific language shall be 3889
considered for purposes of the Revised Code as if it had been 3890
imposed under this division. 3891

(b) For a felony of the second degree committed prior to 3892
March 22, 2019, the prison term shall be a definite term of two, 3893
three, four, five, six, seven, or eight years. 3894

(3) (a) For a felony of the third degree that is a 3895
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3896
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3897
Code, that is a violation of division (A) of section 4511.19 of 3898
the Revised Code if the offender previously has been convicted 3899
of or pleaded guilty to a violation of division (A) of that 3900
section that was a felony, or that is a violation of section 3901
2911.02 or 2911.12 of the Revised Code if the offender 3902
previously has been convicted of or pleaded guilty in two or 3903
more separate proceedings to two or more violations of section 3904
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3905

prison term shall be a definite term of twelve, eighteen, 3906
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3907
four, or sixty months. 3908

(b) For a felony of the third degree that is not an 3909
offense for which division (A) (3) (a) of this section applies, 3910
the prison term shall be a definite term of nine, twelve, 3911
eighteen, twenty-four, thirty, or thirty-six months. 3912

(4) For a felony of the fourth degree, the prison term 3913
shall be a definite term of six, seven, eight, nine, ten, 3914
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3915
or eighteen months. 3916

(5) For a felony of the fifth degree, the prison term 3917
shall be a definite term of six, seven, eight, nine, ten, 3918
eleven, or twelve months. 3919

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3920
section, if an offender who is convicted of or pleads guilty to 3921
a felony also is convicted of or pleads guilty to a 3922
specification of the type described in section 2941.141, 3923
2941.144, or 2941.145 of the Revised Code, the court shall 3924
impose on the offender one of the following prison terms: 3925

(i) A prison term of six years if the specification is of 3926
the type described in division (A) of section 2941.144 of the 3927
Revised Code that charges the offender with having a firearm 3928
that is an automatic firearm or that was equipped with a firearm 3929
muffler or suppressor on or about the offender's person or under 3930
the offender's control while committing the offense; 3931

(ii) A prison term of three years if the specification is 3932
of the type described in division (A) of section 2941.145 of the 3933
Revised Code that charges the offender with having a firearm on 3934

or about the offender's person or under the offender's control 3935
while committing the offense and displaying the firearm, 3936
brandishing the firearm, indicating that the offender possessed 3937
the firearm, or using it to facilitate the offense; 3938

(iii) A prison term of one year if the specification is of 3939
the type described in division (A) of section 2941.141 of the 3940
Revised Code that charges the offender with having a firearm on 3941
or about the offender's person or under the offender's control 3942
while committing the offense; 3943

(iv) A prison term of nine years if the specification is 3944
of the type described in division (D) of section 2941.144 of the 3945
Revised Code that charges the offender with having a firearm 3946
that is an automatic firearm or that was equipped with a firearm 3947
muffler or suppressor on or about the offender's person or under 3948
the offender's control while committing the offense and 3949
specifies that the offender previously has been convicted of or 3950
pleaded guilty to a specification of the type described in 3951
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3952
the Revised Code; 3953

(v) A prison term of fifty-four months if the 3954
specification is of the type described in division (D) of 3955
section 2941.145 of the Revised Code that charges the offender 3956
with having a firearm on or about the offender's person or under 3957
the offender's control while committing the offense and 3958
displaying the firearm, brandishing the firearm, indicating that 3959
the offender possessed the firearm, or using the firearm to 3960
facilitate the offense and that the offender previously has been 3961
convicted of or pleaded guilty to a specification of the type 3962
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3963
2941.1412 of the Revised Code; 3964

(vi) A prison term of eighteen months if the specification 3965
is of the type described in division (D) of section 2941.141 of 3966
the Revised Code that charges the offender with having a firearm 3967
on or about the offender's person or under the offender's 3968
control while committing the offense and that the offender 3969
previously has been convicted of or pleaded guilty to a 3970
specification of the type described in section 2941.141, 3971
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3972

(b) If a court imposes a prison term on an offender under 3973
division (B) (1) (a) of this section, the prison term shall not be 3974
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3975
section 2967.193 or 2967.194, or any other provision of Chapter 3976
2967. or Chapter 5120. of the Revised Code. Except as provided 3977
in division (B) (1) (g) of this section, a court shall not impose 3978
more than one prison term on an offender under division (B) (1) 3979
(a) of this section for felonies committed as part of the same 3980
act or transaction. 3981

(c) (i) Except as provided in division (B) (1) (e) of this 3982
section, if an offender who is convicted of or pleads guilty to 3983
a violation of section 2923.161 of the Revised Code or to a 3984
felony that includes, as an essential element, purposely or 3985
knowingly causing or attempting to cause the death of or 3986
physical harm to another, also is convicted of or pleads guilty 3987
to a specification of the type described in division (A) of 3988
section 2941.146 of the Revised Code that charges the offender 3989
with committing the offense by discharging a firearm from a 3990
motor vehicle other than a manufactured home, the court, after 3991
imposing a prison term on the offender for the violation of 3992
section 2923.161 of the Revised Code or for the other felony 3993
offense under division (A), (B) (2), or (B) (3) of this section, 3994
shall impose an additional prison term of five years upon the 3995

offender that shall not be reduced pursuant to section 2929.20, 3996
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3997
other provision of Chapter 2967. or Chapter 5120. of the Revised 3998
Code. 3999

(ii) Except as provided in division (B) (1) (e) of this 4000
section, if an offender who is convicted of or pleads guilty to 4001
a violation of section 2923.161 of the Revised Code or to a 4002
felony that includes, as an essential element, purposely or 4003
knowingly causing or attempting to cause the death of or 4004
physical harm to another, also is convicted of or pleads guilty 4005
to a specification of the type described in division (C) of 4006
section 2941.146 of the Revised Code that charges the offender 4007
with committing the offense by discharging a firearm from a 4008
motor vehicle other than a manufactured home and that the 4009
offender previously has been convicted of or pleaded guilty to a 4010
specification of the type described in section 2941.141, 4011
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4012
the court, after imposing a prison term on the offender for the 4013
violation of section 2923.161 of the Revised Code or for the 4014
other felony offense under division (A), (B) (2), or (3) of this 4015
section, shall impose an additional prison term of ninety months 4016
upon the offender that shall not be reduced pursuant to section 4017
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4018
or any other provision of Chapter 2967. or Chapter 5120. of the 4019
Revised Code. 4020

(iii) A court shall not impose more than one additional 4021
prison term on an offender under division (B) (1) (c) of this 4022
section for felonies committed as part of the same act or 4023
transaction. If a court imposes an additional prison term on an 4024
offender under division (B) (1) (c) of this section relative to an 4025
offense, the court also shall impose a prison term under 4026

division (B) (1) (a) of this section relative to the same offense, 4027
provided the criteria specified in that division for imposing an 4028
additional prison term are satisfied relative to the offender 4029
and the offense. 4030

(d) If an offender who is convicted of or pleads guilty to 4031
an offense of violence that is a felony also is convicted of or 4032
pleads guilty to a specification of the type described in 4033
section 2941.1411 of the Revised Code that charges the offender 4034
with wearing or carrying body armor while committing the felony 4035
offense of violence, the court shall impose on the offender an 4036
additional prison term of two years. The prison term so imposed 4037
shall not be reduced pursuant to section 2929.20, division (A) 4038
(2) or (3) of section 2967.193 or 2967.194, or any other 4039
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4040
A court shall not impose more than one prison term on an 4041
offender under division (B) (1) (d) of this section for felonies 4042
committed as part of the same act or transaction. If a court 4043
imposes an additional prison term under division (B) (1) (a) or 4044
(c) of this section, the court is not precluded from imposing an 4045
additional prison term under division (B) (1) (d) of this section. 4046

(e) The court shall not impose any of the prison terms 4047
described in division (B) (1) (a) of this section or any of the 4048
additional prison terms described in division (B) (1) (c) of this 4049
section upon an offender for a violation of section 2923.12 or 4050
2923.123 of the Revised Code. The court shall not impose any of 4051
the prison terms described in division (B) (1) (a) or (b) of this 4052
section upon an offender for a violation of section 2923.122 4053
that involves a deadly weapon that is a firearm other than a 4054
dangerous ordnance, section 2923.16, or section 2923.121 of the 4055
Revised Code. The court shall not impose any of the prison terms 4056
described in division (B) (1) (a) of this section or any of the 4057

additional prison terms described in division (B) (1) (c) of this 4058
section upon an offender for a violation of section 2923.13 of 4059
the Revised Code unless all of the following apply: 4060

(i) The offender previously has been convicted of 4061
aggravated murder, murder, or any felony of the first or second 4062
degree. 4063

(ii) Less than five years have passed since the offender 4064
was released from prison or post-release control, whichever is 4065
later, for the prior offense. 4066

(f) (i) If an offender is convicted of or pleads guilty to 4067
a felony that includes, as an essential element, causing or 4068
attempting to cause the death of or physical harm to another and 4069
also is convicted of or pleads guilty to a specification of the 4070
type described in division (A) of section 2941.1412 of the 4071
Revised Code that charges the offender with committing the 4072
offense by discharging a firearm at a peace officer as defined 4073
in section 2935.01 of the Revised Code or a corrections officer, 4074
as defined in section 2941.1412 of the Revised Code, the court, 4075
after imposing a prison term on the offender for the felony 4076
offense under division (A), (B) (2), or (B) (3) of this section, 4077
shall impose an additional prison term of seven years upon the 4078
offender that shall not be reduced pursuant to section 2929.20, 4079
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4080
other provision of Chapter 2967. or Chapter 5120. of the Revised 4081
Code. 4082

(ii) If an offender is convicted of or pleads guilty to a 4083
felony that includes, as an essential element, causing or 4084
attempting to cause the death of or physical harm to another and 4085
also is convicted of or pleads guilty to a specification of the 4086
type described in division (B) of section 2941.1412 of the 4087

Revised Code that charges the offender with committing the 4088
offense by discharging a firearm at a peace officer, as defined 4089
in section 2935.01 of the Revised Code, or a corrections 4090
officer, as defined in section 2941.1412 of the Revised Code, 4091
and that the offender previously has been convicted of or 4092
pleaded guilty to a specification of the type described in 4093
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4094
the Revised Code, the court, after imposing a prison term on the 4095
offender for the felony offense under division (A), (B) (2), or 4096
(3) of this section, shall impose an additional prison term of 4097
one hundred twenty-six months upon the offender that shall not 4098
be reduced pursuant to section 2929.20, division (A) (2) or (3) 4099
of section 2967.193 or 2967.194, or any other provision of 4100
Chapter 2967. or 5120. of the Revised Code. 4101

(iii) If an offender is convicted of or pleads guilty to 4102
two or more felonies that include, as an essential element, 4103
causing or attempting to cause the death or physical harm to 4104
another and also is convicted of or pleads guilty to a 4105
specification of the type described under division (B) (1) (f) of 4106
this section in connection with two or more of the felonies of 4107
which the offender is convicted or to which the offender pleads 4108
guilty, the sentencing court shall impose on the offender the 4109
prison term specified under division (B) (1) (f) of this section 4110
for each of two of the specifications of which the offender is 4111
convicted or to which the offender pleads guilty and, in its 4112
discretion, also may impose on the offender the prison term 4113
specified under that division for any or all of the remaining 4114
specifications. If a court imposes an additional prison term on 4115
an offender under division (B) (1) (f) of this section relative to 4116
an offense, the court shall not impose a prison term under 4117
division (B) (1) (a) or (c) of this section relative to the same 4118

offense. 4119

(g) If an offender is convicted of or pleads guilty to two 4120
or more felonies, if one or more of those felonies are 4121
aggravated murder, murder, attempted aggravated murder, 4122
attempted murder, aggravated robbery, felonious assault, or 4123
rape, and if the offender is convicted of or pleads guilty to a 4124
specification of the type described under division (B)(1)(a) of 4125
this section in connection with two or more of the felonies, the 4126
sentencing court shall impose on the offender the prison term 4127
specified under division (B)(1)(a) of this section for each of 4128
the two most serious specifications of which the offender is 4129
convicted or to which the offender pleads guilty and, in its 4130
discretion, also may impose on the offender the prison term 4131
specified under that division for any or all of the remaining 4132
specifications. 4133

(2)(a) If division (B)(2)(b) of this section does not 4134
apply, the court may impose on an offender, in addition to the 4135
longest prison term authorized or required for the offense or, 4136
for offenses for which division (A)(1)(a) or (2)(a) of this 4137
section applies, in addition to the longest minimum prison term 4138
authorized or required for the offense, an additional definite 4139
prison term of one, two, three, four, five, six, seven, eight, 4140
nine, or ten years if all of the following criteria are met: 4141

(i) The offender is convicted of or pleads guilty to a 4142
specification of the type described in section 2941.149 of the 4143
Revised Code that the offender is a repeat violent offender. 4144

(ii) The offense of which the offender currently is 4145
convicted or to which the offender currently pleads guilty is 4146
aggravated murder and the court does not impose a sentence of 4147
death or life imprisonment without parole, murder, terrorism and 4148

the court does not impose a sentence of life imprisonment 4149
without parole, any felony of the first degree that is an 4150
offense of violence and the court does not impose a sentence of 4151
life imprisonment without parole, or any felony of the second 4152
degree that is an offense of violence and the trier of fact 4153
finds that the offense involved an attempt to cause or a threat 4154
to cause serious physical harm to a person or resulted in 4155
serious physical harm to a person. 4156

(iii) The court imposes the longest prison term for the 4157
offense or the longest minimum prison term for the offense, 4158
whichever is applicable, that is not life imprisonment without 4159
parole. 4160

(iv) The court finds that the prison terms imposed 4161
pursuant to division (B) (2) (a) (iii) of this section and, if 4162
applicable, division (B) (1) or (3) of this section are 4163
inadequate to punish the offender and protect the public from 4164
future crime, because the applicable factors under section 4165
2929.12 of the Revised Code indicating a greater likelihood of 4166
recidivism outweigh the applicable factors under that section 4167
indicating a lesser likelihood of recidivism. 4168

(v) The court finds that the prison terms imposed pursuant 4169
to division (B) (2) (a) (iii) of this section and, if applicable, 4170
division (B) (1) or (3) of this section are demeaning to the 4171
seriousness of the offense, because one or more of the factors 4172
under section 2929.12 of the Revised Code indicating that the 4173
offender's conduct is more serious than conduct normally 4174
constituting the offense are present, and they outweigh the 4175
applicable factors under that section indicating that the 4176
offender's conduct is less serious than conduct normally 4177
constituting the offense. 4178

(b) The court shall impose on an offender the longest 4179
prison term authorized or required for the offense or, for 4180
offenses for which division (A) (1) (a) or (2) (a) of this section 4181
applies, the longest minimum prison term authorized or required 4182
for the offense, and shall impose on the offender an additional 4183
definite prison term of one, two, three, four, five, six, seven, 4184
eight, nine, or ten years if all of the following criteria are 4185
met: 4186

(i) The offender is convicted of or pleads guilty to a 4187
specification of the type described in section 2941.149 of the 4188
Revised Code that the offender is a repeat violent offender. 4189

(ii) The offender within the preceding twenty years has 4190
been convicted of or pleaded guilty to three or more offenses 4191
described in division (CC) (1) of section 2929.01 of the Revised 4192
Code, including all offenses described in that division of which 4193
the offender is convicted or to which the offender pleads guilty 4194
in the current prosecution and all offenses described in that 4195
division of which the offender previously has been convicted or 4196
to which the offender previously pleaded guilty, whether 4197
prosecuted together or separately. 4198

(iii) The offense or offenses of which the offender 4199
currently is convicted or to which the offender currently pleads 4200
guilty is aggravated murder and the court does not impose a 4201
sentence of death or life imprisonment without parole, murder, 4202
terrorism and the court does not impose a sentence of life 4203
imprisonment without parole, any felony of the first degree that 4204
is an offense of violence and the court does not impose a 4205
sentence of life imprisonment without parole, or any felony of 4206
the second degree that is an offense of violence and the trier 4207
of fact finds that the offense involved an attempt to cause or a 4208

threat to cause serious physical harm to a person or resulted in 4209
serious physical harm to a person. 4210

(c) For purposes of division (B) (2) (b) of this section, 4211
two or more offenses committed at the same time or as part of 4212
the same act or event shall be considered one offense, and that 4213
one offense shall be the offense with the greatest penalty. 4214

(d) A sentence imposed under division (B) (2) (a) or (b) of 4215
this section shall not be reduced pursuant to section 2929.20, 4216
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4217
other provision of Chapter 2967. or Chapter 5120. of the Revised 4218
Code. The offender shall serve an additional prison term imposed 4219
under division (B) (2) (a) or (b) of this section consecutively to 4220
and prior to the prison term imposed for the underlying offense. 4221

(e) When imposing a sentence pursuant to division (B) (2) 4222
(a) or (b) of this section, the court shall state its findings 4223
explaining the imposed sentence. 4224

(3) Except when an offender commits a violation of section 4225
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4226
for the violation is life imprisonment or commits a violation of 4227
section 2903.02 of the Revised Code, if the offender commits a 4228
violation of section 2925.03 or 2925.11 of the Revised Code and 4229
that section classifies the offender as a major drug offender, 4230
if the offender commits a violation of section 2925.05 of the 4231
Revised Code and division (E) (1) of that section classifies the 4232
offender as a major drug offender, if the offender commits a 4233
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4234
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4235
division (C) or (D) of section 3719.172, division (E) of section 4236
4729.51, or division (J) of section 4729.54 of the Revised Code 4237
that includes the sale, offer to sell, or possession of a 4238

schedule I or II controlled substance, with the exception of 4239
marihuana, and the court imposing sentence upon the offender 4240
finds that the offender is guilty of a specification of the type 4241
described in division (A) of section 2941.1410 of the Revised 4242
Code charging that the offender is a major drug offender, if the 4243
court imposing sentence upon an offender for a felony finds that 4244
the offender is guilty of corrupt activity with the most serious 4245
offense in the pattern of corrupt activity being a felony of the 4246
first degree, or if the offender is guilty of an attempted 4247
violation of section 2907.02 of the Revised Code and, had the 4248
offender completed the violation of section 2907.02 of the 4249
Revised Code that was attempted, the offender would have been 4250
subject to a sentence of life imprisonment or life imprisonment 4251
without parole for the violation of section 2907.02 of the 4252
Revised Code, the court shall impose upon the offender for the 4253
felony violation a mandatory prison term determined as described 4254
in this division that cannot be reduced pursuant to section 4255
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4256
or any other provision of Chapter 2967. or 5120. of the Revised 4257
Code. The mandatory prison term shall be the maximum definite 4258
prison term prescribed in division (A) (1) (b) of this section for 4259
a felony of the first degree, except that for offenses for which 4260
division (A) (1) (a) of this section applies, the mandatory prison 4261
term shall be the longest minimum prison term prescribed in that 4262
division for the offense. 4263

(4) If the offender is being sentenced for a third or 4264
fourth degree felony OVI offense under division (G) (2) of 4265
section 2929.13 of the Revised Code, the sentencing court shall 4266
impose upon the offender a mandatory prison term in accordance 4267
with that division. In addition to the mandatory prison term, if 4268
the offender is being sentenced for a fourth degree felony OVI 4269

offense, the court, notwithstanding division (A) (4) of this 4270
section, may sentence the offender to a definite prison term of 4271
not less than six months and not more than thirty months, and if 4272
the offender is being sentenced for a third degree felony OVI 4273
offense, the sentencing court may sentence the offender to an 4274
additional prison term of any duration specified in division (A) 4275
(3) of this section. In either case, the additional prison term 4276
imposed shall be reduced by the sixty or one hundred twenty days 4277
imposed upon the offender as the mandatory prison term. The 4278
total of the additional prison term imposed under division (B) 4279
(4) of this section plus the sixty or one hundred twenty days 4280
imposed as the mandatory prison term shall equal a definite term 4281
in the range of six months to thirty months for a fourth degree 4282
felony OVI offense and shall equal one of the authorized prison 4283
terms specified in division (A) (3) of this section for a third 4284
degree felony OVI offense. If the court imposes an additional 4285
prison term under division (B) (4) of this section, the offender 4286
shall serve the additional prison term after the offender has 4287
served the mandatory prison term required for the offense. In 4288
addition to the mandatory prison term or mandatory and 4289
additional prison term imposed as described in division (B) (4) 4290
of this section, the court also may sentence the offender to a 4291
community control sanction under section 2929.16 or 2929.17 of 4292
the Revised Code, but the offender shall serve all of the prison 4293
terms so imposed prior to serving the community control 4294
sanction. 4295

If the offender is being sentenced for a fourth degree 4296
felony OVI offense under division (G) (1) of section 2929.13 of 4297
the Revised Code and the court imposes a mandatory term of local 4298
incarceration, the court may impose a prison term as described 4299
in division (A) (1) of that section. 4300

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 4123.026 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)

(2) or (3) of section 2967.193 or 2967.194, or any other 4332
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4333
A court shall not impose more than one prison term on an 4334
offender under division (B) (6) of this section for felonies 4335
committed as part of the same act. 4336

(7) (a) If an offender is convicted of or pleads guilty to 4337
a felony violation of section 2905.01, 2905.02, 2907.21, 4338
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4339
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4340
section 2919.22 of the Revised Code and also is convicted of or 4341
pleads guilty to a specification of the type described in 4342
section 2941.1422 of the Revised Code that charges that the 4343
offender knowingly committed the offense in furtherance of human 4344
trafficking, the court shall impose on the offender a mandatory 4345
prison term that is one of the following: 4346

(i) If the offense is a felony of the first degree, a 4347
definite prison term of not less than five years and not greater 4348
than eleven years, except that if the offense is a felony of the 4349
first degree committed on or after March 22, 2019, the court 4350
shall impose as the minimum prison term a mandatory term of not 4351
less than five years and not greater than eleven years; 4352

(ii) If the offense is a felony of the second or third 4353
degree, a definite prison term of not less than three years and 4354
not greater than the maximum prison term allowed for the offense 4355
by division (A) (2) (b) or (3) of this section, except that if the 4356
offense is a felony of the second degree committed on or after 4357
March 22, 2019, the court shall impose as the minimum prison 4358
term a mandatory term of not less than three years and not 4359
greater than eight years; 4360

(iii) If the offense is a felony of the fourth or fifth 4361

degree, a definite prison term that is the maximum prison term 4362
allowed for the offense by division (A) of section 2929.14 of 4363
the Revised Code. 4364

(b) The prison term imposed under division (B) (7) (a) of 4365
this section shall not be reduced pursuant to section 2929.20, 4366
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4367
other provision of Chapter 2967. of the Revised Code. A court 4368
shall not impose more than one prison term on an offender under 4369
division (B) (7) (a) of this section for felonies committed as 4370
part of the same act, scheme, or plan. 4371

(8) If an offender is convicted of or pleads guilty to a 4372
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4373
Revised Code and also is convicted of or pleads guilty to a 4374
specification of the type described in section 2941.1423 of the 4375
Revised Code that charges that the victim of the violation was a 4376
woman whom the offender knew was pregnant at the time of the 4377
violation, notwithstanding the range prescribed in division (A) 4378
of this section as the definite prison term or minimum prison 4379
term for felonies of the same degree as the violation, the court 4380
shall impose on the offender a mandatory prison term that is 4381
either a definite prison term of six months or one of the prison 4382
terms prescribed in division (A) of this section for felonies of 4383
the same degree as the violation, except that if the violation 4384
is a felony of the first or second degree committed on or after 4385
arch 22, 2019, the court shall impose as the minimum prison term 4386
under division (A) (1) (a) or (2) (a) of this section a mandatory 4387
term that is one of the terms prescribed in that division, 4388
whichever is applicable, for the offense. 4389

(9) (a) If an offender is convicted of or pleads guilty to 4390
a violation of division (A) (1) or (2) of section 2903.11 of the 4391

Revised Code and also is convicted of or pleads guilty to a 4392
specification of the type described in section 2941.1425 of the 4393
Revised Code, the court shall impose on the offender a mandatory 4394
prison term of six years if either of the following applies: 4395

(i) The violation is a violation of division (A) (1) of 4396
section 2903.11 of the Revised Code and the specification 4397
charges that the offender used an accelerant in committing the 4398
violation and the serious physical harm to another or to 4399
another's unborn caused by the violation resulted in a 4400
permanent, serious disfigurement or permanent, substantial 4401
incapacity; 4402

(ii) The violation is a violation of division (A) (2) of 4403
section 2903.11 of the Revised Code and the specification 4404
charges that the offender used an accelerant in committing the 4405
violation, that the violation caused physical harm to another or 4406
to another's unborn, and that the physical harm resulted in a 4407
permanent, serious disfigurement or permanent, substantial 4408
incapacity. 4409

(b) If a court imposes a prison term on an offender under 4410
division (B) (9) (a) of this section, the prison term shall not be 4411
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4412
section 2967.193 or 2967.194, or any other provision of Chapter 4413
2967. or Chapter 5120. of the Revised Code. A court shall not 4414
impose more than one prison term on an offender under division 4415
(B) (9) of this section for felonies committed as part of the 4416
same act. 4417

(c) The provisions of divisions (B) (9) and (C) (6) of this 4418
section and of division ~~(D) (2)~~ (C) (2) of section 2903.11, 4419
division (F) (20) of section 2929.13, and section 2941.1425 of 4420
the Revised Code shall be known as "Judy's Law." 4421

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the

offender a mandatory prison term of three, four, five, six, 4453
seven, or eight years. If a court imposes a prison term on an 4454
offender under division (B) (11) of this section, the prison term 4455
shall not be reduced pursuant to section 2929.20, division (A) 4456
(2) or (3) of section 2967.193 or 2967.194, or any other 4457
provision of Chapter 2967. or 5120. of the Revised Code. A court 4458
shall not impose more than one prison term on an offender under 4459
division (B) (11) of this section for felonies committed as part 4460
of the same act. 4461

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4462
if a mandatory prison term is imposed upon an offender pursuant 4463
to division (B) (1) (a) of this section for having a firearm on or 4464
about the offender's person or under the offender's control 4465
while committing a felony, if a mandatory prison term is imposed 4466
upon an offender pursuant to division (B) (1) (c) of this section 4467
for committing a felony specified in that division by 4468
discharging a firearm from a motor vehicle, or if both types of 4469
mandatory prison terms are imposed, the offender shall serve any 4470
mandatory prison term imposed under either division 4471
consecutively to any other mandatory prison term imposed under 4472
either division or under division (B) (1) (d) of this section, 4473
consecutively to and prior to any prison term imposed for the 4474
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4475
this section or any other section of the Revised Code, and 4476
consecutively to any other prison term or mandatory prison term 4477
previously or subsequently imposed upon the offender. 4478

(b) If a mandatory prison term is imposed upon an offender 4479
pursuant to division (B) (1) (d) of this section for wearing or 4480
carrying body armor while committing an offense of violence that 4481
is a felony, the offender shall serve the mandatory term so 4482
imposed consecutively to any other mandatory prison term imposed 4483

under that division or under division (B) (1) (a) or (c) of this 4484
section, consecutively to and prior to any prison term imposed 4485
for the underlying felony under division (A), (B) (2), or (B) (3) 4486
of this section or any other section of the Revised Code, and 4487
consecutively to any other prison term or mandatory prison term 4488
previously or subsequently imposed upon the offender. 4489

(c) If a mandatory prison term is imposed upon an offender 4490
pursuant to division (B) (1) (f) of this section, the offender 4491
shall serve the mandatory prison term so imposed consecutively 4492
to and prior to any prison term imposed for the underlying 4493
felony under division (A), (B) (2), or (B) (3) of this section or 4494
any other section of the Revised Code, and consecutively to any 4495
other prison term or mandatory prison term previously or 4496
subsequently imposed upon the offender. 4497

(d) If a mandatory prison term is imposed upon an offender 4498
pursuant to division (B) (7) or (8) of this section, the offender 4499
shall serve the mandatory prison term so imposed consecutively 4500
to any other mandatory prison term imposed under that division 4501
or under any other provision of law and consecutively to any 4502
other prison term or mandatory prison term previously or 4503
subsequently imposed upon the offender. 4504

(e) If a mandatory prison term is imposed upon an offender 4505
pursuant to division (B) (11) of this section, the offender shall 4506
serve the mandatory prison term consecutively to any other 4507
mandatory prison term imposed under that division, consecutively 4508
to and prior to any prison term imposed for the underlying 4509
felony, and consecutively to any other prison term or mandatory 4510
prison term previously or subsequently imposed upon the 4511
offender. 4512

(2) If an offender who is an inmate in a jail, prison, or 4513

other residential detention facility violates section 2917.02, 4514
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4515
(2) of section 2921.34 of the Revised Code, if an offender who 4516
is under detention at a detention facility commits a felony 4517
violation of section 2923.131 of the Revised Code, or if an 4518
offender who is an inmate in a jail, prison, or other 4519
residential detention facility or is under detention at a 4520
detention facility commits another felony while the offender is 4521
an escapee in violation of division (A) (1) or (2) of section 4522
2921.34 of the Revised Code, any prison term imposed upon the 4523
offender for one of those violations shall be served by the 4524
offender consecutively to the prison term or term of 4525
imprisonment the offender was serving when the offender 4526
committed that offense and to any other prison term previously 4527
or subsequently imposed upon the offender. 4528

(3) If a prison term is imposed for a violation of 4529
division (B) of section 2911.01 of the Revised Code, a violation 4530
of division (A) of section 2913.02 of the Revised Code in which 4531
the stolen property is a firearm or dangerous ordnance, or a 4532
felony violation of division (B) of section 2921.331 of the 4533
Revised Code, the offender shall serve that prison term 4534
consecutively to any other prison term or mandatory prison term 4535
previously or subsequently imposed upon the offender. 4536

(4) If multiple prison terms are imposed on an offender 4537
for convictions of multiple offenses, the court may require the 4538
offender to serve the prison terms consecutively if the court 4539
finds that the consecutive service is necessary to protect the 4540
public from future crime or to punish the offender and that 4541
consecutive sentences are not disproportionate to the 4542
seriousness of the offender's conduct and to the danger the 4543
offender poses to the public, and if the court also finds any of 4544

the following: 4545

(a) The offender committed one or more of the multiple 4546
offenses while the offender was awaiting trial or sentencing, 4547
was under a sanction imposed pursuant to section 2929.16, 4548
2929.17, or 2929.18 of the Revised Code, or was under post- 4549
release control for a prior offense. 4550

(b) At least two of the multiple offenses were committed 4551
as part of one or more courses of conduct, and the harm caused 4552
by two or more of the multiple offenses so committed was so 4553
great or unusual that no single prison term for any of the 4554
offenses committed as part of any of the courses of conduct 4555
adequately reflects the seriousness of the offender's conduct. 4556

(c) The offender's history of criminal conduct 4557
demonstrates that consecutive sentences are necessary to protect 4558
the public from future crime by the offender. 4559

(5) If a mandatory prison term is imposed upon an offender 4560
pursuant to division (B) (5) or (6) of this section, the offender 4561
shall serve the mandatory prison term consecutively to and prior 4562
to any prison term imposed for the underlying violation of 4563
division (A) (1) or (2) of section 2903.06 of the Revised Code 4564
pursuant to division (A) of this section or section 2929.142 of 4565
the Revised Code. If a mandatory prison term is imposed upon an 4566
offender pursuant to division (B) (5) of this section, and if a 4567
mandatory prison term also is imposed upon the offender pursuant 4568
to division (B) (6) of this section in relation to the same 4569
violation, the offender shall serve the mandatory prison term 4570
imposed pursuant to division (B) (5) of this section 4571
consecutively to and prior to the mandatory prison term imposed 4572
pursuant to division (B) (6) of this section and consecutively to 4573
and prior to any prison term imposed for the underlying 4574

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B) (9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender pursuant to division (B) (10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking.

(9) When consecutive prison terms are imposed pursuant to division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or division (H) (1) or (2) of this section, subject to division (C)

(10) of this section, the term to be served is the aggregate of 4605
all of the terms so imposed. 4606

(10) When a court sentences an offender to a non-life 4607
felony indefinite prison term, any definite prison term or 4608
mandatory definite prison term previously or subsequently 4609
imposed on the offender in addition to that indefinite sentence 4610
that is required to be served consecutively to that indefinite 4611
sentence shall be served prior to the indefinite sentence. 4612

(11) If a court is sentencing an offender for a felony of 4613
the first or second degree, if division (A) (1) (a) or (2) (a) of 4614
this section applies with respect to the sentencing for the 4615
offense, and if the court is required under the Revised Code 4616
section that sets forth the offense or any other Revised Code 4617
provision to impose a mandatory prison term for the offense, the 4618
court shall impose the required mandatory prison term as the 4619
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4620
section, whichever is applicable. 4621

(D) (1) If a court imposes a prison term, other than a term 4622
of life imprisonment, for a felony of the first degree, for a 4623
felony of the second degree, for a felony sex offense, or for a 4624
felony of the third degree that is an offense of violence and 4625
that is not a felony sex offense, it shall include in the 4626
sentence a requirement that the offender be subject to a period 4627
of post-release control after the offender's release from 4628
imprisonment, in accordance with section 2967.28 of the Revised 4629
Code. If a court imposes a sentence including a prison term of a 4630
type described in this division on or after July 11, 2006, the 4631
failure of a court to include a post-release control requirement 4632
in the sentence pursuant to this division does not negate, 4633
limit, or otherwise affect the mandatory period of post-release 4634

control that is required for the offender under division (B) of 4635
section 2967.28 of the Revised Code. Section 2929.191 of the 4636
Revised Code applies if, prior to July 11, 2006, a court imposed 4637
a sentence including a prison term of a type described in this 4638
division and failed to include in the sentence pursuant to this 4639
division a statement regarding post-release control. 4640

(2) If a court imposes a prison term for a felony of the 4641
third, fourth, or fifth degree that is not subject to division 4642
(D) (1) of this section, it shall include in the sentence a 4643
requirement that the offender be subject to a period of post- 4644
release control after the offender's release from imprisonment, 4645
in accordance with that division, if the parole board determines 4646
that a period of post-release control is necessary. Section 4647
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4648
a court imposed a sentence including a prison term of a type 4649
described in this division and failed to include in the sentence 4650
pursuant to this division a statement regarding post-release 4651
control. 4652

(E) The court shall impose sentence upon the offender in 4653
accordance with section 2971.03 of the Revised Code, and Chapter 4654
2971. of the Revised Code applies regarding the prison term or 4655
term of life imprisonment without parole imposed upon the 4656
offender and the service of that term of imprisonment if any of 4657
the following apply: 4658

(1) A person is convicted of or pleads guilty to a violent 4659
sex offense or a designated homicide, assault, or kidnapping 4660
offense, and, in relation to that offense, the offender is 4661
adjudicated a sexually violent predator. 4662

(2) A person is convicted of or pleads guilty to a 4663
violation of division (A) (1) (b) of section 2907.02 of the 4664

Revised Code committed on or after January 2, 2007, and either 4665
the court does not impose a sentence of life without parole when 4666
authorized pursuant to division (B) of section 2907.02 of the 4667
Revised Code, or division (B) of section 2907.02 of the Revised 4668
Code provides that the court shall not sentence the offender 4669
pursuant to section 2971.03 of the Revised Code. 4670

(3) A person is convicted of or pleads guilty to attempted 4671
rape committed on or after January 2, 2007, and a specification 4672
of the type described in section 2941.1418, 2941.1419, or 4673
2941.1420 of the Revised Code. 4674

(4) A person is convicted of or pleads guilty to a 4675
violation of section 2905.01 of the Revised Code committed on or 4676
after January 1, 2008, and that section requires the court to 4677
sentence the offender pursuant to section 2971.03 of the Revised 4678
Code. 4679

(5) A person is convicted of or pleads guilty to 4680
aggravated murder committed on or after January 1, 2008, and 4681
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4682
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4683
(a) (iv) of section 2929.03, or division (A) or (B) of section 4684
2929.06 of the Revised Code requires the court to sentence the 4685
offender pursuant to division (B) (3) of section 2971.03 of the 4686
Revised Code. 4687

(6) A person is convicted of or pleads guilty to murder 4688
committed on or after January 1, 2008, and division (B) (2) of 4689
section 2929.02 of the Revised Code requires the court to 4690
sentence the offender pursuant to section 2971.03 of the Revised 4691
Code. 4692

(F) If a person who has been convicted of or pleaded 4693

guilty to a felony is sentenced to a prison term or term of 4694
imprisonment under this section, sections 2929.02 to 2929.06 of 4695
the Revised Code, section 2929.142 of the Revised Code, section 4696
2971.03 of the Revised Code, or any other provision of law, 4697
section 5120.163 of the Revised Code applies regarding the 4698
person while the person is confined in a state correctional 4699
institution. 4700

(G) If an offender who is convicted of or pleads guilty to 4701
a felony that is an offense of violence also is convicted of or 4702
pleads guilty to a specification of the type described in 4703
section 2941.142 of the Revised Code that charges the offender 4704
with having committed the felony while participating in a 4705
criminal gang, the court shall impose upon the offender an 4706
additional prison term of one, two, or three years. 4707

(H) (1) If an offender who is convicted of or pleads guilty 4708
to aggravated murder, murder, or a felony of the first, second, 4709
or third degree that is an offense of violence also is convicted 4710
of or pleads guilty to a specification of the type described in 4711
section 2941.143 of the Revised Code that charges the offender 4712
with having committed the offense in a school safety zone or 4713
towards a person in a school safety zone, the court shall impose 4714
upon the offender an additional prison term of two years. The 4715
offender shall serve the additional two years consecutively to 4716
and prior to the prison term imposed for the underlying offense. 4717

(2) (a) If an offender is convicted of or pleads guilty to 4718
a felony violation of section 2907.22, 2907.24, 2907.241, or 4719
2907.25 of the Revised Code and to a specification of the type 4720
described in section 2941.1421 of the Revised Code and if the 4721
court imposes a prison term on the offender for the felony 4722
violation, the court may impose upon the offender an additional 4723

prison term as follows: 4724

(i) Subject to division (H) (2) (a) (ii) of this section, an 4725
additional prison term of one, two, three, four, five, or six 4726
months; 4727

(ii) If the offender previously has been convicted of or 4728
pleaded guilty to one or more felony or misdemeanor violations 4729
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4730
the Revised Code and also was convicted of or pleaded guilty to 4731
a specification of the type described in section 2941.1421 of 4732
the Revised Code regarding one or more of those violations, an 4733
additional prison term of one, two, three, four, five, six, 4734
seven, eight, nine, ten, eleven, or twelve months. 4735

(b) In lieu of imposing an additional prison term under 4736
division (H) (2) (a) of this section, the court may directly 4737
impose on the offender a sanction that requires the offender to 4738
wear a real-time processing, continual tracking electronic 4739
monitoring device during the period of time specified by the 4740
court. The period of time specified by the court shall equal the 4741
duration of an additional prison term that the court could have 4742
imposed upon the offender under division (H) (2) (a) of this 4743
section. A sanction imposed under this division shall commence 4744
on the date specified by the court, provided that the sanction 4745
shall not commence until after the offender has served the 4746
prison term imposed for the felony violation of section 2907.22, 4747
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4748
residential sanction imposed for the violation under section 4749
2929.16 of the Revised Code. A sanction imposed under this 4750
division shall be considered to be a community control sanction 4751
for purposes of section 2929.15 of the Revised Code, and all 4752
provisions of the Revised Code that pertain to community control 4753

sanctions shall apply to a sanction imposed under this division, 4754
except to the extent that they would by their nature be clearly 4755
inapplicable. The offender shall pay all costs associated with a 4756
sanction imposed under this division, including the cost of the 4757
use of the monitoring device. 4758

(I) At the time of sentencing, the court may recommend the 4759
offender for placement in a program of shock incarceration under 4760
section 5120.031 of the Revised Code or for placement in an 4761
intensive program prison under section 5120.032 of the Revised 4762
Code, disapprove placement of the offender in a program of shock 4763
incarceration or an intensive program prison of that nature, or 4764
make no recommendation on placement of the offender. In no case 4765
shall the department of rehabilitation and correction place the 4766
offender in a program or prison of that nature unless the 4767
department determines as specified in section 5120.031 or 4768
5120.032 of the Revised Code, whichever is applicable, that the 4769
offender is eligible for the placement. 4770

If the court disapproves placement of the offender in a 4771
program or prison of that nature, the department of 4772
rehabilitation and correction shall not place the offender in 4773
any program of shock incarceration or intensive program prison. 4774

If the court recommends placement of the offender in a 4775
program of shock incarceration or in an intensive program 4776
prison, and if the offender is subsequently placed in the 4777
recommended program or prison, the department shall notify the 4778
court of the placement and shall include with the notice a brief 4779
description of the placement. 4780

If the court recommends placement of the offender in a 4781
program of shock incarceration or in an intensive program prison 4782
and the department does not subsequently place the offender in 4783

the recommended program or prison, the department shall send a 4784
notice to the court indicating why the offender was not placed 4785
in the recommended program or prison. 4786

If the court does not make a recommendation under this 4787
division with respect to an offender and if the department 4788
determines as specified in section 5120.031 or 5120.032 of the 4789
Revised Code, whichever is applicable, that the offender is 4790
eligible for placement in a program or prison of that nature, 4791
the department shall screen the offender and determine if there 4792
is an available program of shock incarceration or an intensive 4793
program prison for which the offender is suited. If there is an 4794
available program of shock incarceration or an intensive program 4795
prison for which the offender is suited, the department shall 4796
notify the court of the proposed placement of the offender as 4797
specified in section 5120.031 or 5120.032 of the Revised Code 4798
and shall include with the notice a brief description of the 4799
placement. The court shall have ten days from receipt of the 4800
notice to disapprove the placement. 4801

(J) If a person is convicted of or pleads guilty to 4802
aggravated vehicular homicide in violation of division (A) (1) of 4803
section 2903.06 of the Revised Code and division (B) (2) (c) of 4804
that section applies, the person shall be sentenced pursuant to 4805
section 2929.142 of the Revised Code. 4806

(K) (1) The court shall impose an additional mandatory 4807
prison term of two, three, four, five, six, seven, eight, nine, 4808
ten, or eleven years on an offender who is convicted of or 4809
pleads guilty to a violent felony offense if the offender also 4810
is convicted of or pleads guilty to a specification of the type 4811
described in section 2941.1424 of the Revised Code that charges 4812
that the offender is a violent career criminal and had a firearm 4813

on or about the offender's person or under the offender's 4814
control while committing the presently charged violent felony 4815
offense and displayed or brandished the firearm, indicated that 4816
the offender possessed a firearm, or used the firearm to 4817
facilitate the offense. The offender shall serve the prison term 4818
imposed under this division consecutively to and prior to the 4819
prison term imposed for the underlying offense. The prison term 4820
shall not be reduced pursuant to section 2929.20, division (A) 4821
(2) or (3) of section 2967.193 or 2967.194, or any other 4822
provision of Chapter 2967. or 5120. of the Revised Code. A court 4823
may not impose more than one sentence under division (B) (2) (a) 4824
of this section and this division for acts committed as part of 4825
the same act or transaction. 4826

(2) As used in division (K) (1) of this section, "violent 4827
career criminal" and "violent felony offense" have the same 4828
meanings as in section 2923.132 of the Revised Code. 4829

(L) If an offender receives or received a sentence of life 4830
imprisonment without parole, a sentence of life imprisonment, a 4831
definite sentence, or a sentence to an indefinite prison term 4832
under this chapter for a felony offense that was committed when 4833
the offender was under eighteen years of age, the offender's 4834
parole eligibility shall be determined under section 2967.132 of 4835
the Revised Code. 4836

Sec. 2941.1425. (A) Imposition of a mandatory prison term 4837
under division (B) (9) of section 2929.14 of the Revised Code is 4838
precluded unless the offender is convicted of or pleads guilty 4839
to a violation of division (A) (1) or (2) of section 2903.11 of 4840
the Revised Code and unless the indictment, count in the 4841
indictment, or information charging the offense specifies one of 4842
the following: 4843

(1) Regarding a violation of division (A) (1) of section 2903.11 of the Revised Code, that the offender used an accelerant in committing the violation and that the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(2) Regarding a violation of division (A) (2) of section 2903.11 of the Revised Code, that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(B) The specification described in division (A) of this section shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender used an accelerant in committing the violation and that the serious physical harm to another or to another's unborn caused by the violation of division (A) (1) of section 2903.11 of the Revised Code resulted in a permanent, serious disfigurement or permanent, substantial incapacity, or that the offender used an accelerant in committing the violation, that the violation of division (A) (2) of section 2903.11 of the Revised Code caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, whichever is applicable)."

(C) As used in this section, "accelerant" has the same 4874
meaning as in section 2929.01 of the Revised Code. 4875

(D) The provisions of this section and of division ~~(D)(2)~~ 4876
(C)(2) of section 2903.11, division (F)(20) of section 2929.13, 4877
and divisions (B)(9) and (C)(6) of section 2929.14 of the 4878
Revised Code shall be known as "Judy's Law." 4879

Sec. 2950.04. (A)(1)(a) Immediately after a sentencing 4880
hearing is held on or after January 1, 2008, for an offender who 4881
is convicted of or pleads guilty to a sexually oriented offense 4882
and is sentenced to a prison term, a term of imprisonment, or 4883
any other type of confinement and before the offender is 4884
transferred to the custody of the department of rehabilitation 4885
and correction or to the official in charge of the jail, 4886
workhouse, state correctional institution, or other institution 4887
where the offender will be confined, the offender shall register 4888
personally with the sheriff, or the sheriff's designee, of the 4889
county in which the offender was convicted of or pleaded guilty 4890
to the sexually oriented offense. 4891

(b) Immediately after a dispositional hearing is held on 4892
or after January 1, 2008, for a child who is adjudicated a 4893
delinquent child for committing a sexually oriented offense, is 4894
classified a juvenile offender registrant based on that 4895
adjudication, and is committed to the custody of the department 4896
of youth services or to a secure facility that is not operated 4897
by the department and before the child is transferred to the 4898
custody of the department of youth services or the secure 4899
facility to which the delinquent child is committed, the 4900
delinquent child shall register personally with the sheriff, or 4901
the sheriff's designee, of the county in which the delinquent 4902
child was classified a juvenile offender registrant based on 4903

that sexually oriented offense. 4904

(c) A law enforcement officer shall be present at the 4905
sentencing hearing or dispositional hearing described in 4906
division (A)(1)(a) or (b) of this section to immediately 4907
transport the offender or delinquent child who is the subject of 4908
the hearing to the sheriff, or the sheriff's designee, of the 4909
county in which the offender or delinquent child is convicted, 4910
pleads guilty, or is adjudicated a delinquent child. 4911

(d) After an offender who has registered pursuant to 4912
division (A)(1)(a) of this section is released from a prison 4913
term, a term of imprisonment, or any other type of confinement, 4914
the offender shall register as provided in division (A)(2) of 4915
this section. After a delinquent child who has registered 4916
pursuant to division (A)(1)(b) of this section is released from 4917
the custody of the department of youth services or from a secure 4918
facility that is not operated by the department, the delinquent 4919
child shall register as provided in division (A)(3) of this 4920
section. 4921

(2) Regardless of when the sexually oriented offense was 4922
committed, each offender who is convicted of, pleads guilty to, 4923
has been convicted of, or has pleaded guilty to a sexually 4924
oriented offense shall comply with the following registration 4925
requirements described in divisions (A)(2)(a), (b), (c), (d), 4926
and (e) of this section: 4927

(a) The offender shall register personally with the 4928
sheriff, or the sheriff's designee, of the county within three 4929
days of the offender's coming into a county in which the 4930
offender resides or temporarily is domiciled for more than three 4931
days. 4932

(b) The offender shall register personally with the sheriff, or the sheriff's designee, of the county immediately upon coming into a county in which the offender attends a school or institution of higher education on a full-time or part-time basis regardless of whether the offender resides or has a temporary domicile in this state or another state.

(c) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.

(d) The offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender then is employed if the offender does not reside or have a temporary domicile in this state and has been employed at any location or locations in this state more than three days or for an aggregate period of fourteen or more days in that calendar year.

(e) The offender shall register with the sheriff, or the sheriff's designee, or other appropriate person of the other state immediately upon entering into any state other than this state in which the offender attends a school or institution of higher education on a full-time or part-time basis or upon being employed in any state other than this state for more than three days or for an aggregate period of fourteen or more days in that calendar year regardless of whether the offender resides or has a temporary domicile in this state, the other state, or a different state.

(3) (a) Each child who is adjudicated a delinquent child

for committing a sexually oriented offense and who is classified 4963
a juvenile offender registrant based on that adjudication shall 4964
register personally with the sheriff, or the sheriff's designee, 4965
of the county within three days of the delinquent child's coming 4966
into a county in which the delinquent child resides or 4967
temporarily is domiciled for more than three days. 4968

(b) In addition to the registration duty imposed under 4969
division (A) (3) (a) of this section, each public registry- 4970
qualified juvenile offender registrant shall comply with the 4971
following additional registration requirements: 4972

(i) The public registry-qualified juvenile offender 4973
registrant shall register personally with the sheriff, or the 4974
sheriff's designee, of the county immediately upon coming into a 4975
county in which the registrant attends a school or institution 4976
of higher education on a full-time or part-time basis regardless 4977
of whether the registrant resides or has a temporary domicile in 4978
this state or another state. 4979

(ii) The public registry-qualified juvenile offender 4980
registrant shall register personally with the sheriff, or the 4981
sheriff's designee, of the county in which the registrant is 4982
employed if the registrant resides or has a temporary domicile 4983
in this state and has been employed in that county for more than 4984
three days or for an aggregate period of fourteen or more days 4985
in that calendar year. 4986

(iii) The public registry-qualified juvenile offender 4987
registrant shall register personally with the sheriff, or the 4988
sheriff's designee, of the county in which the registrant then 4989
is employed if the registrant does not reside or have a 4990
temporary domicile in this state and has been employed at any 4991
location or locations in this state more than three days or for 4992

an aggregate period of fourteen or more days in that calendar 4993
year. 4994

(iv) The public registry-qualified juvenile offender 4995
registrant shall register with the sheriff, or the sheriff's 4996
designee, or other appropriate person of the other state 4997
immediately upon entering into any state other than this state 4998
in which the registrant attends a school or institution of 4999
higher education on a full-time or part-time basis or upon being 5000
employed in any state other than this state for more than three 5001
days or for an aggregate period of fourteen or more days in that 5002
calendar year regardless of whether the registrant resides or 5003
has a temporary domicile in this state, the other state, or a 5004
different state. 5005

(c) If the delinquent child is committed for the sexually 5006
oriented offense to the department of youth services or to a 5007
secure facility that is not operated by the department, this 5008
duty begins when the delinquent child is discharged or released 5009
in any manner from custody in a department of youth services 5010
secure facility or from the secure facility that is not operated 5011
by the department if pursuant to the discharge or release the 5012
delinquent child is not committed to any other secure facility 5013
of the department or any other secure facility. 5014

(4) Regardless of when the sexually oriented offense was 5015
committed, each person who is convicted, pleads guilty, or is 5016
adjudicated a delinquent child in a court in another state, in a 5017
federal court, military court, or Indian tribal court, or in a 5018
court in any nation other than the United States for committing 5019
a sexually oriented offense shall comply with the following 5020
registration requirements if, at the time the offender or 5021
delinquent child moves to and resides in this state or 5022

temporarily is domiciled in this state for more than three days, 5023
the offender or public registry-qualified juvenile offender 5024
registrant enters this state to attend a school or institution 5025
of higher education, or the offender or public registry- 5026
qualified juvenile offender registrant is employed in this state 5027
for more than the specified period of time, the offender or 5028
delinquent child has a duty to register as a sex offender or 5029
child-victim offender under the law of that other jurisdiction 5030
as a result of the conviction, guilty plea, or adjudication: 5031

(a) Each offender and delinquent child shall register 5032
personally with the sheriff, or the sheriff's designee, of the 5033
county within three days of the offender's or delinquent child's 5034
coming into the county in which the offender or delinquent child 5035
resides or temporarily is domiciled for more than three days. 5036

(b) Each offender or public registry-qualified juvenile 5037
offender registrant shall register personally with the sheriff, 5038
or the sheriff's designee, of the county immediately upon coming 5039
into a county in which the offender or public registry-qualified 5040
juvenile offender registrant attends a school or institution of 5041
higher education on a full-time or part-time basis regardless of 5042
whether the offender or public registry-qualified juvenile 5043
offender registrant resides or has a temporary domicile in this 5044
state or another state. 5045

(c) Each offender or public registry-qualified juvenile 5046
offender registrant shall register personally with the sheriff, 5047
or the sheriff's designee, of the county in which the offender 5048
or public registry-qualified juvenile offender registrant is 5049
employed if the offender resides or has a temporary domicile in 5050
this state and has been employed in that county for more than 5051
three days or for an aggregate period of fourteen days or more 5052

in that calendar year. 5053

(d) Each offender or public registry-qualified juvenile 5054
offender registrant shall register personally with the sheriff, 5055
or the sheriff's designee, of the county in which the offender 5056
or public registry-qualified juvenile offender registrant then 5057
is employed if the offender or public registry-qualified 5058
juvenile offender registrant does not reside or have a temporary 5059
domicile in this state and has been employed at any location or 5060
locations in this state for more than three days or for an 5061
aggregate period of fourteen or more days in that calendar year. 5062

(5) An offender or a delinquent child who is a public 5063
registry-qualified juvenile offender registrant is not required 5064
to register under division (A) (2), (3), or (4) of this section 5065
if a court issues an order terminating the offender's or 5066
delinquent child's duty to comply with sections 2950.04, 5067
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 5068
section 2950.15 of the Revised Code. An offender is not required 5069
to register under any of those divisions if a court issues an 5070
order terminating the offender's duty to comply with sections 5071
2950.04, 2950.05, and 2950.06 of the Revised Code pursuant to 5072
section 2950.152 of the Revised Code. A delinquent child who is 5073
a juvenile offender registrant but is not a public registry- 5074
qualified juvenile offender registrant is not required to 5075
register under any of those divisions if a juvenile court issues 5076
an order declassifying the delinquent child as a juvenile 5077
offender registrant pursuant to section 2152.84 ~~or~~, 2152.85, or 5078
2950.152 of the Revised Code. 5079

(B) An offender or delinquent child who is required by 5080
division (A) of this section to register in this state 5081
personally shall obtain from the sheriff or from a designee of 5082

the sheriff a registration form that conforms to division (C) of 5083
this section, shall complete and sign the form, and shall return 5084
the completed form together with the offender's or delinquent 5085
child's photograph, copies of travel and immigration documents, 5086
and any other required material to the sheriff or the designee. 5087
The sheriff or designee shall sign the form and indicate on the 5088
form the date on which it is so returned. The registration 5089
required under this division is complete when the offender or 5090
delinquent child returns the form, containing the requisite 5091
information, photograph, other required material, signatures, 5092
and date, to the sheriff or designee. 5093

(C) The registration form to be used under divisions (A) 5094
and (B) of this section shall include or contain all of the 5095
following for the offender or delinquent child who is 5096
registering: 5097

(1) The offender's or delinquent child's name and any 5098
aliases used by the offender or delinquent child; 5099

(2) The offender's or delinquent child's social security 5100
number and date of birth, including any alternate social 5101
security numbers or dates of birth that the offender or 5102
delinquent child has used or uses; 5103

(3) Regarding an offender or delinquent child who is 5104
registering under a duty imposed under division (A) (1) of this 5105
section, a statement that the offender is serving a prison term, 5106
term of imprisonment, or any other type of confinement or a 5107
statement that the delinquent child is in the custody of the 5108
department of youth services or is confined in a secure facility 5109
that is not operated by the department; 5110

(4) Regarding an offender or delinquent child who is 5111

registering under a duty imposed under division (A) (2), (3), or 5112
(4) of this section as a result of the offender or delinquent 5113
child residing in this state or temporarily being domiciled in 5114
this state for more than three days, the current residence 5115
address of the offender or delinquent child who is registering, 5116
the name and address of the offender's or delinquent child's 5117
employer if the offender or delinquent child is employed at the 5118
time of registration or if the offender or delinquent child 5119
knows at the time of registration that the offender or 5120
delinquent child will be commencing employment with that 5121
employer subsequent to registration, any other employment 5122
information, such as the general area where the offender or 5123
delinquent child is employed, if the offender or delinquent 5124
child is employed in many locations, and the name and address of 5125
the offender's or public registry-qualified juvenile offender 5126
registrant's school or institution of higher education if the 5127
offender or public registry-qualified juvenile offender 5128
registrant attends one at the time of registration or if the 5129
offender or public registry-qualified juvenile offender 5130
registrant knows at the time of registration that the offender 5131
or public registry-qualified juvenile offender registrant will 5132
be commencing attendance at that school or institution 5133
subsequent to registration; 5134

(5) Regarding an offender or public registry-qualified 5135
juvenile offender registrant who is registering under a duty 5136
imposed under division (A) (2), (3), or (4) of this section as a 5137
result of the offender or public registry-qualified juvenile 5138
offender registrant attending a school or institution of higher 5139
education in this state on a full-time or part-time basis or 5140
being employed in this state or in a particular county in this 5141
state, whichever is applicable, for more than three days or for 5142

an aggregate of fourteen or more days in any calendar year, the 5143
name and current address of the school, institution of higher 5144
education, or place of employment of the offender or public 5145
registry-qualified juvenile offender registrant who is 5146
registering, including any other employment information, such as 5147
the general area where the offender or public registry-qualified 5148
juvenile offender registrant is employed, if the offender or 5149
public registry-qualified juvenile offender registrant is 5150
employed in many locations; 5151

(6) The identification license plate number of each 5152
vehicle the offender or delinquent child owns, of each vehicle 5153
registered in the offender's or delinquent child's name, of each 5154
vehicle the offender or delinquent child operates as a part of 5155
employment, and of each other vehicle that is regularly 5156
available to be operated by the offender or delinquent child; a 5157
description of where each vehicle is habitually parked, stored, 5158
docked, or otherwise kept; and, if required by the bureau of 5159
criminal identification and investigation, a photograph of each 5160
of those vehicles; 5161

(7) If the offender or delinquent child has a driver's or 5162
commercial driver's license or permit issued by this state or 5163
any other state or a state identification card issued under 5164
section 4507.50 or 4507.51 of the Revised Code or a comparable 5165
identification card issued by another state, the driver's 5166
license number, commercial driver's license number, or state 5167
identification card number; 5168

(8) If the offender or delinquent child was convicted of, 5169
pleaded guilty to, or was adjudicated a delinquent child for 5170
committing the sexually oriented offense resulting in the 5171
registration duty in a court in another state, in a federal 5172

court, military court, or Indian tribal court, or in a court in 5173
any nation other than the United States, a DNA specimen, as 5174
defined in section 109.573 of the Revised Code, from the 5175
offender or delinquent child, a citation for, and the name of, 5176
the sexually oriented offense resulting in the registration 5177
duty, and a certified copy of a document that describes the text 5178
of that sexually oriented offense; 5179

(9) A description of each professional and occupational 5180
license, permit, or registration, including those licenses, 5181
permits, and registrations issued under Title XLVII of the 5182
Revised Code, held by the offender or delinquent child; 5183

(10) Any email addresses, internet identifiers, or 5184
telephone numbers registered to or used by the offender or 5185
delinquent child; 5186

(11) Any other information required by the bureau of 5187
criminal identification and investigation. 5188

(D) After an offender or delinquent child registers with a 5189
sheriff, or the sheriff's designee, pursuant to this section, 5190
the sheriff, or the sheriff's designee, shall forward the 5191
signed, written registration form, photograph, and other 5192
material to the bureau of criminal identification and 5193
investigation in accordance with the forwarding procedures 5194
adopted pursuant to section 2950.13 of the Revised Code. If an 5195
offender registers a school, institution of higher education, or 5196
place of employment address, or provides a school or institution 5197
of higher education address under division (C) (4) of this 5198
section, the sheriff also shall provide notice to the law 5199
enforcement agency with jurisdiction over the premises of the 5200
school, institution of higher education, or place of employment 5201
of the offender's name and that the offender has registered that 5202

address as a place at which the offender attends school or an 5203
institution of higher education or at which the offender is 5204
employed. The bureau shall include the information and materials 5205
forwarded to it under this division in the state registry of sex 5206
offenders and child_victim offenders established and maintained 5207
under section 2950.13 of the Revised Code. 5208

(E) No person who is required to register pursuant to 5209
divisions (A) and (B) of this section, and no person who is 5210
required to send a notice of intent to reside pursuant to 5211
division (G) of this section, shall fail to register or send the 5212
notice of intent as required in accordance with those divisions 5213
or that division. 5214

(F) An offender or delinquent child who is required to 5215
register pursuant to divisions (A) and (B) of this section shall 5216
register pursuant to this section for the period of time 5217
specified in section 2950.07 of the Revised Code, with the duty 5218
commencing on the date specified in division ~~(A)~~ (B) of that 5219
section. 5220

(G) If an offender or delinquent child who is required by 5221
division (A) of this section to register is a tier III sex 5222
offender/child-victim offender, the offender or delinquent child 5223
also shall send the sheriff, or the sheriff's designee, of the 5224
county in which the offender or delinquent child intends to 5225
reside written notice of the offender's or delinquent child's 5226
intent to reside in the county. The offender or delinquent child 5227
shall send the notice of intent to reside at least twenty days 5228
prior to the date the offender or delinquent child begins to 5229
reside in the county. The notice of intent to reside shall 5230
contain the following information: 5231

(1) The offender's or delinquent child's name; 5232

(2) The address or addresses at which the offender or delinquent child intends to reside; 5233
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(3) The sexually oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child. 5235
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(H) If, immediately prior to January 1, 2008, an offender or delinquent child who was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense as those terms were defined in section 2950.01 of the Revised Code prior to January 1, 2008, was required by division (A) of this section or section 2950.041 of the Revised Code to register and if, on or after January 1, 2008, that offense is a sexually oriented offense as that term is defined in section 2950.01 of the Revised Code on and after January 1, 2008, the duty to register that is imposed pursuant to this section on and after January 1, 2008, shall be considered, for purposes of section 2950.07 of the Revised Code and for all other purposes, to be a continuation of the duty imposed upon the offender or delinquent child prior to January 1, 2008, under this section or section 2950.041 of the Revised Code. 5238
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Sec. 2950.041. (A) (1) (a) Immediately after a sentencing hearing is held on or after January 1, 2008, for an offender who is convicted of or pleads guilty to a child-victim oriented offense and is sentenced to a prison term, a term of imprisonment, or any other type of confinement and before the offender is transferred to the custody of the department of rehabilitation and correction or to the official in charge of the jail, workhouse, state correctional institution, or other institution where the offender will be confined, the offender 5254
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shall register personally with the sheriff, or the sheriff's 5263
designee, of the county in which the offender was convicted of 5264
or pleaded guilty to the child-victim offense. 5265

(b) Immediately after a dispositional hearing is held on 5266
or after January 1, 2008, for a child who is adjudicated a 5267
delinquent child for committing a child-victim oriented offense, 5268
is classified a juvenile offender registrant based on that 5269
adjudication, and is committed to the custody of the department 5270
of youth services or to a secure facility that is not operated 5271
by the department and before the child is transferred to the 5272
custody of the department of youth services or the secure 5273
facility to which the delinquent child is committed, the 5274
delinquent child shall register personally with the sheriff, or 5275
the sheriff's designee, of the county in which the delinquent 5276
child was classified a juvenile offender registrant based on 5277
that child-victim oriented offense. 5278

(c) A law enforcement officer shall be present at the 5279
sentencing hearing or dispositional hearing described in 5280
division (A)(1)(a) or (b) of this section to immediately 5281
transport the offender or delinquent child who is the subject of 5282
the hearing to the sheriff, or the sheriff's designee, of the 5283
county in which the offender or delinquent child is convicted, 5284
pleads guilty, or is adjudicated a delinquent child. 5285

(d) After an offender who has registered pursuant to 5286
division (A)(1)(a) of this section is released from a prison 5287
term, a term of imprisonment, or any other type of confinement, 5288
the offender shall register as provided in division (A)(2) of 5289
this section. After a delinquent child who has registered 5290
pursuant to division (A)(1)(b) of this section is released from 5291
the custody of the department of youth services or from a secure 5292

facility that is not operated by the department, the delinquent 5293
child shall register as provided in division (A) (3) of this 5294
section. 5295

(2) Regardless of when the child-victim oriented offense 5296
was committed, each offender who is convicted of, pleads guilty 5297
to, has been convicted of, or has pleaded guilty to a child- 5298
victim oriented offense shall comply with all of the following 5299
registration requirements: 5300

(a) The offender shall register personally with the 5301
sheriff, or the sheriff's designee, of the county within three 5302
days of the offender's coming into a county in which the 5303
offender resides or temporarily is domiciled for more than three 5304
days. 5305

(b) The offender shall register personally with the 5306
sheriff, or the sheriff's designee, of the county immediately 5307
upon coming into a county in which the offender attends a school 5308
or institution of higher education on a full-time or part-time 5309
basis regardless of whether the offender resides or has a 5310
temporary domicile in this state or another state. 5311

(c) The offender shall register personally with the 5312
sheriff, or the sheriff's designee, of the county in which the 5313
offender is employed if the offender resides or has a temporary 5314
domicile in this state and has been employed in that county for 5315
more than three days or for an aggregate period of fourteen or 5316
more days in that calendar year. 5317

(d) The offender shall register personally with the 5318
sheriff, or the sheriff's designee, of the county in which the 5319
offender then is employed if the offender does not reside or 5320
have a temporary domicile in this state and has been employed at 5321

any location or locations in this state for more than three days 5322
or for an aggregate period of fourteen or more days in that 5323
calendar year. 5324

(e) The offender shall register personally with the 5325
sheriff, or the sheriff's designee, or other appropriate person 5326
of the other state immediately upon entering into any state 5327
other than this state in which the offender attends a school or 5328
institution of higher education on a full-time or part-time 5329
basis or upon being employed in any state other than this state 5330
for more than three days or for an aggregate period of fourteen 5331
or more days in that calendar year regardless of whether the 5332
offender resides or has a temporary domicile in this state, the 5333
other state, or a different state. 5334

(3) Regardless of when the child-victim oriented offense 5335
was committed, each child who on or after July 31, 2003, is 5336
adjudicated a delinquent child for committing a child-victim 5337
oriented offense and who is classified a juvenile offender 5338
registrant based on that adjudication shall register personally 5339
with the sheriff, or the sheriff's designee, of the county 5340
within three days of the delinquent child's coming into a county 5341
in which the delinquent child resides or temporarily is 5342
domiciled for more than three days. If the delinquent child is 5343
committed for the child-victim oriented offense to the 5344
department of youth services or to a secure facility that is not 5345
operated by the department, this duty begins when the delinquent 5346
child is discharged or released in any manner from custody in a 5347
department of youth services secure facility or from the secure 5348
facility that is not operated by the department if pursuant to 5349
the discharge or release the delinquent child is not committed 5350
to any other secure facility of the department or any other 5351
secure facility. 5352

(4) Regardless of when the child-victim oriented offense 5353
was committed, each person who is convicted, pleads guilty, or 5354
is adjudicated a delinquent child in a court in another state, 5355
in a federal court, military court, or Indian tribal court, or 5356
in a court in any nation other than the United States for 5357
committing a child-victim oriented offense shall comply with all 5358
of the following registration requirements if, at the time the 5359
offender or delinquent child moves to and resides in this state 5360
or temporarily is domiciled in this state for more than three 5361
days, the offender enters this state to attend the school or 5362
institution of higher education, or the offender is employed in 5363
this state for more than the specified period of time, the 5364
offender or delinquent child has a duty to register as a child- 5365
victim offender or sex offender under the law of that other 5366
jurisdiction as a result of the conviction, guilty plea, or 5367
adjudication: 5368

(a) Each offender and delinquent child shall register 5369
personally with the sheriff, or the sheriff's designee, of the 5370
county within three days of the offender's or delinquent child's 5371
coming into the county in which the offender or delinquent child 5372
resides or temporarily is domiciled for more than three days. 5373

(b) Each offender shall register personally with the 5374
sheriff, or the sheriff's designee, of the county immediately 5375
upon coming into a county in which the offender attends a school 5376
or institution of higher education on a full-time or part-time 5377
basis regardless of whether the offender resides or has a 5378
temporary domicile in this state or another state. 5379

(c) Each offender shall register personally with the 5380
sheriff, or the sheriff's designee, of the county in which the 5381
offender is employed if the offender resides or has a temporary 5382

domicile in this state and has been employed in that county for 5383
more than three days or for an aggregate period of fourteen days 5384
or more in that calendar year. 5385

(d) Each offender shall register personally with the 5386
sheriff, or the sheriff's designee, of the county in which the 5387
offender then is employed if the offender does not reside or 5388
have a temporary domicile in this state and has not been 5389
employed at any location or locations in this state for more 5390
than three days or for an aggregate period of fourteen or more 5391
days in that calendar year. 5392

(5) An offender is not required to register under division 5393
(A) (2), (3), or (4) of this section if a court issues an order 5394
terminating the offender's duty to comply with sections 2950.04, 5395
2950.041, 2950.05, and 2950.06 of the Revised Code pursuant to 5396
section 2950.15 of the Revised Code. A delinquent child who is a 5397
juvenile offender registrant but is not a public registry- 5398
qualified juvenile offender registrant is not required to 5399
register under any of those divisions if a juvenile court issues 5400
an order declassifying the delinquent child as a juvenile 5401
offender registrant pursuant to section 2152.84 or 2152.85 of 5402
the Revised Code. 5403

(B) An offender or delinquent child who is required by 5404
division (A) of this section to register in this state 5405
personally shall do so in the manner described in division (B) 5406
of section 2950.04 of the Revised Code, and the registration is 5407
complete as described in that division. 5408

(C) The registration form to be used under divisions (A) 5409
and (B) of this section shall include or contain all of the 5410
following for the offender or delinquent child who is 5411
registering: 5412

(1) The offender's or delinquent child's name, any aliases 5413
used by the offender or delinquent child, and a photograph of 5414
the offender or delinquent child; 5415

(2) The offender's or delinquent child's social security 5416
number and date of birth, including any alternate social 5417
security numbers or dates of birth that the offender or 5418
delinquent child has used or uses; 5419

(3) Regarding an offender or delinquent child who is 5420
registering under a duty imposed under division (A)(1) of this 5421
section, a statement that the offender is serving a prison term, 5422
term of imprisonment, or any other type of confinement or a 5423
statement that the delinquent child is in the custody of the 5424
department of youth services or is confined in a secure facility 5425
that is not operated by the department; 5426

(4) Regarding an offender or delinquent child who is 5427
registering under a duty imposed under division (A)(2), (3), or 5428
(4) of this section as a result of the offender or delinquent 5429
child residing in this state or temporarily being domiciled in 5430
this state for more than three days, all of the information 5431
described in division (C)(4) of section 2950.04 of the Revised 5432
Code; 5433

(5) Regarding an offender who is registering under a duty 5434
imposed under division (A)(2) or (4) of this section as a result 5435
of the offender attending a school or institution of higher 5436
education on a full-time or part-time basis or being employed in 5437
this state or in a particular county in this state, whichever is 5438
applicable, for more than three days or for an aggregate of 5439
fourteen or more days in any calendar year, all of the 5440
information described in division (C)(5) of section 2950.04 of 5441
the Revised Code; 5442

(6) The identification license plate number issued by this state or any other state of each vehicle the offender or delinquent child owns, of each vehicle registered in the offender's or delinquent child's name, of each vehicle the offender or delinquent child operates as a part of employment, and of each other vehicle that is regularly available to be operated by the offender or delinquent child; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept; and, if required by the bureau of criminal identification and investigation, a photograph of each of those vehicles;

(7) If the offender or delinquent child has a driver's or commercial driver's license or permit issued by this state or any other state or a state identification card issued under section 4507.50 or 4507.51 of the Revised Code or a comparable identification card issued by another state, the driver's license number, commercial driver's license number, or state identification card number;

(8) If the offender or delinquent child was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing the child-victim oriented offense resulting in the registration duty in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, a DNA specimen, as defined in section 109.573 of the Revised Code, from the offender or delinquent child, a citation for, and the name of, the child-victim oriented offense resulting in the registration duty, and a certified copy of a document that describes the text of that child-victim oriented offense;

(9) Copies of travel and immigration documents;

(10) A description of each professional and occupational license, permit, or registration, including those licenses, permits, and registrations issued under Title XLVII of the Revised Code, held by the offender or delinquent child;

(11) Any email addresses, internet identifiers, or telephone numbers registered to or used by the offender or delinquent child;

(12) Any other information required by the bureau of criminal identification and investigation.

(D) Division (D) of section 2950.04 of the Revised Code applies when an offender or delinquent child registers with a sheriff pursuant to this section.

(E) No person who is required to register pursuant to divisions (A) and (B) of this section, and no person who is required to send a notice of intent to reside pursuant to division (G) of this section, shall fail to register or send the notice as required in accordance with those divisions or that division.

(F) An offender or delinquent child who is required to register pursuant to divisions (A) and (B) of this section shall register pursuant to this section for the period of time specified in section 2950.07 of the Revised Code, with the duty commencing on the date specified in division ~~(A)~~ (B) of that section.

(G) If an offender or delinquent child who is required by division (A) of this section to register is a tier III sex offender/child-victim offender, the offender or delinquent child also shall send the sheriff, or the sheriff's designee, of the county in which the offender or delinquent child intends to

reside written notice of the offender's or delinquent child's 5502
intent to reside in the county. The offender or delinquent child 5503
shall send the notice of intent to reside at least twenty days 5504
prior to the date the offender or delinquent child begins to 5505
reside in the county. The notice of intent to reside shall 5506
contain all of the following information: 5507

(1) The information specified in divisions (G) (1) and (2) 5508
of section 2950.04 of the Revised Code; 5509

(2) The child-victim oriented offense of which the 5510
offender was convicted, to which the offender pleaded guilty, or 5511
for which the child was adjudicated a delinquent child. 5512

(H) If, immediately prior to January 1, 2008, an offender 5513
or delinquent child who was convicted of, pleaded guilty to, or 5514
was adjudicated a delinquent child for committing a child-victim 5515
oriented offense or a sexually oriented offense as those terms 5516
were defined in section 2950.01 of the Revised Code prior to 5517
January 1, 2008, was required by division (A) of this section or 5518
section 2950.04 of the Revised Code to register and if, on or 5519
after January 1, 2008, that offense is a child-victim oriented 5520
offense as that term is defined in section 2950.01 of the 5521
Revised Code on and after January 1, 2008, the duty to register 5522
that is imposed pursuant to this section on and after January 1, 5523
2008, shall be considered, for purposes of section 2950.07 of 5524
the Revised Code and for all other purposes, to be a 5525
continuation of the duty imposed upon the offender or delinquent 5526
child prior to January 1, 2008, under this section or section 5527
2950.04 of the Revised Code. 5528

Sec. 2950.07. (A) As used in this section, "qualifying 5529
sexually oriented offense" means a violation of division (B) of 5530
section 2903.11 of the Revised Code as it existed prior to the 5531

effective date of this amendment. 5532

(B) The duty of an offender who is convicted of, pleads 5533
guilty to, has been convicted of, or has pleaded guilty to a 5534
sexually oriented offense or a child-victim oriented offense and 5535
the duty of a delinquent child who is or has been adjudicated a 5536
delinquent child for committing a sexually oriented offense or a 5537
child-victim oriented offense and is classified a juvenile 5538
offender registrant or who is an out-of-state juvenile offender 5539
registrant to comply with sections 2950.04, 2950.041, 2950.05, 5540
and 2950.06 of the Revised Code commences on whichever of the 5541
following dates is applicable: 5542

(1) If the offender's duty to register is imposed pursuant 5543
to division (A) (1) (a) of section 2950.04 or division (A) (1) (a) 5544
of section 2950.041 of the Revised Code, the offender's duty to 5545
comply with those sections commences immediately after the entry 5546
of the judgment of conviction. 5547

(2) If the delinquent child's duty to register is imposed 5548
pursuant to division (A) (1) (b) of section 2950.04 or division 5549
(A) (1) (b) of section 2950.041 of the Revised Code, the 5550
delinquent child's duty to comply with those sections commences 5551
immediately after the order of disposition. 5552

(3) If the offender's duty to register is imposed pursuant 5553
to division (A) (2) of section 2950.04 or division (A) (2) of 5554
section 2950.041 of the Revised Code, subject to division ~~(A) (7)~~ 5555
(B) (7) of this section, the offender's duty to comply with those 5556
sections commences on the date of the offender's release from a 5557
prison term, a term of imprisonment, or any other type of 5558
confinement, or if the offender is not sentenced to a prison 5559
term, a term of imprisonment, or any other type of confinement, 5560
on the date of the entry of the judgment of conviction of the 5561

sexually oriented offense or child-victim oriented offense. 5562

(4) If the offender's or delinquent child's duty to 5563
register is imposed pursuant to division (A) (4) of section 5564
2950.04 or division (A) (4) of section 2950.041 of the Revised 5565
Code, the offender's duty to comply with those sections 5566
commences regarding residence addresses on the date that the 5567
offender begins to reside or becomes temporarily domiciled in 5568
this state, the offender's duty regarding addresses of schools, 5569
institutions of higher education, and places of employment 5570
commences on the date the offender begins attending any school 5571
or institution of higher education in this state on a full-time 5572
or part-time basis or becomes employed in this state, and the 5573
delinquent child's duty commences on the date the delinquent 5574
child begins to reside or becomes temporarily domiciled in this 5575
state. 5576

(5) If the delinquent child's duty to register is imposed 5577
pursuant to division (A) (3) of section 2950.04 or division (A) 5578
(3) of section 2950.041 of the Revised Code, if the delinquent 5579
child's classification as a juvenile offender registrant is made 5580
at the time of the child's disposition for that sexually 5581
oriented offense or child-victim oriented offense, whichever is 5582
applicable, and if the delinquent child is committed for the 5583
sexually oriented offense or child-victim oriented offense to 5584
the department of youth services or to a secure facility that is 5585
not operated by the department, the delinquent child's duty to 5586
comply with those sections commences on the date of the 5587
delinquent child's discharge or release from custody in the 5588
department of youth services secure facility or from the secure 5589
facility not operated by the department as described in that 5590
division. 5591

(6) If the delinquent child's duty to register is imposed 5592
pursuant to division (A) (3) of section 2950.04 or division (A) 5593
(3) of section 2950.041 of the Revised Code and if either the 5594
delinquent child's classification as a juvenile offender 5595
registrant is made at the time of the child's disposition for 5596
that sexually oriented offense or child-victim oriented offense, 5597
whichever is applicable, and the delinquent child is not 5598
committed for the sexually oriented offense or child-victim 5599
oriented offense to the department of youth services or to a 5600
secure facility that is not operated by the department or the 5601
child's classification as a juvenile offender registrant is made 5602
pursuant to section 2152.83 or division (A) (2) of section 5603
2152.86 of the Revised Code, subject to ~~divisions (A) (7)~~ 5604
division (B) (7) of this section, the delinquent child's duty to 5605
comply with those sections commences on the date of entry of the 5606
court's order that classifies the delinquent child a juvenile 5607
offender registrant. 5608

(7) If the offender's or delinquent child's duty to 5609
register is imposed pursuant to division (A) (2), (3), or (4) of 5610
section 2950.04 or section 2950.041 of the Revised Code and if 5611
the offender or delinquent child prior to January 1, 2008, has 5612
registered a residence, school, institution of higher education, 5613
or place of employment address pursuant to section 2950.04, 5614
2950.041, or 2950.05 of the Revised Code as they existed prior 5615
to that date, the offender or delinquent child initially shall 5616
register in accordance with section 2950.04 or 2950.041 of the 5617
Revised Code, whichever is applicable, as it exists on and after 5618
January 1, 2008, not later than the earlier of the dates 5619
specified in divisions ~~(A) (7) (a)~~ (B) (7) (a) and (b) of this 5620
section. The offender's or delinquent child's duty to comply 5621
thereafter with sections 2950.04, 2950.041, 2950.05, and 2950.06 5622

of the Revised Code as they exist on and after January 1, 2008, 5623
commences on the date of that initial registration. The offender 5624
or delinquent child initially shall register under section 5625
2950.04 or 2950.041 of the Revised Code as it exists on and 5626
after January 1, 2008, not later than the earlier of the 5627
following: 5628

(a) The date that is six months after the date on which 5629
the offender or delinquent child received a registered letter 5630
from the attorney general under division (A) (2) or (B) of 5631
section 2950.031 of the Revised Code; 5632

(b) The earlier of the date on which the offender or 5633
delinquent child would be required to verify a previously 5634
registered address under section 2950.06 of the Revised Code as 5635
it exists on and after January 1, 2008, or, if the offender or 5636
delinquent child has changed a previously registered address, 5637
the date on which the offender or delinquent child would be 5638
required to register a new residence, school, institution of 5639
higher education, or place of employment address under section 5640
2950.05 of the Revised Code as it exists on and after January 1, 5641
2008. 5642

(8) If the offender's or delinquent child's duty to 5643
register was imposed pursuant to section 2950.04 or 2950.041 of 5644
the Revised Code as they existed prior to January 1, 2008, the 5645
offender's or delinquent child's duty to comply with sections 5646
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as 5647
they exist on and after January 1, 2008, is a continuation of 5648
the offender's or delinquent child's former duty to register 5649
imposed prior to January 1, 2008, under section 2950.04 or 5650
2950.041 of the Revised Code and shall be considered for all 5651
purposes as having commenced on the date that the offender's 5652

duty under that section commenced. 5653

~~(B)~~ (C) The duty of an offender who is convicted of, 5654
pleads guilty to, has been convicted of, or has pleaded guilty 5655
to a sexually oriented offense or a child-victim oriented 5656
offense and the duty of a delinquent child who is or has been 5657
adjudicated a delinquent child for committing a sexually 5658
oriented offense or a child-victim oriented offense and is 5659
classified a juvenile offender registrant or who is an out-of- 5660
state juvenile offender registrant to comply with sections 5661
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 5662
continues, after the date of commencement, for whichever of the 5663
following periods is applicable: 5664

(1) Except as otherwise provided in this division, if the 5665
person is an offender who is a tier III sex offender/child- 5666
victim offender relative to the sexually oriented offense or 5667
child-victim oriented offense, if the person is a delinquent 5668
child who is a tier III sex offender/child-victim offender 5669
relative to the sexually oriented offense or child-victim 5670
oriented offense, or if the person is a delinquent child who is 5671
a public registry-qualified juvenile offender registrant 5672
relative to the sexually oriented offense, the offender's or 5673
delinquent child's duty to comply with those sections continues 5674
until the offender's or delinquent child's death. Regarding a 5675
delinquent child who is a tier III sex offender/child-victim 5676
offender relative to the offense but is not a public registry- 5677
qualified juvenile offender registrant relative to the offense, 5678
if the judge who made the disposition for the delinquent child 5679
or that judge's successor in office subsequently enters a 5680
determination pursuant to section 2152.84 or 2152.85 of the 5681
Revised Code that the delinquent child no longer is a tier III 5682
sex offender/child-victim offender, the delinquent child's duty 5683

to comply with those sections continues for the period of time 5684
that is applicable to the delinquent child under division ~~(B) (2)~~ 5685
(C) (2) or (3) of this section, based on the reclassification of 5686
the child pursuant to section 2152.84 or ~~21562.85~~ 2152.85 of the 5687
Revised Code as a tier I sex offender/child-victim offender or a 5688
tier II sex offender/child-victim offender. ~~In no case shall the~~ 5689
~~lifetime duty to comply that~~ If a court subsequently enters a 5690
determination pursuant to section 2950.152 of the Revised Code 5691
that a delinquent child who is a juvenile offender registrant 5692
and a tier III sex offender relative to a qualifying sexually 5693
oriented offense but is not a public registry-qualified juvenile 5694
offender registrant relative to a qualifying sexually oriented 5695
offense is no longer to be classified a juvenile offender 5696
registrant, the delinquent child's duty to comply with sections 5697
2950.04, 2950.05, and 2950.06 of the Revised Code terminates 5698
upon the court's entry of the determination. A person who is 5699
~~imposed under this division on~~ an offender who is a tier III sex 5700
~~offender/child-victim offender be removed or terminated~~ may have 5701
the lifetime duty to register terminated only pursuant to 5702
section 2950.152 of the Revised Code. A delinquent child who is 5703
a public registry-qualified juvenile offender registrant may 5704
have the lifetime duty to register terminated only pursuant to 5705
section 2950.15 of the Revised Code. 5706

(2) If the person is an offender who is a tier II sex 5707
offender/child-victim offender relative to the sexually oriented 5708
offense or child-victim oriented offense, the offender's duty to 5709
comply with those sections continues for twenty-five years. 5710
Except as otherwise provided in this division, if the person is 5711
a delinquent child who is a tier II sex offender/child-victim 5712
offender relative to the sexually oriented offense or child- 5713
victim oriented offense, the delinquent child's duty to comply 5714

with those sections continues for twenty years. Regarding a 5715
delinquent child who is a tier II sex offender/child-victim 5716
offender relative to the offense but is not a public registry- 5717
qualified juvenile offender registrant relative to the offense, 5718
if the judge who made the disposition for the delinquent child 5719
or that judge's successor in office subsequently enters a 5720
determination pursuant to section 2152.84 or 2152.85 of the 5721
Revised Code that the delinquent child no longer is a tier II 5722
sex offender/child-victim offender but remains a juvenile 5723
offender registrant, the delinquent child's duty to comply with 5724
those sections continues for the period of time that is 5725
applicable to the delinquent child under division ~~(B) (3)~~ (C) (3) 5726
of this section, based on the reclassification of the child 5727
pursuant to section 2152.84 or 2152.85 of the Revised Code as a 5728
tier I sex offender/child-victim offender. If a court 5729
subsequently enters a determination pursuant to section 2950.152 5730
of the Revised Code that a delinquent child who is a juvenile 5731
offender registrant and a tier II sex offender relative to a 5732
qualifying sexually oriented offense but is not a public 5733
registry-qualified juvenile offender registrant relative to a 5734
qualifying sexually oriented offense is no longer to be 5735
classified a juvenile offender registrant, the delinquent 5736
child's duty to comply with sections 2950.04, 2950.05, and 5737
2950.06 of the Revised Code terminates upon the court's entry of 5738
the determination. 5739

(3) Except as otherwise provided in this division, if the 5740
person is an offender who is a tier I sex offender/child-victim 5741
offender relative to the sexually oriented offense or child- 5742
victim oriented offense, the offender's duty to comply with 5743
those sections continues for fifteen years. Except as otherwise 5744
provided in this division, if the person is a delinquent child 5745

who is a tier I sex offender/child-victim offender relative to 5746
the sexually oriented offense or child-victim oriented offense, 5747
the delinquent child's duty to comply with those sections 5748
continues for ten years. Regarding a delinquent child who is a 5749
juvenile offender registrant and a tier I sex offender/child- 5750
victim offender relative to the offense but is not a public 5751
registry-qualified juvenile offender registrant relative to the 5752
offense, if the judge who made the disposition for the 5753
delinquent child or that judge's successor in office 5754
subsequently enters a determination pursuant to section 2152.84 5755
or 2152.85 of the Revised Code that the delinquent child no 5756
longer is to be classified a juvenile offender registrant, the 5757
delinquent child's duty to comply with those sections terminates 5758
upon the court's entry of the determination. If a court 5759
subsequently enters a determination pursuant to section 2950.152 5760
of the Revised Code that a delinquent child who is a juvenile 5761
offender registrant and a tier I sex offender relative to a 5762
qualifying sexually oriented offense but is not a public 5763
registry-qualified juvenile offender registrant relative to a 5764
qualifying sexually oriented offense is no longer to be 5765
classified a juvenile offender registrant, the delinquent 5766
child's duty to comply with sections 2950.04, 2950.05, and 5767
2950.06 of the Revised Code terminates upon the court's entry of 5768
the determination. A person who is an offender who is a tier I 5769
sex offender/child-victim offender may have the fifteen-year 5770
duty to register terminated only pursuant to section 2950.15 of 5771
the Revised Code. 5772

~~(C) (1)~~ (D) (1) If an offender has been convicted of or 5773
pleaded guilty to a sexually oriented offense and the offender 5774
subsequently is convicted of or pleads guilty to another 5775
sexually oriented offense or a child-victim oriented offense, if 5776

an offender has been convicted of or pleaded guilty to a child- 5777
victim oriented offense and the offender subsequently is 5778
convicted of or pleads guilty to another child-victim oriented 5779
offense or a sexually oriented offense, if a delinquent child 5780
has been adjudicated a delinquent child for committing a 5781
sexually oriented offense and is classified a juvenile offender 5782
registrant or is an out-of-state juvenile offender registrant 5783
and the child subsequently is adjudicated a delinquent child for 5784
committing another sexually oriented offense or a child-victim 5785
oriented offense and is classified a juvenile offender 5786
registrant relative to that offense or subsequently is convicted 5787
of or pleads guilty to another sexually oriented offense or a 5788
child-victim oriented offense, or if a delinquent child has been 5789
adjudicated a delinquent child for committing a child-victim 5790
oriented offense and is classified a juvenile offender 5791
registrant or is an out-of-state juvenile offender registrant 5792
and the child subsequently is adjudicated a delinquent child for 5793
committing another child-victim oriented offense or a sexually 5794
oriented offense and is classified a juvenile offender 5795
registrant relative to that offense or subsequently is convicted 5796
of or pleads guilty to another child-victim oriented offense or 5797
a sexually oriented offense, the period of time for which the 5798
offender or delinquent child must comply with the sections 5799
specified in division ~~(A)~~(B) of this section shall be 5800
separately calculated pursuant to divisions ~~(A)(1)~~(B)(1) to (8) 5801
and ~~(B)(1)~~(C)(1) to (3) of this section for each of the 5802
sexually oriented offenses and child-victim oriented offenses, 5803
and the offender or delinquent child shall comply with each 5804
separately calculated period of time independently. 5805

If a delinquent child has been adjudicated a delinquent 5806
child for committing a sexually oriented offense or a child- 5807

victim oriented offense, is classified a juvenile offender 5808
registrant or is an out-of-state juvenile offender registrant 5809
relative to that offense, and, after attaining eighteen years of 5810
age, subsequently is convicted of or pleads guilty to another 5811
sexually oriented offense or child-victim oriented offense, the 5812
subsequent conviction or guilty plea does not limit, affect, or 5813
supersede the duties imposed upon the delinquent child under 5814
this chapter relative to the delinquent child's classification 5815
as a juvenile offender registrant or as an out-of-state juvenile 5816
offender registrant, and the delinquent child shall comply with 5817
both those duties and the duties imposed under this chapter 5818
relative to the subsequent conviction or guilty plea. 5819

(2) If a delinquent child has been adjudicated a 5820
delinquent child for committing a sexually oriented offense or a 5821
child-victim oriented offense and is classified a juvenile 5822
offender registrant relative to the offense and if the juvenile 5823
judge or the judge's successor in office subsequently 5824
reclassifies the offense tier in which the child is classified 5825
pursuant to section 2152.84 or 2152.85 of the Revised Code, the 5826
judge's subsequent determination to reclassify the child does 5827
not affect the date of commencement of the delinquent child's 5828
duty to comply with sections 2950.04, 2950.041, 2950.05, and 5829
2950.06 of the Revised Code as determined under division ~~(A)~~(B) 5830
of this section. The child's duty to comply with those sections 5831
after the reclassification is a continuation of the child's duty 5832
to comply with the sections that was in effect prior to the 5833
reclassification, and the duty shall continue for the period of 5834
time specified in division ~~(B)(1)~~ (C)(1), (2), or (3) of this 5835
section, whichever is applicable. 5836

If, prior to January 1, 2008, an offender had a duty to 5837
comply with the sections specified in division ~~(A)~~(B) of this 5838

section as a result of a conviction of or plea of guilty to a 5839
sexually oriented offense or child-victim oriented offense as 5840
those terms were defined in section 2950.01 of the Revised Code 5841
prior to January 1, 2008, or a delinquent child had a duty to 5842
comply with those sections as a result of an adjudication as a 5843
delinquent child for committing one of those offenses as they 5844
were defined prior to January 1, 2008, the period of time 5845
specified in division ~~(B)(1)~~ (C)(1), (2), or (3) of this section 5846
on and after January 1, 2008, for which a person must comply 5847
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 5848
Revised Code applies to the person, automatically replaces the 5849
period of time for which the person had to comply with those 5850
sections prior to January 1, 2008, and is a continuation of the 5851
person's duty to comply with the sections that was in effect 5852
prior to the reclassification. If, prior to January 1, 2008, an 5853
offender or a delinquent child had a duty to comply with the 5854
sections specified in division ~~(A)-(B)~~ of this section, the 5855
offender's or delinquent child's classification as a tier I sex 5856
offender/child-victim offender, a tier II sex offender/child- 5857
victim offender, or a tier III sex offender/child-victim 5858
offender for purposes of that period of time shall be determined 5859
as specified in section 2950.031 or 2950.032 of the Revised 5860
Code, as applicable. 5861

~~(D)-(E)~~ (E) The duty of an offender or delinquent child to 5862
register under this chapter is tolled for any period during 5863
which the offender or delinquent child is returned to 5864
confinement in a secure facility for any reason or imprisoned 5865
for an offense when the confinement in a secure facility or 5866
imprisonment occurs subsequent to the date determined pursuant 5867
to division ~~(A)-(B)~~ of this section. The offender's or 5868
delinquent child's duty to register under this chapter resumes 5869

upon the offender's or delinquent child's release from 5870
confinement in a secure facility or imprisonment. 5871

~~(E)~~ (F) An offender or delinquent child who has been or is 5872
convicted, has pleaded or pleads guilty, or has been or is 5873
adjudicated a delinquent child, in a court in another state, in 5874
a federal court, military court, or Indian tribal court, or in a 5875
court of any nation other than the United States for committing 5876
a sexually oriented offense or a child-victim oriented offense 5877
may apply to the sheriff of the county in which the offender or 5878
delinquent child resides or temporarily is domiciled, or in 5879
which the offender attends a school or institution of higher 5880
education or is employed, for credit against the duty to 5881
register for the time that the offender or delinquent child has 5882
complied with the sex offender or child-victim offender 5883
registration requirements of another jurisdiction. The sheriff 5884
shall grant the offender or delinquent child credit against the 5885
duty to register for time for which the offender or delinquent 5886
child provides adequate proof that the offender or delinquent 5887
child has complied with the sex offender or child-victim 5888
offender registration requirements of another jurisdiction. If 5889
the offender or delinquent child disagrees with the 5890
determination of the sheriff, the offender or delinquent child 5891
may appeal the determination to the court of common pleas of the 5892
county in which the offender or delinquent child resides or is 5893
temporarily domiciled, or in which the offender attends a school 5894
or institution of higher education or is employed. 5895

Sec. 2950.10. (A) (1) Regardless of when the sexually 5896
oriented offense or child-victim oriented offense was committed, 5897
if a person is convicted of, pleads guilty to, has been 5898
convicted of, or has pleaded guilty to a sexually oriented 5899
offense or a child-victim oriented offense or a person is or has 5900

been adjudicated a delinquent child for committing a sexually 5901
oriented offense or a child-victim oriented offense and is 5902
classified a juvenile offender registrant or is an out-of-state 5903
juvenile offender registrant based on that adjudication, if the 5904
offender or delinquent child is in any category specified in 5905
division (B) (1) (a), (b), or (c) of this section, if the offender 5906
or delinquent child registers with a sheriff pursuant to section 5907
2950.04, 2950.041, or 2950.05 of the Revised Code, and if the 5908
victim of the sexually oriented offense or child-victim oriented 5909
offense has made a request in accordance with rules adopted by 5910
the attorney general that specifies that the victim would like 5911
to be provided the notices described in this section, the 5912
sheriff shall notify the victim of the sexually oriented offense 5913
or child-victim oriented offense, in writing, that the offender 5914
or delinquent child has registered and shall include in the 5915
notice the offender's name and photograph, and the address or 5916
addresses of the offender's residence, school, institution of 5917
higher education, or place of employment, as applicable, or the 5918
delinquent child's name, photograph, and residence address or 5919
addresses. The sheriff shall provide the notice required by this 5920
division to the victim at the most recent residence address 5921
available for that victim and not later than five days after the 5922
offender or delinquent child registers with the sheriff. 5923

(2) Regardless of when the sexually oriented offense or 5924
child-victim oriented offense was committed, if a person is 5925
convicted of, pleads guilty to, has been convicted of, or has 5926
pleaded guilty to a sexually oriented offense or a child-victim 5927
oriented offense or a person is or has been adjudicated a 5928
delinquent child for committing a sexually oriented offense or a 5929
child-victim oriented offense and is classified a juvenile 5930
offender registrant or is an out-of-state juvenile offender 5931

registrant based on that adjudication, if the offender or 5932
delinquent child is in any category specified in division (B) (1) 5933
(a), (b), or (c) of this section, if the offender or delinquent 5934
child registers with a sheriff pursuant to section 2950.04, 5935
2950.041, or 2950.05 of the Revised Code, if the victim of the 5936
sexually oriented offense or child-victim oriented offense has 5937
made a request in accordance with rules adopted by the attorney 5938
general that specifies that the victim would like to be provided 5939
the notices described in this section, and if the offender 5940
notifies the sheriff of a change of residence, school, 5941
institution of higher education, or place of employment address 5942
or the delinquent child notifies the sheriff of a change of 5943
residence address pursuant to section 2950.05 of the Revised 5944
Code, the sheriff shall notify the victim of the sexually 5945
oriented offense or child-victim oriented offense, in writing, 5946
that the offender's or delinquent child's address has changed 5947
and shall include in the notice the offender's name and 5948
photograph, and the new address or addresses of the offender's 5949
residence, school, institution of higher education, or place of 5950
employment, as applicable, or the delinquent child's name, 5951
photograph, and new residence address or addresses. The sheriff 5952
shall provide the notice required by this division to the victim 5953
at the most recent residence address available for that victim 5954
and no later than five days after the offender or delinquent 5955
child notifies the sheriff of the change in the offender's or 5956
delinquent child's residence, school, institution of higher 5957
education, or place of employment address. 5958

(3) Regardless of when the sexually oriented offense or 5959
child-victim oriented offense was committed, if a person is 5960
convicted of, pleads guilty to, has been convicted of, or has 5961
pleaded guilty to a sexually oriented offense or a child-victim 5962

oriented offense or a person is or has been adjudicated a 5963
delinquent child for committing a sexually oriented offense or a 5964
child-victim oriented offense and is classified a juvenile 5965
offender registrant or is an out-of-state juvenile offender 5966
registrant based on that adjudication, and if the offender or 5967
delinquent child is in any category specified in division (B) (1) 5968
(a), (b), or (c) of this section, the victim of the offense may 5969
make a request in accordance with rules adopted by the attorney 5970
general pursuant to section 2950.13 of the Revised Code that 5971
specifies that the victim would like to be provided the notices 5972
described in divisions (A) (1) and (2) of this section. If the 5973
victim makes a request in accordance with those rules, the 5974
sheriff described in divisions (A) (1) and (2) of this section 5975
shall provide the victim with the notices described in those 5976
divisions. 5977

(4) If a victim makes a request as described in division 5978
(A) (3) of this section that specifies that the victim would like 5979
to be provided the notices described in divisions (A) (1) and (2) 5980
of this section, all information a sheriff obtains regarding the 5981
victim from or as a result of the request is confidential, and 5982
the information is not a public record open for inspection under 5983
section 149.43 of the Revised Code. 5984

(5) The notices described in divisions (A) (1) and (2) of 5985
this section are in addition to any notices regarding the 5986
offender or delinquent child that the victim is entitled to 5987
receive under Chapter 2930. of the Revised Code. 5988

(B) (1) The duties to provide the notices described in 5989
divisions (A) (1) and (2) of this section apply regarding any 5990
offender or delinquent child who is in any of the following 5991
categories: 5992

(a) The offender is a tier III sex offender/child-victim offender relative to the offense described in division (A) of this section for which a victim requested to be provided notice under that division, and a court has not removed pursuant to section 2950.152 of the Revised Code the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a ~~public registry-qualified~~public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to the effective date of this amendment as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or a juvenile court has not removed pursuant to section 2950.152 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after ~~the effective date of this amendment~~ January 1, 2008, the court has imposed a

requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or a juvenile court has not removed pursuant to section 2950.152 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(2) A victim of a sexually oriented offense or of a child-victim oriented offense is not entitled to be provided any notice described in division (A) (1) or (2) of this section unless the offender or delinquent child is in a category specified in division (B) (1) (a), (b), or (c) of this section. A victim of a sexually oriented offense or of a child-victim oriented offense is not entitled to any notice described in division (A) (1) or (2) of this section unless the victim makes a request in accordance with rules adopted by the attorney general pursuant to section 2950.13 of the Revised Code that specifies that the victim would like to be provided the notices described in divisions (A) (1) and (2) of this section. This division does not affect any rights of a victim of a sexually oriented offense or child-victim oriented offense to be provided notice regarding an offender or delinquent child that are described in Chapter 2930. of the Revised Code.

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a

child-victim oriented offense and is classified a juvenile 6055
offender registrant or is an out-of-state juvenile offender 6056
registrant based on that adjudication, and if the offender or 6057
delinquent child is in any category specified in division (F) (1) 6058
(a), (b), or (c) of this section, the sheriff with whom the 6059
offender or delinquent child has most recently registered under 6060
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 6061
the sheriff to whom the offender or delinquent child most 6062
recently sent a notice of intent to reside under section 2950.04 6063
or 2950.041 of the Revised Code, within the period of time 6064
specified in division (C) of this section, shall provide a 6065
written notice containing the information set forth in division 6066
(B) of this section to all of the persons described in divisions 6067
(A) (1) to (10) of this section. If the sheriff has sent a notice 6068
to the persons described in those divisions as a result of 6069
receiving a notice of intent to reside and if the offender or 6070
delinquent child registers a residence address that is the same 6071
residence address described in the notice of intent to reside, 6072
the sheriff is not required to send an additional notice when 6073
the offender or delinquent child registers. The sheriff shall 6074
provide the notice to all of the following persons: 6075

(1) (a) Any occupant of each residential unit that is 6076
located within one thousand feet of the offender's or delinquent 6077
child's residential premises, that is located within the county 6078
served by the sheriff, and that is not located in a multi-unit 6079
building. Division (D) (3) of this section applies regarding 6080
notices required under this division. 6081

(b) If the offender or delinquent child resides in a 6082
multi-unit building, any occupant of each residential unit that 6083
is located in that multi-unit building and that shares a common 6084
hallway with the offender or delinquent child. For purposes of 6085

this division, an occupant's unit shares a common hallway with 6086
the offender or delinquent child if the entrance door into the 6087
occupant's unit is located on the same floor and opens into the 6088
same hallway as the entrance door to the unit the offender or 6089
delinquent child occupies. Division (D) (3) of this section 6090
applies regarding notices required under this division. 6091

(c) The building manager, or the person the building owner 6092
or condominium unit owners association authorizes to exercise 6093
management and control, of each multi-unit building that is 6094
located within one thousand feet of the offender's or delinquent 6095
child's residential premises, including a multi-unit building in 6096
which the offender or delinquent child resides, and that is 6097
located within the county served by the sheriff. In addition to 6098
notifying the building manager or the person authorized to 6099
exercise management and control in the multi-unit building under 6100
this division, the sheriff shall post a copy of the notice 6101
prominently in each common entryway in the building and any 6102
other location in the building the sheriff determines 6103
appropriate. The manager or person exercising management and 6104
control of the building shall permit the sheriff to post copies 6105
of the notice under this division as the sheriff determines 6106
appropriate. In lieu of posting copies of the notice as 6107
described in this division, a sheriff may provide notice to all 6108
occupants of the multi-unit building by mail or personal 6109
contact; if the sheriff so notifies all the occupants, the 6110
sheriff is not required to post copies of the notice in the 6111
common entryways to the building. Division (D) (3) of this 6112
section applies regarding notices required under this division. 6113

(d) All additional persons who are within any category of 6114
neighbors of the offender or delinquent child that the attorney 6115
general by rule adopted under section 2950.13 of the Revised 6116

Code requires to be provided the notice and who reside within 6117
the county served by the sheriff; 6118

(2) The executive director of the public children services 6119
agency that has jurisdiction within the specified geographical 6120
notification area and that is located within the county served 6121
by the sheriff; 6122

(3) (a) The superintendent of each board of education of a 6123
school district that has schools within the specified 6124
geographical notification area and that is located within the 6125
county served by the sheriff; 6126

(b) The principal of the school within the specified 6127
geographical notification area and within the county served by 6128
the sheriff that the delinquent child attends; 6129

(c) If the delinquent child attends a school outside of 6130
the specified geographical notification area or outside of the 6131
school district where the delinquent child resides, the 6132
superintendent of the board of education of a school district 6133
that governs the school that the delinquent child attends and 6134
the principal of the school that the delinquent child attends. 6135

(4) (a) The appointing or hiring officer of each chartered 6136
nonpublic school located within the specified geographical 6137
notification area and within the county served by the sheriff or 6138
of each other school located within the specified geographical 6139
notification area and within the county served by the sheriff 6140
and that is not operated by a board of education described in 6141
division (A) (3) of this section; 6142

(b) Regardless of the location of the school, the 6143
appointing or hiring officer of a chartered nonpublic school 6144
that the delinquent child attends. 6145

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child care center or type A family child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child care center," "type A family child care home," and "type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area,

the constable or chief of the police department or police 6176
district police force of the township in which the offender or 6177
delinquent child resides; 6178

(10) Volunteer organizations in which contact with minors 6179
or other vulnerable individuals might occur or any organization, 6180
company, or individual who requests notification as provided in 6181
division (J) of this section. 6182

(B) The notice required under division (A) of this section 6183
shall include all of the following information regarding the 6184
subject offender or delinquent child: 6185

(1) The offender's or delinquent child's name; 6186

(2) The address or addresses of the offender's or public 6187
registry-qualified juvenile offender registrant's residence, 6188
school, institution of higher education, or place of employment, 6189
as applicable, or the residence address or addresses of a 6190
delinquent child who is not a public registry-qualified juvenile 6191
offender registrant; 6192

(3) The sexually oriented offense or child-victim oriented 6193
offense of which the offender was convicted, to which the 6194
offender pleaded guilty, or for which the child was adjudicated 6195
a delinquent child; 6196

(4) A statement that identifies the category specified in 6197
division (F)(1)(a), (b), or (c) of this section that includes 6198
the offender or delinquent child and that subjects the offender 6199
or delinquent child to this section; 6200

(5) The offender's or delinquent child's photograph. 6201

(C) If a sheriff with whom an offender or delinquent child 6202
registers under section 2950.04, 2950.041, or 2950.05 of the 6203

Revised Code or to whom the offender or delinquent child most 6204
recently sent a notice of intent to reside under section 2950.04 6205
or 2950.041 of the Revised Code is required by division (A) of 6206
this section to provide notices regarding an offender or 6207
delinquent child and if, pursuant to that requirement, the 6208
sheriff provides a notice to a sheriff of one or more other 6209
counties in accordance with division (A) (8) of this section, the 6210
sheriff of each of the other counties who is provided notice 6211
under division (A) (8) of this section shall provide the notices 6212
described in divisions (A) (1) to (7) and (A) (9) and (10) of this 6213
section to each person or entity identified within those 6214
divisions that is located within the specified geographical 6215
notification area and within the county served by the sheriff in 6216
question. 6217

(D) (1) A sheriff required by division (A) or (C) of this 6218
section to provide notices regarding an offender or delinquent 6219
child shall provide the notice to the neighbors that are 6220
described in division (A) (1) of this section and the notices to 6221
law enforcement personnel that are described in divisions (A) (8) 6222
and (9) of this section as soon as practicable, but no later 6223
than five days after the offender sends the notice of intent to 6224
reside to the sheriff and again no later than five days after 6225
the offender or delinquent child registers with the sheriff or, 6226
if the sheriff is required by division (C) of this section to 6227
provide the notices, no later than five days after the sheriff 6228
is provided the notice described in division (A) (8) of this 6229
section. 6230

A sheriff required by division (A) or (C) of this section 6231
to provide notices regarding an offender or delinquent child 6232
shall provide the notices to all other specified persons that 6233
are described in divisions (A) (2) to (7) and (A) (10) of this 6234

section as soon as practicable, but not later than seven days 6235
after the offender or delinquent child registers with the 6236
sheriff or, if the sheriff is required by division (C) of this 6237
section to provide the notices, no later than five days after 6238
the sheriff is provided the notice described in division (A) (8) 6239
of this section. 6240

(2) If an offender or delinquent child in relation to whom 6241
division (A) of this section applies verifies the offender's or 6242
delinquent child's current residence, school, institution of 6243
higher education, or place of employment address, as applicable, 6244
with a sheriff pursuant to section 2950.06 of the Revised Code, 6245
the sheriff may provide a written notice containing the 6246
information set forth in division (B) of this section to the 6247
persons identified in divisions (A) (1) to (10) of this section. 6248
If a sheriff provides a notice pursuant to this division to the 6249
sheriff of one or more other counties in accordance with 6250
division (A) (8) of this section, the sheriff of each of the 6251
other counties who is provided the notice under division (A) (8) 6252
of this section may provide, but is not required to provide, a 6253
written notice containing the information set forth in division 6254
(B) of this section to the persons identified in divisions (A) 6255
(1) to (7) and (A) (9) and (10) of this section. 6256

(3) A sheriff may provide notice under division (A) (1) (a) 6257
or (b) of this section, and may provide notice under division 6258
(A) (1) (c) of this section to a building manager or person 6259
authorized to exercise management and control of a building, by 6260
mail, by personal contact, or by leaving the notice at or under 6261
the entry door to a residential unit. For purposes of divisions 6262
(A) (1) (a) and (b) of this section, and the portion of division 6263
(A) (1) (c) of this section relating to the provision of notice to 6264
occupants of a multi-unit building by mail or personal contact, 6265

the provision of one written notice per unit is deemed as 6266
providing notice to all occupants of that unit. 6267

(E) All information that a sheriff possesses regarding an 6268
offender or delinquent child who is in a category specified in 6269
division (F) (1) (a), (b), or (c) of this section that is 6270
described in division (B) of this section and that must be 6271
provided in a notice required under division (A) or (C) of this 6272
section or that may be provided in a notice authorized under 6273
division (D) (2) of this section is a public record that is open 6274
to inspection under section 149.43 of the Revised Code. 6275

The sheriff shall not cause to be publicly disseminated by 6276
means of the internet any of the information described in this 6277
division that is provided by a delinquent child unless that 6278
child is in a category specified in division (F) (1) (a), (b), or 6279
(c) of this section. 6280

(F) (1) Except as provided in division (F) (2) of this 6281
section, the duties to provide the notices described in 6282
divisions (A) and (C) of this section apply regarding any 6283
offender or delinquent child who is in any of the following 6284
categories: 6285

(a) The offender is a tier III sex offender/child-victim 6286
offender, and a court has not removed pursuant to section 6287
2950.152 of the Revised Code the offender's duty to comply with 6288
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or 6289
the delinquent child is a public registry-qualified juvenile 6290
offender registrant, and a juvenile court has not removed 6291
pursuant to section 2950.15 of the Revised Code the delinquent 6292
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 6293
and 2950.06 of the Revised Code. 6294

(b) The delinquent child is a tier III sex offender/child- 6295
victim offender who is not a public registry-qualified juvenile 6296
offender registrant, the delinquent child was subjected to this 6297
section prior to January 1, 2008, as a sexual predator, habitual 6298
sex offender, child-victim predator, or habitual child-victim 6299
offender, as those terms were defined in section 2950.01 of the 6300
Revised Code as it existed prior to January 1, 2008, and a 6301
juvenile court has not removed pursuant to section 2152.84 or 6302
2152.85 of the Revised Code the delinquent child's duty to 6303
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 6304
the Revised Code or a juvenile court has not removed pursuant to 6305
section 2950.152 of the Revised Code the delinquent child's duty 6306
to comply with sections 2950.04, 2950.05, and 2950.06 of the 6307
Revised Code. 6308

(c) The delinquent child is a tier III sex offender/child- 6309
victim offender who is not a public registry-qualified juvenile 6310
offender registrant, the delinquent child was classified a 6311
juvenile offender registrant on or after January 1, 2008, the 6312
court has imposed a requirement under section 2152.82, 2152.83, 6313
or 2152.84 of the Revised Code subjecting the delinquent child 6314
to this section, and a juvenile court has not removed pursuant 6315
to section 2152.84 or 2152.85 of the Revised Code the delinquent 6316
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 6317
and 2950.06 of the Revised Code or a juvenile court has not 6318
removed pursuant to section 2950.152 of the Revised Code the 6319
delinquent child's duty to comply with sections 2950.04, 6320
2950.05, and 2950.06 of the Revised Code. 6321

(2) The notification provisions of this section do not 6322
apply to a person described in division (F) (1) (a), (b), or (c) 6323
of this section if a court finds at a hearing after considering 6324
the factors described in this division that the person would not 6325

be subject to the notification provisions of this section that 6326
were in the version of this section that existed immediately 6327
prior to January 1, 2008. In making the determination of whether 6328
a person would have been subject to the notification provisions 6329
under prior law as described in this division, the court shall 6330
consider the following factors: 6331

(a) The offender's or delinquent child's age; 6332

(b) The offender's or delinquent child's prior criminal or 6333
delinquency record regarding all offenses, including, but not 6334
limited to, all sexual offenses; 6335

(c) The age of the victim of the sexually oriented offense 6336
for which sentence is to be imposed or the order of disposition 6337
is to be made; 6338

(d) Whether the sexually oriented offense for which 6339
sentence is to be imposed or the order of disposition is to be 6340
made involved multiple victims; 6341

(e) Whether the offender or delinquent child used drugs or 6342
alcohol to impair the victim of the sexually oriented offense or 6343
to prevent the victim from resisting; 6344

(f) If the offender or delinquent child previously has 6345
been convicted of or pleaded guilty to, or been adjudicated a 6346
delinquent child for committing an act that if committed by an 6347
adult would be, a criminal offense, whether the offender or 6348
delinquent child completed any sentence or dispositional order 6349
imposed for the prior offense or act and, if the prior offense 6350
or act was a sex offense or a sexually oriented offense, whether 6351
the offender or delinquent child participated in available 6352
programs for sexual offenders; 6353

(g) Any mental illness or mental disability of the 6354

offender or delinquent child; 6355

(h) The nature of the offender's or delinquent child's 6356
sexual conduct, sexual contact, or interaction in a sexual 6357
context with the victim of the sexually oriented offense and 6358
whether the sexual conduct, sexual contact, or interaction in a 6359
sexual context was part of a demonstrated pattern of abuse; 6360

(i) Whether the offender or delinquent child, during the 6361
commission of the sexually oriented offense for which sentence 6362
is to be imposed or the order of disposition is to be made, 6363
displayed cruelty or made one or more threats of cruelty; 6364

(j) Whether the offender or delinquent child would have 6365
been a habitual sex offender or a habitual child victim offender 6366
under the definitions of those terms set forth in section 6367
2950.01 of the Revised Code as that section existed prior to 6368
January 1, 2008; 6369

(k) Any additional behavioral characteristics that 6370
contribute to the offender's or delinquent child's conduct. 6371

(G) (1) The department of job and family services shall 6372
compile, maintain, and update in January and July of each year, 6373
a list of all agencies, centers, or homes of a type described in 6374
division (A) (2) or (6) of this section that contains the name of 6375
each agency, center, or home of that type, the county in which 6376
it is located, its address and telephone number, and the name of 6377
an administrative officer or employee of the agency, center, or 6378
home. 6379

(2) The department of education and workforce shall 6380
compile, maintain, and update in January and July of each year, 6381
a list of all boards of education, schools, or programs of a 6382
type described in division (A) (3), (4), or (5) of this section 6383

that contains the name of each board of education, school, or 6384
program of that type, the county in which it is located, its 6385
address and telephone number, the name of the superintendent of 6386
the board or of an administrative officer or employee of the 6387
school or program, and, in relation to a board of education, the 6388
county or counties in which each of its schools is located and 6389
the address of each such school. 6390

(3) The department ~~chancellor~~ of higher education shall 6391
compile, maintain, and update in January and July of each year, 6392
a list of all institutions of a type described in division (A) 6393
(7) of this section that contains the name of each such 6394
institution, the county in which it is located, its address and 6395
telephone number, and the name of its president or other chief 6396
administrative officer. 6397

(4) A sheriff required by division (A) or (C) of this 6398
section, or authorized by division (D) (2) of this section, to 6399
provide notices regarding an offender or delinquent child, or a 6400
designee of a sheriff of that type, may request the department 6401
of job and family services, department of education and 6402
workforce, or department ~~chancellor~~of higher education by 6403
telephone, in person, or by mail, to provide the sheriff or 6404
designee with the names, addresses, and telephone numbers of the 6405
appropriate persons and entities to whom the notices described 6406
in divisions (A) (2) to (7) of this section are to be provided. 6407
Upon receipt of a request, the department shall provide the 6408
requesting sheriff or designee with the names, addresses, and 6409
telephone numbers of the appropriate persons and entities to 6410
whom those notices are to be provided. 6411

(H) (1) Upon the motion of the offender or the prosecuting 6412
attorney of the county in which the offender was convicted of or 6413

pleaded guilty to the sexually oriented offense or child-victim 6414
oriented offense for which the offender is subject to community 6415
notification under this section, or upon the motion of the 6416
sentencing judge or that judge's successor in office, the judge 6417
may schedule a hearing to determine whether the interests of 6418
justice would be served by suspending the community notification 6419
requirement under this section in relation to the offender. The 6420
judge may dismiss the motion without a hearing but may not issue 6421
an order suspending the community notification requirement 6422
without a hearing. At the hearing, all parties are entitled to 6423
be heard, and the judge shall consider all of the factors set 6424
forth in division (K) of this section. If, at the conclusion of 6425
the hearing, the judge finds that the offender has proven by 6426
clear and convincing evidence that the offender is unlikely to 6427
commit in the future a sexually oriented offense or a child- 6428
victim oriented offense and if the judge finds that suspending 6429
the community notification requirement is in the interests of 6430
justice, the judge may suspend the application of this section 6431
in relation to the offender. The order shall contain both of 6432
these findings. 6433

The judge promptly shall serve a copy of the order upon 6434
the sheriff with whom the offender most recently registered 6435
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 6436
and upon the bureau of criminal identification and 6437
investigation. 6438

An order suspending the community notification requirement 6439
does not suspend or otherwise alter an offender's duties to 6440
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 6441
the Revised Code and does not suspend the victim notification 6442
requirement under section 2950.10 of the Revised Code. 6443

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02

of the Revised Code; 6474

(c) A person who is convicted of or pleads guilty to a 6475
sexually oriented offense that is attempted rape committed on or 6476
after January 2, 2007, and who also is convicted of or pleads 6477
guilty to a specification of the type described in section 6478
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 6479

(d) A person who is convicted of or pleads guilty to an 6480
offense described in division (B) (3) (a), (b), (c), or (d) of 6481
section 2971.03 of the Revised Code and who is sentenced for 6482
that offense pursuant to that division; 6483

(e) An offender who is in a category specified in division 6484
(F) (1) (a), (b), or (c) of this section and who, subsequent to 6485
being subjected to community notification, has pleaded guilty to 6486
or been convicted of a sexually oriented offense or child-victim 6487
oriented offense. 6488

(I) If a person is convicted of, pleads guilty to, has 6489
been convicted of, or has pleaded guilty to a sexually oriented 6490
offense or a child-victim oriented offense or a person is or has 6491
been adjudicated a delinquent child for committing a sexually 6492
oriented offense or a child-victim oriented offense and is 6493
classified a juvenile offender registrant or is an out-of-state 6494
juvenile offender registrant based on that adjudication, and if 6495
the offender or delinquent child is not in any category 6496
specified in division (F) (1) (a), (b), or (c) of this section, 6497
the sheriff with whom the offender or delinquent child has most 6498
recently registered under section 2950.04, 2950.041, or 2950.05 6499
of the Revised Code and the sheriff to whom the offender or 6500
delinquent child most recently sent a notice of intent to reside 6501
under section 2950.04 or 2950.041 of the Revised Code, within 6502
the period of time specified in division (D) of this section, 6503

shall provide a written notice containing the information set 6504
forth in division (B) of this section to the executive director 6505
of the public children services agency that has jurisdiction 6506
within the specified geographical notification area and that is 6507
located within the county served by the sheriff. 6508

(J) Each sheriff shall allow a volunteer organization or 6509
other organization, company, or individual who wishes to receive 6510
the notice described in division (A) (10) of this section 6511
regarding a specific offender or delinquent child or notice 6512
regarding all offenders and delinquent children who are located 6513
in the specified geographical notification area to notify the 6514
sheriff by electronic mail or through the sheriff's web site of 6515
this election. The sheriff shall promptly inform the bureau of 6516
criminal identification and investigation of these requests in 6517
accordance with the forwarding procedures adopted by the 6518
attorney general pursuant to section 2950.13 of the Revised 6519
Code. 6520

(K) In making a determination under division (H) (1) of 6521
this section as to whether to suspend the community notification 6522
requirement under this section for an offender, the judge shall 6523
consider all relevant factors, including, but not limited to, 6524
all of the following: 6525

(1) The offender's age; 6526

(2) The offender's prior criminal or delinquency record 6527
regarding all offenses, including, but not limited to, all 6528
sexually oriented offenses or child-victim oriented offenses; 6529

(3) The age of the victim of the sexually oriented offense 6530
or child-victim oriented offense the offender committed; 6531

(4) Whether the sexually oriented offense or child-victim 6532

oriented offense the offender committed involved multiple 6533
victims; 6534

(5) Whether the offender used drugs or alcohol to impair 6535
the victim of the sexually oriented offense or child-victim 6536
oriented offense the offender committed or to prevent the victim 6537
from resisting; 6538

(6) If the offender previously has been convicted of, 6539
pleaded guilty to, or been adjudicated a delinquent child for 6540
committing an act that if committed by an adult would be a 6541
criminal offense, whether the offender completed any sentence or 6542
dispositional order imposed for the prior offense or act and, if 6543
the prior offense or act was a sexually oriented offense or a 6544
child-victim oriented offense, whether the offender or 6545
delinquent child participated in available programs for sex 6546
offenders or child-victim offenders; 6547

(7) Any mental illness or mental disability of the 6548
offender; 6549

(8) The nature of the offender's sexual conduct, sexual 6550
contact, or interaction in a sexual context with the victim of 6551
the sexually oriented offense the offender committed or the 6552
nature of the offender's interaction in a sexual context with 6553
the victim of the child-victim oriented offense the offender 6554
committed, whichever is applicable, and whether the sexual 6555
conduct, sexual contact, or interaction in a sexual context was 6556
part of a demonstrated pattern of abuse; 6557

(9) Whether the offender, during the commission of the 6558
sexually oriented offense or child-victim oriented offense the 6559
offender committed, displayed cruelty or made one or more 6560
threats of cruelty; 6561

(10) Any additional behavioral characteristics that 6562
contribute to the offender's conduct. 6563

(L) As used in this section, "specified geographical 6564
notification area" means the geographic area or areas within 6565
which the attorney general, by rule adopted under section 6566
2950.13 of the Revised Code, requires the notice described in 6567
division (B) of this section to be given to the persons 6568
identified in divisions (A)(2) to (8) of this section. 6569

Sec. 2950.13. (A) The attorney general shall do all of the 6570
following: 6571

(1) No later than July 1, 1997, establish and maintain a 6572
state registry of sex offenders and child-victim offenders that 6573
is housed at the bureau of criminal identification and 6574
investigation and that contains all of the registration, change 6575
of residence, school, institution of higher education, or place 6576
of employment address, and verification information the bureau 6577
receives pursuant to sections 2950.04, 2950.041, 2950.05, and 6578
2950.06 of the Revised Code regarding each person who is 6579
convicted of, pleads guilty to, has been convicted of, or has 6580
pleaded guilty to a sexually oriented offense or a child-victim 6581
oriented offense and each person who is or has been adjudicated 6582
a delinquent child for committing a sexually oriented offense or 6583
a child-victim oriented offense and is classified a juvenile 6584
offender registrant or is an out-of-state juvenile offender 6585
registrant based on that adjudication, all of the information 6586
the bureau receives pursuant to section 2950.14 of the Revised 6587
Code, ~~and~~ any notice of an order terminating or modifying an 6588
offender's or delinquent child's duty to comply with sections 6589
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the 6590
bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 6591

of the Revised Code, and any notice of an order terminating an 6592
offender's or delinquent child's duty to comply with sections 6593
2950.04, 2950.05, and 2950.06 of the Revised Code the bureau 6594
receives pursuant to section 2950.152 of the Revised Code. For a 6595
person who was convicted of or pleaded guilty to the sexually 6596
oriented offense or child-victim related offense, the registry 6597
also shall indicate whether the person was convicted of or 6598
pleaded guilty to the offense in a criminal prosecution or in a 6599
serious youthful offender case. The registry shall not be open 6600
to inspection by the public or by any person other than a person 6601
identified in division (A) of section 2950.08 of the Revised 6602
Code. In addition to the information and material previously 6603
identified in this division, the registry shall include all of 6604
the following regarding each person who is listed in the 6605
registry: 6606

(a) A citation for, and the name of, all sexually oriented 6607
offenses or child-victim oriented offenses of which the person 6608
was convicted, to which the person pleaded guilty, or for which 6609
the person was adjudicated a delinquent child and that resulted 6610
in a registration duty, and the date on which those offenses 6611
were committed; 6612

(b) The text of the sexually oriented offenses or child- 6613
victim oriented offenses identified in division (A) (1) (a) of 6614
this section as those offenses existed at the time the person 6615
was convicted of, pleaded guilty to, or was adjudicated a 6616
delinquent child for committing those offenses, or a link to a 6617
database that sets forth the text of those offenses; 6618

(c) A statement as to whether the person is a tier I sex 6619
offender/child-victim offender, a tier II sex offender/child- 6620
victim offender, or a tier III sex offender/child-victim 6621

offender for the sexually oriented offenses or child-victim
oriented offenses identified in division (A) (1) (a) of this
section;

(d) The community supervision status of the person,
including, but not limited to, whether the person is serving a
community control sanction and the nature of any such sanction,
whether the person is under supervised release and the nature of
the release, or regarding a juvenile, whether the juvenile is
under any type of release authorized under Chapter 2152. or
5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as
determined from information gathered or provided under sections
109.57 and 2950.14 of the Revised Code;

(f) The bureau of criminal identification and
investigation tracking number assigned to the person if one has
been so assigned, the federal bureau of investigation number
assigned to the person if one has been assigned and the bureau
of criminal identification and investigation is aware of the
number, and any other state identification number assigned to
the person of which the bureau is aware;

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in section 109.573 of the
Revised Code, from the person;

(i) Whether the person has any outstanding arrest
warrants;

(j) Whether the person is in compliance with the person's
duties under this chapter.

(2) In consultation with local law enforcement

representatives and no later than July 1, 1997, adopt rules that 6650
contain guidelines necessary for the implementation of this 6651
chapter; 6652

(3) In consultation with local law enforcement 6653
representatives, adopt rules for the implementation and 6654
administration of the provisions contained in section 2950.11 of 6655
the Revised Code that pertain to the notification of neighbors 6656
of an offender or a delinquent child who has committed a 6657
sexually oriented offense or a child-victim oriented offense and 6658
is in a category specified in division (F)(1) of that section 6659
and rules that prescribe a manner in which victims of a sexually 6660
oriented offense or a child-victim oriented offense committed by 6661
an offender or a delinquent child who is in a category specified 6662
in division (B)(1) of section 2950.10 of the Revised Code may 6663
make a request that specifies that the victim would like to be 6664
provided the notices described in divisions (A)(1) and (2) of 6665
section 2950.10 of the Revised Code; 6666

(4) In consultation with local law enforcement 6667
representatives and through the bureau of criminal 6668
identification and investigation, prescribe the forms to be used 6669
by judges and officials pursuant to section 2950.03 or 2950.032 6670
of the Revised Code to advise offenders and delinquent children 6671
of their duties of filing a notice of intent to reside, 6672
registration, notification of a change of residence, school, 6673
institution of higher education, or place of employment address 6674
and registration of the new school, institution of higher 6675
education, or place of employment address, as applicable, and 6676
address verification under sections 2950.04, 2950.041, 2950.05, 6677
and 2950.06 of the Revised Code, and prescribe the forms to be 6678
used by sheriffs relative to those duties of filing a notice of 6679
intent to reside, registration, change of residence, school, 6680

institution of higher education, or place of employment address 6681
notification, and address verification; 6682

(5) Make copies of the forms prescribed under division (A) 6683
(4) of this section available to judges, officials, and 6684
sheriffs; 6685

(6) Through the bureau of criminal identification and 6686
investigation, provide the notifications, the information and 6687
materials, and the documents that the bureau is required to 6688
provide to appropriate law enforcement officials and to the 6689
federal bureau of investigation pursuant to sections 2950.04, 6690
2950.041, 2950.05, and 2950.06 of the Revised Code; 6691

(7) Through the bureau of criminal identification and 6692
investigation, maintain the verification forms returned under 6693
the address verification mechanism set forth in section 2950.06 6694
of the Revised Code; 6695

(8) In consultation with representatives of the officials, 6696
judges, and sheriffs, adopt procedures for officials, judges, 6697
and sheriffs to use to forward information, photographs, and 6698
fingerprints to the bureau of criminal identification and 6699
investigation pursuant to the requirements of sections 2950.03, 6700
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 6701
Code; 6702

(9) In consultation with the director of education, the 6703
director of job and family services, and the director of 6704
rehabilitation and correction, adopt rules that contain 6705
guidelines to be followed by boards of education of a school 6706
district, chartered nonpublic schools or other schools not 6707
operated by a board of education, preschool programs, child care 6708
centers, type A family child care homes, licensed type B family 6709

child care homes, and institutions of higher education regarding 6710
the proper use and administration of information received 6711
pursuant to section 2950.11 of the Revised Code relative to an 6712
offender or delinquent child who has committed a sexually 6713
oriented offense or a child-victim oriented offense and is in a 6714
category specified in division (F)(1) of that section; 6715

(10) In consultation with local law enforcement 6716
representatives and no later than July 1, 1997, adopt rules that 6717
designate a geographic area or areas within which the notice 6718
described in division (B) of section 2950.11 of the Revised Code 6719
must be given to the persons identified in divisions (A)(2) to 6720
(8) and (A)(10) of that section; 6721

(11) Through the bureau of criminal identification and 6722
investigation, not later than January 1, 2004, establish and 6723
operate on the internet a sex offender and child-victim offender 6724
database that contains information for every offender who has 6725
committed a sexually oriented offense or a child-victim oriented 6726
offense and registers in any county in this state pursuant to 6727
section 2950.04 or 2950.041 of the Revised Code and for every 6728
delinquent child who has committed a sexually oriented offense, 6729
is a public registry-qualified juvenile offender registrant, and 6730
registers in any county in this state pursuant to either such 6731
section. The bureau shall not include on the database the 6732
identity of any offender's or public registry-qualified juvenile 6733
offender registrant's victim, any offender's or public registry- 6734
qualified juvenile offender registrant's social security number, 6735
the name of any school or institution of higher education 6736
attended by any offender or public registry-qualified juvenile 6737
offender registrant, the name of the place of employment of any 6738
offender or public registry-qualified juvenile offender 6739
registrant, any tracking or identification number described in 6740

division (A) (1) (f) of this section, or any information described 6741
in division (C) (7) of section 2950.04 or 2950.041 of the Revised 6742
Code. The bureau shall provide on the database, for each 6743
offender and each public registry-qualified juvenile offender 6744
registrant, at least the information specified in divisions (A) 6745
(11) (a) to (h) of this section. Otherwise, the bureau shall 6746
determine the information to be provided on the database for 6747
each offender and public registry-qualified juvenile offender 6748
registrant and shall obtain that information from the 6749
information contained in the state registry of sex offenders and 6750
child-victim offenders described in division (A) (1) of this 6751
section, which information, while in the possession of the 6752
sheriff who provided it, is a public record open for inspection 6753
as described in section 2950.081 of the Revised Code. The 6754
database is a public record open for inspection under section 6755
149.43 of the Revised Code, and it shall be searchable by 6756
offender or public registry-qualified juvenile offender 6757
registrant name, by county, by zip code, and by school district. 6758
The database shall provide a link to the web site of each 6759
sheriff who has established and operates on the internet a sex 6760
offender and child-victim offender database that contains 6761
information for offenders and public registry-qualified juvenile 6762
offender registrants who register in that county pursuant to 6763
section 2950.04 or 2950.041 of the Revised Code, with the link 6764
being a direct link to the sex offender and child-victim 6765
offender database for the sheriff. The bureau shall provide on 6766
the database, for each offender and public registry-qualified 6767
juvenile offender registrant, at least the following 6768
information: 6769

(a) The information described in divisions (A) (1) (a), (b), 6770
(c), and (d) of this section relative to the offender or public 6771

registry-qualified juvenile offender registrant; 6772

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form; 6773
6774
6775
6776

(c) The information described in division (C) (6) of section 2950.04 or 2950.041 of the Revised Code; 6777
6778

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender; 6779
6780
6781
6782
6783

(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant; 6784
6785
6786
6787

(f) The information set forth in division (B) of section 2950.11 of the Revised Code; 6788
6789

(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant; 6790
6791

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter. 6792
6793
6794

(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records 6795
6796
6797
6798
6799

under that division, that are not prohibited from inclusion by 6800
division (B) of that section, and that pertain to offenders and 6801
public registry-qualified juvenile offender registrants who 6802
register in the sheriff's county pursuant to section 2950.04 or 6803
2950.041 of the Revised Code and for the public dissemination of 6804
information the sheriff receives pursuant to section 2950.14 of 6805
the Revised Code and, upon the request of any sheriff, provide 6806
technical guidance to the requesting sheriff in establishing on 6807
the internet such a database; 6808

(13) Through the bureau of criminal identification and 6809
investigation, not later than January 1, 2004, establish and 6810
operate on the internet a database that enables local law 6811
enforcement representatives to remotely search by electronic 6812
means the state registry of sex offenders and child-victim 6813
offenders described in division (A)(1) of this section and any 6814
information and materials the bureau receives pursuant to 6815
sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the 6816
Revised Code. The database shall enable local law enforcement 6817
representatives to obtain detailed information regarding each 6818
offender and delinquent child who is included in the registry, 6819
including, but not limited to the offender's or delinquent 6820
child's name, aliases, residence address, name and address of 6821
any place of employment, school, institution of higher 6822
education, if applicable, license plate number of each vehicle 6823
identified in division (C)(5) of section 2950.04 or 2950.041 of 6824
the Revised Code to the extent applicable, victim preference if 6825
available, date of most recent release from confinement if 6826
applicable, fingerprints, and palmprints, all of the information 6827
and material described in divisions (A)(1)(a) to (h) of this 6828
section regarding the offender or delinquent child, and other 6829
identification parameters the bureau considers appropriate. The 6830

database is not a public record open for inspection under 6831
section 149.43 of the Revised Code and shall be available only 6832
to law enforcement representatives as described in this 6833
division. Information obtained by local law enforcement 6834
representatives through use of this database is not open to 6835
inspection by the public or by any person other than a person 6836
identified in division (A) of section 2950.08 of the Revised 6837
Code. 6838

(14) Through the bureau of criminal identification and 6839
investigation, maintain a list of requests for notice about a 6840
specified offender or delinquent child or specified geographical 6841
notification area made pursuant to division (J) of section 6842
2950.11 of the Revised Code and, when an offender or delinquent 6843
child changes residence to another county, forward any requests 6844
for information about that specific offender or delinquent child 6845
to the appropriate sheriff; 6846

(15) Through the bureau of criminal identification and 6847
investigation, establish and operate a system for the immediate 6848
notification by electronic means of the appropriate officials in 6849
other states specified in this division each time an offender or 6850
delinquent child registers a residence, school, institution of 6851
higher education, or place of employment address under section 6852
2950.04 or 2950.041 of the Revised Code or provides a notice of 6853
a change of address or registers a new address under division 6854
(A) or (B) of section 2950.05 of the Revised Code. The immediate 6855
notification by electronic means shall be provided to the 6856
appropriate officials in each state in which the offender or 6857
delinquent child is required to register a residence, school, 6858
institution of higher education, or place of employment address. 6859
The notification shall contain the offender's or delinquent 6860
child's name and all of the information the bureau receives from 6861

the sheriff with whom the offender or delinquent child 6862
registered the address or provided the notice of change of 6863
address or registered the new address. 6864

(B) The attorney general in consultation with local law 6865
enforcement representatives, may adopt rules that establish one 6866
or more categories of neighbors of an offender or delinquent 6867
child who, in addition to the occupants of residential premises 6868
and other persons specified in division (A) (1) of section 6869
2950.11 of the Revised Code, must be given the notice described 6870
in division (B) of that section. 6871

(C) No person, other than a local law enforcement 6872
representative, shall knowingly do any of the following: 6873

(1) Gain or attempt to gain access to the database 6874
established and operated by the attorney general, through the 6875
bureau of criminal identification and investigation, pursuant to 6876
division (A) (13) of this section. 6877

(2) Permit any person to inspect any information obtained 6878
through use of the database described in division (C) (1) of this 6879
section, other than as permitted under that division. 6880

(D) As used in this section, "local law enforcement 6881
representatives" means representatives of the sheriffs of this 6882
state, representatives of the municipal chiefs of police and 6883
marshals of this state, and representatives of the township 6884
constables and chiefs of police of the township police 6885
departments or police district police forces of this state. 6886

Sec. 2950.152. (A) As used in this section: 6887

(1) "Eligible offender" means either of the following: 6888

(a) A person who is convicted of, pleads guilty to, was 6889

convicted of, or pleaded guilty to a qualifying sexually 6890
oriented offense, regardless of when the offense was committed, 6891
and is a tier III sex offender; 6892

(b) A child who is or was adjudicated a delinquent child 6893
for committing a qualifying sexually oriented offense, 6894
regardless of when the offense was committed, and is a juvenile 6895
offender registrant but is not a public registry-qualified 6896
juvenile offender registrant. 6897

(2) "Qualifying sexually oriented offense" means a 6898
violation of division (B) of section 2903.11 of the Revised Code 6899
as it existed prior to the effective date of this section. 6900

(B) (1) An eligible offender may make a motion to one of 6901
the following courts: 6902

(a) The court of common pleas of the county in which the 6903
eligible offender resides; 6904

(b) If the eligible offender is a delinquent child, the 6905
juvenile court of the county in which the eligible offender 6906
resides; 6907

(c) If the eligible offender is not a resident of this 6908
state, the court of common pleas of the county in which the 6909
eligible offender has registered pursuant to section 2950.04 of 6910
the Revised Code, but if the eligible offender has registered 6911
addresses of that nature in more than one county, the court of 6912
only one of those counties. 6913

(2) An eligible offender who makes a motion under division 6914
(B) of this section may request either of the following in the 6915
motion: 6916

(a) That the court terminate the eligible offender's duty 6917

to comply with sections 2950.04, 2950.05, and 2950.06 of the 6918
Revised Code in relation to the qualifying offense. 6919

(b) If the eligible offender is a delinquent child, that 6920
the court determine the child is no longer a juvenile offender 6921
registrant, terminate the child's duty to comply with sections 6922
2950.04, 2950.05, and 2950.06 of the Revised Code, and terminate 6923
all prior determinations that the child is a tier I sex 6924
offender, a tier II sex offender, or a tier III sex offender, 6925
whichever is applicable, in relation to the qualifying offense. 6926

(C) An eligible offender who makes a motion under division 6927
(B) of this section shall include a certified copy of the 6928
judgment entry and any other documentation of the sentence or 6929
disposition given for the qualifying sexually oriented offense 6930
for which the offender was convicted, pleaded guilty to, or was 6931
adjudicated a delinquent child with the motion. 6932

(D) Upon the filing of a motion pursuant to division (B) 6933
of this section, the eligible offender shall serve a copy of the 6934
motion and supporting documents on the prosecutor who handled 6935
the case in which the eligible offender was convicted of, 6936
pleaded guilty to, or was adjudicated a delinquent child for 6937
committing the qualifying sexually oriented offense. Upon the 6938
filing of the motion, the court shall set a tentative date for a 6939
hearing on the motion that is not more than one hundred eighty 6940
days from the date the motion is filed unless good cause exists 6941
to hold the hearing at a later date and shall notify the 6942
eligible offender and the prosecutor of the date, time, and 6943
place of the hearing. 6944

(E) At least seven days prior to the hearing date, the 6945
prosecutor may file an objection to the motion with the court 6946
and serve a copy of the objection to the motion on the eligible 6947

offender or eligible offender's attorney. 6948

(F) (1) The court shall hold a hearing to determine whether 6949
to grant or deny the motion. At the hearing, the Rules of Civil 6950
Procedure or, if the hearing is in a juvenile court, the Rules 6951
of Juvenile Procedure apply, except to the extent that those 6952
rules would by their nature be clearly inapplicable. At the 6953
hearing, the eligible offender has the burden of going forward 6954
with the evidence and the burden of proof by a preponderance of 6955
the evidence. If the court finds that the eligible offender was 6956
convicted of, pleaded guilty to, or was adjudicated a delinquent 6957
child for committing a qualifying sexually oriented offense, the 6958
court shall issue an order granting the relief requested in 6959
division (B) (2) (a) or (b) of this section. If the court finds 6960
that the eligible offender was not convicted of, did not plead 6961
guilty to, or was not adjudicated a delinquent child for 6962
committing a qualifying sexually oriented offense, the court 6963
shall issue an order denying the motion. 6964

(2) (a) The court shall provide prompt notice of its order 6965
to the eligible offender or the eligible offender's attorney. If 6966
the eligible offender is a delinquent child, the court also 6967
shall provide prompt notice of its order to the delinquent 6968
child's parent, guardian, or custodian. 6969

(b) If the court issues an order granting the relief 6970
requested in division (B) (2) (a) or (b) of this section, the 6971
court shall promptly forward a copy of the order to the bureau 6972
of criminal identification and investigation. Upon receipt of 6973
the order, the bureau shall update all records pertaining to the 6974
eligible offender to reflect the termination order. The bureau 6975
also shall notify every sheriff with whom the eligible offender 6976
has most recently registered under section 2950.04, 2950.05, or 6977

2950.06 of the Revised Code of the termination order. 6978

(c) If the court issues an order granting the relief 6979
requested in division (B) (2) (a) or (b) of this section, the 6980
court shall promptly forward a copy of the order to any court 6981
that sentenced the offender or adjudicated the child a 6982
delinquent child for a qualifying sexually oriented offense that 6983
is the basis of the termination order. The court that receives 6984
the notice shall retain a copy of the order in the eligible 6985
offender's case file. 6986

Sec. 2953.31. (A) As used in sections 2953.31 to 2953.521 6987
of the Revised Code: 6988

(1) "Prosecutor" means the county prosecuting attorney, 6989
city director of law, village solicitor, or similar chief legal 6990
officer, who has the authority to prosecute a criminal case in 6991
the court in which the case is filed. 6992

(2) "Bail forfeiture" means the forfeiture of bail by a 6993
defendant who is arrested for the commission of a misdemeanor, 6994
other than a defendant in a traffic case as defined in Traffic 6995
Rule 2, if the forfeiture is pursuant to an agreement with the 6996
court and prosecutor in the case. 6997

(3) "Official records" means all records that are 6998
possessed by any public office or agency that relate to a 6999
criminal case, including, but not limited to: the notation to 7000
the case in the criminal docket; all subpoenas issued in the 7001
case; all papers and documents filed by the defendant or the 7002
prosecutor in the case; all records of all testimony and 7003
evidence presented in all proceedings in the case; all court 7004
files, papers, documents, folders, entries, affidavits, or writs 7005
that pertain to the case; all computer, microfilm, microfiche, 7006

or microdot records, indices, or references to the case; all 7007
index references to the case; all fingerprints and photographs; 7008
all DNA specimens, DNA records, and DNA profiles; all records 7009
and investigative reports pertaining to the case that are 7010
possessed by any law enforcement officer or agency, except that 7011
any records or reports that are the specific investigatory work 7012
product of a law enforcement officer or agency are not and shall 7013
not be considered to be official records when they are in the 7014
possession of that officer or agency; all investigative records 7015
and reports other than those possessed by a law enforcement 7016
officer or agency pertaining to the case; and all records that 7017
are possessed by any public office or agency that relate to an 7018
application for, or the issuance or denial of, a certificate of 7019
qualification for employment under section 2953.25 of the 7020
Revised Code. 7021

"Official records" does not include any of the following: 7022

(a) Records or reports maintained pursuant to section 7023
2151.421 of the Revised Code by a public children services 7024
agency or the department of job and family services; 7025

(b) Any report of an investigation maintained by the 7026
inspector general pursuant to section 121.42 of the Revised 7027
Code, to the extent that the report contains information that 7028
pertains to an individual who was convicted of or pleaded guilty 7029
to an offense discovered in or related to the investigation and 7030
whose conviction or guilty plea was not overturned on appeal; 7031

(c) Records, reports, or audits maintained by the auditor 7032
of state pursuant to Chapter 117. of the Revised Code. 7033

(4) "Official proceeding" has the same meaning as in 7034
section 2921.01 of the Revised Code. 7035

- (5) "Community control sanction" has the same meaning as
in section 2929.01 of the Revised Code. 7036
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- (6) "Post-release control" and "post-release control
sanction" have the same meanings as in section 2967.01 of the
Revised Code. 7038
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7040
- (7) "DNA database," "DNA record," and "law enforcement
agency" have the same meanings as in section 109.573 of the
Revised Code. 7041
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7043
- (8) "Fingerprints filed for record" means any fingerprints
obtained by the superintendent of the bureau of criminal
identification and investigation pursuant to sections 109.57 and
109.571 of the Revised Code. 7044
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- (9) "Investigatory work product" means any records or
reports of a law enforcement officer or agency that are excepted
from the definition of "official records" and that pertain to a
conviction or bail forfeiture, the records of which have been
ordered sealed or expunged pursuant to division (D) (2) of
section 2953.32 or division (F) (1) of section 2953.39 of the
Revised Code, or that pertain to a conviction or delinquent
child adjudication, the records of which have been ordered
expunged pursuant to division (E) or (F) of section 2151.358,
division (C) (2) of section 2953.35, ~~or~~ division (F) of section
2953.36, or division (D) (2) of section 2953.41 of the Revised
Code. 7048
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- (10) "Law enforcement or justice system matter" means an
arrest, complaint, indictment, trial, hearing, adjudication,
conviction, or correctional supervision. 7060
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- (11) "Record of conviction" means the record related to a
conviction of or plea of guilty to an offense. 7063
7064

(12) "Victim of human trafficking" means a person who is 7065
or was a victim of a violation of section 2905.32 of the Revised 7066
Code, regardless of whether anyone has been convicted of a 7067
violation of that section or of any other section for 7068
victimizing the person. 7069

(13) "No bill" means a report by the foreperson or deputy 7070
foreperson of a grand jury that an indictment is not found by 7071
the grand jury against a person who has been held to answer 7072
before the grand jury for the commission of an offense. 7073

(14) "Court" means the court in which a case is pending at 7074
the time a finding of not guilty in the case or a dismissal of 7075
the complaint, indictment, or information in the case is entered 7076
on the minutes or journal of the court, or the court to which 7077
the foreperson or deputy foreperson of a grand jury reports, 7078
pursuant to section 2939.23 of the Revised Code, that the grand 7079
jury has returned a no bill. 7080

(B) (1) As used in section 2953.32 of the Revised Code, 7081
"expunge" means the expungement process described in section 7082
2953.32 of the Revised Code, including the authority described 7083
in division (D) (5) of that section. 7084

(2) As used in sections 2953.33 to 2953.521 of the Revised 7085
Code, "expunge" means both of the following: 7086

(a) The expungement process described in sections 2953.35, 7087
2953.36, 2953.39, and 2953.521 of the Revised Code; 7088

(b) To destroy, delete, and erase a record as appropriate 7089
for the record's physical or electronic form or characteristic 7090
so that the record is permanently irretrievable. 7091

Sec. 2953.34. (A) Inspection of the sealed records 7092
included in a sealing order may be made only by the following 7093

persons or for the following purposes: 7094

(1) By a law enforcement officer or prosecutor, or the 7095
assistants of either, to determine whether the nature and 7096
character of the offense with which a person is to be charged 7097
would be affected by virtue of the person's previously having 7098
been convicted of a crime; 7099

(2) By the parole or probation officer of the person who 7100
is the subject of the records, for the exclusive use of the 7101
officer in supervising the person while on parole or under a 7102
community control sanction or a post-release control sanction, 7103
and in making inquiries and written reports as requested by the 7104
court or adult parole authority; 7105

(3) Upon application by the person who is the subject of 7106
the records or a legal representative of that person, by the 7107
persons named in the application; 7108

(4) By a law enforcement officer who was involved in the 7109
case, for use in the officer's defense of a civil action arising 7110
out of the officer's involvement in that case; 7111

(5) By a prosecuting attorney or the prosecuting 7112
attorney's assistants, to determine a defendant's eligibility to 7113
enter a pre-trial diversion program established pursuant to 7114
section 2935.36 of the Revised Code; 7115

(6) By any law enforcement agency or any authorized 7116
employee of a law enforcement agency or by the department of 7117
rehabilitation and correction or department of youth services as 7118
part of a background investigation of a person who applies for 7119
employment with the agency or with the department; 7120

(7) By any law enforcement agency or any authorized 7121
employee of a law enforcement agency, for the purposes set forth 7122

in, and in the manner provided in, division (I) of section 7123
2953.34 of the Revised Code; 7124

(8) By the bureau of criminal identification and 7125
investigation or any authorized employee of the bureau for the 7126
purpose of providing information to a board or person pursuant 7127
to division (F) or (G) of section 109.57 of the Revised Code; 7128

(9) By the bureau of criminal identification and 7129
investigation or any authorized employee of the bureau for the 7130
purpose of performing a criminal history records check on a 7131
person to whom a certificate as prescribed in section 109.77 of 7132
the Revised Code is to be awarded; 7133

(10) By the bureau of criminal identification and 7134
investigation or any authorized employee of the bureau for the 7135
purpose of conducting a criminal records check of an individual 7136
pursuant to division (B) of section 109.572 of the Revised Code 7137
that was requested pursuant to any of the sections identified in 7138
division (B)(1) of that section; 7139

(11) By the bureau of criminal identification and 7140
investigation, an authorized employee of the bureau, a sheriff, 7141
or an authorized employee of a sheriff in connection with a 7142
criminal records check described in section 311.41 of the 7143
Revised Code; 7144

(12) By the attorney general or an authorized employee of 7145
the attorney general or a court for purposes of determining a 7146
person's classification pursuant to Chapter 2950. of the Revised 7147
Code; 7148

(13) By a court, the registrar of motor vehicles, a 7149
prosecuting attorney or the prosecuting attorney's assistants, 7150
or a law enforcement officer for the purpose of assessing points 7151

against a person under section 4510.036 of the Revised Code or 7152
for taking action with regard to points assessed. 7153

When the nature and character of the offense with which a 7154
person is to be charged would be affected by the information, it 7155
may be used for the purpose of charging the person with an 7156
offense. 7157

(B) In any criminal proceeding, proof of any otherwise 7158
admissible prior conviction may be introduced and proved, 7159
notwithstanding the fact that for any such prior conviction an 7160
order of sealing or expungement previously was issued pursuant 7161
to sections 2953.31 to 2953.34 of the Revised Code. 7162

(C) The person or governmental agency, office, or 7163
department that maintains sealed records pertaining to 7164
convictions or bail forfeitures that have been sealed pursuant 7165
to section 2953.32 of the Revised Code may maintain a manual or 7166
computerized index to the sealed records. The index shall 7167
contain only the name of, and alphanumeric identifiers that 7168
relate to, the persons who are the subject of the sealed 7169
records, the word "sealed," and the name of the person, agency, 7170
office, or department that has custody of the sealed records, 7171
and shall not contain the name of the crime committed. The index 7172
shall be made available by the person who has custody of the 7173
sealed records only for the purposes set forth in divisions (A), 7174
(B), and (D) of this section. 7175

(D) Notwithstanding any provision of this section or 7176
section 2953.32 of the Revised Code that requires otherwise, a 7177
board of education of a city, local, exempted village, or joint 7178
vocational school district that maintains records of an 7179
individual who has been permanently excluded under sections 7180
3301.121 and 3313.662 of the Revised Code is permitted to 7181

maintain records regarding a conviction that was used as the 7182
basis for the individual's permanent exclusion, regardless of a 7183
court order to seal or expunge the record. An order issued under 7184
section 2953.32 of the Revised Code to seal or expunge the 7185
record of a conviction does not revoke the adjudication order of 7186
the director of education and workforce to permanently exclude 7187
the individual who is the subject of the sealing or expungement 7188
order. An order issued under section 2953.32 of the Revised Code 7189
to seal or expunge the record of a conviction of an individual 7190
may be presented to a district superintendent as evidence to 7191
support the contention that the superintendent should recommend 7192
that the permanent exclusion of the individual who is the 7193
subject of the sealing or expungement order be revoked. Except 7194
as otherwise authorized by this division and sections 3301.121 7195
and 3313.662 of the Revised Code, any school employee in 7196
possession of or having access to the sealed or expunged 7197
conviction records of an individual that were the basis of a 7198
permanent exclusion of the individual is subject to division (J) 7199
of this section. 7200

(E) Notwithstanding any provision of this section or 7201
section 2953.32 of the Revised Code that requires otherwise, if 7202
the auditor of state or a prosecutor maintains records, reports, 7203
or audits of an individual who has been forever disqualified 7204
from holding public office, employment, or a position of trust 7205
in this state under sections 2921.41 and 2921.43 of the Revised 7206
Code, or has otherwise been convicted of an offense based upon 7207
the records, reports, or audits of the auditor of state, the 7208
auditor of state or prosecutor is permitted to maintain those 7209
records to the extent they were used as the basis for the 7210
individual's disqualification or conviction, and shall not be 7211
compelled by court order to seal or expunge those records. 7212

(F) For purposes of sections 2953.31 and 2953.34 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed or expunged unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

(G) (1) The court shall send notice of any order to seal or expunge official records issued pursuant to section 2953.32 of the Revised Code to the bureau of criminal identification and investigation and to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) The sealing of a record under section 2953.32 of the Revised Code does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

(H) (1) The court shall send notice of any order to seal or expunge official records issued pursuant to division (B) (3) of section 2953.33 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed or

expunged pursuant to an order issued pursuant to section 2953.33 7243
of the Revised Code may present a copy of that order and a 7244
written request to comply with it, to a public office or agency 7245
that has a record of the case that is the subject of the order. 7246

(3) An order to seal or expunge official records issued 7247
pursuant to section 2953.33 of the Revised Code applies to every 7248
public office or agency that has a record of the case that is 7249
the subject of the order, regardless of whether it receives 7250
notice of the hearing on the application for the order to seal 7251
or expunge the official records or receives a copy of the order 7252
to seal the official records pursuant to division (H) (1) or (2) 7253
of this section. 7254

(4) Upon receiving a copy of an order to seal or expunge 7255
official records pursuant to division (H) (1) or (2) of this 7256
section or upon otherwise becoming aware of an applicable order 7257
to seal or expunge official records issued pursuant to section 7258
2953.33 of the Revised Code, a public office or agency shall 7259
comply with the order and, if applicable, with division (K) of 7260
this section, except that if the order is a sealing order, the 7261
office or agency may maintain a record of the case that is the 7262
subject of the order if the record is maintained for the purpose 7263
of compiling statistical data only and does not contain any 7264
reference to the person who is the subject of the case and the 7265
order. 7266

(5) A public office or agency to which division (H) (4) of 7267
this section applies also may maintain an index of sealed 7268
official records that are the subject of a sealing order, in a 7269
form similar to that for sealed records of conviction as set 7270
forth in division (C) of this section, access to which may not 7271
be afforded to any person other than the person who has custody 7272

of the sealed official records. The sealed official records to 7273
which such an index pertains shall not be available to any 7274
person, except that the official records of a case that have 7275
been sealed may be made available to the following persons for 7276
the following purposes: 7277

(a) To the person who is the subject of the records upon 7278
written application, and to any other person named in the 7279
application, for any purpose; 7280

(b) To a law enforcement officer who was involved in the 7281
case, for use in the officer's defense of a civil action arising 7282
out of the officer's involvement in that case; 7283

(c) To a prosecuting attorney or the prosecuting 7284
attorney's assistants to determine a defendant's eligibility to 7285
enter a pre-trial diversion program established pursuant to 7286
section 2935.36 of the Revised Code; 7287

(d) To a prosecuting attorney or the prosecuting 7288
attorney's assistants to determine a defendant's eligibility to 7289
enter a pre-trial diversion program under division (E) (2) (b) of 7290
section 4301.69 of the Revised Code. 7291

(I) (1) Upon the issuance of an order by a court pursuant 7292
to division (D) (2) of section 2953.32 of the Revised Code 7293
directing that all official records of a case pertaining to a 7294
conviction or bail forfeiture be sealed or expunged or an order 7295
by a court pursuant to division (E) or (F) of section 2151.358, 7296
division (C) (2) of section 2953.35, ~~or~~ division (E) of section 7297
2953.36, or division (D) (2) of section 2953.41 of the Revised 7298
Code directing that all official records of a case pertaining to 7299
a conviction or delinquent child adjudication be expunged: 7300

(a) Every law enforcement officer who possesses 7301

investigatory work product immediately shall deliver that work 7302
product to the law enforcement officer's employing law 7303
enforcement agency. 7304

(b) Except as provided in divisions (I)(1)(c) and (d) of 7305
this section, every law enforcement agency that possesses 7306
investigatory work product shall close that work product to all 7307
persons who are not directly employed by the law enforcement 7308
agency and shall treat that work product, in relation to all 7309
persons other than those who are directly employed by the law 7310
enforcement agency, as if it did not exist and never had 7311
existed. 7312

(c) A law enforcement agency that possesses investigatory 7313
work product may permit another law enforcement agency to use 7314
that work product in the investigation of another offense if the 7315
facts incident to the offense being investigated by the other 7316
law enforcement agency and the facts incident to an offense that 7317
is the subject of the case are reasonably similar. The agency 7318
that permits the use of investigatory work product may provide 7319
the other agency with the name of the person who is the subject 7320
of the case if it believes that the name of the person is 7321
necessary to the conduct of the investigation by the other 7322
agency. 7323

(d) The auditor of state may provide to or discuss with 7324
other parties investigatory work product maintained pursuant to 7325
Chapter 117. of the Revised Code by the auditor of state. 7326

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 7327
of this section, no law enforcement officer or other person 7328
employed by a law enforcement agency shall knowingly release, 7329
disseminate, or otherwise make the investigatory work product or 7330
any information contained in that work product available to, or 7331

discuss any information contained in it with, any person not 7332
employed by the employing law enforcement agency. 7333

(b) No law enforcement agency, or person employed by a law 7334
enforcement agency, that receives investigatory work product 7335
pursuant to divisions (I) (1) (c) and (d) of this section shall 7336
use that work product for any purpose other than the 7337
investigation of the offense for which it was obtained from the 7338
other law enforcement agency, or disclose the name of the person 7339
who is the subject of the work product except when necessary for 7340
the conduct of the investigation of the offense, or the 7341
prosecution of the person for committing the offense, for which 7342
it was obtained from the other law enforcement agency. 7343

(3) Whoever violates division (I) (2) (a) or (b) of this 7344
section is guilty of divulging confidential investigatory work 7345
product, a misdemeanor of the fourth degree. 7346

(J) (1) Except as authorized by divisions (A) to (C) of 7347
this section or by Chapter 2950. of the Revised Code and subject 7348
to ~~division~~ divisions (J) (2) and (3) of this section, any 7349
officer or employee of the state, or a political subdivision of 7350
the state, who releases or otherwise disseminates or makes 7351
available for any purpose involving employment, bonding, or 7352
licensing in connection with any business, trade, or profession 7353
to any person, or to any department, agency, or other 7354
instrumentality of the state, or any political subdivision of 7355
the state, any information or other data concerning any law 7356
enforcement or justice system matter the records with respect to 7357
which the officer or employee had knowledge of were sealed by an 7358
existing order issued pursuant to section 2953.32 of the Revised 7359
Code, division (E) or (F) of section 2151.358, section 2953.35, 7360
~~or~~ section 2953.36, or section 2953.41 of the Revised Code, or 7361

were expunged by an order issued pursuant to section 2953.42 of 7362
the Revised Code as it existed prior to June 29, 1988, is guilty 7363
of divulging confidential information, a misdemeanor of the 7364
fourth degree. 7365

(2) Division (J)(1) of this section does not apply to an 7366
officer or employee of the state, or a political subdivision of 7367
the state, who releases or otherwise disseminates or makes 7368
available for any purpose specified in that division any 7369
information or other data concerning a law enforcement or 7370
justice system matter the records of which the officer had 7371
knowledge were sealed or expunged by an order of a type 7372
described in that division, if all of the following apply: 7373

(a) The officer or employee released, disseminated, or 7374
made available the information or data from the sealed or 7375
expunged records together with information or data concerning 7376
another law enforcement or justice system matter. 7377

(b) The records of the other law enforcement or justice 7378
system matter were not sealed or expunged by any order of a type 7379
described in division (J)(1) of this section. 7380

(c) The law enforcement or justice system matter covered 7381
by the information or data from the sealed or expunged records 7382
and the other law enforcement or justice system matter covered 7383
by the information or data from the records that were not sealed 7384
or expunged resulted from or were connected to the same act. 7385

(d) The officer or employee made a good faith effort to 7386
not release, disseminate, or make available any information or 7387
other data concerning any law enforcement or justice system 7388
matter from the sealed or expunged records, and the officer or 7389
employee did not release, disseminate, or make available the 7390

information or other data from the sealed or expunged records 7391
with malicious purpose, in bad faith, or in a wanton or reckless 7392
manner. 7393

(3) Division (J)(1) of this section does not apply to an 7394
officer or employee of the state, or a political subdivision of 7395
the state, who releases or otherwise disseminates or makes 7396
available for any purpose specified in that division any 7397
information or other data concerning a law enforcement or 7398
justice system matter the records of which the officer had 7399
knowledge were sealed or expunged by an order of a type 7400
described in that division, if the records are released or 7401
disseminated or access is provided pursuant to an application by 7402
the person who is the subject of the information or data or by a 7403
legal representative of that person. 7404

(4) Any person who, in violation of this section, uses, 7405
disseminates, or otherwise makes available any index prepared 7406
pursuant to division (C) of this section is guilty of a 7407
misdemeanor of the fourth degree. 7408

(K)(1) Except as otherwise provided in Chapter 2950. of 7409
the Revised Code, upon the issuance of an order by a court under 7410
division (B) of section 2953.33 of the Revised Code directing 7411
that all official records pertaining to a case be sealed or 7412
expunged and that the proceedings in the case be deemed not to 7413
have occurred: 7414

(a) Every law enforcement officer possessing records or 7415
reports pertaining to the case that are the officer's specific 7416
investigatory work product and that are excepted from the 7417
definition of official records shall immediately deliver the 7418
records and reports to the officer's employing law enforcement 7419
agency. Except as provided in division (K)(1)(c) or (d) of this 7420

section, no such officer shall knowingly release, disseminate, 7421
or otherwise make the records and reports or any information 7422
contained in them available to, or discuss any information 7423
contained in them with, any person not employed by the officer's 7424
employing law enforcement agency. 7425

(b) Every law enforcement agency that possesses records or 7426
reports pertaining to the case that are its specific 7427
investigatory work product and that are excepted from the 7428
definition of official records, or that are the specific 7429
investigatory work product of a law enforcement officer it 7430
employs and that were delivered to it under division (K) (1) (a) 7431
of this section shall, except as provided in division (K) (1) (c) 7432
or (d) of this section, close the records and reports to all 7433
persons who are not directly employed by the law enforcement 7434
agency and shall, except as provided in division (K) (1) (c) or 7435
(d) of this section, treat the records and reports, in relation 7436
to all persons other than those who are directly employed by the 7437
law enforcement agency, as if they did not exist and had never 7438
existed. Except as provided in division (K) (1) (c) or (d) of this 7439
section, no person who is employed by the law enforcement agency 7440
shall knowingly release, disseminate, or otherwise make the 7441
records and reports in the possession of the employing law 7442
enforcement agency or any information contained in them 7443
available to, or discuss any information contained in them with, 7444
any person not employed by the employing law enforcement agency. 7445

(c) A law enforcement agency that possesses records or 7446
reports pertaining to the case that are its specific 7447
investigatory work product and that are excepted from the 7448
definition of official records, or that are the specific 7449
investigatory work product of a law enforcement officer it 7450
employs and that were delivered to it under division (K) (1) (a) 7451

of this section may permit another law enforcement agency to use 7452
the records or reports in the investigation of another offense, 7453
if the facts incident to the offense being investigated by the 7454
other law enforcement agency and the facts incident to an 7455
offense that is the subject of the case are reasonably similar. 7456
The agency that provides the records and reports may provide the 7457
other agency with the name of the person who is the subject of 7458
the case, if it believes that the name of the person is 7459
necessary to the conduct of the investigation by the other 7460
agency. 7461

No law enforcement agency, or person employed by a law 7462
enforcement agency, that receives from another law enforcement 7463
agency records or reports pertaining to a case the records of 7464
which have been ordered sealed or expunged pursuant to division 7465
(B) of section 2953.33 of the Revised Code shall use the records 7466
and reports for any purpose other than the investigation of the 7467
offense for which they were obtained from the other law 7468
enforcement agency, or disclose the name of the person who is 7469
the subject of the records or reports except when necessary for 7470
the conduct of the investigation of the offense, or the 7471
prosecution of the person for committing the offense, for which 7472
they were obtained from the other law enforcement agency. 7473

(d) The auditor of state may provide to or discuss with 7474
other parties records, reports, or audits maintained by the 7475
auditor of state pursuant to Chapter 117. of the Revised Code 7476
pertaining to the case that are the auditor of state's specific 7477
investigatory work product and that are excepted from the 7478
definition of "official records" contained in division (C) of 7479
section 2953.31 of the Revised Code, or that are the specific 7480
investigatory work product of a law enforcement officer the 7481
auditor of state employs and that were delivered to the auditor 7482

of state under division (K) (1) (a) of this section. 7483

(2) Whoever violates division (K) (1) of this section is 7484
guilty of divulging confidential information, a misdemeanor of 7485
the fourth degree. 7486

(L) (1) In any application for employment, license, or any 7487
other right or privilege, any appearance as a witness, or any 7488
other inquiry, a person may not be questioned with respect to 7489
any record that has been sealed or expunged pursuant to section 7490
2953.33 of the Revised Code. If an inquiry is made in violation 7491
of this division, the person whose official record was sealed 7492
may respond as if the arrest underlying the case to which the 7493
sealed official records pertain and all other proceedings in 7494
that case did not occur, and the person whose official record 7495
was sealed shall not be subject to any adverse action because of 7496
the arrest, the proceedings, or the person's response. 7497

(2) (a) Except as provided in division (L) (2) (b) of this 7498
section, an officer or employee of the state or any of its 7499
political subdivisions who knowingly releases, disseminates, or 7500
makes available for any purpose involving employment, bonding, 7501
licensing, or education to any person or to any department, 7502
agency, or other instrumentality of the state, or of any of its 7503
political subdivisions, any information or other data concerning 7504
any arrest, complaint, indictment, information, trial, 7505
adjudication, or correctional supervision, knowing the records 7506
of which have been sealed or expunged pursuant to section 7507
2953.33 of the Revised Code, is guilty of divulging confidential 7508
information, a misdemeanor of the fourth degree. 7509

(b) Division (L) (2) (a) of this section does not apply to 7510
any release, dissemination, or access to information or data if 7511
the records are released or disseminated or access is provided 7512

pursuant to an application by the person who is the subject of 7513
the information or data or by a legal representative of that 7514
person. 7515

(M) It is not a violation of division (I), (J), (K), or 7516
(L) of this section for the bureau of criminal identification 7517
and investigation or any authorized employee of the bureau 7518
participating in the investigation of criminal activity to 7519
release, disseminate, or otherwise make available to, or discuss 7520
with, a person directly employed by a law enforcement agency DNA 7521
records collected in the DNA database or fingerprints filed for 7522
record by the superintendent of the bureau of criminal 7523
identification and investigation. 7524

(N) (1) An order issued under section 2953.35 of the 7525
Revised Code to expunge the record of a person's conviction or, 7526
except as provided in division (D) of this section, an order 7527
issued under that section to seal the record of a person's 7528
conviction restores the person who is the subject of the order 7529
to all rights and privileges not otherwise restored by 7530
termination of the sentence or community control sanction or by 7531
final release on parole or post-release control. 7532

(2) (a) In any application for employment, license, or 7533
other right or privilege, any appearance as a witness, or any 7534
other inquiry, except as provided in division (B) of this 7535
section and in section 3319.292 of the Revised Code and subject 7536
to division (N) (2) (c) of this section, a person may be 7537
questioned only with respect to convictions not sealed, bail 7538
forfeitures not expunged under section 2953.42 of the Revised 7539
Code as it existed prior to June 29, 1988, and bail forfeitures 7540
not sealed, unless the question bears a direct and substantial 7541
relationship to the position for which the person is being 7542

considered. 7543

(b) In any application for a certificate of qualification 7544
for employment under section 2953.25 of the Revised Code, a 7545
person may be questioned only with respect to convictions not 7546
sealed and bail forfeitures not sealed. 7547

(c) A person may not be questioned in any application, 7548
appearance, or inquiry of a type described in division (N) (2) (a) 7549
of this section with respect to any conviction expunged under 7550
section 2953.35 of the Revised Code. 7551

(O) Nothing in section 2953.32 or 2953.34 of the Revised 7552
Code precludes an offender from taking an appeal or seeking any 7553
relief from the offender's conviction or from relying on it in 7554
lieu of any subsequent prosecution for the same offense. 7555

Sec. 2953.41. (A) As used in this section: 7556

(1) "Expunge" means to destroy, delete, or erase a record 7557
as appropriate for the record's physical or electronic form or 7558
characteristic so that the record is permanently irretrievable. 7559

(2) "Prosecutor" has the same meaning as in section 7560
2953.31 of the Revised Code. 7561

(3) "Record of conviction" means any record related to a 7562
conviction of or plea of guilty to an offense. 7563

(B) Any person who is convicted of, was convicted of, 7564
pleads guilty to, or has pleaded guilty to a violation of 7565
division (B) of section 2903.11 of the Revised Code as it 7566
existed prior to the effective date of this section may apply to 7567
the sentencing court for the expungement of the record of 7568
conviction. The person may file an application at any time on or 7569
after the effective date of this section. The application shall 7570

do all of the following: 7571

(1) Identify the applicant, the offense for which the 7572
expungement is sought, the date of the conviction of or plea of 7573
guilty to that offense, and the court in which the conviction 7574
record occurred or the plea of guilty was entered; 7575

(2) Include evidence that the offense was a violation of 7576
division (B) of section 2903.11 of the Revised Code as it 7577
existed prior to the effective date of this section; 7578

(3) Include a request for expungement of the record of 7579
conviction of that offense under this section. 7580

(C) Upon the filing of an application under division (B) 7581
of this section and the payment of the fee described in division 7582
(D)(3) of this section if applicable, the court shall set a date 7583
for a hearing and shall notify the prosecutor for the case of 7584
the hearing on the application. The prosecutor may object to the 7585
granting of the application by filing an objection with the 7586
court prior to the date set for the hearing. The prosecutor 7587
shall specify in the objection the reasons for believing a 7588
denial of the application is justified. The court shall hold the 7589
hearing scheduled under this division. 7590

(D)(1) At the hearing held under division (C) of this 7591
section, the court shall do each of the following: 7592

(a) Determine whether the applicant has been convicted of 7593
or pleaded guilty to a violation of division (B) of section 7594
2903.11 of the Revised Code as it existed prior to the effective 7595
date of this section; 7596

(b) If the prosecutor has filed an objection in accordance 7597
with division (C) of this section, consider the reasons against 7598
granting the application specified by the prosecutor in the 7599

objection. 7600

(2) (a) If the court determines at the hearing held under 7601
division (D) (1) of this section that the applicant has been 7602
convicted of or pleaded guilty to a violation of division (B) of 7603
section 2903.11 of the Revised Code as it existed prior to the 7604
effective date of this section, the court shall order the 7605
expungement of all official records pertaining to the case and 7606
the deletion of all index references to the case and, if it does 7607
order the expungement, shall send notice of the order to each 7608
public office or agency that the court has reason to believe may 7609
have an official record pertaining to the case. 7610

(b) The proceedings in the case that is the subject of an 7611
order issued under division (D) (2) (a) of this section shall be 7612
considered not to have occurred and the conviction or guilty 7613
plea of the person who is the subject of the proceedings shall 7614
be expunged. The record of the conviction shall not be used for 7615
any purpose, including, but not limited to, a background check 7616
under section 109.572 of the Revised Code or a determination 7617
under section 2923.125 or 2923.1213 of the Revised Code of 7618
eligibility for a concealed handgun license. The applicant may, 7619
and the court shall, reply that no record exists with respect to 7620
the applicant upon any inquiry into the matter. 7621

(3) Upon the filing of an application under this section, 7622
the applicant, unless indigent, shall pay a fee of fifty 7623
dollars. The court shall pay thirty dollars of the fee into the 7624
state treasury and shall pay twenty dollars of the fee into the 7625
county general revenue fund. 7626

Sec. 3701.24. (A) As used in this section and sections 7627
3701.241 to 3701.249 of the Revised Code: 7628

(1) "AIDS" or "acquired immunodeficiency syndrome" means 7629
the ~~illness designated as acquired immunodeficiency~~ 7630
~~syndrome~~ condition caused by advanced HIV infection that is 7631
diagnosed when an individual has an AIDS-defining condition or 7632
the individual's number of CD4 T lymphocytes is below two 7633
hundred cells per cubic millimeter of blood (200 cells/mm³) as 7634
determined by a CD4 count. 7635

(2) "HIV" means the human immunodeficiency virus 7636
~~identified as the causative agent of AIDS.~~ 7637

(3) "~~AIDS-related AIDS-defining condition~~" means ~~symptoms~~ 7638
~~of illness related to HIV infection, including AIDS-related~~ 7639
~~complex, that are confirmed by a positive HIV test~~ any HIV- 7640
related illness that the United States centers for disease 7641
control and prevention includes on its list of diagnostic 7642
criteria for AIDS, including opportunistic infections and 7643
cancers that are life-threatening to an individual living with 7644
HIV. 7645

(4) "HIV test" means any test for the antibody or antigen 7646
to HIV that has been approved by the director of health under 7647
division (B) of section 3701.241 of the Revised Code. 7648

(5) "Health care facility" has the same meaning as in 7649
section 1751.01 of the Revised Code. 7650

(6) "Director" means the director of health or any 7651
employee of the department of health acting on the director's 7652
behalf. 7653

(7) "Physician" means a person authorized under Chapter 7654
4731. of the Revised Code to practice medicine and surgery or 7655
osteopathic medicine and surgery. 7656

(8) "Nurse" means a registered nurse or licensed practical 7657

nurse who holds a license issued under Chapter 4723. of the Revised Code.

(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.

(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.

(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the director may adopt rules further defining the scope of the term "health care provider."

(12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual.

(13) "Emergency medical services worker" means all of the following:

- (a) A peace officer;
- (b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;
- (c) A firefighter employed by a political subdivision;
- (d) A volunteer firefighter, emergency operator, or rescue

operator; 7686

(e) An employee of a private organization that renders 7687
rescue services, emergency medical services, or emergency 7688
medical transportation to accident victims and persons suffering 7689
serious illness or injury. 7690

(14) "Peace officer" has the same meaning as in division 7691
(A) of section 109.71 of the Revised Code, except that it also 7692
includes a sheriff and the superintendent and troopers of the 7693
state highway patrol. 7694

(15) "CD 4 count" means the laboratory test that measures 7695
the number of CD4 T lymphocytes (CD4 cells) in a sample of human 7696
blood. 7697

(B) Persons designated by rule adopted by the director 7698
under section 3701.241 of the Revised Code shall report promptly 7699
every ~~ease of diagnosis of AIDS, every AIDS-related AIDS-~~ 7700
defining condition, and every confirmed positive HIV test to the 7701
department of health on forms and in a manner prescribed by the 7702
director. In each county the director shall designate the health 7703
commissioner of a health district in the county to receive the 7704
reports. 7705

(C) No person shall fail to comply with the reporting 7706
requirements established under division (B) of this section. 7707

(D) Information reported under this section that 7708
identifies an individual is confidential and may be released 7709
only with the written consent of the individual except as the 7710
director determines necessary to ensure the accuracy of the 7711
information, as necessary to provide treatment to the 7712
individual, as ordered by a court pursuant to section 3701.243 7713
or 3701.247 of the Revised Code, or pursuant to a search warrant 7714

or a subpoena issued by or at the request of a grand jury, 7715
prosecuting attorney, city director of law or similar chief 7716
legal officer of a municipal corporation, or village solicitor, 7717
in connection with a criminal investigation or prosecution. 7718
Information that does not identify an individual may be released 7719
in summary, statistical, or aggregate form. 7720

Sec. 3701.241. (A) The director of health shall develop 7721
and administer the following: 7722

(1) A surveillance system to determine the number of ~~cases~~ 7723
diagnoses of AIDS and the HIV ~~infection~~ incidence rate in 7724
various population groups; 7725

(2) Counseling and testing programs for groups determined 7726
by the director to be at risk ~~of~~ for acquiring HIV infection, 7727
including procedures for both confidential and anonymous tests, 7728
counseling training programs for health care providers, and 7729
development of counseling guidelines; 7730

(3) A confidential partner notification system to, at the 7731
request of the individual living with HIV, alert and counsel 7732
sexual contacts of ~~individuals with HIV infection~~ that 7733
individual; 7734

(4) Risk reduction and education programs for groups 7735
determined by the director to be at risk ~~of~~ for acquiring HIV 7736
~~infection~~, and, in consultation with a wide range of community 7737
leaders, education programs for the public; 7738

(5) Pilot programs for the long-term care of individuals 7739
~~with living with HIV or AIDS or AIDS-related condition~~, 7740
including care in nursing homes and in alternative settings; 7741

(6) Programs to expand regional outpatient treatment of 7742
individuals ~~with~~ living with HIV or AIDS ~~or AIDS-related~~ 7743

~~condition;~~ 7744

(7) A program to assist communities, including communities 7745
of less than one hundred thousand population, in establishing 7746
AIDS task forces and support groups for individuals ~~with-living~~ 7747
~~with HIV or AIDS, AIDS-related condition, and HIV infection.~~ The 7748
program may include the award of grants if they are matched by 7749
local funds. 7750

Information obtained or maintained under the partner 7751
notification system is not a public record under section 149.43 7752
of the Revised Code and may be released only in accordance with 7753
division (C) of section 3701.243 of the Revised Code. 7754

(B) The director shall: 7755

(1) Approve a test or tests to be used to determine 7756
whether an individual has ~~HIV-infection~~, define a confirmed 7757
positive test result, and develop guidelines for interpreting 7758
test results; 7759

(2) Establish sites for confidential and anonymous HIV 7760
tests, and prepare a list of sites where an individual may 7761
obtain an anonymous test; 7762

(3) Prepare a list of counseling services; 7763

(4) Make available a copy of the list of anonymous testing 7764
sites or a copy of the list of counseling services to anyone who 7765
requests it. 7766

(C) The director of health shall require the director or 7767
administrator of each site where anonymous or confidential HIV 7768
tests are given to submit a report every three months evaluating 7769
from an epidemiologic perspective the effectiveness of the HIV 7770
testing program at that site. Not later than January 31, 1991, 7771

and each year thereafter, the director of health shall make a 7772
report evaluating the anonymous and confidential testing 7773
programs throughout the state with regard to their effectiveness 7774
as epidemiologic programs. The report shall be submitted to the 7775
speaker of the house of representatives and the president of the 7776
senate and shall be made available to the public. 7777

The director of health shall adopt rules pursuant to 7778
Chapter 119. of the Revised Code for the implementation of the 7779
requirements of division (B)(1) of this section and division (D) 7780
of section 3701.24 of the Revised Code. 7781

(D) The director of health shall administer funds received 7782
under Title XXVI of the "Public Health Services Act," 104 Stat. 7783
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to 7784
improve the quality and availability of care for individuals 7785
living with HIV or AIDS, AIDS-related condition, and HIV- 7786
infection. In administering these funds, the director may enter 7787
into contracts with any person or entity for the purpose of 7788
administering the programs, including contracts with the 7789
department of job and family services for establishment of a 7790
program of reimbursement of drugs used for treatment and care of 7791
such individuals. The director of health may adopt rules in 7792
accordance with Chapter 119. of the Revised Code and issue 7793
orders as necessary for administration of the funds. If the 7794
department of job and family services enters into a contract 7795
under this division, the director of job and family services may 7796
adopt rules in accordance with Chapter 119. of the Revised Code 7797
as necessary for carrying out the department's duties under the 7798
contract. 7799

Sec. 3701.242. (A) A voluntary HIV test may be performed 7800
on an individual by or on the order of a health care provider if 7801

the individual or the individual's parent or guardian has given 7802
general consent to the provider for medical or other health care 7803
treatment and if the health care provider or an authorized 7804
representative of the health care provider has notified the 7805
individual that the HIV test is planned and that the individual 7806
has a right to decline the test. If an individual declines the 7807
test, it shall be noted in the individual's medical record. The 7808
notification may be verbal or written, in person or electronic, 7809
or any combination thereof. 7810

(B) A minor may consent to be given an HIV test. The 7811
consent is not subject to disaffirmance because of minority. The 7812
parents or guardian of a minor giving consent under this 7813
division are not liable for payment and shall not be charged for 7814
an HIV test given to the minor without the consent of a parent 7815
or the guardian. 7816

(C) The health care provider ordering an HIV test shall 7817
provide post-test counseling for an individual who receives an 7818
HIV-positive test result. The director of health may adopt rules 7819
in accordance with Chapter 119. of the Revised Code specifying 7820
the information to be provided in post-test counseling. 7821

(D) An individual shall have the right to an anonymous 7822
test. A health care facility or health care provider that does 7823
not provide anonymous testing shall refer an individual 7824
requesting an anonymous test to a site where it is available. 7825

(E) Divisions (A) to (D) of this section do not apply to 7826
the performance of an HIV test in any of the following 7827
circumstances: 7828

(1) When the test is performed in a medical emergency by a 7829
nurse or physician and the test results are medically necessary 7830

to avoid or minimize an immediate danger to the health or safety 7831
of the individual to be tested or another individual, except 7832
that post-test counseling shall be given to the individual if 7833
the individual receives an HIV-positive test result; 7834

(2) When the test is performed for the purpose of research 7835
if the researcher does not know and cannot determine the 7836
identity of the individual tested; 7837

(3) When the test is performed by a person who procures, 7838
processes, distributes, or uses a human body part from a 7839
deceased person donated for a purpose specified in Chapter 2108. 7840
of the Revised Code, if the test is medically necessary to 7841
ensure that the body part is acceptable for its intended 7842
purpose; 7843

(4) When the test is performed on a person incarcerated in 7844
a correctional institution under the control of the department 7845
of rehabilitation and correction if the head of the institution 7846
has determined, based on good cause, that a test is necessary; 7847

(5) When the test is performed in accordance with section 7848
2907.27 of the Revised Code; 7849

(6) When the test is performed on an individual after the 7850
infection control committee of a health care facility, or other 7851
body of a health care facility performing a similar function 7852
determines that a health care provider, emergency medical 7853
services worker, or peace officer, while rendering health or 7854
emergency care to an individual, has sustained a significant 7855
exposure to the body fluids of that individual, and the 7856
individual has refused to give consent for testing. 7857

Sec. 3701.243. (A) Except as provided in this section or 7858
section 3701.248 of the Revised Code, no person or agency of 7859

state or local government that acquires the information while 7860
providing any health care service or while in the employ of a 7861
health care facility or health care provider shall disclose or 7862
compel another to disclose any of the following: 7863

(1) The identity of any individual on whom an HIV test is 7864
performed; 7865

(2) The results of an HIV test in a form that identifies 7866
the individual tested; 7867

(3) The identity of any individual ~~diagnosed as having~~ 7868
~~AIDS or an AIDS-related condition~~living with HIV. 7869

(B) (1) Except as provided in divisions (B) (2), (C), (D), 7870
and (F) of this section, the results of an HIV test or the 7871
identity of an individual on whom an HIV test is performed or 7872
who is ~~diagnosed as having AIDS or an AIDS-related condition~~ 7873
with HIV may be disclosed only to the following: 7874

(a) The individual who was tested or the individual's 7875
legal guardian, and, with the consent of the individual tested, 7876
the individual's spouse or any sexual partner; 7877

(b) A person to whom disclosure is authorized by a written 7878
release, executed by the individual tested or by the 7879
individual's legal guardian and specifying to whom disclosure of 7880
the test results or diagnosis is authorized and the time period 7881
during which the release is to be effective; 7882

(c) Any physician who treats the individual; 7883

(d) The department of health or a health commissioner to 7884
which reports are made under section 3701.24 of the Revised 7885
Code; 7886

(e) A health care facility or provider that procures, 7887

processes, distributes, or uses a human body part from a 7888
deceased individual, donated for a purpose specified in Chapter 7889
2108. of the Revised Code, and that needs medical information 7890
about the deceased individual to ensure that the body part is 7891
medically acceptable for its intended purpose; 7892

(f) Health care facility staff committees or accreditation 7893
or oversight review organizations conducting program monitoring, 7894
program evaluation, or service reviews; 7895

(g) A health care provider, emergency medical services 7896
worker, or peace officer who sustained a significant exposure to 7897
the body fluids of another individual, if that individual was 7898
tested pursuant to division (E) (6) of section 3701.242 of the 7899
Revised Code, except that the identity of the individual tested 7900
shall not be revealed; 7901

~~(h) To law enforcement authorities pursuant to a search 7902
warrant or a subpoena issued by or at the request of a grand 7903
jury, a prosecuting attorney, a city director of law or similar 7904
chief legal officer of a municipal corporation, or a village 7905
solicitor, in connection with a criminal investigation or 7906
prosecution. 7907~~

(2) The results of an HIV test ~~or a diagnosis of AIDS or 7908
an AIDS-related condition~~ may be disclosed to a health care 7909
provider, or an authorized agent or employee of a health care 7910
facility or a health care provider, if the provider, agent, or 7911
employee has a medical need to know the information and is 7912
participating in the diagnosis, care, or treatment of the 7913
individual on whom the test was performed ~~or who has been 7914
diagnosed as having AIDS or an AIDS-related condition. 7915~~

This division does not impose a standard of disclosure 7916

different from the standard for disclosure of all other specific 7917
information about a patient to health care providers and 7918
facilities. Disclosure may not be requested or made solely for 7919
the purpose of identifying an individual who has a ~~positive HIV-~~ 7920
~~test result or has been diagnosed as having AIDS or an AIDS-~~ 7921
~~related condition tested positive for HIV~~ in order to refuse to 7922
treat the individual. ~~Referral of an individual to another~~ 7923
~~health care provider or facility based on reasonable~~ 7924
~~professional judgment does not constitute refusal to treat the~~ 7925
~~individual.~~ 7926

(3) Not later than ninety days after November 1, 1989, 7927
each health care facility in this state shall establish a 7928
protocol to be followed by employees and individuals affiliated 7929
with the facility in making disclosures authorized by division 7930
(B) (2) of this section. A person employed by or affiliated with 7931
a health care facility who determines in accordance with the 7932
protocol established by the facility that a disclosure is 7933
authorized by division (B) (2) of this section is immune from 7934
liability to any person in a civil action for damages for 7935
injury, death, or loss to person or property resulting from the 7936
disclosure. 7937

(C) (1) Any person or government agency may seek access to 7938
or authority to disclose the HIV test records of an individual 7939
in accordance with the following provisions: 7940

(a) The person or government agency shall bring an action 7941
in a court of common pleas requesting disclosure of or authority 7942
to disclose the results of an HIV test of a specific individual, 7943
who shall be identified in the complaint by a pseudonym but 7944
whose name shall be communicated to the court confidentially, 7945
pursuant to a court order restricting the use of the name. The 7946

court shall provide the individual with notice and an 7947
opportunity to participate in the proceedings if the individual 7948
is not named as a party. Proceedings shall be conducted in 7949
chambers unless the individual agrees to a hearing in open 7950
court. 7951

(b) The court may issue an order granting the plaintiff 7952
access to or authority to disclose the test results only if the 7953
court finds by clear and convincing evidence that the plaintiff 7954
has demonstrated a compelling need for disclosure of the 7955
information that cannot be accommodated by other means. In 7956
assessing compelling need, the court shall weigh the need for 7957
disclosure against the privacy right of the individual tested 7958
and against any disservice to the public interest that might 7959
result from the disclosure, such as discrimination against the 7960
individual or the deterrence of others from being tested. 7961

(c) If the court issues an order, it shall guard against 7962
unauthorized disclosure by specifying the persons who may have 7963
access to the information, the purposes for which the 7964
information shall be used, and prohibitions against future 7965
disclosure. 7966

(2) A person or government agency that considers it 7967
necessary to disclose the results of an HIV test of a specific 7968
individual in an action in which it is a party may seek 7969
authority for the disclosure by filing an in camera motion with 7970
the court in which the action is being heard. In hearing the 7971
motion, the court shall employ procedures for confidentiality 7972
similar to those specified in division (C)(1) of this section. 7973
The court shall grant the motion only if it finds by clear and 7974
convincing evidence that a compelling need for the disclosure 7975
has been demonstrated. 7976

(3) Except for an order issued in a criminal prosecution 7977
or an order under division (C) (1) or (2) of this section 7978
granting disclosure of the result of an HIV test of a specific 7979
individual, a court shall not compel a blood bank, hospital 7980
blood center, or blood collection facility to disclose the 7981
result of HIV tests performed on the blood of voluntary donors 7982
in a way that reveals the identity of any donor. 7983

(4) In a civil action in which the plaintiff seeks to 7984
recover damages from an individual defendant based on an 7985
allegation that the plaintiff contracted ~~the HIV virus~~ as a 7986
result of actions of the defendant, the prohibitions against 7987
disclosure in this section do not bar discovery of the results 7988
of any HIV test given to the defendant ~~or any diagnosis that the~~ 7989
~~defendant has AIDS or an AIDS-related condition.~~ 7990

(D) The results of an HIV test or the identity of an 7991
individual on whom an HIV test is performed ~~or who is diagnosed~~ 7992
~~as having AIDS or an AIDS-related condition~~ may be disclosed to 7993
a federal, state, or local government agency, or the official 7994
representative of such an agency, for purposes of the medicaid 7995
program, the medicare program, or any other public assistance 7996
program. 7997

(E) Any disclosure pursuant to this section shall be in 7998
writing and accompanied by a written statement that includes the 7999
following or substantially similar language: "This information 8000
has been disclosed to you from confidential records protected 8001
from disclosure by state law. You shall make no further 8002
disclosure of this information without the specific, written, 8003
and informed release of the individual to whom it pertains, or 8004
as otherwise permitted by state law. A general authorization for 8005
the release of medical or other information is not sufficient 8006

for the purpose of the release of HIV test results or 8007
diagnoses." 8008

~~(F) An individual who knows that the individual has 8009
received a positive result on an HIV test or has been diagnosed 8010
as having AIDS or an AIDS-related condition shall disclose this 8011
information to any other person with whom the individual intends 8012
to make common use of a hypodermic needle or engage in sexual 8013
conduct as defined in section 2907.01 of the Revised Code. An 8014
individual's compliance with this division does not prohibit a 8015
prosecution of the individual for a violation of division (B) of 8016
section 2903.11 of the Revised Code. 8017~~

~~(G) Nothing in this section prohibits the introduction of 8018
evidence concerning an HIV test of a specific individual in a 8019
criminal proceeding. 8020~~

Sec. 3701.244. (A) As used in this section, "violation" 8021
means an occasion of noncompliance involving a single injured 8022
individual. 8023

(B) A person or an agency of state or local government 8024
that knowingly violates division (A) of section 3701.242, 8025
division (A) of section 3701.243, or division (E) of section 8026
3701.248 of the Revised Code may be found liable in a civil 8027
action; the action may be brought by any individual injured by 8028
the violation. Except as otherwise provided in division (C) or 8029
(D) of this section, the court may award compensatory damages 8030
and any equitable relief, including injunctive relief, it finds 8031
appropriate. If an award is made in favor of the plaintiff, the 8032
judge may award reasonable attorney's fees to the plaintiff 8033
after a hearing to determine the amount of the fees. 8034

(C) No person shall be held liable for damages or 8035

attorney's fees in an action based on a violation of section 8036
3701.243 of the Revised Code by his employee or agent unless the 8037
person knew or should have known of the violation. 8038

(D) A person who acts in good faith in accordance with 8039
section 3701.242, 3701.243, or 3701.248 of the Revised Code is 8040
not liable for damages in a civil action brought pursuant to 8041
this section. 8042

(E) A civil action under this section is barred unless the 8043
action is commenced within one year after the cause of action 8044
accrued. A cause of action does not survive the death of the 8045
individual injured by the violation unless a civil action based 8046
on the cause of action is commenced prior to the death of that 8047
individual. 8048

(F) The remedies in this section are the exclusive civil 8049
remedies for an individual injured by noncompliance with section 8050
3701.242, 3701.243, or division (E) of section 3701.248 of the 8051
Revised Code. 8052

(G) Nothing in this section shall be construed to impose 8053
civil liability on a person for the disclosure of an HIV test 8054
result, a diagnosed case of AIDS, or a diagnosed ~~AIDS-related~~ 8055
AIDS-defining condition in accordance with a reporting 8056
requirement of the department of health or any federal agency. 8057

(H) No person with knowledge that an individual other than 8058
~~himself the individual's self has or may have AIDS, and AIDS-~~ 8059
~~related condition, or a positive HIV test~~ shall be held liable 8060
for failing to disclose that information to any person unless 8061
disclosure is expressly required by law. 8062

Sec. 3701.245. ~~(A)~~ No state agency as defined in section 8063
1.60 of the Revised Code, political subdivision, agency of local 8064

government, or private nonprofit corporation receiving state or 8065
local government funds shall refuse to admit as a patient, or to 8066
provide services to, any individual solely because ~~he~~ the 8067
individual refuses to consent to an HIV test or to disclose HIV 8068
test results. 8069

~~(B) The prohibition contained in division (A) of this 8070
section does not prevent a physician or a person licensed to 8071
practice dentistry under Chapter 4715. of the Revised Code from 8072
referring an individual he has reason to believe may have AIDS- 8073
or an AIDS-related condition to an appropriate health care- 8074
provider or facility, if the referral is based on reasonable 8075
professional judgment and not solely on grounds of the refusal- 8076
of the individual to consent to an HIV test or to disclose the 8077
result of an HIV test. 8078~~

Sec. 3701.246. Any human body part donated for 8079
transplantation, including an organ, tissue, eye, bone, artery, 8080
or other part, and any body fluid donated for transfusion or 8081
injection into another person, including blood, plasma, a blood 8082
product, semen, or other fluid, shall be ~~given an~~ tested for the 8083
presence of HIV test before being transplanted, transfused, or 8084
injected to determine that the part or fluid is not infected 8085
with ~~the HIV virus~~ unless, in an emergency, the recipient of the 8086
donation or ~~his~~ the physician's guardian, after consultation 8087
with the recipient's physician, consents to a waiver of this 8088
requirement. 8089

Sec. 3701.247. (A) (1) Any of the following persons may 8090
bring an action in a probate court for an order compelling 8091
another person to undergo HIV testing: 8092

(a) A person who believes the person may have been exposed 8093
to HIV ~~infection~~ while rendering health or emergency care to the 8094

other person; 8095

(b) A peace officer who believes the peace officer may 8096
have been exposed to HIV ~~infection~~ while dealing with the other 8097
person in the performance of official duties. 8098

(2) The complaint in the action shall be accompanied by an 8099
affidavit in which the plaintiff attests to all of the 8100
following: 8101

(a) While rendering health or emergency care to the 8102
defendant, or while dealing with the defendant in the 8103
performance of the plaintiff's duties, the plaintiff sustained a 8104
significant exposure to body fluids of the defendant that are 8105
known to transmit HIV; 8106

(b) The plaintiff has reason to believe the defendant may 8107
have ~~an HIV infection~~; 8108

(c) The plaintiff made a reasonable attempt to have the 8109
defendant submit to HIV testing in accordance with section 8110
3701.242 of the Revised Code, and notified the defendant that 8111
the plaintiff would bring an action under this section on the 8112
defendant's refusal or failure to be tested, but the defendant 8113
has not been tested; 8114

(d) Within seven days after the exposure, the plaintiff 8115
took an HIV test. 8116

In the complaint, the defendant shall be identified by a 8117
pseudonym and the defendant's name communicated to the court 8118
confidentially pursuant to a court order restricting the use of 8119
the name. Proceedings shall be conducted in chambers unless the 8120
defendant agrees to a hearing in open court. 8121

(B) The court shall hold a hearing on the complaint at the 8122

earliest possible time but not later than the third business day 8123
after the day the defendant is served with the complaint and 8124
notice of the hearing. The court shall enter judgment on the 8125
complaint on the day the hearing is concluded. 8126

(C) Notwithstanding division (A) of section 3701.242 of 8127
the Revised Code, the court may order the defendant to undergo 8128
HIV testing if it finds by clear and convincing evidence that 8129
the plaintiff has proved the matters attested to in the 8130
plaintiff's affidavit and has demonstrated that the plaintiff 8131
has a compelling need for the results of the test and no other 8132
means exist to accommodate the need. If granted, the order shall 8133
guard against unauthorized disclosure of the test results by 8134
specifying the persons and governmental entities that may have 8135
access to the results and by limiting further disclosure. The 8136
court shall require that the defendant be given test results 8137
and, if the defendant's test results are HIV-positive, that 8138
post-test counseling be provided the defendant in accordance 8139
with division (C) of section 3701.242 of the Revised Code. The 8140
court may order the plaintiff to pay the cost of the defendant's 8141
testing and counseling. 8142

Sec. 3701.249. (A) As used in this section, "employer" and 8143
"employee" have the same meanings as in section 4112.01 of the 8144
Revised Code. 8145

(B) The employer of a person ~~with~~ living with HIV 8146
~~infection~~ is immune from liability to any person in a civil 8147
action for damages for injury, death, or loss to person or 8148
property on a claim arising out of transmission of the human 8149
immunodeficiency virus from the infected employee to another 8150
employee or to any other person, unless the transmission occurs 8151
as a result of the reckless conduct of the employer. 8152

(C) An employer is immune from liability to an employee on 8153
a claim asserted under any provision of the Revised Code or in a 8154
civil action for damages for injury, death, or loss to person or 8155
property if the claim arises from an illness or injury to the 8156
employee that is stress-related and results from the employee 8157
being required to work with an individual who has ~~received a~~ 8158
~~positive result on an HIV test or has been diagnosed as having~~ 8159
~~AIDS or an AIDS-related condition.~~ 8160

Sec. 3901.45. (A) As used in sections 3901.45 and 3901.46 8161
of the Revised Code: 8162

(1) "AIDS," "HIV," "~~AIDS-related~~ AIDS-defining condition," 8163
and "HIV test" have the same meanings as in section 3701.24 of 8164
the Revised Code. 8165

(2) "Insurer" means any person authorized to engage in the 8166
business of life or sickness and accident insurance under Title 8167
XXXIX of the Revised Code or any person or governmental entity 8168
providing health services coverage for individuals on a self- 8169
insurance basis. 8170

(3) "Group policy" means, with respect to life insurance, 8171
a policy covering more than twenty-five individuals and issued 8172
pursuant to section 3917.01 of the Revised Code, and with 8173
respect to sickness and accident insurance, a policy covering 8174
more than twenty-five individuals and issued pursuant to section 8175
3923.11, 3923.12, or 3923.13 of the Revised Code. "Group policy" 8176
includes a certificate of life or sickness and accident 8177
insurance covering more than twenty-five individuals under a 8178
group policy issued to a multiple employer trust. 8179

(4) "Individual policy" means, with respect to life 8180
insurance and sickness and accident insurance, a policy other 8181

than a group policy, except that "individual policy" also 8182
includes all of the following: 8183

(a) The coverage under a group policy of an individual who 8184
seeks to become a member of an insured group after having 8185
declined a previous offer of coverage under the group policy; 8186

(b) An individual who seeks life insurance coverage under 8187
a group policy in excess of the maximum coverage available under 8188
the policy without evidence of insurability; 8189

(c) A certificate of life or sickness and accident 8190
insurance covering no more than twenty-five individuals under a 8191
group policy issued to a multiple employer trust. 8192

(B) In processing an application for an individual policy 8193
of life or sickness and accident insurance or in determining 8194
insurability of an applicant, no insurer shall: 8195

(1) Take into consideration an applicant's sexual 8196
orientation; 8197

(2) Make any inquiry toward determining an applicant's 8198
sexual orientation or direct any person who provides services to 8199
the insurer to investigate an applicant's sexual orientation; 8200

(3) Make a decision adverse to the applicant based on 8201
entries in medical records or other reports that show that the 8202
applicant has sought an HIV test, consultation regarding the 8203
possibility of developing AIDS or an ~~AIDS-related~~ AIDS-defining 8204
condition, or counseling for concerns related to AIDS from 8205
health care professionals unless there has been a diagnosis, 8206
confirmed by a positive HIV test, of AIDS or an ~~AIDS-related~~ 8207
AIDS-defining condition or the applicant has been treated for 8208
either. 8209

(C) (1) In developing and asking questions regarding 8210
medical histories and lifestyles of applicants for life or 8211
sickness and accident insurance and in assessing the answers, an 8212
insurer shall not ask questions designed to ascertain the sexual 8213
orientation of the applicant nor use factors such as marital 8214
status, living arrangements, occupation, gender, medical 8215
history, beneficiary designation, or zip code or other 8216
geographic designation to aid in ascertaining the applicant's 8217
sexual orientation. 8218

(2) An insurer may ask the applicant if the applicant has 8219
ever been diagnosed as having AIDS or an ~~AIDS-related~~AIDS- 8220
defining condition. 8221

(3) An insurer may ask the applicant specifically whether 8222
the applicant has ever had a positive result on an HIV test. 8223
"Positive result" means a result interpreted as positive in 8224
accordance with guidelines developed by the director of health 8225
under division (B) (1) of section 3701.241 of the Revised Code, 8226
even though the applicant may have been tested in another state. 8227
"Positive result" does not mean an initial positive result that 8228
further testing showed to be false. 8229

(4) The insurer shall not ask the applicant whether the 8230
applicant has ever taken an HIV test. 8231

(D) (1) Except as provided in division (D) (2) of this 8232
section, no insurer shall cancel a policy of life or sickness 8233
and accident insurance, or refuse to renew a policy of life or 8234
sickness and accident insurance other than a policy that is 8235
renewable at the option of the insurer, based solely on the fact 8236
that, after the effective date of the policy, the policyholder 8237
is diagnosed as having AIDS, an ~~AIDS-related~~AIDS-defining 8238
condition, or ~~an HIV-infection~~. 8239

(2) If a policy of life or sickness and accident insurance provides for a contestability period, an insurer may cancel the policy during the contestability period if the applicant made a false statement in the application with regard to the question of whether the applicant has been diagnosed as having AIDS, an ~~AIDS-related~~ AIDS-defining condition, or ~~an HIV-infection~~. 8240-8245

(E) No insurer shall deliver, issue for delivery, or renew a policy of life or sickness and accident insurance that limits benefits or coverage in the event that, after the effective date of the policy, the insured develops AIDS or an ~~AIDS-related~~ AIDS-defining condition or receives a positive result on an HIV test. 8246-8251

(F) An insurer is not required to offer coverage under a policy of life or sickness and accident insurance to an individual or group member, or a dependent of an individual or group member, who has AIDS or an ~~AIDS-related~~ AIDS-defining condition, or who has had a positive result on an HIV test. 8252-8256

(G) An insurer is not required to continue to provide coverage under a policy of life or sickness and accident insurance to an individual or group member, or a dependent of an individual or group member, if the insurer determines the individual or group member or dependent of the individual or group member knew on the effective date of the policy that the individual or group member or dependent of the individual or group member had AIDS, an ~~AIDS-related~~ AIDS-defining condition, or a positive result ~~of~~ on an HIV test. 8257-8265

(H) A violation of this section is an unfair insurance practice under sections 3901.19 to 3901.26 of the Revised Code. 8266-8267

Sec. 3901.46. As used in this section, "membership" 8268

organization" means a fraternal or other association or group of individuals involved in the same occupation, activity, or interest that is organized and maintained in good faith for purposes other than to obtain insurance and is not organized or maintained for the purpose of engaging in activities for gain or profit.

(A) In underwriting an individual policy of life or sickness and accident insurance or a group policy of life or sickness and accident insurance providing coverage for members of a membership organization, an insurer may require an applicant for coverage under the policy to submit to an HIV test only in conjunction with tests for other health conditions. No applicant shall be required to submit to an HIV test on the basis of the applicant's sexual orientation or factors described in division (C) (1) of section 3901.45 of the Revised Code that are used to ascertain the applicant's sexual orientation.

(B) (1) An insurer that requests an applicant to take an HIV test shall obtain the applicant's written consent for the test and shall inform the applicant of the purpose of the test. The consent form shall include information about the tests to be performed, the confidentiality of the results, procedures for notifying the applicant of the results, and a general interpretation of test results.

(2) The superintendent of insurance shall adopt rules under Chapter 119. of the Revised Code establishing the form and content of the consent required under division (B) (1) of this section.

(C) An insurer may disclose the results of a positive HIV test only to the following persons:

(1) The applicant;	8298
(2) The applicant's or insured's physician or other health care provider if the applicant or insured provides the insurer with prior written consent for disclosure;	8299 8300 8301
(3) Another person that the applicant or insured specifically designates in writing;	8302 8303
(4) A medical information exchange for insurers operated under procedures intended to ensure confidentiality, including the use of general codes for results of tests for a number of diseases and conditions as well as for AIDS or an AIDS-related <u>AIDS-defining</u> condition.	8304 8305 8306 8307 8308
(D) The HIV test or tests to be given the applicant shall be a test or tests approved by the director of health pursuant to division (B) of section 3701.241 of the Revised Code. Test results shall be interpreted strictly in accordance with guidelines for the use of the tests adopted by the director.	8309 8310 8311 8312 8313
(E) The requirements of division (B) of section 3701.24 and sections 3701.242 and 3701.243 of the Revised Code do not apply to insurers in the underwriting of an individual policy of life or sickness and accident insurance or of a group policy of life or sickness and accident insurance providing coverage for members of a membership organization, except that an insurer may make use of the procedures in division (C) of section 3701.243 of the Revised Code.	8314 8315 8316 8317 8318 8319 8320 8321
(F) In underwriting a group policy of life or sickness and accident insurance, no insurer shall require an individual seeking coverage, other than an individual seeking coverage under the policy of a membership organization, to submit to an HIV test.	8322 8323 8324 8325 8326

(G) A violation of this section is an unfair insurance practice under sections 3901.19 to 3901.26 of the Revised Code.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a physician assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and

prevailing standards of care by reason of mental illness or 8356
physical illness, including physical deterioration that 8357
adversely affects cognitive, motor, or perceptive skills; 8358

(5) Impairment of ability to practice according to 8359
acceptable and prevailing standards of care because of substance 8360
use disorder or excessive use or abuse of drugs, alcohol, or 8361
other substances that may impair ability to practice; 8362

(6) Administering drugs for purposes other than those 8363
authorized under this chapter; 8364

(7) Willfully betraying a professional confidence; 8365

(8) Making a false, fraudulent, deceptive, or misleading 8366
statement in soliciting or advertising for employment as a 8367
physician assistant; in connection with any solicitation or 8368
advertisement for patients; in relation to the practice of 8369
medicine as it pertains to physician assistants; or in securing 8370
or attempting to secure a license to practice as a physician 8371
assistant. 8372

As used in this division, "false, fraudulent, deceptive, 8373
or misleading statement" means a statement that includes a 8374
misrepresentation of fact, is likely to mislead or deceive 8375
because of a failure to disclose material facts, is intended or 8376
is likely to create false or unjustified expectations of 8377
favorable results, or includes representations or implications 8378
that in reasonable probability will cause an ordinarily prudent 8379
person to misunderstand or be deceived. 8380

(9) Representing, with the purpose of obtaining 8381
compensation or other advantage personally or for any other 8382
person, that an incurable disease or injury, or other incurable 8383
condition, can be permanently cured; 8384

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 8385
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 8388
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 8391
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 8394
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 8398
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 8401
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 8404
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 8407
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- (18) Any of the following actions taken by the state 8412

agency responsible for regulating the practice of physician 8413
assistants in another state, for any reason other than the 8414
nonpayment of fees: the limitation, revocation, or suspension of 8415
an individual's license to practice; acceptance of an 8416
individual's license surrender; denial of a license; refusal to 8417
renew or reinstate a license; imposition of probation; or 8418
issuance of an order of censure or other reprimand; 8419

(19) A departure from, or failure to conform to, minimal 8420
standards of care of similar physician assistants under the same 8421
or similar circumstances, regardless of whether actual injury to 8422
a patient is established; 8423

(20) Violation of the conditions placed by the board on a 8424
license to practice as a physician assistant; 8425

(21) Failure to use universal blood and body fluid 8426
precautions established by rules adopted under section 4731.051 8427
of the Revised Code; 8428

(22) Failure to cooperate in an investigation conducted by 8429
the board under section 4730.26 of the Revised Code, including 8430
failure to comply with a subpoena or order issued by the board 8431
or failure to answer truthfully a question presented by the 8432
board at a deposition or in written interrogatories, except that 8433
failure to cooperate with an investigation shall not constitute 8434
grounds for discipline under this section if a court of 8435
competent jurisdiction has issued an order that either quashes a 8436
subpoena or permits the individual to withhold the testimony or 8437
evidence in issue; 8438

(23) Assisting suicide, as defined in section 3795.01 of 8439
the Revised Code; 8440

(24) Prescribing any drug or device to perform or induce 8441

an abortion, or otherwise performing or inducing an abortion;	8442
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	8443 8444 8445
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	8446 8447 8448 8449
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	8450 8451 8452
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	8453 8454 8455 8456 8457 8458
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	8459 8460 8461
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with	8462 8463 8464 8465 8466 8467 8468 8469 8470

respect to the matter addressed in the agreement. If the board 8471
refuses to ratify a consent agreement, the admissions and 8472
findings contained in the consent agreement shall be of no force 8473
or effect. 8474

(D) For purposes of divisions (B) (12), (15), and (16) of 8475
this section, the commission of the act may be established by a 8476
finding by the board, pursuant to an adjudication under Chapter 8477
119. of the Revised Code, that the applicant or license holder 8478
committed the act in question. The board shall have no 8479
jurisdiction under these divisions in cases where the trial 8480
court renders a final judgment in the license holder's favor and 8481
that judgment is based upon an adjudication on the merits. The 8482
board shall have jurisdiction under these divisions in cases 8483
where the trial court issues an order of dismissal upon 8484
technical or procedural grounds. 8485

(E) The sealing or expungement of conviction records by 8486
any court shall have no effect upon a prior board order entered 8487
under the provisions of this section or upon the board's 8488
jurisdiction to take action under the provisions of this section 8489
if, based upon a plea of guilty, a judicial finding of guilt, or 8490
a judicial finding of eligibility for intervention in lieu of 8491
conviction, the board issued a notice of opportunity for a 8492
hearing prior to the court's order to seal or expunge the 8493
records. The board shall not be required to seal, destroy, 8494
redact, or otherwise modify its records to reflect the court's 8495
sealing or expungement of conviction records. 8496

(F) For purposes of this division, any individual who 8497
holds a license issued under this chapter, or applies for a 8498
license issued under this chapter, shall be deemed to have given 8499
consent to submit to a mental or physical examination when 8500

directed to do so in writing by the board and to have waived all 8501
objections to the admissibility of testimony or examination 8502
reports that constitute a privileged communication. 8503

(1) In enforcing division (B)(4) of this section, the 8504
board, upon a showing of a possible violation, shall refer any 8505
individual who holds, or has applied for, a license issued under 8506
this chapter to the monitoring organization that conducts the 8507
confidential monitoring program established under section 8508
4731.25 of the Revised Code. The board also may compel the 8509
individual to submit to a mental examination, physical 8510
examination, ~~including an HIV test,~~ or both a mental and 8511
physical examination. The expense of the examination is the 8512
responsibility of the individual compelled to be examined. 8513
Failure to submit to a mental or physical examination ~~or consent~~ 8514
~~to an HIV test~~ ordered by the board constitutes an admission of 8515
the allegations against the individual unless the failure is due 8516
to circumstances beyond the individual's control, and a default 8517
and final order may be entered without the taking of testimony 8518
or presentation of evidence. If the board finds a physician 8519
assistant unable to practice because of the reasons set forth in 8520
division (B)(4) of this section, the board shall require the 8521
physician assistant to submit to care, counseling, or treatment 8522
by physicians approved or designated by the board, as a 8523
condition for an initial, continued, reinstated, or renewed 8524
license. An individual affected under this division shall be 8525
afforded an opportunity to demonstrate to the board the ability 8526
to resume practicing in compliance with acceptable and 8527
prevailing standards of care. 8528

(2) For purposes of division (B)(5) of this section, if 8529
the board has reason to believe that any individual who holds a 8530
license issued under this chapter or any applicant for a license 8531

suffers such impairment, the board shall refer the individual to 8532
the monitoring organization that conducts the confidential 8533
monitoring program established under section 4731.25 of the 8534
Revised Code. The board also may compel the individual to submit 8535
to a mental or physical examination, or both. The expense of the 8536
examination is the responsibility of the individual compelled to 8537
be examined. Any mental or physical examination required under 8538
this division shall be undertaken by a treatment provider or 8539
physician qualified to conduct such examination and approved 8540
under section 4731.251 of the Revised Code. 8541

Failure to submit to a mental or physical examination 8542
ordered by the board constitutes an admission of the allegations 8543
against the individual unless the failure is due to 8544
circumstances beyond the individual's control, and a default and 8545
final order may be entered without the taking of testimony or 8546
presentation of evidence. If the board determines that the 8547
individual's ability to practice is impaired, the board shall 8548
suspend the individual's license or deny the individual's 8549
application and shall require the individual, as a condition for 8550
initial, continued, reinstated, or renewed licensure, to submit 8551
to treatment. 8552

Before being eligible to apply for reinstatement of a 8553
license suspended under this division, the physician assistant 8554
shall demonstrate to the board the ability to resume practice or 8555
prescribing in compliance with acceptable and prevailing 8556
standards of care. The demonstration shall include the 8557
following: 8558

(a) Certification from a treatment provider approved under 8559
section 4731.251 of the Revised Code that the individual has 8560
successfully completed any required inpatient treatment; 8561

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the physician assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the physician assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. Failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along

with appropriate court documents. Upon receipt of a petition and 8621
supporting court documents, the board shall reinstate the 8622
individual's license. The board may then hold an adjudication 8623
under Chapter 119. of the Revised Code to determine whether the 8624
individual committed the act in question. Notice of opportunity 8625
for hearing shall be given in accordance with Chapter 119. of 8626
the Revised Code. If the board finds, pursuant to an 8627
adjudication held under this division, that the individual 8628
committed the act, or if no hearing is requested, it may order 8629
any of the sanctions identified under division (B) of this 8630
section. 8631

(I) The license to practice issued to a physician 8632
assistant and the physician assistant's practice in this state 8633
are automatically suspended as of the date the physician 8634
assistant pleads guilty to, is found by a judge or jury to be 8635
guilty of, or is subject to a judicial finding of eligibility 8636
for intervention in lieu of conviction in this state or 8637
treatment or intervention in lieu of conviction in another state 8638
for any of the following criminal offenses in this state or a 8639
substantially equivalent criminal offense in another 8640
jurisdiction: aggravated murder, murder, voluntary manslaughter, 8641
felonious assault, kidnapping, rape, sexual battery, gross 8642
sexual imposition, aggravated arson, aggravated robbery, or 8643
aggravated burglary. Continued practice after the suspension 8644
shall be considered practicing without a license. 8645

The board shall notify the individual subject to the 8646
suspension in accordance with sections 119.05 and 119.07 of the 8647
Revised Code. If an individual whose license is suspended under 8648
this division fails to make a timely request for an adjudication 8649
under Chapter 119. of the Revised Code, the board shall enter a 8650
final order permanently revoking the individual's license to 8651

practice. 8652

(J) In any instance in which the board is required by 8653
Chapter 119. of the Revised Code to give notice of opportunity 8654
for hearing and the individual subject to the notice does not 8655
timely request a hearing in accordance with section 119.07 of 8656
the Revised Code, the board is not required to hold a hearing, 8657
but may adopt, by an affirmative vote of not fewer than six of 8658
its members, a final order that contains the board's findings. 8659
In that final order, the board may order any of the sanctions 8660
identified under division (A) or (B) of this section. 8661

(K) Any action taken by the board under division (B) of 8662
this section resulting in a suspension shall be accompanied by a 8663
written statement of the conditions under which the physician 8664
assistant's license may be reinstated. The board shall adopt 8665
rules in accordance with Chapter 119. of the Revised Code 8666
governing conditions to be imposed for reinstatement. 8667
Reinstatement of a license suspended pursuant to division (B) of 8668
this section requires an affirmative vote of not fewer than six 8669
members of the board. 8670

(L) When the board refuses to grant or issue to an 8671
applicant a license to practice as a physician assistant, 8672
revokes an individual's license, refuses to renew an 8673
individual's license, or refuses to reinstate an individual's 8674
license, the board may specify that its action is permanent. An 8675
individual subject to a permanent action taken by the board is 8676
forever thereafter ineligible to hold the license and the board 8677
shall not accept an application for reinstatement of the license 8678
or for issuance of a new license. 8679

(M) Notwithstanding any other provision of the Revised 8680
Code, all of the following apply: 8681

(1) The surrender of a license issued under this chapter 8682
is not effective unless or until accepted by the board. 8683
Reinstatement of a license surrendered to the board requires an 8684
affirmative vote of not fewer than six members of the board. 8685

(2) An application made under this chapter for a license 8686
may not be withdrawn without approval of the board. 8687

(3) Failure by an individual to renew a license in 8688
accordance with section 4730.14 of the Revised Code does not 8689
remove or limit the board's jurisdiction to take disciplinary 8690
action under this section against the individual. 8691

(4) The placement of an individual's license on retired 8692
status, as described in section 4730.141 of the Revised Code, 8693
does not remove or limit the board's jurisdiction to take any 8694
disciplinary action against the individual with regard to the 8695
license as it existed before being placed on retired status. 8696

(N) The board shall not refuse to issue a license to an 8697
applicant because of a conviction, plea of guilty, judicial 8698
finding of guilt, judicial finding of eligibility for 8699
intervention in lieu of conviction, or the commission of an act 8700
that constitutes a criminal offense, unless the refusal is in 8701
accordance with section 9.79 of the Revised Code. 8702

Sec. 4731.22. (A) The state medical board, by an 8703
affirmative vote of not fewer than six of its members, may 8704
limit, revoke, or suspend a license or certificate to practice 8705
or certificate to recommend, refuse to grant a license or 8706
certificate, refuse to renew a license or certificate, refuse to 8707
reinstate a license or certificate, or reprimand or place on 8708
probation the holder of a license or certificate if the 8709
individual applying for or holding the license or certificate is 8710

found by the board to have committed fraud during the 8711
administration of the examination for a license or certificate 8712
to practice or to have committed fraud, misrepresentation, or 8713
deception in applying for, renewing, or securing any license or 8714
certificate to practice or certificate to recommend issued by 8715
the board. 8716

(B) Except as provided in division (P) of this section, 8717
the board, by an affirmative vote of not fewer than six members, 8718
shall, to the extent permitted by law, limit, revoke, or suspend 8719
a license or certificate to practice or certificate to 8720
recommend, refuse to issue a license or certificate, refuse to 8721
renew a license or certificate, refuse to reinstate a license or 8722
certificate, or reprimand or place on probation the holder of a 8723
license or certificate for one or more of the following reasons: 8724

(1) Permitting one's name or one's license or certificate 8725
to practice to be used by a person, group, or corporation when 8726
the individual concerned is not actually directing the treatment 8727
given; 8728

(2) Failure to maintain minimal standards applicable to 8729
the selection or administration of drugs, or failure to employ 8730
acceptable scientific methods in the selection of drugs or other 8731
modalities for treatment of disease; 8732

(3) Except as provided in section 4731.97 of the Revised 8733
Code, selling, giving away, personally furnishing, prescribing, 8734
or administering drugs for other than legal and legitimate 8735
therapeutic purposes or a plea of guilty to, a judicial finding 8736
of guilt of, or a judicial finding of eligibility for 8737
intervention in lieu of conviction of, a violation of any 8738
federal or state law regulating the possession, distribution, or 8739
use of any drug; 8740

(4) Willfully betraying a professional confidence. 8741

For purposes of this division, "willfully betraying a 8742
professional confidence" does not include providing any 8743
information, documents, or reports under sections 307.621 to 8744
307.629 of the Revised Code to a child fatality review board; 8745
does not include providing any information, documents, or 8746
reports under sections 307.631 to 307.6410 of the Revised Code 8747
to a drug overdose fatality review committee, a suicide fatality 8748
review committee, or hybrid drug overdose fatality and suicide 8749
fatality review committee; does not include providing any 8750
information, documents, or reports under sections 307.651 to 8751
307.659 of the Revised Code to a domestic violence fatality 8752
review board; does not include providing any information, 8753
documents, or reports to the director of health pursuant to 8754
guidelines established under section 3701.70 of the Revised 8755
Code; does not include written notice to a mental health 8756
professional under section 4731.62 of the Revised Code; and does 8757
not include the making of a report of an employee's use of a 8758
drug of abuse, or a report of a condition of an employee other 8759
than one involving the use of a drug of abuse, to the employer 8760
of the employee as described in division (B) of section 2305.33 8761
of the Revised Code. Nothing in this division affects the 8762
immunity from civil liability conferred by section 2305.33 or 8763
4731.62 of the Revised Code upon a physician who makes a report 8764
in accordance with section 2305.33 or notifies a mental health 8765
professional in accordance with section 4731.62 of the Revised 8766
Code. As used in this division, "employee," "employer," and 8767
"physician" have the same meanings as in section 2305.33 of the 8768
Revised Code. 8769

(5) Making a false, fraudulent, deceptive, or misleading 8770
statement in the solicitation of or advertising for patients; in 8771

relation to the practice of medicine and surgery, osteopathic 8772
medicine and surgery, podiatric medicine and surgery, or a 8773
limited branch of medicine; or in securing or attempting to 8774
secure any license or certificate to practice issued by the 8775
board. 8776

As used in this division, "false, fraudulent, deceptive, 8777
or misleading statement" means a statement that includes a 8778
misrepresentation of fact, is likely to mislead or deceive 8779
because of a failure to disclose material facts, is intended or 8780
is likely to create false or unjustified expectations of 8781
favorable results, or includes representations or implications 8782
that in reasonable probability will cause an ordinarily prudent 8783
person to misunderstand or be deceived. 8784

(6) A departure from, or the failure to conform to, 8785
minimal standards of care of similar practitioners under the 8786
same or similar circumstances, whether or not actual injury to a 8787
patient is established; 8788

(7) Representing, with the purpose of obtaining 8789
compensation or other advantage as personal gain or for any 8790
other person, that an incurable disease or injury, or other 8791
incurable condition, can be permanently cured; 8792

(8) The obtaining of, or attempting to obtain, money or 8793
anything of value by fraudulent misrepresentations in the course 8794
of practice; 8795

(9) A plea of guilty to, a judicial finding of guilt of, 8796
or a judicial finding of eligibility for intervention in lieu of 8797
conviction for, a felony; 8798

(10) Commission of an act that constitutes a felony in 8799
this state, regardless of the jurisdiction in which the act was 8800

committed; 8801

(11) A plea of guilty to, a judicial finding of guilt of, 8802
or a judicial finding of eligibility for intervention in lieu of 8803
conviction for, a misdemeanor committed in the course of 8804
practice; 8805

(12) Commission of an act in the course of practice that 8806
constitutes a misdemeanor in this state, regardless of the 8807
jurisdiction in which the act was committed; 8808

(13) A plea of guilty to, a judicial finding of guilt of, 8809
or a judicial finding of eligibility for intervention in lieu of 8810
conviction for, a misdemeanor involving moral turpitude; 8811

(14) Commission of an act involving moral turpitude that 8812
constitutes a misdemeanor in this state, regardless of the 8813
jurisdiction in which the act was committed; 8814

(15) Violation of the conditions of limitation placed by 8815
the board upon a license or certificate to practice; 8816

(16) Failure to pay license renewal fees specified in this 8817
chapter; 8818

(17) Except as authorized in section 4731.31 of the 8819
Revised Code, engaging in the division of fees for referral of 8820
patients, or the receiving of a thing of value in return for a 8821
specific referral of a patient to utilize a particular service 8822
or business; 8823

(18) Subject to section 4731.226 of the Revised Code, 8824
violation of any provision of a code of ethics of the American 8825
medical association, the American osteopathic association, the 8826
American podiatric medical association, or any other national 8827
professional organizations that the board specifies by rule. The 8828

state medical board shall obtain and keep on file current copies 8829
of the codes of ethics of the various national professional 8830
organizations. The individual whose license or certificate is 8831
being suspended or revoked shall not be found to have violated 8832
any provision of a code of ethics of an organization not 8833
appropriate to the individual's profession. 8834

For purposes of this division, a "provision of a code of 8835
ethics of a national professional organization" does not include 8836
any provision that would preclude the making of a report by a 8837
physician of an employee's use of a drug of abuse, or of a 8838
condition of an employee other than one involving the use of a 8839
drug of abuse, to the employer of the employee as described in 8840
division (B) of section 2305.33 of the Revised Code. Nothing in 8841
this division affects the immunity from civil liability 8842
conferred by that section upon a physician who makes either type 8843
of report in accordance with division (B) of that section. As 8844
used in this division, "employee," "employer," and "physician" 8845
have the same meanings as in section 2305.33 of the Revised 8846
Code. 8847

(19) Inability to practice according to acceptable and 8848
prevailing standards of care by reason of mental illness or 8849
physical illness, including, but not limited to, physical 8850
deterioration that adversely affects cognitive, motor, or 8851
perceptive skills. 8852

In enforcing this division, the board, upon a showing of a 8853
possible violation, shall refer any individual who is authorized 8854
to practice by this chapter or who has submitted an application 8855
pursuant to this chapter to the monitoring organization that 8856
conducts the confidential monitoring program established under 8857
section 4731.25 of the Revised Code. The board also may compel 8858

the individual to submit to a mental examination, physical 8859
examination, ~~including an HIV test,~~ or both a mental and a 8860
physical examination. The expense of the examination is the 8861
responsibility of the individual compelled to be examined. 8862
Failure to submit to a mental or physical examination ~~or consent~~ 8863
~~to an HIV test~~ ordered by the board constitutes an admission of 8864
the allegations against the individual unless the failure is due 8865
to circumstances beyond the individual's control, and a default 8866
and final order may be entered without the taking of testimony 8867
or presentation of evidence. If the board finds an individual 8868
unable to practice because of the reasons set forth in this 8869
division, the board shall require the individual to submit to 8870
care, counseling, or treatment by physicians approved or 8871
designated by the board, as a condition for initial, continued, 8872
reinstated, or renewed authority to practice. An individual 8873
affected under this division shall be afforded an opportunity to 8874
demonstrate to the board the ability to resume practice in 8875
compliance with acceptable and prevailing standards under the 8876
provisions of the individual's license or certificate. For the 8877
purpose of this division, any individual who applies for or 8878
receives a license or certificate to practice under this chapter 8879
accepts the privilege of practicing in this state and, by so 8880
doing, shall be deemed to have given consent to submit to a 8881
mental or physical examination when directed to do so in writing 8882
by the board, and to have waived all objections to the 8883
admissibility of testimony or examination reports that 8884
constitute a privileged communication. 8885

(20) Except as provided in division (F) (1) (b) of section 8886
4731.282 of the Revised Code or when civil penalties are imposed 8887
under section 4731.225 of the Revised Code, and subject to 8888
section 4731.226 of the Revised Code, violating or attempting to 8889

violate, directly or indirectly, or assisting in or abetting the 8890
violation of, or conspiring to violate, any provisions of this 8891
chapter or any rule promulgated by the board. 8892

This division does not apply to a violation or attempted 8893
violation of, assisting in or abetting the violation of, or a 8894
conspiracy to violate, any provision of this chapter or any rule 8895
adopted by the board that would preclude the making of a report 8896
by a physician of an employee's use of a drug of abuse, or of a 8897
condition of an employee other than one involving the use of a 8898
drug of abuse, to the employer of the employee as described in 8899
division (B) of section 2305.33 of the Revised Code. Nothing in 8900
this division affects the immunity from civil liability 8901
conferred by that section upon a physician who makes either type 8902
of report in accordance with division (B) of that section. As 8903
used in this division, "employee," "employer," and "physician" 8904
have the same meanings as in section 2305.33 of the Revised 8905
Code. 8906

(21) The violation of section 3701.79 of the Revised Code 8907
or of any abortion rule adopted by the director of health 8908
pursuant to section 3701.341 of the Revised Code; 8909

(22) Any of the following actions taken by an agency 8910
responsible for authorizing, certifying, or regulating an 8911
individual to practice a health care occupation or provide 8912
health care services in this state or another jurisdiction, for 8913
any reason other than the nonpayment of fees: the limitation, 8914
revocation, or suspension of an individual's license to 8915
practice; acceptance of an individual's license surrender; 8916
denial of a license; refusal to renew or reinstate a license; 8917
imposition of probation; or issuance of an order of censure or 8918
other reprimand; 8919

(23) The violation of section 2919.12 of the Revised Code 8920
or the performance or inducement of an abortion upon a pregnant 8921
woman with actual knowledge that the conditions specified in 8922
division (B) of section 2317.56 of the Revised Code have not 8923
been satisfied or with a heedless indifference as to whether 8924
those conditions have been satisfied, unless an affirmative 8925
defense as specified in division (H) (2) of that section would 8926
apply in a civil action authorized by division (H) (1) of that 8927
section; 8928

(24) The revocation, suspension, restriction, reduction, 8929
or termination of clinical privileges by the United States 8930
department of defense or department of veterans affairs or the 8931
termination or suspension of a certificate of registration to 8932
prescribe drugs by the drug enforcement administration of the 8933
United States department of justice; 8934

(25) Termination or suspension from participation in the 8935
medicare or medicaid programs by the department of health and 8936
human services or other responsible agency; 8937

(26) Impairment of ability to practice according to 8938
acceptable and prevailing standards of care because of substance 8939
use disorder or excessive use or abuse of drugs, alcohol, or 8940
other substances that may impair ability to practice. 8941

For the purposes of this division, any individual 8942
authorized to practice by this chapter accepts the privilege of 8943
practicing in this state subject to supervision by the board. By 8944
filing an application for or holding a license or certificate to 8945
practice under this chapter, an individual shall be deemed to 8946
have given consent to submit to a mental or physical examination 8947
when ordered to do so by the board in writing, and to have 8948
waived all objections to the admissibility of testimony or 8949

examination reports that constitute privileged communications. 8950

If it has reason to believe that any individual authorized 8951
to practice by this chapter or any applicant for licensure or 8952
certification to practice suffers such impairment, the board 8953
shall refer the individual to the monitoring organization that 8954
conducts the confidential monitoring program established under 8955
section 4731.25 of the Revised Code. The board also may compel 8956
the individual to submit to a mental or physical examination, or 8957
both. The expense of the examination is the responsibility of 8958
the individual compelled to be examined. Any mental or physical 8959
examination required under this division shall be undertaken by 8960
a treatment provider or physician who is qualified to conduct 8961
the examination and who is approved under section 4731.251 of 8962
the Revised Code. 8963

Failure to submit to a mental or physical examination 8964
ordered by the board constitutes an admission of the allegations 8965
against the individual unless the failure is due to 8966
circumstances beyond the individual's control, and a default and 8967
final order may be entered without the taking of testimony or 8968
presentation of evidence. If the board determines that the 8969
individual's ability to practice is impaired, the board shall 8970
suspend the individual's license or certificate or deny the 8971
individual's application and shall require the individual, as a 8972
condition for initial, continued, reinstated, or renewed 8973
licensure or certification to practice, to submit to treatment. 8974

Before being eligible to apply for reinstatement of a 8975
license or certificate suspended under this division, the 8976
impaired practitioner shall demonstrate to the board the ability 8977
to resume practice in compliance with acceptable and prevailing 8978
standards of care under the provisions of the practitioner's 8979

license or certificate. The demonstration shall include, but 8980
shall not be limited to, the following: 8981

(a) Certification from a treatment provider approved under 8982
section 4731.251 of the Revised Code that the individual has 8983
successfully completed any required inpatient treatment; 8984

(b) Evidence of continuing full compliance with an 8985
aftercare contract or consent agreement; 8986

(c) Two written reports indicating that the individual's 8987
ability to practice has been assessed and that the individual 8988
has been found capable of practicing according to acceptable and 8989
prevailing standards of care. The reports shall be made by 8990
individuals or providers approved by the board for making the 8991
assessments and shall describe the basis for their 8992
determination. 8993

The board may reinstate a license or certificate suspended 8994
under this division after that demonstration and after the 8995
individual has entered into a written consent agreement. 8996

When the impaired practitioner resumes practice, the board 8997
shall require continued monitoring of the individual. The 8998
monitoring shall include, but not be limited to, compliance with 8999
the written consent agreement entered into before reinstatement 9000
or with conditions imposed by board order after a hearing, and, 9001
upon termination of the consent agreement, submission to the 9002
board for at least two years of annual written progress reports 9003
made under penalty of perjury stating whether the individual has 9004
maintained sobriety. 9005

(27) A second or subsequent violation of section 4731.66 9006
or 4731.69 of the Revised Code; 9007

(28) Except as provided in division (N) of this section: 9008

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard

care arrangement;	9038
(33) Failure to comply with the terms of a consult	9039
agreement entered into with a pharmacist pursuant to section	9040
4729.39 of the Revised Code;	9041
(34) Failure to cooperate in an investigation conducted by	9042
the board under division (F) of this section, including failure	9043
to comply with a subpoena or order issued by the board or	9044
failure to answer truthfully a question presented by the board	9045
in an investigative interview, an investigative office	9046
conference, at a deposition, or in written interrogatories,	9047
except that failure to cooperate with an investigation shall not	9048
constitute grounds for discipline under this section if a court	9049
of competent jurisdiction has issued an order that either	9050
quashes a subpoena or permits the individual to withhold the	9051
testimony or evidence in issue;	9052
(35) Failure to supervise an anesthesiologist assistant in	9053
accordance with Chapter 4760. of the Revised Code and the	9054
board's rules for supervision of an anesthesiologist assistant;	9055
(36) Assisting suicide, as defined in section 3795.01 of	9056
the Revised Code;	9057
(37) Failure to comply with the requirements of section	9058
2317.561 of the Revised Code;	9059
(38) Failure to supervise a radiologist assistant in	9060
accordance with Chapter 4774. of the Revised Code and the	9061
board's rules for supervision of radiologist assistants;	9062
(39) Performing or inducing an abortion at an office or	9063
facility with knowledge that the office or facility fails to	9064
post the notice required under section 3701.791 of the Revised	9065
Code;	9066

(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	9067 9068 9069 9070
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	9071 9072 9073 9074
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	9075 9076 9077 9078
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	9079 9080 9081 9082 9083
(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	9084 9085 9086 9087 9088
(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	9089 9090 9091 9092
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of	9093 9094 9095

section 2919.193, division (B) of section 2919.195, or division 9096
(A) of section 2919.196 of the Revised Code; 9097

(47) Failure to comply with the requirements in section 9098
3719.061 of the Revised Code before issuing for a minor a 9099
prescription for an opioid analgesic, as defined in section 9100
3719.01 of the Revised Code; 9101

(48) Failure to comply with the requirements of section 9102
4731.30 of the Revised Code or rules adopted under section 9103
4731.301 of the Revised Code when recommending treatment with 9104
medical marijuana; 9105

(49) A pattern of continuous or repeated violations of 9106
division (E) (2) or (3) of section 3963.02 of the Revised Code; 9107

(50) Failure to fulfill the responsibilities of a 9108
collaboration agreement entered into with an athletic trainer as 9109
described in section 4755.621 of the Revised Code; 9110

(51) Failure to take the steps specified in section 9111
4731.911 of the Revised Code following an abortion or attempted 9112
abortion in an ambulatory surgical facility or other location 9113
that is not a hospital when a child is born alive. 9114

(C) Disciplinary actions taken by the board under 9115
divisions (A) and (B) of this section shall be taken pursuant to 9116
an adjudication under Chapter 119. of the Revised Code, except 9117
that in lieu of an adjudication, the board may enter into a 9118
consent agreement with an individual to resolve an allegation of 9119
a violation of this chapter or any rule adopted under it. A 9120
consent agreement, when ratified by an affirmative vote of not 9121
fewer than six members of the board, shall constitute the 9122
findings and order of the board with respect to the matter 9123
addressed in the agreement. If the board refuses to ratify a 9124

consent agreement, the admissions and findings contained in the 9125
consent agreement shall be of no force or effect. 9126

A telephone conference call may be utilized for 9127
ratification of a consent agreement that revokes or suspends an 9128
individual's license or certificate to practice or certificate 9129
to recommend. The telephone conference call shall be considered 9130
a special meeting under division (F) of section 121.22 of the 9131
Revised Code. 9132

If the board takes disciplinary action against an 9133
individual under division (B) of this section for a second or 9134
subsequent plea of guilty to, or judicial finding of guilt of, a 9135
violation of section 2919.123 or 2919.124 of the Revised Code, 9136
the disciplinary action shall consist of a suspension of the 9137
individual's license or certificate to practice for a period of 9138
at least one year or, if determined appropriate by the board, a 9139
more serious sanction involving the individual's license or 9140
certificate to practice. Any consent agreement entered into 9141
under this division with an individual that pertains to a second 9142
or subsequent plea of guilty to, or judicial finding of guilt 9143
of, a violation of that section shall provide for a suspension 9144
of the individual's license or certificate to practice for a 9145
period of at least one year or, if determined appropriate by the 9146
board, a more serious sanction involving the individual's 9147
license or certificate to practice. 9148

(D) For purposes of divisions (B) (10), (12), and (14) of 9149
this section, the commission of the act may be established by a 9150
finding by the board, pursuant to an adjudication under Chapter 9151
119. of the Revised Code, that the individual committed the act. 9152
The board does not have jurisdiction under those divisions if 9153
the trial court renders a final judgment in the individual's 9154

favor and that judgment is based upon an adjudication on the 9155
merits. The board has jurisdiction under those divisions if the 9156
trial court issues an order of dismissal upon technical or 9157
procedural grounds. 9158

(E) The sealing or expungement of conviction records by 9159
any court shall have no effect upon a prior board order entered 9160
under this section or upon the board's jurisdiction to take 9161
action under this section if, based upon a plea of guilty, a 9162
judicial finding of guilt, or a judicial finding of eligibility 9163
for intervention in lieu of conviction, the board issued a 9164
notice of opportunity for a hearing prior to the court's order 9165
to seal or expunge the records. The board shall not be required 9166
to seal, expunge, destroy, redact, or otherwise modify its 9167
records to reflect the court's sealing of conviction records. 9168

(F) (1) The board shall investigate evidence that appears 9169
to show that a person has violated any provision of this chapter 9170
or any rule adopted under it. Any person may report to the board 9171
in a signed writing any information that the person may have 9172
that appears to show a violation of any provision of this 9173
chapter or any rule adopted under it. In the absence of bad 9174
faith, any person who reports information of that nature or who 9175
testifies before the board in any adjudication conducted under 9176
Chapter 119. of the Revised Code shall not be liable in damages 9177
in a civil action as a result of the report or testimony. Each 9178
complaint or allegation of a violation received by the board 9179
shall be assigned a case number and shall be recorded by the 9180
board. 9181

(2) Investigations of alleged violations of this chapter 9182
or any rule adopted under it shall be supervised by the 9183
supervising member elected by the board in accordance with 9184

section 4731.02 of the Revised Code and by the secretary as 9185
provided in section 4731.39 of the Revised Code. The president 9186
may designate another member of the board to supervise the 9187
investigation in place of the supervising member. No member of 9188
the board who supervises the investigation of a case shall 9189
participate in further adjudication of the case. 9190

(3) In investigating a possible violation of this chapter 9191
or any rule adopted under this chapter, or in conducting an 9192
inspection under division (E) of section 4731.054 of the Revised 9193
Code, the board may question witnesses, conduct interviews, 9194
administer oaths, order the taking of depositions, inspect and 9195
copy any books, accounts, papers, records, or documents, issue 9196
subpoenas, and compel the attendance of witnesses and production 9197
of books, accounts, papers, records, documents, and testimony, 9198
except that a subpoena for patient record information shall not 9199
be issued without consultation with the attorney general's 9200
office and approval of the secretary of the board. 9201

(a) Before issuance of a subpoena for patient record 9202
information, the secretary shall determine whether there is 9203
probable cause to believe that the complaint filed alleges a 9204
violation of this chapter or any rule adopted under it and that 9205
the records sought are relevant to the alleged violation and 9206
material to the investigation. The subpoena may apply only to 9207
records that cover a reasonable period of time surrounding the 9208
alleged violation. 9209

(b) On failure to comply with any subpoena issued by the 9210
board and after reasonable notice to the person being 9211
subpoenaed, the board may move for an order compelling the 9212
production of persons or records pursuant to the Rules of Civil 9213
Procedure. 9214

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 9245
information about patients or complainants unless proper consent 9246
is given or, in the case of a patient, a waiver of the patient 9247
privilege exists under division (B) of section 2317.02 of the 9248
Revised Code, except that consent or a waiver of that nature is 9249
not required if the board possesses reliable and substantial 9250
evidence that no bona fide physician-patient relationship 9251
exists. 9252

The board may share any information it receives pursuant 9253
to an investigation or inspection, including patient records and 9254
patient record information, with law enforcement agencies, other 9255
licensing boards, and other governmental agencies that are 9256
prosecuting, adjudicating, or investigating alleged violations 9257
of statutes or administrative rules. An agency or board that 9258
receives the information shall comply with the same requirements 9259
regarding confidentiality as those with which the state medical 9260
board must comply, notwithstanding any conflicting provision of 9261
the Revised Code or procedure of the agency or board that 9262
applies when it is dealing with other information in its 9263
possession. In a judicial proceeding, the information may be 9264
admitted into evidence only in accordance with the Rules of 9265
Evidence, but the court shall require that appropriate measures 9266
are taken to ensure that confidentiality is maintained with 9267
respect to any part of the information that contains names or 9268
other identifying information about patients or complainants 9269
whose confidentiality was protected by the state medical board 9270
when the information was in the board's possession. Measures to 9271
ensure confidentiality that may be taken by the court include 9272
sealing its records or deleting specific information from its 9273
records. 9274

(6) On a quarterly basis, the board shall prepare a report 9275

that documents the disposition of all cases during the preceding 9276
three months. The report shall contain the following information 9277
for each case with which the board has completed its activities: 9278

(a) The case number assigned to the complaint or alleged 9279
violation; 9280

(b) The type of license or certificate to practice, if 9281
any, held by the individual against whom the complaint is 9282
directed; 9283

(c) A description of the allegations contained in the 9284
complaint; 9285

(d) The disposition of the case. 9286

The report shall state how many cases are still pending 9287
and shall be prepared in a manner that protects the identity of 9288
each person involved in each case. The report shall be a public 9289
record under section 149.43 of the Revised Code. 9290

(G) If the secretary and supervising member determine both 9291
of the following, they may recommend that the board suspend an 9292
individual's license or certificate to practice or certificate 9293
to recommend without a prior hearing: 9294

(1) That there is clear and convincing evidence that an 9295
individual has violated division (B) of this section; 9296

(2) That the individual's continued practice presents a 9297
danger of immediate and serious harm to the public. 9298

Written allegations shall be prepared for consideration by 9299
the board. The board, upon review of those allegations and by an 9300
affirmative vote of not fewer than six of its members, excluding 9301
the secretary and supervising member, may suspend a license or 9302
certificate without a prior hearing. A telephone conference call 9303

may be utilized for reviewing the allegations and taking the 9304
vote on the summary suspension. 9305

The board shall serve a written order of suspension in 9306
accordance with sections 119.05 and 119.07 of the Revised Code. 9307
The order shall not be subject to suspension by the court during 9308
pendency of any appeal filed under section 119.12 of the Revised 9309
Code. If the individual subject to the summary suspension 9310
requests an adjudicatory hearing by the board, the date set for 9311
the hearing shall be within fifteen days, but not earlier than 9312
seven days, after the individual requests the hearing, unless 9313
otherwise agreed to by both the board and the individual. 9314

Any summary suspension imposed under this division shall 9315
remain in effect, unless reversed on appeal, until a final 9316
adjudicative order issued by the board pursuant to this section 9317
and Chapter 119. of the Revised Code becomes effective. The 9318
board shall issue its final adjudicative order within seventy- 9319
five days after completion of its hearing. A failure to issue 9320
the order within seventy-five days shall result in dissolution 9321
of the summary suspension order but shall not invalidate any 9322
subsequent, final adjudicative order. 9323

(H) If the board takes action under division (B) (9), (11), 9324
or (13) of this section and the judicial finding of guilt, 9325
guilty plea, or judicial finding of eligibility for intervention 9326
in lieu of conviction is overturned on appeal, upon exhaustion 9327
of the criminal appeal, a petition for reconsideration of the 9328
order may be filed with the board along with appropriate court 9329
documents. Upon receipt of a petition of that nature and 9330
supporting court documents, the board shall reinstate the 9331
individual's license or certificate to practice. The board may 9332
then hold an adjudication under Chapter 119. of the Revised Code 9333

to determine whether the individual committed the act in 9334
question. Notice of an opportunity for a hearing shall be given 9335
in accordance with Chapter 119. of the Revised Code. If the 9336
board finds, pursuant to an adjudication held under this 9337
division, that the individual committed the act or if no hearing 9338
is requested, the board may order any of the sanctions 9339
identified under division (B) of this section. 9340

(I) The license or certificate to practice issued to an 9341
individual under this chapter and the individual's practice in 9342
this state are automatically suspended as of the date of the 9343
individual's second or subsequent plea of guilty to, or judicial 9344
finding of guilt of, a violation of section 2919.123 or 2919.124 9345
of the Revised Code. In addition, the license or certificate to 9346
practice or certificate to recommend issued to an individual 9347
under this chapter and the individual's practice in this state 9348
are automatically suspended as of the date the individual pleads 9349
guilty to, is found by a judge or jury to be guilty of, or is 9350
subject to a judicial finding of eligibility for intervention in 9351
lieu of conviction in this state or treatment or intervention in 9352
lieu of conviction in another jurisdiction for any of the 9353
following criminal offenses in this state or a substantially 9354
equivalent criminal offense in another jurisdiction: aggravated 9355
murder, murder, voluntary manslaughter, felonious assault, 9356
kidnapping, rape, sexual battery, gross sexual imposition, 9357
aggravated arson, aggravated robbery, or aggravated burglary. 9358
Continued practice after suspension shall be considered 9359
practicing without a license or certificate. 9360

The board shall notify the individual subject to the 9361
suspension in accordance with sections 119.05 and 119.07 of the 9362
Revised Code. If an individual whose license or certificate is 9363
automatically suspended under this division fails to make a 9364

timely request for an adjudication under Chapter 119. of the 9365
Revised Code, the board shall do whichever of the following is 9366
applicable: 9367

(1) If the automatic suspension under this division is for 9368
a second or subsequent plea of guilty to, or judicial finding of 9369
guilt of, a violation of section 2919.123 or 2919.124 of the 9370
Revised Code, the board shall enter an order suspending the 9371
individual's license or certificate to practice for a period of 9372
at least one year or, if determined appropriate by the board, 9373
imposing a more serious sanction involving the individual's 9374
license or certificate to practice. 9375

(2) In all circumstances in which division (I)(1) of this 9376
section does not apply, enter a final order permanently revoking 9377
the individual's license or certificate to practice. 9378

(J) If the board is required by Chapter 119. of the 9379
Revised Code to give notice of an opportunity for a hearing and 9380
if the individual subject to the notice does not timely request 9381
a hearing in accordance with section 119.07 of the Revised Code, 9382
the board is not required to hold a hearing, but may adopt, by 9383
an affirmative vote of not fewer than six of its members, a 9384
final order that contains the board's findings. In that final 9385
order, the board may order any of the sanctions identified under 9386
division (A) or (B) of this section. 9387

(K) Any action taken by the board under division (B) of 9388
this section resulting in a suspension from practice shall be 9389
accompanied by a written statement of the conditions under which 9390
the individual's license or certificate to practice may be 9391
reinstated. The board shall adopt rules governing conditions to 9392
be imposed for reinstatement. Reinstatement of a license or 9393
certificate suspended pursuant to division (B) of this section 9394

requires an affirmative vote of not fewer than six members of 9395
the board. 9396

(L) When the board refuses to grant or issue a license or 9397
certificate to practice to an applicant, revokes an individual's 9398
license or certificate to practice, refuses to renew an 9399
individual's license or certificate to practice, or refuses to 9400
reinstate an individual's license or certificate to practice, 9401
the board may specify that its action is permanent. An 9402
individual subject to a permanent action taken by the board is 9403
forever thereafter ineligible to hold a license or certificate 9404
to practice and the board shall not accept an application for 9405
reinstatement of the license or certificate or for issuance of a 9406
new license or certificate. 9407

(M) Notwithstanding any other provision of the Revised 9408
Code, all of the following apply: 9409

(1) The surrender of a license or certificate issued under 9410
this chapter shall not be effective unless or until accepted by 9411
the board. A telephone conference call may be utilized for 9412
acceptance of the surrender of an individual's license or 9413
certificate to practice. The telephone conference call shall be 9414
considered a special meeting under division (F) of section 9415
121.22 of the Revised Code. Reinstatement of a license or 9416
certificate surrendered to the board requires an affirmative 9417
vote of not fewer than six members of the board. 9418

(2) An application for a license or certificate made under 9419
the provisions of this chapter may not be withdrawn without 9420
approval of the board. 9421

(3) Failure by an individual to renew a license or 9422
certificate to practice in accordance with this chapter or a 9423

certificate to recommend in accordance with rules adopted under 9424
section 4731.301 of the Revised Code does not remove or limit 9425
the board's jurisdiction to take any disciplinary action under 9426
this section against the individual. 9427

(4) The placement of an individual's license on retired 9428
status, as described in section 4731.283 of the Revised Code, 9429
does not remove or limit the board's jurisdiction to take any 9430
disciplinary action against the individual with regard to the 9431
license as it existed before being placed on retired status. 9432

(5) At the request of the board, a license or certificate 9433
holder shall immediately surrender to the board a license or 9434
certificate that the board has suspended, revoked, or 9435
permanently revoked. 9436

(N) Sanctions shall not be imposed under division (B) (28) 9437
of this section against any person who waives deductibles and 9438
copayments as follows: 9439

(1) In compliance with the health benefit plan that 9440
expressly allows such a practice. Waiver of the deductibles or 9441
copayments shall be made only with the full knowledge and 9442
consent of the plan purchaser, payer, and third-party 9443
administrator. Documentation of the consent shall be made 9444
available to the board upon request. 9445

(2) For professional services rendered to any other person 9446
authorized to practice pursuant to this chapter, to the extent 9447
allowed by this chapter and rules adopted by the board. 9448

(O) Under the board's investigative duties described in 9449
this section and subject to division (F) of this section, the 9450
board shall develop and implement a quality intervention program 9451
designed to improve through remedial education the clinical and 9452

communication skills of individuals authorized under this 9453
chapter to practice medicine and surgery, osteopathic medicine 9454
and surgery, and podiatric medicine and surgery. In developing 9455
and implementing the quality intervention program, the board may 9456
do all of the following: 9457

(1) Offer in appropriate cases as determined by the board 9458
an educational and assessment program pursuant to an 9459
investigation the board conducts under this section; 9460

(2) Select providers of educational and assessment 9461
services, including a quality intervention program panel of case 9462
reviewers; 9463

(3) Make referrals to educational and assessment service 9464
providers and approve individual educational programs 9465
recommended by those providers. The board shall monitor the 9466
progress of each individual undertaking a recommended individual 9467
educational program. 9468

(4) Determine what constitutes successful completion of an 9469
individual educational program and require further monitoring of 9470
the individual who completed the program or other action that 9471
the board determines to be appropriate; 9472

(5) Adopt rules in accordance with Chapter 119. of the 9473
Revised Code to further implement the quality intervention 9474
program. 9475

An individual who participates in an individual 9476
educational program pursuant to this division shall pay the 9477
financial obligations arising from that educational program. 9478

(P) The board shall not refuse to issue a license to an 9479
applicant because of a conviction, plea of guilty, judicial 9480
finding of guilt, judicial finding of eligibility for 9481

intervention in lieu of conviction, or the commission of an act 9482
that constitutes a criminal offense, unless the refusal is in 9483
accordance with section 9.79 of the Revised Code. 9484

Sec. 4759.07. (A) The state medical board, by an 9485
affirmative vote of not fewer than six members, shall, except as 9486
provided in division (B) of this section, and to the extent 9487
permitted by law, limit, revoke, or suspend an individual's 9488
license or limited permit, refuse to issue a license or limited 9489
permit to an individual, refuse to renew a license or limited 9490
permit, refuse to reinstate a license or limited permit, or 9491
reprimand or place on probation the holder of a license or 9492
limited permit for one or more of the following reasons: 9493

(1) Except when civil penalties are imposed under section 9494
4759.071 of the Revised Code, violating or attempting to 9495
violate, directly or indirectly, or assisting in or abetting the 9496
violation of, or conspiring to violate, any provision of this 9497
chapter or the rules adopted by the board; 9498

(2) Making a false, fraudulent, deceptive, or misleading 9499
statement in the solicitation of or advertising for patients; in 9500
relation to the practice of dietetics; or in securing or 9501
attempting to secure any license or permit issued by the board 9502
under this chapter. 9503

As used in division (A) (2) of this section, "false, 9504
fraudulent, deceptive, or misleading statement" means a 9505
statement that includes a misrepresentation of fact, is likely 9506
to mislead or deceive because of a failure to disclose material 9507
facts, is intended or is likely to create false or unjustified 9508
expectations of favorable results, or includes representations 9509
or implications that in reasonable probability will cause an 9510
ordinarily prudent person to misunderstand or be deceived. 9511

- (3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;
- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient

- is established; 9540
- (12) The obtaining of, or attempting to obtain, money or 9541
anything of value by fraudulent misrepresentations in the course 9542
of practice; 9543
- (13) Violation of the conditions of limitation placed by 9544
the board on a license or permit; 9545
- (14) Inability to practice according to acceptable and 9546
prevailing standards of care by reason of mental illness or 9547
physical illness, including, physical deterioration that 9548
adversely affects cognitive, motor, or perceptive skills; 9549
- (15) Any of the following actions taken by an agency 9550
responsible for authorizing, certifying, or regulating an 9551
individual to practice a health care occupation or provide 9552
health care services in this state or another jurisdiction, for 9553
any reason other than the nonpayment of fees: the limitation, 9554
revocation, or suspension of an individual's license; acceptance 9555
of an individual's license surrender; denial of a license; 9556
refusal to renew or reinstate a license; imposition of 9557
probation; or issuance of an order of censure or other 9558
reprimand; 9559
- (16) The revocation, suspension, restriction, reduction, 9560
or termination of practice privileges by the United States 9561
department of defense or department of veterans affairs; 9562
- (17) Termination or suspension from participation in the 9563
medicare or medicaid programs by the department of health and 9564
human services or other responsible agency for any act or acts 9565
that also would constitute a violation of division (A) (11), 9566
(12), or (14) of this section; 9567
- (18) Impairment of ability to practice according to 9568

acceptable and prevailing standards of care because of substance 9569
use disorder or excessive use or abuse of drugs, alcohol, or 9570
other substances that may impair ability to practice; 9571

(19) Failure to cooperate in an investigation conducted by 9572
the board under division (B) of section 4759.05 of the Revised 9573
Code, including failure to comply with a subpoena or order 9574
issued by the board or failure to answer truthfully a question 9575
presented by the board in an investigative interview, an 9576
investigative office conference, at a deposition, or in written 9577
interrogatories, except that failure to cooperate with an 9578
investigation shall not constitute grounds for discipline under 9579
this section if a court of competent jurisdiction has issued an 9580
order that either quashes a subpoena or permits the individual 9581
to withhold the testimony or evidence in issue; 9582

(20) Representing with the purpose of obtaining 9583
compensation or other advantage as personal gain or for any 9584
other person, that an incurable disease or injury, or other 9585
incurable condition, can be permanently cured. 9586

(B) The board shall not refuse to issue a license or 9587
limited permit to an applicant because of a plea of guilty to, a 9588
judicial finding of guilt of, or a judicial finding of 9589
eligibility for intervention in lieu of conviction for an 9590
offense unless the refusal is in accordance with section 9.79 of 9591
the Revised Code. 9592

(C) Any action taken by the board under division (A) of 9593
this section resulting in a suspension from practice shall be 9594
accompanied by a written statement of the conditions under which 9595
the individual's license or permit may be reinstated. The board 9596
shall adopt rules governing conditions to be imposed for 9597
reinstatement. Reinstatement of a license or permit suspended 9598

pursuant to division (A) of this section requires an affirmative 9599
vote of not fewer than six members of the board. 9600

(D) When the board refuses to grant or issue a license or 9601
permit to an applicant, revokes an individual's license or 9602
permit, refuses to renew an individual's license or permit, or 9603
refuses to reinstate an individual's license or permit, the 9604
board may specify that its action is permanent. An individual 9605
subject to a permanent action taken by the board is forever 9606
thereafter ineligible to hold a license or permit and the board 9607
shall not accept an application for reinstatement of the license 9608
or permit or for issuance of a new license or permit. 9609

(E) Disciplinary actions taken by the board under division 9610
(A) of this section shall be taken pursuant to an adjudication 9611
under Chapter 119. of the Revised Code, except that in lieu of 9612
an adjudication, the board may enter into a consent agreement 9613
with an individual to resolve an allegation of a violation of 9614
this chapter or any rule adopted under it. A consent agreement, 9615
when ratified by an affirmative vote of not fewer than six 9616
members of the board, shall constitute the findings and order of 9617
the board with respect to the matter addressed in the agreement. 9618
If the board refuses to ratify a consent agreement, the 9619
admissions and findings contained in the consent agreement shall 9620
be of no force or effect. 9621

A telephone conference call may be utilized for 9622
ratification of a consent agreement that revokes or suspends an 9623
individual's license or permit. The telephone conference call 9624
shall be considered a special meeting under division (F) of 9625
section 121.22 of the Revised Code. 9626

(F) In enforcing division (A)(14) of this section, the 9627
board, upon a showing of a possible violation, shall refer any 9628

individual authorized to practice by this chapter or who has 9629
submitted an application pursuant to this chapter to the 9630
monitoring organization that conducts the confidential 9631
monitoring program established under section 4731.25 of the 9632
Revised Code. The board also may compel the individual to submit 9633
to a mental examination, physical examination, ~~including an HIV-~~ 9634
~~test,~~ or both a mental and a physical examination. The expense 9635
of the examination is the responsibility of the individual 9636
compelled to be examined. Failure to submit to a mental or 9637
physical examination ~~or consent to an HIV test~~ ordered by the 9638
board constitutes an admission of the allegations against the 9639
individual unless the failure is due to circumstances beyond the 9640
individual's control, and a default and final order may be 9641
entered without the taking of testimony or presentation of 9642
evidence. If the board finds an individual unable to practice 9643
because of the reasons set forth in division (A) (14) of this 9644
section, the board shall require the individual to submit to 9645
care, counseling, or treatment by physicians approved or 9646
designated by the board, as a condition for initial, continued, 9647
reinstated, or renewed authority to practice. An individual 9648
affected under this division shall be afforded an opportunity to 9649
demonstrate to the board the ability to resume practice in 9650
compliance with acceptable and prevailing standards under the 9651
provisions of the individual's license or permit. For the 9652
purpose of division (A) (14) of this section, any individual who 9653
applies for or receives a license or permit under this chapter 9654
accepts the privilege of practicing in this state and, by so 9655
doing, shall be deemed to have given consent to submit to a 9656
mental or physical examination when directed to do so in writing 9657
by the board, and to have waived all objections to the 9658
admissibility of testimony or examination reports that 9659
constitute a privileged communication. 9660

(G) For the purposes of division (A) (18) of this section, 9661
any individual authorized to practice by this chapter accepts 9662
the privilege of practicing in this state subject to supervision 9663
by the board. By filing an application for or holding a license 9664
or permit under this chapter, an individual shall be deemed to 9665
have given consent to submit to a mental or physical examination 9666
when ordered to do so by the board in writing, and to have 9667
waived all objections to the admissibility of testimony or 9668
examination reports that constitute privileged communications. 9669

If it has reason to believe that any individual authorized 9670
to practice by this chapter or any applicant for a license or 9671
permit suffers such impairment, the board shall refer the 9672
individual to the monitoring organization that conducts the 9673
confidential monitoring program established under section 9674
4731.25 of the Revised Code. The board also may compel the 9675
individual to submit to a mental or physical examination, or 9676
both. The expense of the examination is the responsibility of 9677
the individual compelled to be examined. Any mental or physical 9678
examination required under this division shall be undertaken by 9679
a treatment provider or physician who is qualified to conduct 9680
the examination and who is approved under section 4731.251 of 9681
the Revised Code. 9682

Failure to submit to a mental or physical examination 9683
ordered by the board constitutes an admission of the allegations 9684
against the individual unless the failure is due to 9685
circumstances beyond the individual's control, and a default and 9686
final order may be entered without the taking of testimony or 9687
presentation of evidence. If the board determines that the 9688
individual's ability to practice is impaired, the board shall 9689
suspend the individual's license or permit or deny the 9690
individual's application and shall require the individual, as a 9691

condition for an initial, continued, reinstated, or renewed 9692
license or permit, to submit to treatment. 9693

Before being eligible to apply for reinstatement of a 9694
license or permit suspended under this division, the impaired 9695
practitioner shall demonstrate to the board the ability to 9696
resume practice in compliance with acceptable and prevailing 9697
standards of care under the provisions of the practitioner's 9698
license or permit. The demonstration shall include, but shall 9699
not be limited to, the following: 9700

(1) Certification from a treatment provider approved under 9701
section 4731.251 of the Revised Code that the individual has 9702
successfully completed any required inpatient treatment; 9703

(2) Evidence of continuing full compliance with an 9704
aftercare contract or consent agreement; 9705

(3) Two written reports indicating that the individual's 9706
ability to practice has been assessed and that the individual 9707
has been found capable of practicing according to acceptable and 9708
prevailing standards of care. The reports shall be made by 9709
individuals or providers approved by the board for making the 9710
assessments and shall describe the basis for their 9711
determination. 9712

The board may reinstate a license or permit suspended 9713
under this division after that demonstration and after the 9714
individual has entered into a written consent agreement. 9715

When the impaired practitioner resumes practice, the board 9716
shall require continued monitoring of the individual. The 9717
monitoring shall include, but not be limited to, compliance with 9718
the written consent agreement entered into before reinstatement 9719
or with conditions imposed by board order after a hearing, and, 9720

upon termination of the consent agreement, submission to the 9721
board for at least two years of annual written progress reports 9722
made under penalty of perjury stating whether the individual has 9723
maintained sobriety. 9724

(H) If the secretary and supervising member determine both 9725
of the following, they may recommend that the board suspend an 9726
individual's license or permit without a prior hearing: 9727

(1) That there is clear and convincing evidence that an 9728
individual has violated division (A) of this section; 9729

(2) That the individual's continued practice presents a 9730
danger of immediate and serious harm to the public. 9731

Written allegations shall be prepared for consideration by 9732
the board. The board, upon review of those allegations and by an 9733
affirmative vote of not fewer than six of its members, excluding 9734
the secretary and supervising member, may suspend a license or 9735
permit without a prior hearing. A telephone conference call may 9736
be utilized for reviewing the allegations and taking the vote on 9737
the summary suspension. 9738

The board shall serve a written order of suspension in 9739
accordance with sections 119.05 and 119.07 of the Revised Code. 9740
The order shall not be subject to suspension by the court during 9741
pendency of any appeal filed under section 119.12 of the Revised 9742
Code. If the individual subject to the summary suspension 9743
requests an adjudicatory hearing by the board, the date set for 9744
the hearing shall be within fifteen days, but not earlier than 9745
seven days, after the individual requests the hearing, unless 9746
otherwise agreed to by both the board and the individual. 9747

Any summary suspension imposed under this division shall 9748
remain in effect, unless reversed on appeal, until a final 9749

adjudicative order issued by the board pursuant to this section 9750
and Chapter 119. of the Revised Code becomes effective. The 9751
board shall issue its final adjudicative order within seventy- 9752
five days after completion of its hearing. A failure to issue 9753
the order within seventy-five days shall result in dissolution 9754
of the summary suspension order but shall not invalidate any 9755
subsequent, final adjudicative order. 9756

(I) If the board is required by Chapter 119. of the 9757
Revised Code to give notice of an opportunity for a hearing and 9758
if the individual subject to the notice does not timely request 9759
a hearing in accordance with section 119.07 of the Revised Code, 9760
the board is not required to hold a hearing, but may adopt, by 9761
an affirmative vote of not fewer than six of its members, a 9762
final order that contains the board's findings. In the final 9763
order, the board may order any of the sanctions identified under 9764
division (A) of this section. 9765

(J) For purposes of divisions (A) (5), (7), and (9) of this 9766
section, the commission of the act may be established by a 9767
finding by the board, pursuant to an adjudication under Chapter 9768
119. of the Revised Code, that the individual committed the act. 9769
The board does not have jurisdiction under those divisions if 9770
the trial court renders a final judgment in the individual's 9771
favor and that judgment is based upon an adjudication on the 9772
merits. The board has jurisdiction under those divisions if the 9773
trial court issues an order of dismissal upon technical or 9774
procedural grounds. 9775

(K) The sealing or expungement of conviction records by 9776
any court shall have no effect upon a prior board order entered 9777
under this section or upon the board's jurisdiction to take 9778
action under this section if, based upon a plea of guilty, a 9779

judicial finding of guilt, or a judicial finding of eligibility 9780
for intervention in lieu of conviction, the board issued a 9781
notice of opportunity for a hearing prior to the court's order 9782
to seal or expunge the records. The board shall not be required 9783
to seal, destroy, redact, or otherwise modify its records to 9784
reflect the court's sealing or expungement of conviction 9785
records. 9786

(L) If the board takes action under division (A) (4), (6), 9787
or (8) of this section, and the judicial finding of guilt, 9788
guilty plea, or judicial finding of eligibility for intervention 9789
in lieu of conviction is overturned on appeal, upon exhaustion 9790
of the criminal appeal, a petition for reconsideration of the 9791
order may be filed with the board along with appropriate court 9792
documents. Upon receipt of a petition for reconsideration and 9793
supporting court documents, the board shall reinstate the 9794
individual's license or permit. The board may then hold an 9795
adjudication under Chapter 119. of the Revised Code to determine 9796
whether the individual committed the act in question. Notice of 9797
an opportunity for a hearing shall be given in accordance with 9798
Chapter 119. of the Revised Code. If the board finds, pursuant 9799
to an adjudication held under this division, that the individual 9800
committed the act or if no hearing is requested, the board may 9801
order any of the sanctions identified under division (A) of this 9802
section. 9803

(M) The license or permit issued to an individual under 9804
this chapter and the individual's practice in this state are 9805
automatically suspended as of the date the individual pleads 9806
guilty to, is found by a judge or jury to be guilty of, or is 9807
subject to a judicial finding of eligibility for intervention in 9808
lieu of conviction in this state or treatment or intervention in 9809
lieu of conviction in another jurisdiction for any of the 9810

following criminal offenses in this state or a substantially 9811
equivalent criminal offense in another jurisdiction: aggravated 9812
murder, murder, voluntary manslaughter, felonious assault, 9813
kidnapping, rape, sexual battery, gross sexual imposition, 9814
aggravated arson, aggravated robbery, or aggravated burglary. 9815
Continued practice after suspension shall be considered 9816
practicing without a license or permit. 9817

The board shall serve the individual subject to the 9818
suspension in accordance with sections 119.05 and 119.07 of the 9819
Revised Code. If an individual whose license or permit is 9820
automatically suspended under this division fails to make a 9821
timely request for an adjudication under Chapter 119. of the 9822
Revised Code, the board shall enter a final order permanently 9823
revoking the individual's license or permit. 9824

(N) Notwithstanding any other provision of the Revised 9825
Code, all of the following apply: 9826

(1) The surrender of a license or permit issued under this 9827
chapter shall not be effective unless or until accepted by the 9828
board. A telephone conference call may be utilized for 9829
acceptance of the surrender of an individual's license or 9830
permit. The telephone conference call shall be considered a 9831
special meeting under division (F) of section 121.22 of the 9832
Revised Code. Reinstatement of a license or permit surrendered 9833
to the board requires an affirmative vote of not fewer than six 9834
members of the board. 9835

(2) An application for a license or permit made under the 9836
provisions of this chapter may not be withdrawn without approval 9837
of the board. 9838

(3) Failure by an individual to renew a license or permit 9839

in accordance with this chapter does not remove or limit the 9840
board's jurisdiction to take any disciplinary action under this 9841
section against the individual. 9842

(4) The placement of an individual's license on retired 9843
status, as described in section 4759.064 of the Revised Code, 9844
does not remove or limit the board's jurisdiction to take any 9845
disciplinary action against the individual with regard to the 9846
license as it existed before being placed on retired status. 9847

(5) At the request of the board, a license or permit 9848
holder shall immediately surrender to the board a license or 9849
permit that the board has suspended, revoked, or permanently 9850
revoked. 9851

Sec. 4760.13. (A) The state medical board, by an 9852
affirmative vote of not fewer than six members, may refuse to 9853
grant a license to practice as an anesthesiologist assistant to, 9854
or may revoke the license held by, an individual found by the 9855
board to have committed fraud, misrepresentation, or deception 9856
in applying for or securing the license. 9857

(B) The board, by an affirmative vote of not fewer than 9858
six members, shall, except as provided in division (C) of this 9859
section, and to the extent permitted by law, limit, revoke, or 9860
suspend an individual's license to practice as an 9861
anesthesiologist assistant, refuse to issue a license to an 9862
applicant, refuse to renew a license, refuse to reinstate a 9863
license, or reprimand or place on probation the holder of a 9864
license for any of the following reasons: 9865

(1) Permitting the holder's name or license to be used by 9866
another person; 9867

(2) Failure to comply with the requirements of this 9868

chapter, Chapter 4731. of the Revised Code, or any rules adopted 9869
by the board; 9870

(3) Violating or attempting to violate, directly or 9871
indirectly, or assisting in or abetting the violation of, or 9872
conspiring to violate, any provision of this chapter, Chapter 9873
4731. of the Revised Code, or the rules adopted by the board; 9874

(4) A departure from, or failure to conform to, minimal 9875
standards of care of similar practitioners under the same or 9876
similar circumstances whether or not actual injury to the 9877
patient is established; 9878

(5) Inability to practice according to acceptable and 9879
prevailing standards of care by reason of mental illness or 9880
physical illness, including physical deterioration that 9881
adversely affects cognitive, motor, or perceptive skills; 9882

(6) Impairment of ability to practice according to 9883
acceptable and prevailing standards of care because of substance 9884
use disorder or excessive use or abuse of drugs, alcohol, or 9885
other substances that may impair ability to practice; 9886

(7) Willfully betraying a professional confidence; 9887

(8) Making a false, fraudulent, deceptive, or misleading 9888
statement in securing or attempting to secure a license to 9889
practice as an anesthesiologist assistant. 9890

As used in this division, "false, fraudulent, deceptive, 9891
or misleading statement" means a statement that includes a 9892
misrepresentation of fact, is likely to mislead or deceive 9893
because of a failure to disclose material facts, is intended or 9894
is likely to create false or unjustified expectations of 9895
favorable results, or includes representations or implications 9896
that in reasonable probability will cause an ordinarily prudent 9897

person to misunderstand or be deceived. 9898

(9) The obtaining of, or attempting to obtain, money or a 9899
thing of value by fraudulent misrepresentations in the course of 9900
practice; 9901

(10) A plea of guilty to, a judicial finding of guilt of, 9902
or a judicial finding of eligibility for intervention in lieu of 9903
conviction for, a felony; 9904

(11) Commission of an act that constitutes a felony in 9905
this state, regardless of the jurisdiction in which the act was 9906
committed; 9907

(12) A plea of guilty to, a judicial finding of guilt of, 9908
or a judicial finding of eligibility for intervention in lieu of 9909
conviction for, a misdemeanor committed in the course of 9910
practice; 9911

(13) A plea of guilty to, a judicial finding of guilt of, 9912
or a judicial finding of eligibility for intervention in lieu of 9913
conviction for, a misdemeanor involving moral turpitude; 9914

(14) Commission of an act in the course of practice that 9915
constitutes a misdemeanor in this state, regardless of the 9916
jurisdiction in which the act was committed; 9917

(15) Commission of an act involving moral turpitude that 9918
constitutes a misdemeanor in this state, regardless of the 9919
jurisdiction in which the act was committed; 9920

(16) A plea of guilty to, a judicial finding of guilt of, 9921
or a judicial finding of eligibility for intervention in lieu of 9922
conviction for violating any state or federal law regulating the 9923
possession, distribution, or use of any drug, including 9924
trafficking in drugs; 9925

(17) Any of the following actions taken by the state 9926
agency responsible for regulating the practice of 9927
anesthesiologist assistants in another jurisdiction, for any 9928
reason other than the nonpayment of fees: the limitation, 9929
revocation, or suspension of an individual's license to 9930
practice; acceptance of an individual's license surrender; 9931
denial of a license; refusal to renew or reinstate a license; 9932
imposition of probation; or issuance of an order of censure or 9933
other reprimand; 9934

(18) Violation of the conditions placed by the board on a 9935
license to practice; 9936

(19) Failure to use universal blood and body fluid 9937
precautions established by rules adopted under section 4731.051 9938
of the Revised Code; 9939

(20) Failure to cooperate in an investigation conducted by 9940
the board under section 4760.14 of the Revised Code, including 9941
failure to comply with a subpoena or order issued by the board 9942
or failure to answer truthfully a question presented by the 9943
board at a deposition or in written interrogatories, except that 9944
failure to cooperate with an investigation shall not constitute 9945
grounds for discipline under this section if a court of 9946
competent jurisdiction has issued an order that either quashes a 9947
subpoena or permits the individual to withhold the testimony or 9948
evidence in issue; 9949

(21) Failure to comply with any code of ethics established 9950
by the national commission for the certification of 9951
anesthesiologist assistants; 9952

(22) Failure to notify the state medical board of the 9953
revocation or failure to maintain certification from the 9954

national commission for certification of anesthesiologist 9955
assistants. 9956

(C) The board shall not refuse to issue a certificate to 9957
an applicant because of a plea of guilty to, a judicial finding 9958
of guilt of, or a judicial finding of eligibility for 9959
intervention in lieu of conviction for an offense unless the 9960
refusal is in accordance with section 9.79 of the Revised Code. 9961

(D) Disciplinary actions taken by the board under 9962
divisions (A) and (B) of this section shall be taken pursuant to 9963
an adjudication under Chapter 119. of the Revised Code, except 9964
that in lieu of an adjudication, the board may enter into a 9965
consent agreement with an anesthesiologist assistant or 9966
applicant to resolve an allegation of a violation of this 9967
chapter or any rule adopted under it. A consent agreement, when 9968
ratified by an affirmative vote of not fewer than six members of 9969
the board, shall constitute the findings and order of the board 9970
with respect to the matter addressed in the agreement. If the 9971
board refuses to ratify a consent agreement, the admissions and 9972
findings contained in the consent agreement shall be of no force 9973
or effect. 9974

(E) For purposes of divisions (B) (11), (14), and (15) of 9975
this section, the commission of the act may be established by a 9976
finding by the board, pursuant to an adjudication under Chapter 9977
119. of the Revised Code, that the applicant or license holder 9978
committed the act in question. The board shall have no 9979
jurisdiction under these divisions in cases where the trial 9980
court renders a final judgment in the license holder's favor and 9981
that judgment is based upon an adjudication on the merits. The 9982
board shall have jurisdiction under these divisions in cases 9983
where the trial court issues an order of dismissal on technical 9984

or procedural grounds. 9985

(F) The sealing or expungement of conviction records by 9986
any court shall have no effect on a prior board order entered 9987
under the provisions of this section or on the board's 9988
jurisdiction to take action under the provisions of this section 9989
if, based upon a plea of guilty, a judicial finding of guilt, or 9990
a judicial finding of eligibility for intervention in lieu of 9991
conviction, the board issued a notice of opportunity for a 9992
hearing prior to the court's order to seal or expunge the 9993
records. The board shall not be required to seal, destroy, 9994
redact, or otherwise modify its records to reflect the court's 9995
sealing or expungement of conviction records. 9996

(G) For purposes of this division, any individual who 9997
holds a license to practice issued under this chapter, or 9998
applies for a license to practice, shall be deemed to have given 9999
consent to submit to a mental or physical examination when 10000
directed to do so in writing by the board and to have waived all 10001
objections to the admissibility of testimony or examination 10002
reports that constitute a privileged communication. 10003

(1) In enforcing division (B) (5) of this section, the 10004
board, on a showing of a possible violation, shall refer any 10005
individual who holds, or has applied for, a license issued under 10006
this chapter to the monitoring organization that conducts the 10007
confidential monitoring program established under section 10008
4731.25 of the Revised Code. The board also may compel the 10009
individual to this chapter to submit to a mental or physical 10010
examination, or both. ~~A physical examination may include an HIV-~~ 10011
~~test.~~ The expense of the examination is the responsibility of 10012
the individual compelled to be examined. Failure to submit to a 10013
mental or physical examination ~~or consent to an HIV test~~ ordered 10014

by the board constitutes an admission of the allegations against 10015
the individual unless the failure is due to circumstances beyond 10016
the individual's control, and a default and final order may be 10017
entered without the taking of testimony or presentation of 10018
evidence. If the board finds an anesthesiologist assistant 10019
unable to practice because of the reasons set forth in division 10020
(B) (5) of this section, the board shall require the 10021
anesthesiologist assistant to submit to care, counseling, or 10022
treatment by physicians approved or designated by the board, as 10023
a condition for an initial, continued, reinstated, or renewed 10024
license to practice. An individual affected by this division 10025
shall be afforded an opportunity to demonstrate to the board the 10026
ability to resume practicing in compliance with acceptable and 10027
prevailing standards of care. 10028

(2) For purposes of division (B) (6) of this section, if 10029
the board has reason to believe that any individual who holds a 10030
license to practice issued under this chapter or any applicant 10031
for a license to practice suffers such impairment, the board 10032
shall report the individual to the monitoring organization that 10033
conducts the confidential monitoring program established under 10034
section 4731.25 of the Revised Code. The board also may compel 10035
the individual to submit to a mental or physical examination, or 10036
both. The expense of the examination is the responsibility of 10037
the individual compelled to be examined. Any mental or physical 10038
examination required under this division shall be undertaken by 10039
a treatment provider or physician qualified to conduct such 10040
examination and approved under section 4731.251 of the Revised 10041
Code. 10042

Failure to submit to a mental or physical examination 10043
ordered by the board constitutes an admission of the allegations 10044
against the individual unless the failure is due to 10045

circumstances beyond the individual's control, and a default and 10046
final order may be entered without the taking of testimony or 10047
presentation of evidence. If the board determines that the 10048
individual's ability to practice is impaired, the board shall 10049
suspend the individual's license or deny the individual's 10050
application and shall require the individual, as a condition for 10051
an initial, continued, reinstated, or renewed license to 10052
practice, to submit to treatment. 10053

Before being eligible to apply for reinstatement of a 10054
license suspended under this division, the anesthesiologist 10055
assistant shall demonstrate to the board the ability to resume 10056
practice in compliance with acceptable and prevailing standards 10057
of care. The demonstration shall include the following: 10058

(a) Certification from a treatment provider approved under 10059
section 4731.251 of the Revised Code that the individual has 10060
successfully completed any required inpatient treatment; 10061

(b) Evidence of continuing full compliance with an 10062
aftercare contract or consent agreement; 10063

(c) Two written reports indicating that the individual's 10064
ability to practice has been assessed and that the individual 10065
has been found capable of practicing according to acceptable and 10066
prevailing standards of care. The reports shall be made by 10067
individuals or providers approved by the board for making such 10068
assessments and shall describe the basis for their 10069
determination. 10070

The board may reinstate a license suspended under this 10071
division after such demonstration and after the individual has 10072
entered into a written consent agreement. 10073

When the impaired anesthesiologist assistant resumes 10074

practice, the board shall require continued monitoring of the 10075
anesthesiologist assistant. The monitoring shall include 10076
monitoring of compliance with the written consent agreement 10077
entered into before reinstatement or with conditions imposed by 10078
board order after a hearing, and, on termination of the consent 10079
agreement, submission to the board for at least two years of 10080
annual written progress reports made under penalty of 10081
falsification stating whether the anesthesiologist assistant has 10082
maintained sobriety. 10083

(H) If the secretary and supervising member determine that 10084
there is clear and convincing evidence that an anesthesiologist 10085
assistant has violated division (B) of this section and that the 10086
individual's continued practice presents a danger of immediate 10087
and serious harm to the public, they may recommend that the 10088
board suspend the individual's license without a prior hearing. 10089
Written allegations shall be prepared for consideration by the 10090
board. 10091

The board, on review of the allegations and by an 10092
affirmative vote of not fewer than six of its members, excluding 10093
the secretary and supervising member, may suspend a license 10094
without a prior hearing. A telephone conference call may be 10095
utilized for reviewing the allegations and taking the vote on 10096
the summary suspension. 10097

The board shall serve a written order of suspension in 10098
accordance with sections 119.05 and 119.07 of the Revised Code. 10099
The order shall not be subject to suspension by the court during 10100
pendency of any appeal filed under section 119.12 of the Revised 10101
Code. If the anesthesiologist assistant requests an adjudicatory 10102
hearing by the board, the date set for the hearing shall be 10103
within fifteen days, but not earlier than seven days, after the 10104

anesthesiologist assistant requests the hearing, unless 10105
otherwise agreed to by both the board and the license holder. 10106

A summary suspension imposed under this division shall 10107
remain in effect, unless reversed on appeal, until a final 10108
adjudicative order issued by the board pursuant to this section 10109
and Chapter 119. of the Revised Code becomes effective. The 10110
board shall issue its final adjudicative order within sixty days 10111
after completion of its hearing. Failure to issue the order 10112
within sixty days shall result in dissolution of the summary 10113
suspension order, but shall not invalidate any subsequent, final 10114
adjudicative order. 10115

(I) If the board takes action under division (B) (11), 10116
(13), or (14) of this section, and the judicial finding of 10117
guilt, guilty plea, or judicial finding of eligibility for 10118
intervention in lieu of conviction is overturned on appeal, on 10119
exhaustion of the criminal appeal, a petition for 10120
reconsideration of the order may be filed with the board along 10121
with appropriate court documents. On receipt of a petition and 10122
supporting court documents, the board shall reinstate the 10123
license to practice. The board may then hold an adjudication 10124
under Chapter 119. of the Revised Code to determine whether the 10125
individual committed the act in question. Notice of opportunity 10126
for hearing shall be given in accordance with Chapter 119. of 10127
the Revised Code. If the board finds, pursuant to an 10128
adjudication held under this division, that the individual 10129
committed the act, or if no hearing is requested, it may order 10130
any of the sanctions specified in division (B) of this section. 10131

(J) The license to practice of an anesthesiologist 10132
assistant and the assistant's practice in this state are 10133
automatically suspended as of the date the anesthesiologist 10134

assistant pleads guilty to, is found by a judge or jury to be 10135
guilty of, or is subject to a judicial finding of eligibility 10136
for intervention in lieu of conviction in this state or 10137
treatment ~~of~~ or intervention in lieu of conviction in another 10138
jurisdiction for any of the following criminal offenses in this 10139
state or a substantially equivalent criminal offense in another 10140
jurisdiction: aggravated murder, murder, voluntary manslaughter, 10141
felonious assault, kidnapping, rape, sexual battery, gross 10142
sexual imposition, aggravated arson, aggravated robbery, or 10143
aggravated burglary. Continued practice after the suspension 10144
shall be considered practicing without a license. 10145

The board shall serve the individual subject to the 10146
suspension in accordance with sections 119.05 and 119.07 of the 10147
Revised Code. If an individual whose license is suspended under 10148
this division fails to make a timely request for an adjudication 10149
under Chapter 119. of the Revised Code, the board shall enter a 10150
final order permanently revoking the individual's license to 10151
practice. 10152

(K) In any instance in which the board is required by 10153
Chapter 119. of the Revised Code to give notice of opportunity 10154
for hearing and the individual subject to the notice does not 10155
timely request a hearing in accordance with section 119.07 of 10156
the Revised Code, the board is not required to hold a hearing, 10157
but may adopt, by an affirmative vote of not fewer than six of 10158
its members, a final order that contains the board's findings. 10159
In the final order, the board may order any of the sanctions 10160
identified under division (A) or (B) of this section. 10161

(L) Any action taken by the board under division (B) of 10162
this section resulting in a suspension shall be accompanied by a 10163
written statement of the conditions under which the 10164

anesthesiologist assistant's license may be reinstated. The 10165
board shall adopt rules in accordance with Chapter 119. of the 10166
Revised Code governing conditions to be imposed for 10167
reinstatement. Reinstatement of a license suspended pursuant to 10168
division (B) of this section requires an affirmative vote of not 10169
fewer than six members of the board. 10170

(M) When the board refuses to grant or issue a license to 10171
practice as an anesthesiologist assistant to an applicant, 10172
revokes an individual's license, refuses to renew an 10173
individual's license, or refuses to reinstate an individual's 10174
license, the board may specify that its action is permanent. An 10175
individual subject to a permanent action taken by the board is 10176
forever thereafter ineligible to hold a license to practice as 10177
an anesthesiologist assistant and the board shall not accept an 10178
application for reinstatement of the license or for issuance of 10179
a new license. 10180

(N) Notwithstanding any other provision of the Revised 10181
Code, all of the following apply: 10182

(1) The surrender of a license to practice issued under 10183
this chapter is not effective unless or until accepted by the 10184
board. Reinstatement of a license surrendered to the board 10185
requires an affirmative vote of not fewer than six members of 10186
the board. 10187

(2) An application made under this chapter for a license 10188
to practice may not be withdrawn without approval of the board. 10189

(3) Failure by an individual to renew a license to 10190
practice in accordance with section 4760.06 of the Revised Code 10191
does not remove or limit the board's jurisdiction to take 10192
disciplinary action under this section against the individual. 10193

(4) The placement of an individual's license on retired status, as described in section 4760.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

Sec. 4761.09. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor involving moral turpitude;	10223
(6) Commission of an act involving moral turpitude that	10224
constitutes a misdemeanor in this state, regardless of the	10225
jurisdiction in which the act was committed;	10226
(7) Except when civil penalties are imposed under section	10227
4761.091 of the Revised Code, violating or attempting to	10228
violate, directly or indirectly, or assisting in or abetting the	10229
violation of, or conspiring to violate, any provision of this	10230
chapter or the rules adopted by the board;	10231
(8) Making a false, fraudulent, deceptive, or misleading	10232
statement in the solicitation of or advertising for patients; in	10233
relation to the practice of respiratory care; or in securing or	10234
attempting to secure any license or permit issued by the board	10235
under this chapter.	10236
As used in division (A) (8) of this section, "false,	10237
fraudulent, deceptive, or misleading statement" means a	10238
statement that includes a misrepresentation of fact, is likely	10239
to mislead or deceive because of a failure to disclose material	10240
facts, is intended or is likely to create false or unjustified	10241
expectations of favorable results, or includes representations	10242
or implications that in reasonable probability will cause an	10243
ordinarily prudent person to misunderstand or be deceived.	10244
(9) Committing fraud during the administration of the	10245
examination for a license to practice or committing fraud,	10246
misrepresentation, or deception in applying for, renewing, or	10247
securing any license or permit issued by the board;	10248
(10) A departure from, or failure to conform to, minimal	10249
standards of care of similar practitioners under the same or	10250
similar circumstances, whether or not actual injury to a patient	10251

is established;	10252
(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	10253 10254
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	10255 10256 10257
(13) Violation of the conditions of limitation placed by the board upon a license or permit;	10258 10259
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	10260 10261 10262 10263
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	10264 10265 10266 10267 10268 10269 10270 10271 10272 10273
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	10274 10275 10276
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (10),	10277 10278 10279 10280

(12), or (14) of this section;	10281
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	10282 10283 10284 10285
(19) Failure to cooperate in an investigation conducted by the board under division (E) of section 4761.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	10286 10287 10288 10289 10290 10291 10292 10293 10294 10295 10296
(20) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	10297 10298 10299 10300
(21) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	10301 10302 10303
(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	10304 10305 10306
(23) Assisting suicide as defined in section 3795.01 of the Revised Code;	10307 10308
(24) Representing, with the purpose of obtaining	10309

compensation or other advantage as personal gain or for any 10310
other person, that an incurable disease or injury, or other 10311
incurable condition, can be permanently cured. 10312

Disciplinary actions taken by the board under division (A) 10313
of this section shall be taken pursuant to an adjudication under 10314
Chapter 119. of the Revised Code, except that in lieu of an 10315
adjudication, the board may enter into a consent agreement with 10316
an individual to resolve an allegation of a violation of this 10317
chapter or any rule adopted under it. A consent agreement, when 10318
ratified by an affirmative vote of not fewer than six members of 10319
the board, shall constitute the findings and order of the board 10320
with respect to the matter addressed in the agreement. If the 10321
board refuses to ratify a consent agreement, the admissions and 10322
findings contained in the consent agreement shall be of no 10323
effect. 10324

A telephone conference call may be utilized for 10325
ratification of a consent agreement that revokes or suspends an 10326
individual's license or permit. The telephone conference call 10327
shall be considered a special meeting under division (F) of 10328
section 121.22 of the Revised Code. 10329

(B) The board shall not refuse to issue a license or 10330
limited permit to an applicant because of a plea of guilty to, a 10331
judicial finding of guilt of, or a judicial finding of 10332
eligibility for intervention in lieu of conviction for an 10333
offense unless the refusal is in accordance with section 9.79 of 10334
the Revised Code. 10335

(C) Any action taken by the board under division (A) of 10336
this section resulting in a suspension from practice shall be 10337
accompanied by a written statement of the conditions under which 10338
the individual's license or permit may be reinstated. The board 10339

shall adopt rules governing conditions to be imposed for 10340
reinstatement. Reinstatement of a license or permit suspended 10341
pursuant to division (A) of this section requires an affirmative 10342
vote of not fewer than six members of the board. 10343

(D) When the board refuses to grant or issue a license or 10344
permit to an applicant, revokes an individual's license or 10345
permit, refuses to renew an individual's license or permit, or 10346
refuses to reinstate an individual's license or permit, the 10347
board may specify that its action is permanent. An individual 10348
subject to a permanent action taken by the board is forever 10349
thereafter ineligible to hold a license or permit and the board 10350
shall not accept an application for reinstatement of the license 10351
or permit or for issuance of a new license or permit. 10352

(E) If the board is required by Chapter 119. of the 10353
Revised Code to give notice of an opportunity for a hearing and 10354
if the individual subject to the notice does not timely request 10355
a hearing in accordance with section 119.07 of the Revised Code, 10356
the board is not required to hold a hearing, but may adopt, by 10357
an affirmative vote of not fewer than six of its members, a 10358
final order that contains the board's findings. In the final 10359
order, the board may order any of the sanctions identified under 10360
division (A) of this section. 10361

(F) In enforcing division (A)(14) of this section, the 10362
board, upon a showing of a possible violation, shall refer any 10363
individual authorized to practice by this chapter or who has 10364
submitted an application pursuant to this chapter to the 10365
monitoring organization that conducts the confidential 10366
monitoring program established under section 4731.25 of the 10367
Revised Code. The board also may compel the individual to submit 10368
to a mental examination, physical examination, ~~including an HIV-~~ 10369

~~test,~~ or both a mental and a physical examination. The expense 10370
of the examination is the responsibility of the individual 10371
compelled to be examined. Failure to submit to a mental or 10372
physical examination ~~or consent to an HIV test~~ ordered by the 10373
board constitutes an admission of the allegations against the 10374
individual unless the failure is due to circumstances beyond the 10375
individual's control, and a default and final order may be 10376
entered without the taking of testimony or presentation of 10377
evidence. If the board finds an individual unable to practice 10378
because of the reasons set forth in division (A) (14) of this 10379
section, the board shall require the individual to submit to 10380
care, counseling, or treatment by physicians approved or 10381
designated by the board, as a condition for initial, continued, 10382
reinstated, or renewed authority to practice. An individual 10383
affected under this division shall be afforded an opportunity to 10384
demonstrate to the board the ability to resume practice in 10385
compliance with acceptable and prevailing standards under the 10386
provisions of the individual's license or permit. For the 10387
purpose of division (A) (14) of this section, any individual who 10388
applies for or receives a license or permit to practice under 10389
this chapter accepts the privilege of practicing in this state 10390
and, by so doing, shall be deemed to have given consent to 10391
submit to a mental or physical examination when directed to do 10392
so in writing by the board, and to have waived all objections to 10393
the admissibility of testimony or examination reports that 10394
constitute a privileged communication. 10395

(G) For the purposes of division (A) (18) of this section, 10396
any individual authorized to practice by this chapter accepts 10397
the privilege of practicing in this state subject to supervision 10398
by the board. By filing an application for or holding a license 10399
or permit under this chapter, an individual shall be deemed to 10400

have given consent to submit to a mental or physical examination 10401
when ordered to do so by the board in writing, and to have 10402
waived all objections to the admissibility of testimony or 10403
examination reports that constitute privileged communications. 10404

If it has reason to believe that any individual authorized 10405
to practice by this chapter or any applicant for a license or 10406
permit suffers such impairment, the board shall refer the 10407
individual to the monitoring organization that conducts the 10408
confidential monitoring program established under section 10409
4731.25 of the Revised Code. The board also may compel the 10410
individual to submit to a mental or physical examination, or 10411
both. The expense of the examination is the responsibility of 10412
the individual compelled to be examined. Any mental or physical 10413
examination required under this division shall be undertaken by 10414
a treatment provider or physician who is qualified to conduct 10415
the examination and who is approved under section 4731.251 of 10416
the Revised Code. 10417

Failure to submit to a mental or physical examination 10418
ordered by the board constitutes an admission of the allegations 10419
against the individual unless the failure is due to 10420
circumstances beyond the individual's control, and a default and 10421
final order may be entered without the taking of testimony or 10422
presentation of evidence. If the board determines that the 10423
individual's ability to practice is impaired, the board shall 10424
suspend the individual's license or permit or deny the 10425
individual's application and shall require the individual, as a 10426
condition for an initial, continued, reinstated, or renewed 10427
license or permit, to submit to treatment. 10428

Before being eligible to apply for reinstatement of a 10429
license or permit suspended under this division, the impaired 10430

practitioner shall demonstrate to the board the ability to 10431
resume practice in compliance with acceptable and prevailing 10432
standards of care under the provisions of the practitioner's 10433
license or permit. The demonstration shall include, but shall 10434
not be limited to, the following: 10435

(1) Certification from a treatment provider approved under 10436
section 4731.251 of the Revised Code that the individual has 10437
successfully completed any required inpatient treatment; 10438

(2) Evidence of continuing full compliance with an 10439
aftercare contract or consent agreement; 10440

(3) Two written reports indicating that the individual's 10441
ability to practice has been assessed and that the individual 10442
has been found capable of practicing according to acceptable and 10443
prevailing standards of care. The reports shall be made by 10444
individuals or providers approved by the board for making the 10445
assessments and shall describe the basis for their 10446
determination. 10447

The board may reinstate a license or permit suspended 10448
under this division after that demonstration and after the 10449
individual has entered into a written consent agreement. 10450

When the impaired practitioner resumes practice, the board 10451
shall require continued monitoring of the individual. The 10452
monitoring shall include, but not be limited to, compliance with 10453
the written consent agreement entered into before reinstatement 10454
or with conditions imposed by board order after a hearing, and, 10455
upon termination of the consent agreement, submission to the 10456
board for at least two years of annual written progress reports 10457
made under penalty of perjury stating whether the individual has 10458
maintained sobriety. 10459

(H) If the secretary and supervising member determine both 10460
of the following, they may recommend that the board suspend an 10461
individual's license or permit without a prior hearing: 10462

(1) That there is clear and convincing evidence that an 10463
individual has violated division (A) of this section; 10464

(2) That the individual's continued practice presents a 10465
danger of immediate and serious harm to the public. 10466

Written allegations shall be prepared for consideration by 10467
the board. The board, upon review of those allegations and by an 10468
affirmative vote of not fewer than six of its members, excluding 10469
the secretary and supervising member, may suspend a license or 10470
permit without a prior hearing. A telephone conference call may 10471
be utilized for reviewing the allegations and taking the vote on 10472
the summary suspension. 10473

The board shall serve a written order of suspension in 10474
accordance with sections 119.05 and 119.07 of the Revised Code. 10475
The order shall not be subject to suspension by the court during 10476
pendency of any appeal filed under section 119.12 of the Revised 10477
Code. If the individual subject to the summary suspension 10478
requests an adjudicatory hearing by the board, the date set for 10479
the hearing shall be within fifteen days, but not earlier than 10480
seven days, after the individual requests the hearing, unless 10481
otherwise agreed to by both the board and the individual. 10482

Any summary suspension imposed under this division shall 10483
remain in effect, unless reversed on appeal, until a final 10484
adjudicative order issued by the board pursuant to this section 10485
and Chapter 119. of the Revised Code becomes effective. The 10486
board shall issue its final adjudicative order within seventy- 10487
five days after completion of its hearing. A failure to issue 10488

the order within seventy-five days shall result in dissolution 10489
of the summary suspension order but shall not invalidate any 10490
subsequent, final adjudicative order. 10491

(I) For purposes of divisions (A) (2), (4), and (6) of this 10492
section, the commission of the act may be established by a 10493
finding by the board, pursuant to an adjudication under Chapter 10494
119. of the Revised Code, that the individual committed the act. 10495
The board does not have jurisdiction under those divisions if 10496
the trial court renders a final judgment in the individual's 10497
favor and that judgment is based upon an adjudication on the 10498
merits. The board has jurisdiction under those divisions if the 10499
trial court issues an order of dismissal upon technical or 10500
procedural grounds. 10501

(J) The sealing or expungement of conviction records by 10502
any court shall have no effect upon a prior board order entered 10503
under this section or upon the board's jurisdiction to take 10504
action under this section if, based upon a plea of guilty, a 10505
judicial finding of guilt, or a judicial finding of eligibility 10506
for intervention in lieu of conviction, the board issued a 10507
notice of opportunity for a hearing prior to the court's order 10508
to seal or expunge the records. The board shall not be required 10509
to seal, destroy, redact, or otherwise modify its records to 10510
reflect the court's sealing or expungement of conviction 10511
records. 10512

(K) If the board takes action under division (A) (1), (3), 10513
or (5) of this section, and the judicial finding of guilt, 10514
guilty plea, or judicial finding of eligibility for intervention 10515
in lieu of conviction is overturned on appeal, upon exhaustion 10516
of the criminal appeal, a petition for reconsideration of the 10517
order may be filed with the board along with appropriate court 10518

documents. Upon receipt of a petition for reconsideration and 10519
supporting court documents, the board shall reinstate the 10520
individual's license or permit. The board may then hold an 10521
adjudication under Chapter 119. of the Revised Code to determine 10522
whether the individual committed the act in question. Notice of 10523
an opportunity for a hearing shall be given in accordance with 10524
Chapter 119. of the Revised Code. If the board finds, pursuant 10525
to an adjudication held under this division, that the individual 10526
committed the act or if no hearing is requested, the board may 10527
order any of the sanctions identified under division (A) of this 10528
section. 10529

(L) The license or permit issued to an individual under 10530
this chapter and the individual's practice in this state are 10531
automatically suspended as of the date the individual pleads 10532
guilty to, is found by a judge or jury to be guilty of, or is 10533
subject to a judicial finding of eligibility for intervention in 10534
lieu of conviction in this state or treatment or intervention in 10535
lieu of conviction in another jurisdiction for any of the 10536
following criminal offenses in this state or a substantially 10537
equivalent criminal offense in another jurisdiction: aggravated 10538
murder, murder, voluntary manslaughter, felonious assault, 10539
kidnapping, rape, sexual battery, gross sexual imposition, 10540
aggravated arson, aggravated robbery, or aggravated burglary. 10541
Continued practice after suspension shall be considered 10542
practicing without a license or permit. 10543

The board shall serve the individual subject to the 10544
suspension in accordance with sections 119.05 and 119.07 of the 10545
Revised Code. If an individual whose license or permit is 10546
automatically suspended under this division fails to make a 10547
timely request for an adjudication under Chapter 119. of the 10548
Revised Code, the board shall enter a final order permanently 10549

revoking the individual's license or permit. 10550

(M) Notwithstanding any other provision of the Revised 10551
Code, all of the following apply: 10552

(1) The surrender of a license or permit issued under this 10553
chapter shall not be effective unless or until accepted by the 10554
board. A telephone conference call may be utilized for 10555
acceptance of the surrender of an individual's license or 10556
permit. The telephone conference call shall be considered a 10557
special meeting under division (F) of section 121.22 of the 10558
Revised Code. Reinstatement of a license or permit surrendered 10559
to the board requires an affirmative vote of not fewer than six 10560
members of the board. 10561

(2) An application for a license or permit made under the 10562
provisions of this chapter may not be withdrawn without approval 10563
of the board. 10564

(3) Failure by an individual to renew a license or permit 10565
in accordance with this chapter does not remove or limit the 10566
board's jurisdiction to take any disciplinary action under this 10567
section against the individual. 10568

(4) The placement of an individual's license on retired 10569
status, as described in section 4761.062 of the Revised Code, 10570
does not remove or limit the board's jurisdiction to take any 10571
disciplinary action against the individual with regard to the 10572
license as it existed before being placed on retired status. 10573

(5) At the request of the board, a license or permit 10574
holder shall immediately surrender to the board a license or 10575
permit that the board has suspended, revoked, or permanently 10576
revoked. 10577

Sec. 4762.13. (A) The state medical board, by an 10578

affirmative vote of not fewer than six members, may refuse to 10579
grant a license to practice as an oriental medicine practitioner 10580
or license to practice as an acupuncturist to, or may revoke the 10581
license held by, an individual found by the board to have 10582
committed fraud, misrepresentation, or deception in applying for 10583
or securing the license. 10584

(B) The board, by an affirmative vote of not fewer than 10585
six members, shall, except as provided in division (C) of this 10586
section, and to the extent permitted by law, limit, revoke, or 10587
suspend an individual's license to practice, refuse to issue a 10588
license to an applicant, refuse to renew a license, refuse to 10589
reinstate a license, or reprimand or place on probation the 10590
holder of a license for any of the following reasons: 10591

(1) Permitting the holder's name or license to be used by 10592
another person; 10593

(2) Failure to comply with the requirements of this 10594
chapter, Chapter 4731. of the Revised Code, or any rules adopted 10595
by the board; 10596

(3) Violating or attempting to violate, directly or 10597
indirectly, or assisting in or abetting the violation of, or 10598
conspiring to violate, any provision of this chapter, Chapter 10599
4731. of the Revised Code, or the rules adopted by the board; 10600

(4) A departure from, or failure to conform to, minimal 10601
standards of care of similar practitioners under the same or 10602
similar circumstances whether or not actual injury to the 10603
patient is established; 10604

(5) Inability to practice according to acceptable and 10605
prevailing standards of care by reason of mental illness or 10606
physical illness, including physical deterioration that 10607

adversely affects cognitive, motor, or perceptive skills;	10608
(6) Impairment of ability to practice according to	10609
acceptable and prevailing standards of care because of substance	10610
use disorder or excessive use or abuse of drugs, alcohol, or	10611
other substances that may impair ability to practice;	10612
(7) Willfully betraying a professional confidence;	10613
(8) Making a false, fraudulent, deceptive, or misleading	10614
statement in soliciting or advertising for patients or in	10615
securing or attempting to secure a license to practice as an	10616
oriental medicine practitioner or license to practice as an	10617
acupuncturist.	10618
As used in this division, "false, fraudulent, deceptive,	10619
or misleading statement" means a statement that includes a	10620
misrepresentation of fact, is likely to mislead or deceive	10621
because of a failure to disclose material facts, is intended or	10622
is likely to create false or unjustified expectations of	10623
favorable results, or includes representations or implications	10624
that in reasonable probability will cause an ordinarily prudent	10625
person to misunderstand or be deceived.	10626
(9) Representing, with the purpose of obtaining	10627
compensation or other advantage personally or for any other	10628
person, that an incurable disease or injury, or other incurable	10629
condition, can be permanently cured;	10630
(10) The obtaining of, or attempting to obtain, money or a	10631
thing of value by fraudulent misrepresentations in the course of	10632
practice;	10633
(11) A plea of guilty to, a judicial finding of guilt of,	10634
or a judicial finding of eligibility for intervention in lieu of	10635
conviction for, a felony;	10636

(12) Commission of an act that constitutes a felony in 10637
this state, regardless of the jurisdiction in which the act was 10638
committed; 10639

(13) A plea of guilty to, a judicial finding of guilt of, 10640
or a judicial finding of eligibility for intervention in lieu of 10641
conviction for, a misdemeanor committed in the course of 10642
practice; 10643

(14) A plea of guilty to, a judicial finding of guilt of, 10644
or a judicial finding of eligibility for intervention in lieu of 10645
conviction for, a misdemeanor involving moral turpitude; 10646

(15) Commission of an act in the course of practice that 10647
constitutes a misdemeanor in this state, regardless of the 10648
jurisdiction in which the act was committed; 10649

(16) Commission of an act involving moral turpitude that 10650
constitutes a misdemeanor in this state, regardless of the 10651
jurisdiction in which the act was committed; 10652

(17) A plea of guilty to, a judicial finding of guilt of, 10653
or a judicial finding of eligibility for intervention in lieu of 10654
conviction for violating any state or federal law regulating the 10655
possession, distribution, or use of any drug, including 10656
trafficking in drugs; 10657

(18) Any of the following actions taken by the state 10658
agency responsible for regulating the practice of oriental 10659
medicine or acupuncture in another jurisdiction, for any reason 10660
other than the nonpayment of fees: the limitation, revocation, 10661
or suspension of an individual's license to practice; acceptance 10662
of an individual's license surrender; denial of a license; 10663
refusal to renew or reinstate a license; imposition of 10664
probation; or issuance of an order of censure or other 10665

reprimand;	10666
(19) Violation of the conditions placed by the board on a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist;	10667 10668 10669
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	10670 10671 10672
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	10673 10674 10675 10676 10677 10678 10679 10680 10681 10682
(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;	10683 10684 10685 10686
(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;	10687 10688 10689
(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the	10690 10691 10692 10693 10694

commission of the individual's designation, failure by the 10695
individual to meet the commission's requirements for 10696
redesignation, or failure to notify the board that the 10697
appropriate designation has not been maintained. 10698

(C) The board shall not refuse to issue a certificate to 10699
an applicant because of a plea of guilty to, a judicial finding 10700
of guilt of, or a judicial finding of eligibility for 10701
intervention in lieu of conviction for an offense unless the 10702
refusal is in accordance with section 9.79 of the Revised Code. 10703

(D) Disciplinary actions taken by the board under 10704
divisions (A) and (B) of this section shall be taken pursuant to 10705
an adjudication under Chapter 119. of the Revised Code, except 10706
that in lieu of an adjudication, the board may enter into a 10707
consent agreement with an oriental medicine practitioner or 10708
acupuncturist or applicant to resolve an allegation of a 10709
violation of this chapter or any rule adopted under it. A 10710
consent agreement, when ratified by an affirmative vote of not 10711
fewer than six members of the board, shall constitute the 10712
findings and order of the board with respect to the matter 10713
addressed in the agreement. If the board refuses to ratify a 10714
consent agreement, the admissions and findings contained in the 10715
consent agreement shall be of no force or effect. 10716

(E) For purposes of divisions (B) (12), (15), and (16) of 10717
this section, the commission of the act may be established by a 10718
finding by the board, pursuant to an adjudication under Chapter 10719
119. of the Revised Code, that the applicant or license holder 10720
committed the act in question. The board shall have no 10721
jurisdiction under these divisions in cases where the trial 10722
court renders a final judgment in the license holder's favor and 10723
that judgment is based upon an adjudication on the merits. The 10724

board shall have jurisdiction under these divisions in cases 10725
where the trial court issues an order of dismissal upon 10726
technical or procedural grounds. 10727

(F) The sealing or expungement of conviction records by 10728
any court shall have no effect upon a prior board order entered 10729
under the provisions of this section or upon the board's 10730
jurisdiction to take action under the provisions of this section 10731
if, based upon a plea of guilty, a judicial finding of guilt, or 10732
a judicial finding of eligibility for intervention in lieu of 10733
conviction, the board issued a notice of opportunity for a 10734
hearing or entered into a consent agreement prior to the court's 10735
order to seal or expunge the records. The board shall not be 10736
required to seal, destroy, redact, or otherwise modify its 10737
records to reflect the court's sealing or expungement of 10738
conviction records. 10739

(G) For purposes of this division, any individual who 10740
holds a license to practice issued under this chapter, or 10741
applies for a license to practice, shall be deemed to have given 10742
consent to submit to a mental or physical examination when 10743
directed to do so in writing by the board and to have waived all 10744
objections to the admissibility of testimony or examination 10745
reports that constitute a privileged communication. 10746

(1) In enforcing division (B) (5) of this section, the 10747
board, upon a showing of a possible violation, shall refer any 10748
individual who holds, or has applied for, a license under this 10749
chapter to the monitoring organization that conducts the 10750
confidential monitoring program established under section 10751
4731.25 of the Revised Code. The board also may compel the 10752
individual to submit to a mental examination, physical 10753
examination, ~~including an HIV test,~~ or both a mental and 10754

physical examination. The expense of the examination is the 10755
responsibility of the individual compelled to be examined. 10756
Failure to submit to a mental or physical examination ~~or consent~~ 10757
~~to an HIV test~~ ordered by the board constitutes an admission of 10758
the allegations against the individual unless the failure is due 10759
to circumstances beyond the individual's control, and a default 10760
and final order may be entered without the taking of testimony 10761
or presentation of evidence. If the board finds an oriental 10762
medicine practitioner or acupuncturist unable to practice 10763
because of the reasons set forth in division (B) (5) of this 10764
section, the board shall require the individual to submit to 10765
care, counseling, or treatment by physicians approved or 10766
designated by the board, as a condition for an initial, 10767
continued, reinstated, or renewed license to practice. An 10768
individual affected by this division shall be afforded an 10769
opportunity to demonstrate to the board the ability to resume 10770
practicing in compliance with acceptable and prevailing 10771
standards of care. 10772

(2) For purposes of division (B) (6) of this section, if 10773
the board has reason to believe that any individual who holds a 10774
license to practice issued under this chapter or any applicant 10775
for a license suffers such impairment, the board shall refer the 10776
individual to the monitoring organization that conducts the 10777
confidential monitoring program established under section 10778
4731.25 of the Revised Code. The board also may compel the 10779
individual to submit to a mental or physical examination, or 10780
both. The expense of the examination is the responsibility of 10781
the individual compelled to be examined. Any mental or physical 10782
examination required under this division shall be undertaken by 10783
a treatment provider or physician qualified to conduct such 10784
examination and approved under section 4731.251 of the Revised 10785

Code. 10786

Failure to submit to a mental or physical examination 10787
ordered by the board constitutes an admission of the allegations 10788
against the individual unless the failure is due to 10789
circumstances beyond the individual's control, and a default and 10790
final order may be entered without the taking of testimony or 10791
presentation of evidence. If the board determines that the 10792
individual's ability to practice is impaired, the board shall 10793
suspend the individual's license or deny the individual's 10794
application and shall require the individual, as a condition for 10795
an initial, continued, reinstated, or renewed license, to submit 10796
to treatment. 10797

Before being eligible to apply for reinstatement of a 10798
license suspended under this division, the oriental medicine 10799
practitioner or acupuncturist shall demonstrate to the board the 10800
ability to resume practice in compliance with acceptable and 10801
prevailing standards of care. The demonstration shall include 10802
the following: 10803

(a) Certification from a treatment provider approved under 10804
section 4731.251 of the Revised Code that the individual has 10805
successfully completed any required inpatient treatment; 10806

(b) Evidence of continuing full compliance with an 10807
aftercare contract or consent agreement; 10808

(c) Two written reports indicating that the individual's 10809
ability to practice has been assessed and that the individual 10810
has been found capable of practicing according to acceptable and 10811
prevailing standards of care. The reports shall be made by 10812
individuals or providers approved by the board for making such 10813
assessments and shall describe the basis for their 10814

determination. 10815

The board may reinstate a license suspended under this 10816
division after such demonstration and after the individual has 10817
entered into a written consent agreement. 10818

When the impaired individual resumes practice, the board 10819
shall require continued monitoring of the individual. The 10820
monitoring shall include monitoring of compliance with the 10821
written consent agreement entered into before reinstatement or 10822
with conditions imposed by board order after a hearing, and, 10823
upon termination of the consent agreement, submission to the 10824
board for at least two years of annual written progress reports 10825
made under penalty of falsification stating whether the 10826
individual has maintained sobriety. 10827

(H) If the secretary and supervising member determine both 10828
of the following, they may recommend that the board suspend an 10829
individual's license to practice without a prior hearing: 10830

(1) That there is clear and convincing evidence that an 10831
oriental medicine practitioner or acupuncturist has violated 10832
division (B) of this section; 10833

(2) That the individual's continued practice presents a 10834
danger of immediate and serious harm to the public. 10835

Written allegations shall be prepared for consideration by 10836
the board. The board, upon review of the allegations and by an 10837
affirmative vote of not fewer than six of its members, excluding 10838
the secretary and supervising member, may suspend a license 10839
without a prior hearing. A telephone conference call may be 10840
utilized for reviewing the allegations and taking the vote on 10841
the summary suspension. 10842

The board shall serve a written order of suspension in 10843

accordance with sections 119.05 and 119.07 of the Revised Code. 10844
The order shall not be subject to suspension by the court during 10845
pendency of any appeal filed under section 119.12 of the Revised 10846
Code. If the oriental medicine practitioner or acupuncturist 10847
requests an adjudicatory hearing by the board, the date set for 10848
the hearing shall be within fifteen days, but not earlier than 10849
seven days, after the hearing is requested, unless otherwise 10850
agreed to by both the board and the license holder. 10851

A summary suspension imposed under this division shall 10852
remain in effect, unless reversed on appeal, until a final 10853
adjudicative order issued by the board pursuant to this section 10854
and Chapter 119. of the Revised Code becomes effective. The 10855
board shall issue its final adjudicative order within sixty days 10856
after completion of its hearing. Failure to issue the order 10857
within sixty days shall result in dissolution of the summary 10858
suspension order, but shall not invalidate any subsequent, final 10859
adjudicative order. 10860

(I) If the board takes action under division (B) (11), 10861
(13), or (14) of this section, and the judicial finding of 10862
guilt, guilty plea, or judicial finding of eligibility for 10863
intervention in lieu of conviction is overturned on appeal, upon 10864
exhaustion of the criminal appeal, a petition for 10865
reconsideration of the order may be filed with the board along 10866
with appropriate court documents. Upon receipt of a petition and 10867
supporting court documents, the board shall reinstate the 10868
license. The board may then hold an adjudication under Chapter 10869
119. of the Revised Code to determine whether the individual 10870
committed the act in question. Notice of opportunity for hearing 10871
shall be given in accordance with Chapter 119. of the Revised 10872
Code. If the board finds, pursuant to an adjudication held under 10873
this division, that the individual committed the act, or if no 10874

hearing is requested, it may order any of the sanctions 10875
specified in division (B) of this section. 10876

(J) The license to practice of an oriental medicine 10877
practitioner or acupuncturist and the practitioner's or 10878
acupuncturist's practice in this state are automatically 10879
suspended as of the date the practitioner or acupuncturist 10880
pleads guilty to, is found by a judge or jury to be guilty of, 10881
or is subject to a judicial finding of eligibility for 10882
intervention in lieu of conviction in this state or treatment or 10883
intervention in lieu of conviction in another jurisdiction for 10884
any of the following criminal offenses in this state or a 10885
substantially equivalent criminal offense in another 10886
jurisdiction: aggravated murder, murder, voluntary manslaughter, 10887
felonious assault, kidnapping, rape, sexual battery, gross 10888
sexual imposition, aggravated arson, aggravated robbery, or 10889
aggravated burglary. Continued practice after the suspension 10890
shall be considered practicing without a license. 10891

The board shall serve the individual subject to the 10892
suspension in accordance with sections 119.05 and 119.07 of the 10893
Revised Code. If an individual whose license is suspended under 10894
this division fails to make a timely request for an adjudication 10895
under Chapter 119. of the Revised Code, the board shall enter a 10896
final order permanently revoking the individual's license. 10897

(K) In any instance in which the board is required by 10898
Chapter 119. of the Revised Code to give notice of opportunity 10899
for hearing and the individual subject to the notice does not 10900
timely request a hearing in accordance with section 119.07 of 10901
the Revised Code, the board is not required to hold a hearing, 10902
but may adopt, by an affirmative vote of not fewer than six of 10903
its members, a final order that contains the board's findings. 10904

In the final order, the board may order any of the sanctions 10905
identified under division (A) or (B) of this section. 10906

(L) Any action taken by the board under division (B) of 10907
this section resulting in a suspension shall be accompanied by a 10908
written statement of the conditions under which the license may 10909
be reinstated. The board shall adopt rules in accordance with 10910
Chapter 119. of the Revised Code governing conditions to be 10911
imposed for reinstatement. Reinstatement of a license suspended 10912
pursuant to division (B) of this section requires an affirmative 10913
vote of not fewer than six members of the board. 10914

(M) When the board refuses to grant or issue a license to 10915
an applicant, revokes an individual's license, refuses to renew 10916
an individual's license, or refuses to reinstate an individual's 10917
license, the board may specify that its action is permanent. An 10918
individual subject to a permanent action taken by the board is 10919
forever thereafter ineligible to hold a license to practice as 10920
an oriental medicine practitioner or license to practice as an 10921
acupuncturist and the board shall not accept an application for 10922
reinstatement of the license or for issuance of a new license. 10923

(N) Notwithstanding any other provision of the Revised 10924
Code, all of the following apply: 10925

(1) The surrender of a license to practice as an oriental 10926
medicine practitioner or license to practice as an acupuncturist 10927
issued under this chapter is not effective unless or until 10928
accepted by the board. Reinstatement of a license surrendered to 10929
the board requires an affirmative vote of not fewer than six 10930
members of the board. 10931

(2) An application made under this chapter for a license 10932
may not be withdrawn without approval of the board. 10933

(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4762.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a radiologist assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or

indirectly, or assisting in or abetting the violation of, or 10963
conspiring to violate, any provision of this chapter, Chapter 10964
4731. of the Revised Code, or the rules adopted by the board; 10965

(4) A departure from, or failure to conform to, minimal 10966
standards of care of similar practitioners under the same or 10967
similar circumstances whether or not actual injury to the 10968
patient is established; 10969

(5) Inability to practice according to acceptable and 10970
prevailing standards of care by reason of mental illness or 10971
physical illness, including physical deterioration that 10972
adversely affects cognitive, motor, or perceptive skills; 10973

(6) Impairment of ability to practice according to 10974
acceptable and prevailing standards of care because of substance 10975
use disorder or excessive use or abuse of drugs, alcohol, or 10976
other substances that may impair ability to practice; 10977

(7) Willfully betraying a professional confidence; 10978

(8) Making a false, fraudulent, deceptive, or misleading 10979
statement in securing or attempting to secure a license to 10980
practice as a radiologist assistant. 10981

As used in this division, "false, fraudulent, deceptive, 10982
or misleading statement" means a statement that includes a 10983
misrepresentation of fact, is likely to mislead or deceive 10984
because of a failure to disclose material facts, is intended or 10985
is likely to create false or unjustified expectations of 10986
favorable results, or includes representations or implications 10987
that in reasonable probability will cause an ordinarily prudent 10988
person to misunderstand or be deceived. 10989

(9) The obtaining of, or attempting to obtain, money or a 10990
thing of value by fraudulent misrepresentations in the course of 10991

practice;	10992
(10) A plea of guilty to, a judicial finding of guilt of,	10993
or a judicial finding of eligibility for intervention in lieu of	10994
conviction for, a felony;	10995
(11) Commission of an act that constitutes a felony in	10996
this state, regardless of the jurisdiction in which the act was	10997
committed;	10998
(12) A plea of guilty to, a judicial finding of guilt of,	10999
or a judicial finding of eligibility for intervention in lieu of	11000
conviction for, a misdemeanor committed in the course of	11001
practice;	11002
(13) A plea of guilty to, a judicial finding of guilt of,	11003
or a judicial finding of eligibility for intervention in lieu of	11004
conviction for, a misdemeanor involving moral turpitude;	11005
(14) Commission of an act in the course of practice that	11006
constitutes a misdemeanor in this state, regardless of the	11007
jurisdiction in which the act was committed;	11008
(15) Commission of an act involving moral turpitude that	11009
constitutes a misdemeanor in this state, regardless of the	11010
jurisdiction in which the act was committed;	11011
(16) A plea of guilty to, a judicial finding of guilt of,	11012
or a judicial finding of eligibility for intervention in lieu of	11013
conviction for violating any state or federal law regulating the	11014
possession, distribution, or use of any drug, including	11015
trafficking in drugs;	11016
(17) Any of the following actions taken by the state	11017
agency responsible for regulating the practice of radiologist	11018
assistants in another jurisdiction, for any reason other than	11019

the nonpayment of fees: the limitation, revocation, or 11020
suspension of an individual's license to practice; acceptance of 11021
an individual's license surrender; denial of a license; refusal 11022
to renew or reinstate a license; imposition of probation; or 11023
issuance of an order of censure or other reprimand; 11024

(18) Violation of the conditions placed by the board on a 11025
license to practice as a radiologist assistant; 11026

(19) Failure to use universal blood and body fluid 11027
precautions established by rules adopted under section 4731.051 11028
of the Revised Code; 11029

(20) Failure to cooperate in an investigation conducted by 11030
the board under section 4774.14 of the Revised Code, including 11031
failure to comply with a subpoena or order issued by the board 11032
or failure to answer truthfully a question presented by the 11033
board at a deposition or in written interrogatories, except that 11034
failure to cooperate with an investigation shall not constitute 11035
grounds for discipline under this section if a court of 11036
competent jurisdiction has issued an order that either quashes a 11037
subpoena or permits the individual to withhold the testimony or 11038
evidence in issue; 11039

(21) Failure to maintain a license as a radiographer under 11040
Chapter 4773. of the Revised Code; 11041

(22) Failure to maintain certification as a registered 11042
radiologist assistant from the American registry of radiologic 11043
technologists, including revocation by the registry of the 11044
assistant's certification or failure by the assistant to meet 11045
the registry's requirements for annual registration, or failure 11046
to notify the board that the certification as a registered 11047
radiologist assistant has not been maintained; 11048

(23) Failure to comply with any of the rules of ethics 11049
included in the standards of ethics established by the American 11050
registry of radiologic technologists, as those rules apply to an 11051
individual who holds the registry's certification as a 11052
registered radiologist assistant. 11053

(C) The board shall not refuse to issue a license to an 11054
applicant because of a plea of guilty to, a judicial finding of 11055
guilt of, or a judicial finding of eligibility for intervention 11056
in lieu of conviction for an offense unless the refusal is in 11057
accordance with section 9.79 of the Revised Code. 11058

(D) Disciplinary actions taken by the board under 11059
divisions (A) and (B) of this section shall be taken pursuant to 11060
an adjudication under Chapter 119. of the Revised Code, except 11061
that in lieu of an adjudication, the board may enter into a 11062
consent agreement with a radiologist assistant or applicant to 11063
resolve an allegation of a violation of this chapter or any rule 11064
adopted under it. A consent agreement, when ratified by an 11065
affirmative vote of not fewer than six members of the board, 11066
shall constitute the findings and order of the board with 11067
respect to the matter addressed in the agreement. If the board 11068
refuses to ratify a consent agreement, the admissions and 11069
findings contained in the consent agreement shall be of no force 11070
or effect. 11071

(E) For purposes of divisions (B) (11), (14), and (15) of 11072
this section, the commission of the act may be established by a 11073
finding by the board, pursuant to an adjudication under Chapter 11074
119. of the Revised Code, that the applicant or license holder 11075
committed the act in question. The board shall have no 11076
jurisdiction under these divisions in cases where the trial 11077
court renders a final judgment in the license holder's favor and 11078

that judgment is based upon an adjudication on the merits. The 11079
board shall have jurisdiction under these divisions in cases 11080
where the trial court issues an order of dismissal on technical 11081
or procedural grounds. 11082

(F) The sealing or expungement of conviction records by 11083
any court shall have no effect on a prior board order entered 11084
under the provisions of this section or on the board's 11085
jurisdiction to take action under the provisions of this section 11086
if, based upon a plea of guilty, a judicial finding of guilt, or 11087
a judicial finding of eligibility for intervention in lieu of 11088
conviction, the board issued a notice of opportunity for a 11089
hearing prior to the court's order to seal or expunge the 11090
records. The board shall not be required to seal, destroy, 11091
redact, or otherwise modify its records to reflect the court's 11092
sealing or expungement of conviction records. 11093

(G) For purposes of this division, any individual who 11094
holds a license to practice as a radiologist assistant issued 11095
under this chapter, or applies for a license, shall be deemed to 11096
have given consent to submit to a mental or physical examination 11097
when directed to do so in writing by the board and to have 11098
waived all objections to the admissibility of testimony or 11099
examination reports that constitute a privileged communication. 11100

(1) In enforcing division (B) (5) of this section, the 11101
board, on a showing of a possible violation, shall refer any 11102
individual who holds, or has applied for, a license to practice 11103
as a radiologist assistant issued under this chapter to the 11104
monitoring organization that conducts the confidential 11105
monitoring program established under section 4731.25 of the 11106
Revised Code. The board also may compel the individual to submit 11107
to a mental or physical examination, or both. ~~A physical~~ 11108

~~examination may include an HIV test.~~ The expense of the 11109
examination is the responsibility of the individual compelled to 11110
be examined. Failure to submit to a mental or physical 11111
examination ~~or consent to an HIV test~~ ordered by the board 11112
constitutes an admission of the allegations against the 11113
individual unless the failure is due to circumstances beyond the 11114
individual's control, and a default and final order may be 11115
entered without the taking of testimony or presentation of 11116
evidence. If the board finds a radiologist assistant unable to 11117
practice because of the reasons set forth in division (B) (5) of 11118
this section, the board shall require the radiologist assistant 11119
to submit to care, counseling, or treatment by physicians 11120
approved or designated by the board, as a condition for an 11121
initial, continued, reinstated, or renewed license. An 11122
individual affected by this division shall be afforded an 11123
opportunity to demonstrate to the board the ability to resume 11124
practicing in compliance with acceptable and prevailing 11125
standards of care. 11126

(2) For purposes of division (B) (6) of this section, if 11127
the board has reason to believe that any individual who holds a 11128
license to practice as a radiologist assistant issued under this 11129
chapter or any applicant for a license suffers such impairment, 11130
the board shall refer the individual to the monitoring 11131
organization that conducts the confidential monitoring program 11132
established under section 4731.25 of the Revised Code. The board 11133
also may compel the individual to submit to a mental or physical 11134
examination, or both. The expense of the examination is the 11135
responsibility of the individual compelled to be examined. Any 11136
mental or physical examination required under this division 11137
shall be undertaken by a treatment provider or physician 11138
qualified to conduct such examination and approved under section 11139

4731.251 of the Revised Code. 11140

Failure to submit to a mental or physical examination 11141
ordered by the board constitutes an admission of the allegations 11142
against the individual unless the failure is due to 11143
circumstances beyond the individual's control, and a default and 11144
final order may be entered without the taking of testimony or 11145
presentation of evidence. If the board determines that the 11146
individual's ability to practice is impaired, the board shall 11147
suspend the individual's license or deny the individual's 11148
application and shall require the individual, as a condition for 11149
an initial, continued, reinstated, or renewed license to 11150
practice, to submit to treatment. 11151

Before being eligible to apply for reinstatement of a 11152
license suspended under this division, the radiologist assistant 11153
shall demonstrate to the board the ability to resume practice in 11154
compliance with acceptable and prevailing standards of care. The 11155
demonstration shall include the following: 11156

(a) Certification from a treatment provider approved under 11157
section 4731.251 of the Revised Code that the individual has 11158
successfully completed any required inpatient treatment; 11159

(b) Evidence of continuing full compliance with an 11160
aftercare contract or consent agreement; 11161

(c) Two written reports indicating that the individual's 11162
ability to practice has been assessed and that the individual 11163
has been found capable of practicing according to acceptable and 11164
prevailing standards of care. The reports shall be made by 11165
individuals or providers approved by the board for making such 11166
assessments and shall describe the basis for their 11167
determination. 11168

The board may reinstate a license suspended under this 11169
division after such demonstration and after the individual has 11170
entered into a written consent agreement. 11171

When the impaired radiologist assistant resumes practice, 11172
the board shall require continued monitoring of the radiologist 11173
assistant. The monitoring shall include monitoring of compliance 11174
with the written consent agreement entered into before 11175
reinstatement or with conditions imposed by board order after a 11176
hearing, and, on termination of the consent agreement, 11177
submission to the board for at least two years of annual written 11178
progress reports made under penalty of falsification stating 11179
whether the radiologist assistant has maintained sobriety. 11180

(H) If the secretary and supervising member determine that 11181
there is clear and convincing evidence that a radiologist 11182
assistant has violated division (B) of this section and that the 11183
individual's continued practice presents a danger of immediate 11184
and serious harm to the public, they may recommend that the 11185
board suspend the individual's license to practice without a 11186
prior hearing. Written allegations shall be prepared for 11187
consideration by the board. 11188

The board, on review of the allegations and by an 11189
affirmative vote of not fewer than six of its members, excluding 11190
the secretary and supervising member, may suspend a license 11191
without a prior hearing. A telephone conference call may be 11192
utilized for reviewing the allegations and taking the vote on 11193
the summary suspension. 11194

The board shall serve a written order of suspension in 11195
accordance with sections 119.05 and 119.07 of the Revised Code. 11196
The order shall not be subject to suspension by the court during 11197
pendency of any appeal filed under section 119.12 of the Revised 11198

Code. If the radiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the radiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a radiologist assistant. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of a radiologist assistant and 11230
the assistant's practice in this state are automatically 11231
suspended as of the date the radiologist assistant pleads guilty 11232
to, is found by a judge or jury to be guilty of, or is subject 11233
to a judicial finding of eligibility for intervention in lieu of 11234
conviction in this state or treatment ~~of~~ or intervention in lieu 11235
of conviction in another jurisdiction for any of the following 11236
criminal offenses in this state or a substantially equivalent 11237
criminal offense in another jurisdiction: aggravated murder, 11238
murder, voluntary manslaughter, felonious assault, kidnapping, 11239
rape, sexual battery, gross sexual imposition, aggravated arson, 11240
aggravated robbery, or aggravated burglary. Continued practice 11241
after the suspension shall be considered practicing without a 11242
license. 11243

The board shall serve the individual subject to the 11244
suspension in accordance with sections 119.05 and 119.07 of the 11245
Revised Code. If an individual whose license is suspended under 11246
this division fails to make a timely request for an adjudication 11247
under Chapter 119. of the Revised Code, the board shall enter a 11248
final order permanently revoking the individual's license. 11249

(K) In any instance in which the board is required by 11250
Chapter 119. of the Revised Code to give notice of opportunity 11251
for hearing and the individual subject to the notice does not 11252
timely request a hearing in accordance with section 119.07 of 11253
the Revised Code, the board is not required to hold a hearing, 11254
but may adopt, by an affirmative vote of not fewer than six of 11255
its members, a final order that contains the board's findings. 11256
In the final order, the board may order any of the sanctions 11257
identified under division (A) or (B) of this section. 11258

(L) Any action taken by the board under division (B) of 11259

this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a radiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a radiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code does not remove or limit the board's jurisdiction to take

disciplinary action under this section against the individual. 11289

(4) The placement of an individual's license on retired 11290
status, as described in section 4774.062 of the Revised Code, 11291
does not remove or limit the board's jurisdiction to take any 11292
disciplinary action against the individual with regard to the 11293
license as it existed before being placed on retired status. 11294

Sec. 4778.14. (A) The state medical board, by an 11295
affirmative vote of not fewer than six members, may refuse to 11296
grant a license to practice as a genetic counselor to, or may 11297
revoke the license held by, an individual found by the board to 11298
have committed fraud, misrepresentation, or deception in 11299
applying for or securing the license. 11300

(B) The board, by an affirmative vote of not fewer than 11301
six members, shall, except as provided in division (C) of this 11302
section, and to the extent permitted by law, limit, revoke, or 11303
suspend an individual's license to practice as a genetic 11304
counselor, refuse to issue a license to an applicant, refuse to 11305
renew a license, refuse to reinstate a license, or reprimand or 11306
place on probation the holder of a license for any of the 11307
following reasons: 11308

(1) Permitting the holder's name or license to be used by 11309
another person; 11310

(2) Failure to comply with the requirements of this 11311
chapter, Chapter 4731. of the Revised Code, or any rules adopted 11312
by the board; 11313

(3) Violating or attempting to violate, directly or 11314
indirectly, or assisting in or abetting the violation of, or 11315
conspiring to violate, any provision of this chapter, Chapter 11316
4731. of the Revised Code, or the rules adopted by the board; 11317

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a felony; 11347

(11) Commission of an act that constitutes a felony in 11348
this state, regardless of the jurisdiction in which the act was 11349
committed; 11350

(12) A plea of guilty to, a judicial finding of guilt of, 11351
or a judicial finding of eligibility for intervention in lieu of 11352
conviction for, a misdemeanor committed in the course of 11353
practice; 11354

(13) A plea of guilty to, a judicial finding of guilt of, 11355
or a judicial finding of eligibility for intervention in lieu of 11356
conviction for, a misdemeanor involving moral turpitude; 11357

(14) Commission of an act in the course of practice that 11358
constitutes a misdemeanor in this state, regardless of the 11359
jurisdiction in which the act was committed; 11360

(15) Commission of an act involving moral turpitude that 11361
constitutes a misdemeanor in this state, regardless of the 11362
jurisdiction in which the act was committed; 11363

(16) A plea of guilty to, a judicial finding of guilt of, 11364
or a judicial finding of eligibility for intervention in lieu of 11365
conviction for violating any state or federal law regulating the 11366
possession, distribution, or use of any drug, including 11367
trafficking in drugs; 11368

(17) Any of the following actions taken by an agency 11369
responsible for authorizing, certifying, or regulating an 11370
individual to practice a health care occupation or provide 11371
health care services in this state or in another jurisdiction, 11372
for any reason other than the nonpayment of fees: the 11373
limitation, revocation, or suspension of an individual's license 11374
to practice; acceptance of an individual's license surrender; 11375

denial of a license; refusal to renew or reinstate a license; 11376
imposition of probation; or issuance of an order of censure or 11377
other reprimand; 11378

(18) Violation of the conditions placed by the board on a 11379
license to practice as a genetic counselor; 11380

(19) Failure to cooperate in an investigation conducted by 11381
the board under section 4778.18 of the Revised Code, including 11382
failure to comply with a subpoena or order issued by the board 11383
or failure to answer truthfully a question presented by the 11384
board at a deposition or in written interrogatories, except that 11385
failure to cooperate with an investigation shall not constitute 11386
grounds for discipline under this section if a court of 11387
competent jurisdiction has issued an order that either quashes a 11388
subpoena or permits the individual to withhold the testimony or 11389
evidence in issue; 11390

(20) Failure to maintain the individual's status as a 11391
certified genetic counselor; 11392

(21) Failure to comply with the code of ethics established 11393
by the national society of genetic counselors. 11394

(C) The board shall not refuse to issue a license to an 11395
applicant because of a plea of guilty to, a judicial finding of 11396
guilt of, or a judicial finding of eligibility for intervention 11397
in lieu of conviction for an offense unless the refusal is in 11398
accordance with section 9.79 of the Revised Code. 11399

(D) Disciplinary actions taken by the board under 11400
divisions (A) and (B) of this section shall be taken pursuant to 11401
an adjudication under Chapter 119. of the Revised Code, except 11402
that in lieu of an adjudication, the board may enter into a 11403
consent agreement with a genetic counselor or applicant to 11404

resolve an allegation of a violation of this chapter or any rule 11405
adopted under it. A consent agreement, when ratified by an 11406
affirmative vote of not fewer than six members of the board, 11407
shall constitute the findings and order of the board with 11408
respect to the matter addressed in the agreement. If the board 11409
refuses to ratify a consent agreement, the admissions and 11410
findings contained in the consent agreement shall be of no force 11411
or effect. 11412

A telephone conference call may be utilized for 11413
ratification of a consent agreement that revokes or suspends an 11414
individual's license. The telephone conference call shall be 11415
considered a special meeting under division (F) of section 11416
121.22 of the Revised Code. 11417

(E) For purposes of divisions (B) (11), (14), and (15) of 11418
this section, the commission of the act may be established by a 11419
finding by the board, pursuant to an adjudication under Chapter 11420
119. of the Revised Code, that the applicant or license holder 11421
committed the act in question. The board shall have no 11422
jurisdiction under these divisions in cases where the trial 11423
court renders a final judgment in the license holder's favor and 11424
that judgment is based upon an adjudication on the merits. The 11425
board shall have jurisdiction under these divisions in cases 11426
where the trial court issues an order of dismissal on technical 11427
or procedural grounds. 11428

(F) The sealing or expungement of conviction records by 11429
any court shall have no effect on a prior board order entered 11430
under the provisions of this section or on the board's 11431
jurisdiction to take action under the provisions of this section 11432
if, based upon a plea of guilty, a judicial finding of guilt, or 11433
a judicial finding of eligibility for intervention in lieu of 11434

conviction, the board issued a notice of opportunity for a 11435
hearing or took other formal action under Chapter 119. of the 11436
Revised Code prior to the court's order to seal or expunge the 11437
records. The board shall not be required to seal, destroy, 11438
redact, or otherwise modify its records to reflect the court's 11439
sealing or expungement of conviction records. 11440

(G) For purposes of this division, any individual who 11441
holds a license to practice as a genetic counselor, or applies 11442
for a license, shall be deemed to have given consent to submit 11443
to a mental or physical examination when directed to do so in 11444
writing by the board and to have waived all objections to the 11445
admissibility of testimony or examination reports that 11446
constitute a privileged communication. 11447

(1) In enforcing division (B)(5) of this section, the 11448
board, on a showing of a possible violation, shall refer any 11449
individual who holds, or has applied for, a license to practice 11450
as a genetic counselor to the monitoring organization that 11451
conducts the confidential monitoring program established under 11452
section 4731.25 of the Revised Code. The board also may compel 11453
the individual to submit to a mental or physical examination, or 11454
both. ~~A physical examination may include an HIV test.~~ The 11455
expense of the examination is the responsibility of the 11456
individual compelled to be examined. Failure to submit to a 11457
mental or physical examination ~~or consent to an HIV test~~ ordered 11458
by the board constitutes an admission of the allegations against 11459
the individual unless the failure is due to circumstances beyond 11460
the individual's control, and a default and final order may be 11461
entered without the taking of testimony or presentation of 11462
evidence. If the board finds a genetic counselor unable to 11463
practice because of the reasons set forth in division (B)(5) of 11464
this section, the board shall require the genetic counselor to 11465

submit to care, counseling, or treatment by physicians approved 11466
or designated by the board, as a condition for an initial, 11467
continued, reinstated, or renewed license to practice. An 11468
individual affected by this division shall be afforded an 11469
opportunity to demonstrate to the board the ability to resume 11470
practicing in compliance with acceptable and prevailing 11471
standards of care. 11472

(2) For purposes of division (B)(6) of this section, if 11473
the board has reason to believe that any individual who holds a 11474
license to practice as a genetic counselor or any applicant for 11475
a license suffers such impairment, the board shall refer the 11476
individual to the monitoring organization that conducts the 11477
confidential monitoring program established under section 11478
4731.25 of the Revised Code. The board also may compel the 11479
individual to submit to a mental or physical examination, or 11480
both. The expense of the examination is the responsibility of 11481
the individual compelled to be examined. Any mental or physical 11482
examination required under this division shall be undertaken by 11483
a treatment provider or physician qualified to conduct such 11484
examination and approved under section 4731.251 of the Revised 11485
Code. 11486

Failure to submit to a mental or physical examination 11487
ordered by the board constitutes an admission of the allegations 11488
against the individual unless the failure is due to 11489
circumstances beyond the individual's control, and a default and 11490
final order may be entered without the taking of testimony or 11491
presentation of evidence. If the board determines that the 11492
individual's ability to practice is impaired, the board shall 11493
suspend the individual's license or deny the individual's 11494
application and shall require the individual, as a condition for 11495
an initial, continued, reinstated, or renewed license, to submit 11496

to treatment. 11497

Before being eligible to apply for reinstatement of a 11498
license suspended under this division, the genetic counselor 11499
shall demonstrate to the board the ability to resume practice in 11500
compliance with acceptable and prevailing standards of care. The 11501
demonstration shall include the following: 11502

(a) Certification from a treatment provider approved under 11503
section 4731.251 of the Revised Code that the individual has 11504
successfully completed any required inpatient treatment; 11505

(b) Evidence of continuing full compliance with an 11506
aftercare contract or consent agreement; 11507

(c) Two written reports indicating that the individual's 11508
ability to practice has been assessed and that the individual 11509
has been found capable of practicing according to acceptable and 11510
prevailing standards of care. The reports shall be made by 11511
individuals or providers approved by the board for making such 11512
assessments and shall describe the basis for their 11513
determination. 11514

The board may reinstate a license suspended under this 11515
division after such demonstration and after the individual has 11516
entered into a written consent agreement. 11517

When the impaired genetic counselor resumes practice, the 11518
board shall require continued monitoring of the genetic 11519
counselor. The monitoring shall include monitoring of compliance 11520
with the written consent agreement entered into before 11521
reinstatement or with conditions imposed by board order after a 11522
hearing, and, on termination of the consent agreement, 11523
submission to the board for at least two years of annual written 11524
progress reports made under penalty of falsification stating 11525

whether the genetic counselor has maintained sobriety. 11526

(H) If the secretary and supervising member determine both 11527
of the following, they may recommend that the board suspend an 11528
individual's license to practice without a prior hearing: 11529

(1) That there is clear and convincing evidence that a 11530
genetic counselor has violated division (B) of this section; 11531

(2) That the individual's continued practice presents a 11532
danger of immediate and serious harm to the public. 11533

Written allegations shall be prepared for consideration by 11534
the board. The board, on review of the allegations and by an 11535
affirmative vote of not fewer than six of its members, excluding 11536
the secretary and supervising member, may suspend a license 11537
without a prior hearing. A telephone conference call may be 11538
utilized for reviewing the allegations and taking the vote on 11539
the summary suspension. 11540

The board shall serve a written order of suspension in 11541
accordance with sections 119.05 and 119.07 of the Revised Code. 11542
The order shall not be subject to suspension by the court during 11543
pendency of any appeal filed under section 119.12 of the Revised 11544
Code. If the genetic counselor requests an adjudicatory hearing 11545
by the board, the date set for the hearing shall be within 11546
fifteen days, but not earlier than seven days, after the genetic 11547
counselor requests the hearing, unless otherwise agreed to by 11548
both the board and the genetic counselor. 11549

A summary suspension imposed under this division shall 11550
remain in effect, unless reversed on appeal, until a final 11551
adjudicative order issued by the board pursuant to this section 11552
and Chapter 119. of the Revised Code becomes effective. The 11553
board shall issue its final adjudicative order within sixty days 11554

after completion of its hearing. Failure to issue the order 11555
within sixty days shall result in dissolution of the summary 11556
suspension order, but shall not invalidate any subsequent, final 11557
adjudicative order. 11558

(I) If the board takes action under division (B) (10), 11559
(12), or (13) of this section, and the judicial finding of 11560
guilt, guilty plea, or judicial finding of eligibility for 11561
intervention in lieu of conviction is overturned on appeal, on 11562
exhaustion of the criminal appeal, a petition for 11563
reconsideration of the order may be filed with the board along 11564
with appropriate court documents. On receipt of a petition and 11565
supporting court documents, the board shall reinstate the 11566
license to practice as a genetic counselor. The board may then 11567
hold an adjudication under Chapter 119. of the Revised Code to 11568
determine whether the individual committed the act in question. 11569
Notice of opportunity for hearing shall be given in accordance 11570
with Chapter 119. of the Revised Code. If the board finds, 11571
pursuant to an adjudication held under this division, that the 11572
individual committed the act, or if no hearing is requested, it 11573
may order any of the sanctions specified in division (B) of this 11574
section. 11575

(J) The license to practice as a genetic counselor and the 11576
counselor's practice in this state are automatically suspended 11577
as of the date the genetic counselor pleads guilty to, is found 11578
by a judge or jury to be guilty of, or is subject to a judicial 11579
finding of eligibility for intervention in lieu of conviction in 11580
this state or treatment ~~of~~ or intervention in lieu of conviction 11581
in another jurisdiction for any of the following criminal 11582
offenses in this state or a substantially equivalent criminal 11583
offense in another jurisdiction: aggravated murder, murder, 11584
voluntary manslaughter, felonious assault, kidnapping, rape, 11585

sexual battery, gross sexual imposition, aggravated arson, 11586
aggravated robbery, or aggravated burglary. Continued practice 11587
after the suspension shall be considered practicing without a 11588
license. 11589

The board shall serve the individual subject to the 11590
suspension in accordance with sections 119.05 and 119.07 of the 11591
Revised Code. If an individual whose license is suspended under 11592
this division fails to make a timely request for an adjudication 11593
under Chapter 119. of the Revised Code, the board shall enter a 11594
final order permanently revoking the individual's license to 11595
practice. 11596

(K) In any instance in which the board is required by 11597
Chapter 119. of the Revised Code to give notice of opportunity 11598
for hearing and the individual subject to the notice does not 11599
timely request a hearing in accordance with section 119.07 of 11600
the Revised Code, the board is not required to hold a hearing, 11601
but may adopt, by an affirmative vote of not fewer than six of 11602
its members, a final order that contains the board's findings. 11603
In the final order, the board may order any of the sanctions 11604
identified under division (A) or (B) of this section. 11605

(L) Any action taken by the board under division (B) of 11606
this section resulting in a suspension shall be accompanied by a 11607
written statement of the conditions under which the license of 11608
the genetic counselor may be reinstated. The board shall adopt 11609
rules in accordance with Chapter 119. of the Revised Code 11610
governing conditions to be imposed for reinstatement. 11611
Reinstatement of a license suspended pursuant to division (B) of 11612
this section requires an affirmative vote of not fewer than six 11613
members of the board. 11614

(M) When the board refuses to grant or issue a license to 11615

practice as a genetic counselor to an applicant, revokes an 11616
individual's license, refuses to renew an individual's license, 11617
or refuses to reinstate an individual's license, the board may 11618
specify that its action is permanent. An individual subject to a 11619
permanent action taken by the board is forever thereafter 11620
ineligible to hold a license to practice as a genetic counselor 11621
and the board shall not accept an application for reinstatement 11622
of the license or for issuance of a new license. 11623

(N) Notwithstanding any other provision of the Revised 11624
Code, all of the following apply: 11625

(1) The surrender of a license to practice as a genetic 11626
counselor is not effective unless or until accepted by the 11627
board. A telephone conference call may be utilized for 11628
acceptance of the surrender of an individual's license. The 11629
telephone conference call shall be considered a special meeting 11630
under division (F) of section 121.22 of the Revised Code. 11631
Reinstatement of a license surrendered to the board requires an 11632
affirmative vote of not fewer than six members of the board. 11633

(2) An application made under this chapter for a license 11634
to practice may not be withdrawn without approval of the board. 11635

(3) Failure by an individual to renew a license in 11636
accordance with section 4778.06 of the Revised Code does not 11637
remove or limit the board's jurisdiction to take disciplinary 11638
action under this section against the individual. 11639

(4) The placement of an individual's license on retired 11640
status, as described in section 4778.072 of the Revised Code, 11641
does not remove or limit the board's jurisdiction to take any 11642
disciplinary action against the individual with regard to the 11643
license as it existed before being placed on retired status. 11644

Sec. 5120.16. (A) Persons sentenced to any institution, 11645
division, or place under the control of the department of 11646
rehabilitation and correction are committed to the control, 11647
care, and custody of the department. Subject to division (B) of 11648
this section, the director of rehabilitation and correction or 11649
the director's designee may direct that persons sentenced to the 11650
department, or to any institution or place within the 11651
department, shall be conveyed initially to an appropriate 11652
facility established and maintained by the department for 11653
reception, examination, observation, and classification of the 11654
persons so sentenced. If a presentence investigation report was 11655
not prepared pursuant to section 2947.06 or 2951.03 of the 11656
Revised Code or Criminal Rule 32.2 regarding any person 11657
sentenced to the department or to any institution or place 11658
within the department, the director or the director's designee 11659
may order the department's field staff to conduct an offender 11660
background investigation and prepare an offender background 11661
investigation report regarding the person. The investigation and 11662
report shall be conducted in accordance with division (A) of 11663
section 2951.03 of the Revised Code and the report shall contain 11664
the same information as a presentence investigation report 11665
prepared pursuant to that section. 11666

When the examination, observation, and classification of 11667
the person have been completed by the facility and a written 11668
report of the examination, observation, and classification is 11669
filed with the commitment papers, the director or the director's 11670
designee, subject to division (B) of this section, shall assign 11671
the person to a suitable state institution or place maintained 11672
by the state within the director's department or shall designate 11673
that the person is to be housed in a county, multicounty, 11674
municipal, municipal-county, or multicounty-municipal jail or 11675

workhouse, if authorized by section 5120.161 of the Revised Code, there to be confined, cared for, treated, trained, and rehabilitated until paroled, released in accordance with section 2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or otherwise released under the order of the court that imposed the person's sentence. No person committed by a probate court, a trial court pursuant to section 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity, or a juvenile court shall be assigned to a state correctional institution.

If a person is sentenced, committed, or assigned for the commission of a felony to any one of the institutions or places maintained by the department or to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, the department, by order duly recorded and subject to division (B) of this section, may transfer the person to any other institution, or, if authorized by section 5120.161 of the Revised Code, to a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(B) If the case of a child who is alleged to be a delinquent child is transferred for criminal prosecution to the appropriate court having jurisdiction of the offense pursuant to section 2152.12 of the Revised Code, if the child is convicted of or pleads guilty to a felony in that case, if the child is sentenced to a prison term, as defined in section 2901.01 of the Revised Code, and if the child is under eighteen years of age when delivered to the custody of the department of rehabilitation and correction, all of the following apply regarding the housing of the child:

(1) Until the child attains eighteen years of age, subject

to divisions (B)(2), (3), and (4) of this section, the 11706
department shall house the child in a housing unit in a state 11707
correctional institution separate from inmates who are eighteen 11708
years of age or older. 11709

(2) The department is not required to house the child in 11710
the manner described in division (B)(1) of this section if the 11711
child does not observe the rules and regulations of the 11712
institution or the child otherwise creates a security risk by 11713
being housed separately. 11714

(3) If the department receives too few inmates who are 11715
under eighteen years of age to fill a housing unit in a state 11716
correctional institution separate from inmates who are eighteen 11717
years of age or older, as described in division (B)(1) of this 11718
section, the department may house the child in a housing unit in 11719
a state correctional institution that includes both inmates who 11720
are under eighteen years of age and inmates who are eighteen 11721
years of age or older and under twenty-one years of age. 11722

(4) Upon the child's attainment of eighteen years of age, 11723
the department may house the child with the adult population of 11724
the state correctional institution. 11725

(C) The director or the director's designee shall develop 11726
a policy for dealing with problems related to infection with the 11727
human immunodeficiency virus. The policy shall include methods 11728
of identifying individuals committed to the custody of the 11729
department who are at high risk of infection with the virus and 11730
counseling those individuals. 11731

Arrangements for housing individuals diagnosed as having 11732
AIDS or an ~~AIDS-related~~ AIDS-defining condition shall be made by 11733
the department based on security and medical considerations and 11734

in accordance with division (B) of this section, if applicable. 11735

Sec. 5120.163. At the time of reception and at other times 11736
the director determines to be appropriate, the department of 11737
rehabilitation and correction may examine and test a prisoner 11738
for tuberculosis, HIV~~-infection~~, hepatitis, including but not 11739
limited to hepatitis A, B, and C, and other contagious diseases. 11740
The department may test and treat involuntarily a prisoner in a 11741
state correctional institution who refuses to be tested or 11742
treated for tuberculosis, HIV~~-infection~~, hepatitis, including 11743
but not limited to hepatitis A, B, and C, or another contagious 11744
disease. 11745

Section 2. That existing sections 307.93, 341.14, 341.19, 11746
341.21, 341.23, 341.34, 753.02, 753.04, 753.16, 753.21, 11747
2151.358, 2152.82, 2152.83, 2152.84, 2152.851, 2301.57, 2903.11, 11748
2907.24, 2907.241, 2907.25, 2907.27, 2907.28, 2921.38, 2923.125, 11749
2923.128, 2923.1213, 2929.13, 2929.14, 2941.1425, 2950.04, 11750
2950.041, 2950.07, 2950.10, 2950.11, 2950.13, 2953.31, 2953.34, 11751
3701.24, 3701.241, 3701.242, 3701.243, 3701.244, 3701.245, 11752
3701.246, 3701.247, 3701.249, 3901.45, 3901.46, 4730.25, 11753
4731.22, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 11754
5120.16, and 5120.163 of the Revised Code are hereby repealed. 11755

Section 3. That section 2927.13 of the Revised Code is 11756
hereby repealed. 11757

Section 4. That the versions of sections 2950.11 and 11758
2950.13 of the Revised Code that are scheduled to take effect 11759
January 1, 2025, be amended to read as follows: 11760

Sec. 2950.11. (A) Regardless of when the sexually oriented 11761
offense or child-victim oriented offense was committed, if a 11762
person is convicted of, pleads guilty to, has been convicted of, 11763

or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F) (1) (a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A) (1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1) (a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D) (3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a

multi-unit building, any occupant of each residential unit that 11795
is located in that multi-unit building and that shares a common 11796
hallway with the offender or delinquent child. For purposes of 11797
this division, an occupant's unit shares a common hallway with 11798
the offender or delinquent child if the entrance door into the 11799
occupant's unit is located on the same floor and opens into the 11800
same hallway as the entrance door to the unit the offender or 11801
delinquent child occupies. Division (D)(3) of this section 11802
applies regarding notices required under this division. 11803

(c) The building manager, or the person the building owner 11804
or condominium unit owners association authorizes to exercise 11805
management and control, of each multi-unit building that is 11806
located within one thousand feet of the offender's or delinquent 11807
child's residential premises, including a multi-unit building in 11808
which the offender or delinquent child resides, and that is 11809
located within the county served by the sheriff. In addition to 11810
notifying the building manager or the person authorized to 11811
exercise management and control in the multi-unit building under 11812
this division, the sheriff shall post a copy of the notice 11813
prominently in each common entryway in the building and any 11814
other location in the building the sheriff determines 11815
appropriate. The manager or person exercising management and 11816
control of the building shall permit the sheriff to post copies 11817
of the notice under this division as the sheriff determines 11818
appropriate. In lieu of posting copies of the notice as 11819
described in this division, a sheriff may provide notice to all 11820
occupants of the multi-unit building by mail or personal 11821
contact; if the sheriff so notifies all the occupants, the 11822
sheriff is not required to post copies of the notice in the 11823
common entryways to the building. Division (D)(3) of this 11824
section applies regarding notices required under this division. 11825

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) (a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4) (a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(b) Regardless of the location of the school, the 11855
appointing or hiring officer of a chartered nonpublic school 11856
that the delinquent child attends. 11857

(5) The director, head teacher, elementary principal, or 11858
site administrator of each preschool program governed by Chapter 11859
3301. of the Revised Code that is located within the specified 11860
geographical notification area and within the county served by 11861
the sheriff; 11862

(6) The administrator of each child care center or type A 11863
family child care home that is located within the specified 11864
geographical notification area and within the county served by 11865
the sheriff, and each holder of a license to operate a type B 11866
family child care home that is located within the specified 11867
geographical notification area and within the county served by 11868
the sheriff. As used in this division, "child care center," 11869
"type A family child care home," and "type B family child care 11870
home" have the same meanings as in section 5104.01 of the 11871
Revised Code. 11872

(7) The president or other chief administrative officer of 11873
each institution of higher education, as defined in section 11874
2907.03 of the Revised Code, that is located within the 11875
specified geographical notification area and within the county 11876
served by the sheriff, and the chief law enforcement officer of 11877
the state university law enforcement agency or campus police 11878
department established under section 3345.04 or 1713.50 of the 11879
Revised Code, if any, that serves that institution; 11880

(8) The sheriff of each county that includes any portion 11881
of the specified geographical notification area; 11882

(9) If the offender or delinquent child resides within the 11883

county served by the sheriff, the chief of police, marshal, or 11884
other chief law enforcement officer of the municipal corporation 11885
in which the offender or delinquent child resides or, if the 11886
offender or delinquent child resides in an unincorporated area, 11887
the constable or chief of the police department or police 11888
district police force of the township in which the offender or 11889
delinquent child resides; 11890

(10) Volunteer organizations in which contact with minors 11891
or other vulnerable individuals might occur or any organization, 11892
company, or individual who requests notification as provided in 11893
division (J) of this section. 11894

(B) The notice required under division (A) of this section 11895
shall include all of the following information regarding the 11896
subject offender or delinquent child: 11897

(1) The offender's or delinquent child's name; 11898

(2) The address or addresses of the offender's or public 11899
registry-qualified juvenile offender registrant's residence, 11900
school, institution of higher education, or place of employment, 11901
as applicable, or the residence address or addresses of a 11902
delinquent child who is not a public registry-qualified juvenile 11903
offender registrant; 11904

(3) The sexually oriented offense or child-victim oriented 11905
offense of which the offender was convicted, to which the 11906
offender pleaded guilty, or for which the child was adjudicated 11907
a delinquent child; 11908

(4) A statement that identifies the category specified in 11909
division (F)(1)(a), (b), or (c) of this section that includes 11910
the offender or delinquent child and that subjects the offender 11911
or delinquent child to this section; 11912

(5) The offender's or delinquent child's photograph. 11913

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A) (8) of this section, the sheriff of each of the other counties who is provided notice under division (A) (8) of this section shall provide the notices described in divisions (A) (1) to (7) and (A) (9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question. 11914
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(D) (1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A) (1) of this section and the notices to law enforcement personnel that are described in divisions (A) (8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A) (8) of this section. 11930
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A sheriff required by division (A) or (C) of this section 11943
to provide notices regarding an offender or delinquent child 11944
shall provide the notices to all other specified persons that 11945
are described in divisions (A) (2) to (7) and (A) (10) of this 11946
section as soon as practicable, but not later than seven days 11947
after the offender or delinquent child registers with the 11948
sheriff or, if the sheriff is required by division (C) of this 11949
section to provide the notices, no later than five days after 11950
the sheriff is provided the notice described in division (A) (8) 11951
of this section. 11952

(2) If an offender or delinquent child in relation to whom 11953
division (A) of this section applies verifies the offender's or 11954
delinquent child's current residence, school, institution of 11955
higher education, or place of employment address, as applicable, 11956
with a sheriff pursuant to section 2950.06 of the Revised Code, 11957
the sheriff may provide a written notice containing the 11958
information set forth in division (B) of this section to the 11959
persons identified in divisions (A) (1) to (10) of this section. 11960
If a sheriff provides a notice pursuant to this division to the 11961
sheriff of one or more other counties in accordance with 11962
division (A) (8) of this section, the sheriff of each of the 11963
other counties who is provided the notice under division (A) (8) 11964
of this section may provide, but is not required to provide, a 11965
written notice containing the information set forth in division 11966
(B) of this section to the persons identified in divisions (A) 11967
(1) to (7) and (A) (9) and (10) of this section. 11968

(3) A sheriff may provide notice under division (A) (1) (a) 11969
or (b) of this section, and may provide notice under division 11970
(A) (1) (c) of this section to a building manager or person 11971
authorized to exercise management and control of a building, by 11972
mail, by personal contact, or by leaving the notice at or under 11973

the entry door to a residential unit. For purposes of divisions 11974
(A) (1) (a) and (b) of this section, and the portion of division 11975
(A) (1) (c) of this section relating to the provision of notice to 11976
occupants of a multi-unit building by mail or personal contact, 11977
the provision of one written notice per unit is deemed as 11978
providing notice to all occupants of that unit. 11979

(E) All information that a sheriff possesses regarding an 11980
offender or delinquent child who is in a category specified in 11981
division (F) (1) (a), (b), or (c) of this section that is 11982
described in division (B) of this section and that must be 11983
provided in a notice required under division (A) or (C) of this 11984
section or that may be provided in a notice authorized under 11985
division (D) (2) of this section is a public record that is open 11986
to inspection under section 149.43 of the Revised Code. 11987

The sheriff shall not cause to be publicly disseminated by 11988
means of the internet any of the information described in this 11989
division that is provided by a delinquent child unless that 11990
child is in a category specified in division (F) (1) (a), (b), or 11991
(c) of this section. 11992

(F) (1) Except as provided in division (F) (2) of this 11993
section, the duties to provide the notices described in 11994
divisions (A) and (C) of this section apply regarding any 11995
offender or delinquent child who is in any of the following 11996
categories: 11997

(a) The offender is a tier III sex offender/child-victim 11998
offender, and a court has not removed pursuant to section 11999
2950.152 of the Revised Code the offender's duty to comply with 12000
sections 2950.04, 2950.05, and 2950.06 of the Revised Code, or 12001
the delinquent child is a public registry-qualified juvenile 12002
offender registrant, and a juvenile court has not removed 12003

pursuant to section 2950.15 of the Revised Code the delinquent 12004
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12005
and 2950.06 of the Revised Code. 12006

(b) The delinquent child is a tier III sex offender/child- 12007
victim offender who is not a public registry-qualified juvenile 12008
offender registrant, the delinquent child was subjected to this 12009
section prior to January 1, 2008, as a sexual predator, habitual 12010
sex offender, child-victim predator, or habitual child-victim 12011
offender, as those terms were defined in section 2950.01 of the 12012
Revised Code as it existed prior to January 1, 2008, and a 12013
juvenile court has not removed pursuant to section 2152.84 or 12014
2152.85 of the Revised Code the delinquent child's duty to 12015
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12016
the Revised Code or a juvenile court has not removed pursuant to 12017
section 2950.152 of the Revised Code the delinquent child's duty 12018
to comply with sections 2950.04, 2950.05, and 2950.06 of the 12019
Revised Code. 12020

(c) The delinquent child is a tier III sex offender/child- 12021
victim offender who is not a public registry-qualified juvenile 12022
offender registrant, the delinquent child was classified a 12023
juvenile offender registrant on or after January 1, 2008, the 12024
court has imposed a requirement under section 2152.82, 2152.83, 12025
or 2152.84 of the Revised Code subjecting the delinquent child 12026
to this section, and a juvenile court has not removed pursuant 12027
to section 2152.84 or 2152.85 of the Revised Code the delinquent 12028
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12029
and 2950.06 of the Revised Code or a juvenile court has not 12030
removed pursuant to section 2950.152 of the Revised Code the 12031
delinquent child's duty to comply with sections 2950.04, 12032
2950.05, and 2950.06 of the Revised Code. 12033

(2) The notification provisions of this section do not 12034
apply to a person described in division (F) (1) (a), (b), or (c) 12035
of this section if a court finds at a hearing after considering 12036
the factors described in this division that the person would not 12037
be subject to the notification provisions of this section that 12038
were in the version of this section that existed immediately 12039
prior to January 1, 2008. In making the determination of whether 12040
a person would have been subject to the notification provisions 12041
under prior law as described in this division, the court shall 12042
consider the following factors: 12043

(a) The offender's or delinquent child's age; 12044

(b) The offender's or delinquent child's prior criminal or 12045
delinquency record regarding all offenses, including, but not 12046
limited to, all sexual offenses; 12047

(c) The age of the victim of the sexually oriented offense 12048
for which sentence is to be imposed or the order of disposition 12049
is to be made; 12050

(d) Whether the sexually oriented offense for which 12051
sentence is to be imposed or the order of disposition is to be 12052
made involved multiple victims; 12053

(e) Whether the offender or delinquent child used drugs or 12054
alcohol to impair the victim of the sexually oriented offense or 12055
to prevent the victim from resisting; 12056

(f) If the offender or delinquent child previously has 12057
been convicted of or pleaded guilty to, or been adjudicated a 12058
delinquent child for committing an act that if committed by an 12059
adult would be, a criminal offense, whether the offender or 12060
delinquent child completed any sentence or dispositional order 12061
imposed for the prior offense or act and, if the prior offense 12062

or act was a sex offense or a sexually oriented offense, whether 12063
the offender or delinquent child participated in available 12064
programs for sexual offenders; 12065

(g) Any mental illness or mental disability of the 12066
offender or delinquent child; 12067

(h) The nature of the offender's or delinquent child's 12068
sexual conduct, sexual contact, or interaction in a sexual 12069
context with the victim of the sexually oriented offense and 12070
whether the sexual conduct, sexual contact, or interaction in a 12071
sexual context was part of a demonstrated pattern of abuse; 12072

(i) Whether the offender or delinquent child, during the 12073
commission of the sexually oriented offense for which sentence 12074
is to be imposed or the order of disposition is to be made, 12075
displayed cruelty or made one or more threats of cruelty; 12076

(j) Whether the offender or delinquent child would have 12077
been a habitual sex offender or a habitual child victim offender 12078
under the definitions of those terms set forth in section 12079
2950.01 of the Revised Code as that section existed prior to 12080
January 1, 2008; 12081

(k) Any additional behavioral characteristics that 12082
contribute to the offender's or delinquent child's conduct. 12083

(G) (1) The department of children and youth shall compile, 12084
maintain, and update in January and July of each year, a list of 12085
all agencies, centers, or homes of a type described in division 12086
(A) (2) or (6) of this section that contains the name of each 12087
agency, center, or home of that type, the county in which it is 12088
located, its address and telephone number, and the name of an 12089
administrative officer or employee of the agency, center, or 12090
home. 12091

(2) The department of education and workforce shall 12092
compile, maintain, and update in January and July of each year, 12093
a list of all boards of education, schools, or programs of a 12094
type described in division (A) (3), (4), or (5) of this section 12095
that contains the name of each board of education, school, or 12096
program of that type, the county in which it is located, its 12097
address and telephone number, the name of the superintendent of 12098
the board or of an administrative officer or employee of the 12099
school or program, and, in relation to a board of education, the 12100
county or counties in which each of its schools is located and 12101
the address of each such school. 12102

(3) The department ~~chancellor~~ of higher education shall 12103
compile, maintain, and update in January and July of each year, 12104
a list of all institutions of a type described in division (A) 12105
(7) of this section that contains the name of each such 12106
institution, the county in which it is located, its address and 12107
telephone number, and the name of its president or other chief 12108
administrative officer. 12109

(4) A sheriff required by division (A) or (C) of this 12110
section, or authorized by division (D) (2) of this section, to 12111
provide notices regarding an offender or delinquent child, or a 12112
designee of a sheriff of that type, may request the department 12113
of children and youth, department of education and workforce, or 12114
department ~~chancellor~~ of higher education, by telephone, in 12115
person, or by mail, to provide the sheriff or designee with the 12116
names, addresses, and telephone numbers of the appropriate 12117
persons and entities to whom the notices described in divisions 12118
(A) (2) to (7) of this section are to be provided. Upon receipt 12119
of a request, the department shall provide the requesting 12120
sheriff or designee with the names, addresses, and telephone 12121
numbers of the appropriate persons and entities to whom those 12122

notices are to be provided. 12123

(H) (1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings. 12124
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The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation. 12146
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An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to 12151
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comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12153
the Revised Code and does not suspend the victim notification 12154
requirement under section 2950.10 of the Revised Code. 12155

(2) A prosecuting attorney, a sentencing judge or that 12156
judge's successor in office, and an offender who is subject to 12157
the community notification requirement under this section may 12158
initially make a motion under division (H) (1) of this section 12159
upon the expiration of twenty years after the offender's duty to 12160
comply with division (A) (2), (3), or (4) of section 2950.04, 12161
division (A) (2), (3), or (4) of section 2950.041 and sections 12162
2950.05 and 2950.06 of the Revised Code begins in relation to 12163
the offense for which the offender is subject to community 12164
notification. After the initial making of a motion under 12165
division (H) (1) of this section, thereafter, the prosecutor, 12166
judge, and offender may make a subsequent motion under that 12167
division upon the expiration of five years after the judge has 12168
entered an order denying the initial motion or the most recent 12169
motion made under that division. 12170

(3) The offender and the prosecuting attorney have the 12171
right to appeal an order approving or denying a motion made 12172
under division (H) (1) of this section. 12173

(4) Divisions (H) (1) to (3) of this section do not apply 12174
to any of the following types of offender: 12175

(a) A person who is convicted of or pleads guilty to a 12176
violent sex offense or designated homicide, assault, or 12177
kidnapping offense and who, in relation to that offense, is 12178
adjudicated a sexually violent predator; 12179

(b) A person who is convicted of or pleads guilty to a 12180
sexually oriented offense that is a violation of division (A) (1) 12181

(b) of section 2907.02 of the Revised Code committed on or after 12182
January 2, 2007, and either who is sentenced under section 12183
2971.03 of the Revised Code or upon whom a sentence of life 12184
without parole is imposed under division (B) of section 2907.02 12185
of the Revised Code; 12186

(c) A person who is convicted of or pleads guilty to a 12187
sexually oriented offense that is attempted rape committed on or 12188
after January 2, 2007, and who also is convicted of or pleads 12189
guilty to a specification of the type described in section 12190
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 12191

(d) A person who is convicted of or pleads guilty to an 12192
offense described in division (B) (3) (a), (b), (c), or (d) of 12193
section 2971.03 of the Revised Code and who is sentenced for 12194
that offense pursuant to that division; 12195

(e) An offender who is in a category specified in division 12196
(F) (1) (a), (b), or (c) of this section and who, subsequent to 12197
being subjected to community notification, has pleaded guilty to 12198
or been convicted of a sexually oriented offense or child-victim 12199
oriented offense. 12200

(I) If a person is convicted of, pleads guilty to, has 12201
been convicted of, or has pleaded guilty to a sexually oriented 12202
offense or a child-victim oriented offense or a person is or has 12203
been adjudicated a delinquent child for committing a sexually 12204
oriented offense or a child-victim oriented offense and is 12205
classified a juvenile offender registrant or is an out-of-state 12206
juvenile offender registrant based on that adjudication, and if 12207
the offender or delinquent child is not in any category 12208
specified in division (F) (1) (a), (b), or (c) of this section, 12209
the sheriff with whom the offender or delinquent child has most 12210
recently registered under section 2950.04, 2950.041, or 2950.05 12211

of the Revised Code and the sheriff to whom the offender or 12212
delinquent child most recently sent a notice of intent to reside 12213
under section 2950.04 or 2950.041 of the Revised Code, within 12214
the period of time specified in division (D) of this section, 12215
shall provide a written notice containing the information set 12216
forth in division (B) of this section to the executive director 12217
of the public children services agency that has jurisdiction 12218
within the specified geographical notification area and that is 12219
located within the county served by the sheriff. 12220

(J) Each sheriff shall allow a volunteer organization or 12221
other organization, company, or individual who wishes to receive 12222
the notice described in division (A)(10) of this section 12223
regarding a specific offender or delinquent child or notice 12224
regarding all offenders and delinquent children who are located 12225
in the specified geographical notification area to notify the 12226
sheriff by electronic mail or through the sheriff's web site of 12227
this election. The sheriff shall promptly inform the bureau of 12228
criminal identification and investigation of these requests in 12229
accordance with the forwarding procedures adopted by the 12230
attorney general pursuant to section 2950.13 of the Revised 12231
Code. 12232

(K) In making a determination under division (H)(1) of 12233
this section as to whether to suspend the community notification 12234
requirement under this section for an offender, the judge shall 12235
consider all relevant factors, including, but not limited to, 12236
all of the following: 12237

(1) The offender's age; 12238

(2) The offender's prior criminal or delinquency record 12239
regarding all offenses, including, but not limited to, all 12240
sexually oriented offenses or child-victim oriented offenses; 12241

(3) The age of the victim of the sexually oriented offense	12242
or child-victim oriented offense the offender committed;	12243
(4) Whether the sexually oriented offense or child-victim	12244
oriented offense the offender committed involved multiple	12245
victims;	12246
(5) Whether the offender used drugs or alcohol to impair	12247
the victim of the sexually oriented offense or child-victim	12248
oriented offense the offender committed or to prevent the victim	12249
from resisting;	12250
(6) If the offender previously has been convicted of,	12251
pleaded guilty to, or been adjudicated a delinquent child for	12252
committing an act that if committed by an adult would be a	12253
criminal offense, whether the offender completed any sentence or	12254
dispositional order imposed for the prior offense or act and, if	12255
the prior offense or act was a sexually oriented offense or a	12256
child-victim oriented offense, whether the offender or	12257
delinquent child participated in available programs for sex	12258
offenders or child-victim offenders;	12259
(7) Any mental illness or mental disability of the	12260
offender;	12261
(8) The nature of the offender's sexual conduct, sexual	12262
contact, or interaction in a sexual context with the victim of	12263
the sexually oriented offense the offender committed or the	12264
nature of the offender's interaction in a sexual context with	12265
the victim of the child-victim oriented offense the offender	12266
committed, whichever is applicable, and whether the sexual	12267
conduct, sexual contact, or interaction in a sexual context was	12268
part of a demonstrated pattern of abuse;	12269
(9) Whether the offender, during the commission of the	12270

sexually oriented offense or child-victim oriented offense the 12271
offender committed, displayed cruelty or made one or more 12272
threats of cruelty; 12273

(10) Any additional behavioral characteristics that 12274
contribute to the offender's conduct. 12275

(L) As used in this section, "specified geographical 12276
notification area" means the geographic area or areas within 12277
which the attorney general, by rule adopted under section 12278
2950.13 of the Revised Code, requires the notice described in 12279
division (B) of this section to be given to the persons 12280
identified in divisions (A) (2) to (8) of this section. 12281

Sec. 2950.13. (A) The attorney general shall do all of the 12282
following: 12283

(1) No later than July 1, 1997, establish and maintain a 12284
state registry of sex offenders and child-victim offenders that 12285
is housed at the bureau of criminal identification and 12286
investigation and that contains all of the registration, change 12287
of residence, school, institution of higher education, or place 12288
of employment address, and verification information the bureau 12289
receives pursuant to sections 2950.04, 2950.041, 2950.05, and 12290
2950.06 of the Revised Code regarding each person who is 12291
convicted of, pleads guilty to, has been convicted of, or has 12292
pleaded guilty to a sexually oriented offense or a child-victim 12293
oriented offense and each person who is or has been adjudicated 12294
a delinquent child for committing a sexually oriented offense or 12295
a child-victim oriented offense and is classified a juvenile 12296
offender registrant or is an out-of-state juvenile offender 12297
registrant based on that adjudication, all of the information 12298
the bureau receives pursuant to section 2950.14 of the Revised 12299
Code, ~~and~~ any notice of an order terminating or modifying an 12300

offender's or delinquent child's duty to comply with sections 12301
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the 12302
bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 12303
of the Revised Code, and any notice of an order terminating an 12304
offender's or delinquent child's duty to comply with sections 12305
2950.04, 2950.05, and 2950.06 of the Revised Code the bureau 12306
receives pursuant to section 2950.152 of the Revised Code. For a 12307
person who was convicted of or pleaded guilty to the sexually 12308
oriented offense or child-victim related offense, the registry 12309
also shall indicate whether the person was convicted of or 12310
pleaded guilty to the offense in a criminal prosecution or in a 12311
serious youthful offender case. The registry shall not be open 12312
to inspection by the public or by any person other than a person 12313
identified in division (A) of section 2950.08 of the Revised 12314
Code. In addition to the information and material previously 12315
identified in this division, the registry shall include all of 12316
the following regarding each person who is listed in the 12317
registry: 12318

(a) A citation for, and the name of, all sexually oriented 12319
offenses or child-victim oriented offenses of which the person 12320
was convicted, to which the person pleaded guilty, or for which 12321
the person was adjudicated a delinquent child and that resulted 12322
in a registration duty, and the date on which those offenses 12323
were committed; 12324

(b) The text of the sexually oriented offenses or child- 12325
victim oriented offenses identified in division (A)(1)(a) of 12326
this section as those offenses existed at the time the person 12327
was convicted of, pleaded guilty to, or was adjudicated a 12328
delinquent child for committing those offenses, or a link to a 12329
database that sets forth the text of those offenses; 12330

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section; 12331
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(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release; 12337
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(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code; 12344
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(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware; 12347
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(g) Fingerprints and palmprints of the person; 12354

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person; 12355
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(i) Whether the person has any outstanding arrest warrants; 12357
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(j) Whether the person is in compliance with the person's 12359

duties under this chapter. 12360

(2) In consultation with local law enforcement 12361
representatives and no later than July 1, 1997, adopt rules that 12362
contain guidelines necessary for the implementation of this 12363
chapter; 12364

(3) In consultation with local law enforcement 12365
representatives, adopt rules for the implementation and 12366
administration of the provisions contained in section 2950.11 of 12367
the Revised Code that pertain to the notification of neighbors 12368
of an offender or a delinquent child who has committed a 12369
sexually oriented offense or a child-victim oriented offense and 12370
is in a category specified in division (F)(1) of that section 12371
and rules that prescribe a manner in which victims of a sexually 12372
oriented offense or a child-victim oriented offense committed by 12373
an offender or a delinquent child who is in a category specified 12374
in division (B)(1) of section 2950.10 of the Revised Code may 12375
make a request that specifies that the victim would like to be 12376
provided the notices described in divisions (A)(1) and (2) of 12377
section 2950.10 of the Revised Code; 12378

(4) In consultation with local law enforcement 12379
representatives and through the bureau of criminal 12380
identification and investigation, prescribe the forms to be used 12381
by judges and officials pursuant to section 2950.03 or 2950.032 12382
of the Revised Code to advise offenders and delinquent children 12383
of their duties of filing a notice of intent to reside, 12384
registration, notification of a change of residence, school, 12385
institution of higher education, or place of employment address 12386
and registration of the new school, institution of higher 12387
education, or place of employment address, as applicable, and 12388
address verification under sections 2950.04, 2950.041, 2950.05, 12389

and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of filing a notice of intent to reside, registration, change of residence, school, institution of higher education, or place of employment address notification, and address verification; 12390
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(5) Make copies of the forms prescribed under division (A) 12395
(4) of this section available to judges, officials, and 12396
sheriffs; 12397

(6) Through the bureau of criminal identification and 12398
investigation, provide the notifications, the information and 12399
materials, and the documents that the bureau is required to 12400
provide to appropriate law enforcement officials and to the 12401
federal bureau of investigation pursuant to sections 2950.04, 12402
2950.041, 2950.05, and 2950.06 of the Revised Code; 12403

(7) Through the bureau of criminal identification and 12404
investigation, maintain the verification forms returned under 12405
the address verification mechanism set forth in section 2950.06 12406
of the Revised Code; 12407

(8) In consultation with representatives of the officials, 12408
judges, and sheriffs, adopt procedures for officials, judges, 12409
and sheriffs to use to forward information, photographs, and 12410
fingerprints to the bureau of criminal identification and 12411
investigation pursuant to the requirements of sections 2950.03, 12412
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 12413
Code; 12414

(9) In consultation with the director of education, the 12415
director of children and youth, and the director of 12416
rehabilitation and correction, adopt rules that contain 12417
guidelines to be followed by boards of education of a school 12418

district, chartered nonpublic schools or other schools not 12419
operated by a board of education, preschool programs, child care 12420
centers, type A family child care homes, licensed type B family 12421
child care homes, and institutions of higher education regarding 12422
the proper use and administration of information received 12423
pursuant to section 2950.11 of the Revised Code relative to an 12424
offender or delinquent child who has committed a sexually 12425
oriented offense or a child-victim oriented offense and is in a 12426
category specified in division (F)(1) of that section; 12427

(10) In consultation with local law enforcement 12428
representatives and no later than July 1, 1997, adopt rules that 12429
designate a geographic area or areas within which the notice 12430
described in division (B) of section 2950.11 of the Revised Code 12431
must be given to the persons identified in divisions (A)(2) to 12432
(8) and (A)(10) of that section; 12433

(11) Through the bureau of criminal identification and 12434
investigation, not later than January 1, 2004, establish and 12435
operate on the internet a sex offender and child-victim offender 12436
database that contains information for every offender who has 12437
committed a sexually oriented offense or a child-victim oriented 12438
offense and registers in any county in this state pursuant to 12439
section 2950.04 or 2950.041 of the Revised Code and for every 12440
delinquent child who has committed a sexually oriented offense, 12441
is a public registry-qualified juvenile offender registrant, and 12442
registers in any county in this state pursuant to either such 12443
section. The bureau shall not include on the database the 12444
identity of any offender's or public registry-qualified juvenile 12445
offender registrant's victim, any offender's or public registry- 12446
qualified juvenile offender registrant's social security number, 12447
the name of any school or institution of higher education 12448
attended by any offender or public registry-qualified juvenile 12449

offender registrant, the name of the place of employment of any 12450
offender or public registry-qualified juvenile offender 12451
registrant, any tracking or identification number described in 12452
division (A) (1) (f) of this section, or any information described 12453
in division (C) (7) of section 2950.04 or 2950.041 of the Revised 12454
Code. The bureau shall provide on the database, for each 12455
offender and each public registry-qualified juvenile offender 12456
registrant, at least the information specified in divisions (A) 12457
(11) (a) to (h) of this section. Otherwise, the bureau shall 12458
determine the information to be provided on the database for 12459
each offender and public registry-qualified juvenile offender 12460
registrant and shall obtain that information from the 12461
information contained in the state registry of sex offenders and 12462
child-victim offenders described in division (A) (1) of this 12463
section, which information, while in the possession of the 12464
sheriff who provided it, is a public record open for inspection 12465
as described in section 2950.081 of the Revised Code. The 12466
database is a public record open for inspection under section 12467
149.43 of the Revised Code, and it shall be searchable by 12468
offender or public registry-qualified juvenile offender 12469
registrant name, by county, by zip code, and by school district. 12470
The database shall provide a link to the web site of each 12471
sheriff who has established and operates on the internet a sex 12472
offender and child-victim offender database that contains 12473
information for offenders and public registry-qualified juvenile 12474
offender registrants who register in that county pursuant to 12475
section 2950.04 or 2950.041 of the Revised Code, with the link 12476
being a direct link to the sex offender and child-victim 12477
offender database for the sheriff. The bureau shall provide on 12478
the database, for each offender and public registry-qualified 12479
juvenile offender registrant, at least the following 12480
information: 12481

(a) The information described in divisions (A) (1) (a), (b),	12482
(c), and (d) of this section relative to the offender or public	12483
registry-qualified juvenile offender registrant;	12484
(b) The address of the offender's or public registry-	12485
qualified juvenile offender registrant's school, institution of	12486
higher education, or place of employment provided in a	12487
registration form;	12488
(c) The information described in division (C) (6) of	12489
section 2950.04 or 2950.041 of the Revised Code;	12490
(d) A chart describing which sexually oriented offenses	12491
and child-victim oriented offenses are included in the	12492
definitions of tier I sex offender/child-victim offender, tier	12493
II sex offender/child-victim offender, and tier III sex	12494
offender/child-victim offender;	12495
(e) Fingerprints and palmprints of the offender or public	12496
registry-qualified juvenile offender registrant and a DNA	12497
specimen from the offender or public registry-qualified juvenile	12498
offender registrant;	12499
(f) The information set forth in division (B) of section	12500
2950.11 of the Revised Code;	12501
(g) Any outstanding arrest warrants for the offender or	12502
public registry-qualified juvenile offender registrant;	12503
(h) The offender's or public registry-qualified juvenile	12504
offender registrant's compliance status with duties under this	12505
chapter.	12506
(12) Develop software to be used by sheriffs in	12507
establishing on the internet a sex offender and child-victim	12508
offender database for the public dissemination of some or all of	12509

the information and materials described in division (A) of 12510
section 2950.081 of the Revised Code that are public records 12511
under that division, that are not prohibited from inclusion by 12512
division (B) of that section, and that pertain to offenders and 12513
public registry-qualified juvenile offender registrants who 12514
register in the sheriff's county pursuant to section 2950.04 or 12515
2950.041 of the Revised Code and for the public dissemination of 12516
information the sheriff receives pursuant to section 2950.14 of 12517
the Revised Code and, upon the request of any sheriff, provide 12518
technical guidance to the requesting sheriff in establishing on 12519
the internet such a database; 12520

(13) Through the bureau of criminal identification and 12521
investigation, not later than January 1, 2004, establish and 12522
operate on the internet a database that enables local law 12523
enforcement representatives to remotely search by electronic 12524
means the state registry of sex offenders and child-victim 12525
offenders described in division (A) (1) of this section and any 12526
information and materials the bureau receives pursuant to 12527
sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the 12528
Revised Code. The database shall enable local law enforcement 12529
representatives to obtain detailed information regarding each 12530
offender and delinquent child who is included in the registry, 12531
including, but not limited to the offender's or delinquent 12532
child's name, aliases, residence address, name and address of 12533
any place of employment, school, institution of higher 12534
education, if applicable, license plate number of each vehicle 12535
identified in division (C) (5) of section 2950.04 or 2950.041 of 12536
the Revised Code to the extent applicable, victim preference if 12537
available, date of most recent release from confinement if 12538
applicable, fingerprints, and palmprints, all of the information 12539
and material described in divisions (A) (1) (a) to (h) of this 12540

section regarding the offender or delinquent child, and other 12541
identification parameters the bureau considers appropriate. The 12542
database is not a public record open for inspection under 12543
section 149.43 of the Revised Code and shall be available only 12544
to law enforcement representatives as described in this 12545
division. Information obtained by local law enforcement 12546
representatives through use of this database is not open to 12547
inspection by the public or by any person other than a person 12548
identified in division (A) of section 2950.08 of the Revised 12549
Code. 12550

(14) Through the bureau of criminal identification and 12551
investigation, maintain a list of requests for notice about a 12552
specified offender or delinquent child or specified geographical 12553
notification area made pursuant to division (J) of section 12554
2950.11 of the Revised Code and, when an offender or delinquent 12555
child changes residence to another county, forward any requests 12556
for information about that specific offender or delinquent child 12557
to the appropriate sheriff; 12558

(15) Through the bureau of criminal identification and 12559
investigation, establish and operate a system for the immediate 12560
notification by electronic means of the appropriate officials in 12561
other states specified in this division each time an offender or 12562
delinquent child registers a residence, school, institution of 12563
higher education, or place of employment address under section 12564
2950.04 or 2950.041 of the Revised Code or provides a notice of 12565
a change of address or registers a new address under division 12566
(A) or (B) of section 2950.05 of the Revised Code. The immediate 12567
notification by electronic means shall be provided to the 12568
appropriate officials in each state in which the offender or 12569
delinquent child is required to register a residence, school, 12570
institution of higher education, or place of employment address. 12571

The notification shall contain the offender's or delinquent 12572
child's name and all of the information the bureau receives from 12573
the sheriff with whom the offender or delinquent child 12574
registered the address or provided the notice of change of 12575
address or registered the new address. 12576

(B) The attorney general in consultation with local law 12577
enforcement representatives, may adopt rules that establish one 12578
or more categories of neighbors of an offender or delinquent 12579
child who, in addition to the occupants of residential premises 12580
and other persons specified in division (A) (1) of section 12581
2950.11 of the Revised Code, must be given the notice described 12582
in division (B) of that section. 12583

(C) No person, other than a local law enforcement 12584
representative, shall knowingly do any of the following: 12585

(1) Gain or attempt to gain access to the database 12586
established and operated by the attorney general, through the 12587
bureau of criminal identification and investigation, pursuant to 12588
division (A) (13) of this section. 12589

(2) Permit any person to inspect any information obtained 12590
through use of the database described in division (C) (1) of this 12591
section, other than as permitted under that division. 12592

(D) As used in this section, "local law enforcement 12593
representatives" means representatives of the sheriffs of this 12594
state, representatives of the municipal chiefs of police and 12595
marshals of this state, and representatives of the township 12596
constables and chiefs of police of the township police 12597
departments or police district police forces of this state. 12598

Section 5. That the existing versions of sections 2950.11 12599
and 2950.13 of the Revised Code that are scheduled to take 12600

effect January 1, 2025, are hereby repealed.	12601
Section 6. Sections 4 and 5 of this act take effect	12602
January 1, 2025.	12603
Section 7. The General Assembly, applying the principle	12604
stated in division (B) of section 1.52 of the Revised Code that	12605
amendments are to be harmonized if reasonably capable of	12606
simultaneous operation, finds that the following sections,	12607
presented in this act as composites of the sections as amended	12608
by the acts indicated, are the resulting versions of the	12609
sections in effect prior to the effective date of the sections	12610
as presented in this act:	12611
Section 307.93 of the Revised Code as amended by both S.B.	12612
16 and S.B. 288 of the 134th General Assembly.	12613
Section 2151.358 of the Revised Code as amended by both	12614
H.B. 343 and S.B. 288 of the 134th General Assembly.	12615
Section 2903.11 of the Revised Code as amended by both	12616
S.B. 20 and S.B. 201 of the 132nd General Assembly.	12617
Section 2907.28 of the Revised Code as amended by both	12618
H.B. 483 and S.B. 143 of the 130th General Assembly.	12619
Section 2923.125 of the Revised Code as amended by both	12620
H.B. 281 and S.B. 288 of the 134th General Assembly.	12621
Section 2923.128 of the Revised Code as amended by H.B.	12622
281, S.B. 215, and S.B. 288, all of the 134th General Assembly.	12623
Section 2923.1213 of the Revised Code as amended by both	12624
H.B. 281 and S.B. 288 of the 134th General Assembly.	12625