

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 522

Representatives Willis, Williams

**Cosponsors: Representatives Miller, K., Dell'Aquila, Jones, Stein, Plummer,
Dobos, Creech, Seitz, Hoops, Johnson**

A BILL

To amend sections 109.57, 109.572, 109.578, 1
109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2
2923.14, 2929.01, 2929.13, 2929.14, 2941.141, 3
2941.144, 2941.145, 2941.146, 2953.25, 2953.34, 4
2953.61, 4723.28, 4729.16, 4729.56, 4729.57, 5
4729.96, and 4752.09 and to enact sections 6
2941.1427, 2941.1428, and 2953.321 of the 7
Revised Code to enact the Repeat Offender Act to 8
create a repeat offender classification, to 9
create certain specifications, to increase the 10
penalties for certain firearm offenses and 11
specifications, to broaden the scope of relief 12
from firearms disability, and to allow automatic 13
sealing for fourth and fifth degree felonies. 14

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

Section 1. That sections 109.57, 109.572, 109.578, 15
109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 2929.01, 16
2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 2941.146, 17
2953.25, 2953.34, 2953.61, 4723.28, 4729.16, 4729.56, 4729.57, 18

4729.96, and 4752.09 be amended and sections 2941.1427, 19
2941.1428, and 2953.321 of the Revised Code be enacted to read 20
as follows: 21

Sec. 109.57. (A) (1) The superintendent of the bureau of 22
criminal identification and investigation shall procure from 23
wherever procurable and file for record photographs, pictures, 24
descriptions, fingerprints, measurements, and other information 25
that may be pertinent of all persons who have been convicted of 26
committing within this state a felony, any crime constituting a 27
misdemeanor on the first offense and a felony on subsequent 28
offenses, or any misdemeanor described in division (A) (1) (a), 29
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 30
of all children under eighteen years of age who have been 31
adjudicated delinquent children for committing within this state 32
an act that would be a felony or an offense of violence if 33
committed by an adult or who have been convicted of or pleaded 34
guilty to committing within this state a felony or an offense of 35
violence, and of all well-known and habitual criminals. The 36
person in charge of any county, multicounty, municipal, 37
municipal-county, or multicounty-municipal jail or workhouse, 38
community-based correctional facility, halfway house, 39
alternative residential facility, or state correctional 40
institution and the person in charge of any state institution 41
having custody of a person suspected of having committed a 42
felony, any crime constituting a misdemeanor on the first 43
offense and a felony on subsequent offenses, or any misdemeanor 44
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 45
section 109.572 of the Revised Code or having custody of a child 46
under eighteen years of age with respect to whom there is 47
probable cause to believe that the child may have committed an 48
act that would be a felony or an offense of violence if 49

committed by an adult shall furnish such material to the 50
superintendent of the bureau. Fingerprints, photographs, or 51
other descriptive information of a child who is under eighteen 52
years of age, has not been arrested or otherwise taken into 53
custody for committing an act that would be a felony or an 54
offense of violence who is not in any other category of child 55
specified in this division, if committed by an adult, has not 56
been adjudicated a delinquent child for committing an act that 57
would be a felony or an offense of violence if committed by an 58
adult, has not been convicted of or pleaded guilty to committing 59
a felony or an offense of violence, and is not a child with 60
respect to whom there is probable cause to believe that the 61
child may have committed an act that would be a felony or an 62
offense of violence if committed by an adult shall not be 63
procured by the superintendent or furnished by any person in 64
charge of any county, multicounty, municipal, municipal-county, 65
or multicounty-municipal jail or workhouse, community-based 66
correctional facility, halfway house, alternative residential 67
facility, or state correctional institution, except as 68
authorized in section 2151.313 of the Revised Code. 69

(2) Every clerk of a court of record in this state, other 70
than the supreme court or a court of appeals, shall send to the 71
superintendent of the bureau a weekly report containing a 72
summary of each case involving a felony, involving any crime 73
constituting a misdemeanor on the first offense and a felony on 74
subsequent offenses, involving a misdemeanor described in 75
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 76
of the Revised Code, or involving an adjudication in a case in 77
which a child under eighteen years of age was alleged to be a 78
delinquent child for committing an act that would be a felony or 79
an offense of violence if committed by an adult. The clerk of 80

the court of common pleas shall include in the report and 81
summary the clerk sends under this division all information 82
described in divisions (A) (2) (a) to (f) of this section 83
regarding a case before the court of appeals that is served by 84
that clerk. The summary shall be written on the standard forms 85
furnished by the superintendent pursuant to division (B) of this 86
section and shall include the following information: 87

(a) The incident tracking number contained on the standard 88
forms furnished by the superintendent pursuant to division (B) 89
of this section; 90

(b) The style and number of the case; 91

(c) The date of arrest, offense, summons, or arraignment; 92

(d) The date that the person was convicted of or pleaded 93
guilty to the offense, adjudicated a delinquent child for 94
committing the act that would be a felony or an offense of 95
violence if committed by an adult, found not guilty of the 96
offense, or found not to be a delinquent child for committing an 97
act that would be a felony or an offense of violence if 98
committed by an adult, the date of an entry dismissing the 99
charge, an entry declaring a mistrial of the offense in which 100
the person is discharged, an entry finding that the person or 101
child is not competent to stand trial, or an entry of a nolle 102
prosequi, or the date of any other determination that 103
constitutes final resolution of the case; 104

(e) A statement of the original charge with the section of 105
the Revised Code that was alleged to be violated; 106

(f) If the person or child was convicted, pleaded guilty, 107
or was adjudicated a delinquent child, the sentence or terms of 108
probation imposed or any other disposition of the offender or 109

the delinquent child. 110

If the offense involved the disarming of a law enforcement 111
officer or an attempt to disarm a law enforcement officer, the 112
clerk shall clearly state that fact in the summary, and the 113
superintendent shall ensure that a clear statement of that fact 114
is placed in the bureau's records. 115

(3) The superintendent shall cooperate with and assist 116
sheriffs, chiefs of police, and other law enforcement officers 117
in the establishment of a complete system of criminal 118
identification and in obtaining fingerprints and other means of 119
identification of all persons arrested on a charge of a felony, 120
any crime constituting a misdemeanor on the first offense and a 121
felony on subsequent offenses, or a misdemeanor described in 122
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 123
of the Revised Code and of all children under eighteen years of 124
age arrested or otherwise taken into custody for committing an 125
act that would be a felony or an offense of violence if 126
committed by an adult. The superintendent also shall file for 127
record the fingerprint impressions of all persons confined in a 128
county, multicounty, municipal, municipal-county, or 129
multicounty-municipal jail or workhouse, community-based 130
correctional facility, halfway house, alternative residential 131
facility, or state correctional institution for the violation of 132
state laws and of all children under eighteen years of age who 133
are confined in a county, multicounty, municipal, municipal- 134
county, or multicounty-municipal jail or workhouse, community- 135
based correctional facility, halfway house, alternative 136
residential facility, or state correctional institution or in 137
any facility for delinquent children for committing an act that 138
would be a felony or an offense of violence if committed by an 139
adult, and any other information that the superintendent may 140

receive from law enforcement officials of the state and its 141
political subdivisions. 142

(4) The superintendent shall carry out Chapter 2950. of 143
the Revised Code with respect to the registration of persons who 144
are convicted of or plead guilty to a sexually oriented offense 145
or a child-victim oriented offense and with respect to all other 146
duties imposed on the bureau under that chapter. 147

(5) The bureau shall perform centralized recordkeeping 148
functions for criminal history records and services in this 149
state for purposes of the national crime prevention and privacy 150
compact set forth in section 109.571 of the Revised Code and is 151
the criminal history record repository as defined in that 152
section for purposes of that compact. The superintendent or the 153
superintendent's designee is the compact officer for purposes of 154
that compact and shall carry out the responsibilities of the 155
compact officer specified in that compact. 156

(6) The superintendent shall, upon request, assist a 157
county coroner in the identification of a deceased person 158
through the use of fingerprint impressions obtained pursuant to 159
division (A)(1) of this section or collected pursuant to section 160
109.572 or 311.41 of the Revised Code. 161

(B) The superintendent shall prepare and furnish to every 162
county, multicounty, municipal, municipal-county, or 163
multicounty-municipal jail or workhouse, community-based 164
correctional facility, halfway house, alternative residential 165
facility, or state correctional institution and to every clerk 166
of a court in this state specified in division (A)(2) of this 167
section standard forms for reporting the information required 168
under division (A) of this section. The standard forms that the 169
superintendent prepares pursuant to this division may be in a 170

tangible format, in an electronic format, or in both tangible 171
formats and electronic formats. 172

(C) (1) The superintendent may operate a center for 173
electronic, automated, or other data processing for the storage 174
and retrieval of information, data, and statistics pertaining to 175
criminals and to children under eighteen years of age who are 176
adjudicated delinquent children for committing an act that would 177
be a felony or an offense of violence if committed by an adult, 178
criminal activity, crime prevention, law enforcement, and 179
criminal justice, and may establish and operate a statewide 180
communications network to be known as the Ohio law enforcement 181
gateway to gather and disseminate information, data, and 182
statistics for the use of law enforcement agencies and for other 183
uses specified in this division. The superintendent may gather, 184
store, retrieve, and disseminate information, data, and 185
statistics that pertain to children who are under eighteen years 186
of age and that are gathered pursuant to sections 109.57 to 187
109.61 of the Revised Code together with information, data, and 188
statistics that pertain to adults and that are gathered pursuant 189
to those sections. 190

(2) The superintendent or the superintendent's designee 191
shall gather information of the nature described in division (C) 192
(1) of this section that pertains to the offense and delinquency 193
history of a person who has been convicted of, pleaded guilty 194
to, or been adjudicated a delinquent child for committing a 195
sexually oriented offense or a child-victim oriented offense for 196
inclusion in the state registry of sex offenders and child- 197
victim offenders maintained pursuant to division (A) (1) of 198
section 2950.13 of the Revised Code and in the internet database 199
operated pursuant to division (A) (13) of that section and for 200
possible inclusion in the internet database operated pursuant to 201

division (A) (11) of that section.	202
(3) In addition to any other authorized use of	203
information, data, and statistics of the nature described in	204
division (C) (1) of this section, the superintendent or the	205
superintendent's designee may provide and exchange the	206
information, data, and statistics pursuant to the national crime	207
prevention and privacy compact as described in division (A) (5)	208
of this section.	209
(4) The Ohio law enforcement gateway shall contain the	210
name, confidential address, and telephone number of program	211
participants in the address confidentiality program established	212
under sections 111.41 to 111.47 of the Revised Code.	213
(5) The attorney general may adopt rules under Chapter	214
119. of the Revised Code establishing guidelines for the	215
operation of and participation in the Ohio law enforcement	216
gateway. The rules may include criteria for granting and	217
restricting access to information gathered and disseminated	218
through the Ohio law enforcement gateway. The attorney general	219
shall adopt rules under Chapter 119. of the Revised Code that	220
grant access to information in the gateway regarding an address	221
confidentiality program participant under sections 111.41 to	222
111.47 of the Revised Code to only chiefs of police, village	223
marshals, county sheriffs, county prosecuting attorneys, and a	224
designee of each of these individuals. The attorney general	225
shall permit an office of a county coroner, the state medical	226
board, and board of nursing to access and view, but not alter,	227
information gathered and disseminated through the Ohio law	228
enforcement gateway.	229
The attorney general may appoint a steering committee to	230
advise the attorney general in the operation of the Ohio law	231

enforcement gateway that is comprised of persons who are 232
representatives of the criminal justice agencies in this state 233
that use the Ohio law enforcement gateway and is chaired by the 234
superintendent or the superintendent's designee. 235

(D) (1) The following are not public records under section 236
149.43 of the Revised Code: 237

(a) Information and materials furnished to the 238
superintendent pursuant to division (A) of this section; 239

(b) Information, data, and statistics gathered or 240
disseminated through the Ohio law enforcement gateway pursuant 241
to division (C) (1) of this section; 242

(c) Information and materials furnished to any board or 243
person under division (F) or (G) of this section. 244

(2) The superintendent or the superintendent's designee 245
shall gather and retain information so furnished under division 246
(A) of this section that pertains to the offense and delinquency 247
history of a person who has been convicted of, pleaded guilty 248
to, or been adjudicated a delinquent child for committing a 249
sexually oriented offense or a child-victim oriented offense for 250
the purposes described in division (C) (2) of this section. 251

(E) (1) The attorney general shall adopt rules, in 252
accordance with Chapter 119. of the Revised Code and subject to 253
division (E) (2) of this section, setting forth the procedure by 254
which a person may receive or release information gathered by 255
the superintendent pursuant to division (A) of this section. A 256
reasonable fee may be charged for this service. If a temporary 257
employment service submits a request for a determination of 258
whether a person the service plans to refer to an employment 259
position has been convicted of or pleaded guilty to an offense 260

listed or described in division (A) (1), (2), or (3) of section 261
109.572 of the Revised Code, the request shall be treated as a 262
single request and only one fee shall be charged. 263

(2) Except as otherwise provided in this division or 264
division (E) (3) or (4) of this section, a rule adopted under 265
division (E) (1) of this section may provide only for the release 266
of information gathered pursuant to division (A) of this section 267
that relates to the conviction of a person, or a person's plea 268
of guilty to, a criminal offense or to the arrest of a person as 269
provided in division (E) (3) of this section. The superintendent 270
shall not release, and the attorney general shall not adopt any 271
rule under division (E) (1) of this section that permits the 272
release of, any information gathered pursuant to division (A) of 273
this section that relates to an adjudication of a child as a 274
delinquent child, or that relates to a criminal conviction of a 275
person under eighteen years of age if the person's case was 276
transferred back to a juvenile court under division (B) (2) or 277
(3) of section 2152.121 of the Revised Code and the juvenile 278
court imposed a disposition or serious youthful offender 279
disposition upon the person under either division, unless either 280
of the following applies with respect to the adjudication or 281
conviction: 282

(a) The adjudication or conviction was for a violation of 283
section 2903.01 or 2903.02 of the Revised Code. 284

(b) The adjudication or conviction was for a sexually 285
oriented offense, the juvenile court was required to classify 286
the child a juvenile offender registrant for that offense under 287
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 288
classification has not been removed, and the records of the 289
adjudication or conviction have not been sealed or expunged 290

pursuant to sections 2151.355 to 2151.358 or sealed or expunged	291
pursuant to section 2953.32 <u>or 2953.321</u> of the Revised Code.	292
(3) A rule adopted under division (E) (1) of this section	293
may provide for the release of information gathered pursuant to	294
division (A) of this section that relates to the arrest of a	295
person who is eighteen years of age or older when the person has	296
not been convicted as a result of that arrest if any of the	297
following applies:	298
(a) The arrest was made outside of this state.	299
(b) A criminal action resulting from the arrest is	300
pending, and the superintendent confirms that the criminal	301
action has not been resolved at the time the criminal records	302
check is performed.	303
(c) The bureau cannot reasonably determine whether a	304
criminal action resulting from the arrest is pending, and not	305
more than one year has elapsed since the date of the arrest.	306
(4) A rule adopted under division (E) (1) of this section	307
may provide for the release of information gathered pursuant to	308
division (A) of this section that relates to an adjudication of	309
a child as a delinquent child if not more than five years have	310
elapsed since the date of the adjudication, the adjudication was	311
for an act that would have been a felony if committed by an	312
adult, the records of the adjudication have not been sealed or	313
expunged pursuant to sections 2151.355 to 2151.358 of the	314
Revised Code, and the request for information is made under	315
division (F) of this section or under section 109.572 of the	316
Revised Code. In the case of an adjudication for a violation of	317
the terms of community control or supervised release, the five-	318
year period shall be calculated from the date of the	319

adjudication to which the community control or supervised 320
release pertains. 321

(F) (1) As used in division (F) (2) of this section, "head 322
start agency" means an entity in this state that has been 323
approved to be an agency for purposes of subchapter II of the 324
"Community Economic Development Act," 95 Stat. 489 (1981), 42 325
U.S.C.A. 9831, as amended. 326

(2) (a) In addition to or in conjunction with any request 327
that is required to be made under section 109.572, 2151.86, 328
3301.32, 3301.541, division (C) of section 3310.58, or section 329
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 330
5153.111 of the Revised Code or that is made under section 331
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 332
board of education of any school district; the director of 333
developmental disabilities; any county board of developmental 334
disabilities; any provider or subcontractor as defined in 335
section 5123.081 of the Revised Code; the chief administrator of 336
any chartered nonpublic school; the chief administrator of a 337
registered private provider that is not also a chartered 338
nonpublic school; the chief administrator of any home health 339
agency; the chief administrator of or person operating any child 340
care center, type A family child care home, or type B family 341
child care home licensed under Chapter 5104. of the Revised 342
Code; the chief administrator of any head start agency; the 343
executive director of a public children services agency; a 344
private company described in section 3314.41, 3319.392, 3326.25, 345
or 3328.20 of the Revised Code; or an employer described in 346
division (J) (2) of section 3327.10 of the Revised Code may 347
request that the superintendent of the bureau investigate and 348
determine, with respect to any individual who has applied for 349
employment in any position after October 2, 1989, or any 350

individual wishing to apply for employment with a board of 351
education may request, with regard to the individual, whether 352
the bureau has any information gathered under division (A) of 353
this section that pertains to that individual. On receipt of the 354
request, subject to division (E) (2) of this section, the 355
superintendent shall determine whether that information exists 356
and, upon request of the person, board, or entity requesting 357
information, also shall request from the federal bureau of 358
investigation any criminal records it has pertaining to that 359
individual. The superintendent or the superintendent's designee 360
also may request criminal history records from other states or 361
the federal government pursuant to the national crime prevention 362
and privacy compact set forth in section 109.571 of the Revised 363
Code. Within thirty days of the date that the superintendent 364
receives a request, subject to division (E) (2) of this section, 365
the superintendent shall send to the board, entity, or person a 366
report of any information that the superintendent determines 367
exists, including information contained in records that have 368
been sealed under section 2953.32 or 2953.321 of the Revised 369
Code, and, within thirty days of its receipt, subject to 370
division (E) (2) of this section, shall send the board, entity, 371
or person a report of any information received from the federal 372
bureau of investigation, other than information the 373
dissemination of which is prohibited by federal law. 374

(b) When a board of education or a registered private 375
provider is required to receive information under this section 376
as a prerequisite to employment of an individual pursuant to 377
division (C) of section 3310.58 or section 3319.39 of the 378
Revised Code, it may accept a certified copy of records that 379
were issued by the bureau of criminal identification and 380
investigation and that are presented by an individual applying 381

for employment with the district in lieu of requesting that 382
information itself. In such a case, the board shall accept the 383
certified copy issued by the bureau in order to make a photocopy 384
of it for that individual's employment application documents and 385
shall return the certified copy to the individual. In a case of 386
that nature, a district or provider only shall accept a 387
certified copy of records of that nature within one year after 388
the date of their issuance by the bureau. 389

(c) Notwithstanding division (F) (2) (a) of this section, in 390
the case of a request under section 3319.39, 3319.391, or 391
3327.10 of the Revised Code only for criminal records maintained 392
by the federal bureau of investigation, the superintendent shall 393
not determine whether any information gathered under division 394
(A) of this section exists on the person for whom the request is 395
made. 396

(3) The state board of education or the department of 397
education and workforce may request, with respect to any 398
individual who has applied for employment after October 2, 1989, 399
in any position with the state board or the department of 400
education and workforce, any information that a school district 401
board of education is authorized to request under division (F) 402
(2) of this section, and the superintendent of the bureau shall 403
proceed as if the request has been received from a school 404
district board of education under division (F) (2) of this 405
section. 406

(4) When the superintendent of the bureau receives a 407
request for information under section 3319.291 of the Revised 408
Code, the superintendent shall proceed as if the request has 409
been received from a school district board of education and 410
shall comply with divisions (F) (2) (a) and (c) of this section. 411

(G) In addition to or in conjunction with any request that 412
is required to be made under section 3712.09, 3721.121, or 413
3740.11 of the Revised Code with respect to an individual who 414
has applied for employment in a position that involves providing 415
direct care to an older adult or adult resident, the chief 416
administrator of a home health agency, hospice care program, 417
home licensed under Chapter 3721. of the Revised Code, or adult 418
day-care program operated pursuant to rules adopted under 419
section 3721.04 of the Revised Code may request that the 420
superintendent of the bureau investigate and determine, with 421
respect to any individual who has applied after January 27, 422
1997, for employment in a position that does not involve 423
providing direct care to an older adult or adult resident, 424
whether the bureau has any information gathered under division 425
(A) of this section that pertains to that individual. 426

In addition to or in conjunction with any request that is 427
required to be made under section 173.27 of the Revised Code 428
with respect to an individual who has applied for employment in 429
a position that involves providing ombudsman services to 430
residents of long-term care facilities or recipients of 431
community-based long-term care services, the state long-term 432
care ombudsman, the director of aging, a regional long-term care 433
ombudsman program, or the designee of the ombudsman, director, 434
or program may request that the superintendent investigate and 435
determine, with respect to any individual who has applied for 436
employment in a position that does not involve providing such 437
ombudsman services, whether the bureau has any information 438
gathered under division (A) of this section that pertains to 439
that applicant. 440

In addition to or in conjunction with any request that is 441
required to be made under section 173.38 of the Revised Code 442

with respect to an individual who has applied for employment in 443
a direct-care position, the chief administrator of a provider, 444
as defined in section 173.39 of the Revised Code, may request 445
that the superintendent investigate and determine, with respect 446
to any individual who has applied for employment in a position 447
that is not a direct-care position, whether the bureau has any 448
information gathered under division (A) of this section that 449
pertains to that applicant. 450

In addition to or in conjunction with any request that is 451
required to be made under section 3712.09 of the Revised Code 452
with respect to an individual who has applied for employment in 453
a position that involves providing direct care to a pediatric 454
respite care patient, the chief administrator of a pediatric 455
respite care program may request that the superintendent of the 456
bureau investigate and determine, with respect to any individual 457
who has applied for employment in a position that does not 458
involve providing direct care to a pediatric respite care 459
patient, whether the bureau has any information gathered under 460
division (A) of this section that pertains to that individual. 461

On receipt of a request under this division, the 462
superintendent shall determine whether that information exists 463
and, on request of the individual requesting information, shall 464
also request from the federal bureau of investigation any 465
criminal records it has pertaining to the applicant. The 466
superintendent or the superintendent's designee also may request 467
criminal history records from other states or the federal 468
government pursuant to the national crime prevention and privacy 469
compact set forth in section 109.571 of the Revised Code. Within 470
thirty days of the date a request is received, subject to 471
division (E)(2) of this section, the superintendent shall send 472
to the requester a report of any information determined to 473

exist, including information contained in records that have been 474
sealed under section 2953.32 or 2953.321 of the Revised Code, 475
and, within thirty days of its receipt, shall send the requester 476
a report of any information received from the federal bureau of 477
investigation, other than information the dissemination of which 478
is prohibited by federal law. 479

(H) Information obtained by a government entity or person 480
under this section is confidential and shall not be released or 481
disseminated. 482

(I) The superintendent may charge a reasonable fee for 483
providing information or criminal records under division (F) (2) 484
or (G) of this section. 485

(J) As used in this section: 486

(1) "Pediatric respite care program" and "pediatric care 487
patient" have the same meanings as in section 3712.01 of the 488
Revised Code. 489

(2) "Sexually oriented offense" and "child-victim oriented 490
offense" have the same meanings as in section 2950.01 of the 491
Revised Code. 492

(3) "Registered private provider" means a nonpublic school 493
or entity registered with the department of education and 494
workforce under section 3310.41 of the Revised Code to 495
participate in the autism scholarship program or section 3310.58 496
of the Revised Code to participate in the Jon Peterson special 497
needs scholarship program. 498

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 499
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 500
Code, a completed form prescribed pursuant to division (C) (1) of 501
this section, and a set of fingerprint impressions obtained in 502

the manner described in division (C) (2) of this section, the 503
superintendent of the bureau of criminal identification and 504
investigation shall conduct a criminal records check in the 505
manner described in division (B) of this section to determine 506
whether any information exists that indicates that the person 507
who is the subject of the request previously has been convicted 508
of or pleaded guilty to any of the following: 509

(a) A violation of section 2903.01, 2903.02, 2903.03, 510
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 511
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 512
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 513
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 514
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 515
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 516
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 517
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 518
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 519
of the Revised Code, felonious sexual penetration in violation 520
of former section 2907.12 of the Revised Code, a violation of 521
section 2905.04 of the Revised Code as it existed prior to July 522
1, 1996, a violation of section 2919.23 of the Revised Code that 523
would have been a violation of section 2905.04 of the Revised 524
Code as it existed prior to July 1, 1996, had the violation been 525
committed prior to that date, or a violation of section 2925.11 526
of the Revised Code that is not a minor drug possession offense; 527

(b) A violation of an existing or former law of this 528
state, any other state, or the United States that is 529
substantially equivalent to any of the offenses listed in 530
division (A) (1) (a) of this section; 531

(c) If the request is made pursuant to section 3319.39 of 532

the Revised Code for an applicant who is a teacher, any offense 533
specified under section 9.79 of the Revised Code or in section 534
3319.31 of the Revised Code. 535

(2) On receipt of a request pursuant to section 3712.09 or 536
3721.121 of the Revised Code, a completed form prescribed 537
pursuant to division (C)(1) of this section, and a set of 538
fingerprint impressions obtained in the manner described in 539
division (C)(2) of this section, the superintendent of the 540
bureau of criminal identification and investigation shall 541
conduct a criminal records check with respect to any person who 542
has applied for employment in a position for which a criminal 543
records check is required by those sections. The superintendent 544
shall conduct the criminal records check in the manner described 545
in division (B) of this section to determine whether any 546
information exists that indicates that the person who is the 547
subject of the request previously has been convicted of or 548
pleaded guilty to any of the following: 549

(a) A violation of section 2903.01, 2903.02, 2903.03, 550
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 551
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 552
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 553
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 554
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 555
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 556
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 557
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 558

(b) An existing or former law of this state, any other 559
state, or the United States that is substantially equivalent to 560
any of the offenses listed in division (A)(2)(a) of this 561
section. 562

(3) On receipt of a request pursuant to section 173.27, 563
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 564
5123.081, or 5123.169 of the Revised Code, a completed form 565
prescribed pursuant to division (C) (1) of this section, and a 566
set of fingerprint impressions obtained in the manner described 567
in division (C) (2) of this section, the superintendent of the 568
bureau of criminal identification and investigation shall 569
conduct a criminal records check of the person for whom the 570
request is made. The superintendent shall conduct the criminal 571
records check in the manner described in division (B) of this 572
section to determine whether any information exists that 573
indicates that the person who is the subject of the request 574
previously has been convicted of, has pleaded guilty to, or 575
(except in the case of a request pursuant to section 5164.34, 576
5164.341, or 5164.342 of the Revised Code) has been found 577
eligible for intervention in lieu of conviction for any of the 578
following, regardless of the date of the conviction, the date of 579
entry of the guilty plea, or (except in the case of a request 580
pursuant to section 5164.34, 5164.341, or 5164.342 of the 581
Revised Code) the date the person was found eligible for 582
intervention in lieu of conviction: 583

(a) A violation of section 959.13, 959.131, 2903.01, 584
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 585
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 586
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 587
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 588
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 589
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 590
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 591
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 592
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 593

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 594
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 595
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 596
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 597
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 598
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 599
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 600
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 601
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 602
Revised Code; 603

(b) Felonious sexual penetration in violation of former 604
section 2907.12 of the Revised Code; 605

(c) A violation of section 2905.04 of the Revised Code as 606
it existed prior to July 1, 1996; 607

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 608
the Revised Code when the underlying offense that is the object 609
of the conspiracy, attempt, or complicity is one of the offenses 610
listed in divisions (A) (3) (a) to (c) of this section; 611

(e) A violation of an existing or former municipal 612
ordinance or law of this state, any other state, or the United 613
States that is substantially equivalent to any of the offenses 614
listed in divisions (A) (3) (a) to (d) of this section. 615

(4) On receipt of a request pursuant to section 2151.86 or 616
2151.904 of the Revised Code, a completed form prescribed 617
pursuant to division (C) (1) of this section, and a set of 618
fingerprint impressions obtained in the manner described in 619
division (C) (2) of this section, the superintendent of the 620
bureau of criminal identification and investigation shall 621
conduct a criminal records check in the manner described in 622

division (B) of this section to determine whether any 623
information exists that indicates that the person who is the 624
subject of the request previously has been convicted of or 625
pleaded guilty to any of the following: 626

(a) A violation of section 959.13, 2151.421, 2903.01, 627
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 628
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 629
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 630
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 631
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 632
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 633
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 634
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 635
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 636
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 637
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 638
Revised Code, a violation of section 2905.04 of the Revised Code 639
as it existed prior to July 1, 1996, a violation of section 640
2919.23 of the Revised Code that would have been a violation of 641
section 2905.04 of the Revised Code as it existed prior to July 642
1, 1996, had the violation been committed prior to that date, a 643
violation of section 2925.11 of the Revised Code that is not a 644
minor drug possession offense, two or more OVI or OVUAC 645
violations committed within the three years immediately 646
preceding the submission of the application or petition that is 647
the basis of the request, or felonious sexual penetration in 648
violation of former section 2907.12 of the Revised Code, or a 649
violation of Chapter 2919. of the Revised Code that is a felony; 650

(b) A violation of an existing or former law of this 651
state, any other state, or the United States that is 652
substantially equivalent to any of the offenses listed in 653

division (A) (4) (a) of this section. 654

(5) Upon receipt of a request pursuant to section 5104.013 655
of the Revised Code, a completed form prescribed pursuant to 656
division (C) (1) of this section, and a set of fingerprint 657
impressions obtained in the manner described in division (C) (2) 658
of this section, the superintendent of the bureau of criminal 659
identification and investigation shall conduct a criminal 660
records check in the manner described in division (B) of this 661
section to determine whether any information exists that 662
indicates that the person who is the subject of the request has 663
been convicted of or pleaded guilty to any of the following: 664

(a) A violation of section 2151.421, 2903.01, 2903.02, 665
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 666
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 667
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 668
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 669
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 670
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 671
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 672
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 673
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 674
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 675
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 676
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 677
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 678
3716.11 of the Revised Code, felonious sexual penetration in 679
violation of former section 2907.12 of the Revised Code, a 680
violation of section 2905.04 of the Revised Code as it existed 681
prior to July 1, 1996, a violation of section 2919.23 of the 682
Revised Code that would have been a violation of section 2905.04 683
of the Revised Code as it existed prior to July 1, 1996, had the 684

violation been committed prior to that date, a violation of 685
section 2925.11 of the Revised Code that is not a minor drug 686
possession offense, a violation of section 2923.02 or 2923.03 of 687
the Revised Code that relates to a crime specified in this 688
division, or a second violation of section 4511.19 of the 689
Revised Code within five years of the date of application for 690
licensure or certification. 691

(b) A violation of an existing or former law of this 692
state, any other state, or the United States that is 693
substantially equivalent to any of the offenses or violations 694
described in division (A) (5) (a) of this section. 695

(6) Upon receipt of a request pursuant to section 5153.111 696
of the Revised Code, a completed form prescribed pursuant to 697
division (C) (1) of this section, and a set of fingerprint 698
impressions obtained in the manner described in division (C) (2) 699
of this section, the superintendent of the bureau of criminal 700
identification and investigation shall conduct a criminal 701
records check in the manner described in division (B) of this 702
section to determine whether any information exists that 703
indicates that the person who is the subject of the request 704
previously has been convicted of or pleaded guilty to any of the 705
following: 706

(a) A violation of section 2903.01, 2903.02, 2903.03, 707
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 708
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 709
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 710
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 711
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 712
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 713
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 714

Code, felonious sexual penetration in violation of former 715
section 2907.12 of the Revised Code, a violation of section 716
2905.04 of the Revised Code as it existed prior to July 1, 1996, 717
a violation of section 2919.23 of the Revised Code that would 718
have been a violation of section 2905.04 of the Revised Code as 719
it existed prior to July 1, 1996, had the violation been 720
committed prior to that date, or a violation of section 2925.11 721
of the Revised Code that is not a minor drug possession offense; 722

(b) A violation of an existing or former law of this 723
state, any other state, or the United States that is 724
substantially equivalent to any of the offenses listed in 725
division (A) (6) (a) of this section. 726

(7) On receipt of a request for a criminal records check 727
from an individual pursuant to section 4749.03 or 4749.06 of the 728
Revised Code, accompanied by a completed copy of the form 729
prescribed in division (C) (1) of this section and a set of 730
fingerprint impressions obtained in a manner described in 731
division (C) (2) of this section, the superintendent of the 732
bureau of criminal identification and investigation shall 733
conduct a criminal records check in the manner described in 734
division (B) of this section to determine whether any 735
information exists indicating that the person who is the subject 736
of the request has been convicted of or pleaded guilty to any 737
criminal offense in this state or in any other state. If the 738
individual indicates that a firearm will be carried in the 739
course of business, the superintendent shall require information 740
from the federal bureau of investigation as described in 741
division (B) (2) of this section. Subject to division (F) of this 742
section, the superintendent shall report the findings of the 743
criminal records check and any information the federal bureau of 744
investigation provides to the director of public safety. 745

(8) On receipt of a request pursuant to section 1321.37, 746
1321.53, or 4763.05 of the Revised Code, a completed form 747
prescribed pursuant to division (C) (1) of this section, and a 748
set of fingerprint impressions obtained in the manner described 749
in division (C) (2) of this section, the superintendent of the 750
bureau of criminal identification and investigation shall 751
conduct a criminal records check with respect to any person who 752
has applied for a license, permit, or certification from the 753
department of commerce or a division in the department. The 754
superintendent shall conduct the criminal records check in the 755
manner described in division (B) of this section to determine 756
whether any information exists that indicates that the person 757
who is the subject of the request previously has been convicted 758
of or pleaded guilty to any criminal offense in this state, any 759
other state, or the United States. 760

(9) On receipt of a request for a criminal records check 761
from the treasurer of state under section 113.041 of the Revised 762
Code or from an individual under section 928.03, 4701.08, 763
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 764
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 765
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 766
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 767
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 768
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 769
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 770
accompanied by a completed form prescribed under division (C) (1) 771
of this section and a set of fingerprint impressions obtained in 772
the manner described in division (C) (2) of this section, the 773
superintendent of the bureau of criminal identification and 774
investigation shall conduct a criminal records check in the 775
manner described in division (B) of this section to determine 776

whether any information exists that indicates that the person 777
who is the subject of the request has been convicted of or 778
pleaded guilty to any criminal offense in this state or any 779
other state. Subject to division (F) of this section, the 780
superintendent shall send the results of a check requested under 781
section 113.041 of the Revised Code to the treasurer of state 782
and shall send the results of a check requested under any of the 783
other listed sections to the licensing board specified by the 784
individual in the request. 785

(10) On receipt of a request pursuant to section 124.74, 786
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 787
Code, a completed form prescribed pursuant to division (C)(1) of 788
this section, and a set of fingerprint impressions obtained in 789
the manner described in division (C)(2) of this section, the 790
superintendent of the bureau of criminal identification and 791
investigation shall conduct a criminal records check in the 792
manner described in division (B) of this section to determine 793
whether any information exists that indicates that the person 794
who is the subject of the request previously has been convicted 795
of or pleaded guilty to any criminal offense under any existing 796
or former law of this state, any other state, or the United 797
States. 798

(11) On receipt of a request for a criminal records check 799
from an appointing or licensing authority under section 3772.07 800
of the Revised Code, a completed form prescribed under division 801
(C)(1) of this section, and a set of fingerprint impressions 802
obtained in the manner prescribed in division (C)(2) of this 803
section, the superintendent of the bureau of criminal 804
identification and investigation shall conduct a criminal 805
records check in the manner described in division (B) of this 806
section to determine whether any information exists that 807

indicates that the person who is the subject of the request 808
previously has been convicted of or pleaded guilty or no contest 809
to any offense under any existing or former law of this state, 810
any other state, or the United States that makes the person 811
ineligible for appointment or retention under section 3772.07 of 812
the Revised Code or that is a disqualifying offense as defined 813
in that section or substantially equivalent to a disqualifying 814
offense, as applicable. 815

(12) On receipt of a request pursuant to section 2151.33 816
or 2151.412 of the Revised Code, a completed form prescribed 817
pursuant to division (C)(1) of this section, and a set of 818
fingerprint impressions obtained in the manner described in 819
division (C)(2) of this section, the superintendent of the 820
bureau of criminal identification and investigation shall 821
conduct a criminal records check with respect to any person for 822
whom a criminal records check is required under that section. 823
The superintendent shall conduct the criminal records check in 824
the manner described in division (B) of this section to 825
determine whether any information exists that indicates that the 826
person who is the subject of the request previously has been 827
convicted of or pleaded guilty to any of the following: 828

(a) A violation of section 2903.01, 2903.02, 2903.03, 829
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 830
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 831
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 832
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 833
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 834
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 835
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 836
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 837

(b) An existing or former law of this state, any other 838
state, or the United States that is substantially equivalent to 839
any of the offenses listed in division (A) (12) (a) of this 840
section. 841

(13) On receipt of a request pursuant to section 3796.12 842
of the Revised Code, a completed form prescribed pursuant to 843
division (C) (1) of this section, and a set of fingerprint 844
impressions obtained in a manner described in division (C) (2) of 845
this section, the superintendent of the bureau of criminal 846
identification and investigation shall conduct a criminal 847
records check in the manner described in division (B) of this 848
section to determine whether any information exists that 849
indicates that the person who is the subject of the request 850
previously has been convicted of or pleaded guilty to a 851
disqualifying offense as specified in rules adopted under 852
section 9.79 and division (B) (2) (b) of section 3796.03 of the 853
Revised Code if the person who is the subject of the request is 854
an administrator or other person responsible for the daily 855
operation of, or an owner or prospective owner, officer or 856
prospective officer, or board member or prospective board member 857
of, an entity seeking a license from the department of commerce 858
under Chapter 3796. of the Revised Code. 859

(14) On receipt of a request required by section 3796.13 860
of the Revised Code, a completed form prescribed pursuant to 861
division (C) (1) of this section, and a set of fingerprint 862
impressions obtained in a manner described in division (C) (2) of 863
this section, the superintendent of the bureau of criminal 864
identification and investigation shall conduct a criminal 865
records check in the manner described in division (B) of this 866
section to determine whether any information exists that 867
indicates that the person who is the subject of the request 868

previously has been convicted of or pleaded guilty to a 869
disqualifying offense as specified in rules adopted under 870
division (B) (14) (a) of section 3796.03 of the Revised Code if 871
the person who is the subject of the request is seeking 872
employment with an entity licensed by the department of commerce 873
under Chapter 3796. of the Revised Code. 874

(15) On receipt of a request pursuant to section 4768.06 875
of the Revised Code, a completed form prescribed under division 876
(C) (1) of this section, and a set of fingerprint impressions 877
obtained in the manner described in division (C) (2) of this 878
section, the superintendent of the bureau of criminal 879
identification and investigation shall conduct a criminal 880
records check in the manner described in division (B) of this 881
section to determine whether any information exists indicating 882
that the person who is the subject of the request has been 883
convicted of or pleaded guilty to any criminal offense in this 884
state or in any other state. 885

(16) On receipt of a request pursuant to division (B) of 886
section 4764.07 or division (A) of section 4735.143 of the 887
Revised Code, a completed form prescribed under division (C) (1) 888
of this section, and a set of fingerprint impressions obtained 889
in the manner described in division (C) (2) of this section, the 890
superintendent of the bureau of criminal identification and 891
investigation shall conduct a criminal records check in the 892
manner described in division (B) of this section to determine 893
whether any information exists indicating that the person who is 894
the subject of the request has been convicted of or pleaded 895
guilty to any criminal offense in any state or the United 896
States. 897

(17) On receipt of a request for a criminal records check 898

under section 147.022 of the Revised Code, a completed form 899
prescribed under division (C) (1) of this section, and a set of 900
fingerprint impressions obtained in the manner prescribed in 901
division (C) (2) of this section, the superintendent of the 902
bureau of criminal identification and investigation shall 903
conduct a criminal records check in the manner described in 904
division (B) of this section to determine whether any 905
information exists that indicates that the person who is the 906
subject of the request previously has been convicted of or 907
pleaded guilty or no contest to any criminal offense under any 908
existing or former law of this state, any other state, or the 909
United States. 910

(18) Upon receipt of a request pursuant to division (F) of 911
section 2915.081 or division (E) of section 2915.082 of the 912
Revised Code, a completed form prescribed under division (C) (1) 913
of this section, and a set of fingerprint impressions obtained 914
in the manner described in division (C) (2) of this section, the 915
superintendent of the bureau of criminal identification and 916
investigation shall conduct a criminal records check in the 917
manner described in division (B) of this section to determine 918
whether any information exists indicating that the person who is 919
the subject of the request has been convicted of or pleaded 920
guilty or no contest to any offense that is a violation of 921
Chapter 2915. of the Revised Code or to any offense under any 922
existing or former law of this state, any other state, or the 923
United States that is substantially equivalent to such an 924
offense. 925

(19) On receipt of a request pursuant to section 3775.03 926
of the Revised Code, a completed form prescribed under division 927
(C) (1) of this section, and a set of fingerprint impressions 928
obtained in the manner described in division (C) (2) of this 929

section, the superintendent of the bureau of criminal 930
identification and investigation shall conduct a criminal 931
records check in the manner described in division (B) of this 932
section and shall request information from the federal bureau of 933
investigation to determine whether any information exists 934
indicating that the person who is the subject of the request has 935
been convicted of any offense under any existing or former law 936
of this state, any other state, or the United States that is a 937
disqualifying offense as defined in section 3772.07 of the 938
Revised Code. 939

(B) Subject to division (F) of this section, the 940
superintendent shall conduct any criminal records check to be 941
conducted under this section as follows: 942

(1) The superintendent shall review or cause to be 943
reviewed any relevant information gathered and compiled by the 944
bureau under division (A) of section 109.57 of the Revised Code 945
that relates to the person who is the subject of the criminal 946
records check, including, if the criminal records check was 947
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 948
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 949
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 950
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 951
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 952
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 953
5123.169, or 5153.111 of the Revised Code, any relevant 954
information contained in records that have been sealed under 955
section 2953.32 or 2953.321 of the Revised Code; 956

(2) If the request received by the superintendent asks for 957
information from the federal bureau of investigation, the 958
superintendent shall request from the federal bureau of 959

investigation any information it has with respect to the person 960
who is the subject of the criminal records check, including 961
fingerprint-based checks of national crime information databases 962
as described in 42 U.S.C. 671 if the request is made pursuant to 963
section 2151.86 or 5104.013 of the Revised Code or if any other 964
Revised Code section requires fingerprint-based checks of that 965
nature, and shall review or cause to be reviewed any information 966
the superintendent receives from that bureau. If a request under 967
section 3319.39 of the Revised Code asks only for information 968
from the federal bureau of investigation, the superintendent 969
shall not conduct the review prescribed by division (B) (1) of 970
this section. 971

(3) The superintendent or the superintendent's designee 972
may request criminal history records from other states or the 973
federal government pursuant to the national crime prevention and 974
privacy compact set forth in section 109.571 of the Revised 975
Code. 976

(4) The superintendent shall include in the results of the 977
criminal records check a list or description of the offenses 978
listed or described in the relevant provision of division (A) of 979
this section. The superintendent shall exclude from the results 980
any information the dissemination of which is prohibited by 981
federal law. 982

(5) The superintendent shall send the results of the 983
criminal records check to the person to whom it is to be sent 984
not later than the following number of days after the date the 985
superintendent receives the request for the criminal records 986
check, the completed form prescribed under division (C) (1) of 987
this section, and the set of fingerprint impressions obtained in 988
the manner described in division (C) (2) of this section: 989

(a) If the superintendent is required by division (A) of 990
this section (other than division (A)(3) of this section) to 991
conduct the criminal records check, thirty; 992

(b) If the superintendent is required by division (A)(3) 993
of this section to conduct the criminal records check, sixty. 994

(C)(1) The superintendent shall prescribe a form to obtain 995
the information necessary to conduct a criminal records check 996
from any person for whom a criminal records check is to be 997
conducted under this section. The form that the superintendent 998
prescribes pursuant to this division may be in a tangible 999
format, in an electronic format, or in both tangible and 1000
electronic formats. 1001

(2) The superintendent shall prescribe standard impression 1002
sheets to obtain the fingerprint impressions of any person for 1003
whom a criminal records check is to be conducted under this 1004
section. Any person for whom a records check is to be conducted 1005
under this section shall obtain the fingerprint impressions at a 1006
county sheriff's office, municipal police department, or any 1007
other entity with the ability to make fingerprint impressions on 1008
the standard impression sheets prescribed by the superintendent. 1009
The office, department, or entity may charge the person a 1010
reasonable fee for making the impressions. The standard 1011
impression sheets the superintendent prescribes pursuant to this 1012
division may be in a tangible format, in an electronic format, 1013
or in both tangible and electronic formats. 1014

(3) Subject to division (D) of this section, the 1015
superintendent shall prescribe and charge a reasonable fee for 1016
providing a criminal records check under this section. The 1017
person requesting the criminal records check shall pay the fee 1018
prescribed pursuant to this division. In the case of a request 1019

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1020
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1021
fee shall be paid in the manner specified in that section. 1022

(4) The superintendent of the bureau of criminal 1023
identification and investigation may prescribe methods of 1024
forwarding fingerprint impressions and information necessary to 1025
conduct a criminal records check, which methods shall include, 1026
but not be limited to, an electronic method. 1027

(D) The results of a criminal records check conducted 1028
under this section, other than a criminal records check 1029
specified in division (A)(7) of this section, are valid for the 1030
person who is the subject of the criminal records check for a 1031
period of one year from the date upon which the superintendent 1032
completes the criminal records check. If during that period the 1033
superintendent receives another request for a criminal records 1034
check to be conducted under this section for that person, the 1035
superintendent shall provide the results from the previous 1036
criminal records check of the person at a lower fee than the fee 1037
prescribed for the initial criminal records check. 1038

(E) When the superintendent receives a request for 1039
information from a registered private provider, the 1040
superintendent shall proceed as if the request was received from 1041
a school district board of education under section 3319.39 of 1042
the Revised Code. The superintendent shall apply division (A)(1) 1043
(c) of this section to any such request for an applicant who is 1044
a teacher. 1045

(F)(1) Subject to division (F)(2) of this section, all 1046
information regarding the results of a criminal records check 1047
conducted under this section that the superintendent reports or 1048
sends under division (A)(7) or (9) of this section to the 1049

director of public safety, the treasurer of state, or the 1050
person, board, or entity that made the request for the criminal 1051
records check shall relate to the conviction of the subject 1052
person, or the subject person's plea of guilty to, a criminal 1053
offense. 1054

(2) Division (F)(1) of this section does not limit, 1055
restrict, or preclude the superintendent's release of 1056
information that relates to the arrest of a person who is 1057
eighteen years of age or older, to an adjudication of a child as 1058
a delinquent child, or to a criminal conviction of a person 1059
under eighteen years of age in circumstances in which a release 1060
of that nature is authorized under division (E)(2), (3), or (4) 1061
of section 109.57 of the Revised Code pursuant to a rule adopted 1062
under division (E)(1) of that section. 1063

(G) As used in this section: 1064

(1) "Criminal records check" means any criminal records 1065
check conducted by the superintendent of the bureau of criminal 1066
identification and investigation in accordance with division (B) 1067
of this section. 1068

(2) "Minor drug possession offense" has the same meaning 1069
as in section 2925.01 of the Revised Code. 1070

(3) "OVI or OVUAC violation" means a violation of section 1071
4511.19 of the Revised Code or a violation of an existing or 1072
former law of this state, any other state, or the United States 1073
that is substantially equivalent to section 4511.19 of the 1074
Revised Code. 1075

(4) "Registered private provider" means a nonpublic school 1076
or entity registered with the department of education and 1077
workforce under section 3310.41 of the Revised Code to 1078

participate in the autism scholarship program or section 3310.58 1079
of the Revised Code to participate in the Jon Peterson special 1080
needs scholarship program. 1081

Sec. 109.578. (A) On receipt of a request pursuant to 1082
section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1083
Code, a completed form prescribed pursuant to division (C)(1) of 1084
this section, and a set of fingerprint impressions obtained in 1085
the manner described in division (C)(2) of this section, the 1086
superintendent of the bureau of criminal identification and 1087
investigation shall conduct a criminal records check in the 1088
manner described in division (B) of this section to determine 1089
whether any information exists that indicates that the person 1090
who is the subject of the request previously has been convicted 1091
of or pleaded guilty to any of the following: 1092

(1) A felony; 1093

(2) A violation of section 2909.03 of the Revised Code; 1094

(3) A violation of an existing or former law of this 1095
state, any other state, or the United States that is 1096
substantially equivalent to any of the offenses listed in 1097
division (A)(1) or (2) of this section. 1098

(B) Subject to division (E) of this section, the 1099
superintendent shall conduct any criminal records check pursuant 1100
to division (A) of this section as follows: 1101

(1) The superintendent shall review or cause to be 1102
reviewed any relevant information gathered and compiled by the 1103
bureau under division (A) of section 109.57 of the Revised Code 1104
that relates to the person who is the subject of the request, 1105
including any relevant information contained in records that 1106
have been sealed under section 2953.32 or 2953.321 of the 1107

Revised Code. 1108

(2) If the request received by the superintendent asks for 1109
information from the federal bureau of investigation, the 1110
superintendent shall request from the federal bureau of 1111
investigation any information it has with respect to the person 1112
who is the subject of the request and shall review or cause to 1113
be reviewed any information the superintendent receives from 1114
that bureau. 1115

(C) (1) The superintendent shall prescribe a form to obtain 1116
the information necessary to conduct a criminal records check 1117
from any person for whom a criminal records check is requested 1118
pursuant to section 505.381, 737.081, 737.221, or 4765.301 of 1119
the Revised Code. The form that the superintendent prescribes 1120
pursuant to this division may be in a tangible format, in an 1121
electronic format, or in both tangible and electronic formats. 1122

(2) The superintendent shall prescribe standard impression 1123
sheets to obtain the fingerprint impressions of any person for 1124
whom a criminal records check is requested pursuant to section 1125
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1126
person for whom a records check is requested pursuant to any of 1127
those sections shall obtain the fingerprint impressions at a 1128
county sheriff's office, a municipal police department, or any 1129
other entity with the ability to make fingerprint impressions on 1130
the standard impression sheets prescribed by the superintendent. 1131
The office, department, or entity may charge the person a 1132
reasonable fee for making the impressions. The standard 1133
impression sheets the superintendent prescribes pursuant to this 1134
division may be in a tangible format, in an electronic format, 1135
or in both tangible and electronic formats. 1136

(3) Subject to division (D) of this section, the 1137

superintendent shall prescribe and charge a reasonable fee for 1138
providing a criminal records check requested under section 1139
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1140
person making the criminal records request shall pay the fee 1141
prescribed pursuant to this division. 1142

(4) The superintendent may prescribe methods of forwarding 1143
fingerprint impressions and information necessary to conduct a 1144
criminal records check. The methods shall include, but are not 1145
limited to, an electronic method. 1146

(D) A determination whether any information exists that 1147
indicates that a person previously has been convicted of or 1148
pleaded guilty to any offense listed or described in division 1149
(A) of this section and that the superintendent made with 1150
respect to information considered in a criminal records check in 1151
accordance with this section is valid for the person who is the 1152
subject of the criminal records check for a period of one year 1153
from the date upon which the superintendent makes the 1154
determination. During the period in which the determination in 1155
regard to a person is valid, if another request under this 1156
section is made for a criminal records check for that person, 1157
the superintendent shall provide the information that is the 1158
basis for the superintendent's initial determination at a lower 1159
fee than the fee prescribed for the initial criminal records 1160
check. 1161

(E) (1) Subject to division (E) (2) of this section, all 1162
information regarding the results of a criminal records check 1163
conducted under this section that the superintendent reports or 1164
sends under this section to the person, board, or entity that 1165
made the request for the criminal records check shall relate to 1166
the conviction of the subject person, or the subject person's 1167

plea of guilty to, a criminal offense. 1168

(2) Division (E) (1) of this section does not limit, 1169
restrict, or preclude the superintendent's release of 1170
information that relates to the arrest of a person who is 1171
eighteen years of age or older, to an adjudication of a child as 1172
a delinquent child, or to a criminal conviction of a person 1173
under eighteen years of age in circumstances in which a release 1174
of that nature is authorized under division (E) (2), (3), or (4) 1175
of section 109.57 of the Revised Code pursuant to a rule adopted 1176
under division (E) (1) of that section. 1177

(F) As used in this section, "criminal records check" 1178
means any criminal records check conducted by the superintendent 1179
of the bureau of criminal identification and investigation in 1180
accordance with division (B) of this section. 1181

Sec. 109.579. (A) On receipt of a request pursuant to 1182
division (B) of section 4123.444 of the Revised Code, a 1183
completed form prescribed pursuant to division (C) (1) of this 1184
section, and a set of fingerprint impressions obtained in the 1185
manner described in division (C) (2) of this section, the 1186
superintendent of the bureau of criminal identification and 1187
investigation shall conduct a criminal records check in the 1188
manner described in division (B) of this section to determine 1189
whether any information exists that indicates that the person 1190
who is the subject of the request previously has been convicted 1191
of or pleaded guilty to any criminal offense involving theft, 1192
receiving stolen property, embezzlement, forgery, fraud, passing 1193
bad checks, money laundering, drug trafficking, or any criminal 1194
offense involving money or securities, as set forth in Chapters 1195
2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the 1196
Revised Code or other law of this state, or the laws of any 1197

other state or of the United States that are substantially 1198
equivalent to those offenses. 1199

(B) The superintendent shall conduct a criminal records 1200
check pursuant to division (A) of this section as follows: 1201

(1) The superintendent shall review or cause to be 1202
reviewed any relevant information gathered and compiled by the 1203
bureau under division (A) of section 109.57 of the Revised Code 1204
that relates to the person who is the subject of the request, 1205
including any relevant information contained in records that 1206
have been sealed under section 2953.32 or 2953.321 of the 1207
Revised Code. 1208

(2) If the request received by the superintendent asks for 1209
information from the federal bureau of investigation, the 1210
superintendent shall request from the federal bureau of 1211
investigation any information it has with respect to the person 1212
who is the subject of the request. The superintendent shall 1213
review or cause to be reviewed any information that the 1214
superintendent receives from the federal bureau of 1215
investigation. 1216

(3) The superintendent shall forward the results of a 1217
criminal records check conducted pursuant to this division to 1218
the administrator of workers' compensation. 1219

(C) (1) The superintendent shall prescribe a form to obtain 1220
the information necessary to conduct a criminal records check 1221
from any person for whom a criminal records check is requested 1222
pursuant to division (B) of section 4123.444 of the Revised 1223
Code. The form that the superintendent prescribes pursuant to 1224
this division may be in a tangible format, in an electronic 1225
format, or in both tangible and electronic formats. 1226

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested pursuant to section 4123.444 of the Revised Code. Any person for whom the administrator requests the superintendent to conduct a criminal records check pursuant to that section shall have the person's fingerprint impressions made at a county sheriff's office, a municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) The superintendent may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check. The methods shall include, but are not limited to, electronic methods.

(D) A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A) of this section that the superintendent makes pursuant to information considered in a criminal records check under this section is valid for the person who is the subject of that criminal records check for a period of one year after the date the superintendent makes that determination.

(E) The superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 4123.444 of the Revised Code. If another request

for a criminal records check is made under this section for a 1257
person for whom a valid determination under division (D) of this 1258
section is available, the superintendent shall provide the 1259
determination for a reduced fee. 1260

Sec. 2151.357. (A) If the court orders the records of a 1261
person sealed pursuant to section 2151.356 of the Revised Code, 1262
the person who is subject of the order properly may, and the 1263
court shall, reply that no record exists with respect to the 1264
person upon any inquiry in the matter, and the court, except as 1265
provided in division (D) of this section, shall do all of the 1266
following: 1267

(1) Order that the proceedings in a case described in 1268
divisions (B) and (C) of section 2151.356 of the Revised Code be 1269
deemed never to have occurred; 1270

(2) Except as provided in division (C) of this section, 1271
delete all index references to the case and the person so that 1272
the references are permanently irretrievable; 1273

(3) Order that all original records of the case maintained 1274
by any public office or agency, except fingerprints held by a 1275
law enforcement agency, DNA specimens collected pursuant to 1276
section 2152.74 of the Revised Code, and DNA records derived 1277
from DNA specimens pursuant to section 109.573 of the Revised 1278
Code, be delivered to the court; 1279

(4) Order each public office or agency, upon the 1280
delivering of records to the court under division (A) (3) of this 1281
section, to expunge remaining records of the case that are the 1282
subject of the sealing order that are maintained by that public 1283
office or agency, except fingerprints, DNA specimens, and DNA 1284
records described under division (A) (3) of this section; 1285

(5) Send notice of the order to seal to any public office 1286
or agency that the court has reason to believe may have a record 1287
of the sealed record including, but not limited to, the bureau 1288
of criminal identification and investigation; 1289

(6) Seal all of the records delivered to the court under 1290
division (A) (3) of this section, in a separate file in which 1291
only sealed records are maintained. 1292

(B) Except as provided in division (D) of this section, an 1293
order to seal under section 2151.356 of the Revised Code applies 1294
to every public office or agency that has a record relating to 1295
the case, regardless of whether it receives notice of the 1296
hearing on the sealing of the record or a copy of the order. 1297
Except as provided in division (D) of this section, upon the 1298
written request of a person whose record has been sealed and the 1299
presentation of a copy of the order and compliance with division 1300
(A) (3) of this section, a public office or agency shall expunge 1301
its record relating to the case, except a record of the 1302
adjudication or arrest or taking into custody that is maintained 1303
for compiling statistical data and that does not contain any 1304
reference to the person who is the subject of the order. 1305

(C) The court that maintains sealed records pursuant to 1306
this section may maintain a manual or computerized index of the 1307
sealed records and shall make the index available only for the 1308
purposes set forth in division (E) of this section. 1309

(1) Each entry regarding a sealed record in the index of 1310
sealed records shall contain all of the following: 1311

(a) The name of the person who is the subject of the 1312
sealed record; 1313

(b) An alphanumeric identifier relating to the person who 1314

is the subject of the sealed record; 1315

(c) The word "sealed"; 1316

(d) The name of the court that has custody of the sealed 1317
record. 1318

(2) Any entry regarding a sealed record in the index of 1319
sealed records shall not contain either of the following: 1320

(a) The social security number of the person who is 1321
subject of the sealed record; 1322

(b) The name or a description of the act committed. 1323

(D) Notwithstanding any provision of this section that 1324
requires otherwise, a board of education of a city, local, 1325
exempted village, or joint vocational school district that 1326
maintains records of an individual who has been permanently 1327
excluded under sections 3301.121 and 3313.662 of the Revised 1328
Code is permitted to maintain records regarding an adjudication 1329
that the individual is a delinquent child that was used as the 1330
basis for the individual's permanent exclusion, regardless of a 1331
court order to seal the record. An order issued under section 1332
2151.356 of the Revised Code to seal the record of an 1333
adjudication that an individual is a delinquent child does not 1334
revoke the adjudication order of the director of education and 1335
workforce to permanently exclude the individual who is the 1336
subject of the sealing order. An order to seal the record of an 1337
adjudication that an individual is a delinquent child may be 1338
presented to a district superintendent as evidence to support 1339
the contention that the superintendent should recommend that the 1340
permanent exclusion of the individual who is the subject of the 1341
sealing order be revoked. Except as otherwise authorized by this 1342
division and sections 3301.121 and 3313.662 of the Revised Code, 1343

any school employee in possession of or having access to the 1344
sealed adjudication records of an individual that were the basis 1345
of a permanent exclusion of the individual is subject to 1346
division (F) of this section. 1347

(E) Inspection of records that have been ordered sealed 1348
under section 2151.356 of the Revised Code may be made only by 1349
the following persons or for the following purposes: 1350

(1) By the court; 1351

(2) If the records in question pertain to an act that 1352
would be an offense of violence that would be a felony if 1353
committed by an adult, by any law enforcement officer or any 1354
prosecutor, or the assistants of a law enforcement officer or 1355
prosecutor, for any valid law enforcement or prosecutorial 1356
purpose; 1357

(3) Upon application by the person who is the subject of 1358
the sealed records, by the person that is named in that 1359
application; 1360

(4) If the records in question pertain to an alleged 1361
violation of division (E) (1) of section 4301.69 of the Revised 1362
Code, by any law enforcement officer or any prosecutor, or the 1363
assistants of a law enforcement officer or prosecutor, for the 1364
purpose of determining whether the person is eligible for 1365
diversion under division (E) (2) of section 4301.69 of the 1366
Revised Code; 1367

(5) At the request of a party in a civil action that is 1368
based on a case the records for which are the subject of a 1369
sealing order issued under section 2151.356 of the Revised Code, 1370
as needed for the civil action. The party also may copy the 1371
records as needed for the civil action. The sealed records shall 1372

be used solely in the civil action and are otherwise 1373
confidential and subject to the provisions of this section; 1374

(6) By the attorney general or an authorized employee of 1375
the attorney general or the court for purposes of determining 1376
whether a child is a public registry-qualified juvenile offender 1377
registrant, as defined in section 2950.01 of the Revised Code, 1378
for purposes of Chapter 2950. of the Revised Code. 1379

(F) No officer or employee of the state or any of its 1380
political subdivisions shall knowingly release, disseminate, or 1381
make available for any purpose involving employment, bonding, 1382
licensing, or education to any person or to any department, 1383
agency, or other instrumentality of the state or of any of its 1384
political subdivisions any information or other data concerning 1385
any arrest, taking into custody, complaint, indictment, 1386
information, trial, hearing, adjudication, or correctional 1387
supervision, the records of which have been sealed pursuant to 1388
section 2151.356 of the Revised Code and the release, 1389
dissemination, or making available of which is not expressly 1390
permitted by this section. Whoever violates this division is 1391
guilty of divulging confidential information, a misdemeanor of 1392
the fourth degree. 1393

(G) In any application for employment, license, or other 1394
right or privilege, any appearance as a witness, or any other 1395
inquiry, a person may not be questioned with respect to any 1396
arrest or taking into custody for which the records were sealed. 1397
If an inquiry is made in violation of this division, the person 1398
may respond as if the sealed arrest or taking into custody did 1399
not occur, and the person shall not be subject to any adverse 1400
action because of the arrest or taking into custody or the 1401
response. 1402

(H) The judgment rendered by the court under this chapter 1403
shall not impose any of the civil disabilities ordinarily 1404
imposed by conviction of a crime in that the child is not a 1405
criminal by reason of the adjudication, and no child shall be 1406
charged with or convicted of a crime in any court except as 1407
provided by this chapter. The disposition of a child under the 1408
judgment rendered or any evidence given in court shall not 1409
operate to disqualify a child in any future civil service 1410
examination, appointment, or application. Evidence of a judgment 1411
rendered and the disposition of a child under the judgment is 1412
not admissible to impeach the credibility of the child in any 1413
action or proceeding. Otherwise, the disposition of a child 1414
under the judgment rendered or any evidence given in court is 1415
admissible as evidence for or against the child in any action or 1416
proceeding in any court in accordance with the Rules of Evidence 1417
and also may be considered by any court as to the matter of 1418
sentence or to the granting of probation, and a court may 1419
consider the judgment rendered and the disposition of a child 1420
under that judgment for purposes of determining whether the 1421
child, for a future criminal conviction or guilty plea, is a 1422
repeat violent offender or a repeat offender, as defined in 1423
section 2929.01 of the Revised Code. 1424

Sec. 2901.08. (A) If a person is alleged to have committed 1425
an offense and if the person previously has been adjudicated a 1426
delinquent child or juvenile traffic offender for a violation of 1427
a law or ordinance, except as provided in division (B) of this 1428
section, the adjudication as a delinquent child or as a juvenile 1429
traffic offender is a conviction for a violation of the law or 1430
ordinance for purposes of determining the offense with which the 1431
person should be charged and, if the person is convicted of or 1432
pleads guilty to an offense, the sentence to be imposed upon the 1433

person relative to the conviction or guilty plea. 1434

(B) A previous adjudication of a person as a delinquent 1435
child or juvenile traffic offender for a violation of a law or 1436
ordinance is not a conviction for a violation of the law or 1437
ordinance for purposes of determining any of the following: 1438

(1) Whether the person is a repeat violent offender, as 1439
defined in section 2929.01 of the Revised Code, or whether the 1440
person should be sentenced as a repeat violent offender under 1441
division (B) (2) of section 2929.14 and section 2941.149 of the 1442
Revised Code; 1443

(2) Whether the person is a violent career criminal as 1444
defined in section 2923.132 of the Revised Code, whether the 1445
person has committed unlawful use of a weapon by a violent 1446
career criminal in violation of section 2923.132 of the Revised 1447
Code or should be sentenced for that offense under that section, 1448
or whether the person should be sentenced under division (K) of 1449
section 2929.14 of the Revised Code as a violent career criminal 1450
who had a firearm on or about the person's person or under the 1451
person's control while committing a violent felony offense and 1452
displayed or brandished the firearm, indicated that the offender 1453
possessed a firearm, or used the firearm to facilitate the 1454
offense; 1455

(3) Whether the person is a repeat offender, as defined in 1456
section 2929.01 of the Revised Code, or whether the person 1457
should be sentenced as a repeat offender under division (B) (12) 1458
of section 2929.14 and section 2941.1427 of the Revised Code. 1459

Sec. 2923.125. It is the intent of the general assembly 1460
that Ohio concealed handgun license law be compliant with the 1461
national instant criminal background check system, that the 1462

bureau of alcohol, tobacco, firearms, and explosives is able to 1463
determine that Ohio law is compliant with the national instant 1464
criminal background check system, and that no person shall be 1465
eligible to receive a concealed handgun license permit under 1466
section 2923.125 or 2923.1213 of the Revised Code unless the 1467
person is eligible lawfully to receive or possess a firearm in 1468
the United States. 1469

(A) This section applies with respect to the application 1470
for and issuance by this state of concealed handgun licenses 1471
other than concealed handgun licenses on a temporary emergency 1472
basis that are issued under section 2923.1213 of the Revised 1473
Code. Upon the request of a person who wishes to obtain a 1474
concealed handgun license with respect to which this section 1475
applies or to renew a concealed handgun license with respect to 1476
which this section applies, a sheriff, as provided in division 1477
(I) of this section, shall provide to the person free of charge 1478
an application form and the web site address at which a 1479
printable version of the application form that can be downloaded 1480
and the pamphlet described in division (B) of section 109.731 of 1481
the Revised Code may be found. A sheriff shall accept a 1482
completed application form and the fee, items, materials, and 1483
information specified in divisions (B)(1) to (5) of this section 1484
at the times and in the manners described in division (I) of 1485
this section. 1486

(B) An applicant for a concealed handgun license who is a 1487
resident of this state shall submit a completed application form 1488
and all of the material and information described in divisions 1489
(B)(1) to (6) of this section to the sheriff of the county in 1490
which the applicant resides or to the sheriff of any county 1491
adjacent to the county in which the applicant resides. An 1492
applicant for a license who resides in another state shall 1493

submit a completed application form and all of the material and 1494
information described in divisions (B) (1) to (7) of this section 1495
to the sheriff of the county in which the applicant is employed 1496
or to the sheriff of any county adjacent to the county in which 1497
the applicant is employed: 1498

(1) (a) A nonrefundable license fee as described in either 1499
of the following: 1500

(i) For an applicant who has been a resident of this state 1501
for five or more years, a fee of sixty-seven dollars; 1502

(ii) For an applicant who has been a resident of this 1503
state for less than five years or who is not a resident of this 1504
state, but who is employed in this state, a fee of sixty-seven 1505
dollars plus the actual cost of having a background check 1506
performed by the federal bureau of investigation. 1507

(b) No sheriff shall require an applicant to pay for the 1508
cost of a background check performed by the bureau of criminal 1509
identification and investigation. 1510

(c) A sheriff shall waive the payment of the license fee 1511
described in division (B) (1) (a) of this section in connection 1512
with an initial or renewal application for a license that is 1513
submitted by an applicant who is an active or reserve member of 1514
the armed forces of the United States or has retired from or was 1515
honorably discharged from military service in the active or 1516
reserve armed forces of the United States, a retired peace 1517
officer, a retired person described in division (B) (1) (b) of 1518
section 109.77 of the Revised Code, or a retired federal law 1519
enforcement officer who, prior to retirement, was authorized 1520
under federal law to carry a firearm in the course of duty, 1521
unless the retired peace officer, person, or federal law 1522

enforcement officer retired as the result of a mental 1523
disability. 1524

(d) The sheriff shall deposit all fees paid by an 1525
applicant under division (B) (1) (a) of this section into the 1526
sheriff's concealed handgun license issuance fund established 1527
pursuant to section 311.42 of the Revised Code. The county shall 1528
distribute the fees in accordance with section 311.42 of the 1529
Revised Code. 1530

(2) A color photograph of the applicant that was taken 1531
within thirty days prior to the date of the application; 1532

(3) One or more of the following competency 1533
certifications, each of which shall reflect that, regarding a 1534
certification described in division (B) (3) (a), (b), (c), (e), or 1535
(f) of this section, within the three years immediately 1536
preceding the application the applicant has performed that to 1537
which the competency certification relates and that, regarding a 1538
certification described in division (B) (3) (d) of this section, 1539
the applicant currently is an active or reserve member of the 1540
armed forces of the United States, the applicant has retired 1541
from or was honorably discharged from military service in the 1542
active or reserve armed forces of the United States, or within 1543
the ten years immediately preceding the application the 1544
retirement of the peace officer, person described in division 1545
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1546
enforcement officer to which the competency certification 1547
relates occurred: 1548

(a) An original or photocopy of a certificate of 1549
completion of a firearms safety, training, or requalification or 1550
firearms safety instructor course, class, or program that was 1551
offered by or under the auspices of a national gun advocacy 1552

organization and that complies with the requirements set forth 1553
in division (G) of this section; 1554

(b) An original or photocopy of a certificate of 1555
completion of a firearms safety, training, or requalification or 1556
firearms safety instructor course, class, or program that 1557
satisfies all of the following criteria: 1558

(i) It was open to members of the general public. 1559

(ii) It utilized qualified instructors who were certified 1560
by a national gun advocacy organization, the executive director 1561
of the Ohio peace officer training commission pursuant to 1562
section 109.75 or 109.78 of the Revised Code, or a governmental 1563
official or entity of another state. 1564

(iii) It was offered by or under the auspices of a law 1565
enforcement agency of this or another state or the United 1566
States, a public or private college, university, or other 1567
similar postsecondary educational institution located in this or 1568
another state, a firearms training school located in this or 1569
another state, or another type of public or private entity or 1570
organization located in this or another state. 1571

(iv) It complies with the requirements set forth in 1572
division (G) of this section. 1573

(c) An original or photocopy of a certificate of 1574
completion of a state, county, municipal, or department of 1575
natural resources peace officer training school that is approved 1576
by the executive director of the Ohio peace officer training 1577
commission pursuant to section 109.75 of the Revised Code and 1578
that complies with the requirements set forth in division (G) of 1579
this section, or the applicant has satisfactorily completed and 1580
been issued a certificate of completion of a basic firearms 1581

training program, a firearms requalification training program, 1582
or another basic training program described in section 109.78 or 1583
109.801 of the Revised Code that complies with the requirements 1584
set forth in division (G) of this section; 1585

(d) A document that evidences both of the following: 1586

(i) That the applicant is an active or reserve member of 1587
the armed forces of the United States, has retired from or was 1588
honorably discharged from military service in the active or 1589
reserve armed forces of the United States, is a retired trooper 1590
of the state highway patrol, or is a retired peace officer or 1591
federal law enforcement officer described in division (B)(1) of 1592
this section or a retired person described in division (B)(1)(b) 1593
of section 109.77 of the Revised Code and division (B)(1) of 1594
this section; 1595

(ii) That, through participation in the military service 1596
or through the former employment described in division (B)(3)(d) 1597
(i) of this section, the applicant acquired experience with 1598
handling handguns or other firearms, and the experience so 1599
acquired was equivalent to training that the applicant could 1600
have acquired in a course, class, or program described in 1601
division (B)(3)(a), (b), or (c) of this section. 1602

(e) A certificate or another similar document that 1603
evidences satisfactory completion of a firearms training, 1604
safety, or requalification or firearms safety instructor course, 1605
class, or program that is not otherwise described in division 1606
(B)(3)(a), (b), (c), or (d) of this section, that was conducted 1607
by an instructor who was certified by an official or entity of 1608
the government of this or another state or the United States or 1609
by a national gun advocacy organization, and that complies with 1610
the requirements set forth in division (G) of this section; 1611

(f) An affidavit that attests to the applicant's 1612
satisfactory completion of a course, class, or program described 1613
in division (B) (3) (a), (b), (c), or (e) of this section and that 1614
is subscribed by the applicant's instructor or an authorized 1615
representative of the entity that offered the course, class, or 1616
program or under whose auspices the course, class, or program 1617
was offered; 1618

(g) A document that evidences that the applicant has 1619
successfully completed the Ohio peace officer training program 1620
described in section 109.79 of the Revised Code. 1621

(4) A certification by the applicant that the applicant 1622
has read the pamphlet prepared by the Ohio peace officer 1623
training commission pursuant to section 109.731 of the Revised 1624
Code that reviews firearms, dispute resolution, and use of 1625
deadly force matters. 1626

(5) A set of fingerprints of the applicant provided as 1627
described in section 311.41 of the Revised Code through use of 1628
an electronic fingerprint reading device or, if the sheriff to 1629
whom the application is submitted does not possess and does not 1630
have ready access to the use of such a reading device, on a 1631
standard impression sheet prescribed pursuant to division (C) (2) 1632
of section 109.572 of the Revised Code. 1633

(6) If the applicant is not a citizen or national of the 1634
United States, the name of the applicant's country of 1635
citizenship and the applicant's alien registration number issued 1636
by the United States citizenship and immigration services 1637
agency. 1638

(7) If the applicant resides in another state, adequate 1639
proof of employment in Ohio. 1640

(C) Upon receipt of the completed application form, 1641
supporting documentation, and, if not waived, license fee of an 1642
applicant under this section, a sheriff, in the manner specified 1643
in section 311.41 of the Revised Code, shall conduct or cause to 1644
be conducted the criminal records check and the incompetency 1645
records check described in section 311.41 of the Revised Code. 1646

(D) (1) Except as provided in division (D) (3) of this 1647
section, within forty-five days after a sheriff's receipt of an 1648
applicant's completed application form for a concealed handgun 1649
license under this section, the supporting documentation, and, 1650
if not waived, the license fee, the sheriff shall make available 1651
through the law enforcement automated data system in accordance 1652
with division (H) of this section the information described in 1653
that division and, upon making the information available through 1654
the system, shall issue to the applicant a concealed handgun 1655
license that shall expire as described in division (D) (2) (a) of 1656
this section if all of the following apply: 1657

(a) The applicant is legally living in the United States. 1658
For purposes of division (D) (1) (a) of this section, if a person 1659
is absent from the United States in compliance with military or 1660
naval orders as an active or reserve member of the armed forces 1661
of the United States and if prior to leaving the United States 1662
the person was legally living in the United States, the person, 1663
solely by reason of that absence, shall not be considered to 1664
have lost the person's status as living in the United States. 1665

(b) The applicant is at least twenty-one years of age. 1666

(c) The applicant is not a fugitive from justice. 1667

(d) The applicant is not under indictment for or otherwise 1668
charged with a felony; an offense under Chapter 2925., 3719., or 1669

4729. of the Revised Code that involves the illegal possession, 1670
use, sale, administration, or distribution of or trafficking in 1671
a drug of abuse; a misdemeanor offense of violence; or a 1672
violation of section 2903.14 or 2923.1211 of the Revised Code. 1673

(e) Except as otherwise provided in division (D) (4) or (5) 1674
of this section, the applicant has not been convicted of or 1675
pleaded guilty to a felony or an offense under Chapter 2925., 1676
3719., or 4729. of the Revised Code that involves the illegal 1677
possession, use, sale, administration, or distribution of or 1678
trafficking in a drug of abuse; has not been adjudicated a 1679
delinquent child for committing an act that if committed by an 1680
adult would be a felony or would be an offense under Chapter 1681
2925., 3719., or 4729. of the Revised Code that involves the 1682
illegal possession, use, sale, administration, or distribution 1683
of or trafficking in a drug of abuse; has not been convicted of, 1684
pleaded guilty to, or adjudicated a delinquent child for 1685
committing a violation of section 2903.13 of the Revised Code 1686
when the victim of the violation is a peace officer, regardless 1687
of whether the applicant was sentenced under division (C) (4) of 1688
that section; and has not been convicted of, pleaded guilty to, 1689
or adjudicated a delinquent child for committing any other 1690
offense that is not previously described in this division that 1691
is a misdemeanor punishable by imprisonment for a term exceeding 1692
one year. 1693

(f) Except as otherwise provided in division (D) (4) or (5) 1694
of this section, the applicant, within three years of the date 1695
of the application, has not been convicted of or pleaded guilty 1696
to a misdemeanor offense of violence other than a misdemeanor 1697
violation of section 2921.33 of the Revised Code or a violation 1698
of section 2903.13 of the Revised Code when the victim of the 1699
violation is a peace officer, or a misdemeanor violation of 1700

section 2923.1211 of the Revised Code; and has not been 1701
adjudicated a delinquent child for committing an act that if 1702
committed by an adult would be a misdemeanor offense of violence 1703
other than a misdemeanor violation of section 2921.33 of the 1704
Revised Code or a violation of section 2903.13 of the Revised 1705
Code when the victim of the violation is a peace officer or for 1706
committing an act that if committed by an adult would be a 1707
misdemeanor violation of section 2923.1211 of the Revised Code. 1708

(g) Except as otherwise provided in division (D)(1)(e) of 1709
this section, the applicant, within five years of the date of 1710
the application, has not been convicted of, pleaded guilty to, 1711
or adjudicated a delinquent child for committing two or more 1712
violations of section 2903.13 or 2903.14 of the Revised Code. 1713

(h) Except as otherwise provided in division (D)(4) or (5) 1714
of this section, the applicant, within ten years of the date of 1715
the application, has not been convicted of, pleaded guilty to, 1716
or adjudicated a delinquent child for committing a violation of 1717
section 2921.33 of the Revised Code. 1718

(i) The applicant has not been committed to any mental 1719
institution, is not under adjudication of mental incompetence, 1720
has not been found by a court to be a person with a mental 1721
illness subject to court order, and is not an involuntary 1722
patient other than one who is a patient only for purposes of 1723
observation. As used in this division, "person with a mental 1724
illness subject to court order" and "patient" have the same 1725
meanings as in section 5122.01 of the Revised Code. 1726

(j) The applicant is not currently subject to a civil 1727
protection order, a temporary protection order, or a protection 1728
order issued by a court of another state. 1729

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

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

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

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

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

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

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

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if

applicable. 1759

(s) The applicant has not been convicted of, pleaded 1760
guilty to, or adjudicated a delinquent child for committing a 1761
violation of section 2919.25 of the Revised Code or a similar 1762
violation in another state. 1763

(2) (a) A concealed handgun license that a sheriff issues 1764
under division (D) (1) of this section shall expire five years 1765
after the date of issuance. 1766

If a sheriff issues a license under this section, the 1767
sheriff shall place on the license a unique combination of 1768
letters and numbers identifying the license in accordance with 1769
the procedure prescribed by the Ohio peace officer training 1770
commission pursuant to section 109.731 of the Revised Code. 1771

(b) If a sheriff denies an application under this section 1772
because the applicant does not satisfy the criteria described in 1773
division (D) (1) of this section, the sheriff shall specify the 1774
grounds for the denial in a written notice to the applicant. The 1775
applicant may appeal the denial pursuant to section 119.12 of 1776
the Revised Code in the county served by the sheriff who denied 1777
the application. If the denial was as a result of the criminal 1778
records check conducted pursuant to section 311.41 of the 1779
Revised Code and if, pursuant to section 2923.127 of the Revised 1780
Code, the applicant challenges the criminal records check 1781
results using the appropriate challenge and review procedure 1782
specified in that section, the time for filing the appeal 1783
pursuant to section 119.12 of the Revised Code and this division 1784
is tolled during the pendency of the request or the challenge 1785
and review. 1786

(c) If the court in an appeal under section 119.12 of the 1787

Revised Code and division (D) (2) (b) of this section enters a 1788
judgment sustaining the sheriff's refusal to grant to the 1789
applicant a concealed handgun license, the applicant may file a 1790
new application beginning one year after the judgment is 1791
entered. If the court enters a judgment in favor of the 1792
applicant, that judgment shall not restrict the authority of a 1793
sheriff to suspend or revoke the license pursuant to section 1794
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1795
the license for any proper cause that may occur after the date 1796
the judgment is entered. In the appeal, the court shall have 1797
full power to dispose of all costs. 1798

(3) If the sheriff with whom an application for a 1799
concealed handgun license was filed under this section becomes 1800
aware that the applicant has been arrested for or otherwise 1801
charged with an offense that would disqualify the applicant from 1802
holding the license, the sheriff shall suspend the processing of 1803
the application until the disposition of the case arising from 1804
the arrest or charge. 1805

(4) If an applicant has been convicted of or pleaded 1806
guilty to an offense identified in division (D) (1) (e), (f), or 1807
(h) of this section or has been adjudicated a delinquent child 1808
for committing an act or violation identified in any of those 1809
divisions, and if a court has ordered the sealing or expungement 1810
of the records of that conviction, guilty plea, or adjudication 1811
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1812
2953.35, or section 2953.39 of the Revised Code or the applicant 1813
has been relieved under operation of law or legal process from 1814
the disability ~~imposed~~ pursuant to section ~~2923.13~~ 2923.14 of 1815
the Revised Code relative to that conviction, guilty plea, or 1816
adjudication, the sheriff with whom the application was 1817
submitted shall not consider the conviction, guilty plea, or 1818

adjudication in making a determination under division (D)(1) or 1819
(F) of this section or, in relation to an application for a 1820
concealed handgun license on a temporary emergency basis 1821
submitted under section 2923.1213 of the Revised Code, in making 1822
a determination under division (B)(2) of that section. 1823

(5) If an applicant has been convicted of or pleaded 1824
guilty to a minor misdemeanor offense or has been adjudicated a 1825
delinquent child for committing an act or violation that is a 1826
minor misdemeanor offense, the sheriff with whom the application 1827
was submitted shall not consider the conviction, guilty plea, or 1828
adjudication in making a determination under division (D)(1) or 1829
(F) of this section or, in relation to an application for a 1830
concealed handgun license on a temporary basis submitted under 1831
section 2923.1213 of the Revised Code, in making a determination 1832
under division (B)(2) of that section. 1833

(E) If a concealed handgun license issued under this 1834
section is lost or is destroyed, the licensee may obtain from 1835
the sheriff who issued that license a duplicate license upon the 1836
payment of a fee of fifteen dollars and the submission of an 1837
affidavit attesting to the loss or destruction of the license. 1838
The sheriff, in accordance with the procedures prescribed in 1839
section 109.731 of the Revised Code, shall place on the 1840
replacement license a combination of identifying numbers 1841
different from the combination on the license that is being 1842
replaced. 1843

(F)(1)(a) Except as provided in division (F)(1)(b) of this 1844
section, a licensee who wishes to renew a concealed handgun 1845
license issued under this section may do so at any time before 1846
the expiration date of the license or at any time after the 1847
expiration date of the license by filing with the sheriff of the 1848

county in which the applicant resides or with the sheriff of an 1849
adjacent county, or in the case of an applicant who resides in 1850
another state with the sheriff of the county that issued the 1851
applicant's previous concealed handgun license an application 1852
for renewal of the license obtained pursuant to division (D) of 1853
this section, a certification by the applicant that, subsequent 1854
to the issuance of the license, the applicant has reread the 1855
pamphlet prepared by the Ohio peace officer training commission 1856
pursuant to section 109.731 of the Revised Code that reviews 1857
firearms, dispute resolution, and use of deadly force matters, 1858
and a nonrefundable license renewal fee in an amount determined 1859
pursuant to division (F) (4) of this section unless the fee is 1860
waived. 1861

(b) A person on active duty in the armed forces of the 1862
United States or in service with the peace corps, volunteers in 1863
service to America, or the foreign service of the United States 1864
is exempt from the license requirements of this section for the 1865
period of the person's active duty or service and for six months 1866
thereafter, provided the person was a licensee under this 1867
section at the time the person commenced the person's active 1868
duty or service or had obtained a license while on active duty 1869
or service. The spouse or a dependent of any such person on 1870
active duty or in service also is exempt from the license 1871
requirements of this section for the period of the person's 1872
active duty or service and for six months thereafter, provided 1873
the spouse or dependent was a licensee under this section at the 1874
time the person commenced the active duty or service or had 1875
obtained a license while the person was on active duty or 1876
service, and provided further that the person's active duty or 1877
service resulted in the spouse or dependent relocating outside 1878
of this state during the period of the active duty or service. 1879

This division does not prevent such a person or the person's spouse or dependent from making an application for the renewal of a concealed handgun license during the period of the person's active duty or service.

(2) A sheriff shall accept a completed renewal application, the license renewal fee, and the information specified in division (F)(1) of this section at the times and in the manners described in division (I) of this section. Upon receipt of a completed renewal application, of certification that the applicant has reread the specified pamphlet prepared by the Ohio peace officer training commission, and of a license renewal fee unless the fee is waived, 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. The sheriff shall renew the license if the sheriff determines that the applicant continues to satisfy the requirements described in division (D)(1) of this section, except that the applicant is not required to meet the requirements of division (D)(1)(1) of this section. A renewed license shall expire five years after the date of issuance. A renewed license is subject to division (E) of this section and sections 2923.126 and 2923.128 of the Revised Code. A sheriff shall comply with divisions (D)(2) and (3) of this section when the circumstances described in those divisions apply to a 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. 1911

(3) A renewal application submitted pursuant to division 1912
(F) of this section shall only require the licensee to list on 1913
the application form information and matters occurring since the 1914
date of the licensee's last application for a license pursuant 1915
to division (B) or (F) of this section. A sheriff conducting the 1916
criminal records check and the incompetency records check 1917
described in section 311.41 of the Revised Code shall conduct 1918
the check only from the date of the licensee's last application 1919
for a license pursuant to division (B) or (F) of this section 1920
through the date of the renewal application submitted pursuant 1921
to division (F) of this section. 1922

(4) An applicant for a renewal concealed handgun license 1923
under this section shall submit to the sheriff of the county in 1924
which the applicant resides or to the sheriff of any county 1925
adjacent to the county in which the applicant resides, or in the 1926
case of an applicant who resides in another state to the sheriff 1927
of the county that issued the applicant's previous concealed 1928
handgun license, a nonrefundable license fee as described in 1929
either of the following: 1930

(a) For an applicant who has been a resident of this state 1931
for five or more years, a fee of fifty dollars; 1932

(b) For an applicant who has been a resident of this state 1933
for less than five years or who is not a resident of this state 1934
but who is employed in this state, a fee of fifty dollars plus 1935
the actual cost of having a background check performed by the 1936
federal bureau of investigation. 1937

(5) The concealed handgun license of a licensee who is no 1938
longer a resident of this state or no longer employed in this 1939

state, as applicable, is valid until the date of expiration on 1940
the license, and the licensee is prohibited from renewing the 1941
concealed handgun license. 1942

(G) (1) Each course, class, or program described in 1943
division (B) (3) (a), (b), (c), or (e) of this section shall 1944
provide to each person who takes the course, class, or program 1945
the web site address at which the pamphlet prepared by the Ohio 1946
peace officer training commission pursuant to section 109.731 of 1947
the Revised Code that reviews firearms, dispute resolution, and 1948
use of deadly force matters may be found. Each such course, 1949
class, or program described in one of those divisions shall 1950
include at least eight hours of training in the safe handling 1951
and use of a firearm that shall include training, provided as 1952
described in division (G) (3) of this section, on all of the 1953
following: 1954

(a) The ability to name, explain, and demonstrate the 1955
rules for safe handling of a handgun and proper storage 1956
practices for handguns and ammunition; 1957

(b) The ability to demonstrate and explain how to handle 1958
ammunition in a safe manner; 1959

(c) The ability to demonstrate the knowledge, skills, and 1960
attitude necessary to shoot a handgun in a safe manner; 1961

(d) Gun handling training; 1962

(e) A minimum of two hours of in-person training that 1963
consists of range time and live-fire training. 1964

(2) To satisfactorily complete the course, class, or 1965
program described in division (B) (3) (a), (b), (c), or (e) of 1966
this section, the applicant shall pass a competency examination 1967
that shall include both of the following: 1968

(a) A written section, provided as described in division 1969
(G) (3) of this section, on the ability to name and explain the 1970
rules for the safe handling of a handgun and proper storage 1971
practices for handguns and ammunition; 1972

(b) An in-person physical demonstration of competence in 1973
the use of a handgun and in the rules for safe handling and 1974
storage of a handgun and a physical demonstration of the 1975
attitude necessary to shoot a handgun in a safe manner. 1976

(3) (a) Except as otherwise provided in this division, the 1977
training specified in division (G) (1) (a) of this section shall 1978
be provided to the person receiving the training in person by an 1979
instructor. If the training specified in division (G) (1) (a) of 1980
this section is provided by a course, class, or program 1981
described in division (B) (3) (a) of this section, or it is 1982
provided by a course, class, or program described in division 1983
(B) (3) (b), (c), or (e) of this section and the instructor is a 1984
qualified instructor certified by a national gun advocacy 1985
organization, the training so specified, other than the training 1986
that requires the person receiving the training to demonstrate 1987
handling abilities, may be provided online or as a combination 1988
of in-person and online training, as long as the online training 1989
includes an interactive component that regularly engages the 1990
person. 1991

(b) Except as otherwise provided in this division, the 1992
written section of the competency examination specified in 1993
division (G) (2) (a) of this section shall be administered to the 1994
person taking the competency examination in person by an 1995
instructor. If the training specified in division (G) (1) (a) of 1996
this section is provided to the person receiving the training by 1997
a course, class, or program described in division (B) (3) (a) of 1998

this section, or it is provided by a course, class, or program described in division (B) (3) (b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national gun advocacy organization, the written section of the competency examination specified in division (G) (2) (a) of this section may be administered online, as long as the online training includes an interactive component that regularly engages the person.

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

(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A) (1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B) (1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I) (1) A sheriff shall accept a completed application form

or renewal application, and the fee, items, materials, and 2029
information specified in divisions (B) (1) to (5) or division (F) 2030
of this section, whichever is applicable, and shall provide an 2031
application form or renewal application to any person during at 2032
least fifteen hours a week and shall provide the web site 2033
address at which a printable version of the application form 2034
that can be downloaded and the pamphlet described in division 2035
(B) of section 109.731 of the Revised Code may be found at any 2036
time, upon request. The sheriff shall post notice of the hours 2037
during which the sheriff is available to accept or provide the 2038
information described in this division. 2039

(2) A sheriff shall transmit a notice to the attorney 2040
general, in a manner determined by the attorney general, every 2041
time a license is issued that waived payment under division (B) 2042
(1) (c) of this section for an applicant who is an active or 2043
reserve member of the armed forces of the United States or has 2044
retired from or was honorably discharged from military service 2045
in the active or reserve armed forces of the United States. The 2046
attorney general shall monitor and inform sheriffs issuing 2047
licenses under this section when the amount of license fee 2048
payments waived and transmitted to the attorney general reach 2049
one million five hundred thousand dollars each year. Once a 2050
sheriff is informed that the payments waived reached one million 2051
five hundred thousand dollars in any year, a sheriff shall no 2052
longer waive payment of a license fee for an applicant who is an 2053
active or reserve member of the armed forces of the United 2054
States or has retired from or was honorably discharged from 2055
military service in the active or reserve armed forces of the 2056
United States for the remainder of that year. 2057

Sec. 2923.13. (A) Unless relieved from disability under 2058
operation of law or legal process, no person shall knowingly 2059

acquire, have, carry, or use any firearm or dangerous ordnance, 2060
if any of the following apply: 2061

(1) The person is a fugitive from justice. 2062

(2) The person is under indictment for or has been 2063
convicted of any felony offense of violence or has been 2064
adjudicated a delinquent child for the commission of an offense 2065
that, if committed by an adult, would have been a felony offense 2066
of violence. 2067

(3) The person is under indictment for or has been 2068
convicted of any felony offense involving the illegal 2069
possession, use, sale, administration, distribution, or 2070
trafficking in any drug of abuse or has been adjudicated a 2071
delinquent child for the commission of an offense that, if 2072
committed by an adult, would have been a felony offense 2073
involving the illegal possession, use, sale, administration, 2074
distribution, or trafficking in any drug of abuse. 2075

(4) The person has a drug dependency, is in danger of drug 2076
dependence, or has chronic alcoholism. 2077

(5) The person is under adjudication of mental 2078
incompetence, has been committed to a mental institution, has 2079
been found by a court to be a person with a mental illness 2080
subject to court order, or is an involuntary patient other than 2081
one who is a patient only for purposes of observation. As used 2082
in this division, "person with a mental illness subject to court 2083
order" and "patient" have the same meanings as in section 2084
5122.01 of the Revised Code. 2085

~~(B)~~ (B) (1) Whoever violates this section is guilty of 2086
having weapons while under disability. 2087

(2) Except as provided in division (B) (4) of this section, 2088

a violation of division (A) (1), (3), (4), or (5) of this section 2089
is a felony of the ~~third~~ fourth degree. 2090

(3) Except as otherwise provided in division (B) (5) of 2091
this section, a violation of division (A) (2) of this section is 2092
a felony of the third degree and there is a presumption that a 2093
prison term shall be imposed for the offense. 2094

(4) If the offender previously has been convicted of or 2095
pleaded guilty to a violation of this section, a violation of 2096
division (A) (1), (3), (4), or (5) of this section is a felony of 2097
the third degree. 2098

(5) If the offender previously has been convicted of or 2099
pleaded guilty to a violation of this section, a violation of 2100
division (A) (2) of this section is a felony of the second 2101
degree. 2102

(C) For the purposes of this section, "under operation of 2103
law or legal process" shall not itself include mere completion, 2104
termination, or expiration of a sentence imposed as a result of 2105
a criminal conviction. 2106

Sec. 2923.14. ~~(A) (1)~~ (A) (1) (a) Except as otherwise 2107
provided in division (A) (2) of this section, any of the 2108
following persons who are prohibited from carrying firearms, 2109
openly or concealed, may apply to the court of common pleas 2110
specified in division (A) (2) (b) of this section for relief from 2111
such prohibition: 2112

(i) Any person who is prohibited from acquiring, having, 2113
carrying, or using firearms ~~may apply to the court of common~~ 2114
~~pleas in the county in which the person resides for relief from~~ 2115
~~such prohibition~~ under section 2923.13 of the Revised Code; 2116

(ii) Any person who is prohibited from shipping, 2117

transporting, receiving, or possessing firearms in interstate or 2118
foreign commerce under 18 U.S.C. 922(g), as amended or 2119
reenacted; 2120

(iii) Any person who is prohibited from obtaining a 2121
concealed handgun license or a concealed handgun license on a 2122
temporary emergency basis under division (D)(1)(e), (f), or (h) 2123
of section 2923.125 of the Revised Code; 2124

(iv) Any person who is prohibited from carrying a 2125
concealed handgun as a qualifying adult under division (D)(1) 2126
(e), (f), or (h) of section 2923.125 of the Revised Code. 2127

(b) An application for relief from the prohibition shall 2128
be filed in the court of common pleas of the county in which the 2129
person resides or, if the person is not a resident of this state 2130
and the prohibition is based on an indictment, a conviction of 2131
or plea of guilty to an offense, or a delinquent child 2132
adjudication, in the county in which the indictment was entered 2133
or in which the conviction, guilty plea, or adjudication 2134
occurred. 2135

(2) Division (A)(1) of this section does not apply to a 2136
person who has been convicted of or pleaded guilty to a 2137
violation of section 2923.132 of the Revised Code or to a person 2138
who, two or more times, has been convicted of or pleaded guilty 2139
to a felony and a specification of the type described in section 2140
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, ~~or~~ 2941.1424, 2141
or 2941.1427 of the Revised Code. 2142

(B) The application shall recite the following: 2143

(1) All indictments, convictions or guilty pleas, or 2144
adjudications upon which the applicant's disability is based, 2145
the sentence imposed and served, and any release granted under a 2146

community control sanction, post-release control sanction, or 2147
parole, any partial or conditional pardon granted, or other 2148
disposition of each case, or, if the disability is based upon a 2149
factor other than an indictment, a conviction or guilty plea, or 2150
an adjudication, the factor upon which the disability is based 2151
and all details related to that factor; 2152

(2) Facts showing the applicant to be a fit subject for 2153
relief under this section. 2154

(C) A copy of the application shall be served on the 2155
county prosecutor. The county prosecutor shall cause the matter 2156
to be investigated and shall raise before the court any 2157
objections to granting relief that the investigation reveals. 2158

(D) Upon hearing, the court may grant the applicant relief 2159
pursuant to this section, if all of the following apply: 2160

(1) One of the following applies: 2161

(a) If the disability is based upon an indictment, a 2162
conviction or guilty plea, or an adjudication, the applicant has 2163
been fully discharged from imprisonment, community control, 2164
post-release control, and parole, or, if the applicant is under 2165
indictment, has been released on bail or recognizance. 2166

(b) If the disability is based upon a factor other than an 2167
indictment, a conviction or guilty plea, or an adjudication, 2168
that factor no longer is applicable to the applicant. 2169

(2) The applicant has led a law-abiding life since 2170
discharge or release, and appears likely to continue to do so. 2171

(3) The applicant is not otherwise prohibited by law from 2172
acquiring, having, or using firearms. 2173

(E) Costs of the proceeding shall be charged as in other 2174

civil cases, and taxed to the applicant.	2175
(F) Relief from disability granted pursuant to this	2176
section restores the applicant to all civil firearm rights to	2177
the full extent enjoyed by any citizen, and is subject to the	2178
following conditions:	2179
(1) Applies only with respect to indictments, convictions	2180
<u>or guilty pleas</u> , or adjudications, or to the other factor,	2181
recited in the application as the basis for the applicant's	2182
disability;	2183
(2) Applies only with respect to firearms lawfully	2184
acquired, possessed, carried, or used by the applicant;	2185
(3) May be revoked by the court at any time for good cause	2186
shown and upon notice to the applicant;	2187
(4) Is automatically void upon commission by the applicant	2188
of any offense set forth in division (A) (2) or (3) of section	2189
2923.13 of the Revised Code, or upon the applicant's becoming	2190
one of the class of persons named in division (A) (1), (4), or	2191
(5) of that section.	2192
(G) As used in this section:	2193
(1) "Community control sanction" has the same meaning as	2194
in section 2929.01 of the Revised Code.	2195
(2) "Post-release control" and "post-release control	2196
sanction" have the same meanings as in section 2967.01 of the	2197
Revised Code.	2198
<u>(3) "Qualifying adult" has the same meaning as in section</u>	2199
<u>2923.111 of the Revised Code.</u>	2200
Sec. 2929.01. As used in this chapter:	2201

(A) (1) "Alternative residential facility" means, subject 2202
to divisions (A) (2) and (3) of this section, any facility other 2203
than an offender's home or residence in which an offender is 2204
assigned to live and that satisfies all of the following 2205
criteria: 2206

(a) It provides programs through which the offender may 2207
seek or maintain employment or may receive education, training, 2208
treatment, or habilitation. 2209

(b) It has received the appropriate license or certificate 2210
for any specialized education, training, treatment, 2211
habilitation, or other service that it provides from the 2212
government agency that is responsible for licensing or 2213
certifying that type of education, training, treatment, 2214
habilitation, or service. 2215

(2) "Alternative residential facility" does not include a 2216
community-based correctional facility, jail, halfway house, or 2217
prison. 2218

(3) "Alternative residential facility" includes a 2219
community alternative sentencing center or district community 2220
alternative sentencing center when authorized by section 307.932 2221
of the Revised Code and when the center is being used for an OVI 2222
term of confinement, as defined by that section. 2223

(B) "Basic probation supervision" means a requirement that 2224
the offender maintain contact with a person appointed to 2225
supervise the offender in accordance with sanctions imposed by 2226
the court or imposed by the parole board pursuant to section 2227
2967.28 of the Revised Code. "Basic probation supervision" 2228
includes basic parole supervision and basic post-release control 2229
supervision. 2230

(C) "Cocaine," "fentanyl-related compound," "hashish,"	2231
"L.S.D.," and "unit dose" have the same meanings as in section	2232
2925.01 of the Revised Code.	2233
(D) "Community-based correctional facility" means a	2234
community-based correctional facility and program or district	2235
community-based correctional facility and program developed	2236
pursuant to sections 2301.51 to 2301.58 of the Revised Code.	2237
(E) "Community control sanction" means a sanction that is	2238
not a prison term and that is described in section 2929.15,	2239
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction	2240
that is not a jail term and that is described in section	2241
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community	2242
control sanction" includes probation if the sentence involved	2243
was imposed for a felony that was committed prior to July 1,	2244
1996, or if the sentence involved was imposed for a misdemeanor	2245
that was committed prior to January 1, 2004.	2246
(F) "Controlled substance," "marihuana," "schedule I," and	2247
"schedule II" have the same meanings as in section 3719.01 of	2248
the Revised Code.	2249
(G) "Curfew" means a requirement that an offender during a	2250
specified period of time be at a designated place.	2251
(H) "Day reporting" means a sanction pursuant to which an	2252
offender is required each day to report to and leave a center or	2253
other approved reporting location at specified times in order to	2254
participate in work, education or training, treatment, and other	2255
approved programs at the center or outside the center.	2256
(I) "Deadly weapon" has the same meaning as in section	2257
2923.11 of the Revised Code.	2258
(J) "Drug and alcohol use monitoring" means a program	2259

under which an offender agrees to submit to random chemical 2260
analysis of the offender's blood, breath, or urine to determine 2261
whether the offender has ingested any alcohol or other drugs. 2262

(K) "Drug treatment program" means any program under which 2263
a person undergoes assessment and treatment designed to reduce 2264
or completely eliminate the person's physical or emotional 2265
reliance upon alcohol, another drug, or alcohol and another drug 2266
and under which the person may be required to receive assessment 2267
and treatment on an outpatient basis or may be required to 2268
reside at a facility other than the person's home or residence 2269
while undergoing assessment and treatment. 2270

(L) "Economic loss" means any economic detriment suffered 2271
by a victim as a direct and proximate result of the commission 2272
of an offense and includes any loss of income due to lost time 2273
at work because of any injury caused to the victim, any property 2274
loss, medical cost, or funeral expense incurred as a result of 2275
the commission of the offense, and the cost of any accounting or 2276
auditing done to determine the extent of loss if the cost is 2277
incurred and payable by the victim. "Economic loss" does not 2278
include non-economic loss or any punitive or exemplary damages. 2279

(M) "Education or training" includes study at, or in 2280
conjunction with a program offered by, a university, college, or 2281
technical college or vocational study and also includes the 2282
completion of primary school, secondary school, and literacy 2283
curricula or their equivalent. 2284

(N) "Firearm" has the same meaning as in section 2923.11 2285
of the Revised Code. 2286

(O) "Halfway house" means a facility licensed by the 2287
division of parole and community services of the department of 2288

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(P) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, 2318
or other residential facility used for the confinement of 2319
alleged or convicted offenders that is operated by a political 2320
subdivision or a combination of political subdivisions of this 2321
state. 2322

(S) "Jail term" means the term in a jail that a sentencing 2323
court imposes or is authorized to impose pursuant to section 2324
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2325
provision of the Revised Code that authorizes a term in a jail 2326
for a misdemeanor conviction. 2327

(T) "Mandatory jail term" means the term in a jail that a 2328
sentencing court is required to impose pursuant to division (G) 2329
of section 1547.99 of the Revised Code, division (E) of section 2330
2903.06 or division (D) of section 2903.08 of the Revised Code, 2331
division (F) of section 2929.24 of the Revised Code, division 2332
(B) of section 4510.14 of the Revised Code, or division (G) of 2333
section 4511.19 of the Revised Code or pursuant to any other 2334
provision of the Revised Code that requires a term in a jail for 2335
a misdemeanor conviction. 2336

(U) "Delinquent child" has the same meaning as in section 2337
2152.02 of the Revised Code. 2338

(V) "License violation report" means a report that is made 2339
by a sentencing court, or by the parole board pursuant to 2340
section 2967.28 of the Revised Code, to the regulatory or 2341
licensing board or agency that issued an offender a professional 2342
license or a license or permit to do business in this state and 2343
that specifies that the offender has been convicted of or 2344
pleaded guilty to an offense that may violate the conditions 2345
under which the offender's professional license or license or 2346
permit to do business in this state was granted or an offense 2347

for which the offender's professional license or license or 2348
permit to do business in this state may be revoked or suspended. 2349

(W) "Major drug offender" means an offender who is 2350
convicted of or pleads guilty to the possession of, sale of, or 2351
offer to sell any drug, compound, mixture, preparation, or 2352
substance that consists of or contains at least one thousand 2353
grams of hashish; at least one hundred grams of cocaine; at 2354
least one thousand unit doses or one hundred grams of heroin; at 2355
least five thousand unit doses of L.S.D. or five hundred grams 2356
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2357
distillate form; at least fifty grams of a controlled substance 2358
analog; at least one thousand unit doses or one hundred grams of 2359
a fentanyl-related compound; or at least one hundred times the 2360
amount of any other schedule I or II controlled substance other 2361
than marihuana that is necessary to commit a felony of the third 2362
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2363
of the Revised Code that is based on the possession of, sale of, 2364
or offer to sell the controlled substance. 2365

(X) "Mandatory prison term" means any of the following: 2366

(1) Subject to division (X)(2) of this section, the term 2367
in prison that must be imposed for the offenses or circumstances 2368
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~(22) of 2369
section 2929.13 and division (B) of section 2929.14 of the 2370
Revised Code. Except as provided in sections 2925.02, 2925.03, 2371
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2372
maximum or another specific term is required under section 2373
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2374
described in this division may be any prison term authorized for 2375
the level of offense except that if the offense is a felony of 2376
the first or second degree committed on or after March 22, 2019, 2377

a mandatory prison term described in this division may be one of 2378
the terms prescribed in division (A) (1) (a) or (2) (a) of section 2379
2929.14 of the Revised Code, whichever is applicable, that is 2380
authorized as the minimum term for the offense. 2381

(2) The term of sixty or one hundred twenty days in prison 2382
that a sentencing court is required to impose for a third or 2383
fourth degree felony OVI offense pursuant to division (G) (2) of 2384
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2385
of the Revised Code or the term of one, two, three, four, or 2386
five years in prison that a sentencing court is required to 2387
impose pursuant to division (G) (2) of section 2929.13 of the 2388
Revised Code. 2389

(3) The term in prison imposed pursuant to division (A) of 2390
section 2971.03 of the Revised Code for the offenses and in the 2391
circumstances described in division (F) (11) of section 2929.13 2392
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2393
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2394
section 2971.03 of the Revised Code and that term as modified or 2395
terminated pursuant to section 2971.05 of the Revised Code. 2396

(Y) "Monitored time" means a period of time during which 2397
an offender continues to be under the control of the sentencing 2398
court or parole board, subject to no conditions other than 2399
leading a law-abiding life. 2400

(Z) "Offender" means a person who, in this state, is 2401
convicted of or pleads guilty to a felony or a misdemeanor. 2402

(AA) "Prison" means a residential facility used for the 2403
confinement of convicted felony offenders that is under the 2404
control of the department of rehabilitation and correction and 2405
includes a violation sanction center operated under authority of 2406

section 2967.141 of the Revised Code. 2407

(BB) (1) "Prison term" includes either of the following 2408
sanctions for an offender: 2409

(a) A stated prison term; 2410

(b) A term in a prison shortened by, or with the approval 2411
of, the sentencing court pursuant to section 2929.143, 2929.20, 2412
5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 2413
pursuant to section 2967.26 of the Revised Code. 2414

(2) With respect to a non-life felony indefinite prison 2415
term, references in any provision of law to a reduction of, or 2416
deduction from, the prison term mean a reduction in, or 2417
deduction from, the minimum term imposed as part of the 2418
indefinite term. 2419

~~(CC)~~ (CC) (1) "Repeat offender" means a person about whom 2420
both of the following apply: 2421

(a) The person is being sentenced for committing or for 2422
complicity in committing a violation of section 2923.13 of the 2423
Revised Code or a felony offense of violence, and the violation 2424
of the offense involved a firearm. 2425

(b) The person previously was convicted of or pleaded 2426
guilty to one or more offenses described in division (CC) (1) (a) 2427
of this section and the violation involved a firearm. 2428

(2) As used in division (CC) of this section, "involved a 2429
firearm" means either of the following: 2430

(a) The offender had a firearm on or about the offender's 2431
person while committing the offense and displayed the firearm, 2432
brandished the firearm, indicated that the offender possessed 2433
the firearm, or used the firearm to facilitate the offense. 2434

(b) The offender had a firearm under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used the firearm to facilitate the offense. 2435
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(DD) "Repeat violent offender" means a person about whom both of the following apply: 2439
2440

(1) The person is being sentenced for committing or for complicity in committing any of the following: 2441
2442

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree; 2443
2444
2445
2446

(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 described in division ~~(CC) (1) (a)~~ (DD) (1) (a) of this section. 2447
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(2) The person previously was convicted of or pleaded guilty to an offense described in division ~~(CC) (1) (a)~~ (DD) (1) (a) or (b) of this section. 2451
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~~(DD)~~ (EE) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 2454
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~~(EE)~~ (FF) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 2459
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~~(FF) (1)~~ (GG) (1) "Stated prison term" means the prison 2462

term, mandatory prison term, or combination of all prison terms 2463
and mandatory prison terms imposed by the sentencing court 2464
pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised 2465
Code or under section 2919.25 of the Revised Code. "Stated 2466
prison term" includes any credit received by the offender for 2467
time spent in jail awaiting trial, sentencing, or transfer to 2468
prison for the offense and any time spent under house arrest or 2469
house arrest with electronic monitoring imposed after earning 2470
credits pursuant to section 2967.193 or 2967.194 of the Revised 2471
Code. If an offender is serving a prison term as a risk 2472
reduction sentence under sections 2929.143 and 5120.036 of the 2473
Revised Code, "stated prison term" includes any period of time 2474
by which the prison term imposed upon the offender is shortened 2475
by the offender's successful completion of all assessment and 2476
treatment or programming pursuant to those sections. 2477

(2) As used in the definition of "stated prison term" set 2478
forth in division ~~(FF) (1)~~ (GG) (1) of this section, a prison term 2479
is a definite prison term imposed under section 2929.14 of the 2480
Revised Code or any other provision of law, is the minimum and 2481
maximum prison terms under a non-life felony indefinite prison 2482
term, or is a term of life imprisonment except to the extent 2483
that the use of that definition in a section of the Revised Code 2484
clearly is not intended to include a term of life imprisonment. 2485
With respect to an offender sentenced to a non-life felony 2486
indefinite prison term, references in section 2967.191, 2487
2967.193, or 2967.194 of the Revised Code or any other provision 2488
of law to a reduction of, or deduction from, the offender's 2489
stated prison term or to release of the offender before the 2490
expiration of the offender's stated prison term mean a reduction 2491
in, or deduction from, the minimum term imposed as part of the 2492
indefinite term or a release of the offender before the 2493

expiration of that minimum term, references in section 2929.19 2494
or 2967.28 of the Revised Code to a stated prison term with 2495
respect to a prison term imposed for a violation of a post- 2496
release control sanction mean the minimum term so imposed, and 2497
references in any provision of law to an offender's service of 2498
the offender's stated prison term or the expiration of the 2499
offender's stated prison term mean service or expiration of the 2500
minimum term so imposed plus any additional period of 2501
incarceration under the sentence that is required under section 2502
2967.271 of the Revised Code. 2503

~~(GG)~~ (HH) "Victim-offender mediation" means a 2504
reconciliation or mediation program that involves an offender 2505
and the victim of the offense committed by the offender and that 2506
includes a meeting in which the offender and the victim may 2507
discuss the offense, discuss restitution, and consider other 2508
sanctions for the offense. 2509

~~(HH)~~ (II) "Fourth degree felony OVI offense" means a 2510
violation of division (A) of section 4511.19 of the Revised Code 2511
that, under division (G) of that section, is a felony of the 2512
fourth degree. 2513

~~(II)~~ (JJ) "Mandatory term of local incarceration" means 2514
the term of sixty or one hundred twenty days in a jail, a 2515
community-based correctional facility, a halfway house, or an 2516
alternative residential facility that a sentencing court may 2517
impose upon a person who is convicted of or pleads guilty to a 2518
fourth degree felony OVI offense pursuant to division (G) (1) of 2519
section 2929.13 of the Revised Code and division (G) (1) (d) or 2520
(e) of section 4511.19 of the Revised Code. 2521

~~(JJ)~~ (KK) "Designated homicide, assault, or kidnapping 2522
offense," "violent sex offense," "sexual motivation 2523

specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

~~(KK)~~ (LL) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

~~(LL)~~ (MM) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

~~(MM)~~ (NN) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

~~(NN)~~ (OO) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

~~(OO)~~ (PP) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

~~(PP)~~ (QQ) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.

~~(QQ)~~ (RR) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

~~(RR)~~ (SS) "Felony sex offense" has the same meaning as in

section 2967.28 of the Revised Code. 2552

~~(SS)~~ (TT) "Body armor" has the same meaning as in section 2553
2941.1411 of the Revised Code. 2554

~~(TT)~~ (UU) "Electronic monitoring" means monitoring through 2555
the use of an electronic monitoring device. 2556

~~(UU)~~ (VV) "Electronic monitoring device" means any of the 2557
following: 2558

(1) Any device that can be operated by electrical or 2559
battery power and that conforms with all of the following: 2560

(a) The device has a transmitter that can be attached to a 2561
person, that will transmit a specified signal to a receiver of 2562
the type described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this 2563
section if the transmitter is removed from the person, turned 2564
off, or altered in any manner without prior court approval in 2565
relation to electronic monitoring or without prior approval of 2566
the department of rehabilitation and correction in relation to 2567
the use of an electronic monitoring device for an inmate on 2568
transitional control or otherwise is tampered with, that can 2569
transmit continuously and periodically a signal to that receiver 2570
when the person is within a specified distance from the 2571
receiver, and that can transmit an appropriate signal to that 2572
receiver if the person to whom it is attached travels a 2573
specified distance from that receiver. 2574

(b) The device has a receiver that can receive 2575
continuously the signals transmitted by a transmitter of the 2576
type described in division ~~(UU) (1) (a)~~ (VV) (1) (a) of this 2577
section, can transmit continuously those signals by a wireless 2578
or landline telephone connection to a central monitoring 2579
computer of the type described in division ~~(UU) (1) (c)~~ (VV) (1) (c) 2580

of this section, and can transmit continuously an appropriate 2581
signal to that central monitoring computer if the device has 2582
been turned off or altered without prior court approval or 2583
otherwise tampered with. The device is designed specifically for 2584
use in electronic monitoring, is not a converted wireless phone 2585
or another tracking device that is clearly not designed for 2586
electronic monitoring, and provides a means of text-based or 2587
voice communication with the person. 2588

(c) The device has a central monitoring computer that can 2589
receive continuously the signals transmitted by a wireless or 2590
landline telephone connection by a receiver of the type 2591
described in division ~~(UU) (1) (b)~~ (VV) (1) (b) of this section and 2592
can monitor continuously the person to whom an electronic 2593
monitoring device of the type described in division ~~(UU) (1) (a)~~ 2594
(VV) (1) (a) of this section is attached. 2595

(2) Any device that is not a device of the type described 2596
in division ~~(UU) (1)~~ (VV) (1) of this section and that conforms 2597
with all of the following: 2598

(a) The device includes a transmitter and receiver that 2599
can monitor and determine the location of a subject person at 2600
any time, or at a designated point in time, through the use of a 2601
central monitoring computer or through other electronic means. 2602

(b) The device includes a transmitter and receiver that 2603
can determine at any time, or at a designated point in time, 2604
through the use of a central monitoring computer or other 2605
electronic means the fact that the transmitter is turned off or 2606
altered in any manner without prior approval of the court in 2607
relation to the electronic monitoring or without prior approval 2608
of the department of rehabilitation and correction in relation 2609
to the use of an electronic monitoring device for an inmate on 2610

transitional control or otherwise is tampered with. 2611

(3) Any type of technology that can adequately track or 2612
determine the location of a subject person at any time and that 2613
is approved by the director of rehabilitation and correction, 2614
including, but not limited to, any satellite technology, voice 2615
tracking system, or retinal scanning system that is so approved. 2616

~~(VV)~~ (WW) "Non-economic loss" means nonpecuniary harm 2617
suffered by a victim of an offense as a result of or related to 2618
the commission of the offense, including, but not limited to, 2619
pain and suffering; loss of society, consortium, companionship, 2620
care, assistance, attention, protection, advice, guidance, 2621
counsel, instruction, training, or education; mental anguish; 2622
and any other intangible loss. 2623

~~(WW)~~ (XX) "Prosecutor" has the same meaning as in section 2624
2935.01 of the Revised Code. 2625

~~(XX)~~ (YY) "Continuous alcohol monitoring" means the 2626
ability to automatically test and periodically transmit alcohol 2627
consumption levels and tamper attempts at least every hour, 2628
regardless of the location of the person who is being monitored. 2629

~~(YY)~~ (ZZ) A person is "adjudicated a sexually violent 2630
predator" if the person is convicted of or pleads guilty to a 2631
violent sex offense and also is convicted of or pleads guilty to 2632
a sexually violent predator specification that was included in 2633
the indictment, count in the indictment, or information charging 2634
that violent sex offense or if the person is convicted of or 2635
pleads guilty to a designated homicide, assault, or kidnapping 2636
offense and also is convicted of or pleads guilty to both a 2637
sexual motivation specification and a sexually violent predator 2638
specification that were included in the indictment, count in the 2639

indictment, or information charging that designated homicide, 2640
assault, or kidnapping offense. 2641

~~(ZZ)~~ (AAA) An offense is "committed in proximity to a 2642
school" if the offender commits the offense in a school safety 2643
zone or within five hundred feet of any school building or the 2644
boundaries of any school premises, regardless of whether the 2645
offender knows the offense is being committed in a school safety 2646
zone or within five hundred feet of any school building or the 2647
boundaries of any school premises. 2648

~~(AAA)~~ (BBB) "Human trafficking" means a scheme or plan to 2649
which all of the following apply: 2650

(1) Its object is one or both of the following: 2651

(a) To subject a victim or victims to involuntary 2652
servitude, as defined in section 2905.31 of the Revised Code or 2653
to compel a victim or victims to engage in sexual activity for 2654
hire, to engage in a performance that is obscene, sexually 2655
oriented, or nudity oriented, or to be a model or participant in 2656
the production of material that is obscene, sexually oriented, 2657
or nudity oriented; 2658

(b) To facilitate, encourage, or recruit a victim who is a 2659
minor or is a person with a developmental disability, or victims 2660
who are minors or are persons with developmental disabilities, 2661
for any purpose listed in divisions (A) (2) (a) to (c) of section 2662
2905.32 of the Revised Code. 2663

(2) It involves at least two felony offenses, whether or 2664
not there has been a prior conviction for any of the felony 2665
offenses, to which all of the following apply: 2666

(a) Each of the felony offenses is a violation of section 2667
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 2668

division (A) (1) or (2) of section 2907.323, or division (B) (1), 2669
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 2670
is a violation of a law of any state other than this state that 2671
is substantially similar to any of the sections or divisions of 2672
the Revised Code identified in this division. 2673

(b) At least one of the felony offenses was committed in 2674
this state. 2675

(c) The felony offenses are related to the same scheme or 2676
plan and are not isolated instances. 2677

~~(BBB)~~(CCC) "Material," "nudity," "obscene," 2678
"performance," and "sexual activity" have the same meanings as 2679
in section 2907.01 of the Revised Code. 2680

~~(CCC)~~(DDD) "Material that is obscene, sexually oriented, 2681
or nudity oriented" means any material that is obscene, that 2682
shows a person participating or engaging in sexual activity, 2683
masturbation, or bestiality, or that shows a person in a state 2684
of nudity. 2685

~~(DDD)~~(EEE) "Performance that is obscene, sexually 2686
oriented, or nudity oriented" means any performance that is 2687
obscene, that shows a person participating or engaging in sexual 2688
activity, masturbation, or bestiality, or that shows a person in 2689
a state of nudity. 2690

~~(EEE)~~(FFF) "Accelerant" means a fuel or oxidizing agent, 2691
such as an ignitable liquid, used to initiate a fire or increase 2692
the rate of growth or spread of a fire. 2693

~~(FFF)~~(GGG) "Permanent disabling harm" means serious 2694
physical harm that results in permanent injury to the 2695
intellectual, physical, or sensory functions and that 2696
permanently and substantially impairs a person's ability to meet 2697

one or more of the ordinary demands of life, including the 2698
functions of caring for one's self, performing manual tasks, 2699
walking, seeing, hearing, speaking, breathing, learning, and 2700
working. 2701

~~(GGG)~~(HHH) "Non-life felony indefinite prison term" means 2702
a prison term imposed under division (A) (1) (a) or (2) (a) of 2703
section 2929.14 and section 2929.144 of the Revised Code for a 2704
felony of the first or second degree committed on or after March 2705
22, 2019. 2706

Sec. 2929.13. (A) Except as provided in division (E), (F), 2707
or (G) of this section and unless a specific sanction is 2708
required to be imposed or is precluded from being imposed 2709
pursuant to law, a court that imposes a sentence upon an 2710
offender for a felony may impose any sanction or combination of 2711
sanctions on the offender that are provided in sections 2929.14 2712
to 2929.18 of the Revised Code. 2713

If the offender is eligible to be sentenced to community 2714
control sanctions, the court shall consider the appropriateness 2715
of imposing a financial sanction pursuant to section 2929.18 of 2716
the Revised Code or a sanction of community service pursuant to 2717
section 2929.17 of the Revised Code as the sole sanction for the 2718
offense. Except as otherwise provided in this division, if the 2719
court is required to impose a mandatory prison term for the 2720
offense for which sentence is being imposed, the court also 2721
shall impose any financial sanction pursuant to section 2929.18 2722
of the Revised Code that is required for the offense and may 2723
impose any other financial sanction pursuant to that section but 2724
may not impose any additional sanction or combination of 2725
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2726

If the offender is being sentenced for a fourth degree 2727

felony OVI offense or for a third degree felony OVI offense, in 2728
addition to the mandatory term of local incarceration or the 2729
mandatory prison term required for the offense by division (G) 2730
(1) or (2) of this section, the court shall impose upon the 2731
offender a mandatory fine in accordance with division (B) (3) of 2732
section 2929.18 of the Revised Code and may impose whichever of 2733
the following is applicable: 2734

(1) For a fourth degree felony OVI offense for which 2735
sentence is imposed under division (G) (1) of this section, an 2736
additional community control sanction or combination of 2737
community control sanctions under section 2929.16 or 2929.17 of 2738
the Revised Code. If the court imposes upon the offender a 2739
community control sanction and the offender violates any 2740
condition of the community control sanction, the court may take 2741
any action prescribed in division (B) of section 2929.15 of the 2742
Revised Code relative to the offender, including imposing a 2743
prison term on the offender pursuant to that division. 2744

(2) For a third or fourth degree felony OVI offense for 2745
which sentence is imposed under division (G) (2) of this section, 2746
an additional prison term as described in division (B) (4) of 2747
section 2929.14 of the Revised Code or a community control 2748
sanction as described in division (G) (2) of this section. 2749

(B) (1) (a) Except as provided in division (B) (1) (b) of this 2750
section, if an offender is convicted of or pleads guilty to a 2751
felony of the fourth or fifth degree that is not an offense of 2752
violence or that is a qualifying assault offense, the court 2753
shall sentence the offender to a community control sanction or 2754
combination of community control sanctions if all of the 2755
following apply: 2756

(i) The offender previously has not been convicted of or 2757

pleaded guilty to a felony offense. 2758

(ii) The most serious charge against the offender at the 2759
time of sentencing is a felony of the fourth or fifth degree. 2760

(iii) The offender previously has not been convicted of or 2761
pleaded guilty to a misdemeanor offense of violence that the 2762
offender committed within two years prior to the offense for 2763
which sentence is being imposed. 2764

(b) The court has discretion to impose a prison term upon 2765
an offender who is convicted of or pleads guilty to a felony of 2766
the fourth or fifth degree that is not an offense of violence or 2767
that is a qualifying assault offense if any of the following 2768
apply: 2769

(i) The offender committed the offense while having a 2770
firearm on or about the offender's person or under the 2771
offender's control. 2772

(ii) If the offense is a qualifying assault offense, the 2773
offender caused serious physical harm to another person while 2774
committing the offense, and, if the offense is not a qualifying 2775
assault offense, the offender caused physical harm to another 2776
person while committing the offense. 2777

(iii) The offender violated a term of the conditions of 2778
bond as set by the court. 2779

(iv) The offense is a sex offense that is a fourth or 2780
fifth degree felony violation of any provision of Chapter 2907. 2781
of the Revised Code. 2782

(v) In committing the offense, the offender attempted to 2783
cause or made an actual threat of physical harm to a person with 2784
a deadly weapon. 2785

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

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

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

(ix) The offender at the time of the offense was serving,
or the offender previously had served, a prison term.

(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.

(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.

(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 2815
2929.12 of the Revised Code. 2816

(C) Except as provided in division (D), (E), (F), or (G) 2817
of this section, in determining whether to impose a prison term 2818
as a sanction for a felony of the third degree or a felony drug 2819
offense that is a violation of a provision of Chapter 2925. of 2820
the Revised Code and that is specified as being subject to this 2821
division for purposes of sentencing, the sentencing court shall 2822
comply with the purposes and principles of sentencing under 2823
section 2929.11 of the Revised Code and with section 2929.12 of 2824
the Revised Code. 2825

(D) (1) Except as provided in division (E) or (F) of this 2826
section, for a felony of the first or second degree, for a 2827
felony drug offense that is a violation of any provision of 2828
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2829
presumption in favor of a prison term is specified as being 2830
applicable, ~~and~~ for a violation of division (A) (4) or (B) of 2831
section 2907.05 of the Revised Code for which a presumption in 2832
favor of a prison term is specified as being applicable, and for 2833
a violation of section 2923.13 of the Revised Code for which a 2834
presumption in favor of a prison term is specified in division 2835
(B) (3) of that section as being applicable, it is presumed that 2836
a prison term is necessary in order to comply with the purposes 2837
and principles of sentencing under section 2929.11 of the 2838
Revised Code. Division (D) (2) of this section does not apply to 2839
a presumption established under this division for a violation of 2840
division (A) (4) of section 2907.05 of the Revised Code. 2841

(2) Notwithstanding the presumption established under 2842
division (D) (1) of this section for the offenses listed in that 2843
division other than a violation of division (A) (4) or (B) of 2844

section 2907.05 of the Revised Code, the sentencing court may 2845
impose a community control sanction or a combination of 2846
community control sanctions instead of a prison term on an 2847
offender for a felony of the first or second degree or for a 2848
felony drug offense that is a violation of any provision of 2849
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2850
presumption in favor of a prison term is specified as being 2851
applicable if it makes both of the following findings: 2852

(a) A community control sanction or a combination of 2853
community control sanctions would adequately punish the offender 2854
and protect the public from future crime, because the applicable 2855
factors under section 2929.12 of the Revised Code indicating a 2856
lesser likelihood of recidivism outweigh the applicable factors 2857
under that section indicating a greater likelihood of 2858
recidivism. 2859

(b) A community control sanction or a combination of 2860
community control sanctions would not demean the seriousness of 2861
the offense, because one or more factors under section 2929.12 2862
of the Revised Code that indicate that the offender's conduct 2863
was less serious than conduct normally constituting the offense 2864
are applicable, and they outweigh the applicable factors under 2865
that section that indicate that the offender's conduct was more 2866
serious than conduct normally constituting the offense. 2867

(E) (1) Except as provided in division (F) of this section, 2868
for any drug offense that is a violation of any provision of 2869
Chapter 2925. of the Revised Code and that is a felony of the 2870
third, fourth, or fifth degree, the applicability of a 2871
presumption under division (D) of this section in favor of a 2872
prison term or of division (B) or (C) of this section in 2873
determining whether to impose a prison term for the offense 2874

shall be determined as specified in section 2925.02, 2925.03, 2875
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2876
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2877
regarding the violation. 2878

(2) If an offender who was convicted of or pleaded guilty 2879
to a felony violates the conditions of a community control 2880
sanction imposed for the offense solely by reason of producing 2881
positive results on a drug test, the court, as punishment for 2882
the violation of the sanction, shall not order that the offender 2883
be imprisoned unless the court determines on the record either 2884
of the following: 2885

(a) The offender had been ordered as a sanction for the 2886
felony to participate in a drug treatment program, in a drug 2887
education program, or in narcotics anonymous or a similar 2888
program, and the offender continued to use illegal drugs after a 2889
reasonable period of participation in the program. 2890

(b) The imprisonment of the offender for the violation is 2891
consistent with the purposes and principles of sentencing set 2892
forth in section 2929.11 of the Revised Code. 2893

(3) A court that sentences an offender for a drug abuse 2894
offense that is a felony of the third, fourth, or fifth degree 2895
may require that the offender be assessed by a properly 2896
credentialed professional within a specified period of time. The 2897
court shall require the professional to file a written 2898
assessment of the offender with the court. If the offender is 2899
eligible for a community control sanction and after considering 2900
the written assessment, the court may impose a community control 2901
sanction that includes addiction services and recovery supports 2902
included in a community-based continuum of care established 2903
under section 340.032 of the Revised Code. If the court imposes 2904

addiction services and recovery supports as a community control 2905
sanction, the court shall direct the level and type of addiction 2906
services and recovery supports after considering the assessment 2907
and recommendation of community addiction services providers. 2908

(F) Notwithstanding divisions (A) to (E) of this section, 2909
the court shall impose a prison term or terms under sections 2910
2929.02 to 2929.06, section 2929.14, section 2929.142, or 2911
section 2971.03 of the Revised Code and except as specifically 2912
provided in section 2929.20, or section 2967.191 of the Revised 2913
Code or when parole is authorized for the offense under section 2914
2967.13 of the Revised Code shall not reduce the term or terms 2915
pursuant to section 2929.20, division (A) (2) or (3) of section 2916
2967.193 or 2967.194, or any other provision of Chapter 2967. or 2917
Chapter 5120. of the Revised Code for any of the following 2918
offenses: 2919

(1) Aggravated murder when death is not imposed or murder; 2920

(2) Any rape, regardless of whether force was involved and 2921
regardless of the age of the victim, or an attempt to commit 2922
rape if, had the offender completed the rape that was attempted, 2923
the offender would have been guilty of a violation of division 2924
(A) (1) (b) of section 2907.02 of the Revised Code and would be 2925
sentenced under section 2971.03 of the Revised Code; 2926

(3) Gross sexual imposition or sexual battery, if the 2927
victim is less than thirteen years of age and if any of the 2928
following applies: 2929

(a) Regarding gross sexual imposition, the offender 2930
previously was convicted of or pleaded guilty to rape, the 2931
former offense of felonious sexual penetration, gross sexual 2932
imposition, or sexual battery, and the victim of the previous 2933

offense was less than thirteen years of age; 2934

(b) Regarding gross sexual imposition, the offense was 2935
committed on or after August 3, 2006, and evidence other than 2936
the testimony of the victim was admitted in the case 2937
corroborating the violation. 2938

(c) Regarding sexual battery, either of the following 2939
applies: 2940

(i) The offense was committed prior to August 3, 2006, the 2941
offender previously was convicted of or pleaded guilty to rape, 2942
the former offense of felonious sexual penetration, or sexual 2943
battery, and the victim of the previous offense was less than 2944
thirteen years of age. 2945

(ii) The offense was committed on or after August 3, 2006. 2946

(4) A felony violation of section 2903.04, 2903.06, 2947
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 2948
or 2923.132 of the Revised Code if the section requires the 2949
imposition of a prison term; 2950

(5) A first, second, or third degree felony drug offense 2951
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2952
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2953
or 4729.99 of the Revised Code, whichever is applicable 2954
regarding the violation, requires the imposition of a mandatory 2955
prison term; 2956

(6) Any offense that is a first or second degree felony 2957
and that is not set forth in division (F) (1), (2), (3), or (4) 2958
of this section, if the offender previously was convicted of or 2959
pleaded guilty to aggravated murder, murder, any first or second 2960
degree felony, or an offense under an existing or former law of 2961
this state, another state, or the United States that is or was 2962

substantially equivalent to one of those offenses; 2963

(7) Any offense that is a third degree felony and either 2964
is a violation of section 2903.04 of the Revised Code or an 2965
attempt to commit a felony of the second degree that is an 2966
offense of violence and involved an attempt to cause serious 2967
physical harm to a person or that resulted in serious physical 2968
harm to a person if the offender previously was convicted of or 2969
pleaded guilty to any of the following offenses: 2970

(a) Aggravated murder, murder, involuntary manslaughter, 2971
rape, felonious sexual penetration as it existed under section 2972
2907.12 of the Revised Code prior to September 3, 1996, a felony 2973
of the first or second degree that resulted in the death of a 2974
person or in physical harm to a person, or complicity in or an 2975
attempt to commit any of those offenses; 2976

(b) An offense under an existing or former law of this 2977
state, another state, or the United States that is or was 2978
substantially equivalent to an offense listed in division (F) (7) 2979
(a) of this section that resulted in the death of a person or in 2980
physical harm to a person. 2981

(8) Any offense, other than a violation of section 2923.12 2982
of the Revised Code, that is a felony, if the offender had a 2983
firearm on or about the offender's person or under the 2984
offender's control while committing the felony, with respect to 2985
a portion of the sentence imposed pursuant to division (B) (1) (a) 2986
of section 2929.14 of the Revised Code for having the firearm; 2987

(9) Any offense of violence that is a felony, if the 2988
offender wore or carried body armor while committing the felony 2989
offense of violence, with respect to the portion of the sentence 2990
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 2991

Revised Code for wearing or carrying the body armor;	2992
(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;	2993 2994 2995 2996
(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;	2997 2998 2999
(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;	3000 3001 3002 3003 3004
(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (B)(5) of section 2929.14 of the Revised Code;	3005 3006 3007 3008 3009 3010 3011 3012
(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender 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, with respect to the portion of the sentence imposed pursuant to division (B)(6) of section 2929.14 of the Revised Code;	3013 3014 3015 3016 3017 3018 3019 3020

(15) Kidnapping, in the circumstances specified in section 3021
2971.03 of the Revised Code and when no other provision of 3022
division (F) of this section applies; 3023

(16) Kidnapping, abduction, compelling prostitution, 3024
promoting prostitution, engaging in a pattern of corrupt 3025
activity, a violation of division (A)(1) or (2) of section 3026
2907.323 of the Revised Code that involves a minor, or 3027
endangering children in violation of division (B)(1), (2), (3), 3028
(4), or (5) of section 2919.22 of the Revised Code, if the 3029
offender is convicted of or pleads guilty to a specification as 3030
described in section 2941.1422 of the Revised Code that was 3031
included in the indictment, count in the indictment, or 3032
information charging the offense; 3033

(17) A felony violation of division (A) or (B) of section 3034
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 3035
that section, and division (D)(6) of that section, require the 3036
imposition of a prison term; 3037

(18) A felony violation of section 2903.11, 2903.12, or 3038
2903.13 of the Revised Code, if the victim of the offense was a 3039
woman that the offender knew was pregnant at the time of the 3040
violation, with respect to a portion of the sentence imposed 3041
pursuant to division (B)(8) of section 2929.14 of the Revised 3042
Code; 3043

(19)(a) Any violent felony offense if the offender is a 3044
violent career criminal and had a firearm on or about the 3045
offender's person or under the offender's control during the 3046
commission of the violent felony offense and displayed or 3047
brandished the firearm, indicated that the offender possessed a 3048
firearm, or used the firearm to facilitate the offense, with 3049
respect to the portion of the sentence imposed under division 3050

(K) of section 2929.14 of the Revised Code. 3051

(b) As used in division (F)(19)(a) of this section, 3052
"violent career criminal" and "violent felony offense" have the 3053
same meanings as in section 2923.132 of the Revised Code. 3054

(20) Any violation of division (A)(1) of section 2903.11 3055
of the Revised Code if the offender used an accelerant in 3056
committing the violation and the serious physical harm to 3057
another or another's unborn caused by the violation resulted in 3058
a permanent, serious disfigurement or permanent, substantial 3059
incapacity or any violation of division (A)(2) of that section 3060
if the offender used an accelerant in committing the violation, 3061
the violation caused physical harm to another or another's 3062
unborn, and the physical harm resulted in a permanent, serious 3063
disfigurement or permanent, substantial incapacity, with respect 3064
to a portion of the sentence imposed pursuant to division (B)(9) 3065
of section 2929.14 of the Revised Code. The provisions of this 3066
division and of division (D)(2) of section 2903.11, divisions 3067
(B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of 3068
the Revised Code shall be known as "Judy's Law." 3069

(21) Any violation of division (A) of section 2903.11 of 3070
the Revised Code if the victim of the offense suffered permanent 3071
disabling harm as a result of the offense and the victim was 3072
under ten years of age at the time of the offense, with respect 3073
to a portion of the sentence imposed pursuant to division (B) 3074
(10) of section 2929.14 of the Revised Code. 3075

(22) A felony violation of section 2925.03, 2925.05, or 3076
2925.11 of the Revised Code, if the drug involved in the 3077
violation is a fentanyl-related compound or a compound, mixture, 3078
preparation, or substance containing a fentanyl-related compound 3079
and the offender is convicted of or pleads guilty to a 3080

specification of the type described in division (B) of section 3081
2941.1410 of the Revised Code that was included in the 3082
indictment, count in the indictment, or information charging the 3083
offense, with respect to the portion of the sentence imposed 3084
under division (B) (11) of section 2929.14 of the Revised Code. 3085

(G) Notwithstanding divisions (A) to (E) of this section, 3086
if an offender is being sentenced for a fourth degree felony OVI 3087
offense or for a third degree felony OVI offense, the court 3088
shall impose upon the offender a mandatory term of local 3089
incarceration or a mandatory prison term in accordance with the 3090
following: 3091

(1) If the offender is being sentenced for a fourth degree 3092
felony OVI offense and if the offender has not been convicted of 3093
and has not pleaded guilty to a specification of the type 3094
described in section 2941.1413 of the Revised Code, the court 3095
may impose upon the offender a mandatory term of local 3096
incarceration of sixty days or one hundred twenty days as 3097
specified in division (G) (1) (d) of section 4511.19 of the 3098
Revised Code. The court shall not reduce the term pursuant to 3099
section 2929.20, division (A) (2) or (3) of section 2967.193 or 3100
2967.194, or any other provision of the Revised Code. The court 3101
that imposes a mandatory term of local incarceration under this 3102
division shall specify whether the term is to be served in a 3103
jail, a community-based correctional facility, a halfway house, 3104
or an alternative residential facility, and the offender shall 3105
serve the term in the type of facility specified by the court. A 3106
mandatory term of local incarceration imposed under division (G) 3107
(1) of this section is not subject to any other Revised Code 3108
provision that pertains to a prison term except as provided in 3109
division (A) (1) of this section. 3110

(2) If the offender is being sentenced for a third degree 3111
felony OVI offense, or if the offender is being sentenced for a 3112
fourth degree felony OVI offense and the court does not impose a 3113
mandatory term of local incarceration under division (G) (1) of 3114
this section, the court shall impose upon the offender a 3115
mandatory prison term of one, two, three, four, or five years if 3116
the offender also is convicted of or also pleads guilty to a 3117
specification of the type described in section 2941.1413 of the 3118
Revised Code or shall impose upon the offender a mandatory 3119
prison term of sixty days or one hundred twenty days as 3120
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3121
Revised Code if the offender has not been convicted of and has 3122
not pleaded guilty to a specification of that type. The court 3123
shall not reduce the term pursuant to section 2929.20, division 3124
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 3125
provision of the Revised Code. The offender shall serve the 3126
one-, two-, three-, four-, or five-year mandatory prison term 3127
consecutively to and prior to the prison term imposed for the 3128
underlying offense and consecutively to any other mandatory 3129
prison term imposed in relation to the offense. In no case shall 3130
an offender who once has been sentenced to a mandatory term of 3131
local incarceration pursuant to division (G) (1) of this section 3132
for a fourth degree felony OVI offense be sentenced to another 3133
mandatory term of local incarceration under that division for 3134
any violation of division (A) of section 4511.19 of the Revised 3135
Code. In addition to the mandatory prison term described in 3136
division (G) (2) of this section, the court may sentence the 3137
offender to a community control sanction under section 2929.16 3138
or 2929.17 of the Revised Code, but the offender shall serve the 3139
prison term prior to serving the community control sanction. The 3140
department of rehabilitation and correction may place an 3141
offender sentenced to a mandatory prison term under this 3142

division in an intensive program prison established pursuant to 3143
section 5120.033 of the Revised Code if the department gave the 3144
sentencing judge prior notice of its intent to place the 3145
offender in an intensive program prison established under that 3146
section and if the judge did not notify the department that the 3147
judge disapproved the placement. Upon the establishment of the 3148
initial intensive program prison pursuant to section 5120.033 of 3149
the Revised Code that is privately operated and managed by a 3150
contractor pursuant to a contract entered into under section 3151
9.06 of the Revised Code, both of the following apply: 3152

(a) The department of rehabilitation and correction shall 3153
make a reasonable effort to ensure that a sufficient number of 3154
offenders sentenced to a mandatory prison term under this 3155
division are placed in the privately operated and managed prison 3156
so that the privately operated and managed prison has full 3157
occupancy. 3158

(b) Unless the privately operated and managed prison has 3159
full occupancy, the department of rehabilitation and correction 3160
shall not place any offender sentenced to a mandatory prison 3161
term under this division in any intensive program prison 3162
established pursuant to section 5120.033 of the Revised Code 3163
other than the privately operated and managed prison. 3164

(H) If an offender is being sentenced for a sexually 3165
oriented offense or child-victim oriented offense that is a 3166
felony committed on or after January 1, 1997, the judge shall 3167
require the offender to submit to a DNA specimen collection 3168
procedure pursuant to section 2901.07 of the Revised Code. 3169

(I) If an offender is being sentenced for a sexually 3170
oriented offense or a child-victim oriented offense committed on 3171
or after January 1, 1997, the judge shall include in the 3172

sentence a summary of the offender's duties imposed under 3173
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3174
Code and the duration of the duties. The judge shall inform the 3175
offender, at the time of sentencing, of those duties and of 3176
their duration. If required under division (A)(2) of section 3177
2950.03 of the Revised Code, the judge shall perform the duties 3178
specified in that section, or, if required under division (A)(6) 3179
of section 2950.03 of the Revised Code, the judge shall perform 3180
the duties specified in that division. 3181

(J)(1) Except as provided in division (J)(2) of this 3182
section, when considering sentencing factors under this section 3183
in relation to an offender who is convicted of or pleads guilty 3184
to an attempt to commit an offense in violation of section 3185
2923.02 of the Revised Code, the sentencing court shall consider 3186
the factors applicable to the felony category of the violation 3187
of section 2923.02 of the Revised Code instead of the factors 3188
applicable to the felony category of the offense attempted. 3189

(2) When considering sentencing factors under this section 3190
in relation to an offender who is convicted of or pleads guilty 3191
to an attempt to commit a drug abuse offense for which the 3192
penalty is determined by the amount or number of unit doses of 3193
the controlled substance involved in the drug abuse offense, the 3194
sentencing court shall consider the factors applicable to the 3195
felony category that the drug abuse offense attempted would be 3196
if that drug abuse offense had been committed and had involved 3197
an amount or number of unit doses of the controlled substance 3198
that is within the next lower range of controlled substance 3199
amounts than was involved in the attempt. 3200

(K) As used in this section: 3201

(1) "Community addiction services provider" has the same 3202

meaning as in section 5119.01 of the Revised Code. 3203

(2) "Drug abuse offense" has the same meaning as in 3204
section 2925.01 of the Revised Code. 3205

(3) "Minor drug possession offense" has the same meaning 3206
as in section 2925.11 of the Revised Code. 3207

(4) "Qualifying assault offense" means a violation of 3208
section 2903.13 of the Revised Code for which the penalty 3209
provision in division (C) (8) (b) or (C) (9) (b) of that section 3210
applies. 3211

(L) At the time of sentencing an offender for any sexually 3212
oriented offense, if the offender is a tier III sex 3213
offender/child-victim offender relative to that offense and the 3214
offender does not serve a prison term or jail term, the court 3215
may require that the offender be monitored by means of a global 3216
positioning device. If the court requires such monitoring, the 3217
cost of monitoring shall be borne by the offender. If the 3218
offender is indigent, the cost of compliance shall be paid by 3219
the crime victims reparations fund. 3220

Sec. 2929.14. (A) Except as provided in division (B) (1), 3221
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3222
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 3223
in division (D) (6) of section 2919.25 of the Revised Code and 3224
except in relation to an offense for which a sentence of death 3225
or life imprisonment is to be imposed, if the court imposing a 3226
sentence upon an offender for a felony elects or is required to 3227
impose a prison term on the offender pursuant to this chapter, 3228
the court shall impose a prison term that shall be one of the 3229
following: 3230

(1) (a) For a felony of the first degree committed on or 3231

after March 22, 2019, the prison term shall be an indefinite 3232
prison term with a stated minimum term selected by the court of 3233
three, four, five, six, seven, eight, nine, ten, or eleven years 3234
and a maximum term that is determined pursuant to section 3235
2929.144 of the Revised Code, except that if the section that 3236
criminalizes the conduct constituting the felony specifies a 3237
different minimum term or penalty for the offense, the specific 3238
language of that section shall control in determining the 3239
minimum term or otherwise sentencing the offender but the 3240
minimum term or sentence imposed under that specific language 3241
shall be considered for purposes of the Revised Code as if it 3242
had been imposed under this division. 3243

(b) For a felony of the first degree committed prior to 3244
March 22, 2019, the prison term shall be a definite prison term 3245
of three, four, five, six, seven, eight, nine, ten, or eleven 3246
years. 3247

(2) (a) For a felony of the second degree committed on or 3248
after March 22, 2019, the prison term shall be an indefinite 3249
prison term with a stated minimum term selected by the court of 3250
two, three, four, five, six, seven, or eight years and a maximum 3251
term that is determined pursuant to section 2929.144 of the 3252
Revised Code, except that if the section that criminalizes the 3253
conduct constituting the felony specifies a different minimum 3254
term or penalty for the offense, the specific language of that 3255
section shall control in determining the minimum term or 3256
otherwise sentencing the offender but the minimum term or 3257
sentence imposed under that specific language shall be 3258
considered for purposes of the Revised Code as if it had been 3259
imposed under this division. 3260

(b) For a felony of the second degree committed prior to 3261

March 22, 2019, the prison term shall be a definite term of two, 3262
three, four, five, six, seven, or eight years. 3263

(3) (a) For a felony of the third degree that is a 3264
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3265
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3266
Code, that is a violation of division (A) of section 4511.19 of 3267
the Revised Code if the offender previously has been convicted 3268
of or pleaded guilty to a violation of division (A) of that 3269
section that was a felony, or that is a violation of section 3270
2911.02 or 2911.12 of the Revised Code if the offender 3271
previously has been convicted of or pleaded guilty in two or 3272
more separate proceedings to two or more violations of section 3273
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3274
prison term shall be a definite term of twelve, eighteen, 3275
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3276
four, or sixty months. 3277

(b) For a felony of the third degree that is not an 3278
offense for which division (A) (3) (a) of this section applies, 3279
the prison term shall be a definite term of nine, twelve, 3280
eighteen, twenty-four, thirty, or thirty-six months. 3281

(4) For a felony of the fourth degree, the prison term 3282
shall be a definite term of six, seven, eight, nine, ten, 3283
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3284
or eighteen months. 3285

(5) For a felony of the fifth degree, the prison term 3286
shall be a definite term of six, seven, eight, nine, ten, 3287
eleven, or twelve months. 3288

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3289
section, if an offender who is convicted of or pleads guilty to 3290

a felony also is convicted of or pleads guilty to a 3291
specification of the type described in section 2941.141, 3292
2941.144, ~~or~~ 2941.145, or 2941.1428 of the Revised Code, the 3293
court shall impose on the offender one of the following prison 3294
terms: 3295

(i) A prison term of ~~six~~-ten years if the specification is 3296
of the type described in division (A) of section 2941.144 of the 3297
Revised Code that charges the offender with having a firearm 3298
that is an automatic firearm or that was equipped with a firearm 3299
muffler or suppressor on or about the offender's person or under 3300
the offender's control while committing the offense; 3301

(ii) A prison term of three years if the specification is 3302
of the type described in division (A) of section 2941.145 of the 3303
Revised Code that charges the offender with having a firearm on 3304
or about the offender's person or under the offender's control 3305
while committing the offense and displaying the firearm, 3306
brandishing the firearm, indicating that the offender possessed 3307
the firearm, or using it to facilitate the offense; 3308

(iii) A prison term of one year if the specification is of 3309
the type described in division (A) of section 2941.141 of the 3310
Revised Code that charges the offender with having a firearm on 3311
or about the offender's person or under the offender's control 3312
while committing the offense; 3313

(iv) A prison term of ~~nine~~-fifteen years if the 3314
specification is of the type described in division (D) of 3315
section 2941.144 of the Revised Code that charges the offender 3316
with having a firearm that is an automatic firearm or that was 3317
equipped with a firearm muffler or suppressor on or about the 3318
offender's person or under the offender's control while 3319
committing the offense and specifies that the offender 3320

previously has been convicted of or pleaded guilty to a 3321
specification of the type described in section 2941.141, 3322
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3323

(v) A prison term of ~~fifty-four months~~ five years if the 3324
specification is of the type described in division (D) of 3325
section 2941.145 of the Revised Code that charges the offender 3326
with having a firearm on or about the offender's person or under 3327
the offender's control while committing the offense and 3328
displaying the firearm, brandishing the firearm, indicating that 3329
the offender possessed the firearm, or using the firearm to 3330
facilitate the offense and that the offender previously has been 3331
convicted of or pleaded guilty to a specification of the type 3332
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3333
2941.1412 of the Revised Code; 3334

(vi) A prison term of eighteen months if the specification 3335
is of the type described in division (D) of section 2941.141 of 3336
the Revised Code that charges the offender with having a firearm 3337
on or about the offender's person or under the offender's 3338
control while committing the offense and that the offender 3339
previously has been convicted of or pleaded guilty to a 3340
specification of the type described in section 2941.141, 3341
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code; 3342

(vii) A prison term of five years if the specification is 3343
of the type described in division (A) of section 2941.1428 of 3344
the Revised Code that charges the offender with discharging a 3345
firearm while committing the offense. 3346

(b) If a court imposes a prison term on an offender under 3347
division (B) (1) (a) of this section, the prison term shall not be 3348
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3349
section 2967.193 or 2967.194, or any other provision of Chapter 3350

2967. or Chapter 5120. of the Revised Code. Except as provided 3351
in division (B) (1) (g) of this section, a court shall not impose 3352
more than one prison term on an offender under division (B) (1) 3353
(a) of this section for felonies committed as part of the same 3354
act or transaction. 3355

(c) (i) Except as provided in division (B) (1) (e) of this 3356
section, if an offender who is convicted of or pleads guilty to 3357
a violation of section 2923.161 of the Revised Code or to a 3358
felony that includes, as an essential element, purposely or 3359
knowingly causing or attempting to cause the death of or 3360
physical harm to another, also is convicted of or pleads guilty 3361
to a specification of the type described in division (A) of 3362
section 2941.146 of the Revised Code that charges the offender 3363
with committing the offense by discharging a firearm from a 3364
motor vehicle other than a manufactured home, the court, after 3365
imposing a prison term on the offender for the violation of 3366
section 2923.161 of the Revised Code or for the other felony 3367
offense under division (A), (B) (2), or (B) (3) of this section, 3368
shall impose an additional prison term of ~~five~~ seven years upon 3369
the offender that shall not be reduced pursuant to section 3370
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3371
or any other provision of Chapter 2967. or Chapter 5120. of the 3372
Revised Code. 3373

(ii) Except as provided in division (B) (1) (e) of this 3374
section, if an offender who is convicted of or pleads guilty to 3375
a violation of section 2923.161 of the Revised Code or to a 3376
felony that includes, as an essential element, purposely or 3377
knowingly causing or attempting to cause the death of or 3378
physical harm to another, also is convicted of or pleads guilty 3379
to a specification of the type described in division (C) of 3380
section 2941.146 of the Revised Code that charges the offender 3381

with committing the offense by discharging a firearm from a 3382
motor vehicle other than a manufactured home and that the 3383
offender previously has been convicted of or pleaded guilty to a 3384
specification of the type described in section 2941.141, 3385
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3386
the court, after imposing a prison term on the offender for the 3387
violation of section 2923.161 of the Revised Code or for the 3388
other felony offense under division (A), (B) (2), or (3) of this 3389
section, shall impose an additional prison term of ninety months 3390
upon the offender that shall not be reduced pursuant to section 3391
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3392
or any other provision of Chapter 2967. or Chapter 5120. of the 3393
Revised Code. 3394

(iii) A court shall not impose more than one additional 3395
prison term on an offender under division (B) (1) (c) of this 3396
section for felonies committed as part of the same act or 3397
transaction. If a court imposes an additional prison term on an 3398
offender under division (B) (1) (c) of this section relative to an 3399
offense, the court also shall impose a prison term under 3400
division (B) (1) (a) of this section relative to the same offense, 3401
provided the criteria specified in that division for imposing an 3402
additional prison term are satisfied relative to the offender 3403
and the offense. 3404

(d) If an offender who is convicted of or pleads guilty to 3405
an offense of violence that is a felony also is convicted of or 3406
pleads guilty to a specification of the type described in 3407
section 2941.1411 of the Revised Code that charges the offender 3408
with wearing or carrying body armor while committing the felony 3409
offense of violence, the court shall impose on the offender an 3410
additional prison term of two years. The prison term so imposed 3411
shall not be reduced pursuant to section 2929.20, division (A) 3412

(2) or (3) of section 2967.193 or 2967.194, or any other 3413
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3414
A court shall not impose more than one prison term on an 3415
offender under division (B) (1) (d) of this section for felonies 3416
committed as part of the same act or transaction. If a court 3417
imposes an additional prison term under division (B) (1) (a) or 3418
(c) of this section, the court is not precluded from imposing an 3419
additional prison term under division (B) (1) (d) of this section. 3420

(e) The court shall not impose any of the prison terms 3421
described in division (B) (1) (a) of this section or any of the 3422
additional prison terms described in division (B) (1) (c) of this 3423
section upon an offender for a violation of section 2923.12 or 3424
2923.123 of the Revised Code. The court shall not impose any of 3425
the prison terms described in division (B) (1) (a) or (b) of this 3426
section upon an offender for a violation of section 2923.122 3427
that involves a deadly weapon that is a firearm other than a 3428
dangerous ordnance, section 2923.16, or section 2923.121 of the 3429
Revised Code. The court shall not impose any of the prison terms 3430
described in division (B) (1) (a) of this section or any of the 3431
additional prison terms described in division (B) (1) (c) of this 3432
section upon an offender for a violation of section 2923.13 of 3433
the Revised Code unless all of the following apply: 3434

(i) The offender previously has been convicted of 3435
aggravated murder, murder, or any felony of the first or second 3436
degree. 3437

(ii) Less than five years have passed since the offender 3438
was released from prison or post-release control, whichever is 3439
later, for the prior offense. 3440

(f) (i) If an offender is convicted of or pleads guilty to 3441
a felony that includes, as an essential element, causing or 3442

attempting to cause the death of or physical harm to another and 3443
also is convicted of or pleads guilty to a specification of the 3444
type described in division (A) of section 2941.1412 of the 3445
Revised Code that charges the offender with committing the 3446
offense by discharging a firearm at a peace officer as defined 3447
in section 2935.01 of the Revised Code or a corrections officer, 3448
as defined in section 2941.1412 of the Revised Code, the court, 3449
after imposing a prison term on the offender for the felony 3450
offense under division (A), (B) (2), or (B) (3) of this section, 3451
shall impose an additional prison term of seven years upon the 3452
offender that shall not be reduced pursuant to section 2929.20, 3453
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3454
other provision of Chapter 2967. or Chapter 5120. of the Revised 3455
Code. 3456

(ii) If an offender is convicted of or pleads guilty to a 3457
felony that includes, as an essential element, causing or 3458
attempting to cause the death of or physical harm to another and 3459
also is convicted of or pleads guilty to a specification of the 3460
type described in division (B) of section 2941.1412 of the 3461
Revised Code that charges the offender with committing the 3462
offense by discharging a firearm at a peace officer, as defined 3463
in section 2935.01 of the Revised Code, or a corrections 3464
officer, as defined in section 2941.1412 of the Revised Code, 3465
and that the offender previously has been convicted of or 3466
pleaded guilty to a specification of the type described in 3467
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3468
the Revised Code, the court, after imposing a prison term on the 3469
offender for the felony offense under division (A), (B) (2), or 3470
(3) of this section, shall impose an additional prison term of 3471
one hundred twenty-six months upon the offender that shall not 3472
be reduced pursuant to section 2929.20, division (A) (2) or (3) 3473

of section 2967.193 or 2967.194, or any other provision of 3474
Chapter 2967. or 5120. of the Revised Code. 3475

(iii) If an offender is convicted of or pleads guilty to 3476
two or more felonies that include, as an essential element, 3477
causing or attempting to cause the death or physical harm to 3478
another and also is convicted of or pleads guilty to a 3479
specification of the type described under division (B)(1)(f) of 3480
this section in connection with two or more of the felonies of 3481
which the offender is convicted or to which the offender pleads 3482
guilty, the sentencing court shall impose on the offender the 3483
prison term specified under division (B)(1)(f) of this section 3484
for each of two of the specifications of which the offender is 3485
convicted or to which the offender pleads guilty and, in its 3486
discretion, also may impose on the offender the prison term 3487
specified under that division for any or all of the remaining 3488
specifications. If a court imposes an additional prison term on 3489
an offender under division (B)(1)(f) of this section relative to 3490
an offense, the court shall not impose a prison term under 3491
division (B)(1)(a) or (c) of this section relative to the same 3492
offense. 3493

(g) If an offender is convicted of or pleads guilty to two 3494
or more felonies, if one or more of those felonies are 3495
aggravated murder, murder, attempted aggravated murder, 3496
attempted murder, aggravated robbery, felonious assault, or 3497
rape, and if the offender is convicted of or pleads guilty to a 3498
specification of the type described under division (B)(1)(a) of 3499
this section in connection with two or more of the felonies, the 3500
sentencing court shall impose on the offender the prison term 3501
specified under division (B)(1)(a) of this section for each of 3502
the two most serious specifications of which the offender is 3503
convicted or to which the offender pleads guilty and, in its 3504

discretion, also may impose on the offender the prison term 3505
specified under that division for any or all of the remaining 3506
specifications. 3507

(2) (a) If division (B) (2) (b) of this section does not 3508
apply, the court may impose on an offender, in addition to the 3509
longest prison term authorized or required for the offense or, 3510
for offenses for which division (A) (1) (a) or (2) (a) of this 3511
section applies, in addition to the longest minimum prison term 3512
authorized or required for the offense, an additional definite 3513
prison term of one, two, three, four, five, six, seven, eight, 3514
nine, or ten years if all of the following criteria are met: 3515

(i) The offender is convicted of or pleads guilty to a 3516
specification of the type described in section 2941.149 of the 3517
Revised Code that the offender is a repeat violent offender. 3518

(ii) The offense of which the offender currently is 3519
convicted or to which the offender currently pleads guilty is 3520
aggravated murder and the court does not impose a sentence of 3521
death or life imprisonment without parole, murder, terrorism and 3522
the court does not impose a sentence of life imprisonment 3523
without parole, any felony of the first degree that is an 3524
offense of violence and the court does not impose a sentence of 3525
life imprisonment without parole, or any felony of the second 3526
degree that is an offense of violence and the trier of fact 3527
finds that the offense involved an attempt to cause or a threat 3528
to cause serious physical harm to a person or resulted in 3529
serious physical harm to a person. 3530

(iii) The court imposes the longest prison term for the 3531
offense or the longest minimum prison term for the offense, 3532
whichever is applicable, that is not life imprisonment without 3533
parole. 3534

(iv) The court finds that the prison terms imposed 3535
pursuant to division (B) (2) (a) (iii) of this section and, if 3536
applicable, division (B) (1) or (3) of this section are 3537
inadequate to punish the offender and protect the public from 3538
future crime, because the applicable factors under section 3539
2929.12 of the Revised Code indicating a greater likelihood of 3540
recidivism outweigh the applicable factors under that section 3541
indicating a lesser likelihood of recidivism. 3542

(v) The court finds that the prison terms imposed pursuant 3543
to division (B) (2) (a) (iii) of this section and, if applicable, 3544
division (B) (1) or (3) of this section are demeaning to the 3545
seriousness of the offense, because one or more of the factors 3546
under section 2929.12 of the Revised Code indicating that the 3547
offender's conduct is more serious than conduct normally 3548
constituting the offense are present, and they outweigh the 3549
applicable factors under that section indicating that the 3550
offender's conduct is less serious than conduct normally 3551
constituting the offense. 3552

(b) The court shall impose on an offender the longest 3553
prison term authorized or required for the offense or, for 3554
offenses for which division (A) (1) (a) or (2) (a) of this section 3555
applies, the longest minimum prison term authorized or required 3556
for the offense, and shall impose on the offender an additional 3557
definite prison term of one, two, three, four, five, six, seven, 3558
eight, nine, or ten years if all of the following criteria are 3559
met: 3560

(i) The offender is convicted of or pleads guilty to a 3561
specification of the type described in section 2941.149 of the 3562
Revised Code that the offender is a repeat violent offender. 3563

(ii) The offender within the preceding twenty years has 3564

been convicted of or pleaded guilty to three or more offenses 3565
described in division ~~(CC) (1)~~ (DD) (1) of section 2929.01 of the 3566
Revised Code, including all offenses described in that division 3567
of which the offender is convicted or to which the offender 3568
pleads guilty in the current prosecution and all offenses 3569
described in that division of which the offender previously has 3570
been convicted or to which the offender previously pleaded 3571
guilty, whether prosecuted together or separately. 3572

(iii) The offense or offenses of which the offender 3573
currently is convicted or to which the offender currently pleads 3574
guilty is aggravated murder and the court does not impose a 3575
sentence of death or life imprisonment without parole, murder, 3576
terrorism and the court does not impose a sentence of life 3577
imprisonment without parole, any felony of the first degree that 3578
is an offense of violence and the court does not impose a 3579
sentence of life imprisonment without parole, or any felony of 3580
the second degree that is an offense of violence and the trier 3581
of fact finds that the offense involved an attempt to cause or a 3582
threat to cause serious physical harm to a person or resulted in 3583
serious physical harm to a person. 3584

(c) For purposes of division (B) (2) (b) of this section, 3585
two or more offenses committed at the same time or as part of 3586
the same act or event shall be considered one offense, and that 3587
one offense shall be the offense with the greatest penalty. 3588

(d) A sentence imposed under division (B) (2) (a) or (b) of 3589
this section shall not be reduced pursuant to section 2929.20, 3590
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3591
other provision of Chapter 2967. or Chapter 5120. of the Revised 3592
Code. The offender shall serve an additional prison term imposed 3593
under division (B) (2) (a) or (b) of this section consecutively to 3594

and prior to the prison term imposed for the underlying offense. 3595

(e) When imposing a sentence pursuant to division (B) (2) 3596
(a) or (b) of this section, the court shall state its findings 3597
explaining the imposed sentence. 3598

(3) Except when an offender commits a violation of section 3599
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3600
for the violation is life imprisonment or commits a violation of 3601
section 2903.02 of the Revised Code, if the offender commits a 3602
violation of section 2925.03 or 2925.11 of the Revised Code and 3603
that section classifies the offender as a major drug offender, 3604
if the offender commits a violation of section 2925.05 of the 3605
Revised Code and division (E) (1) of that section classifies the 3606
offender as a major drug offender, if the offender commits a 3607
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3608
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3609
division (C) or (D) of section 3719.172, division (E) of section 3610
4729.51, or division (J) of section 4729.54 of the Revised Code 3611
that includes the sale, offer to sell, or possession of a 3612
schedule I or II controlled substance, with the exception of 3613
marihuana, and the court imposing sentence upon the offender 3614
finds that the offender is guilty of a specification of the type 3615
described in division (A) of section 2941.1410 of the Revised 3616
Code charging that the offender is a major drug offender, if the 3617
court imposing sentence upon an offender for a felony finds that 3618
the offender is guilty of corrupt activity with the most serious 3619
offense in the pattern of corrupt activity being a felony of the 3620
first degree, or if the offender is guilty of an attempted 3621
violation of section 2907.02 of the Revised Code and, had the 3622
offender completed the violation of section 2907.02 of the 3623
Revised Code that was attempted, the offender would have been 3624
subject to a sentence of life imprisonment or life imprisonment 3625

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that cannot 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 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree

felony OVI offense and shall equal one of the authorized prison 3657
terms specified in division (A) (3) of this section for a third 3658
degree felony OVI offense. If the court imposes an additional 3659
prison term under division (B) (4) of this section, the offender 3660
shall serve the additional prison term after the offender has 3661
served the mandatory prison term required for the offense. In 3662
addition to the mandatory prison term or mandatory and 3663
additional prison term imposed as described in division (B) (4) 3664
of this section, the court also may sentence the offender to a 3665
community control sanction under section 2929.16 or 2929.17 of 3666
the Revised Code, but the offender shall serve all of the prison 3667
terms so imposed prior to serving the community control 3668
sanction. 3669

If the offender is being sentenced for a fourth degree 3670
felony OVI offense under division (G) (1) of section 2929.13 of 3671
the Revised Code and the court imposes a mandatory term of local 3672
incarceration, the court may impose a prison term as described 3673
in division (A) (1) of that section. 3674

(5) If an offender is convicted of or pleads guilty to a 3675
violation of division (A) (1) or (2) of section 2903.06 of the 3676
Revised Code and also is convicted of or pleads guilty to a 3677
specification of the type described in section 2941.1414 of the 3678
Revised Code that charges that the victim of the offense is a 3679
peace officer, as defined in section 2935.01 of the Revised 3680
Code, an investigator of the bureau of criminal identification 3681
and investigation, as defined in section 2903.11 of the Revised 3682
Code, or a firefighter or emergency medical worker, both as 3683
defined in section 2941.1414 of the Revised Code, the court 3684
shall impose on the offender a prison term of five years. If a 3685
court imposes a prison term on an offender under division (B) (5) 3686
of this section, the prison term shall not be reduced pursuant 3687

to section 2929.20, division (A) (2) or (3) of section 2967.193 3688
or 2967.194, or any other provision of Chapter 2967. or Chapter 3689
5120. of the Revised Code. A court shall not impose more than 3690
one prison term on an offender under division (B) (5) of this 3691
section for felonies committed as part of the same act. 3692

(6) If an offender is convicted of or pleads guilty to a 3693
violation of division (A) (1) or (2) of section 2903.06 of the 3694
Revised Code and also is convicted of or pleads guilty to a 3695
specification of the type described in section 2941.1415 of the 3696
Revised Code that charges that the offender previously has been 3697
convicted of or pleaded guilty to three or more violations of 3698
division (A) of section 4511.19 of the Revised Code or an 3699
equivalent offense, as defined in section 2941.1415 of the 3700
Revised Code, or three or more violations of any combination of 3701
those offenses, the court shall impose on the offender a prison 3702
term of three years. If a court imposes a prison term on an 3703
offender under division (B) (6) of this section, the prison term 3704
shall not be reduced pursuant to section 2929.20, division (A) 3705
(2) or (3) of section 2967.193 or 2967.194, or any other 3706
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3707
A court shall not impose more than one prison term on an 3708
offender under division (B) (6) of this section for felonies 3709
committed as part of the same act. 3710

(7) (a) If an offender is convicted of or pleads guilty to 3711
a felony violation of section 2905.01, 2905.02, 2907.21, 3712
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3713
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3714
section 2919.22 of the Revised Code and also is convicted of or 3715
pleads guilty to a specification of the type described in 3716
section 2941.1422 of the Revised Code that charges that the 3717
offender knowingly committed the offense in furtherance of human 3718

trafficking, the court shall impose on the offender a mandatory
prison term that is one of the following:

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

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

(iii) If the offense is a felony of the fourth or fifth
degree, a definite prison term that is the maximum prison term
allowed for the offense by division (A) of section 2929.14 of
the Revised Code.

(b) The prison term imposed under division (B) (7) (a) 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. of the Revised Code. A court
shall not impose more than one prison term on an offender under
division (B) (7) (a) of this section for felonies committed as
part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a
felony violation of section 2903.11, 2903.12, or 2903.13 of the

Revised Code and also is convicted of or pleads guilty to a 3748
specification of the type described in section 2941.1423 of the 3749
Revised Code that charges that the victim of the violation was a 3750
woman whom the offender knew was pregnant at the time of the 3751
violation, notwithstanding the range prescribed in division (A) 3752
of this section as the definite prison term or minimum prison 3753
term for felonies of the same degree as the violation, the court 3754
shall impose on the offender a mandatory prison term that is 3755
either a definite prison term of six months or one of the prison 3756
terms prescribed in division (A) of this section for felonies of 3757
the same degree as the violation, except that if the violation 3758
is a felony of the first or second degree committed on or after 3759
arch 22, 2019, the court shall impose as the minimum prison term 3760
under division (A) (1) (a) or (2) (a) of this section a mandatory 3761
term that is one of the terms prescribed in that division, 3762
whichever is applicable, for the offense. 3763

(9) (a) If an offender is convicted of or pleads guilty to 3764
a violation of division (A) (1) or (2) of section 2903.11 of the 3765
Revised Code and also is convicted of or pleads guilty to a 3766
specification of the type described in section 2941.1425 of the 3767
Revised Code, the court shall impose on the offender a mandatory 3768
prison term of six years if either of the following applies: 3769

(i) The violation is a violation of division (A) (1) of 3770
section 2903.11 of the Revised Code and the specification 3771
charges that the offender used an accelerant in committing the 3772
violation and the serious physical harm to another or to 3773
another's unborn caused by the violation resulted in a 3774
permanent, serious disfigurement or permanent, substantial 3775
incapacity; 3776

(ii) The violation is a violation of division (A) (2) of 3777

section 2903.11 of the Revised Code and the specification 3778
charges that the offender used an accelerant in committing the 3779
violation, that the violation caused physical harm to another or 3780
to another's unborn, and that the physical harm resulted in a 3781
permanent, serious disfigurement or permanent, substantial 3782
incapacity. 3783

(b) If a court imposes a prison term on an offender under 3784
division (B) (9) (a) of this section, the prison term shall not be 3785
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3786
section 2967.193 or 2967.194, or any other provision of Chapter 3787
2967. or Chapter 5120. of the Revised Code. A court shall not 3788
impose more than one prison term on an offender under division 3789
(B) (9) of this section for felonies committed as part of the 3790
same act. 3791

(c) The provisions of divisions (B) (9) and (C) (6) of this 3792
section and of division (D) (2) of section 2903.11, division (F) 3793
(20) of section 2929.13, and section 2941.1425 of the Revised 3794
Code shall be known as "Judy's Law." 3795

(10) If an offender is convicted of or pleads guilty to a 3796
violation of division (A) of section 2903.11 of the Revised Code 3797
and also is convicted of or pleads guilty to a specification of 3798
the type described in section 2941.1426 of the Revised Code that 3799
charges that the victim of the offense suffered permanent 3800
disabling harm as a result of the offense and that the victim 3801
was under ten years of age at the time of the offense, 3802
regardless of whether the offender knew the age of the victim, 3803
the court shall impose upon the offender an additional definite 3804
prison term of six years. A prison term imposed on an offender 3805
under division (B) (10) of this section shall not be reduced 3806
pursuant to section 2929.20, division (A) (2) or (3) of section 3807

2967.193 or 2967.194, or any other provision of Chapter 2967. or 3808
Chapter 5120. of the Revised Code. If a court imposes an 3809
additional prison term on an offender under this division 3810
relative to a violation of division (A) of section 2903.11 of 3811
the Revised Code, the court shall not impose any other 3812
additional prison term on the offender relative to the same 3813
offense. 3814

(11) If an offender is convicted of or pleads guilty to a 3815
felony violation of section 2925.03 or 2925.05 of the Revised 3816
Code or a felony violation of section 2925.11 of the Revised 3817
Code for which division (C)(11) of that section applies in 3818
determining the sentence for the violation, if the drug involved 3819
in the violation is a fentanyl-related compound or a compound, 3820
mixture, preparation, or substance containing a fentanyl-related 3821
compound, and if the offender also is convicted of or pleads 3822
guilty to a specification of the type described in division (B) 3823
of section 2941.1410 of the Revised Code that charges that the 3824
offender is a major drug offender, in addition to any other 3825
penalty imposed for the violation, the court shall impose on the 3826
offender a mandatory prison term of three, four, five, six, 3827
seven, or eight years. If a court imposes a prison term on an 3828
offender under division (B)(11) of this section, the prison term 3829
shall not be reduced pursuant to section 2929.20, division (A) 3830
(2) or (3) of section 2967.193 or 2967.194, or any other 3831
provision of Chapter 2967. or 5120. of the Revised Code. A court 3832
shall not impose more than one prison term on an offender under 3833
division (B)(11) of this section for felonies committed as part 3834
of the same act. 3835

(12) If an offender who is convicted of or pleads guilty 3836
to a felony is also convicted of or pleads guilty to a 3837
specification of the type described in section 2941.1427 of the 3838

Revised Code that charges the offender with being a repeat 3839
offender, the court shall impose on the offender a mandatory 3840
prison term of three, four, or five years. 3841

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3842
if a mandatory prison term is imposed upon an offender pursuant 3843
to division (B) (1) (a) of this section for having a firearm on or 3844
about the offender's person or under the offender's control 3845
while committing a felony, if a mandatory prison term is imposed 3846
upon an offender pursuant to division (B) (1) (c) of this section 3847
for committing a felony specified in that division by 3848
discharging a firearm from a motor vehicle, or if both types of 3849
mandatory prison terms are imposed, the offender shall serve any 3850
mandatory prison term imposed under either division 3851
consecutively to any other mandatory prison term imposed under 3852
either division or under division (B) (1) (d) of this section, 3853
consecutively to and prior to any prison term imposed for the 3854
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3855
this section or any other section of the Revised Code, and 3856
consecutively to any other prison term or mandatory prison term 3857
previously or subsequently imposed upon the offender. 3858

(b) If a mandatory prison term is imposed upon an offender 3859
pursuant to division (B) (1) (d) of this section for wearing or 3860
carrying body armor while committing an offense of violence that 3861
is a felony, the offender shall serve the mandatory term so 3862
imposed consecutively to any other mandatory prison term imposed 3863
under that division or under division (B) (1) (a) or (c) of this 3864
section, consecutively to and prior to any prison term imposed 3865
for the underlying felony under division (A), (B) (2), or (B) (3) 3866
of this section or any other section of the Revised Code, and 3867
consecutively to any other prison term or mandatory prison term 3868
previously or subsequently imposed upon the offender. 3869

(c) If a mandatory prison term is imposed upon an offender 3870
pursuant to division (B) (1) (f) of this section, the offender 3871
shall serve the mandatory prison term so imposed consecutively 3872
to and prior to any prison term imposed for the underlying 3873
felony under division (A), (B) (2), or (B) (3) of this section or 3874
any other section of the Revised Code, and consecutively to any 3875
other prison term or mandatory prison term previously or 3876
subsequently imposed upon the offender. 3877

(d) If a mandatory prison term is imposed upon an offender 3878
pursuant to division (B) (7) or (8) of this section, the offender 3879
shall serve the mandatory prison term so imposed consecutively 3880
to any other mandatory prison term imposed under that division 3881
or under any other provision of law and consecutively to any 3882
other prison term or mandatory prison term previously or 3883
subsequently imposed upon the offender. 3884

(e) If a mandatory prison term is imposed upon an offender 3885
pursuant to division (B) (11) of this section, the offender shall 3886
serve the mandatory prison term consecutively to any other 3887
mandatory prison term imposed under that division, consecutively 3888
to and prior to any prison term imposed for the underlying 3889
felony, and consecutively to any other prison term or mandatory 3890
prison term previously or subsequently imposed upon the 3891
offender. 3892

(2) If an offender who is an inmate in a jail, prison, or 3893
other residential detention facility violates section 2917.02, 3894
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3895
(2) of section 2921.34 of the Revised Code, if an offender who 3896
is under detention at a detention facility commits a felony 3897
violation of section 2923.131 of the Revised Code, or if an 3898
offender who is an inmate in a jail, prison, or other 3899

residential detention facility or is under detention at a 3900
detention facility commits another felony while the offender is 3901
an escapee in violation of division (A) (1) or (2) of section 3902
2921.34 of the Revised Code, any prison term imposed upon the 3903
offender for one of those violations shall be served by the 3904
offender consecutively to the prison term or term of 3905
imprisonment the offender was serving when the offender 3906
committed that offense and to any other prison term previously 3907
or subsequently imposed upon the offender. 3908

(3) If a prison term is imposed for a violation of 3909
division (B) of section 2911.01 of the Revised Code, a violation 3910
of division (A) of section 2913.02 of the Revised Code in which 3911
the stolen property is a firearm or dangerous ordnance, or a 3912
felony violation of division (B) of section 2921.331 of the 3913
Revised Code, the offender shall serve that prison term 3914
consecutively to any other prison term or mandatory prison term 3915
previously or subsequently imposed upon the offender. 3916

(4) If multiple prison terms are imposed on an offender 3917
for convictions of multiple offenses, the court may require the 3918
offender to serve the prison terms consecutively if the court 3919
finds that the consecutive service is necessary to protect the 3920
public from future crime or to punish the offender and that 3921
consecutive sentences are not disproportionate to the 3922
seriousness of the offender's conduct and to the danger the 3923
offender poses to the public, and if the court also finds any of 3924
the following: 3925

(a) The offender committed one or more of the multiple 3926
offenses while the offender was awaiting trial or sentencing, 3927
was under a sanction imposed pursuant to section 2929.16, 3928
2929.17, or 2929.18 of the Revised Code, or was under post- 3929

release control for a prior offense. 3930

(b) At least two of the multiple offenses were committed 3931
as part of one or more courses of conduct, and the harm caused 3932
by two or more of the multiple offenses so committed was so 3933
great or unusual that no single prison term for any of the 3934
offenses committed as part of any of the courses of conduct 3935
adequately reflects the seriousness of the offender's conduct. 3936

(c) The offender's history of criminal conduct 3937
demonstrates that consecutive sentences are necessary to protect 3938
the public from future crime by the offender. 3939

(5) If a mandatory prison term is imposed upon an offender 3940
pursuant to division (B) (5) or (6) of this section, the offender 3941
shall serve the mandatory prison term consecutively to and prior 3942
to any prison term imposed for the underlying violation of 3943
division (A) (1) or (2) of section 2903.06 of the Revised Code 3944
pursuant to division (A) of this section or section 2929.142 of 3945
the Revised Code. If a mandatory prison term is imposed upon an 3946
offender pursuant to division (B) (5) of this section, and if a 3947
mandatory prison term also is imposed upon the offender pursuant 3948
to division (B) (6) of this section in relation to the same 3949
violation, the offender shall serve the mandatory prison term 3950
imposed pursuant to division (B) (5) of this section 3951
consecutively to and prior to the mandatory prison term imposed 3952
pursuant to division (B) (6) of this section and consecutively to 3953
and prior to any prison term imposed for the underlying 3954
violation of division (A) (1) or (2) of section 2903.06 of the 3955
Revised Code pursuant to division (A) of this section or section 3956
2929.142 of the Revised Code. 3957

(6) If a mandatory prison term is imposed on an offender 3958
pursuant to division (B) (9) of this section, the offender shall 3959

serve the mandatory prison term consecutively to and prior to 3960
any prison term imposed for the underlying violation of division 3961
(A) (1) or (2) of section 2903.11 of the Revised Code and 3962
consecutively to and prior to any other prison term or mandatory 3963
prison term previously or subsequently imposed on the offender. 3964

(7) If a mandatory prison term is imposed on an offender 3965
pursuant to division (B) (10) of this section, the offender shall 3966
serve that mandatory prison term consecutively to and prior to 3967
any prison term imposed for the underlying felonious assault. 3968
Except as otherwise provided in division (C) of this section, 3969
any other prison term or mandatory prison term previously or 3970
subsequently imposed upon the offender may be served 3971
concurrently with, or consecutively to, the prison term imposed 3972
pursuant to division (B) (10) of this section. 3973

(8) Any prison term imposed for a violation of section 3974
2903.04 of the Revised Code that is based on a violation of 3975
section 2925.03 or 2925.11 of the Revised Code or on a violation 3976
of section 2925.05 of the Revised Code that is not funding of 3977
marihuana trafficking shall run consecutively to any prison term 3978
imposed for the violation of section 2925.03 or 2925.11 of the 3979
Revised Code or for the violation of section 2925.05 of the 3980
Revised Code that is not funding of marihuana trafficking. 3981

(9) When consecutive prison terms are imposed pursuant to 3982
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 3983
division (H) (1) or (2) of this section, subject to division (C) 3984
(10) of this section, the term to be served is the aggregate of 3985
all of the terms so imposed. 3986

(10) When a court sentences an offender to a non-life 3987
felony indefinite prison term, any definite prison term or 3988
mandatory definite prison term previously or subsequently 3989

imposed on the offender in addition to that indefinite sentence 3990
that is required to be served consecutively to that indefinite 3991
sentence shall be served prior to the indefinite sentence. 3992

(11) If a court is sentencing an offender for a felony of 3993
the first or second degree, if division (A) (1) (a) or (2) (a) of 3994
this section applies with respect to the sentencing for the 3995
offense, and if the court is required under the Revised Code 3996
section that sets forth the offense or any other Revised Code 3997
provision to impose a mandatory prison term for the offense, the 3998
court shall impose the required mandatory prison term as the 3999
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4000
section, whichever is applicable. 4001

(D) (1) If a court imposes a prison term, other than a term 4002
of life imprisonment, for a felony of the first degree, for a 4003
felony of the second degree, for a felony sex offense, or for a 4004
felony of the third degree that is an offense of violence and 4005
that is not a felony sex offense, it shall include in the 4006
sentence a requirement that the offender be subject to a period 4007
of post-release control after the offender's release from 4008
imprisonment, in accordance with section 2967.28 of the Revised 4009
Code. If a court imposes a sentence including a prison term of a 4010
type described in this division on or after July 11, 2006, the 4011
failure of a court to include a post-release control requirement 4012
in the sentence pursuant to this division does not negate, 4013
limit, or otherwise affect the mandatory period of post-release 4014
control that is required for the offender under division (B) of 4015
section 2967.28 of the Revised Code. Section 2929.191 of the 4016
Revised Code applies if, prior to July 11, 2006, a court imposed 4017
a sentence including a prison term of a type described in this 4018
division and failed to include in the sentence pursuant to this 4019
division a statement regarding post-release control. 4020

(2) If a court imposes a prison term for a felony of the 4021
third, fourth, or fifth degree that is not subject to division 4022
(D) (1) of this section, it shall include in the sentence a 4023
requirement that the offender be subject to a period of post- 4024
release control after the offender's release from imprisonment, 4025
in accordance with that division, if the parole board determines 4026
that a period of post-release control is necessary. Section 4027
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4028
a court imposed a sentence including a prison term of a type 4029
described in this division and failed to include in the sentence 4030
pursuant to this division a statement regarding post-release 4031
control. 4032

(E) The court shall impose sentence upon the offender in 4033
accordance with section 2971.03 of the Revised Code, and Chapter 4034
2971. of the Revised Code applies regarding the prison term or 4035
term of life imprisonment without parole imposed upon the 4036
offender and the service of that term of imprisonment if any of 4037
the following apply: 4038

(1) A person is convicted of or pleads guilty to a violent 4039
sex offense or a designated homicide, assault, or kidnapping 4040
offense, and, in relation to that offense, the offender is 4041
adjudicated a sexually violent predator. 4042

(2) A person is convicted of or pleads guilty to a 4043
violation of division (A) (1) (b) of section 2907.02 of the 4044
Revised Code committed on or after January 2, 2007, and either 4045
the court does not impose a sentence of life without parole when 4046
authorized pursuant to division (B) of section 2907.02 of the 4047
Revised Code, or division (B) of section 2907.02 of the Revised 4048
Code provides that the court shall not sentence the offender 4049
pursuant to section 2971.03 of the Revised Code. 4050

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

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

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

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

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 4111
a specification of the type described in section 2941.1421 of 4112
the Revised Code regarding one or more of those violations, an 4113
additional prison term of one, two, three, four, five, six, 4114
seven, eight, nine, ten, eleven, or twelve months. 4115

(b) In lieu of imposing an additional prison term under 4116
division (H)(2)(a) of this section, the court may directly 4117
impose on the offender a sanction that requires the offender to 4118
wear a real-time processing, continual tracking electronic 4119
monitoring device during the period of time specified by the 4120
court. The period of time specified by the court shall equal the 4121
duration of an additional prison term that the court could have 4122
imposed upon the offender under division (H)(2)(a) of this 4123
section. A sanction imposed under this division shall commence 4124
on the date specified by the court, provided that the sanction 4125
shall not commence until after the offender has served the 4126
prison term imposed for the felony violation of section 2907.22, 4127
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4128
residential sanction imposed for the violation under section 4129
2929.16 of the Revised Code. A sanction imposed under this 4130
division shall be considered to be a community control sanction 4131
for purposes of section 2929.15 of the Revised Code, and all 4132
provisions of the Revised Code that pertain to community control 4133
sanctions shall apply to a sanction imposed under this division, 4134
except to the extent that they would by their nature be clearly 4135
inapplicable. The offender shall pay all costs associated with a 4136
sanction imposed under this division, including the cost of the 4137
use of the monitoring device. 4138

(I) At the time of sentencing, the court may recommend the 4139
offender for placement in a program of shock incarceration under 4140
section 5120.031 of the Revised Code or for placement in an 4141

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

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

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

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 4172
is an available program of shock incarceration or an intensive 4173
program prison for which the offender is suited. If there is an 4174
available program of shock incarceration or an intensive program 4175
prison for which the offender is suited, the department shall 4176
notify the court of the proposed placement of the offender as 4177
specified in section 5120.031 or 5120.032 of the Revised Code 4178
and shall include with the notice a brief description of the 4179
placement. The court shall have ten days from receipt of the 4180
notice to disapprove the placement. 4181

(J) If a person is convicted of or pleads guilty to 4182
aggravated vehicular homicide in violation of division (A) (1) of 4183
section 2903.06 of the Revised Code and division (B) (2) (c) of 4184
that section applies, the person shall be sentenced pursuant to 4185
section 2929.142 of the Revised Code. 4186

(K) (1) The court shall impose an additional mandatory 4187
prison term of two, three, four, five, six, seven, eight, nine, 4188
ten, or eleven years on an offender who is convicted of or 4189
pleads guilty to a violent felony offense if the offender also 4190
is convicted of or pleads guilty to a specification of the type 4191
described in section 2941.1424 of the Revised Code that charges 4192
that the offender is a violent career criminal and had a firearm 4193
on or about the offender's person or under the offender's 4194
control while committing the presently charged violent felony 4195
offense and displayed or brandished the firearm, indicated that 4196
the offender possessed a firearm, or used the firearm to 4197
facilitate the offense. The offender shall serve the prison term 4198
imposed under this division consecutively to and prior to the 4199
prison term imposed for the underlying offense. The prison term 4200
shall not be reduced pursuant to section 2929.20, division (A) 4201
(2) or (3) of section 2967.193 or 2967.194, or any other 4202

provision of Chapter 2967. or 5120. of the Revised Code. A court 4203
may not impose more than one sentence under division (B) (2) (a) 4204
of this section and this division for acts committed as part of 4205
the same act or transaction. 4206

(2) As used in division (K) (1) of this section, "violent 4207
career criminal" and "violent felony offense" have the same 4208
meanings as in section 2923.132 of the Revised Code. 4209

(L) If an offender receives or received a sentence of life 4210
imprisonment without parole, a sentence of life imprisonment, a 4211
definite sentence, or a sentence to an indefinite prison term 4212
under this chapter for a felony offense that was committed when 4213
the offender was under eighteen years of age, the offender's 4214
parole eligibility shall be determined under section 2967.132 of 4215
the Revised Code. 4216

Sec. 2941.141. (A) Imposition of a one-year mandatory 4217
prison term upon an offender under division (B) (1) (a) (iii) of 4218
section 2929.14 of the Revised Code is precluded unless the 4219
indictment, count in the indictment, or information charging the 4220
offense specifies that the offender had a firearm on or about 4221
the offender's person or under the offender's control while 4222
committing the offense. The specification shall be stated at the 4223
end of the body of the indictment, count, or information, and 4224
shall be in substantially the following form: 4225

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4226
Grand Jurors (or insert the person's or the prosecuting 4227
attorney's name when appropriate) further find and specify that 4228
(set forth that the offender had a firearm on or about the 4229
offender's person or under the offender's control while 4230
committing the offense.)" 4231

(B) Imposition of a one-year mandatory prison term upon an 4232
offender under division (B) (1) (a) (iii) of section 2929.14 of the 4233
Revised Code is precluded if a court imposes an eighteen-month, 4234
three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, or 4235
~~nine-year~~ fifteen-year mandatory prison term on the offender 4236
under division (B) (1) (a) (i), (ii), (iv), (v), ~~or (vi)~~, or (vii) 4237
of that section relative to the same felony. 4238

(C) The specification described in division (A) of this 4239
section may be used in a delinquent child proceeding in the 4240
manner and for the purpose described in section 2152.17 of the 4241
Revised Code. 4242

(D) Imposition of an eighteen-month mandatory prison term 4243
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4244
of the Revised Code is precluded unless the indictment, count in 4245
the indictment, or information charging the offense specifies 4246
that the offender had a firearm on or about the offender's 4247
person or under the offender's control while committing the 4248
offense and that the offender previously had been convicted of 4249
or pleaded guilty to a firearm specification of the type 4250
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4251
2941.1412 of the Revised Code. The specification shall be stated 4252
at the end of the body of the indictment, count, or information, 4253
and shall be in substantially the following form: 4254

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4255
Grand Jurors (or insert the person's or prosecuting attorney's 4256
name when appropriate) further find and specify that (set forth 4257
that the offender had a firearm on or about the offender's 4258
person or under the offender's control while committing the 4259
offense and that the offender previously has been convicted of 4260
or pleaded guilty to a firearm specification of the type 4261

described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4262
2941.1412 of the Revised Code.)" 4263

(E) Imposition of an eighteen-month mandatory prison term 4264
upon an offender under division (B) (1) (a) (vi) of section 2929.14 4265
of the Revised Code is precluded if the court imposes a one- 4266
year, three-year, ~~fifty-four-month~~ five-year, ~~six-year~~ ten-year, 4267
or ~~nine-year~~ fifteen-year mandatory prison term on the offender 4268
under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or (v)~~, or (vii) 4269
of that section relative to the same felony. 4270

(F) As used in this section, "firearm" has the same 4271
meaning as in section 2923.11 of the Revised Code. 4272

Sec. 2941.144. (A) Imposition of a ~~six-year-ten-year~~ 4273
mandatory prison term upon an offender under division (B) (1) (a) 4274
(i) of section 2929.14 of the Revised Code is precluded unless 4275
the indictment, count in the indictment, or information charging 4276
the offense specifies that the offender had a firearm that is an 4277
automatic firearm or that was equipped with a firearm muffler or 4278
suppressor on or about the offender's person or under the 4279
offender's control while committing the offense. The 4280
specification shall be stated at the end of the body of the 4281
indictment, count, or information and shall be stated in 4282
substantially the following form: 4283

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4284
Grand Jurors (or insert the person's or the prosecuting 4285
attorney's name when appropriate) further find and specify that 4286
(set forth that the offender had a firearm that is an automatic 4287
firearm or that was equipped with a firearm muffler or 4288
suppressor on or about the offender's person or under the 4289
offender's control while committing the offense)." 4290

(B) Imposition of a ~~six-year~~ ten-year mandatory prison 4291
term upon an offender under division (B) (1) (a) (i) of section 4292
2929.14 of the Revised Code is precluded if a court imposes a 4293
one-year, eighteen-month, three-year, ~~fifty-four-month~~ five- 4294
year, or ~~nine-year~~ fifteen-year mandatory prison term on the 4295
offender under division (B) (1) (a) (ii), (iii), (iv), (v), ~~or~~ 4296
(vi), or (vii) of that section relative to the same felony. 4297

(C) The specification described in division (A) of this 4298
section may be used in a delinquent child proceeding in the 4299
manner and for the purpose described in section 2152.17 of the 4300
Revised Code. 4301

(D) Imposition of a ~~nine-year~~ fifteen-year mandatory 4302
prison term upon an offender under division (B) (1) (a) (iv) of 4303
section 2929.14 of the Revised Code is precluded unless the 4304
indictment, count in the indictment, or information charging the 4305
offense specifies that the offender had a firearm that is an 4306
automatic firearm or that was equipped with a firearm muffler or 4307
suppressor on or about the offender's person or under the 4308
offender's control while committing the offense and that the 4309
offender previously has been convicted of or pleaded guilty to a 4310
firearm specification of the type described in section 2941.141, 4311
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4312
The specification shall be stated at the end of the body of the 4313
indictment, count, or information, and shall be in substantially 4314
the following form: 4315

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4316
Grand Jurors (or insert the person's or the prosecuting 4317
attorney's name when appropriate) further find and specify that 4318
(set forth that the offender had a firearm that is an automatic 4319
firearm or that was equipped with a firearm muffler or 4320

suppressor on or about the offender's person or under the 4321
offender's control while committing the offense and that the 4322
offender previously has been convicted of or pleaded guilty to a 4323
firearm specification of the type described in section 2941.141, 4324
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 4325
Code.)" 4326

(E) Imposition of a ~~nine-year~~ fifteen-year mandatory 4327
prison term upon an offender under division (B)(1)(a)(iv) of 4328
section 2929.14 of the Revised Code is precluded if the court 4329
imposes a one-year, eighteen-month, three-year, ~~fifty-four-month~~ 4330
five-year, or ~~six-year~~ ten-year mandatory prison term on the 4331
offender under division (B)(1)(a)(i), (ii), (iii), (v), ~~or~~ (vi), or 4332
or (vii) of that section relative to the same felony. 4333

(F) As used in this section, "firearm" and "automatic 4334
firearm" have the same meanings as in section 2923.11 of the 4335
Revised Code. 4336

Sec. 2941.145. (A) Imposition of a three-year mandatory 4337
prison term upon an offender under division (B)(1)(a)(ii) of 4338
section 2929.14 of the Revised Code is precluded unless the 4339
indictment, count in the indictment, or information charging the 4340
offense specifies that the offender had a firearm on or about 4341
the offender's person or under the offender's control while 4342
committing the offense and displayed the firearm, brandished the 4343
firearm, indicated that the offender possessed the firearm, or 4344
used it to facilitate the offense. The specification shall be 4345
stated at the end of the body of the indictment, count, or 4346
information, and shall be stated in substantially the following 4347
form: 4348

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4349
Grand Jurors (or insert the person's or the prosecuting 4350

attorney's name when appropriate) further find and specify that 4351
(set forth that the offender had a firearm on or about the 4352
offender's person or under the offender's control while 4353
committing the offense and displayed the firearm, brandished the 4354
firearm, indicated that the offender possessed the firearm, or 4355
used it to facilitate the offense)." 4356

(B) Imposition of a three-year mandatory prison term upon 4357
an offender under division (B) (1) (a) (ii) of section 2929.14 of 4358
the Revised Code is precluded if a court imposes a one-year, 4359
eighteen-month, ~~six-year, fifty-four-month~~ five-year, ten-year, 4360
or ~~nine-year~~ fifteen-year mandatory prison term on the offender 4361
under division (B) (1) (a) (i), (iii), (iv), (v), ~~or (vi),~~ or (vii) 4362
of that section relative to the same felony. 4363

(C) The specification described in division (A) of this 4364
section may be used in a delinquent child proceeding in the 4365
manner and for the purpose described in section 2152.17 of the 4366
Revised Code. 4367

(D) Imposition of a five-year mandatory prison term ~~of~~ 4368
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4369
of section 2929.14 of the Revised Code is precluded unless the 4370
indictment, count in the indictment, or information charging the 4371
offense specifies that the offender had a firearm on or about 4372
the offender's person or under the offender's control while 4373
committing the offense and displayed the firearm, brandished the 4374
firearm, indicated that the offender possessed a firearm, or 4375
used the firearm to facilitate the offense and that the offender 4376
previously has been convicted of or pleaded guilty to a firearm 4377
specification of the type described in section 2941.141, 4378
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4379
The specification shall be stated at the end of the body of the 4380

indictment, count, or information, and shall be in substantially 4381
the following form: 4382

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4383
Grand Jurors (or insert the person's or the prosecuting 4384
attorney's name when appropriate) further find and specify that 4385
(set forth that the offender had a firearm on or about the 4386
offender's person or under the offender's control while 4387
committing the offense and displayed the firearm, brandished the 4388
firearm, indicated that the offender possessed a firearm, or 4389
used the firearm to facilitate the offense and that the offender 4390
previously has been convicted of or pleaded guilty to a firearm 4391
specification of the type described in section 2941.141, 4392
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 4393
Code.)" 4394

(E) Imposition of a five-year mandatory prison term ~~of~~ 4395
~~fifty-four months~~ upon an offender under division (B) (1) (a) (v) 4396
of section 2929.14 of the Revised Code is precluded if the court 4397
imposes a one-year, eighteen-month, three-year, five-year, ten- 4398
year, or nine-year-fifteen-year mandatory prison term on the 4399
offender under division (B) (1) (a) (i), (ii), (iii), (iv), ~~or~~ 4400
(vi), or (vii) of that section relative to the same felony. 4401

(F) As used in this section, "firearm" has the same 4402
meaning as in section 2923.11 of the Revised Code. 4403

Sec. 2941.146. (A) Imposition of a mandatory ~~five-year~~ 4404
seven-year prison term upon an offender under division (B) (1) (c) 4405
(i) of section 2929.14 of the Revised Code for committing a 4406
violation of section 2923.161 of the Revised Code or for 4407
committing a felony that includes, as an essential element, 4408
purposely or knowingly causing or attempting to cause the death 4409
of or physical harm to another and that was committed by 4410

discharging a firearm from a motor vehicle other than a 4411
manufactured home is precluded unless the indictment, count in 4412
the indictment, or information charging the offender specifies 4413
that the offender committed the offense by discharging a firearm 4414
from a motor vehicle other than a manufactured home. The 4415
specification shall be stated at the end of the body of the 4416
indictment, count, or information, and shall be stated in 4417
substantially the following form: 4418

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4419
Grand Jurors (or insert the person's or prosecuting attorney's 4420
name when appropriate) further find and specify that (set forth 4421
that the offender committed the violation of section 2923.161 of 4422
the Revised Code or the felony that includes, as an essential 4423
element, purposely or knowingly causing or attempting to cause 4424
the death of or physical harm to another and that was committed 4425
by discharging a firearm from a motor vehicle other than a 4426
manufactured home)." 4427

(B) The specification described in division (A) of this 4428
section may be used in a delinquent child proceeding in the 4429
manner and for the purpose described in section 2152.17 of the 4430
Revised Code. 4431

(C) Imposition of a ninety-month mandatory prison term 4432
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 4433
Code for committing a violation of section 2923.161 of the 4434
Revised Code or for committing a felony that includes, as an 4435
essential element, purposely or knowingly causing or attempting 4436
to cause the death of or physical harm to another and that was 4437
committed by discharging a firearm from a motor vehicle other 4438
than a manufactured home is precluded unless the indictment, 4439
count in the indictment, or information charging the offender 4440

specifies that the offender committed the offense by discharging 4441
a firearm from a motor vehicle other than a manufactured home 4442
and that the offender previously has been convicted of or 4443
pleaded guilty to a firearm specification of the type described 4444
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 4445
of the Revised Code. The specification shall be stated at the 4446
end of the body of the indictment, count, or information, and 4447
shall be stated in substantially the following form: 4448

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4449
Grand Jurors (or insert the person's or prosecuting attorney's 4450
name where appropriate) further find and specify that (set forth 4451
that the offender committed the violation of section 2923.161 of 4452
the Revised Code or the felony that includes, as an essential 4453
element, purposely or knowingly causing or attempting to cause 4454
the death of or physical harm to another and that was committed 4455
by discharging a firearm from a motor vehicle other than a 4456
manufactured home and that the offender previously has been 4457
convicted of or pleaded guilty to a firearm specification of the 4458
type described in section 2941.141, 2941.144, 2941.145, 4459
2941.146, or 2941.1412 of the Revised Code)." 4460

(D) As used in this section: 4461

(1) "Firearm" has the same meaning as in section 2923.11 4462
of the Revised Code; 4463

(2) "Motor vehicle" and "manufactured home" have the same 4464
meanings as in section 4501.01 of the Revised Code. 4465

Sec. 2941.1427. (A) Imposition of a three, four, or five- 4466
year mandatory prison term upon an offender pursuant to division 4467
(B) (12) of section 2929.14 of the Revised Code, pursuant to 4468
determination by a court that an offender is a repeat offender, 4469

is precluded unless the indictment, count in the indictment, or 4470
information charging the offender specifies that the offender is 4471
a repeat offender. The specification shall be stated at the end 4472
of the body of the indictment, count, or information, and shall 4473
be stated in substantially the following form: 4474

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4475
Grand Jurors (or insert the person's or prosecuting attorney's 4476
name when appropriate) further find and specify that (set forth 4477
that the offender is a repeat offender)." 4478

(B) The court shall determine the issue of whether an 4479
offender is a repeat offender. 4480

(C) At the arraignment of the defendant or as soon 4481
thereafter as is practicable, the prosecuting attorney may give 4482
notice to the defendant of the prosecuting attorney's intention 4483
to use a certified copy of the entry of judgment of a prior 4484
conviction as proof of that prior conviction. The defendant must 4485
then give notice to the prosecuting attorney of the defendant's 4486
intention to object to the use of the entry of judgment. If the 4487
defendant pursuant to Criminal Rule 12 does not give notice of 4488
that intention to the prosecuting attorney before trial, the 4489
defendant waives the objection to the use of an entry of 4490
judgment as proof of the defendant's prior conviction, as shown 4491
on the entry of judgment. 4492

(D) Imposition of a three, four, or five-year mandatory 4493
prison term upon an offender pursuant to division (B) (12) of 4494
section 2929.14 of the Revised Code is precluded if the court 4495
imposes a one, two, three, four, five, six, seven, eight, nine, 4496
ten, or eleven-year mandatory prison term on the offender under 4497
section 2941.149, 2941.1410, or 2941.1424 of the Revised Code 4498
relative to that same felony. 4499

(E) As used in this section, "repeat offender" has the same meaning as in section 2929.01 of the Revised Code. 4500
4501

Sec. 2941.1428. (A) Imposition of a five-year mandatory prison term upon an offender under division (B)(1)(a)(vii) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender discharged a firearm while committing the offense. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be stated in substantially the following form: 4502
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender discharged a firearm while committing the offense.)" 4510
4511
4512
4513
4514

(B) Imposition of a five-year mandatory prison term upon an offender under division (B)(1)(a)(vii) of section 2929.14 of the Revised Code is precluded if the court imposes an eighteen-month, one-year, three-year, five-year, ten-year, or fifteen-year mandatory prison term on the offender under division (B)(1)(a)(i), (ii), (iii), (iv), (v), or (vi) of that section relative to the same felony. 4515
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(C) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 4522
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(D) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 4526
4527

Sec. 2953.25. (A) As used in this section: 4528

(1) "Collateral sanction" means a penalty, disability, or 4529
disadvantage that is related to employment or occupational 4530
licensing, however denominated, as a result of the individual's 4531
conviction of or plea of guilty to an offense and that applies 4532
by operation of law in this state whether or not the penalty, 4533
disability, or disadvantage is included in the sentence or 4534
judgment imposed. 4535

"Collateral sanction" does not include imprisonment, 4536
probation, parole, supervised release, forfeiture, restitution, 4537
fine, assessment, or costs of prosecution. 4538

(2) "Decision-maker" includes, but is not limited to, the 4539
state acting through a department, agency, board, commission, or 4540
instrumentality established by the law of this state for the 4541
exercise of any function of government, a political subdivision, 4542
an educational institution, or a government contractor or 4543
subcontractor made subject to this section by contract, law, or 4544
ordinance. 4545

(3) "Department-funded program" means a residential or 4546
nonresidential program that is not a term in a state 4547
correctional institution, that is funded in whole or part by the 4548
department of rehabilitation and correction, and that is imposed 4549
as a sanction for an offense, as part of a sanction that is 4550
imposed for an offense, or as a term or condition of any 4551
sanction that is imposed for an offense. 4552

(4) "Designee" means the person designated by the deputy 4553
director of the division of parole and community services to 4554
perform the duties designated in division (B) of this section. 4555

(5) "Division of parole and community services" means the 4556
division of parole and community services of the department of 4557

rehabilitation and correction. 4558

(6) "Offense" means any felony or misdemeanor under the 4559
laws of this state. 4560

(7) "Political subdivision" has the same meaning as in 4561
section 2969.21 of the Revised Code. 4562

(8) "Discretionary civil impact," "licensing agency," and 4563
"mandatory civil impact" have the same meanings as in section 4564
2961.21 of the Revised Code. 4565

(B) (1) An individual who is subject to one or more 4566
collateral sanctions as a result of being convicted of or 4567
pleading guilty to an offense and who either has served a term 4568
in a state correctional institution for any offense or has spent 4569
time in a department-funded program for any offense may file a 4570
petition with the designee of the deputy director of the 4571
division of parole and community services for a certificate of 4572
qualification for employment. 4573

(2) An individual who is subject to one or more collateral 4574
sanctions as a result of being convicted of or pleading guilty 4575
to an offense and who is not in a category described in division 4576
(B) (1) of this section may file for a certificate of 4577
qualification for employment by doing either of the following: 4578

(a) In the case of an individual who resides in this 4579
state, filing a petition with the court of common pleas of the 4580
county in which the person resides or with the designee of the 4581
deputy director of the division of parole and community 4582
services; 4583

(b) In the case of an individual who resides outside of 4584
this state, filing a petition with the court of common pleas of 4585
any county in which any conviction or plea of guilty from which 4586

the individual seeks relief was entered or with the designee of 4587
the deputy director of the division of parole and community 4588
services. 4589

(3) A petition under division (B) (1) or (2) of this 4590
section shall be made on a copy of the form prescribed by the 4591
division of parole and community services under division (J) of 4592
this section, shall contain all of the information described in 4593
division (F) of this section, and, except as provided in 4594
division (B) (6) of this section, shall be accompanied by an 4595
application fee of fifty dollars and may be accompanied by a 4596
local court fee of not more than fifty dollars. 4597

(4) (a) Except as provided in division (B) (4) (b) of this 4598
section, an individual may file a petition under division (B) (1) 4599
or (2) of this section at any time after the expiration of 4600
whichever of the following is applicable: 4601

(i) If the offense that resulted in the collateral 4602
sanction from which the individual seeks relief is a felony, at 4603
any time after the expiration of one year from the date of 4604
release of the individual from any period of incarceration in a 4605
state or local correctional facility that was imposed for that 4606
offense and all periods of supervision imposed after release 4607
from the period of incarceration or, if the individual was not 4608
incarcerated for that offense, at any time after the expiration 4609
of one year from the date of the individual's final release from 4610
all other sanctions imposed for that offense. 4611

(ii) If the offense that resulted in the collateral 4612
sanction from which the individual seeks relief is a 4613
misdemeanor, at any time after the expiration of six months from 4614
the date of release of the individual from any period of 4615
incarceration in a local correctional facility that was imposed 4616

for that offense and all periods of supervision imposed after 4617
release from the period of incarceration or, if the individual 4618
was not incarcerated for that offense, at any time after the 4619
expiration of six months from the date of the final release of 4620
the individual from all sanctions imposed for that offense 4621
including any period of supervision. 4622

(b) The department of rehabilitation and correction may 4623
establish criteria by rule adopted under Chapter 119. of the 4624
Revised Code that, if satisfied by an individual, would allow 4625
the individual to file a petition before the expiration of six 4626
months or one year from the date of final release, whichever is 4627
applicable under division (B)(4)(a) of this section. 4628

(5)(a) A designee that receives a petition for a 4629
certificate of qualification for employment from an individual 4630
under division (B)(1) or (2) of this section shall review the 4631
petition to determine whether it is complete. If the petition is 4632
complete, the designee shall forward the petition, the 4633
application fee, and any other information the designee 4634
possesses that relates to the petition, to the court of common 4635
pleas of the county in which the individual resides if the 4636
individual submitting the petition resides in this state or, if 4637
the individual resides outside of this state, to the court of 4638
common pleas of the county in which the conviction or plea of 4639
guilty from which the individual seeks relief was entered. 4640

(b) A court of common pleas that receives a petition for a 4641
certificate of qualification for employment from an individual 4642
under division (B)(2) of this section, or that is forwarded a 4643
petition for such a certificate under division (B)(5)(a) of this 4644
section, shall attempt to determine all other courts in this 4645
state in which the individual was convicted of or pleaded guilty 4646

to an offense other than the offense from which the individual 4647
is seeking relief. The court that receives or is forwarded the 4648
petition shall notify all other courts in this state that it 4649
determines under this division were courts in which the 4650
individual was convicted of or pleaded guilty to an offense 4651
other than the offense from which the individual is seeking 4652
relief that the individual has filed the petition and that the 4653
court may send comments regarding the possible issuance of the 4654
certificate. 4655

A court of common pleas that receives a petition for a 4656
certificate of qualification for employment under division (B) 4657
(2) of this section shall notify the county's prosecuting 4658
attorney that the individual has filed the petition. 4659

A court of common pleas that receives a petition for a 4660
certificate of qualification for employment under division (B) 4661
(2) of this section, or that is forwarded a petition for 4662
qualification under division (B) (5) (a) of this section may 4663
direct the clerk of court to process and record all notices 4664
required in or under this section. Except as provided in 4665
division (B) (6) of this section, the court shall pay thirty 4666
dollars of the application fee into the state treasury and 4667
twenty dollars of the application fee into the county general 4668
revenue fund. 4669

(6) Upon receiving a petition for a certificate of 4670
qualification for employment filed by an individual under 4671
division (B) (1) or (2) of this section, a court of common pleas 4672
or the designee of the deputy director of the division of parole 4673
and community services who receives the petition may waive all 4674
or part of the application fee of fifty dollars described in 4675
division (B) (3) of this section, for an applicant who presents a 4676

poverty affidavit showing that the applicant is indigent. If an 4677
applicant pays an application fee, the first twenty dollars or 4678
two-fifths of the fee, whichever is greater, that is collected 4679
shall be paid into the county general revenue fund. If an 4680
applicant pays an application fee, the amount collected in 4681
excess of the amount to be paid into the county general revenue 4682
fund shall be paid into the state treasury. 4683

(C) (1) Upon receiving a petition for a certificate of 4684
qualification for employment filed by an individual under 4685
division (B) (2) of this section or being forwarded a petition 4686
for such a certificate under division (B) (5) (a) of this section, 4687
the court shall review the individual's petition, the 4688
individual's criminal history, except for information contained 4689
in any record that has been sealed under section 2953.32 or 4690
2953.321 of the Revised Code, all filings submitted by the 4691
prosecutor or by the victim in accordance with rules adopted by 4692
the division of parole and community services, the applicant's 4693
military service record, if applicable, and whether the 4694
applicant has an emotional, mental, or physical condition that 4695
is traceable to the applicant's military service in the armed 4696
forces of the United States and that was a contributing factor 4697
in the commission of the offense or offenses, and all other 4698
relevant evidence. The court may order any report, 4699
investigation, or disclosure by the individual that the court 4700
believes is necessary for the court to reach a decision on 4701
whether to approve the individual's petition for a certificate 4702
of qualification for employment, except that the court shall not 4703
require an individual to disclose information about any record 4704
sealed under section 2953.32 or 2953.321 of the Revised Code. 4705

(2) Upon receiving a petition for a certificate of 4706
qualification for employment filed by an individual under 4707

division (B) (2) of this section or being forwarded a petition 4708
for such a certificate under division (B) (5) (a) of this section, 4709
except as otherwise provided in this division, the court shall 4710
decide whether to issue the certificate within sixty days after 4711
the court receives or is forwarded the completed petition and 4712
all information requested for the court to make that decision. 4713
Upon request of the individual who filed the petition, the court 4714
may extend the sixty-day period specified in this division. 4715

(3) Except as provided in division (C) (5) of this section 4716
and subject to division (C) (7) of this section, a court that 4717
receives an individual's petition for a certificate of 4718
qualification for employment under division (B) (2) of this 4719
section or that is forwarded a petition for such a certificate 4720
under division (B) (5) (a) of this section may issue a certificate 4721
of qualification for employment, at the court's discretion, if 4722
the court finds that the individual has established all of the 4723
following by a preponderance of the evidence: 4724

(a) Granting the petition will materially assist the 4725
individual in obtaining employment or occupational licensing. 4726

(b) The individual has a substantial need for the relief 4727
requested in order to live a law-abiding life. 4728

(c) Granting the petition would not pose an unreasonable 4729
risk to the safety of the public or any individual. 4730

(4) The submission of an incomplete petition by an 4731
individual shall not be grounds for the designee or court to 4732
deny the petition. 4733

(5) Subject to division (C) (6) of this section, an 4734
individual is rebuttably presumed to be eligible for a 4735
certificate of qualification for employment if the court that 4736

receives the individual's petition under division (B) (2) of this 4737
section or that is forwarded a petition under division (B) (5) (a) 4738
of this section finds all of the following: 4739

(a) The application was filed after the expiration of the 4740
applicable waiting period prescribed in division (B) (4) of this 4741
section; 4742

(b) If the offense that resulted in the collateral 4743
sanction from which the individual seeks relief is a felony, at 4744
least three years have elapsed since the date of release of the 4745
individual from any period of incarceration in a state or local 4746
correctional facility that was imposed for that offense and all 4747
periods of supervision imposed after release from the period of 4748
incarceration or, if the individual was not incarcerated for 4749
that offense, at least three years have elapsed since the date 4750
of the individual's final release from all other sanctions 4751
imposed for that offense; 4752

(c) If the offense that resulted in the collateral 4753
sanction from which the individual seeks relief is a 4754
misdemeanor, at least one year has elapsed since the date of 4755
release of the individual from any period of incarceration in a 4756
local correctional facility that was imposed for that offense 4757
and all periods of supervision imposed after release from the 4758
period of incarceration or, if the individual was not 4759
incarcerated for that offense, at least one year has elapsed 4760
since the date of the final release of the individual from all 4761
sanctions imposed for that offense including any period of 4762
supervision. 4763

(6) An application that meets all of the requirements for 4764
the presumption under division (C) (5) of this section shall be 4765
denied only if the court that receives the petition finds that 4766

the evidence reviewed under division (C) (1) of this section 4767
rebutts the presumption of eligibility for issuance by 4768
establishing, by clear and convincing evidence, that the 4769
applicant has not been rehabilitated. 4770

(7) A certificate of qualification for employment shall 4771
not create relief from any of the following collateral 4772
sanctions: 4773

(a) Requirements imposed by Chapter 2950. of the Revised 4774
Code and rules adopted under sections 2950.13 and 2950.132 of 4775
the Revised Code; 4776

(b) A driver's license, commercial driver's license, or 4777
probationary license suspension, cancellation, or revocation 4778
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 4779
the Revised Code if the relief sought is available pursuant to 4780
section 4510.021 or division (B) of section 4510.13 of the 4781
Revised Code; 4782

(c) Restrictions on employment as a prosecutor or law 4783
enforcement officer; 4784

(d) The denial, ineligibility, or automatic suspension of 4785
a license that is imposed upon an individual applying for or 4786
holding a license as a health care professional under Title 4787
XLVII of the Revised Code if the individual is convicted of, 4788
pleads guilty to, is subject to a judicial finding of 4789
eligibility for intervention in lieu of conviction in this state 4790
under section 2951.041 of the Revised Code, or is subject to 4791
treatment or intervention in lieu of conviction for a violation 4792
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 4793
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 4794
2919.124 of the Revised Code; 4795

(e) The immediate suspension of a license, certificate, or 4796
evidence of registration that is imposed upon an individual 4797
holding a license as a health care professional under Title 4798
XLVII of the Revised Code pursuant to division (C) of section 4799
3719.121 of the Revised Code; 4800

(f) The denial or ineligibility for employment in a pain 4801
clinic under division (B) (4) of section 4729.552 of the Revised 4802
Code; 4803

(g) The mandatory suspension of a license that is imposed 4804
on an individual applying for or holding a license as a health 4805
care professional under Title XLVII of the Revised Code pursuant 4806
to section 3123.43 of the Revised Code. 4807

(8) If a court that receives an individual's petition for 4808
a certificate of qualification for employment under division (B) 4809
(2) of this section or that is forwarded a petition for such a 4810
certificate under division (B) (5) (a) of this section denies the 4811
petition, the court shall provide written notice to the 4812
individual of the court's denial. The court may place conditions 4813
on the individual regarding the individual's filing of any 4814
subsequent petition for a certificate of qualification for 4815
employment. The written notice must notify the individual of any 4816
conditions placed on the individual's filing of a subsequent 4817
petition for a certificate of qualification for employment. 4818

If a court of common pleas that receives an individual's 4819
petition for a certificate of qualification for employment under 4820
division (B) (2) of this section or that is forwarded a petition 4821
for such a certificate under division (B) (5) (a) of this section 4822
denies the petition, the individual may appeal the decision to 4823
the court of appeals only if the individual alleges that the 4824
denial was an abuse of discretion on the part of the court of 4825

common pleas. 4826

(D) (1) A certificate of qualification for employment 4827
issued to an individual lifts the automatic bar of a collateral 4828
sanction, and a decision-maker shall consider on a case-by-case 4829
basis whether to grant or deny the issuance or restoration of an 4830
occupational license or an employment opportunity, 4831
notwithstanding the individual's possession of the certificate, 4832
without, however, reconsidering or rejecting any finding made by 4833
a designee or court under division (C) (3) of this section. 4834

(2) The certificate constitutes a rebuttable presumption 4835
that the person's criminal convictions are insufficient evidence 4836
that the person is unfit for the license, employment 4837
opportunity, or certification in question. Notwithstanding the 4838
presumption established under this division, the agency may deny 4839
the license or certification for the person if it determines 4840
that the person is unfit for issuance of the license. 4841

(3) If an employer that has hired a person who has been 4842
issued a certificate of qualification for employment applies to 4843
a licensing agency for a license or certification and the person 4844
has a conviction or guilty plea that otherwise would bar the 4845
person's employment with the employer or licensure for the 4846
employer because of a mandatory civil impact, the agency shall 4847
give the person individualized consideration, notwithstanding 4848
the mandatory civil impact, the mandatory civil impact shall be 4849
considered for all purposes to be a discretionary civil impact, 4850
and the certificate constitutes a rebuttable presumption that 4851
the person's criminal convictions are insufficient evidence that 4852
the person is unfit for the employment, or that the employer is 4853
unfit for the license or certification, in question. 4854

(E) A certificate of qualification for employment does not 4855

grant the individual to whom the certificate was issued relief 4856
from the mandatory civil impacts identified in division (A) (1) 4857
of section 2961.01 or division (B) of section 2961.02 of the 4858
Revised Code. 4859

(F) A petition for a certificate of qualification for 4860
employment filed by an individual under division (B) (1) or (2) 4861
of this section shall include all of the following: 4862

(1) The individual's name, date of birth, and social 4863
security number; 4864

(2) All aliases of the individual and all social security 4865
numbers associated with those aliases; 4866

(3) The individual's residence address, including the 4867
city, county, and state of residence and zip code; 4868

(4) The length of time that the individual has resided in 4869
the individual's current state of residence, expressed in years 4870
and months of residence; 4871

(5) A general statement as to why the individual has filed 4872
the petition and how the certificate of qualification for 4873
employment would assist the individual; 4874

(6) A summary of the individual's criminal history, except 4875
for information contained in any record that has been sealed or 4876
expunged under section 2953.32, 2953.321, or 2953.39 of the 4877
Revised Code, with respect to each offense that is a 4878
disqualification from employment or licensing in an occupation 4879
or profession, including the years of each conviction or plea of 4880
guilty for each of those offenses; 4881

(7) A summary of the individual's employment history, 4882
specifying the name of, and dates of employment with, each 4883

employer; 4884

(8) Verifiable references and endorsements; 4885

(9) The name of one or more immediate family members of 4886
the individual, or other persons with whom the individual has a 4887
close relationship, who support the individual's reentry plan; 4888

(10) A summary of the reason the individual believes the 4889
certificate of qualification for employment should be granted; 4890

(11) Any other information required by rule by the 4891
department of rehabilitation and correction. 4892

(G) (1) In a judicial or administrative proceeding alleging 4893
negligence or other fault, a certificate of qualification for 4894
employment issued to an individual under this section may be 4895
introduced as evidence of a person's due care in hiring, 4896
retaining, licensing, leasing to, admitting to a school or 4897
program, or otherwise transacting business or engaging in 4898
activity with the individual to whom the certificate of 4899
qualification for employment was issued if the person knew of 4900
the certificate at the time of the alleged negligence or other 4901
fault. 4902

(2) In any proceeding on a claim against an employer for 4903
negligent hiring, a certificate of qualification for employment 4904
issued to an individual under this section shall provide 4905
immunity for the employer as to the claim if the employer knew 4906
of the certificate at the time of the alleged negligence. 4907

(3) If an employer hires an individual who has been issued 4908
a certificate of qualification for employment under this 4909
section, if the individual, after being hired, subsequently 4910
demonstrates dangerousness or is convicted of or pleads guilty 4911
to a felony, and if the employer retains the individual as an 4912

employee after the demonstration of dangerousness or the 4913
conviction or guilty plea, the employer may be held liable in a 4914
civil action that is based on or relates to the retention of the 4915
individual as an employee only if it is proved by a 4916
preponderance of the evidence that the person having hiring and 4917
firing responsibility for the employer had actual knowledge that 4918
the employee was dangerous or had been convicted of or pleaded 4919
guilty to the felony and was willful in retaining the individual 4920
as an employee after the demonstration of dangerousness or the 4921
conviction or guilty plea of which the person has actual 4922
knowledge. 4923

(H) A certificate of qualification for employment issued 4924
under this section shall be revoked if the individual to whom 4925
the certificate of qualification for employment was issued is 4926
convicted of or pleads guilty to a felony offense committed 4927
subsequent to the issuance of the certificate of qualification 4928
for employment. The department of rehabilitation and correction 4929
shall periodically review the certificates listed in the 4930
database described in division (K) of this section to identify 4931
those that are subject to revocation under this division. Upon 4932
identifying a certificate of qualification for employment that 4933
is subject to revocation, the department shall note in the 4934
database that the certificate has been revoked, the reason for 4935
revocation, and the effective date of revocation, which shall be 4936
the date of the conviction or plea of guilty subsequent to the 4937
issuance of the certificate. 4938

(I) A designee's forwarding, or failure to forward, a 4939
petition for a certificate of qualification for employment to a 4940
court or a court's issuance, or failure to issue, a petition for 4941
a certificate of qualification for employment to an individual 4942
under division (B) of this section does not give rise to a claim 4943

for damages against the department of rehabilitation and 4944
correction or court. 4945

(J) The division of parole and community services shall 4946
adopt rules in accordance with Chapter 119. of the Revised Code 4947
for the implementation and administration of this section and 4948
shall prescribe the form for the petition to be used under 4949
division (B) (1) or (2) of this section. The form for the 4950
petition shall include places for all of the information 4951
specified in division (F) of this section. 4952

(K) The department of rehabilitation and correction shall 4953
maintain a database that identifies granted certificates and 4954
revoked certificates and tracks the number of certificates 4955
granted and revoked, the industries, occupations, and 4956
professions with respect to which the certificates have been 4957
most applicable, and the types of employers that have accepted 4958
the certificates. The department shall annually create a report 4959
that summarizes the information maintained in the database and 4960
shall make the report available to the public on its internet 4961
web site. 4962

Sec. 2953.321. (A) (1) If a person is convicted of or 4963
pleads guilty to a felony of the fourth or fifth degree on or 4964
after the effective date of this section, at the expiration of 4965
five years after the offender's final discharge, the offender is 4966
eligible to have the offender's record of conviction for the 4967
felony of the fourth or fifth degree sealed. 4968

(2) Ninety days prior to the date that the offender is 4969
eligible to have the offender's record of conviction sealed, the 4970
sentencing court shall notify the offender, the prosecutor, the 4971
victim, and the victim's representative, if applicable, that the 4972
offender is eligible to have the offender's record of conviction 4973

sealed. 4974

(3) The prosecutor or victim may object to the sealing of 4975
the record of conviction by filing a written objection with the 4976
court not later than fourteen days prior to the date that the 4977
offender is eligible to have the offender's record of conviction 4978
sealed. The prosecutor or victim shall specify in the objection 4979
the reasons for believing a denial of the sealing of the record 4980
of conviction is justified. 4981

(B) If the prosecutor or victim does not object to the 4982
sealing of the record of conviction, the sentencing court shall 4983
determine whether the requirements in division (D) of this 4984
section have been met. If the sentencing court finds that all of 4985
the requirements in division (D) of this section have been met, 4986
the sentencing court shall automatically seal the offender's 4987
record of conviction for the felony of the fourth or fifth 4988
degree. A hearing or application requesting a sealing order is 4989
not required or needed. 4990

(C) (1) If the prosecutor or victim does object to the 4991
sealing of the record of conviction, the court shall set a date 4992
for a hearing and notify the prosecutor for the case of the 4993
hearing. The prosecutor shall provide timely notice of the 4994
hearing to the victim and the victim's representative, if 4995
applicable. The court shall hold the hearing not less than 4996
forty-five days and not more than ninety days after the date 4997
that the offender is eligible to have the offender's record of 4998
conviction sealed. 4999

(2) At the hearing, the sentencing court shall determine 5000
whether the requirements in division (D) of this section have 5001
been met and shall consider the criteria in division (E) of this 5002
section. If the sentencing court determines that all of the 5003

requirements in division (D) have been met, and that the 5004
interests of the offender in having the records pertaining to 5005
the offender's record of conviction sealed are not substantially 5006
outweighed by any legitimate governmental needs to maintain 5007
those records, the sentencing court shall seal the offender's 5008
record of conviction for the felony of the fourth or fifth 5009
degree. 5010

(D) Regardless of whether the prosecutor or victim objects 5011
to the sealing of the record of conviction under division (A) of 5012
this section, the court shall determine whether the following 5013
requirements have been met: 5014

(1) The record of conviction for sealing is a felony of 5015
the fourth or fifth degree. 5016

(2) The record of conviction for sealing described in 5017
division (A)(1) of this section is eligible for sealing under 5018
division (A) of section 2953.32 of the Revised Code. 5019

(3) The offender has not been convicted of a felony 5020
offense of violence that is not a sexually oriented offense. 5021

(4) The offender has not been convicted of a sexually 5022
oriented offense when the offender is subject to the 5023
requirements of Chapter 2950. of the Revised Code or Chapter 5024
2950. of the Revised Code as it existed prior to January 1, 5025
2008. 5026

(5) The offender has not been convicted of any felony 5027
other than a felony of the fourth or fifth degree. 5028

(E) If the prosecutor or victim objects to the sealing of 5029
the record of conviction under division (A) of this section, the 5030
court shall consider the following criteria: 5031

(1) If the prosecutor has filed an objection in accordance 5032
with division (A) of this section, consider the reasons against 5033
sealing the record of conviction specified by the prosecutor in 5034
the objection. 5035

(2) If the victim has filed an objection in accordance 5036
with division (A) of this section, consider the reasons against 5037
sealing the record of conviction specified by the victim in the 5038
objection. 5039

(3) Determine whether the interests of the offender in 5040
having the record of conviction sealed are not substantially 5041
outweighed by the legitimate needs, if any, of the government to 5042
maintain those records. 5043

(F) (1) If the sentencing court makes the findings required 5044
in division (B) or (C) of this section, the sentencing court 5045
shall issue the sealing order and order all official records of 5046
that case that pertain to the conviction sealed and all index 5047
references to the case that pertain to the record of conviction 5048
deleted. The proceedings in the case that pertain to the 5049
conviction shall be considered not to have occurred and the 5050
conviction of the person who is subject to the proceedings shall 5051
be sealed. 5052

(2) If the sentencing court does not make the findings 5053
required in division (B) or (C) of this section, the sentencing 5054
court shall not issue the sealing order. 5055

(G) Regardless of whether the sentencing court issues a 5056
sealing order under division (B) or (C) of this section, the 5057
court shall notify the offender and the prosecutor for the case 5058
of the court's decision. The prosecutor shall provide timely 5059
notice to the victim and the victim's representative, if 5060

applicable. 5061

Sec. 2953.34. (A) Inspection of the sealed records 5062
included in a sealing order may be made only by the following 5063
persons or for the following purposes: 5064

(1) By a law enforcement officer or prosecutor, or the 5065
assistants of either, to determine whether the nature and 5066
character of the offense with which a person is to be charged 5067
would be affected by virtue of the person's previously having 5068
been convicted of a crime; 5069

(2) By the parole or probation officer of the person who 5070
is the subject of the records, for the exclusive use of the 5071
officer in supervising the person while on parole or under a 5072
community control sanction or a post-release control sanction, 5073
and in making inquiries and written reports as requested by the 5074
court or adult parole authority; 5075

(3) Upon application by the person who is the subject of 5076
the records or a legal representative of that person, by the 5077
persons named in the application; 5078

(4) By a law enforcement officer who was involved in the 5079
case, for use in the officer's defense of a civil action arising 5080
out of the officer's involvement in that case; 5081

(5) By a prosecuting attorney or the prosecuting 5082
attorney's assistants, to determine a defendant's eligibility to 5083
enter a pre-trial diversion program established pursuant to 5084
section 2935.36 of the Revised Code; 5085

(6) By any law enforcement agency or any authorized 5086
employee of a law enforcement agency or by the department of 5087
rehabilitation and correction or department of youth services as 5088
part of a background investigation of a person who applies for 5089

employment with the agency or with the department; 5090

(7) By any law enforcement agency or any authorized 5091
employee of a law enforcement agency, for the purposes set forth 5092
in, and in the manner provided in, division (I) of section 5093
2953.34 of the Revised Code; 5094

(8) By the bureau of criminal identification and 5095
investigation or any authorized employee of the bureau for the 5096
purpose of providing information to a board or person pursuant 5097
to division (F) or (G) of section 109.57 of the Revised Code; 5098

(9) By the bureau of criminal identification and 5099
investigation or any authorized employee of the bureau for the 5100
purpose of performing a criminal history records check on a 5101
person to whom a certificate as prescribed in section 109.77 of 5102
the Revised Code is to be awarded; 5103

(10) By the bureau of criminal identification and 5104
investigation or any authorized employee of the bureau for the 5105
purpose of conducting a criminal records check of an individual 5106
pursuant to division (B) of section 109.572 of the Revised Code 5107
that was requested pursuant to any of the sections identified in 5108
division (B)(1) of that section; 5109

(11) By the bureau of criminal identification and 5110
investigation, an authorized employee of the bureau, a sheriff, 5111
or an authorized employee of a sheriff in connection with a 5112
criminal records check described in section 311.41 of the 5113
Revised Code; 5114

(12) By the attorney general or an authorized employee of 5115
the attorney general or a court for purposes of determining a 5116
person's classification pursuant to Chapter 2950. of the Revised 5117
Code; 5118

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

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

(B) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing or expungement previously was issued pursuant to sections 2953.31 to 2953.34 of the Revised Code.

(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to section 2953.32 or 2953.321 of the Revised Code may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (A), (B), and (D) of this section.

(D) Notwithstanding any provision of this section or section 2953.32 or 2953.321 of the Revised Code that requires otherwise, a board of education of a city, local, exempted

village, or joint vocational school district that maintains 5149
records of an individual who has been permanently excluded under 5150
sections 3301.121 and 3313.662 of the Revised Code is permitted 5151
to maintain records regarding a conviction that was used as the 5152
basis for the individual's permanent exclusion, regardless of a 5153
court order to seal or expunge the record. An order issued under 5154
section 2953.32 or 2953.321 of the Revised Code to seal or 5155
expunge the record of a conviction does not revoke the 5156
adjudication order of the director of education and workforce to 5157
permanently exclude the individual who is the subject of the 5158
sealing or expungement order. An order issued under section 5159
2953.32 or 2953.321 of the Revised Code to seal or expunge the 5160
record of a conviction of an individual may be presented to a 5161
district superintendent as evidence to support the contention 5162
that the superintendent should recommend that the permanent 5163
exclusion of the individual who is the subject of the sealing or 5164
expungement order be revoked. Except as otherwise authorized by 5165
this division and sections 3301.121 and 3313.662 of the Revised 5166
Code, any school employee in possession of or having access to 5167
the sealed or expunged conviction records of an individual that 5168
were the basis of a permanent exclusion of the individual is 5169
subject to division (J) of this section. 5170

(E) Notwithstanding any provision of this section or 5171
section 2953.32 or 2953.321 of the Revised Code that requires 5172
otherwise, if the auditor of state or a prosecutor maintains 5173
records, reports, or audits of an individual who has been 5174
forever disqualified from holding public office, employment, or 5175
a position of trust in this state under sections 2921.41 and 5176
2921.43 of the Revised Code, or has otherwise been convicted of 5177
an offense based upon the records, reports, or audits of the 5178
auditor of state, the auditor of state or prosecutor is 5179

permitted to maintain those records to the extent they were used 5180
as the basis for the individual's disqualification or 5181
conviction, and shall not be compelled by court order to seal or 5182
expunge those records. 5183

(F) For purposes of sections 2953.31 and 2953.34 of the 5184
Revised Code, DNA records collected in the DNA database and 5185
fingerprints filed for record by the superintendent of the 5186
bureau of criminal identification and investigation shall not be 5187
sealed or expunged unless the superintendent receives a 5188
certified copy of a final court order establishing that the 5189
offender's conviction has been overturned. For purposes of this 5190
section, a court order is not "final" if time remains for an 5191
appeal or application for discretionary review with respect to 5192
the order. 5193

(G) (1) The court shall send notice of any order to seal or 5194
expunge official records issued pursuant to section 2953.32 or 5195
2953.321 of the Revised Code to the bureau of criminal 5196
identification and investigation and to any public office or 5197
agency that the court knows or has reason to believe may have 5198
any record of the case, whether or not it is an official record, 5199
that is the subject of the order. 5200

(2) The sealing of a record under section 2953.32 or 5201
2953.321 of the Revised Code does not affect the assessment of 5202
points under section 4510.036 of the Revised Code and does not 5203
erase points assessed against a person as a result of the sealed 5204
record. 5205

(H) (1) The court shall send notice of any order to seal or 5206
expunge official records issued pursuant to division (B) (3) of 5207
section 2953.33 of the Revised Code to the bureau of criminal 5208
identification and investigation and shall send notice of any 5209

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 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal or expunge the official records or receives a copy of the order to seal the official records pursuant to division (H) (1) or (2) of this section.

(4) Upon receiving a copy of an order to seal or expunge official records pursuant to division (H) (1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that if the order is a sealing order, the office or agency may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

(5) A public office or agency to which division (H) (4) of

this section applies also may maintain an index of sealed 5240
official records that are the subject of a sealing order, in a 5241
form similar to that for sealed records of conviction as set 5242
forth in division (C) of this section, access to which may not 5243
be afforded to any person other than the person who has custody 5244
of the sealed official records. The sealed official records to 5245
which such an index pertains shall not be available to any 5246
person, except that the official records of a case that have 5247
been sealed may be made available to the following persons for 5248
the following purposes: 5249

(a) To the person who is the subject of the records upon 5250
written application, and to any other person named in the 5251
application, for any purpose; 5252

(b) To a law enforcement officer who was involved in the 5253
case, for use in the officer's defense of a civil action arising 5254
out of the officer's involvement in that case; 5255

(c) To a prosecuting attorney or the prosecuting 5256
attorney's assistants to determine a defendant's eligibility to 5257
enter a pre-trial diversion program established pursuant to 5258
section 2935.36 of the Revised Code; 5259

(d) To a prosecuting attorney or the prosecuting 5260
attorney's assistants to determine a defendant's eligibility to 5261
enter a pre-trial diversion program under division (E) (2) (b) of 5262
section 4301.69 of the Revised Code. 5263

(I) (1) Upon the issuance of an order by a court pursuant 5264
to division (D) (2) of section 2953.32 or division (B) (1) of 5265
section 2953.321 of the Revised Code directing that all official 5266
records of a case pertaining to a conviction or bail forfeiture 5267
be sealed or expunged or an order by a court pursuant to 5268

division (E) of section 2151.358, division (C)(2) of section 5269
2953.35, or division (E) of section 2953.36 of the Revised Code 5270
directing that all official records of a case pertaining to a 5271
conviction or delinquent child adjudication be expunged: 5272

(a) Every law enforcement officer who possesses 5273
investigatory work product immediately shall deliver that work 5274
product to the law enforcement officer's employing law 5275
enforcement agency. 5276

(b) Except as provided in divisions (I)(1)(c) and (d) of 5277
this section, every law enforcement agency that possesses 5278
investigatory work product shall close that work product to all 5279
persons who are not directly employed by the law enforcement 5280
agency and shall treat that work product, in relation to all 5281
persons other than those who are directly employed by the law 5282
enforcement agency, as if it did not exist and never had 5283
existed. 5284

(c) A law enforcement agency that possesses investigatory 5285
work product may permit another law enforcement agency to use 5286
that work product in the investigation of another offense if the 5287
facts incident to the offense being investigated by the other 5288
law enforcement agency and the facts incident to an offense that 5289
is the subject of the case are reasonably similar. The agency 5290
that permits the use of investigatory work product may provide 5291
the other agency with the name of the person who is the subject 5292
of the case if it believes that the name of the person is 5293
necessary to the conduct of the investigation by the other 5294
agency. 5295

(d) The auditor of state may provide to or discuss with 5296
other parties investigatory work product maintained pursuant to 5297
Chapter 117. of the Revised Code by the auditor of state. 5298

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 5299
of this section, no law enforcement officer or other person 5300
employed by a law enforcement agency shall knowingly release, 5301
disseminate, or otherwise make the investigatory work product or 5302
any information contained in that work product available to, or 5303
discuss any information contained in it with, any person not 5304
employed by the employing law enforcement agency. 5305

(b) No law enforcement agency, or person employed by a law 5306
enforcement agency, that receives investigatory work product 5307
pursuant to divisions (I) (1) (c) and (d) of this section shall 5308
use that work product for any purpose other than the 5309
investigation of the offense for which it was obtained from the 5310
other law enforcement agency, or disclose the name of the person 5311
who is the subject of the work product except when necessary for 5312
the conduct of the investigation of the offense, or the 5313
prosecution of the person for committing the offense, for which 5314
it was obtained from the other law enforcement agency. 5315

(3) Whoever violates division (I) (2) (a) or (b) of this 5316
section is guilty of divulging confidential investigatory work 5317
product, a misdemeanor of the fourth degree. 5318

(J) (1) Except as authorized by divisions (A) to (C) of 5319
this section or by Chapter 2950. of the Revised Code and subject 5320
to ~~division~~ divisions (J) (2) and (3) of this section, any 5321
officer or employee of the state, or a political subdivision of 5322
the state, who releases or otherwise disseminates or makes 5323
available for any purpose involving employment, bonding, or 5324
licensing in connection with any business, trade, or profession 5325
to any person, or to any department, agency, or other 5326
instrumentality of the state, or any political subdivision of 5327
the state, any information or other data concerning any law 5328

enforcement or justice system matter the records with respect to 5329
which the officer or employee had knowledge of were sealed by an 5330
existing order issued pursuant to section 2953.32 or 2953.321 of 5331
the Revised Code, division (E) of section 2151.358, section 5332
2953.35, or section 2953.36 of the Revised Code, or were 5333
expunged by an order issued pursuant to section 2953.42 of the 5334
Revised Code as it existed prior to June 29, 1988, is guilty of 5335
divulging confidential information, a misdemeanor of the fourth 5336
degree. 5337

(2) Division (J)(1) of this section does not apply to an 5338
officer or employee of the state, or a political subdivision of 5339
the state, who releases or otherwise disseminates or makes 5340
available for any purpose specified in that division any 5341
information or other data concerning a law enforcement or 5342
justice system matter the records of which the officer had 5343
knowledge were sealed or expunged by an order of a type 5344
described in that division, if all of the following apply: 5345

(a) The officer or employee released, disseminated, or 5346
made available the information or data from the sealed or 5347
expunged records together with information or data concerning 5348
another law enforcement or justice system matter. 5349

(b) The records of the other law enforcement or justice 5350
system matter were not sealed or expunged by any order of a type 5351
described in division (J)(1) of this section. 5352

(c) The law enforcement or justice system matter covered 5353
by the information or data from the sealed or expunged records 5354
and the other law enforcement or justice system matter covered 5355
by the information or data from the records that were not sealed 5356
or expunged resulted from or were connected to the same act. 5357

(d) The officer or employee made a good faith effort to 5358
not release, disseminate, or make available any information or 5359
other data concerning any law enforcement or justice system 5360
matter from the sealed or expunged records, and the officer or 5361
employee did not release, disseminate, or make available the 5362
information or other data from the sealed or expunged records 5363
with malicious purpose, in bad faith, or in a wanton or reckless 5364
manner. 5365

(3) Division (J) (1) of this section does not apply to an 5366
officer or employee of the state, or a political subdivision of 5367
the state, who releases or otherwise disseminates or makes 5368
available for any purpose specified in that division any 5369
information or other data concerning a law enforcement or 5370
justice system matter the records of which the officer had 5371
knowledge were sealed or expunged by an order of a type 5372
described in that division, if the records are released or 5373
disseminated or access is provided pursuant to an application by 5374
the person who is the subject of the information or data or by a 5375
legal representative of that person. 5376

(4) Any person who, in violation of this section, uses, 5377
disseminates, or otherwise makes available any index prepared 5378
pursuant to division (C) of this section is guilty of a 5379
misdemeanor of the fourth degree. 5380

(K) (1) Except as otherwise provided in Chapter 2950. of 5381
the Revised Code, upon the issuance of an order by a court under 5382
division (B) of section 2953.33 of the Revised Code directing 5383
that all official records pertaining to a case be sealed or 5384
expunged and that the proceedings in the case be deemed not to 5385
have occurred: 5386

(a) Every law enforcement officer possessing records or 5387

reports pertaining to the case that are the officer's specific 5388
investigatory work product and that are excepted from the 5389
definition of official records shall immediately deliver the 5390
records and reports to the officer's employing law enforcement 5391
agency. Except as provided in division (K)(1)(c) or (d) of this 5392
section, no such officer shall knowingly release, disseminate, 5393
or otherwise make the records and reports or any information 5394
contained in them available to, or discuss any information 5395
contained in them with, any person not employed by the officer's 5396
employing law enforcement agency. 5397

(b) Every law enforcement agency that possesses records or 5398
reports pertaining to the case that are its specific 5399
investigatory work product and that are excepted from the 5400
definition of official records, or that are the specific 5401
investigatory work product of a law enforcement officer it 5402
employs and that were delivered to it under division (K)(1)(a) 5403
of this section shall, except as provided in division (K)(1)(c) 5404
or (d) of this section, close the records and reports to all 5405
persons who are not directly employed by the law enforcement 5406
agency and shall, except as provided in division (K)(1)(c) or 5407
(d) of this section, treat the records and reports, in relation 5408
to all persons other than those who are directly employed by the 5409
law enforcement agency, as if they did not exist and had never 5410
existed. Except as provided in division (K)(1)(c) or (d) of this 5411
section, no person who is employed by the law enforcement agency 5412
shall knowingly release, disseminate, or otherwise make the 5413
records and reports in the possession of the employing law 5414
enforcement agency or any information contained in them 5415
available to, or discuss any information contained in them with, 5416
any person not employed by the employing law enforcement agency. 5417

(c) A law enforcement agency that possesses records or 5418

reports pertaining to the case that are its specific 5419
investigatory work product and that are excepted from the 5420
definition of official records, or that are the specific 5421
investigatory work product of a law enforcement officer it 5422
employs and that were delivered to it under division (K) (1) (a) 5423
of this section may permit another law enforcement agency to use 5424
the records or reports in the investigation of another offense, 5425
if the facts incident to the offense being investigated by the 5426
other law enforcement agency and the facts incident to an 5427
offense that is the subject of the case are reasonably similar. 5428
The agency that provides the records and reports may provide the 5429
other agency with the name of the person who is the subject of 5430
the case, if it believes that the name of the person is 5431
necessary to the conduct of the investigation by the other 5432
agency. 5433

No law enforcement agency, or person employed by a law 5434
enforcement agency, that receives from another law enforcement 5435
agency records or reports pertaining to a case the records of 5436
which have been ordered sealed or expunged pursuant to division 5437
(B) of section 2953.33 of the Revised Code shall use the records 5438
and reports for any purpose other than the investigation of the 5439
offense for which they were obtained from the other law 5440
enforcement agency, or disclose the name of the person who is 5441
the subject of the records or reports except when necessary for 5442
the conduct of the investigation of the offense, or the 5443
prosecution of the person for committing the offense, for which 5444
they were obtained from the other law enforcement agency. 5445

(d) The auditor of state may provide to or discuss with 5446
other parties records, reports, or audits maintained by the 5447
auditor of state pursuant to Chapter 117. of the Revised Code 5448
pertaining to the case that are the auditor of state's specific 5449

investigatory work product and that are excepted from the 5450
definition of "official records" contained in division (C) of 5451
section 2953.31 of the Revised Code, or that are the specific 5452
investigatory work product of a law enforcement officer the 5453
auditor of state employs and that were delivered to the auditor 5454
of state under division (K) (1) (a) of this section. 5455

(2) Whoever violates division (K) (1) of this section is 5456
guilty of divulging confidential information, a misdemeanor of 5457
the fourth degree. 5458

(L) (1) In any application for employment, license, or any 5459
other right or privilege, any appearance as a witness, or any 5460
other inquiry, a person may not be questioned with respect to 5461
any record that has been sealed or expunged pursuant to section 5462
2953.33 of the Revised Code. If an inquiry is made in violation 5463
of this division, the person whose official record was sealed 5464
may respond as if the arrest underlying the case to which the 5465
sealed official records pertain and all other proceedings in 5466
that case did not occur, and the person whose official record 5467
was sealed shall not be subject to any adverse action because of 5468
the arrest, the proceedings, or the person's response. 5469

(2) (a) Except as provided in division (L) (2) (b) of this 5470
section, an officer or employee of the state or any of its 5471
political subdivisions who knowingly releases, disseminates, or 5472
makes available for any purpose involving employment, bonding, 5473
licensing, or education to any person or to any department, 5474
agency, or other instrumentality of the state, or of any of its 5475
political subdivisions, any information or other data concerning 5476
any arrest, complaint, indictment, information, trial, 5477
adjudication, or correctional supervision, knowing the records 5478
of which have been sealed or expunged pursuant to section 5479

2953.33 of the Revised Code, is guilty of divulging confidential information, a misdemeanor of the fourth degree. 5480
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(b) Division (L) (2) (a) of this section does not apply to any release, dissemination, or access to information or data if the records are released or disseminated or access is provided pursuant to an application by the person who is the subject of the information or data or by a legal representative of that person. 5482
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(M) It is not a violation of division (I), (J), (K), or (L) of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation. 5488
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(N) (1) An order issued under section 2953.35 of the Revised Code to expunge the record of a person's conviction or, except as provided in division (D) of this section, an order issued under that section to seal the record of a person's conviction restores the person who is the subject of the order to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control. 5497
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(2) (a) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, except as provided in division (B) of this section and in section 3319.292 of the Revised Code and subject to division (N) (2) (c) of this section, a person may be 5505
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questioned only with respect to convictions not sealed, bail 5510
forfeitures not expunged under section 2953.42 of the Revised 5511
Code as it existed prior to June 29, 1988, and bail forfeitures 5512
not sealed, unless the question bears a direct and substantial 5513
relationship to the position for which the person is being 5514
considered. 5515

(b) In any application for a certificate of qualification 5516
for employment under section 2953.25 of the Revised Code, a 5517
person may be questioned only with respect to convictions not 5518
sealed and bail forfeitures not sealed. 5519

(c) A person may not be questioned in any application, 5520
appearance, or inquiry of a type described in division (N) (2) (a) 5521
of this section with respect to any conviction expunged under 5522
section 2953.35 of the Revised Code. 5523

(O) Nothing in section 2953.32, 2953.321, or 2953.34 of 5524
the Revised Code precludes an offender from taking an appeal or 5525
seeking any relief from the offender's conviction or from 5526
relying on it in lieu of any subsequent prosecution for the same 5527
offense. 5528

Sec. 2953.61. (A) Except as provided in division (B) (1) of 5529
this section, a person charged with two or more offenses as a 5530
result of or in connection with the same act may not apply to 5531
the court pursuant to section 2953.32, 2953.321, 2953.33, or 5532
2953.521 of the Revised Code for the sealing or expungement of 5533
the person's record in relation to any of the charges, and a 5534
prosecutor may not apply to the court pursuant to section 5535
2953.39 of the Revised Code for the sealing or expungement of 5536
the record of a person in relation to any of the charges if the 5537
person was charged with two or more offenses as a result of or 5538
in connection with the same act, when at least one of the 5539

charges has a final disposition that is different from the final 5540
disposition of the other charges until such time as the person, 5541
or prosecutor, would be able to apply to the court and have all 5542
of the records pertaining to all of those charges sealed or 5543
expunged pursuant to section 2953.32, 2953.321, 2953.33, 5544
2953.39, or 2953.521 of the Revised Code. 5545

(B) (1) When a person is charged with two or more offenses 5546
as a result of or in connection with the same act and the final 5547
disposition of one, and only one, of the charges is a conviction 5548
under any section of Chapter 4507., 4510., 4511., or 4549., 5549
other than section 4511.19 or 4511.194 of the Revised Code, or 5550
under a municipal ordinance that is substantially similar to any 5551
section other than section 4511.19 or 4511.194 of the Revised 5552
Code contained in any of those chapters, and if the records 5553
pertaining to all the other charges would be eligible for 5554
sealing or expungement under section 2953.33, 2953.39, or 5555
2953.521 of the Revised Code in the absence of that conviction, 5556
the court may order that the records pertaining to all the 5557
charges be sealed or expunged. In such a case, the court shall 5558
not order that only a portion of the records be sealed or 5559
expunged. 5560

(2) Division (B) (1) of this section does not apply if the 5561
person convicted of the offenses currently holds a commercial 5562
driver's license or commercial driver's license temporary 5563
instruction permit. 5564

Sec. 4723.28. (A) The board of nursing, by a vote of a 5565
quorum, may impose one or more of the following sanctions if it 5566
finds that a person committed fraud in passing an examination 5567
required to obtain a license or dialysis technician certificate 5568
issued by the board or to have committed fraud, 5569

misrepresentation, or deception in applying for or securing any 5570
nursing license or dialysis technician certificate issued by the 5571
board: deny, revoke, suspend, or place restrictions on any 5572
nursing license or dialysis technician certificate issued by the 5573
board; reprimand or otherwise discipline a holder of a nursing 5574
license or dialysis technician certificate; or impose a fine of 5575
not more than five hundred dollars per violation. 5576

(B) Except as provided in section 4723.092 of the Revised 5577
Code, the board of nursing, by a vote of a quorum, may impose 5578
one or more of the following sanctions: deny, revoke, suspend, 5579
or place restrictions on any nursing license or dialysis 5580
technician certificate issued by the board; reprimand or 5581
otherwise discipline a holder of a nursing license or dialysis 5582
technician certificate; or impose a fine of not more than five 5583
hundred dollars per violation. The sanctions may be imposed for 5584
any of the following: 5585

(1) Denial, revocation, suspension, or restriction of 5586
authority to engage in a licensed profession or practice a 5587
health care occupation, including nursing or practice as a 5588
dialysis technician, for any reason other than a failure to 5589
renew, in Ohio or another state or jurisdiction; 5590

(2) Engaging in the practice of nursing or engaging in 5591
practice as a dialysis technician, having failed to renew a 5592
nursing license or dialysis technician certificate issued under 5593
this chapter, or while a nursing license or dialysis technician 5594
certificate is under suspension; 5595

(3) Conviction of, a plea of guilty to, a judicial finding 5596
of guilt of, a judicial finding of guilt resulting from a plea 5597
of no contest to, or a judicial finding of eligibility for a 5598
pretrial diversion or similar program or for intervention in 5599

lieu of conviction for, a misdemeanor committed in the course of 5600
practice; 5601

(4) Conviction of, a plea of guilty to, a judicial finding 5602
of guilt of, a judicial finding of guilt resulting from a plea 5603
of no contest to, or a judicial finding of eligibility for a 5604
pretrial diversion or similar program or for intervention in 5605
lieu of conviction for, any felony or of any crime involving 5606
gross immorality or moral turpitude; 5607

(5) Selling, giving away, or administering drugs or 5608
therapeutic devices for other than legal and legitimate 5609
therapeutic purposes; or conviction of, a plea of guilty to, a 5610
judicial finding of guilt of, a judicial finding of guilt 5611
resulting from a plea of no contest to, or a judicial finding of 5612
eligibility for a pretrial diversion or similar program or for 5613
intervention in lieu of conviction for, violating any municipal, 5614
state, county, or federal drug law; 5615

(6) Conviction of, a plea of guilty to, a judicial finding 5616
of guilt of, a judicial finding of guilt resulting from a plea 5617
of no contest to, or a judicial finding of eligibility for a 5618
pretrial diversion or similar program or for intervention in 5619
lieu of conviction for, an act in another jurisdiction that 5620
would constitute a felony or a crime of moral turpitude in Ohio; 5621

(7) Conviction of, a plea of guilty to, a judicial finding 5622
of guilt of, a judicial finding of guilt resulting from a plea 5623
of no contest to, or a judicial finding of eligibility for a 5624
pretrial diversion or similar program or for intervention in 5625
lieu of conviction for, an act in the course of practice in 5626
another jurisdiction that would constitute a misdemeanor in 5627
Ohio; 5628

(8) Self-administering or otherwise taking into the body 5629
any dangerous drug, as defined in section 4729.01 of the Revised 5630
Code, in any way that is not in accordance with a legal, valid 5631
prescription issued for that individual, or self-administering 5632
or otherwise taking into the body any drug that is a schedule I 5633
controlled substance; 5634

(9) Habitual or excessive use of controlled substances, 5635
other habit-forming drugs, or alcohol or other chemical 5636
substances to an extent that impairs the individual's ability to 5637
provide safe nursing care or safe dialysis care; 5638

(10) Impairment of the ability to practice according to 5639
acceptable and prevailing standards of safe nursing care or safe 5640
dialysis care because of the use of drugs, alcohol, or other 5641
chemical substances; 5642

(11) Impairment of the ability to practice according to 5643
acceptable and prevailing standards of safe nursing care or safe 5644
dialysis care because of a physical or mental disability; 5645

(12) Assaulting or causing harm to a patient or depriving 5646
a patient of the means to summon assistance; 5647

(13) Misappropriation or attempted misappropriation of 5648
money or anything of value in the course of practice; 5649

(14) Adjudication by a probate court of being mentally ill 5650
or mentally incompetent. The board may reinstate the person's 5651
nursing license or dialysis technician certificate upon 5652
adjudication by a probate court of the person's restoration to 5653
competency or upon submission to the board of other proof of 5654
competency. 5655

(15) The suspension or termination of employment by the 5656
United States department of defense or department of veterans 5657

affairs for any act that violates or would violate this chapter;	5658
(16) Violation of this chapter or any rules adopted under it;	5659 5660
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	5661 5662
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	5663 5664 5665
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	5666 5667
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	5668 5669 5670
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	5671 5672 5673
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	5674 5675 5676
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	5677 5678 5679
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	5680 5681 5682
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or	5683 5684

health care policy, contract, or plan that covers such nursing 5685
services, would otherwise be required to pay if the waiver is 5686
used as an enticement to a patient or group of patients to 5687
receive health care services from that provider; 5688

(b) Advertising that the nurse will waive the payment of 5689
all or any part of a deductible or copayment that a patient, 5690
pursuant to a health insurance or health care policy, contract, 5691
or plan that covers such nursing services, would otherwise be 5692
required to pay. 5693

(25) Failure to comply with the terms and conditions of 5694
participation in the substance use disorder monitoring program 5695
established under section 4723.35 of the Revised Code; 5696

(26) Failure to comply with the terms and conditions 5697
required under the practice intervention and improvement program 5698
established under section 4723.282 of the Revised Code; 5699

(27) In the case of an advanced practice registered nurse: 5700

(a) Engaging in activities that exceed those permitted for 5701
the nurse's nursing specialty under section 4723.43 of the 5702
Revised Code; 5703

(b) Failure to meet the quality assurance standards 5704
established under section 4723.07 of the Revised Code. 5705

(28) In the case of an advanced practice registered nurse 5706
other than a certified registered nurse anesthetist, failure to 5707
maintain a standard care arrangement in accordance with section 5708
4723.431 of the Revised Code or to practice in accordance with 5709
the standard care arrangement; 5710

(29) In the case of an advanced practice registered nurse 5711
who is designated as a clinical nurse specialist, certified 5712

nurse-midwife, or certified nurse practitioner, failure to 5713
prescribe drugs and therapeutic devices in accordance with 5714
section 4723.481 of the Revised Code; 5715

(30) Prescribing any drug or device to perform or induce 5716
an abortion, or otherwise performing or inducing an abortion; 5717

(31) Failure to establish and maintain professional 5718
boundaries with a patient, as specified in rules adopted under 5719
section 4723.07 of the Revised Code; 5720

(32) Regardless of whether the contact or verbal behavior 5721
is consensual, engaging with a patient other than the spouse of 5722
the registered nurse, licensed practical nurse, or dialysis 5723
technician in any of the following: 5724

(a) Sexual contact, as defined in section 2907.01 of the 5725
Revised Code; 5726

(b) Verbal behavior that is sexually demeaning to the 5727
patient or may be reasonably interpreted by the patient as 5728
sexually demeaning. 5729

(33) Assisting suicide, as defined in section 3795.01 of 5730
the Revised Code; 5731

(34) Failure to comply with the requirements in section 5732
3719.061 of the Revised Code before issuing for a minor a 5733
prescription for an opioid analgesic, as defined in section 5734
3719.01 of the Revised Code; 5735

(35) Failure to comply with section 4723.487 of the 5736
Revised Code, unless the state board of pharmacy no longer 5737
maintains a drug database pursuant to section 4729.75 of the 5738
Revised Code; 5739

(36) The revocation, suspension, restriction, reduction, 5740

or termination of clinical privileges by the United States 5741
department of defense or department of veterans affairs or the 5742
termination or suspension of a certificate of registration to 5743
prescribe drugs by the drug enforcement administration of the 5744
United States department of justice; 5745

(37) In the case of an advanced practice registered nurse 5746
who is designated as a clinical nurse specialist, certified 5747
nurse-midwife, or certified nurse practitioner, failure to 5748
comply with the terms of a consult agreement entered into with a 5749
pharmacist pursuant to section 4729.39 of the Revised Code. 5750

(C) Disciplinary actions taken by the board under 5751
divisions (A) and (B) of this section shall be taken pursuant to 5752
an adjudication conducted under Chapter 119. of the Revised 5753
Code, except that in lieu of a hearing, the board may enter into 5754
a consent agreement with an individual to resolve an allegation 5755
of a violation of this chapter or any rule adopted under it. A 5756
consent agreement, when ratified by a vote of a quorum, shall 5757
constitute the findings and order of the board with respect to 5758
the matter addressed in the agreement. If the board refuses to 5759
ratify a consent agreement, the admissions and findings 5760
contained in the agreement shall be of no effect. 5761

(D) The hearings of the board shall be conducted in 5762
accordance with Chapter 119. of the Revised Code, the board may 5763
appoint a hearing examiner, as provided in section 119.09 of the 5764
Revised Code, to conduct any hearing the board is authorized to 5765
hold under Chapter 119. of the Revised Code. 5766

In any instance in which the board is required under 5767
Chapter 119. of the Revised Code to give notice of an 5768
opportunity for a hearing and the applicant, licensee, or 5769
certificate holder does not make a timely request for a hearing 5770

in accordance with section 119.07 of the Revised Code, the board 5771
is not required to hold a hearing, but may adopt, by a vote of a 5772
quorum, a final order that contains the board's findings. In the 5773
final order, the board may order any of the sanctions listed in 5774
division (A) or (B) of this section. 5775

(E) If a criminal action is brought against a registered 5776
nurse, licensed practical nurse, or dialysis technician for an 5777
act or crime described in divisions (B) (3) to (7) of this 5778
section and the action is dismissed by the trial court other 5779
than on the merits, the board shall conduct an adjudication to 5780
determine whether the registered nurse, licensed practical 5781
nurse, or dialysis technician committed the act on which the 5782
action was based. If the board determines on the basis of the 5783
adjudication that the registered nurse, licensed practical 5784
nurse, or dialysis technician committed the act, or if the 5785
registered nurse, licensed practical nurse, or dialysis 5786
technician fails to participate in the adjudication, the board 5787
may take action as though the registered nurse, licensed 5788
practical nurse, or dialysis technician had been convicted of 5789
the act. 5790

If the board takes action on the basis of a conviction, 5791
plea, or a judicial finding as described in divisions (B) (3) to 5792
(7) of this section that is overturned on appeal, the registered 5793
nurse, licensed practical nurse, or dialysis technician may, on 5794
exhaustion of the appeal process, petition the board for 5795
reconsideration of its action. On receipt of the petition and 5796
supporting court documents, the board shall temporarily rescind 5797
its action. If the board determines that the decision on appeal 5798
was a decision on the merits, it shall permanently rescind its 5799
action. If the board determines that the decision on appeal was 5800
not a decision on the merits, it shall conduct an adjudication 5801

to determine whether the registered nurse, licensed practical 5802
nurse, or dialysis technician committed the act on which the 5803
original conviction, plea, or judicial finding was based. If the 5804
board determines on the basis of the adjudication that the 5805
registered nurse, licensed practical nurse, or dialysis 5806
technician committed such act, or if the registered nurse, 5807
licensed practical nurse, or dialysis technician does not 5808
request an adjudication, the board shall reinstate its action; 5809
otherwise, the board shall permanently rescind its action. 5810

Notwithstanding the provision of division (D) (2) of 5811
section 2953.32, division (B) (1) of section 2953.321, or 5812
division (F) (1) of section 2953.39 of the Revised Code 5813
specifying that if records pertaining to a criminal case are 5814
sealed or expunged under that section the proceedings in the 5815
case shall be deemed not to have occurred, sealing or 5816
expungement of the following records on which the board has 5817
based an action under this section shall have no effect on the 5818
board's action or any sanction imposed by the board under this 5819
section: records of any conviction, guilty plea, judicial 5820
finding of guilt resulting from a plea of no contest, or a 5821
judicial finding of eligibility for a pretrial diversion program 5822
or intervention in lieu of conviction. 5823

The board shall not be required to seal, destroy, redact, 5824
or otherwise modify its records to reflect the court's sealing 5825
or expungement of conviction records. 5826

(F) The board may investigate an individual's criminal 5827
background in performing its duties under this section. As part 5828
of such investigation, the board may order the individual to 5829
submit, at the individual's expense, a request to the bureau of 5830
criminal identification and investigation for a criminal records 5831

check and check of federal bureau of investigation records in 5832
accordance with the procedure described in section 4723.091 of 5833
the Revised Code. 5834

(G) During the course of an investigation conducted under 5835
this section, the board may compel any registered nurse, 5836
licensed practical nurse, or dialysis technician or applicant 5837
under this chapter to submit to a mental or physical 5838
examination, or both, as required by the board and at the 5839
expense of the individual, if the board finds reason to believe 5840
that the individual under investigation may have a physical or 5841
mental impairment that may affect the individual's ability to 5842
provide safe nursing care. Failure of any individual to submit 5843
to a mental or physical examination when directed constitutes an 5844
admission of the allegations, unless the failure is due to 5845
circumstances beyond the individual's control, and a default and 5846
final order may be entered without the taking of testimony or 5847
presentation of evidence. 5848

If the board finds that an individual is impaired, the 5849
board shall require the individual to submit to care, 5850
counseling, or treatment approved or designated by the board, as 5851
a condition for initial, continued, reinstated, or renewed 5852
authority to practice. The individual shall be afforded an 5853
opportunity to demonstrate to the board that the individual can 5854
begin or resume the individual's occupation in compliance with 5855
acceptable and prevailing standards of care under the provisions 5856
of the individual's authority to practice. 5857

For purposes of this division, any registered nurse, 5858
licensed practical nurse, or dialysis technician or applicant 5859
under this chapter shall be deemed to have given consent to 5860
submit to a mental or physical examination when directed to do 5861

so in writing by the board, and to have waived all objections to 5862
the admissibility of testimony or examination reports that 5863
constitute a privileged communication. 5864

(H) The board shall investigate evidence that appears to 5865
show that any person has violated any provision of this chapter 5866
or any rule of the board. Any person may report to the board any 5867
information the person may have that appears to show a violation 5868
of any provision of this chapter or rule of the board. In the 5869
absence of bad faith, any person who reports such information or 5870
who testifies before the board in any adjudication conducted 5871
under Chapter 119. of the Revised Code shall not be liable for 5872
civil damages as a result of the report or testimony. 5873

(I) All of the following apply under this chapter with 5874
respect to the confidentiality of information: 5875

(1) Information received by the board pursuant to a 5876
complaint or an investigation is confidential and not subject to 5877
discovery in any civil action, except that the board may 5878
disclose information to law enforcement officers and government 5879
entities for purposes of an investigation of either a licensed 5880
health care professional, including a registered nurse, licensed 5881
practical nurse, or dialysis technician, or a person who may 5882
have engaged in the unauthorized practice of nursing or dialysis 5883
care. No law enforcement officer or government entity with 5884
knowledge of any information disclosed by the board pursuant to 5885
this division shall divulge the information to any other person 5886
or government entity except for the purpose of a government 5887
investigation, a prosecution, or an adjudication by a court or 5888
government entity. 5889

(2) If an investigation requires a review of patient 5890
records, the investigation and proceeding shall be conducted in 5891

such a manner as to protect patient confidentiality. 5892

(3) All adjudications and investigations of the board 5893
shall be considered civil actions for the purposes of section 5894
2305.252 of the Revised Code. 5895

(4) Any board activity that involves continued monitoring 5896
of an individual as part of or following any disciplinary action 5897
taken under this section shall be conducted in a manner that 5898
maintains the individual's confidentiality. Information received 5899
or maintained by the board with respect to the board's 5900
monitoring activities is not subject to discovery in any civil 5901
action and is confidential, except that the board may disclose 5902
information to law enforcement officers and government entities 5903
for purposes of an investigation of a licensee or certificate 5904
holder. 5905

(J) Any action taken by the board under this section 5906
resulting in a suspension from practice shall be accompanied by 5907
a written statement of the conditions under which the person may 5908
be reinstated to practice. 5909

(K) When the board refuses to grant a license or 5910
certificate to an applicant, revokes a license or certificate, 5911
or refuses to reinstate a license or certificate, the board may 5912
specify that its action is permanent. An individual subject to 5913
permanent action taken by the board is forever ineligible to 5914
hold a license or certificate of the type that was refused or 5915
revoked and the board shall not accept from the individual an 5916
application for reinstatement of the license or certificate or 5917
for a new license or certificate. 5918

(L) No unilateral surrender of a nursing license or 5919
dialysis technician certificate issued under this chapter shall 5920

be effective unless accepted by majority vote of the board. No 5921
application for a nursing license or dialysis technician 5922
certificate issued under this chapter may be withdrawn without a 5923
majority vote of the board. The board's jurisdiction to take 5924
disciplinary action under this section is not removed or limited 5925
when an individual has a license or certificate classified as 5926
inactive or fails to renew a license or certificate. 5927

(M) Sanctions shall not be imposed under division (B) (24) 5928
of this section against any licensee who waives deductibles and 5929
copayments as follows: 5930

(1) In compliance with the health benefit plan that 5931
expressly allows such a practice. Waiver of the deductibles or 5932
copayments shall be made only with the full knowledge and 5933
consent of the plan purchaser, payer, and third-party 5934
administrator. Documentation of the consent shall be made 5935
available to the board upon request. 5936

(2) For professional services rendered to any other person 5937
licensed pursuant to this chapter to the extent allowed by this 5938
chapter and the rules of the board. 5939

Sec. 4729.16. (A) (1) The state board of pharmacy, after 5940
notice and hearing in accordance with Chapter 119. of the 5941
Revised Code, may impose any one or more of the following 5942
sanctions on a pharmacist or pharmacy intern if the board finds 5943
the individual engaged in any of the conduct set forth in 5944
division (A) (2) of this section: 5945

(a) Revoke, suspend, restrict, limit, or refuse to grant 5946
or renew a license; 5947

(b) Reprimand or place the license holder on probation; 5948

(c) Impose a monetary penalty or forfeiture not to exceed 5949

in severity any fine designated under the Revised Code for a 5950
similar offense, or in the case of a violation of a section of 5951
the Revised Code that does not bear a penalty, a monetary 5952
penalty or forfeiture of not more than five hundred dollars. 5953

(2) Except as provided in division (I) of this section, 5954
the board may impose the sanctions listed in division (A)(1) of 5955
this section if the board finds a pharmacist or pharmacy intern: 5956

(a) Has been convicted of a felony, or a crime of moral 5957
turpitude, as defined in section 4776.10 of the Revised Code; 5958

(b) Engaged in dishonesty or unprofessional conduct in the 5959
practice of pharmacy; 5960

(c) Is addicted to or abusing alcohol or drugs or is 5961
impaired physically or mentally to such a degree as to render 5962
the pharmacist or pharmacy intern unfit to practice pharmacy; 5963

(d) Has been convicted of a misdemeanor related to, or 5964
committed in, the practice of pharmacy; 5965

(e) Violated, conspired to violate, attempted to violate, 5966
or aided and abetted the violation of any of the provisions of 5967
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 5968
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 5969
by the board under those provisions; 5970

(f) Permitted someone other than a pharmacist or pharmacy 5971
intern to practice pharmacy; 5972

(g) Knowingly lent the pharmacist's or pharmacy intern's 5973
name to an illegal practitioner of pharmacy or had a 5974
professional connection with an illegal practitioner of 5975
pharmacy; 5976

(h) Divided or agreed to divide remuneration made in the 5977

practice of pharmacy with any other individual, including, but 5978
not limited to, any licensed health professional authorized to 5979
prescribe drugs or any owner, manager, or employee of a health 5980
care facility, residential care facility, or nursing home; 5981

(i) Violated the terms of a consult agreement entered into 5982
pursuant to section 4729.39 of the Revised Code; 5983

(j) Committed fraud, misrepresentation, or deception in 5984
applying for or securing a license issued by the board under 5985
this chapter or under Chapter 3715. or 3719. of the Revised 5986
Code; 5987

(k) Failed to comply with an order of the board or a 5988
settlement agreement; 5989

(l) Engaged in any other conduct for which the board may 5990
impose discipline as set forth in rules adopted under section 5991
4729.26 of the Revised Code. 5992

(B) Any individual whose license is revoked, suspended, or 5993
refused, shall return the license to the offices of the state 5994
board of pharmacy within ten days after receipt of notice of 5995
such action. 5996

(C) As used in this section: 5997

"Unprofessional conduct in the practice of pharmacy" 5998
includes any of the following: 5999

(1) Advertising or displaying signs that promote dangerous 6000
drugs to the public in a manner that is false or misleading; 6001

(2) Except as provided in section 3715.50, 3715.502, 6002
4729.281, or 4729.47 of the Revised Code, the dispensing or sale 6003
of any drug for which a prescription is required, without having 6004
received a prescription for the drug; 6005

(3) Knowingly dispensing medication pursuant to false or
forged prescriptions; 6006
6007

(4) Knowingly failing to maintain complete and accurate 6008
records of all dangerous drugs received or dispensed in 6009
compliance with federal laws and regulations and state laws and 6010
rules; 6011

(5) Obtaining any remuneration by fraud, 6012
misrepresentation, or deception; 6013

(6) Failing to conform to prevailing standards of care of 6014
similar pharmacists or pharmacy interns under the same or 6015
similar circumstances, whether or not actual injury to a patient 6016
is established; 6017

(7) Engaging in any other conduct that the board specifies 6018
as unprofessional conduct in the practice of pharmacy in rules 6019
adopted under section 4729.26 of the Revised Code. 6020

(D) The board may suspend a license under division (B) of 6021
section 3719.121 of the Revised Code by utilizing a telephone 6022
conference call to review the allegations and take a vote. 6023

(E) For purposes of this division, an individual 6024
authorized to practice as a pharmacist or pharmacy intern 6025
accepts the privilege of practicing in this state subject to 6026
supervision by the board. By filing an application for or 6027
holding a license to practice as a pharmacist or pharmacy 6028
intern, an individual gives consent to submit to a mental or 6029
physical examination when ordered to do so by the board in 6030
writing and waives all objections to the admissibility of 6031
testimony or examination reports that constitute privileged 6032
communications. 6033

If the board has reasonable cause to believe that an 6034

individual who is a pharmacist or pharmacy intern is physically 6035
or mentally impaired, the board may require the individual to 6036
submit to a physical or mental examination, or both. The expense 6037
of the examination is the responsibility of the individual 6038
required to be examined. 6039

Failure of an individual who is a pharmacist or pharmacy 6040
intern to submit to a physical or mental examination ordered by 6041
the board, unless the failure is due to circumstances beyond the 6042
individual's control, constitutes an admission of the 6043
allegations and a suspension order shall be entered without the 6044
taking of testimony or presentation of evidence. Any subsequent 6045
adjudication hearing under Chapter 119. of the Revised Code 6046
concerning failure to submit to an examination is limited to 6047
consideration of whether the failure was beyond the individual's 6048
control. 6049

If, based on the results of an examination ordered under 6050
this division, the board determines that the individual's 6051
ability to practice is impaired, the board shall suspend the 6052
individual's license or deny the individual's application and 6053
shall require the individual, as a condition for an initial, 6054
continued, reinstated, or renewed license to practice, to submit 6055
to a physical or mental examination and treatment. 6056

An order of suspension issued under this division shall 6057
not be subject to suspension by a court during pendency of any 6058
appeal filed under section 119.12 of the Revised Code. 6059

(F) If the board is required under Chapter 119. of the 6060
Revised Code to give notice of an opportunity for a hearing and 6061
the applicant or licensee does not make a timely request for a 6062
hearing in accordance with section 119.07 of the Revised Code, 6063
the board is not required to hold a hearing, but may adopt a 6064

final order that contains the board's findings. In the final 6065
order, the board may impose any of the sanctions listed in 6066
division (A) of this section. 6067

(G) Notwithstanding the provision of division (D) (2) of 6068
section 2953.32, division (B) (1) of section 2953.321, or 6069
division (F) (1) of section 2953.39 of the Revised Code 6070
specifying that if records pertaining to a criminal case are 6071
sealed or expunged under that section the proceedings in the 6072
case must be deemed not to have occurred, sealing or expungement 6073
of the following records on which the board has based an action 6074
under this section shall have no effect on the board's action or 6075
any sanction imposed by the board under this section: records of 6076
any conviction, guilty plea, judicial finding of guilt resulting 6077
from a plea of no contest, or a judicial finding of eligibility 6078
for a pretrial diversion program or intervention in lieu of 6079
conviction. The board shall not be required to seal, destroy, 6080
redact, or otherwise modify its records to reflect the court's 6081
sealing or expungement of conviction records. 6082

(H) No pharmacist or pharmacy intern shall knowingly 6083
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 6084
(e) to (l) of this section. 6085

(I) The board shall not refuse to issue a license to an 6086
applicant for a conviction of an offense unless the refusal is 6087
in accordance with section 9.79 of the Revised Code. 6088

Sec. 4729.56. (A) (1) The state board of pharmacy, in 6089
accordance with Chapter 119. of the Revised Code, may impose any 6090
one or more of the following sanctions on a person licensed 6091
under division (B) (1) (a) of section 4729.52 of the Revised Code 6092
for any of the causes set forth in division (A) (2) of this 6093
section: 6094

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew a license;	6095 6096
(b) Reprimand or place the license holder on probation;	6097
(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code;	6098 6099 6100 6101
(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following:	6102 6103
(a) Making any false material statements in an application for licensure under section 4729.52 of the Revised Code;	6104 6105
(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;	6106 6107 6108
(c) A conviction of a felony;	6109
(d) Failing to satisfy the qualifications for licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;	6110 6111 6112 6113
(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor;	6114 6115 6116 6117 6118 6119 6120 6121
(f) Violating any provision of the "Federal Food, Drug,	6122

and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 6123
Chapter 3715. of the Revised Code; 6124

(g) Any other cause for which the board may impose 6125
sanctions as set forth in rules adopted under section 4729.26 of 6126
the Revised Code. 6127

(B) Upon the suspension or revocation of any license 6128
identified in division (B) (1) (a) of section 4729.52 of the 6129
Revised Code, the licensee shall immediately surrender the 6130
license to the board. 6131

(C) If the board suspends, revokes, or refuses to renew 6132
any license identified in division (B) (1) (a) of section 4729.52 6133
of the Revised Code and determines that there is clear and 6134
convincing evidence of a danger of immediate and serious harm to 6135
any person, the board may place under seal all dangerous drugs 6136
owned by or in the possession, custody, or control of the 6137
affected licensee. Except as provided in this division, the 6138
board shall not dispose of the dangerous drugs sealed under this 6139
division until the licensee exhausts all of the licensee's 6140
appeal rights under Chapter 119. of the Revised Code. The court 6141
involved in such an appeal may order the board, during the 6142
pendency of the appeal, to sell sealed dangerous drugs that are 6143
perishable. The board shall deposit the proceeds of the sale 6144
with the court. 6145

(D) If the board is required under Chapter 119. of the 6146
Revised Code to give notice of an opportunity for a hearing and 6147
the license holder does not make a timely request for a hearing 6148
in accordance with section 119.07 of the Revised Code, the board 6149
is not required to hold a hearing, but may adopt a final order 6150
that contains the board's findings. In the final order, the 6151
board may impose any of the sanctions listed in division (A) of 6152

this section. 6153

(E) Notwithstanding division (D) (2) of section 2953.32, division (B) (1) of section 2953.321, or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records. 6154
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Sec. 4729.57. (A) The state board of pharmacy may after notice and a hearing in accordance with Chapter 119. of the Revised Code, impose any one or more of the following sanctions on a terminal distributor of dangerous drugs for any of the causes set forth in division (B) of this section: 6169
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(1) Suspend, revoke, restrict, limit, or refuse to grant or renew any license; 6174
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(2) Reprimand or place the license holder on probation; 6176

(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code. 6177
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(B) The board may impose the sanctions listed in division 6181

(A) of this section for any of the following:	6182
(1) Making any false material statements in an application for a license as a terminal distributor of dangerous drugs;	6183 6184
(2) Violating any rule of the board;	6185
(3) Violating any provision of this chapter;	6186
(4) Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code;	6187 6188 6189 6190
(5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;	6191 6192
(6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor;	6193 6194 6195 6196 6197
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	6198 6199 6200
(8) Except as provided in division (C) of this section:	6201
(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor;	6202 6203 6204 6205 6206 6207 6208 6209

(b) Advertising that the terminal distributor will waive 6210
the payment of all or any part of a deductible or copayment that 6211
an individual, pursuant to a health insurance or health care 6212
policy, contract, or plan that covers the pharmaceutical 6213
services, would otherwise be required to pay for the services. 6214

(9) Conviction of a felony; 6215

(10) Any other cause for which the board may impose 6216
discipline as set forth in rules adopted under section 4729.26 6217
of the Revised Code. 6218

(C) Sanctions shall not be imposed under division (B) (8) 6219
of this section against any terminal distributor of dangerous 6220
drugs that waives deductibles and copayments as follows: 6221

(1) In compliance with a health benefit plan that 6222
expressly allows such a practice. Waiver of the deductibles or 6223
copayments shall be made only with the full knowledge and 6224
consent of the plan purchaser, payer, and third-party 6225
administrator. Documentation of the consent shall be made 6226
available to the board on request. 6227

(2) For professional services rendered to any other person 6228
licensed pursuant to this chapter to the extent allowed by this 6229
chapter and the rules of the board. 6230

(D) (1) Upon the suspension or revocation of a license 6231
issued to a terminal distributor of dangerous drugs or the 6232
refusal by the board to renew such a license, the distributor 6233
shall immediately surrender the license to the board. 6234

(2) (a) The board may place under seal all dangerous drugs 6235
that are owned by or in the possession, custody, or control of a 6236
terminal distributor at the time the license is suspended or 6237
revoked or at the time the board refuses to renew the license. 6238

Except as provided in division (D) (2) (b) of this section, 6239
dangerous drugs so sealed shall not be disposed of until appeal 6240
rights under Chapter 119. of the Revised Code have expired or an 6241
appeal filed pursuant to that chapter has been determined. 6242

(b) The court involved in an appeal filed pursuant to 6243
Chapter 119. of the Revised Code may order the board, during the 6244
pendency of the appeal, to sell sealed dangerous drugs that are 6245
perishable. The proceeds of such a sale shall be deposited with 6246
that court. 6247

(E) If the board is required under Chapter 119. of the 6248
Revised Code to give notice of an opportunity for a hearing and 6249
the license holder does not make a timely request for a hearing 6250
in accordance with section 119.07 of the Revised Code, the board 6251
is not required to hold a hearing, but may adopt a final order 6252
that contains the board's findings. In the final order, the 6253
board may impose any of the sanctions listed in division (A) of 6254
this section. 6255

(F) Notwithstanding division (D) (2) of section 2953.32, 6256
division (B) (1) of section 2953.321, or division (F) (1) of 6257
section 2953.39 of the Revised Code specifying that if records 6258
pertaining to a criminal case are sealed or expunged under that 6259
section the proceedings in the case must be deemed not to have 6260
occurred, sealing or expungement of the following records on 6261
which the board has based an action under this section shall 6262
have no effect on the board's action or any sanction imposed by 6263
the board under this section: records of any conviction, guilty 6264
plea, judicial finding of guilt resulting from a plea of no 6265
contest, or a judicial finding of eligibility for a pretrial 6266
diversion program or intervention in lieu of conviction. The 6267
board is not required to seal, destroy, redact, or otherwise 6268

modify its records to reflect the court's sealing or expungement 6269
of conviction records. 6270

Sec. 4729.96. (A) (1) The state board of pharmacy, after 6271
notice and hearing in accordance with Chapter 119. of the 6272
Revised Code, may impose one or more of the following sanctions 6273
on a pharmacy technician trainee, registered pharmacy 6274
technician, or certified pharmacy technician if the board finds 6275
the individual engaged in any of the conduct set forth in 6276
division (A) (2) of this section: 6277

(a) Revoke, suspend, restrict, limit, or refuse to grant 6278
or renew a registration; 6279

(b) Reprimand or place the holder of the registration on 6280
probation; 6281

(c) Impose a monetary penalty or forfeiture not to exceed 6282
in severity any fine designated under the Revised Code for a 6283
similar offense, or in the case of a violation of a section of 6284
the Revised Code that does not bear a penalty, a monetary 6285
penalty or forfeiture of not more than five hundred dollars. 6286

(2) Except as provided in division (G) of this section, 6287
the board may impose the sanctions listed in division (A) (1) of 6288
this section if the board finds a pharmacy technician trainee, 6289
registered pharmacy technician, or certified pharmacy 6290
technician: 6291

(a) Has been convicted of a felony, or a crime of moral 6292
turpitude, as defined in section 4776.10 of the Revised Code; 6293

(b) Engaged in dishonesty or unprofessional conduct, as 6294
prescribed in rules adopted by the board under section 4729.94 6295
of the Revised Code; 6296

(c) Is addicted to or abusing alcohol or drugs or impaired 6297
physically or mentally to such a degree as to render the 6298
individual unable to perform the individual's duties; 6299

(d) Violated, conspired to violate, attempted to violate, 6300
or aided and abetted the violation of any of the provisions of 6301
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 6302
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 6303
by the board under those provisions; 6304

(e) Committed fraud, misrepresentation, or deception in 6305
applying for or securing a registration issued by the board 6306
under this chapter; 6307

(f) Failed to comply with an order of the board or a 6308
settlement agreement; 6309

(g) Engaged in any other conduct for which the board may 6310
impose discipline as set forth in rules adopted by the board 6311
under section 4729.94 of the Revised Code. 6312

(B) The board may suspend a registration under division 6313
(B) of section 3719.121 of the Revised Code by utilizing a 6314
telephone conference call to review the allegations and take a 6315
vote. 6316

(C) For purposes of this division, an individual 6317
authorized to practice as a pharmacy technician trainee, 6318
registered pharmacy technician, or certified pharmacy technician 6319
accepts the privilege of practicing in this state subject to 6320
supervision by the board. By filing an application for or 6321
holding a registration under this chapter, the individual gives 6322
consent to submit to a mental or physical examination when 6323
ordered to do so by the board in writing and waives all 6324
objections to the admissibility of testimony or examination 6325

reports that constitute privileged communications. 6326

If the board has reasonable cause to believe that an 6327
individual who is a pharmacy technician trainee, registered 6328
pharmacy technician, or certified pharmacy technician is 6329
physically or mentally impaired, the board may require the 6330
individual to submit to a physical or mental examination, or 6331
both. The expense of the examination is the responsibility of 6332
the individual required to be examined. 6333

Failure of an individual who is a pharmacy technician 6334
trainee, registered pharmacy technician, or certified pharmacy 6335
technician to submit to a physical or mental examination ordered 6336
by the board, unless the failure is due to circumstances beyond 6337
the individual's control, constitutes an admission of the 6338
allegations and a suspension order shall be entered without the 6339
taking of testimony or presentation of evidence. Any subsequent 6340
adjudication hearing under Chapter 119. of the Revised Code 6341
concerning failure to submit to an examination is limited to 6342
consideration of whether the failure was beyond the individual's 6343
control. 6344

If, based on the results of an examination ordered under 6345
this division, the board determines that the individual's 6346
ability to practice is impaired, the board shall suspend the 6347
individual's registration or deny the individual's application 6348
and shall require the individual, as a condition for an initial, 6349
continued, reinstated, or renewed registration to practice, to 6350
submit to a physical or mental examination and treatment. 6351

An order of suspension issued under this division shall 6352
not be subject to suspension by a court during pendency of any 6353
appeal filed under section 119.12 of the Revised Code. 6354

(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or registrant does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(E) Notwithstanding the provision of division (D) (2) of section 2953.32, division (B) (1) of section 2953.321, or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) No pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician shall knowingly engage in any conduct described in divisions (A) (2) (b) or (A) (2) (d) to (g) of this section.

(G) The board shall not refuse to issue a registration to an applicant because of a conviction of an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4752.09. (A) The state board of pharmacy may, in 6385
accordance with Chapter 119. of the Revised Code, impose any one 6386
or more of the following sanctions on an applicant for a license 6387
or certificate of registration issued under this chapter or a 6388
license or certificate holder for any of the causes set forth in 6389
division (B) of this section: 6390

(1) Suspend, revoke, restrict, limit, or refuse to grant 6391
or renew a license or certificate of registration; 6392

(2) Reprimand or place the license or certificate holder 6393
on probation; 6394

(3) Impose a monetary penalty or forfeiture not to exceed 6395
in severity any fine designated under the Revised Code for a 6396
similar offense or not more than five thousand dollars if the 6397
acts committed are not classified as an offense by the Revised 6398
Code. 6399

(B) The board may impose the sanctions listed in division 6400
(A) of this section for any of the following: 6401

(1) Violation of any provision of this chapter or an order 6402
or rule of the board, as those provisions, orders, or rules are 6403
applicable to persons licensed under this chapter; 6404

(2) A plea of guilty to or a judicial finding of guilt of 6405
a felony or a misdemeanor that involves dishonesty or is 6406
directly related to the provision of home medical equipment 6407
services; 6408

(3) Making a material misstatement in furnishing 6409
information to the board; 6410

(4) Professional incompetence; 6411

(5) Being guilty of negligence or gross misconduct in 6412

providing home medical equipment services; 6413

(6) Aiding, assisting, or willfully permitting another 6414
person to violate any provision of this chapter or an order or 6415
rule of the board, as those provisions, orders, or rules are 6416
applicable to persons licensed under this chapter; 6417

(7) Failing to provide information in response to a 6418
written request by the board; 6419

(8) Engaging in conduct likely to deceive, defraud, or 6420
harm the public; 6421

(9) Denial, revocation, suspension, or restriction of a 6422
license to provide home medical equipment services, for any 6423
reason other than failure to renew, in another state or 6424
jurisdiction; 6425

(10) Directly or indirectly giving to or receiving from 6426
any person a fee, commission, rebate, or other form of 6427
compensation for services not rendered; 6428

(11) Knowingly making or filing false records, reports, or 6429
billings in the course of providing home medical equipment 6430
services, including false records, reports, or billings prepared 6431
for or submitted to state and federal agencies or departments; 6432

(12) Failing to comply with federal rules issued pursuant 6433
to the medicare program established under Title XVIII of the 6434
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 6435
amended, relating to operations, financial transactions, and 6436
general business practices of home medical services providers; 6437

(13) Any other cause for which the board may impose 6438
sanctions as set forth in rules adopted under section 4752.17 of 6439
the Revised Code. 6440

(C) Notwithstanding any provision of divisions (A) and (B) 6441
of this section to the contrary, the board shall not refuse to 6442
issue a license or certificate of registration to an applicant 6443
because of a plea of guilty to or a judicial finding of guilt of 6444
an offense unless the refusal is in accordance with section 9.79 6445
of the Revised Code. 6446

(D) The state board of pharmacy immediately may suspend a 6447
license without a hearing if it determines that there is 6448
evidence that the license holder is subject to actions under 6449
this section and that there is clear and convincing evidence 6450
that continued operation by the license holder presents an 6451
immediate and serious harm to the public. The board shall follow 6452
the procedure for suspension without a prior hearing in section 6453
119.07 of the Revised Code. The board may vote on the suspension 6454
by way of a telephone conference call. 6455

A suspension under this division shall remain in effect, 6456
unless reversed by the board, until a final adjudication order 6457
issued by the board pursuant to this section and Chapter 119. of 6458
the Revised Code becomes effective. The board shall issue its 6459
final adjudication order not later than ninety days after 6460
completion of the hearing. The board's failure to issue the 6461
order by that day shall cause the summary suspension to end, but 6462
shall not affect the validity of any subsequent final 6463
adjudication order. 6464

(E) If the board is required under Chapter 119. of the 6465
Revised Code to give notice of an opportunity for a hearing and 6466
the applicant or license or certificate holder does not make a 6467
timely request for a hearing in accordance with section 119.07 6468
of the Revised Code, the board is not required to hold a 6469
hearing, but may adopt a final order that contains the board's 6470

findings. In the final order, the board may impose any of the 6471
sanctions listed in division (A) of this section. 6472

(F) Notwithstanding the provision of division (D) (2) of 6473
section 2953.32, division (B) (1) of section 2953.321, or 6474
division (F) (1) of section 2953.39 of the Revised Code 6475
specifying that if records pertaining to a criminal case are 6476
sealed or expunged under that section the proceedings in the 6477
case must be deemed not to have occurred, sealing or expungement 6478
of the following records on which the board has based an action 6479
under this section shall have no effect on the board's action or 6480
any sanction imposed by the board under this section: records of 6481
any conviction, guilty plea, judicial finding of guilt resulting 6482
from a plea of no contest, or a judicial finding of eligibility 6483
for a pretrial diversion program or intervention in lieu of 6484
conviction. The board shall not be required to seal, destroy, 6485
redact, or otherwise modify its records to reflect the court's 6486
sealing or expungement of conviction records. 6487

Section 2. That existing sections 109.57, 109.572, 6488
109.578, 109.579, 2151.357, 2901.08, 2923.125, 2923.13, 2923.14, 6489
2929.01, 2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 6490
2941.146, 2953.25, 2953.34, 2953.61, 4723.28, 4729.16, 4729.56, 6491
4729.57, 4729.96, and 4752.09 of the Revised Code are hereby 6492
repealed. 6493

Section 3. This act shall be known as the Repeat Offender 6494
Act. 6495

Section 4. The General Assembly, applying the principle 6496
stated in division (B) of section 1.52 of the Revised Code that 6497
amendments are to be harmonized if reasonably capable of 6498
simultaneous operation, finds that the following sections, 6499
presented in this act as composites of the sections as amended 6500

by the acts indicated, are the resulting versions of the 6501
sections in effect prior to the effective date of the sections 6502
as presented in this act: 6503

Section 2923.125 of the Revised Code as a composite of the 6504
section as amended by both H.B. 281 and S.B. 288 of the 134th 6505
General Assembly. 6506

Section 4729.16 of the Revised Code as a composite of the 6507
section as amended by H.B. 558 and S.B. 288, both of the 134th 6508
General Assembly. 6509